



WTF HEARING PACKAGE
PROJECT NUMBER R2010-00516-(4)
CONDITIONAL USE PERMIT 201000048

HEARING DATE
March 15, 2011
ITEM
3
CONTINUED TO

HEARING OFFICER: Pat Hachiya

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PREPARED BY: Dean Edwards, Zoning Permits 1

(213) 974-6443, ComLine 288, dedwards@planning.lacounty.gov

REVIEWED BY: Mark Child *MC*



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

January 19, 2011

TO: Gina Natoli, Hearing Officer
Pat Hachiya, Hearing Officer

FROM: Mark Child 
Zoning Permits North

SUBJECT: PROJECT NUMBER R2010-00516-(4)
CONDITIONAL USE PERMIT 201000048
HEARING DATE: February 1, 2010
AGENDA ITEM 4

The applicant did not post the notice on the property in time to meet the 30 day posting requirement. Staff requests that the case be continued to March 15, 2011. Hearing Officer Natoli indicated that Hearing Officer Hachiya will hear the case.

MC:de

STAFF REPORT
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.

REPRESENTATIVE: Justin Robinson

OWNER: Southern California Edison

PROJECT DESCRIPTION

No new construction or facility improvements are proposed.

LOCATION

The subject property is located near Isthmus Cove at Two Harbors on Santa Catalina Island in the Santa Catalina Island Zoned District.

Assessor's Parcel Number(s): 7480-040-801

Santa Catalina Island Local Coastal Plan Land Use Designation

Organized Camps and Special Facilities

Zoning: R-R (Resort and Recreation)

Community Standards District: NA

SITE DESCRIPTION

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.

ENVIRONMENTAL DETERMINATION

The subject property is not located in a Significant Ecological Area or Ecologically Sensitive Habitat Area. The proposed project is eligible for a Class 1 (Existing Facilities) Categorical Exemption from California Environmental Quality Act reporting requirements.

PREVIOUS CASE/ZONING HISTORY

Conditional Use Permit 96-088 and Coastal Development Permit 96-088 for the construction and operation of a WTF (Pacific Bell Mobile Services) were approved by the Hearing Officer on July 16, 1996.

Conditional Use Permit 97-092 and Coastal Development Permit 97-092 for the construction, operation and maintenance of a WTF (Cox/Sprint) were approved by the Hearing Officer on October 28, 1997. The grant terminated October 28, 2007. Conditional Use Permit 201000048 is for the continued operation of the facility originally approved by the aforementioned entitlements.

A Revised Exhibit A (REA) application for the installation of a co-located WTF (Nextel/LA Cellular) was filed February 12, 1998. There is no record of an approval of the REA. The facility is depicted in the site photos and on the site plan for Conditional Use Permit 201000048.

Request for Service: Zoning Enforcement staff submitted a report dated November 17, 2010 stating that no violations were discovered on the subject property.

PUBLIC COMMENTS

To date, no comments from the public have been received.

ANALYSIS

The policies and guidelines of Subdivision and Zoning Ordinance Memo 01-2010 do not apply to this case because the application was deemed complete before the July 26, 2010 memo date.

Height

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.

Aesthetics/Visual Impact

The subject property is surrounded by vacant land.

Because no changes to facility are proposed, the visual impact of facility on the surrounding area should not increase.

RECOMMENDATION

Staff recommends **APPROVAL** of Conditional Use Permit 201000048 with a grant term of 15 years and biennial inspections because:

- There are no zoning violations on the property.
- To date, there is no opposition to the project.
- The height of the facility has not changed since the previous approval.
- The visual impact of facility on the surrounding area should not increase because no changes to the facility are proposed.

DRAFT 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.

