Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

January 6, 2015

Michael Crawford
Synergy Development
7543 Woodley Avenue
Van Nuys, CA 91406

REGARDING: **PROJECT NO. R2014-02513-(5)**
CONDITIONAL USE PERMIT NO. 201400119
AVENUE C-8/85TH STREET WEST (APNs: 3233-019-009, 3233-019-010)

Hearing Officer Susan Tae, by her action of **January 6, 2015,** has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **January 20, 2015. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • Fax: 213-626-0434 • TDD: 213-617-2292

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Paul McCarthy, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement;

PMC:AMC

FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02513-(5)
CONDITIONAL USE PERMIT NO. 201400119

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400119 ("CUP") on January 6, 2015.

2. The permittee, T-Mobile West ("permittee"), requests the CUP to authorize the construction, operation, and maintenance of a wireless telecommunication facility (WTF) comprised of a 75-foot-tall monopine within a 900-square-foot ground lease compound ("Project") on a property located at Avenue C-8 and 85th Street West (Assessor's Parcel Numbers 3233-019-009 and 3233-019-010) in the unincorporated community of Antelope Acres ("Project Site") in the A-1-2 (Light Agricultural – Two Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County Code ("County Code") section 22.24.100.

3. The Project Site is 1.41 gross acres in size and consists of two legal lots. The Project Site is irregular in shape with gentle-sloping topography and is developed with a 125,000-gallon water tank and appurtenant equipment.

4. The Project Site is located in the Antelope Valley West Zoned District and is currently zoned A-1-2.

5. The Project Site is located within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan ("Area Plan") Land Use Policy Map.

6. The Project Site is located within the Rural Outdoor Lighting District.

7. Surrounding Zoning within a 500-foot radius includes:

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

8. Surrounding land uses within a 500-foot radius include:

   North: Single-family residences and vacant land
   South: Single-family residences and vacant land
   East: Single-family residences and vacant land
   West: Single-family residences and vacant land

9. Ordinance No. 7397 established the A-1 Zone on the subject property on September 23, 1958.

10. The site plan for the Project depicts the subject property containing the existing water tank and appurtenant equipment surrounded by a 6-foot chain-link fence. An antenna layout plan depicts the monopine with three 9-foot-wide sectors, each containing three 6-foot panel antennas and one Tower Mounted Amplifier (TMA). Elevations of the WTF depict the 75-foot-tall monopine with panel antennas at 70 feet, 6 inches on the tower.

11. The Project Site is accessible via 85th Street West to the west. Primary access to the Project Site will be via an entrance/exit on Avenue C-8.

12. The Project contains adequate area for the parking of both the construction and maintenance vehicles.

13. In October of 2014, prior to the Hearing Officer's public hearing on the Project, the permittee contacted the Antelope Acres Town Council ("Town Council") to enquire if they were interested in reviewing and commenting on the Project. The Town Council responded that while they were not interested in commenting, they did want adequate notification of surrounding property owners of the Project. Subsequently, on November 19, 2014, the permittee attended a meeting of the Town Council in which the Project was on the agenda. The applicant answered questions from the public regarding the Project at that meeting.

14. No correspondence from County agencies was received regarding the Project.

15. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, Construction or Conversion of Small Structures, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County as the project is for the installation of a new 75-foot-tall monopine WTF adjacent to a water tank. This WTF is minor in nature and does not constitute a major structure.

16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

17. No correspondence from the public was received regarding the Project.

18. A duly-noticed public hearing was held on January 6, 2015 before the Hearing Officer. Staff presented the case and recommended approval. The applicant's representative, Michael Crawford, was present and offered to answer questions. The Hearing Officer requested that the applicant update the Project's photosimulations and elevations to reflect better concealment of panel antennas. There being no further testimony, the Hearing Officer closed the public hearing, found the Project categorically exempt, and approved the Project.

19. The Hearing Officer finds that the Project is consistent with the N1 land use category of the Area Plan. This designation is intended for low-density and rural land uses of up to 0.5 dwelling units per acre (one dwelling unit per two acres). The WTF is a utility type of use and is, therefore, consistent with the permitted uses of the underlying land use category.

    The following policy of the County General Plan is applicable to the proposed project:

    - *Public Services Policy 58: "Maintain high quality emergency response services."*
      WTFs provide cellular service to neighboring residents and motorists. Such service is often used to place emergency calls. The Project will ensure that such service will be available and will increase coverage for T-Mobile users.

