



WTF HEARING PACKAGE
PROJECT NUMBER 99210-(5)
CONDITIONAL USE PERMIT 201000072

HEARING DATE
April 19, 2011
ITEM

CONTINUED TO

HEARING OFFICER: Gina Natoli

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PREPARED BY: Dean Edwards, Zoning Permits North

(213) 974-6443, ComLine 288, dedwards@planning.lacounty.gov

REVIEWED BY: Mark Child

A handwritten signature in black ink, appearing to be 'M Child'.

STAFF REPORT
PROJECT NUMBER 99210-(5)
CONDITIONAL USE PERMIT 201000072

REQUEST

The applicant, RealCom Associates, is requesting a conditional use permit to authorize the continued operation and maintenance of a wireless telecommunications facility (WTF), a use that is subject to permit.

REPRESENTATIVE: Alexis Osborn

OWNER: Terry Solomon

PROJECT DESCRIPTION

No new construction or installation of equipment is proposed.

LOCATION

The subject property is located at 18348 West Avenue D in the unincorporated area of the Antelope Valley and Antelope Valley West Zoned District.

Assessor's Parcel Number(s): 3238-005-029

Antelope Valley Area Plan Land Use Designation: Non-Urban 1

Zoning: A-2-5 (Heavy Agriculture)

Community Standards District: NA

SITE DESCRIPTION

The 9.62 acre subject property is developed with a mobile home park on the south side of property and a market with a parking lot and a 71 foot-high WTF with equipment for two carriers on the north side of the property. A shelter and water tank are located on the east side of the property. There are several unpaved roads on the property.

The WTF includes a 65 foot undisguised pole with a 10 panel antennas, a microwave dish and lighting rod mounted to it. An equipment cabinet, battery and power/telco meter are located within Nextel's 624 square-foot lease area that is secured by six foot high chain-link fence with slats. A power/telco meter and four equipment cabinets are located within Verizon's 360 square-foot secured lease area.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the California Environmental Quality Act under Class 1 for an existing facility.

PREVIOUS CASE/ZONING HISTORY

Conditional Use Permit 99-210 to authorize the establishment, operation and maintenance of a WTF was approved by the Regional Planning Commission on January 10, 2001. The grant terminated February 7, 2001. Conditional Use Permit 201000072 is for the renewal of this permit.

A Revised Exhibit A to authorize an additional antennae, parabolic dish and equipment cabinets was approved by Staff on March 3, 2001.

A Revised Exhibit A authorizing modifications of the WTF was approved by Staff on April 23, 2001.

Request for Service: Zoning Enforcement staff submitted an inspection report on November 24, 2010 stating that no violations were discovered on the subject property.

PUBLIC COMMENTS

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

ANALYSIS

Height

The WTF is 71 feet high (as measured to the top of the lightening rod). Conditional Use Permit 99-210 authorized a 68 foot facility. The previously approved site plans do not include the lightening rod.

Setbacks

No new construction or installation of equipment is proposed in the setback areas.

Parking

One undedicated parking space for maintenance vehicles is required. The market parking lot can accommodate maintenance vehicle parking.

Circulation

The site is served by West Avenue D. The facility will generate approximately one maintenance vehicle trip every two months which the aforementioned street should be able to accommodate. 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.

Aesthetics

The subject property is surrounded by the following land uses:

North: Vacant

East: Vacant

South: Single-family Residence

West: Vacant

The design of an undisguised facility is appropriate for the site and area because the facility is existing and located in a rural and relatively undeveloped area.

RECOMMENDATION

Staff recommends **APPROVAL** of Conditional Use Permit 201000072 with a grant term of 15 years and eight biennial inspections because:

- There are no zoning violations on the property.
- To date, there is no opposition to the project.
- With a conditional use permit, the proposed facility will comply with Zoning Ordinance height restrictions.
- The design of an undisguised facility is appropriate for the site and area because the facility is existing and located in rural and relatively undeveloped area.

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

**PROJECT NUMBER 99210-(5)
CONDITIONAL USE PERMIT 201000072**

REQUEST

The applicant, RealCom Associates, is requesting a conditional use permit to authorize the continued operation and maintenance of a wireless telecommunications facility (WTF), a use that is subject to permit.

HEARING DATE: April 19, 2011

FINDINGS

1. The subject property is located at 18348 West Avenue D in the unincorporated area of the Antelope Valley, Antelope Valley West Zoned District and A-2-5 (Heavy Agriculture) Zone.
2. The 9.62 subject property is developed with a mobile home park on the south side of property and a market with a parking lot and a 71 foot-high WTF with equipment for two carriers on the north side of the property. A shelter and water tank are located on the east side of the property. There are several unpaved roads on the property.

The WTF includes a 65 foot undisguised pole with a 10 panel antennas, a microwave dish and lighting rod mounted to it. An equipment cabinet, battery and power/telco meter are located within Nextel's 624 square-foot lease area that is secured by six foot high chain-link fence with slats. A power/telco meter and four equipment cabinets are located within Verizon's 360 square-foot secured lease area.
3. No new construction or installation of equipment is proposed.
4. The continued operation of the WTF is consistent with the Antelope Valley Area Plan. The land use designation of the subject property is Non-Urban 1. There are no policies in the Plan that specifically prohibit, discourage or limit the use of WTFs.
5. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify WTF as a use. Similar uses, such as radio/television stations/towers, are subject to permit.
6. The WTF is 71 feet high (as measured to the top of the lightening rod). Conditional Use Permit 99-210 authorized a 68 foot facility. The previously approved site plans do not include the lightening rod.
7. The 9.62 acre subject property is adequate in size and shape to accommodate the development. No new construction or installation of equipment is proposed in the setback areas. One undedicated parking space for maintenance vehicles is required. The market parking lot can accommodate maintenance vehicle parking.
8. The subject property is adequately served by public and private service facilities as necessary. A WTF does not require sewer or water service.
9. 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 site is served by West Avenue D. The facility will generate approximately one maintenance vehicle trip every two months which the aforementioned street should be able to accommodate.
10. The subject property is surrounded by the following land uses:
North: Vacant
East: Vacant
South: Single-family Residence
West: Vacant

