



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2012-00684-(5)

HEARING DATE

November 6, 2012

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201200049
 Environmental Assessment No. 201200084

PROJECT SUMMARY

OWNER / APPLICANT

Ronald A. Ralphs/Robert McCormick

MAP/EXHIBIT DATE

4/28/2011

PROJECT OVERVIEW

The applicant, Robert McCormick, is requesting a Conditional Use Permit (CUP) to authorize an equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication facility (WTF) in the W (Watershed) Zone and development within Significant Ecological Area (SEA) #59 Tehachapi Foothills. The equipment upgrade includes the removal of eight (8) existing AT&T panel antennas and replaced with 12 AT&T panel antennas. In addition, the upgrade also includes the installation of one (1) indoor equipment cabinet within the existing equipment shelter, installation of 12 remote radio units (RRU's), installation of one (1) DC surge suppression system, and the installation of one (1) AT&T GPS unit. The antenna removal and installation will be done with a cherry picker mounted on a pick-up truck. There is no proposed increase in height of the existing 75-foot tall monopole and there is no expansion on the existing lease area.

LOCATION

Near 37403 Gorman Post Road, Gorman CA 93243

ACCESS

Via Gorman Post Road

ASSESSORS PARCEL NUMBER(S)

3251-016-023

SITE AREA

7.29 Acres

GENERAL PLAN / LOCAL PLAN

Antelope Valley Areawide General Plan

ZONED DISTRICT

Castaic Canyon

LAND USE DESIGNATION

N1 – (Non-Urban 1)

ZONE

W - (Watershed)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

None

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Antelope Valley Areawide General Plan and Los Angeles County General Plan
- Satisfaction of the following Sections of Title 22 of the Los Angeles County Code:
 - 22.56.040 (CUP burden of proof requirements)
 - 22.40.280 (W-Zone Development Standards)
 - 22.56.215 (Significant Ecological Area burden of proof)

RECOMMENDATION

Approval

CASE PLANNER:

Rob Glaser

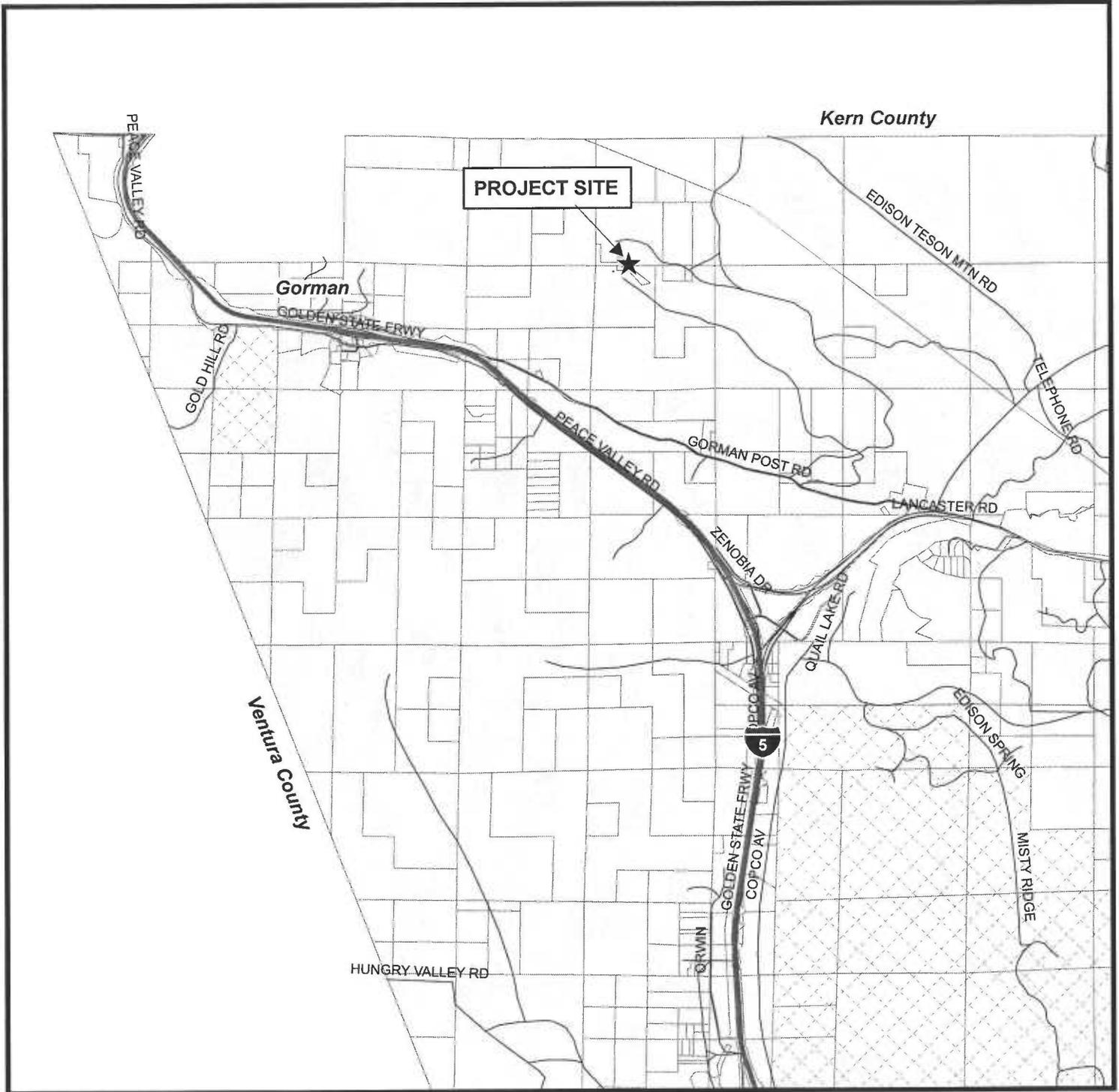
PHONE NUMBER:

(213) 974 - 6443

E-MAIL ADDRESS:

rglaser@planning.lacounty.gov

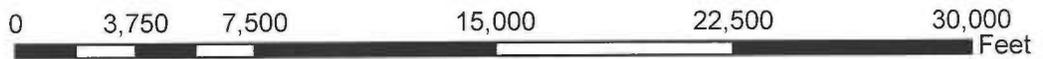
VICINITY MAP



Legend

- Freeways
- TB Streets
- Parcels
- National Forest
- Unincorporated Area

**PROJECT NO. R2012-00684-(5)
CONDITIONAL USE PERMIT NO. 201200049**



1 inch = 6,000 feet

ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for an existing unmanned Wireless Telecommunication Facility (WTF) in the W (Watershed) Zone pursuant to County ("County") Code Section 22.40.280.

PROJECT DESCRIPTION

To authorize equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication facility (WTF) in the W (Watershed) Zone and development within Significant Ecological Area (SEA) #59 Tehachapi Foothills. The equipment upgrade includes the removal of eight (8) existing AT&T panel antennas and replaced with 12 AT&T panel antennas. In addition, the upgrade also includes the installation of one (1) indoor equipment cabinet within the existing equipment shelter, installation of 12 remote radio units (RRU's), installation of one (1) DC surge suppression system, and the installation of one (1) AT&T GPS unit. The antenna removal and installation will be done with a cherry picker mounted on a pick-up truck. There is no proposed increase in height of the existing 75-foot tall monopole and there is no expansion on the existing lease area.

EXISTING ZONING

The subject property is zoned W in the Castaic Canyon Zoned District.

Surrounding properties are zoned as follows:

North: W.
South: W.
East: W.
West: W.

EXISTING LAND USES

The subject property is primarily vacant land developed with six existing WTFs with appurtenant equipment.

Surrounding properties are developed as follows:

North: Vacant land and four WTFs.
South: Vacant land.
East: Vacant land and two WTFs.
West: Vacant land and three WTFs.

PREVIOUS CASES/ZONING HISTORY

Conditional Use Permit No. 97-018-(5) – Authorized the construction, operation, and maintenance of a WTF consisting of an 85-foot tall monopole and appurtenant equipment on May 20, 1997. Only a 75-foot tall monopole was constructed. Permit expired on May 20, 2007.

Ordinance No. 7547 – Adopted on June 16, 1959, established the W - Zone for the subject property.

ENVIRONMENTAL DETERMINATION

County staff recommends that this project qualifies for a Class 1 Categorical Exemption (Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines, since the project is for the continued operation of an existing unmanned wireless telecommunication facility with a replacement of antennas being a minor alteration to an existing private structure. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

Antelope Valley Areawide General Plan and the General Plan Consistency

The project site is designated within the N-1 (Non-Urban 1 – up to 0.5 dwelling units per acre) land use category in the Antelope Valley Areawide General Plan (“Plan”). The Plan states, “Within the various land use classification shown on the Land Use Policy Map, there may be a variety of existing (or potential) sites devoted to open space, public or semi-public uses such as schools, churches, parks, flood control basins or channels, communication facilities and other similar community-serving uses. While every effort has been made to identify these uses on the Land Use Policy Map, it is the expressed intent of this Plan to permit, subject to an appropriate design review process involving the Regional Planning Commission and a finding of no significant negative impacts on the environment, the expansion of existing facilities, or the establishment of new such facilities, when approximate and not in conflict with the existing and future land use patterns as shown on the Land Use Policy Map.” (pg. VI-10 (i), Policies Applicable to All Land Use Classifications (2)) The project request is for the continued operation, maintenance and upgrade of a communication facility is community-serving, and qualifies in a class of projects found not to have a significant effect on the environment. Therefore, the continued operation and upgrade to the facility is consistent with the intent of the Plan.

The following general policy from the Countywide General Plan (“General Plan”) is applicable to the project and serves as guidelines for development:

1. Public Services policy 58: *“Maintain high quality emergency response services.”*
 - The continued operation of the WTF will provide cellular service to this region and such service is often used to make emergency calls. This facility will ensure that such service is readily available.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.40.280 of the County Code, uses in the W - Zone are subject to the following development standards:

- A. That there shall be parking facilities as required by Part 11 of Chapter 22.52.
 - The subject property has more than adequate enough space for maintenance vehicle parking in order to perform routine maintenance for the facility. There will be no opportunity for traffic congestion or excessive on-street parking due to the location of the facility.