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 R-R (Resort and Recreation) 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 Organized Camps and Special Facilities. 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, 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 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 2, 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 operating 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

February 28, 2011



Los Angeles County
Department of Regional Planning

Director of Planning James E. Harll, AICP



November 24, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

J. M. Consulting Group
c/o Jerry Ambrose
120 Cremona Drive
Goleta, CA 93117

Proj: KA369
Sect: Regulatory
CC: _____

RE: **CONDITIONAL USE PERMIT CASE NO. 97-092-(4)**
COASTAL DEVELOPMENT PERMIT CASE NO. 97-092-(4)
To authorize the construction, operation and maintenance of an unmanned communications facility on an existing water tank with a 250 square foot enclosed equipment area. Isthmus Cove, Two Harbors, Santa Catalina Island.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced cases. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The Hearing Officer's decision may also be called up for review by the Regional Planning Commission during the appeal period.

Should there be no appeal or call for review of the Hearing Officer's decision, a notice of final decision will be mailed to you, the California Coastal Commission and any person who specifically requested notice of such decision by submitting a self-addressed stamped envelope to the Department of Regional Planning. The notice of final decision will contain information concerning the effective date of the permit and possible further review by the California Coastal Commission.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant is requesting a Conditional Use Permit and a Coastal Development Permit to authorize the construction, operation and maintenance of a unmanned communications facility on an existing tank with a 250 square foot enclosed equipment area in an A-1 (Light Agricultural) zone.

FACTUAL SUMMARY:

October 21, 1997, Hearing

The Hearing Officer continued the public hearing to October 28, 1997.

October 28, 1997, Hearing

A duly noticed public hearing was held. One person was sworn (the applicant's representative). The applicant's representative presented testimony in support of the project. There was no opposition testimony. The Hearing Officer closed the public hearing and instructed staff to prepare findings and conditions for approval, subject to the conditions recommended by staff.

Findings

The applicant has requested a Conditional Use Permit and a Coastal Development Permit to authorize the construction, operation and maintenance of an unmanned communications facility consisting of 4 panel antennas mounted on a water tank and a 250 square foot communications equipment area.

The subject property is a 23,736 square foot rectangular parcel located at Isthmus Cove and Two Harbors on the Santa Catalina Island. The project is also located in the Santa Catalina Island Zoned District.

The zoning on the subject property is R-R (Resort and Recreation).

Surrounding zoning consists of R-R (Resort and Recreation) to the north, south, east and west.

The subject property is located within the Organized Camps and Special Facilities District of the Santa Catalina Island Specific Plan.

The subject property is designated as "Open Space" in the Santa Catalina Island Local Coastal Plan and "Non-Urban" in the Countywide General Plan.

The proposed antenna and ground mounted equipment will be located on a previously graded site presently occupied by a large water tank. The proposal will require no additional grading and the antenna will be attached to the water tank. The facility is unmanned and will create no additional needs for services that are not presently available. The proposed development will not impede or restrict coastal access in any way because of its location on the water tank. Except for the "View Protection" provisions of Section 22.46.520, the project does not require any additional conditions as described in Sections 22.46.460 through 22.46.750.

The project is located in Lot 86 of Los Angeles County Assessors Map No. 59 and is in the Organized Camps and Special Facilities District which allows communications equipment buildings with accessory antennas subject to the provisions of Section 22.46.520.

The project is consistent with the "View Protection" provisions of Section 22.46.520 because the antenna will be attached to the existing water tank and will not extend above it. The placement of the antenna on the water tank will make it extremely unobtrusive and difficult to see from most vantage points. Thus, any visual and environmental impacts are minimized.

A water tank currently exists at the hillside location. Surrounding land use consists of vacant land to the north, south, east and west.

The site plan marked Exhibit "A" depicts a 46 foot high existing water tank. The four panel antennas are to be mounted at the top side of the water tank and are depicted at a height of approximately 41'-3". The site plan also depicts a proposed equipment storage area to be enclosed by a six foot high chain link fence and located near the base of the existing water tank. The site takes access from Two Harbors Road to the south.

The proposed facilities are requested in order to provide service to users within the Two Harbors area and the Santa Catalina Island region. The water tank location was chosen because of its high location overlooking the island and the harbor. A set of antennae currently exists on the subject water tank.

The proposed use is consistent with the zoning, local coastal plan designation and existing land uses. The applicant has provided responses to satisfy the required burden of proof. The applicant indicates that health, land use requirements, and public improvements would not be adversely impacted. Satisfaction of imposed conditions will be monitored by periodic inspections of the project site.