11. The proposed design is appropriate for the site and area because the facility is existing and located in a rural and relatively undeveloped area.
12. Zoning Enforcement staff submitted an inspection report on November 24, 2010 stating that no violations were discovered on the subject property.
13. No public comments for this case were received.
14. 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.
15. The proposed project is exempt from the California Environmental Quality Act under Class 1 because it is an existing facility.
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 and require eight inspections.
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 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 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 201000072 is **APPROVED**, subject to the attached conditions.

c: Hearing Officer, Building and Safety
MC:de
April 6, 2011

1. This grant authorizes the continued operation and maintenance of a wireless telecommunications facility (WTF) that includes a 65 foot undisguised pole; 10 panel antennas, a microwave dish; lighting rod; equipment cabinets; a battery; and power/telco meters.
2. 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.
3. 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 Department of 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 7, and until all required monies have been paid pursuant to Condition 10. The recorded affidavit shall be filed and the required monies shall be paid by **June 18, 2011**. Notwithstanding the foregoing, Condition 3, and Conditions 4, 5 and 8 shall be effective immediately upon final approval of this grant by the County. The date of final approval is 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 other applicable statute of limitations. 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs or expenses shall be billed and deducted for the purpose of defraying the costs and 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 or expenses 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 shall be paid by the permittee according to Los Angeles 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 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 Recorder. In addition, upon any transfer or lease of the property during the term of this grant, permittee or 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 19, 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 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 years from the date of final approval by the County. 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 of Los Angeles 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 deposit provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.
11. 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.
12. 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.
13. 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.
14. The facility shall be operated in accordance with all applicable regulations of the State Public Utilities Commission and the Federal Communications Commission.

15. 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.
16. 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.
17. 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.
18. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
19. 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.
20. 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.
21. 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.
22. One existing parking space for the convenience market shall be made available for maintenance vehicle parking.
23. The maximum height of the pole and with antennas shall not exceed 65 feet above finished grade. The existing six foot lightning rod may extend beyond said height.
24. 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.
25. The exterior color for the monopole and top-mounted equipment antennae shall be sky-white.
26. 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 48 hours.

27. 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.
28. 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.
29. The permittee shall remove the WTF if in disuse for more than six months.

MC:de

4/5/2011

LAYLA



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



March 5, 2001

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

SBA, Inc.
3151 Airway Avenue, E-120
Costa Mesa, CA 92626
Attn: Thomas Gorham

RE: CONDITIONAL USE PERMIT 99-210-(5)

To authorize the establishment, operation and maintenance of a wireless telecommunications facility (maximum 68 foot height), with antennae and equipment cabinets in the A-2-5 zone and within a Significant Ecological Area (SEA), located on property at 18348 W. Avenue "D", in an unincorporated County area of Lancaster, in the Antelope Valley West Zoned District.

Dear Mr. Gorham:

The Regional Planning Commission, by its action on February 7, 2001, **APPROVED** the above referenced conditional use permit to authorize the establishment, operation and maintenance of a wireless telecommunications facility on property located at 18348 W. Avenue D, in an unincorporated County area of Lancaster.

Condition #2 requires that the permittee file an affidavit accepting the attached conditions **before** this grant becomes effective. **Please use the enclosed affidavit for this purpose and carefully read the instructions for submitting it to this department.**

The applicant or **ANY OTHER INTERESTED PERSON MAY APPEAL** the Regional Planning Commission's decision to the Board of Supervisor's Executive Office, Room 383, Kenneth Hahn Hall of Administration, 500 Temple Street, Los Angeles, California 90012. You may contact the Executive Office for the necessary forms and the amount of the appeal fee by calling (213) 974-1426. The appeal must be postmarked or delivered in person within fifteen (15) days after this notice is received by the applicant.

CONDITIONAL USE PERMIT 99-210-(5)

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If no appeal is made during this fifteen day period, the Regional Planning Commission action is final. Upon the completion of the fifteen appeal time limit, the applicant may submit the signed and notarized affidavit attached, three (3) copies of the revised site plan (if applicable), and, the required fees, as a prerequisite to obtaining building permit approval.

If you have any questions regarding this matter, please do not hesitate to call me at (213) 974-6443.

Very Truly Yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hart, AICP
Director of Planning



Frank Meneses
Supervising Regional Planner
Zoning Permits Section

FM:rc

Attachments: Affidavit
Findings
Conditions

Cc: Board of Supervisors
Department of Public Works (Building & Safety) and (Subdivision Mapping)
Zoning Enforcement Section
County Forester
All testifiers

CONDITIONAL USE PERMIT NO. 99-210-(5)

Page 1 of 4

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES****CONDITIONAL USE PERMIT CASE NO. 99-210-(5)****COMMISSION HEARING DATE:**

January 10, 2001

SYNOPSIS:

The applicant has requested a conditional use permit to authorize the establishment, operation and maintenance of a wireless telecommunications facility (103 foot high monopole with top-mounted antennae and equipment cabinets) within a Significant Ecological Area (SEA) and in the A-2-5, Heavy Agriculture - 5 acre minimum lot area zone. The subject property is located at 18348 W. Avenue D, in an unincorporated County area of Lancaster. The proposed facility would be constructed within a 700 square foot fenced lease area along the property frontage, on the west side of the existing convenience market. The facility consists of a one hundred foot high monopole with two arrays of three top-mounted antennae each, eight electronic equipment cabinets, and related utility equipment. The higher fitted antennae project approximately three feet higher than the monopole for an overall pole and antennae height of 103 feet from grade. The proposed facility is consistent with other telecommunications facilities approved in the area.

