

# Transmittal Checklist

Hearing Date

07/20/2010

Agenda Item Number

TBD

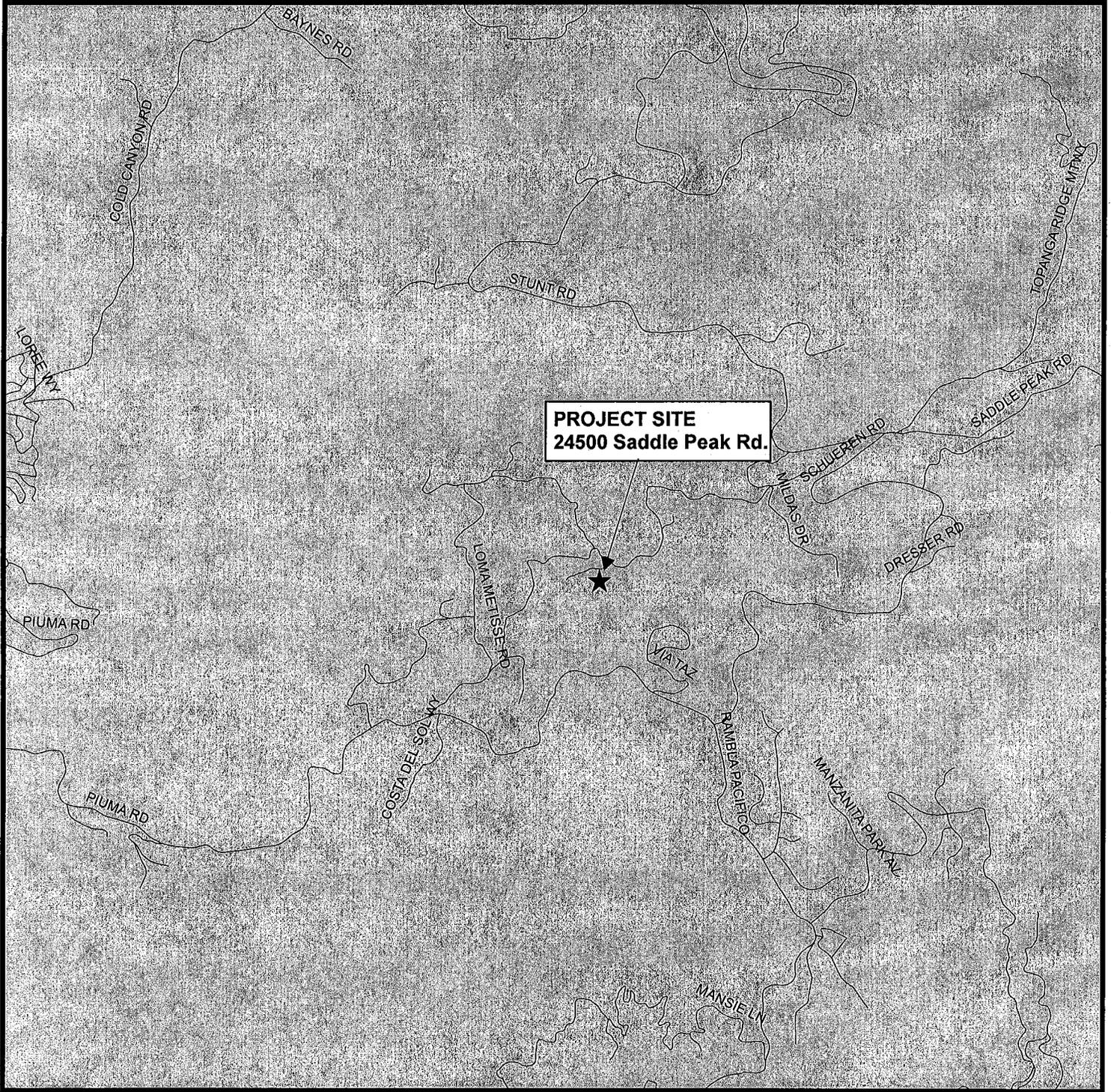
Project Number: 02-188 -- (3)  
Case(s): CUP No. 200900006  
Contact Person: Rob Glaser

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

Reviewed By: \_\_\_\_\_

*Mr. [Signature]*

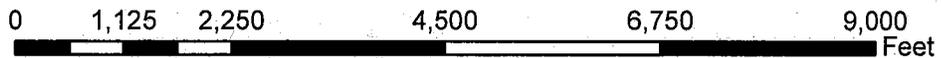
# VICINITY MAP



## Legend

- Freeways
- TB Streets
- Unincorporated Area

**PROJECT NUMBER 02-188 - (3)**  
**CONDITIONAL USE PERMIT NO. 200900006**



1 inch = 2,000 feet

**STAFF REPORT**  
**PROJECT NUMBER 02-188 – (3)**  
**CONDITIONAL USE PERMIT NUMBER 200900006**

**REQUIRED ENTITLEMENTS**

The applicant, Coastal Business Group, is requesting a Conditional Use Permit (CUP) to continue the operation and maintenance of existing unmanned microwave towers and repeater stations, serving as a radio transmission facility. As part of the same CUP, the applicant is requesting authorization to install, operate and maintain an unmanned wireless telecommunication facility (WTF) with appurtenant equipment in the Light Agricultural (A-1-1) Zone. Radio and television stations along with associated towers and an unmanned wireless telecommunication facility are uses subject to a CUP pursuant to Section 22.24.100 of the Los Angeles County Code.

