



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

July 17, 2012

Richard J. Bruckner
Director

Peter Shubin, Sequoia Development Svcs.
22471 Aspan St., Suite 290
Lake Forest, CA 92630

**REGARDING: PROJECT NO. 00-185-(4)
CONDITIONAL USE PERMIT NO. 201200005
1 Banning House Rd., Two Harbors, Catalina Island, CA 90704**

Hearing Officer Gina Natoli, by her action of **July 17, 2012**, 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 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 **July 31, 2012**. **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. 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 Travis Seawards of the Zoning Permits West Section at (213) 974-6462, or by email at TSeawards@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Mi Kim, Supervising Regional Planner
Zoning Permits West Section

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

MKK:TSS

CC.060412

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

PROJECT NO. 00-185-(4)
CONDITIONAL USE PERMIT NO. 201200005
COASTAL DEVELOPMENT PERMIT NO. 201200001

REQUEST

The project is a request for a coastal development permit (CDP) and a conditional use permit (CUP) to authorize the expansion and continued operation of a wireless telecommunications facility (WTF) located near Two Harbors on Santa Catalina Island.

HEARING DATE: July 17, 2012

PROCEEDINGS

A duly noticed public hearing was held on July 17, 2012 before the Regional Planning Hearing Officer.

The Hearing Officer asked staff if the applicants had obtained a Coastal Development Permit (CDP) for the 2001 CUP, and staff informed the Hearing Officer that they had.

The applicant testified and responded that they had no questions and agrees with all of the conditions of approval. The Hearing Officer inquired if the coax cable shown on Page A-3 of the site plan would require any trenching, and the applicant responded that it would not.

The Hearing Officer requested the following changes to the Findings and Conditions:

- Add Coastal Development Permit in the request section of the Findings;
- Finding 17: Add that there have been no public comments on the proposed project;
- Finding 19: State that only minor modifications to an existing building were being proposed;
- Condition 8: State that the grant will terminate on April 17, 2026;
- Condition 10: Inquired if there was enough time in the grant term to conduct the requested 8 inspections and was informed that any monies taken in for inspections are returned if not fully used;
- Condition 28: Specify that the color of the WTF should blend in with the immediately surrounding building;
- Condition 31: Add the telephone number for the Department's Zoning Enforcement Section.

There being no further testimony from the public or applicants, the Hearing Officer closed the public hearing and approved Project 00-185-(4) with conditions.

FINDINGS

1. The project is a request for a coastal development permit (CDP) and a conditional use permit (CUP) to authorize the expansion and continued operation of a wireless telecommunications facility (WTF).

2. WTFs are a use that is subject to a CUP in all zones, and pursuant to Section 22.56.2280 of Title 22 (the County Code), a CDP is required for any development in the coastal zone.
3. The project was originally approved through CUP 00-185-(4) on April 26, 2001, and expired on April 17, 2011.
4. The project proposes the expansion of the WTF to include 6 (six) antennas, one (1) GPS antenna and the replacement of three cabinets.
5. The project is located at One Banning House Road in the Two Harbors Resort Village District as defined by the Santa Catalina Island Specific Plan on Santa Catalina Island.
6. The site plan depicts the project site, which is a large, 311-acre parcel that contains most of the village of Two Harbors. The project site is an existing storage shed that is located on an upward-sloping hill that is accessed by a dirt road at the end of Banning House Road. The immediate area around the shed is grassy, sloping undeveloped land. The storage shed is approximately 500 square feet and is 15 feet tall.
7. The proposed WTF consists of two existing 14-foot-tall steel poles located less than 2 feet from the southwest corner of the storage shed. Three antennas will be mounted to a 7-foot-long cross-arm at a maximum height of 14 feet. Directly north of this area is an existing palm tree that screens the view of the WTF equipment at this location. On the northeast corner of the storage shed, a new 6-inch diameter, 14-foot-tall steel pole will be placed approximately 2.5 feet from the shed and will contain three antennas. The antennas will be mounted to a 7-foot-long cross-arm at a maximum height of 14 feet. All associated WTF equipment is located in a 40-square-foot lease area that lies along the southeastern storage shed wall under a roof awning. The project proposes the replacement of three cabinets in this area. The equipment area is enclosed by an existing 6-foot-high chain link fence.
8. The project site is located in the Two Harbors Resort Village District as defined by the Santa Catalina Island Specific Plan. The area surrounding the project site also falls under this specific plan designation.
9. The subject property is a large 311-acre parcel that is developed with a variety of uses that comprise the village of Two Harbors and includes residences, lodges, a school, offices, recreational uses, and supporting commercial uses such as a market and a dive shop. The specific project site is developed as an approximately 500-square-foot storage shed with an existing WTF and an adjacent 29-foot-long, 9-foot-diameter water tank.
10. Surrounding land uses consist of the village of Two Harbors, single-family residences, lodges, and vacant open space land to the north, vacant open space land to the south, a few single-family residences and vacant open space land to the east, and the Banning House Lodge, yacht club, and vacant open space land to the west.
11. The project site is designated Lodges/Inn under the Santa Catalina Island Local Coastal Program (LCP). There is no descriptive intent for this land use designation in the land use plan. The project is consistent with a policy that supports the provision of public services in the village of Two Harbors. The project meets the wireless telecommunication service needs of permanent residents, visitors, and the USC Marine Science Center

