

Hearing Officer Transmittal Checklist

Hearing Date
07/05/2016
Agenda Item No.
7

Plan Number: RPPL 2016000526
Case(s): Conditional Use Permit
Planner: Jolee Hui

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Findings and Conditions of Previous Permit

Reviewed By: Michel R. Bush



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

PLAN NUMBER
 RPPL2016000526-(1)

HEARING DATE
 July 5, 2016

REQUESTED ENTITLEMENTS
 Conditional Use Permit No. RPPL2016000526

PROJECT SUMMARY

OWNER / APPLICANT
 Sprint Nextel

MAP/EXHIBIT DATE
 01/11/2016

PROJECT OVERVIEW

The applicant, Sprint Nextel, is requesting a Conditional Use Permit (CUP) for the continued operation and maintenance of an existing unmanned wireless telecommunication facility (WTF) consisting of panel antennas and microwave dishes mounted on an 80-foot high monopole. Equipment cabinets are located at the base of the monopole on the ground level and are enclosed by an existing chain-link fence. The WTF was originally authorized by CUP No. 95108-(1) in 1996.

LOCATION
 509 N. Azusa Avenue

ACCESS
 via Azusa Avenue

ASSESSORS PARCEL NUMBER(S)
 8262-007-078

SITE AREA
 0.65 acre (28,362 square feet)

GENERAL PLAN / LOCAL PLAN
 General Plan 2035

ZONED DISTRICT
 Puente Zoned District

LAND USE DESIGNATION
 CG- General Commercial

ZONE
 C-1 (Restricted Business)

PROPOSED UNITS **MAX DENSITY/UNITS**
 N/A N/A

COMMUNITY STANDARDS DISTRICT
 N/A

ENVIRONMENTAL DETERMINATION (CEQA)
 Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Sections of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.28.120 (Development Standards of the C-1 Zone)

CASE PLANNER:

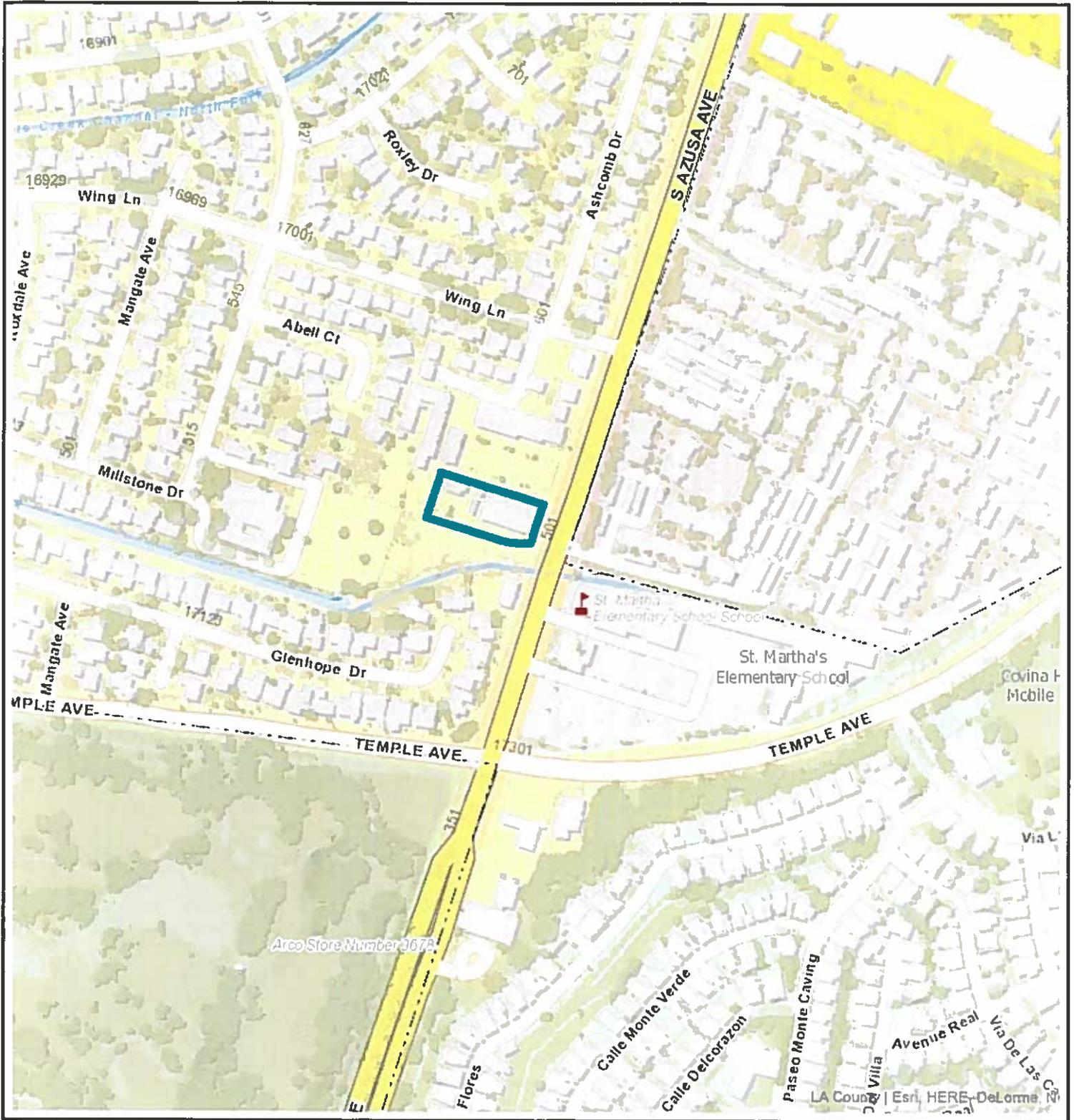
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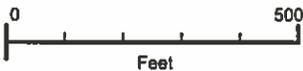
jhui@planning.lacounty.gov



RPPL2016000526

Property Location

Printed: Jun 15, 2016



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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the continued operation and maintenance of an existing unmanned wireless telecommunications facility (WTF) in the C-1 (Restricted Business) Zone pursuant to Section 22.28.110 of the Los Angeles County Code.

PROJECT DESCRIPTION

The applicant, Sprint Nextel, is requesting a CUP for the continued operation and maintenance of an existing WTF ("Project") located at 509 N. Azusa Avenue ("Project Site") in the Puente Zoned District. The Project was first established by CUP No. 95-108 in 1996 and the CUP expired on January 30, 2016. No changes are currently being proposed to the existing WTF.

The existing WTF consists of 18 panel antennas and two microwave dishes mounted at two separate rad centers on an 80-foot high monopole. A group of six panel antennas are mounted at an elevation of 71 feet (middle rad center) and another group of 12 panel antennas and two microwave dishes are mounted at 80 feet (top rad center) above ground level. The equipment cabinet is located at the base of the monopole within an existing rolled wood over chainlink fence enclosure. The antennas mounted at an elevation at 58 feet above ground (bottom rad center) are not part of this entitlement and are permitted under a separate CUP.

