

Hearing Officer Transmittal Checklist

Hearing Date 3/18/2014
Agenda Item No. 5, 6, 7

Project Number: R2013-02652-(2), R2013-02654-(2), R2013-02655-(2)
Conditional Use Permit Case Nos. 2013000136,
201300137, 201300138

Case(s): Environmental Assessment Case Nos. 201300225,
201300226, 201300227

Planner: Shaun Temple

- Project Summary
- Property Location Map
- Staff Analysis
- 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/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: 



50
Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBERS

R2013-02652-(2), R2013-02654-(2), R2013-02655-(2)

REQUESTED ENTITLEMENTS

CUP 201300136, CUP 201300137, CUP 201300138

PROJECT SUMMARY

OWNER / APPLICANT

Sprint Nextel

MAP/EXHIBIT DATE

See Attached
 Summary Table

HEARING DATE

March 18, 2014

PROJECT OVERVIEW

The applicant, Sprint Nextel, requests three conditional use permits ("CUPs") to authorize the continued operation and maintenance of each of the three existing wireless telecommunications facilities consisting of panel antennas mounted on utility poles with appurtenant wireless facility equipment placed underground located in the public right-of-way of Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard. The three wireless facilities were approved by CUP No. 03-217, CUP No. 03-218, and CUP No. 03-219. The three CUPs expired on January 14, 2014. There are no proposed changes for these three projects.

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption-Existing Facilities

Project Data **Project No. R2013-02652-(2)**
CUP No. 201300136

Project Data **Project No. 2013-02654-(2)**
CUP No. 201300137

Location	4120 Stocker Avenue	Location	4570 La Cienega Boulevard
APN	Adjacent to APN 5011-001-900	APN	Adjacent to APN 5029-017-015
Zoned District	View Park	Zoned District	Baldwin Hills
Land Use Plan	General Plan	Land Use Plan	General Plan
Land Use Designation	O – Open Space	Land Use Designation	O – Open Space
Zone	RPD-1-4U (Residential Planned Development – 1 Acre Minimum Required Lot Area – 4 Units Maximum per Acre)	Zone	A-2 (Heavy Agricultural)
CSD	N/A	CSD	Baldwin Hills
Map/Exhibit Date	September 11, 2013	Map/Exhibit Date	September 11, 2013

Project Data **Project No. R2013-02655-(2)**
CUP No. 201300138

Location	5128 Angeles Vista Boulevard
APN	Adjacent to APN 5007-006-015
Zoned District	View Park
Land Use Plan	General Plan
Land Use Designation	1 – Low Density Residential
Zone	R-1 (Single-Family Residence)
CSD	N/A
Map/Exhibit Date	September 11, 2013

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)
 - 22.52.1220 (Uses not specified – number of parking spaces required)

CASE PLANNER:

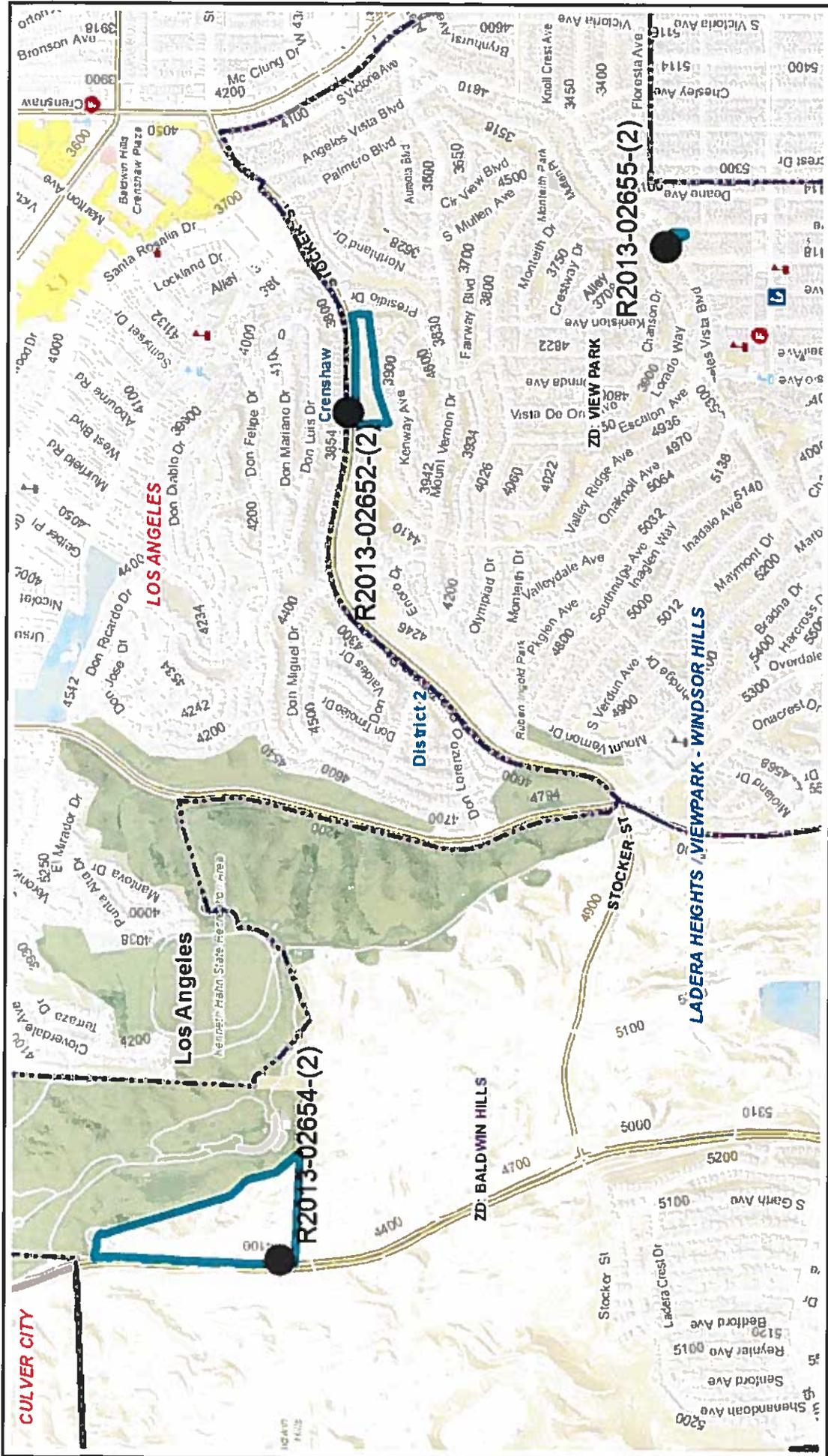
Shaun Temple

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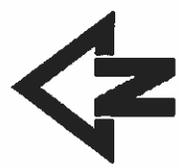


Created in GIS-NET3

Property Location Map

Printed: Feb 27, 2014

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ENTITLEMENTS REQUESTED

Conditional Use Permits (CUPs) for the continued operation and maintenance of three (3) existing wireless telecommunications facilities located in the public right-of-way in the following zones and pursuant to the following County Code sections:

- Project No. R2013-02652-(2) in the RPD-1-4U (Residential Planned Development – 1 Acre Minimum Lot Area – 4 Units Maximum per Acre) Zone pursuant to County Code Sections 22.20.460 and 22.20.100.
- Project No. 2013-02654-(2) in the A-2 (Heavy Agricultural) Zone pursuant to County Code Section 22.24.150.
- Project No. 2013-02655-(2) in the R-1 (Single-Family Residence) Zone pursuant to County Code Section 22.20.100.

