



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 18, 2012

Walter J. Gaworecki III
Director/Synergy Development Services, Inc.
16147 Wyandotte St.
Van Nuys, CA 91406

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NO. 96135--(5)
CONDITIONAL USE PERMIT NO. 201100067
Southwest of 7648 Escondido Canyon Road, Acton, CA 93510**

Dear Applicant:

Hearing Officer Mitch Glaser, by his action of April 17, 2012, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on May 1, 2012.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Gretchen Siemers of the Zoning Permits North Section at (213) 974-6443 or e-mail at gsiemers@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Susan Tae, AICP, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety), Zoning Enforcement, Charles and Marianna Wallasch Trust , T-Mobile West Corporation
SMT:GS

**FINDINGS AND ORDER OF THE
HEARING OFFICER
COUNTY OF LOS ANGELES**

PROJECT NO. PROJECT NO. 96135-(5)

CONDITIONAL USE PERMIT NO. 201100067

REQUEST: The applicant, T-Mobile West Corporation, is requesting a conditional use permit (CUP) to authorize the equipment upgrade, and the continued operation and maintenance of an existing unmanned wireless telecommunication facility (WTF) in the A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area) zone.

A CUP is required for a WTF in the A-1 Zone pursuant to Section 22.24.100 of the Los Angeles County Code (County Code).

HEARING DATE: April 17, 2012

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on April 17, 2012 before Hearing Officer Mitch Glaser. One letter of opposition was submitted to the Hearing Officer. Staff presented the project details and recommended approval of the project, with conditions. No public testimony was heard. During the public hearing, the Hearing Officer asked staff to verify that the project would increase the height from 15 feet to 20 feet, the antennae would be replaced to add the increase of five feet in height, and that a certificate and photo of the posting was provided by the applicant.

The Hearing Officer noted that the replacement of the existing facility with a monopine, as requested by the author of the letter in opposition, would not be feasible without necessitating the replacement of the entire facility. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions.

FINDINGS:

1. The subject property is located near the intersection of Escondido Canyon Road and Hubbard Road in the Soledad Zoned District. The Assessor's Parcel Number is 3223 008 026.

2. The subject property is zoned A-1-1. Surrounding properties are zoned as follows:

North: A-1-1
East: A-1-1
South: A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area); R-1 (Resort and Recreation – One Acre Minimum Required Lot Area)
West: A-1-1

3. The subject property is an undeveloped parcel of land except for the existing WTF. The existing land uses for the surrounding properties are as follows:

North: Vacant land, single-family residences
East: Single-family residences
South: Single-family residences
West: Vacant land, single-family residences

4. The project provides for the equipment upgrade, and the continued operation and maintenance of an existing unmanned WTF in the A-1-1 Zone. The existing WTF consists of two 15-foot-tall monopoles with omni-directional antennae attached. The project proposes to increase the total height of the antennae poles from 15 feet to 20 feet, remove the omni-directional antennae and replace with panel antennae, and add two equipment cabinets, each mounted on a new concrete pad. The proposal will not increase the lease area.
5. The existing WTF is consistent with the applicable land use compatibility goals and policies of the County of Los Angeles General Plan (General Plan), and the Santa Clarita Valley Areawide General Plan (SCV Plan), a component of the General Plan. The subject property is designated N-1 (Non-Urban, One Dwelling Unit per Acre) and HM (Hillside Management) in the SCV Plan. The parcel is vacant, except for the existing WTF, and the use is consistent with the adopted land use designation. The following policies of the General Plan and SCV Plan are applicable to the subject property and serve as guidelines for the continued operation and maintenance of such facility:

- a. General Plan, Public Services Policy 58: “Maintain high quality emergency response services”: The existing WTF provides cellular service to this area and such service is often used to make emergency calls. The continued operation of the facility will ensure that such service is readily available to the community, which includes motorists on State Route 14 (Antelope Valley Freeway), in the case of an emergency.
- b. SCV Plan, Land Use Policy 7.1: “Adequacy of Public Services”: This policy encourages the development of convenient services to meet the needs of

Santa Clarita Valley residents, including utilities. The continued use and minor expansion of the existing WTF provides a convenient utility for residents, with a level of service commensurate with need, as encouraged by the SCV Plan. The project applicant has provided coverage analysis documentation to support the local need for cellular services, which are a publicly-accessible service. Thus, the public service will be adequate to serve the local community.

