

Transmittal Checklist	Hearing Date February 5, 2013
	Agenda Item Number 6

Project Number: R2012-01541-(5)
Case(s): CUP No. 201200083
Contact Person: Rob Glaser

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DPW Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Written Comments (Town Council Letter)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Photos/Photo Simulation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Coverage Maps

Reviewed By: 



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

PROJECT NUMBER

R2012-01541-(5)

HEARING DATE

February 5, 2013

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201200083
 Environmental Assessment No. 201200151

PROJECT SUMMARY

OWNER / APPLICANT

Deborah Ann Szabo / T-Mobile West Corporation

MAP/EXHIBIT DATE

8/30/2012

PROJECT OVERVIEW

The applicant, T-Mobile West Corporation, is requesting a Conditional Use Permit (CUP) to authorize an equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication (WTF) facility in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Size) zone. A CUP is required for a WTF in the A-2 zone pursuant to Section 22.24.150 of the Los Angeles County Code. The equipment upgrade consists of the installation of one (1) BTS cabinet, the replacement of two (2) 15-foot tall stub mounted poles with one panel antenna on each pole with one (1) 15-foot tall monopole with twelve (12) panel antennas within the existing lease area. The existing lease area is surrounded by a six-foot high chain linked fence. Access to the subject property is through N. Rough Road, a private dirt access road from Angeles Forest Highway.

LOCATION

Intersection of Angeles Forest Highway and N. Rough Rd.

ACCESS

Via N. Rough Road and Angeles Forest Highway

ASSESSORS PARCEL NUMBER(S)

3056-008-033

SITE AREA

39.32 Acres

GENERAL PLAN / LOCAL PLAN

Antelope Valley Areawide General Plan

ZONED DISTRICT

Soledad

LAND USE DESIGNATION

N1 – (Non-Urban 1)

ZONE

A-2-1

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

None

ENVIRONMENTAL DETERMINATION (CEQA)

Class 2 Categorical Exemption – Replacement or Reconstruction

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)
 - 22.24.150 (A-2 Zone Development Standards)

RECOMMENDATION

Approval

CASE PLANNER:

Rob Glaser

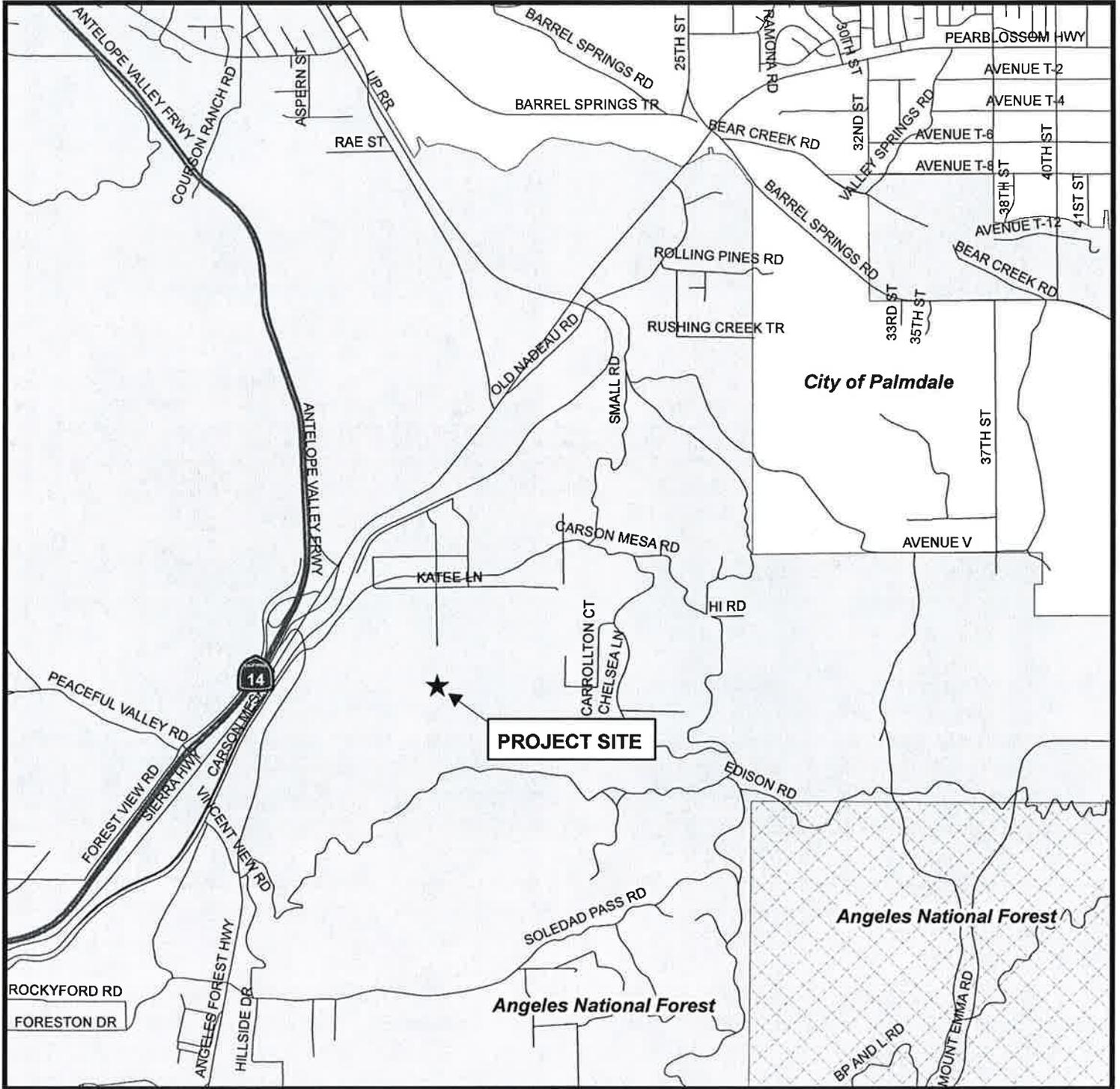
PHONE NUMBER:

(213) 974 - 6443

E-MAIL ADDRESS:

rglaser@planning.lacounty.gov

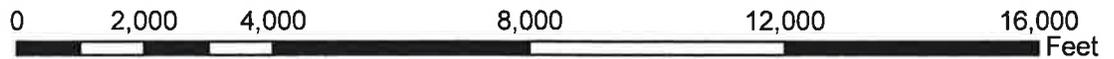
VICINITY MAP



PROJECT NO. R2012-01541-(5)
CONDITIONAL USE PERMIT NO. 201200083

Legend

- Freeways
- TB Streets
- National Forest
- Unincorporated Area



1 inch = 3,000 feet



ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the continued operation, maintenance, and equipment upgrade of an existing unmanned Wireless Telecommunication Facility (WTF) in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County (“County”) Code Section 22.24.150.

PROJECT DESCRIPTION

To authorize equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication (WTF) facility in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Size) zone. A CUP is required for a WTF in the A-2 zone pursuant to Section 22.24.150 of the Los Angeles County Code. The equipment upgrade consists of the installation of one (1) BTS cabinet, the replacement of two (2) 15-foot tall stub mounted poles with one panel antenna on each pole with one (1) 15-foot tall monopole with twelve (12) panel antennas within the existing lease area. The existing lease area is surrounded by a six-foot high chain linked fence. Access to the subject property is through N. Rough Road, a private dirt access road from Angeles Forest Highway.

EXISTING ZONING

The subject property is zoned A-2-1 in the Soledad Zoned District. (APN 3056-008-033)

Surrounding properties are zoned as follows:

- North: A-2-1
- South: A-2-1
- East: A-2-1
- West: A-2-1

EXISTING LAND USES

The subject property is developed with three existing WTFs with appurtenant equipment.

Surrounding properties are developed as follows:

- North: Vacant land and two single-family residences.
- South: Vacant land.
- East: Vacant land.
- West: Vacant land.

PREVIOUS CASES/ZONING HISTORY

Conditional Use Permit No. 96-058 – Authorized the construction, operation and maintenance of an unmanned wireless telecommunication facility consisting of two 15-foot stub poles, one antenna on each pole, and appurtenant facilities. Approved on May 28, 1996.

Conditional Use Permit No. 200600346 – (5) – Authorized the continued operation, and maintenance of a WTF consisting of a 100-foot tall monopole and appurtenant

equipment on October 21, 2008. Permit expires on October 21, 2018, but since the applicant did not record the affidavit of acceptance, the CUP procedure was not finalized and the permit expired.

Ordinance No. 7401 – Adopted on September 30, 1958, established the A-2-1 Zone for the subject property.

ENVIRONMENTAL DETERMINATION

County staff recommends that this project qualifies for a Class 2 Categorical Exemption (Replacement or Reconstruction) 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 the replacement of two (2) 15-foot tall stub mounted poles with one panel antenna on each pole with one (1) 15-foot tall monopole with twelve (12) panel antennas within the existing lease area.. In addition, the project is not located in an environmentally sensitive area. 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 neighborhood 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 22.24.150 of the County Code, uses in the A-2 Zone are subject to the following development standards:

- A. Front, side and rear yards shall be provided as required in Zone R-1.
 - The existing WTF facility with the proposed upgrades is consistent with the development standards and meets the required setbacks required in R-1 Zone.
- B. Single-family residential uses shall be subject to all development standards applying to Zone R-1, except as otherwise specified in this Title 22.
 - The request is for the continued operation and upgrade to a WTF and not associated with a single-family residence.
- C. Premises in Zone A-2 shall provide the required area as specified in Part 2 of Chapter 22.52.
 - The subject property is zoned A-2-1 (Heavy Agricultural – One Acre Required Minimum Lot Area and the size of the lot is 39.32 acres, which meets the required area for development.