EXISTING ZONING

The subject property is zoned C-1 (Restricted Business). Surrounding properties within a 500-foot radius of the subject property are zoned as follows:

North: C-1 (Restricted Business); R-3-DP (Limited Density Multiple Residence – Development Program); A-1-6000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area)

South: C-1; A-1-6000

East: C-1; A-1-5 (Light Agricultural – Five Acre Minimum Required Lot Area)

West: C-1; A-1-6000

EXISTING LAND USES

The subject property is developed with an existing one-story retail building in the eastern portion of the property and two smaller attached buildings near the northwest corner. The existing WTF is located on the southwest corner of the property. It is enclosed by a fence. Surrounding properties within a 500-foot radius of the subject property are developed as follows:

North: Commercial; church, single-family and multifamily residential;

South: Vacant land; commercial; multi-family residences;

East: Church; multi-family residences; single-family residences;

West: School; multi-family residential.

PREVIOUS CASES/ZONING HISTORY

The zoning history of the subject property is as follows:

- Ordinance No. 5214, adopted on October 19, 1948, established the subject property in the A-1-10000 (Light Agricultural – 10,000 Square Feet Required Minimum Lot Area) Zone.
- Ordinance No. 9185, adopted on September 20, 1966 by the Board of Supervisors, established the subject property in the CPD (Commercial Planned Development) Zone.
- Ordinance No. 2015-0042, adopted on October 6, 2015 by the Board of Supervisors, amended Title 22 of the County Code to be consistent with the updated Countywide General Plan 2035. The subject property was rezoned from CPD to C-1 (Restricted Business) Zone as part of this General Plan Update Zoning Consistency Program by Figure ZC.25 Valinda.

The following cases are associated with the subject property:

- Conditional Use Permit No. 95-108-(1) authorized Nextel Communications (merged into Sprint Nextel in 2005) to construct, operate, and maintain an unmanned WTF including an 80-foot high monopole with panel antennas and a 10' x 20' storage shelter. The lease area is enclosed by a six-foot tall chainlink fence. This grant was approved on January 30, 1996 and expired on January 30, 2016.
 - Revised Exhibit "A" No. 201400046 was approved on April 2, 2014 to modify the Exhibit "A" of CUP No. 95-108-(1). Modification included the installation of three Sprint panel antennas.
- Conditional Use Permit No. 200600162 (Project No.R2006-02131-(4)) authorized Royal Street Communications, LLC to construct, operate and maintain an unmanned WTF collocated on an existing monopole. The WTF facility consists of six panel antennas mounted at a height of 58 feet above ground (bottom rad center), four ground-mounted equipment cabinets, and one GPS antenna attached to an equipment cabinet. This grant was approved on April 3, 2007 and is set to expire on April 3, 2017.
 - Revised Exhibit "A" No. 200900017 was approved on March 25, 2009 to modify the Exhibit "A" of CUP No. 200600162. This request by Metro PCS would authorize structural reinforcement work to be performed for the existing monopole.
 - Revised Exhibit "A" No. 200900101 was approved on August 5, 2009. Modification requested by Sprint included the removal and replacement of

three panel antennas, addition of three new parabolic panels, and the addition of one new radio cabinet to be located within the existing lease area.

- Revised Exhibit "A" No. 201200314 was approved on May 19, 2013. This request by Sprint involved the removal of 12 panel antennas, installation of three new panel antennas, six pairs of new radio remote units, and improvements to equipment cabinets.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff determines that the Project is eligible for Categorical Exemption (Class 1 Exemption — Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Project is exempt because it is a continuation of an existing use and no exceptions to the categorical exemption apply to the Project per Section 15300.2 of the California Code of Regulations. The Project Site is not located within or in close proximity to an environmentally sensitive area, a historical resource, a hazardous waste site, or a scenic highway. No significant effect due to "unusual circumstances" and no cumulative impact are anticipated. Therefore, County Staff recommends that the Hearing Officer determine that the Project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The subject property is designated within the CG-General Commercial land use category of the General Plan 2035. This land use category is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single-family and multi-family residences; and residential and commercial mixed uses. Local infrastructure is also allowed within this land use category to support the surrounding developments.

The subject property is developed with structures for commercial uses and a surface parking lot in the 1970s and the existing WTF was first constructed in 1996. These uses were established prior to the adoption of the General Plan 2035. The continued operation and maintenance of the existing WTF is nevertheless consistent with the General Commercial land use designation. It provides the necessary supportive communication facilities and public safety networks to the immediate commercial area as well as the surrounding residential community.

The following policies of the General Plan are applicable:

- *Policy PS/F 1.4: "Ensure the adequate maintenance of infrastructure."*
- *Policy PS/F 6.2: "Improve existing wired and wireless telecommunication infrastructure."*

- *Policy PS/F 6.3: "Expand access to wireless technology networks, while minimizing visual impacts through co-location and design."*

The existing WTF is a part of an overall communication infrastructure that serves the existing local urban development. The WTF's continued operation would maintain this balance between the demand of existing development for communication facilities and the capacity of the communication facilities. Furthermore, the existing WTF has been periodically maintained and upgraded to provide communication services for nearly two decades.

In August 2005, Sprint acquired Nextel Communications and became Sprint Nextel. The former Nextel Communications antennas, cabinetry, and related equipment have been consolidated under Sprint Nextel's operation. This consolidation does not affect the current site coverage, but increases the current voice and data carrying capability at the site for Sprint Nextel. It eliminates the need for additional facilities through increased existing site capacity and co-location.

- *Policy S 4.1: "Ensure that residents are protected from the public health consequences of natural or man-made disasters through increased readiness and response capabilities, risk communication, and the dissemination of public information."*

Cellular service is often used to make emergency calls and the ability to make emergency calls is important in any environment. The wireless coverage will be beneficial for the public and emergency personnel. The existing WTF would continue to provide such a service and help to ensure it is readily available under an emergency situation.

Zoning Ordinance and Development Standards Compliance

Title 22 of the County Code (Zoning Ordinance) does not explicitly specify WTF as a use. The use most closely matching a WTF is "radio or television stations and/or towers." According to Section 22.28.110 of the County Code, radio and television stations and towers are uses subject to conditional use permits in the C-1 zone. Until the County adopts a wireless telecommunication facility provisions to the existing Zoning Ordinance, the County requires a CUP for such a use.

The Subdivision and Zoning Ordinance Policy Memo No. 01-2010 (dated July 26, 2010) establishes the County's policies and guidelines regarding the siting, maintenance, and visual screening of WTFs. In accordance with the policies set in this memo, the WTF is located in the rear of a commercial property. Several palm trees located immediately adjacent to the lease area and the retail building also provide visual screening to the monopole and equipment. The WTF is setback from the front property line to the maximum extent possible to minimize its visual presence from the public right-of way.

Because the WTF is a use not explicitly specified in the County Code and has no specified parking requirements, Section 22.52.1220 allows the director to impose the

amount of parking spaces deemed adequate to prevent traffic congestion and excessive on-street parking. One non-exclusive space is deemed adequate for the existing WTF because it is unmanned and only requires periodic maintenance visits. A surface parking lot is located on-site and is available to accommodate the parking need associated with the Project.

Site Visit

A site visit was conducted on June 22, 2016 by County Staff. The Project was found to be consistent with the site plan.

Neighborhood Impact/Land Use Compatibility

The existing design of the WTF is appropriate for the site. The surrounding utility poles and transmission lines present within the Azusa Avenue right-of-way helps blend the WTF into the background. The palm trees are planted immediately adjacent to the WTF to provide screening. The retail buildings, surrounding surface parking lots, and the 200-foot setback from the front property line further reduces the visibility of the monopole. It is located within a commercial property immediately buffered by a vacant lot to the south, commercial buildings to the north, surface parking lots to the east and west. The nearest residence is buffered by a vacant lot and is approximately 130 feet south of the WTF. For these reasons, the existing WTF will not be aesthetically detrimental to the surrounding neighborhood.

