

Hearing Officer Transmittal Checklist

Hearing Date
October 21, 2014
Agenda Item No.
7

Project Number: R2014-00692-(1)
Case: Conditional Use Permit Case No. 201400031
Planner: Jeantine Nazar

- 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)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Previous Approval Conditions and Findings
- _____
- _____
- _____

Reviewed By: 



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

PROJECT NUMBER **HEARING DATE**

R2014-00692-(1)

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201400031
 Environmental Assessment No. 201400063

PROJECT SUMMARY

OWNER / APPLICANT

Verizon Wireless.

MAP/EXHIBIT DATE

2/13/2014

PROJECT OVERVIEW

The applicant is seeking a conditional use permit for the continued operation and maintenance of a wireless telecommunications facility in the C-3-BE zone. This use was previously established through R2004-00240.

LOCATION

14374 Telegraph Road, Whittier

ACCESS

Telegraph Road

ASSESSORS PARCEL NUMBER(S)

8030-002-043

SITE AREA

0.34 Acres

GENERAL PLAN / LOCAL PLAN

Countywide General Plan

ZONED DISTRICT

Sunshine Acres

LAND USE DESIGNATION

1-(Low Density Residential)

ZONE

C-3-BE (Unlimited Commercial)

PROPOSED UNITS

NONE

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

NONE

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.28.210 (C-3 Zone Development Standards)

CASE PLANNER:

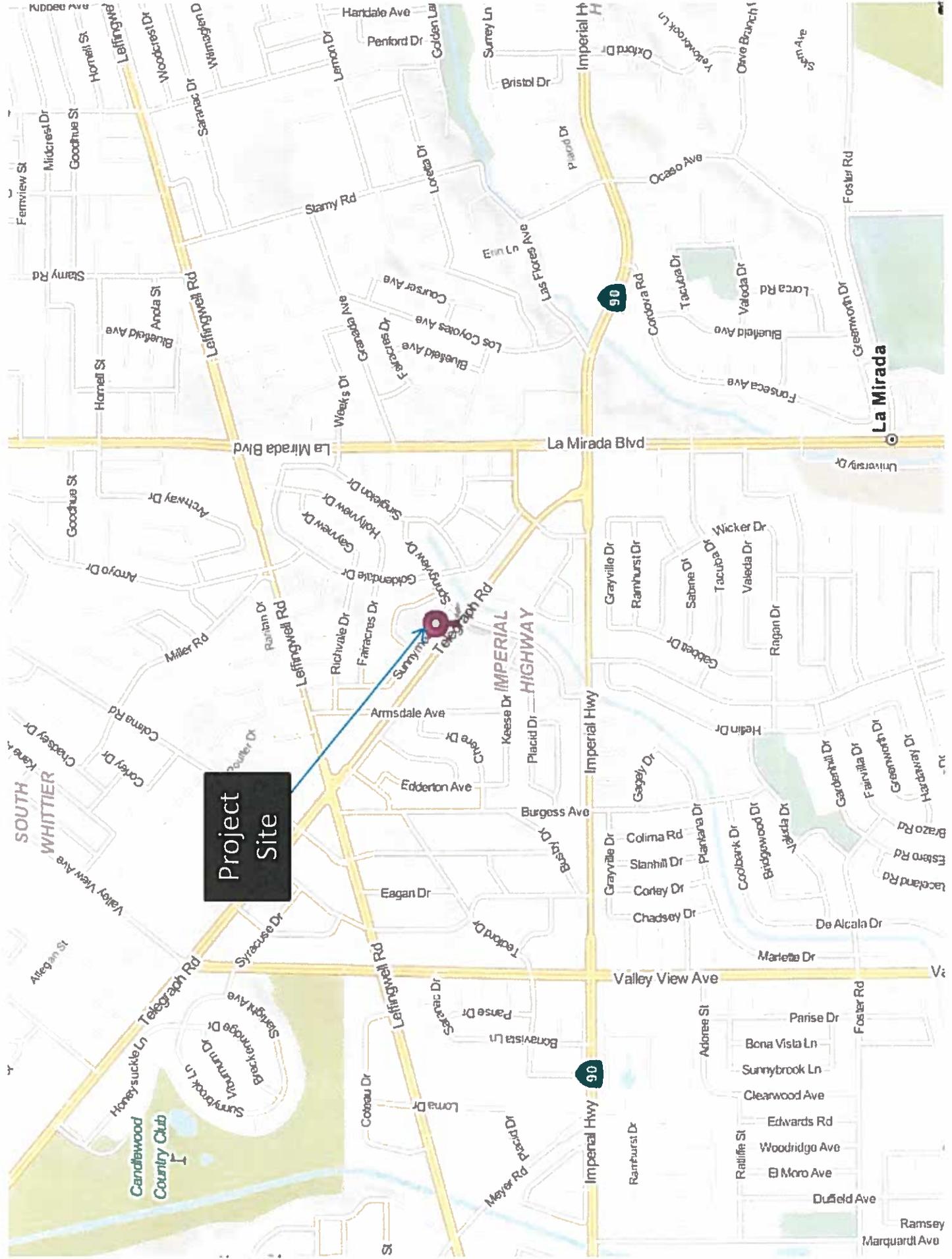
Jeantine Nazar

PHONE NUMBER:

(213) 974 - 6435

E-MAIL ADDRESS:

jnazar@planning.lacounty.gov



Project Site

La Mirada

90

90

Candewood
Country Club

SOUTH
WHITTIER

ENTITLEMENTS REQUESTED

Conditional Use Permit (CUP) for the continued operation and maintenance of an unmanned wireless telecommunications facility (WTF) containing a 75-foot-high monopine (a pole disguised as a pine tree) with panel antennas and related equipment located in the C-3-BE zone. Pursuant to County Code Section 22.28.210 a similar use of radio and television stations and towers is a use subject to permit in zone C-3.

