



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

November 1, 2011

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Michelle Felten  
Core Development Services  
2903-H Saturn Street  
Brea, CA 92821

**REGARDING: PROJECT NUMBER 99-241-(5)  
CONDITIONAL USE PERMIT NUMBER 201100006  
5041 W. Avenue M, Quartz Hill, CA 93536**

Dear Applicant:

Hearing Officer Ms. Pat Hachiya, by her action of November 1<sup>st</sup>, 2011, **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 November 15<sup>th</sup>, 2011.** 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 Travis Seawards of the Zoning Permits West Section at (213) 974-6462 or e-mail at TSeawards@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

Mi Kim, Acting Section Head  
Zoning Permits West Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)  
c: DPW (Building and Safety), Zoning Enforcement

MKK:TSS

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

**PROJECT NUMBER 99-241-(5)  
CONDITIONAL USE PERMIT NUMBER 201100006**

### **REQUEST**

The applicant, Crown castle, is requesting a CUP to authorize the continued operation of an unmanned wireless telecommunications facility (WTF) consisting of 18 existing panel antennas (12 from Sprint and 6 from Metro-PCS), and one (1) parabolic antenna that are located on a 72-foot tall monopole, 12 equipment cabinets, and other associated WTF equipment. The WTF project was originally approved through Conditional Use Permit No. 99-241-(5) on August 1, 2000 and expired on August 1, 2010. The project is located at 5041 West Avenue M in the unincorporated community of Quartz Hill in the Antelope Valley. The subject parcel is designated M-1 (Light Manufacturing) Zone and is located in the Quartz Hill Zoned District. No new construction or WTF equipment is proposed with this application.

**HEARING DATE:** November 1, 2011

### **PROCEEDINGS**

A duly noticed public hearing was held on November 1, 2011 before the Regional Planning Hearing Officer. The applicant's agent, Michelle Felten, testified that he had read and accepted the findings and conditions.

The Hearing Officer requested that the applicant clarify who will maintain the 18 panel antennas as six (6) are co-located by a different owner. Miss Felten explained that she was representing the owner of the WTF, Crown Castle, and that they handle all maintenance activities.

There being no further testimony, the Hearing Officer closed the public hearing and approved Project 99-241-(5) with conditions.

### **FINDINGS**

1. The project consists of the continued operation of an unmanned wireless telecommunications facility (WTF) that consists of 18 existing panel antennas and one (1) parabolic antenna that are located on a 72-foot tall monopole, 12 equipment cabinets, and other associated WTF equipment. No new equipment or services are proposed.
2. The WTF project was originally approved through Conditional Use Permit No. 99-241-(5) on August 1, 2000, expired on August 1, 2010, and was approved for 12 panel antennas. On September 29, 2008, Revised Exhibit "A" (CUP 99-241) co-located six (6) new panel antennas on the existing WTF.
3. The subject property is located at 5041 West Avenue M in the unincorporated community of Quartz Hill in the Quartz Hill Zoned District.
4. The project is located on a 1,600 square-foot lease area within the subject parcel, which is designated M-1 (Light Manufacturing) Zone.

