



City of Santa Fe Springs

Planning Commission Meeting

AGENDA

REGULAR MEETING PLANNING COMMISSION CITY HALL COUNCIL CHAMBERS

**September 8, 2014
4:30 P.M.**

**Susie Johnston, Chairperson
Michael Madrigal, Vice Chairperson
Louie González, Commissioner
Frank Ybarra, Commissioner
Joe Angel Zamora, Commissioner**

Public Comment: The public is encouraged to address the Commission on any matter listed on the agenda or on any other matter within its jurisdiction. If you wish to address the Commission, please complete the card that is provided at the rear entrance to the Council Chambers and hand the card to the Secretary or a member of staff. The Commission will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. The Commission will hear public comment on matters not listed on the agenda during the Oral Communications period.

Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda or unless certain emergency or special circumstances exist. The Commission may direct staff to investigate and/or schedule certain matters for consideration at a future Commission meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Please Note: Staff reports are available for inspection in the Planning & Development Department, City Hall, 11710 E. Telegraph Road, during regular business hours 7:30 a.m. – 5:30 p.m., Monday – Friday (closed every other Friday) Telephone (562) 868-0511.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Commissioners González, Johnston, Madrigal, Ybarra, and Zamora.

4. **ORAL COMMUNICATIONS**

This is the time for public comment on any matter that is not on today's agenda. Anyone wishing to speak on an agenda item is asked to please comment at the time the item is considered by the Planning Commission.

5. **MINUTES**

Approval of the minutes of the August 11, 2014 Regular Planning Commission Meeting.

6. **PUBLIC HEARING (Continued from August 11, 2014 Planning Commission Meeting)**
Conditional Use Permit Case No. 750

A request to allow the construction and operation of a new 50-foot tall digital billboard with display area of 14'x48' on property located at 13711 Freeway Drive (APN: 8069-015-055), zoned M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone. (Bulletin Displays, LLC).

Zone Variance Case No. 76

A request for a reduction of the 5-acre minimum size requirement as set forth in Section 155.384 (H)(7) of the Zoning Regulations for properties with a digital billboard and specifically for the property located at 13711 Freeway Drive (APN: 8069-015-055), zoned M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone. (Bulletin Displays, LLC).

7. **PUBLIC HEARING**

Conditional Use Permit Case No. 694-5

Request for an amendment of Conditional Use Permit (CUP) Case No. 694 to allow various changes to the original development plans for the development of a new 50-unit residential condominium project on a 2.67+/- acre property located at 9830 Jersey Avenue (APN: 8005-002-059), 9841 Alburtis Avenue (APN: 8005-002-016) and 9851 Alburtis Avenue (APN: 8005-002-058), in the R-3 PD, Multiple-Family Residential – Planned Development, Zone. (Astani Enterprises)

8. **UNFINISHED BUSINESS**

Conditional Use Permit Case No. 757

A request for approval to allow the establishment, operation and maintenance of a temporary wireless telecommunications facility and related equipment on property located at 10805 Orr and Day Road (APN: 8017-001-035), within the C-4, Community Commercial, Zone. (Coastal Business Group for AT&T Mobility)

Modification Permit Case No. 1245

A request to allow the proposed temporary wireless facility to be designed in a manner that is deem not stealth, as per required by the Wireless Telecommunication Antennas Guidelines.

9.

CONSENT AGENDA

Consent Agenda items are considered routine matters which may be enacted by one motion and roll call vote. Any item may be removed from the Consent Agenda and considered separately by the Planning Commission.

A. CONSENT AGENDA

Conditional Use Permit Case No. 184-11

A request to amend condition #6 within the existing conditions for Conditional Use Permit Case No. 184 that allows an asphalt and concrete crushing operation and an open storage yard use at 11927 Greenstone Avenue, in the M-2, Heavy Manufacturing, Zone, and within the Consolidated Redevelopment Project Area. (Dan Copp Paving, Inc.)

10.

ANNOUNCEMENTS

- ♦ Commissioners
- ♦ Staff

11.

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda has been posted at the following locations; 1) City Hall, 11710 Telegraph Road; 2) City Library, 11700 Telegraph Road; and 3) Town Center Plaza (Kiosk), 11740 Telegraph Road, not less than 72 hours prior to the meeting.

Teresa Cavallo

Commission Secretary

September 5, 2014

Date

**MINUTES
REGULAR MEETING
SANTA FE SPRINGS PLANNING COMMISSION
August 11, 2014**

1. CALL TO ORDER

Chairperson Johnston called the meeting to order at 4:33 p.m.

2. PLEDGE OF ALLEGIANCE

Chairperson Johnston led the Pledge of Allegiance.

3. ROLL CALL

Present: Commissioner Ybarra
Commissioner Zamora
Vice Chairperson Madrigal
Chairperson Johnston

Staff: Wayne Morrell, Director of Planning
Steve Skolnik, City Attorney
Cuong Nguyen, Senior Planner
Kristi Rojas, Planning Consultant
Gurdeep Kaur, Planning Intern
Luis Collazo, Code Enforcement Officer
Teresa Cavallo, Planning Secretary

Absent: Commissioner González

4. ORAL COMMUNICATIONS

Oral Communications were opened at 4:34 p.m. There being no one wishing to speak, Oral Communications were closed at 4:34 p.m.

5. APPROVAL OF MINUTES

Minutes of the July 14, 2014 Planning Commission Meeting

Vice Chairperson Madrigal moved to approve the minutes of the July 14, 2014 meeting; Commissioner Ybarra seconded the motion. The minutes were unanimously approved and filed as submitted.

11. CONSENT AGENDA

Consent Agenda items are considered routine matters which may be enacted by one motion and roll call vote. Any item may be removed from the Consent Agenda and considered separately by the Planning Commission.

A. CONSENT AGENDA

Alcohol Sales Conditional Use Permit Case No. 27

Compliance review of Alcohol Sales Conditional Use Permit Case No. 27-2 to allow the continued sales and serving of alcoholic beverages for onsite consumption at a family restaurant known as Taco Town located 10941 Norwalk Boulevard within the C-4, Community Commercial, Zone. (Isela Rivero - Owner)

B. CONSENT AGENDA

Alcohol Sales Conditional Use Permit Case No. 33

Compliance review of Alcohol Sales Conditional Use Permit Case No. 33 to allow the continued maintenance and operation an alcoholic beverage sales use for off-site consumption by Target located at 10621 Carmenita Road and within the Gateway Plaza shopping center. (Target Corporation)

C. CONSENT AGENDA

Alcohol Sales Conditional Use Permit Case No. 44

Compliance review for Alcohol Sales Conditional Use Permit Case No. 44 to allow the continued operation and maintenance of an alcoholic beverage use permit involving the storage and wholesale distribution of alcoholic beverages involving Von's Distribution Center located at 12801 Excelsior Drive, in the M-2, Heavy Manufacturing Zone and within the Consolidated Redevelopment Project area. (Safeway, Inc.)

D. CONSENT AGENDA

Conditional Use Permit Case No. 559-3

A compliance review of a use involving the manufacturing, storage and distribution of sodium hypochlorite at 9028 Dice Road, in the M-2, Heavy Manufacturing-Buffer, Zone and within the Consolidated Redevelopment Project Area. (KIK Custom Products)

E. CONSENT AGENDA

Conditional Use Permit Case No. 669-1

A compliance review of a public safety training center located at 11401 Shoemaker Avenue, in the M-2-BP, Heavy Manufacturing-Buffer Parking, and Zone and within the Consolidated Redevelopment Project Area. (Rio Hondo College)

At staff's request Consent Agenda items were presented to be heard first.

City Attorney Steve Skolnik asked the Planning Commissioners if they required a presentation or if the staff reports were sufficient.

With no one requesting a presentation, Chairperson Johnston requested a motion.

Commissioner Ybarra moved to approve Item No. 17A – E; Commissioner Zamora seconded the motion, which unanimously passed.

6. PUBLIC HEARING – Continued from July 14, 2014 Planning Commission Meeting
CONDITIONAL USE PERMIT Case No. 750 and Environmental Documents (Mitigated Negative Declaration/Initial Study)

A request to allow the construction and operation of a new 50-foot tall digital billboard with display area of 14'x48' on property located at 13711 Freeway Drive (APN: 8069-015-055), zoned FOZ, Freeway Overlay Zone. (Bulletin Displays, LLC).

PUBLIC HEARING – Continued from July 14, 2014 Planning Commission Meeting
ZONE VARIANCE Case No. 76

A request to allow a reduction of the 5-acre minimum size requirement as set forth in Section 155.384 (H)(7) of our zoning regulations for property's with a digital billboard and specifically for property located at 13711 Freeway Drive (APN: 8069-015-055), zoned FOZ, Freeway Overlay Zone. (Bulletin Displays, LLC).

City Attorney Steve Skolnik indicated that Item No. 6 has been noticed for a Public Hearing, and the applicant is requesting this matter be continued to the next regularly scheduled Planning Commission meeting.

Chairperson Johnston requested a motion to continue this matter to the next regular Planning Commission meeting scheduled for September 8, 2014.

Vice Chairperson Madrigal moved to continue Item No. 6; Commissioner Zamora seconded the matter, which was approved unanimously.

7. PUBLIC HEARING

Revocation of Alcohol Sales Conditional Use Permit Case No. 49

Revocation of Alcohol Sales Conditional Use Permit Case No. 49, which granted approval to allow the operation and maintenance of a warehouse use involving the storage of alcoholic beverages at RPM located at 13225 Marquardt Avenue, within the M-2, Heavy Manufacturing Zone. (City of Santa Fe Springs)

Chairperson Johnston opened the Public Hearing at 4:36 p.m. after the presentation of Item No. 7 by Code Enforcement Officer Luis Collazo.

Vice Chairperson Madrigal inquired about the ASCUP being transferrable or possibly reinstated.

City Attorney Steve Skolnik stated that once a ASCUP is revoked, it is nontransferable, and the applicant would have to begin the ASCUP process from the beginning.

Having no further questions or comments, Chairperson Johnston closed the Public Hearing at 4:39 p.m. and requested a motion.

Commissioner Ybarra moved to revoke ASCUP Case No. 49; Commissioner Zamora seconded the motion, which unanimously passed.

8. PUBLIC HEARING

Conditional Use Permit Case No. 748 and Environmental Documents (Mitigated Negative Declaration/Initial Study)

A request to allow the establishment, operation and maintenance of a new parcel delivery service / ground distribution facility use on the subject 15.74-acre property located at 11688 Greenstone Avenue (APN: 8026-018-022). The subject site is dual zoned; the first 340± ft. off Shoemaker Avenue is zoned M-1, Light Manufacturing with the remaining portion zoned M-2, Heavy Manufacturing. The site is also located within a Methane Zone. (Pancal 11525 Shoemaker LLC)

Chairperson Johnston opened the Public Hearing at 4:39 p.m. for Item No. 8. Senior Planner Cuong Nguyen presented Item No. 8 before the Planning Commission.

Present in the audience on behalf of the applicant were: Mark Payne, Partner with Panattoni Development Company; Barbara Levine, Senior Regional Manager for LAEDC; Samuel Ravelo, Jr., Senior Manager for FedEx Ground Package System, Inc.; Jennifer Nicholson, Senior Real Estate Project Specialist, FedEx Ground Package System, Inc.

Vice Chairperson Madrigal requested confirmation that FedEx vehicle access would only be along Greenstone Avenue. Senior Planner Cuong Nguyen confirmed that access to and from Shoemaker is prohibited and such restriction is a mitigation measure within the environmental

document.

Commissioner Ybarra inquired about the Terminal Access Route (TAR) along Florence Avenue and if drivers and/or contractors can use other street access. Senior Planner Cuong Nguyen indicated that STAA trucks are restricted to this route and if found off this route the vehicle code allows for them to be cited.

Senior Planner Cuong Nguyen stated that the Terminal Access Route is subject to Caltrans approval and that STAA trucks are specifically required to stay on the Terminal Access Route. If a FedEx vehicle is not a STAA truck, it would not be limited to the TAR.

Vice Chairperson Madrigal asked if this was going to be a bigger terminal in the area and if they anticipated hiring new employees. Senior Planner Cuong Nguyen responded that this terminal is a consolidation of 2 facilities in the surrounding area and FedEx intends to transfer current employees from those facilities, as well as, hire new employees for this terminal.

Commissioner Ybarra inquired about trucks traveling during business hours.

FedEx Representative Sam Ravelo addressed the Planning Commissioners by responding that they have no outside carriers. All drivers are contracted FedEx drivers. Mr. Ravelo also indicated that the busiest truck travel time is between 4:00 p.m. – 3:00 a.m. and that FedEx looks for the quickest route to come into and out of the City, but does abide with all traffic regulations.

FedEx Representative Jennifer Nicholson also indicated that this terminal would be a consolidation of two operations that are currently located in the City of Whittier and the City of Industry. These two terminals combined currently have 200 employees and about 70% of these employees may transfer to the new terminal.

As this time the following concerned citizens addressed the Planning Commission:

Sylvia Vetrone stated that she was concerned with the route since the trucks that travel along Florence Avenue causes the homes to shake as they drive by.

Terry Rutkas stated that when his parents bought this home there was not a lot of traffic in those days, but now pictures rattle, and mirrors shake with each passing truck. Mr. Rutkas would appreciate it if the City can divert some traffic away from Florence Avenue or possibly engineer the intersection of Florence Avenue and Orr and Day Road better.

Public Works Director Noe Negrete addressed Mr. Rutkas' concerns and indicated that the City receives numerous complaints regarding the pavers, but stated that the pavers are only temporary and will be removed in a few years.

Mary Payne, Partner for Panattoni Development Company, Inc., stated that FedEx anticipates hosting a job fair upon the opening of this facility and that FedEx was making a fifteen (15) year commitment with renewal options. Mr. Payne thanked staff for all of their assistance throughout the process.

Vice Chairperson Madrigal stated that he understands residents' concerns regarding traffic issues with the I-5 expansion and the residents' request for alternate routes.

A discussion followed regarding the proposed operating hours at this FedEx terminal.

Mark Payne also stated that FedEx double trailer trucks are already driving within Santa Fe Springs and any truck without a sleeper cab likely may travel on any route; however, when a truck has a sleeper cab, which consists of approximately 3 more feet, it would likely be considered a STAA truck and, thus, must travel on a designated TAR which requires approvals from Caltrans and the City.

Barbara Levine, Senior Regional Manager for LAEDC, addressed the Planning Commission and stated that she has been working with the Planning Department, FedEx, and Panattoni on this project. Ms. Levine indicated that the proposed building is a wonderful LEED certified building and that FedEx relocating into the City will be bringing in 400 new jobs into the City of Santa Fe Springs.

Having no further questions, Chairperson Johnston closed the Public Hearing at 5:17 p.m. and requested a motion to approve Item No. 8.

City Attorney Steve Skolnik requested a roll call vote which passed with the following vote:

In favor: Commissioner Zamora, Commissioner Ybarra, Vice Chairperson Madrigal and Chairperson Johnston

Opposed: None

9. PUBLIC HEARING

Conditional Use Permit Case No. 756

A request to allow the operation and maintenance of a service station and convenience market on property located at 11651 Telegraph Road (APN: 8005-002-045), within the ML-D (Limited Manufacturing Administration and Research - Design) Zone. (Telegraph 76 Station)

Development Plan Approval No. 882

A request to allow construction of a 2,496 sq. ft. convenience food mart building and a 3,458 sq. ft. fueling canopy. (Telegraph 76 Station)

Modification Case No. 1242

A request to allow for the reduction in required landscape area from 7,250 sq. ft. to 1,471 sq. ft., reduction in number of required parking spaces from 11 parking spaces to 6 during fuel delivery operations, and to allow a 4'-2" canopy projection beyond the 30' building setback along Alburdis Avenue. (Telegraph 76 Station)

Chairperson Johnston opened the Public Hearing for Item No. 9 at 5:18 p.m. Planning Consultant Kristi Rojas presented Item No. 9 before the Planning Commission. Present in the audience on behalf of the applicant was Leon Felus, Architect, and Faael El Shahawai, owner.

Vice Chairperson Madrigal inquired about the truck route indicated in the site plan. Planning Consultant Kristi Rojas indicated that truck route is to be used for fuel trucks and delivery trucks only.

Commissioner Ybarra asked if an air and water station was being provided. Architect Leon Felus stated that as a requirement by state law an air and water station is being installed.

Vice Chairperson Madrigal inquired as to when the project is anticipated to start and/or finish.

Planning Consultant Kristi Rojas indicated that the property is made of two lots which still need to be merged before commencing the project. Also, Architect Leon Felus indicated that it is their intent to submit to the Building Department within 2-3 weeks for plan check review and hopefully, begin construction the first of the year.

Vice Chairperson Madrigal also inquired about the tanks being removed and the buildings demolished. Architect Leon Felus stated that the tanks will be removed and the entire area is being scraped prior to construction.

Commissioner Ybarra stated that he is glad to see a new building being built in that area.

Having no further questions, Chairperson Johnston closed the Public Hearing at 5:32 p.m. and requested a motion.

Vice Chairperson Madrigal moved to approve Item No. 9; Commissioner Ybarra seconded the motion, which passed unanimously.

10. PUBLIC HEARING

Conditional Use Permit Case No. 757

A request for approval to allow the establishment, operation and maintenance of a temporary wireless telecommunications facility and related equipment on property located at 10821 Orr and Day Road (APN: 8017-001-038), within the C-4, Community Commercial, Zone. (Connell Design Group LLC for AT&T Mobility)

Modification Permit Case No. 1245

A request to allow the proposed temporary wireless facility to be designed in a manner that is deem not stealth, as per required in the Wireless Telecommunication Antennas Guidelines. (Connell Design Group LLC for AT&T Mobility)

Chairperson Johnston opened the Public Hearing for Item No. 10 at 5:33 p.m. Planning Consultant Kristi Rojas presented Item No. 10 before the Planning Commission. Present in the audience on behalf of AT&T Mobility was Representative Brittany Pell.

Commissioner Ybarra commented that although the temporary cell tower is ugly and that it is only going to be there for two years, it would not be as ugly as all the construction that will be going on in that area and probably wouldn't even notice it.

Vice Chairperson Madrigal inquired if a stealth monopole was even considered. Planning Consultant Kristi Rojas indicated that the temporary cell tower was being installed with a temporary foundation and that a stealth monopole would need to be installed on a permanent foundation which would not be cost effective since it's for only two years.

As this time the following concerned citizens addressed the Planning Commission:

Sylvia Vetrone stated that she would appreciate if the Planning Commission would consider requiring the applicant to move the cell tower to another location since it is such an eyesore.

Terry Rutkas inquired if a permanent site has been located or if the concrete block on that site is the new location. Director of Planning Wayne Morrell, indicated that this location is only temporary and that a permanent location is not yet known.

Director of Public Works Noe Negrete also addressed Mr. Rutkas concerns regarding the concrete block. He indicated that the concrete block is an Edison footing for a new Edison transmission pole and that Caltrans has taken over the parcels in that area and has forced the relocation of these poles. Mr. Negrete also indicated that the City has also removed the City's banner poles in anticipation of the I-5 freeway widening.

AT&T Representative Brittany Pell, indicated that AT&T is currently working on a permanent location but the design submitted for the temporary location is the fastest option without disruption of services.

City Attorney Steve Skolnik indicated that removal of the temporary cell tower is likely dependent upon the design and approval of a permanent facility.

Ms. Pell further indicated that this temporary location was chosen as to not compromise existing coverage.

Commissioner Ybarra inquired as to how far AT&T can move the temporary cell tower without compromising their coverage.

Ms. Pell indicated that due to other cell sites that need to be a certain distance from each other and the need for property/landlord approvals to allow for installation, this location was the best location to achieve the necessary coverage.

Ms. Vetrone readdressed the Planning Commission requesting further evidence to support this location since it did not make sense scientifically.

City Attorney Steve Skolnik responded by indicating that the City previously had the ability to tell carriers where and where not to go, but now that Federal Government has taken over that, and as a City we wish we could decide on this, but that it is not something we could unilaterally decide since Federal Government has taken that ability.

Planning Consultant Kristi Rojas requested that it be noted that Condition No. 11 of the Conditions of Approval be changed to include the following, "...within two years of the approval date *from the issuance of building permits.*"

Vice Chairperson Madrigal stated that it puzzles him with the advancement of technology and that within 300 yards of that site there is so much open area to locate this temporary cell tower that this location was the only option. Mr. Madrigal further stated that if the Federal Government has that much jurisdiction over this then why bring this matter before the Planning Commission to decide.

Commissioner Zamora also agreed with Vice Chairperson Madrigal that if the Federal Government has that much jurisdiction over this matter then why bring this matter before the Planning Commission to decide.

City Attorney Steve Skolnik indicated that the Planning Commission and the City has very limited jurisdiction and it is up to you (the Planning Commission) to do what you want to do with this matter.

Commissioner Zamora requested to table this matter for a future Planning Commission meeting.

City Attorney Steve Skolnik explained what tabling the matter would entail.

Director of Planning Wayne Morrell wanted the Planning Commissioners to take into consideration that the applicant needs to get the property owners to agree on placement of the cell tower and the telecommunication engineers need to agree on the location well which will take time.

Director of Public Works Noe Negrete also wanted the Planning Commissioners to consider that the further this matter is prolonged, the further it prolongs Caltrans from demolishing the buildings in that area and that this location is only a temporary location.

Vice Chairperson Madrigal inquired if Caltrans was scheduled to knock down any of those buildings before the next Planning Commission.

Director of Public Works Noe Negrete indicated that the same situation occurred in the City of Norwalk but that consideration has to be taken that Caltrans can't move forward with demolition, or contracts may expire, if this matter isn't decided upon. Mr. Negrete also stated that Caltrans will be getting rid of this site and will most likely sell within 3-4 years.

Senior Planner Cuong Nguyen stated that when he was employed with the City of Downey he recalls that property located within the City of Downey (west of the freeway) is part of a specific plan and thus may not be zoned for a telecommunication facility.

Having no further questions or comments, Chairperson Johnston closed the Public Hearing at 5:50 p.m. and requested a motion in this matter.

Vice Chairperson Madrigal moved to continue this matter to the September 8, 2014, Planning Commission meeting to include an alternate location; Commissioner Zamora seconded the motion which did not pass by the following vote:

In favor: Commissioner Zamora and Vice Chairperson Madrigal
Opposed: Commissioner Ybarra and Chairperson Johnston

Commissioner Ybarra moved to deny CUP Case No. 757 and MOD Case No. 1245;
Commissioner Zamora seconded the motion which passed with the following vote:

In favor: Commissioner Zamora, Commissioner Ybarra, and Vice Chairperson Madrigal
Opposed: Chairperson Johnston

City Attorney Steve Skolnik explained to AT&T Representative Brittany Pell that she may appeal to City Council on this matter and instructed staff to explain the appeal process to Ms. Pell outside the Council Chambers.

12. ANNOUNCEMENTS

- ♦ Commissioners
None.
- ♦ Staff
None.

13. ADJOURNMENT

Chairperson Johnston adjourned the meeting at 6:07 p.m.

Chairperson Johnston

ATTEST:

Teresa Cavallo, Planning Secretary



PUBLIC HEARING (Continued from August 11, 2014 Planning Commission Meeting)

Conditional Use Permit Case No. 750

A request to allow the construction and operation of a new 50-foot tall digital billboard with display area of 14'x48' on property located at 13711 Freeway Drive (APN: 8069-015-055), zoned M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone. (Bulletin Displays, LLC).

Zone Variance Case No. 76

A request for a reduction of the 5-acre minimum size requirement as set forth in Section 155.384 (H)(7) of the Zoning Regulations for properties with a digital billboard and specifically for the property located at 13711 Freeway Drive (APN: 8069-015-055), zoned M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone. (Bulletin Displays, LLC).

RECOMMENDATION

Staff is recommending a continuance of Conditional Use Permit Case No. 750 and Zone Variance Case No. 76 to the next regularly held Planning Commission meeting on October 13, 2014.

BACKGROUND/DESCRIPTION OF PROPOSAL

On July 14, 2014, at the applicant's request, the Planning Commission opened and continued the subject CUP and ZV to the August 11th Planning Commission meeting. In August, the applicant requested a further continuance to allow additional time to work with staff and obtain consensus on the conditions of approval and also finalize the Development Agreement associated with the proposed digital billboard.

Unfortunately, neither items are considered resolved at this time. The applicant is, therefore, requesting a continuance to the next regularly held Planning Commission meeting on October 13, 2014.

A handwritten signature in blue ink that reads "Wayne M. Morrell".

Wayne M. Morrell
Director of Planning

Attachment

1. Continuance Letter from Applicant

Letter from Applicant

BULLETIN DISPLAYS, LLC

"CREATIVE OUTDOOR ADVERTISING"

3127 E. South Street, Ste. B
Long Beach, CA 90805
(310) BULLETIN [285-5384]
(562) 470-6680 * Fax (562) 470-6686

August 29, 2014

Mr. Wayne Morrell
Planning Director

Mr. Cuong Nguyen
Planner

City of Santa Fe Springs
Telegraph Road
Santa Fe Springs, CA

Dear Wayne and Cuong,

I am requesting that my case CUP 760 & ZV 76 (Gilbert Blank LLC) being heard before the Planning Commission in September be continued until the October meeting.

There are three reasons for Bulletin Displays requesting this continuance. Although we have discussed the terms of the Development Agreement with Staff, Bulletin Displays has not received a formal copy of the Development Agreement from the city. It is our belief that the Development Agreement, CUP 760 and ZV 76 should run simultaneously through the Planning Commission and City Council.

Secondly, Bulletin Displays is working with Staff to amend the language in the Conditions of Approval provide by the city. We believe that this will be achieved prior to the next meeting.

Lastly, Staff has requested a survey and letter from Bulletin Displays showing the size of the property prior to the taking by Cal Trans.

Thank you for your understanding, we look forward to meeting with you in the near future.

Thank you



Andy Goodman
Vice President Real Estate
Bulletin Display

bulletindisplays.com



PUBLIC HEARING

Conditional Use Permit Case No. 694-5

Request for an amendment of Conditional Use Permit (CUP) Case No. 694 to allow various changes to the original development plans for the development of a new 50-unit residential condominium project on a 2.67+/- acre property located at 9830 Jersey Avenue (APN: 8005-002-059), 9841 Alburdis Avenue (APN: 8005-002-016) and 9851 Alburdis Avenue (APN: 8005-002-058), in the R-3 PD, Multiple-Family Residential – Planned Development, Zone. (Astani Enterprises)

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

1. Find that the requested amendment of CUP Case No. 694 (CUP 694-5), will be consistent with the purpose, intent, goals and policies set forth in the City's General Plan.
2. Find that the proposed changes to the development plans is within the scope of the Initial Study/Mitigated Negative Declaration which was prepared for the original 50-unit residential condominium project and that no new significant adverse effects on the environment are expected thus no new mitigation measures or environmental document would be required.
3. Find that the requested amendment of CUP Case No. 694 (CUP 694-5), will still satisfy the intent and purpose of the PD, Planned Development Overlay Zone District, as set forth in Section 155.325 et seq. of the Zoning Regulations.
4. Approve the requested amendment of CUP Case No. 694 (CUP 694-5), subject to the conditions of approval as contained within the original approval letter dated October 29, 2009, with the exception of condition #42, which has been eliminated.

BACKGROUND

On October 26, 2009, the Planning Commission approved CUP Case No. 694 to allow a planned development of a new 50-unit residential condominium project on a 2.67± acres site located at 9830 Jersey Avenue (APN: 8005-002-059), 9841 Alburdis Avenue (APN: 8005-002-016) and 9851 Alburdis Avenue (APN: 8005-002-058).

Due the challenging economic conditions and a downturn in the housing market, the applicant decided to delay construction of the 50-unit residential condominium project. The Planning Commission and City Council have both approved several time extensions to ensure the CUP did not become null and void and, thus, allow the applicant to sell the land to a potential developer along with existing and valid entitlements.

Several potential developers have been interested in the development, but thus far an agreement has not been reached. The applicant is currently working with an experienced housing developer; however, the interested developer wants to make a few changes to the previously approved development plans. Since the plans were originally approved through a Conditional Use Permit, any changes to the plans must be approved by the Planning Commission.

REQUEST

The applicant is, therefore, requesting that the Commission review and approved various changes to the original development plans for the 50-unit residential condominium project. Specifically, the applicant is requesting approval for the following changes:

1. Building #9: 3-plex revised to be a 5-plex.
2. Building #7: 4-plex to be a 3-plex.
3. Relocation of four (4) compact parking stalls and a trash enclosure from the north side of the project access road (closet to Alburdis) to the area adjacent to Unit 27.
4. Relocation of one (1) parking stall in front of the Pool Building to a gang of 5 parking stalls adjacent to Unit 27.
5. Square footage increase to Townhome Plan 3 & 4. The added square footage is created by eliminating the exterior half-level walk up and replacing a portion of that area with enclosed habitable spaced accessed from adjacent grade. Further, the previously uncovered exterior walk-up patio is replaced with a covered porch to invite greater functionality.
6. Elimination of non-code compliant spa amenity.
7. Redesign of Pool Building to provide needed extra pool deck area for resident use.