PROJECT DESCRIPTION

The project is a request for a CUP in order to authorize the continued operation and maintenance of an existing (WTF), containing a 75-foot-high monopine with twelve (12) panel antennas mounted at 57 feet with related ground mounted equipment cabinets located in a 490-square-foot lease area enclosed within an existing 8-foot-high chain link fence. The lease area is located at the northwest corner of the lot. Currently, the monopine accommodates co-location of four (4) wireless carriers.

SITE PLAN DESCRIPTION

The site plan depicts a 15,000 square-foot (100'x150') parcel containing a 2,229-square-foot retail store. The plan shows two (2) lease areas: the first is located at the southwest corner of the lot, and contains the monopine and the appurtenant equipment, including Verizon cabinets, The second is located behind the grocery store accommodating the equipment shelter for the other carriers, retail store and contains additional equipment cabinets.

The antenna layout plan shows the existing three sector panel antennas with four antennas per sector. The applicant is not proposing any changes to the existing WTF antennas on the plans.

The elevation plan shows that Verizon Wireless panel antennas are mounted at the second range from the top level at 57 feet high. The lease area is camouflaged with trees and slats, and has access from two (2) separate chain link gates.

PROJECT LOCATION

The property is located at 14374 Telegraph Road in the community of South Whittier-Sunshine Acres and in the Sunshine Acres Zoned District. The subject wireless facility is accessed from Telegraph Road through an easement driveway.

EXISTING ZONING

The subject property is zoned C-3-BE (Unlimited Commercial –Billboard Exclusion).

Surrounding properties are zoned as follows:

North: C-3-BE

South: R-3-30U (Unlimited Multiple Residence-30 units per acre) A-1 (Light Agricultural)

East: C-3-BE

West: C-3-BE

EXISTING LAND USES

The subject property is developed with a retail store. Surrounding properties are developed as follows:

- North: Los Angeles School District Training Academy
- South: Residential
- East: Auto service
- West: Mini-mall

PREVIOUS CASES/ZONING HISTORY

The request for the operation, maintenance and construction of the subject WTF was obtained through three different CUPs:

- a. REA200900083-Approved the co-location of Clearwire antennas at 61 feet high on September 10, 2009.
- b. CUP 200500092/R2005-01763-Approved the construction, operation and maintenance of a 75-foot monopine to replace the existing 65-foot monopine. This project accommodates the co-location of Sprint at 67 feet high, and T-Mobile at 50 feet high. This grant will terminate on September 20, 2025.
- c. CUP 200400020/R2004-00240-Approved the construction, operation, and maintenance of a 65-foot monopine to replace the existing 35-foot monopole and associated antennas and equipment cabinets. This project allowed the co-location of Cingular and Verizon and expires on December 21, 2014. CUP201400031 is a request to renew the terms of the grant for this CUP.
- d. CUP 98-017-Approved the construction, operation, and maintenance, of an unmanned (WTF) consisting of a 35-foot monopole with associated antennas and equipment cabinets for Nextel on May 5, 1998 and expired on May 5, 2008. The applicant has not filed for a renewal.

The prior Exhibit "A" approvals show that Sprint antennas are mounted at 67 feet high, Verizon at 57 feet, T-Mobile at 50 feet and Nextel at 35 feet high. Clearwire antennas are no longer mounted on the monopine. The antennas are camouflaged with pine fronds and painted green to match the existing. Sprint and T-Mobile antennas were approved with pine needle socks and painted to match the existing.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, the project consists of the continued operation of the existing antennas with no changes to the existing facilities under the California Environmental Quality Act (CEQA) and the County environmental guidelines. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the 1-Low Density Residential land use category of the Countywide General Plan. This designation is intended for housing alternatives such as small lot single-family residence, duplex and townhouse developments, which have densities ranging from six to twelve units per gross acre. The project site is a wireless facility, which provides cellular phone services to the residents and businesses in the neighborhood, and is a suitable use; and therefore, consistent with the permitted uses of the underlying land use category.

Zoning Ordinance and Development Standards Compliance

Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify wireless telecommunications facility as a use. The use most closely matching a WTF specified in the Zoning Ordinance is a radio or television tower. Under Section 22.28.210, development of radio and television stations and towers in C-3 zone require to obtain a conditional use permit.

Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The director may impose an amount of parking spaces that finds to be adequate to prevent traffic congestion and excessive on-site parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits, typically once a month. The retail store parking lot will accommodate the required parking space for maintenance vehicles.

The project is compliant with the departmental WTF standards for height, which requires a ground mounted facility not to exceed a maximum height of 75 feet. The project is also compliant with the departmental WTF standards for design, which requires camouflaging to minimize visual impacts. The existing antennas are disguised with pine fronds and colored to match the existing.

Site Visit

Staff visited the site on August 21, 2014. The WTF is at the end of the lot next to the driveway and does not interfere with the operation of the store. During the site visit staff noticed that there are several pine trees of similar height on the other side of Telegraph Road and the existing monopine is compatible with the neighborhood. Staff noticed that the landscaping on the south side of the property next to the residential area needs to be maintained.

