



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



March 15, 2011

Justin Robinson  
1750 East Ocean Boulevard, 906  
Long Beach, CA 90802

Richard J. Bruckner  
Director

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NUMBER R2010-00516-(4)  
CONDITIONAL USE PERMIT 201000048**

Dear Applicant:

Hearing Officer Pat Hachiya, by her action of March 15, 2011, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A condition 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 Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on March 29, 2011.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's 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.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Dean Edwards of the Zoning Permits I Section at (213) 974-6443 or [dedwards@planning.lacounty.gov](mailto:dedwards@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: DPW (Building and Safety)

MC:de

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

**PROJECT NUMBER R2010-00516-(4)  
CONDITIONAL USE PERMIT 201000048**

## **REQUEST**

The applicant, Sprint, is requesting a conditional use permit to authorize the continued operation and maintenance of a wireless telecommunications facility (WTF), a use that is subject to permit.

**HEARING DATE:** February 1, 2011 and March 15, 2011

## **PROCEEDINGS**

**February 1, 2011:** The applicant did not post the notice on the property in time to meet the 30 day posting requirement, therefore Hearing Officer Natoli continued the hearing to March 15, 2011.

### **March 15, 2011**

A duly noticed public hearing was held before Hearing Officer, Pat Hachiya. The applicant's agent, Justin Robinson stated that the applicant concurs with the project conditions. There were no speakers from the public for this case. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit.

## **FINDINGS**

1. The .54 subject property is located on a hill and is developed with a 46 foot high water tank and three WTFs. The WTF under consideration for this permit includes four panel antennas mounted to the water tank and a 250 square foot lease area for related equipment, secured by a six foot high chain link fence with slats. Subterranean conduit connects the electric meter pedestal in the equipment area to the power pole. Access to the property is provided by a dirt road on the east side of the property that connects to Little Harbor Road.
2. The subject property is located near Isthmus Cove at Two Harbors on Santa Catalina Island in the Santa Catalina Island Zoned District and in the Organized Camps and Special Facilities Zone.
3. The .54 subject property is located on a hill and is developed with a 46 foot high water tank and three WTFs. The WTF under consideration for this permit includes four panel antennas mounted to the water tank and a 250 square foot lease area for related equipment, secured by a six foot high chain link fence with slats. Subterranean conduit connects the electric meter pedestal in the equipment area to the power pole. Access to the property is provided by a dirt road on the east side of the property that connects to Little Harbor Road.
4. The Santa Catalina Island Local Coastal Plan land use designation of the subject property is Utilities/Services. There are no policies in the Plan that specifically prohibit, discourage or limit the use of WTFs. The proposed project is consistent with the Santa Catalina Island Local Coastal Plan.
5. Title 22 of the Los Angeles County Code (Zoning Ordinance) does not specify WTF as a use. Similar uses, such as radio/television stations/towers, are subject to permit.
6. No comments from the public were received.
7. The height of the WTF is 41-feet three-inches as measured to the top of the antennas. The proposed height of the facility considered under Conditional Use Permit 97-092 is 41-feet three -inches. The height of the facility has not changed since the previous approval.

8. The subject property is surrounded by vacant land.
9. Because no changes to facility are proposed, the visual impact of facility on the surrounding area should not increase.
10. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
11. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years and require eight inspections.
12. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

**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 development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code.

**HEARING OFFICER ACTION**

1. I have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201000048 is **APPROVED**, subject to the attached conditions.

c: Hearing Officer, Building and Safety

MC:de

March 15, 2011

This grant authorizes the continued operation and maintenance of a wireless telecommunications facility (WTF), subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition 6, and until all required monies have been paid pursuant to Condition 9. The recorded affidavit shall be filed and the required monies shall be paid by **May 14, 2011**.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant will terminate on March 15, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the

Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

8. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date of the approval action plus any applicable appeal period. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$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) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
14. All structures, 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 any business that may be operated on the premises or that do not provide pertinent information about said premises.
15. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

16. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
17. 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.
18. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
19. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
20. Beacon lights are prohibited unless required by the FAA.
21. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A".
22. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles.
23. The maximum height of the facility shall not be higher than the top of the water tank or 46 feet.
24. 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.
25. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
26. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
27. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.

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 color of the WTF equipment, including antennas, mounted to the water tank shall be the same color as the water tank or of a tone that that is satisfactory to the Director of Regional Planning, and will blend in with the structures on the site.

MC:de

March 15, 2011