Although the site is located within a Significant Ecological Area, the site has already been heavily disturbed by the existing development on the site which consists of a convenience market at the front, a 114 space mobilehome park to the rear of the market, various storage sheds, and, a single-family residence with barn and two trailers at the south end of the site. SEATAC has reviewed this proposal and has recommended that porous pavers be used wherever new parking or ground covering is proposed, which the applicant has agreed to in writing. Staff explained that no opposition had been received to date.

PROCEEDINGS BEFORE THE COMMISSION:**January 10, 2001 Public Hearing**

A duly noticed public hearing was held. All Commissioners were present with the exception of Commissioner Valadez. Following staff's presentation to the Commission, Thomas Gorham, the applicant's agent was sworn in and presented testimony in support of the project and stated that the applicant has recently reduced the overall height of the monopole/antennae from 103 feet to 68

CONDITIONAL USE PERMIT NO. 99-210-(5)**Page 2 of 4**

feet. There was no testimony in opposition given. There being no further testimony, the Commission moved (4-0) to close the public hearing, to indicate its intent to approve Conditional Use Permit Case No. 99-210-(5) and directed staff to prepare the final environmental document along with the appropriate findings and conditions for its approval.

Findings:

1. The applicant has requested a conditional use permit to authorize the establishment, operation and maintenance of an unmanned wireless telecommunications facility to occupy a 700 square foot fenced lease area along the property frontage, on the west side of the existing convenience market. The proposed facility consists of a sixty-five foot high monopole with two arrays of three top-mounted antennae each, eight electronic equipment cabinets, and related utility equipment. The higher fitted antennae project approximately three feet higher than the monopole for an overall pole/antennae height of 68 feet from grade. The applicant informed the Regional Planning Commission at the hearing that the overall height had been recently reduced from 103 feet as shown on plans submitted to the Commission to 68 feet and that the final plans would be revised accordingly.
2. Zoning on the subject property is A-2-5, Heavy Agriculture – minimum 5 acre lot area.
3. Surrounding properties to the north, south, east and west are also zoned A-2-5, Heavy Agriculture – minimum 5 acre lot area.
4. The subject property is currently developed with a convenience market along the property frontage, a 114 space mobile home park to the rear of the market, various storage sheds, and, a single-family residence with barn and two trailers at the south end of the site.
5. Surrounding land uses include a vacant lot to the north (across Avenue D); vacant lots to the east and west; and, single-family residential to the south.
6. On March 15, 1966, the County Zoning Board granted Zone Exception Case No. 7923 to authorize the establishment of a 114 space mobile home park, the expansion of a café and service station, and the construction of a market in an A-2-5 zone.
7. On February 17, 1998, the Hearing Officer approved Conditional Use Permit Case No. 97-149-(5) to authorize the sale of alcoholic beverages (beer and wine) for off-site consumption incidental to the operation of an existing convenience market. The market was described as being accessory to the primary use of the site as a mobile home park. As part of

CONDITIONAL USE PERMIT NO. 99-210-(5)**Page 3 of 4**

the findings for this permit, it was determined that pursuant to section 22.64.055 under Title 22 of the County Code that ZEC 7923 was deemed to be a conditional use permit given that the ZEC was granted by action of the Zoning Board prior to November 5, 1971, and, a mobile home park and accessory commercial use may be granted a CUP under the provisions of Title 22 at that time. Further, a mobile home park was listed as a conditionally permitted use in the A-2-5 zone.

8. An unmanned wireless telecommunications facility is not a use specifically listed in the County's Zoning Ordinance. The most similar described use is "radio and television stations and towers" which is a conditionally permitted use in the A-2-5, Heavy Agriculture zone (Section 22.24.150). Staff interprets the proposed project to be a comparable use requiring a conditional use permit.
9. A Mitigated Negative Declaration has been recommended for this project pursuant to CEQA reporting requirements. The site is located within Significant Ecological Area #60 (SEA) and consists of Joshua Tree woodland habitat, desert grasses and cacti. However, the site has already been heavily disturbed by the existing development on the site. The proposed telecommunications facility will be located on the west side of the existing market in an already disturbed, developed area of the subject property and will be buffered by existing Aleppo pines. The proposed project was reviewed by the Significant Ecological Area Technical Advisory Committee (SEATAC) at their June 5, 2000 meeting. SEATAC has recommended the following mitigation measure to mitigate the potential impacts on biotic resources to less than significant: The applicant shall utilize porous pavers wherever new parking or ground covering is proposed. (The applicant has agreed, in writing, to this condition).
10. The proposed sixty-eight (68) foot high monopole with top-mounted antennae will be visible from the surrounding properties. Therefore, staff has recommended that the monopole and top-mounted antennae be painted a soft white to blend in with the sky around it. Surrounding land uses are predominantly vacant properties with the exception of a single-family residence to the south.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

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

CONDITIONAL USE PERMIT NO. 99-210-(5)**Page 4 of 4**

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. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, landscaping and other development features;
- D. That 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 and burden of proof for a conditional use permit as set forth in section 22.58.090 of Title 22 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and, adopts the Mitigated Negative Declaration.
2. In view of the findings of fact presented above, Conditional Use Permit No. 99-210-(5) is **APPROVED** subject to the attached conditions.

VOTE **3-0****Concurring:** **Pederson, Helsley and Vargo****Dissenting:** **None****Abstaining:** **None****Absent:** **Valadez****Action Date:** **February 7, 2001**

CONDITIONAL USE PERMIT NO. 99-210-(5)**Page 1 of 4
FINAL CONDITIONS**

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 (10) 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.

CONDITIONAL USE PERMIT NO. 99-210-(5)**Page 2 of 4
FINAL CONDITIONS**

5. This grant will expire unless used within two (2) years from the date of approval. A one year time extension may be requested in writing and with the appropriate filing fee 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 on February 7, 2010. The permittee shall reapply for a new conditional use permit no later than six (6) months prior to the expiration date in the event of continued operation.

