



# Los Angeles County Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

August 18, 2009

Jerry Ambrose, Wireless 1 Consulting Services  
52666 Hollister Ave, Ste 106  
Santa Barbara, CA 93111

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NUMBER R2008-01828-(5)**  
**Conditional Use Permit No. 200800149-(5)**  
3070 West Avenue N-3, Palmdale (APN No. 3001-011-010 and 3001-011-030)

Dear Applicant:

Hearing Officer, Dennis Slavin, by his action of August 18, 2009, **APPROVED** the above described Conditional Use Permit for a Wireless Telecommunications Facility.

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 September 1, 2009.** 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. A Condition requires that the permittee records an affidavit accepting the conditions 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.

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For further information on appeal procedures or any other matter pertaining to these approvals, please contact **Maral Tashjian** of the Special Projects Section at (213) 974-1516 or e-mail at [Mtashjian@planning.lacounty.gov](mailto:Mtashjian@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  
Jon Sanabria  
Acting Director of Planning

Samuel Dea, Supervising Regional Planner  
Special Projects Section

SD:mt

Enclosures: Approved Findings and Conditions, Affidavit (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement;  
Royal Street Communications California LLC; Sunnyside Farms Mutual Water Company

**PROJECT NUMBER R2008-01828-(5)**  
**CONDITIONAL USE PERMIT NUMBER 200800149-(5)**

**HEARING OFFICER'S FINDINGS AND ORDER:**

**REQUEST:** The applicant, Royal Street Communications, LLC, is requesting a Conditional Use Permit to authorize the construction, operation, and maintenance of an unmanned wireless telecommunications facility in the A-2-2 (Heavy Agriculture – 2 acres minimum required lot area) Zone. The wireless telecommunications facility consists of a 65-foot high "monopine," six (6) panel antennas that will be mounted to the "monopine" at a maximum height of 60 feet, and four (4) ground-mounted equipment cabinets located within a 340 square foot (17'x20') lease area, enclosed within a six-foot high chain link fence.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

August 18, 2009 Public Hearing

A duly noticed public hearing was held on August 18, 2009 before the Hearing Officer. The applicant's representative, Jerry Ambrose of Wireless 1 Consulting Services, was sworn in and testified in favor of the request. The applicant's representative confirmed that he had reviewed the staff report and conditions recommended by staff and concurred with all conditions of approval. There being no further testimony, the Hearing Officer closed the public hearing, expressed his intent to approve the subject project, subject to the conditions recommended by staff and agreed to by the applicant's representative.

Findings

1. The subject property is a 0.6 acre, level, rectangular-shaped parcel of land, located at 3070 West Avenue N-3, Palmdale, within the unincorporated community of Antelope Valley, in the Quartz Hill Zoned District. The Assessor Parcel Numbers of the subject property are 3001-011-010 and 3001-011-030.
2. The subject property is zoned A-2-2 (Heavy Agriculture – 2 acres minimum required lot area). Surrounding properties are zoned as follows:  
  
North: A-2-2 (Heavy Agriculture – 2 acres minimum required lot area)  
South: A-2-2  
East: A-2-2  
West: A-2-2
3. The subject property is currently developed with a water tank, pump house, and propane tank. Surrounding land use is as follows:  
  
North: Single-Family Residence, Vacant Land  
South: Single-Family Residence, Vacant Land  
East: Single-Family Residence  
West: Single-Family Residence
4. The site plan depicts an existing water tank (24' high, 2,618 sq. ft. in size), pump house (12' high, 760 sq. ft. in size), and propane tank (8' high, 270 sq. ft. in size) on the northern portion of the subject property. The proposed wireless facility is located within a 340 square foot (17'x20') lease area, enclosed by a proposed six-foot high chain link

fence, at the southwest corner of the property. Access to the facility is from West Avenue N-3 via a 12-foot wide, unpaved access driveway.

