

Hearing Officer Transmittal Checklist

Hearing Date
9/15/2009

Agenda Item Number

4

Project Number: R2008-01980
Case(s): RCUP200800165
Contact Person: Daniel Fierros

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Opponent And Proponent Letters
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By: Mark Cund



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6443

PROJECT NUMBER R2008-01980 (3)
CONDITIONAL USE PERMIT RCUP200800165 (3)

PUBLIC HEARING DATE
 9/15/2009

AGENDA ITEM
 4

RPC CONSENT DATE

CONTINUE TO

APPLICANT

Omnipoint Communications, inc. (T-Mobile)

OWNER

None

REPRESENTATIVE

Sarah Ryzner-Svililo

PROJECT DESCRIPTION

T-Mobile proposes the installation of a wireless telecommunications facility in the public right-of-way (ROW) consisting of three (3) panel antennas, to be mounted on a 22'-6" concrete textured octagonal pole. The antennas will be enclosed by 30" x 66" "Antenna Radome" placed on the top of the pole. The overall height of the pole is 28'. The associated equipment will be placed in an underground vault on the other side of the street. Two (2) 20" x 36" vent stacks will be placed adjacent to the vault as well as the Meyers electrical meter pedestal.

REQUIRED ENTITLEMENTS

The applicant, Omnipoint Communications (T-Mobile), is requesting a Conditional Use Permit (CUP) to authorize the construction, maintenance and installation of a new wireless telecommunications facility consisting of three (3) panel antennas, to be mounted on a 22'6" concrete textured octagonal pole within the public road right-of-way (ROW). The antennas will be enclosed by a 30" x 66" random placed on the top of the pole. The overall height of the pole is 28' and the associated equipment will be placed in a vault across the street.

LOCATION/ADDRESS

3418 Shoreheights Dr.

SITE DESCRIPTION

The site is on the public right-of-way. The proposed monopole is located at the end of a cud sac and at the end of the paved sidewalk.

ACCESS

Shoreheights Dr.

ZONED DISTRICT

The Malibu

ASSESSORS PARCEL NUMBER

Across the Street from 4443-017-001

COMMUNITY

Malibu

SIZE

0 Acres (Public Right-of-way)

COMMUNITY STANDARDS DISTRICT

N/A

EXISTING LAND USE

EXISTING ZONING

Project Site

Public right-of-way

R-1-6,000

North

Vacant

R-1-8,000

East

Single Family Residential

R-1-6,000

South

Single Family Residential

R-1-6,000

West

Vacant

R-1-8,000

GENERAL PLAN/COMMUNITY PLAN

Malibu Coastal Zone

LAND USE DESIGNATION

8B-Residential III(B) (4 to 6 du/ac)

MAXIMUM DENSITY

N/A

ENVIRONMENTAL DETERMINATION

Class 3 Categorical Exemption- New Construction or Conversion of Small Structures