Entitlement to use the property for an unmanned wireless telecommunications 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 \$1,000. 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 ten (10) annual 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

CONDITIONAL USE PERMIT NO. 99-210-(5)**Page 3 of 4
FINAL CONDITIONS**

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. 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.
14. 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.
15. That three (3) copies of the revised plans, similar to Exhibit "A" to include a color rendering showing a sky white color for the monopole and top-mounted antennae, and the proposed setbacks for the facility from the front property line, the side property line, and the convenience market and nearest mobilehome unit; and, the reduced maximum height from 103 feet to 68 feet to grade shall be submitted for the approval of the Director of Planning within thirty (30) calendar days of final approval. The property shall be developed and maintained in substantial conformance with the approved plans. All revised plans must be accompanied by the written authorization of the property owner.
16. This grant allows for the construction, operation, and maintenance of an unmanned wireless telecommunications facility consisting of a monopole with top-mounted antennae with an overall maximum height of 68 feet from grade and appurtenant equipment 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.

CONDITIONAL USE PERMIT NO. 99-210-(5)**Page 4 of 4
FINAL CONDITIONS**

- 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. The exterior color for the monopole and top-mounted antennae shall be a sky white color.
 - e. That one of the existing parking spaces for the front convenience market shall be made available for maintenance vehicle parking.
17. That the project will require the filing of a Notice of Determination in compliance with section 21108 and 21152 of the Public Resources Code. The Notice of Determination will not be filed until the appropriate fees required by the California Department of Fish and Game are paid. The fees are based on the type of environmental document approved for this project. The current maximum amount to be paid is \$1,275 (\$1,250 Fish & Game Fee and \$25 document handling fee).
18. That the applicant shall utilize porous pavers wherever new parking or groundcover is proposed on the site.
19. Upon construction of the monopole/antennae, the Permittee shall submit for the file an affidavit to the Department of Regional Planning attesting that the telecommunications facility has been constructed at a height not to exceed the approved 68 feet from grade.

FM:RC:rc.12/18/00, REVISED 1/25/01, 1/29/01.



Los Angeles County Department of Regional Planning
 320 West Temple Street, Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT No. 99-210-(5)
CONDITIONAL USE PERMIT

RPC/HO MEETING DATE February 7, 2001 Consent Calendar	CONTINUE TO
AGENDA ITEM <u>7</u>	
PUBLIC HEARING DATE January 10, 2001	

APPLICANT Cox, PCS Assests, LLC		OWNER Terry Soloman		REPRESENTATIVE Joseph Maschuci, SBA, Inc.	
REQUEST Conditional Use Permit: To authorize the establishment, operation and maintenance of a wireless telecommunications facility (103 foot high monopole with antennae and equipment cabinets) in the A-2-5 zone and within a Significant Ecological Area (SEA).					
LOCATION/ADDRESS 18348 W. Avenue "D," Lancaster			ZONED DISTRICT A.V. West		
ACCESS Avenue D			COMMUNITY Lancaster		
			EXISTING ZONING A-2-5, Heavy Agriculture -- Minimum 5 acre lot area		
SIZE 8.8 acre lot with 700 sq. ft. fenced lease area for proposed wireless telecommunications facility		EXISTING LAND USE Mobile Home Park with convenience market, single-family residence/barn		SHAPE Rectangular	TOPOGRAPHY Relatively Flat
SURROUNDING LAND USES & ZONING					
North: (Across Avenue D) Vacant lot/A-2-5			East: Vacant lot/A-2-5		
South: Single-Family Residential/A-2-5			West: Vacant lot/A-2-5		
GENERAL PLAN		DESIGNATION		MAXIMUM DENSITY	
COUNTYWIDE		_____		_____	
Antelope Valley Areawide General Plan		Non-Urban 1		_____	
ENVIRONMENTAL STATUS Mitigated Negative Declaration					
DESCRIPTION OF SITE PLAN The site plan, labeled as Exhibit "A," shows an 8.81 acre rectangular parcel with access off of Avenue D at its north end. Also depicted is a 700 square foot fenced lease area for the proposed wireless telecommunications facility located adjacent to the Avenue D right-of-way.					
KEY ISSUES <ul style="list-style-type: none"> Satisfaction of Section 22.56.090 Title 22 of the Los Angeles County Code, Conditional Use Permit Burden of Proof requirements. Satisfaction of Section 22.56.215 F of Title 22 of the Los Angeles County Code, SEA Burden of Proof requirements. <p style="text-align: right;">(If more space is required, use opposite side)</p>					

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON					
RPC HEARING DATE(S)		RPC ACTION DATE		RPC RECOMMENDATION	
MEMBERS VOTING AYE		MEMBERS VOTING NO		MEMBERS ABSTAINING	
STAFF RECOMMENDATION (PRIOR TO HEARING)					
SPEAKERS*		PETITIONS		LETTERS	
(O)	(F)	(O)	(F)	(O)	(F)

*(O) = Opponents (F) = In Favor

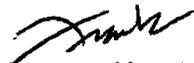


Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



DATE: January 25, 2001

TO: George Pederson, Chairman
Esther L. Valadez, Vice Chair
Renée L. Campbell, Commissioner
Harold Helsley, Commissioner
Cheryl Vargo, Commissioner

FROM: Frank Meneses 
Zoning Permits Section Head

SUBJECT: Conditional Use Permit No. 99-210-(5)
To authorize the establishment, operation and maintenance of
a wireless telecommunications facility (103 foot high
monopole with antennae and equipment cabinets)
18348 W. Avenue "D," Lancaster

At your January 10, 2001 meeting, the Planning Commission moved to indicate its intent to approve Conditional Use Permit No. 99-210-(5) and directed staff to prepare findings and conditions for its approval. Please find attached the appropriate findings and conditions for approval for your review and consideration.

If you have any questions prior to the February 7, 2001 meeting, please contact Rebecca Cutting of our staff at (213) 974-6419.

FM:rc
Attachments: Findings and Conditions



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 proposed use is for a wireless telecommunications facility that is in compliance with all local, state, and federal laws. It will provide a public benefit and will not be detrimental to the health, safety or welfare of the citizens.

