

Hearing Officer Transmittal Checklist

Hearing Date 11/1/2011
Agenda Item No. 3

Project Number: 99-241-(5)
Case(s): Conditional Use Permit 201100006
Planner: Travis Seawards

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

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6462

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

PUBLIC HEARING DATE
 November 1, 2011

AGENDA ITEM
 3

RPC CONSENT DATE

CONTINUE TO

APPLICANT
 Crown Castle

OWNER

REPRESENTATIVE
 Michelle Felten

PROJECT DESCRIPTION

The project consists of the continued operation of an unmanned wireless telecommunications facility (WTF) consisting of 18 existing panel antennas, one (1) parabolic antenna that are located on a 72-foot tall monopole, and 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 was approved for 12 panel antennas. A different wireless user co-located on the site and was approved for the additional six (6) panel antennas. The CUP 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.

REQUIRED ENTITLEMENTS

The applicant, Crown Castle, is requesting a conditional use permit to authorize the continued operation and maintenance of an unmanned wireless telecommunications facility in an M-1 Zone. WTF's are a use that is subject to a conditional use permit (CUP) in all zones.

LOCATION/ADDRESS

5041 W. Avenue M, Quartz Hill, CA 93536

SITE DESCRIPTION

The site plan depicts a 0.56-acre parcel that 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. The WTF is located in a 40-foot by 40-foot (1,600 square-foot) 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.

ACCESS

West Avenue M

ZONED DISTRICT

Quartz Hill

ASSESSORS PARCEL NUMBER

3102017017

COMMUNITY

Quartz Hill

SIZE

0.56 Acres

COMMUNITY STANDARDS DISTRICT

N/A

EXISTING LAND USE

EXISTING ZONING

Project Site	Parking lot that is used by a U-Haul rental business and light industrial use on an adjacent parcel	M-1
North	Fire Station, Sheriff Station, vacant light industrial lots, parking lots, general commercial uses, and multi-family residences	R-3 (Unlimited Multiple Residence), R-3-P ((Unlimited Multiple Residence - Parking), and C-3 (Unlimited Commercial)
East	Parking lots and general commercial uses	M-1, R-3-P, C-3
South	Public storage, vacant light industrial lots, and general commercial uses	M-1, C-3, and A-1-10,000 (Light Agricultural – 10,000 square foot minimum lot area required)
West	Vacant industrial lots, equipment rental, and single-family residences	M-1, R-1-7,500 (Single Family Residence – 7,500 square foot minimum lot area required)

GENERAL PLAN/COMMUNITY PLAN

Antelope Valley Area Plan

LAND USE DESIGNATION

M - Industry

MAXIMUM DENSITY

N/A

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption-Existing Facilities

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT



STAFF REPORT
PROJECT NO. 99-241-(5)
CONDITIONAL USE PERMIT NO. 201100006

PROJECT DESCRIPTION

The project consists of the continued operation of an unmanned wireless telecommunications facility (WTF) consisting 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. The WTF project was originally approved through Conditional Use Permit No. 99-241-(5) on August 1, 2000 and was approved for 12 panel antennas. A different wireless user co-located on the site and was approved for the additional six (6) panel antennas. The CUP 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.

ENTITLEMENT REQUEST

The applicant, Crown Castle, is requesting a conditional use permit to authorize the continued operation and maintenance of an unmanned wireless telecommunications facility in an M-1 Zone. WTF's are a use that is subject to a conditional use permit (CUP) in all zones.

LOCATION

The subject property is located at 5041 West Avenue M in the unincorporated community of Quartz Hill in the Quartz Hill Zoned District.

EXISTING ZONING

Subject Property

The subject property is located in an M-1 Zone

Surrounding Properties

Surrounding properties are zoned:

- North: R-3 (Unlimited Multiple Residence), R-3-P ((Unlimited Multiple Residence - Parking), and C-3 (Unlimited Commercial)
- South: M-1, C-3, and A-1-10,000 (Light Agricultural – 10,000 square foot minimum lot area required)
- East: M-1, R-3-P, C-3
- West: M-1, R-1-7,500 (Single Family Residence – 7,500 square foot minimum lot area required)

EXISTING LAND USES

Subject Property

The subject property is developed as a parking and is also used as a U-Haul rental business.