PROJECT DESCRIPTION

The project is a request for CUPs to authorize the continued use of three (3) wireless telecommunications facilities located in the public right-of-way along Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard in the Ladera Heights/Viewpark – Windsor Hills region. The three wireless facility sites were approved on January 14, 2004 by CUP No. 03-217-(2), CUP No. 03-218-(2), and CUP No. 03-219-(2). The CUPs expired on January 14, 2014. There are no changes to the previously approved facilities, which contain the following project details:

Project Site	Project Numbers Location	Location	Project Details
1	Project No. 2013-02652-(2) CUP No. 201300136	4120 Stocker Avenue (Adjacent to APN 5011-001-900)	Four panel antennas mounted on an existing 38½ foot utility pole approximately 24 feet above grade level with appurtenant wireless facility equipment placed underground.
2	Project No. 2013-02654-(2) CUP No. 201300137	4570 La Cienega Boulevard (Adjacent to APN 5029-017-015)	Four panel antennas mounted on an existing 74½ foot utility pole approximately 20½ feet above grade level with appurtenant wireless facility equipment placed underground.
3	Project No. 2013-02655-(2) CUP No. 201300138	5130 Angeles Vista Boulevard (Adjacent to APN 5007-006-015)	Two panel antennas mounted on an existing 30 foot utility pole approximately 21 feet above grade level with appurtenant wireless facility equipment placed underground.

EXISTING ZONING

The three wireless telecommunications facilities are located in the public right-of-way along Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard. Pursuant to Section 22.16.020, the zoning for the properties adjacent to the project sites extend to the centerline of the right-of-way. The zoning and surrounding zoning for the project sites are as follows:

Project Site	Project Numbers	Project Site Zone and Surrounding Zoning Designations
1	Project No. 2013-02652-(2) CUP No. 201300136	RPD-1-4U. Surrounding zones are RPD-1-4U to the west, R-1 to the south, R-3 to the east, and is developed as residential to the north (within the City of Los Angeles).
2	Project No. 2013-02654-(2) CUP No. 201300137	A-2. Surrounding zones are A-2 to the west, north, and east, and M-1.5 to the south.
3	Project No. 2013-02655-(2) CUP No. 201300138	R-1. Surrounding zones are R-1 in all directions.

EXISTING LAND USES

The three wireless telecommunications facilities are located in the public right-of-way along Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard and are mounted on existing utility poles. The land uses that surround the project sites are as follows:

Project Site	Project Numbers	Project Site Surrounding Land Uses
1	Project No. 2013-02652-(2) CUP No. 201300136	Undeveloped vacant land to the west, multi-family residential to the north, undeveloped vacant land and multi-family residential to the east and single-family residential to the south.
2	Project No. 2013-02654-(2) CUP No. 201300137	Oil wells in all directions.
3	Project No. 2013-02655-(2) CUP No. 201300138	Single-family residential in all directions.

PREVIOUS CASES/ZONING HISTORY

Project Site 1 was approved by CUP No. 03-217-(2), Project Site 2 by CUP No. 03-218-(2), and Project Site 3 by CUP No. 03-219-(2). All three CUPs were approved on January 14, 2004 and expired on January 14, 2014.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends a Categorical Exemption - Class 1 Exemption, Existing Facilities, for these projects under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request to continue the use of the three existing wireless facilities with no proposed changes. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The three wireless telecommunications facilities are located in the public right-of-way along Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard and are mounted on existing utility poles. Project Sites 1 and 2 are located within the Open Space land use category of the General Plan. This category is designated for both public and privately owned lands committed to long term open space use. Project Site 3 is located within the Low Density Residential land use category of the General Plan. This category is designated for single-family detached housing units. The General Plan is silent in regards to wireless telecommunications facilities mounted on existing utility poles located in the public right-of-way. The Regional Planning Commission approved the existing three wireless facilities by CUP No. 03-217-(2), CUP No. 03-218-(2), and CUP No. 03-219-(2). As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in the General Plan, the project is consistent with this land use plan.

Zoning Ordinance and Development Standards Compliance

Wireless telecommunications facilities are not a defined use in the County Code; therefore, staff have used "radio and television stations and towers" as a comparable use. Radio and television stations require a CUP in all zones. All three of the wireless telecommunications facilities are located in the public right-of-way adjacent to RPD-1-4U, A-2, and R-1 zones. For uses that are not specified, County Code Section 22.52.1220, gives the director the authority to determine the amount of parking adequate to prevent traffic congestion and excessive on-street parking. The wireless facilities require only period maintenance, and the maintenance vehicle may use the road shoulder for this purpose; therefore, no permanent parking space is required.

