



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Bruce W. McClendon, FAICP  
Director of Planning

July 30, 2009

TO: Gina Natoli, Hearing Officer

FROM: Mark Child   
Section Head, Zoning Permits 1

SUBJECT: **Additional Materials for Hearing**  
**Project Number: R2007-01999-(5)**  
**Case: Conditional Use Permit 200700143**  
**Hearing Date: August 4, 2009**  
**Agenda Item: 5**

Please find attached the following documents:

- Revised Findings  
Findings 6 & 7 were added to address the Quartz Hill Town Council's opposition letter.
- Revised Conditions  
Condition 7 was revised to:  
*Subsequent to the hearing, the permittee shall submit a revised site plan depicting one parking space for maintenance vehicles, an existing aviary and a greenhouse.*  
Condition 18 was added to address the refuse on the property.
- Opposition Letters

MC:de

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

**PROJECT NUMBER R2007-01999-(5)  
CONDITIONAL USE PERMIT 200700143**

**REQUEST:**

Conditional Use Permit to allow a wireless telecommunications facility (WTF) in the A-2 (Heavy Agriculture) zone. WTF is not a use recognized by Title 22 but a similar use of radio/television tower is a use subject to permit in the A-2 (Heavy Agriculture) zone.

**HEARING DATE:** August 4, 2009

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Findings

1. The subject property is located at 4002 West Avenue N3 in the Antelope Valley and Quartz Hill Zoned District.
2. The proposed project is for the construction, operation and maintenance of a wireless telecommunications facility (WTF) camouflaged as a cluster of pine trees and consisting of a 48 foot tall pole and antenna concealed within a 50 foot tall artificial tree, and two live pine trees, one 20 foot tall and the other 25 feet tall. Eight equipment cabinets and an emergency generator are also proposed. The facility is located within a 468 square foot lease area enclosed by an eight foot high concrete masonry wall.
3. The Antelope Valley Area-wide General Plan land use designation of the subject property is Non-urban 1 which has a maximum allowable density of 0.5 units per acre. The project is consistent with the Antelope Valley Area-wide General Plan.
4. The project site is zoned A-2-2 (Light Agriculture - 2 Acre Lot Minimum). Pursuant to Section 22.24.120, the existing use of single-family residence is a permitted use in the A-2-2 zone. WTF is not a use recognized by Title 22 although a similar use of Radio and Television Towers is a use subject to permit. One parking space is required for the maintenance vehicles. The proposed use is compliant with Zoning Ordinance.
5. The subject property is surrounded by single-family residences. The neighborhood should not be visually adversely impacted by the pole and equipment shelters because the pole will be concealed within an artificial pine tree that is flanked by two live pine trees.

6. The Quartz Hill Town Council submitted a letter dated July 29, 2009 stating the Council opposes the project because it is inappropriate for the location.
7. Analysis by Staff concluded that with camouflage and conditions a wireless telecommunications facility is a use that is appropriate for the location.
8. 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.
9. 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 10 years.
10. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

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

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- A. 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 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. The Regional Planning Commission has considered the 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 of the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200700143 is APPROVED subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

This grant allows for the construction, operation and maintenance of a wireless telecommunications facility (WTF) camouflaged as a cluster of pine trees and consisting of a 48 foot tall pole and antenna concealed within a 50 foot tall artificial tree, and two live pine trees, one 20 foot tall and the other 25 feet tall. Eight equipment cabinets and an emergency generator are also proposed. The facility is located within a 468 square foot lease area enclosed by an eight foot high concrete masonry wall, subject to the following restrictions:

1. The facility shall be operated in accordance with regulations of the state Public Commission.
2. Said facility shall be removed if in disuse for more than six months.
3. 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.
4. All structures shall conform with 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.
5. All buildings or structures shall be a neutral color, excluding black, to blend with its surroundings and shall be maintained in good condition at all times.
6. Security lighting, if required, shall be on motion sensors, be of low intensity, and be directed away from residential areas. No pole-mounted lighting shall be permitted on the leasehold. Exterior lighting shall be a top-shielded or hooded design intended to direct light away from adjacent parcels and prevent off-site illumination.
7. Subsequent to the hearing, the permittee shall submit a revised site plan depicting one parking space for maintenance vehicles, an existing aviary and a greenhouse.
8. Construction and maintenance of the facility shall take place between the hours of 9:00 AM to 5:00 PM, Monday through Friday only.
9. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this Conditional Use Permit. The permittee/operator shall submit a copy of the initial report on the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning.
10. Any proposed wireless telecommunications facility that will be co-locating on the

proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities.

11. The operator shall submit an annual maintenance report to the Department of Regional Planning by January 1, 2010 verifying the continued operation and maintenance of the said facility.
12. The project shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". Placement and height of all pole mounted equipment to be in substantial conformance with that shown on said Exhibit "A". All revised plot plans must be accompanied by the written authorization of the property owner.
13. The operator shall ensure that maintenance vehicles shall not block access to driveways or garages and shall obey all applicable on-street parking regulations.
14. No equipment shall be placed directly on the ground.
15. The maximum height of the proposed pole and artificial trees shall not exceed 50 feet.
16. Co-location of other wireless telecommunication facilities is allowed on the three poles.
17. The facility must be built as shown in the submitted photo simulations.
18. Outdoor storage of debris, salvage, rubbish or junk is prohibited on the entire property, unless it complies with Sections 22.52.560 through 22.52.64, which regulates Outside Storage and Display.

Michael and Maureen Nehen  
40919 43rd Street West  
Palmdale, CA 93551-1258

July 20, 2009

The Department of Regional Planning  
County of Los Angeles

**Re: PROJECT NO. R2007-01999-(5)  
CONDITIONAL USE PERMIT 200700143**

ATTN: Hearing Officer

We are the owners of the property located at 40919 43rd Street West, in the Quartz Hill Zoned District, and we are opposed to a Conditional Use Permit to authorize a wireless telecommunications facility at 4002 West Avenue N-3, in the unincorporated area of Antelope Valley, in the Quartz Hill Zoned District.



Michael Nehen  
Homeowner



Maureen Nehen  
Homeowner

JUL 23 2009

Quartz Hill Town Council  
42263 50 th Street West  
Quartz Hill, CA. 93536

July 29, 2009

Los Angeles County Planning Commission  
320 West Temple Street  
Los Angeles, Ca. 90012

Subject: Project Number R2007-01999-(5)  
Conditional Use Permit 200700143

Dear Commissioners,

The Quartz Hill Town Council at the public meeting on July 28, 2009 was informed about a Telecommunications facility that Sprint- Nextel would like to put on a Single-family Residence, located at 4002 West Avenue N3 in the unincorporated area of the Antelope Valley, in the Quartz Hill Zoned District (Sunny Side Farms). Several members of Sunny Side Community attend the meeting stating their concerns. After taking public testimony and reviewing the zoning and the CC and R'S, of the area The Council felt this project is inappropriate for this location The Council Voted 4 – 0 in opposition.

For further information, contact Shelia Hood at 661 267-0101. Community member.

Sincerely,  
Pat Hartford (Acting President), Quartz Hill Town Council

661 943-2177  
Hartford house @msn.com