Hearing Officer Transmittal Checklist

Hearing Date
06/04/2013
Agenda Item No.
2

Project Number: 99091-(4)

Case(s): Conditional Use Permit No. 201100046
Coastal Development Permit No. 201200007

Planner: Tyler Montgomery

- ☒ Factual
- ☒ Property Location Map
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☐ Aerial Image(s)
- ☐ Land Use Radius Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Elevations
- ☒ GIS Map
- ☐ Landscaping Plans
- ☐ Other _____

Reviewed By: _____

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

PROJECT NUMBER
99091-(4)

HEARING DATE
06/04/2013

REQUESTED ENTITLEMENTS
RCUP 201100046, RCDP 201200007

PROJECT SUMMARY

OWNER / APPLICANT
Southern California Edison / Verizon Wireless

MAP/EXHIBIT DATE
01/25/2013

PROJECT OVERVIEW

The applicant seeks a conditional use permit and a coastal development permit to modify and continue operating an existing wireless telecommunications facility that is co-located with a Southern California Edison water tank, which has a height of 46 feet above grade. The current wireless facility is located immediately northwest of the tank and consists of an enclosed equipment shelter and four panel antennas mounted on an H-frame support structure with a maximum height of 41 feet above grade. The applicant proposes to add one panel antenna to the support structure, one new utility cabinet, a 10-foot-diameter microwave dish mounted on a monopole with a height of 53 feet, six inches above grade, and a second eight-foot-diameter microwave dish mounted on a separate monopole with a height of 22 feet, six inches above grade.

LOCATION
Co-located with a Southern California Edison water tank, near Two Harbors, Santa Catalina Island

ACCESS
From the southeast, via a private dirt driveway to Little Harbor Road, 1,300 feet away

ASSESSORS PARCEL NUMBER(S)
7480-040-801

SITE AREA
0.55 acres

GENERAL PLAN / LOCAL PLAN
Santa Catalina Island Specific Plan

ZONED DISTRICT
Santa Catalina Island

LAND USE DESIGNATION
U/S (Utilities & Services)

ZONE
C/SF (Camps & Special Facilities)

PROPOSED UNITS
None

MAX DENSITY/UNITS
N/A

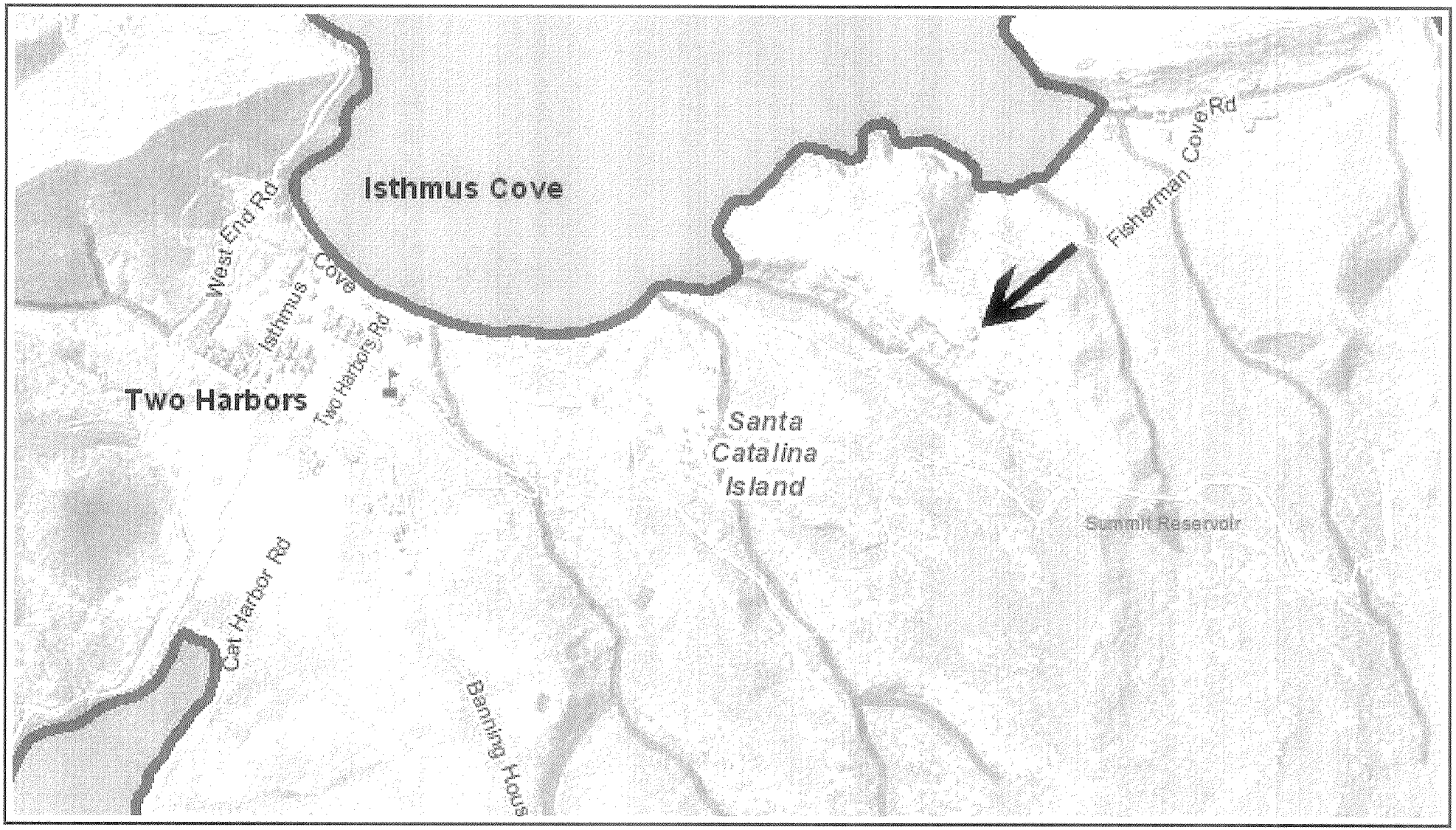
COMMUNITY STANDARDS DISTRICT
None

ENVIRONMENTAL DETERMINATION (CEQA)
Class 3 Categorical Exemption-Small Structures

KEY ISSUES

- Consistency with the Los Angeles County General Plan.
- Consistency with the Santa Catalina Island Local Coastal Plan.
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (conditional use permit burden of proof requirements)
  - 22.56.2320 (coastal development permit burden of proof requirements)
  - 22.46.440 (Santa Catalina Specific Plan, C/SF Zone development standards)

CASE PLANNER: Tyler Montgomery
PHONE NUMBER: (213) 974-6434
E-MAIL ADDRESS: TMontgomery@planning.lacounty.gov



Location Map

Project 99091-(4)

Printed: Mar 07, 2013

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Feet

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ENTITLEMENTS REQUESTED

- Conditional Use Permit ("CUP") and Coastal Development Permit ("CDP") for the modification and continued operation of a wireless telecommunications facility in the C/SF (Organized Camps and Special Facilities) Zone of the Santa Catalina Island Specific Plan, pursuant to County Code Sections 22.46.430 and 22.56.2280.