The WTF is also required to operate within the safety standards of the Federal Communications Commission (FCC), and any sounds generated by the Project are subject to the County noise control regulations. Because the WTF is unmanned, the flow of traffic and parking would not be impacted. No change or alteration to the existing site is proposed. Periodic maintenance visit is anticipated and the frequency of these visits is not projected to change. The maintenance technician can access the Project Site via Azusa Avenue, which is sufficient width to accommodate occasional maintenance trips. Ample surface parking is also available on-site and maintenance technician can access the WTF directly from the on-site surface parking.

Therefore, the continued operation of an existing WTF is unlikely to adversely affect the health, peace, comfort or welfare of the surrounding community, be detrimental to the surrounding properties, or create a hazard to public health, safety, or general welfare.

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.

Alternative Site Analysis

The Project has operated at the existing location for nearly 20 years without violation of its previous CUP grant conditions. Relocating the Project to a new site would be unnecessary because the Project is consistent with the County's policy to encourage WTF co-location.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Project has no proposed changes. Review by other County Department is not necessary.

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 Department of Regional Planning website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

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 Conditional Use Permit Number RPPL2016000526, 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.

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2016000526 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Jolee Hui, 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, Aerial Image
Site Plan, Land Use Map, Zoning Map

MM:JH
07/05/2016

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016000526**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on July 5, 2016 in the matter of Conditional Use Permit No. RPPL2016000526.
2. The applicant, Sprint Nextel ("permittee"), is requesting a Conditional Use Permit ("CUP") to authorize the continued operation and maintenance of an existing unmanned wireless telecommunications facility ("WTF") within a commercial property located at 509 N. Azusa ("subject property") in the C-1 (Restricted Business) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.100.
3. The subject property consists of one lot, 0.65 acre (28,362 square feet) in size and is shaped rectangular with general flat topography. It is located on Assessor's Parcel Number (APN) 8276-007-078.
4. The subject property is located within the Puente Zoned District and within the unincorporated community of Valinda.
5. The subject property is designated within the CG - General Commercial land use category of General Plan 2035. The WTF is consistent with this category, which allows infrastructure and service facilities to serve surrounding developments.
6. Primary access is provided through a driveway on Azusa Avenue. A non-exclusive parking space is available for vehicle use during routine maintenance visits.
7. The subject property is developed with a one-story retail commercial building in the eastern portion of the property, two smaller attached buildings on the northwest corner, and a surface parking lot directly south of the retail building. The existing WTF is located in the southwest corner of the property.
8. The site plan depicts the existing WTF ("Project") consisting of 18 panel antennas and two microwave dishes mounted at the top and middle rad centers on an 80-foot high monopole. A group of six panel antennas (2 per sector) and nine remote radio heads (3 per sector) are mounted at an elevation of 71 feet and another group of 12 panel antennas (4 per sector) and two microwave dishes are mounted at an elevation of 80 feet above ground level. The equipment cabinets are located at the base of the monopole within the lease area ("Project Site") enclosed by rolled wood over chainlink fencing. The antennas mounted at the bottom rad center at a height of 58 feet are operated by a different carrier and permitted under CUP No. 200600162. No changes are currently proposed.
9. The WTF was originally established by CUP No. 95-108-(1) approved on January 30, 1996 and expired on January 30, 2016.

10. There is no history of zoning violations associated with the previous CUP No. 95-108-(1).
11. Surrounding properties within a 500-foot radius of the subject property are zoned as follows:
 - North: C-1 (Restricted Business); R-3-DP (Limited Density Multiple Residence – Development Program); A-1-6000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area)
 - South: C-1; A-1-6000
 - East: C-1; A-1-5 (Light Agricultural – Five Acre Minimum Required Lot Area)
 - West: C-1; A-1-6000
12. Surrounding existing land uses within a 500-foot radius of the subject property include:
 - North: Commercial; church, single-family and multi-family residential;
 - South: Vacant land; commercial; multi-family residences;
 - East: Church; multi-family residences; single-family residences;
 - West: School; multi-family residential.
13. The nearest residence is approximately 130 feet south of the existing WTF.
14. The Project is consistent with the County’s policy to encourage co-location of WTF to reduce visual impacts and the proliferation of monopoles.
15. As the Project is an existing facility with no significant changes proposed, consultation with other County departments are not required.
16. The WTF is required to provide written verification that the proposed facility’s radiofrequency 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 CUP.
17. The WTF will operate in compliance with all applicable local, state, and federal regulations. The radio frequency exposure generated by the facility shall comply with standards adopted by FCC.
18. Prior to the Hearing Officer’s public hearing on the Project, Department of Regional Planning (“Regional Planning”) staff determined that the Project qualified for a Categorical Exemption, under the Class 1 — Existing Facilities, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (“CEQA”), the CEQA Statute and Guidelines, and the Environmental

Document Reporting Procedures and Guidelines for the County, because the Project is the continued operation and maintenance of an existing wireless facility, with negligible or no expansion of use beyond that which was previously existing.

19. 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 hearing by mail, newspaper, and property posting.
20. Prior to the Hearing Officer's public hearing, the Regional Planning staff received no public comment related to the Project.
21. **[Hearing Proceedings] To be inserted after the public hearing to reflect hearing proceedings.**
22. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan 2035. The subject property is designated within the CG-General Commercial land use category of the General Plan 2035. This land use category is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services; single-family and multi-family residences; and residential and commercial mixed uses. Local infrastructure is also allowed within this land use category to support the surrounding developments. The Project is an existing facility located within an existing retail commercial property and is therefore consistent with the permitted uses of the underlying land use category.
23. The Hearing Officer finds that the Project is appropriately situated to minimize the visual impacts to the surrounding neighborhood. The Project is located in the rear of a commercial property approximately 200 feet away from the public right-of-way. The Project is setback from the front property line to the maximum extent possible to minimize its visual presence from public view. Several palm trees located immediately adjacent to the lease area and the retail building provide screening to the Project. The Project is also immediately buffered by a vacant lot to the south, commercial buildings to the north, surface parking lots to the east and west. The nearest residence is approximately 130 feet south of the WTF and is buffered by a vacant lot.
24. The Hearing Officer finds that the continued operation and maintenance of the existing WTF will not be detrimental to the surrounding community. The WTF provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property. The ability to make emergency calls is important in any environment. The coverage provided by the existing WTF is beneficial for the public and emergency personnel.
25. The Hearing Officer finds that the Project is consistent with the development standards of the C-1 Zone. As set forth in Section 22.28.110 of the County Code, development of radio and television stations and towers is a permitted use in the C-1 Zone provided that a CUP is first obtained. Furthermore, the Project is consistent with the County's Subdivision & Zoning Ordinance Policy Memo No. 01-2010 (dated

July 26, 2010) that establishes policies and guidelines regarding the siting, visual screening, and maintenance of WTFs. The WTF is screened by adjacent palm trees, buildings, and is setback from the front property line to the maximum extent possible to minimize its visual presence from the public right-of way.

