



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 18, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Steve Gonzales
Cable Engineering Services
10640 Sepulveda Blvd, Ste 1
Mission Hills, CA 91345

**REGARDING: PROJECT NUMBER R2009-00167-(3) / CONDITIONAL USE PERMIT NUMBER 200900010
PUBLIC RIGHT-OF-WAY ON TOPANGA CANYON BLVD, NEAR VIEWRIDGE ROAD
(APN 4434046012)**

**PROJECT NUMBER R2009-00168-(3) / CONDITIONAL USE PERMIT NUMBER 200900011
PUBLIC RIGHT-OF-WAY ON TOPANGA CANYON BLVD, NEAR ENTRADO DR
(APN 4434013002)**

**PROJECT NUMBER R2009-00170-(3) / CONDITIONAL USE PERMIT NUMBER 200900012
PUBLIC RIGHT-OF-WAY ON TOPANGA CANYON BLVD, NEAR SANTA MARIA ROAD
(APN 4434011010)**

**PROJECT NUMBER R2009-00171-(3) / CONDITIONAL USE PERMIT NUMBER 200900013
OAK TREE PERMIT NUMBER 201000008
PUBLIC RIGHT-OF-WAY ON TOPANGA CANYON BLVD, NEAR SANTA MARIA ROAD
(APN 4434011010)**

**PROJECT NUMBER R2009-00172-(3) / CONDITIONAL USE PERMIT NUMBER 200900014
PUBLIC RIGHT-OF-WAY ON TOPANGA CANYON BLVD, NEAR CASTLE TOP TRAIL
(APN 4444020015)**

Dear Mr. Gonzales,

The Regional Planning Commission, by its action of **August 18, 2010, APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on September 1, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

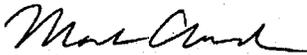
Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

STEVE GONZALES
August 18, 2010
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For further information on appeal procedures or any other matter pertaining to these approvals, please contact Mi Kim of the Zoning Permits I Section at (213) 974-6443 or e-mail at mkim@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director



Mark Child, Supervising Regional Planner
Zoning Permits I Section

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

Hearing Footage: -Item 7

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY
OF LOS ANGELES**

**PROJECT NOS. R2009-00167, -168, -170, -171, -172
CONDITIONAL USE PERMIT NOS. 200900010, -011, -012, -013, -014
OAK TREE PERMIT NO. 201000008
ENVIRONMENTAL ASSESSMENT NOS. 200900103, -104, -105, -106, -107**

REQUEST:

The applicant, AT&T Wireless Services, is requesting five conditional use permits to authorize the establishment, operation and maintenance of five wireless telecommunications facilities to be installed on existing power poles at five separate locations in the public right-of-way along Topanga Canyon Blvd within the Malibu/Santa Monica Mountains area. One facility will also require an Oak Tree Permit to encroach into the protected zone of an oak tree.

REGIONAL PLANNING COMMISSION HEARING DATE: July 14, 2010, August 18, 2010

PROCEEDINGS BEFORE THE COMMISSION

JULY 14, 2010 PUBLIC HEARING

A duly noticed public hearing was held by the Regional Planning Commission. Commissioners Rew, Valadez, Bellamy, and Modugno were present. Commissioner Helsley was absent. Staff requested a continuance to August 18, 2010, when Commissioner Helsley would be present. The projects are located in the Third Supervisorial District represented by Commissioner Helsley. The continuance was granted, and the Commission announced the continued public hearing date of August 18, 2010.

AUGUST 18, 2010 PUBLIC HEARING

A continued public hearing was held by the Regional Planning Commission. All Commissioners were in attendance. Staff provided a brief summary of the projects, including project description and location. Staff presentation was followed by testimony by the applicant. The applicant requested the following modifications: revise Condition No. 9 to require payment of the Fish and Games fees from within three days of approval to upon approval of encroachment permit; revise Condition No. 15 to require removal of graffiti from within 24 hours of occurrence to within 72 hours of occurrence; revise Condition No. 30 so that a new conditional use permit is not required in the event that the existing utilities poles are removed because of undergrounding. Commission Helsley agreed that it may not be feasible to remove graffiti within 24 hours of occurrence; hence, the condition was modified to require removal of graffiti within 24

hours of the permittee receiving notification that there is graffiti. Commissioner Helsley also requested that the equipment box be painted brown to match the color of the existing utility poles and blend in with the surrounding area. On the question of the timing of the payment of the fees, Commissioner Helsley directed Staff to discuss this issue with the applicant. Staff explained to the applicant that Fish and Game Fee is due within three days of approval unless a Certificate of Exemption is issued by the California Department of Fish and Game.