Wireless Telecommunication Facility Standards

All three of the wireless telecommunications facilities are compliant with the following applicable Departmental standards for wireless projects in the public right-of-way:

- **Height:** No wireless facility in the public right-of-way shall exceed 50 feet above grade level. Project Site 1 is mounted 24 feet above grade level on a 38½ foot utility pole. Project Site 2 is mounted 20½ feet above grade level on a 74½ foot utility pole, the only pole to exceed 50 feet in height. However, no portion of the wireless facility exceeds the 20½ foot height. The remainder of the 74½ foot utility pole is pre-existing and a separated use from the wireless facility. Project Site 3 is mounted 21 feet above grade level on a 30 foot utility pole.

- **Placement:** Wireless facilities in the public right-of-way shall not interfere or obstruct highways, trails, sidewalks or any other public or private access. The existing three wireless facilities are mounted on existing utility poles and do not interfere or obstruct access to any highway, trail, sidewalk, or private or personal access. Therefore, the project complies with this requirement.

Neighborhood Impact/Land Use Compatibility

The three wireless telecommunications facilities have been in existence since 2004 and there have been no record of zoning violations for any of the sites. The aesthetic impact of wireless facilities has been addressed by placing the facilities on existing utility poles in the public right-of-way, and the facilities would continue as constructed with no changes. The three facilities are located in hilly terrain and provide important communications infrastructure to the region. The three facilities do not negatively impact the neighborhoods in which they are located.

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 statements for each facility with applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Los Angeles County Department of Public Works (DPW) was consulted on this permit request. DPW stated they only require review of new wireless facilities within the right-of-way. As these are previously approved wireless facilities, DPW does not require further review.

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

The homeowner of a house near the wireless facility located at 5128 Angeles Vista Boulevard contacted staff to complain that the vault cover to the underground equipment shelter has not been well maintained. Staff inspected the site and saw a large crack in the frame of the cover and that the paint of the cover was faded. Staff contacted the applicant to have the crack fixed and to have the cover repainted. On February 26, 2014, the applicant sent a crew to the site, who fixed the crack and repainted the cover.

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 the following projects, subject to the attached conditions.

- Project No. 2013-02652-(2) / CUP No. 201300136
- Project No. 2013-02654-(2) / CUP No. 201300137
- Project No. 2013-02655-(2) / CUP No. 201300138

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 NUMBERS 201300136, 201300137, AND 201300138 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Shaun Temple, Regional Planning Asst. II, Zoning Permits West Section
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan

MKK:SCT
3/5/14

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NOS. R2013-02652-(2), R2013-02654-(2), R2013-02655-(2)
CONDITIONAL USE PERMIT NOS. 201300136, 201300137, 201300138**

1. **ENTITLEMENTS REQUESTED.** The applicant, Sprint Nextel, is requesting Conditional Use Permits (CUPs) to authorize the continued operation and maintenance of three (3) wireless telecommunications facilities located in the public right-of-way in the following zones pursuant to the following County Code sections:
 - Project No. 2013-02652-(2) in the RPD-1-4U (Residential Planned Development – 1 Acre Minimum Lot Area – 4 Units Maximum per acre) Zone pursuant to County Code Sections 22.20.460 and 22.20.100.
 - Project No. 2013-02654-(2) in the A-2 (Heavy Agricultural) Zone pursuant to County Code Section 22.24.150.
 - Project No. 2013-02655-(2) in the R-1 (Single-Family Residence) Zone pursuant to County Code Section 22.20.100.
2. **HEARING DATE.** March 18, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** [REDACTED]
4. **PROJECT DESCRIPTION.** The project is a request for CUPs to authorize the continued use of three (3) wireless telecommunications facilities located in the public right-of-way along Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard in the Ladera Heights/Viewpark-Windsor Hills Region. Wireless facility Project Site 1 was approved by CUP No. 03-217-(2), Project Site 2 by CUP No. 03-218-(2), and Project Site 3 by CUP No. 03-219-(2). All three CUPs were approved on January 14, 2004. There are no proposed changes to any of the previously approved facilities, which contain the following project details:

Project Site	Project Numbers	Project Details
1	Project No. 2013-02652-(2) CUP No. 201300136	Four panel antennas mounted on an existing 38½ foot utility pole approximately 24 feet above grade level with appurtenant wireless facility equipment placed underground.
2	Project No. 2013-02654-(2) CUP No. 201300137	Four panel antennas mounted on an existing 74½ foot utility pole approximately 20½ feet above grade level with appurtenant wireless facility equipment placed underground.