PROJECT DESCRIPTION

The applicant, Verizon Wireless, seeks to modify and continue operating an existing wireless telecommunications facility that is co-located with a Southern California Edison water tank. The current wireless facility is located immediately to the northwest of the tank and consists of an enclosed equipment shelter and four panel antennas mounted on an H-frame support structure with a maximum height of 41 feet above grade. The applicant proposes to add one panel antenna to the support structure, one new utility cabinet, a 10-foot-diameter microwave dish mounted on a monopole with a height of 53 feet, six inches above grade, and a second eight-foot-diameter microwave dish mounted on a separate monopole with a height of 22 feet, six inches. The facility is located on a ridgeline approximately two-thirds of a mile to the east of Two Harbors, Santa Catalina Island (APN 7480-040-801).

The proposed microwave dishes would not directly provide local wireless coverage. Instead, they are designed to broadcast a high-speed point-to-point feed between Catalina Island and the mainland via a corresponding facility in San Pedro, approximately 27 miles away. Such a connection is necessary in order to provide high-speed 4G and internet service already available to mainland customers. The facility requires two microwave dishes separated by at least 30 feet in height to minimize the interference of signals reflecting off the water's surface. Because of their spacing, neither dish would receive the same reflected signals at the same time, and the automated system would thus be able to filter much of it out.

SITE PLAN DESCRIPTION

The site plan depicts the existing Southern California Edison water tank, 46 feet in height, which is located on the central portion of the 0.55-acre property. The antennas and equipment of four wireless telecommunications facilities are located immediately to the northwest of the tank. The property is accessed from the southeast by a private dirt driveway, which connects to Little Harbor Road, approximately 1,300 feet away.

EXISTING ZONING

The subject property is zoned C/SF (Organized Camps and Special Facilities), in the Santa Catalina Island Specific Plan. Section 22.46.070 of the County Code states that the "specific plan provides land use regulations and standards that supersede those contained in the basic or underlying zone." Therefore, for Santa Catalina Island, these use categories essentially act as zoning designations. Surrounding properties within 500 feet are all zoned C/SF as well.

EXISTING LAND USES

The subject property is developed with an above-ground water tank and four wireless telecommunications facilities. Surrounding properties within 500 feet are all vacant and consist of steeply sloping terrain.

PREVIOUS CASES/ZONING HISTORY

CUP 99091 and CDP 99091 authorized the construction and operation of the wireless telecommunications facility at the site. The CUP was approved on February 16, 2000 and expired February 16, 2010. The applicant is seeking a new CUP and CDP to continue and expand the operation of the WTF authorized by the expired permits.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 3 Exemption, Small Structures) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The wireless structures proposed are relatively small in nature when considered as additions to the other existing structures on the project site, which include a large water tank and other wireless telecommunications facilities with heights of over 45 feet above grade. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the U/S (Utilities and Services) land use area of the Santa Catalina Island Local Coastal Plan. The U/S land use designation is primarily intended for necessary infrastructure and communication facilities. The wireless telecommunications facility is for communication and is, therefore, consistent with the permitted uses of the underlying land use category.

The following policies of the Santa Catalina Island Local Coastal Plan are applicable to the proposed project:

- *II.B.5.e(1): New development…shall be attractively designed to protect highly scenic natural or historical areas.*

  While the tallest monopole structure does rise more than seven feet above the maximum height of the water tank, the applicant's engineers have stated that, in order for the facility to serve its purpose, it cannot be lowered in height. In addition, Southern California Edison will not allow the structures to be placed at an alternative location further down the slope. While the applicant's submitted photo simulations show that the facility would be visible from the water, it would be less visible from the inhabited area of Two Harbors. The fact that it would be co-located with other utility uses and painted the same color as the existing water

tank would lessen its impact on views of the ridgeline. Indeed, it is more desirable for the structures to be clustered with other utilities at its proposed location than to be placed at a different location by itself, even if such relocation would allow a shorter height or placement of the monopoles further down the slope of the ridgeline.

- *II.B.6.a(1): (New development shall) minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

  The wireless facility provides coverage to parts of the island that would otherwise not be serviced, therefore increasing access to calls for emergency services.

- *II.C.3.a: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted(.)*

  The wireless facility would provide enhanced telephone coverage to all of Catalina Island.

Zoning Ordinance and Development Standards Compliance

The project does not propose dwelling units, and it is not located in a specified area of design standards. Therefore, the only applicable development standards of the Santa Catalina Island Specific Plan C/SF Zone (Section 22.46.440 of the County Code) would pertain to parking. Parking requirements for non-residential uses are to be determined by the hearing officer in an amount sufficient to accommodate employees, customers and service vehicles. The facility would be visited only periodically by maintenance vehicles. Therefore, the provision of one on-site parking space would be appropriate. This space would be provided by the existing private driveway.

The project must also comply with the island-wide standards of the Santa Catalina Island Specific Plan, as specified in Section 22.46, Part 2 of the County Code. Because the project does not propose to conduct earth disturbing activities and is not a habitable building, many of these standards also do not apply. Most structures are prohibited within 75 feet of a ridgeline, with the exception of certain facilities such as communication equipment. In these cases, the Plan states that "any expansion of communication buildings and/or addition of new antenna mounting structures at (existing) sites shall be subject to permit approval and conditioned to minimize impacts on scenic resources" (County Code Sec. 22.46.520[B]). The proposed structures are similar in scale and size to those structures already in existence at the site, and the photographic simulations provided by the applicant indicate that, while they would be visible from the water, they would be located far from any public road or populated area. The aesthetic impact of the existing 42-foot-tall H-frame structure and the proposed monopoles and microwave dishes are lessened by their placement immediately adjacent to the 46-foot-tall above-ground water tank. They would also be painted to match the color of the tank behind them. In addition, the project site is surrounded by vacant land in all directions, and staff has received no objections to the project from the

public. The applicant's engineer has also stated that the proposed structures would not have the ability to serve their purpose at a lower height, and restrictions by Southern California Edison prevent them from being placed further down the slope.

In addition, all wireless telecommunications facilities seeking a new CUP must comply with certain development standards regarding height, design, and visual screening pursuant to Subdivision and Ordinance Policy Memo 01-2010 for wireless facilities. This policy requires that ground-mounted structures have a maximum height of 75 feet above grade or the height limit of the zone, whichever is less. The C/SF Zone has no specific height limit. The existing facility has a maximum height of 41 feet, and the new structures proposed would have maximum heights of 53 feet, six inches and 22 feet, six inches above grade, respectively. The policy also requires that facilities co-locate with other utility structures when possible, as the existing facility does. Finally, the policy requires that wireless facilities be designed and located in such a way to minimize visual impact. While the existing facility is located on a ridgeline, it is located far from any habitable structures and would be co-located with a 46-foot-tall water tank and other utility structures. The facilities shall also be required to be painted the same color as the existing water tank and shall not be reflective or glossy.

Neighborhood Impact/Land Use Compatibility

The continued operation of the wireless telecommunications facility is unlikely to adversely affect the health, peace, comfort or welfare of surrounding residents, be detrimental to surrounding properties, or create a hazard to public health, safety, or general welfare. The facility will be required to operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated are minimal. The proposed structures are similar in scale and size to those structures already in existence at the site, and, as detailed above, they would be designed to have the lowest visual impact possible at the proposed height, which is necessary for engineering purposes. The proposed structural heights are consistent with Regional Planning's Subdivision and Zoning Ordinance Policy No. 01-2010 for wireless telecommunication facilities, as no wireless structure is taller than 75 feet above grade. Also consistent with the policy is the fact that the facility is co-located with other utility structures.