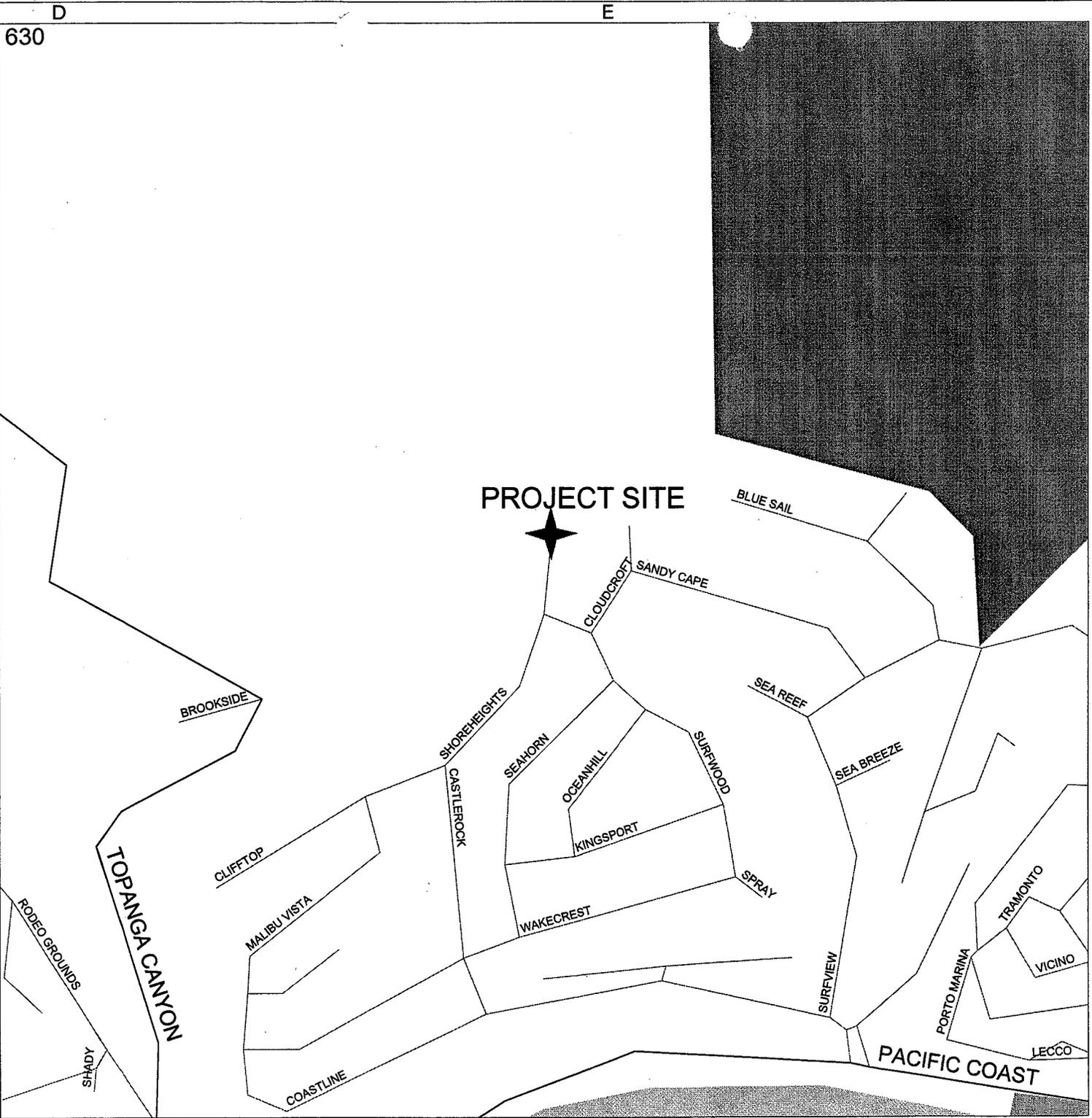
RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Daniel Fierros		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor



VICINITY MAP

SITE : 3418 ½ SHOREHEIGHTS DRIVE - SV11110

GC MAPPING SERVICE, INC.
 3055 WEST VALLEY BOULEVARD
 ALHAMBRA CA 91803
 (626) 441-1080, FAX (626) 441-8850
GCMAPPING@RADIUSMAPS.COM

Proposed Monopole Location



**PUBLIC RIGHT-OF-WAY
ACROSS THE STREET OF PARCEL 4443-017-001**

STAFF ANALYSIS
PROJECT NUMBER R2008-01980 (3)
CONDITIONAL USE PERMIT RCUP200800165 (3)

PROJECT DESCRIPTION

T-Mobile proposes the installation of a wireless telecommunications facility in the public right-of-way (ROW) consisting of three (3) panel antennas, to be mounted on a 22'-6" concrete textured octagonal pole. The antennas will be enclosed by 30" x 66" "Antenna Radome" placed on the top of the pole. The overall height of the pole is 28'. The associated equipment will be placed in an underground vault on the other side of the street. Two (2) 20" x 36" vent stacks will be placed adjacent to the vault as well as the Meyers electrical meter pedestal.

REQUIRED ENTITLEMENTS

The applicant, Omnipoint Communications (T-Mobile), is requesting a conditional use permit (CUP) to authorize the construction, maintenance and installation of a new wireless telecommunications facility.

LOCATION

The subject property is located at 3418 Shoreheights Dr. Malibu, CA 90265 (across from APN 4443-017-001) in the unincorporated community of Malibu within the Malibu Zone District.

SITE PLAN DESCRIPTION

The monopole wireless facility is being located on the public ROW in a residential neighborhood at the end of a cul-de-sac at the end of the paved sidewalk.

Surrounding Properties Zoning

The surrounding properties are zoned as follows:

North: R-1-8,000 (Single Family Residential)
South: R-1-6,000 (Single Family Residential)
East: R-1-6,000 (Single Family Residential)
West: R-1-8,000 (Single Family Residential)

EXISTING LAND USES

Subject Property

The subject site is on the Public ROW at the end of a cul-de-sac in a residential neighborhood

Surrounding Properties Land Uses

The surrounding land uses are as follows:

North: Vacant
South: Single Family Residential
East: Single Family Residential

West: Vacant

ENVIRONMENTAL DETERMINATION

The subject project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of a small structure of a wireless facility. Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).

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.

PREVIOUS CASES/ZONING ENFORCEMENT HISTORY

There are no previous zoning cases on the proposed project site.