5. The subject parcel is a 0.56-acre parcel that is developed as a parking lot that is used by a U-Haul rental business and light industrial use on an adjacent parcel to the west. The WTF is located in a 40-foot by 40-foot (1,600 square-feet) lease area that is situated in the northeast corner of the subject parcel, along the rear property line. The lease area contains a 72-foot tall monopole with 18 attached panel antennas. At the base of the monopole are the WTF equipment cabinets and other accessory WTF equipment. The leased area is surrounded by a six-foot high chained link fence except for an 8-foot wide access gate on the west side of the lease area. The WTF lease area is located against a six-foot high concrete wall along the northern parcel boundary. There are 16 parking spaces south of the lease area along the eastern parcel boundary. The parking space closest to the WTF lease area is reserved for maintenance personnel who service the WTF. Access to the subject parcel is granted from a driveway on the adjacent parcel off of West Avenue M.
6. The subject property is designated M (Industry) under the Antelope Valley Area Plan. Areas designated as Industry are appropriate for light, medium and heavy industrial, as well as service commercial uses. The subject parcel is developed as a parking lot that is used by a U-Haul rental business and a light industrial use on an adjacent parcel to the west. This use is consistent with the land use designation, as is utility infrastructure such as WTF.
7. The project supports a general policy in the Antelope Valley Area Plan that encourages adequate public services, including utility services: *Adequacy of Public Services: 29. Encourage development of services to meet the needs of Antelope Valley residents including health, education, welfare, police and fire, governmental operations, recreation, cultural, and utility services. Such services should be expanded at a rate commensurate with population growth. Phasing of their implementation should be timed to prevent gaps in service as the area grows.*
8. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify WTF as a use. The County has used a comparable use, radio/television stations/towers, to regulate WTF. Radio and television stations and towers are subject to permit in the M-1 Zone.
9. The project is compliant with all height requirements. The M-1 Zone does not specify a height limit. The Department's guidelines for WTF permit a ground-mounted WTF to reach a maximum of 75 feet, and the existing WTF is 72-feet tall.
10. The project is compliant with parking requirements. Conditional Use Permit No. 99-241-(5) required that the applicant ensure that one parking space is available at the site for maintenance personnel. The project requires an average of one monthly maintenance visit per month and the parking for these visits is adequately served by the one existing parking space reserved for this purpose.
11. The existing WTF design is appropriate for the site and area, which is a light industrial neighborhood with large parking areas, public services, and general commercial uses. The WTF is located on the rear parcel line, which is approximately 300 feet from the street. Conditional Use Permit No. 99-241-(5) required that the equipment cabinet area and ground structures be enclosed by a slatted chain link fence, and that the structures be neutral in color and blend with the surrounding environment. The lease area is surrounded by a six-foot high chain link fence, and the monopole structure is a metallic silver color that matches several tall light poles that are located throughout the subject parcel parking area.

12. The subject property is adequately served by public and private service facilities as necessary. A WTF does not require sewer or water service.
13. The subject property is adequately served by highways and streets of sufficient width and improved as necessary to carry the kind and quantity of traffic associated with this project. The project will require an average of one monthly maintenance visit per month, which the existing street system can accommodate.
14. The existing WTF design is appropriate for the site and area and is compatible with the development of the surrounding area. The project is located in the middle of light industrial uses with large parking areas and is well-integrated into the existing landscape.
15. The existing WTF is not a detriment to the surrounding community. The WTF provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property. The WTF has been in existence since 2000 and there have been no complaints or zoning violations related to the use.
16. There have been no public comments in opposition to the project.
17. 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.
18. The project is an application to continue the operation of an existing WTF, and no new construction is proposed. Therefore, the proposed project is exempt from the California Environmental Quality Act under Class 1 – Existing Facilities, under California Environmental Quality Act (CEQA) reporting requirements.
19. 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.
20. 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, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially

detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and

- C. 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code.

#### HEARING OFFICER ACTION

- 1. I have considered the Class 1 – Existing Facilities Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100006 is **APPROVED**, subject to the attached conditions.

c: Hearing Officer, Building and Safety

MKK:TSS

9/1/11

**CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. 99-241-(5)  
CONDITIONAL USE PERMIT NO. 201100006**

**PROJECT DESCRIPTION**

The project is a conditional use permit (CUP) for the continued operation of an unmanned wireless facility consisting of 18 existing panel antennas (12 from Sprint and 6 from Metro-PCS), and one (1) parabolic antenna that are located on a 72-foot tall monopole, 12 equipment cabinets, and other associated WTF equipment on property zoned Light Manufacturing (M-1), located at 5041 West Avenue M in the unincorporated community of Quartz Hill in the Quartz Hill Zoned District, and subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon 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 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on November 1, 2026.** 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 two (2) years from the date of final approval of the grant. A single one-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 inspections **(one every other year) for fifteen years**. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance 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 with the requirements of County Department of 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 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### PERMIT SPECIFIC CONDITIONS

17. The facility shall be operated in accordance with all applicable regulations of the State Public Utilities Commission and the Federal Communications Commission.
18. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department 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. 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 the Department of Regional Planning.
21. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
22. 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". The facility shall be built as depicted in the photo simulations presented at the public hearing.
23. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner or service provider.
24. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
25. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 24 hours.
26. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
27. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
28. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

#### **PROJECT SITE SPECIFIC CONDITIONS**

29. Construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.

30. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
31. Any new equipment added to the facility will require a Revised Exhibit "A" and shall not compromise the design of the facility.
32. The operator shall remove such facility within six (6) months after its lawful operation has ceased, and restore the site as nearly as practicable to its original condition.

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