Staff has not received any public comment regarding this case.

The project has been granted a Negative Declaration under California Environmental Quality Act Guidelines. The communications facility will be located on an existing water tank and poses no significant impacts beyond visual concerns. As the antennas do not extend beyond the top of the existing tank, any visual concerns would be mitigated by the conditions relating to color and lighting.

The Hearing Officer determined that since the unmanned communications facility has been designed to blend in with existing structures on the site, the facility should not pose any adverse visual impacts.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. That, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- B. That, the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- C. Compatibility with surrounding land use will be ensured through the conditions anticipated if this conditional use permit were to be approved;
- D. Establishment of the unmanned communications facility at such location is in the interest of the public health, safety and general welfare and in conformity with good zoning practice;

REGARDING THE COASTAL DEVELOPMENT PERMIT:

- A. The proposed use is consistent with the certified local coastal plan for the area;

- B. That the development, which is located between a public road and the sea or shoreline body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code;

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 Section 22.56.090 and a coastal development permit as set forth in Section 22.56.2410 of the Los Angeles County Code (Title 22 - Zoning Ordinance).

HEARING OFFICER ACTION:

1. I approve the Negative Declaration for the project, certify that I have reviewed and considered the environmental information contained in the initial study for the proposed project, and determine that the proposed project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use Permit and Coastal Development Permit Case No. 97-092-(4) is APPROVED.

BY:

Frank Menezes
FRANK MENESES, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Date:

11/25/97

RDH:JTM:jtm

Attachment: Conditions
Affidavit

c: Each Commissioner; Zoning Enforcement; Building and Safety;
District Director, South Coast Area
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

**CONDITIONAL USE PERMIT & COASTAL DEVELOPMENT
PERMIT CASE NO. 97-092-(4)**

**CONDITIONS
PAGE 1 OF 3**

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 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 of the conditions of this grant.
 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 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 Los Angeles County Code Section 2.170.010.
5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.

**CONDITIONAL USE PERMIT & COASTAL DEVELOPMENT
PERMIT CASE NO. 97-092-(4)**

**CONDITIONS
PAGE 2 OF 3**

6. 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.

7. This grant will terminate October 28, 2007.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.

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 \$500.00. The fee 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 fee provides for 5 biennial inspections.

If any future 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.

9. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.

10. 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.

11. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.

12. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours, 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.

**CONDITIONAL USE PERMIT & COASTAL DEVELOPMENT
PERMIT CASE NO. 97-092-(4)**

**CONDITIONS
PAGE 3 OF 3**

13. All structures shall conform with the requirements of the Division of Building and Safety of Los Angeles County Department of Public Works.
14. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden 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.
15. This grant allows for the construction, operation and maintenance of a wireless telecommunications facility and accessory equipment. This use is allowed subject to the following restrictions:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said antennas and accessory equipment shall comply with the approved Exhibit A;
 - c. Said facilities shall be removed if in disuse for more than six months;
 - d. The exterior color of the antennas shall be the same as the water tank or of a tone satisfactory to the Director of Planning, which will be compatible and will blend in with the other structures located at the site;
 - e. 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.
 - f. Said antenna shall not be constructed at a height taller than the top of the existing water tank or 46 feet.



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

This site has been on air for the last ten years and has not negatively impacted the surrounding areas or residents. this site is located at a remote sce facility and there has been no impact to the surrounding uses or population.

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

This existing site is located at an SCE water facility and no modification is proposed for this site.

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.

access to the existing site is through the existing property and it is adequately served. this is an unmanned facility and is visited by sprint personnel 1-2 times per month. this is an accessory use to the existing property.