Surrounding Properties

Surrounding land uses consist of:

- North: Fire Station, Sheriff Station, vacant light industrial lots, parking lots, general commercial uses, and multi-family residences
- South: Public storage, vacant light industrial lots, and general commercial uses
- East: Parking lots and general commercial uses
- West: Vacant industrial lots, equipment rental, and single-family residences

SITE DESCRIPTION

The site plan depicts a 0.56-acre parcel that is developed as a parking lot that is used by a light industrial use on an adjacent parcel to the west and for a U-Haul rental business. 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.

ENVIRONMENTAL DETERMINATION

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.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting, and DRP website posting.

PREVIOUS CASE/ZONING HISTORY

1. Conditional Use Permit No. 99-241-(5): Authorized the operation and maintenance of an unmanned WTF on August 1, 2000 and expired August 1, 2010.
2. Revised Exhibit "A" (CUP 99-241): Authorized the installation of six (6) new panel antennas on the existing WTF on September 29, 2008.

STAFF EVALUATION

General Plan Consistency

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 uses, 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, which is consistent with the land use designation. There are no direct references to wireless telecommunications facilities in the Antelope Valley Area Plan, but the project does support a general policy 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.

Neighborhood Impact/Land Use Compatibility

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. The WTF has been in existence since 2000 and there have been no complaints or zoning violations related to the use. The WTF provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

The following development standards apply to the project.

Height

The M-1 Zone does not have a height limit. The Department's development guidelines for WTFs states that the maximum height for ground-mounted facilities is 75 feet. The existing WTF consists of a 72-foot tall monopole structure. Therefore the project complies with this requirement.

Parking

Conditional Use Permit No. 99-241-(5) required that the applicant ensure that one parking space is available at the site for maintenance personnel. 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.

Circulation

The facility will generate approximately one maintenance vehicle trip a month, which the existing street system can accommodate. The project does not propose any new construction or the addition of any new WTF equipment. The subject property is adequately served by existing highways and streets of sufficient width to carry the kind and quantity of traffic associated with this project.

Aesthetics

The existing WTF design is appropriate for the site and area, which is a light industrial neighborhood with large parking areas, public services, general commercial services, and residences. 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.

BURDEN OF PROOF

The applicant is required to substantiate the burden of proof as required by Section 22.56.040 of the Los Angeles County Code.

The existing WTF does not adversely affect the surrounding area. The WTF has been in existence since 2000 and there have been no complaints or zoning violations related to the use.

The project does not propose any new WTF equipment on the site and is adequately served by existing public services and roads. The project is also compliant with all applicable development standards for the M-1 Zone and for the department's development guidelines for ground-mounted wireless facilities. Staff is of the opinion that the applicant has met the burden of proof. The applicant's burden of proof responses are attached to this document.

PUBLIC COMMENTS

To date, no comments from the public have been received.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends approval of Project No. 99-241-(5) with a grant term of 15 years and eight (8) biennial inspections, subject to the attached conditions.

SUGGESTED APPROVAL MOTION

I, the Hearing Officer, close the public hearing, find that the project is categorically exempt from CEQA reporting requirements and approve Conditional Use Permit No. 201100006 subject to the attached findings and conditions.

Prepared by Travis Seawards

Reviewed by Mi Kim, Acting Section Head, Zoning Permits West Section

Attachments:

Draft Conditions

Draft Findings

Applicant's burden of proof statement

Site photographs

Site Plan

DRAFT 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 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

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, 13th 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

**DRAFT 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 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.

MKK:TSS

9/1/11



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location 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.

The use, a wireless facility, is located at least 200' from any residential units. No habitable structures are located within 200 feet of the wireless facility. Therefore, the proposal will not adversely affect the health, peace, comfort or welfare of persons in the area and not be a menace to public health, safety or welfare. Additionally, the site is located within an industrial area and located at least 100' from the nearest street.

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 site is 32,330 square feet in size and will adequately accommodate the +/-1,600 sq. ft. lease area for the wireless facility. Since this will be an unmanned wireless facility, no loading facilities or landscape will be proposed with this application. The site currently has one (1) parking space for maintenance technicians. The site is located far away from major roads and will not be greatly visible from such roads.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and 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.