STAFF EVALUATION

General Plan Consistency

The subject property is located within the Malibu Coastal Zone Plan with the Land Use Designation of 8B-Residential III(B) (4 to 6 du/ac). The Malibu Coastal zone Plan visual compatibility section requires that all structures be designed and located so as to create an attractive appearance and harmonious with the surrounding environment. The proposed concrete monopole is designed to match the surrounding street lights poles; therefore the project is consistent with the Malibu Coastal plan.

Zoning Ordinance and Development Standards Compliance

The proposed project substantially meets the Los Angeles County Code requirements and the subject property's Community Plan designation. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers, not including studios" as a comparable use. Radio transmitter stations or towers are uses subject to conditional use permits in the R-1 zone (LACC 22.20.100).

Neighborhood Impact/Land Use Compatibility

The proposed project is located at the end of a residential cul-de-sac on the public ROW adjacent to a vacant parcel and across the street from a single family home.

The proposed monopole design is similar to neighborhood light poles. The proposed structure appears to be visually compatible with the character of development in the surrounding area because the proposed monopole is octagonal in shape, concrete textured designed to match existing street light poles and is not detrimental to the use, enjoyment, or valuation of properties in the vicinity. Conditions of approval will ensure that the project will be compatible with surrounding development.

The project is consistent with policies of the Malibu Coastal Zone and the provisions of the Zoning Ordinance.

If approved, staff recommends a ten (10) year term for the requested conditional use permit. This is based on the need to re-evaluate the project's compatibility with the surrounding community. Staff also recommends that the project be inspected biennially (every other year) for compliance with the conditions of approval.

Burden of Proof

Burden of Proof per Code

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following:

- A) That the requested use at the location proposed 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.
- 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.

Staff finds that the proposed project substantially meets the above burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

As of the time of this report, staff has not received any public agency comments

PUBLIC COMMENTS

As of the time of this report, staff has not received any public comments.

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 R2008-01980 (3) with associated Conditional Use Permit 200800165 (3) subject to the attached conditions.

Prepared by Daniel Fierros, Senior Regional Planner

Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits Section I

Attachments:

Draft Conditions of Approval

Applicant's Burden of Proof statement

Environmental Document

Site Photographs

Site Plan

Land Use Map

Public right-of-way 3418 Shoreheights Dr. Malibu

HEARING DATE: September 15, 2009

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant, Omnipoint Communications (T-Mobile), is requesting a Conditional Use Permit (CUP) to authorize the construction, maintenance and installation of a new wireless telecommunications facility consisting of three (3) panel antennas, to be mounted on a 22'-6" concrete textured octagonal pole within the public road right-of-way (ROW). The antennas will be enclosed by 30" x 66" "Antenna Radome" placed on the top of the pole. The overall height of the pole is 28'. The associated equipment will be placed in an underground vault on the other side of the street. Two (2) 20" x 36" vent stacks will be placed adjacent to the vault as well as the Meyers electrical meter pedestal.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The subject property is located at 3418 Shoreheights Dr Malibu Ca 90265 (across the street from APN 4443-017-001) in the unincorporated community of Malibu within the Malibu Zone District.
2. Wireless telecommunication facilities require a conditional use permit in the R-1 Zone. There are no specific policies related to the proposed use, a wireless telecommunication facilities, in the Malibu Coastal Zone.
3. The applicant, Omnipoint Communications (T-Mobile), is requesting a conditional use permit to authorize the installation of a monopole wireless facility in the public ROW in a residential neighborhood at the end of a cul-de-sac and at the end of the paved sidewalk.
4. The site plan depicts a 28' monopole wireless facility to be located on the public ROW, at the end of a cul-de-sac in a residential neighborhood.
5. The project is located in the Malibu Local Coastal Plan, which designates the land use as 8B-Residential III(B) four to six dwelling units per acre.
6. The surrounding properties are zoned as follows:
North: R-1-8,000 (Single Family Residential)
South: R-1-6,000 (Single Family Residential)
East: R-1-6,000 (Single Family Residential)
West: R-1-8,000 (Single Family Residential)
7. The subject property is currently used as a public ROW. Surrounding landuses include paved roadway and utility infrastructures situated at end of a cul-de-sac, a vacant parcel adjacent to the proposed monopole, and a single family residence across the street adjacent to the proposed equipment vault.
Land uses within 500 feet include:

North: Vacant
South: Single Family Residential
East: Single Family Residential
West: Vacant

