Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

April 5, 2011

Richard J. Bruckner
Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Cable Engineering
10640 Sepulveda Blvd., 1
Mission Hills, CA 91345
Attention: Steve Gonzales

REGARDING: PROJECT NUMBER R2010-00879-(3)
CONDITIONAL USE PERMIT 201000074

Dear Applicant:

Hearing Officer Mitch Glaser **APPROVED** the above described project and entitlements on April 5, 2011. The attached documents contain the Hearing Officer'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 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 April 19, 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 North Section at (213) 974-6443 or 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 North 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 R2010-00879-(3)
CONDITIONAL USE PERMIT 201000074

REQUEST
The applicant, Verizon Wireless, is requesting a conditional use permit to authorize the construction, operation and maintenance of a wireless telecommunications facility (WTF).

HEARING DATE: April 5, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER
A duly noticed public hearing was held before Hearing Officer, Mitch Glaser. The applicant's agent, Rob Searcy presented a project overview and stated that he concurs with the project conditions. There were no speakers from the public for this case. The hearing officer made additional findings 14 through 17. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit.

FINDINGS

1. The proposed project consists of the installation of a WTF that includes mounting two flush antennas onto an existing 29-foot, eight-inch tall existing wood pole at 29 feet high (as measured to the top of the antennas) and mounting related equipment to the pole at seven-feet, six-inches high (as measured to the bottom of the equipment). An overhead cable will connect the facility to another existing pole to the east. No trenching is proposed.
2. The subject property is located on the west side of the Pacific Coast Highway, 105 feet south of Coast Line Drive in the Malibu Coastal Zone and The Malibu Zoned District.
3. The subject property is zoned C-2 (Neighborhood Commercial).
4. The subject property is surrounded by the following land uses:
   North: Vacant Land
   East: Highway
   South: Ocean
   West: Highway
5. The subject property is developed with a paved highway, wood pole and signage. Native and ruderal vegetation is located between the road and beach.
6. The proposed project is consistent with the Malibu Local Coastal Plan. The land use designation of the subject property is Parks. Policy 129 (page 23) states, "Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment." The proposed project is consistent with the aforementioned policy because it is designed to be visually unobtrusive.
7. 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.
8. The height of the proposed facility is 29-feet, eight-inches. The maximum allowable height for a WTF located in the public right-of-way is 50 feet. The proposed facility complies with the height policy for a WTF located in the public right-of-way.
9. The nine foot wide park-strip is adequate in size and shape to accommodate the development.
10. The subject property is adequately served by public and private service facilities as necessary. A WTF does not require sewer or water service.
11. The subject property is adequately served by highways and streets of sufficient width and improved as necessary to carry the kind and quantity of traffic associated with this project. The

site is served by Pacific Coast Highway. The facility will generate approximately one maintenance vehicle trip a month which the aforementioned highway should be able to accommodate.

12. The proposed design is appropriate for the site and area because other wood poles used for utilities or telecommunications are located along Pacific Coast Highway, flush mounted equipment will make the facility visually less obtrusive and no ground mounted equipment is proposed.
13. Improving the wireless infrastructure in the area is required to meet the community's demand for calls and data transfers.
14. The coverage map demonstrates the need for the facility.
15. The design is optimal because the proposed facility is located near an existing utility pole.
16. The colors and materials of the proposed facility are compatible with the surroundings.
17. No ground disturbances are proposed which is significant in a coastal area.
18. No public comments were received.
19. 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.
20. The proposed project is exempt from the California Environmental Quality Act under Class 3 for new construction or conversion of small structures because it a small structure.
21. 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.
22. 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 North 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 yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, 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 Class 3 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 201000074 is **APPROVED,** subject to the attached conditions.

c: Hearing Officer, Building and Safety

MC:de

April 6, 2011

1. This grant authorizes the construction, operation and maintenance of a wireless telecommunications facility that includes two antennas flush mounted to a 29-foot, eight-inch tall existing wood pole and related pole mounted equipment.

2. 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.