Neighborhood Impact/Land Use Compatibility

The surrounding existing land uses are primarily vacant land with the exception of nine other WTFs. The existing WTF has been operating for more than 10 years without any complaint. It is important to maintain cellular service in remote areas of the County that does not offer urban services. Oftentimes cellular service is used to make emergency phone calls.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.090 of the County Code.

- 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; and

The existing WTF is of significant distance from residential units in the area, approximately 2 miles to the west. The existing facility has been operating more than 10 years without complaint. The upgrade to the facility will increase the existing service coverage in the area and will be installed on the existing monopole. No increase to the height of the monopole is proposed. The continued operation and maintenance of the said WTF would not adversely affect the health, peace, comfort or welfare of persons residing in the area, nor is the use detrimental to the enjoyment or valuation of property location within the vicinity.

- 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; and

The subject property is approximately 7.29 acres in size and can accommodate required development features and is able support the existing WTF, including setback, parking and other development features. Parking is available adjacent to the lease area for routine maintenance of the facility. Access to the facility is via Gorman Post Road.

- 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.

Access to the subject property is via Gorman Post Road a unimproved 12-foot wide dirt fire access road. Gorman Post Road is of sufficient width to allow an anticipated traffic handling a maintenance vehicle to access the project site.

The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

SEA Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.215 of the County Code.

- A. The requested development is designed to be highly compatible with biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.

The request is for the continued operation and maintenance of an existing WTF with a facility upgrade. The facility upgrade includes the removal and installation of antennas on an existing 75-foot tall tower using a cherry-picker mounted on a pick-up truck. This project is compatible with the biotic resources present and will not affect undisturbed areas.

- B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.

The subject property does not contain any water bodies, watercourses, or any tributaries.

- C. That the request development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

The WTF has been existing for more than 10 years and there is no expansion of the lease area and no increase to the height of the tower proposed. Migratory paths will be left in an undisturbed and natural state. The only path used will be the existing fire road for the pick-up truck.

- D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.

The request does not include any removal of any natural vegetative cover or open spaces.

- E. That where necessary, fences or walls are provided to buffer important habitat areas from development.

The existing WTF lease area has a 6-foot high chain linked fence with an access gate for routine maintenance.

- F. That roads and utilities serving the proposed development are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.

Access to the subject property is through a 12-foot wide dirt fire access road that does not conflict with critical resource within the SEA.

The SEA Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

SIGNIFICANT ECOLOGICAL AREA TECHNICAL ADVISORY COMMITTEE (SEATAC)

SEATAC held a public meeting on September 10, 2012 to discuss the applicant's request and the following recommendations were made.

1. SEATAC recommends that all microwave projects observe Best Management Practices. These include taking precautions against spills that might contaminate the surrounding area. Oil and other fluids such as those from concrete mixing must be captured on site and transported offsite. They should not be allowed to seep into the ground. The area nearby has very sensitive amphibians (Yellow-blotched salamander, *Ensatina eschscholtzii croceator*, the only known occurrence in Los Angeles County) and plants that may suffer from such contaminants.
2. The project area is regarded as highly sensitive due to (a) sitting in a wildflower field; (b) sitting in a bird migratory corridor that includes use by California condor (*Gymnogyps californianus*); (c) sitting in a general migration corridor; and (d) sitting in an area of junction for 5 ecoregions: Tehachapi Mountains, Great Valley, California Coastal Ranges, of the Transverse Ranges (San Gabriel Mountains); Mojave Desert (Antelope Valley).
3. SEATAC recommends that any microwave project in this area observe requirements of additional biological review by SEATAC. Conditions which would need review are projects incorporating any one of the plan aspects listed below. Future projects or amendments to this project such as revised Exhibit "A" will need SEATAC biological review if they propose:
 - a. Expanding the footprint of installation or expansion the disturbed area in the parcel,
 - b. Activity on a tower 80 feet or taller (80 feet or higher requires aircraft warning lights),
 - c. Installation of a new tower,
 - d. Any addition of lighting to what currently exists.

ACTION TAKEN:

SEATAC determined by a unanimous vote of three members that the present design of the current AT&T project of antenna replacement does not need SEATAC review. Revisions to the CUP needing SEATAC review are those listed in 3a-3d above.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has not received any comments at this time.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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 (with the large format sign), library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

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 Conditional Use Permit Number 201200049, subject to the attached conditions, since the existing WTF has been operating and maintained for more than 10 years without complaint or problem. This facility is consistent with the goals and policies set forth in the General Plan and the Antelope Valley Areawide General Plan. A WTF is permitted in the W zone with a CUP. Cellular service is important to maintain in remote areas and is often used to make emergency calls.

SUGGESTED APPROVAL MOTION

I MOVE TO CLOSE THE PUBLIC HEARING AND ADOPT THE CATEGORICAL EXEMPTION.