Neighborhood Impact and Use Compatibility

The Federal Communications Commission sets standards for safe human exposure to non-ionizing electromagnetic radiation. The conditions of approval require written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (FCC) standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit.

Section 704 of Title 7 of the Federal Telecommunications Act of 1996 (effective February 8, 1996), contains the following language:

“IV. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

The applicant provided a statement of compliance with FCC/FAA and staff included a condition to ensure that the proposed facility does not emit hazardous pollutants that could negatively impact the health of surrounding residents.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant’s responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The project is a renewal with no changes and consultation is not required with County departments.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments in favor or against the project.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00692, Conditional Use Permit Number 201400031, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVES CONDITIONAL USE PERMIT NUMBER 201400031 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

PROJECT NO. R2014-00692-(1)
CONDITIONAL USE PERMIT NO. 201400031

STAFF ANALYSIS
PAGE 5 OF 5

\Prepared by Jeantine Nazar, Regional Planning Assistant II, Zoning Permits East Section

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs, Photo Simulations, Aerial Image

Site Plan, Land Use Map

MM: JN

October 9, 2014

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00692 -(1)
CONDITIONAL USE PERMIT NO. 201400031**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400031 ("CUP") on October 21, 2014.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the continued operation and maintenance of a wireless telecommunications facility (WTF) ("Project") on a property located at 14374 Telegraph Road in the unincorporated community of South Whittier – Sunshine Acres ("Project Site") in the C-3-BE zone pursuant to Los Angeles County Code ("County Code") Section 22.28.210.
3. The project is a request for a CUP in order to authorize the continued operation and maintenance of an existing (WTF), containing a 75-foot-high monopine with twelve (12) panel antennas mounted at 57 feet with related ground mounted equipment cabinets located in a 490-square-foot lease area enclosed within an existing 8-foot-high chain link fence. The lease area is located at the northwest corner of the lot.
4. The Project Site is 0.34 gross acres in size and consists of two legal lots tied together. The Project Site is rectangular in shape with flat topography and is developed with a 2,229 square-foot of retail dairy store.
5. The Project Site is located in the Sunshine Acres Zoned District and is currently zoned B-3-BE.
6. The Project Site is located within the Low Density Residential land use category of the Countywide General Plan Land Use Policy Map.
7. The subject property is zoned C-3-BE (Unlimited Commercial-Billboard Exclusion). Surrounding Zoning within a 500-foot radius includes:

North: C-3-BE

South: R-3-30U (Unlimited Multiple Residence-30 units per acre) and A-1(Light Agricultural)

East: C-3-BE

West: C-3-BE

8. The subject property is developed with a retail store and a wireless facility. Surrounding properties are developed as follows:

North: Los Angeles School District Training Academy

South: Residential

East: Auto Service

West: Mini-mall

9. The request for the operation, maintenance and construction of the subject WTF was obtained through three different CUPs:
 - a. REA200900083-Approved the co-location of Clearwire antennas at 61 feet high on September 10, 2009.
 - b. CUP 200500092/R2005-01763-Approved the construction, operation and maintenance of a 75-foot monopine to replace the existing 65-foot monopine. This project accommodates the co-location of Sprint at 67 feet high, and T-Mobile at 50 feet high. This grant will terminate on September 20, 2025.
 - c. CUP 200400020/R2004-00240-Approved the construction, operation, and maintenance of a 65-foot monopine to replace the existing 35-foot monopole and associated antennas and equipment cabinets. This project allowed the co-location of Cingular and Verizon and expires on December 21, 2014. CUP201400031 is a request to extend the terms of the grant for this CUP.
 - d. CUP 98-017-Approved the construction, operation, and maintenance, of an unmanned (WTF) consisting of a 35-foot monopole with associated antennas and equipment cabinets for Nextel on May 5, 1998 and expired on May 5, 2008. The applicant has not filed for a renewal.
10. The prior Exhibit "A" approvals show that Sprint antennas are mounted at 67 feet high, Verizon at 57 feet, T-Mobile at 50 feet and Nextel at 35 feet high. Clearwire antennas are no longer mounted on the monopine. The antennas are camouflaged with pine fronds and painted green to match the existing. Sprint and T-Mobile antennas were approved with pine needle socks and painted to match the existing.
11. The site plan depicts a 15,000 square-foot (100'x150') parcel containing a 2,229-square-foot retail store. The plan shows two (2) lease areas: the first is located at the southwest corner of the lot, and contains the monopine and the appurtenant equipment, including Verizon cabinets, the second is located behind the grocery store accommodating the equipment shelter for the other carriers. retail store and contains additional equipment cabinets. The antenna layout plan shows the existing three sector panel antennas with four antennas per sector. The applicant is not proposing any changes to the existing WTF antennas on the plans. The elevation plan shows that Verizon Wireless panel antennas are mounted at the second range from the top level at 57 feet high. The lease area is camouflaged with trees and slats, and has access from two (2) separate chain link gates.
12. The subject wireless facility is accessed from Telegraph Road to the north through an easement driveway. The retail store includes two separate driveways for ingress and egress.
13. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The director may impose an amount of parking spaces that

finds to be adequate to prevent traffic congestion and excessive on-site parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits, typically once a month. The retail store parking lot will accommodate the required parking space for maintenance vehicles.

14. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued operation and maintenance of a wireless facility with no expansion of use beyond that which was previously existing
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
16. The Federal Communications Commission (FCC) sets standards for safe human exposure to non-ionizing electromagnetic radiation. The conditions of approval require written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The applicant has provided a statement of compliance with FCC/FAA.
17. Pursuant to the 1996 Telecommunications Act, local jurisdictions are preempted from considering radio frequency emissions, when regulating WTFs, as long as such facilities comply with FCC regulations.
18. Prior to Hearing Officer's public hearing, the Department of Regional Planning ("Regional Planning") staff has not received any comments from public in favor or against the project.
19. *To be inserted after the public hearing to reflect hearing proceedings.*
20. The Hearing Officer finds that the existing wireless facility will improve communication network for the residents and businesses in the area by providing service networks. Therefore, consistent with the permitted uses of the underlying land use category.
21. The Hearing Officer finds that the project is compliant with the department WTF standards for height, which requires that the ground mounted facility not to exceed a maximum height of 75 feet.
22. The Hearing Officer finds that the project is compliant with the department WTF standards for design. Wireless facilities are required to camouflage the antennas to minimize visual impacts and to provide appropriate screening. The existing WTF is

on an existing monopine structure and the antennas are camouflaged with pine fronds. The lease area is enclosed by a chain link fence.

23. The Hearing Officer finds that the existing retail store parking lot will accommodate the parking requirement for the wireless telecommunications facility.
24. The proposed WTF is consistent with the General Plan policy by providing a high quality emergency response service and assist the local residents and businesses in emergency situations. Therefore, the Hearing Officer finds that the proposed use with the attached conditions will be consistent with the adopted Countywide General Plan.
25. The project provides important telecommunications infrastructure to the community, and uses camouflage techniques to minimize visual impacts to the site. Therefore, the Hearing Officer finds that the proposed use at the site will not have a substantial impact on the surrounding environment and will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
26. The existing WTF was approved in 2005 and was compliant with all applicable zoning development standards set forth in the County Code. The project is also compliant with the Department's development guidelines for wireless facilities related to height and design. Therefore, the Hearing Officer finds 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
27. The access to the site is from Telegraph Road, a major thoroughfare. Therefore, the Hearing Officer finds 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.
28. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.
29. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of South Whittier – Sunshine Acres community. On September 27, 2014, a total of 53 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project

Site, as well as five (5) notices to those on the courtesy mailing list for the Sunshine Acres Zoned District and to any additional interested parties.

30. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site 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.
- C. 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.
- D. 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 HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit Number 201400031, subject to the attached conditions.

MM : JN

October 15, 2014

c: Zoning Enforcement, Building and Safety office

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00692-(1)
CONDITIONAL USE PERMIT NO. 201400031**

PROJECT DESCRIPTION

The project is a request for a conditional use permit in order to authorize the continued operation and maintenance of a wireless telecommunications facilities containing a 75-foot-high monopine with panel antennas and equipment cabinets are 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 October 21, 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 January 21, 2015. 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 and maintenance 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 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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 **December 21, 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 substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. The maximum height of the facility shall not exceed 75 feet above the ground level.
27. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be maintained as depicted in the photo simulations presented at the public hearing.
28. 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.
29. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
30. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
31. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced, if needed.
32. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
33. The project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
34. Upon termination of this grant or after the construction of this facility, 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.

PROJECT SITE SPECIFIC CONDITIONS

35. This grant shall authorize an unmanned WTF consisting of twelve (12) panel antennas (four per sector), and associated wireless equipment.
36. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monopine branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark. The antennas shall be camouflaged by faux pine socks.
37. The landscaping within the lease area shall be maintained at all times.
38. Appurtenant equipment boxes shall be screened or camouflaged at all times.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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 Verizon Wireless (VZW) telecommunication facility is a faux pine tree and will not be

materially detrimental to the character of the immediate neighborhood as it is compatible with the

commercial use on-site.

furthermore, prior to operation, vzw obtains fcc approval for the design, use, and technical parameters

of all of their facilities in order to ensure public health, safety, and the general welfare.

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.

The existing facility complies with all setback requirements and development standards within the

C-3 zone, as well as the specific Code requirements for wireless telecommunication facilities.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the existing facility is served by telegraph road and colima road, but does not generate any kind or

quantity of additional traffic.





**Verizon Wireless Site: "Telegraph Road" Antenna Modification
14374 Telegraph Rd.
Whittier, CA 90604**

View 1



**Verizon Wireless Site: "Telegraph Road" Antenna Modification
14374 Telegraph Rd.
Whittier, CA 90604**

View 2



**Verizon Wireless Site: "Telegraph Road" Antenna Modification
14374 Telegraph Rd.
Whittier, CA 90604**

View 3



**Verizon Wireless Site: "Telegraph Road" Antenna Modification
14374 Telegraph Rd.
Whittier, CA 90604**

View 4





Picto

Print Date: 10/15/2014
Image Date: 02/14/2014
Level: Neighborhood



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

February 16, 2005

James E. Hartl, AICP
Director of Planning

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Doug Kearney
Spectrasite Communications
2201 Dupont Drive, Suite 340
Irvine, California 92612

RE: PROJECT NO. R2004-00240-(4) / CONDITIONAL USE PERMIT 200400020
14374 TELEGRAPH ROAD, WHITTIER

To authorize replacement of an existing 35-foot tall Nextel monopole with a new 65-foot tall monopine to accommodate co-location with Cingular Wireless and Verizon Wireless located within a commercial property.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition three requires that the permittee must file an affidavit accepting the conditions before these grants become effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 calendar days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Nooshin Paidar in the Zoning Permits Section II at (213) 974-6435.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: To authorize replacement of an existing 35-foot tall Nextel monopole with a new 65-foot tall monopine to accommodate co-location with Cingular Wireless and Verizon Wireless located within a commercial property.