FINDINGS

1. The applicant, AT&T Wireless Service is requesting conditional use permits to authorize the establishment, use and maintenance of five (5) wireless telecommunications facilities in the Malibu/Santa Monica Mountains area.
2. Project No. R2009-00167 consists of installing two six-foot extension arms with two two-foot antennas on an existing utility pole at a height of 28 feet. A microcell cabinet and junction box will also be installed on the pole. No equipment shelter is proposed as a ground rod and ground wire will connect each facility to an existing power source via a conduit trench.
3. Project No. R2009-00168 consists of installing a flush mounted antenna on a replacement pole. The existing 30-foot wooden utility pole will be replaced with a new 50-foot wooden pole. Two two-foot flush mounted antennas will be installed on the replacement pole at a height of 42 feet. A microcell cabinet and junction box will also be installed on the pole. This facility will also connect to an existing power source through a ground rod and ground wire via a conduit trench
4. Project No R2009-00170 consists of installing two six-foot extension arms with two two-foot antennas on an existing utility pole at a height of 39 feet. A microcell cabinet and junction box will also be installed on the pole. No equipment shelter is proposed as a ground rod and ground wire will connect each facility to an existing power source via a conduit trench.
5. Project No R2009-00171 consists of installing two six-foot extension arms with two two-foot antennas on an existing utility pole at a height of 38 feet. A microcell cabinet and junction box will also be installed on each pole. No equipment shelter is proposed as a ground rod and ground wire will connect each facility to an existing power source via a conduit trench. Project No. R2009-00171 also requires an oak tree permit for encroachment into the protected zone of one oak tree.
6. Project No. R2009-00172 consists of installing two six-foot extension arms with two two-foot antennas on an existing utility pole at a of 48 feet. A microcell cabinet and junction box will also be installed on each pole. No equipment shelter is

proposed as a ground rod and ground wire will connect each facility to an existing power source via a conduit trench.

7. Wireless telecommunications facilities are not defined uses in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to conditional use permits in the A-1 and R-1 Zones.
8. Any changes to the approved Exhibit "A" will required to be depicted on a revised Exhibit "A" for each site as stated in the conditions of approval.

9. The subject properties are located within the public right-of-way on Topanga Canyon Blvd.

10. The subject properties are zoned as follows:

- R2009-00167: R-1-12,000 (Single Family Residence – 12,000 Square Feet Required Minimum Area)
- R2009-00168: A-1-5 (Light Agriculture – 5 Acre Required Minimum Area)
- R2009-00170: A-1-5 (Light Agriculture – 5 Acre Required Minimum Area)
- R2009-00171: R-1-5 (Single Family Residence – 5 Acre Minimum Required Area)
- R2009-00172: R-1-10,000 (Single Family Residence – 10,000 Square Feet Minimum Required Area)

11. Surrounding properties are zoned as follows:

Project Number	North	East	South	West
R2009-00167	A-1-10 ¹	R-1-12,000	R-1-12,000	O-S ²
R2009-00168	O-S	A-1-5	A-1-5	A-1-5
R2009-00170	O-S	O-S	C-2 ³	A-1-5
R2009-00171	R-1-5; A-1-5	A-1-1 ⁴	A-1-1	
R2009-00172	R-1-10,000	A-1-1	R-1-10,000	R-1-10,000

12. Subject project sites are currently located within a dedicated public right-of-way, and all sites are currently developed with existing utility poles.