- 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.

All setback and height requirements are met in the proposal and the utility type pole blends naturally with the surrounding community.

- 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 facility is unmanned and operates 24 hrs per day, 7 days per week. No traffic congestion or parking will be necessary for this project.

CERTIFICATE OF POSTING

-Public Hearing-
LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CA 90012

**PERMIT(S): 99210-(5),
RCUP 201000072**

**Contact: Dean Edwards (213) 974-6443
DEdwards@planning.lacounty.gov**

CERTIFICATE OF POSTING

This Certifies that I/We have posted the "NOTICE OF PUBLIC HEARING" sign(s) for: _____
Permit(s): 99210-(5), RCUP 201000072

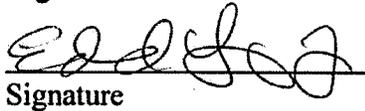
Located at: _____ **18348 West Avenue D**

Public Hearing Scheduled: _____ **Tuesday, April 19, 2011 at 9:00 a.m.**

I hereby certify under penalty of perjury that we posted the above-mentioned
NOTICE OF PUBLIC HEARING. On the 17th Day of March, 2011.

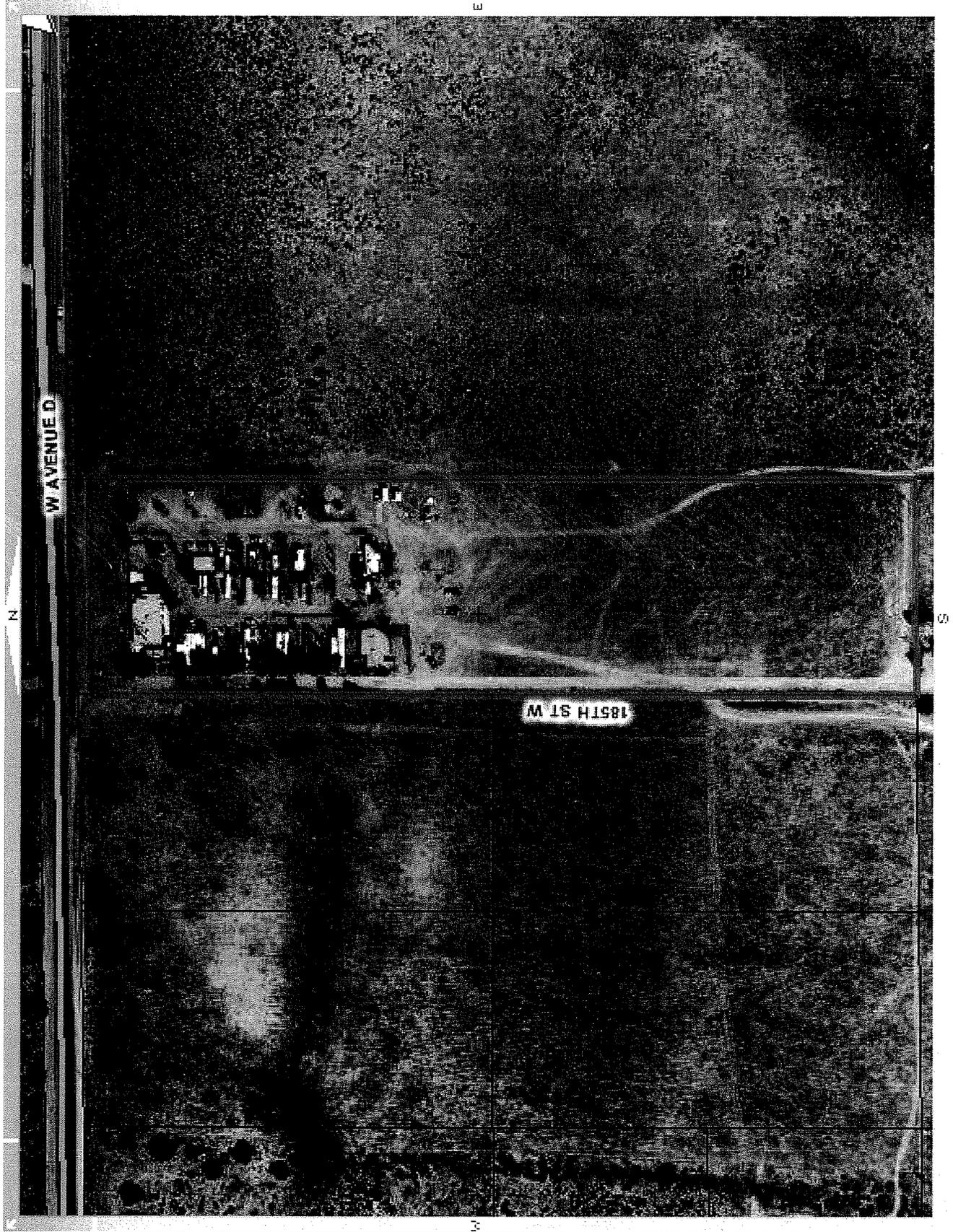
**POSTING AGENT
GC MAPPING SERVICE, INC.
3055 W. VALLEY BLVD.
ALHAMBRA, CA 91803
(626)441-1080**

