

Hearing Officer Transmittal Checklist

Hearing Date

01/19/2010

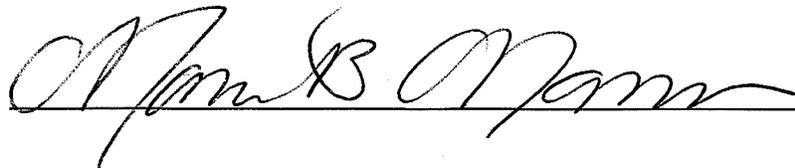
Agenda Item Number

5

Project Number: R2009-01065-(5)
Case(s): Conditional Use Permit No. 200900072
Contact Person: Tyler Montgomery, Zoning Permits II

| Included | NA/None | Document |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Factual |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Property Location Map |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Staff Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Draft Findings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Draft Conditions |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | DPW Letter |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | FD Letter |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other Department's Letter(s) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Burden Of Proof Statement(s) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Environmental Documentation (IS, MMP, EIR) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Opponent And Proponent Letters |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Photographs |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution (ZC Or PA) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance with 8.5 X 11 Map (ZC Or PA) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Aerial (Ortho/Oblique) Image(s) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Land Use Radius Map |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Site Plan And Elevations |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Certificates of Compliance, Town Council letter, Coverage maps |

Reviewed By: _____





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

PROJECT NO. R2009-01065-(5)
CONDITIONAL USE PERMIT CASE NO. 200900072

| | |
|---|-------------|
| HO MEETING DATE January 19, 2010 | CONTINUE TO |
| AGENDA ITEM 5 | |
| PUBLIC HEARING DATE January 19, 2010 | |

| | | |
|-----------------------------------|-------------------------------|---|
| APPLICANT AT&T Mobility | OWNER Mozelle Hicks | REPRESENTATIVE Margaret Chang |
|-----------------------------------|-------------------------------|---|

REQUEST
Conditional Use Permit: To authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of antennas mounted on a new 80-foot high monopole disguised as a pine tree, new radio equipment cabinets, utility connections, and other appurtenant facilities on the property of an existing mortuary.

| | |
|--|--|
| LOCATION/ADDRESS 8837 East Palmdale Boulevard, within the Littlerock Zoned District of Los Angeles County and within the Southeast Antelope Valley Community Standards District. | ZONED DISTRICT Littlerock |
| ACCESS Palmdale Boulevard, between 90 th Street East and 88 th Street East | COMMUNITY Antelope Valley |
| | EXISTING ZONING C-3 (Unlimited Commercial) |

| | | | |
|--|--------------------------------------|---------------------------|----------------------------|
| SIZE 1 acre (900 sq. ft. lease area) | EXISTING LAND USE Mortuary | SHAPE Irregular | TOPOGRAPHY Level |
|--|--------------------------------------|---------------------------|----------------------------|

| | |
|---|--|
| SURROUNDING LAND USES & ZONING | |
| North: Vacant land, Single-family residences—R-A-10,000 (Residential Agricultural; 10,000 square-foot minimum lot size) | East: Vacant land, Gas station—C-3 (Unlimited Commercial) |
| South: Vacant land—C-3 (Unlimited Commercial) | West: Vacant land, Mobile home park—C-3 (Unlimited Commercial) |

| GENERAL PLAN | DESIGNATION | MAXIMUM DENSITY | CONSISTENCY |
|---------------------------|----------------|-----------------|--------------------|
| Antelope Valley Area Plan | C (Commercial) | N/A | See Staff Analysis |

ENVIRONMENTAL STATUS
 Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

DESCRIPTION OF SITE PLAN
 AT&T Mobility proposes to construct, operate, and maintain a wireless telecommunication facility consisting of nine (9) panel antennas mounted in three (3) sectors on a new 80-foot high monopole disguised as a pine tree, and seven (7) equipment cabinets and utility connections located within a chain-link enclosure. These would be located within a 900 square-foot leased area of an existing mortuary, on the northwestern portion of the property.

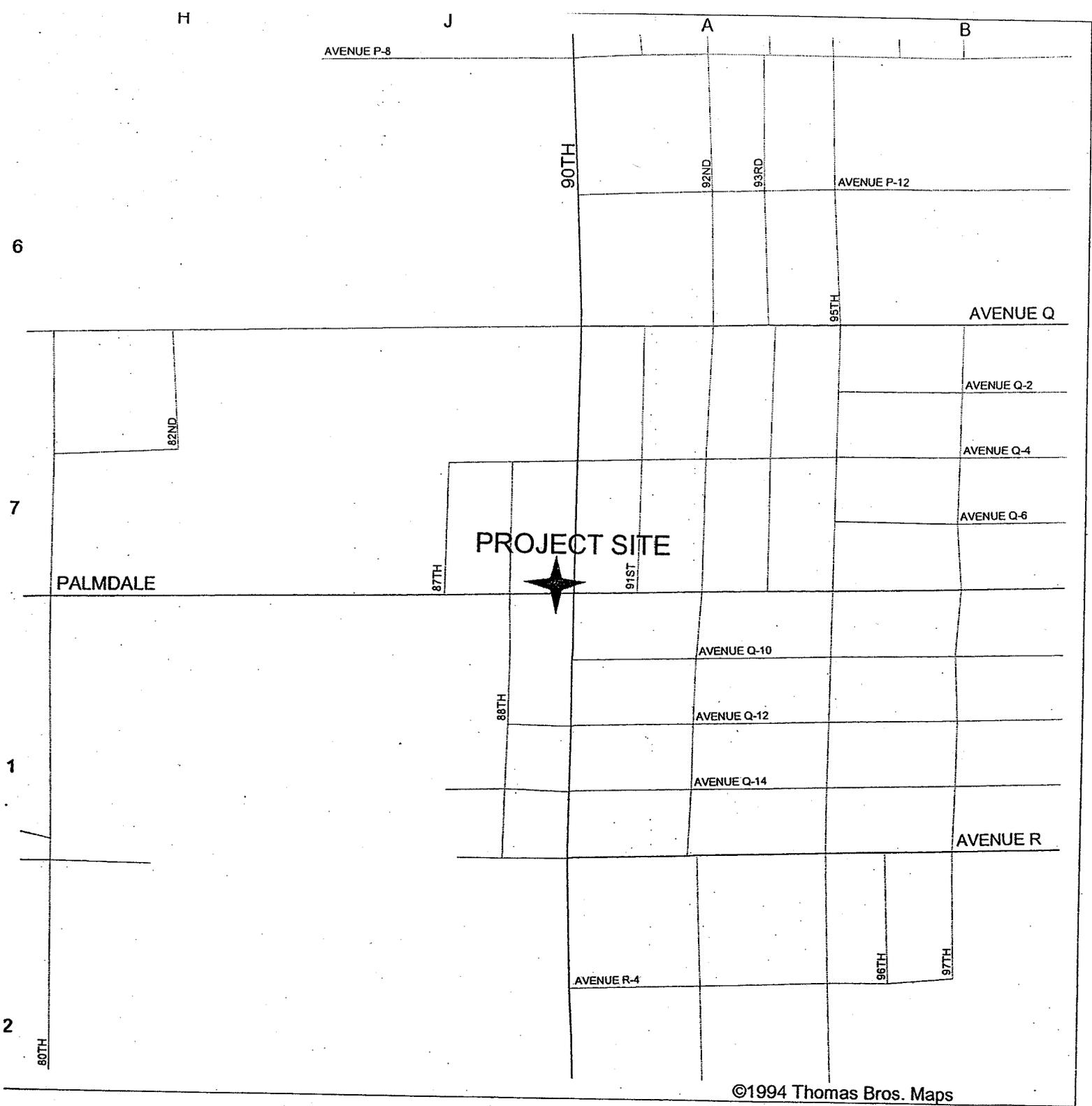
KEY ISSUES

- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements.