12. The project is compliant with the height standards for the Two Harbors Resort Village land use district. Pursuant to Section 22.46.230.B.4.a of the County Code, buildings shall not exceed a height of 28 feet. The storage shed has a maximum height of 15 feet; the WTF equipment has a maximum height of 14 feet and does not exceed the height of 28 feet.
13. Pursuant to Section 22.52.1220 of the County Code, when parking requirements are not specified, such as for wireless facilities, parking shall be provided in an amount which the director finds adequate to prevent traffic congestion and excessive on-street parking. The storage shed is accessed off of a utility dirt road that branches off of Banning House Road. Only periodic maintenance is needed for the project, and due to the remote location of the site and the natural landscape of the area, a designated parking space is not warranted at this site. Maintenance personnel have been parking adjacent to the storage shed at the end of the dirt utility access road and this is sufficient for this site.
14. The project is compatible with the surrounding area and existing development pattern. The current site is well-situated above the village of Two Harbors and the WTF is well-integrated into the design of the storage shed. Some equipment is screened by an existing palm tree, and other equipment is located in a contained area under the shed's roof overhang.
15. The existing WTF and the proposed expansion will not be a detriment to the community as it provides valuable communications infrastructure to this remote area. There are very few wireless facilities in Two Harbors, and the sloping terrain limits coverage areas. Due to the limited existing development that is in Two Harbors, co-location opportunities are non-existent and there have been no zoning violations or public complaints related to the use.
16. The subject property is adequately served by public and private service facilities as necessary. A WTF does not require sewer or water service.
17. There have been no public comments on the proposed project.
18. 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.
19. The project is an application to continue the operation of an existing WTF, and only minor modifications to an existing building are proposed. Therefore, the proposed project is exempt from the California Environmental Quality Act under Class 1 – Existing Facilities, under California Environmental Quality Act (CEQA) reporting requirements.
20. 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. 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 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location 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, or 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.
- E. That the proposed development is in conformity with the certified local coastal program; and, where applicable,
- F. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources code.

Therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit and coastal development permit as set forth in Sections 22.56.040, 22.56.090, and 22.56.2410 of the Los Angeles County Code.

HEARING OFFICER ACTION

- 1. I have considered the Class 1 – Existing Facilities Categorical Exemption for this project and certify 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 No. 201200005 and Coastal Development Permit No. 201200001 are **APPROVED**, subject to the attached conditions.

c: Building and Safety

MKK:TSS
5/1/12

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 00-185-(4)
CONDITIONAL USE PERMIT NO. 201200005
COASTAL DEVELOPMENT PERMIT NO. 201200001**

PROJECT DESCRIPTION

The project proposes the expansion of an existing WTF to include 6 (six) antennas, one (1) GPS antenna, and the replacement of three cabinets in the 40-square-foot lease area that lies along the southeastern storage shed wall under a roof awning, 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 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 April 17, 2026.** 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.
13. 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.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. 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 adjoining surfaces.

16. 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, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. 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 be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS

18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
19. The permittee shall submit to the Zoning Enforcement Section of the Department 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 adjoining parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

20. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
21. 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 the Department of Regional Planning.
22. 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.
23. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. 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 FAA.
24. 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.
25. 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". The facility shall be built as depicted in the photo simulations presented at the public hearing.
26. The maximum height of the facility shall not exceed 14 feet above finished grade.
27. 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 service provider.
28. 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 building.
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. 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 24 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.

30. 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.
31. 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, along with the contact information for the Regional Planning Zoning Enforcement Section (213) 974-6453.
32. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of the Department of Regional Planning and any other government agency.