- | | | |
|---|---|--|
| 3 | Project No. 2013-02655-(2)
CUP No. 201300138 | Two panel antennas mounted on an existing 30 foot utility pole approximately 21 feet above grade level with appurtenant wireless facility equipment placed underground |
|---|---|--|

5. **LOCATION.** The location of the three wireless facilities are as follows:

- | | | |
|---|--|--|
| 1 | Project No. R2013-02652-(2)
CUP No. 201300136 | 4120 Stocker Avenue
(Adjacent to APN 5011-001-900) |
| 2 | Project No. R2013-02654-(2)
CUP No. 201300137 | 4570 La Cienega Boulevard
(Adjacent to APN 5029-017-015) |
| 3 | Project No. R2013-02655-(2)
CUP No. 201300138 | 5130 Angeles Vista Boulevard
(Adjacent to APN 5007-006-015) |

6. **EXISTING ZONING.** All three of the wireless telecommunications facilities are located in the public right-of-way. However, pursuant to Section 22.16.020, the zoning for the properties adjacent to the project sites extend to the centerline of the right-of-way. The zoning and surrounding zoning for the project sites are as follows:

- | | | |
|---|---|--|
| 1 | Project No. 2013-02652-(2)
CUP No. 201300136 | RPD-1-4U. Surrounding zones are RPD-1-4U to the west, R-1 to the south, R-3 to the east and is developed as residential to the north (within the City of Los Angeles). |
| 2 | Project No. 2013-02654-(2)
CUP No. 201300137 | A-2. Surrounding zones are A-2 to the west, north, and east, and M-1.5 to the south. |
| 3 | Project No. 2013-02655-(2)
CUP No. 201300138 | R-1. Surrounding zones are R-1 in all directions. |

7. **EXISTING LAND USES.** All three of the wireless telecommunications facilities are located in the public right-of-way and are mounted on the existing utility poles. The land uses that surround the project sites are as follows:

- | | | |
|---|---|--|
| 1 | Project No. 2013-02652-(2)
CUP No. 201300136 | Undeveloped vacant land to the west, multi-family residential to the north, undeveloped vacant land and multi-family residential to the east and single-family residential to the south. |
| 2 | Project No. 2013-02654-(2)
CUP No. 201300137 | Oil wells in all directions. |

- 3 Project No. 2013-02655-(2) Single-family residential in all directions.
 CUP No. 201300138
8. **PREVIOUS CASES/ZONING HISTORY.** Project Site 1 was approved by CUP No. 03-217-(2), Project Site 2 by CUP No. 03-218-(2), and Project Site 3 by CUP No. 03-219-(2). All three CUPs were approved on January 14, 2004 and expired on January 14, 2014.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The three wireless telecommunications facilities are located in the public right-of-way along Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard and are mounted on existing utility poles. Project Sites 1 and 2 are located within the Open Space land use category of the General Plan. This category is designated for both public and privately owned lands committed to long term open space use. Project Site 3 is located within the Low Density Residential land use category of the General Plan. This category is designated for single-family detached housing units. The General Plan is silent in regards to wireless telecommunications facilities mounted on existing utility poles located in the public right-of-way. The Regional Planning Commission approved the existing three wireless facilities by CUP No. 03-217-(2), CUP No. 03-218-(2), and CUP No. 03-219-(2). As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in the General Plan, the project is consistent with this land use plan.
10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Wireless telecommunications facilities are not a defined use in the County Code; therefore, staff have used "radio and television stations and towers" as a comparable use. Radio and television stations require a CUP in all zones. All three of the wireless telecommunications facilities are located in the public right-of-way adjacent to RPD-1-4U, A-2, and R-1 zones. For uses that are not specified, County Code Section 22.52.1220, gives the director the authority to determine the amount of parking adequate to prevent traffic congestion and excessive on-street parking. The wireless facilities require only period maintenance, and the maintenance vehicle may use the road shoulder for this purpose; therefore, no permanent parking space is required.
11. The three wireless telecommunications facilities are compliant with the Departmental standards for height for wireless projects in the public right-of-way. Departmental wireless telecommunication facilities policy states that no wireless facility in the public right-of-way shall exceed 50 feet above grade level. Project Site 1 is mounted 24 feet above grade level on a 38½ foot utility pole. Project Site 2 is mounted 20½ feet above grade level on a 74½ foot utility pole, the only pole to exceed 50 feet in height. However, no portion of the wireless facility exceeds the 20½ foot height. The remainder of the 74½ foot utility pole is pre-existing and a