**REPRESENTATIVE:** Coastal Business Group, Mitchell Bryant

**OWNER:** Edwin L. Hall

**SITE PLAN DESCRIPTION**

The site plan depicts an approximate 6,000 sq. ft. enclosed lease area with two existing transmission towers, two existing equipment shelters, and one existing propane tank. The two existing equipment shelters are both approximately 1,030 square feet in size and are approximately 12 feet high. The microwave tower facility is used for the transmission of airplane communication radio signals. The applicant is proposing to install a wireless telecommunication facility consisting of two equipment cabinets, two antennae, a 10k emergency generator, a 120 gallon propane tank and appurtenant equipment. The 120 gallon propane tank dimensions are 3'6" x 3'6" and the proposed lease area equipment pad is 10 feet by 13 feet for the WTF. The lease area pad will contain a 10k emergency power generator and two equipment cabinets for the appurtenant equipment associated with the WTF. Two antennae will be installed on the existing 65 foot high transmission tower. This tower currently has one existing microwave dish attached. The other tower is approximately 83 foot high and has five existing microwave dishes and two antennae attached to the tower. The subject facility is surrounded by an existing six foot high chain linked fence.

**LOCATION**

The subject property is located at 24574 Saddle Peak Road in the Malibu Coastal Zone, within The Malibu Zoned District.

**Assessor's Parcel Number:** 4453-018-019

**EXISTING ZONING**

**Subject Property:** The subject property is zoned Light Agricultural Zone with a one acre minimum lot size development standard (A-1-1).

**Surrounding Zoning:**

- North: A-1-1 Zone.
- East: A-1-1 Zone.

- South: A-1-1 Zone.
- West: A-1-1 Zone.

**Community Standards District (CSD):** None.

**Town Council/ Homeowners Association:** Saddle Peak Property Owners Association

**SITE DESCRIPTION:**

The subject property has an existing radio transmission station and two towers located on the site occupying approximately 6,000 square feet of a 5.6 acre parcel on a hilltop. The hilltop is relatively flat and access to the site is from Saddle Peak Road. Surrounding this facility is primarily vacant hillside land and park land. The nearest single-family residence is approximately 1,000 feet away from the facility.

**ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Categorical Exemption, Class 11 Categorical Exemption - Accessory Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project will be installing appurtenant equipment within the lease area to an existing facility.

**STAFF ANALYSIS**

**Previous Case/Zoning History**

CUP 156 – Approved 10/24/73. This CUP authorized the construction, operation and maintenance of an unmanned television reception and transmission facility. This permit expired 10/24/78.

CUP 210 – Approved 4/3/73. This CUP authorized the construction and maintenance of a microwave station. This permit expired 4/3/83.

CUP 840 – Approved 3/3/76. This CUP authorized the construction and maintenance of another microwave station. This permit expired 2/4/86 and was superceded by CUP 1923. CUP 1923 was approved 1/13/82 and permitted the construction of an additional microwave station. This permit expired 1/13/92 and was superceded by CUP 92-090. CUP 92-090 was approved 8/17/92 to continue an existing unmanned telecommunications facility in operation since 1976. This permit expired 8/11/02.

CUP 1813 – Approved 2/11/81. This CUP authorized the construction of the 70' microwave tower and repeater station building. This permit expired 2/11/91 and was superceded by CUP 92-163. CUP 92-163 was approved 11/5/92 to continue the existing use. This permit expired 11/15/02. The subject CUP 02-188 is a permit to continue the existing use and will supercede CUP 92-162.

CUP 2482 – Approved 5/8/85. This CUP authorized construction and maintenance of a radio transmitting equipment storage building and a 150' tall radio tower. This permit has no expiration date.

CUP 91-271 – Approved 2/11/92. This CUP authorized the construction of an unmanned radio transmitter facility. This permit has no expiration date.

### **General Plan Consistency**

The subject property is designated Rural Land I (max density is 1 dwelling unit per 10 acres) in the Malibu Local Coastal Plan, areas with this land use designation are intended to be used at low intensity, and are characterized by rolling to steep terrain. Principle permitted uses in these areas are large lot residential use, low-intensity commercial recreational uses, agricultural activities, short-term visitor uses such as hotels, tent camps, recreational vehicle parks and similar uses. The subject use is a radio transmission facility. Although this use is not described under the Rural Land I land use category, it may be considered a low intensity use in that it is unmanned and does not generate any traffic other than the occasional maintenance vehicle.

The existing design of the WTF is consistent with the land use compatibility goals and policies of the Countywide General Plan. The following general policy of the Countywide General Plan is applicable to the subject property and serves a guideline for the maintenance of such facility:

Public Services policy 58: *“Maintain high quality emergency response services.”*  
The existing wireless telecommunication facility provides cellular service to this neighborhood and such service is often used to make emergency calls. The existing facility will ensure that such service is readily available.

### **Zoning Ordinance and Development Standards Compliance**

Pursuant to Section 22.28.340 of the County Code, development of radio transmission facilities and wireless telecommunication facilities are permitted uses in the A-1-1 (Light Agricultural – with a one acre minimum lot size development standard) Zone, provided that a CUP is obtained. The existing facility is in compliance with one acre minimum lot size standard, since the property is 5.6 acres in size.

Pursuant to Section 30610 of the California Coastal Act, a coastal development permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. Adding additional appurtenant equipment to an existing facility is exempted under the Coastal Act.

### **Neighborhood Impact/Land Use Compatibility**

Allowing the radio transmission facility to continue operating will ensure safe airplane operation. Although the subject radio transmission facility does stand out visually since it is on top of a hillside, it is an existing use with no notable problems since its establishment. The nearest single family residence is located 1000 feet west of the facility. This facility is only one of a number of similar facilities on the subject property and co-location is encouraged. The installation of wireless telecommunication facility will ensure the cellular service will remain readily available. Cellular service is often used to make emergency calls. Considering potential hazards within the Santa Monica

Mountains area including fire, seismic and geologic, cellular service is important to maintain.