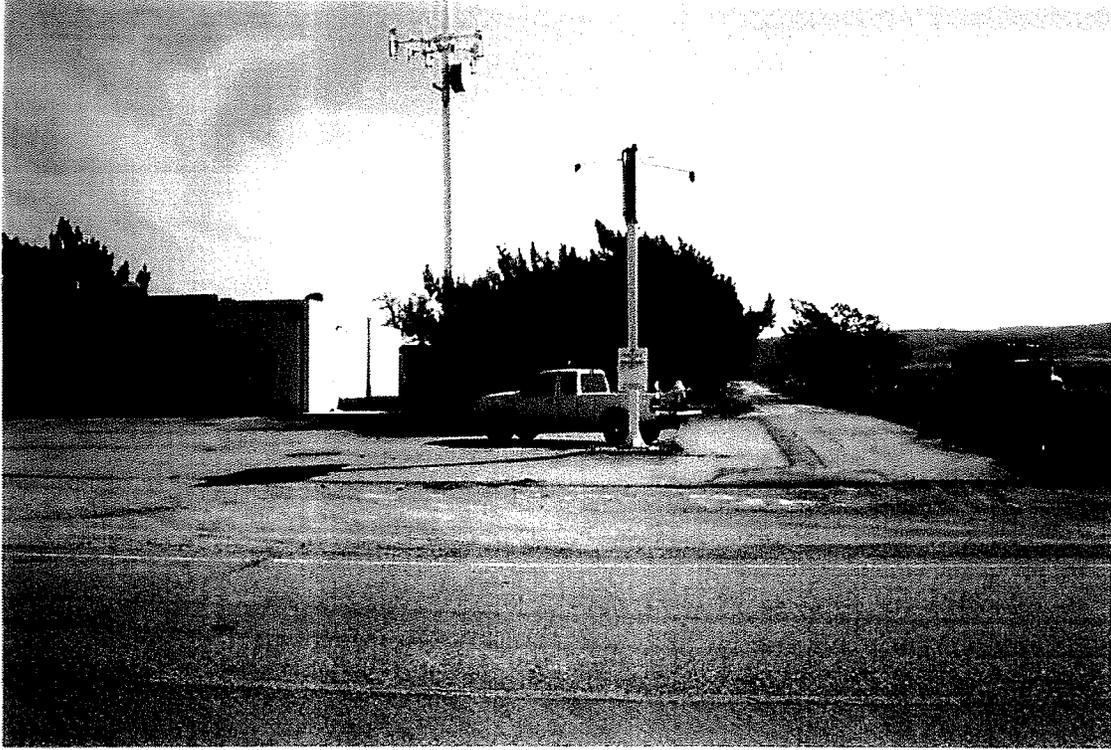
Edward Lopez Jr.
Agent


Signature

March 18, 2011
Date

PROJECT NUMBER 99-210-(5)



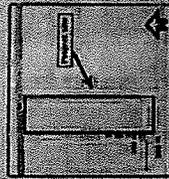


NOTICE OF HEARING

Case Number **99210-(5)**
RCUP 201000072

April 19, 2011 at 9:00 a.m.

Room 150
320 West Temple St.
L.A. 90012

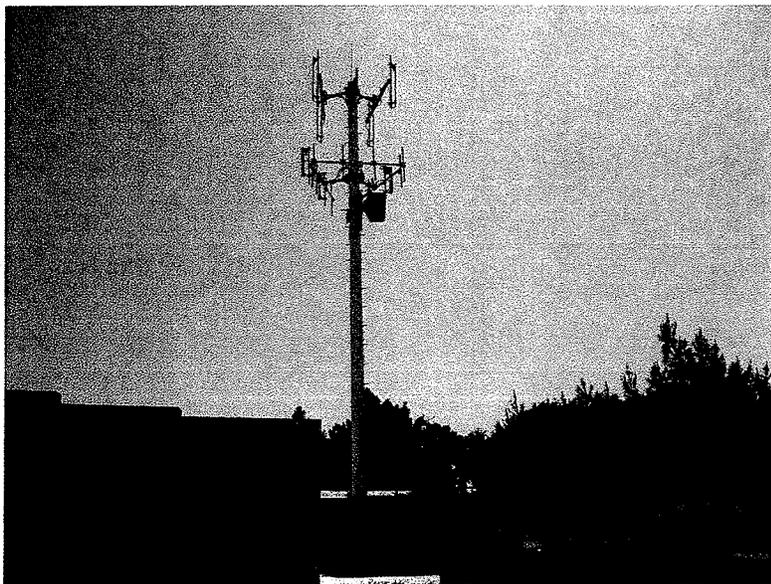
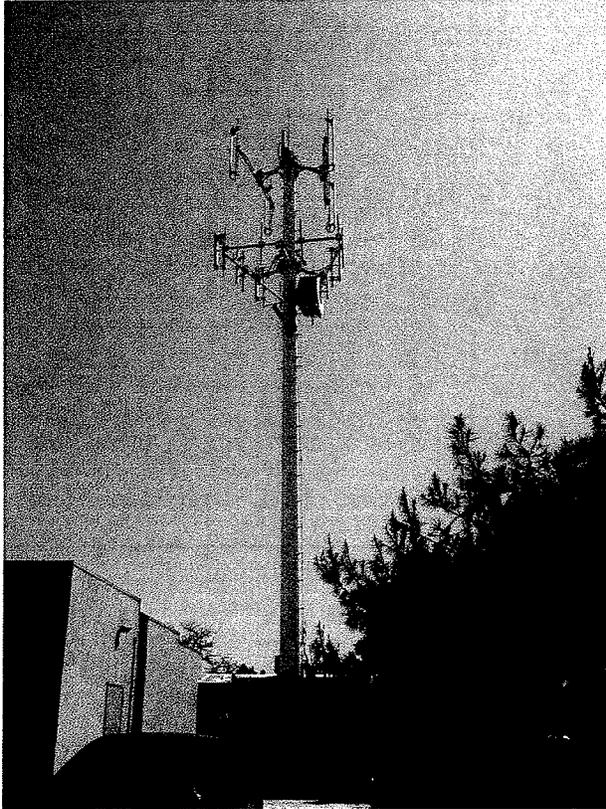