NOTE: Net dwelling unit (DU) count remains the same at fifty (50) DU's. Additionally, net guest parking count remains the same at nineteen (19) spaces, and setbacks to conditioned spaces from Jersey and Alburdis property lines remain unchanged.

To summarize, the main changes include: removal of the walk up entrance for homes along Jersey Avenue and Alburdis Avenue, re-locating an existing condo unit that was previously placed over an abandoned well, removal of a non-code compliant spa amenity, and increase square footage to Townhome Plan 3 & 4.

And as previously indicated, the Commission should note that there is no net change to the number of dwelling units, the number of available guest parking stalls, and the existing setbacks to conditioned spaces along Jersey Avenue and Alburdis Avenue.

STAFF CONSIDERATIONS

After careful review of the proposed changes, it is staff's opinion that with the changes, the project would still be substantially similar to the previously-approved development plans and, thus, will still satisfy the intent and purpose of the PD, Planned Development Zone (as set forth in Section 155.325 et seq. of the Zoning Regulations). Staff is, therefore, recommending that the Planning Commission approve the requested changes, subject to the conditions of approval as stated below.

CONDITIONS OF APPROVAL

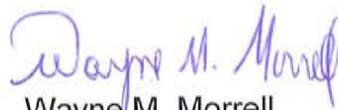
PLANNING AND DEVELOPMENT DEPARTMENT: **(Contact: Cuong Nguyen 562.868.0511 x 7359)**

1. That with the exception to condition #42, which is being eliminated, the applicant shall continue to adhere to the conditions of approval as contained within the original approval letter dated October 29, 2009, with the exception of condition #42, which has been eliminated.

Condition #42 was worded as follows:

That a minimum of two (2) of the fifty (50) residential condominium units shall be offered to the City's Community Development Commission for purchase, which will then be resold under the City's Housing Acquisition and Rehabilitation Program for Low/Mod income first-time homebuyers.

2. It is hereby declared to be the intent that if any provision of this Conditional Use Permit is violated or held to be invalid, or if any law, statute or ordinance is violated, the Conditional Use Permit shall be void and the privileges granted hereunder shall lapse.


Wayne M. Morrell
Director of Planning

Attachments:

1. Copy of Amendment Request by Applicant
2. Proposed Site Plan
3. Typical Elevations along Jersey and Albutis
4. Copy of Original Staff Report dated October 26, 2009
5. Copy of approval letter dated October 29, 2009

Amendment Request by Applicant

**Keana Development, LLC
9595 Wilshire Blvd. Suite 1010
Beverly Hills, CA 90212**

August 18, 2014

Department of Planning and Development
11710 Telegraph Road
Santa Fe Springs, CA 90670

Re: CUP Case No. 694 Amendment Request

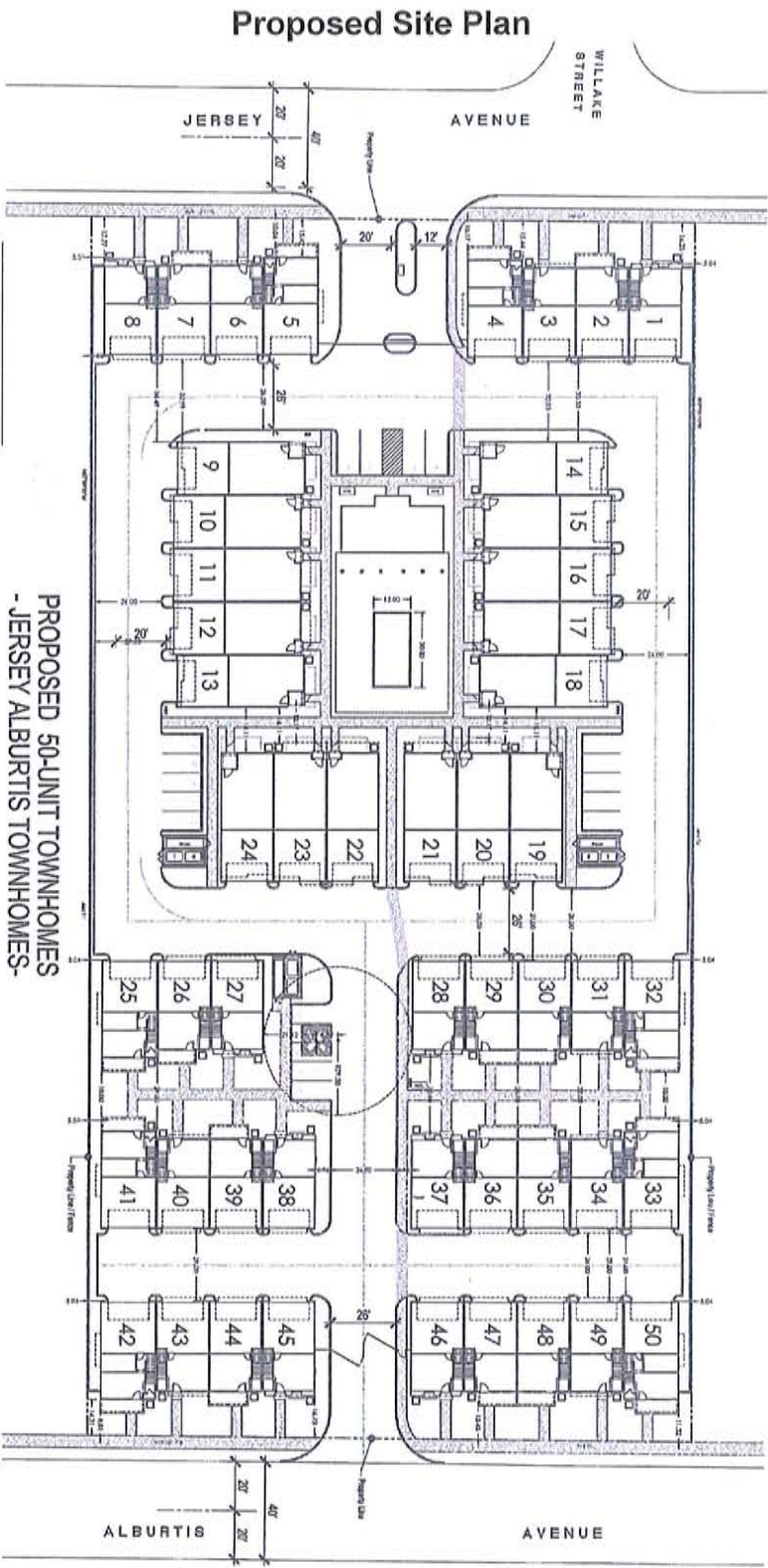
Dear Mr. Nguyen,

This letter is to request the following amendments to the approved CUP as follows:

1. Building Nine 3-plex revised to be a 5-plex.
2. Building Seven 4-plex revised to be a 3-plex. Net DU count remains the same at fifty (50) DU's.
3. Relocation of four (4) compact parking stalls and trash enclosure from north side of the project access road (closet to Albertis) to area adjacent to Unit 27.
4. Relocation of one (1) parking stall in front of Pool Building to gang of 5 parking stall adjacent of Unit 27. Net parking stall count remains the same at nineteen (19) spaces.
5. Square footage increase to Townhome Plan 3 & 4. Added square footage created by eliminating the exterior half-level walk up and replacing a portion of that area with enclosed habitable spaced accessed from adjacent grade. Further, the previously uncovered exterior walk-up patio is replaced with a covered porch to invite greater functionality. Setbacks to conditioned spaces from Jersey and Alburtis property lines remain unchanged.
6. Elimination of non-code-compliant Spa amenity.
7. Redesign of Pool building to provide needed extra pool deck area for resident use.

Respectfully Submitted,

Keana Development, LLC



Typical Elevations along Jersey and Alburdis



MASSING PERSPECTIVE



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION



FRONT ELEVATION



City of Santa Fe Springs

Planning Commission Meeting

October 26, 2009

NEW BUSINESS

PUBLIC HEARING

Conditional Use Permit Case No. 694

Request for approval to allow the planned development of a new 50-unit residential condominium project (totaling approximately 107,384 sq. ft.) on property located at 9830 Jersey Avenue (APN: 8005-002-059), 9841 Alburdis Avenue (APN: 8005-002-016) and 9851 Alburdis Avenue (APN: 8005-002-058), in the ML, Limited Manufacturing Administration and Research, Zone, within the Consolidated Redevelopment Project Area (Keana Development, LLC)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that Conditional Use Permit Case No. 694, upon approval of General Plan Amendment Case No. 23, will be consistent with the purpose, intent, goals and policies set forth in the City's General Plan and the Consolidated Redevelopment Project Area.
2. Approve and adopt the Initial Study/Mitigated Negative Declaration, based on the findings of the Initial Study, which indicates that, within the meaning as defined in the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project will not have a significant adverse effect on the environment because potentially significant impacts could be mitigated to less than significant levels.
3. Adopt the Mitigation and Monitoring and Reporting Program for the proposed project in order to mitigate or avoid significant effects on the environment, and that the Planning Commission attach the mitigation measures to the conditions of approval for Conditional Use Permit Case No. 694.
4. Find that Conditional Use Permit Case No. 694, because it also involves a Zone Change of the subject site from ML (Limited Manufacturing Administration and Research) to R-3-PD (Multi-Family Residential – Planned Development), does satisfy the intent and purpose of the PD, Planned Development Overlay Zone District, as set forth in Section 155.325 et seq of the Zoning Regulations.
5. Approve Conditional Use Permit Case No. 694 subject to the conditions of approval as contained within this report.
6. Find that Conditional Use Permit Case No. 694 shall not be effective until the City Council approves Zone Change Case No. 131, General Plan Amendment Case No. 23 and Vesting Tract Map Case No. 070726.

BACKGROUND

The subject site is made up of three separate parcels measuring approximately 2.67± acres and is located east of Jersey Avenue, north of Telegraph Road, and west of Alburdis Avenue at 9830 Jersey Avenue and 9841-51 Alburdis Avenue (APNs: 8005-002-059, 8005-002-016, 8005-002-058), in the ML (Limited Manufacturing Administration and Research) Zone and within the Consolidated Redevelopment Project Area. The subject site is currently developed with six, one-story buildings (approximately 65,000 sq. ft.) consisting of 18 separate rentable units that are currently used for various light manufacturing/warehouse uses. All of the leases are either month-to-month or will be expiring within the near future. Upon expiration, the leases automatically convert to month-to-month tenancies.

The applicant, Keana Development LLC, is proposing to demolish the entire site and develop a new 50-unit residential condominium project. The proposed project will need approval of the following four entitlements: a General Plan Amendment (GPA), a Zone Change (ZC), a Conditional Use Permit (CUP), and a Vesting Tentative Tract Map (VTTM). Below are the case numbers as well as a brief description of each entitlement request:

General Plan Amendment Case No. 23

A request for approval of a General Plan Amendment to change the General Plan land use designation for properties located at 9830 Jersey Avenue and 9841-51 Alburdis Avenue from "Business Park" to "Multi-Family Residential".

Zone Change Case No. 131

A request for approval to change the zone designation for properties located at 9830 Jersey Avenue and 9841-51 Alburdis Avenue from "ML" (Limited Manufacturing Administration and Research) to "R-3-PD" (Multi-Family Residential – Planned Development).

Conditional Use Permit Case No. 694

A request for approval of a Conditional Use Permit to allow the construction of a new 50-unit residential condominium project (approximately 107,384 sq. ft) with a pool, clubhouse (approximately 1,099 sq. ft.), parking (100 covered resident parking spaces and 19 open guest parking stalls) on a 2.67± acre property located at 9830 Jersey Avenue and 9841-51 Alburdis Avenue.

Vesting Tentative Tract Map Case No. 070726

A request for approval of a Vesting Tentative Tract Map to consolidate three existing parcels measuring approximately 2.67± acres into one parcel and create an airspace subdivision of 50 residential condominium units for 12 buildings.

DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant/developer, Keana Development, LLC, is requesting conditional use permit approval to construct a new 50-unit residential condominium project with a pool, clubhouse, parking, and landscaping and driveways on the approximately 2.67± acre site.

PLOT PLAN: The site plan for the proposed 50-unit residential condominium project indicates that the project would be comprised of 13 buildings (approximately 107,384 sq. ft.), including six type A buildings, two type B buildings, two type C buildings, two type D buildings, and a clubhouse building.

All of the units would be 3 bedrooms and 2.5 bathrooms and range from 1,479 to 1,728 sq. ft. Each unit would have approximately 100 to 170 sq. ft. of private open space (patio/balcony) in addition to approximately 5,000 square feet of public open space (community area) that would be provided throughout the development. Within the public open space area, the amenities would include a 1,100 sq. ft. clubhouse, pool, and spa.

The main entrance to the condominium development would be from Jersey Avenue. A secondary entrance and an additional emergency access point would be from Alburdis Avenue. A total of approximately 119 parking spaces are proposed for the site. Of these spaces, 100 (2 per unit) would be covered resident parking and the remaining 19 spaces would be guest spaces, including one handicap stall. Guest parking will be dispersed throughout the development.

FLOOR PLAN: The floor plan for the proposed development is summarized in the following table (Table 1).

Table 1
Jersey Alburdis Condominium Project

Building	Story	Floor Plan	Sq Ft	Bedroom (Up To)	Bathroom (Up To)
1	3	Type A	1,479 to 1,728	3	2.5
2	3	Type A	1,479 to 1,728	3	2.5
3	2	Type D	1,479 to 1,728	3	2.5
4	2	Type D	1,479 to 1,728	3	2.5
5	2	Type C	1,479 to 1,728	3	2.5
6	2	Type C	1,479 to 1,728	3	2.5
7	3	Type A	1,479 to 1,728	3	2.5
8	3	Type B	1,479 to 1,728	3	2.5
9	3	Type A	1,479 to 1,728	3	2.5
10	3	Type A	1,479 to 1,728	3	2.5
11	3	Type A	1,479 to 1,728	3	2.5
12	3	Type B	1,479 to 1,728	3	2.5
Clubhouse	1	--	1,099	--	--

ELEVATION:***California Spanish Style:***

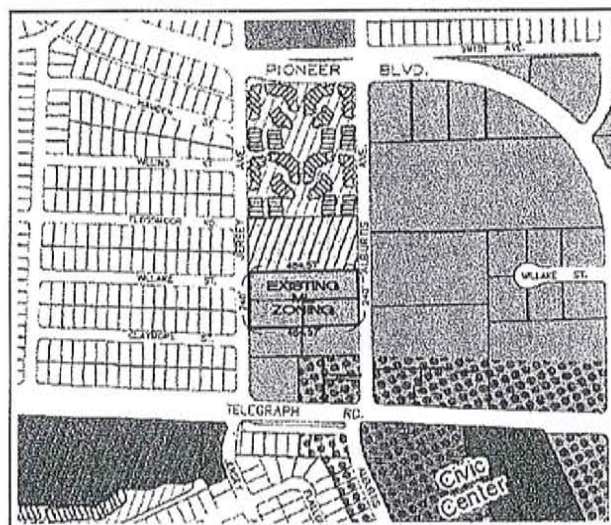
The architecture incorporates various details of California Spanish style. Varied massing and offsets, as well as roof eaves and recessed windows, create strong shadow lines. Stepped up entries and porches provide an opportunity for lower scale elements at the first story of the townhomes. Wrought iron and wood detailing creates texture as well as adds to a rich collection of materials. Design features include arched windows and shutters. Other materials include tile roofing, clay accents, and stucco in an earth tone color palette.

STREETS AND HIGHWAYS

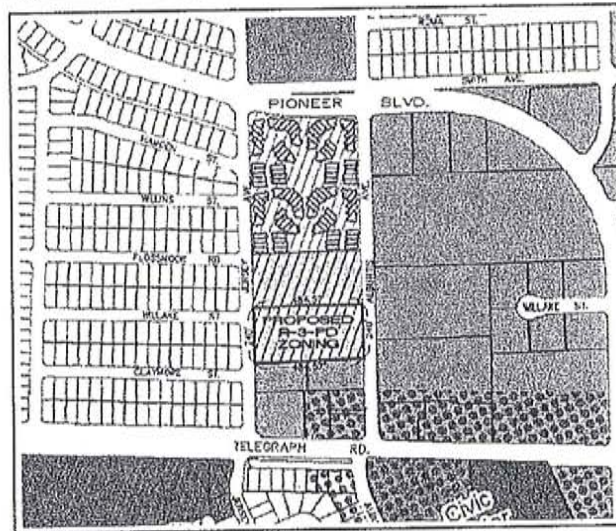
The subject property fronts onto both Jersey Avenue and Alburdis Avenue. The main entrance to the condominium development would be from Jersey Avenue. A secondary entrance and an additional emergency access point would be from Alburdis Avenue. Both Jersey Avenue and Alburdis Avenue are designated as a "Local Street" within the Circulation Element of the City's General Plan.

ZONING DESIGNATION

The subject property, as well as the adjoining properties to the south and east are zoned ML, Limited Manufacturing Administration and Research, and are currently used for various light manufacturing/warehouse uses. The property to the north is zoned R-3-PD, Multi-Family Residential – Planned Development, and is currently developed with a condominium development. The properties to the west, across from Jersey Avenue, are zoned R-1, Single-Family Residential, and are developed with single-family homes.



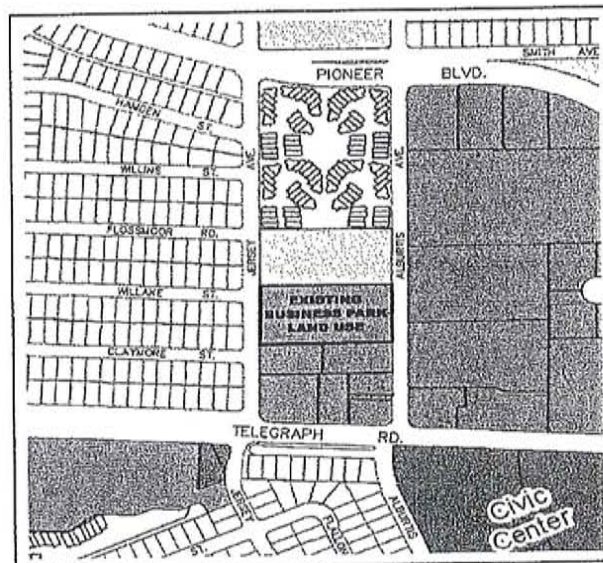
Zoning Map



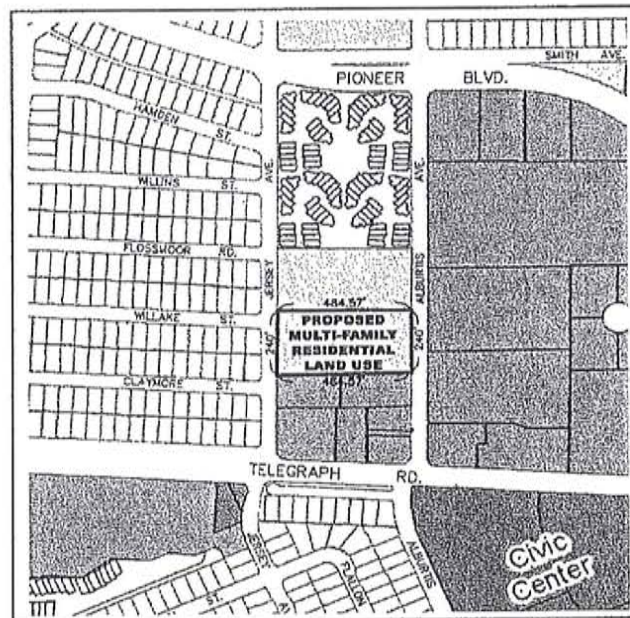
Proposed Zoning Map

GENERAL PLAN LAND USE DESIGNATION

The general plan land use designation for the site is "Business Park." Properties to the south and east also have a general plan land use designation of "Business Park." The property to the north has a general plan land use designation of "Multi-Family Residential." The properties to the west, across Jersey Avenue, have a general plan land use designation of "Single-Family Residential."



General Plan Map

**Proposed General Plan Map****LEGAL NOTICE OF PUBLIC HEARING**

This matter was set for Public Hearing in accordance with the requirements of Government Code Section 65905 and the requirements of Sections 155.860 through 155.866 of the City's Municipal Code. Legal Notice of a Public Hearing for the proposed Conditional Use Permit (CUP 694) was sent by first class mail to all property owners whose names and addresses appear on the latest County Assessors Roll within 500 feet of the exterior boundaries of the property. The Legal Notice of the Public Hearing was mailed to said property owner(s), published in a newspaper of general circulation (Whittier Daily News) and posted in Santa Fe Springs City Hall, the City Library and Town Center Hall on August 28, 2009, as required by the City's Zoning Regulation and the State Zoning and Development Laws. Additionally, the Public Hearing notice was posted on the subject site.

ADDITIONAL NOTIFICATION

In addition to the notification as stated above, notification of the proposed Conditional Use Permit was sent to the surrounding cities, the unified school district within and outside the area covered by the proposed project, special districts, area-wide planning agencies and each agency expected to provide water, sewage, streets, roads or other essential facilities or services to the project. Notification was also mailed to all the owners of the properties that are the subject of the proposed Conditional Use Permit.

ENVIRONMENTAL IMPACT ASSESSMENT

An Initial Study/Mitigated Negative Declaration was prepared to determine the project's impact on the environment and whether an Environmental Impact Report or a Negative Declaration (or Mitigated Negative Declaration) was needed. Based on the Initial Study, it was determined that there were no potentially significant impacts that could not be mitigated to a level of insignificance; consequently, a Mitigated Negative Declaration was prepared. Areas of the proposed project subject to mitigation measures are: Aesthetics, Air Quality, Cultural Resources, Hazards and Hazardous Materials, Noise, Traffic and Transportation, and Utilities and Service Systems. The reasons to support the finding of the Mitigated Negative Declaration are contained in the Initial Study which is provided as an attachment to this report.

To begin the public review and comment period, a Notice of Intent (NOI) to adopt the draft Mitigated Negative Declaration for the proposed project was sent to the State Clearinghouse on July 27, 2009. The NOI was also posted with the County Clerk, posted in Santa Fe Springs City Hall, the City Library and the City's Town Center, and also published in the Whittier Daily News on July 24, 2009, pursuant to Section 15072 of the CEQA Guidelines.

The public comment period ended on August 25, 2009. There were comments received from The Department of Toxic Substance Control, the County of Los Angeles Public Library, and the Department of Transportation. All comments have been addressed and are provided as Exhibit "A" of the environmental document.

ZONING ORDINANCE REQUIREMENT

The Planned Development procedure set forth in Section 155.325 et seq of the Zoning Regulations requires Conditional Use Permit approval for the establishment of any use, structure or improvement in the PD, Planned Development Overlay Zone. This procedure requires the Planning Commission to review the development proposed for the subject property and to establish those conditions deemed necessary to ensure a high standard of design for the proposed development and that the proposed development will be harmonious with the adjoining land uses and not be detrimental to adjoining persons or properties. It should be noted that the Planned Development provisions also permit minor deviation from the development standards of the underlying zone where it can be determined that the resulting development will be beneficial and will be in compliance with the purpose and intent of the Planned Development Overlay Zone.

Conditional Use Permit Approval

A Conditional Use Permit is being used to convey the subject entitlements because through Zone Change Case No. 131 and General Plan Amendment No. 23, the proposed zoning designation and land use designation for the 2.67± acre property is proposed to be R-3-PD, Multiple-Family Residential-Planned Development. The establishment of any use or structure in a PD, Planned Development Zone requires

a Conditional Use Permit. Accordingly, the subject conditional use permit request is for the architectural review and design of the proposed 50-unit residential condominium project on the property.

Additionally, Section 155.330 of the Zoning Regulations requires that the Planning Commission also take the following criteria into consideration:

1. The location, sitting and arrangement of uses, buildings, structures and facilities shall be coordinated in such a manner as to provide for efficiency, convenience, safety and a high standard of design in the proposed development as well as to provide for compatibility with adjoining properties and surrounding areas.
2. The location, size and quality of design of landscaping, architectural walls, signs and other design features shall provide compatibility and to be harmonious with other uses, buildings, structures and facilities within the proposed development as well as with adjoining properties and surrounding areas.
3. Where different zone districts meet, the interface shall be made as harmonious and compatible as possible through consideration of the criteria set forth in this section.
4. The proposed development shall be in conformance with the overall purposes and objectives of this chapter and consistent with the goals, policies and programs of the general plan.

FINDINGS

Staff finds that the proposed condominium project will be in compliance with the purpose and intent of the Planned Development Overlay Zone and address the criteria provided within Section 155.330 of the Zoning Regulations.

1. *The location, sitting and arrangement of uses, buildings, structures and facilities shall be coordinated in such a manner as to provide for efficiency, convenience, safety and a high standard of design in the proposed development as well as to provide for compatibility with adjoining properties and surrounding areas.*

The site plan for the proposed 50-unit residential condominium project indicates that the project would be comprised of 13 buildings (approximately 107,384 sq. ft.) including a centralized community area with a 1,100 sq. ft. clubhouse, pool, and spa. The main entrance to the condominium development would be from Jersey Avenue. A secondary entrance and an additional emergency access point would be from Alburty Avenue. A total of approximately 119 parking spaces are proposed for the site.

As proposed, the arrangement of uses, buildings, structures and facilities on the site provide for maximum efficiency, convenience, and safety. The architect/developer has maximized the potential units for the site without impacting the quality of the project. Staff is confident that the high quality architectural design will complement the adjoining properties and surrounding areas well.

2. *The location, size and quality of design of landscaping, architectural walls, signs and other design features shall provide compatibility and to be harmonious with other uses, buildings, structures and facilities within the proposed development as well as with adjoining properties and surrounding areas.*

The project will provide 50 new residential condominium units. The new multiple family units will be consistent with existing multiple family units immediately north of the project site. Staff finds the quality of the new units, in addition to the well landscaped open space areas throughout the site, will enhance the subject site and surrounding area.

3. *Where different zone districts meet, the interface shall be made as harmonious and compatible as possible through consideration of the criteria set forth in this section.*

The current land use designation and zoning designation for the subject site is ML, Limited Manufacturing Administration and Research. If the proposed General Plan Amendment and Zone Change are approved, the land use designation will be Multiple-Family Residential and the zoning designation will be R-3-PD, Multiple-Family Residential-Planned Development." This will be consistent with the properties to the north which also have the same "R-3 PD" zoning and "Multiple-family Residential" land use designation.

4. *The proposed development shall be in conformance with the overall purposes and objectives of this chapter and consistent with the goals, policies and programs of the general plan.*

The General Plan consists of seven mandatory elements, including: 1) Land Use; 2) Housing; 3) Open Space; 4) Conservation; 5) Safety; 6) Circulation and 7) Noise. There is no evidence to suggest that the proposed General Plan Amendment and associated Zone Change will disturb the relationship between these elements and/or be inconsistent with the goals and policies of the General Plan. Approval of the Conditional Use Permit Case No. 694 would promote a number of specific General Plan Goals and Policies as described in "Table 2" on the following page:

Table 2
General Plan Consistency Analysis

General Plan Element	Policy	Project Consistency
Land Use	<u>15.1</u> Encourage and promote owner-occupancy of homes.	Consistent: 50 new condominium units will be constructed.
	<u>9.4</u> Encourage the grouping of adjoining small or odd shaped parcels in order to create more viable development.	Consistent: Three Assessor's Parcels (APNs: 8005-002-059, 8005-002-016 and 8005-002-058) will be combined to form the project site.
Housing	<u>2.3</u> Continue to provide for flexibility in the density and mix of land uses through the Planned Development overlay, and encourage the development of higher density, affordable housing in this zone.	Consistent: The proposed condominium project involves a zone change request to change the zone designation of the site from "ML" (Limited Manufacturing Administration and Research) to "R-3-PD" (Multi-Family Residential - Planned Development). The applicant is also planning to offer/designate a few units for affordable housing.
Open Space/ Conservation	<u>2.3</u> Promote the development of open space and recreational facilities within commercial, industrial, and residential developments.	Consistent: In addition to approx. 100 to 170 sq. ft. of private open space (patio/balcony), approx. 5,000 square feet of public open space (community area with clubhouse, pool and spa) will be provided throughout the development.
Safety	<u>5.3</u> Review all new developments with regards to urban fire risks.	Consistent: In addition to meeting current Fire Code regulations for the construction of the proposed buildings, the project has been designed to provide adequate emergency access throughout the site.
Circulation	<u>3.7</u> Minimize pedestrian and vehicular conflicts.	Consistent: Sidewalks setback from curb face will be provided along both Jersey Avenue and Alburis Avenue. In addition, on-site walkways will be placed away from proposed driveways.
Noise	<u>3.2</u> Continue to minimize the impacts of construction noise on adjacent land uses through limiting the permitted hours of activity.	Consistent: During construction, all construction activities will be consistent with the permitted hours established in the City's noise ordinance.