3. This grant shall not be effective for any purpose until the permittee has 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 until all required monies have been paid pursuant to Condition 9. The affidavit shall be filed and the required monies shall be paid by **June 6, 2011.**

4. 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 or other applicable statute of limitations. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate 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.

5. 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 or expenses shall be billed and deducted for the purpose of defraying the costs and 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 or expenses 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 shall be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. **This grant shall terminate on April 5, 2026**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least 6 months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such

property may require additional or different permits and would be subject to the then-applicable regulations.

8. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to esnure that any development undertaken on the subject property is in accordance with the approved site plan on file. 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 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.

10. 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. 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.

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. The facility shall be operated in accordance with all applicable regulations of the State Public Utilities Commission and the Federal Communications Commission.

15. 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.

16. 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.

17. 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.
18. 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.
19. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
20. 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". The facility shall be built as depicted in the photo simulations presented at the public hearing.
21. The maximum height of the facility shall not exceed 30 feet above finished grade.
22. 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 service provider.
23. 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.
24. 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.
25. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
26. 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.
27. Prior to the construction of the project, the permittee shall obtain an encroachment permit from the California Department of Transportation and provide a copy of the permit to the Zoning Enforcement Section of the Department of Regional Planning.
28. This grant entitles the permittee to install the wireless telecommunications facilities on the existing or a replacement utility pole but does not entitle the permittee to retain the pole for its sole use or to install a new pole for its facilities in the event the existing pole is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the provision of Condition 7, if the existing pole is removed prior to the termination date of this

grant, this grant shall thereupon terminate. The applicant will be required to either obtain a new conditional use permit to relocate its facilities or to install a new pole or poles 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.

29. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and 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 itself cause the facility to be removed at the permittee's expense.
30. No meter boxes located outside the existing facilities are authorized by this grant.
31. The placement of the facility shall not interfere with the public's unobstructed use of highways, sidewalks or trails, or unobstructed access from private property to highways and other public access.
32. If the California Department of Transportation requires the facility to relocate due to street improvement projects and undergrounding of utilities, the cost of relocation of wireless facilities due to such projects shall be fully borne by the owner, operator, or permittee of the wireless facilities involved.
33. The permittee shall obtain an approved traffic plan for the parking of maintenance vehicles from the California Department of Transportation.