PROCEEDINGS BEFORE THE HEARING OFFICER:

December 21, 2004 Public Hearing

A duly noticed public hearing was held on December 21, 2004. The applicant's representative was sworn in and testified in favor of the project. The applicant's representative confirmed that he had reviewed the staff report and conditions recommended by staff.

The applicant's representative requested modification to condition of approval number 1a recommended by staff, which requires the applicant to landscape a minimum of 10 percent of the net area of the subject property. The representative stated that there is limited space available on the property for landscaping since the required parking spaces occupy most of the available space on the lot. The Hearing Officer stated that the applicant should make an attempt to landscape the property as close to the 10 percent minimum as possible.

There being no further testimony, the Hearing Officer closed the public hearing, expressed her intent to approve the continued operation of the subject facility, subject to the conditions recommended by staff, and directed staff to prepare the findings and conditions for approval.

Findings

1. The applicants, SpectraSite/Cingular/Verizon, are requesting a Conditional Use Permit to authorize replacement of an existing 35-foot tall Nextel monopole with a new 65-foot tall monopine to accommodate co-location with Cingular Wireless and Verizon Wireless. The project is located within a commercial property. The existing facility consists of a 35-foot high monopole with 12 Nextel antennas mounted at a height of 35 feet with an equipment shelter located below the pole (approved under CUP 98-017). In order to accommodate the proposed co-location, the existing 35-foot pole needs to be raised to 65 feet. The existing pole will be replaced with a faux pine tree. Cingular will place its 240-square foot equipment shelter within an existing block wall enclosure behind the existing commercial building. Verizon will locate four equipment cabinets at the base of the new monopine.
2. The location of the subject parcel is 14374 Telegraph Road in South Whittier-Sunshine Acres community and within Sunshine Acres Zoned District.

3. Zoning on the subject property is C-3-BE (Unlimited Commercial-Billboard Exclusion).
4. Surrounding properties are zoned as follows:
 - North: R-A-6,000 (Residential Agriculture-6,000 square foot minimum lot size), C-3-DP-BE (Unlimited Commercial-Development Program-Billboard Exclusion)
 - East: C-2-BE (Neighborhood Business-Billboard Exclusion), R-3-P (Limited Multiple Residence-Parking), R-3 (Limited Multiple Residence)
 - South: A-1 (Light Agriculture), R-3-30U (Limited Multiple Residence-maximum of 30 units per acre), C-3-BE (Unlimited Commercial-Billboard Exclusion)
 - West: C-3-BE (Unlimited Commercial-Billboard Exclusion), R-3-30U (Limited Multiple Residence-maximum of 30 units per acre)
5. Land uses surrounding the property include:
 - North: Sheriff's Training Academy
 - East: Commercial, Multi-family residences
 - South: Commercial, single-family and multi-family residences, public library
 - West: Commercial, single-family residences
6. Conditional Use Permit 98-017 authorized construction of an unmanned wireless telecommunication facility and an accessory prefabricated equipment shelter on the subject property on June 8, 1998. CUP 98-017 will terminate on May 5, 2008.
7. The proposed site is designated 1 (Low Density Residential) in the Los Angeles County General Plan. This classification identifies areas particularly suitable for small lot single family residence, duplex and townhouse developments. The intent of this category is to encourage housing alternatives at densities ranging from six to twelve units per gross acre. Within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. The subject project is low density in character. There are no specific policies related to the proposed type of use in the General Plan.
8. The site plan depicts a 12, 750 square foot (85'X150') parcel containing a 2,229-square foot structure. A 35-foot tall Nextel monopole with 12 Nextel antennas mounted at a height of 35 feet with the associated equipment shelter are currently located at the southwestern portion of the parcel within the 490-square foot lease area enclosed by a six-foot high chain-link fence with redwood slats.

The proposed 65-foot tall monopine will replace the existing 35-foot tall monopole. Cingular will place its 240-square foot equipment shelter within an existing block wall enclosure behind the existing grocery store. Verizon will locate four equipment cabinets at the base of the new monopine.
9. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify

wireless telecommunications facility as a use. The use most closely matching a wireless telecommunications facility specified in the Zoning Ordinance is a radio or television tower. Under section 22.28.210, development of radio and television stations and towers in C-3 (Unlimited Commercial) zone requires filing of a conditional use permit.

10. Section 22.28.220 requires that premises in Zone C-3 shall be subject to the following development standards:

- That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good conditions. Incidental walkways, if needed, may be developed in the landscaped area.

The site plan does not show a minimum of 10 percent of the net area to be landscaped with a lawn, shrubbery, flowers and/or trees and is therefore in violation of this standard.

- That there be parking facilities as required by Part 11 of Chapter 22.52.

Section 22.52.1100 of Part 11 of Chapter 22.52 requires a commercial use to provide one automobile parking space for each 250-square foot of floor area of a commercial structure. Consequently, the subject 2,229-square foot grocery store located on the property requires providing a minimum of nine parking spaces. The subject grocery store however was originally built in 1960, when one parking space for every 400 square feet was required for commercial uses. Based on that calculation, the subject store was required to provide five parking spaces only. CUP 98-017 authorized provision of five undimensioned parking spaces in a parallel configuration.