I MOVE TO APPROVE CONDITIONAL USE PERMIT NUMBER 201200049 WITH FINDINGS AND CONDITIONS.

Prepared by Rob Glaser, Principal Regional Planning Assistant
Reviewed by Susan Tae, Supervising Regional Planner, Zoning Permits North Section

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs, Photo Simulations, Aerial Image
Site Plan

SMT:RG
10-10-12

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00684-(5)
CONDITIONAL USE PERMIT NO. 201200049**

1. **ENTITLEMENT REQUESTED.** The applicant, Verizon Wireless, is requesting a Conditional Use Permit ("CUP") to authorize a facility upgrade and the continued operation, and maintenance of an existing unmanned Wireless Telecommunication Facility ("WTF") located in the W (Watershed) Zone and within a Significant Ecological Area (SEA) pursuant to Los Angeles County ("County") Code Sections 22.40.280 and 22.56.215
2. **HEARING DATE.** November 6, 2012.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *A duly noticed public hearing....*
4. **PROJECT DESCRIPTION.** A CUP to authorize an equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication facility (WTF) in the W (Watershed) Zone and development within Significant Ecological Area (SEA) #59 Tehachapi Foothills. The equipment upgrade includes the removal of eight (8) existing AT&T panel antennas and replaced with 12 AT&T panel antennas. In addition, the upgrade also includes the installation of one (1) indoor equipment cabinet within the existing equipment shelter, installation of 12 remote radio units (RRU's), installation of one (1) DC surge suppression system, and the installation of one (1) AT&T GPS unit. The antenna removal and installation will be done with a cherry picker mounted on a pick-up truck. There is no proposed increase in height of the existing 75-foot tall monopole and there is no expansion on the existing lease area.
5. **LOCATION.** Near 37403 Gorman Post Road, Gorman, CA 93243 (APN 3251-016-023).
6. **EXISTING ZONING.** The subject property is zoned W in the Castaic Canyon Zoned District.

Surrounding properties are zoned as follows:

North: W.

South: W.

East: W.

West: W.

7. **EXISTING LAND USES.** The subject property is primarily vacant land developed with six existing unmanned WTFs with appurtenant equipment.

Surrounding properties are developed as follows:

North: Vacant land and four WTFs.

South: Vacant land.
East: Vacant land and two WTFs.
West: Vacant land and three WTFs.

PREVIOUS CASES/ZONING HISTORY.

8. Conditional Use Permit No. 97-018-(5) – Authorized the construction, operation, and maintenance of a WTF consisting of an 85-foot tall monopole and appurtenant equipment on May 20, 1997. Only a 75-foot tall monopole was constructed. Permit expired on May 20, 2007.

Ordinance No. 7547 – Adopted on June 16, 1959, established the W - Zone for the subject property.

9. **ANTELOPE VALLEY AREAWIDE GENERAL PLAN AND THE GENERAL PLAN CONSISTENCY.**

The project site is designated within the N-1 (Non-Urban 1 – up to 0.5 dwelling units per acre) land use category in the Antelope Valley Areawide General Plan (“Plan”). The Plan states, “Within the various land use classification shown on the Land Use Policy Map, there may be a variety of existing (or potential) sites devoted to open space, public or semi-public uses such as schools, churches, parks, flood control basins or channels, communication facilities and other similar community-serving uses. While every effort has been made to identify these uses on the Land Use Policy Map, it is the expressed intent of this Plan to permit, subject to an appropriate design review process involving the Regional Planning Commission and a finding of no significant negative impacts on the environment, the expansion of existing facilities, or the establishment of new such facilities, when approximate and not in conflict with the existing and future land use patterns as shown on the Land Use Policy Map.” (pg. VI-10 (i), Policies Applicable to All Land Use Classifications (2)) The project request is for the continued operation, maintenance and upgrade of a communication facility is community-serving, and qualifies in a class of projects found not to have a significant effect on the environment. Therefore, the continued operation and upgrade to the facility is consistent with the intent of the Plan.

The following general policy from the Countywide General Plan (“General Plan”) is applicable to the project and serves as guidelines for development:

1. Public Services policy 58: *“Maintain high quality emergency response services.”*
 - The continued operation of the WTF will provide cellular service to this region and such service is often used to make emergency calls. This facility will ensure that such service is readily available.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.**

Pursuant to Section 22.40.280 of the County Code, uses in the W - Zone are subject to the following development standards:

- A. That there shall be parking facilities as required by Part 11 of Chapter 22.52.

- The subject property has more than adequate enough space for maintenance vehicle parking in order to perform routine maintenance for the facility. There will be no opportunity for traffic congestion or excessive on-street parking due to the location of the facility.

11. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

The surrounding existing land uses are primarily vacant land with the exception of nine other WTFs. The existing WTF has been operating for more than 10 years without any complaint. It is important to maintain cellular service in remote areas of the County that does not offer urban services. Oftentimes cellular service is used to make emergency phone calls.

12. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

No comments have been received.