separated use from the wireless facility. Project Site 3 is mounted 21 feet above grade level on a 30 foot utility pole.

12. The three wireless telecommunications facilities are compliant with the Departmental standards for placement of wireless facilities in the public right-of-way. Departmental policy states that wireless facilities in the public right-of-way shall not interfere or obstruct highways, trails, sidewalks or any other public or private access. The existing three wireless facilities are mounted on existing utility poles and do not interfere or obstruct access to any highway, trail, sidewalk, or private or personal access.
13. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The three wireless facilities do not negatively impact the areas or neighborhoods in which they are located. The three wireless telecommunications facilities have been in existence since 2004 and there has been no record of zoning violations for any of the sites. The aesthetic impact of wireless facilities has been addressed by placing the facilities on existing utility poles in the public right-of-way and the facilities would continue as constructed with no changes.
14. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Los Angeles County Department of Public Works (DPW) was consulted on this permit request. DPW stated they only require review of new wireless facilities within the right-of-way. As these are previously approved wireless facilities, DPW does not require further review.
15. **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.
16. **PUBLIC COMMENTS.** The homeowner of a house near the wireless facility located at 5128 Angeles Vista Boulevard contacted staff to complain that the vault cover to the underground equipment shelter has not been well maintained. Staff inspected the site and saw a large crack in the frame of the cover and that the paint of the cover was faded. Staff contacted the applicant to have the crack fixed and to have the cover repainted. On February 26, 2014, the applicant sent a crew to site, who fixed the crack and repainted the cover.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The three wireless telecommunications facilities are located in the public right-of-way along Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard and are mounted on existing utility poles. Project Sites 1 and 2 are located within the Open Space land use category of the General Plan. This category is designated for both public and privately owned lands committed to long term open space use. Project Site 3 is located within the Low Density Residential land use

category of the General Plan. This category is designated for single-family detached housing units. The General Plan is silent in regards to wireless telecommunications facilities mounted on existing utility poles located in the public right-of-way. The Regional Planning Commission approved the existing three wireless facilities by CUP No. 03-217-(2), CUP No. 03-218-(2), and CUP No. 03-219-(2). As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in the General Plan; therefore, the project is consistent with the General Plan.

18. The three wireless facilities were approved in 2004 and have been operating for 10 years without any record of zoning violations for any of the project sites. Additionally, the three facilities are located in hilly terrain and provide important communications infrastructure to these areas. Therefore, the requested uses at the locations 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.
19. The three wireless facilities are located in the public right-of-way and are mounted on existing utility poles and therefore there are no applicable zoning development standards. The three wireless telecommunications facilities are compliant with the Departmental standards for height and placement of wireless projects in the public right-of-way. Therefore, the proposed sites are 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.
20. The project is a request to continue the use and operation of three existing facilities, and the project does not require any new public infrastructure to continue their use. Therefore, the proposed sites are 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

21. The project is a request to continue the use of three existing wireless telecommunications facilities that are located in the public right-of-way with no proposed changes to the project sites. Therefore, the project qualifies as a Categorical Exemption, Class 1 (Existing Facilities) 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT

- 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 Conditional Use Permits 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, CUP No. 201300136, CUP No. 201300137, and CUP No. 201300138 are **APPROVED**, subject to the attached conditions.