CERTIFICATE OF POSTING – “PUBLIC HEARING”

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012**

PROJECT NO. R2010-00516-(4)

ASSIGNED PLANNER D. Edwards

CERTIFICATE OF POSTING

This certifies that I/We have posted the “NOTICE OF PUBLIC HEARING” sign for

CONDITIONAL USE PERMIT

(Type of request)

Located at: NEAR ISTHMUS COVE AT TWO HARBORS ON SANTA CATALINA ISLAND

(Address of development)

Public Hearing scheduled on: MARCH 15, 2011 AT 9:00 AM

(Date)

I hereby certify under the penalty of perjury that I posted the above-mentioned NOTICE OF PUBLIC HEARING

on the 5TH day of FEBRUARY 20 11.

JUSTIN ROBINSON
Owner/Applicant

OR

Representative

[Signature]
Signature

Signature

2/5/2011
Date

Date

TO THE STORE

LEAST

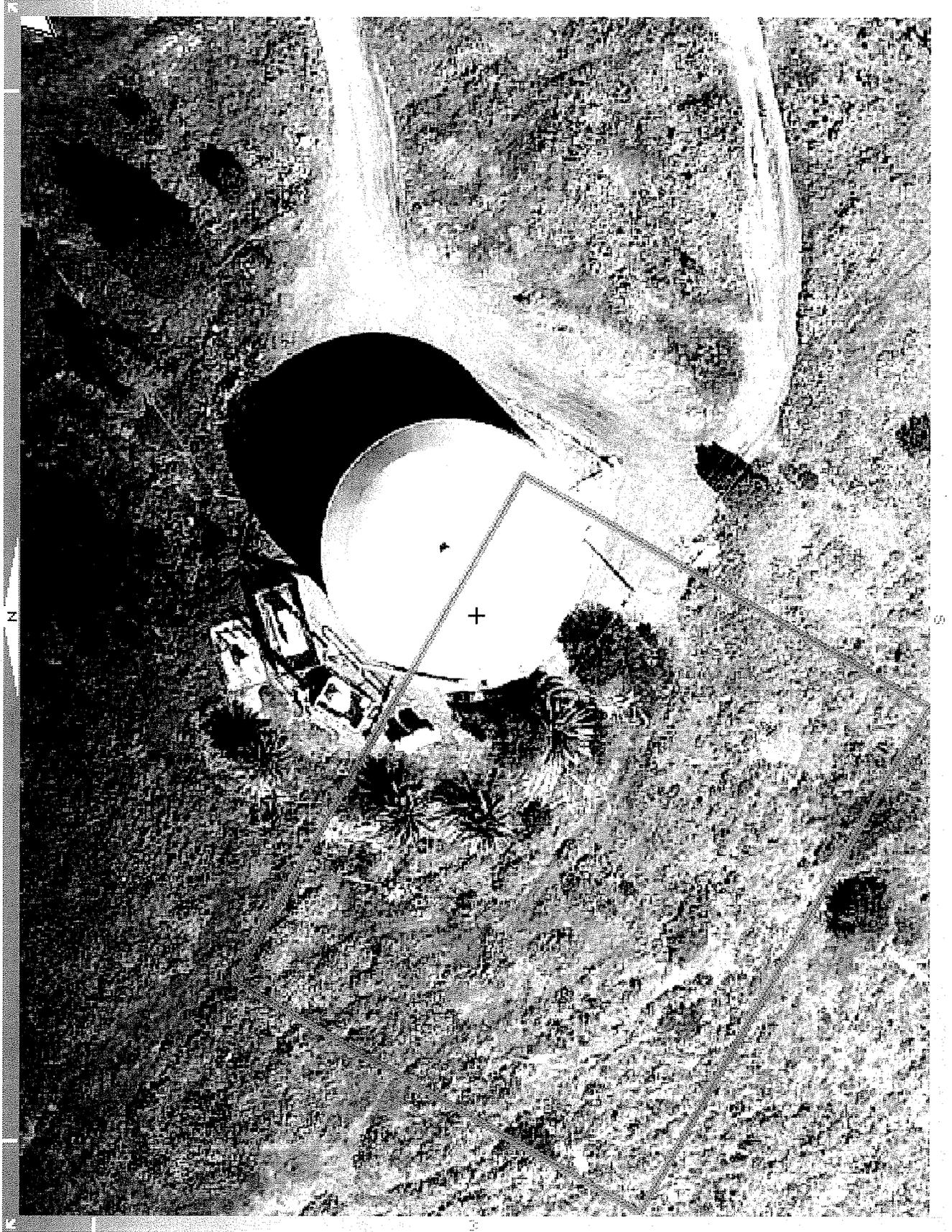
For your
shopping convenience
USE A BASKET