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* (O) (F) | PETITIONS (O) (F) | LETTERS (O) (F) |

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



VICINITY MAP

SITE : 8837 E. PALMDALE BLVD. - NL0228-02

STAFF ANALYSIS

PROJECT NUMBER:

R2009-01065-(5)

CONDITIONAL USE PERMIT NO.

200900072

OVERVIEW OF THE PROPOSED PROJECT

To authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of antennas mounted on a new 80-foot high monopole disguised as a pine tree, new radio equipment cabinets, utility connections, and other appurtenant facilities. Nine (9) panel antennas—mounted in three (3) sectors on the 80-foot high monopole—and seven (7) equipment cabinets and utility connections would be located within a chain-link enclosure. These would be located within a 900 square-foot leased area of the existing Hicks Mortuary, on the northwestern portion of the property. The site is located in a C-3 (Unlimited Commercial) zone, within the Southeast Antelope Valley Community Standards District (CSD) in the Littlerock Zoned District of Los Angeles County.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject project is located on the northwestern portion of the property of an existing mortuary, located at 8837 East Palmdale Boulevard. The site is within the community of Antelope Valley in the Littlerock Zoned District of unincorporated Los Angeles County.

Physical Features

The project lease area is approximately 900 square feet and is relatively level. It is located near northwestern boundary of a mortuary property, also relatively level. The underlying property is approximately one acre. Access to the facility would be via a driveway taking access from Palmdale Boulevard. The area is relatively rural and is surrounded by vacant land, a gas station, a mobile home park, and single-family residential uses.

ENTITLEMENT

The applicant, AT&T Mobility, is requesting a conditional use permit (CUP) to authorize construction, operation, and maintenance of an unmanned wireless telecommunications facility.

EXISTING ZONING

Subject Property

The project site is zoned C-3 (Unlimited Commercial) and is located within the Southeast Antelope Valley CSD.

Surrounding Zones

Surrounding properties are all zoned as follows:

North: R-A-10,000 (Residential Agricultural; 10,000 square-foot minimum lot size)

South: C-3 (Unlimited Commercial)

East: C-3 (Unlimited Commercial)
West: C-3 (Unlimited Commercial)

EXISTING LAND USES

Subject Property

The subject property consists of two parcels. The eastern parcel contains a mortuary and appurtenant portable offices. The western parcel contains one portable office and both paved and unpaved parking areas. On the southwestern corner of the western parcel is a 42-foot high, double-sided outdoor advertising sign (billboard).

Surrounding Land Use

Surrounding land uses consist of:

North: Vacant land, single-family residences

East: Vacant land, Gas station

South: Vacant land

West: Vacant land, mobile home park

PREVIOUS CASES/ZONING ENFORCEMENT

Certificates of Compliance 80-883716 and 80-883717

Issued for the subject parcels by the Department of Regional Planning on September 11, 1980 (enclosed).

Plot Plan 33077

Approved the construction and maintenance of a 12'x24'x42' outdoor advertising sign (billboard) on the southwestern corner of the subject property.

Approved June 9, 1989 by the Department of Regional Planning

Zoning Enforcement Case No. 07-0026380

Opened October 1, 2007

A Notice of Violation was issued, as a tow truck business was being operated on the subject property without a permit. The business was subsequently moved to another property in the City of Palmdale.

Case closed March 31, 2008

GENERAL PLAN

Land Use Policy Map

The subject property is located within the "C" (Commercial) classification of the Antelope Valley Area Plan. The intent of this land use classification is for the development of a variety of local and regional retail, office, and service uses. There are no specific policies related to the proposed type of use in the Plan.

SITE PLAN

The site plan depicts the proposed wireless telecommunications facility on the northwestern portion of the auto dealer and storage yard. The 900 square-foot lease area (30' x 30') would be bounded on all sides by a new 6-foot tall chain-link fence,

topped with barbed wire. The portion of the property in question is already enclosed by a six-foot tall cinder block wall. An 80-foot tall monopole, disguised as a pine tree, would contain nine (9) panel antennas in three (3) sectors at a maximum height of 75 feet and one (1) microwave dish at a maximum height of 64 feet. Two 67 square-foot (3'10" x 17'6"), six-inch concrete pads would be located directly to the east of the monopole. Each pad would contain three (3) 7'6"-tall metal equipment cabinets, connected by a metal coaxial cable bridge. One (1) 7'6"-tall microwave equipment cabinet would be located to the south of the equipment cabinets. Utility connections would be mounted on two smaller H-frame structures near the southwest corner of the lease area. All portions of the lease area not occupied by concrete slabs would be surfaced with crushed gravel.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

The property on which the proposed facility is to be located is zoned C-3 (Unlimited Commercial). A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to Conditional Use Permits.

Section 22.52.1220 determines parking requirements for uses that are not specified. The proposed wireless telecommunications facility will be unmanned and will be visited for a periodic maintenance only. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The subject facility is unmanned and will require periodic maintenance visits only.

COMPLIANCE WITH SOUTHEAST ANTELOPE VALLEY CSD

The project is within the Southeast Antelope Valley Community Standards District (CSD). The purpose of this CSD is to "to protect and enhance the community's rural, equestrian, and agricultural character as well as its natural features, including significant ecological areas, flood plains, and desert terrain," as well as to preserve access to hiking and riding trails and minimize the impacts of urbanization.

The CSD states that, "the extent possible, development shall preserve existing natural contours, native vegetation, and natural rock outcropping features." Pine trees are not specifically native to the Antelope Valley, and there are no other trees of a similar height or variety in the immediate vicinity. However, there are no native trees in the Antelope Valley that would extend to a similar height as the proposed monopole. It is staff's opinion that, in this case, disguising the proposed facility as a natural feature would be more in keeping with the intent of this portion of the CSD than simply allowing the construction of an unadorned tower. Properties in the surrounding area do contain other types of ornamental trees, so the presence of a pine tree would not seem completely out of context for the area. In addition, the Sun Village Town Council reviewed the project in its current design and supported it.

The project site is also within Area 1 of the CSD—the Palmdale Boulevard Commercial Area. The intent of this designation is “to implement development standards for enhanced future commercial growth along Palmdale Boulevard and 90th Street East.” Specific Southwestern or Mission style architectural standards are mandated for all commercial and mixed-use buildings, building additions, and building renovations in this area. However, because the structure is not considered a building under the County’s definitions, it is exempt from these standards. Even if the monopine structure were to be considered a building, the conditional use permit process allows facilities to vary from development standards on a case-by-case basis.

All other standards of the CSD, including minimum setbacks, fence standards, and outdoor storage requirements, would be met by the project proposal.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed 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.

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fence, 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.

- 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 applicant’s Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (Small Structures) under the California Environmental Quality Act (CEQA) reporting requirements.