8. There are no specific policies related to wireless telecommunications facilities in the General Plan.
9. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however similar use defined as "radio and television stations and towers, not including studios" is a similar comparable use. Radio and television stations and towers are uses subject to conditional use permits in the R-1 (Single-Family Residence) zone (Zoning Ordinance Section 22.20.100).
10. The property on which the proposed facility is to be located is public ROW and the development standards do not apply to developments in the ROW.
11. The Department of Regional Planning has determined that the project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of a small structure like this wireless facility. Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
12. Pursuant to the provisions of Section 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
13. To satisfy the burden of proof, the architectural and general appearance of all such wireless facilities needs to be in keeping with the character of the neighborhood and so as not to be detrimental to the public health, safety and general welfare of the community in which such use or uses are located.
14. The placement of this unmanned wireless facility will in no way have a measurable impact on the surrounding community. The proposed equipment is similar to residential street light located in the public ROW.
15. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, it is necessary to limit the term of the grant to 10 years
16. 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 I Section, Los Angeles County Department of Regional Planning.
17. No public correspondence or phone calls have been received regarding these requests.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, loading facilities, landscaping and other development features prescribed in this Title 22.
- 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; and

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 the Hearing Officer 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 fact and conclusions presented above, project No. **R2008-01980(3)/ RCUP200800165(3)** is **APPROVED**, Subject to the attached conditions and restrictions.
- c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

This grant approves, a Conditional Use Permit (CUP) to install a new wireless telecommunications facility subject to the following conditions:

This authorizes a Conditional Use Permit (CUP) to install a wireless telecommunications facility consisting of three (3) panel antennas, to be mounted on a 22'-6" concrete textured octagonal pole within the public road right-of-way (ROW). The antennas will be enclosed by a 30" x 66" random placed on the top of the pole. The overall height of the pole is 28'. The associated equipment will be placed in a vault across the street. Two (2) 20" x 36" vent stacks will be placed adjacent to the vault as well as the Meyers electrical meter pedestal. This grant 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. 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.

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 this condition and until all required monies have been paid (if applicable). Further, this grant shall not be effective until the permittee has obtained the insurance coverage required by these conditions (if Applicable).

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 fully 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 in accordance with Los Angeles County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. 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.
7. Within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". In the event that 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 the written authorization of the property owner. 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.
8. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.

In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

9. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

10. The permittee shall maintain the subject property (telecommunications facility and equipment) in a neat and orderly fashion.
11. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
12. **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.
13. 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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$750.00**. These monies 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, including adherence to development in accordance with the approved site plan on file. **The fund provides for five (5) bi-annual (every two years) inspections.** Inspections shall be unannounced. The inspection fee shall be **paid within 30 days** of approval. 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 condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
14. All structures, pole, vault, vents open to public view shall remain free of extraneous markings, drawings, or signage.
15. 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.

16. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times
17. 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.
18. The facility shall be operated in accordance with regulations of the state Public Commission;
19. Said facility shall be removed if in disuse for more than six months;
20. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time;
21. All structures shall conform with 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;
22. All buildings or structures shall be a neutral color, excluding black, to blend with its surroundings and shall be maintained in good condition at all times;
23. Construction and maintenance of the facility shall take place between the hours of 9:00 AM to 5:00 PM, Monday through Friday only;
24. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted 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 the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;
25. 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;
26. The operator shall submit an annual maintenance report to the Department of Regional Planning by January 1, verifying the continued operation and maintenance of the said facility;
27. The project shall be developed and maintained in substantial compliance with the

plans and photo simulations marked as Exhibit "A". Placement and height of all pole mounted equipment to be in substantial conformance with that shown on said Exhibit "A". All revised plot plans must be accompanied by the written authorization of the property owner;

28. The operator shall ensure that maintenance vehicles shall not block access to driveways or garages and shall obey all applicable on-street parking regulations;
29. The maximum height of the proposed monopole is 28'-3" in height from above ground level or existing sidewalk with a maximum 12" diameter octagonal pole that is textured to match existing light poles.
30. The maximum height of the proposed equipment 36" tall vents and 20" in diameter. Electrical Meter Pedestal shall have a maximum height of 48" and 17" x 20" widths.
- 31.
- 32.

MC:df
September 15, 2009

DRAFT

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested used at the location proposed 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.
1. The proposed facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community, but is necessary to provide wireless communications to this particular area of Los Angeles County, and other surrounding communities. Wireless communications are also used to promote efficient and effective non-emergency personal, business and governmental communications. These services have been established and accepted as an integral part of the nation's telecommunications infrastructure and promote the public health, safety, morals, comfort and general welfare. The proposed telecommunication facility will provide a reliable and convenient means of communication for everyday personal and business use.
 2. The proposed facility does not have growth-inducing implications, or promote additional development or a change in the density of surrounding residential and commercial areas. Substantially no additional noise, smoke or odor or parking will be required for the proposed facility. Further, the proposed collocation facility will not interfere with the quiet enjoyment of neighboring land uses.
 3. This proposed telecommunication facility will not endanger the public health, safety or general welfare. In fact, this site, as part of a larger network, will provide improved access to wireless telecommunications in the event of an emergency. Wireless communication technology provides vital communications in "911" and other emergency situations.