6. Title 22 of the County Code does not specify "WTF" as a use of property. The use consistent with a WTF specified in the County Code is "radio or television stations and towers." Pursuant to Section 22.24.100 of the County Code, development of radio and television stations and towers is an allowed use in Zone A-1, provided that a CUP is first obtained.
7. The project complies with development standards, as specified in Section 22.24.110 of the County Code. The location of the existing WTF is on a hillside, in the southwest portion of the property. The setbacks meet the required yard areas per the A-1 Zone. Access to the WTF is through an existing road and utility easement leading to an unpaved driveway, which is maintained by the property owner. The road meets minimum width requirements provided in Section 22.52.1030 of the County Code.
8. The project is consistent with the Acton Community Standards District (CSD). The CSD encourages the discreet siting of wireless facilities.
9. The project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area and will not jeopardize, endanger, or otherwise constitute a menace to public health, safety or general welfare. The requested continued use is justified at the current location because the existing facility does not generate additional light, nor does the facility block any views, attract criminal elements, or interfere with the use of the subject or surrounding properties. In addition, the use may promote the general welfare, by increasing the enjoyment and valuation of nearby properties by offering an important utility service.
10. The existing site is adequate in size and shape to accommodate all development features related to the continued use of a WTF. The existing use at the current location is not, and will not be, materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and does not, and will not, jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The facility will continue to operate in a manner that is consistent and compatible with the surrounding area. Therefore, allowing the

operation and maintenance and the minor equipment upgrade of the facility will not be materially detrimental to the use, enjoyment, or valuation of property or of other persons located in the vicinity of the site.

11. The existing use is adequately served by the road, highway, and public facilities networks already in place, and the use is not expected to generate additional need for these networks. Access to the WTF is provided by a 15-foot wide unpaved road and utility easement via Escondido Canyon Road, which is a designated Secondary Highway, and a private unpaved driveway. This is an unstaffed facility expected to have one monthly visit for maintenance, and the existing streets and parking are sufficient to accommodate the visits. No other public infrastructure is required; therefore, the existing site is adequately served for the needs of this project. As a valuable utility, the use may in fact add to the communication service facilities in the area. Allowing the WTF to continue to operate will ensure that cellular service will be readily available. Cellular service is often used to make emergency calls and is important to the health and safety of the surrounding residents as well as those who may visit the community.
12. On October 8, 1996, CUP No. 96135-(5) was approved to authorize the construction, operation, and maintenance of the unmanned WTF with two monopoles at 15 feet in height. This grant terminated on October 8, 2006.
13. On April 15, 2008, CUP No. 200600323 was approved to authorize the equipment upgrade, and the continued operation and maintenance of the subject WTF. The permit was never issued used because a signed affidavit was never received from the applicant, and therefore expired on April 15, 2010.
14. Staff recommended that a Class 3 Categorical Exemption—New Construction or Conversion of Small Structures—is the appropriate environmental documentation under the California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines.
15. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
16. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.

17. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. That the existing use is consistent with the adopted general plan for the area;
2. That the existing use at the current location will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
3. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
4. That the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
5. That the information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.040 of the County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer determines that this project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100067 is approved subject to the attached conditions.

c: Regional Planning Commission, Zoning Enforcement, Building and Safety

SMT:GS

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 96135-(5)
CONDITIONAL USE PERMIT NO. 201100067**

PROJECT DESCRIPTION

The project would authorize the equipment upgrade, and the continued operation and maintenance of an existing unstaffed wireless telecommunication facility (WTF) in the A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area) Zone. The project consists of two monopoles with panel antennae attached, reaching 20 feet in height. At the base of the monopoles are three equipment cabinets mounted on concrete pads and an H-frame structure supporting telecom equipment. An 8-foot tall chain link fence surrounds the 400-square-foot lease area. Pursuant to Section 22.24.100 of the Los Angeles County Code (County Code), a conditional use permit (CUP) is required for a WTF in the A-1 Zone, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County (“County”) Department of Regional Planning (“Regional Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No.10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall

promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 22.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on April 17, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the

applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within one (1) year from the date of final approval of the grant. A single one (1)-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

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

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

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform to the requirements of County Department of Public Works ("Public Works").
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 48 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
18. Upon request, the permittee shall submit to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

19. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
20. Upon request, any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
21. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
22. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences and open spaces. Pole-mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the Federal Aviation Administration (FAA).
23. Construction and maintenance of the facility shall be limited to the hours of 9:00 A.M. to 5:00 P.M., Monday through Friday. Emergency repairs of the facility may occur at any time.
24. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A." Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A."
25. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to any driveways.
26. The maximum height of the facility shall not exceed 20 feet above finished grade.
27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new service provider.

28. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be a grey or tan color that blends in with the immediately-surrounding environment.
29. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
30. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
31. The Regional Planning project number, CUP number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
32. The facility shall be secured by fencing, gates and/or locks.

SMT:GS