¹ A-1-10 (Light Agriculture – 10 Acres Minimum Required Lot Area)

² O-S (Open Space)

³ C-2 (Neighborhood Business)

⁴ A-1-1 (Light Agriculture – 1 Acre Minimum Required Area)

13. Land uses on surrounding properties are as follows:

Case Number	North	East	South	West
R2009-00167	Vacant land, single-family residences	Single-family residences	Vacant land, single-family residences	Vacant land
R2009-00168	Vacant land, single-family residences	Vacant land	Vacant land, single-family residences	Vacant land, single-family residences
R2009-00170	Vacant land, single-family residences	Single-family residences, vacant land	Vacant land, single-family residences	Vacant land, single-family residences
R2009-00171	Single-family residences	Vacant land, single-family residences	Vacant land, single-family residences	Vacant land, single-family residences, government land
R2009-00172	Vacant land, government land	Single-family residences, vacant land	Single-family residences, vacant land	Vacant land, single-family residences

14. The locations of the proposed sites are divided between the boundaries of the Santa Monica Mountains North Area Plan and the Malibu Local Coastal Plan. With the conditions proposed, the facilities can be found consistent with these plans. In addition, those sites located within designated environmentally sensitive areas have been reviewed by the Environmental Review Board, and its recommendations have been included in the draft conditions.

15. The following projects are within the boundaries of the Santa Monica Mountains North Area Plan:

- R2009-00167: "U4"- Residential 4 (Four Dwelling Units Per Acre)
- R2009-00168: "N5"- Mountain Lands 5 (One Dwelling Unit Per Five Acres)
- R2009-00170: "N5"- Mountain Lands 5 (One Dwelling Unit Per Five Acres)

16. The following projects are within the boundaries of the Malibu Local Coastal Plan:

- R2009-00171: "5" Rural Land III (Maximum One Dwelling Unit Per Two Acres)
- R2009-00172: "6" Residential I (Maximum One Dwelling Unit Per Acre)

17. The Malibu Local Coastal Plan does not specifically discuss wireless telecommunications, but such facilities are subject to conditional use permit to ensure the compatibility of the proposed use with the surrounding area.

18. Project Nos. R2009-00171 and R2009-00172 are located within environmentally sensitive areas and required review by the Environmental Review Board (ERB). ERB recommended the following two conditions be added R2009-00171:
 - a. All of the project documents (plans, oak tree report) shall be consistent in their depiction of the oak tree and in describing the encroachment into the protected zone of the oak tree.
 - b. There shall be no cutting of oak tree roots during trenching.
 - c. The project shall adhere to all recommendations stated in the Oak Tree Report dated July 5, 2009 prepared by Kay J. Greeley, including the presence of a certified arborist on-site during trenching.
19. The wireless facilities will not significantly detract from the visual qualities of the roadways and views within the area as they will be attached to existing utility poles. One wireless facility associated with Project No. R2009-00168 is a replacement pole. A 50-foot high wooden pole will replace the existing 30-foot wooden utility pole. The height of the replacement pole is consistent with the height of existing utility poles in the area, which range in height from 28 feet to 48 feet, and will not have a significant impact on the character of the area. In addition, the replacement pole will enable the applicant to install a flush mounted antenna instead of the extension arms, which will minimize the visual intrusion of the replacement pole.
20. The A-1 and R-1 Zones do not contain development standards specifically applicable to wireless telecommunications facilities, and the generally applicable development standards for the zones would not apply within the public right-of-way area. Therefore, as proposed, the wireless telecommunications facilities are consistent with the zoning code.
21. Wireless telecommunications facilities for Project Nos. R2009-00167, R2009-00168, and R2009-00170 are consistent with the applicable goals and policies of the Santa Monica Mountains North Area Plan. In accordance with Policy VI-31 of the Santa Monica Mountains North Area Plan, the wireless facilities have been designed to preserve the character and aesthetics of the chosen area by limiting the visual and safety impacts of such facilities by utilizing existing structures to establish the wireless facilities. The wireless facilities will be located on existing poles that are already part of the area and will not change the character of the area. In addition, the installation of the facilities on existing structures will not disturb new land and will result in minimal visual intrusion because they will not require any additional structures.

