



# Los Angeles County Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

October 6, 2009

Sequoia Deployment Services, Inc.  
ATTN: Pete Shubin  
One Venture, Suite 200  
Irvine, CA 92618

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NUMBER R2008-02353-(5)**  
**Conditional Use Permit No. 200800195**  
Northeast corner of 90th Street East and East Avenue S-8 intersection, Littlerock  
(APN No. 3044-003-014)

Dear Applicant:

Hearing Officer, Patricia Hachiya, by her action on October 6, 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 October 20, 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.

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

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

SD:mt

**PROJECT NUMBER R2008-02353-(5)**  
**CONDITIONAL USE PERMIT NUMBER 200800195**

**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 R-A-10,000 (Residential Agricultural – 10,000 sq. ft. minimum lot size) zone. The wireless telecommunications facility consists of an 85-foot high faux water tower, six (6) panel antennas concealed within the faux water tank, one (1) GPS antenna, and four (4) ground-mounted equipment cabinets within a 540 square foot (18'x30') lease area, enclosed by an eight-foot tall slatted chain link fence. A 12-foot wide access easement to the project site is provided via East Avenue S-8, an unimproved dirt road.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

October 6, 2009 Public Hearing

A duly noticed public hearing was held on October 6, 2009 before the Hearing Officer. The applicant’s representative, Pete Shubin of Sequoia Deployment Services, Inc., 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 her 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 1.19 acre, level, irregularly-shaped parcel of land, located at the northeast corner of the intersection of 90th Street East and East Avenue S-8, within the unincorporated community of Antelope Valley, in the Littlerock Zoned District. The Assessor Parcel Number of the subject property is 3044-003-014.
2. The subject property is zoned R-A-10,000 (Residential Agricultural – 10,000 sq. ft. minimum lot size). Surrounding properties are zoned as follows:  
  
North: R-A-10,000  
South: A-1-10,000 (Light Agricultural – 10,000 sq. ft. minimum lot size)  
East: R-A-10,000  
West: R-A-10,000
3. The subject property is currently vacant. Surrounding land use is as follows:  
  
North: Vacant Land  
South: Single-Family Residence, Vacant Land  
East: Single-Family Residence  
West: Single-Family Residence
4. The site plan depicts a vacant, irregularly-shaped, 1.19 acre (net) lot located at the northeast corner of the intersection of East Avenue S-8 and 90th Street East. The proposed wireless facility is located within a 540 square foot (18'x30') lease area at the southeast corner of the property, setback approximately 50 feet from the east property line, and 64 feet from the south property line fronting Avenue S-8 (set 12 feet back from the existing 51-foot wide right

of way). The facility will be accessed by a 12-foot wide, 64-foot long access easement that extends from East Avenue S-8 to the gated enclosure.

5. There are no previous zoning cases for the subject property on record.
6. The subject property is located within the N2 (Non-Urban 2) land use classification of the Antelope Valley Areawide General Plan. The N2 land use category is intended for residential uses at a density of one dwelling unit per acre.

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.

7. The following goals and policies of the Plan are applicable to the subject project:

*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 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.

*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 Littlerock Town Council monthly meeting, on July 7, 2009. The meeting provided another opportunity for the public to participate in the decision-making process in addition to the scheduled public hearing to be held on October 6, 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 has access to existing transportation, energy, and utility infrastructure to service the facility.

*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.

8. 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 R-A-10,000 (Residential Agricultural – 10,000 sq. ft. minimum lot size) 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.
9. 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 1.19 acre subject property to accommodate the necessary vehicles routine maintenance.
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 adequate space on the 0.6 acre subject property to accommodate the maintenance vehicles.
11. The proposed use is visually compatible with the character of development in the surrounding area and will 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.
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. Staff received a letter from the Littlerock Town Council indicating support for the proposed project. According to the letter, a vote was cast regarding the proposed project at the town council meeting held on July 9, 2009, to which the majority of the community members in attendance voted in support.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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 200800195 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.

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 October 6, 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. 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 \$150 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. The maximum height of the proposed facility is to not exceed 85 feet.
18. The equipment cabinets and apparatus shall be enclosed within an eight-foot high slatted chain link fence enclosing the lease area.
19. Facility lighting shall be low intensity, activated by motion sensors, and directed away from the adjacent residential properties. No pole-mounted lighting is permitted.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
27. The operator shall ensure that maintenance vehicles shall not block access to driveways or garages and shall obey all applicable on-street parking regulations.
28. 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.
29. Said facility shall be removed if in disuse for more than six months.

SD:mt  
9/23/09