13. LEGAL NOTIFICATION AND PUBLIC OUTREACH. 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 and property posting.

14. PUBLIC COMMENTS.

No comments have been received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The project request is for the continued operation and equipment upgrade for enhanced communication service, to an existing wireless telecommunications facility, which is community-serving and qualifies in a class of projects found not to have a significant effect on the environment. In addition, the existing WTF provides cellular service for emergency phone calls for residents in the northwest Antelope Valley.

Therefore, the continued operation of the WTF is consistent with the intent of the Plan.

16. The existing WTF is of significant distance from residential units in the area, approximately 2 miles to the west. The existing facility has been operating more than 10 years without complaint. The upgrade to the facility will increase the existing service coverage in the area and will be installed on the existing monopole. No increase to the height of the monopole is proposed. The continued operation and maintenance of the said WTF would not adversely affect the health, peace, comfort or welfare of persons residing in the area, nor is the use detrimental to the enjoyment or valuation of property location within the vicinity.

Therefore, 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.

17. The subject property is approximately 7.29 acres in size and can accommodate required development features and is able support the existing WTF, including setback, parking and other development features. Parking is available adjacent to the lease area for routine maintenance of the facility. Access to the facility is via Gorman Post Road.

Therefore, 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.

18. Access to the subject property is via Gorman Post Road a unimproved 12-foot wide dirt fire access road. Gorman Post Road is of sufficient width to allow an anticipated traffic handling a maintenance vehicle to access the project site.

Therefore, 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.

SIGNIFICANT ECOLOGICAL AREA SPECIFIC FINDINGS

19. The request is for the continued operation and maintenance of an existing WTF with a facility upgrade. The facility upgrade includes the removal and installation of antennas on an existing 75-foot tall tower using a cherry-picker mounted on a pick-up truck. This project is compatible with the biotic resources present and will not affect undisturbed areas

Therefore, the requested development is designed to be highly compatible with biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.

20. The subject property does not contain any water bodies, watercourses, or any tributaries.

Therefore, the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.

21. The WTF has been existing for more than 10 years and there is no expansion of the lease area and no increase to the height of the tower proposed. Migratory paths will be left in an undisturbed and natural state. The only path used will be the existing fire road for the pick-up truck.

Therefore, the request development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

22. The request does not include any removal of any natural vegetative cover or open spaces.

Therefore, the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.

23. The existing WTF lease area has a 6-foot high chain linked fence with an access gate for routine maintenance.

Therefore, that where necessary, fences or walls are provided to buffer important habitat areas from development.

24. Access to the subject property is through a 12-foot wide dirt fire access road that does not conflict with critical resource within the SEA.

Therefore, roads and utilities serving the proposed development are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.

ENVIRONMENTAL DETERMINATION

25. The project is for the continued operation of an existing unmanned wireless telecommunication facility with a facility upgrade on the existing monopole. There is no increase to the height of the monopole or an increase to the size of the lease area.

Therefore, the project qualifies as a Categorical Exemption Class 1 (Existing Facilities) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

26. **TERM LIMIT.** 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 15 years.

27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at 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 North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- 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; and
- 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; and
- E. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and
- F. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and
- G. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and
- H. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and
- I. That where necessary, fences or walls are provided to buffer important habitat areas from development; and
- J. That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

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 Section 22.56.090 and Section 22.56.215 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by 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 Number 201200049 is Approved subject to the attached conditions.

SMT:RG
10-20-12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00684-(5)
CONDITIONAL USE PERMIT NO. 201200049**

PROJECT DESCRIPTION

The project is to authorize an equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication facility (WTF). The equipment upgrade includes the removal of eight (8) existing AT&T panel antennas and replaced with 12 AT&T panel antennas. In addition, the upgrade also includes the installation of one (1) indoor equipment cabinet within the existing equipment shelter, installation of 12 remote radio units (RRU's), installation of one (1) DC surge suppression system, and the installation of one (1) AT&T GPS unit. The antenna removal and installation will be done with a cherry picker mounted on a pick-up truck. There is no proposed increase in height of the existing 75-foot tall monopole and there is no expansion on the existing lease area. This authorization is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, and shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate 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.

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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on November 6, 2027.** 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, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.

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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. 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 fund provides for **eight (8) biennial (one every other year)** 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning.

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 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.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" 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(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WTF)

19. This grant shall authorize an equipment upgrade and the continued operation and maintenance of an existing unmanned WTF.
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
22. Emergency repairs of the facility may occur at any time.
23. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A".
24. The following amendments to this project will require additional Significant Ecological Area Technical Advisory Committee (SEATAC) review and a new CUP will be required with SEATAC review.
 - a. Expanding the footprint of installation or expanding the disturbed area in the parcel;
 - b. Activity on a tower 80 feet or taller (80 feet or higher requires aircraft warning lights);
 - c. Installation of a new tower; or
 - d. Any addition of lighting to what currently exists.

25. Existing external lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from the northern portion of the subject property. Antenna lighting is prohibited. Beacon lights are prohibited.
26. Space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access roads.
27. The maximum height of the facility shall not exceed 75 feet above finished grade.
28. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
29. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
30. 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/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours.
31. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
32. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level. The name, address and telephone number of the service provider shall be displayed on the fence surrounding the lease area.
33. The facility shall be secured by fencing, gates and/or locks.