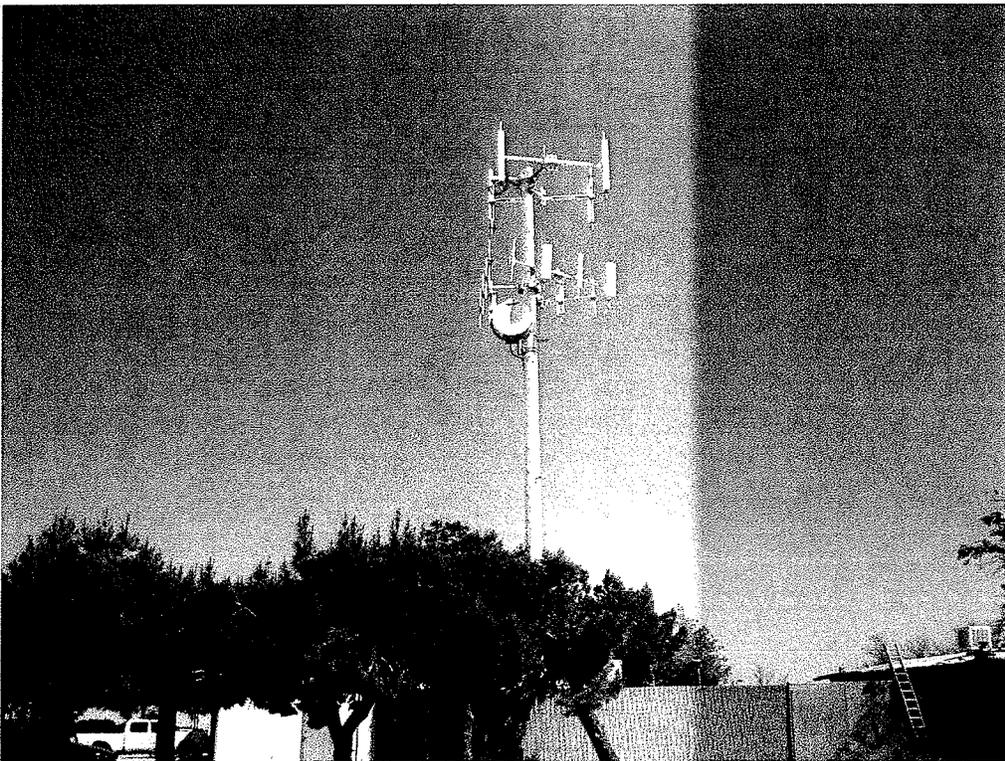
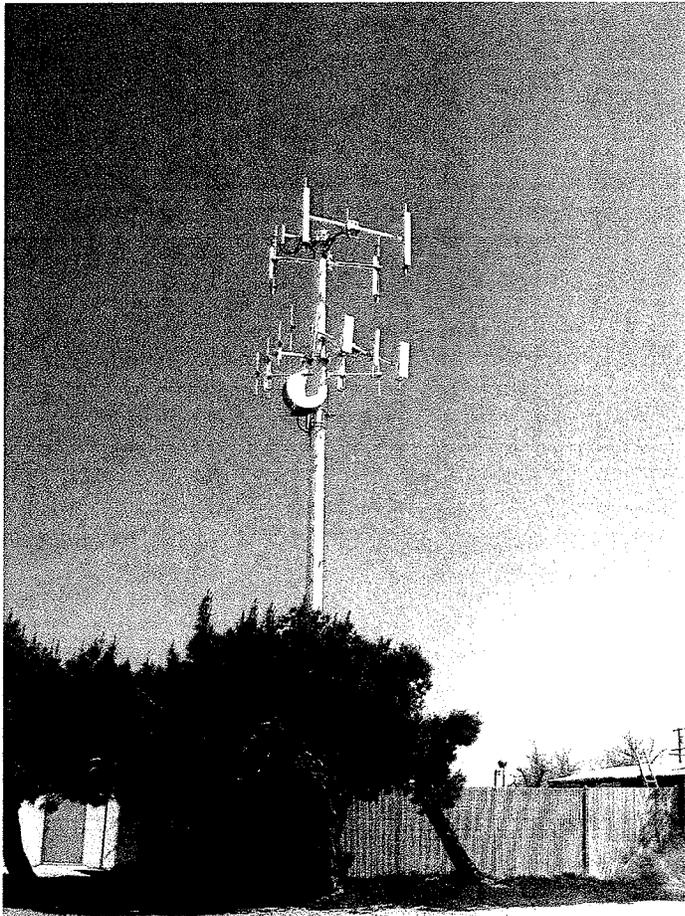
**FOR INFORMATION
CALL (213) 974-6443**

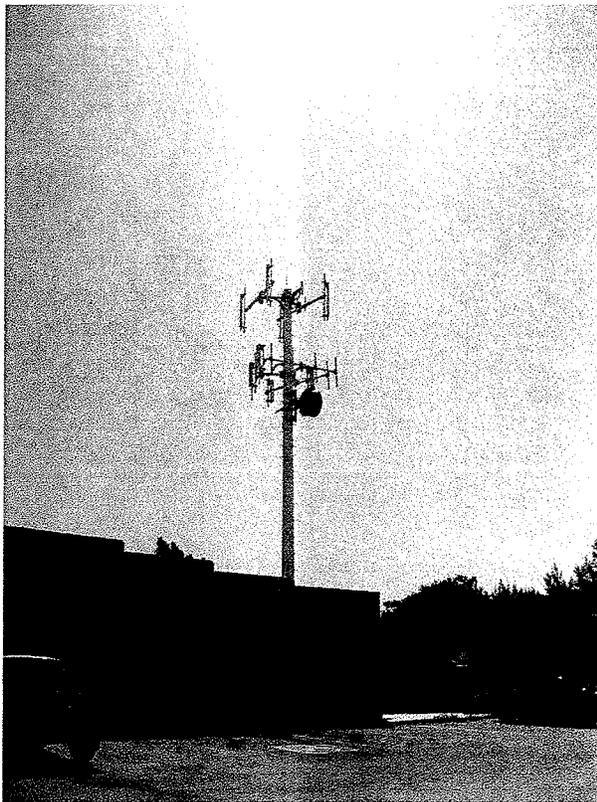
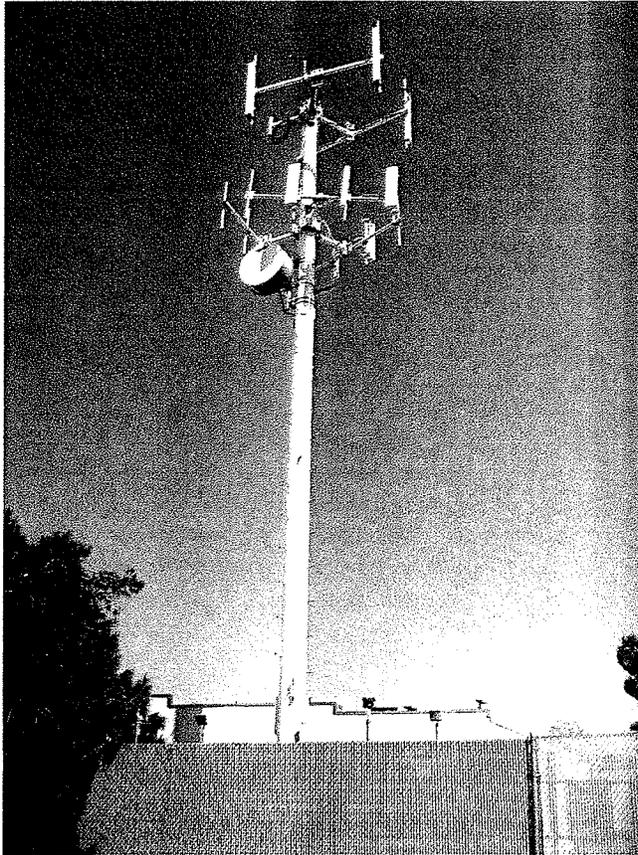
Conditional Use Permit Request

