



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

June 15, 2010

Core Development Services
2903-H Saturn Street
Brea, CA 92821
Attn: Kristin Galardo

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER R2008-00540-(5); CONDITIONAL USE PERMIT NO. 200800068
46412 70TH STREET EAST, ANTELOPE VALLEY (APN NO. 3382-011-010)

Dear Applicant:

Hearing Officer, Dennis Slavin by his action of June 15, 2010, **APPROVED** the above described Conditional Use Permit to authorize the construction, operation and maintenance of a new wireless telecommunication facility in the A-2-1 Zone.

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 secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on June 29, 2010.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee submit an affidavit accepting the conditions of approval to the Department of Regional Planning before the grant becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact **Carolina Blengini** of the Special Projects Section at (213) 974-1522 or e-mail at cblengini@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning


Samuel Dea, Supervising Regional Planner
Special Projects Section

SD:CB:cb

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

**PROJECT NUMBER R2008-00540-(5)
CONDITIONAL USE PERMIT NUMBER 200800068**

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant, Verizon Wireless, is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of a new wireless telecommunication facility in the A-2-1 (Heavy Agricultural, 1 acre minimum lot size) zone. The proposed facility consists of 12 panel antennas mounted on a 98-foot tall faux water tower, an 11'6" by 16'0" by 10'6" equipment shelter with a 1'1" tall GPS antenna, and a permanent generator mounted on an 8' by 5' concrete pad inside a 50' by 50' fenced enclosure within a 2,500 square feet leased area on a 18.6-acre property.

PROCEEDINGS BEFORE THE HEARING OFFICER:

June 15, 2010 Public Hearing

A duly noticed public hearing was held on June 15, 2010. Staff presented the applicant's request. The applicant's agent, Kristin Galardo, was sworn in and testified in favor of the project and agreed with the project's findings and conditions. There being no further testimony, the Hearing Officer closed the public hearing and approved the request.

Findings

1. The subject property is an 18.6 acre, level, rectangular-shaped parcel of land, located on the northeast corner of the intersection of 70th Street East and East Avenue G-8 at 46412 70th Street East, in the Antelope Valley East Zoned District. The Assessor Parcel Number of the subject property is 3382-011-010.
2. The subject property is zoned A-2-1 (Heavy Agricultural, 1 acre minimum lot size). Surrounding properties are zoned as follows:
 - North: A-2-1 (Heavy Agricultural, 1-acre minimum lot size)
 - South: A-2-1 (Heavy Agricultural, 1-acre minimum lot size)
 - East: A-2-1 (Heavy Agricultural, 1-acre minimum lot size)
 - West: A-2-1 (Heavy Agricultural, 1-acre minimum lot size); R-A-10,000 (Residential Agricultural – 10,000 square feet minimum lot size)
3. The 18.6 acre subject property is developed with an existing single-family residence that occupies approximately 1.3 acre on the southwest portion of the property. Surrounding land use is as follows:
 - North: Vacant; Single-family residence
 - South: Vacant
 - East: Vacant
 - West: Vacant; Single-family residence
4. The site plan depicts the proposed wireless facility located within a 2,500 square foot (50'x50') lease area at the southwestern portion of the property, setback approximately 350 feet from the east property line fronting 70th Street East, 890 feet from the west property line, 570 feet from the north property line, and 26 feet back from the existing 60-foot wide right of way). The facility will be accessed through 18-foot wide gate.