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.

The existing facility and proposed modifications are in compliance with all FCC and other federal and state laws. The site is located on a remote hillside and will not affect the general welfare, be a detriment to any use, enjoyment or valuation of property or be 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, 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.

The existing site is located on a 7.29 ac parcel that is sufficient to meet any required development features. The remote placement of the existing cell site is consistent with the General Plan and community plan, and is integrated in the remote characteristics of 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.

This site is an existing facility that is serviced by a private road sufficient for the appropriate ingress/egress. The property and existing facility contain adequate parking. The project has no effect on existing traffic, parking, or the pedestrian environment. In addition, the project will have no impact on public services other than providing improved wireless network performance for AT&T.



SIGNIFICANT ECOLOGICAL AREAS BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.215, the applicant shall substantiate the following:

(Do not provide one word or Yes/No responses. If necessary, attach additional pages.)

A. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.

The site contains several existing wireless facilities and has sufficient open space that is undisturbed.

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.

The subject property contains no bodies of water.

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

The subject property contains significant open space to allow for any migratory paths.

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.

The subject property is on a mountaintop with natural vegetation + open space.

E. That where necessary, fences or walls are provided to buffer important habitat areas from development.

Subject site is surrounded by a chain-link fence.

F. That roads and utilities serving the proposed development are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.

Access road to the subject property is open fire road and does not conflict with critical resources.



**RECOMMENDATIONS OF THE SIGNIFICANT ECOLOGICAL AREA
TECHNICAL ADVISORY COMMITTEE (SEATAC)
MEETING OF 10 SEPTEMBER 2012**
(SEATAC Recommendations approved by electronic mail, 24 September 2012)

PERSONS IN ATTENDANCE:

SEATAC MEMBERS

Dan Cooper
Ty Garrison (absent)
Robb Hamilton
Michael Long
Dr. Thomas Scott (absent)
Dr. Cheryl Swift (absent)

REGIONAL PLANNING STAFF

Dr. Shirley Imsand (Biologist,
SEATAC coordinator)
Joe Decruyenaere (Biologist)
Rob Glaser (Planner)
Emma Howard (Planner)
Brianna Menke (Planner)
Dylan Conroy (SEATAC program volunteer)

PUBLIC:

Ryan Long rcl@hawaii.edu

PAGINATION:

- A. Approval of SEATAC minutes and recommendations for 10 September 2012, p.1
- B. Consideration of application of Dr. Sabrina Drill for SEATAC member, p.2
- C. Tejon Mountain AT&T antenna replacement, R2012-00684, RCUP 201200049, p.2
- D. Discussion of new developments for the SEA program ordinance, no SEATAC recommendations were made
- E. Public comment pursuant to Section 54954.3 of the Government Code, p.3

NOTE: SEATAC meetings are informal working sessions, open to public for observation and brief comment related to biology. Members are appointed volunteers in an advisory capacity. Minutes are prepared by planning staff from notes and tape. Visitors are advised to take proper notes and/or record the session. Issues not discussed by SEATAC do not imply tacit approval. New or clarified information presented in subsequent submittals may raise new issues and may require further analysis. Minutes are generally approved at the next SEATAC meeting. Draft minutes may be requested but are subject to revision.

**RECOMMENDATIONS
21 August 2012**

OLD BUSINESS

A. Minutes of the SEATAC meeting of 21 August 2012 were approved. Recommendations were approved as amended. Dan Cooper moved for approval and Mickey Long seconded the motion.

DISCUSSION ITEMS

B. Application of Dr. Sabrina Drill was considered for SEATAC membership.

SEATAC determined that they recommend Dr. Drill's nomination as a new member on SEATAC. She will fill a need for a biologist with hydrological, watershed, and other aquatic knowledge, which was provided previously by Dr. Baskin. She is a collaborator with public and private agencies.

C. Project: Tejon Mountain AT&T Antenna Replacement (Gorman Post Ranch)

Project Numbers: R2012-00684 (5), RCUP 2012-00049 (5)

AIN: 3251-001-017

Applicant: Robert McCormick

USGS Topographic quad, 7.5': Lebec

Resources: SEA #59 Tehachapi Foothills

The Project is for the continued operation and maintenance of an existing Wireless Tower Facility (WTF) and part of the request is to replace wireless antennae on existing towers on Tejon Peak with new antennae. The change will be that the new antennae project further and occupy more space at a height of 75 feet from the ground. The change will be accomplished with cherry-pickers mounted on pick-up trucks. The project is estimated to be completed in a time interval of about 1 week. The distance from critical habitat for the California Condor at the County line with Kern County is a little less than 1 mile.

SEA RESOURCE DESCRIPTION: The Tehachapi Foothills SEA #59

The grassy, south-facing slopes of these hills are one of the best foothill wildflower sites in southern California. In addition, the area is located at the junction of the Mojave Desert, the Transverse Ranges, and the Tehachapi Mountains. The SEA possesses floral and faunal components from each region, including the sensitive vegetation communities of Valley Oak Woodland and Valley Needlegrass Grassland. As a result of the great biological diversity, the area contains many unique ecological relationships of scientific value. Much of the SEA is in the Tehachapi Connection Wildlife Corridor.