ACTION DATE:

MKK:SCT
3/5/2014

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02652-(2), R2013-02654-(2), R2013-02655-(2)
CONDITIONAL USE PERMIT NOS. 201300136, 201300137, 2013138**

PROJECT DESCRIPTION

The project is a request to authorize the continued operation and maintenance of three existing wireless telecommunications facilities consisting of panel antennas mounted on utility poles with appurtenant wireless facility equipment placed underground located in the public right-of-way of Stocker Avenue, La Cienega Boulevard, and Angeles Vista Boulevard, 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 reasonably 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 reasonably 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 March 18, 2029.** 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 telecommunication facilities 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 \$4,800.00. 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 per each facility. 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 and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

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

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **May 19, 2014**.
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 - CONDITIONAL USE PERMIT (WIRELESS)

19. The grant shall authorize the continued operation and maintenance of three (3) existing wireless facilities consisting of panel antennas on utility poles with appurtenant wireless facility equipment placed underground.
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. The permittee shall provide 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.
22. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
23. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.

24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
25. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. 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.
26. 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.
27. The project shall be 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 photos presented at the public hearing.
28. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
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. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
31. New equipment added to the facility shall not compromise the stealth design of the facility.
32. 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 8, if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The permittee 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.
33. Upon termination of this grant, if 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 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.

34. The facilities shall be on flat rate power. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A," are authorized by these grants.
35. If 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 or permittee of the wireless facilities involved.
36. 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 Public Works.
37. Maintain standard Americans with Disabilities Act clearances around all above ground wireless telecommunication equipment including poles within the public right of way to the satisfaction of Public Works, where applicable.



1.155XR 814

Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

R2013-02652-(2)

CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location 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 facility is collocated on a wooden utility pole located within the public right of way and blends in with the characteristics of the area. four panel antennas mounted to a wood cross arm to match the wooden utility pole; the installation is not detrimental or visually intrusive to the abutting and surrounding area; nor detrimental to the enjoyment of the surrounding owners.

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

Due to the nature and charater of the area the existing facility is similar in scope, color and design of other existing wooden utility poles in the community. the site is virtually unnoticable as a wireless facility given it's diminimus design and attachment to a wooden utility pole on a property that is adequate in size.

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 site's location is within the public right of way and easily accessible by fully improved roads.



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

R2013-02654-(2)

CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location 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 facility is collocated on a wooden utility pole located within the public right of way and blends in with the characteristics of the area. four panel antenna are mounted to a wood cross arm to match the wooden utility pole; the installation is not detrimental or visually intrusive to the abutting and surrounding area; nor detrimental to the enjoyment of the surrounding owners.

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

Due to the industrial charater of the area the existing facility is similar in scope, color and design of other existing wooden utility poles in the community. the site is virtually unnoticable as a wireless facility given it's diminimus design and attachment to a wooden utility pole on a property that is adequate in size.

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 site's location is within the public right of way and easily accessible by fully improved roads.



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

R2013-02655-(2)

CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location 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 facility is collocated on a wooden utility pole located within the public right of way and blends in with the characteristic of the area. two panel antenna are mounted to a wood cross arm to match the wooden utility pole; the installation is not detrimental or visually intrusive to the abutting and surrounding area; nor detrimental to the enjoyment of the surrounding owners.

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

Due to the nature and character of the area the existing facility is similar in scope, color and design of other existing wooden utility poles in the community. the site is virtually unnoticeable as a wireless facility given it's diminimus design and attachment to a wooden utility pole on a property that is adequate in size.

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 site's location is within the public right of way and easily accessible by fully improved roads.