STAFF REMARKS

Based on the reasons enumerated above, Staff believes that the development is consistent with and in furtherance of the policies and goals set forth in the City General Plan and will meet the purposes and intent of the PD, Planned Development Zone and is therefore recommending approval of Conditional Use Permit Case No. 694.

AUTHORITY OF PLANNING COMMISSION

The Planning Commission, based on its evaluation of the plans and evidence submitted and its own study and knowledge of the circumstances and the applicable provisions of the zoning regulations, shall have the authority to grant, conditionally grant, or deny the subject conditional use permit.

CONDITIONS OF APPROVAL

NOTE: the conditions provided below represents the comprehensive list of conditions for both Conditional Use Permit Case No. 694 and Vesting Tract Map Case No. 70726

ENGINEERING / PUBLIC WORKS DEPARTMENT:

(Contact: Noe Negrete 562-868-0511 x7611)

1. That the owner shall pay a flat fee of \$22,400 to resurface the existing street frontage to centerline for Alburtis Avenue and Jersey Avenue.
2. That the owner shall design and construct a 5-foot wide sidewalk at the back of the property line (offset from the curb) along the Jersey Avenue and Alburtis Avenue street frontage. This shall include the removal of unused driveways and construction of curb and gutter where the driveway(s) were removed.
3. That the owner shall remove and reconstruct all damaged curb and gutter on both Jersey Avenue and Alburtis Avenue.
4. That the owner shall execute an affidavit agreeing to the addition of a cost-of-living adjustment to the existing Street Light Assessment District. Annual adjustments shall be based on the Consumer Price Index for Los Angeles County and will not exceed 3% per year.
5. That the owner shall execute an affidavit agreeing to participate in a future street maintenance district or other type of benefit assessment district to slurry seal, resurface and reconstruct the street frontage on regular intervals (5-year, 10-year and 20-year intervals, respectively, as determined by the City Engineer). The owner shall retain the right to challenge the costs and method of spreading future assessments.
6. That adequate "on-site" parking shall be provided per City requirements, and streets abutting the development (Jersey Avenue) shall be posted "No Stopping Any Time." The City will install the offsite signs and the owner shall pay the actual cost of sign installation.
7. That the owner/developer shall pay to the City the entire cost of design, engineering, installation and inspection of street lights along the project street

frontage (Jersey Avenue). The City will design and cause construction of said street light(s).

8. That the fire sprinkler plans, which show the proposed double-check valve detector assembly location, shall have a stamp approval from the Planning Department and Public Works Department prior to the Fire Department's review for approval. Disinfection, pressure and bacteriological testing on the line between the street and detector assembly shall be performed in the presence of personnel from the City Water Department. The valve on the water main line shall be operated only by the City and only upon the City's approval of the test results.
9. That the owner/developer shall obtain a Storm Drain Connection Permit for any connection to the storm drain system.
10. The owner/developer shall have an overall site utility master plan prepared by a Registered Civil Engineer showing proposed location of all public water mains, reclaimed water mains, sanitary sewers and storm drains. This plan shall be approved by the City Engineer prior to the preparation of any construction plans for the aforementioned improvements.
11. That the owner shall comply with Congestion Management Program (CMP) requirements and provide mitigation of trips generated by the development. The owner and/or developer will receive credit for the demolition of any buildings that formerly occupied the site. For new developments, the owner and/or developer cannot meet the mitigation requirements, the owner and/or developer shall pay a mitigation fee to be determined by the City Engineer for off-site transportation improvements.
12. That the owner/developer shall comply with all requirements of the County Sanitation District, make application for and pay the sewer maintenance fee.
13. That the owner/developer shall pay the water trunkline connection fee of \$3,250 per acre upon application for water service connection or if utilizing any existing water service.
14. That a grading plan shall be submitted for drainage approval to the City Engineer. The owner shall pay drainage review fees in conjunction with this submittal. A professional civil engineer registered in the State of California shall prepare the grading plan.
15. That a hydrology study shall be submitted to the City and shall be prepared by a Professional Civil Engineer.

16. That upon completion of public improvements constructed by developers, the developer's civil engineer shall submit mylar record drawings and an electronic file (AutoCAD Version 2004 or higher) to the office of the City Engineer.
17. That the owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with Chapter 52 of the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Division of Water Quality, at (916) 657-1977 or by downloading the forms from their website at <http://www.swrcb.ca.gov/stormwtr/construction.html>. The project shall also conform to Ordinance 915 regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan ("SUSMP"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" of runoff from all storm events and to control peak-flow discharges. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.
18. Final parcel map checking of \$4,574 plus \$275 per parcel shall be paid to the City. Developer shall comply with Los Angeles County's Digital Subdivision Ordinance (DSO) and submit final maps to the City and County in digital format.
19. The owner/developer shall provide at no cost to the City, one mylar print of the recorded parcel map from the County of Los Angeles Department of Public Works, P.O. Box 1460, Alhambra, CA 91802-1460, Attention: Bill Slenniken (626) 458-5131.

FIRE DEPARTMENT – FIRE PREVENTION DIVISION:
(Contact: Bil Murphy 562.868-0511 x3703)

20. That all buildings over 5,000 sq ft shall be protected by an approved automatic sprinkler system per Section 93.11 of the Santa Fe Springs Municipal Code.
21. That the owner shall comply with the requirements of Section 117.131 of the Santa Fe Springs Municipal Code, Requirement for a Soil Gas Study, in accordance with Ordinance No. 955, prior to issuance of building permits.

22. That interior gates or fences are not permitted across required Fire Department access roadways unless otherwise granted prior approval by the City Fire Department.
23. That if on-site fire hydrants are required by the Fire Department, a minimum flow must be provided at 2,500 gpm with 1,500 gpm flowing from the most remote hydrant.
24. That the standard aisle width for onsite emergency vehicle maneuvering shall be 26 feet with a minimum clear height of 13 feet 6 inches. Internal driveways shall have a turning radius of not less than 52 feet. The final location and design of this 26 feet shall be subject to the approval of the City's Fire Chief as established by the California Fire Code. A request to provide emergency vehicle aisle width less than 26 feet shall be considered upon the installation/provision of mitigation improvements approved by the City's Fire Chief.
25. That prior to submitting plans to the Building Department or Planning Commission, a preliminary site plan shall be approved by the Fire Department for required access roadways and on-site fire hydrant locations. The site plan shall be drawn at a scale between 20 to 40 feet per inch. Include on plan all entrance gates that will be installed.
26. That Knox boxes are required on all new construction. All entry gates shall all be equipped with Knox boxes or Knox key switches for power-activated gates.
27. That signs and markings required by the Fire Department shall be installed along the required Fire Department access roadways.

FIRE DEPARTMENT – ENVIRONMENTAL DIVISION:
(Contact: Tom Hall 562.868-0511 x3715)

28. That prior to issuance of building permits, the applicant shall assess and mitigate any contamination of the soil and/or groundwater to an acceptable level for residential development.
29. That the developer will conduct a soil gas survey in accordance with the most recent Department of Toxic Substances Control/Los Angeles Regional Water Quality Control Board Active Soil Gas Investigation Advisory.
30. That an approved vapor barrier/ventilation system, as determined by the Fire Chief, shall be installed if required to mitigate soil gas contaminants that would otherwise pose an unacceptable indoor air risk to future residents. The requirements for a vapor barrier/ventilation system will be dependent on the

data obtained from Condition 21 & 29 (soil vapor survey to assess vapor intrusion risk to indoor air).

31. That all future residents be notified of any mitigation measures or barriers installed within or about the structure in order to mitigate human health risks posed by residual or regional contamination.
32. That a Soils Management Plan (SMP) addressing site monitoring and remediation actions during site grading is required. The SMP shall be submitted to the Santa Fe Springs Fire Department for review and approval before grading activities begin. Once grading is complete, a SMP report must be submitted to the Fire Department for final approval.
33. That all abandoned pipelines, tanks and related facilities shall be removed unless approved by the City Engineer and Fire Chief. Appropriate permits for such work shall be secured before abandonment work begins.
34. That a "Closure Letter," "No Further Action Letter," or other appropriate documentation certifying that all soil, soil gas, and/or groundwater assessment and mitigation requirements are complete is issued by the Santa Fe Springs Department of Fire-Rescue and any other appropriate regulatory agency.

POLICE SERVICES DEPARTMENT:
(Contact: Phillip De Rousse at x3319)

35. That the applicant shall submit and obtain approval of a proposed lighting (photometric) for the property from the City's Department of Police Services. The photometric plan shall be designed to provide adequate lighting (as close to 2 foot candle power as possible) throughout the subject property. Further, all exterior lighting shall be designed/installed in such a manner that light and glare are not transmitted onto adjoining properties in such concentration/quantity as to create a hardship to adjoining property owners or a public nuisance. The photometric plan shall be submitted to the Director of Police Services prior to the issuance of any building permits related to the proposed condo project.
36. That the applicant shall provide an emergency phone number and a contact person to the Department of Police Services and the Fire Department. The name, telephone number, fax number and e-mail address of that person shall be provided to the Director of Police Services and the Fire Chief no later than 60 days from the date of approval by the Planning Commission. Emergency information shall allow emergency service to reach the applicant or their representative any time, 24 hours a day.

37. That in order to facilitate the removal of unauthorized vehicles parked on the property, the applicant shall post, in plain view and at each entry to the property, a sign not less than 17" wide by 22" long. The sign shall prohibit the public parking of vehicles and indicate that vehicles will be removed at the owner's expense and also contain the California Vehicle Code that permits this action. The sign shall also contain the telephone number of the local law enforcement agency (Police Services Center (562) 409-1850). The lettering within the sign shall not be less than one inch in height. The applicant shall contact the Police Services Center for an inspection no later than 30 days after the project has been completed and prior to the occupancy permit being issued.
38. That the proposed buildings, including any lighting, fences, walls, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 72 hours of occurrence, weather permitting, to minimize occurrences of dangerous conditions or visual blight. Paint utilized in covering graffiti shall be a color that matches, as closely possible, the color of the existing and/or adjacent surfaces.
39. That all conditions related to parking and maintenance on lighting throughout the property shall be established in the CC&R's.
40. That parking shall be prohibited along the east curblane of Jersey Ave in front of the complex and the west curblane of Alburtis Ave. in front of the complex.
41. That controlled access gates shall be equipped with an approved device to permit remote controlled and/or keyed access for police and fire.

PLANNING AND DEVELOPMENT DEPARTMENT:

(Contact: Cuong Nguyen 562.868-0511 x7359)

42. That within the parking lot area, all compact and visitor spaces shall be clearly identified either by striping and/or upright signage.
43. That the proposed buildings shall be constructed of quality material and any material shall be replaced when and if the material becomes deteriorated, warped, discolored or rusted.
44. That approved address numbers shall be placed on the proposed buildings in such a position as to be plainly visible and legible from the street fronting the property. Said numbers shall contrast with their background.

45. That the development shall otherwise be substantially in accordance with the plot plan, floor plan, and elevations submitted by the owner and on file with the case.
46. That prior to the issuance of a building permit for the project, the owner shall submit for approval a detailed landscape and automatic irrigation plan pursuant to the Landscaping Guidelines of the City.
47. That the landscaped areas shall be provided with a suitable, fixed, permanent and automatically controlled method for watering and sprinkling of plants. This operating sprinkler system shall consist of an electrical time clock, control valves, and piped water lines terminating in an appropriate number of sprinklers to insure proper watering periods and to provide water for all plants within the landscaped area. Sprinklers used to satisfy the requirements of this section shall be spaced to assure complete coverage of all landscaped areas.
48. That all landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This is meant to include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, and replacement of plants when necessary and the regular watering of all plantings.
49. That there shall be no roof-mounted mechanical equipment and/or duct work which projects above the roof or roof parapet of the proposed development and visible from a public street. Satellite dish antennae and similar devices will be addressed within the CC&Rs.
50. That the electrical plans, which show the location of electrical transformer(s) shall be subject to the approval of the Planning Department. Transformers shall not be located within the front yard setback area. The location of the transformer(s) shall be subject to the prior approval of the Director of Planning and Development. The electrical transformer shall be screened with shrubs. As measured from the base of the transformer's pad, all shrubs shall be planted 8 feet away from the door and 18 inches away from the sides.
51. That all fences, walls, gates and similar improvements for the proposed development shall be subject to the prior approval of the Department of Fire-Rescue and the Department of Planning and Development.
52. That the Department of Planning and Development shall review and approve all sign proposals for the development. The sign proposal (plan) shall include a site plan, building elevation on which the sign will be located, size, style and color of the proposed sign. All drawings shall be properly dimensioned and drawn to scale on 24" x 36" maximum-size paper. All signs shall be installed in

accordance with the sign standards of the Zoning Ordinance and the Sign Guidelines of the City.

53. That a sufficient number of approved outdoor trash enclosures shall be provided for the development subject to the prior approval of the Director of Planning and Development. The calculation to determine the required storage area is: 1% of the first 20,000 sq ft of floor area + ½% of floor area exceeding 20,000 sq ft, but not less than 4 ½ feet in width nor than 6 feet in height.
54. That trash enclosures shall be designed to architecturally integrate with the overall design theme of the development. Trash enclosures should be planted with vines if located adjacent to or within a landscapes area to help screen the enclosure. Trellises or other covered structures are recommended to minimize the visual impact of trash bins from dwelling units.
55. That the Department of Planning and Development requires that the double-check detector assembly be screened by shrubs or other materials; however, the area in front of the OS and Y valves shall not be screened. The screening shall also only be applicable to the double-check detector assembly and shall not include the fire department connector (FDC). Notwithstanding, the Fire Marshall shall have discretionary authority to require the FDC to be located a minimum distance from the double-check detector assembly.
56. That all projects over \$50,000 are subject to the requirements of Ordinance No. 914 to reuse or recycle 75% of the project waste. Contact the Recycling Coordinator, Anita Jimenez at (562) 868-0511 x7361.
57. That the owner/developer shall comply with Public Resource Code, Section 42900 et seq. (California Solid Waste Reuse and Recycling Access Act of 1991) as amended, which requires each development project to provide adequate storage area for the collection/storage and removal of recyclable and green waste materials.
58. That in conformance with City Ordinance No. 909, the applicant shall comply with the City's "Heritage Artwork in Public Places Program".
59. That prior to issuance of building permits, the applicant shall comply with the following conditions to the satisfaction of the City of Santa Fe Springs:
 - a. Covenants.
 1. Owner/developer shall provide a written covenant to the Planning Department that, except as may be revealed by the environmental remediation described above and except as applicant may have otherwise disclosed to the City, Commission, Planning Commission or

their employees, in writing, applicant has investigated the environmental condition of the property and does not know, or have reasonable cause to believe, that (a) any crude oil, hazardous substances or hazardous wastes, as defined in state and federal law, have been released, as that term is defined in 42 U.S.C. Section 9601 (22), on, under or about the Property, or that (b) any material has been discharged on, under or about the Property that could affect the quality of ground or surface water on the Property within the meaning of the California Porter-Cologne Water Quality Act, as amended, Water Code Section 13000, et seq.

2. Owner/developer shall provide a written covenant to the City that, based on reasonable investigation and inquiry, to the best of owner/developer knowledge, it does not know or have reasonable cause to believe that it is in violation of any notification, remediation or other requirements of any federal, state or local agency having jurisdiction concerning the environmental conditions of the Property.
 - b. Owner/developer understands and agrees that it is the responsibility of the applicant to investigate and remedy, pursuant to applicable federal, state and local law, any and all contamination on or under any land or structure affected by this approval and issuance of related building permits. The City, Commission, Planning Commission or their employees, by this approval and by issuing related building permits, in no way warrants that said land or structures are free from contamination or health hazards.
 - c. Owner/developer understands and agrees that any representations, actions or approvals by the City, Commission, Planning Commission or their employees do not indicate any representation that regulatory permits, approvals or requirements of any other federal, state or local agency have been obtained or satisfied by the applicant and, therefore, the City, Commission, Planning Commission or their employees do not release or waive any obligations the applicant may have to obtain all necessary regulatory permits and comply with all other federal, state or other local agency regulatory requirements. Applicant, not the City, Commission, Planning Commission or their employees will be responsible for any and all penalties, liabilities, response costs and expenses arising from any failure of the applicant to comply with such regulatory requirements.
60. That the owner/developer shall be responsible for reviewing and/or providing copies of the required conditions of approval to his/her architect, engineer, contractor, tenants, etc. Additionally, the conditions of approval contained herein, shall be made part of the construction drawings for the proposed

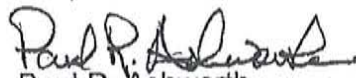
development. Construction drawings shall not be accepted for Plan Check without the conditions of approval incorporated into the construction drawings.

61. That the owner/developer shall require and verify that all contractors and sub-contractors have successfully obtained a Business License with the City of Santa Fe Springs prior to beginning any work associated with the subject project. A late fee and penalty will be assessed to any contractor or sub-contractor that fails to obtain a Business License and a Building Permit final or Certificate of Occupancy will not be issued until all fees and penalties are paid in full. Please contact Cecilia Pasos, Business License Clerk, at (562) 868-0511, extension 7527 for additional information and application.
62. That all other requirements of the City's Zoning Ordinance, Building Code, Property Maintenance Ordinance, State and City Fire Code and all other applicable County, State and Federal regulations and codes shall be complied with.
63. That Conditional Use Permit Case No. 694 shall not be valid until approved by the Community Development Commission and shall be subject to any other conditions the Community Development Commission may deem to impose.
64. That Zone Change Case No. 131, General Plan Amendment Case No. 23, and Vesting Tentative Tract Map Case No. 70726 shall not be valid until approved by the City Council and shall be subject to any other conditions the City Council may deem to impose.
65. That Conditional Use Permit Case No. 694, Zone Change Case No. 131, General Plan Amendment Case No. 23, and Vesting Tentative Tract Map Case No. 70726 shall not be effective for any purpose until the owner/developer has filed with the City of Santa Fe Springs an affidavit stating he/she is aware of and accepts all of the required conditions of approval.
66. That the applicant, Keana Development, LLC, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards concerning Conditional Use Permit Case No. 694, Zone Change Case No. 131, General Plan Amendment Case No. 23, and Vesting Tentative Tract Map Case No. 70726, when action is brought within the time period provided for in the City's Zoning Ordinance, Section 155.865 for the Conditional Use Permit, Zone Change, and General Plan Amendment and within the time period provided for in the Government Code Section 66499.37 for the Vesting Tentative Tract Map. Should the City, its agents, officers or employees receive notice of any such claim, action or

proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof.

67. That prior to the recordation of Final Tract Map No. 70726, the applicant shall pay all printing costs incurred to print the City's existing General Plan and Zoning Ordinance. Per State Law, copies shall be calculated at a cost of .10 per page.
68. Currently, the County of Los Angeles Department of Public Works is utilizing a computerized system to update and digitize the countywide land use base. If the tract map is prepared using a computerized drafting system, the owner/developer's engineer shall submit a map in digital graphic format with the final Mylar map to the County of Los Angeles Department of Public Works for recordation and to the City of Santa Fe Springs Department of Public Works for incorporation into its GIS land use map. The City of Santa Fe Springs GIS Coordinate System shall be used for the digital file.
69. That Vesting Tentative Tract Map No. 70726 shall expire 24 months after Planning Commission approval, on October 26, 2009, except as provided under the provisions of California Government Code Section 66452.6. During this time period the final map shall be presented to the City of Santa Fe Springs for approval. The subdivision proposed by Vesting Tentative Tract Map No. 70726 shall not be effective until such time that a final map is recorded.
70. That the applicant shall provide Covenant, Conditions, & Restrictions (CC&Rs) for the proposed multi-tenant residential development. The CC&Rs must be approved by the Director of Planning and Development prior to obtaining occupancy.
71. The CC&R's shall contain a condition prohibiting the storage or parking of any boat, recreational vehicle, trailer, trailer coach or house car as defined in the State of California Vehicle Code anywhere on the project area except within garages.
72. That the CC&Rs and other Agreements governing the common area shall be subject to the approval of the City Attorney, and the owner/developer shall pay all City costs in reviewing, modifying, and approving the CC&Rs, Agreements and related documents.
73. That upon the formation of the Association, the owner shall provide the name, phone number, e-mail address, and building address of each member comprising the Association.

74. That it is hereby declare to be the intent that if any provision of this Approval is violated or held to be invalid, or if any law, statute or ordinance is violated, this Approval shall be void and the privileges granted hereunder shall lapse.

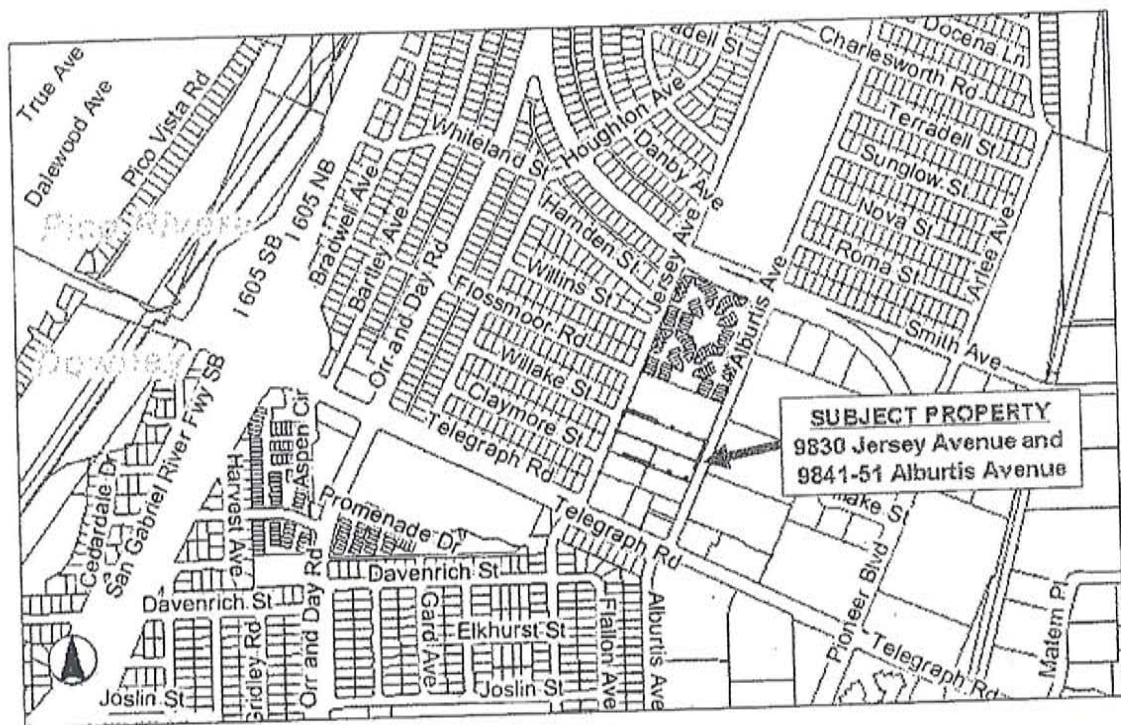


Paul R. Ashworth
Director of Planning and Development

Attachments:

1. Vicinity Map
2. Aerial Photograph
3. Site Plan
4. Floor Plans
5. Elevations
6. Conditional Use Permit Application
7. Proposed Initial Study / Mitigated Negative Declaration

VICINITY MAP



SUBJECT PROPERTY
9830 Jersey Avenue and
9841-51 Alburdis Avenue



CITY OF SANTA FE SPRINGS

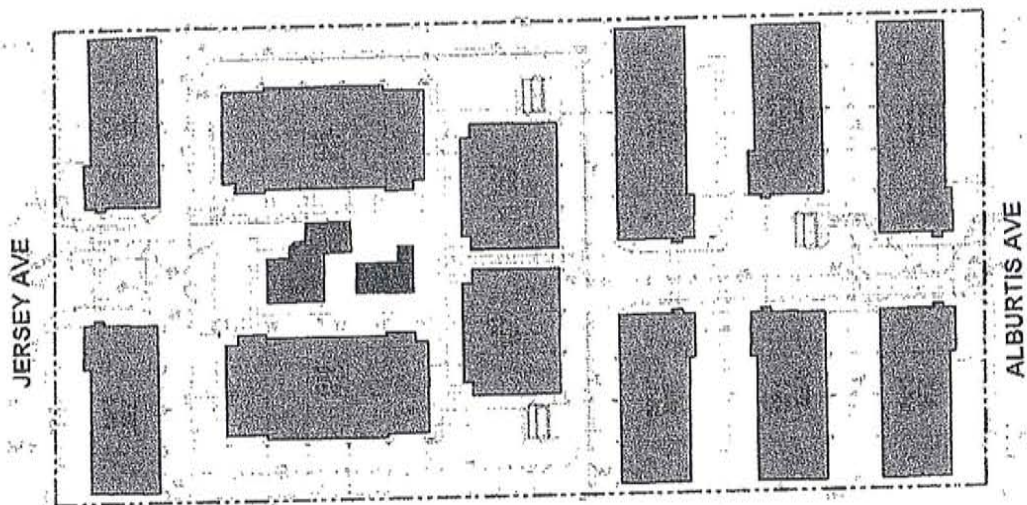
Jersey / Alburdis Condominium Development



AERIAL PHOTOGRAPH



SITE PLAN



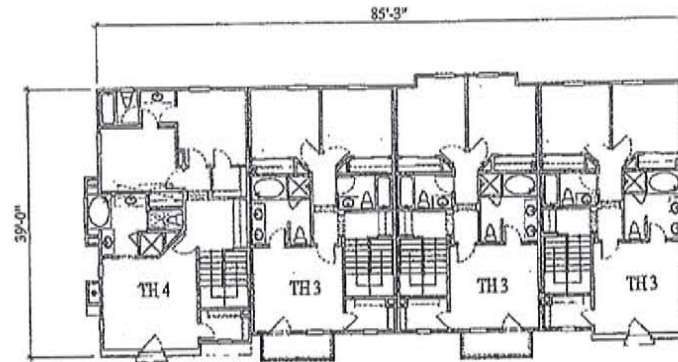
CITY OF SANTA FE SPRINGS



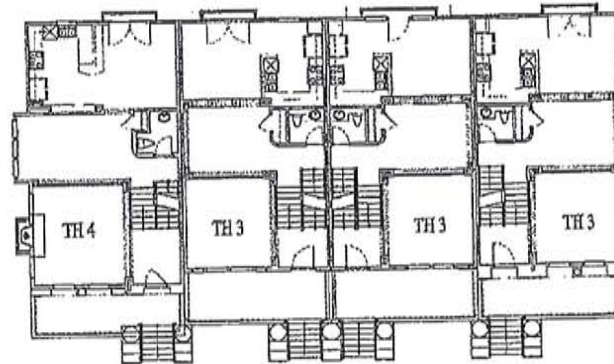
Jersey / Alburdis Condominium Development
9830 Jersey Avenue and 9841-51 Alburdis Avenue



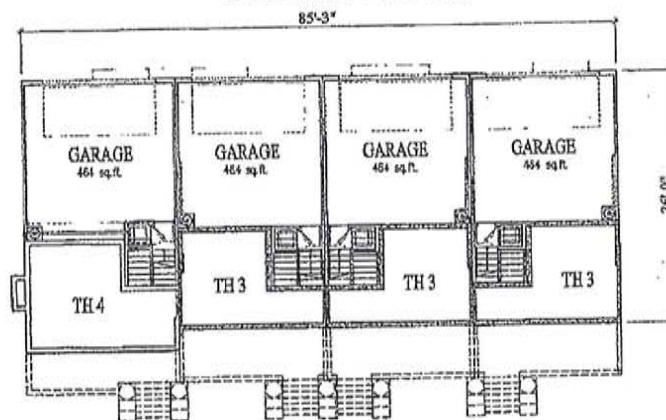
FLOOR PLANS



THIRD FLOOR



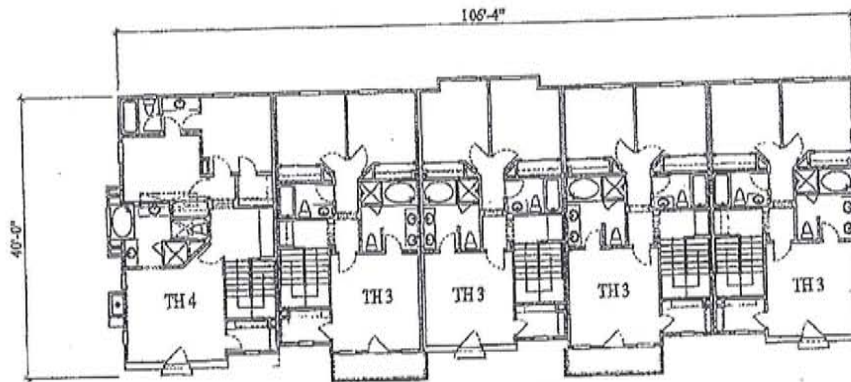
SECOND FLOOR



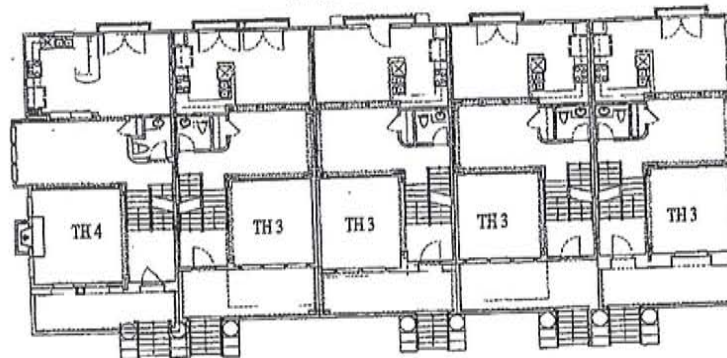
FIRST FLOOR

Building A - 1st, 2nd, & 3rd Floor Plan

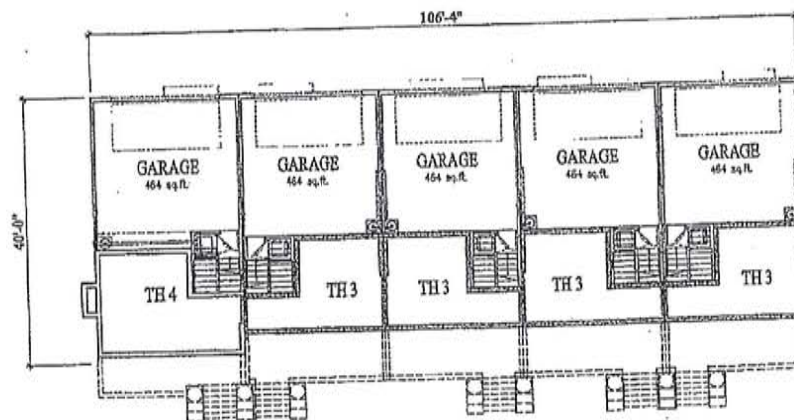
FLOOR PLANS (Cont.)