Neighborhood Impact/Land Use Compatibility

The surrounding existing land uses are primarily vacant land with the exception of two single-family residences, which is approximately 1,390 feet to the northeast and another single-family residence, which is 1,680 feet to the north. The existing WTF has been operating for more than 10 years without any complaint from the surrounding community. 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, other than two single-family residences north of the subject property, approximately 1,390 feet to the northeast and another single-family residence 1,680 feet to the north. The existing facility has been operating more than 10 years without complaint from the surrounding community. The upgrade to the facility will increase the existing service coverage in the area. The continued operation and maintenance of the said WTF would not adversely

- 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 39.32 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 provided adjacent to the lease area for routine maintenance of the facility. Access to the facility is via a private dirt road, which take access from the intersection of Angeles Forest Highway and Rough Road.

- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width, and improved ás 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 facility is via a private dirt road, which take access from the intersection of Angeles Forest Highway and Rough Road. The private dirt 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.

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 201200083, subject to the attached conditions, since the existing WTF has been operating and maintained for more than 10 years without complaint or problem from the surrounding community.

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 A-2 zone with a CUP. Cellular service is important to maintain in rural 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 201200083 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
1-15-13

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00201-(5)
CONDITIONAL USE PERMIT NO. 201200010**

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile West Corporation, 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 A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County (“County”) Code Section 22.24.150.
2. **HEARING DATE.** February 5, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *A duly noticed public hearing was held....*
4. **PROJECT DESCRIPTION.** A CUP to authorize equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication (WTF) facility in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Size) zone. The equipment upgrade consists of the installation of one (1) BTS cabinet, the replacement of two (2) 15-foot tall stub mounted poles with one panel antenna on each pole with one (1) 15-foot tall monopole with twelve (12) panel antennas within the existing lease area. The existing lease area is surrounded by a six-foot high chain linked fence. Access to the subject property is through N. Rough Road, a private dirt access road from Angeles Forest Highway.
5. **LOCATION.** Intersection of Rough Road and Angeles Forest Highway, Acton. (APN 3056-008-033)
6. **EXISTING ZONING.** The subject property is zoned A-2-1 in the Soledad Zoned District.

Surrounding properties are zoned as follows:

North: A-2-1
South: A-2-1
East: A-2-1
West: A-2-1

7. **EXISTING LAND USES.** The subject property is developed with three existing WTFs with appurtenant equipment.

Surrounding properties are developed as follows:

North: Vacant land and two single-family residences.
South: Vacant land.
East: Vacant land.

West: Vacant land.

8. PREVIOUS CASES/ZONING HISTORY.

Conditional Use Permit No. 96-058 – Authorized the construction, operation and maintenance of an unmanned wireless telecommunication facility consisting of two 15-foot stub poles, one antenna on each pole, and appurtenant facilities. Approved on May 28, 1996.

Conditional Use Permit No. 200600346 – (5) – Authorized the continued operation, and maintenance of a WTF consisting of a 100-foot tall monopole and appurtenant equipment on October 21, 2008. Permit expires on October 21, 2018, but since the applicant did not record the affidavit of acceptance, the CUP procedure was not finalized and the permit expired.

Ordinance No. 7401 – Adopted on September 30, 1958, established the A-2-1 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 neighborhood 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 22.24.150 of the County Code, uses in the A-2 Zone are subject to the following development standards:

A. Front, side and rear yards shall be provided as required in Zone R-1.

- The existing WTF facility with the proposed upgrades is consistent with the development standards and meets the required setbacks required in R-1 Zone.

B. Single-family residential uses shall be subject to all development standards applying to Zone R-1, except as otherwise specified in this Title 22.

- The request is for the continued operation and upgrade to a WTF and not associated with a single-family residence.

C. Premises in Zone A-2 shall provide the required area as specified in Part 2 of Chapter 22.52.

- The subject property is zoned A-2-1 (Heavy Agricultural – One Acre Required Minimum Lot Area) and the size of the lot is 39.32 acres, which meets the required area for development.

11. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

The surrounding existing land uses are primarily vacant land with the exception of two single-family residences, which is approximately 1,390 feet to the northeast and another single-family residence, which is 1,680 feet to the north. The existing WTF has been operating for more than 10 years without any complaint from the surrounding community. 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 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, other than two single-family residences north of the subject property, approximately 1,390 feet to the northeast and another single-family residence 1,680 feet to the north. The existing facility has been operating more than 10 years without complaint from the surrounding community. The upgrade to the facility will increase the existing service coverage in the area. 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 39.32 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 provided adjacent to the lease area for routine maintenance of the facility. Access to the facility is via a private dirt road, which take access from the intersection of Angeles Forest Highway and Rough 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 facility is via a private dirt road, which take access from the intersection of Angeles Forest Highway and Rough Road. The private dirt 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.

ENVIRONMENTAL DETERMINATION

19. The project is for the continued operation of an existing unmanned wireless telecommunication facility with an equipment upgrade. In addition, the project is not located in an environmentally sensitive area.

Therefore, the project qualifies as a Categorical Exemption Class 2 (Replacement or Reconstruction) 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.

20. **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.
21. **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.

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 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 201200083 is Approved subject to the attached conditions.

SMT:RG
1-16-13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01541-(5)
CONDITIONAL USE PERMIT NO. 201200083**

PROJECT DESCRIPTION

This project authorized an equipment upgrade and the continued operation and maintenance of an existing unmanned wireless telecommunication (WTF) facility in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Size) zone. The equipment upgrade consists of the installation of one (1) BTS cabinet, the replacement of two (2) 15-foot tall stub mounted poles with one panel antenna on each pole with one (1) 15-foot tall monopole with twelve (12) panel antennas within the existing lease area. The existing lease area is surrounded by a six-foot high chain linked fence

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, 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 February 5, 2028.** 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 **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 to the satisfaction of the said Department.
13. All development pursuant to this grant shall conform with the requirements of County Department of Public Works ("Public Works") to the satisfaction of said Department.
14. All development 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.
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. 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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, **4 copies of a modified Exhibit "A"** shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT SPECIFIC CONDITIONS

18. This grant shall authorize a facility upgrade and continued operation and maintenance of an existing unmanned WTF.
19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. 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.
21. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for WTFs in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
23. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Federal Aviation Administration (FAA) Red Obstruction lights are permitted.

25. Construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. One parking space for maintenance vehicles shall be provided. The space does have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to surrounding dirt access roads.
27. The maximum height of the facility, including the pole, shall not exceed 16 feet above finished grade.
28. 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 service provider.
29. 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.
30. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
31. The 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.
32. The facility shall be secured by fencing, gates and/or locks.