Looking East at subject site



Looking SW at subject site



Looking South at subject site







Subject existing install, utility pole and street light



Existing equipment vault and vent stacks

Subject antenna and utility pole



Looking SE at equipment vault and vent stacks





Looking NE at subject site





Subject utility pole

Looking East at vault area



Looking NE at equipment vault

Looking SW at subject site



Looking West at subject site



Looking East at subject site





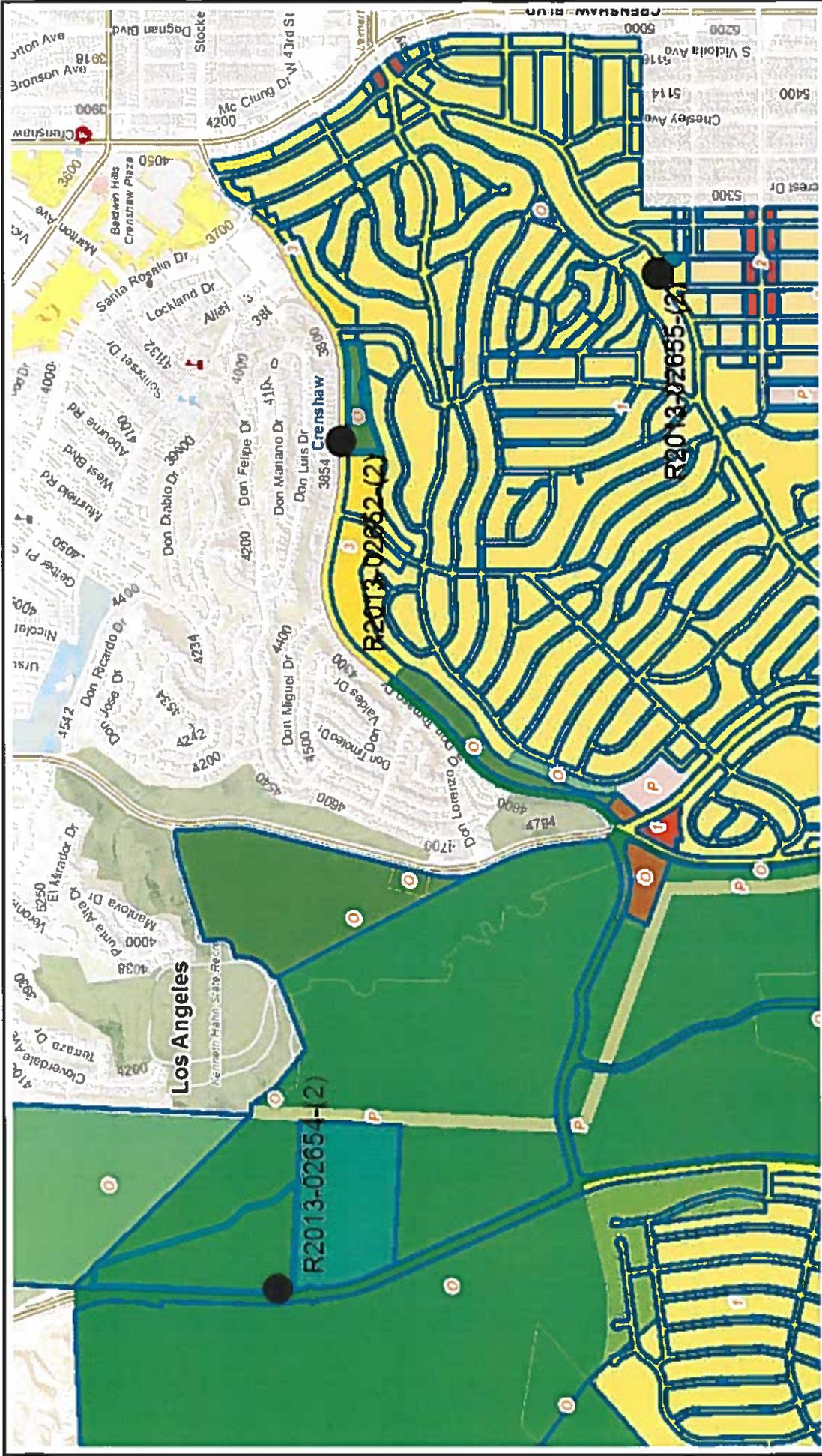
Utility pole approx. 590' away / Power source provided on flat rate basis with no meter installed



Looking SW at subject equipment vault



Existing equipment vault



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