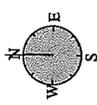
B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed facility will not impair the use or enjoyment of, or be otherwise injurious to property in the immediate vicinity. To the contrary, enhanced wireless communications will have a positive influence on personal, business, governmental, and other existing uses in this area. Substantially similar wireless telecommunication installations exist within this immediate area.

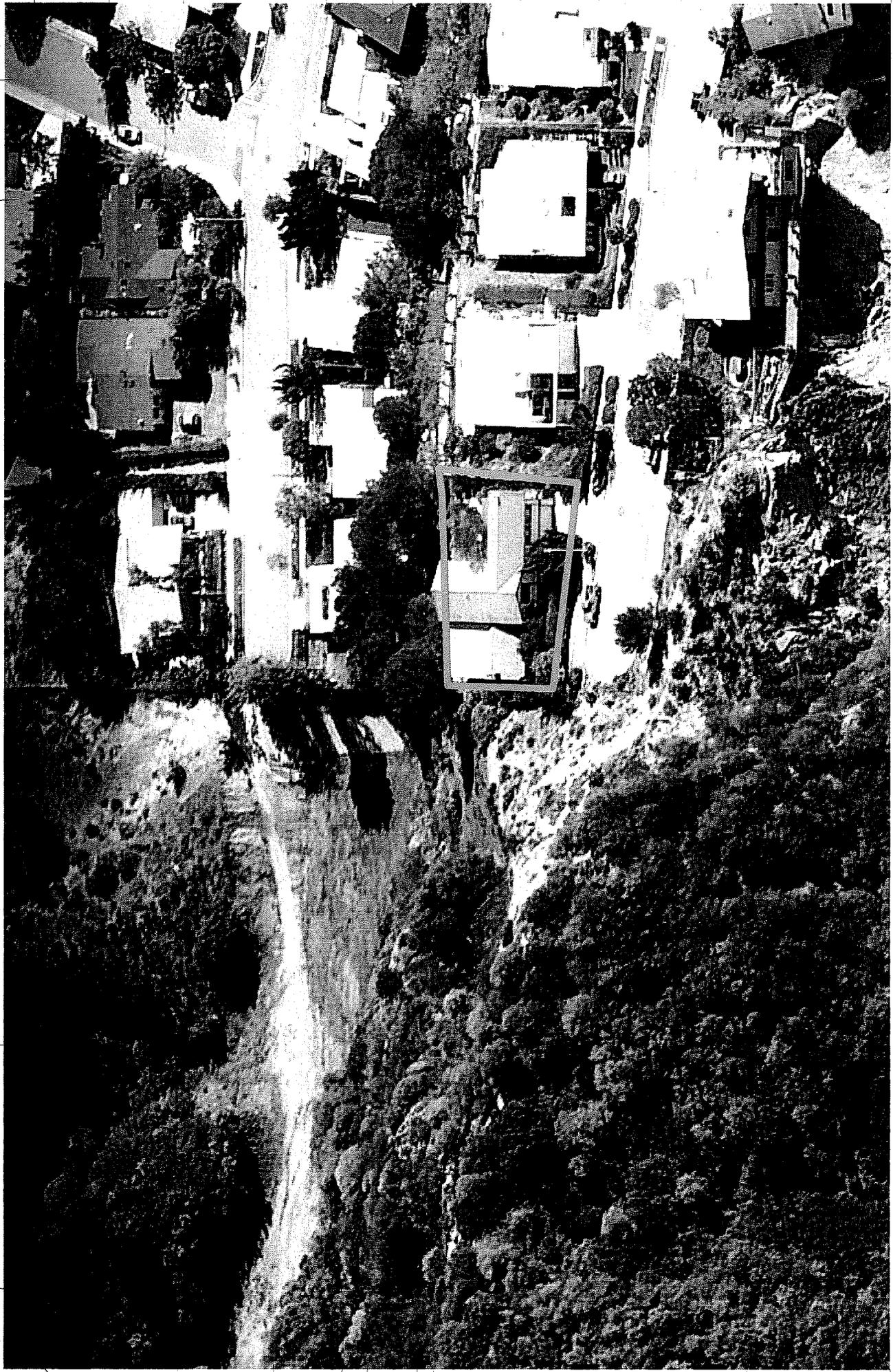
The proposed stealth design is consistent with the use of massing and materials to minimize visual intrusions. The proposed design is consistent with the use of massing and materials to minimize visual intrusions. The proposed antennas will be camouflaged by the proposed radome.