The proposed facility would comply with all applicable development standards for the C/SF Zone and Santa Catalina Island Specific Plan. The project would also be adequately served by the private access driveway linking to Little Harbor Road, which would be adequate to accommodate periodic maintenance visits. One parking space is also provided by the existing driveway.

The proposed project would not interfere with the public access or public recreation requirements of the Coastal Act. These requirements mandate that any new development maintain or enhance public accessibility and coastal recreational opportunities (Coastal Act, Section 30001.5). No physical barriers to coastal access would be constructed, and no roads, trails, or access ways are proposed for any

alteration. Public access to both coastal and inland recreational opportunities, currently provided by a variety of access ways and public facilities, would not change in any way.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 and 22.56.2320 of the County Code. The Burden of Proof statements with applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof for both the CUP and the CDP.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Because the application does not propose significant expansion or modification of an existing facility, no other County departments were consulted regarding the project.

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, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any public comments regarding this project.

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 Project Number 99091-(4), Conditional Use Permit Number 201100046, and Coastal Development Permit Number 201200007 subject to the attached conditions.

SUGGESTED APPROVAL ACTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201100046 AND COASTAL DEVELOPMENT PERMIT NUMBER 201200007 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Tyler Montgomery, Senior Regional Planning Assistant
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
GIS Map
Site Photographs, Photo Simulations
Site Plan, Elevations

MK:TM
05/23/13

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 99091-(4)
CONDITIONAL USE PERMIT NO. 201100046
COASTAL DEVELOPMENT PERMIT NO. 201200007

1. **ENTITLEMENT REQUESTED.** Pursuant to County Code Parts 1 and 17 of Chapter 22.56, the applicant, Verizon Wireless, is requesting a conditional use permit ("CUP") and a coastal development permit ("CDP") for the continuation of a wireless telecommunications facility and the addition of an additional antenna, equipment cabinet, and two microwave dishes mounted on two separate monopoles. A wireless telecommunications facility is not a defined use in the County Code; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to conditional use permits in all zones. Coastal development permits are required for all new development in the Coastal Zone, with the exception of development specifically excluded by the Coastal Act.

2. **HEARING DATE.** June 4, 2013.

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**

4. **PROJECT DESCRIPTION.** The applicant seeks to modify and continue operating an existing wireless telecommunications facility that is co-located with a Southern California Edison water tank. The current wireless facility is located immediately to the northwest of the tank and consists of an enclosed equipment shelter and four panel antennas mounted on an H-frame support structure with a maximum height of 41 feet above grade. The applicant proposes to add one panel antenna to the support structure, one new utility cabinet, a 10-foot-diameter microwave dish mounted on a monopole with a height of 53 feet, six inches above grade, and a second eight-foot-diameter microwave dish mounted on a separate monopole with a height of 22 feet, six inches above grade.

5. **LOCATION.** The project site is located on a ridgeline approximately two-thirds of a mile to the east of Two Harbors, Santa Catalina Island (APN 7480-040-801).

6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing Southern California Edison water tank, 46 feet in height, which is located on the central portion of the 0.55-acre property. The antennas and equipment of four wireless telecommunications facilities are located immediately to the northwest of the tank. The property is accessed from the southeast by a private dirt driveway, which connects to Little Harbor Road, approximately 1,300 feet away.

7. **EXISTING ZONING.** Zoning on Santa Catalina is designated by the Santa Catalina Island Specific Plan. The subject property is zoned C/SF (Organized Camps and Special Facilities). Surrounding properties within 500 feet are all zoned C/SF as well.

8. **EXISTING LAND USES.** The subject property is developed with an above-ground water tank and four wireless telecommunications facilities. Surrounding properties within 500 feet are all vacant and consist of steeply sloping terrain.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** Land use policy on Santa Catalina is designated by the Santa Catalina Island Local Coastal Plan. The project site is located within an area designated as the U/S (Utilities and Services). This land use designation is primarily intended for necessary infrastructure and communication facilities. A wireless telecommunications facility is for communication and is therefore consistent with the permitted uses of the underlying land use category.

ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE

10. The project does not propose dwelling units, and it is not located in a specified area of design standards. Therefore, the only applicable development standards of the C/SF Zone (Section 22.46.440 of the County Code) would pertain to parking. Parking requirements for non-residential uses are to be determined by the hearing officer in an amount sufficient to accommodate employees, customers and service vehicles. The facility would be visited only periodically by maintenance vehicles. Therefore, the provision of one on-site parking space would be appropriate. This space would be provided by the existing private driveway. The project must also comply with the island-wide standards of the Santa Catalina Island Specific Plan, as specified in Section 22.46, Part 2 of the County Code. Because the project does not propose to conduct earth disturbing activities and is not a habitable building, many of these standards also do not apply. While most structures are prohibited within 75 feet of a ridgeline, communication equipment is allowed with a permit with conditions to minimize impacts to scenic resources (County Code Sec. 22.46.520[B]). The proposed structures are similar in scale and size to those structures already in existence at the site, and the photographic simulations provided by the applicant indicate that, while they would be visible from the water, they would be located far from any public road or populated area. The aesthetic impact of the existing 42-foot-tall H-frame structure and the proposed monopoles and microwave dishes are lessened by their placement immediately adjacent to the 46-foot-tall above-ground water tank. They would also be painted to match the color of the tank behind them. In addition, the project site is surrounded by vacant land in all directions, and staff has received no objections to the project from the public. The applicant's engineer has also stated that the proposed structures would not have the ability to serve their purpose at a lower height, and restrictions by Southern California Edison prevent them from being placed further down the slope.

11. All wireless telecommunications facilities seeking a new CUP must comply with development standards regarding height, design, and visual screening pursuant to Subdivision and Ordinance Policy Memo 01-2010 for wireless facilities. This policy

requires that ground-mounted structures have a maximum height of 75 feet above grade or the height limit of the zone, whichever is less. The C/SF Zone has no specific height limit. The existing facility has a maximum height of 41 feet, and the new structures proposed would have maximum heights of 53 feet, six inches and 18 feet, six inches above grade, respectively. Therefore, the project complies with the height provisions in the wireless facilities policy.

12. The policy also requires that facilities co-locate with other utility structures when possible, as the existing facility does.

13. The policy requires that wireless facilities be designed and located in such a way to minimize visual impact. While the existing facility is located on a ridgeline, it is located far from any habitable structures and would be co-located with a 46-foot-tall water tank and other utility structures. The facilities shall also be required to be painted the same color as the existing water tank and shall not be reflective or glossy.

NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY

14. The continued operation of the wireless telecommunications facility is unlikely to adversely affect the health, peace, comfort or welfare of surrounding residents, be detrimental to surrounding properties, or create a hazard to public health, safety, or general welfare, as the facility will be required to operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated are minimal. The proposed structures are similar in scale and size to those structures already in existence at the site, and they would be designed to have the lowest visual impact possible at the proposed height, which is necessary for engineering purposes. The proposed structural heights are consistent with Regional Planning's Subdivision and Zoning Ordinance Policy No. 01-2010 for wireless telecommunication facilities, as no wireless structure is taller than 75 feet above grade. Also consistent with the policy is the fact that the facility is co-located with other utility structures. The proposed structural heights are consistent with Regional Planning's Subdivision and Zoning Ordinance Policy No. 01-2010 for wireless telecommunication facilities, as no wireless structure is taller than 75 feet above grade. Also consistent with the policy is the fact that the facility is co-located with other utility structures. The proposed facility would comply with all applicable development standards for the C/SF Zone and Santa Catalina Island Specific Plan. The project would also be adequately served by the private access driveway linking to Little Harbor Road, which would be adequate to accommodate periodic maintenance visits. One parking space is also provided by the existing driveway.