5. One previous case was found on this property, parcel map number PM22155. The tentative map application was received on 4/12/1990. The map has been on hold since 5/11/1990.
6. The subject property is located within the Non-Urban 1 (N1) land use classification in the Antelope Valley Areawide General Plan. Non-residential uses appropriate for remote locations may be allowed in Non-urban areas subject to a public hearing. Wireless telecommunications facilities are not a use that is explicitly referenced in the Antelope Valley Areawide General Plan or the Los Angeles Countywide General Plan. However, it may be regarded as a utility, as it provides telecommunication services for the area.
7. The following policies of the Los Angeles Countywide General Plan are applicable to the subject project:
 - Assure that the new development is compatible with the natural and manmade environment by implementing appropriate locational controls and high quality design standards. (Policy No. 7, Page III-12)
The applicant is proposing a project design and location that enhances the facility's compatibility with the surrounding community's character. The wireless facility will be disguised as a faux water tower, rather than a mono-pole, in order to avoid introducing a structure that is not a typical feature of the surrounding rural landscape.
 - Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Policy No. 28, III-15)
A public hearing was held on June 15, 2010. The applicant will be conditioned to present the project proposal to the Roosevelt Town Council.
 - Promote the full use of existing service systems in order to gain maximum benefit from previous public investments. (Policy 54, Page I-25)
The proposed project has access to existing transportation, energy, and utility infrastructure to service the facility.
 - Maintain high quality emergency response services. (Policy No. 58, Page I-25).
The proposed wireless telecommunications facility will improve cellular telephone service, enhancing safety and standard usage in the area. The addition of this facility to the surrounding network of wireless facilities will improve signal coverage and cell phone reliability in the area, which will result in fewer dropped calls in times of emergency.
8. Development such as Wireless Telecommunication Facilities are subject to the following applicable General Conditions for Development of Non-Residential Uses in Non-Urban Areas of the Antelope Valley Area Plan (Chapter VI (Policy Maps) Section D.3, page VI-24/25):
 - a) Location
 - (1) The proposed use should be located and designed so as not to conflict with established community land use and circulation patterns.

The proposed wireless telecommunication facility is disguised as a water tower to be compatible with the rural character of the surrounding area. The 2,500 square foot leased area is proposed to be enclosed with a 6-foot high chain link fence with direct access from E Avenue G-8 through an 18-foot wide gate. Since the proposed facility is unmanned, no traffic will be generated and it will not conflict with circulation patterns.

- (2) The necessary public services and infrastructure should be readily available.
The proposed wireless facility is unmanned and does not require any infrastructure except for electrical power, which is available.
- (3) The proposed use should be located and designed so as to provide an appropriate buffer between potentially disruptive, polluting or hazardous uses and other existing development.
The proposed wireless facility is disguised as a water tower to blend with the rural character of the surrounding area. The proposed facility is unmanned, and it will be located approximately 260 feet west of the closest residence which is located on the same parcel as the proposed facility. All the immediate surrounding parcels are vacant. Therefore, the proposed facility will not be disruptive or negatively impact other existing development.
- (4) The proposed use shall be located and designed so as to minimize the scenic, noise, and odor impacts on adjacent neighborhoods and other adjacent land uses.
No odor or noise will be generated by the wireless telecommunications facility. The area in which the project is proposed is not close to a scenic highway and is not in a scenic area. However, to minimize visual impacts, the applicant proposed to disguise the facility as a water tower. Since water towers are elements frequently found in rural areas throughout the Antelope Valley, the project would keep in character with the surrounding area.
- (5) The proposed use shall be located in areas deemed suitable from an ecologic, geologic and topographic standpoint.
The applicant is not proposing any grading or change to the topography of the property which is relatively flat. Currently, the property has limited native vegetation with the majority of the subject site remaining undeveloped. The project site will occupy 2,500 square feet of the 18.6-acre property facing E Avenue G-8.

b) Access

- (1) Access, egress and on-site parking should be provided in a manner which maximizes safety and convenience, and minimizes adverse impacts on surrounding land use patterns.
Access to the site is provided through E Avenue G-8, an unimproved dirt road. One parking space for the technician will be provided within the leased area and will be used sporadically for maintenance visits. Usually, maintenance is conducted once a month.
- (2) The design and location of the project should insure that the transport of toxic, explosive, or hazardous substances will avoid existing residential communities.

No toxic, explosive or hazardous substances are contemplated to be transported as part of this request.

c) Design

- (1) The proposed site should be appropriately landscaped such that the development blends into the surrounding landscape as much as possible. Appropriate landscaping should include, whenever practical, materials appropriate to desert environs.

No landscaping is proposed since the project is located in an arid environment with sparse vegetation. The project applicant has proposed to disguise the wireless facility as a water tower to make the facility visually more compatible with the surrounding rural character of the area.

- (2) The proposed site should be appropriately fenced, if necessary.

The proposed 2,500 square foot project site will be surrounded by a 6-foot high chain link fence with three strand barbed wire.

- (3) Consideration should be given to appropriate hours of operation.

The proposed wireless telecommunication facility is an unmanned facility and besides from periodic maintenance visits, the facility is closed. Therefore, the hours of operation are non applicable to this project.

- (4) Outdoor advertising should be designed in such a way as to minimize negative impacts on adjacent properties.