THIRD FLOOR



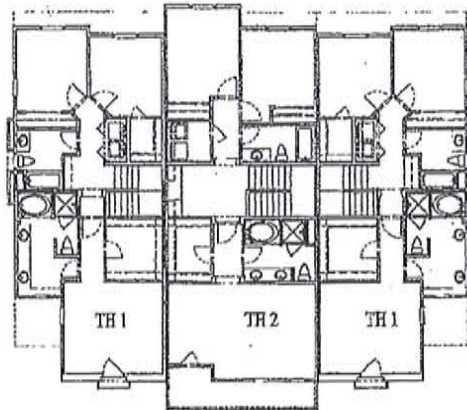
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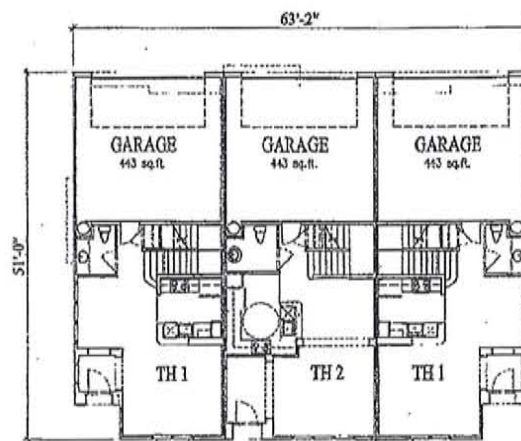
FIRST FLOOR

Building B - 1st, 2nd, & 3rd Floor Plan

FLOOR PLANS (Cont.)



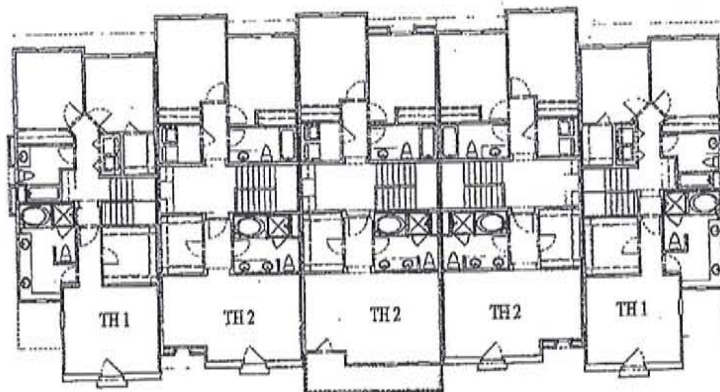
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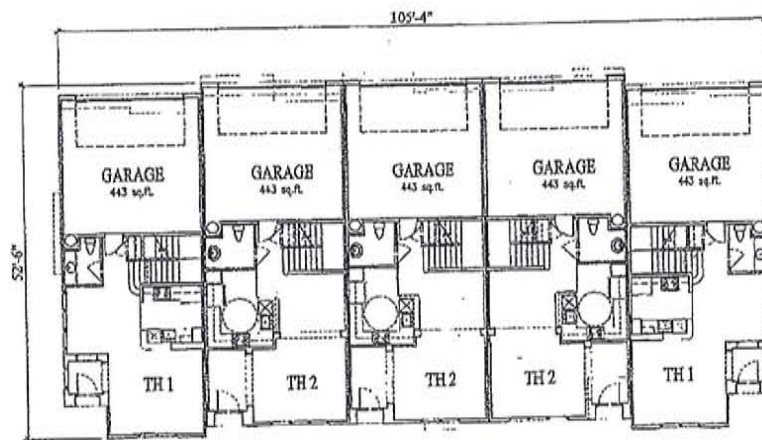
FIRST FLOOR

Building C - 1st & 2nd Floor Plan

FLOOR PLANS (Cont.)



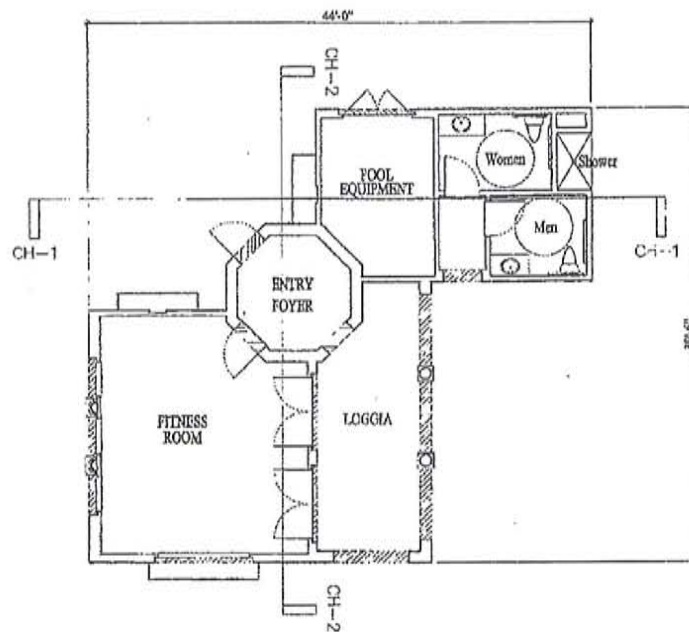
SECOND FLOOR



FIRST FLOOR

Building D - 1st & 2nd Floor Plan

FLOOR PLANS (Cont.)

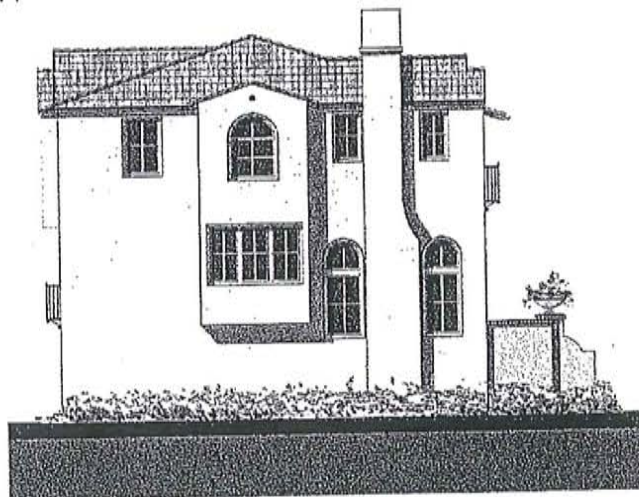


Clubhouse - Floor Plan

ELEVATIONS



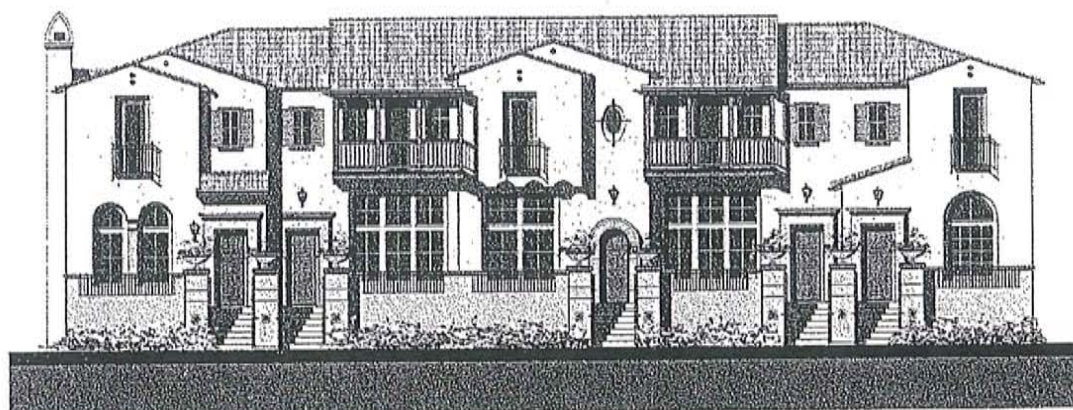
FRONT ELEVATION



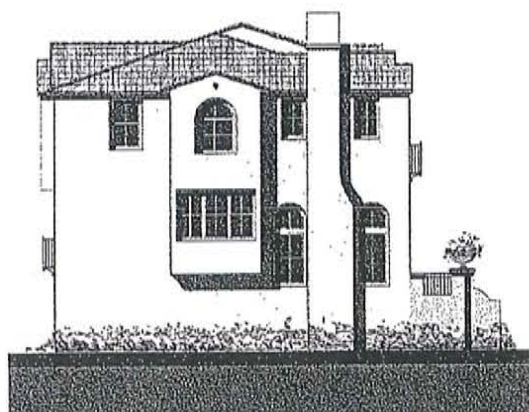
LEFT ELEVATION

Building A – 3-story, 4-plex

ELEVATIONS (cont.)



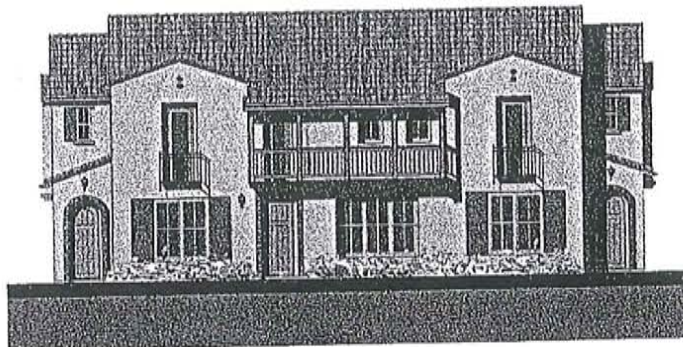
FRONT ELEVATION



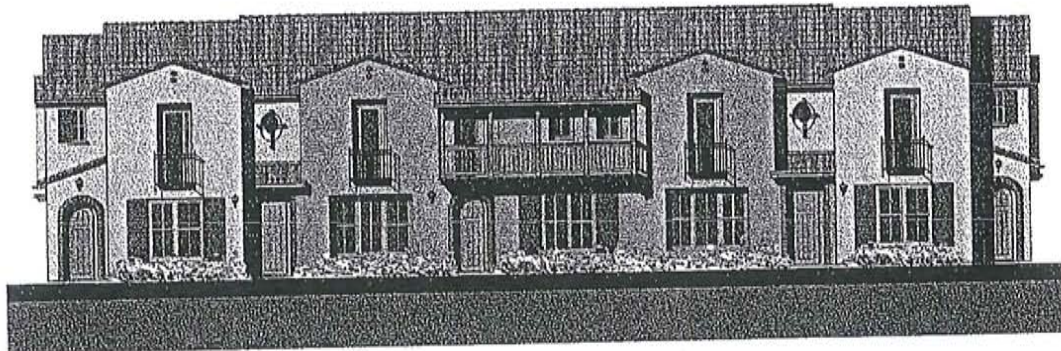
LEFT ELEVATION

Building B – 3-story, 5-plex

ELEVATIONS (cont.)



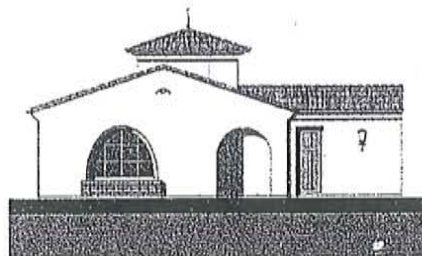
BUILDING C FRONT ELEVATION



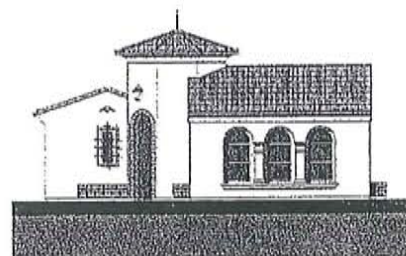
BUILDING D FRONT ELEVATION

***Typical Elevation for
Building C – 2-story, 3-plex and Building D – 2-story 5-plex***

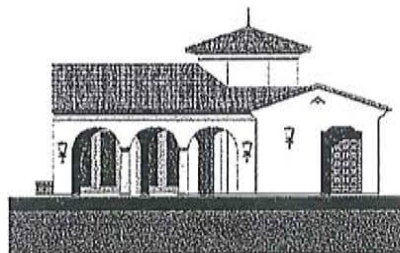
ELEVATIONS (cont.)



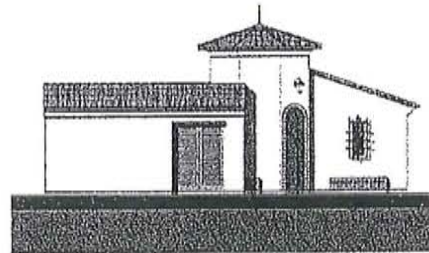
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

Clubhouse

CONDITIONAL USE PERMIT APPLICATION



City of Santa Fe Springs
Application for
CONDITIONAL USE PERMIT (CUP)

Application is hereby made by the undersigned for a Conditional Use Permit on the property located at (Provide street address or, if no address, give distance from nearest cross street):

EAST OF JERSEY AVE., SOUTH OF TELEGRAPH RD., & WEST OF ALBURTIS AVE.

Give the correct legal description of the property involved (include only the portion to be utilized for the Conditional Use Permit. If description is lengthy, attach supplemental sheet if necessary) SEE ATTACHED TITLE REPORT DATED JUNE 19, 2008.

Record Owner of the property: KEANA DEVELOPMENT, LLC.

Name: SHANE ASTANI Phone No: (310) 273-2999

Mailing Address: 9595 WILSHIRE BLVD. STE. 1010 Date of Purchase: 9-30-05 AND 3-01-08

Fax No: (310) 550-4564 E-mail: SHANE@ASTANIENTERPRISES.COM

Is this application being filed by the Record Owner? NO

(If filed by anyone other than the Record Owner, written authorization signed by the Owner must be attached to the application.)

Representative authorized by the Record Owner to file this application:

Name: ALLIANCE LAND PLANNING & ENGINEERING, INC. Phone No: (760) 431-9896

Mailing Address: 2248 FARADAY AVE., CARLSBAD CA 92008

Fax No: (760) 431-8802 E-mail: CWHITTEKER@ALLIANCEENG.COM

Describe any easements, covenants or deed restrictions controlling the use of the property:

The Conditional Use Permit is requested for the following use (Describe in detail the nature of the proposed use, the building and other improvements proposed):

FOR 50 TWO-STORY RESIDENTIAL CONDOMINIUMS WITH ASSOCIATED PRIVATE DRIVES, PARKING, POOL AREA WITH CLUBHOUSE AND LANDSCAPE AREAS.

NOTE

This application must be accompanied by the filing fee, map and other data specified in the form entitled "Checklist for Conditional Use Permits."

CONDITIONAL USE PERMIT APPLICATION (Cont.)

CUP Application
Page 2 of 3

JUSTIFICATION STATEMENT

ANSWERS TO THE FOLLOWING QUESTIONS MUST BE CLEAR AND COMPLETE. THEY SHOULD JUSTIFY YOUR REQUEST FOR A CONDITIONAL USE PERMIT

1. Explain why the proposed use is essential or desirable in the location requested.

- THE PROPOSED PROJECT IS DESIRABLE AT THIS LOCATION DUE TO ITS PROXIMITY TO EXISTING RESIDENTIALS ALONG WITH NEARBY COMMERCIAL AND RETAIL USES.
2. Explain why the proposed use will not be detrimental to persons and properties in the vicinity, nor to the welfare of the community in general.

- THE PROPOSED PROJECT WILL COMPLIMENT EXISTING ADJACENT RESIDENTIAL USES AND WILL HAVE A POSITIVE IMPACT ON THE COMMUNITY BY PROVIDING NEW HOUSING.
3. What steps will be taken to ensure that there will be no harmful noise, dust, odors or other undesirable features that might affect adjoining properties?

- THE PROPOSED PROJECT WILL BE RESIDENTIAL TOWNHOMES, THEREFORE IT SHOULD NOT CREATE HARMFUL NOISE, DUST, ODORS, AND/OR OTHER UNDESIRABLE FEATURES THAT MIGHT AFFECT ADJOINING PROPERTIES.
4. Explain why the proposed use will not in the future become a hindrance to quality development or redevelopment of adjoining properties.

- THIS PROJECT WILL REDEVELOP AN EXISTING OLDER BUSINESS PARK AREA INTO A NEW RESIDENTIAL HOUSING AREA, WHICH WILL CONTINUE THE REDEVELOPMENT PROCESS WITHIN THIS AREA OF SANTA FE SPRINGS.
5. Explain what measures will be taken to ensure that the proposed use will not impose traffic burdens or cause traffic hazards on adjoining streets.

- THE PROPOSED RESIDENTIAL PROJECT WILL NOT CREATE SIGNIFICANT TRAFFIC AND IS CURRENTLY SERVED BY TWO ADJACENT LOCAL COLLECTOR STREETS, JERSEY AVE. AND ALBURTIS AVE.
6. If the operator of the requested conditional use will be someone other than the property owner, state name and address of the operator.

- THE PROPERTY OWNER WILL BE SELLING THE TOWNHOMES TO INDIVIDUAL BUYERS. A HOMEOWNER'S ASSOCIATION WILL BE CREATED.

CONDITIONAL USE PERMIT APPLICATION (Cont.)

CUP Application
Page 3 of 3

PROPERTY OWNERS STATEMENT

We, the undersigned, state that we are the owners of all of the property involved in this petition (Attach a supplemental sheet if necessary):

Name (please print): KEANA DEVELOPMENT, LLC
 Mailing Address: 9595 WILSHIRE BLVD., BEVERLY HILLS CA 90212 Ste 1010
 Phone No: (310) 273-2999
 Fax No: (310) 550-4564 E-mail: SHANE@ASTANIENTERPRISES.COM
 Signature: _____

Name (please print): _____
 Mailing Address: _____
 Phone No: _____
 Fax No: _____ E-mail: _____
 Signature: _____

CERTIFICATION

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) ss.

I, SHANE ASTANI, being duly sworn, depose and say that I am the petitioner in this application for a Conditional Use Permit, and I hereby certify under penalty of law that the foregoing statements and all statements, maps, plans, drawings and other data made a part of this application are in all respects true and correct to the best of my knowledge and belief.

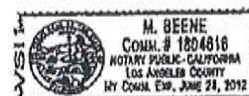
Signed: _____
 (If signed by other than the Record Owner, written authorization must be attached to this application)

On October 23, 2009, before me, M. Beene, Notary Public (seal)
 personally appeared Shane Astani, who
 proved to me on the basis of satisfactory evidence to be the
 person whose name (s) is subscribed to the within
 instrument and acknowledged to me that he (s) executed
 the same in his (her) authorized capacity (ies), and that by
(his) (her) (their) signature (s) on the instrument the person (s), or the
 entity upon behalf of which the person (s) acted, executed
 the instrument.

I certify under PENALTY OF PERJURY under the laws of the
 State of California that the foregoing paragraph is true
 and correct.

WITNESS my hand and official seal.

M. Beene
 Notary Public



FOR DEPARTMENT USE ONLY	
CASE NO:	
DATE FILED:	
FILING FEE:	
RECEIPT NO:	
APPLICATION COMPLETE?	

CONDITIONAL USE PERMIT APPLICATION (Cont.)

CERTIFIED PROPERTY OWNERS LIST
AFFIDAVIT

RECEIVED

OCT 27 2008

Planning Dept.

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, SHANE ASTANI, HEREBY STATE THAT the attached list contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available Assessment Roll of the County of Los Angeles within the area described and for a distance of five-hundred (500) from the exterior boundaries of property legally described as:

SEE ATTACHED TITLE REPORT DTD 6/19/08

Signature

SHANE ASTANI

Printed Name

KEANA DEVELOPMENT

Company / Address

9595 WILSHIRE BLVD #1010BEVERLY HILLS, CA 90212

On October 23, 2008, before me, M. Beene, Notary Public.

Date

Name/Title

Personally appeared Shane Astani

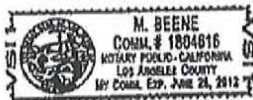
Name of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/it executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

M. Beene
Notary Public



COPY



City of Santa Fe Springs

11710 Telegraph Road • CA • 90670-3679 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

October 29, 2009

Attn: Shane Astani
Keana Development, LLC
9595 Wilshire Boulevard, Ste. 1010
Beverly Hills, CA 90212

Re: **Conditional Use Permit Case No. 694 and
Vesting Tentative Tract Map Case No. 070726**

Dear Mr. Astani,

The Planning Commission, at their meeting on October 26, 2009, took action on your request for approval of Conditional Use Permit Case No. 694 to allow the planned development of a new 50-unit residential condominium project (totaling approximately 107,384 sq. ft.) on property located at 9830 Jersey Avenue (APN: 8005-002-059), 9841 Alburdis Avenue (APN: 8005-002-016) and 9851 Alburdis Avenue (APN: 8005-002-058), in the ML, Limited Manufacturing Administration and Research, Zone, within the Consolidated Redevelopment Project Area.

The Planning Commission approved your request subject to the following conditions:

CONDITIONS OF APPROVAL

NOTE: the conditions provided below represents the comprehensive list of conditions for both Conditional Use Permit Case No. 694 and Vesting Tentative Tract Map Case No. 070726

ENGINEERING / PUBLIC WORKS DEPARTMENT:

(Contact: Noe Negrete 562-868-0511 x7611)

1. That the owner shall pay a flat fee of \$22,400 to resurface the existing street frontage to centerline for Alburdis Avenue and Jersey Avenue.
2. That the owner shall design and construct a 5-foot wide sidewalk at the back of the property line (offset from the curb) along the Jersey Avenue and Alburdis Avenue street frontage. This shall include the removal of unused driveways and construction of curb and gutter where the driveway(s) were removed.

190303 That the owner shall remove and reconstruct all damaged curb and gutter on both Jersey Avenue and Alburdis Avenue.

4. That the owner shall execute an affidavit agreeing to the addition of a cost-of-living adjustment to the existing Street Light Assessment District. Annual adjustments shall be based on the Consumer Price Index for Los Angeles County and will not exceed 3% per year.
5. That the owner shall execute an affidavit agreeing to participate in a future street maintenance district or other type of benefit assessment district to slurry seal, resurface and reconstruct the street frontage on regular intervals (5-year, 10-year and 20-year intervals, respectively, as determined by the City Engineer). The owner shall retain the right to challenge the costs and method of spreading future assessments.
6. That adequate "on-site" parking shall be provided per City requirements, and streets abutting the development (Jersey Avenue) shall be posted "No Stopping Any Time." The City will install the offsite signs and the owner shall pay the actual cost of sign installation.
7. That the owner/developer shall pay to the City the entire cost of design, engineering, installation and inspection of street lights along the project street frontage (Jersey Avenue). The City will design and cause construction of said street light(s).
8. That the fire sprinkler plans, which show the proposed double-check valve detector assembly location, shall have a stamp approval from the Planning Department and Public Works Department prior to the Fire Department's review for approval. Disinfection, pressure and bacteriological testing on the line between the street and detector assembly shall be performed in the presence of personnel from the City Water Department. The valve on the water main line shall be operated only by the City and only upon the City's approval of the test results.
9. That the owner/developer shall obtain a Storm Drain Connection Permit for any connection to the storm drain system.
10. The owner/developer shall have an overall site utility master plan prepared by a Registered Civil Engineer showing proposed location of all public water mains, reclaimed water mains, sanitary sewers and storm drains. This plan shall be approved by the City Engineer prior to the preparation of any construction plans for the aforementioned improvements.
11. That the owner shall comply with Congestion Management Program (CMP) requirements and provide mitigation of trips generated by the development. The owner and/or developer will receive credit for the demolition of any buildings that formerly occupied the site. For new developments, the owner and/or developer cannot meet the mitigation requirements, the owner and/or developer shall pay a

mitigation fee to be determined by the City Engineer for off-site transportation improvements.

12. That the owner/developer shall comply with all requirements of the County Sanitation District, make application for and pay the sewer maintenance fee.
13. That the owner/developer shall pay the water trunkline connection fee of \$3,250 per acre upon application for water service connection or if utilizing any existing water service.
14. That a grading plan shall be submitted for drainage approval to the City Engineer. The owner shall pay drainage review fees in conjunction with this submittal. A professional civil engineer registered in the State of California shall prepare the grading plan.
15. That a hydrology study shall be submitted to the City and shall be prepared by a Professional Civil Engineer.
16. That upon completion of public improvements constructed by developers, the developer's civil engineer shall submit mylar record drawings and an electronic file (AutoCAD Version 2004 or higher) to the office of the City Engineer.
17. That the owner/developer shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with Chapter 52 of the City Code. The owner/developer will also be required to submit a Certification for the project and may be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Projects over five acres in size will be required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). The owner/developer can obtain the current application packet by contacting the SWRCB, Division of Water Quality, at (916) 657-1977 or by downloading the forms from their website at <http://www.swrcb.ca.gov/stormwtr/construction.html>. The project shall also conform to Ordinance 915 regarding the requirements for the submittal of a Standard Urban Storm Water Mitigation Plan ("SUSMP"). The SUSMP includes a requirement to implement Post Construction BMPs to infiltrate the first 3/4" of runoff from all storm events and to control peak-flow discharges. Unless exempted by the Los Angeles Regional Water Quality Control Board, a Covenant and Restriction ensuring the provisions of the approved SWPPP shall also be required.
18. Final parcel map checking of \$4,574 plus \$275 per parcel shall be paid to the City. Developer shall comply with Los Angeles County's Digital Subdivision Ordinance (DSO) and submit final maps to the City and County in digital format.
19. The owner/developer shall provide at no cost to the City, one mylar print of the recorded parcel map from the County of Los Angeles Department of Public Works,

P.O. Box 1460, Alhambra, CA 91802-1460, Attention: Bill Slenniken (626) 458-5131.

FIRE DEPARTMENT – FIRE PREVENTION DIVISION:
(Contact: Bil Murphy 562.868-0511 x3703)

20. That all buildings over 5,000 sq ft shall be protected by an approved automatic sprinkler system per Section 93.11 of the Santa Fe Springs Municipal Code.
21. That the owner shall comply with the requirements of Section 117.131 of the Santa Fe Springs Municipal Code, Requirement for a Soil Gas Study, in accordance with Ordinance No. 955, prior to issuance of building permits.
22. That interior gates or fences are not permitted across required Fire Department access roadways unless otherwise granted prior approval by the City Fire Department.
23. That if on-site fire hydrants are required by the Fire Department, a minimum flow must be provided at 2,500 gpm with 1,500 gpm flowing from the most remote hydrant.
24. That the standard aisle width for onsite emergency vehicle maneuvering shall be 26 feet with a minimum clear height of 13 feet 6 inches. Internal driveways shall have a turning radius of not less than 52 feet. The final location and design of this 26 feet shall be subject to the approval of the City's Fire Chief as established by the California Fire Code. A request to provide emergency vehicle aisle width less than 26 feet shall be considered upon the installation/provision of mitigation improvements approved by the City's Fire Chief.
25. That prior to submitting plans to the Building Department or Planning Commission, a preliminary site plan shall be approved by the Fire Department for required access roadways and on-site fire hydrant locations. The site plan shall be drawn at a scale between 20 to 40 feet per inch. Include on plan all entrance gates that will be installed.
26. That Knox boxes are required on all new construction. All entry gates shall also be equipped with Knox boxes or Knox key switches for power-activated gates.
27. That signs and markings required by the Fire Department shall be installed along the required Fire Department access roadways.