C. That the proposed site is adequately served:

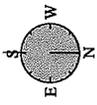
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.
1. The proposed facility will not be staffed and, upon construction completion, will require only infrequent maintenance visits (approximately one time a month). Further, no public access is required. There will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisances generated.
 2. The proposed facility only utilizes minimal electrical service, which is available on the property. No water, sewer, or refuse or other additional services shall be required.



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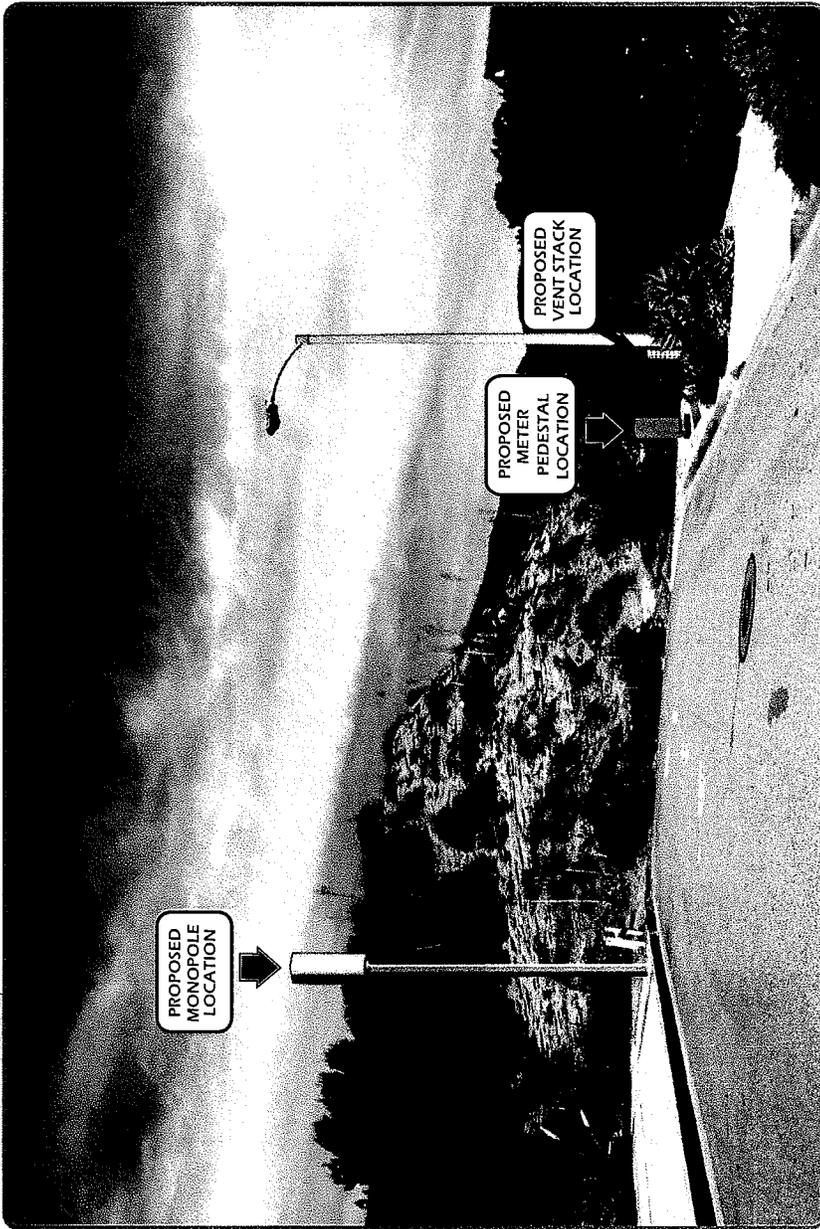
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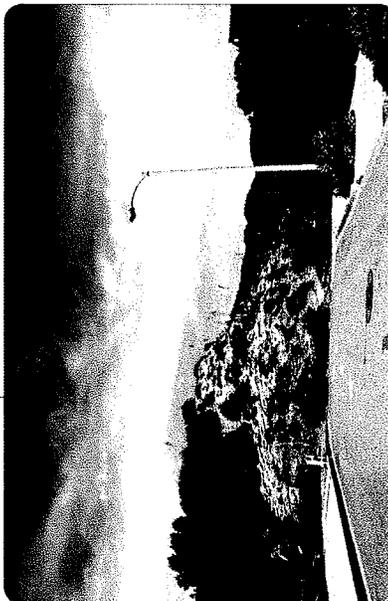
PROPOSED