### **EXISTING LAND USE**

**Subject Property:** The subject property contains an existing radio communication facility.

#### **Surrounding Land Uses:**

- North – Vacant hillsides.
- East – Vacant hillsides, communication facilities and park land.
- South – Vacant hillsides.
- West – Vacant hillsides and single-family residence.

### **BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached (**Attachment A**). Staff is of opinion that the applicant has met the burden of proof.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Wireless telecommunication facility projects do not require consultation with other County departments unless the subject property is located in the public right-of-way. The subject property is not located in the public right-of-way. Since the project request is to install a propane tank and a 10k emergency generator within a very high fire hazard severity zone, Los Angeles County Fire Department was consulted.

### **PUBLIC COMMENTS**

No public comments had been received at this time of this report.

### **FEES/DEPOSIT**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in La Opinion, on June 16, 2010 and in The Malibu Times, on June 17, 2010. A total of 53 public hearing notices regarding the subject application were mailed out to the owners of properties located within a 500-foot radius of the subject property on June 10, 2010. This number also includes notices sent to the local community groups and residents on The Malibu Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing, Staff Report and Site Plan were forwarded to the Agoura Hills County Library, Los Angeles, on June 10, 2010. The same materials were also posted on the Department of Regional Planning's website.

Pursuant to Section 22.60.175 of the County Code, the applicant is required to post the public hearing notice on the property no less than 30 days prior to the public hearing

date. Staff received the Certificate of Posting and photos from the applicant's agent stating that the Notice of Public Hearing was posted on June 15, 2010.

**RECOMMENDATION**

Staff recommends **APPROVAL** of CUP No. 200900006, subject to the attached conditions because, the existing radio transmission facility has been operating and been maintained for more than ten years without any complaint or problem for the community. The installation of wireless telecommunication facility will ensure that cellular service will remain readily available. Cellular service is often used to make emergency calls. Both facilities are consistent with the goals and policies set forth in the Malibu Local Coastal Plan and the Countywide General Plan. The installation of this WTF is exempted under the Coastal Act. Considering potential hazards within the Santa Monica Mountains area including fire, seismic and geologic, cellular service is important to maintain and is often used to make emergency calls. Allowing the radio transmission facility to continue operating will ensure safe airplane operation.

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES**

**PROJECT NUMBER 02-188 – (3)  
CONDITIONAL USE PERMIT NO. 200900006**

**REQUEST:** The applicant, Coastal Business Group, is requesting a Conditional Use Permit (CUP) to continue the operation and maintenance of existing unmanned microwave towers and repeater stations, serving as a radio transmission facility. As part of the same CUP, the applicant is requesting authorization to install, operate and maintain an unmanned wireless telecommunication facility (WTF) with appurtenant equipment in the Light Agriculture (A-1-1) Zone.

**HEARING DATE: July 20, 2010**

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

Findings

1. The subject property is located at 24574 Saddle Peak Road in the Malibu Coastal Zone, with in the Malibu Zoned District.
2. The subject property is zoned Light Agricultural (A-1-1). The existing zoning for the surrounding properties are as follows:
  - North: A-1-1 (Light Agricultural – with a one acre minimum lot size development standard) zone.
  - East: A-1-1 zone.
  - South: A-1-1 zone.
  - West: A-1-1 zone.
3. The existing land use for the subject property contains an existing radio communication facility. The existing land use for the surrounding properties are as follows:
  - North: Vacant hillsides.
  - East: Vacant hillsides, communication facilities and park land.
  - South: Vacant hillsides.
  - West: Single-family residential and multi-family residential.
4. This approval is for the continued operation and maintenance of an existing radio transmission facility and the installation, operation and maintenance of an unmanned Wireless Telecommunications Facility (WTF). The facility is an approximate 6,000 sq. ft. enclosed lease area with two existing transmission towers, two existing equipment shelters, and one existing propane tank. The two existing equipment shelters are both approximately 1,030 square feet in size and are approximately 12

feet high. The microwave tower facility is used for the transmission of airplane communication radio signals. The applicant is proposing to install a wireless telecommunication facility consisting of two equipment cabinets, two antennae, a 10k emergency generator, a 120 gallon propane tank and appurtenant equipment. The 120 gallon propane tank dimensions are 3'6" x 3'6" and the proposed lease area equipment pad is 10 feet by 13 feet for the WTF. The lease area pad will contain a 10k emergency power generator and two equipment cabinets for the appurtenant equipment associated with the WTF. Two antennae will be installed on the existing 65 foot high transmission tower. This tower currently has one existing microwave dish attached. The other tower is approximately 83 foot high and has five existing microwave dishes and two antennae attached to the tower. The subject facility is surrounded by an existing six foot high chain linked fence.