MC:de

4/6/2011

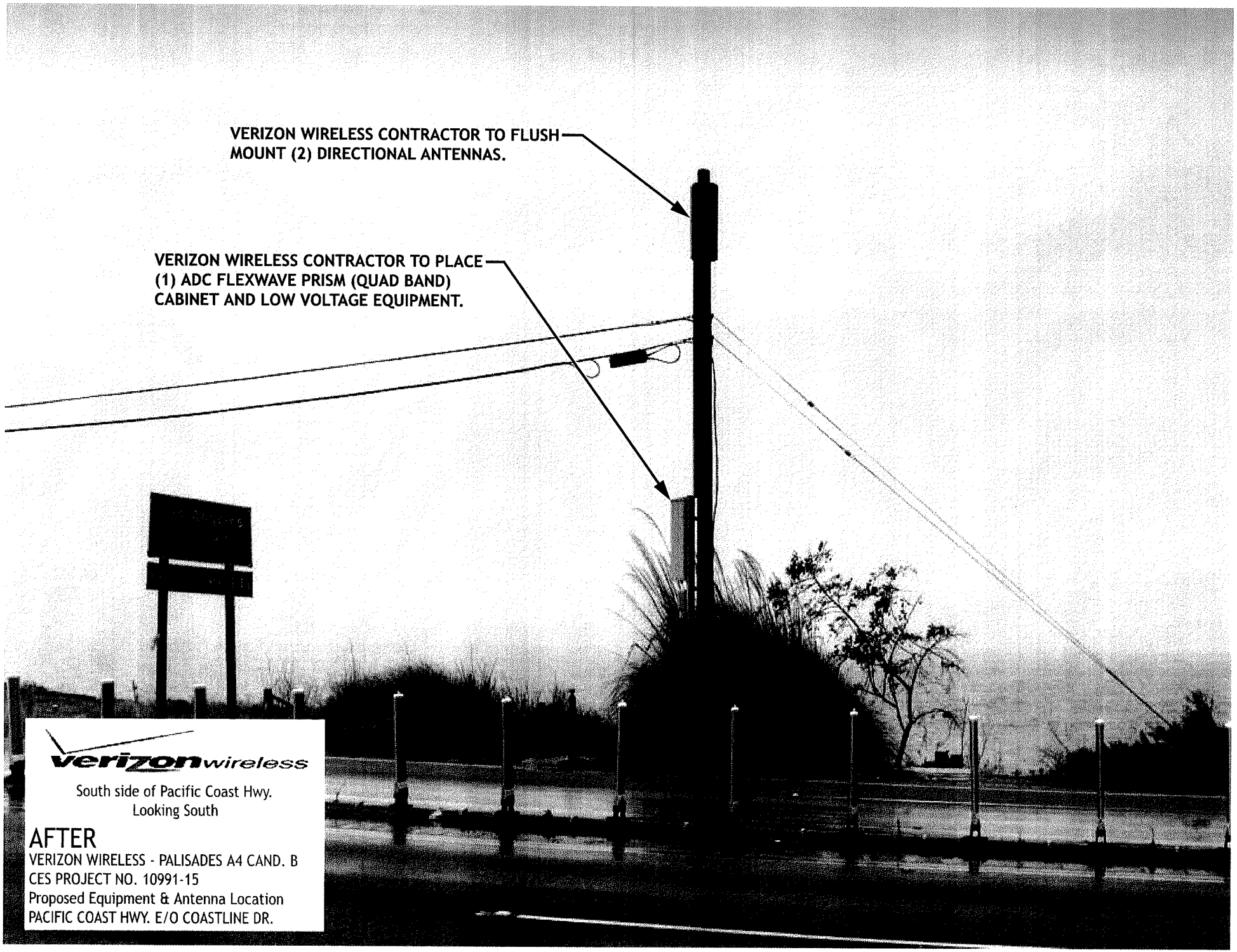
Attachment: Photo Simulations

verizonwireless

South side of Pacific Coast Hwy.
Looking South

BEFORE

VERIZON WIRELESS - PALISADES A4 CAND. B
CES PROJECT NO. 10991-15
Proposed Equipment & Antenna Location
PACIFIC COAST HWY. E/O COASTLINE DR.