Action Requested: Determine whether there would be an impact to the Tehachapi Foothills SEA and whether SEATAC should review the antennae replacement part of the project.

Comments from SEATAC member Ty Garrison were distributed to members. They are incorporated in recommendations below.

SEATAC RECOMMENDATIONS

- 1. SEATAC recommends that all microwave projects observe Best Management Practices. These include taking precautions against spills that might contaminate the surrounding area. Oil and other fluids such as those from concrete mixing must be captured on site and transported offsite. They should not be allowed to seep into the ground. The area nearby has very sensitive amphibians (Yellow-blotched salamander, *Ensatina eschscholtzii***

croceator, the only known occurrence in Los Angeles County) and plants that may suffer from such contaminants.

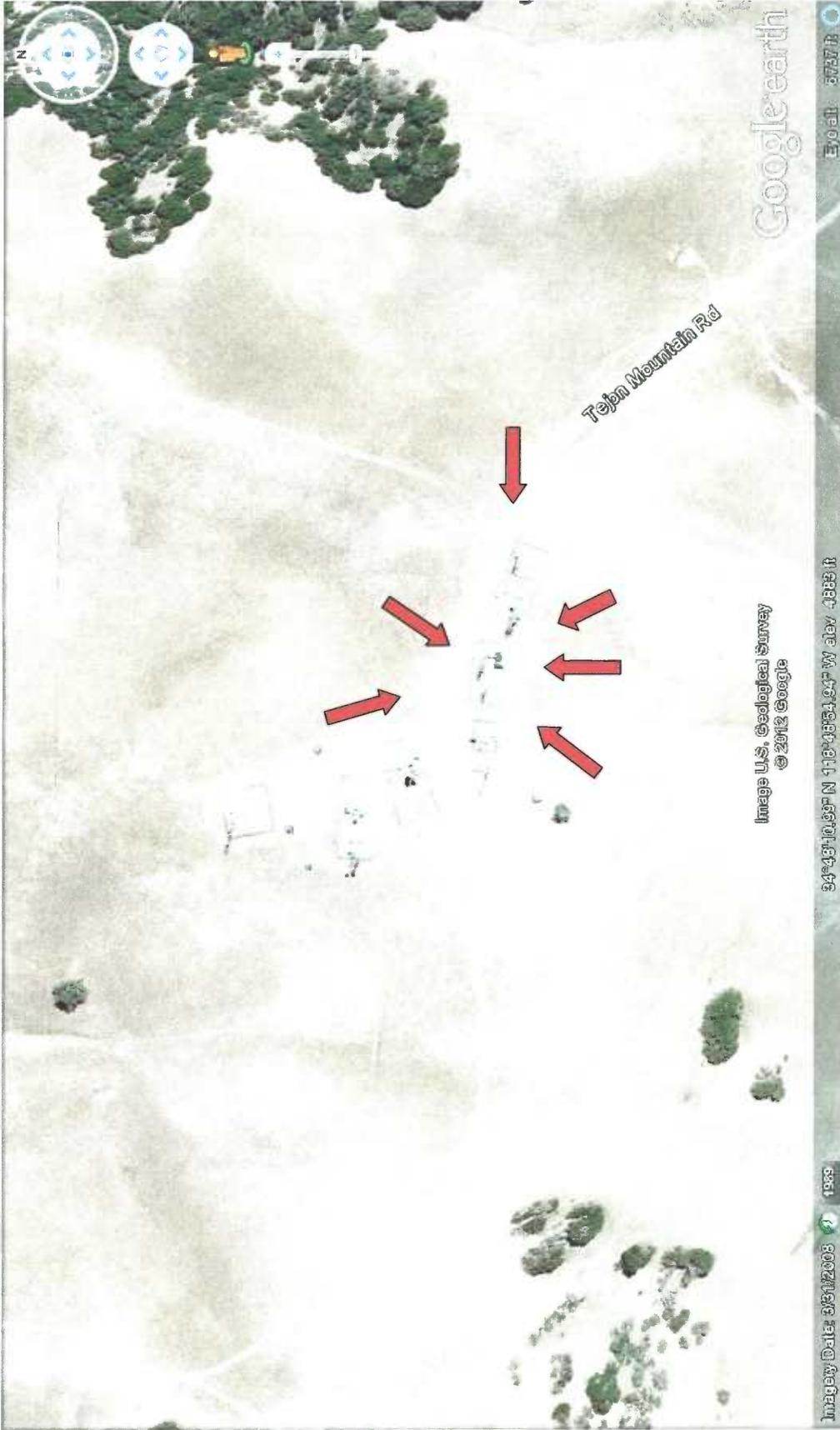
2. The project area is regarded as highly sensitive due to (a) siting in a wildflower field; (b) siting in a bird migratory corridor that includes use by California condor (*Gymnogyps californianus*); (c) siting in a general migration corridor; and (d) siting in an area of junction for 5 ecoregions: Tehachapi Mountains, Great Valley, California Coastal Ranges, of the Transverse Ranges (San Gabriel Mountains); Mojave Desert (Antelope Valley).
3. SEATAC recommends that any microwave project in this area observe requirements of additional biological review by SEATAC. Conditions which would need review are projects incorporating any one of the plan aspects listed below. Future projects or amendments to this project such as revised Exhibit A will need SEATAC biological review if they propose:
 - a. expanding the footprint of installation or expanding the disturbed area in the parcel
 - b. activity on a tower 80 ft. or taller (80 ft. or higher requires aircraft warning lights)
 - c. installation of a new tower
 - d. any addition of lighting to what currently exists.