5. CUP 156 – Approved 10/24/73. This CUP authorized the construction, operation and maintenance of an unmanned television reception and transmission facility. This permit expired 10/24/78.
6. CUP 210 – Approved 4/3/73. This CUP authorized the construction and maintenance of a microwave station. This permit expired 4/3/83.
7. CUP 840 – Approved 3/3/76. This CUP authorized the construction and maintenance of another microwave station. This permit expired 2/4/86 and was superceded by CUP 1923. CUP 1923 was approved 1/13/82 and permitted the construction of an additional microwave station. This permit expired 1/13/92 and was superceded by CUP 92-090. CUP 92-090 was approved 8/17/92 to continue an existing unmanned telecommunications facility in operation since 1976. This permit expired 8/11/02.
8. CUP 1813 – Approved 2/11/81. This CUP authorized the construction of the 70' microwave tower and repeater station building. This permit expired 2/11/91 and was superceded by CUP 92-163. CUP 92-163 was approved 11/5/92 to continue the existing use. This permit expired 11/15/02. The subject CUP 02-188 is a permit to continue the existing use and will supercede CUP 92-162.
9. CUP 2482 – Approved 5/8/85. This CUP authorized construction and maintenance of a radio transmitting equipment storage building and a 150' tall radio tower. This permit has no expiration date.
10. CUP 91-271 – Approved 2/11/92. This CUP authorized the construction of an unmanned radio transmitter facility. This permit has no expiration date.
11. The subject property is designated Rural Land I (max density is 1 dwelling unit per 10 acres) in the Malibu Local Coastal Plan, areas with this land use designation are intended to be used at low intensity, and are characterized by rolling to steep terrain. Principle permitted uses in these areas are large lot residential use, low-intensity commercial recreational uses, agricultural activities, short-term visitor uses such as

hotels, tent camps, recreational vehicle parks and similar uses. The subject use is a radio transmission facility. Although this use is not described under the Rural Land I land use category, it may be considered a low intensity use in that it is unmanned and does not generate any traffic other than the occasional maintenance vehicle.

12. The existing design of the WTF is consistent with the land use compatibility goals and policies of the Countywide General Plan. The following general policy of the Countywide General Plan is applicable to the subject property and serves a guideline for the maintenance of such facility:

Public Services policy 58: *"Maintain high quality emergency response services."*

The existing wireless telecommunication facility provides cellular service to this neighborhood and such service is often used to make emergency calls. The existing facility will ensure that such service is readily available.

13. Pursuant to Section 22.28.340 of the County Code, development of radio transmission facilities and wireless telecommunication facilities are permitted uses in the A-1-1 (Light Agricultural – with a one acre minimum lot size development standard) Zone, provided that a CUP is obtained. The existing facility is in compliance with one acre minimum lot size standard, since the property is 5.6 acres in size.
14. Pursuant to Section 30610 of the California Coastal Act, a coastal development permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. Adding additional appurtenant equipment to an existing facility is exempted under the Coastal Act.
15. Allowing the radio transmission facility to continue operating will ensure safe airplane operation. Although the subject radio transmission facility does stand out visually since it is on top of a hillside, it is an existing use with no notable problems since its establishment. The nearest single family residence is located 1000 feet west of the facility. This facility is only one of a number of similar facilities on the subject property and co-location is encouraged. The installation of wireless telecommunication facility will ensure the cellular service will remain readily available. Cellular service is often used to make emergency calls. Considering potential hazards within the Santa Monica Mountains area including fire, seismic and geologic, cellular service is important to maintain.
16. The Department of Regional Planning has determined that a Categorical Exemption, Class 11 Categorical Exemption - Accessory Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project will be installing appurtenant equipment within the lease area to an existing facility.

17. 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.
18. 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.
19. 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, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Zoning Permits Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the existing use is consistent with the adopted general plan for the area;
- B. That the request to continue the operation and maintenance of the said radio transmission facility and the installation, operation and maintenance of an unmanned WTF, following the attached conditions of approval, will not adversely affect the health, peace, comfort, or welfare of persons residing and 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. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the existing 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.

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900006 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MC:RG:rg

This grant authorizes the continued operation and maintenance of an existing unmanned radio transmission facility and the installation, operation and maintenance of an unmanned Wireless Telecommunications Facility (WTF). The radio transmission facility consists of two transmission towers, two equipment shelters and a propane tank. The installation, operation and maintenance of the WTF will include two equipment cabinets with appurtenant equipment, two antennae (attached to an existing tower), a 10k emergency generator and a 120 gallon propane tank. The subject property is located at 24574 Saddle Peak Road in the Malibu Coastal Zone. This approval is subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose and cannot be used 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 Department of 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. 6, and until all required fees have been paid pursuant to Condition No. 9, Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4, and 7 shall be effective immediately upon final approval of this grant by the County.
3. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably 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.
4. 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the

number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant will terminate on July 25, 2025.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. This grant shall expire unless used within 2 years from the date of approval by the County. A single one-year time extension may be requested in writing and with payment of the applicable fee no earlier than six (6) months prior to such expiration date.
9. 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. The permittee shall deposit with the County of Los Angeles the sum of **\$1600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **ten (8) biennial (once 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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.

10. 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 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.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of 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.
16. 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 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. The permittee shall install an 8.5" x 11" sign made of weatherproof material on the outdoor equipment cabinets. This sign shall contain contact information for the company responsible for maintenance of the said cabinets, in case of damage or graffiti. In addition, the Department of Regional Planning project number and conditional use permit number shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

18. The operator shall provide one parking space for maintenance vehicles that shall not block access to driveways or garages and shall obey all applicable on-street parking regulations.
19. 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, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit. In the event the subsequent revised plans 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 written authorization of the property owner.

The subject property shall be developed and maintained in substantial compliance with the photo simulations of the wireless telecommunication facility presented at the time of approval.

20. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted Federal Communications Commission (FCC) standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the initial report on said facility's radio frequency emissions level, as required by the FCC requirements, to the Department of Regional Planning. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities.
21. The wireless telecommunication facility shall be removed if in disuse for more than six (6) months.
22. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless telecommunications facilities in the vicinity with regard to possible co-location. Such subsequent applications will be subject to the regulations in effect at the time.

