



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 5, 2012

TO: Patricia Hachiya, AICP, Hearing Officer

FROM: Anthony Curzi *AC*
Regional Planning Assistant II
Zoning Permits North Section

**SUBJECT: Project No. R2012-00688-(5)
Conditional Use Permit No. 201200050
Hearing Officer Meeting: November 6, 2012
Agenda Item 4**

Please find the attached correspondence from the applicant regarding the above-referenced project.



November 5, 2012

Los Angeles County
Department of Regional Planning
320 W. Temple Street Los Angeles, CA 90012

Re: **Conditional Use Permit (Renewal) 201200050_Responses to Comments from “Three Points-Liebre Mountain Town Council” and “Least Intrusive Means Feasible Alternatives Analysis”**

This correspondence serves as Crown Castles formal “Response to Comment(s)” received by “Three Points-Liebre Mountain Town Council” in their letter dated 31 October 2012. This correspondence also presents a “Least Intrusive Means Feasible Alternatives Analysis”. Both serve to support the approval of the project as proposed.

It is important to state for the record that Crown Castle respects the work of the “Town Council”, however we strongly disagree with their characterizations of the impacts associated with this critical wireless infrastructure and we appreciate the opportunity to address their “concerns” with our current application and the communication herein.

In addition to the remarks and evidence presented in this correspondence we wish to reference two (2) prior communications that accompanied our application when it was submitted.

1. Zoning Permit – “Burden of Proof”/“Project Narrative” (March 26 2012);
2. “Project Number_R2012-00688-5); Permits_RCUP T2012000050; and RENV T2021200085: Revised Project Description/Addendum Application (June 26 2012).

The documents above articulate and provide ample evidence that the project meets all zoning requirements, is consistent with applicable policies and land use designations within the Antelope Valley Areawide General Plan and all the required findings can again be made in the affirmative.

Crown Castle has also reviewed planning staff’s “Report, Findings, and Conditions of Approval” for this project/entitlement and concurs with all the evidence and conclusions presented and accepts and agrees with staff’s proposed approval of this project and the associated “Conditions of Approval”.

The following are some general remarks in response to the comments made by “Three Points-Liebre Mountain Town Council” in their 31 October 2012 correspondence that bear mentioning/correcting, followed by a “Least Intrusive Means Alternatives Analysis” which clearly demonstrates that no “feasible alternatives” to the existing facility exist that are more consistent with applicable policies and development regulations.



Three Points-Liebre Mountain Town Council Comments

The comments throughout the Town Councils correspondence dated 31, October 2012, focus primarily upon their opinion that the existing wireless communications facility is inconsistent with applicable scenic resources policies. In particular there are numerous references to the Counties Regional Recreational Plan (1965) and the Scenic Highways Element (1974).

First of all, it is important to note that both of these policy documents were in place when the existing wireless communications facilities were originally approved and constructed and whenever additional wireless facilities have been added to the subject facility over the years. In all cases the County deemed that the wireless communications facility as designed and sited was in fact consistent with the Counties applicable general plan policies. In addition, it is important to recognize that neither the applicable policies nor the physical environment has appreciably changed since the original approval and construction of the subject facility.

In addition to the facts stipulated above there is considerable “over reaching” and a general misrepresentation and misapplication of the policies cited in the Town Council’s correspondence in that it appears to infer that “Lancaster Road” and “Ridge Route Road” are designated as “Adopted Scenic Highways”. Neither roadway is in fact designated as an “Adopted Scenic Highway” or even an “Eligible Scenic Highway” pursuant to the Los Angeles County Scenic Highways Element Figure 6.7.

Although the roadways adjacent to the subject property are not designated as either an “Adopted Scenic Highway” or even an “Eligible Scenic Highway”, the Town Council’s correspondence clearly infers (and cites) multiple Scenic Highway Element policies as being directly applicable when in fact they are not.

One additional comment with respect to the Town Council’s correspondence bears noting and is presented below.

Certainly visual impacts and aesthetics are a factor in the decision making process with respect to the siting and development of wireless communications infrastructure. However, they should not be the only consideration as wireless communications are considered critical infrastructure to furthering the public’s health, safety, and welfare. Below is a directly applicable general plan policy consistency statement that was included in our original application for this renewal application that bears repeating and should also be a factor considered by the Town Council in their future considerations of the wireless facilities in their area of responsibility.