FOR YOUR SHOPPING CONVENIENCE
PLEASE USE A BASKET

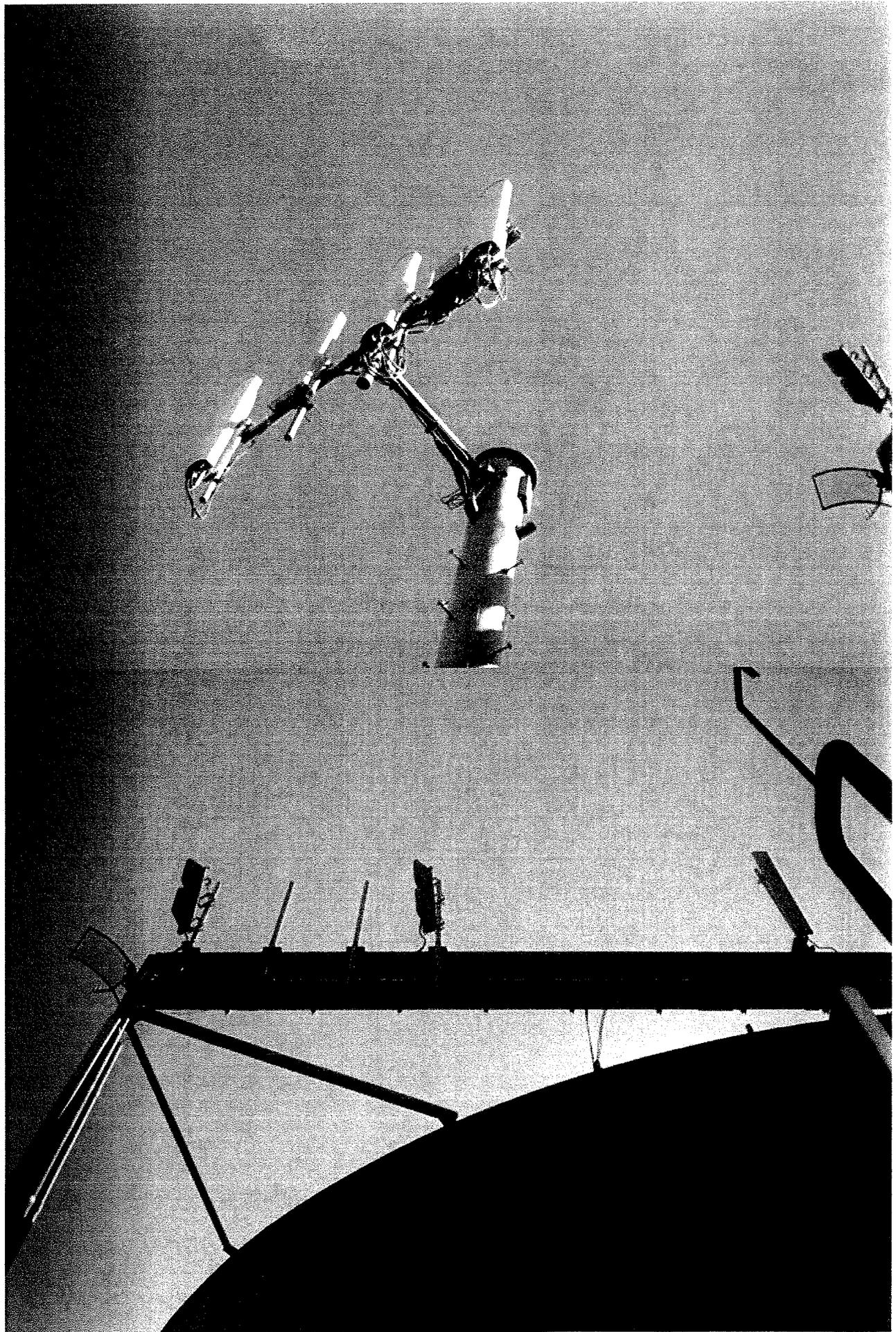
NOTICE
HEARING