SUN VILLAGE TOWN COUNCIL

At the request of staff, the applicant’s representative, Margaret Chang, attended the September 21, 2009 meeting of the Sun Village Town Council, at which the project was

presented. The council voted to support the project, as they stated that the Sun Village area was severely underserved by wireless carriers and that AT&T would be a welcome wireless option for residents, some of whom must possess multiple wireless phones. This action was communicated to staff via e-mail by the Council President, James Brooks (enclosed). These statements seem to be confirmed by the wireless coverage maps submitted by the applicant (enclosed), which indicate that AT&T reception throughout the Littlerock area is currently poor.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

A total of 105 public hearing notices were mailed out to property owners located within the 1,000-foot radius of the subject property and other interested parties on December 10, 2009 regarding the subject proposal. The notice was published in the *Antelope Valley Press* and in *La Opinion* on December 16, 2009. Case-related materials were sent to the Littlerock Library and placed on the Regional Planning web page, and the public hearing notice was posted at the project site at least 30 days prior to the hearing date. At the time of this report, staff has received no public comments regarding the project.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

At the time of this report, staff has not received any public agency comments.

STAFF EVALUATION

AT&T Mobility is proposing to construct, operate, and maintain an 80-foot-high unmanned wireless telecommunications facility, disguised as a pine tree, located on a 900-square foot lease area on the northwestern portion of an existing mortuary property. The project site is zoned C-3 (Unlimited Commercial).

A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to Conditional Use Permits.

The development standards listed in the County Code for C-3 zoning indicate radio and television towers (and wireless facilities) are permitted upon issuance of a Conditional Use Permit. The CUP process also supersedes the general height limit of structures within the C-3 zone.

The monopine would be located on the northwestern portion of the subject property and would be disguised as a pine tree. While there are no other trees of similar height or variety in the immediate area, the proposal was approved and, in fact, enthusiastically supported by the Sun Village Town Council in its current design. The pole will be painted a mottled brown color and artificial needles will partially disguise its panel antennas, which will be painted green. Further, the lease area will be located approximately 270 feet from the Palmdale Boulevard right-of-way. Because of this, it is not likely that the monopine will create a significant visual intrusion to passers-by on Palmdale Boulevard.

The visual impact of the facility is mitigated by the fact that it will be disguised as a pine tree and that all parcels immediately adjacent to the subject property are vacant. In addition, only one single-family residence and a mobile home park have a direct, unobstructed view of the facility from their properties, and no area residents have voiced opposition to the project. Staff believes that all of these factors combine to mitigate the visual impact of the proposed wireless facility to within an acceptable level.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Hearing Officer:

Zoning Enforcement

1. Inspection fees of \$750.00 to cover the costs of 5 recommended biennial zoning enforcement inspections.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project No. R2009-01065-(5) / Conditional Use Permit No. 200900072, subject to the attached conditions.

Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Maria Masis, AICP, Supervising Regional Planner,
Zoning Permits Section II

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statement
Letter from Sun Village Town Council President James Brooks (12/23/09)
Certificates of Compliance (2)
Site Photos
Coverage Maps
Site Plans

MM:TM
01/06/10

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: Pursuant to the provisions of Section 22.56, Part 1 of the Los Angeles County Code, a conditional use permit to authorize the construction, operation, and maintenance of an 80-foot-tall unmanned wireless telecommunications monopine and appurtenant facilities, located on the property of an existing mortuary in the Littlerock Zoned District of Los Angeles County.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The applicant, AT&T Mobility, requested a conditional use permit to authorize construction, operation, and maintenance of an unmanned wireless telecommunications facility located on the northeastern portion of an existing mortuary property at 8837 East Palmdale Boulevard. The facility would consist of a new wireless telecommunication facility with nine (9) panel antennas mounted on a new 80-foot high monopole disguised as a pine tree, with seven (7) equipment cabinets, utility connections, and other appurtenant facilities.
2. The facility will be placed within a lease area of approximately 900 square feet on the northwestern portion of a mortuary property, located at 8837 East Palmdale Boulevard. The project site is located within the community of Antelope Valley within the Littlerock Zoned District of unincorporated Los Angeles County.
3. The project site is zoned C-3 (Unlimited Commercial) and is located within the Southeast Antelope Valley Community Standards District.
4. The project lease area is approximately 900 square feet and is relatively level. It is located near northwestern boundary of a mortuary property, also relatively level. The underlying property is approximately one acre. Access to the facility would be via a driveway taking access from Palmdale Boulevard. The area is relatively rural and is surrounded by vacant land, a gas station, a mobile home park, and single-family residential uses. The subject property consists of two parcels. The eastern parcel is contains a mortuary and appurtenant portable offices. The western parcel contains one portable office and both paved and unpaved parking areas. On the southwestern corner of the western parcel is a 42-foot high, double-sided outdoor advertising sign (billboard), which was approved by Plot Plan 33077 in 1989.
5. Surrounding properties are zoned as follows:
 - North: R-A-10,000 (Residential Agricultural; 10,000 sq.-foot minimum lot size)
 - South: C-3 (Unlimited Commercial)
 - East: C-3 (Unlimited Commercial)
 - West: C-3 (Unlimited Commercial)
6. The surrounding land uses consists of the following:

North: Vacant land, single-family residences
South: Vacant land
East: Vacant land, gas station
West: Vacant land, mobile home park

7. The Department of Regional Planning has determined that the project qualifies for a Class 3 Categorical Exemption (New construction or conversion of small structures) under the California Environmental Quality Act (CEQA) reporting requirements.
8. A total of 105 public hearing notices were mailed out to property owners located within the 1,000-foot radius of the subject property and other interested parties on December 10, 2009 regarding the subject proposal. The notice was published in the *Antelope Valley Press* and in *La Opinion* on December 16, 2009. Case-related materials were sent to the Littlerock Library and placed on the Regional Planning web page, and the public hearing notice was posted at the project site at least 30 days prior to the hearing date. At the time of this report, staff has received no public comments regarding the project.
9. At the request of staff, the applicant's representative, Margaret Chang, attended the September 21, 2009 meeting of the Sun Village Town Council, at which the project was presented. The council voted to support the project as designed, as they stated that the Sun Village area was severely underserved by wireless carriers.
10. Staff did not receive any comments regarding the subject request from public agencies.
11. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to Conditional Use Permits.
12. The development standards listed in the County Code for C-3 zoning indicate radio and television towers (and wireless facilities) are permitted upon issuance of a Conditional Use Permit. The CUP process also supersedes the general height limit of structures within the C-3 zone.
13. The project proposal would comply with all applicable requirements of the Southeast Antelope Valley Community Standards District.
14. The monopine would be located on the northwestern portion of the subject property and would be disguised as a pine tree. While there are no other trees of similar height or variety in the immediate area, the proposal was approved by the Sun Village Town Council in its current design. The pole will be painted a mottled brown color and artificial needles will partially disguise its panel antennas, which will be painted green. Further, the lease area will be located approximately 270

feet from the Palmdale Boulevard right-of-way. Because of this, it is not likely that the monopine will create a significant visual intrusion to passers-by on Palmdale Boulevard.