MC:RG:rg



**COUNTY OF LOS ANGELES  
FIRE DEPARTMENT**

**5823 Rickenbacker Road  
Commerce, California 90040-3027**

**DATE:** June 4, 2010  
**TO:** Department of Regional Planning  
Permits and Variances  
**PROJECT #:** CUP 02-188  
**LOCATION:** 24500 Saddle Peak Road, Malibu (Co.)

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is \_\_\_\_ gallons per minute for \_ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. \_\_ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- The required fire flow for private on-site hydrants is \_\_\_\_ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing \_\_\_\_ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- Verify \_\_\_\_ 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone (VHFHSZ). A Preliminary Fuel Modification Plan shall be submitted and approved prior to the Public Hearing. For details contact the Fuel Modification Unit, Fire Station 32, 605 North Angeleno Avenue, Azusa, CA 91702-2904. They may be reached at (626) 969-5205.
- Comments:** THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.
- Water:** \_\_\_\_\_
- Access:** \_\_\_\_\_
- Special Requirements:** Prior to building permit issuance, approval of architectural drawings is required by the Fire Prevention Engineering Section. For details please contact the Calabasas Fire Prevention office at (818) 880-0341.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: **SCOTT JAEGGI**

**Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783**



# ATTACHMENT A

## 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.

This unmanned telecommunication facility does not negatively affect the surrounding area in any capacity. nor does it pose a detriment or endangerment to the local property or public.

in fact, this facility benefits the local people in health, safety, and general welfare due to the fact that it enhances cellular phone efficiency. thus, cell phone users in need of emergency assistance are able to make the necessary call in case of an emergency. the itt proposed co-location poses no adverse affects but are intended to improve airplane communication.

**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.**

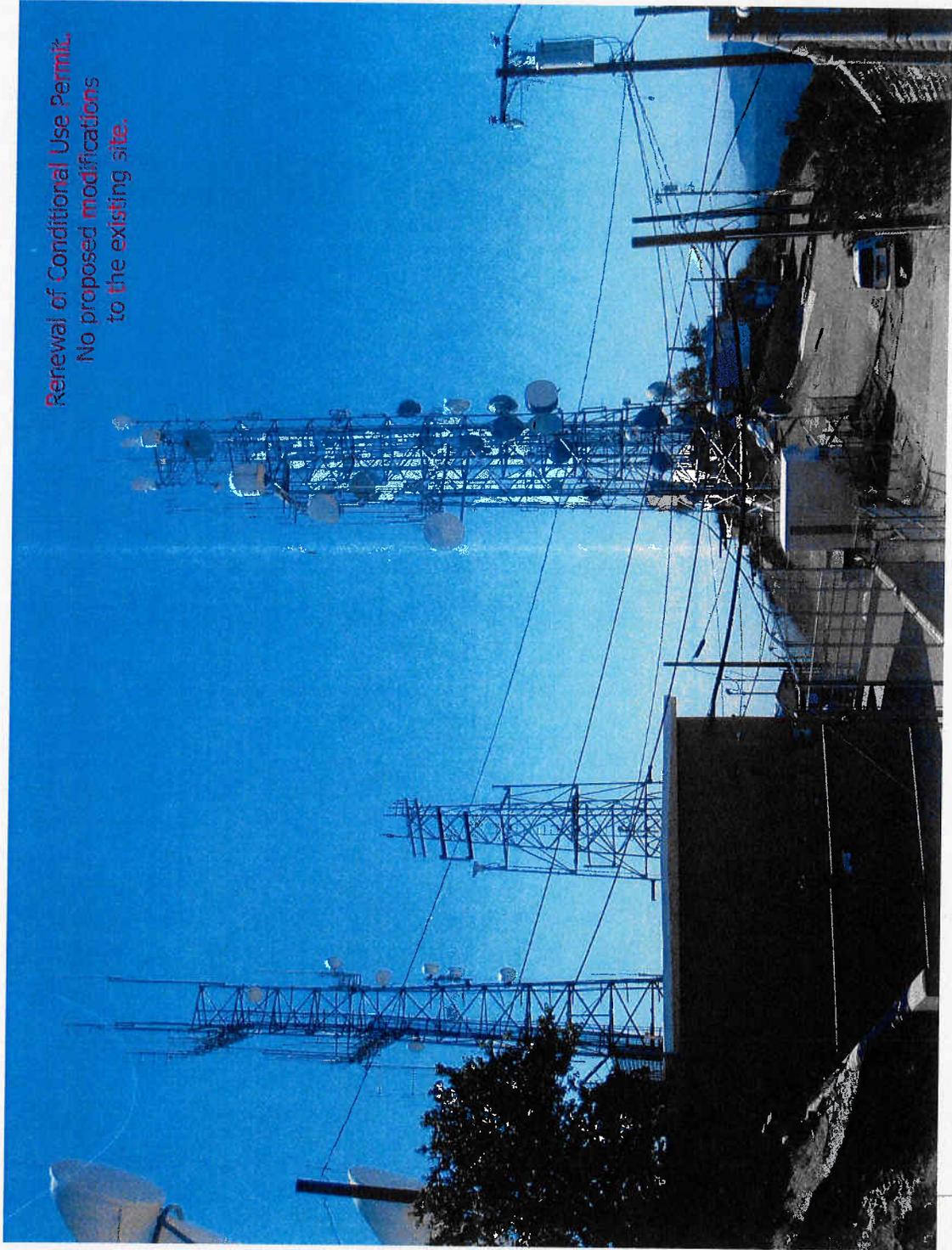
This site has been and will continue to adequately accommodate the surrounding area in all capacities. the chain link fence that surrounds the facility has not changed in any way , shape, or form, thus sustaining the same parameters it has for 30 years. lastly, this is unmanned and remote therefore there is no need for parking, landscaping or loading facilities. additional equipment for itt co-location will be within existing fenced area and will not require any further adequacy.