ACTION TAKEN:

SEATAC determined by a unanimous vote of three members that the present design of the current AT&T project of antenna replacement does not need SEATAC review. Revisions to the CUP needing SEATAC review are those listed in 3a-3d above.

E. PUBLIC COMMENT:

No public comment was given on any of the topics.



ATT SITE MODIFICATION – 37403 GORMAN POST ROAD, GORMAN, CA 93243 – LAC104



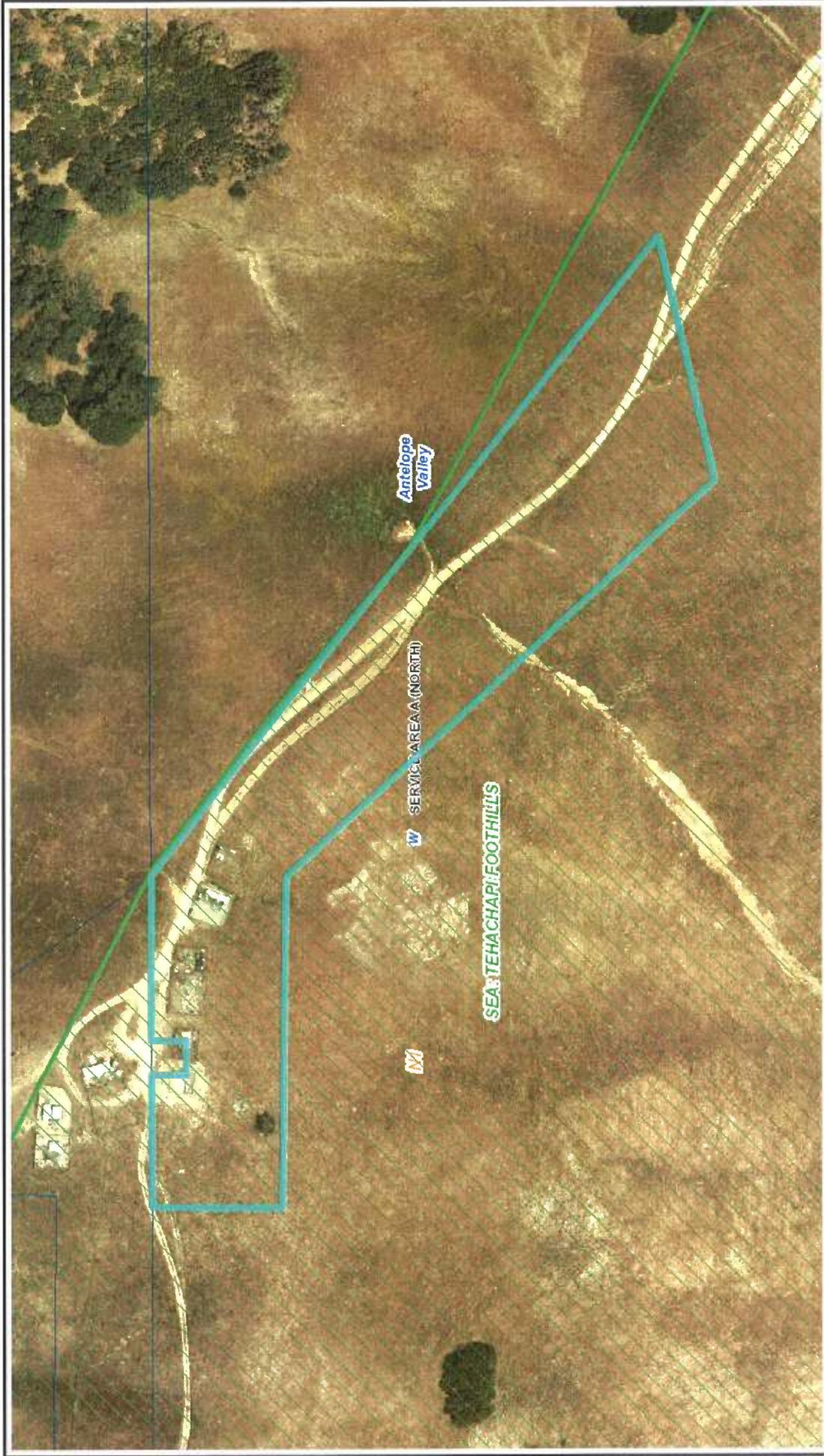












Department of Regional Planning



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Feet

Printed: Oct 25, 2012

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