11. Section 22.52.1060 requires each parking space to be clearly marked with paint or other similar distinguishable material. Currently, the markings of the existing five paralleled parking spaces are faded and not clearly visible.
12. Section 22.52.1220 determines parking requirements for uses not specified. The proposed project is subject to provision of one parking space for the purpose of maintenance visits. The site plan does not illustrate any designated parking spaces. The subject facility is unmanned and will require periodic maintenance visits only.
13. The Department of Regional Planning staff has determined that the project qualifies for a Categorical Exemption under Class 2 Categorical Exemption – Replacement or Reconstruction, of the CEQA reporting requirements.
14. A total of 57 public hearing notices were mailed to property owners within the 500-foot radius of the subject property on November 15, 2004 to notify the surrounding

residents regarding the proposal. One hearing notice was mailed to the local community group. The hearing notice was also published in the Whittier Daily News, as well as the La Opinion on November 17, 2004. Case-related material, including the hearing notice, factual and burden of proof were sent on November 15, 2004 to South Whittier Library located at 14433 Leffingwell Road in Whittier. The hearing notice was posted on the property for 30 days prior to the public hearing.

15. Staff did not receive any public comments regarding the subject project.
16. During a site investigation on November 23, 2004, staff observed that the subject grocery store only occupied the front portion of the structure. The rest of the structure appeared to be vacant. The striping of the existing five paralleled parking spaces had faded and was barely visible. No landscaping was provided on the property. Finally, the wall at the back of the structure facing the residential homes contained graffiti.
17. No public comments were received by staff indicating that the wireless facility will not adversely affect persons who work or reside in the surrounding area. Co-location of wireless antennas and equipments reduces the future need for construction of new facilities.
18. The facility will operate in compliance with all applicable local, state and federal regulations. The radio frequency exposure generated by the facility is well under safety standards adopted by the Federal Communications Commission (FCC).

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

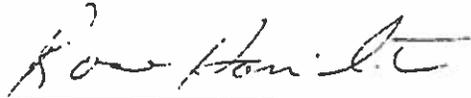
- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private 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 Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 2 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit Case No. 2004-00240-(4) is **APPROVED**, subject to the attached conditions.

BY: 
ROSE HAMILTON, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

DATE: 2-16-05

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant authorizes replacement of an existing 35-foot tall Nextel monopole with a new 65-foot tall monopine to accommodate co-location with Cingular Wireless and Verizon Wireless located within a commercial property, as depicted on the approved Revised Exhibit "A", subject to all of the following conditions of approval:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. All structures shall conform with the requirements of the Building and Safety Division of the Department of Public Works;
 - d. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times;
 - e. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the initial report on the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;
 - f. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities;
 - g. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;
 - h. The operators shall submit an annual maintenance report to the Department of Regional Planning by January 1, verifying the continued operation and maintenance of the said facility;

- i. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner; and
 - j. The operator shall provide satisfactory safeguards to prevent unauthorized access to the tower enclosure.
 - k. A public safety signage shall be placed on the facility relaying the danger of tampering with the contents of the facility.
 - l. All landscaped areas on the subject property shall be continuously maintained in good condition.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. 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 Department of 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. 8, and until all required monies have been paid pursuant to Condition No. 10.
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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate on December 21, 2014**, unless an application for co-location at or below the approved height is received, in which case the grant shall be extended for an additional ten (10) years. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
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. The permittee shall deposit with the County of Los Angeles the sum of \$750.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the

permittee's compliance with the conditions of approval. The deposit provides for 5 (five) biennial inspections. Inspections shall be unannounced.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, 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 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.
12. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the facility being operated on the premises or that do not provide pertinent information about said premises.
15. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl AICP
Director of Planning

September 20, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Doug Kearney
Spectra Site
2201 Dupont Drive, Suite 340
Irvine, CA. 92612

**RE: PROJECT NO. R2005-01763-(4)
CONDITIONAL USE PERMIT CASE NO. T200500092-(4)**
To construct, operate and maintain an unmanned wireless telecommunications facility consisting of a 75' monopine and four equipment to replace the existing 35' monopole for co-location purposes in the Sunshine Acres Zoned District.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section II at (213) 974-6435.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: To authorize a conditional use permit to construct, operate and maintain a wireless telecommunications facility consisting of a 75' monopine to replace an existing 35' monopole and four equipment cabinets for co-location purposes.

PROCEEDINGS BEFORE THE HEARING OFFICER:

September 20, 2005 Public Hearing

A duly noticed public hearing was held on September 20, 2005. The applicant was sworn in and testified in favor of the project. The applicant confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing, expressed his intent to approve the subject project, subject to the conditions recommended by staff, and directed staff to prepare the findings and conditions for approval.

Findings

1. The applicant is requesting a conditional use permit to construct, operate and maintain a wireless telecommunications facility consisting of replacing an existing 35' monopole with a 75' monopine for co-location purposes. The facility also includes four equipment cabinets to be housed within an existing mini-mart building.
2. The subject property is located at 14374 Telegraph Road in the community of South Whittier and in the Sunshine Acres Zoned District.
3. The subject property is rectangular in shape and flat in topography.
4. The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion).
5. Surrounding properties are zoned as follows:
North: C-3-BE (Unlimited Commercial – Billboard Exclusion)
South: A-1 Light Agricultural) and R-3 (Limited Multiple Residence 30du/ac)
East: C-2-BE (Neighborhood Business – Billboard Exclusion)
West: C-2-BE and A-1
6. The subject property is developed with a drive through mini-mart and parking lot.
7. Surrounding land uses are as follows:
North: Sheriff's Training Academy
South: Multi and Single Family Residences

East: Auto Center
West: Furniture Store, Bike Shop

8. CUP 98-017-(4): A request to construct, operate and maintain an unmanned wireless telecommunications facility consisting of a 35' monopole and associated equipment cabinets. The request was approved May 5, 1998.

