



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

September 16, 2009

Mr. Mitchell Bryant
Coastal Business Group
16460 Bake Parkway #100
Irvine, CA 92618

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

PROJECT NO. 98-080
CONDITIONAL USE PERMIT NO. 200800172
39950 GOLDEN STATE HWY., CASTAIC CANYON ZONED DISTRICT

Dear Applicant/Agent:

Hearing Officer, Mr. Alex Garcia, by his action of September 15, 2009, **APPROVED** the above described application. The applicant or any other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on September 29, 2009.** Appeals must be delivered by this date. If an appeal is not filed, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions of approval. Please carefully review each condition. The conditions require that the permittee record the affidavit accepting the conditions. Upon completion of the appeal period, please notarize the attached acceptance forms. Please **make an appointment to hand deliver** the recorded affidavit and fees to the assigned planner.

For further information, please contact Phillip Estes at (213) 974-6435 or by e-mail at pestes@planning.lacounty.gov. Office hours are Monday through Thursday, 7:30 AM to 5:30 PM. The Department of Regional Planning is closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING

Jon Sanabria
Acting Director of Planning


Maria Masis, AICP
Supervising Regional Planner
Zoning Permit II

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
CC: DPW (Building and Safety), Zoning Enforcement

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

PROJECT NO. 98-080-(5)
CONDITIONAL USE PERMIT NO. 200800172

LOCATION: 39950 Golden State Hwy., Castaic, CA.

HEARING DATES: 9-1-2009, 9-15-09.

REQUEST:

The applicant requested to renew Conditional Use Permit (CUP) No. 98-080 for an existing wireless telecommunications facility (WTF) located in the A-2-5 zone.

PROCEEDINGS BEFORE THE HEARING OFFICER:

September 1, 2009 Public Hearing

A duly noticed public hearing was held on September 1, 2009 before Hearing Officer Mr. Alex Garcia.

Staff gave a presentation of the proposed project, surrounding zoning and land uses.

In order to confirm that all co-located antennas were authorized and to allow staff additional time, the Hearing Officer continued the public hearing until September 15, 2009.

September 15, 2009 Public Hearing

Staff presented additional information to the Hearing Officer in a memorandum dated 9-10-09 and confirmed the applicant's plans were in substantial compliance with previously authorized zoning permits.

The applicant's representative stated he had reviewed and agreed to the draft conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing and approved the permit, subject to conditions as recommended by staff.

Findings

1. The applicant submitted Conditional Use Permit No. 200800172 to reauthorize the existing wireless telecommunications facility.
2. The subject property is located at 39950 Golden State Hwy., unincorporated Castaic, Castaic Canyon Zoned District in the Santa Clarita Valley.
3. The Assessor's Parcel No. is 3249-016-002.
4. The project site is located on an approximately 6.07 acres parcel.
5. The leased area is approximately 2,500 sq. ft. with an access road. The remainder of the land is not developed.
6. There is an existing access easement for ingress and egress across, over and through the access route to the project site, as shown on the site plan and described in Exhibit A and B

of the recorded Access Easement document No. 99-0207018, as recorded with the County Recorder.

7. CUP No. 98-080 authorized a co-located WTF on October 20, 1998 and expired on October 22, 2008.
8. CUP No. 94-046 authorized a WTF consisting of a 200 ft. high lattice tower.
9. The site plans show an existing 185 ft. high lattice tower, antennas mounted at 110 ft., 120 ft., 135 ft., 150 ft., 162 ft., and 185 ft. Accessory equipment cabinets are located within a 6 ft. high chain link fence. No new construction is proposed.
10. There is no new construction proposed.
11. Staff has received no comments from the public.
12. The subject property is designated O-F (Open Space - National Forest) in the Santa Clarita Valley Area Plan.
13. There are no specific policies related to WTFs in the General Plan or the Santa Clarita Valley Area Plan. However, it is desirable and essential to maintain a viable WTF network.
14. The subject property is located in the A-2-5 (Heavy Agriculture – 5 acre minimum parcels) zone.
15. The project is Categorically Exempt Class 1 (Existing Facilities) under the California Environmental Quality Act (CEQA) reporting requirements.
16. The project shall be subject to the development standards under Sections 22.56.110 and 22.24.170 of the Los Angeles County Code, which includes standards for modification of development standards through an approved permit and provides development standards for the zone in which the property is located. The project is consistent with the prescribed standards.
17. The surrounding properties are located in the following zones:
 - North: A-2-5
 - South: A-2-5
 - East: A-2-5
 - West: A-2-5
18. Surrounding land uses within 1,000 ft. include:
 - North: Vacant, National Forest
 - South: Vacant, National Forest
 - East: Vacant, National Forest
 - West: Vacant, National Forest

19. To assure continued compatibility between the subject property allowed by this grant and surrounding land uses, the Hearing Officer has determined that it is necessary to limit the term of the grant to ten years.
20. 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.
21. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is located at the Department of Regional Planning, 13th Floor, Hall of Records, 320 W. Temple St., Los Angeles, CA 90012.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

CUP Burden of Proof

1. The proposed use is consistent with the adopted general plan for the area;
2. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, and 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 and general welfare;
3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
4. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private 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 Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. I have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of facts presented above, Conditional Use Permit No. 200800172 is **APPROVED**, subject to the attached conditions.

CC: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety.

This grant reauthorizes Conditional Use Permit 98-080 for a co-located wireless telecommunication facility and 185 ft. lattice tower with no new construction, subject to the following conditions of approval;

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 until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the 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 monies have been paid pursuant to Condition No. 9.

Notwithstanding the foregoing, this condition No. 2, and Condition Nos. 3, 4, and 9 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 September 15, 2019.** 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 will expire unless used within 2 years from the date of approval. A single, one-year time extension may be requested in writing and with payment of the applicable fee. Submittal of the recorded affidavit and payment of all required fees shall constitute use of the permit.
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 **\$750.00**. 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 **five (5) biennial** 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 \$150.00 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 to 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.
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.

MM:PE
8-10-2009.