Microsoft Virtual Earth™



EXISTING



SV11110D

Pole #10146PBM

3418 1/2 Shoreheights Drive
Malibu, CA 90265

VIEW 1

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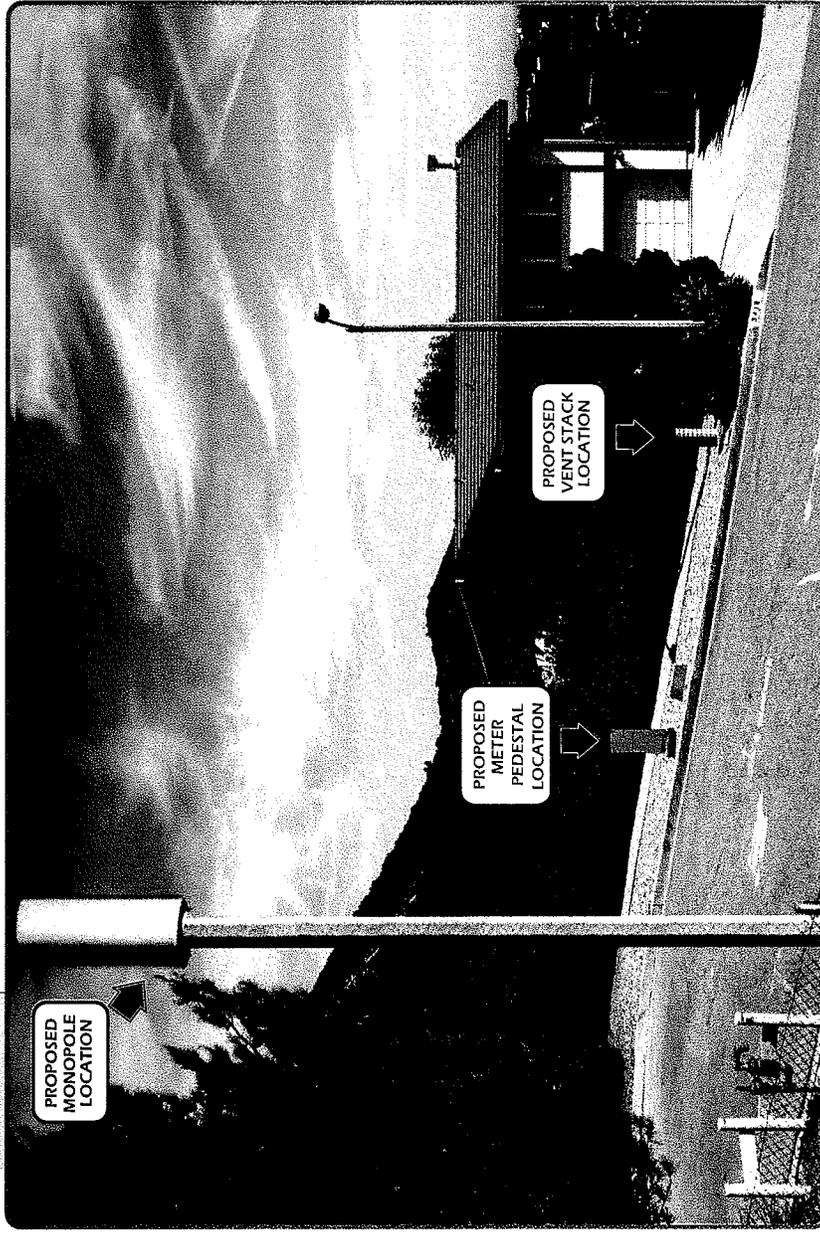
LOCATION