15. The visual impact of the facility is mitigated by the fact that it will be disguised as a pine tree and that all parcels immediately adjacent to the subject property are vacant. In addition, only one single-family residence and a mobile home park have a direct, unobstructed view of the facility from their properties, and no area residents have voiced opposition to the project. All of these factors combine to mitigate the visual impact of the proposed wireless facility to within an acceptable level.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. 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.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for conditional use permits 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 15301 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 Case No. 200900072 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit of Acceptance

c: Commission Services, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for the construction, operation, and maintenance of a new wireless telecommunication facility consisting of nine (9) panel antennas mounted on a new 80-foot high monopole disguised as a pine tree, seven (7) equipment cabinets, utility connections, and other appurtenant facilities. The facility will be placed within a 900-square foot lease area, located on the northwestern portion of a mortuary property at 8837 East Palmdale Boulevard, as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
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 and cannot be used 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 conditions of this grant and until all required fees have been paid pursuant to Condition Nos. 9 and 10. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4 [indemnification], 5 [litigation deposit], and 6 [expiration date] shall be effective immediately upon final approval of this grant by the County.
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 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.
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 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.

6. 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.
7. 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.
8. 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.
9. **This grant will terminate on January 19, 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 months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
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. 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 5 biennial inspections. Inspections shall be unannounced.

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 health and 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 comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
14. All structures, walls, and fences open to public view shall be and 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.
15. In the event of an occurrence of such extraneous markings, drawings, or signage, the permittee shall remove or cover them within 24 hours of notification 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.
16. Said facility shall be removed if in disuse for more than six months.
17. 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.
18. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (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, if requested.
19. 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.

20. The monopine pole structure shall be rounded, with the coloring and appearance of all facilities similar to site plans provided at public hearing and incorporated as part of the approved Exhibit "A." The surface colors and materials of all facilities shall not be glossy or reflective in nature and shall be maintained in good condition at all times.

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 prevent occurrences of dangerous conditions or visual blight.

MM:TM
01/06/10



3

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.

See attached

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.

See attached

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.

See attached



Conditional Use Permit Burden of Proof

A.1. The location, size, design, and operating characteristics of the proposed facility will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The proposed use is consistent with this finding in that:

1. The proposed equipment associated with the telecommunication structure operates quietly or virtually noise free.
2. The equipment does not emit fumes, smoke, or odors that could be considered objectionable.
3. The telecommunications facility is unmanned and only requires periodic maintenance, which equates to approximately one trip per month. The proposed communication facility will not result in conditions or circumstances contrary to the public health, safety and the general welfare. The proposed use is consistent with this finding in that:

Unlike other land uses, which can be spatially determined through the General Plan or other land use plans, the location of wireless telecommunications facilities are based on technical requirements which include service area, geographical elevations, alignment with neighboring sites and customer demand components. Placement within the urban geography is dependent on these requirements. Accordingly, wireless telecommunication facilities have been located adjacent to and within all major land use categories including residential, commercial, industrial, open space, etc. proving to be compatible in all locations.

4. This proposed wireless telecommunications facility will operate in full compliance with all state and federal regulations including the Telecommunications Act of 1996.



A.2. Again, as stated in A.1. the location, size, design, and operating characteristics of the proposed facility will not create conditions or situations that may be objectionable, detrimental or incompatible with the use, enjoyment, or valuation of property of other persons in the vicinity or site.

In addition, the proposed facility is designed as a 'stealth' pine tree to blend in with existing pine trees on the property. The subject property is a mortuary surrounded by undeveloped properties zoned C-3 to the south, east, and west, to the north zoned R-A-10000.

As such, the proposed project is proper in relation to adjacent uses and will not be detrimental to improvements adjacent to or in the vicinity of the property on which it is located.

A.3. AT&T Mobility is regulated by the Federal Communications Commission (FCC) and is authorized to operate in the frequencies established for Cellular and PCS operators. AT&T's wireless telecommunication facilities operate at the lowest possible power levels and are well below established standards used by the FCC for safe human exposure to radio frequency electromagnetic fields. These standards have been tested and proven safe by the American National standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE).

This proposed wireless telecommunications facility will operate in full compliance with all state and federal regulations including the Telecommunications Act of 1996.

B. Typically, the primary issue in locating a wireless telecommunications facility is how to balance the applicant's needs for improving its wireless telecommunications network with the County's goals of reducing visual impact. In this case, AT&T proposes to design a stealth wireless facility as a pine tree with associated equipment at the back of the subject property so as to be set back as far as possible from the frontage road on Palmdale Blvd. The location of the wireless site, the design and the setbacks all ensure that there will not be any detriment to the character of the development in the neighborhood.

C.1. The telecommunications facility is unmanned and only requires periodic maintenance, which equates to approximately one trip per month. The proposed communication facility will not result in additional burdens on existing infrastructure.

C.2. Again, the telecommunications facility is unmanned and only requires periodic maintenance, and will not result in additional burdens on existing public or private service facilities.

Montgomery, Tyler

From: Chang Margaret [mchang99@gmail.com]
Sent: Wednesday, December 23, 2009 11:13 AM
To: Montgomery, Tyler
Subject: Fwd: Sun Village cell tower (Use Permit No. 200900072, 8837 East Palmdale Blvd., Littlerock, CA 93552)

Hi Tyler,

I had been requesting minutes for the Sun Village Town Meeting, however was told their secretary is on vacation so Mr. Brooks was kind enough to provide an email of support for the project in the email below.

Please let me know you received this email and hopefully it would be incorporated into the case file.

Thank you and Happy Holidays,
Margaret Chang
949-689-9627

----- Forwarded message -----
From: jbrooks @dslextreme.com <jbrooks@dslextreme.com>
Date: Wed, Dec 23, 2009 at 10:57 AM
Subject: Sun Village cell tower
To: mchang99@gmail.com

Hello Margaret,

Thanks for delivering the good news about the installation of the cell tower located at Palmdale Boulevard and 90th street east. Upon your presentation at our September 21st meeting, the council voted to approve the motion to support the tower in our community. Let us know if there is anything that we can do to help. Again thanks for your concern.

James Brooks, President
Sun Village Town Council
661-609-7212
Integrity, Consistency, Results

--
Margaret Chang
MC Consulting, LLC
Land Use Planning Services

949.689.9627
mchang99@gmail.com

80- 883716

RECEIVED BY
Department of Regional Planning
County of Los Angeles
Room 3027, 106th St.
Los Angeles, California 90024

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA
BY REC-4 P.M. SEP 11 1980
Recorder's Office

FEB
\$3
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AND THIS INSTRUMENT MAIL TO

Name: Willie & Freddie M. Smith
Address: 3607 W. 106th St.
Inglewood, Calif.

City:

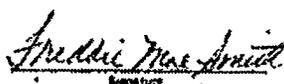
SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

CC 8076

REQUEST FOR CERTIFICATE OF COMPLIANCE

I/We the undersigned owner(s) of record (and/or vendor(s)) in the following described property within the unincorporated territory of the County of Los Angeles, hereby REQUEST the County of Los Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq., Government Code, State of California) and the County Subdivision Ordinance (Ord. 4478, County of Los Angeles).

| | | |
|---|---|--------------|
|  |  | |
| Signature | Signature | Signature |
| <u>Willie Smith</u> | <u>Freddie M. Smith</u> | |
| Name (typed) | Name (typed) | Name (typed) |
| <u>7-28-80</u> | <u>7-28-80</u> | |
| Date | Date | Date |

LEGAL DESCRIPTION (TYPED)

The westerly 93.53 feet of Parcel 1, Book 64, Page 50 of Records of Survey in the Office of County Recorder, County of Los Angeles.