22. Wireless telecommunications facilities for Project Nos. R2009-00171 and R2009-00172 are located within the Malibu Local Coastal Plan area. These projects have been reviewed by the Environmental Review Board and are consistent with the resource protection policies of the Malibu Land Use Plan as the facilities will be installed on existing structures and as such will have minimal impact to the area.
23. In compliance with Section 22.56.090.A.2 of the County Code, the proposed wireless facilities will contribute to the comfort or welfare of persons residing or working in the surrounding area by providing increased coverage in an area with a service gap. The coverage will enhance communication in the area, including emergency calls.
24. In compliance with Section 22.56.090.A.4 of the County Code, wireless facilities are adequately served by highways or streets as the facilities are located in the public right-of-way. The facilities will not generate traffic to the area other than traffic generated by periodic maintenance activities.
25. In compliance with Section 22.56.215.F.2, wireless facilities are designed to be compatible with the natural resources of the area and will not disturb new land, water bodies, watercourses, tributaries, wildlife corridor or other natural features as the facilities will utilize existing structures or replace an existing structure.
26. Project No. R2009-00171 will encroach into the protected zone of one oak tree. In compliance with Section 22.56.2100.A.1, the wireless facility will not endanger the health of the tree as the project has been conditioned by ERB to protect the root system of the tree and a licensed arborist is required to be present during trenching of the area around the tree.
27. Negative Declarations have been prepared for all of the proposed projects pursuant to the California Environmental Quality Act given that based on the initial studies, none of the projects will have any significant adverse environmental impacts.
28. The Fire Department Land Development Unit had no additional requirements for the permits.
29. The County Forester reviewed the Oak Tree Permit application and recommends approval of the requested encroachment into the protected zone of one oak tree subject to the recommended conditions set forth in the letter dated June 1, 2010.
30. No comments were provided to this date by the Department of Public Works.

31. Staff received one inquiry regarding the proposed projects. The caller stated that that are did not have cell phone coverage and wanted to know which carrier was proposing to install the wireless telecommunication facilities.
32. The proposed facilities will provide a service to the local community by allowing wireless communication where there is a known service gap, which will be especially important in the event of an emergency.
33. A condition has been included to require a new conditional use permit in the event that existing utility lines are placed underground as the wireless telecommunication facilities are mounted on existing utility poles.
34. Staff recommends a 15-year grant with zoning enforcement inspections every other year.
35. The following fees/deposits will apply:
 - a. Fees totaling \$10,426.25 (\$2085.25 for each project) to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game, and for filing and posting the Negative Declaration Notice of Determination with the Los Angeles County Clerk.
 - b. Inspection deposit of \$8,000 to cover the costs of the eight required zoning enforcement inspections every other year for each of the five cases (\$200 x 8 x 5).

BASED ON THE FOREGOING, REGARDING THE CONDITIONAL USE PERMIT, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed uses will be consistent with the adopted Santa Monica Mountains North Area Plan and Malibu Local Coastal Plan;
- B. The requested uses at the proposed locations will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding areas, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the sites and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. The proposed sites are adequate in size and shape to accommodate the development features prescribed in Title 22 of the Los Angeles County Code, or as is otherwise required in order to integrate said uses with the uses in the surrounding areas;

- D. The proposed sites are adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such uses would generate, and by other public or private service facilities as are required;

AND, REGARDING THE REQUIRED FINDINGS FOR THE MALIBU COASTAL PROGRAM DISTRICT, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- E. That the development is consistent with the Malibu Land Use Plan;
- F. That the recommendation and any mitigation measures contained in the ERB report have been considered;
- G. That there are no significant adverse impacts on the sensitive environmental resources; and
- H. That the burden of proof contained in subsection F2 of Section 22.56.215 has been met for developments which are located in both a significant ecological area and a sensitive environmental resource area:
- I. That the requested developments are designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas;
- J. That the requested developments are designed to maintain water bodies, watercourses, and their tributaries in a natural state;
- K. That the requested developments are designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state;
- L. That the requested developments retain sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development;
- M. That where necessary, fences or walls are provided to buffer important habitat areas from development; and
- N. That roads and utilities serving the proposed developments are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

AND, REGARDING THE OAK TREE PERMIT FOR PROJECT NO. R2009-00171, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- O. That the encroachment into the protected zone of the oak trees and mitigation plan to remediate the impacted trees will be accomplished without endangering the health of the remaining trees subject to this Part 16-Oak Tree Permit of Title 22-Planning and Zoning Code, if any, on the subject property;
- P. That the removal or relocation of the oak tree(s) or the remediation of impacted oak trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
- Q. That in addition to the above facts, at least one of the following findings apply:
 - i. That the removal or relocation of the oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - a. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive;
 - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized;
 - ii. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s); or
 - iii. That the condition of the oak tree(s) proposed for removal with reference to seriously debilitating disease or danger or falling is such that it cannot be remedied through reasonable preservation procedures and practices; and
- R. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure; and

- S. That while relocation is not prohibited by this Part 16, it is a voluntary alternative offering sufficient potential danger to the health of a tree as to require the same findings as removal.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings and burdens of proof for the five conditional use permits including two within environmentally sensitive resource areas, and one oak tree permits as set forth in Sections 22.56.090, 22.56.215, and 22.56.2100, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declarations together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declarations reflect the independent judgment and analysis of the Commission, and adopts the Negative Declarations.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case Nos. 200900010, 200900011, 200900012, 200900013, and 200900014 and Oak Tree Permit Case No. 201000008 are **APPROVED** subject to the attached conditions.