EXISTING



PROPOSED

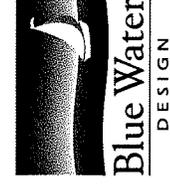


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VIEW 2

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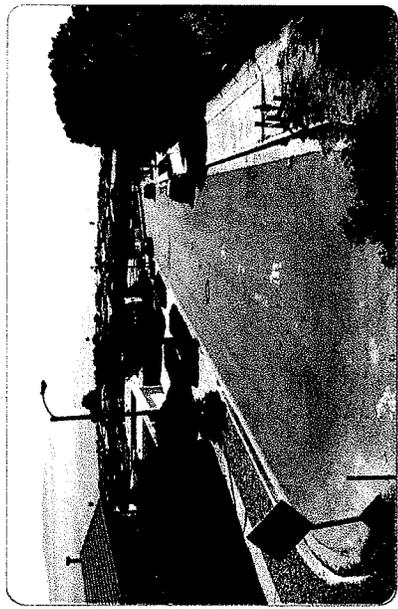
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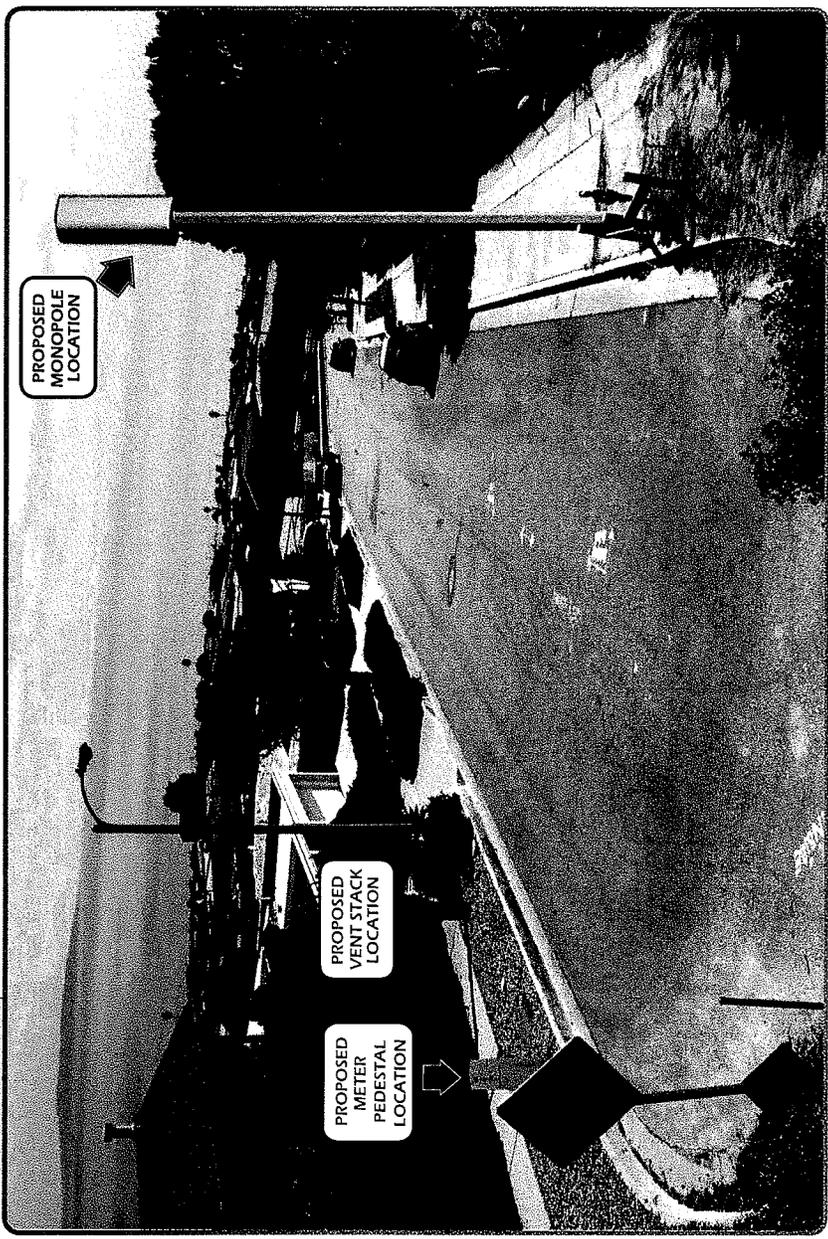
LOCATION



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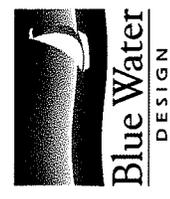
Pole #10146PBM
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VIEW 3

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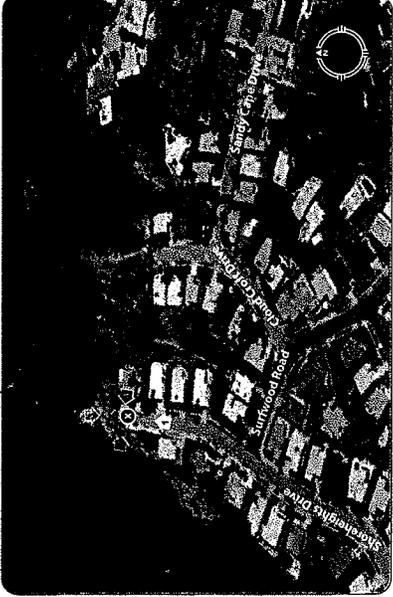
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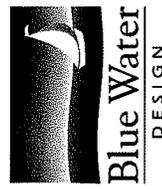
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