LOS ANGELES COUNTY LETTERGRAM

TO	Paul McCarthy Hearing Officer	**FROM**	Dean Edwards Zoning Permits North

DATE: March 5, 2013

SUBJECT: TIME EXTENSION REQUEST
PROJECT NO. R2011-00841-(5)
CONDITIONAL USE PERMIT NO. 201100082
PUBLIC MEETING DATE: April 2, 2013

The above referenced case authorizing the construction, operation and maintenance of a wireless telecommunications facility located near the northeast intersection of Pearblossom Highway and Old Nadeau Road in the Palmdale Zoned District and A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) zone was approved on February 7, 2012 and will terminate on February 7, 2013 if not used. On January 23, 2013, the applicant's agent, Justin Robinson of MMI Titan requested a one year time extension to February 7, 2014 to allow for compliance with Department of Public Works' drainage requirements.

HEARING OFFICER ACTION
I concur with the request and therefore the time extension for Conditional Use Permit 201100082 is hereby APPROVED.

Paul McCarthy, Hearing Officer Date

Attachment: Request Letter, Findings, Conditions

ST:de

MMI *Titan*, Inc.
1750 E. Ocean Blvd., Ste. 906
Long Beach, CA 90802

January 23, 2013

Los Angeles County
Department of Regional Planning
Susan Tae, AICP
320 West Temple Street
Los Angeles, CA 90012

Re: Project - R2011-00841-(5)
Conditional Use Permit No. 201100082
Verizon Wireless – Ironhorse

Dear Ms Tae:

Verizon Wireless is requesting an extension to the expiration time period provided for in Condition No. 8 of the Conditional Use Permit, which is set to expire **February 7, 2013**.

Verizon Wireless applied for Building Permit Plan Check shortly after the approval and we are currently still in the review process. While we anticipate the approval, we are still addressing the comments provided by the Drainage and Grading Departments. As required by the latest round of comments, Verizon Wireless has provided the Hydrology Study and final Drainage Plan. Once these documents are reviewed, the County will either provide further comments or approve. If approved, we will need to provide a LID exhibit to the County for review and approval. As mentioned above, we do anticipate approval, however, each of these review periods and comments by the County are taking nearly four – six weeks.

Verizon Wireless is requesting a single one-year extension as provided for in Condition No. 8.

Please review this information and notify me as soon as possible whether the Extension has been approved and granted. Please feel free to call should you have any questions regarding the pending Building Permit.

Sincerely,

Justin Robinson
(714) 863-4366

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 7, 2012

Certified Mail – Return Receipt Requested

Mr. Justin Robinson
1750 E. Ocean Blvd., #906
Long Beach, CA 90802

Project No. R2011-00841-(5): Conditional Use Permit No. 201100082
Pearblossom Highway and Old Nadeau Road, Palmdale Zoned District (3053-023-007)

Dear Applicant:

The Hearing Officer **APPROVED** the above-described project. The enclosed documents contain the Hearing Officer's Findings and Conditions of Approval. Please review each condition. Condition No. 2 requires that the permittee file an Affidavit of Acceptance before the grant is effective.

The appeal period ends at 5:00 p.m. on February 21, 2012. The applicant or any other interested person may appeal this decision to the Regional Planning Commission. If an appeal is not received during the appeal period, this action is final. For instructions and fees, contact the Regional Planning Commission Secretary, 320 W. Temple St., Los Angeles, CA 90012, (213) 974-6409. Appeals must be delivered in person.

After the appeal period ends, deliver a notarized Affidavit of Acceptance form with a certified copy of the recorded findings and conditions of approval, and other applicable fees or materials to the case planner (see enclosed). To ensure timely processing, **please schedule an appointment**. If the required documents and fees are not received within 60 days of this letter's date, the permit is not effective and may be referred to Zoning Enforcement for possible action.

For additional information, please contact Phillip Estes at (213) 974-6435 or pestes@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Susan M. Tae, AICP
Supervising Regional Planner
Zoning Permits North Section

Enclosures: Instructions, Affidavits (Permittee's Completion), Findings, Conditions
CC: Zoning Enforcement, Applicant (Verizon Wireless)

SMT:PE

FINDINGS AND ORDER THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NO.: R2011-00841-(5)

CONDITIONAL USE PERMIT NO.: 201100082

REQUEST: The project is a request to approve a conditional use permit (CUP) to authorize a wireless telecommunications facility (WTF) consisting of an 80 foot mono-pole, antenna, and equipment cabinets, back-up generator, located in the A-2-1 Zone (Heavy Agricultural – One Acre Minimum Required Lot Area) in the Palmdale Zoned District.