VOTE:

Concurring: Rew, Valadez, Bellamy, Helsley, Modugno

Dissenting: None

Abstaining: None

Absent: None

Action Date: August 18, 2010

**MC:MKK
8/18/10**

**PROJECT NOS. R2009-00167, R2009-00168, R2009-00170
R2009-00171, R2009-00172
CONDITIONAL USE PERMIT NOS. 200900010, 200900011
200900012, 200900013, 200900014
OAK TREE PERMIT NO. 201000008**

**CONDITIONS
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THE FOLLOWING CONDITIONS SHALL BE APPLICABLE IN THEIR ENTIRETY TO EACH SEPARATE CONDITIONAL USE PERMIT (CUP NOS. 200900010, 200900011, 200900012, 200900013, AND 200900014) AND TO OAK TREE PERMIT NO. 201000008 UNLESS EXPRESSLY PROVIDED OTHERWISE:

This grant authorizes the use of the subject properties for the construction, operation, and maintenance of five unmanned wireless telecommunications facilities at five separate sites located in the public right-of-way along the Topanga Canyon Boulevard between Mulholland Highway and Pacific Coast Highway and for one encroachment into the protected zone of one oak tree for Project No. R2009-00171. This grant is subject to all of 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 5, and until all required monies have been paid pursuant to Condition 8 and Condition 9. 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.
3. 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.

PROJECT NOS. R2009-00167, R2009-00168, R2009-00170
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- 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.

4. 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.
5. 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.
6. **This grant will terminate on August 18, 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, and such request shall be subject to the regulations in effect at that time.
7. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date the approval becomes effective pursuant to Section 22.60.260 of the Los Angeles County Code. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
8. 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 **\$1,600.00**. 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 **eight (8) inspections**, one every two years. 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

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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.

9. Within 3 days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, the following applicable fee is required, **\$2,085.25** (\$2,010.25 for each Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
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.
13. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency, and the permittee shall obtain an encroachment permit if deemed necessary.
14. 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.
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

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notification, 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 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.
17. The facility shall be operated in accordance with regulations of the State Public Utilities Commission and in accordance with the emissions standards of the Federal Communications Commission.
18. 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 the said facility's radio frequency emissions level, as required by the FCC requirements, to the Zoning Enforcement Section of the Department of Regional Planning. If other WTFs are located on the subject property or on adjacent parcels, a cumulative radio frequency emissions report must be submitted.
19. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible collocation on the facility. Such subsequent applicants for collocation shall be subject to the regulations in effect at that time.
20. Any proposed wireless telecommunications facility that will be collocating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
21. Construction and maintenance of the facility shall take place between the hours of 9:00 AM to 5:00 PM, Monday through Friday only. Emergency repairs of the facility may occur at any time.
22. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A." Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.

**PROJECT NOS. R2009-00167, R2009-00168, R2009-00170
R2009-00171, R2009-00172
CONDITIONAL USE PERMIT NOS. 200900010, 200900011
200900012, 200900013, 200900014
OAK TREE PERMIT NO. 201000008**

**CONDITIONS
PAGE 5 of 6**

23. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner. A copy of these conditions shall be provided to the new property owner.
24. All structures, including the antenna and equipment cabinets shall be a neutral, earth-tone brown color to either match or blend in with the existing utility pole and harmonize with the surroundings. The colors and materials of the surface shall not be glossy or reflective in appearance and shall be maintained in good condition at all times.
25. The installation of the wireless facility on a replacement pole is allowed for Project No. R2009-00168 only. The replacement utility pole shall not use a white or light colored pole, but shall use a wooden brown pole compatible with the surrounding area. The color and material of the surface shall not be glossy or reflective in appearance and shall be maintained in good condition at all times.
26. Pole-mounted equipment boxes shall be placed on the side of the poles that is opposite of the roadway, when feasible.
27. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 30 days of discovery to prevent occurrences of dangerous conditions or visual blight.
28. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
29. The applicant shall comply with the requirements of the California State Department of Transportation as stated in the April 13, 2010 letter from the said Department, or as otherwise required to by the said Department.
30. This grant entitles the permittee to install five wireless telecommunications facilities on existing utility poles and one replacement pole and does not entitle the permittee to retain the existing poles for its sole use or to install new poles for these five facilities in the event an existing pole is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the termination date provided in Condition No. 6, if an existing pole is removed prior to the termination date of this grant, the applicant shall be required to obtain a new conditional use permit or any other applicable approval to relocate its facilities or to install a new pole and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect. Replacement pole may be installed for Conditional Use Permit No. 200900011 only at the time of establishment of the facilities; however, this condition will apply if the utilities are placed underground at a later date.