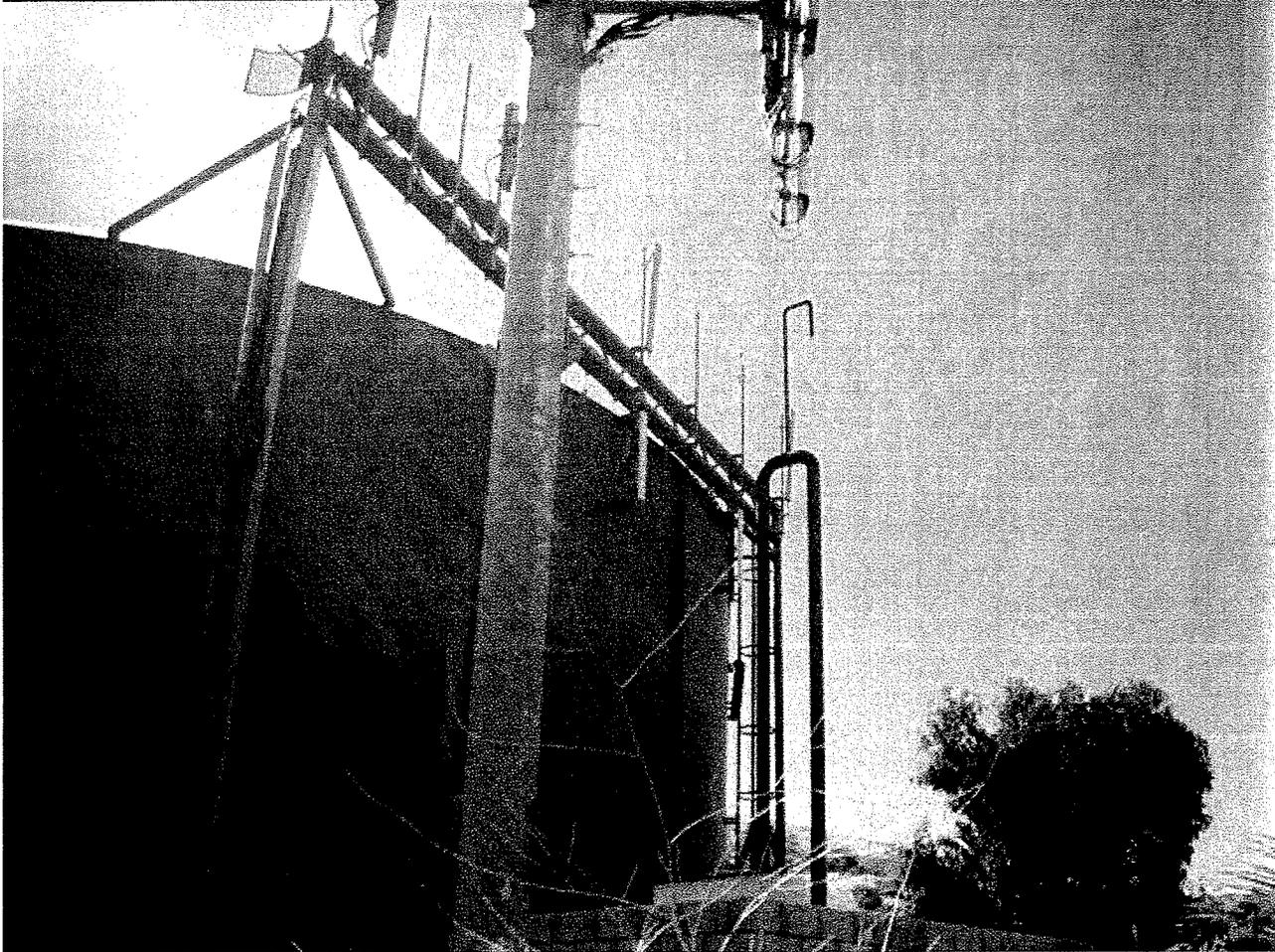
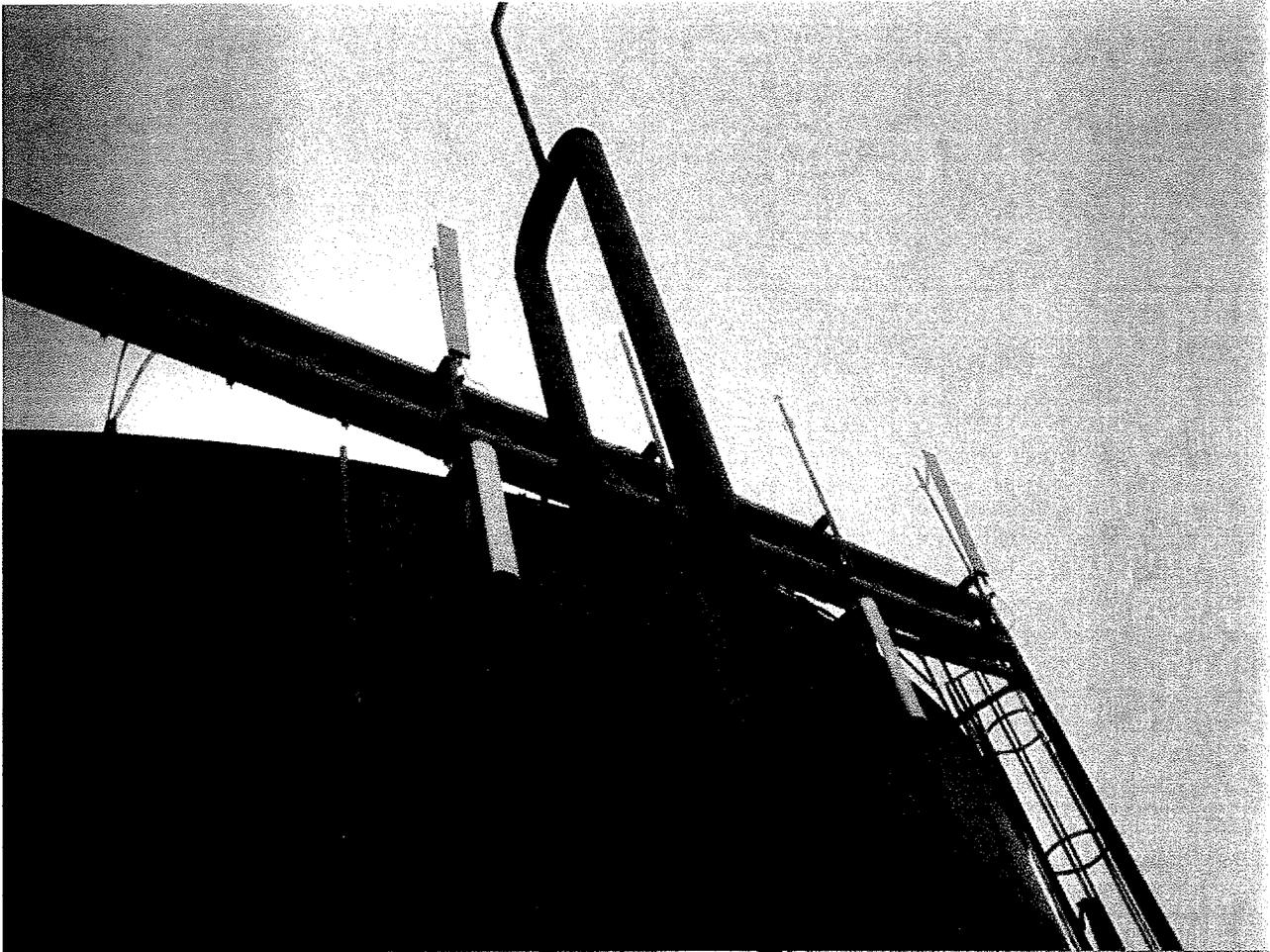