CONDITIONAL USE PERMIT BURDEN OF PROOF

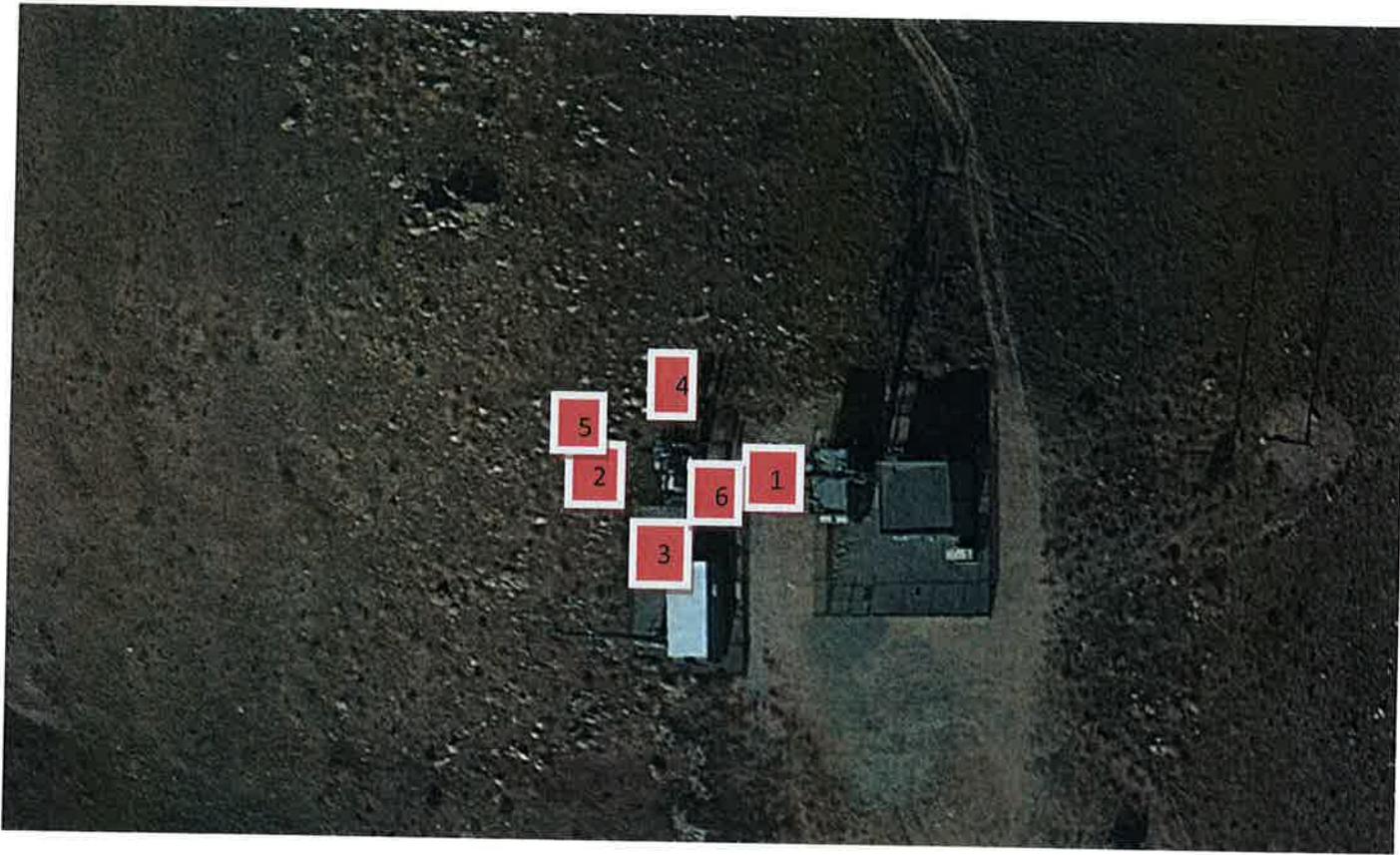
Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> 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.
<p>The proposed WTF will operate at safe EMF output levels established by the Federal Government (FCC). The facility will be constructed adhering to all safety and construction measures established in local state and federal building codes.</p>
<p>The equipment antennas, pole, and cabinets are all placed behind a fence and locked gate which prevents any access to the public to the site. The project is compatible and does not constitute a menace to the community.</p>
<p> </p>
<p>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.</p>
<p>The unmanned facility will not require parking and will not generate any traffic. No noise or odors are emitted from the facility. The proposed facility's shape and size is adequate and will not impede or negatively affect the setbacks or other development feature required by the A-2-1 zone.</p>
<p> </p>
<p> </p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 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.
<p>As stated above, no traffic is generated by the site. It does not require any public services besides electrical power and landline telephone. No water or sewer services are required.</p>
<p> </p>
<p> </p>
<p> </p>

Renewal of CUP 96-058 APN: 3056-008-033 (SV00303A)