**PROJECT NOS. R2009-00167, R2009-00168, R2009-00170
R2009-00171, R2009-00172
CONDITIONAL USE PERMIT NOS. 200900010, 200900011
200900012, 200900013, 200900014
OAK TREE PERMIT NO. 201000008**

**CONDITIONS
PAGE 6 of 6**

31. Upon termination of this grant as provided in Condition No. 6 or if after the construction of this facility, the facility has ceased to operate for more than six months, the permittee shall remove such facility and clear the site of all equipment within 90 days of the cease of operation date at the permittee's sole expense. The permittee, at its sole expense, shall also restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility and restore the site as required herein shall constitute a public nuisance, and the permittee shall be subject to appropriate enforcement actions by the Zoning Enforcement Section of the Department of Regional Planning and any other government agency. Prior to installation of its facility, the permittee shall post a performance security, satisfactory to the Director of Public Works and provide a copy to the Zoning Enforcement Section of the Department of Regional Planning, in an amount to sufficiently cover the cost of removal of the facility as provided herein. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may utilize the performance security and itself cause the facility to be removed.
32. The following additional conditions shall apply only to Oak Tree Permit No. 201000008:
- a. The permittee shall comply with all requirements of the Los Angeles County Forester letter dated June 1, 2010 regarding encroachment into the protected zone of one oak tree for Project No. 2009-00171.
 - b. All of the project documents (plans, oak tree report) shall be consistent in their depiction of the oak tree and in describing the encroachment into the protected zone of the oak tree.
 - c. The permittee shall ensure that no oak tree roots are cut during trenching.
 - d. The permittee shall adhere to all recommendations stated in the oak tree report dated June 22, 2009 prepared by Kay Greeley, including the presence of a certified arborist on-site during trenching.

MC:MKK
8/18/10

Attachments:

County Forester letter dated June 1, 2010
California Department of Transportation letter dated April 13, 2010
ERB Minutes / Recommendations dated May 17, 2010



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

RECEIVED
JUN 24 2010

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

June 1, 2010

Mi Kim, Principal Regional Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Kim:

OAK TREE PERMIT #2010-00008, 644 U NORTH TOPANGA BOULEVARD, TOPANGA

We have reviewed the "Request for Oak Tree Permit #2010-00008." The project is located at 644 U North Topanga Canyon Boulevard in the unincorporated area of Topanga. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Kay Greeley, the consulting arborist, dated June 22, 2009.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (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 conditions of this grant. 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. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$200. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for two (2) inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	BRADBURY	CUDAHY	HAWTHORNE	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CARSON	DUARTE	HUNTINGTON PARK	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COMMERCE	GLENORA	IRWINDALE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
			LA HABRA				WHITTIER

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chain link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE ENCROACHMENT:

7. This grant allows encroachment within the protected zone of one (1) of the Oak genus identified as "B152" on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.
9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care

and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above that dies as a result of the approved encroachments.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible; the combined diameter of the two (2) largest stems of such trees shall measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

NON-PERMITTED ACTIONS AND VIOLATIONS:

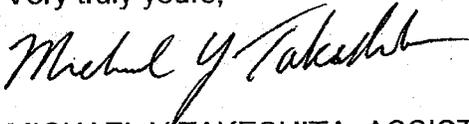
16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County

Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,



MICHAEL Y TAKESHITA, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT: jl

Enclosure

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-6696
FAX: (213) 897-1337



*Flex your power!
Be energy efficient!*

IGR/CEQA No. 100351-IS
PN: R2009-00167,-00168, -00170, -00171, -00172
Case: RCUP 200900010 to 200900014; ROAK 201000008
5 Wireless Telecommunications Facilities
Vic. LA-27 / PM 8.971

April 13, 2010

Ms. Mi Kim
Department of Regional Planning
County of Los Angeles
320 West Temple St. Room #1348
Los Angeles, CA 90012

Dear Ms. Kim:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project is a five conditional use permit applications to install separate wireless telecommunications facilities on existing or replacement utility poles within the public right-of-way.