15. The proposed project would not interfere with the public access or public recreation requirements of the Coastal Act. These requirements mandate that any new development maintain or enhance public accessibility and coastal recreational opportunities (Coastal Act, Section 30001.5). No physical barriers to coastal

access would be constructed, and no roads, trails, or access ways are proposed for any alteration. Public access to both coastal and inland recreational opportunities, currently provided by a variety of access ways and public facilities, would not change in any way.

16. **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 web page posting. Because the site is not visible from any public road, the on-site posting requirement was waived.

17. **PUBLIC COMMENTS.** No public comments were received regarding the project.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

18. The project site is located within the U/S (Utilities and Services) land use area of the Santa Catalina Island Local Coastal Plan. The U/S land use designation is primarily intended for necessary infrastructure and communication facilities. The Santa Catalina Island Local Coastal Plan also requires that any development "minimize risks to life and property in areas of high geologic, flood, and fire hazard." The wireless telecommunications facility would be used for communication, including emergency communication. Therefore, the proposed use will be consistent with the adopted general plan for the area.

19. The facility will be required to operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated would be minimal. The aesthetic impact of the existing and proposed structures is lessened by their placement immediately adjacent to the 46-foot-tall above-ground water tank. They would also be painted to match the color of the tank behind them. In addition, the project site is surrounded by vacant land in all directions, not visible from any public road, and staff has received no objections to the project from the public. Therefore, the requested use at the location proposed would not adversely affect persons or properties in the surrounding area.

20. The existing facility complies with all applicable development standards of the C/SF zone and the Santa Catalina Island Specific Plan. The project would also be adequately served by the private access driveway linking to Little Harbor Road, which would be adequate to accommodate periodic maintenance visits. One parking space is also provided by the existing driveway. Therefore, the proposed site is adequate in size and shape to integrate said use with the uses in the surrounding area.

21. The project would also be adequately served by the private access driveway linking to Little Harbor Road, which would be adequate to accommodate periodic maintenance visits. Only utility maintenance vehicles are permitted to use this

driveway. Therefore, it is sufficient to carry the kind and quantify of traffic generated by the maintenance visits.

COASTAL DEVELOPMENT PERMIT SPECIFIC FINDINGS

22. The project site is located within the U/S (Utilities and Services) land use area of the Santa Catalina Island Local Coastal Plan. The U/S land use designation is primarily intended for necessary infrastructure and communication facilities. The Santa Catalina Island Local Coastal Plan also requires that any development "minimize risks to life and property in areas of high geologic, flood, and fire hazard." The wireless telecommunications facility would be used for communication, including emergency communication. Therefore, the proposed use will be consistent with the local coastal plan for the area.

23. The proposed project would not interfere with the public access or public recreation requirements of the Coastal Act. These requirements mandate that any new development maintain or enhance public accessibility and coastal recreational opportunities (Coastal Act, Section 30001.5). No physical barriers to coastal access would be constructed, and no roads, trails, or access ways are proposed for any alteration. Public access to both coastal and inland recreational opportunities, currently provided by a variety of access ways and public facilities, would not change in any way.

ENVIRONMENTAL DETERMINATION

24. The project consists of allowing the continued operation and addition of relatively small structures to an existing wireless telecommunications facility. Therefore, the project qualifies for a Class 3—Small Structures—Categorical Exemption 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.

25. **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.

26. **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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

Regarding the Conditional Use Permit:

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).

Regarding the Coastal Development Permit:

A. That the proposed development is in conformity with the certified local coastal program; and

B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is 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 for a Coastal Development Permit as set forth in Section 22.56.2320 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 No. 201100046 and Coastal Development Permit No. 201200007 are APPROVED subject to the attached conditions.

Action Date:

MK:TM
05/23/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 99091-(4)
CONDITIONAL USE PERMIT NO. 201100046
COASTAL DEVELOPMENT PERMIT NO. 201200007

PROJECT DESCRIPTION

The applicant, Verizon Wireless, seeks to modify and continue operating an existing wireless telecommunications facility that is co-located with a Southern California Edison water tank. The current wireless facility is located immediately to the northwest of the tank and consists of an enclosed equipment shelter and four panel antennas mounted on an H-frame support structure with a maximum height of 41 feet above grade. The applicant proposes to add one panel antenna to the support structure, one new utility cabinet, a 10-foot-diameter microwave dish mounted on a monopole with a height of 53 feet, six inches above grade, and a second eight-foot-diameter microwave dish mounted on a separate monopole with a height of 22 feet, six inches above grade. The project is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee has 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 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. 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 June 4, 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 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 to 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.

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within seven days 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.

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 by May 20, 2013.

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. Upon final approval of the facility, 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 adjacent 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 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. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A".

24. One parking space for maintenance vehicles shall continue to be provided. The space need not be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or other structures.

25. The maximum height of the wireless panel antennas and associated structures shall not exceed 41 feet above finished grade. The maximum height of the monopole structures containing the microwave dishes shall not exceed 53 feet, six inches above finished grade and 22 feet, six inches above finished grade, respectively.

26. Within 30 days of change in service provider ownership of the facility, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new owner.

27. The finished surface of the monopoles, H-frame, and pole-mounted equipment shall not be glossy or reflective in nature. The finish shall be graffiti-resistant and of the same color as the existing water tank or as would otherwise blend in with the surrounding environment, to the satisfaction of the Director of the Department 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 within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours.

29. 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.

30. 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.

31. Upon termination of this grant or, if 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 ceasing of operations. 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. 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.

32. Notwithstanding the provision of Condition 8, if the existing water tank is removed prior to the termination date of this grant, this grant shall thereupon terminate. The applicant shall be required to either obtain a new conditional use permit in order to relocate the facilities approved by this grant or to continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.

MK:TM
05/23/13

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

A. That the requested use at the location will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

please see attached
"Burden of Proof"

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.

C. That the proposed site is adequately served:
1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

Conditional Use Permit: BURDEN OF PROOF
Verizon site name: Two Harbors

A. 1,2,& 3) The proposed project will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. Additionally, the project will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. Last, the project will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The County's land use regulations require a conditional use permit be approved to allow the installation of a wireless telecommunications facility. Conditional Use Permit number 99-091 was approved by the County to allow for a wireless telecommunications facility with four (4) 4'-0" directional antennas mounted on an existing framing located next to an existing water tank. The Conditional Use Permit is requesting the renewal of CUP 99-091 to continue the existing use. The continued use of this existing wireless facility will be remain virtually un-noticeable to the untrained eye and are illustrated in the photos of the installation. The site is located on a remote section of Catalina Island. The existing framing to which the antennae are attached is not excessively tall and will provide the required height to transmit cellular telephone signals in the required fashion. As such it provides good clear lines of sight for the transmission of the involved radio signals. These clear lines of sight appear to be critical for the use of the equipment. The design will allow the antennas to blend in to the existing water tank and the facility will not block any significant view.

B.) The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The request is for the continued use of CUP No. 99-091 and will be in harmony with the original approval. The facility is existing and all burden of proof has been established with original conditional use permit approval.

