

Project No. 97032-(5)
Conditional Use Permit No. 200800011-(5)

DRAFT Findings and Order of the Hearing Officer
COUNTY OF LOS ANGELES

HEARING OFFICER HEARING DATE: January 6, 2009

REQUEST: The applicant has requested the approval of a Conditional Use Permit pursuant to the provisions of Section 22.56, Part 1 of the Los Angeles County Code to authorize the continued operation and maintenance of an existing unmanned wireless telecommunications facility located at 14021 Fort Tejon Road in unincorporated Los Angeles County. The applicant is also requesting the addition of an equipment cabinet to the wireless facility site. The project site is located in Zone A-1-1 (Light Industrial – one acre minimum area required). This facility was developed in accordance with CUP 97032, approved by Hearing Officer on May 22, 2007, which authorized the installation and maintenance of the wireless telecommunications facility.

PROCEEDINGS BEFORE THE HEARING OFFICER:
January 6, 2008

To be inserted.

Findings

1. The applicant requests authorization for the continued operation, maintenance and minor addition of an unmanned wireless communications facility in the A-1-1 (Light Agricultural – one acre minimum area required) Zone.
2. The wireless facility occupies a 900 square foot lease area located within a 47-acre project site that is comprised of three parcels (APN Nos. 3061-023-016, 3061-023-023, and 3061-023-018).
3. The project site is located at 14021 Forth Tejon, Pearblossom, in the Antelope Valley East Zoned District, in unincorporated Los Angeles County, in the A-1-1 zone.
4. Surrounding properties within 500 feet are zoned as follows:
 - a. North: A-2-1
 - b. South: A-1-1, A-1-20,000
 - c. East: A-1-1
 - d. West: A-1-1, A-1-20,000
5. Land Use on surrounding properties consists of the following:
 - a. North: Vacant
 - b. South: Vacant, Single-Family Residences

- c. East: Vacant
 - d. West: Wireless Facility, Vacant
6. The subject property is currently developed with a single-family residence located on the southern part of the property and a wireless facility located on the northern portion of the property. However, the majority of the site is vacant.
 7. Conditional Use Permit No. 97032 was approved on May 22, 1997 for the construction, operation, and maintenance of an unmanned wireless telecommunications facility. This grant terminated on May 20, 2007.
 8. No record of enforcement action was found.
 9. The site plan depicts approximately a 600 square foot paned ground base enclosed with a six foot high chain link fence. There is an existing 120 feet tall monopole with two microwave dishes and four panel antennas mounted near the top, four equipment cabinets with the largest measuring 63 inches in height, 51 inches in width, and 28 inches in depth, and a proposed equipment cabinet similar in size.
 10. The project site is located within the N1 (Non-Urban 1) land use designation of the Antelope Valley Area Plan.
 11. A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code. The use that is most closely related to a wireless telecommunications facility specified in the Code is a radio or television tower. Under Section 22.24.100 of the Zoning Code, a Conditional Use Permit is required to construct and maintain a radio tower in the A-1 zone.
 12. Section 22.52.1220 provides the parking requirements for uses that are not specified. The proposed wireless telecommunications facility will be unmanned and will be visited for a periodic maintenance only. The project site is surrounded by vacant land and is sufficient in size to accommodate parking needed for routine maintenance.
 13. The subject project qualifies for Class 1 Exemption (operation of existing facilities and addition of small electrical equipment), as it involves the operation of an existing facility with minor addition. Staff has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (CEQA) guidelines and the environmental procedures of the County of Los Angeles for the project.
 14. Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion on November 29, 2008, and Antelope Valley Press on November 28, 2008. A total of 38 public hearing notices regarding

the subject application were mailed out to the owners of properties located within the 500-foot radius of the subject property on December 01, 2008.

15. Case information materials, including the Notice of Public Hearing and Factual Sheet were sent to Lake Los Angeles Library located at 16921 E. Ave. O, Suite A, Palmdale, on November 25, 2008. The same information materials were also posted on the Department of Regional Planning's Website on December 1, 2008.
16. Pursuant to Section 22.60.175 of the County Code, the applicant shall post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received the Certificate of Posting stating that the Notice of Public Hearing was posted on December 5, 2008, and received photos of the posting from the applicant's agent.
17. Staff did not receive any public comments regarding the subject request.
18. The project is consistent with policies of the Antelope Valley Areawide General Plan and the provisions of the Zoning Ordinance.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

The proposed use is consistent with the adopted general plan for the area;

- A. That the requested use at the location proposed 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;
- 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;
- C. 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;

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 Section 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 certifies 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 facts presented above, Project No. 97032-(5)/ Conditional Use Permit Case No. 200800011-(5) is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit of Acceptance

c: Zoning Enforcement, Building and Safety