DETERMINATION OF COMPLIANCE (E)

OC - 3078

I hereby certify that the above described parcel complies with the applicable provisions of the State Subdivision Map Act and of the County Subdivision Ordinance, having been exempt from said act and ordinance at the time of its creation, and may therefore be sold, financed, leased or transferred.

This determination DOES NOT GUARANTEE that any design or improvement standards have been met.



AMB: 3027-10-26

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
Norman Murdoch, Planning Director

DEPARTMENT OF REGIONAL PLANNING

By: 

Title: Chief, Subdivision Adm. Div.

Date: SEP 11 1980

32-01-10-78 (Revised)

MEMORANDUM SUBMITTED BY

Department of Regional Planning
200 West Temple Street
Room 1804, Hall of Records
Los Angeles, California 90012

80-883717

AND WHEN MEMORANDUM MAIL TO

Name: Willie & Freddie M. Smith
Address: 3607 W. 106th St.
Inglewood, Calif.
City:

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA
BY REC 4 P.M. SEP 11 1980
Recorder's Office

FEE
\$3
P

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

CC 3079

REQUEST FOR CERTIFICATE OF COMPLIANCE

I/We the undersigned owner(s) of record (and/or vendee(s)) in the following described property within the unincorporated territory of the County of Los Angeles, hereby REQUEST the County of Los Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (Sec. 80410 et seq., Government Code, State of California) and the County Subdivision Ordinance (Ord. 4478, County of Los Angeles).

| | | |
|---------------------|-------------------------|--------------|
| <i>Willie Smith</i> | <i>Freddie M. Smith</i> | |
| Signature | Signature | Signature |
| Willie Smith | Freddie M. Smith | |
| Name (typed) | Name (typed) | Name (typed) |
| 7-28-80 | 7-28-80 | |
| Date | Date | Date |

LEGAL DESCRIPTION
(TYPED)

The southerly 180.00 feet of Parcel 1, Book 64, Page 50 of Records of Survey in the Office of the County Recorder, County of Los Angeles, except therefrom the easterly 108.77 feet, also except therefrom the westerly 93.53 feet.

DETERMINATION OF COMPLIANCE (E)

CC - 3079

I hereby certify that the above described parcel complies with the applicable provisions of the State Subdivision Map Act and of the County Subdivision Ordinance, having been exempt from said act and ordinance at the time of its creation, and may therefore be sold, financed, leased or transferred.

This determination DOES NOT GUARANTEE that any design or improvement standards have been met.



AMS3027-10-2

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
Norman Murdoch, Planning Director

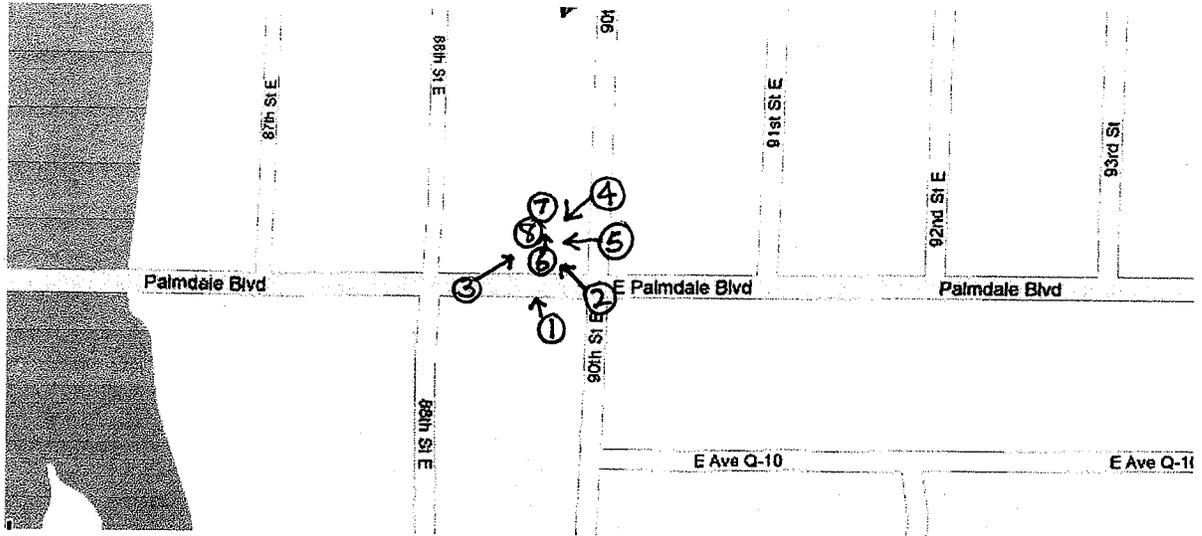
DEPARTMENT OF REGIONAL PLANNING

By: *[Signature]*
Title: Chief, Subdivision Map Div.
Date: SEP 11 1980

Site: NL0228-02

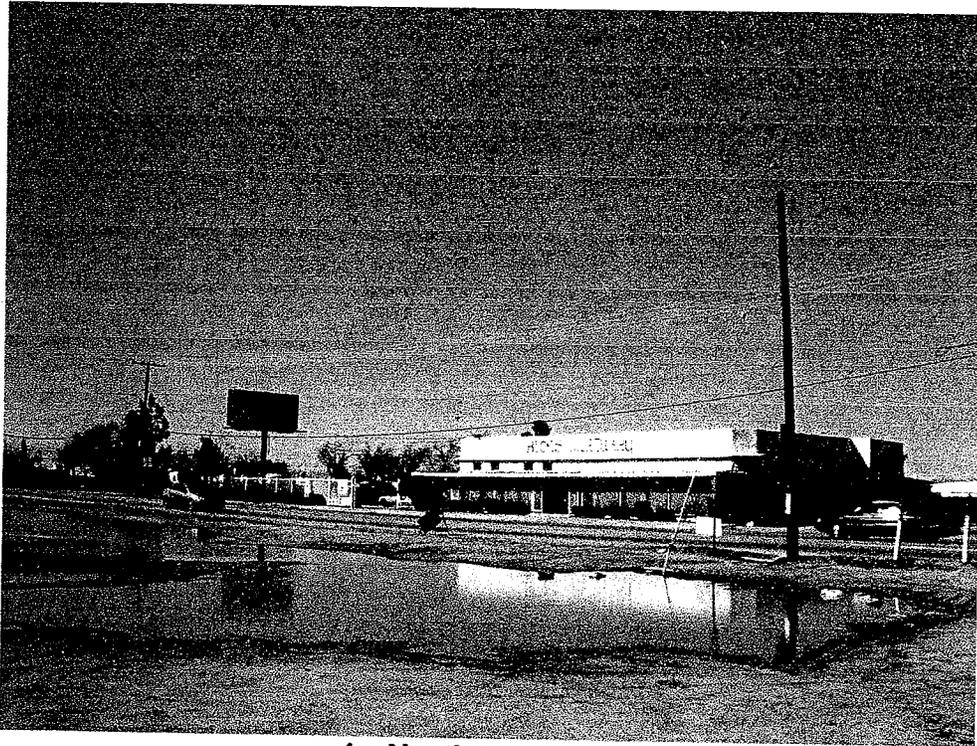
Address: 8837 E. Palmdale Blvd., Littlerock, CA 93552