CUP 200400020-(4): A request to construct, operate and maintain an unmanned wireless telecommunications facility consisting of a 65' faux pine tree (monopine) and associated equipment cabinets. The request was approved December 21, 2004.

9. The subject property is designated Low Density Residential (1-6 du/ac) in the Los Angeles Countywide General Plan. The Low Density designation allows for neighborhood serving commercial uses. The proposed monopine is consistent with the surrounding uses and the existing utility poles in the immediate vicinity of the proposed site.
10. The site plan depicts an approximate 97.5 X 150 sq. ft. lot (14,625 sq. ft.) with a primary and secondary building. The existing monopole is shown in the southern portion of the mini mart's parking lot. The elevations show the proposed monopine with the top of the branches at 75', the top of the pole at 70', the center of the proposed Sprint antenna array (12 panel antennas) at 67', the center of the proposed Verizon antenna array, (6 panel antennas) at 57', the center of the proposed Cingular (now T-Mobile) antenna array (12 panel antennas) at 50' and the center of the existing Nextel antenna array (12 antennas) at 35'. The proposed Sprint equipment cabinets will be located within an empty storage area on the east side of the Drive Thru Dairy Mini Mart building. A chain link fence will enclose the area and color coded slats will be used to screen the view. Verizon will place four equipment cabinets at the base of the monopine, Cingular will place it's 12'X20" equipment shelter within an existing block wall enclosure behind the mini mart and the Nextel equipment shelter will be placed below the monopine.
11. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify wireless telecommunications facilities as a use. The use most closely matching a wireless telecommunications facility is a radio or television tower. Under section 22.28.210 of the zoning ordinance (Uses Subject To Permits), radio and television stations and towers require a conditional use permit in the C-3-BE zone.
12. Pursuant to Section 22.28.220 (Development Standards) of the C-3 zone, parking for the proposed facility is governed by 22.52.1220 (Uses not specified – number of spaces required). The Department policy is to require one parking space for the monthly maintenance visits for WTFs. The subject parcel has sufficient area for the routine monthly maintenance visits.

13. Pursuant to Section 22.56.200 (Building Bulk Provisions), the Hearing Officer can prescribe the height limit for the use approved.
14. Staff completed its review of the Environmental Questionnaire and other data regarding the proposed development and concluded that the Initial Study was prepared in compliance with the California Environmental Quality Act Guidelines and the environmental procedures of the County of Los Angeles. The Department of Regional Planning has determined that a Categorical Exemption – Class 1 – Existing Facilities) is the appropriate environmental documentation for this project under California Environment Quality Act (CEQA) reporting requirements.
15. Staff received no response from county agencies regarding the project.
16. Staff received no response from the public regarding the project.
17. The project is consistent with the general plan, zoning and surrounding land uses. The additional 10' height from the presently entitled 65' will not significantly affect the surrounding community or environment. The co-location of four carriers is encouraged by the Department and staff recommends approval of a twenty year term for co-locations.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

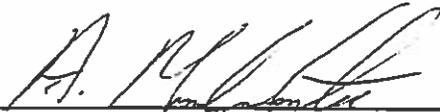
- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private 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 Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 2 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Project No. R2005-01763-(4) / Conditional Use Permit 2005000092 is **APPROVED**, subject to the attached conditions.

BY:



DATE:

10-3-05

ANDY MALAKATES, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

CONDITIONAL USE PERMIT NO. 200500092-(4) CONDITIONS OF APPROVAL
PROJECT NO. 2005-01763-(4) **Page 1 of 4**

1. This grant authorizes the use of the subject property for the construction, operation and maintenance of an unmanned wireless telecommunications facility consisting of a 75' monopole disguised as a pine tree (monopine) subject to all of the following conditions of approval:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. 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;
 - d. All structures shall conform with the requirements of the Building and Safety Division of the Department of Public Works;
 - e. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times;
 - f. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the initial report on the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;
 - g. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities;
 - h. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;
 - i. The operator shall submit an annual maintenance report to the Department of Regional Planning by January 1, verifying the continued operation and maintenance of the said facility; and

- j. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. 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 Department of 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. 8, and until all required monies have been paid pursuant to Condition No. 10 and 16.
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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

CONDITIONAL USE PERMIT NO. 200500092-(4) CONDITIONS OF APPROVAL
PROJECT NO. 01763-(4)

Page 3 of 4

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant will terminate on September 20, 2025**, unless an application for co-location at or below the approved height is received, in which case the grant shall be extended for an additional ten (10) years. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
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. The permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **10 biennial** inspections. Inspections shall be unannounced. Should an application for co-location be approved, an **additional \$750** shall be deposited into said fund.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, 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 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.

12. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the facility being operated on the premises or that do not provide pertinent information about said premises.
15. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

PM:VI
9/27/05



Los Angeles County
Department of Regional Planning
Director of Planning James E. Harll, AICP



June 2, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nextel Communications
c/o Quinn Kayser-Cochran
Attn. Katherine Wyngarden
17275 Derian Avenue
Irvine, CA 92614

RE: **CONDITIONAL USE PERMIT CASE NO. 98-017-(4)**
To authorize the construction, operation and maintenance of an unmanned communications facility and an accessory prefabricated equipment shelter.
14374 Telegraph Road, Whittier

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant has requested a conditional use permit to construct and operate an unmanned communications facility and an accessory prefabricated equipment shelter in a C-3-BE (Unlimited Commercial, Billboard Exclusion) Zone.