FIRE DEPARTMENT – ENVIRONMENTAL DIVISION:
(Contact: Tom Hall 562.868-0511 x3715)

28. That prior to issuance of building permits, the applicant shall assess and mitigate any contamination of the soil and/or groundwater to an acceptable level for residential development.

29. That the developer will conduct a soil gas survey in accordance with the most recent Department of Toxic Substances Control/Los Angeles Regional Water Quality Control Board Active Soil Gas Investigation Advisory.
30. That an approved vapor barrier/ventilation system, as determined by the Fire Chief, shall be installed if required to mitigate soil gas contaminants that would otherwise pose an unacceptable indoor air risk to future residents. The requirements for a vapor barrier/ventilation system will be dependent on the data obtained from Condition 21 & 29 (soil vapor survey to assess vapor intrusion risk to indoor air).
31. That all future residents be notified of any mitigation measures or barriers installed within or about the structure in order to mitigate human health risks posed by residual or regional contamination.
32. That a Soils Management Plan (SMP) addressing site monitoring and remediation actions during site grading is required. The SMP shall be submitted to the Santa Fe Springs Fire Department for review and approval before grading activities begin. Once grading is complete, a SMP report must be submitted to the Fire Department for final approval.
33. That all abandoned pipelines, tanks and related facilities shall be removed unless approved by the City Engineer and Fire Chief. Appropriate permits for such work shall be secured before abandonment work begins.
34. That a "Closure Letter," "No Further Action Letter," or other appropriate documentation certifying that all soil, soil gas, and/or groundwater assessment and mitigation requirements are complete is issued by the Santa Fe Springs Department of Fire-Rescue and any other appropriate regulatory agency.

POLICE SERVICES DEPARTMENT:

(Contact: Phillip De Rousse at x3319)

35. That the applicant shall submit and obtain approval of a proposed lighting (photometric) for the property from the City's Department of Police Services. The photometric plan shall be designed to provide adequate lighting (as close to 2 foot candle power as possible) throughout the subject property. Further, all exterior lighting shall be designed/installed in such a manner that light and glare are not transmitted onto adjoining properties in such concentration/quantity as to create a hardship to adjoining property owners or a public nuisance. The photometric plan shall be submitted to the Director of Police Services prior to the issuance of any building permits related to the proposed condo project.
36. That the applicant shall provide an emergency phone number and a contact person to the Department of Police Services and the Fire Department. The name, telephone number, fax number and e-mail address of that person shall be provided to the Director of Police Services and the Fire Chief no later than 60 days from the

date of approval by the Planning Commission. Emergency information shall allow emergency service to reach the applicant or their representative any time, 24 hours a day.

37. That in order to facilitate the removal of unauthorized vehicles parked on the property, the applicant shall post, in plain view and at each entry to the property, a sign not less than 17" wide by 22" long. The sign shall prohibit the public parking of vehicles and indicate that vehicles will be removed at the owner's expense and also contain the California Vehicle Code that permits this action. The sign shall also contain the telephone number of the local law enforcement agency (Police Services Center (562) 409-1850). The lettering within the sign shall not be less than one inch in height. The applicant shall contact the Police Services Center for an inspection no later than 30 days after the project has been completed and prior to the occupancy permit being issued.
38. That the proposed buildings, including any lighting, fences, walls, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 72 hours of occurrence, weather permitting, to minimize occurrences of dangerous conditions or visual blight. Paint utilized in covering graffiti shall be a color that matches, as closely possible, the color of the existing and/or adjacent surfaces.
39. That all conditions related to parking and maintenance on lighting throughout the property shall be established in the CC&R's.
40. That parking shall be prohibited along the east curblin of Jersey Ave in front of the complex and the west curblin of Alburtis Ave. in front of the complex.
41. That controlled access gates shall be equipped with an approved device to permit remote controlled and/or keyed access for police and fire.

PLANNING AND DEVELOPMENT DEPARTMENT:
(Contact: Cuong Nguyen 562.868-0511 x7359)

42. That a minimum of two (2) of the fifty (50) residential condominium units shall be offered to the City's Community Development Commission for purchase, which will then be resold under the City's Housing Acquisition and Rehabilitation Program for Low/Mod income first-time homebuyers.
43. That within the parking lot area, all compact and visitor spaces shall be clearly identified either by striping and/or upright signage.
44. That the proposed buildings shall be constructed of quality material and any material shall be replaced when and if the material becomes deteriorated, warped, discolored or rusted.

45. That approved address numbers shall be placed on the proposed buildings in such a position as to be plainly visible and legible from the street fronting the property. Said numbers shall contrast with their background.
46. That the development shall otherwise be substantially in accordance with the plot plan, floor plan, and elevations submitted by the owner and on file with the case.
47. That prior to the issuance of a building permit for the project, the owner shall submit for approval a detailed landscape and automatic irrigation plan pursuant to the Landscaping Guidelines of the City.
48. That the landscaped areas shall be provided with a suitable, fixed, permanent and automatically controlled method for watering and sprinkling of plants. This operating sprinkler system shall consist of an electrical time clock, control valves, and piped water lines terminating in an appropriate number of sprinklers to insure proper watering periods and to provide water for all plants within the landscaped area. Sprinklers used to satisfy the requirements of this section shall be spaced to assure complete coverage of all landscaped areas.
49. That all landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This is meant to include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, and replacement of plants when necessary and the regular watering of all plantings.
50. That there shall be no roof-mounted mechanical equipment and/or duct work which projects above the roof or roof parapet of the proposed development and visible from a public street. Satellite dish antennae and similar devices will be addressed within the CC&Rs.
51. That the electrical plans, which show the location of electrical transformer(s) shall be subject to the approval of the Planning Department. Transformers shall not be located within the front yard setback area. The location of the transformer(s) shall be subject to the prior approval of the Director of Planning and Development. The electrical transformer shall be screened with shrubs. As measured from the base of the transformer's pad, all shrubs shall be planted 8 feet away from the door and 18 inches away from the sides.
52. That all fences, walls, gates and similar improvements for the proposed development shall be subject to the prior approval of the Department of Fire-Rescue and the Department of Planning and Development.
53. That the Department of Planning and Development shall review and approve all sign proposals for the development. The sign proposal (plan) shall include a site plan, building elevation on which the sign will be located, size, style and color of the proposed sign. All drawings shall be properly dimensioned and drawn to scale on 24" x 36" maximum-size paper. All signs shall be installed in accordance with the sign standards of the Zoning Ordinance and the Sign Guidelines of the City.

54. That a sufficient number of approved outdoor trash enclosures shall be provided for the development subject to the prior approval of the Director of Planning and Development. The calculation to determine the required storage area is: 1% of the first 20,000 sq ft of floor area + ½% of floor area exceeding 20,000 sq ft, but not less than 4 ½ feet in width nor than 6 feet in height.
55. That trash enclosures shall be designed to architecturally integrate with the overall design theme of the development. Trash enclosures should be planted with vines if located adjacent to or within a landscape area to help screen the enclosure. Trellises or other covered structures are recommended to minimize the visual impact of trash bins from dwelling units.
56. That the Department of Planning and Development requires that the double-check detector assembly be screened by shrubs or other materials; however, the area in front of the OS and Y valves shall not be screened. The screening shall also only be applicable to the double-check detector assembly and shall not include the fire department connector (FDC). Notwithstanding, the Fire Marshall shall have discretionary authority to require the FDC to be located a minimum distance from the double-check detector assembly.
57. That all projects over \$50,000 are subject to the requirements of Ordinance No. 914 to reuse or recycle 75% of the project waste. Contact the Recycling Coordinator, Anita Jimenez at (562) 868-0511 x7361.
58. That the owner/developer shall comply with Public Resource Code, Section 42900 et seq. (California Solid Waste Reuse and Recycling Access Act of 1991) as amended, which requires each development project to provide adequate storage area for the collection/storage and removal of recyclable and green waste materials.
59. That in conformance with City Ordinance No. 909, the applicant shall comply with the City's "Heritage Artwork in Public Places Program".
60. That prior to issuance of building permits, the applicant shall comply with the following conditions to the satisfaction of the City of Santa Fe Springs:
- a. Covenants.
 1. Owner/developer shall provide a written covenant to the Planning Department that, except as may be revealed by the environmental remediation described above and except as applicant may have otherwise disclosed to the City, Commission, Planning Commission or their employees, in writing, applicant has investigated the environmental condition of the property and does not know, or have reasonable cause to believe, that (a) any crude oil, hazardous substances or hazardous wastes, as defined in state and federal law, have been released, as that term is defined in 42 U.S.C. Section 9601 (22), on, under or about the Property, or that (b) any material has been discharged on, under or about the Property that could affect the quality of ground or surface water on the Property

within the meaning of the California Porter-Cologne Water Quality Act, as amended, Water Code Section 13000, et seq.

2. Owner/developer shall provide a written covenant to the City that, based on reasonable investigation and inquiry, to the best of owner/developer knowledge, it does not know or have reasonable cause to believe that it is in violation of any notification, remediation or other requirements of any federal, state or local agency having jurisdiction concerning the environmental conditions of the Property.
 - b. Owner/developer understands and agrees that it is the responsibility of the applicant to investigate and remedy, pursuant to applicable federal, state and local law, any and all contamination on or under any land or structure affected by this approval and issuance of related building permits. The City, Commission, Planning Commission or their employees, by this approval and by issuing related building permits, in no way warrants that said land or structures are free from contamination or health hazards.
 - c. Owner/developer understands and agrees that any representations, actions or approvals by the City, Commission, Planning Commission or their employees do not indicate any representation that regulatory permits, approvals or requirements of any other federal, state or local agency have been obtained or satisfied by the applicant and, therefore, the City, Commission, Planning Commission or their employees do not release or waive any obligations the applicant may have to obtain all necessary regulatory permits and comply with all other federal, state or other local agency regulatory requirements. Applicant, not the City, Commission, Planning Commission or their employees will be responsible for any and all penalties, liabilities, response costs and expenses arising from any failure of the applicant to comply with such regulatory requirements.
61. That the owner/developer shall be responsible for reviewing and/or providing copies of the required conditions of approval to his/her architect, engineer, contractor, tenants, etc. Additionally, the conditions of approval contained herein, shall be made part of the construction drawings for the proposed development. Construction drawings shall not be accepted for Plan Check without the conditions of approval incorporated into the construction drawings.
62. That the owner/developer shall require and verify that all contractors and sub-contractors have successfully obtained a Business License with the City of Santa Fe Springs prior to beginning any work associated with the subject project. A late fee and penalty will be assessed to any contractor or sub-contractor that fails to obtain a Business License and a Building Permit final or Certificate of Occupancy will not be issued until all fees and penalties are paid in full. Please contact Cecilia Pasos, Business License Clerk, at (562) 868-0511, extension 7527 for additional information and application.

63. That all other requirements of the City's Zoning Ordinance, Building Code, Property Maintenance Ordinance, State and City Fire Code and all other applicable County, State and Federal regulations and codes shall be complied with.
64. That Conditional Use Permit Case No. 694 shall not be valid until approved by the Community Development Commission and shall be subject to any other conditions the Community Development Commission may deem to impose.
65. That Zone Change Case No. 131, General Plan Amendment Case No. 23, and Vesting Tentative Tract Map Case No. 070726 shall not be valid until approved by the City Council and shall be subject to any other conditions the City Council may deem to impose.
66. That Conditional Use Permit Case No. 694, Zone Change Case No. 131, General Plan Amendment Case No. 23, and Vesting Tentative Tract Map Case No. 70726 shall not be effective for any purpose until the owner/developer has filed with the City of Santa Fe Springs an affidavit stating he/she is aware of and accepts all of the required conditions of approval.
67. That the applicant, Keana Development, LLC, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards concerning Conditional Use Permit Case No. 694, Zone Change Case No. 131, General Plan Amendment Case No. 23, and Vesting Tentative Tract Map Case No. 070726, when action is brought within the time period provided for in the City's Zoning Ordinance, Section 155.865 for the Conditional Use Permit, Zone Change, and General Plan Amendment and within the time period provided for in the Government Code Section 66499.37 for the Vesting Tentative Tract Map. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof.
67. That prior to the recordation of Final Tract Map No. 070726, the applicant shall pay all printing costs incurred to print the City's existing General Plan and Zoning Ordinance. Per State Law, copies shall be calculated at a cost of .10 per page.
68. Currently, the County of Los Angeles Department of Public Works is utilizing a computerized system to update and digitize the countywide land use base. If the tract map is prepared using a computerized drafting system, the owner/developer's engineer shall submit a map in digital graphic format with the final Mylar map to the County of Los Angeles Department of Public Works for recordation and to the City of Santa Fe Springs Department of Public Works for incorporation into its GIS land use map. The City of Santa Fe Springs GIS Coordinate System shall be used for the digital file.

69. That Vesting Tentative Tract Map No. 070726 shall expire 24 months after Planning Commission approval, on October 26, 2009, except as provided under the provisions of California Government Code Section 66452.6. During this time period the final map shall be presented to the City of Santa Fe Springs for approval. The subdivision proposed by Vesting Tentative Tract Map No. 070726 shall not be effective until such time that a final map is recorded.
70. That the applicant shall provide Covenant, Conditions, & Restrictions (CC&Rs) for the proposed multi-tenant residential development. The CC&Rs must be approved by the Director of Planning and Development prior to obtaining occupancy.
71. The CC&R's shall contain a condition prohibiting the storage or parking of any boat, recreational vehicle, trailer, trailer coach or house car as defined in the State of California Vehicle Code anywhere on the project area except within garages.
72. That the CC&Rs and other Agreements governing the common area shall be subject to the approval of the City Attorney, and the owner/developer shall pay all City costs in reviewing, modifying, and approving the CC&Rs, Agreements and related documents.
73. That upon the formation of the Association, the owner shall provide the name, phone number, e-mail address, and building address of each member comprising the Association.
74. That it is hereby declare to be the intent that if any provision of this Approval is violated or held to be invalid, or if any law, statute or ordinance is violated, this Approval shall be void and the privileges granted hereunder shall lapse.

Your attention is called to the fact that this approval is not effective until an affidavit has been signed and notarized to indicate your willingness to accept and abide by the conditions of approval. Two copies of an affidavit are enclosed for this purpose. **One copy should be returned to this office upon completion; the other copy is for your files.**

The Zoning Ordinance sets forth an appeal period of fourteen days, beginning with the date you receive this letter, during which any party aggrieved by the Commission's action can appeal the matter to the City Council. You are hereby notified that the time within which judicial review must be sought is governed by the provisions of California Code of Civil Procedure, Section 1094.6.

If you have any questions regarding this matter, please feel free to call Cuong Nguyen, Associate Planner, at (562) 868-0511 x7359.

Sincerely,



Paul R. Ashworth
Director of Planning and Development

cc: City Council
Frederick W. Latham, City Manager
Fernando L. Tarin, Director of Police Services
Phillip De Rousse, Management Assistant I
Donald K. Jensen, Director of Public Works
Thomas R. Lopez, Assistant Director of Public Works
Noe Negrete, Principal Civil Engineer
Janet Ortiz, Director of Environmental Protection
Tom Hall, Environment Protection Specialist
Bill F. Murphy, Fire Marshal
Wayne Morrell, Principal Planner
Attn: Craig Whittecker, Alliance Land Planning & Engineering Inc., 2248 Faraday Ave, Carlsbad, CA 92008
Attn: John Garrison, Newman Garrison Gilmour + Partners, 20401 SW Birch St. Ste 200, Newport Beach, CA 92660
File Copy



DEPARTMENT OF PLANNING AND DEVELOPMENT

11710 Telegraph Road, Santa Fe Springs, CA 90670

ACCEPTANCE OF CONDITIONS
AFFIDAVIT

I _____, HEREBY STATE THAT I am the owner, or the authorized agent of the owner, of property involved in Conditional Use Permit Case No. 694 and Vesting Tentative Tract Map Case No. 070726.

I FURTHER STATE THAT I have read, understand and accept, and will comply with all of the conditions of approval established by the Planning Commission, at their meeting of October 26, 2009.

I AM ALSO AWARE THAT if any of the provisions of this approval are violated or held to be invalid, or any law, statute or ordinance is violated, the Permit shall be void and the privileges granted thereunder shall lapse.

Signature

Title (if any)

Company Name (if any)

Mailing Address

City, State, Zip

Phone

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____
by _____, proved to me on the basis of satisfactory
evidence to be the person(s) who appeared before me.

Notary Public

(seal)



UNFINISHED BUSINESS

Conditional Use Permit Case No. 757

A request for approval to allow the establishment, operation and maintenance of a temporary wireless telecommunications facility and related equipment on property located at 10805 Orr and Day Road (APN: 8017-001-035), within the C-4, Community Commercial, Zone. (Coastal Business Group for AT&T Mobility)

Modification Permit Case No. 1245

A request to allow the proposed temporary wireless facility to be designed in a manner that is deem not stealth, as per required by the Wireless Telecommunication Antennas Guidelines.

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the proposed wireless telecommunications facility use, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses in the area and, therefore, will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general.
2. Find that the applicant's Modification Permit request meets the criteria set forth in Section 155.695 of the City's Zoning Regulation for the granting of a Modification in nonresidential zones.
3. Find that the proposed temporary wireless telecommunications facility meets the criteria for "In-Fill Development Projects", pursuant to the California Environmental Quality Act (CEQA); specifically, the proposed project is a categorically-exempt project, pursuant to Section 15332 – Class 32 of CEQA; consequently, no other environmental documents are required by law.
4. Approve CUP No. 757 and MOD Case No. 1245, subject to the conditions of approval as stated within the staff report.

BACKGROUND

The subject property is located at 10805 Orr and Day Road (APN: 8017-001-035), within a commercial shopping center, commonly referred to as the Price's Market shopping center, at the southwest corner of Orr and Day Road and Florence Avenue in the C-4 (Community Commercial) Zone. The shopping center consists of three (3) parcels: APN: 8017-001-038 (2.01 acres); APN: 8017-001-035 (14,389 sq. ft.); APN: 8017-001-034 (41,820 sq. ft.).

The Planning Commission, at its meeting of April 24, 1995, originally approved a request by LA Cellular (now AT&T) to install a 70-foot high cellular antenna, housed within a structure architecturally designed to resemble a clock tower, at the rear of the shopping center. The faux clock tower is located on the largest of the parcels (APN: 8017-001-035 (2.01 acres), approximately 388 feet west of Orr and Day Road, 79 feet south of the Florence Avenue freeway overpass and 29 feet east of the northbound Interstate 5 (I-5) Freeway. For various technical reasons and to better serve cellular users along Interstate 5 (I-5) and Interstate 605 (I-605), AT&T determined that the shopping center was the optimal location for the cellular antennae.

In August of 1996, the Planning Commission adopted guidelines regarding wireless telecommunication antennae (See "EXHIBIT B"). These guidelines generally concern the appearance and location of new wireless antenna structures, requiring that telecommunication antennae facilities be housed within a completely enclosed structure that is designed to be architecturally integrated with the architecture of the building or structures on the property. Wireless facilities that cannot comply with the stealth design should not be located within 300 feet of a public street.

The California Department of Transportation (Caltrans) is in the process of widening Interstate 5, (I-5) Freeway between State Route 91 and Interstate 710. As a result, all buildings, including the clock tower will be demolished as part of the freeway expansion project, which includes the widening of the freeway to accommodate one carpool lane (HOV) and one general purpose lane, the reconstruction and widening of the structure at Florence Avenue, and the reconstruction and widening of the Orr and Day Road bridge over the railroad track.

AT&T recently submitted a Conditional Use Permit (CUP) application for the establishment, operation and maintenance of a temporary wireless telecommunications facility and related equipment on the smallest of the three parcels, (APN: 8017-001-035). Although, that parcel is currently addressed 10805 Orr and Day Road, it is likely that the proposed wireless facility will be assigned a new address by the Building official. Concurrent with the CUP application was a Modification of Property Development Standards request, to allow the proposed wireless facility to be located less than 300 feet from the street and to allow the design of the facility to not be stealth.

Pursuant to Section 155.153(E) of the Zoning Regulations, public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service nature, including electrical distribution substations, shall be permitted in the C-4 Zone only after a valid conditional use permit has first been issued.

On August 11, 2014, AT&T's request was presented to the Planning Commission at a duly published hearing, with the recommendation that the Planning Commission approve AT&T's request for the establishment, operation and maintenance of the temporary wireless telecommunications facility and related equipment on the subject site and to allow the design of the facility to be not stealth. Staff recommended approval due to the temporary nature of the facility and also conditioned the facility to be removed within 2 years of the building permit issuance to reaffirm the temporary nature of this telecommunication facility.

During the public comment, 2 nearby residents expressed their concerns for the aesthetics and proximity of the wireless facility to their homes. The residents questioned why the facility could not be located on another parcel, ideally closer to the freeway or installed within an industrial area of the City. Despite the applicant's response, including that an agreement was already in place with the property owner (Caltrans), and that this particular location was the only available location to continue equivalent service to their existing customers, after some discussion, the Planning Commission voted to deny the request. It should be noted that no documentation was provided, by the applicant, verifying that an Alternative Site analysis was done nor that any propagation maps were provided.

On August 12, 2014, a letter was sent by the Planning Department to the applicant advising of the Planning Commission's decision denying their request and that there is a fourteen (14) day appeal period within which actions by the Planning Commission can be appealed to the City Council. The letter also specified the actions that can be taken by the City Council when appeals are brought before them. On August 19, 2014, the applicant's legal counsel submitted an appeal of the Planning Commission's decision to the City clerk.

The applicant's appeal was heard at the August 28, 2014, City Council meeting and although the applicant submitted additional documents, that included a radio frequency statement and alternative site analysis (see attachment 9 & 10), procedurally, the City Council could not hear any new evidence at the meeting. New evidence can only be heard if the City Council decided to set the appeal before themselves at a later meeting date. For the meeting, however, the City Council was presented with the staff report summarizing what happened at the Planning Commission hearing and the decision options the City Council may take relative to the appeal. The Council was also provided with the entirety of the record of the matter as considered by the Planning Commission. Said record consisted of the written materials contained in the Commissioner's binders, the PowerPoint presentation of

the oral staff report and a detailed account of what was said and by whom at the hearing. After some testimony by representative from Caltrans and AT&T the Council voted to send the matter back to the Planning Commission with instructions for further proceedings.

DESCRIPTION OF REQUEST

The applicant is requesting approval of the subject CUP to allow construction of a 65 feet high temporary wireless facility anchored onto nine 2.3' cement blocks. The cement blocks are due to the temporary nature of the structure and still require structural approval from the Building Department to ensure that it will be structurally sound. The proposed facility will be located approximately 21 feet away from the front property line along Orr and Day Road. It should be noted that the proposed facility will be approximately 98 feet away from the nearest residential property.

The proposed temporary telecommunications facility will be a monopole design which is not consistent with the stealth and setback requirements set forth in the City's Wireless Telecommunication Antennas Guidelines. According to the Guidelines, wireless facilities that cannot comply with the stealth design shall not be located within 300 feet of a public street. It should be noted, however, that the applicant intends to build a permanent wireless facility at a later date when the freeway expansion is complete. Staff has informed the applicant that only a stealth design would be supported by Staff for said permanent wireless facility.

DETAILS OF PROPOSED USE

Antennas

- *Panel antennas* - AT&T is proposing to locate twelve 8-foot panel antennas configured in three sectors. Each sector will include four antennas (measuring 12"W x 8"D x 96"H) and will be mounted approximately 61'-0" above the ground (to centerline of antenna). Additionally, twenty four RRUs (8 per sector) will be mounted directly behind each panel antenna;
- *Dish antennas* - AT&T is proposing to locate one microwave dish measuring 24" in diameter. It will be installed approximately 52'-0" above the ground; and
- *GPS antenna* - AT&T is proposing to locate one GPS antenna directly on one of the proposed equipment cabinets.

Equipment

The leasing area for the proposed facility will be 18' x 24' (approx. 414 square feet). The leasing area includes the monopole anchored on cement blocks and equipment area. Specifically, AT&T is proposed to install four Purcell cabinets and an Alpha cabinet. Additionally, the equipment area will house an AT&T cam lock, PPC Panel, and AT&T fiber cabinet.

It should be noted that the proposed equipment and monopole will be located within the lease area and will be provided with a 6' high chain link fence with slats around the perimeter.

Vehicular Access Route

Access to the AT&T lease area will be from the existing driveway off Orr & Day Road. Said access is labeled on the provided plans as a 12' non-exclusive access route.

STREETS AND HIGHWAYS

The subject property is located on the southwest corner of Orr & Day Road and Florence Avenue. Both Orr & Day Road and Florence Avenue are classified as Major Arterials within the Circulation Element of the City's General Plan.

ZONING AND LAND USE

The subject property is zoned C-4 (Community Commercial). The property also has a General Plan Land Use designation of Commercial.

The zoning, General Plan and land use of the surrounding properties are as follows:

<i>Direction</i>	<i>Zoning District</i>	<i>General Plan</i>	<i>Land Use</i>
North	R-1 Single Family Residential	Single Family Residential	Residential Parcels
South	C-4 Community Commercial	Commercial	Soon-to-be Demolished Shopping Center
East	R-1 Single Family Residential	Single Family Residential	Residential Parcels
West	I-5 Freeway – City of Norwalk (Residential)	I-5 Freeway	Freeway

ENVIRONMENTAL DOCUMENTS

Upon review of the proposed project, staff finds the project would qualify for a categorical exemption pursuant to Section 15332, Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

The project entails the installation and operation of a new telecommunications facility which helps fill a temporary coverage void in the area that will be left by the removal of the existing cell site that has been displaced by the I-5 Freeway expansion project.

Additionally, AT&T has provided the city with data to support that the proposed project will comply with Federal Communications Commission's RF exposure rules and, therefore, would not result in any significant risks with respect to human exposure to radio frequency fields emitted by the proposed telecommunications facility.

For the reasons mentioned, staff believes the project would not be detrimental to persons or property in the immediate vicinity. Consequently, additional environmental analysis is, therefore, not necessary to meet the requirements of the CEQA. If the Commission agrees, Staff will file a Notice of Exemption (NOE) with the Los Angeles County Clerk within 5 days of approval of the proposed project by the Planning Commission.

ZONING CODE REQUIREMENT

In accordance with Section 155.153(E) of the City's Zoning Regulations a conditional use permit is required for the establishment of a public service facility in the C-4, Community Commercial, Zone.

Section 155.153 (EE)

Section 155.153

The following uses shall be permitted in the C-4 Zone only after a valid conditional use permit has first been issued:

(EE) Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service nature, including electrical distribution substations; provided, that the Planning Commission determines that there is a definite showing of necessity for such uses in the location requested. Storage yards, warehouses or similar facilities shall not be permitted.

Additionally, according to the Wireless Telecommunication Antennas Guidelines, wireless antennae facilities shall be housed within a completely-enclosed structure that is designed to be architecturally integrated with the architecture of the building or structures on the property. However, if the facility could not be appropriately screened, then the wireless facility shall be located 300 feet away from a public street. The proposed project could not meet either requirement and was therefore required to also apply for a Modification Permit to allow the facility to be non-stealth and located approximately less than 300 feet from a public street.

NOTIFICATION:

A public hearing was not required; however, notices were mailed to the individuals that voiced concerns about the proposal at the Planning Commission meeting of August 11, 2014.

COMMISSION'S CONSIDERATIONS

Conditional Use Permit

As mentioned previously, in accordance with Section 155.153(EE) of the City's Zoning Regulations a conditional use permit is required for the establishment of a public service facility in the C-4, Community Commercial, Zone.

The Commission should note that in accordance with Section 155.716 of the City's Zoning Regulations, before granting a Conditional Use Permit, the Commission shall:

- 1) Satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general; and
- 2) Give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.

Staff believes that the applicant's request meets the criteria required by Section 155.716 of the City's Zoning Regulations for the granting of a Conditional Use Permit.

The reasons for the findings are as follows:

1. **That the proposed wireless telecommunications facility use will not be detrimental to persons or property in the immediate vicinity, nor the welfare of the community for the following reasons:**

Staff finds that the proposed use will not be detrimental for the following reasons:

- Since their introduction, wireless telecommunication systems have proven to be an invaluable communication tool in the event of emergencies (traffic accidents, fire, etc.) and natural disasters (earthquake, floods, etc.) where normal land line communications are often disrupted, overlooked, or inaccessible during and after an event has occurred. This service and similar technology are utilized by numerous governmental and quasi-governmental agencies that provide emergency service. Wireless telecommunication systems, including cellular telephone, have also proven to be invaluable tools in business communications and everyday personal use. In this sense, they are desirable in the interest of public convenience, health, safety, and thus are proper in relation to the development of the community.
- The post-tensioned foundation will consist of pre-cast Cell Blocks, as compared to a conventional cast-in-place concrete foundation. Nine 7ft x 7ft x 2ft precast blocks will be placed in a 3x3 configuration to support the

proposed equipment cabinets, monopole, and fences. The center block is custom cast to include the anchor rods for the monopole. The keyed blocks are connected with tensioning rods that are tightened to create an essentially solid 21' x 21' x 2' foundation that requires no excavation or soil preparation. The Cell Blocks foundations have been approved by multiple building departments in the area, including the City and County of Los Angeles. Additionally, all plans submitted for the temporary facility will be plan checked by a County engineer.