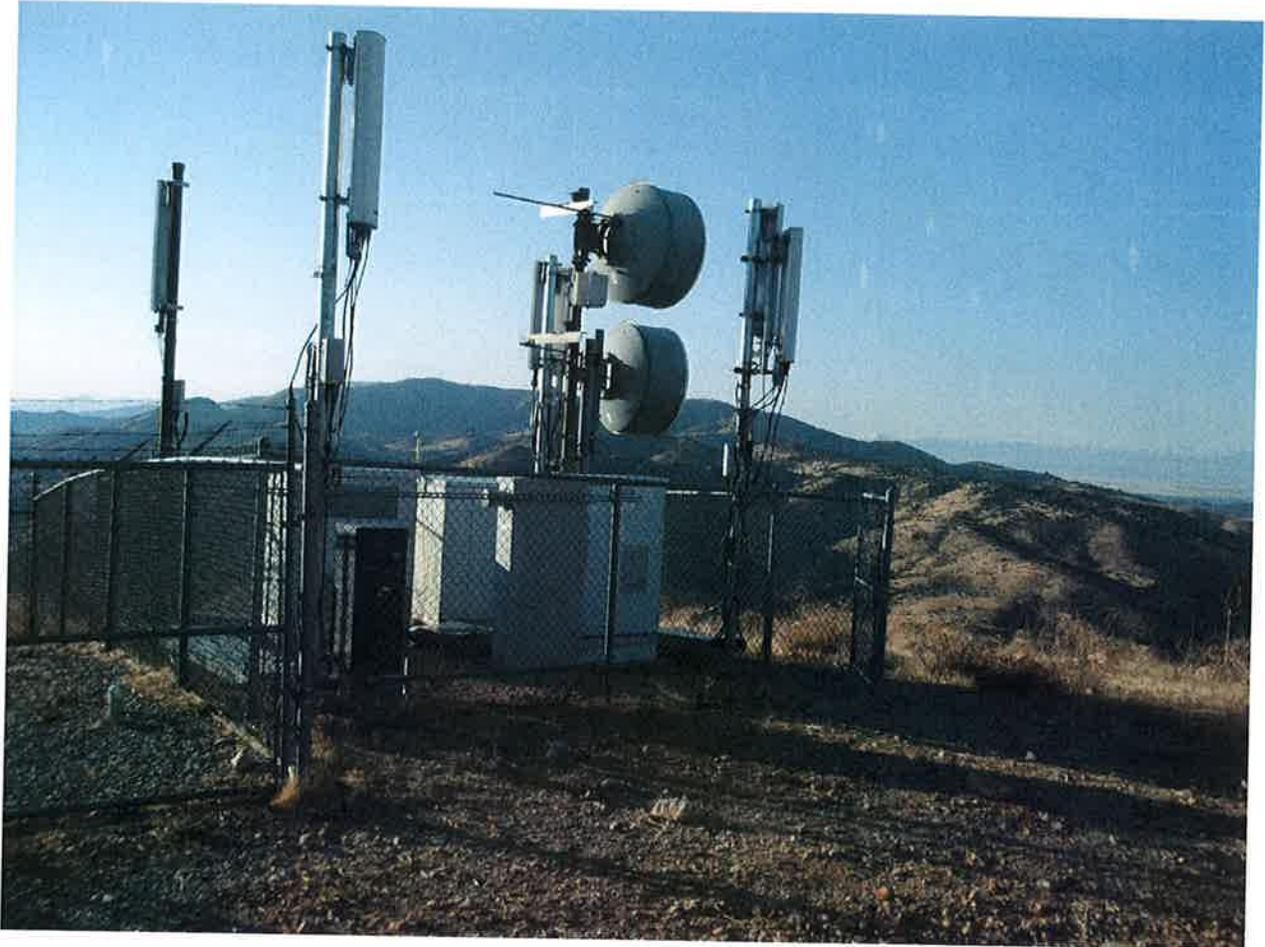
Photo Key Map



Renewal of CUP 96-058 APN: 3056-008-033 (SV00303A)

Photo Log of Current Site

View of Site From East (1)



View of Site From West (2)



View of Site From South (3)



View of Site From the North (4)