HEARING DATE: February 7, 2012.

PROCEEDINGS BEFORE THE HEARING OFFICER:
February 7, 2012 Public Hearing
A duly noticed public hearing was held on February 7, 2012 and was conducted by Hearing Officer Mitch Glaser.

Phillip Estes, Principal Planner, gave a brief presentation of the applicant's request and the proposed project. Staff's analysis concluded that the applicant satisfied the required burden of proof and approval was recommended.

The applicant's representative testified in favor of the request. There were minor clarifications discussed regarding draft Conditions Nos. 8 (time period to use the permit), 26 (hours), and 32 (graffiti removal). Staff and the representative indicated no objections to these condition changes. The Hearing Officer, hearing no further testimony, closed the public hearing and approved Conditional Use Permit No. 201100082, subject to the conditions presented by staff and as agreed to by the representative. Staff advised that the appeal period ends on February 21, 2012.

Findings

1. The project is a request for a conditional use permit (CUP) to authorize a wireless telecommunications facility (WTF) consisting of an 80 foot mono-pole, antenna, and equipment cabinets ("Project").

2. The Project is located near the northeast intersection of Pearblossom Highway and Old Nadeau Road in the Palmdale Zoned District.

3. The Assessor's parcel number is 3053-023-007.

4. Access to the subject property is provided by Old Nadeau Road, a fully improved 60 foot public right-of-way.

5. The gross lot area is 19.79 acres.

6. There are no known zoning violation cases.

7. There are no known previous zoning permit approvals.

8. The property is located in the A-2-1 Zone, which allows a radio or television tower with an authorized conditional use permit. A wireless telecommunications facility is deemed to be similar to a radio or television tower.

9. Surrounding properties are located in the following zones:

North:	O-S (Open Space)
East:	A-2-1
South:	A-2-1
West:	A-2-1

10. Surrounding land uses within 500 feet are:

North:	Vacant land, California Aqueduct
East:	Vacant land, single-family residences
South:	Vacant land, single-family residences
West:	Vacant land

11. The Project satisfies the minimum required yard setbacks and landscaping standards for the A-2-1 Zone.

12. The property is located in category N-1 (Non-Urban) category of the Los Angeles County ("County") Antelope Valley Area Plan ("community plan"), which permits a density up to 0.5 dwelling units per acre. Pursuant to the community plan, non-residential uses may include public and semi-public uses, such as utility and communication facilities. The existing facility is, therefore, compatible with the N-1 category and the community plan.

13. Pursuant to Section 22.52.1220 (Parking – Uses Non Specified) of the Los Angeles County Code ("Zoning Ordinance"), the Hearing Officer finds the subject property provides sufficient parking for use by the Project.

14. The Project will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area because the Project will satisfy all building code requirements. The Project is enclosed at the base within an eight foot high solid wall and not accessible to persons residing or working in the area. There is no sensitive land use located in the vicinity. The Project satisfies all A-2-1 development standards, with an approved CUP. The Project is located in a topographical depression, which screens the base from surrounding and off-site views.

15. The Project will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because the Project is sufficiently located away from sensitive land uses. The Project is a mono-pole, which is painted a matte, sky grey to blend with the sky and horizon.

16. The Project will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare because the Project does not propose the use of hazardous materials. It is sufficiently located away from any sensitive land uses. The Project is a mono-pole which is painted a matte, sky grey to blend with the sky and horizon.

17. The subject property is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features. The Project satisfies the development standards for the A-2-1 Zone, with an approved conditional use permit.

18. The subject property is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic the project would generate and by other public or private facilities as are required. Access to the subject property is provided by Old Nadeau Road from Pearblossom Highway. Utilities are available to sufficiently to support the Project.

19. The Protect is a Class 3 (New Construction or Conversion of Small Structures) categorical exemption, pursuant the California Environmental Quality Act ("CEQA") reporting requirements.

20. Pursuant to Sections 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was adequately notified of the public hearing by mail, newspaper advertisement, hearing notice sign, library package, and published on the County Department of Regional Planning ("Regional Planning") website.