26. The Hearing Officer finds that the requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Project will not affect the health or safety of the surrounding community because the Project does not include any alteration to existing conditions at the Project Site. The Project will not result in an increase in noise, odor, dust, glare, or shadows because there are no proposed changes. The Project presents no additional risk of fire hazard since there are no proposed changes.
27. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate all project components. The associated equipment shelter is contained within the enclosed lease area and does not require the expansion of the Project Site.
28. The Hearing Officer finds that the Project is adequately served by improved local roads and highways to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required. The existing WTF is unmanned. The Project will not increase the flow of traffic or impact parking because the applicant does not propose any changes or alterations to the existing site. The site is visited on average once a month for maintenance. The frequency of these visits is not projected to change. There is non-exclusive parking in the vicinity to accommodate the monthly maintenance vehicle.
29. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure the continued compatibility between the use of the Project Site allowed by this grant and surrounding land uses.
30. 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 the West Covina Public Library located in the vicinity of the subject property. On May 25, 2016, a total of 92 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, including 12 notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.
31. 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 Statute and Guidelines (Class 1 — Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. RPPL2016000526, subject to the attached conditions.

ACTION DATE: July 5, 2016

MM:JH
July 5, 2016

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016000526**

PROJECT DESCRIPTION

The grant authorizes the continued operation and maintenance of an existing unmanned wireless telecommunications facility consisting of an 80-foot high monopole and appurtenant equipment located at 509 N. Azusa Avenue in the unincorporated community of Valinda. This grant is 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 Conditions No. 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 10 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 July 5, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty-(30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

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

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56 Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire 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 Project Site 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.

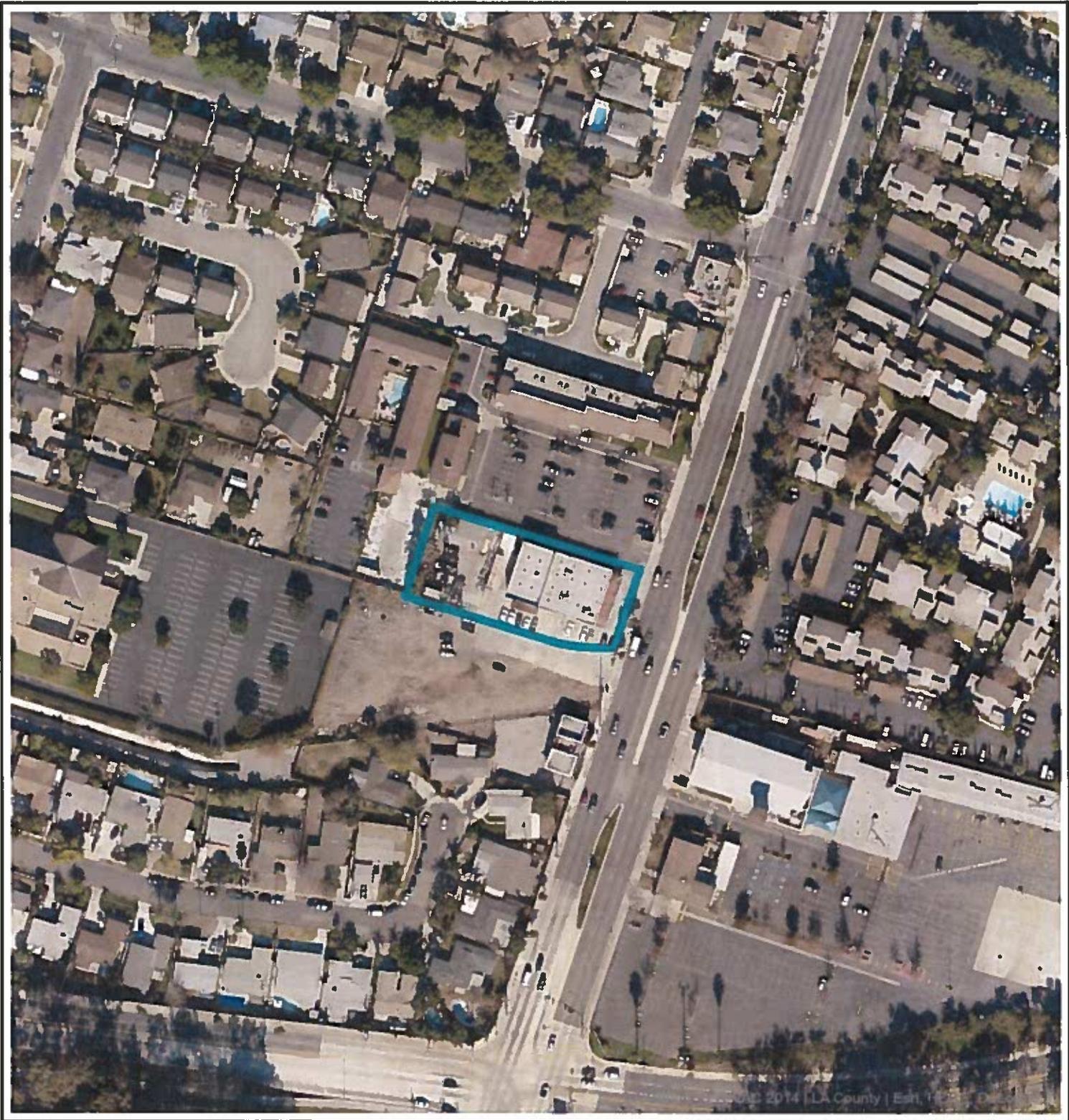
17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **September 5, 2015**.
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 – CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATION FACILITY)

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 wireless telecommunication facilities are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said wireless telecommunication facilities.
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 wireless telecommunication facilities that will be co-locating on the 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 Department of Public Works Division of Building and Safety or other appropriate agency.

24. All existing external lighting shall remain appropriately screened and in good repair. If any new external lighting is proposed, including security lighting, it shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole-mounted lighting for the wireless telecommunications facility is prohibited on the leasehold. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the Federal Aviation Administration.
25. The subject property is adjacent to single-family residences; therefore maintenance of the facility shall be limited to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Emergency repairs of the facility may occur at any time.
26. Placement and height of all antennas and equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall remain essentially as depicted in the site photographs presented at the public hearing.
27. 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.
28. The maximum height of the facility shall not exceed 80 feet above finished grade, as shown on the Exhibit A.
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. Appurtenant equipment boxes shall be screened or camouflaged.
32. The facility shall be secured by fencing, gates and/or locks. All new or replacement fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited.
33. 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.

34. 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.
35. The FCC Antenna Structure Registration site number, conditional use permit number, primary leaseholder's and facility manager's contact information shall be kept current and prominently displayed on the facility where it can be easily viewed from ground level.
36. Upon termination of this grant or after 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.