C. 1&2) The proposed project 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. The proposed project is adequately served by other public or private service facilities as are required. The request is for the continued use of CUP No. 99-091 and will be in harmony with the original approval. The facility is existing and all burden of proof has been established with original conditional use permit approval.

COASTAL DEVELOPMENT PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.2320, the applicant shall substantiate the following:

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

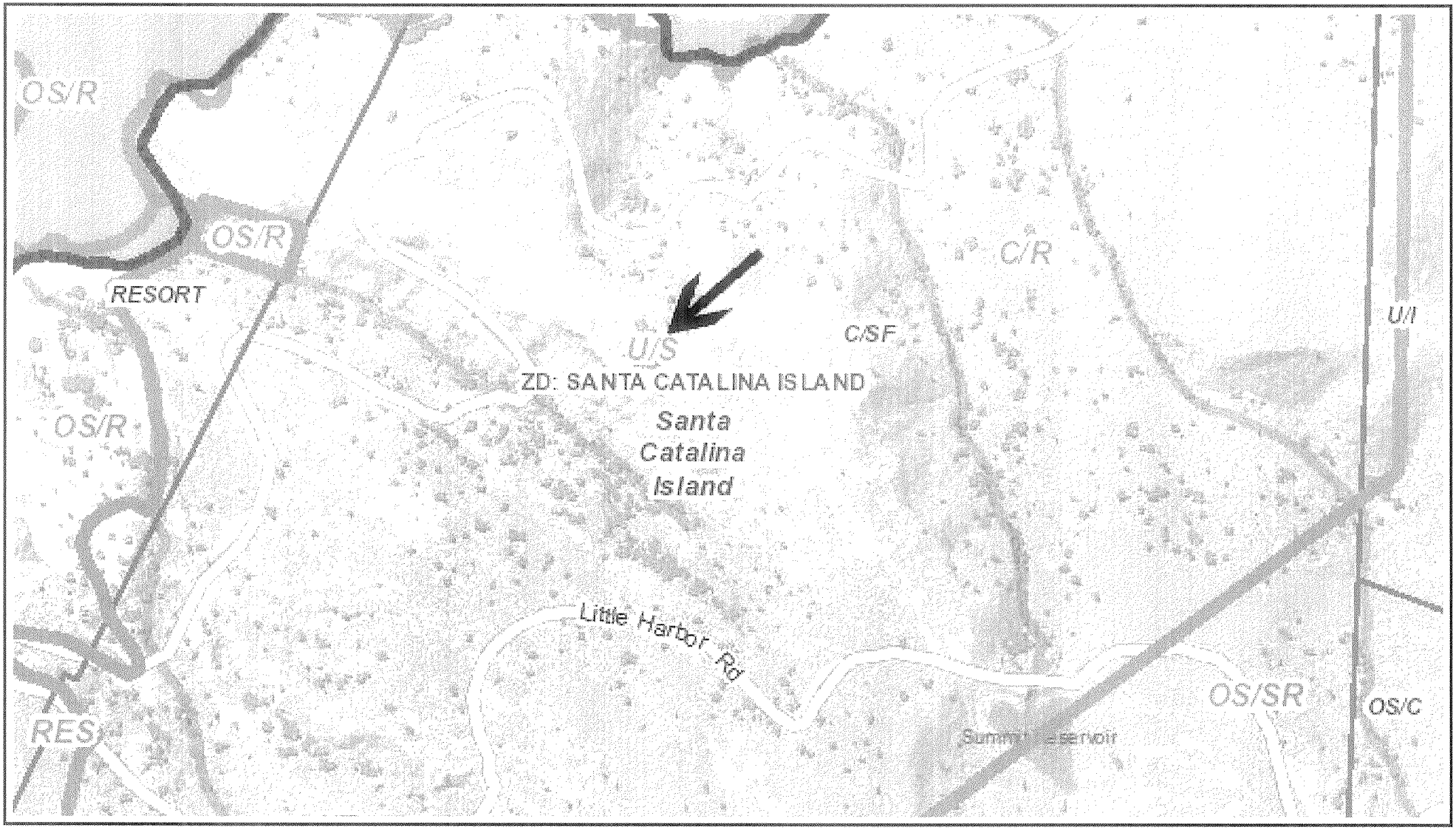
A. That the proposed development is in conformity with the certified local coastal program.
The request to approve the continued use of the existing facility with modification will not pose
adverse impacts on coastal resources and is in conformance with the certified local coastal program.
coastal act policies limit development to close proximity to existing developed areas and where
it will not have any significant adverse effects. the facility is located on the existing water
tank and the continued use will not have any adverse effects. further the continued use
of the facility will maintain public access to the coast being removed from the public right of
way and vehicular travel.
B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.
The request for CUP renewal and modification to install one additional antenna is in conformity with
the public access and public recreation policies of the public resources code. the site is adequate
served by a dirt access road. the existing facility is unmanned and will not generate any traffic,
therefore will have no traffic impacts.

APPLICANT'S AFFIDAVIT

I (We) being duly sworn, depose and say that the foregoing answers and statements herein contained and the information submitted are in all respects true and correct.

Executed this 16th day of NOVEMBER at LOS ANGELES, CA

Signed _____



GIS Map

Project 99091-(4)

Printed: Mar 07, 2013

0 1,000
Feet

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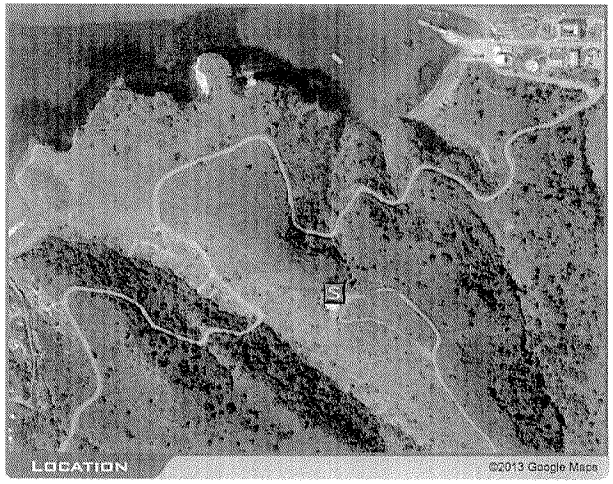
verizon wireless