21. No person objected to or testified against the project.

22. To ensure continued compatibility between the use of Project and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to15 years with eight (8) inspections, one inspection every two years.

23. The documents and other materials constituting the record of proceedings upon which the decision is based are located at Regional Planning, 320 W. Temple St., Los Angeles, CA 90012.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. That the proposed use is consistent with the adopted general plan for the area;

2. That the requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

3. 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; and

4. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.040and 22.56.090 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. I have considered the Class 3 Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources and local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100082 is **APPROVED** for a fifteen (15) year term, subject to the attached conditions.

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This grant authorizes the construction, operation and maintenance of an 80 foot high mono-pole wireless telecommunications facility (WTF), subject to 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 Los Angeles County ("County") Department of Regional Planning ("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 Number 6, and until all required monies have been paid pursuant to Condition Number 9.

   Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4, and 8 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

4. 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 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 according to County Code Section 2.170.010.

5. 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.

6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder and County Clerk

("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

7. **This grant shall terminate on February 7, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

8. This grant will expire unless used within 12 months from the date of approval. A single, one-year time extension may be requested in writing and with payment of the applicable fee prior to such expiration date.

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. The permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **eight (8) periodic inspections**. Inspections may 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 Regional Planning for all additional 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 $200.00 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is given that the Regional Planning Commission ("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 Title 22 of the County Code ("Zoning Ordinance") shall be complied with unless otherwise set forth in these conditions or shown on the approved plan.

13. All structures shall conform to the requirements of the County Fire Department, as applicable.

14. All structures shall conform to the requirements of the County Department of Public Works ("Public Works"), as applicable.

15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.

16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 48 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

17. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas free of litter and debris on the premises over which the permittee has control.

18. The subject property shall be developed and maintained in substantial compliance with the **plans and photo simulations** marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a revised Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit, or as modified by the Director of Regional Planning.

19. All litter and trash shall be regularly collected from the premises and the adjacent sidewalks or right-of-way.

20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

21. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

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. Subsequent co-located antenna(s), with no increase in the facility height, may be permitted subject to an approved Revised Exhibit "A" or subject to the regulations or policies in effect at that time.

23. Any proposed to co-locate additional antenna on the proposed facility is required to submit written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.

24. All structures shall conform to the Public Works Division of Building and Safety requirements or other appropriate agency and obtain an encroachment permit if deemed necessary.

25. External lighting, including security lighting, shall be on motion sensors, be of low intensity, and fully shielded and directed away from any adjacent residences. Lighting shall not spillover onto adjacent properties. Pole mounted lighting is prohibited pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

26. Construction of the facility shall be limited to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Maintenance or emergency repairs of the facility may occur at any time.

27. The project shall be developed and maintained in substantial compliance with the approved plans and photo-simulations marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on the Exhibit "A".

28. One parking space for maintenance vehicles shall be provided. The space need not be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.

29. The maximum height of the facility shall not exceed 80 feet above finished grade.

30. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new property owner.

31. The mono-pole, antenna array and support structures shall be painted a non-reflective finish in the color of sky grey to blend with the sky and horizon, so as to minimize the visual impact of the facility. The facility shall resemble the photo-simulations presented at the public hearing.

32. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts or materials used to disguise or camouflage the facility shall be maintained and/or replaced within 30 days of notice.

33. Upon request, the permittee or operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to demonstrate compliance with the maintenance or removal conditions.

34. The Department of Regional Planning conditional use permit number ("CUP No. 201000082") and lease holder contact information shall be displayed on the facility where it can be easily viewed at or near eye level.

35. The facility shall be secured by an eight foot high masonry wall and locks or other approved fencing type. Chain linked, chain linked with slats, barbed wire, concertina wire, and other similar types of wire fencing are prohibited.

36. New equipment shall be integrated with the approved facility design.

37. Appurtenant equipment boxes shall be screened or camouflaged from off-site views.

38. The contact name, address and telephone number of the service provider shall be displayed at the subject property.

39. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of Regional Planning and any other government agency. Prior to installation of its facility, the permittee shall post a performance security, satisfactory to the Director of Public Works and provide a copy to the Zoning Enforcement Section of Regional Planning, in an amount to sufficiently cover the cost of removal of the facility as provided herein. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

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