RPPL2016000526

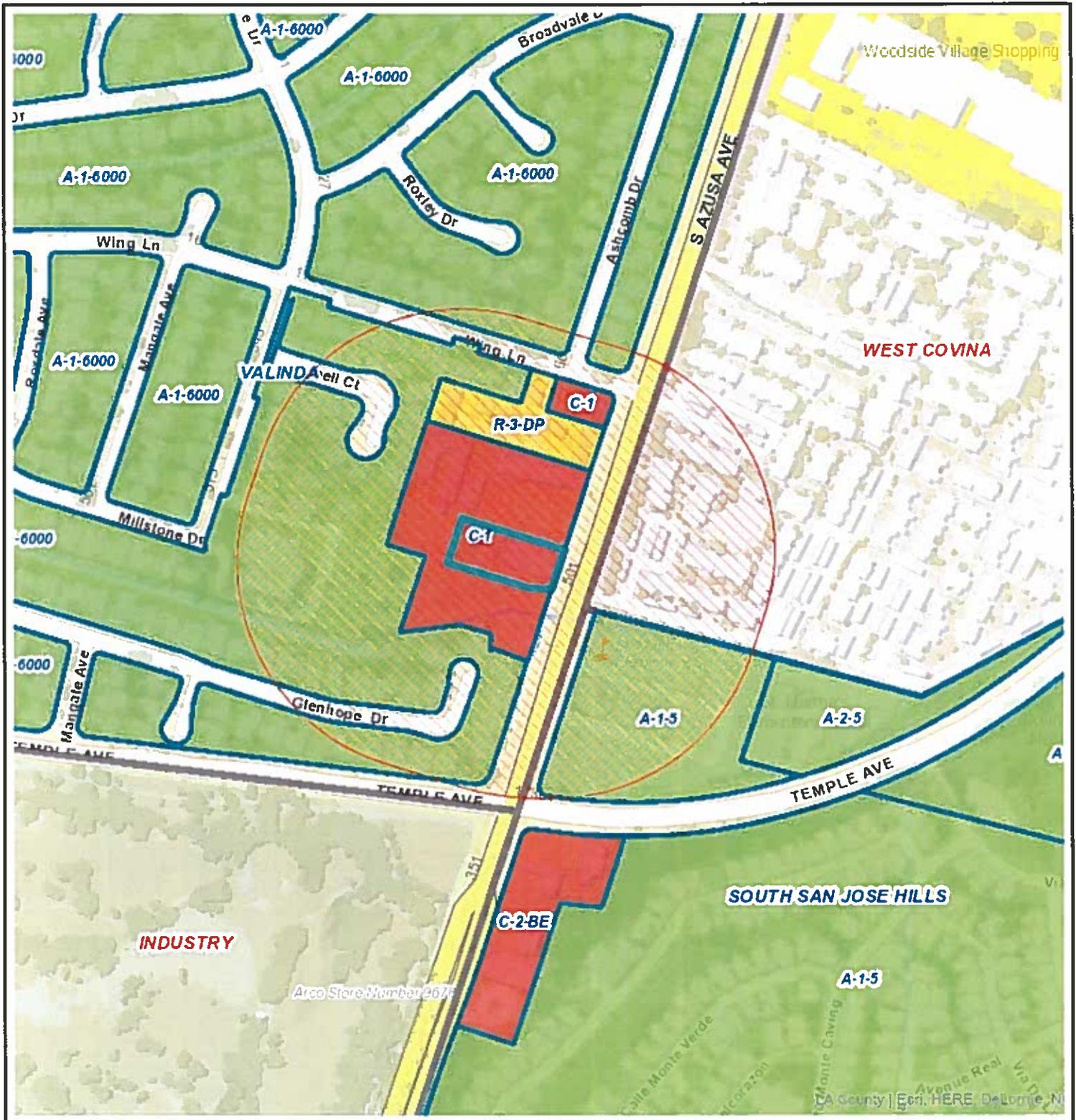
Aerial

Printed: Jun 15, 2016



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RPPL2016000526

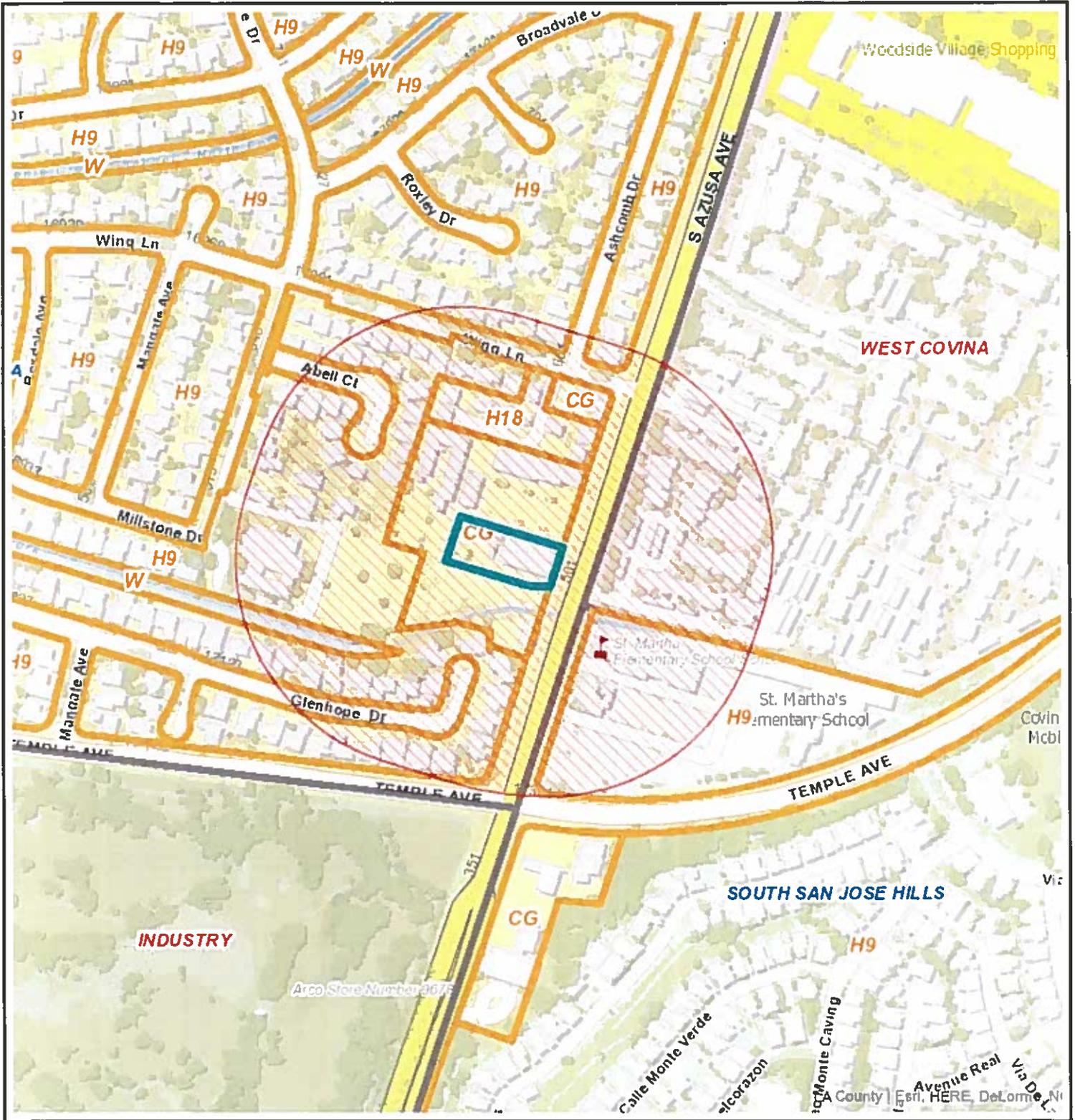
Zoning (500-foot radius)

Printed: Jun 15, 2016



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RPPL2016000526

General Plan Land Use (500-foot radius)

Printed: Jun 15, 2016



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CONDITIONAL USE PERMIT NO. RPPL2016000526