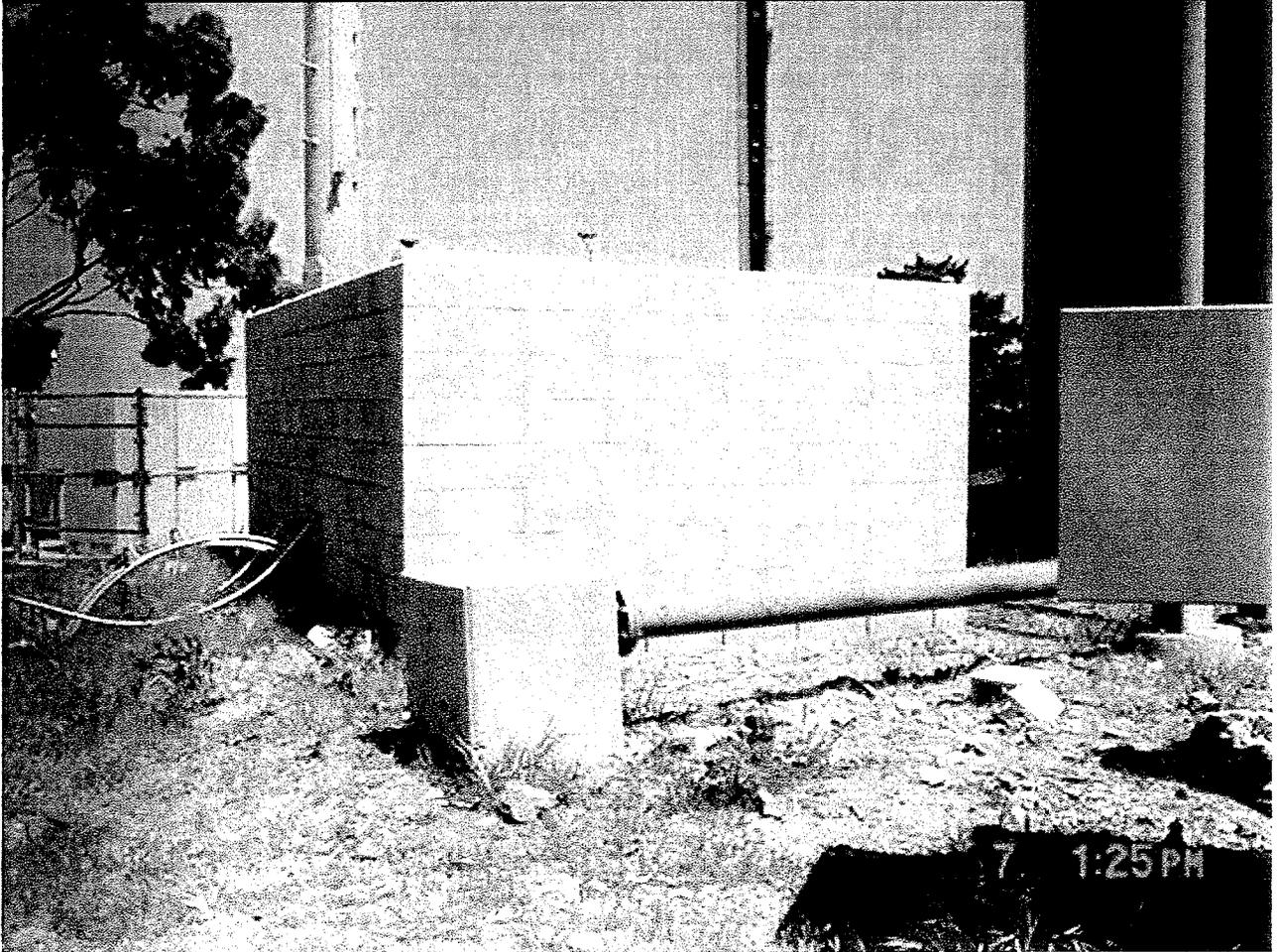
PROJECT NUMBER R2010-00516-(4)



*GIS parcel boundary not accurate.







Project Site



100 m of Rd

300 ft