Photo Key

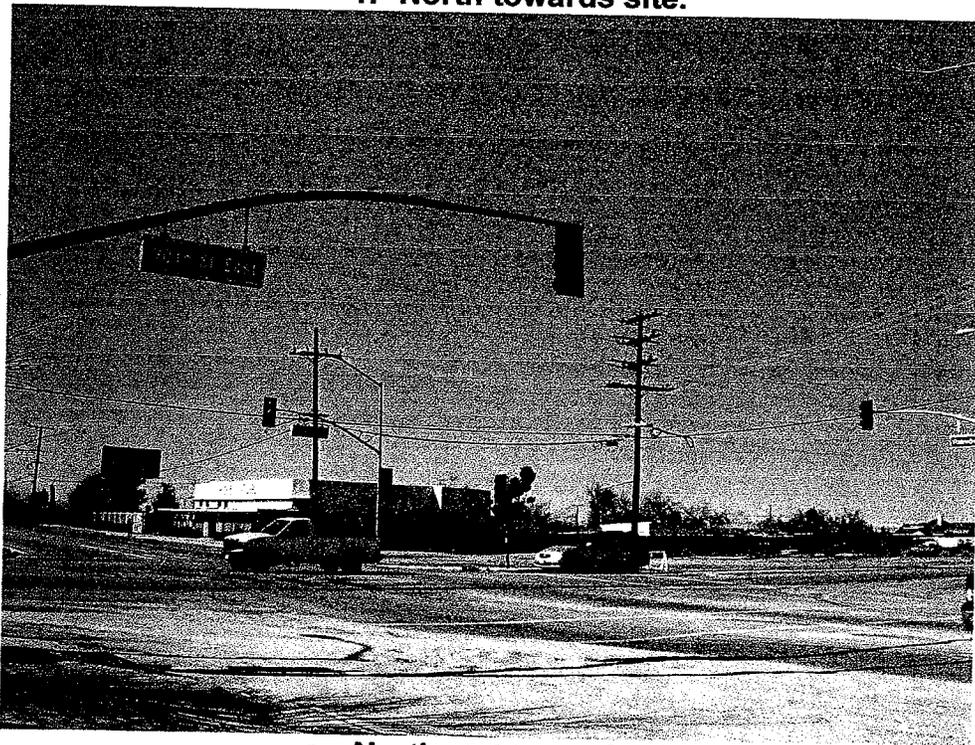


Site: NL0228-02

Address: 8837 E. Palmdale Blvd., Littlerock, CA 93552



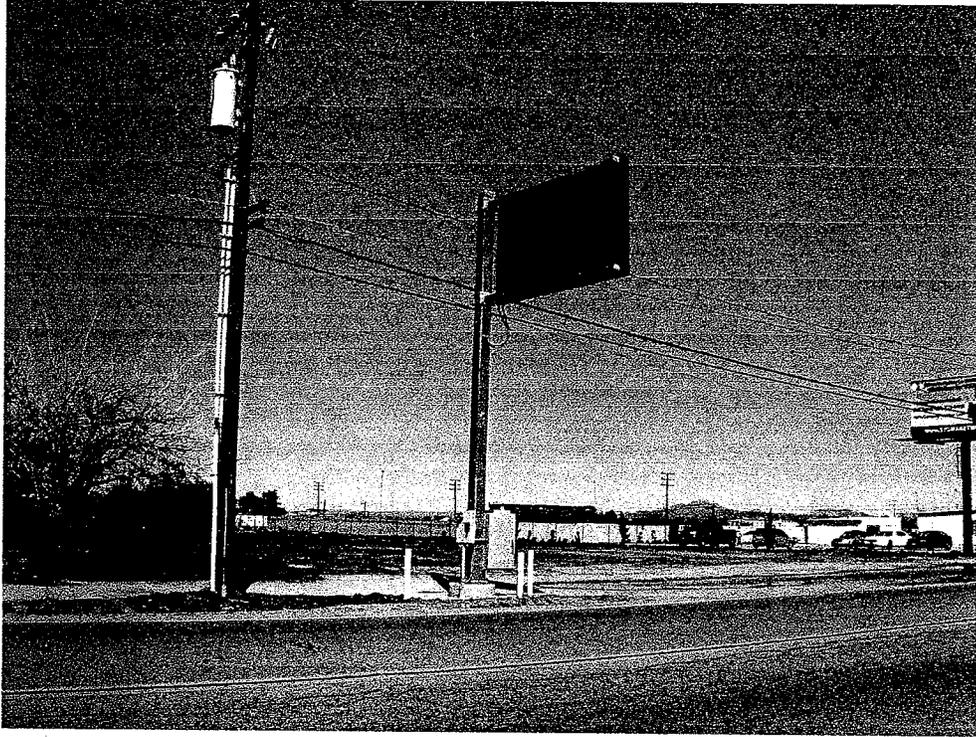
1. North towards site.