SITE PHOTOS





12.01.2015



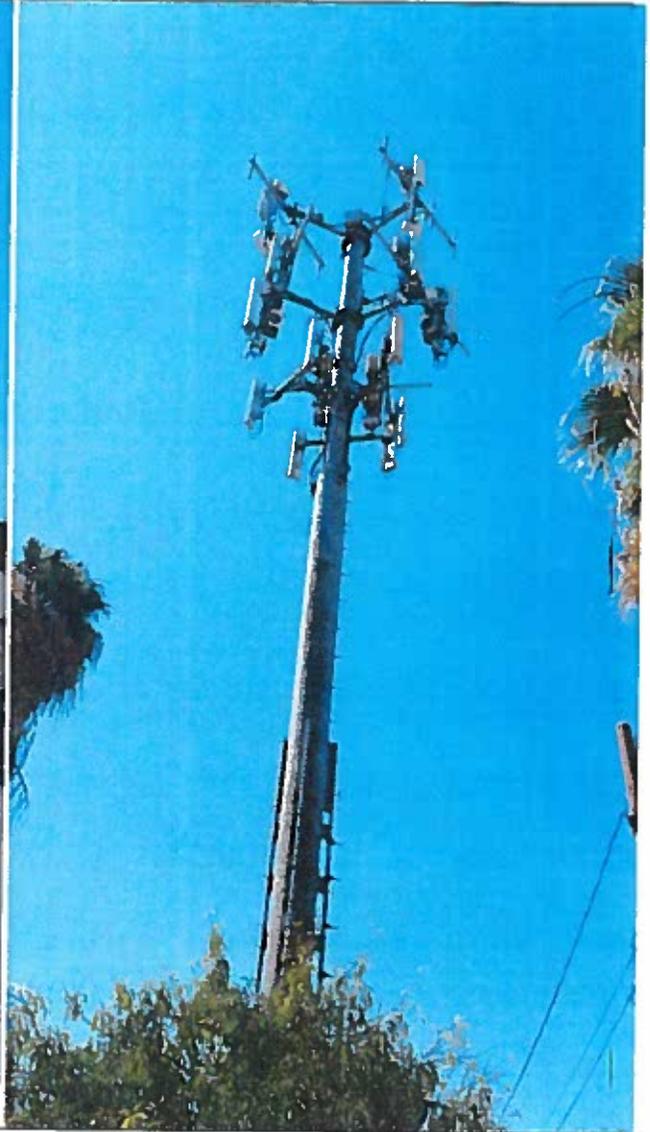
12.01.2015



**RPPL2016000526
SITE PHOTOS**



**View of the wireless telecommunication facility
from Azusa Avenue**



Antennas mounted on the monopole



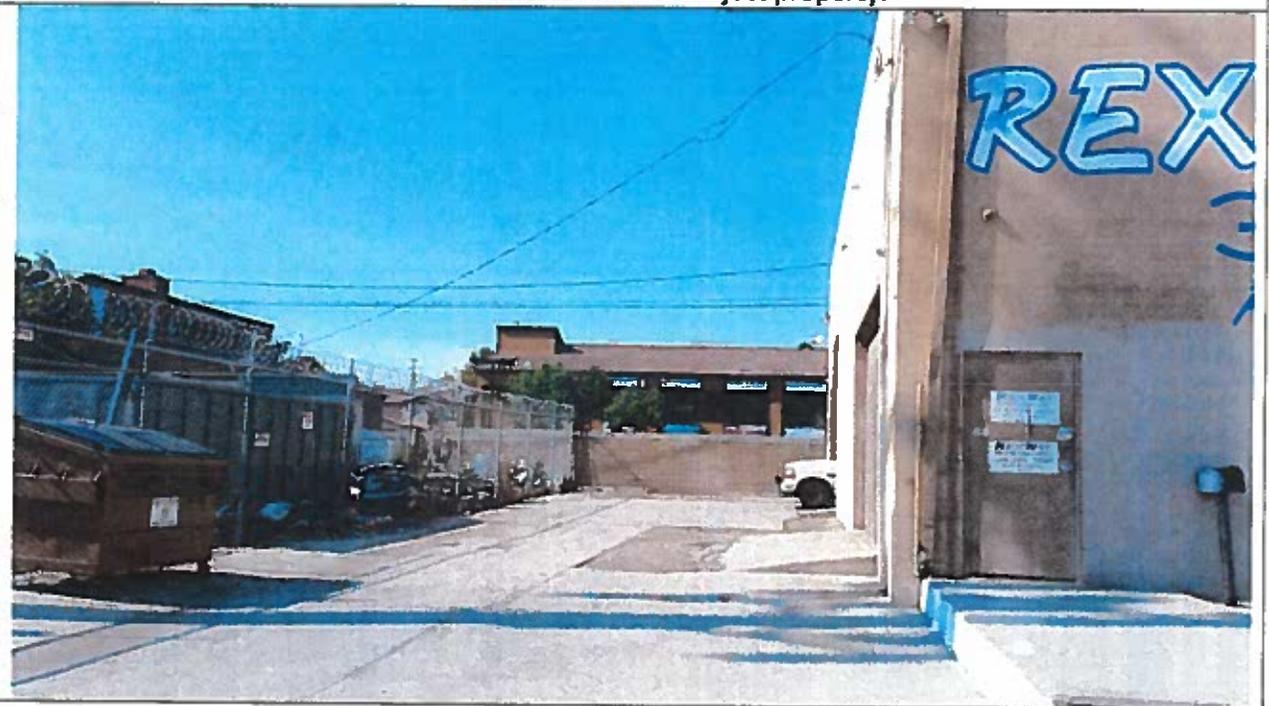
The facility lease area enclosed by rolled wood over chainlink fencing is located within a storage area associated with the roofing business on the property



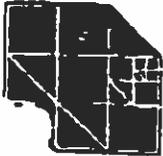
Vacant lot immediately adjacent to the wireless telecommunication facility looking south View of the



Retail businesses on the subject property.



View of the adjacent businesses north of the subject property.



Los Angeles County Department of Regional Planning
 320 West Temple Street Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT No. 95-108- (1)
 Cases Conditional Use Permit

APL. NO MEETING DATE	CONTINUE TO
AGENDA ITEM	
4 a 6 b	
PUBLIC HEARING DATE	
January 30, 1996	
REPRESENTATIVE	
Smart SMR of CA., Inc.	

APPLICANT	OWNER	REPRESENTATIVE
Smart SMR of CA., Inc.	Robert M. Raitz	Smart SMR of CA., Inc.
REQUEST		

Conditional Use Permit to construct, operate and maintain an unmanned communication station including an 82 ft. high monopole with panel antennas not exceeding 82 ft. in height and a 10' x 20' storage shelter.

LOCATION/ADDRESS		ZONED DISTRICT	
507 N. Azusa Avenue, Valinda		Ponte	
ACCESS		COMMUNITY	
Azusa Avenue		Valinda	
EXISTING ZONING		TOPOGRAPHY	
Commercial Planned Development		Level	
SIZE	EXISTING LAND USE	SHAPE	
700 sq. ft.	Commercial	Rectangular	
SURROUNDING LAND USES & ZONING			
North: Parking Structure, CPD		East Apartment, City of West Covina	
South: Vacant, CPD		West Motel, CPD	
GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
COUNTYWIDE	Low Density Residential	1-6 du/acre	Yes
EA/COMMUNITY			

ENVIRONMENTAL STATUS
 Negative Declaration

DESCRIPTION OF SITE PLAN	DENSITY
See Attachment	N/A

KEY ISSUES
 - Satisfaction of the Conditional Use Permit Burden of Proof

(If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONERS	LETTERS
(O) (F)	(O) (F)	(O) (F)

Attachment

Description of Site Plan

The site plan depicts an existing one-story retail building in the northeast corner of the project site. An existing one story workshop is located in the northwest corner of the project site. The proposed communications facility is located in the southwest corner of the site. It is enclosed by a 6' high chain link fence. The monopole with antennas is located east of the 10' x 20' storage shelter.