- The radio frequency emissions emitted by the proposed facility will fall within the portion of the electromagnetic spectrum that transmits non-ionizing electromagnetic emissions (See RF Study). At the low levels associated with this type of wireless technology, these emissions are not harmful to living cells. Everyday products that have non-ionizing electromagnetic emissions include radios, television broadcasts, CB radios, microwave ovens, and a variety of common security systems. Conversely, items that emit ionizing electromagnetic emissions include ultraviolet light, medical x-rays and gamma rays.
- The telecommunication facility will be unmanned, thus it will not generate additional vehicular traffic above the occasional visit from the maintenance crew. The telecommunication facility will not adversely affect the health, peace, comfort or welfare of persons working or residing in the surrounding community, insofar as, it will not add to the ambient noise level, generate any obnoxious odors or solid waste.

2. That the proposed wireless telecommunications facility use has been designed to preserve the general appearance and welfare of the community for the following reasons:

Staff finds that the proposed use will preserve the general appearance and welfare of the community for the following reasons:

- The proposed 65-foot high mono-pole and related equipment will not be stealth; therefore, the general appearance of the community will be impacted. However, this structure is solely temporary and will be removed within two years.
- The AT&T lease area will be screened with a six foot tall chain link fence with slats to help screen the equipment from public view.
- The applicant has been informed that a permanent structure would need to be a stealth design.
- Please also see reasons enumerated in Item 1, above.

MODIFICATION PERMIT

In accordance with Section 155.695 of the City's Zoning Regulations, a Modification Permit request by an applicant in non-residential zones may be granted by the Planning Commission if the applicant shows the following conditions apply:

- (A) *That the granting of the modification would not grant special privileges to the applicant not enjoyed by other property owners in the area.*

No other property owners located on the site and in the area are in a similar situation as the applicant. The temporary site is a direct result of the I-5 Freeway expansion. While it is true that all the businesses within the Center will be impacted by the freeway expansion, none are wireless facilities and none are required to maintain existing coverage for their customers within the area. Additionally, the temporary wireless facility will only be located and designed in this manner for a maximum of two years. After such time the applicant is required to remove the structure. It is the intent of the applicant that after the two years to construct a permanent structure, in close proximity to the existing location that will meet the Wireless Telecommunication Antennas Guidelines.

- (B) *That the subject property cannot be used in a reasonable manner under the existing regulations.*

The commercial building, upon the site of the proposed wireless facility, has already been demolished and the remaining buildings will soon follow. The location of the existing wireless facility is in the direct path of the future north bound off-ramp. Moreover, the proposed location was selected because during construction, the majority of the property will be used as a contractor staging area for construction. As a result, it is not possible to locate a wireless facility that is setback 300 feet nor is it practical to provide a stealth design that would eventually need to be re-located once the freeway expansion is complete.

- (C) *That the hardship involved is due to unusual or unique circumstances.*

The unique circumstance related to this project is the I-5 Freeway Expansion that will result in the demolition of the existing stealth wireless tower and the need for a temporary wireless structure.

- (D) *That the modification, if granted, would not be detrimental to other persons or properties in the area nor be detrimental to the community in general.*

The temporary wireless facility will only be located and designed in the non-stealth manner for a maximum of two years. Therefore, if the modification is granted the structure will not be a permanent detriment to the community and surrounding neighborhood. Given the impact of the freeway expansion and the planned equipment and staging area to be used by Caltrans, it is not possible to locate a wireless facility to meet the 300 foot setback requirement. Moreover, it simply is not feasible to provide a stealth design that would eventually need to be re-located once the freeway expansion is complete.

Other Consideration:

The applicant recently provided staff with an Alternative Site Analysis which was not included with the initial submittal. That analysis examined fourteen (14) other locations: 9 in the city of Downey and 5 in the City of Santa Fe Springs. The locations encompassed churches, a gas station, high school, utility substation, commercial center, a car dealership and a cemetery. The distance from the existing site ranged from 740 feet to 2,000 feet. The analysis concluded that all sites were not suitable either due to being too far, lack of ground space availability, lack of landlord interest, the inability of the location to close significant coverage gap, and height restriction. The proposed temporary location was the least intrusive means by which AT&T could close its significant coverage gap in the Santa Fe Springs area during the freeway expansion.

AT&T's Mobility Radio Frequency statement also concluded that decommissioning the existing site would result in a significant gap in coverage in an area roughly bordered by Parkmead Street to the north, the San Gabriel River Freeway (I-605) to the west, Milano Avenue to the south and Lake Center Athletic Park to the east. The proposed temporary location would rectify this significant gap during the freeway expansion.

The existing cell tower is in the middle of the proposed NB off-ramp. There are a number of activities that must be finished before the I-5 Contractor can start work, which is scheduled to start at the beginning of October. The utility companies, Verizon and Southern California Edison, must disconnect their services to the existing cell tower and the existing overhead lines and poles must be removed. None of which can occur without a temporary facility in place. It is estimated that it takes about 2 months from the time the location is approved by the Planning Commission for the temporary facility to be up and functioning. Caltrans is trying to minimize the delays because the cost per day, at the minimum for the project, is \$3,300.

STAFF CONSIDERATIONS

For the reasons stated within the report and the new information provided, staff finds that if the proposed wireless telecommunications facility use operates in strict compliance with the required conditions of approval, it will be compatible with the surrounding properties and will not be detrimental or pose a nuisance risk to persons or property in the immediate vicinity. Staff is, therefore, recommending approval of the proposed temporary wireless telecommunication facility with the understanding that said approval would be for a maximum time period of two (2) years and subject to the conditions of approval as stated within the staff report. It should be noted that if this proposal were a permanent structure, staff would not be in support of its approval.

CONDITIONS OF APPROVAL:**ENGINEERING / PUBLIC WORKS DEPARTMENT:****(Contact: Robert Garcia ext. 7545)**

1. That a grading plan shall be submitted showing elevations and drainage pattern of the site. The improvements shall not impede, obstruct or pond water onsite. The grading plan shall be submitted for drainage approval to the City Engineer. The owner shall pay drainage review fees in conjunction with this submittal.

POLICE SERVICES DEPARTMENT:**(Contact: Luis Collazo at 562-409-1850)**

2. That the proposed wireless facility, equipment cabinets, and fencing shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 72 hours of occurrence, weather permitting, to minimize occurrences of dangerous conditions or visual blight.

PLANNING AND DEVELOPMENT DEPARTMENT:**(Contact: Kristi Rojas at 562-868-0511 x7451)**

3. That all fences, walls, gates and similar improvements for the proposed development shall be subject to the prior approval of the Fire Department and the Department of Planning and Development.
4. That no signs, advertisements, logos, messages, banners, clocks or similar identification improvements, except FCC required signage, shall be permitted on the antenna structure, wall, fences, equipment cabinet or enclosure.
5. That the telecommunication facility shall be continually operated in accordance with all applicable Federal regulations governing such operations.
6. That if there is evidence that conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Director of Planning and Development may refer the use permit to the Planning Commission for review. If upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.

7. That the temporary wireless telecommunications facility shall otherwise be substantially in accordance with the plot plan, floor plan, and elevations submitted by the owner and on file with the case.
8. That all other requirements of the City's Zoning Ordinance, Building Code, Property Maintenance Ordinance, State and City Fire Code and all other applicable County, State and Federal regulations and codes shall be complied with.
9. That the applicant, AT&T, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards arising from or in any way related to the subject CUP, or any actions or operations conducted pursuant thereto. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof.
10. That it is hereby declare to be the intent that if any provision of this Approval is violated or held to be invalid, or if any law, statute or ordinance is violated, this Approval shall be void and the privileges granted hereunder shall lapse.
11. That the temporary wireless facility, equipment and screening shall be removed within two years from the building permit issuance date.

Wayne M. Morrell
Director of Planning

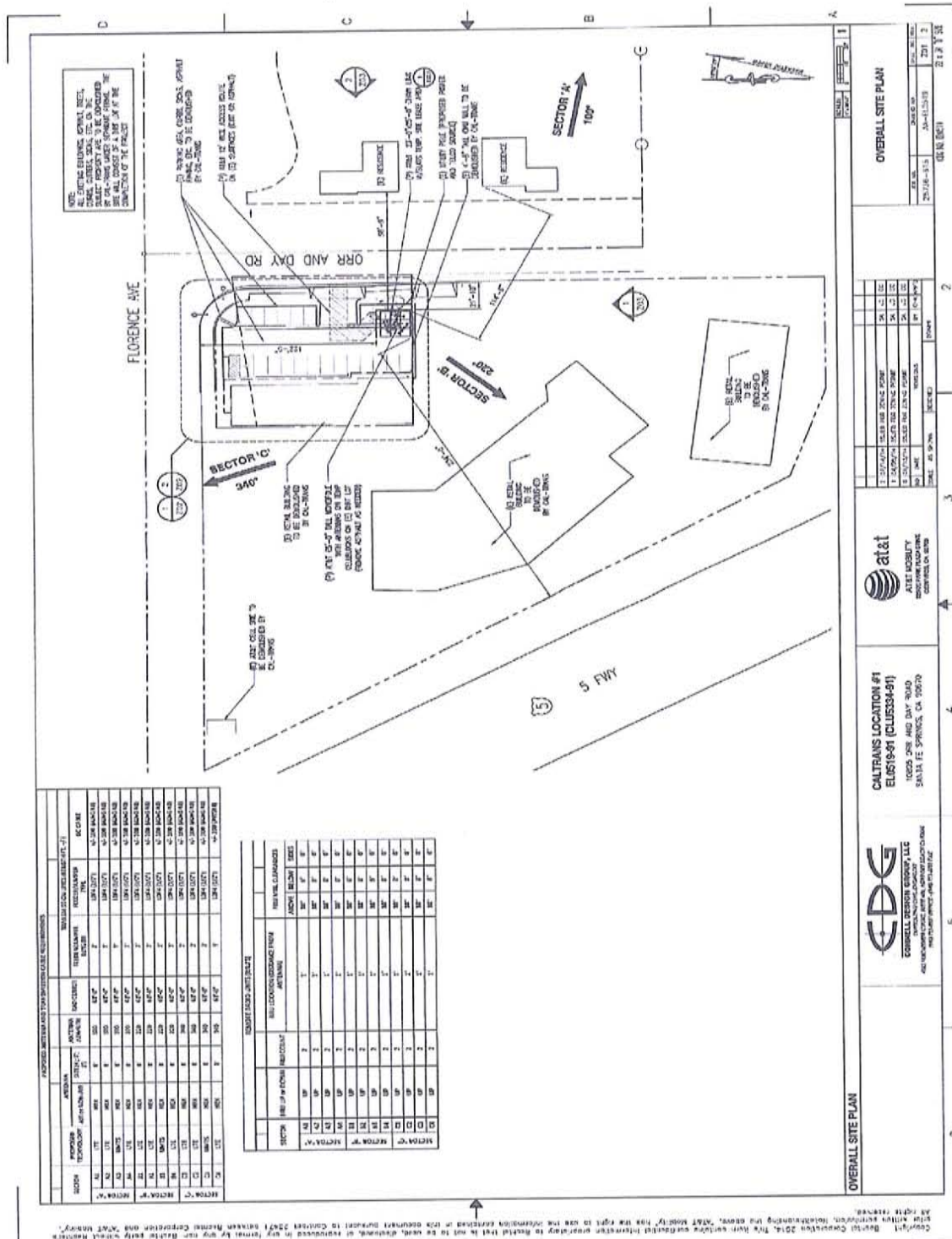
Attachments:

1. Aerial Photograph
2. Site Plan
3. Caltrans Overall Site Plan (Existing)
4. Caltrans Overall Site Plan (Proposed)
5. Elevations
6. CUP Application
7. MOD Application
8. Letter from AT&T Mobility – RF Safety Compliance
9. Appeal Letter from AT&T
10. AT&T Alternative Site Analysis
11. AT&T Mobility Radio Frequency Statement

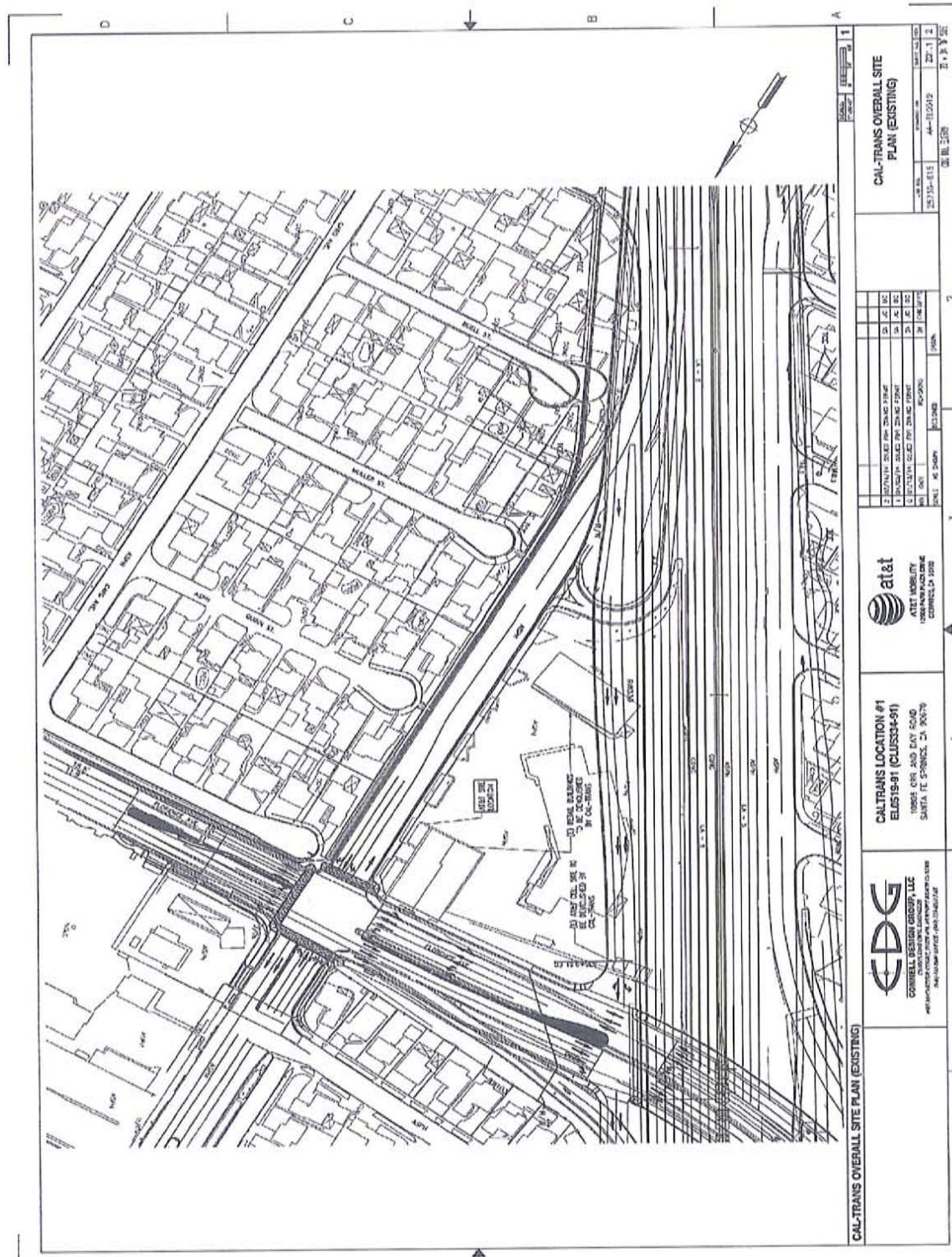
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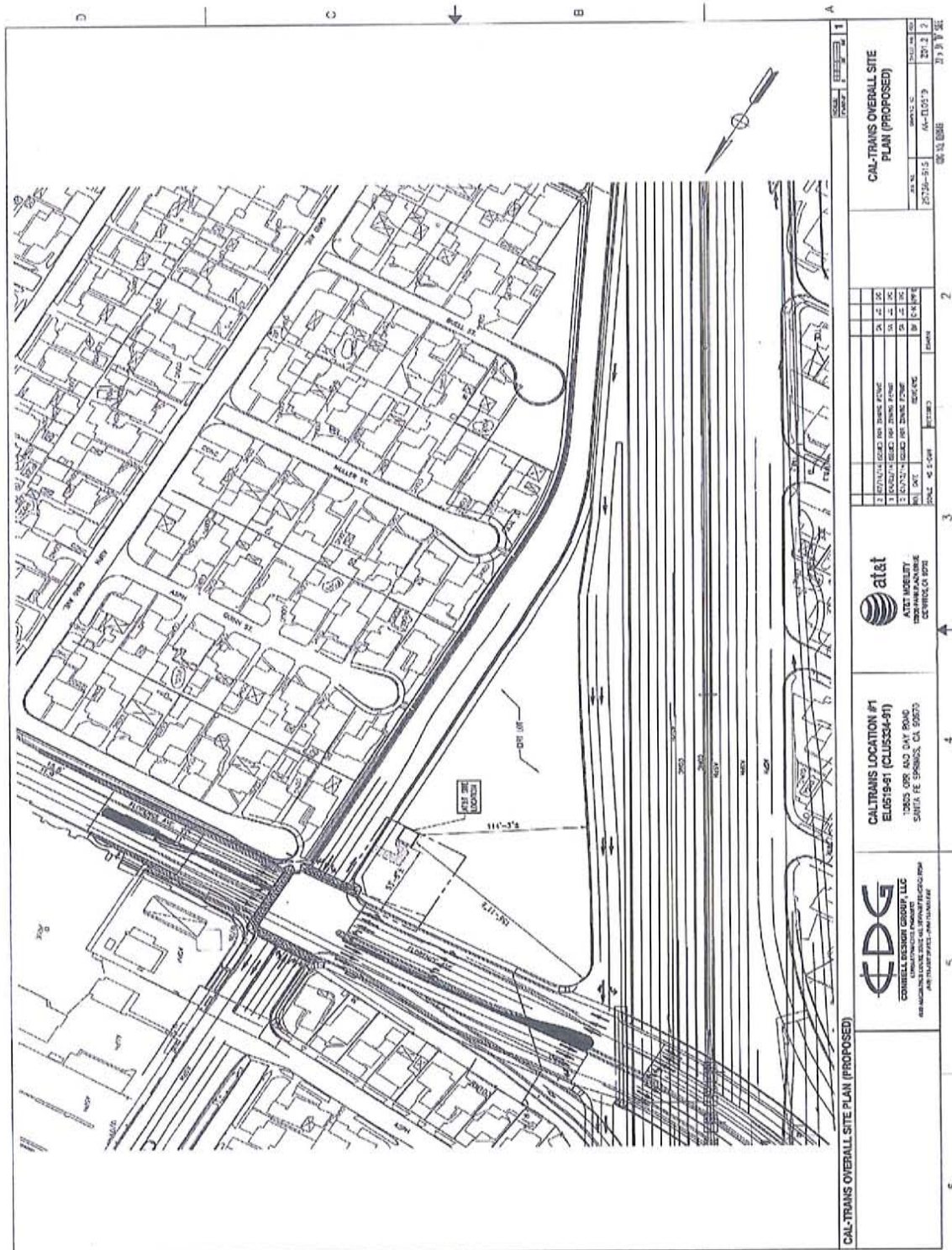
SITE PLAN

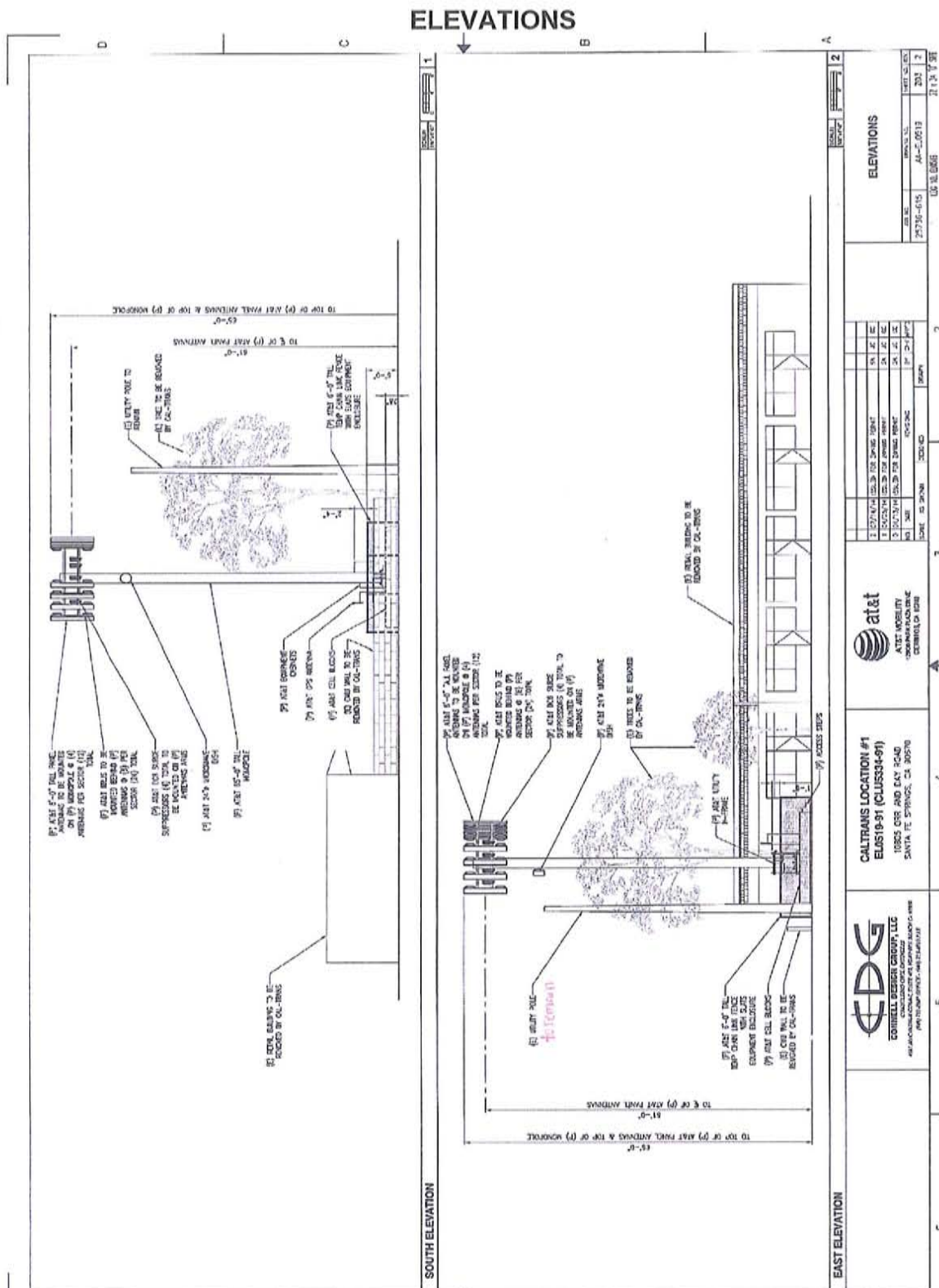


CAL TRANS EXISTING SITE PLAN



CAL TRANS PROPOSED SITE PLAN





[illegible]

CUP APPLICATION

City of Santa Fe Springs
Application for
CONDITIONAL USE PERMIT (CUP)

Application is hereby made by the undersigned for a Conditional Use Permit on the property located at (Provide street address or, if no address, give distance from nearest cross street): 10805 Orr and Day Road, Santa Fe Springs, CA 906470

Give the correct legal description of the property involved (include **only** the portion to be utilized for the Conditional Use Permit. If description is lengthy, attach supplemental sheet if necessary) Abbreviated Description- Sec 1 Twn 3S RNG 12W M R 32-18*
POR of SE 1/4 of SW 1/4 of SW 1/4 of Sec 1 T 3S R 12W
City/Muni/Twp: Region/Cluster: 27/27/27

Record Owner of the property: California Department of Transportation
Name: Representative- Jim S. Li Phone No: 213-897-0530
Mailing Address: 100 S Maint Street, Los Angeles Date of Purchase: 10/31/13
Fax No: _____ E-mail: Jimmy-li@Dot.ca.gov
Is this application being filed by the Record Owner? No- AT&T
(If filed by anyone other than the Record Owner, written authorization signed by the Owner must be attached to the application.)

Representative authorized by the Record Owner to file this application: Rep. Brittany Pell-
Name: AT&T Mobility Phone No: (949)-336-1550
Mailing Address: 12900 Park Plaza Drive, Cerritos, CA 90703
Fax No: 949-336-6665 E-mail: BPell@CoastalBusinessGroup.net
Describe any easements, covenants or deed restrictions controlling the use of the property: An encroachment permit will be obtained by AT&T from the California Department of Transportation to construct a wireless facility on the subject property.

The Conditional Use Permit is requested for the following use (Describe in detail the nature of the proposed use, the building and other improvements proposed): AT&T Mobility is proposing to construct and operate an unmanned telecommunications facility on the subject property. The proposed facility will be a 65' temporary site. All equipment and utilities will be above ground; non-penetration.

NOTE

This application must be accompanied by the filing fee, map and other data specified in the form entitled "Checklist for Conditional Use Permits."

CUP APPLICATION (Cont.)



Justification Statement

Proposed AT&T Mobility Wireless Facility
EL0519-91 Temp Site
10805 Orr and Day Road, Santa Fe Springs
APN: 8017-001-035

1. Explain why the proposed use is essential or desirable in the location requested.

The proposed location is essential to AT&T's network because AT&T has an existing site located approximately 300 feet from the proposed location that must be demolished due to the Cal Trans I-5 freeway expansion. If AT&T's existing site is demolished without a temporary site to replace the existing site, AT&T would have a gap in coverage. This means AT&T would not be servicing the area surrounding the site's proposed location.

2. Explain why the proposed use will not be detrimental to person and properties in the vicinity, nor to the welfare of the community in general.

The proposed temporary site will not be detrimental to the persons and properties in the vicinity, nor to the welfare of the community in general, the temporary site will instead benefit the community by providing every day communication as well as in emergency situations.

3. What steps will be taken to ensure that there will be no harmful noise, dust, odors, or other undesirable features that might affect adjoining properties?

AT&T ensures they will design their temporary site to comply with all standards and code set forth by the City of Santa Fe Springs. The proposed project will be outdoor equipment; therefore there will not be any harmful noises (outdoor equipment does not require an Air Conditioning unit). There will not be any dust, odors or other undesirable features; this site is designed in a way that is non-invasive and is all above ground; no ground penetration.

4. Explain why the proposed use will not in the future become a hindrance to quality development or redevelopment of adjoining properties.

The proposed project will not become a hindrance to quality development or redevelopment of adjoining properties because the proposed project will only be a temporary facility. Due to the I-5 freeway expansion, Cal Trans has forced AT&T to relocate their existing wireless facility. Cal Trans must demolish the existing buildings on the property, complete the I-5 expansion, then will allow AT&T to construct a permanent site in a more suitable location.

5. Explain what measures will be taken to ensure that the proposed use will not impose traffic burdens or cause traffic hazards on adjoining streets.

The proposed project is an unmanned telecommunications temporary facility. There will not be any imposition on traffic as there will be minimal visits to the proposed project. The only human occupancy of

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E-Mail: info@coastalbusinessgroup.net • www.coastalbusinessgroup.net

CUP APPLICATION (Cont.)



Justification Statement (Cont.)

Proposed AT&T Mobility Wireless Facility
EL0519-91 Temp Site
10805 Orr and Day Road, Santa Fe Springs
APN: 8017-001-035

the site will be if and when AT&T is servicing the facility for any maintenance that needs to be made to the site's equipment or antennas. The site itself, although near the street, will not cause any hazards to pedestrians or drivers.

6. If the operator of the requested conditional use will be someone other than the property owner, state name and address of the operator.

The operator of the requested conditional use permit will be AT&T Mobility (someone other than the property owner). AT&T Mobility's address is- 12900 Park Plaza Drive, Cerritos, CA 90703.

CUP APPLICATION (Cont.)CUP Application
Page 3 of 3**PROPERTY OWNERS STATEMENT**

We, the undersigned, state that we are the owners of all of the property involved in this petition (Attach a supplemental sheet if necessary):

Name (please print): CALIFORNIA DEPARTMENT OF TRANSPORTATION
 Mailing Address: 100 S. MAIN STREET, LOS ANGELES CA 90012 ATTN: RIGHT OF WAY
 Phone No: (213) 897-0530
 Fax No: _____ E-mail: JIMMY-LI@DOT.CA.GOV
 Signature: [Signature] (JIMMY S. LI)

Name (please print): _____
 Mailing Address: _____
 Phone No: _____
 Fax No: _____ E-mail: _____
 Signature: _____

CERTIFICATION

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) ss.

I, JIMMY S. LI, being duly sworn, depose and say that I am the petitioner in this application for a Conditional Use Permit, and I hereby certify under penalty of law that the foregoing statements and all statements, maps, plans, drawings and other data made a part of this application are in all respects true and correct to the best of my knowledge and belief.