No outdoor advertising is proposed by the project applicant.

9. The proposed facility is located on a property zoned A-2-1 (Heavy Agriculture – one acre minimum lot size). Wireless facilities are permitted in this zone if a Conditional Use Permit has first been obtained. The A-2-1 Development Standard section requires the front, side and rear yards to be provided as required in Zone R-1. The R-1 zone requires a minimum front yard of 20 feet, side yard of five feet and rear yard of 15 feet. The proposed faux water tower is setback approximately 26 feet from the property line abutting E Avenue G-8. Rear and side setbacks are greater than the required by the Code. Therefore, the proposed facility is in compliance with Code requirements.

10. For uses where the parking requirements are not specified in the Zoning Code, Section 22.52.1220 authorizes the director to impose an amount of parking spaces that he or she finds adequate to prevent traffic congestion and excessive on-street parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits, approximately once per month. There is one designated parking space within the lease area to accommodate the necessary vehicle for routine maintenance.

11. The plans and photographic simulations submitted with the application illustrate that the sizes, heights, shapes, colors, and materials of the proposed structures, including the faux water tower, are compatible with the appearance of existing structures in the proximity of the project site. Conditions of approval will ensure that the project

construction is consistent with the proposed design as presented in the site plans and photo simulations.

12. 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.
13. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified that the project will not have a significant effect on the environment. Based on the Initial Study, a Negative Declaration was prepared for this project.
14. This project is subject to California Department of Fish and Game fees pursuant to Section 711.4 of the Fish and Game Code to defray costs of fish and wildlife protection and management incurred by the said department.
15. Staff received one phone call from a local resident on May 13, 2010. The resident requested more information about the appearance of the wireless facility. Staff referred the resident to the DRP website where the photo simulations would be available 30 days prior to the public hearing date.
16. Staff has not received comments or recommendations from other County Departments.
17. Staff finds the project to be consistent with the Los Angeles Countywide General Plan, Antelope Valley Areawide General Plan, and the provisions of the Zoning Code.
18. 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 **ten (10)** years with **five (5)** biennial inspections.
19. The location of documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is 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 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FORGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. 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;

- 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 22, of 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 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 Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer 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 Hearing Officer, and adopts the Negative Declaration.
2. In view of the findings of facts presented above, Conditional Use Permit Number 200800068 is **APPROVED**, subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

This grant authorizes the use of the subject property for the construction, operation and maintenance of an unmanned wireless telecommunications facility as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:

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 subject property 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, 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. 9 and Condition No. 10. Notwithstanding the foregoing, this condition (No. 2), and Condition Nos. 3, 4, and 5 shall be effective immediately upon final approval of this grant by the County.
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 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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.
5. This grant shall expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.

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

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. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. **This grant will terminate on June 15, 2020.** 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, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
9. 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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,000.00**. These monies 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, including adherence to development in accordance with the approved site plan on file. The fund provides for five (5) biennial (once every two years) inspections. Inspections shall be unannounced.
10. Within three (3) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, a fee of **\$2,068.00** (\$1,993.00 plus \$75.00 processing fee) is required. No land use project subject to this requirement is final, vested or operative until the fee is paid.
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 the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

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 specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
17. Prior to use of this grant, the applicant shall present the project as describe by this grant along with pertinent site plans as presented at the June 15, 2010 public hearing to the Roosevelt Town Council and submit evidence of such meeting to the satisfaction of the Department of Regional Planning prior to the approval of the Exhibit "A."
18. The maximum height of the proposed facility shall not exceed 98 feet.
19. The equipment cabinets and apparatus shall be located within the leased area enclosed with a six-foot high chain link fence with three strands of barber wire.
20. Facility lighting shall be low intensity, activated by motion sensors, and directed away from the adjacent residential properties. No pole-mounted lighting is permitted.
21. 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 facility 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.
22. 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 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.

23. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight.
24. 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.
25. The permittee shall provide written verification upon request 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. Upon request, 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.
26. 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 level of all such facilities.
27. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
28. The operator shall ensure that maintenance vehicles shall not block access to driveways or garages and shall obey all applicable on-street parking regulations.
29. An annual maintenance report verifying the continued operation and maintenance of the said facility shall be made available to the Department of Regional Planning upon request.
30. Said facility shall be removed if in disuse for more than six months.