Two Harbors

9 1/2 Big Fishermans Cove Avalon CA 90704

ARTISTIC engineering
AEsims.com
877.9AE.sims

View 1



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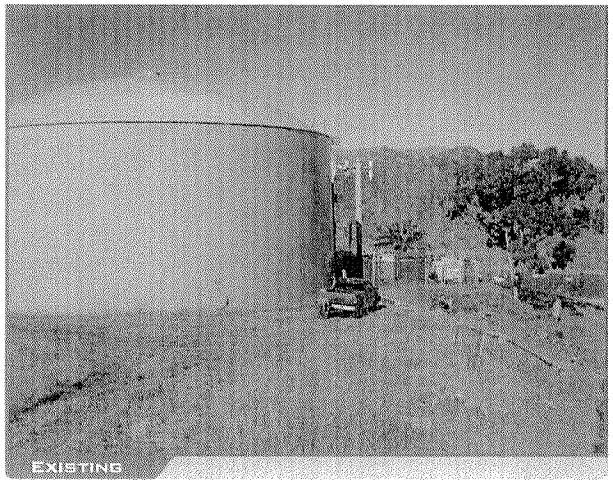
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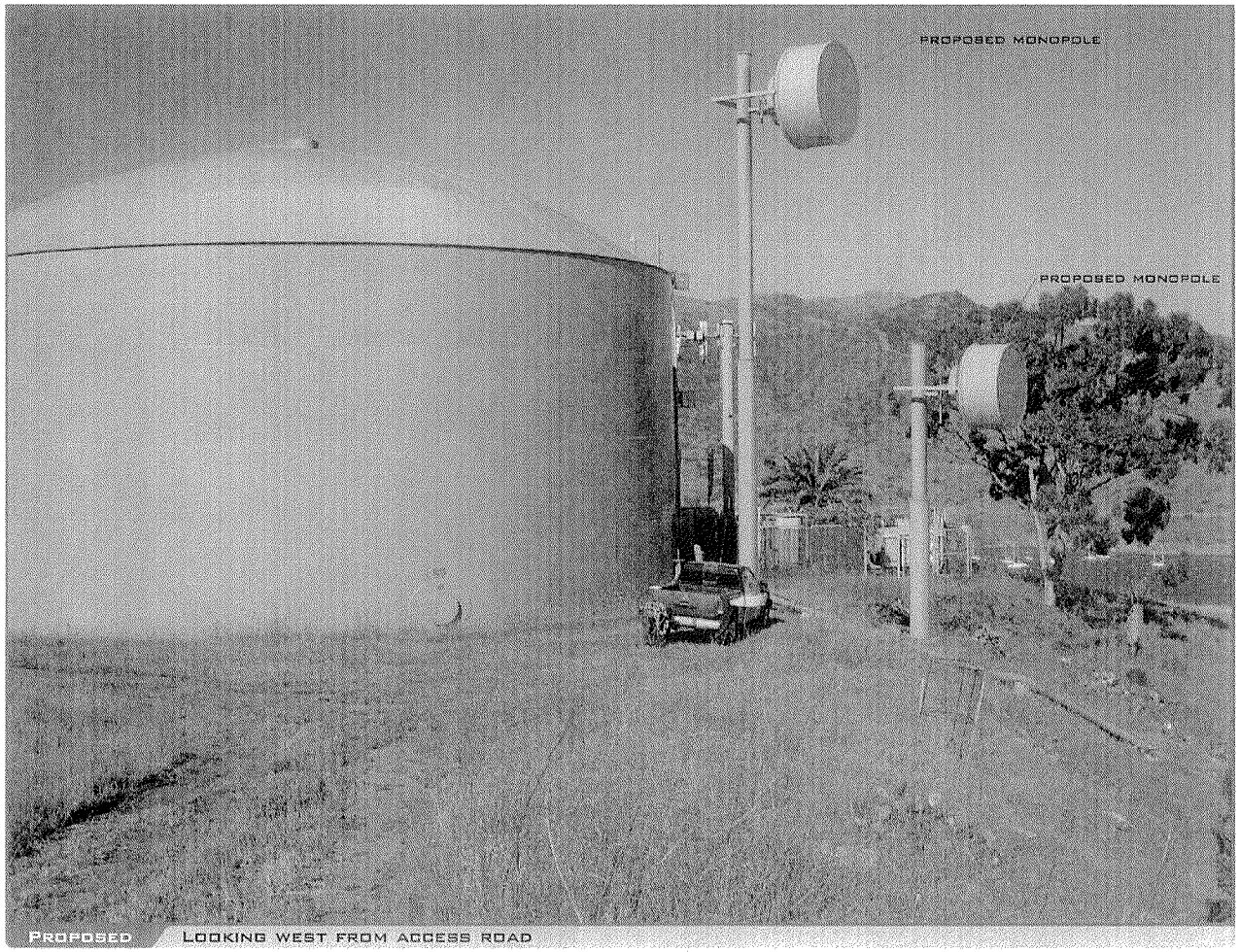

Proposed Looking west from access road

Accuracy of photo simulation based upon information provided by project applicant.

verizon wireless

Two Harbors

9 1/2 Big Fishermans Cove Avalon CA 90704

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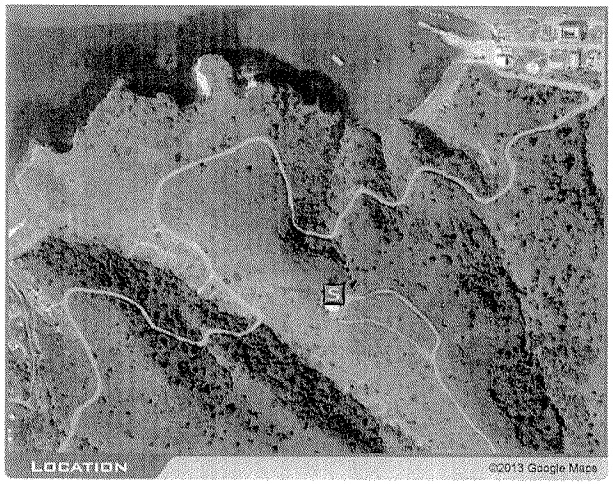
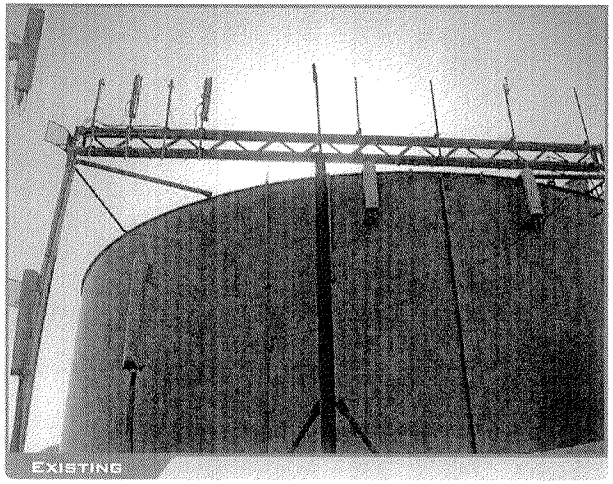
877.9AE.sims