FACTUAL SUMMARY:

May 5, 1998 Public Hearing

A duly noticed public hearing was held. Two persons were sworn (the applicant's representatives). The applicant's representatives presented testimony in support and expressed concern with the draft landscape condition (Condition 9). There was no opposition testimony.

There being no further testimony, the Hearing Officer closed the public hearing and indicated his intent to approve the project, subject to the conditions recommended by staff.

Findings

The applicant has requested a conditional use permit to construct and operate an unmanned communications facility and an accessory prefabricated equipment shelter.

The project site consists of a rectangular-shaped parcel. The monopole and the accessory cabinet are located on a lease holding of 490 sq. ft. at 14374 Telegraph Road, Whittier. The site is also located in the Sunshine Acres Zoned District.

The zoning on the subject property site is C-3-BE (Unlimited Commercial - Billboard Exclusion). Surrounding zoning consists of R-A-6,000 (Residential Agriculture, 6,000 sq. ft. min. req. area) to the north, R-3-30U (Limited Multiple Residence, 30 unit density) to the south and C-3-BE to the east and west.

The current use of the proposed site is a grocery store. The surrounding land uses consist of a sheriff's training station to the north, residences to the south and commercial establishments to the east and west.

The submitted site plan Exhibit "A" depicts a wireless telecommunications facility consisting of a monopole, 35 feet in height, with three sector antennas (five antennas per sector and four feet in length). The monopole is proposed 30 feet from the southern property line. The proposed telecommunications facility is located on the southern portion of a grocery store's parking lot. The Exhibit "A" also depicts a 200 sq. ft. prefabricated equipment shelter cabinet ten feet in height

enclosed by a six foot high chain link fence located in the southwest corner of the property. A 2,229 sq. ft. grocery store 15 feet in height with five undimensioned parking spaces in a parallel configuration is also depicted.

The site takes access from Telegraph Road to the north.

Section 22.28.210 requires a conditional use permit for wireless telecommunication facilities.

The applicant has requested the permit to provide wireless telecommunication to service the area. The wireless communication technology requires special alignment from one antenna to the next. In this case, the proposed monopole will provide service to users in the surrounding area.

The "Commercial" category of the Countywide General Plan permits a wide variety of commercial and industrial uses.

The proposed project is also subject to the Billboard Exclusion zone requirements. The project is consistent with the provisions of this zone category.

There are no previous cases at the site.

The proposed monopole is consistent with the surrounding uses and the existing utility posts in the immediate vicinity of the proposed site. Also, the height of the proposed monopole is slightly less than said utility posts in the area. However, planting trees at the southern end of the proposed facility could lessen the visual impact of the monopole on the adjacent residences.

The commercial site on which the communications facility is proposed contains a grocery store originally built in 1960. The parking requirements in 1960 for commercial uses were one parking space for every 400-sq. ft. The grocery store's area is of 2,229-sq. ft. therefore; five parking spaces were required. Five parking spaces are provided.

There is no sufficient area on site to provide a landscaped area including trees between the proposed telecommunication facility and the property line. The use of redwood slats in the chain link fence will provide the screening practicable to the adjacent residential area.

The project has been granted a Categorical Exemption under CEQA reporting requirements.

No opposition was expressed to this project.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

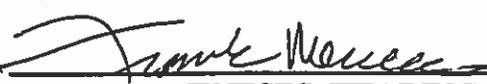
The applicant has established:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. Compatibility with surrounding land use will be ensured through the conditions anticipated if this conditional use permit were to be approved.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does substantiate the required findings for a conditional use permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. I have considered the Categorical Exemption for this project and certify 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 presented above, Conditional Use Permit Case No. 98-017-(4) is **approved**, subject to the attached conditions.

BY:  Date: 6/8/98
FRANK MENESES, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

RDH:REG

Attachments: Conditions
Affidavit

c: Each Commissioner; Zoning Enforcement; Building and Safety; Department of Public Works
(Subdivision Mapping); Terry Hays.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant 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 property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
4. 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
6. This grant will terminate May 5, 2008.

Entitlement to the use of the property as a wireless telecommunications facility thereafter shall be subject to the regulations then in effect.

7. 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. The permittee shall deposit with the County of Los Angeles the sum of \$500.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 5 biennial inspections.

If any future 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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. 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 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 his grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
9. The permittee shall install redwood slats between the webbing of the proposed chain link fence and gate enclosing the telecommunications site.
10. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that the subsequent revised plans are submitted, the written authorization of the property owner is necessary.
11. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.

12. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours, 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
13. All structures shall conform with the requirements of the Division of Building and Safety of Los Angeles County Department of Public Works.
14. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as many be required by said Department.
15. This grant allows for the construction, operation and maintenance of a wireless telecommunications facility and accessory equipment. This use is allowed subject to the following restrictions:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facilities shall be removed if in disuse for more that six months;
 - c. 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.

RDH:REG
4-22-98

LAND USE 500 FOOT RADIUS MAP

Proj. R2014-00692 (1)
RCUP 2014-00031

Legend

- SINGLE-FAMILY RESIDENCE
- ⊙ MULTI-FAMILY RESIDENCE
- SINGLE-FAMILY RESIDENCE
- TWO-FAMILY RESIDENCE
- MULTI-FAMILY RESIDENCE
- INSTITUTION (NON-PROFIT)
- COMMERCIAL
- VACANT

VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

LAND USE