**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.

no public or private services are required by this unmanned telecommunications facility. except for the occasional technician that may visit by way of paved saddle peak road.

October 22, 2008



Renewal of Conditional Use Permit.  
No proposed modifications  
to the existing site.

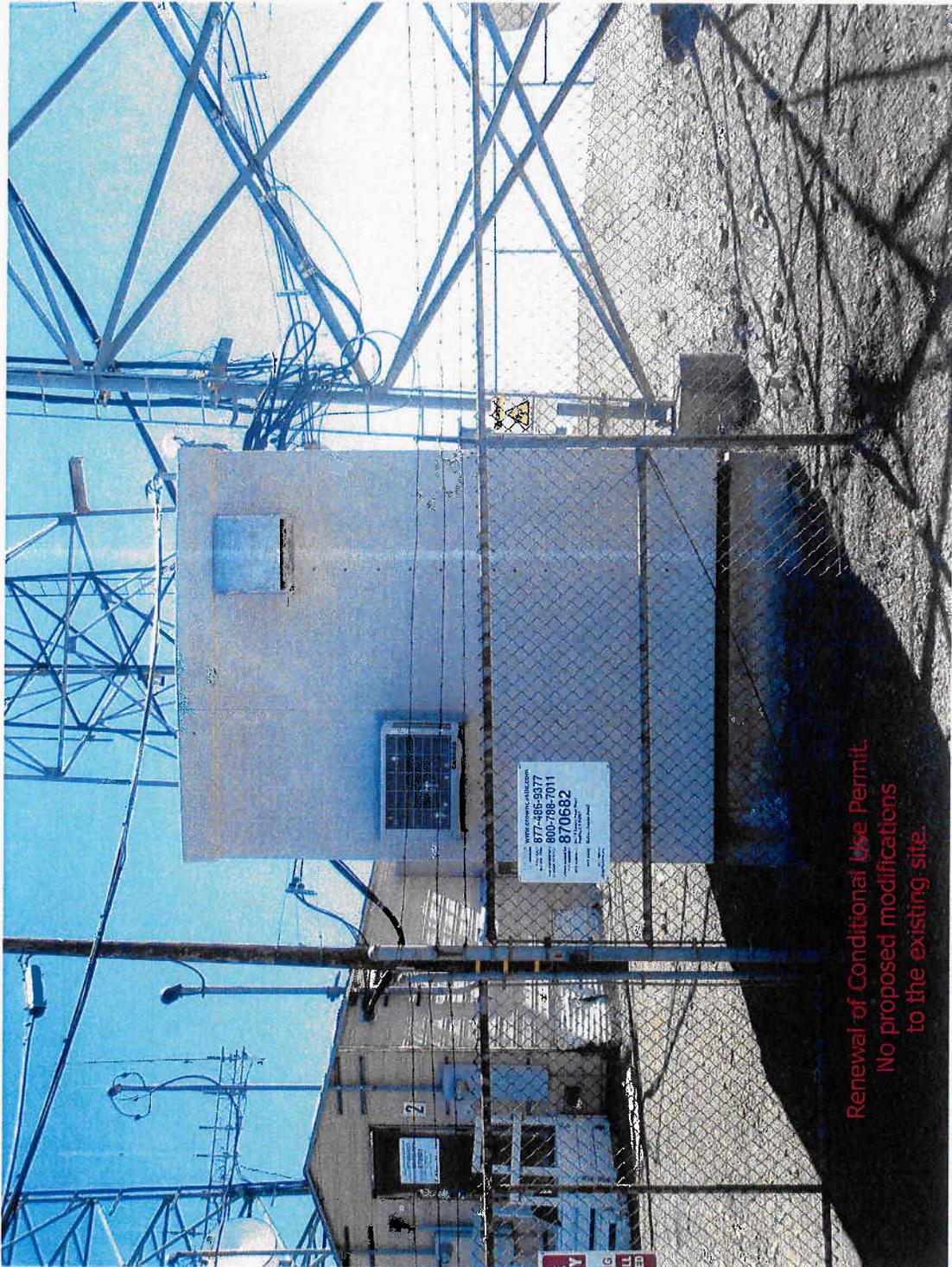
East Elevation

870682  
Malibu



02-188

October 22, 2008



Renewal of Conditional Use Permit.  
No proposed modifications  
to the existing site.

North Shelter Elevation

870682  
Malibu



02-188

October 22, 2008



Renewal of Conditional Use Permit.  
No proposed modifications  
to the existing site.