We would like to remind you that any work to be performed within the State Right-of-way will need an Encroachment Permit from the California Department of Transportation. We remind you that any modifications to State facilities will need to meet all mandatory design standard and specifications.

Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods. Thank you for the opportunity to have reviewed this project.

If you have any questions, please feel free to contact me at (213) 897-6696 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 100351AL.

Sincerely,

A handwritten signature in cursive script that reads "Elmer Alvarez".

ELMER ALVAREZ
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

.....
NOTE: ERB MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED AS VOLUNTEERS TO SERVE IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. MEETINGS ARE ALSO RECORDED ON TAPE WHICH IS USED PRIMARILY AS A BACK-UP FOR STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE MEETING. NEW OR CLARIFIED INFORMATION PRESENTED IN BIOTA REVISIONS MAY RAISE NEW ISSUES AND REQUIRE FURTHER ANALYSIS. MINUTES ARE GENERALLY APPROVED AT THE FOLLOWING MEETING. DRAFT MINUTES MAY BE REQUESTED BUT ARE SUBJECT TO REVISION.

**ERB MINUTES
May 17, 2010**

NEW BUSINESS

1. 1:00 AT&T Wireless Services

Project No. R2009-00171
Permit No. Conditional Use Permit No. 2009-00013
Oak Tree Permit No. 2010-00008
Environmental Review No. 2009-00106

APN: Adjacent to 4441-026-015

Location: Public Right of Way, Topanga Canyon Blvd., Topanga (adjacent to 1474 Topanga Canyon Blvd.)

Applicant: Steve Gonzales

Project: The project proposes to install wireless telecommunications equipment on an existing utility pole. The installation entails attachment of two (2) 2-foot vertical directional antennas to two (2) 6-foot horizontal extension arms, one (1) microcell cabinet, and one (1) junction box. The project also includes one (1) 8-foot ground rod to be installed underground 2 feet from the existing pole. A 6-inch trench will be excavated between the ground rod and the existing pole. The existing 39-foot tall utility pole is located within the public right-of-way on the east side of Topanga Canyon Boulevard (State Highway 27) and adjacent to private residential properties. The extension arms and directional antennas will be located at the top of the utility pole, and the microcell and junction box will be located 7 feet – 6 inches from the bottom (grade level) of the pole. The microcell and junction box will be attached vertically on the pole and will not extend outward. The height of the utility pole will not be increased and the equipment will not extend above the utility pole.

Resource: The project site is located in the Topanga Canyon area (Topanga) of the Santa Monica Mountains Malibu Local Coastal Zone. The existing utility pole is situated within a Significant Oak Woodlands and Savannas area, which is classified as SERA (Sensitive Environmental Resource Area) by the Malibu Local Coastal Plan. In addition, Topanga Canyon Creek, an ESHA-designated resource, is located 120 feet west of the utility pole. An oak tree is located along the east side of Topanga Canyon Blvd., approximately 50 to 60 feet south of the existing utility pole.

Request: Review the proposal for new wireless telecommunication equipment on an existing utility pole, render a decision on the project, and identify any appropriate recommendations for the project. The ERB recommendations will be used as guidelines by the Regional Planning Commission and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA). **Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].**

ERB COMMENTS:

- Asked about long-term maintenance for the poles, and clearance requirements around the poles.
- Inquired about the impacts necessitating the oak tree permit.
- Noted that the project documents prepared for this project state that there would be no impact to the oak tree; however, an oak tree permit is being requested and the applicant has stated that the conduit would be within the dripline.
- Noted that the trench would be within 5 feet of the dripline.
- The oak tree report should clearly state that the trench will encroach into the dripline of the oak tree.
- The project should follow all recommendations stated in the oak tree report to protect the oak tree during the work proposed for this project.