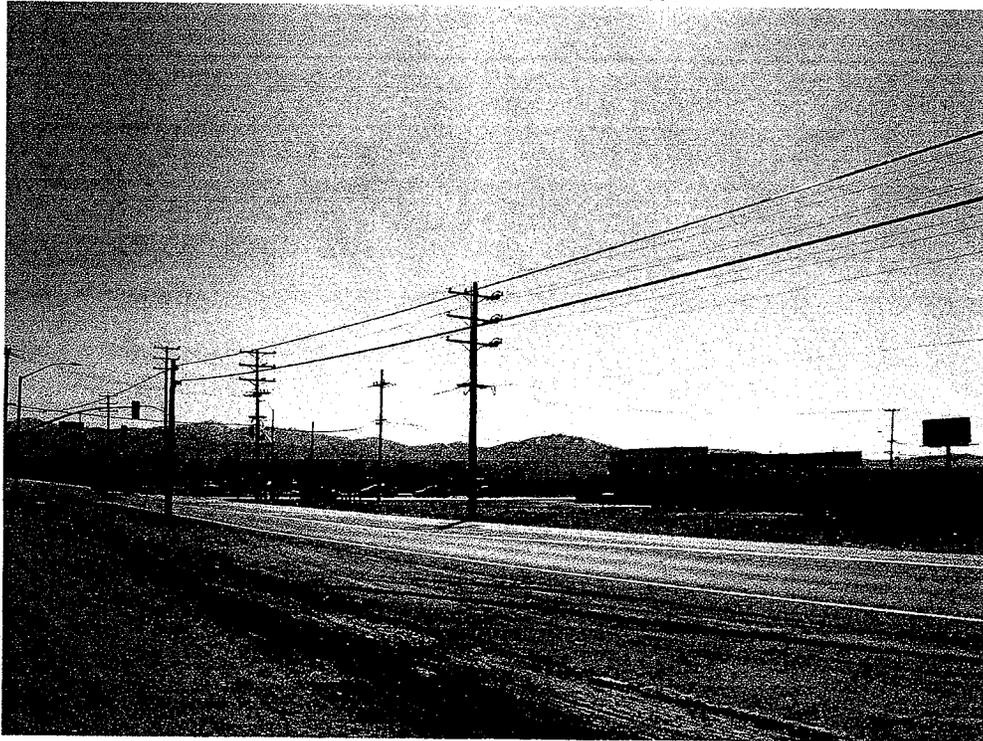
2. Northeast towards site.
west

Site: NL0228-02

Address: 8837 E. Palmdale Blvd., Littlerock, CA 93552



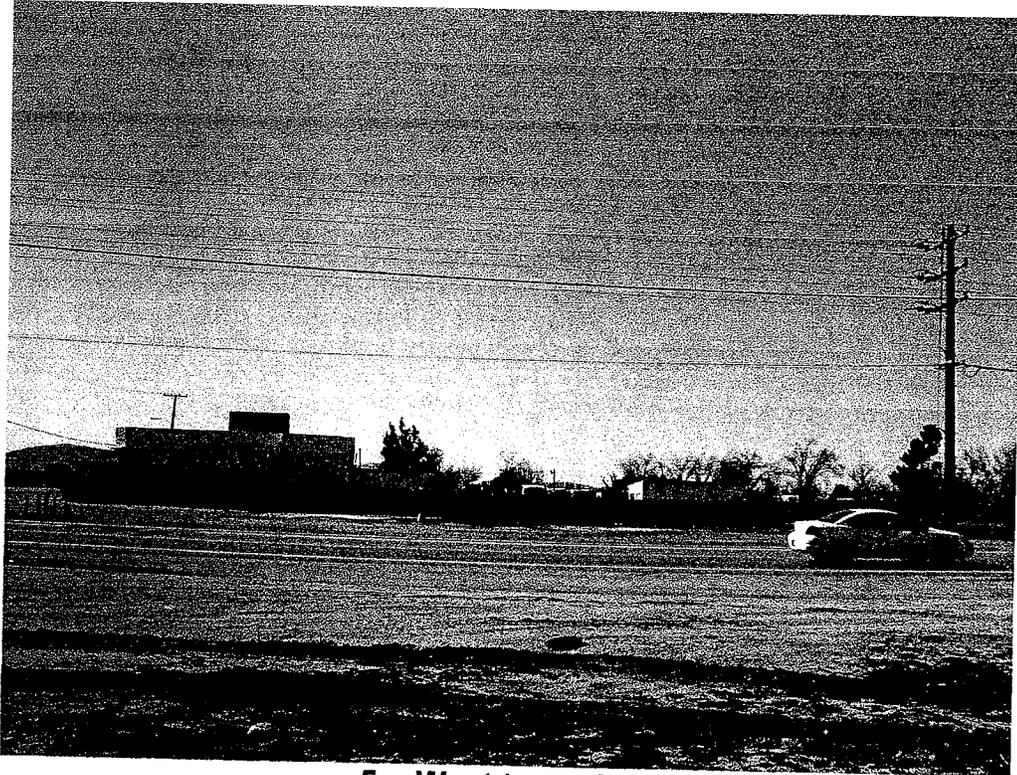
3. East towards site.



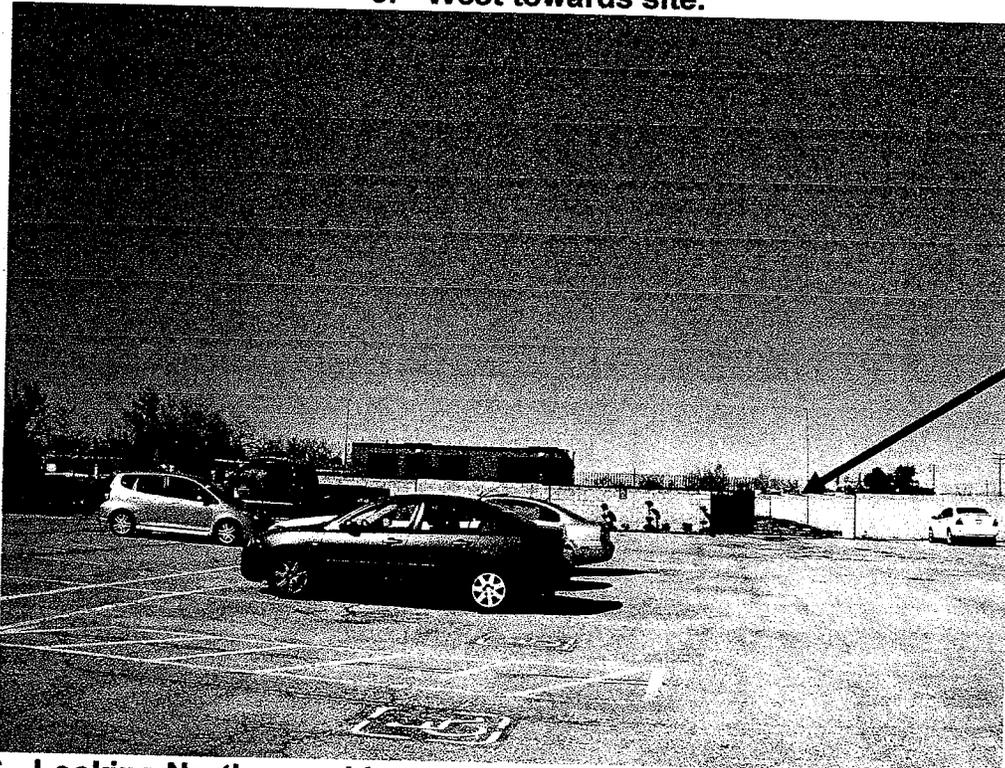
4. Southwest towards site.

Site: NL0228-02

Address: 8837 E. Palmdale Blvd., Littlerock, CA 93552



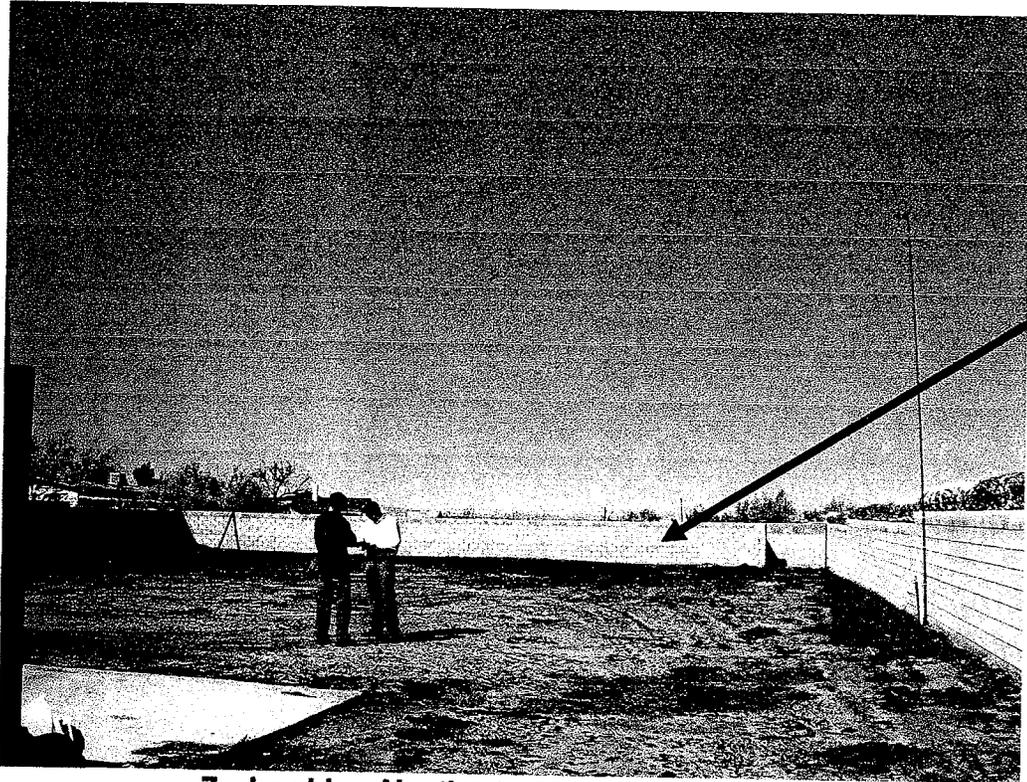
5. West towards site.