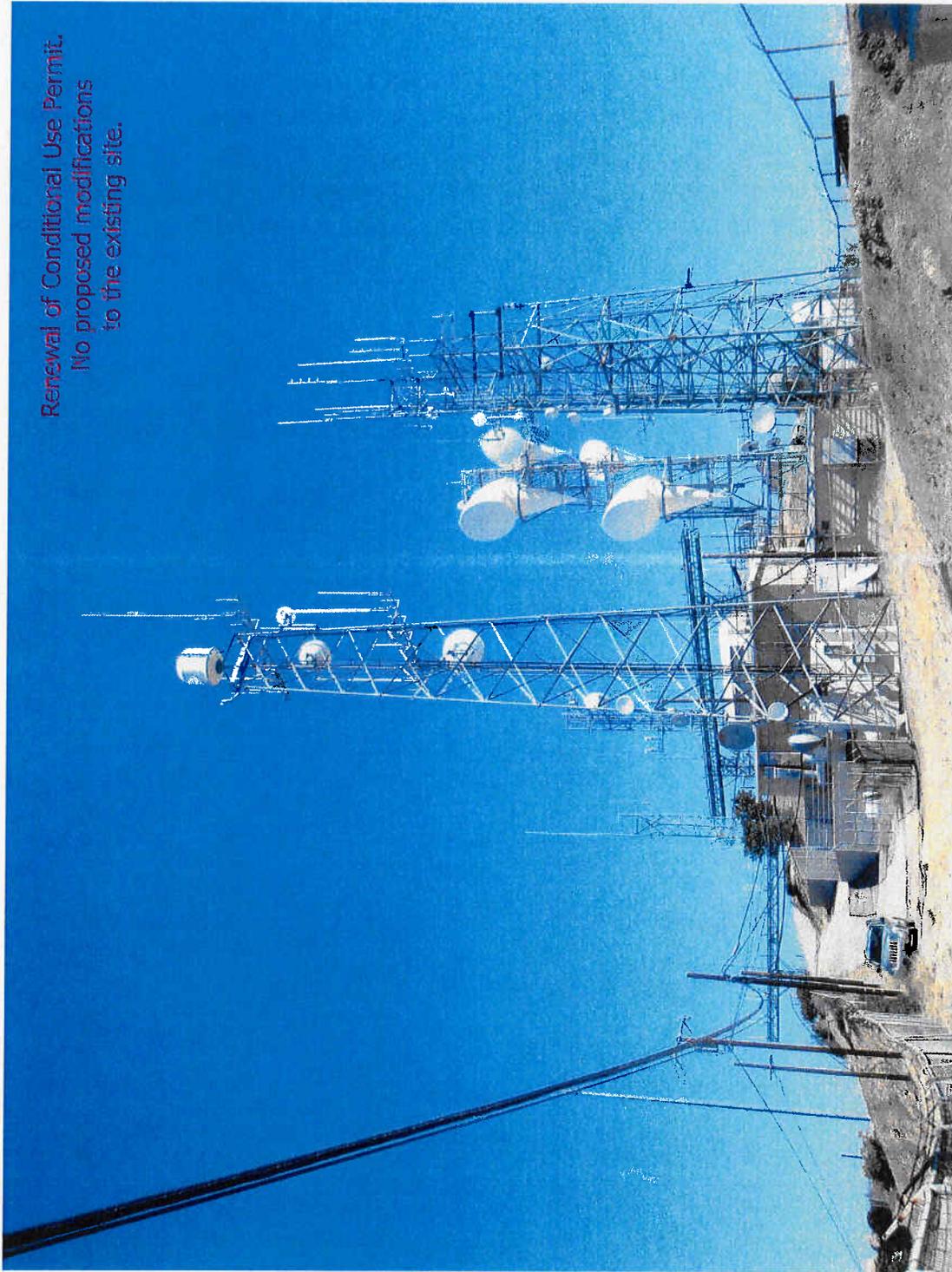


870682  
Malibu

Tower Elevation

October 22, 2008

Renewal of Conditional Use Permit.  
No proposed modifications  
to the existing site.