STAFF ANALYSIS

CONDITIONAL USE PERMIT 95-108-(1)

PROJECT DESCRIPTION

The applicant has requested a conditional use permit to construct, operate , and maintain an unmanned communications facility consisting of a 80-foot monopole and appurtenant facilities.

The subject property is approximately a one acre irregular shaped parcel located at 507 N. Azusa Avenue, Valinda. The site is located in the Puente Zoned District.

SURROUNDING ZONING AND LAND USE

The zoning on the subject project site is CPD (Commercial Planned Development). Surrounding zoning consists of CPD to the north, south, and west. The City of West Covina is located to the east.

The project site is designated as "Low Density Residential" in the Countywide General Plan.

A one-story retail building is located on the subject property. The surrounding land uses consist of a parking structure to the north, vacant land to the south, and a motel to the west. The City of West Covina is located to the east.

CONDITIONAL USE PERMIT REQUEST

A. Need/Justification for the Conditional Use Permit.

The submitted site plan (Exhibit "A") depicts an existing one acre motel site. The proposed monopole is located in the northwest corner of the project site. The overall height of the monopole is 80 feet and contains 2 sectors with 10 panel antennas. The site plan also depicts a 10' x 20' prefabricated equipment shelter. The site is enclosed by a 6-foot high chain link fence.

The site takes access from Azusa Avenue to the east.

The project has been granted a Negative Declaration under CEQA reporting requirements.

At the time of this report, staff has received one phone inquiry regarding the proposed project. The Burden of Proof responses submitted by the applicant are attached.

STAFF ANALYSIS (continued)
Page 2

ISSUES

Satisfaction of Conditional Use Permit burden of proof.

STAFF EVALUATION

The proposed use is consistent with the zoning, general plan designations and existing land uses. The subject property is adjacent to the heavy commercial use. The height of the antenna does not pose a significant visual impact.

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.

The project is recommended for approval subject to the attached conditions.

Widdow
Janice

CONDITIONAL USE PERMIT NO. 95-108-(1)

CONDITIONS
PAGE 1 of 3

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 65907. 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 expense involved in the department's cooperation in the defense, including but not limited to, deposition, 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 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 permittee according to Los Angeles County Code Section 2.170.010.

CONDITIONAL USE PERMIT NO. 95-108-(1)

CONDITIONS
PAGE 2 of 3

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 January 30, 2006. *note 10 yrs*

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.

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. 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. 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 five 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.

9. This grant allows the development, operation and maintenance of a cellular communications facility, including a monopole with appurtenant antennas, and an equipment shelter subject to the following restrictions as to use:

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

b. Said monopole shall not exceed 80 feet in height.

c. Said facilities shall be removed if in disuse for more than six (6) months.

Conditional Use Permit and Height Variance
507 N. Azusa

Project Description:

SMART SMR of California, Inc. proposes the construction, operation, and maintenance of an unmanned telecommunications site, located at 507 N. Azusa in the CPD zone. The proposal consists of a 10' x 20' storage shelter and an 80' high monopole.

Answers to Burden of Proof Questions:

A. The site, when constructed, will provide superior radio coverage to the public in each of the following areas: 1) It will be a fully digital alternative to current "cellular" telephone systems; 2) it will provide digital dispatch services to large fleet users; and 3) it will provide both paging and data transmission services to users. In addition to the above listed features, the radio service can, and has been, utilized in the event of an emergency. After the Northridge earthquake in 1994, temporary facilities were constructed in various locations throughout the Los Angeles area to aid the American Red Cross in emergency communications. The American Red Cross utilized the radio system to dispatch personnel and supplies to affected areas throughout Los Angeles.

Due to the nature of the use, the hardware in place will not represent a unique, nor unusual visual product. All Equipment will be housed inside the proposed storage shelter and the proposed monopole is standard to those proposed within the telecommunications industry. The nature of the proposed use, as licensed by the FCC provides checks and balances relative to potential effects on the public health, peace, comfort, or welfare of persons residing or working in the surrounding area. Additionally, the County of Los Angeles may condition the present request so that all appropriate design criteria may be adhered to. Therefore, the federal and local controls fully assure the best interest of the surrounding community.

The positioning of such facilities near other properties does not materially limit land use options available to present or future property owners. In addition, the proposed facility will be unmanned and as such will require only infrequent maintenance visits, (approximately once a month), and will thereby maintain a relatively low-profile and presence in the community.

B) The vacant parcel at the back of the existing commercial parcel is adequate in size, shape, and topography to accommodate the proposed telecommunications facility as described in the above noted "project description".

C) The proposed unmanned telecommunications facility located at 507 N. Azusa is adequately served by public facilities, and has sufficient access to streets that are adequate to handle the traffic generated by monthly visits to the site.

D) The special circumstances applicable to the subject site include its geographic location, elevation, and technological requirements of a mobile telephone system. The location has been determined ideal for constructing the proposed facility. Other locations could have resulted in interference from other conflicting sources. A higher elevation site was not available in the required area, and were a lower elevation site selected, the tower would need to be taller.

E) Such variances have been granted in other similar zones throughout the county and to deny the property owner the right to construct this facility on his property would put him at a disadvantage.

F) The proposed facility is conditionally permitted in this zone. The proposed project will not create additional traffic, noise, or fumes in the area. The facility will be compatible with the existing commercial uses on Azusa Avenue and will not cause any detrimental impacts to the public welfare.



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



February 1, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Smart SMR of CA, Inc.
d/b/a Nextel Communications
624 S. Grand Avenue, Suite 900
Los Angeles, CA 90017

RE: **CONDITIONAL USE PERMIT CASE NO. 95-108-(1).**
To construct, maintain and operate an unmanned communication facility consisting of an 80-foot monopole with panel antennas and appurtenant facilities.
507 N. Azusa Avenue, Valinda

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 at 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 is requesting a Conditional Use Permit to construct, maintain and operate an unmanned communication facility consisting of an 80-foot monopole with panel antennas and appurtenant facilities in a CPD (Commercial Planned Development) zone.

CONDITIONAL USE PERMIT CASE NO. 95-108-(1)

2

FACTUAL SUMMARY:

January 30, 1996 Hearing

A duly noticed public hearing was held. The applicant's representative was sworn and testified in support of the application. Staff presented an opposition letter submitted by a property owner near the project site. The letter cited concerns regarding health, computers, radio and television reception. The Hearing Officer directed the representative to contact the project opponent and respond to their concerns. The applicants replied that they would comply and respond to all potential concerns raised by the project opponent. No one appeared to testify in opposition of the proposed project. The Hearing Officer closed the public hearing and instructed staff to prepare findings and revised conditions for approval of the project.

Findings

The applicant has requested a Conditional Use Permit to construct, maintain and operate an unmanned communication facility consisting of an 80-foot monopole with panel antennas and appurtenant facilities in a CPD (Commercial Planned Development) zone.

The subject property is approximately a one acre irregular shaped parcel located at 507 N. Azusa Avenue, Valinda. The site is located in the Puente Zoned District.