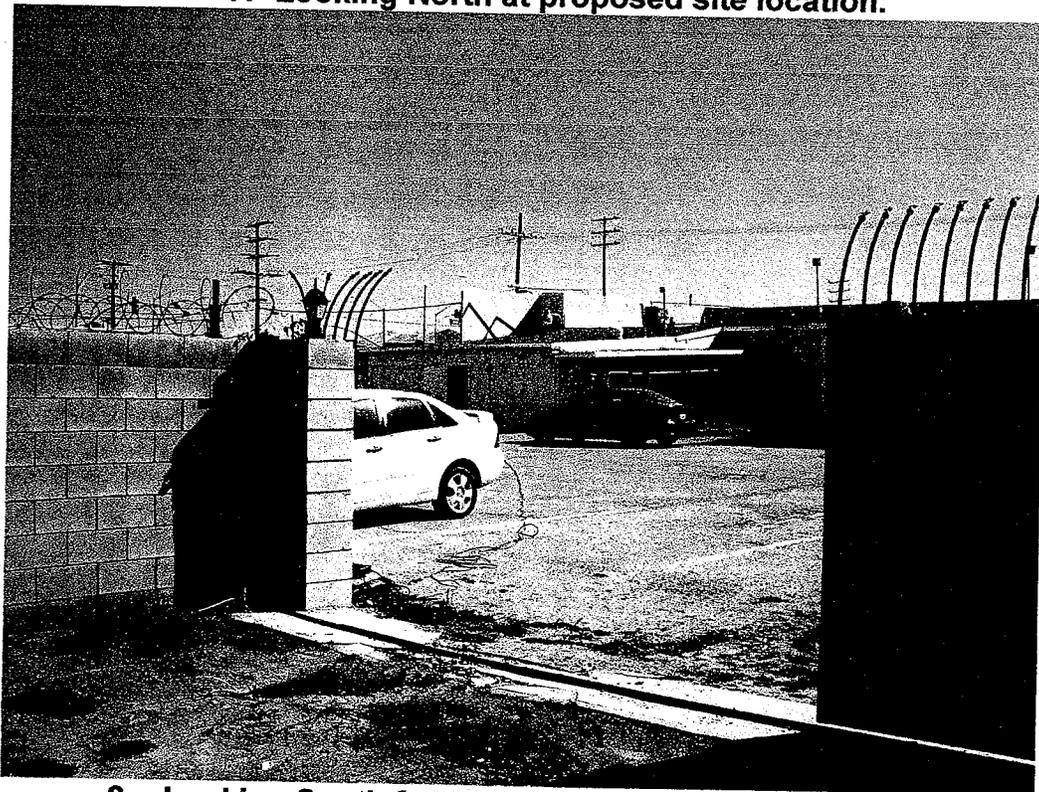
6. Looking North on subject property at access gate to proposed area.

Site: NL0228-02

Address: 8837 E. Palmdale Blvd., Littlerock, CA 93552

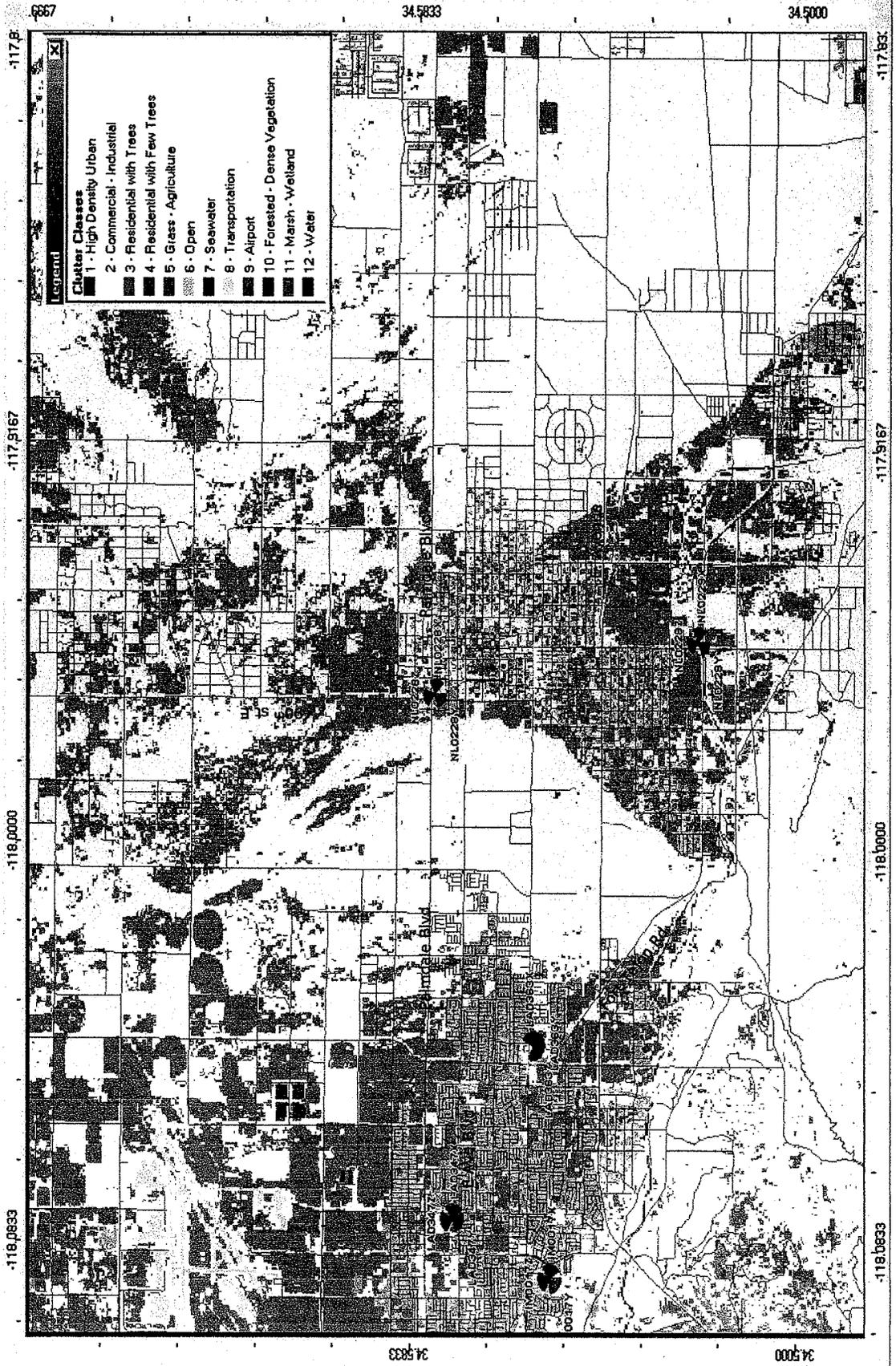


7. Looking North at proposed site location.



8. Looking South from access gate to mortuary building.

Clutter Classes near NL0228



NL0228 Coverage



Current Coverage without NL0228