VIEW 2



LOCATION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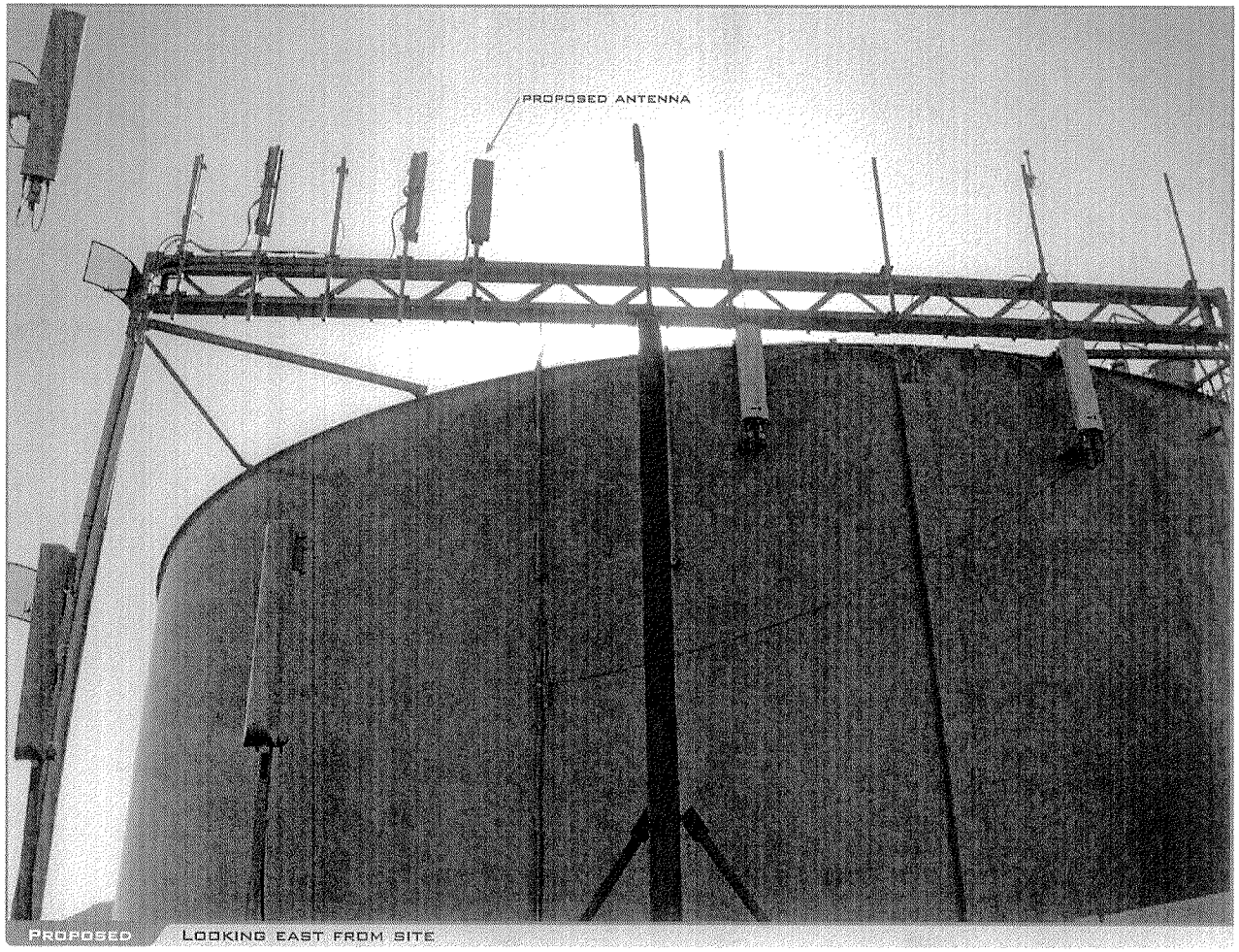

PROPOSED LOOKING EAST FROM SITE

Accuracy of photo simulation based upon information provided by project applicant.

verizon wireless

Two Harbors

9 1/2 Big Fishermans Cove Avalon CA 90704

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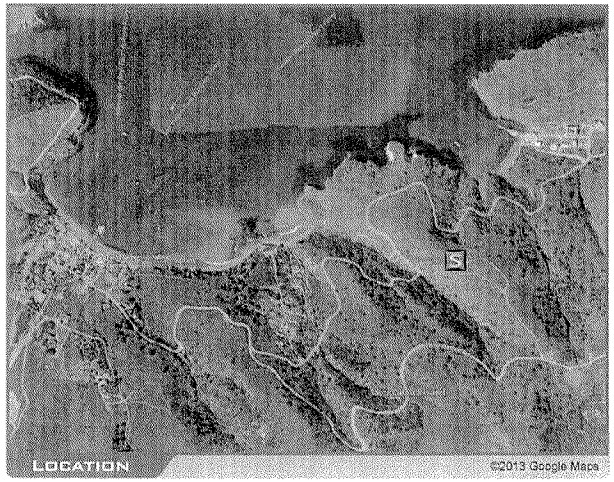
View 3



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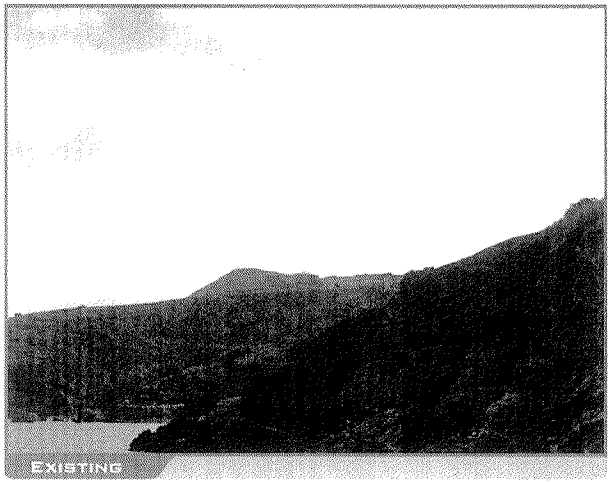

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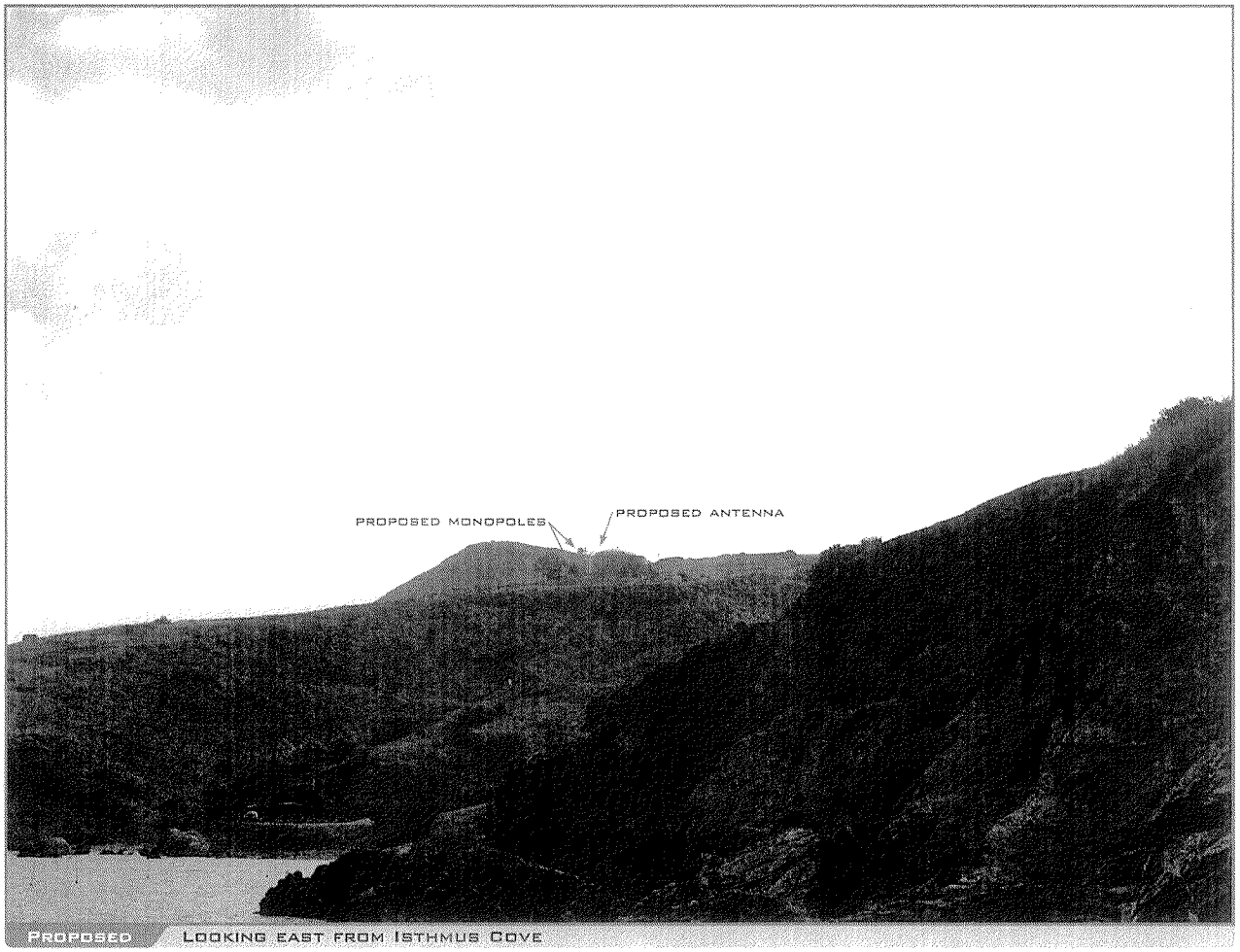