The zoning on the subject project site is CPD (Commercial Planned Development). Surrounding zoning consists of CPD to the north, south, and west. The City of West Covina is located to the east.

The project site is designated as "Low Density Residential" in the Countywide General Plan.

A one-story retail building is located on the subject property. The surrounding land uses consist of a parking structure to the north, vacant land to the south, and a motel to the west. The City of West Covina is located to the east.

The submitted site plan (Exhibit "A") depicts an existing one acre motel site. The proposed monopole is located in the northwest corner of the project site. The overall height of the monopole is 80 feet and contains 2 sectors with 10 panel antennas. The site plan also depicts a 10' x 20' prefabricated equipment shelter. The site is enclosed by a 6-foot high chain link fence.

CONDITIONAL USE PERMIT CASE NO. 95-108-(1)

3

The site takes access from Azusa Avenue to the east.

A site visit by staff indicates that the project vicinity is bordered by heavy commercial usage. The surrounding area contains some residential and church dwellings. Overall, the heights of the neighboring structures, light poles, and parking lots should provide a proper blend for the proposed personal communication facility.

Staff concluded no adverse visual impacts would be posed by the project.

Any further opposition and/or concerns regarding the project will be ameliorated by the project representative.

The project has been granted a Negative Declaration under CEQA reporting requirements.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- 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. That, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. That, 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;
- F. Establishment of the communication facility at such location is in the interest of public health, safety and general welfare and in conformity with good zoning practice;

CONDITIONAL USE PERMIT CASE NO. 95-108-(1)

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

HEARING OFFICER ACTION:

1. I approve the Negative Declaration for the project, certify that I have reviewed and considered the environmental information contained in the initial study for the proposed project, and determine that the proposed project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 95-108-(1) is APPROVED.

BY: 

 JOHN SCHWARZE, HEARING OFFICER
 Department of Regional Planning
 County of Los Angeles

Date: 2/1/96

DCC:CQT:cqt

Attachment:
Affidavit

c: Each Commissioner; Zoning Enforcement; Building and Safety;

: z=

CONDITIONAL USE PERMIT NO. 95-108-(1)

CONDITIONS
PAGE 1 of 3

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 65907. 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 expense involved in the department's cooperation in the defense, including but not limited to, deposition, 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 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 permittee according to Los Angeles County Code Section 2.170.010.

CONDITIONAL USE PERMIT NO. 95-108-(1)

CONDITIONS
PAGE 2 of 3

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 January 30, 2016.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.

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. 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 \$1,000. 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 ten 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,

9. This grant allows the development, operation and maintenance of a cellular communications facility, including a monopole with appurtenant antennas, and an equipment shelter subject to the following restrictions as to use:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said monopole shall not exceed 80 feet in height.
 - c. Said facilities shall be removed if in disuse for more than six (6) months.

CONDITIONAL USE PERMIT NO. 95-108-(1)

CONDITIONS
PAGE 3 of 3

- d. The installation of the facilities and equipment authorized by this grant shall not be construed to preclude the installation of additional communication facilities and equipment at this location, by the applicant or by others, subject to the approval of a separate conditional use permit.
10. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
11. 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.
12. 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 may be required by said Department.
13. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
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 business 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, 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.



Please complete this form and return to:
The Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

ACCEPTANCE FORM

STATE OF CALIFORNIA }SS
COUNTY OF LOS ANGELES

Regarding: CONDITIONAL USE PERMIT NO. 95108 - (1)

I/We the undersigned state:

I am/We are the owner of the real property described in the above-numbered case and the permittee in said case; I am /We are aware of, and accept, all the stated conditions in said grant.

I/We have enclosed a check in the amount of \$1,000.00 payable to the County of Los Angeles as required by the conditions of approval to ensure regular inspections for compliance; I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this 5th day of March, 19 96

I/We declare under the penalty of perjury that the foregoing is true and correct.

(Where the owner and permittee are not the same both must sign.)

Type or Print

Applicant Name Netel Communications, Inc.
Address 624 S. Grand Ave., Suite 900
City, State Los Angeles, CA 90017
Signature [Handwritten Signature]

This signature must be acknowledged by a notary public. Attach appropriate acknowledgements.

Owner Name Robert M. Kartz
Address 3681 Seaside Drive
City, State Huntington Beach, CA 92649
Signature Robert M. Kartz

*** ACTIVITY REPORT ***

RECEPTION OK

TX/RX NO. 7644

CONNECTION TEL

CONNECTION ID

START TIME 10/28 07:50

USAGE TIME 06'53

PAGES 19

RESULT OK



Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT NO. 2006-02131-(1)

CONDITIONAL USE PERMIT CASE NO. 200600162

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM	H/
PUBLIC HEARING DATE	April 3 rd , 2007

APPLICANT Royal Street LLC	OWNER Robert Kaitz	REPRESENTATIVE Maree Hoeger
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REQUEST
Conditional Use Permit: To construct operate and maintain a wireless telecommunications facility consisting of the co-location of six panel antennas and one GPS antenna onto an existing 81' monopole. The facility will also consist of four ground mounted equipment cabinets.

LOCATION/ADDRESS 509 N. Azusa Ave. La Puente, CA 91744	ZONED DISTRICT Puente
ACCESS Wing Lane and Temple Ave	COMMUNITY Valinda
SIZE 200 square feet	EXISTING ZONING CPD (Commercial Planned Development Zone)
EXISTING LAND USE Roofing Company/ WTF	SHAPE Rectangular
	TOPOGRAPHY Level

SURROUNDING LAND USES & ZONING	
North: Multi Unit Retail (CPD)	East: Church (A-1-5)
South: Single Family Residences (A-1-6,000)	West: Single Family Residences (A-1-6,000)

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	Low Density Residential	1-6 du/acre	See Staff Analysis
Community	N/A	N/A	See Staff Analysis

ENVIRONMENTAL STATUS
 Categorically Exempt (Class 1 – Existing Facility)

DESCRIPTION OF SITE PLAN
 The site plan depicts an existing 81' monopole with 24 existing panel antennas attached. An existing 19'-0" x 10'-0" Nextel equipment shelter is located at the base of the monopole. Six proposed panel antennas are located on the monopole at a height of 58'-0". A 12'-0" X 18'-0" equipment area enclosed by a 7'-0" tall chain link fence containing (4) 3'-0" X 2'-8" equipment cabinets to be mounted to a 6'-0" concrete pad. A 2'-8" tall GPS antenna is attached to an equipment cabinet within the leased area.

KEY ISSUES

- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor

1. This grant authorizes the use of the subject property for the construction, operation, and maintenance of wireless telecommunications facility that will be co-located on an existing 81' monopole, as depicted on the approved Exhibit "A". This grant is 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. Construction and maintenance of the facility shall take place between the hours of 9:00 AM to 5:00 PM, Monday through Friday only;
 - c. Said facility shall be removed if in disuse for more than six consecutive months;
 - d. 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;
 - e. All structures shall conform with the requirements of the Building and Safety Division of the Department of Public Works;
 - f. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times;
 - g. 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;
 - h. 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;
 - 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;
 - 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;
 - k. Security lighting, if required, shall be on motion sensors, be of low intensity, and be directed away from residential areas. No pole-mounted lighting shall be permitted on

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. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. **This grant will terminate on April 3rd, 2017**, 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 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.
16. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of an Exhibit "A", similar to that presented at the public hearing that depicts all required or proposed project changes, including the oak tree located closest to the project site and associated canopy and five foot protected zone. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.