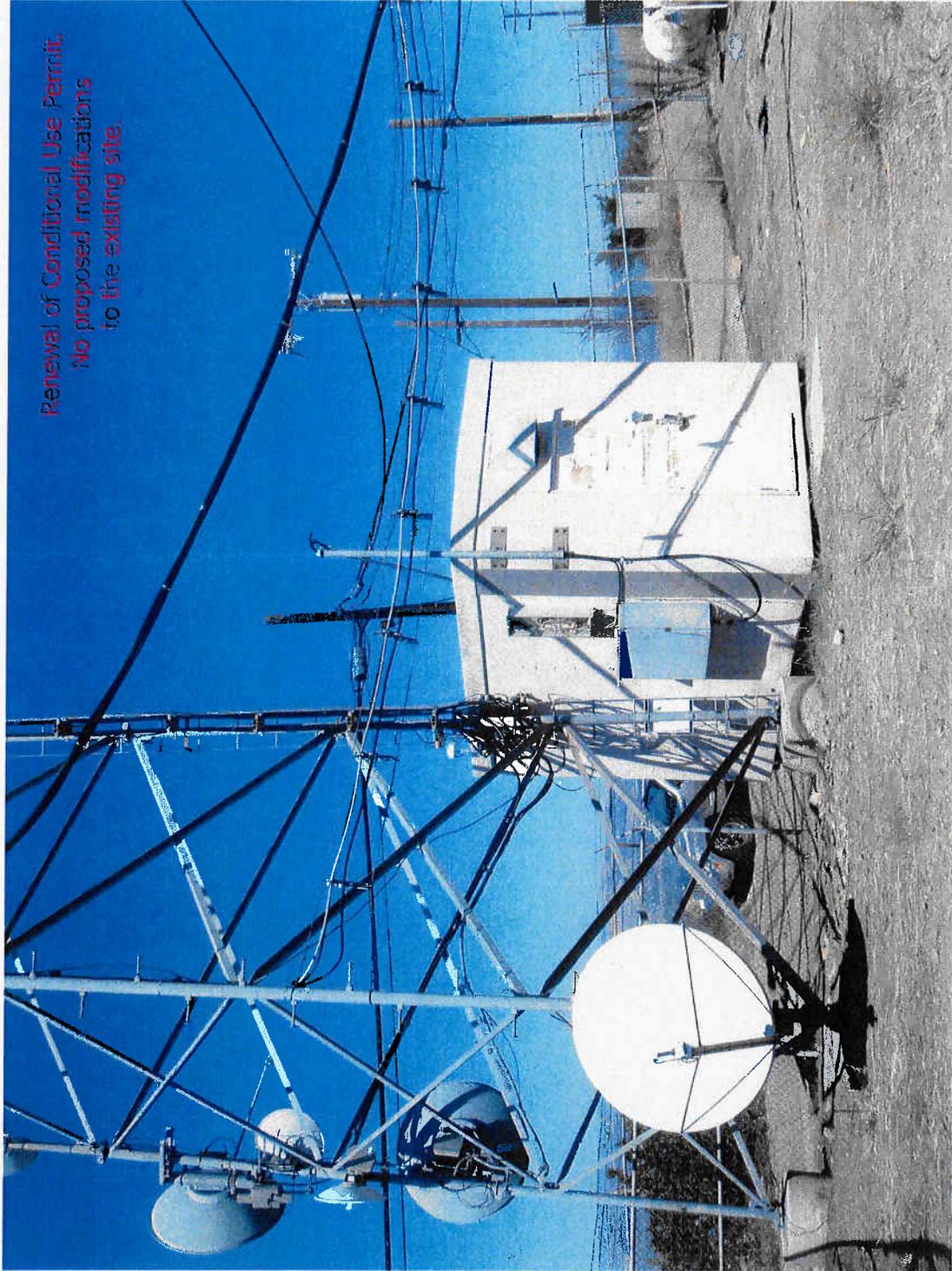
West Elevation

870682  
Malibu



02-188

October 22, 2008



Renewal of Conditional Use Permit.  
No proposed modifications  
to the existing site.

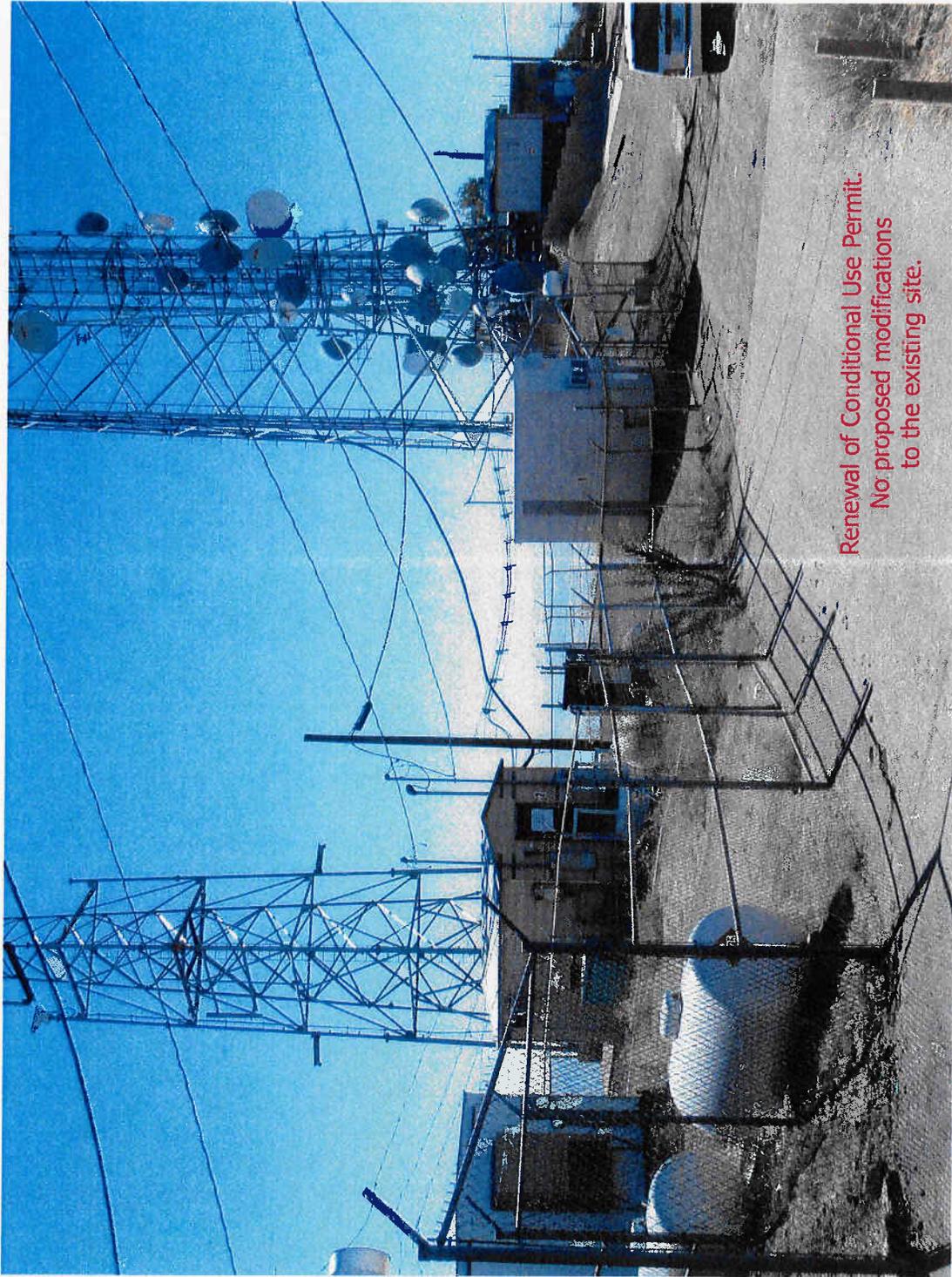
South Shelter Elevation

870682  
Malibu



02-188

October 22, 2008



Renewal of Conditional Use Permit.  
No proposed modifications  
to the existing site.

East Compound Elevation

870682  
Malibu



02-188