5. Previous cases on the subject property include a Zoning Conformance Review (Plot Plan Number 32852) requested by the applicant, R.E. Coonley, to establish the pump house and the existing structures onsite which include the water tank and propane tank. The request was granted on September 22, 1983.
6. The proposed use complies with Section 22.52.1220 of Title 22 of the Los Angeles County Code (Zoning Code). The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits, approximately once per month. There is adequate space on the 0.6 acre subject property to accommodate the maintenance vehicles.
7. The subject property is located within the N1 (Non-Urban 1) land use classification of the Antelope Valley Areawide General Plan. The N1 land use category is intended for residential uses at a density of 0.5 dwelling units per acre.
8. 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 (the Plan). While this type of use is not referenced, it may be regarded as a utility, as it provides telecommunication services for the area. The proposed unmanned wireless telecommunications facility, when appropriately conditioned, is compatible with this land use designation of the General Plan.
9. The following goals and policies of the Plan are applicable to the subject property:

*A. 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 rural residential surroundings. The pole for the wireless facility will be disguised as a pine tree, rather than a mono-pole, in order to avoid introducing a structure that is not a typical feature of the surrounding community. The facility will also be located at the far rear of property, which will minimize the visual intrusion of the structure's height as perceived from the adjacent properties. The facility's location at the rear of the property also enables the existing structures to partially screen the lower portion of the facility.

*B. Ensure continuing opportunity for citizen involvement in the land use decision-making process. (Policy No. 28, III-15)*

The applicant presented the project proposal at the Quartz Hill Town Council monthly meeting, on June 16, 2009. The meeting provided another opportunity for the public to participate in the decision-making process in addition to the scheduled hearing to be held on August 18, 2009.

*C. 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 is located on a developed lot and has access to existing transportation, energy, and utility infrastructure to service the facility. In addition, the site is currently developed with a water tank, pump house, and propane tank, part of the infrastructure system owned and maintained by a mutual water company.

*D. Maintain high quality emergency response services. (Policy No. 58, Page I-25).*

The applicant contends that 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.

10. A wireless telecommunications facility use is not specified in Title 22 of the Los Angeles County Code (Zoning Code). The use that is most closely related to a wireless telecommunications facility specified in the Code is a radio or television tower. Radio and television towers are permitted in Zone A-2 (Heavy Agriculture) under Section 22.24.150 of the Zoning Code, subject to the issuance of a conditional use permit pursuant to the provisions of Part 1 of Chapter 22.56.
11. 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 adequate space on the 0.6 acre subject property to accommodate the maintenance vehicles.
12. The proposed use as designed is visually compatible with the character of development in the surrounding area and not be detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project construction is consistent with the proposed design as presented in the site plans and photo simulations.
13. 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.
14. Staff received a letter from the Quartz Hill Town Council indicating support for the proposed project. The letter stated that all five council members voted in favor of the project at a meeting held on June 16, 2009.
15. During the site visit, Staff confirmed that a water tank, pump house, and propane tank were located on the subject property, as indicated on the site plan. The existing facilities

on the property appeared to be well maintained, however there was outdoor equipment storage along the rear property line which shall be removed as a condition of the requested entitlement.

16. The Department of Regional Planning has determined this project to be Categorically Exempt (Class 3 Exemption, New Construction or Conversion of Small Structures) pursuant to the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.
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 finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit Number 200800149 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions  
Affidavit

c: Each Commissioner, 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. 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.

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.

5. This grant shall expire unless used within two (2) years from the date of final approval by the county. A single one-year time extension may be requested in writing and with payment of the applicable fee.

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 August 18, 2019.** 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 \$750.00. 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. 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 \$150 per inspection).
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission 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.

12. 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.
13. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
14. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
15. 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.
16. The maximum height of the proposed "monopine" is to not exceed 65 feet.
17. The equipment cabinets and apparatus shall be painted to match the color of the existing structures on site (water tank and pump house) and shall be enclosed within an equipment shelter, such as a six-foot high chain link fence enclosing the lease area.
18. Facility lighting shall be low intensity, activated by motion sensors, and directed away from the adjacent residential properties. No pole-mounted lighting is permitted.
19. 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.
20. 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.
21. 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.
22. 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.

23. 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.
24. 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.
25. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
26. The operator shall ensure that maintenance vehicles shall not block access to driveways or garages and shall obey all applicable on-street parking regulations.
27. 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.
28. Said facility shall be removed if in disuse for more than six months.
29. As agreed, the existing storage of equipment located along the rear property line shall be removed prior to the approval of the Exhibit "A". Storage of equipment and construction materials on the subject property shall be subject to the provisions in Sections 22.24.080 and 22.24.100.

SD:mt  
8/18/09