This facility is located within the Antelope Valley Areawide General Plan. Pursuant to the Antelope Valley Land Use Policy Map the subject property has a residential land use designation of “N-1” (Non-Urban) with a density of 0.5 dwelling units per acre. Specifically the plan calls out “public and semi-public uses” as permitted in “non-urban (N-1)” areas to include “utility and communication installations”. In addition, included within the land use policies is a policy entitled, “Adequacy of Public Services” (Policy 29) that reads as follows:

“29. Encourage development of services to meet the needs of Antelope Valley residents including health, education, welfare, police and fire, governmental



operations, recreation, cultural, and utility services. Such services should be expanded at a rate commensurate with population growth.”

The subject land use significantly supports most of the specific services identified as required for ensuring this policy statement is met. It’s also important to note that as designed, this facility is expandable as future needs dictate. **The proposed collocation that is now part of this project is further evidence in support of this “Compliance Statement”.**

Finally with respect to General Plan compatibility it’s important to note that the subject facility is also not located within any identified resource areas and specifically the facility is outside any areas mapped as “Significant Ecological Area (SEA)” which are immediately south of the subject facility.

Least Intrusive Means Feasible Alternatives Analysis

The following analysis confirms the appropriateness of the siting and design of the facility as is.

There are certainly physical circumstances where “disguising” a tower as a “tree” may be appropriate. Those conditions are very site specific and are an option when a tower is proposed at a location that is within an environment characterized by tall trees in close proximity. The conditions warranting the use of a “tree” described herein simply do not exist at the location as correctly noted by staff in their report and cited by the “Town Council” in their correspondence as well.

The geography/landscape surrounding the site is “chaparral” customary with a high desert/arid environment and the flora consists primarily of ground cover and bushes/shrubs/small trees that do not grow to heights much above 10-15’. The closest “tall structures” are the numerous power poles that run along the north side of Lancaster Road which have been a fixture of the landscape since the time of the areas original development.

Below is a summary of the alternatives available that would provide “functionally equivalent” wireless services and it is our opinion that the subject facility serves as the “least intrusive feasible alternative” as proposed.

1. Moving the facility further south into the adjacent SEA designated area;
 - a. This would have a greater environmental impact.
2. Moving the facility north out into the valley floor;
 - a. This would result in the tower being more visible from a greater stretch of road and the drop in elevation would probably require it to be even taller to provide comparable service.
3. Reducing the height of the structure;
 - a. This would trigger the need for multiple sites due to the smaller coverage areas for all carriers.
 - b. More sites would potentially result in greater impacts.
4. Disguising the facility;
 - a. This alternative would increase its mass and make it significantly more visible.



The facility as sited and designed is consistent with all applicable general plan policies and with the built and environment in proximity. It provides critical wireless communications to serve the surrounding rural and recreational areas. It is designed as a colocation facility that will support multiple wireless service providers therefore serving to significantly reduce the need for additional wireless communications infrastructure in the area.

The above responses to the comments raised by the "Three Points-Liebre Mountain Town Council" along with the totality of the information provided by the applicant for this project supports the determination by Regional Planning to approve this facility.

In closing a review of the original approval documents was again revisited to confirm how the issue of visual resources was addressed ten (10) years ago. A careful review of the documents and particularly the environmental analysis conducted at the time the facility was originally approved revealed that no impacts were determined with respect to "Visual Resources". Attached is a portion of the original environmental document entitled, "CUP 99-242-5 ISND Visual Resources Analysis" which documents the assessment of the projects original impacts with respect to Visual Qualities.

We look forward to our upcoming hearing and working with your office to ensure this existing wireless telecommunication facility can continue to provide critical wireless telecommunications services in support of the surrounding areas.

Sincerely,

Sean Scully
Principal, Planning & Permit Technologies, Inc. (Authorized agent for Crown Castle and Property Owner)
T: (818) 426-6028
F: (310) 373-0011
E-mail: permittech@verizon.net

Attachment:
CUP 99-242-5 ISND Visual Resources Analysis

RESOURCES - 7. Visual Qualities

SETTING/IMPACTS

- | | No | Maybe | |
|----|-------------------------------------|--------------------------|---|
| a. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project site substantially visible from or will it obstruct views along a scenic highway (as shown on the Scenic Highway Element), or is it located within a scenic corridor or will it otherwise impact the viewshed? |
| b. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail? |
| c. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project site located in an undeveloped or undisturbed area that contains unique aesthetic features? |
| d. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features? |
| e. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the project likely to create substantial sun shadow, light or glare problems? |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | Other factors (e.g., grading or landform alteration)? |

MITIGATION MEASURES/OTHER CONSIDERATIONS

- Lot Size Project Design Visual Report Compatible Use

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on scenic qualities?

- Significant impact Less than significant with project mitigation Less than significant/No impact