    The following policy of the Community Plan is applicable to the proposed Project:

    - *Adequacy of Public Services Policy 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. Phasing of their implementation should be timed to prevent gaps in service as the area grows. Where feasible, service facilities shall be established in central urban areas with branches located in outlying communities. When the population base in a community is too small to support a facility, a common facility to be shared by a number of small communities should be established at a central point."*
      The proposed WTF is considered a utility use and will provide telecommunication services to residents and visitors of the west Antelope Valley.

20. The Hearing Officer finds that the proposed Project meets the development standards of the A-1 Zone.

21. The Hearing Officer finds that proposed use is consistent with the adopted general plan for the area as it is in the N1 land use category of the Antelope Valley Areawide General Plan. The N1 land use category is intended for low-intensity and rural land uses. The proposed WTF is consistent with the land use designation because WTFs provide a necessary service, and the project will not introduce an intensive use to the area. The tower's concealment as a pine tree will further ensure that impacts to aesthetics resources are minimized.

    Therefore, the proposed use is consistent with the adopted general plan for the area.

22. The Hearing Officer finds that the proposed use is one of low intensity and functions without creating nuisances to others. The WTF will be located in an area that is

already disturbed and its design as a pine tree will cause it to better blend in with the surroundings.

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.

23. The Hearing Officer finds that the subject site is approximately 1.41 acres and easily accommodates all required development standards. A 30-foot setback from the nearest property line will be maintained.

    Therefore, 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.

24. The Hearing Officer finds that the proposed WTF will be accessible from 85th Street West, which has an 82-foot right-of-way width. All roads in the area are adequate to accommodate the anticipated traffic from the project's construction and operation. All necessary public and private services are proximate to the 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 pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

25. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to 15 years.

26. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Antelope Acres community. On November 17, 2014, a total of 60 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 13 notices to those on the courtesy mailing list for the Antelope Valley West Zoned District and to any additional interested parties.

27. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

A. The proposed use with the attached conditions will be consistent with the adopted General Plan.

B. The proposed use at the site 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.

C. 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.

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

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and

2. Approves Conditional Use Permit No. 201400119, subject to the attached conditions.

ACTION DATE: January 6, 2015

PMC:AMC
January 6, 2015

c: Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02513-(5)
CONDITIONAL USE PERMIT NO. 201400119

PROJECT DESCRIPTION

The project is for a conditional use permit to authorize the construction, operation, and maintenance of a wireless telecommunication facility (WTF) comprised of a 75-foot-tall monopine within a 30-foot-by-30-foot ground lease compound surrounded by a 6-foot fence, 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 Conditions No. 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 reasonably 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 reasonably 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 January 6, 2030**. 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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. 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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by **March 6, 2015**.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – WIRELESS TELECOMMUNICATION FACILITY

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

20. The permittee shall provide upon request 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 permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.

22. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request 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. Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be constructed

and maintained as depicted in the photo simulations presented at the public hearing.

25. Maintenance vehicles shall not block access to driveways or garages.

26. The maximum height of the facility shall not exceed 75 feet above finished grade.

27. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.

28. 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 by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice.

29. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.

30. The project number, CUP number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

31. Upon termination of this grant or after the construction of this facility, if the facility has ceased to operate, the permittee shall remove such facility and clear the site of all equipment within six months of the cease-of-operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.

32. Upon termination of this grant or if the facility has ceased to operate, the permittee shall remove such facility and clear the site of all equipment within six months of the cease-of-operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of Regional Planning and any other government agency. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

33. The facilities shall be on flat rate power. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A," are authorized by these grants.

34. External lighting, including security lighting, shall be on motion sensors, be of low-intensity, fully shielded and directed away from adjacent residences and open space. Pole-mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the Federal Aviation Administration. All lighting shall comply with the requirements of the County Rural Outdoor Lighting Ordinance.

35. If the subject property is adjacent to residences, 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.

36. 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.

37. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited.

38. New equipment added to the facility shall not compromise the stealth design of the facility.

39. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark.

PROJECT SITE SPECIFIC CONDITIONS

40. This grant shall authorize the construction, operation, and maintenance of a WTF, comprised of a 75-foot-tall monopine tower within a ground lease compound.