Signed: [Signature]
 (If signed by other than the Record Owner, written authorization must be attached to this application)

{seal}

On 12/20/2013 before me, Dalia Marie Jaramillo, notary public
 Personally appeared Jimmy S. Li
 personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

[Signature]
 Notary Public

**FOR DEPARTMENT USE ONLY**

CASE NO: _____
 DATE FILED: _____
 FILING FEE: _____
 RECEIPT NO: _____
 APPLICATION COMPLETE? _____

MOD APPLICATION

City of Santa Fe Springs
Application for
MODIFICATION PERMIT (MOD)

The Undersigned hereby petitions for a Modification of one or more property development requirements of the Zoning Ordinance.

Location of property (ies) involved (Provide street address or if no address, give distance from nearest street intersection): 10805 Orr & Day Road, Santa Fe Springs
Nearest Intersection- Orr & Day Road & Florence Avenue

Legal description of property: Abbreviated Description- Sec 1 Twn 35 RNG 12W M R 32-18*
POB of SE 1/4 of SW 1/4 of SW 1/4 of Sec 1 T 35 R 12W
City/Muni/Twp: Region/Cluster: 27/27/27

Record Owner of Property: California Department of Transportation
Name: Representative- Jim S. Li Phone No: 213-897-0530
Mailing Address: 100 S. Main Street, Los Angeles

Fax No: _____ E-mail: Jimmy-li@Dot.ca.gov

The application is being filed by:

____ Record Owner of the Property
X Authorized Agent of the Owner
(Written authorization must be attached to application)

Status of Authorized Agent (engineer, attorney, purchaser, lessee, etc.): _____
AT&T Mobility (lessee) is leasing a portion of the property from Cal Trans to construct a wireless facility.

Describe the modification requested: AT&T Mobility is proposing to construct and operate an unmanned telecommunications facility on the subject property. The proposed facility will be 65' in height. All equipment and utilities will be above ground; non-penetration. The facility will not be stealthed in accordance with the City of Santa Fe Spring wireless guidelines due to the facility being a temporary wireless facility.

NOTE

This application must be accompanied by the filing fee, detailed plot plan, and other data specified in the form entitled "Information on Modification of Property Development Standards"

MOD APPLICATION (Cont.)**Mod Permit- Justification Statement**

Proposed AT&T Mobility Wireless Facility
EL0519-91 Temp Site
10805 Orr and Day Road, Santa Fe Springs
APN: 8017-001-035

3. Explain why the subject property cannot be used in a reasonable manner under the existing regulations. The proposed project is a temporary wireless facility to service AT&T customers. Due to the interstate 5-freeway expansion, AT&T Mobility's existing wireless facility must be decommissioned and relocated. The Department of Transportation has notified AT&T the site must be relocated as soon as possible. Cal Trans will need to demolish the existing buildings including AT&T's existing site, therefore while Cal Trans is constructing the interstate 5-freeway expansion, AT&T's wireless facility must be relocated. Once Cal Trans has completed this portion of the freeway expansion, AT&T will construct a new wireless facility adjacent to the freeway. The subject temporary wireless facility will not meet the City of Santa Fe Springs' wireless guidelines- Section A.3. "a wireless telecommunication antenna should not be located within a residential or commercial area of the City unless the antenna structure can be aesthetically integrated with the surrounding environment" or Section B. "Wireless telecommunication antennas or similar structures over fifty (50) feet in height that cannot comply with Section A shall comply with the following condition: Wireless telecommunication antennas structures shall not be located within 300 feet of a public street." The proposed wireless facility will not be able to meet the City of Santa Fe Springs wireless guidelines for the following reasons: this is a temporary wireless facility, due to the time constraints on the relocation of the existing facility to the temporary facility a fully stealthed site is not possible, financially it is not feasible to stealth a temporary site, Cal Trans has not determined the location of the permanent site for AT&T, and the selected location was chosen so AT&T's site would not interfere with the freeway expansion construction.

4. Explain the unusual or unique circumstances involved with the subject property, which would cause hardship if compliance with the existing regulations were required. The proposed location is essential to AT&T's network because AT&T has an existing site located approximately 300 feet from the proposed location that must be demolished due to the Cal Trans I-5 freeway expansion. If AT&T's existing site is demolished without a temporary site to replace the existing site, AT&T would have a gap in coverage. This means AT&T would not be servicing the area surrounding the site's proposed location. This is a very unique circumstance, as Cal Trans needs the existing wireless facility to temporarily be relocated while the freeway expansion is built, and then Cal Trans will provide a permanent location for AT&T. The following hardships would be caused if AT&T complied with the existing regulations: time restraints on the relocation of the existing wireless facility to the temporary location, Cal Trans has not provided a permanent location for AT&T to relocate, AT&T must locate the temporary site in the selected location so that AT&T's site would not interfere with the staging and construct of the freeway expansion.

16460 Bake Parkway • Suite 100 • Irvine, CA 92618 • Phone: 949.336.1550 • Fax: 949.336.6665
E-Mail: info@coastalbusinessgroup.net • www.coastalbusinessgroup.net

MOD APPLICATION (Cont.)



Mod Permit- Justification Statement

Proposed AT&T Mobility Wireless Facility
EL0519-91 Temp Site
10805 Orr and Day Road, Santa Fe Springs
APN: 8017-001-035

5. Explain how the approval of the requested modification would not grant special privileges, which are not enjoyed by other property owners in the area.

The granting of the requested modification would ensure the surrounding property owners in the area cellular coverage. Many people depend on their cell phone, and AT&T's cellular network for phone and data usage. Especially in emergency situations, the surrounding property owners would not only enjoy the use of the wireless facility, but also it could save lives.

6. Describe how the requested modification would not be detrimental to other persons or properties in the area, nor to the public welfare in general.

The proposed wireless facility/requested modification will not be detrimental to other persons or properties in the area, nor the public welfare in general instead it will benefit the community by providing every day communication as well as in emergency situations.

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LETTER FROM AT&T MOBILITY – RF SAFETY COMPLIANCE

1/14/14

EL0519- CALTRANS LOCATION #1
10821 ORR AND DAY ROAD
SANTA FE SPRINGS, CA 90670

Purpose

This letter provides an overview of the Federal Communications Commission's (FCC) rules governing permissible exposure levels to radiofrequency (RF) emissions at FCC-licensed facilities and attests to AT&T Mobility's commitment to comply with those RF exposure rules at all its sites.

FCC's Exposure Rules

The FCC's RF exposure rules, which stem from requirements set forth in the National Environmental Policy Act of 1969 (NEPA), are published in the Title 47 of Code of Federal Regulations (47 CFR) §1.1310, "Radiofrequency radiation exposure limits." Radiofrequency exposure at levels below those maximum permissible exposure (MPE) levels defined in FCC rules are deemed to pose no hazard to human health. These rules limit exposure to emissions. Thus, a cell site may have high emissions, but comply with FCC rules by effectively limiting exposure.

In its rules, the FCC defines two exposure environments and the MPE limits within those environments that are established with a large margin of safety.

- **General Public/Uncontrolled**—This environment applies to locations where the general public may be exposed, or where persons exposed as a consequence of their employment may not be fully aware of the potential for exposure or can not exercise control over their exposure. The MPE limits for this environment are 5 times more restrictive than those for the Occupational/ Controlled) environment described next.
- **Occupational/Controlled**—This environment applies to located where persons are exposed as a consequence of their employment provided they are fully aware of the potential for exposure and can exercise control over their exposure. The MPE limits for this environment also apply where an individual is transient, provided they are made aware of the potential for exposure.

ATT Mobility • 12900 Park Plaza Drive, Cerritos, CA 90703

LETTER FROM AT&T MOBILITY – RF SAFETY COMPLIANCE (Cont.)

The chart below shows the most restrictive FCC MPE limits for each exposure environment in AT&T's frequency bands.

FCC MPE Limits (mW/cm ²) for 700 MHz, Cellular, AWS, and WCS			
Exposure Environment	Frequency Band		
	700 MHz	Cellular	PCS/AWS/WCS 1710 MHz- 2360 MHz
General Population/Uncontrolled	0.47	0.60	1.0
Occupational/Controlled	2.33	2.90	5.0

AT&T's RF Safety Compliance

AT&T's cell sites transmit and receive radio signals to and from wireless phones and other wireless devices.

AT&T's national RF safety program policy requires all of its sites to be in compliance with the FCC's RF exposure rules. Ordinarily, AT&T approaches RF safety compliance conservatively, using the more restrictive General Population/ Uncontrolled MPE limits.

AT&T uses both specially-trained employees and carefully-selected RF safety consultants to assess exposure levels and recommend appropriate mitigation to limit exposure. Based on the assessments, RF safety signage and barriers may be deployed to protect persons from entering areas where exposure levels could exceed the applicable MPE limits. AT&T's use of RF safety signs, barriers, and other protective methods are guided by the FCC's publication OET Bulletin 65.

Sincerely,

A handwritten signature in black ink, appearing to read "Essie Polard".

Essie Polard
Senior RF Safety Engineer
12900 Park Plaza Drive, Cerritos, CA 90703

ATT Mobility • 12900 Park Plaza Drive, Cerritos, CA 90703

APPEAL LETTER FROM AT&T MOBILITY

Michael van Eckhardt
General Attorney
AT&T Mobility
P.O. Box 97061
Redmond, WA 98073

T: 425.580.7033
F: 425.580.7825
michael.vaneckhardt@att.com

Via Email: anitajimenez@santafesprings.org

August 19, 2014

City Clerk
City of Santa Fe Springs
City Hall
11710 East Telegraph Road
Santa Fe Springs, CA 90670

**RE: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility
Appeal from August 12, 2014 Planning Commission Denial
Conditional Use Permit Case No. 757; Modification Permit Case No. 1245
Temporary Wireless Telecommunications Facility, 10821 Orr and Day Road**

Dear City Clerk:

I write pursuant to Section 155.865 of the Santa Fe Springs Municipal Code ("Code") on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") to appeal the August 12, 2014 decision by the City of Santa Fe Springs Planning Commission to deny AT&T's application for a conditional use permit ("Application") to construct a temporary wireless telecommunications facility at 10821 Orr and Day Road in the City ("Temporary Facility"). This is a unique situation related to the expansion of Interstate 5. Caltrans is requiring AT&T to remove its existing facility near the I-5 interchange with Florence Avenue, but AT&T cannot rebuild for approximately two years. In the meantime, AT&T seeks to erect the Temporary Facility about 300 feet from the existing facility. As this is only a temporary solution that will be in place for about two years, AT&T cannot feasibly camouflage the Temporary Facility. The Code does not require camouflaging, but the City's Wireless Telecommunications Guidelines ("Guidelines") call for facilities to be architecturally integrated with its surroundings. To conform to the Guidelines, AT&T intends to seek approval for a fully stealthed wireless facility once Caltrans allows for the reconstruction of AT&T's permanent facility.

AT&T's Proposed Temporary Facility

AT&T will have a significant service coverage gap in the vicinity of the I-5 interchange with Florence Avenue once it decommissions its existing facility. The gap area consists of commercial and residential areas, as well as key transit corridors. The service objective includes nearly 1,000 homes, commercial areas, parks, a school, a car dealership, and part of an industrial center. The most recent traffic data available from Google Earth Pro for this area indicate that the average traffic along Florence Avenue near Orr and Day Road was approximately 45,626 vehicles per day in 2012, and the average traffic along I-5 just south of the Florence Avenue interchange was 190,651 vehicles per day in 2012.



APPEAL LETTER FROM AT&T MOBILITY (Cont.)

Caltrans and AT&T have executed a lease agreement for a period of two years for AT&T to construct the Temporary Facility. Thereafter, Caltrans will lease property to AT&T to build a permanent facility to replace AT&T's existing facility. The permanent replacement facility will be fully stealthed pursuant to the City's Guidelines.

To serve its customers in the gap area for the next two years, AT&T proposes to construct the Temporary Facility, which will consist of 12 panel antennas (three sectors of four antennas each), radio units mounted on the antennas, a dish antenna and a GPS antenna on a 65-foot monopole. The monopole will be mounted to a cell-block structure so that excavation will not be necessary. The existing mature tree near the site will remain and will provide some screening of the Temporary Facility from street-level views. The panel antennas will be mounted with a top height of 65 feet, and the dish antenna will be mounted at 52 feet above ground. The related equipment will be placed in cabinets located adjacent to the monopole, all within an 18' x 24' lease space enclosed by a chain link fence with slats.

According to City Staff, as explained in the Staff Report for the August 11, 2014 public hearing before the Planning Commission on the Application, the Temporary Facility "will not be detrimental to persons or property in the immediate vicinity, nor the welfare of the community," and the Temporary Facility "has been designed to preserve the general appearance and welfare of the community." These findings are premised on the temporary nature of the proposal as well as AT&T's commitment to construct a fully stealthed permanent facility to serve this gap area as soon as Caltrans allows.

Grounds for Appeal

AT&T appeals the decision by the Planning Commission to deny its Application on several grounds. Despite support by City Staff, who recommended approval and prepared conditions of approval for the Application, the Planning Commission denied the Application without basis. This appeal is based on the requirements of the City's Code as well as the federal Telecommunications Act of 1996, 47 U.S.C. § 332 ("Act"). The Act defines the scope and parameters of the City's review of AT&T's Application. Specifically, the Act provides rights to wireless service providers and establishes limitations upon state and local zoning authorities with respect to applications for permits to construct personal wireless service facilities. This important law was enacted in part to prioritize and streamline proliferation of wireless technologies on a national basis.¹ To this end, the Act places procedural and substantive limitations upon the authority of local governments with respect to applications to construct wireless facilities.

¹ *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115-16 (2005) (Congress enacted the Act to "encourage the rapid deployment of new telecommunications technologies" through "reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers").

APPEAL LETTER FROM AT&T MOBILITY (Cont.)**1. The Planning Commission Failed to Issue a Sufficient Written Decision.**

The Act requires that any decision by a local government to deny an application to construct a wireless facility be in writing.² Courts hold that to satisfy this "in-writing" requirement, the local government must "issue a written decision separate from the written record which contains sufficient explanation of the reasons for the decision to allow a reviewing court to evaluate the evidence in the record supporting those reasons."³ Here, one day following the August 11, 2014 Planning Commission hearing, the City's Director of Planning issued a short letter that simply states that the Application was denied.⁴ Because the letter does not provide any reasons for the denial, it is not a decision "in writing" as required by the Act.

2. The Planning Commission Lacked Substantial Evidence to Deny AT&T's Application.

The Act further requires that a written decision by a local government denying an application to construct a wireless facility be supported by substantial evidence.⁵ However, the City did not have substantial evidence to deny the Application. To be supported by substantial evidence, a decision must be "authorized by applicable local regulations," and there must be "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."⁶ As stated above, the Planning Commission's decision failed to provide any reasons for the denial, much less any evidence to support whatever those reasons might be. Again, this violates the Act.

Furthermore, the only evidence that was before the Planning Commission on the Application generally supports granting it, not denying it. The only applicable Code section that limits construction in the C-4 commercial zone where the Temporary Facility is proposed to be constructed is a 75-foot maximum building height restriction. At 65 feet tall, the Temporary Facility will comply with this limitation. And while the Guidelines call for stealthed facilities, there is no provision that applies specifically to temporary sites.

In addition, the Temporary Facility is necessary as a result of the expansion of I-5. AT&T's existing site must be demolished to make way for the expansion. AT&T plans to build a new permanent site, which will be fully stealthed, in about two years (*i.e.*, once Caltrans allows construction of the permanent site to move forward). In the meantime, the Temporary Facility is critical to provide service to the area that will go dark once AT&T's existing site is decommissioned.

² 47 U.S.C. 332(c)(7)(B)(iii).

³ *Metro PCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 723 (9th Cir. 2005).

⁴ See August 12, 2014 Letter (Attachment A).

⁵ 47 U.S.C. 332(c)(7)(B)(iii).

⁶ *MetroPCS, Inc.*, 400 F.3d at 723, 725 (9th Cir. 2005).

APPEAL LETTER FROM AT&T MOBILITY (Cont.)

Nor will the Temporary Facility be an aesthetic intrusion. To the contrary, it will stand near a highway construction site. Given the nature and appearance of highway construction, it is hardly necessary to camouflage the Temporary Facility. Indeed, the Temporary Facility's monopole design will be integrated into these surroundings more so than would a clock tower (the design of the existing facility and the planned design for the future permanent facility) or a monopine. Moreover, the Temporary Facility cannot be camouflaged in the same way that a permanent facility can be. It would be prohibitively expensive to construct a stealth enclosure for the Temporary Facility only to tear it down again in two years.

3. Denial of the Application Effectively Prohibits AT&T from Providing Service.

The Act prohibits a local government from denying an application for a wireless facility where doing so would "prohibit or have the effect of prohibiting the provision of personal wireless services."⁷ Courts have found an "effective prohibition" exists where a wireless carrier demonstrates (1) a "significant gap" in wireless service coverage; and (2) that the proposed facility would provide the "least intrusive means," in relation to the land use values embodied in local regulations, to provide the service coverage necessary to fill that gap.⁸ If a wireless provider satisfies both of these requirements, state and local standards that would otherwise be sufficient to permit denial of the facility are preempted and the city must approve the wireless facility.⁹ When a wireless provider presents evidence of a significant gap and there is no less intrusive alternative, the burden shifts to the local government to prove that a less intrusive alternative exists. In order to meet this burden (and overcome the presumption in favor of federal preemption), the local government must show that another alternative is available that fills the significant gap in coverage, that it is technologically feasible, and that it is less intrusive than the proposed facility.¹⁰

Here, AT&T meets both prongs of the test. Once AT&T demolishes its existing facility, it will have a significant service coverage gap in this portion of Santa Fe Springs and the Temporary Facility is the least intrusive means to close that gap. The City has not identified an alternative that is available, technologically feasible, and less intrusive. Thus, federal law requires the City to approve AT&T's Application.

4. Other Potential Violations.

Because the Planning Commission has not explained the basis for denying the Application, AT&T reserves the right to raise additional issues and arguments on appeal. To

⁷ 47 U.S.C. §332(c)(7)(B)(i)(II).

⁸ See e.g., *Metro PCS, Inc.*, 400 F.3d at 734-35 (9th Cir. 2005); *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 726 (9th Cir. 2009).

⁹ See *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 999 (9th Cir. 2009).

¹⁰ *Id.*, 572 F.3d at 998-999.

APPEAL LETTER FROM AT&T MOBILITY (Cont.)

the extent necessary, AT&T intends to timely supplement this appeal with additional information and documents to provide context for the City Council to consider this matter.

Conclusion

AT&T is diligently working to maintain and upgrade its network to meet the growing wireless communications demand within the City of Santa Fe Springs. It is doing so in a manner that takes prudent and careful consideration of the values the City seeks to promote. AT&T's Temporary Facility is fully consistent with the City's land use regulations, and the Temporary Facility is the least intrusive means by which AT&T can fill the significant wireless service coverage gap in the area. Please let me know if you have any questions concerning any of the above issues.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael van Eckhardt".

Michael van Eckhardt
General Attorney
AT&T

AT&T Alternative Site Analysis



AT&T Mobility

Wireless Telecommunications Facility

at

**10805 Orr & Day Road
Santa Fe Springs, CA 90670**

Site Identification Number: EL0519/ CLU5334

Introduction:

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") is being forced by Cal Trans to vacate their existing wireless facility located at 10821 Orr & Day road due to the I-5 freeway expansion project. AT&T will have a significant service coverage gap in the vicinity of the I-5 interchange with Florence Avenue once it decommissions its existing facility. The coverage gap currently consists of commercial and residential properties, as well as key transit corridors. The service objective includes nearly 1,000 residential homes, commercial areas, City parks, Santa Fe Springs Christian School, an auto dealership, various Churches and part of an industrial center, which is currently abandoned or vacant. The most recent traffic data available from Google Earth Pro for this area indicates that the average traffic along Florence Avenue near Orr and Day Road was approximately 45,626 vehicles per day in 2012, and the average traffic along I-5 just south of the Florence Avenue interchange was 190,651 vehicles per day in 2012.

Methodology and Zoning Criteria

The proposed wireless facility is to temporarily fill the gap in coverage that will result once the existing wireless facility is demolished. Selecting a location for the temporary wireless facility is dependent upon topography, zoning/code requirements, existing structures, collocation opportunities, available utilities, access, and a willing landlord. Wireless communication is a line-of-sight technology that requires wireless facilities to be in relatively close proximity to existing wireless facilities as well as proximity to the wireless handsets to be served. In this instance, it is critical to maintain service coverage to I-5 and vicinity. Therefore, it is important for the temporary wireless facility to stay within a close proximity to the existing wireless facility, and it must be about as tall in order to achieve the coverage objective.

The operation of AT&T's network depends upon a network of wireless communication facilities. The range between wireless facilities varies based on a number of factors such as topography, the amount of customer usage in an area, obstructions such as buildings and other radio frequency non-transparent materials. To provide effective, reliable, uninterrupted service to AT&T customers in their cars, public transportation, homes, and offices without interruption or lack of access, coverage must overlap in a grid pattern, resembling a honeycomb.

Analysis:

AT&T investigated potential alternative locations for the temporary wireless facility. Alternatives in this area are limited because most properties surrounding the proposed location are single-family homes. The alternatives are discussed in the analysis, which are as follows:

Aerial Map Location of Candidate Sites

Red Pins- Alternative Candidates (within the City of Downey)

Yellow Pins- Alternative Candidates (within the City of Santa Fe Springs)

Green Pin - Proposed Temporary Facility

Blue- Existing Wireless Facility

Foursquare Church & Kid Zone Preschool



10708 Orr & Day Road, Santa Fe Springs
APN: 8008-016-061
Lat/Long: 33.935890, -118.089463

Summary:

- Jurisdiction: Santa Fe Springs
- Distance from existing site - approx. 775' NE
- Distance from proposed temporary site - approx. 500' NE
- The subject property is a Church surrounded by residential homes
- Property is under parked per the current City code

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far east of the Interstate 5 freeway and no available ground space for a wireless facility.

Mobil Gas Station

11405 Florence Avenue, Santa Fe Springs

APN: 8008-016-060

Lat/Long: 33.935628, -118.090206

Summary:

- Jurisdiction: Santa Fe Springs
- Distance from existing site - approx. 500' NE
- Distance from proposed temporary site - approx. 285' NE
- The subject property is a Gas station
- Property consists of a small one-story building with no ground space available to locate a wireless facility

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far east of the Interstate 5 freeway, and the lack of ground space available.

Paradise Memorial Park



APN: 8008-017-928

Lat/Long: 33.936966, -118.086789

Summary:

- Jurisdiction: Santa Fe Springs
- Distance from existing site - approx. 1,550' NE
- Distance from proposed temporary site - approx. 1,200' NE
- The subject property is a small cemetery

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far east of the Interstate 5 freeway, and the lack of ground space available.

Santa Fe High School



10400 Orr & Day Road, Santa Fe Springs

APN: 8008-010-906

Lat/Long: 33.940088, -118.089616

Summary:

- Jurisdiction: Santa Fe Springs
- Distance from existing site - approx. 1,650' NE
- Distance from proposed temporary site - approx. 1,630' NE
- The subject property is a High School
- The school has multiple one-story buildings with minimal ground space available.

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far northeast of the Interstate 5 freeway, and the lack of ground space available.

Little Lake City School District



10515 Pioneer Blvd, Santa Fe Springs
APN: 8008-017-905
Lat/Long: 33.936940, -118.084721

Summary:

- Jurisdiction: Santa Fe Springs
- Distance from existing site - approx. 2,200' NE
- Distance from proposed temporary site - approx. 1,900' NE
- The subject property is Preschool-12th Grade
- The school has multiple one-story buildings with minimal ground space available.

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far East of the Interstate 5 freeway, and the lack of ground space available.

Southern California Edison Substation Property

APN: 8019-033-800

Address: None was provided, thus, please use the APN

Lat/Long: 33.935512, -118.094246

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 740' W
- Distance from proposed temporary site- approx. 1,075' W
- The subject property is an SCE substation
- The property is approximately 90' by 90' by 130' (property perimeter)
- SCE advised there is insufficient space on the subject property to continue their use of the property and allow space for a wireless facility.

Conclusion: A temporary wireless facility is not available at this location due to a lack of landlord interest.

Diesel Tune Repair Shop

10780 Fairford Avenue, Downey
APN: 8019-033-006
Lat/Long: 33.935634, -118.094578

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 830' W
- Distance from proposed temporary site - approx. 1,200' W
- The subject property is mechanic shop; formally a gas station
- The property is under parked per the City code (no ground space available)
- Irregular driveway/circulation pattern
- Under landscaped per the City code
- Per Downey's code, all these items would need to be brought into conformance in order for them to consider a temp site.
- Per Downey's code, the maximum height for a wireless facility is 38 feet

Conclusion: The subject property is not a feasible alternative due to the lack of landscaping, ground space, and code conformance. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet.

Redeemer Covenant Church

10801 Fairford Avenue, Downey
APN: 8019-005-012
Lat/Long: 33.935101, -118.095349

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 1,045' W
- Distance from proposed temporary site - approx. 1,360' W
- The subject property is a small one-story Church; too short for a rooftop site
- Per Downey's code, the maximum height for a wireless facility is 38 feet
- The property is under parked (no ground space available) per the City code

Conclusion: A temporary wireless facility would not be feasible at this location due to lack of ground space. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet. Also, the property is too far west of the Interstate 5 freeway amongst other development issues.

Honda Service Department

1136 Dollison Drive, Downey

APN: 8019-005-013

Lat/Longs: 33.934772, -118.096335

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 1,370' W
- Distance from proposed temporary site - approx. 1,640' W
- The subject property is a vacant automotive service center
- Per Downey's code, the maximum height for a wireless facility is 38 feet

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far west of the Interstate 5 freeway amongst other development issues. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet.

Auto Repair Center (Vacant)

10700 Studebaker Road, Downey
APN: 8019-033-013
Lat/Long: 33.935911, -118.096883

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 1,400' W
- Distance from proposed temporary site - approx. 1,800' W
- The subject property is a vacant auto repair center
- Per Downey's code, the maximum height for a wireless facility is 38 feet

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far west of the Interstate 5 freeway amongst other development issues. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet.

Retail Center (Vacant)

11111 Florence Avenue, Downey
APN: 8019-033-025
Lat/Long: 33.937767, -118.096167

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 1,500' NW
- Distance from proposed temporary site - approx. 1,800' NW
- The subject property is a vacant retail center surrounded by both the Interstate 5 Freeway and 605 Freeway
- The property is marginally maintained, the parking lot needs to be re-slurried, and landscaping is insufficient per the current code standards.
- Landlord had a previous wireless tenant on the property vacate due to the freeway expansion projects, and is unwilling to consider another wireless use until the Cal Trans Project has been completed.

Conclusion: A temporary wireless facility is not available at this location due to a lack of landlord interest. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet.

Small Strip Mall



10807 Studebaker Road, Downey
APN: 8020-006-036
Lat/Long: 33.934768, -118.098988

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 2,100' W
- Distance from proposed temporary site - approx. 2,400' W
- The subject property is a small one-story retail center with no ground space available
- Per Downey's code, the maximum height for a wireless facility is 38 feet

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far west of the Interstate 5 freeway amongst other development issues. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet.

Arco Gas Station



10801 Studebaker Road, Downey

APN: 8020-006-034

Lat/Long: 33.935203, -118.098587

Summary:

- Jurisdiction: Downey
- The property is a gas station. There is no ground space available to locate a wireless facility.
- Distance from existing site - approx. 2,000' W
- Distance from proposed temporary site - approx. 2,395' W
- The subject property is a gas station
- Per Downey's code, the maximum height for a wireless facility is 38 feet

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far west of the Interstate 5 freeway amongst other development issues. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet.

Honda Automobile Dealership

10645 Studebaker Road, Downey
APN: 8019-033-022
Lat/Longs: 33.936366, -118.097645

Summary:

- Jurisdiction: Downey
- Distance from existing site - approx. 1,800' W
- Distance from proposed temporary site - approx. 2,150' W
- The subject property is a auto dealership
- Per Downey's code, the maximum height for a wireless facility is 38 feet

Conclusion: A temporary wireless facility would not be feasible at this location due to the property being too far West of the Interstate 5 freeway. Further, AT&T could not close its significant service coverage gap with a facility no taller than 38 feet.

Conclusion

The proposed temporary facility at 10805 Orr & Day Road is the least intrusive means by which AT&T can close its significant service coverage gap in this portion of Santa Fe Springs during the I-5 expansion project.