APPLICANT COMMENTS:

- Stated that long-term maintenance for the poles would focus on the structure of the pole and replace/repair the pole if damaged. The wireless equipment would be replaced/repared if damaged or not working properly. Only required to maintain Caltrans' standard setbacks, and to provide a safe working space for work crews.
- Responded that the trench would be within the dripline of the oak tree. An open trench along the adjacent pavement is needed for conduit between another existing pole (a power source) and the subject pole. To maintain safety clearances between the power supply, antennas, and communication equipment, either the subject pole must be extended in height to "string" power from the nearby pole or use underground conduit between the poles.

ERB RECOMMENDATIONS:

- 1) All of the project documents (plans, oak tree report) shall be consistent in their depiction of the oak tree and in describing the encroachment into the protected zone of the oak tree.
- 2) There shall be no cutting of oak tree roots during the trenching.
- 3) The project shall adhere to all recommendations stated in the oak tree report, including having a certified arborist present on-site during the trenching.

ERB Meeting Date: May 17, 2010

ERB Evaluation: Consistent Consistent after Modifications
 Inconsistent No decision

2. 1:20 p.m. AT&T Wireless Services

Project No. R2009-00172

Permit No. Conditional Use Permit No. 2009-00014

Environmental Review No. 2009-00107

APN: Adjacent to 4440-020-015

Location: Public Right of Way, Topanga Canyon Blvd., Topanga (adjacent to 644 Topanga Canyon Blvd.)

Applicant: Steve Gonzales

Proposal: The project proposes to install wireless telecommunications equipment on an existing utility pole. The installation entails attachment of two (2) 2-foot vertical directional antennas to two (2) 6-foot horizontal extension arms, one (1) microcell cabinet, and one (1) junction box. The project also includes one (1) 8-foot ground rod to be installed underground 2 feet from the existing pole. A 6-inch trench will be excavated between the ground rod and the existing pole. The existing 48-foot tall utility pole is located within the public right-of-way on the east side of Topanga Canyon Boulevard (State Highway 27) and adjacent to private residential properties. The extension arms and directional antennas will be located 24 feet from the bottom (grade level) of the pole, and the microcell and junction box will be located 7 feet – 6 inches from the bottom (grade level) of the pole. The microcell and junction box will be attached vertically on the pole and will not extend outward. The height of the utility pole will not be increased and the equipment will not extend above the utility pole.

Resource: The project site is located in the Topanga Canyon area (Topanga) of the Santa Monica Mountains Malibu Local Coastal Zone. The existing utility pole is situated within a Significant Oak Woodlands and Savannas area, which is classified as SERA (Sensitive Environmental Resource Area) by the Malibu Local Coastal Plan. In addition, Topanga Canyon Creek, an ESHA-designated resource, is located 75 feet west of the utility pole.

Request: Review the proposal for new wireless telecommunication equipment on an existing utility pole, render a decision on the project, and indentify any appropriate recommendations for the project. The ERB recommendations will be used as guidelines by the Regional Planning Commission and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA). Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].

ERB COMMENTS:

- What are Caltrans' clearance requirements?
- Expressed its concern about the overall proliferation of wireless devices in the Santa Monica Mountains, especially those along scenic roads and in sensitive resource areas. There does not seem to be any coordination between the wireless providers in the planning and use of facilities. This is about the general issue of wireless facilities, and not these projects in particular.
- Are the various wireless companies attempting to incorporate wireless devices on less utility/power poles?
- The County should request from wireless providers the locations of all facilities to develop a composite coverage map as a way to understand cumulative impacts of wireless facilities throughout the SMM. The County should use these maps to conduct comprehensive wireless facility planning.

APPLICANT COMMENTS:

- Responded that the standard height requirement is 18 feet; noted that the maintenance requirements for this pole will be the same as those in the other proposed wireless project.
- There are many wireless facilities along Topanga due to the winding roads, topography, and vegetation; providers are trying to maximize coverage within a mountainous area.
- Caltrans does request co-location on existing structures; wireless providers try to co-locate; frequency separation of 12 vertical feet is required.
- Jurisdictions have requested "propagation maps" or "master maps" from wireless providers that show the before and after of facilities. Wireless providers have build-out maps of facility build-outs.

ERB Meeting Date: May 17, 2010

ERB Evaluation: X Consistent Consistent after Modifications
 Inconsistent No decision

OTHER MATTERS

3. Public comment pursuant to Section 54954.3 of the Government Code.

No comments from the public were made.