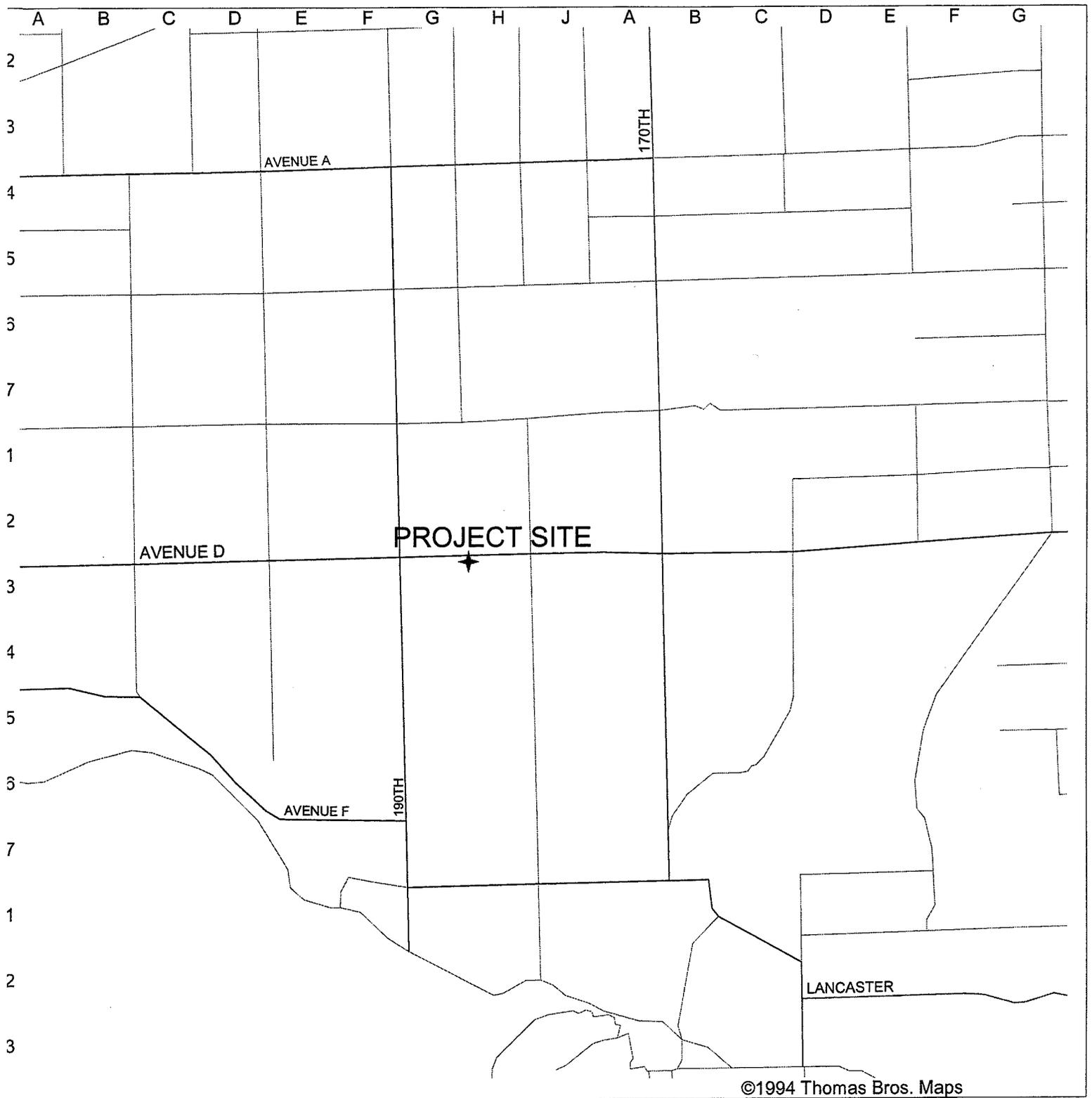
Existing Wireless Telecommunications Facility

18348 West Avenue D, Lancaster, CA 93536









©1994 Thomas Bros. Maps

VICINITY MAP

SITE : 18348 AVENUE D - " FAIRMONT BUTTE "

GC MAPPING SERVICE, INC.

3055 WEST VALLEY BOULEVARD

ALHAMBRA CA 91803

(626) 441-1080, FAX (626) 441-8850

GCMAPPING@RADIUSMAPS.COM