

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF

SEC. 22.56.040

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or**
- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or**
- 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

1. The proposed facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community, but is necessary to provide wireless communications to this particular area of Los Angeles County and the surrounding communities. Wireless communications are also used to promote efficient and effective non-emergency personal, business, and governmental communications. These services have been established and are accepted as an integral part of the nation's telecommunications infrastructure and promote the public health, safety, morals, comfort and general welfare. The proposed operation of the proposed telecommunications facility will provide a reliable and convenient means of communication for everyday personal and business use.

The proposed wireless telecommunications which Verizon Wireless will operate are necessary in order to provide wireless services to the surrounding community, including traditional wireless services such as wireless digital telephone service, mobile broadband and data transmission services. This technology does not interfere with radio, television or other communications signals, and all matters pertaining to health and safety and signal interference are within the sole province of the FCC.

2. The facility does not have growth-inducing implications, or promote additional development or a change in the density of surrounding residential and open space areas. Substantially no additional noise, smoke, odor impacts will be generated and no additional parking will be required for the proposed facility. Further, the proposed facility will not interfere with the quiet enjoyment of neighboring land uses.

3. This telecommunications facility will not endanger the public health, safety or general welfare. In fact, this site, as part of a larger network, provides access to wireless telecommunications in the event of an emergency. Wireless communication technology provides vital communications in "E911" and other emergency situations.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The facility will not impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity. To the contrary, enhanced wireless communications has a positive influence on personal, business, governmental, and other existing uses in this area. Substantially similar wireless telecommunication installations exist within this immediate area.

The facility is consistent with the primary established uses within the Right-of-Way providing access to transportation services and the conveyance of utility services. The proposed wood pole will have three (3) panel antennas, three (3) RRU's, outdoor equipment cabinets and a meter painted to match surroundings to emulate the color of the existing features.

C. That the proposed site is adequately served:

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

1. The facility is not staffed and requires only infrequent maintenance visits (approximately one time a month). Further, no public access is required. There will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisances generated. The proposed project is consistent with the State franchise granted by the California Public Utilities Commission that provides for the conveyance of utility services within the ROW consistent with local regulatory standards.

2. The proposed facility only utilizes minimal electric service, with a proposed electric meter pedestal. No water, sewer, refuse or other additional services shall be required.