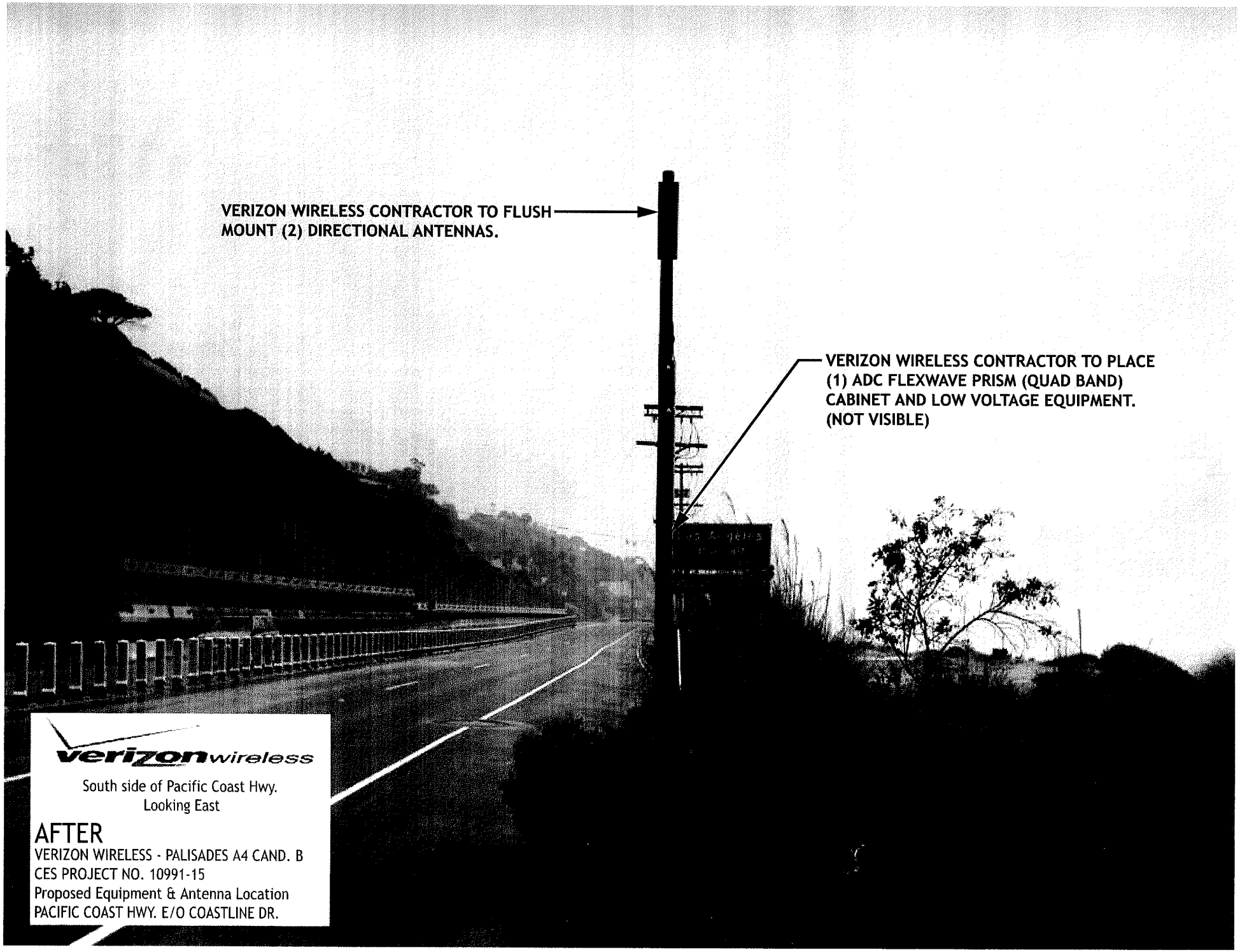

VERIZON WIRELESS CONTRACTOR TO FLUSH MOUNT (2) DIRECTIONAL ANTENNAS.
VERIZON WIRELESS CONTRACTOR TO PLACE (1) ADC FLEXWAVE PRISM (QUAD BAND) CABINET AND LOW VOLTAGE EQUIPMENT.
verizonwireless
South side of Pacific Coast Hwy.
Looking South
AFTER
VERIZON WIRELESS - PALISADES A4 CAND. B
CES PROJECT NO. 10991-15
Proposed Equipment & Antenna Location
PACIFIC COAST HWY. E/O COASTLINE DR.

verizon wireless

South side of Pacific Coast Hwy.
Looking East

BEFORE

VERIZON WIRELESS - PALISADES A4 CAND. B
CES PROJECT NO. 10991-15
Proposed Equipment & Antenna Location
PACIFIC COAST HWY. E/O COASTLINE DR.


VERIZON WIRELESS CONTRACTOR TO FLUSH MOUNT (2) DIRECTIONAL ANTENNAS.
VERIZON WIRELESS CONTRACTOR TO PLACE (1) ADC FLEXWAVE PRISM (QUAD BAND) CABINET AND LOW VOLTAGE EQUIPMENT. (NOT VISIBLE)
verizonwireless
South side of Pacific Coast Hwy.
Looking East
AFTER
VERIZON WIRELESS - PALISADES A4 CAND. B
CES PROJECT NO. 10991-15
Proposed Equipment & Antenna Location
PACIFIC COAST HWY. E/O COASTLINE DR.