Proposed — Looking east from Isthmus Cove

Accuracy of photo simulation based upon information provided by project applicant.

verizon wireless

Two Harbors

9 1/2 Big Fishermans Cove Avalon CA 90704

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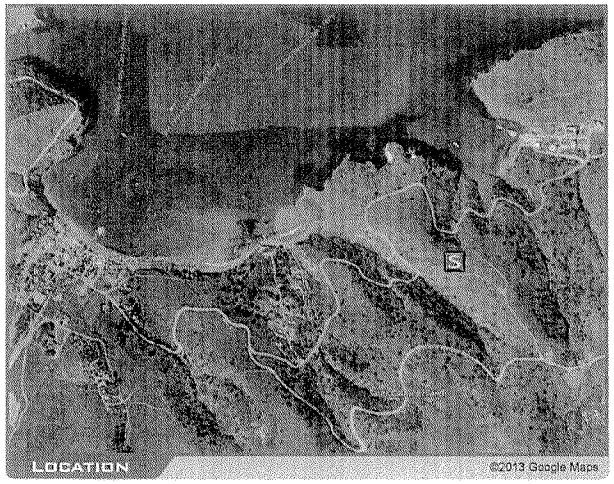
View 4



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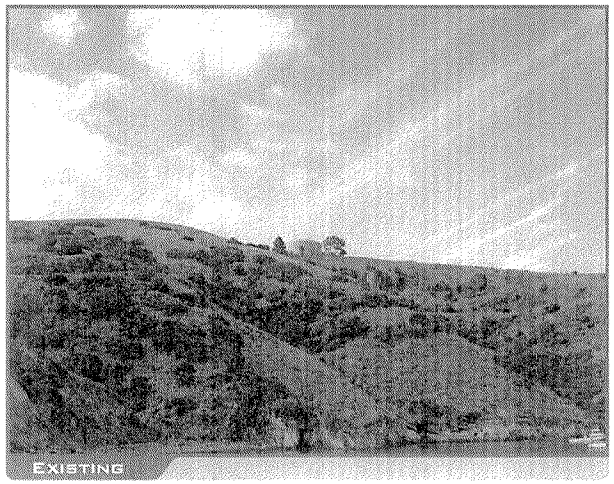

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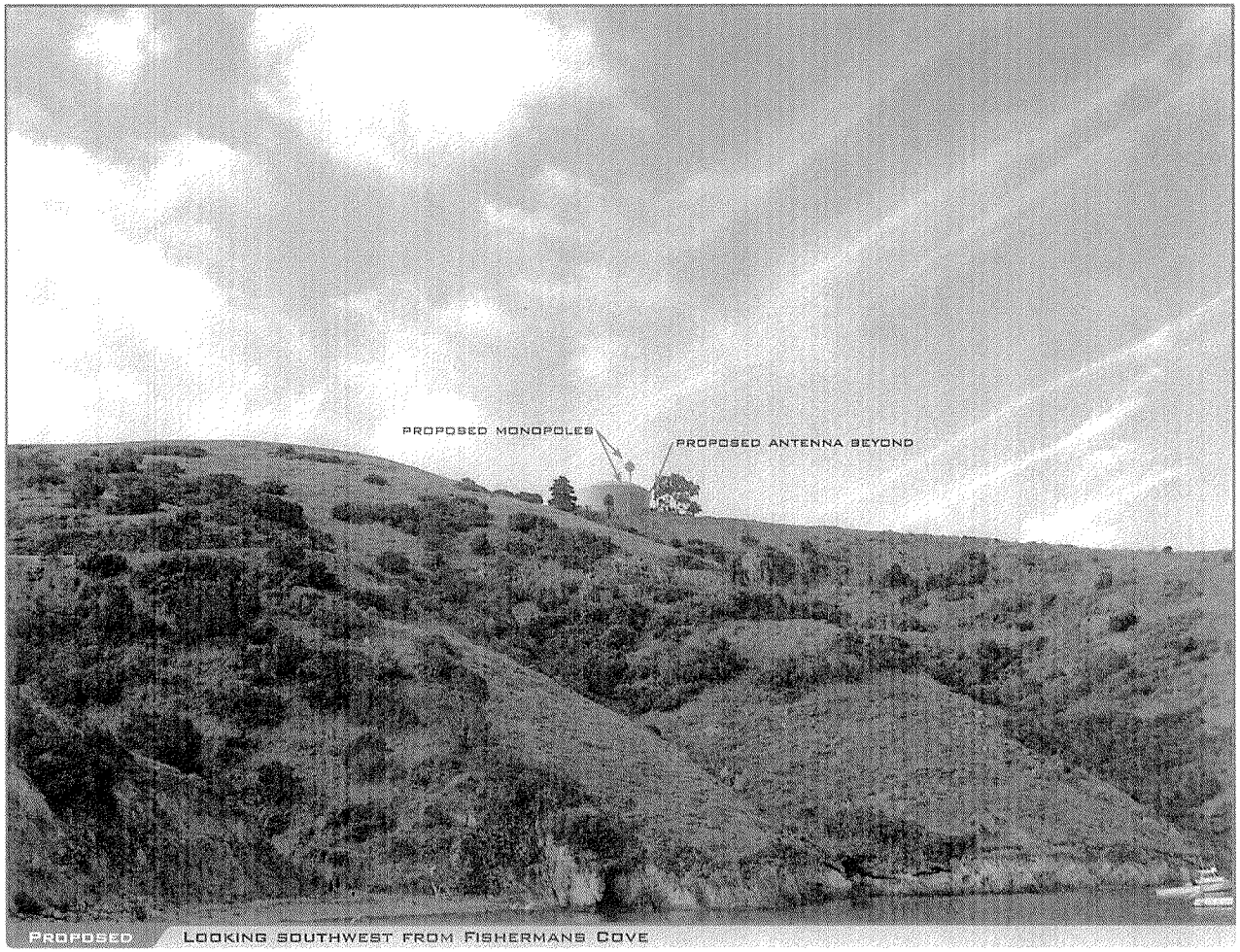

Proposed

Looking southwest from Fishermans Cove

Accuracy of photo simulation based upon information provided by project applicant.