The proposal consists of the CUP renewal of an unmanned wireless facility and will generate approximately one vehicular trip every one or two months. Existing street infrastructure will be able to (and already does) accommodate this demand.

The only other service facilities that this site would require is power and telephone, which already service the site.



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



August 2, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas Gorham
3151 Airway Avenue, F-120
Costa Mesa, CA 92626

RE: **CONDITIONAL USE PERMIT CASE NO. 99-241-(5)**

To authorize the construction, operation, and maintenance of a wireless telecommunication facility consisting of a 72' tall monopole and appurtenant equipment. The site is located 5041 W. Avenue M within the Quartz Hill Zoned District.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings, order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 1390, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days of the applicant receiving this notice. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant requests a Conditional Use Permit to authorize construction, operation, and maintenance of an unmanned wireless telecommunication facility consisting of a 72' monopole and appurtenant equipment in the M-1 zone.

FACTUAL SUMMARY:

August 1, 2000 Public Hearing

A duly noticed public hearing was held on August 1, 2000. The applicant's representative, Mr. Thomas Gorham, testified in favor of the project.

No testimony in opposition was heard.

The Hearing Officer asked for a revised site plan to be submitted by the applicant showing a parking space for maintenance vehicles. Mr. Gorham also affirmed that slats would be installed on the chain link fence to screen the equipment cabinets. The Hearing Officer closed the public hearing and instructed staff to prepare the findings and conditions for approval.

Findings

The applicant's site plan depicts the proposed 40' x 40' lease area developed with a 72' monopole mounted with three arrays of four antennae each. The site plan further depicts an approximately 24" x 7.5" equipment area and a chain link fence surrounding the leasehold. The existing structures on the parcel are also depicted: two warehouses and an office building with appurtenant parking. Access to the site is shown via West Avenue M to the south.

The subject property is zoned M-1 (Light Manufacturing).

Pursuant to Section 22.32.070, Title 22 of the County Code (Zoning Ordinance), a Conditional Use Permit is required for the construction, operation, and maintenance of a wireless telecommunications facility in the M-1 zone.

There are no other zoning permit cases filed on the subject property.

The project site is classified Commercial by the Antelope Valley Areawide General Plan. This category allows for a wide variety of uses, including utilities. The project can be found consistent with this category.

This project has been determined Categorical Exempt from CEQA reporting requirements.

Pursuant to Zoning Ordinance Section 22.52.1220 (Parking – Uses not Specified) one parking space is required. The applicant has sufficient room within the leasehold area to accommodate a service vehicle.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

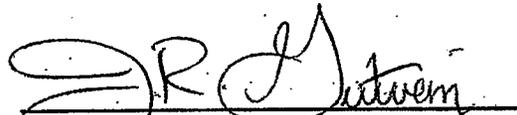
- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

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

HEARING OFFICER ACTION:

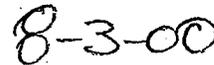
- 1. The Hearing Officer has considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of project does not have a significant effect on the environment.
- 2. In view of the findings of fact presented above, Conditional Use Permit Case No. 99-241-(5) is **APPROVED**, subject to the attached conditions.

BY:



JOHN R. GUTWEIN, AICP
HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Date:



8-3-00

**Attachments: Conditions
Affidavit**

**cc: Each Commissioner; Building and Safety; Subdivision Mapping; Zoning
Enforcement;**

**JRG:MBM
8/1/00**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. This grant will terminate ~~August 1, 2010~~ entitlement to use of the property as a wireless communications facility thereafter shall be subject to the regulations then in effect.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$500.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 5 biennial inspections.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.

12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
14. The property shall be maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
15. This grant allows for the construction, operation, and maintenance of an unmanned wireless telecommunications facility consisting of one monopole with a maximum height of 72 feet and appurtenant equipment, including an equipment shelter, subject to the following restrictions:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. 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;
 - d. All structures shall be a neutral color, excluding black, to blend with its surroundings and shall be maintained in good condition at all times;
 - e. The equipment cabinet and all ground structures shall be enclosed by a slatted chain link fence, or landscaping that will screen the equipment area; and
 - f. The applicant shall ensure that one parking space is available at the site.