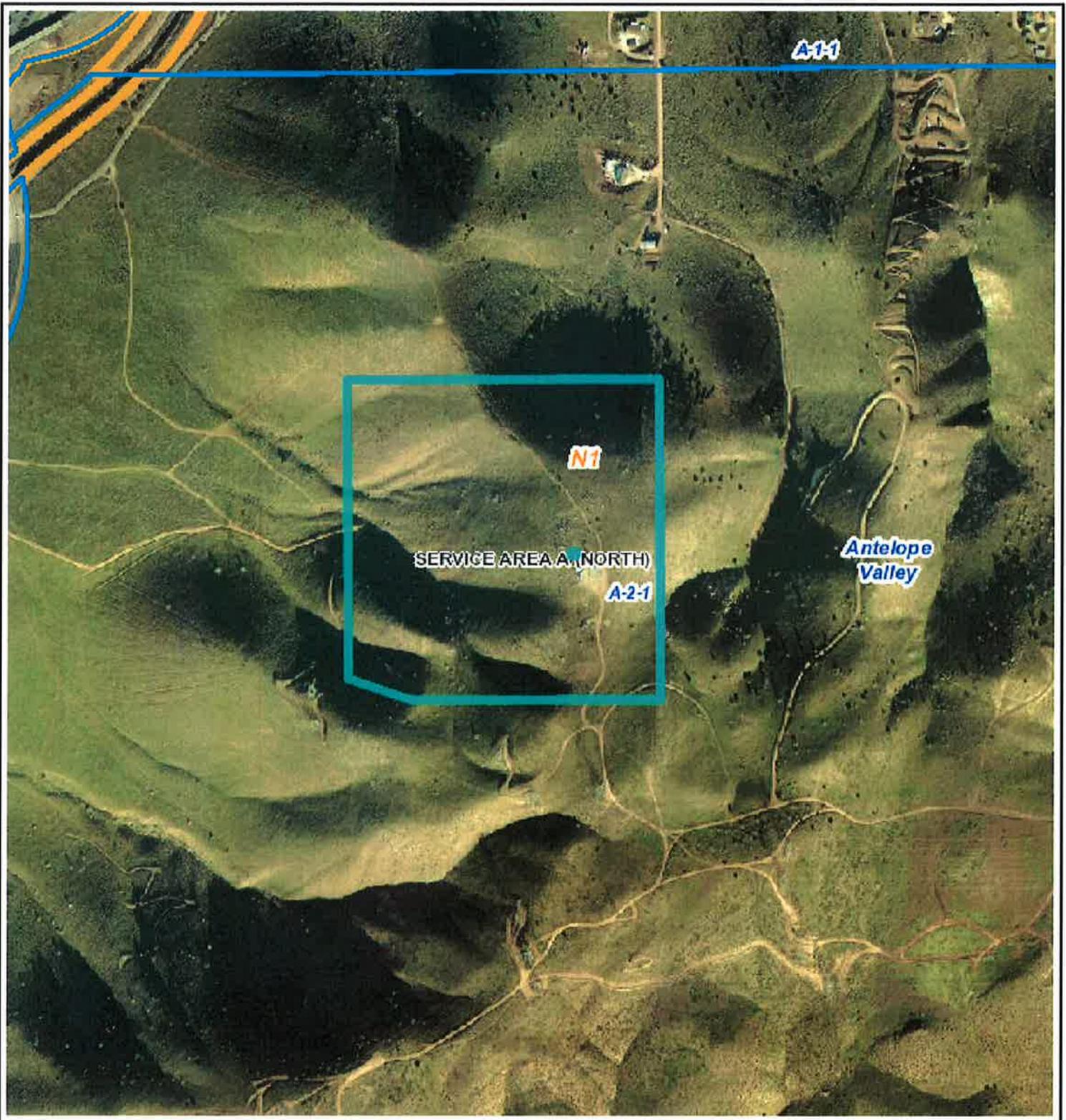


View of Antennas (5)



View of Current Cabinets (6)





Department of Regional Planning

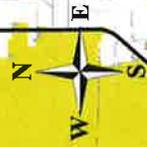
Printed: Jan 16, 2013



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City Of Acton Existing Coverage With SV00303A



LEGEND:

Site  On-Air

Signal Level

-  -76 dBm
-  -84 dBm
-  -91dBm

SV12511A

SV11295C
SV12816Y

SV11940A

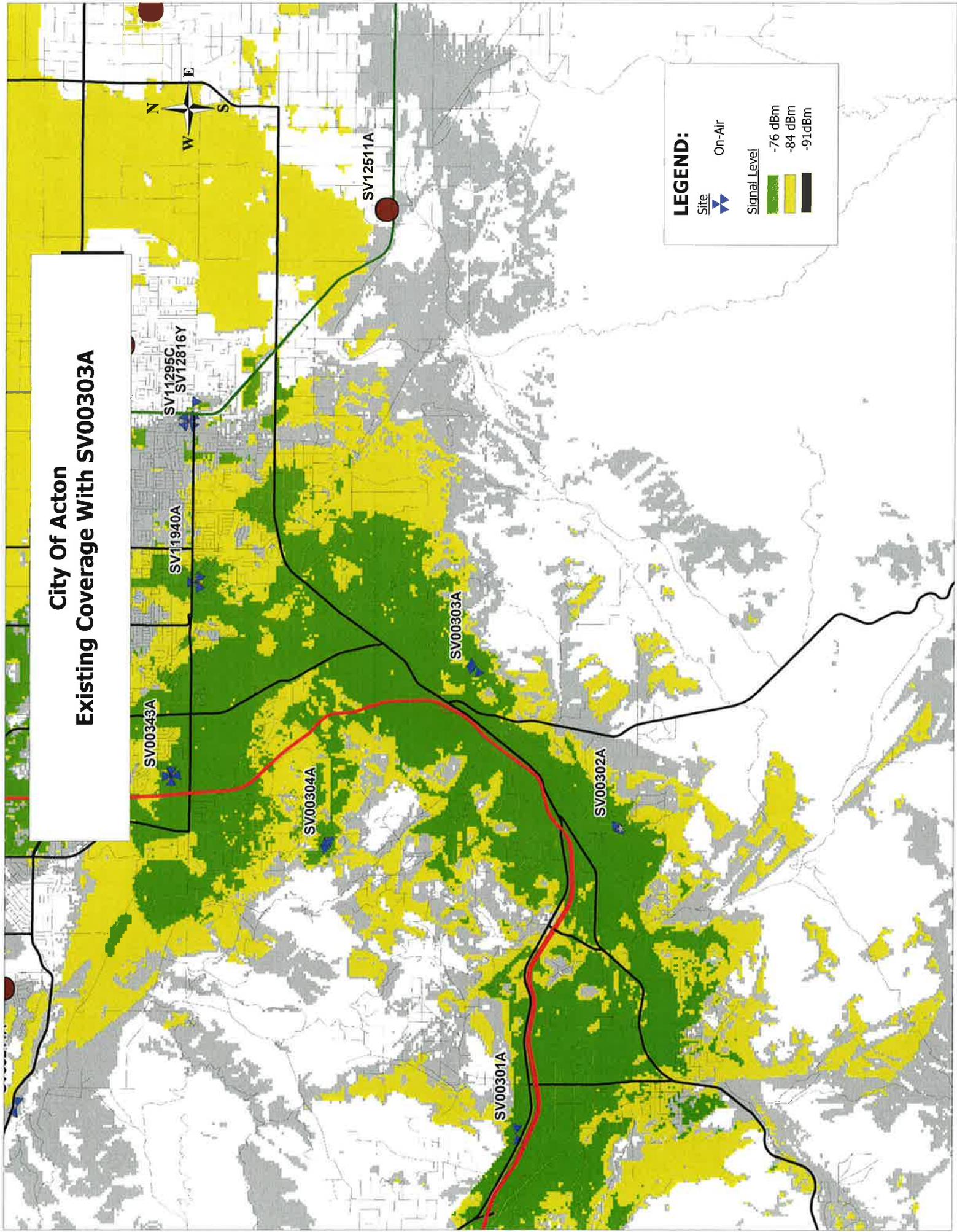
SV00343A

SV00304A

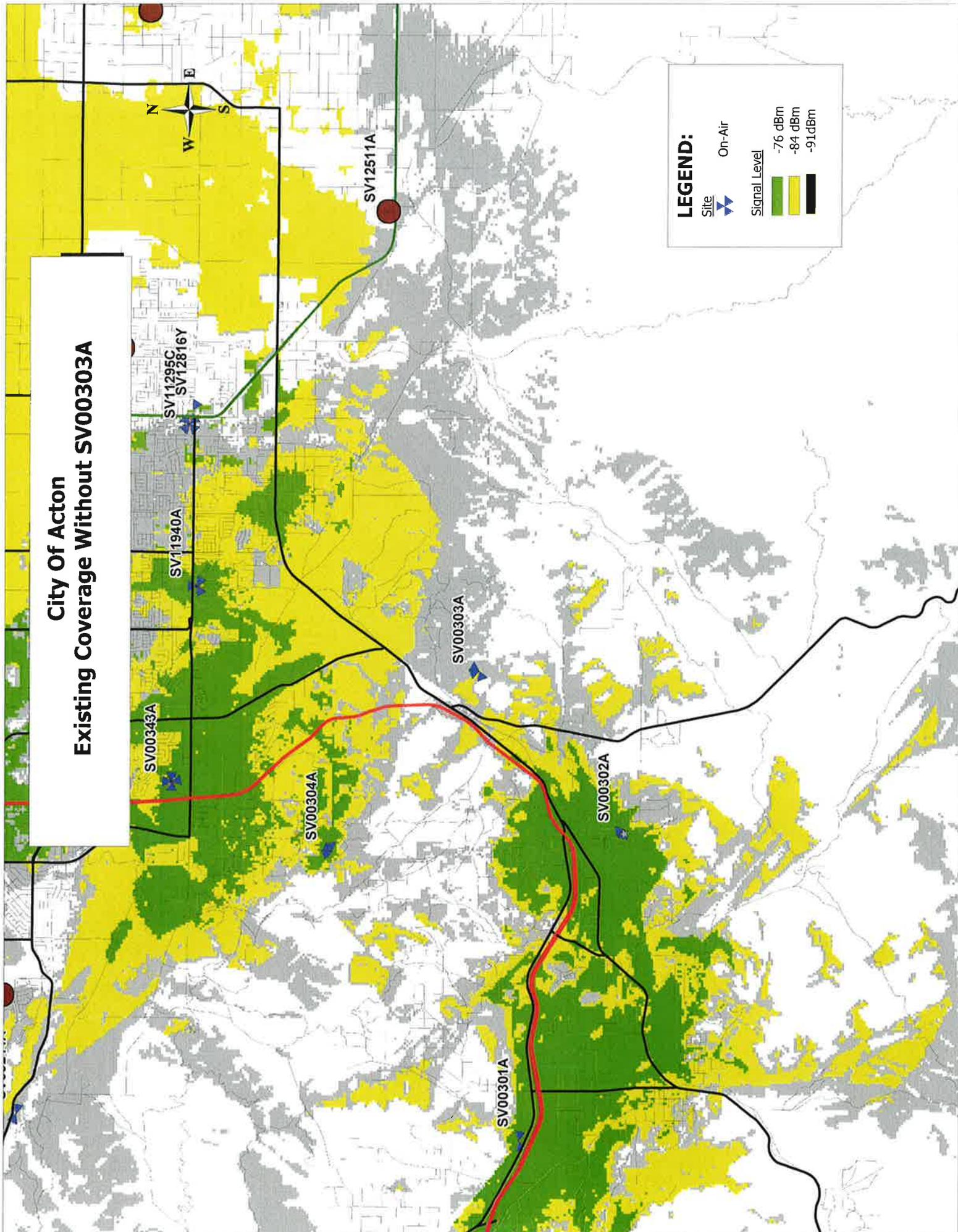
SV00303A

SV00302A

SV00301A



City Of Acton Existing Coverage Without SV00303A



LEGEND:

Site  On-Air

Signal Level

-  -76 dBm
-  -84 dBm
-  -91dBm