AT&T Mobility Radio Frequency Statement
10821 Orr and Day Road, Santa Fe Springs, CA
Site ID: EL0519_CLU5334

STATEMENT OF KARLO DIVINAGRACIA

I am the AT&T radio frequency engineer assigned to the proposed wireless communications facility at 10821 Orr and Day Road, Santa Fe Springs, CA (the "Property"). Based on my personal knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless communications facilities in the surrounding area, I have concluded that the work associated with this permit request is needed to close a significant service coverage gap in an area roughly bordered by Parkmead Street to the north, the San Gabriel River Freeway (I-605) to the west, Milano Avenue and the Lake Center Athletic Park to the east, and Bayla Street to the south. AT&T will experience this significant service coverage gap once it decommissions its existing facility as required by Caltrans as part of the expansion of Interstate 5. To remedy this service coverage gap, AT&T will need to construct a new wireless communications facility.

The service coverage gap will be caused by inadequate infrastructure in the area. As explained further in Exhibit 1, AT&T's existing facilities cannot adequately serve its customers in the desired area of coverage, let alone address rapidly increasing data usage. The site will not only close the gap in coverage and help address rapidly increasing data usage driven by smart phone and tablet usage, but it will also include 4G LTE service coverage. This site is part of an effort to fully deploy 4G LTE technology in the area.

AT&T uses industry standard propagation tools to identify the areas in its network where signal strength is too weak to provide reliable in-building service quality. This information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. AT&T designs and builds its wireless network to ensure customers receive reliable in-building service quality. In-building service is critical as customers increasingly use their mobile phones as their primary communication device (approximately 40% of American households are now wireless only) and rely on their mobile phones to do more (E911, GPS, web access, text, etc.).

Exhibit 2 is a map of the existing UMTS 3G service coverage (with the facility to be decommissioned shown off air and without the proposed installation at the Property) in the area at issue. It includes service coverage provided by existing AT&T sites. The green shaded areas depict areas within a signal strength range that provide acceptable in-building service coverage. In-building coverage means customers are able to place or receive a call on the ground floor of a building. The yellow shaded areas depict areas within a signal strength range that provide acceptable in-vehicle service coverage. In these

Handwritten signature and date: 8/21/14

areas, an AT&T customer should be able to successfully place or receive a call within a vehicle. The lavender shading depicts areas within a signal strength range in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual customer can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the yellow or lavender category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 3 to this Statement is a map that predicts service coverage based on signal strength in the vicinity of the Property if antennas are placed as proposed in the application. As shown by this map, placement of the equipment at the Property closes the significant UMTS 3G service coverage gap.

In addition to these 3G wireless service gap issues, AT&T is in the process of deploying its 4G LTE service in Santa Fe Springs with the goal of providing the most advanced personal wireless experience available to residents of the county. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you've sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience. Attached Exhibits 4 and 5 are LTE maps that illustrate how the proposed site closes the significant service coverage gap in LTE service coverage. Moreover, it is important to note that as existing customers migrate to 4G LTE, the LTE technology will provide the added benefit of reducing 3G data traffic, which can contribute to the significant service coverage gap on the UMTS (3G) network during peak usage periods.

I have a Bachelor's Degree in Electrical and Communications Engineering from the University of Santo Tomas, Philippines, and have worked as an engineering expert in the wireless communications industry for more than 13 years.

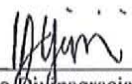

Karlo Divinagracia
AT&T Mobility
Network, Planning & Engineering
RAN Design & RF Engineering
August 21, 2014

EXHIBIT 1*Prepared by AT&T Mobility*

AT&T's digital wireless technology converts voice or data signals into a stream of digits to allow a single radio channel to carry multiple simultaneous signal transmissions. This technology allows AT&T to offer services such as secured transmissions and enhanced voice, high-speed data, texting, video conferencing, paging and imaging capabilities, as well as voicemail, visual voicemail, call forwarding and call waiting that are unavailable in analog-based systems. With consumers' strong adoption of smartphones, customers now have access to wireless broadband applications, which consumers utilize at a growing number.

Mobile data traffic in the United States grew by 75,000 percent over a six-year span, from 2001-2006. And in the seven years that followed, mobile data traffic on AT&T's national wireless network increased more than 50,000 percent (*from January 2007 through December 2013*). AT&T expects total mobile data volume to *grow 8x-10x over the next five years*. To put this estimate in perspective, all of AT&T Mobility's mobile traffic during 2010 would be equal to only six or seven weeks of mobile traffic volume in 2015. The FCC noted that U.S. mobile data traffic grew almost 300% in 2011, and driven by 4G LTE smartphones and tablets, traffic is projected to grow an additional 16-fold by 2016.

Mobile devices using AT&T's technology transmit a radio signal to antennas mounted on a tower, pole, building, or other structure. The antenna feeds the signal to electronic devices housed in a small equipment cabinet, or base station. The base station is connected by microwave, fiber optic cable, or ordinary copper telephone wire to the Radio Network Controller, subsequently routing the calls and data throughout the world.

The operation of AT&T's wireless network depends upon a network of wireless communications facilities. The range between wireless facilities varies based on a number of factors. The range between AT&T mobile telephones and the antennas in and nearby Santa Fe Springs, for example, is particularly limited as a result of topographical challenges, blockage from buildings, trees, and other obstructions as well as the limited capacity of existing facilities.

To provide effective, reliable, and uninterrupted service to AT&T customers in their cars, public transportation, home, and office, without interruption or lack of access, coverage must overlap in a grid pattern resembling a honeycomb.

In the event that AT&T is unable to construct or upgrade a wireless communications facility within a specific geographic area, so that each site's coverage reliably overlaps with at least one adjacent facility, AT&T will not be able to provide adequate personal wireless service to its customers within that area. Some consumers will experience an abrupt loss of service. Others will be unable to obtain reliable service, particularly if they are placing a call inside a building.

Service problems occur for customers even in locations where the coverage maps on AT&T's "Coverage Viewer" website appear to indicate that coverage is available. As the legend to the Coverage Viewer maps indicates, these maps depict a high-level *approximation* of coverage, which may not show gaps in coverage; *actual* coverage in an area may differ substantially from map graphics, and may be affected by such things as terrain, foliage, buildings and other construction, motion, customer equipment, and network traffic. The legend states that AT&T does not guarantee coverage and its coverage maps are not intended to show actual

customer performance on the network, nor are they intended to show future network needs or build requirements inside or outside of AT&T's existing coverage areas.

It is also important to note that the signal losses and service problems described above can and do occur for customers even at times when certain other customers in the same vicinity may be able to initiate and complete calls on AT&T's network (or other networks) on their wireless phones. These problems also can and do occur even when certain customers' wireless phones indicate "all bars" of signal strength on the handset.

The bars of signal strength that individual customers can see on their wireless phones are an imprecise and slow-to-update estimate of service quality. In other words, a customer's wireless phone can show "four bars" of signal strength, but that customer can still, at times, be unable to initiate voice calls, complete calls, or download data reliably and without service interruptions.

To determine where new or upgraded telecommunications facilities need to be located for the provision of reliable service in any area, AT&T's radio frequency engineers rely on far more complete tools and data sources than just signal strength from individual phones. AT&T creates maps incorporating signal strength that, in turn, depict existing service coverage and service coverage gaps in a given area.

To rectify this significant gap in its service coverage, AT&T needs to locate a wireless facility in the immediate vicinity of the Property.

Exhibit 2

UMTS Coverage -- Prior to NSB Site CLU5334
Pilot Coverage -- RSCP (dBm)

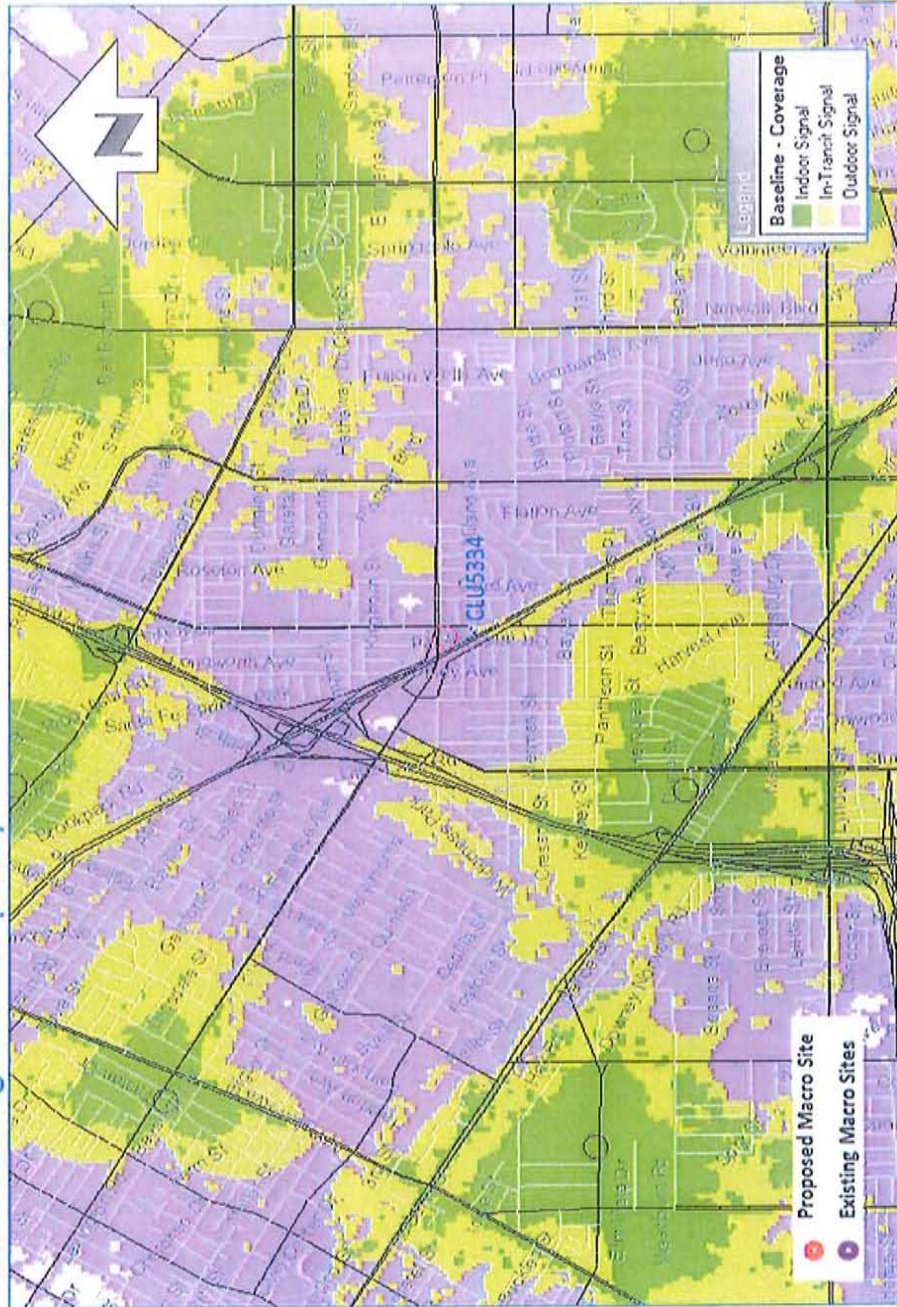
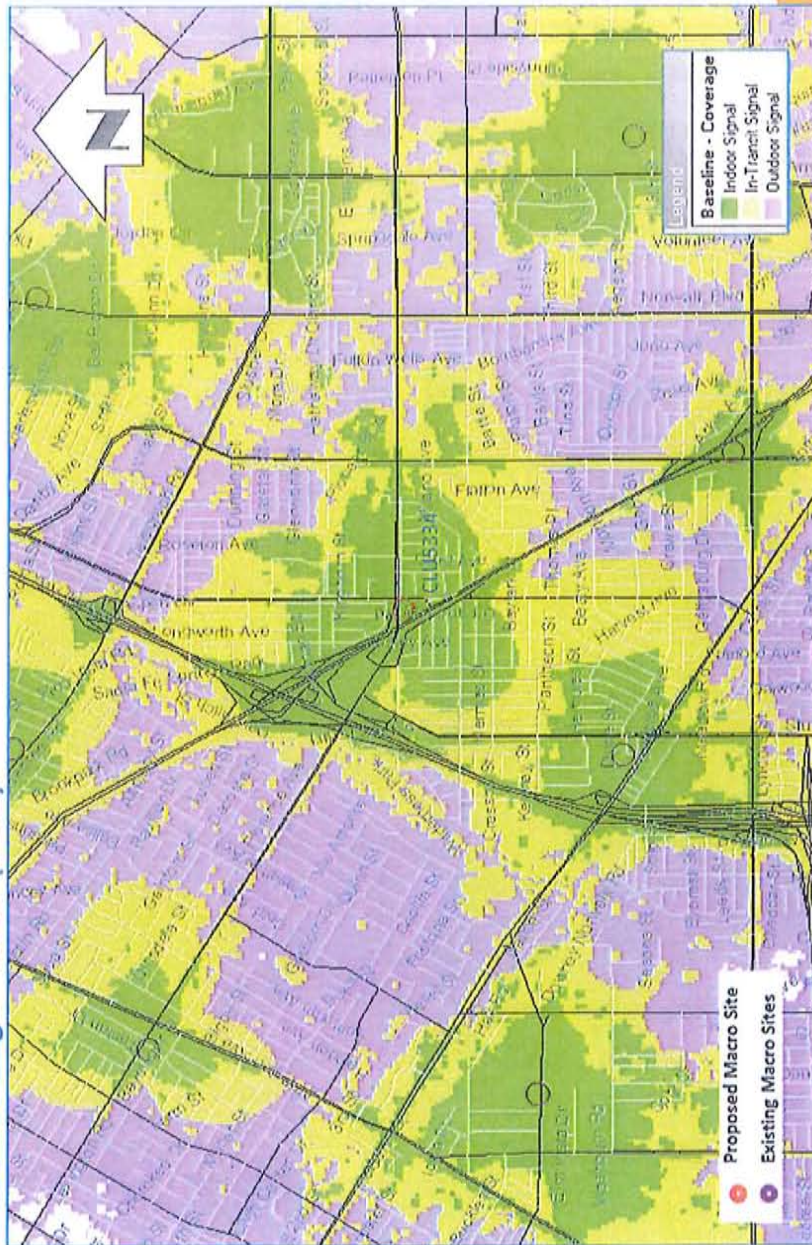


Exhibit 3

UMTS Coverage -- with CLU5334 and Neighboring Sites
Pilot Coverage -- RSCP (dBm)



January 16, 2014

Exhibit 4

LTE Coverage --- Prior to NSB Site CLU5334

Pilot Coverage - RSRP (dBm)

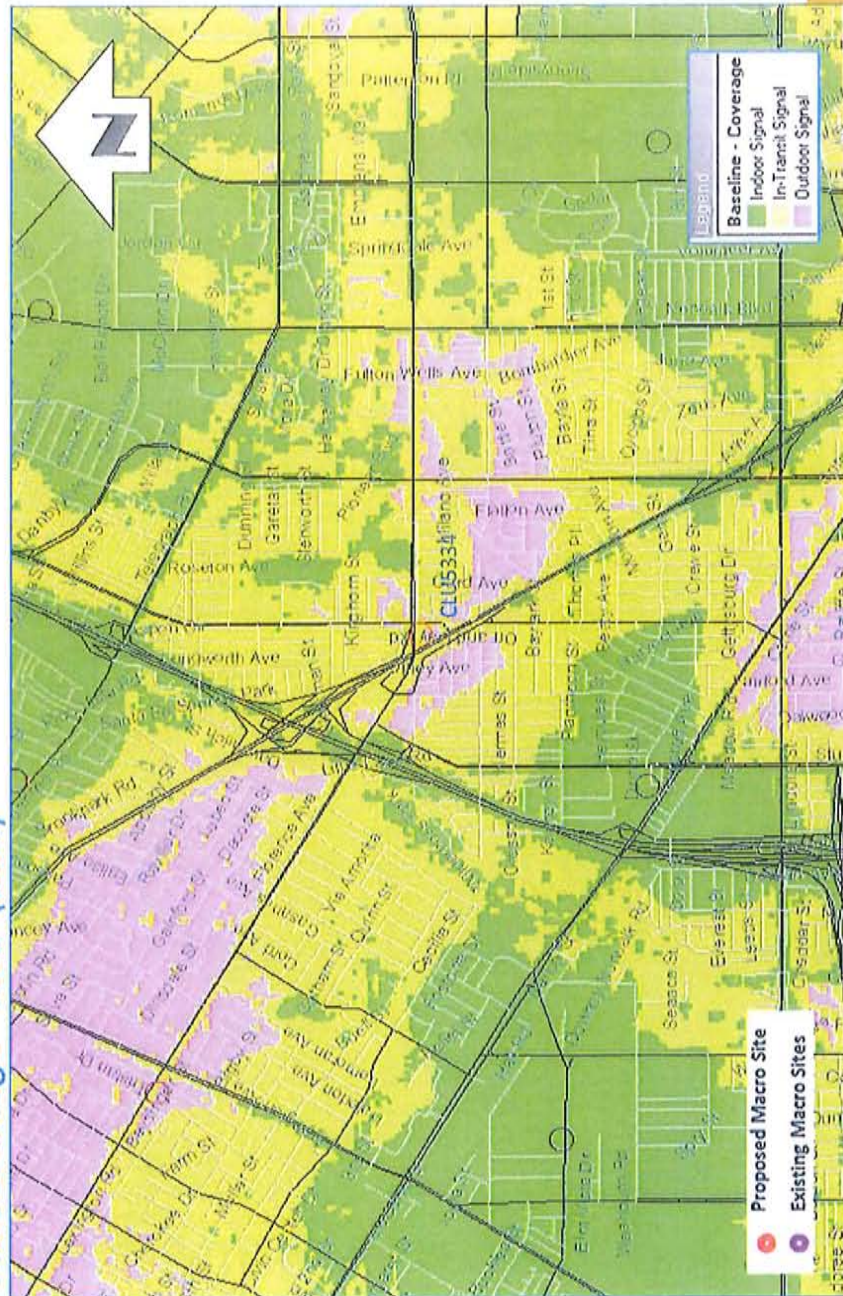
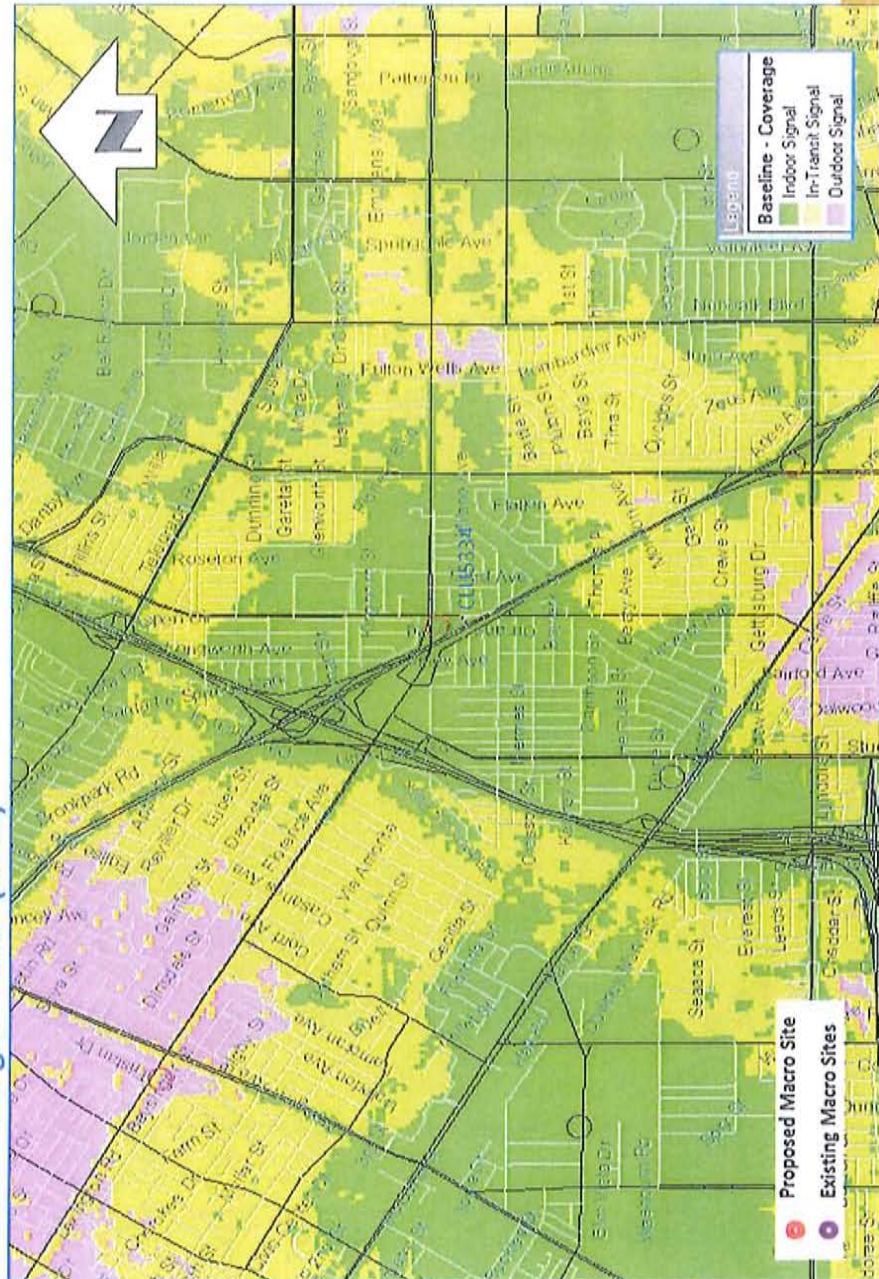


Exhibit 5

LTE Coverage -- with CLU5334 and Neighboring Sites Pilot Coverage -- RSRP (dBm)



January 16, 2014



CONSENT ITEM

Conditional Use Permit Case No. 184-11

A request to amend condition #6 within the existing conditions of approvals for Conditional Use Permit Case No. 184 that allows an asphalt and concrete crushing operation and an open storage yard use at 11927 Greenstone Avenue, in the M-2, Heavy Manufacturing, Zone, and within the Consolidated Redevelopment Project Area. (Dan Copp Paving, Inc.)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following action:

1. Find that the proposed revisions to condition #6 will maintain the overall purpose and intent of the original conditions and, thus, the asphalt and concrete crushing operation and open storage yard use, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses in the area and will be in conformance with the overall purposes and objectives of the Zoning Regulations and consistent with the goals, policies and programs of the City's General Plan.
2. Approve the proposed amendment to condition #6 within the existing conditions of approval for Conditional Use Permit Case No. 184.

BACKGROUND

The Planning Commission initially approved Conditional Use Permit (CUP) Case No. 184 at its meeting of January 28, 1974. The approval authorized the expansion of an existing asphalt crushing facility and related activities originally approved in August of 1970 by CUP Case No. 127. The existing asphalt and concrete crushing operations have operated on the subject property for over 44 years and the Planning Commission has reviewed the CUP for compliance a total of ten times. The last compliance review was recently granted on June 9, 2014 for a period of five years.

Following the June 9th Planning Commission meeting, staff received a letter from the applicant expressing a concern about one of the conditions of approval (see attachment – Dan Copp letter). The applicant stated that they have consistently subleased a 2-acre portion of their site to an outside company/vender since 1978 and, therefore, were concerned with the limitations of condition #6, as worded.

Existing Condition:

6. That the subject site shall not be subleased, sublet, or otherwise assigned for use by any other entity other than the activities directly operated and controlled by the applicant.

Upon receipt of the letter, staff researched through past reports and approval letters to confirm if the open storage activity was legally permitted. Through our research, staff discovered a Development Plan Approval (DPA 431), approved on July 22, 1985, that authorized the open storage of slurry seal equipment and vehicles on a 1-acre portion of the site. Included as part of the approval was a provision to allow use of an adjoining 1-acre area for similar limited storage uses, subject to the approval of the Director of Planning and Development. It should be noted that in February of 1989, DPA 431, CUP 127, and CUP 184 were consolidated into a single case file and, thereafter, referred to as CUP Case No. 184.

STAFF CONSIDERATIONS

Based on our research, staff concludes that in addition to the asphalt and concrete crushing operations, a 2-acre portion of the site has always been recognized and approved for an open storage use. Staff, therefore, understands the applicant's desire to preserve their ability to sublease the 2-acre portion for an open storage use and is, therefore, recommending that condition #6 be modified as follows:

Proposed Condition:

6. That the subject site shall not be subleased, sublet, or otherwise assigned for use by any other entity other than the activities directly operated and controlled by the applicant, **with the exception of a 2-acre portion of the site that is already recognized by previous actions for an open storage use. Nevertheless, staff shall be provided with a detailed business description and corresponding site plan from all interested lessee prior to locating on the subject 2-acre area.**

With the exception of a minor change to conditions number 8 and 9, to reflect the new case number, staff recommends that all other conditions shall remain the same. Below is the list of required conditions of approval with the proposed change included.

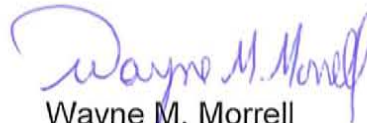
CONDITIONS OF APPROVAL

NOTE: Changes to existing conditions are provided as a strike-through or bold.

PLANNING AND DEVELOPMENT DEPARTMENT:
(Contact: Cuong Nguyen 562.868-0511 x7359)

1. That the Applicant shall continue to comply with Section 155.415 of the Zoning Regulations regarding Performance Standards, especially in regard to controlling noise, dust and vibrations. **(Ongoing)**
2. That all areas used for parking, storage or maneuvering of trucks and vehicles shall be paved or maintained with a material so that no airborne dust will be produced. **(Ongoing)**
3. That all necessary precautions shall be taken to ensure that any elevated conveyor stacker equipment used in operation does not produce any airborne dust or noise which would be detrimental to adjoining properties and that a water spray installation shall be utilized to prevent dust emissions. **(Ongoing)**
4. That the applicant and/or his employees shall keep trucks and other heavy equipment from parking on the street to transfer aggregate or other similar material. **(Ongoing)**
5. That the housekeeping of the batch plant and yard areas shall continue to be maintained in good order and no unsightly storage areas or accumulation of equipment shall be permitted. **(Ongoing)**
6. That the subject site shall not be subleased, sublet, or otherwise assigned for use by any other entity other than the activities directly operated and controlled by the applicant, **with the exception of a 2-acre portion of the site that is already recognized by previous actions for an open storage use. Nevertheless, staff shall be provided with a detailed business description and corresponding site plan from all interested lessee prior to locating on the subject 2-acre area.** **(Revised - Ongoing)**
7. That all other requirements of the City Zoning Ordinance, Building Code, Property Maintenance Ordinance, State and City Fire Code and all other applicable regulations shall be complied with. **(Ongoing)**

8. That Conditional Use Permit Case No. 184-11 shall be subject to a compliance review in five (5) years, by June 9, 2019. Approximately, three months before June 9, 2019, the owner/operator shall request in writing that the City review the circumstances of the case for an extension of the privileges granted. **(Revised – Ongoing)**
9. That the applicant, Dan Copp Paving, Inc, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards concerning Conditional Use Permit Case No. 184-11, when action is brought within the time period provided for in the City's Zoning Ordinance, Section 155.865. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof. **(Revised – Ongoing)**



Wayne M. Morrell
Director of Planning

Attachments:

1. Aerial Photograph
2. Letter from Dan Copp dated 6/24/14

AERIAL PHOTOGRAPH



Conditional Use Permit No. 184-11

11927 Greenstone (APN: 8026-020-080)

LETTER FROM DAN COPP DATED 6/24/14



License #361248

June 24, 2014

Mr. Wayne M. Morrell
Planning Director
City of Santa Fe Springs
11710 Telegraph Rd
Santa Fe Springs, CA 90670-3679

RECEIVED
JUN 24 2014
Planning Dept.

RE: CUP No. 184 – 12017 Greenstone Ave

Dear Mr. Morrell:

This letter will serve as our appeal of Item No. 6 of the recently received Conditions of Approval for the above referenced CUP Site.

Copp Paving Co., Inc. has owned the property since 1964. Copp Paving Co., Inc. is owned by my father, Ernest Copp and he operated on the property until Dan Copp Crushing Corp began leasing a portion of the site in 1978. Early on, with permission from The City, Copp Paving Co., Inc. has rented/leased small portions of the site to others for parking trucks/equipment. Over the years my brother, Dan Copp, and I have dealt with the City for the CUP renewals as the main activity on site is our recycling operation.

Item No. 6 of your June 10th document is worded in such a way as to not allow this activity. In discussion with your Associate Planner, Cuong Nguyen, he offered that this had been added to many CUP's but that it did not necessarily mean there could not be additional leases but that the City would like to know about any that occur. Reason being that some property owners had multiple tenants and that maintenance and other issues had occurred when the owners lost track of the activity on their properties. Cuong also said that recent and previous site inspections by Planning Commissioners approved the site as it was being utilized and historically there were no objections.

The Dan Copp Crushing recycling operation takes up most of the total land space and approximately 80,000 sf is available to lease to others, which is what Copp Paving Co., Inc has been doing for many years.

Please advise as to what further action should be taken to assure that we will be able to utilize our property as we have been doing. Thank you for your assistance, I will look forward to hearing from you.

Sincerely,

Karen Copp Ayres
Secty-Treas

CC: Kristi Rojas – Cuong Nguyen