



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

June 6, 2012

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Alex DeGood  
Jeffer Mangels Butler & Mitchell LLP  
1900 Avenue of the Stars, 7th Floor  
Los Angeles, CA 90067

**REGARDING:** Project No. R2006-02016-(2)  
Conditional Use Permit No. 201000147  
APN 5029-020-010: lease area approx 520ft NW of La Brea Ave. and Stocker St.

Dear Applicant:

Hearing Officer Paul McCarthy, by his action of June 5, 2012, **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. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant and/or other interested persons 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 5:00 p.m. on June 19, 2012.** 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, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Andrew Svitek of the Zoning Permits West Section at (213) 974-6462 or e-mail at [asvitek@planning.lacounty.gov](mailto:asvitek@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

Mi Kim, Supervising Regional Planner  
Zoning Permits West Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety), Zoning Enforcement, Baldwin Stocker LLC

MK:as  
320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • Fax: 213-626-0434 • TDD: 213-617-2292

CC.062211

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

**PROJECT NO. R2006-02016-(2)  
CONDITIONAL USE PERMIT NO. 201000147**

**REQUEST:**

The project is a request for a conditional use permit to allow for the continued operation and maintenance of two radio antenna towers (a 100-foot primary radio broadcasting antenna and a 65-foot auxiliary antenna) and associated control equipment and grounding cable.

**HEARING DATE: June 5, 2012**

A duly noticed public hearing was held on June 5, 2012 before the Hearing Officer. The applicant's agent, Alex DeGood, was sworn in and testified in support of the request. No other testimony was received. The Hearing Officer closed the public hearing and approved the request subject to the attached conditions.

Findings

1. The project location is approximately 520 feet northwest of the intersection of La Brea Avenue and Stocker Street.
2. The applicant is requesting a conditional use permit to authorize the continued operation and maintenance of two existing radio antenna towers. One antenna measuring 100-feet in height is the primary broadcasting antenna and a second antenna measuring 65-feet in height is maintained for backup purposes. The lease area also includes control equipment and grounding cables. The project was previously approved through Conditional Use Permit No. 99-219.
3. The project is located on a 104.70-acre irregularly shaped parcel (APN 5029-020-010) that is bound by Stocker Street to the South, DWP right of way to the west, and Kenneth Hahn State Recreational Area to the north and east. The subject parcel is the Baldwin Hills oil field, which is an operational oil field, developed with oil drilling wells, oil storage tanks, and related oil drilling facilities. There may be other communication leases located on the subject parcel, but no other radio transmission towers appear to be presented on the subject parcel. Several radio transmission towers are located on the adjacent California State park land, which is an adjacent parcel (APN 5029-020-904).
4. The site plan depicts a triangular lease area measuring approximately 168 feet on all three sides centered on a point which is located exactly 540 feet west of La Brea Avenue and 500 feet north of Stocker Street. Of this area, the fenced in area is 65 feet by 30 feet. Within this area are the two radio transmission antennas, control e equipment and grounding cables. The radio transmitter building is 13'-4" by 11'4" and 10'8" in height. To the north of the building is the existing 100-foot radio transmission antenna located on a concrete pad. To the south of the radio building is the existing 65-foot radio transmission antenna. Adjacent to this antenna within the fenced area is a electrical utility pole. An 8-foot high chain link fence is constructed around the towers, building and equipment. The radio transmitter building is screened by four mature trees along the east and south sides of the fenced area. The exterior of the building is painted in earth tone colors.

5. The subject property is zoned A-2 (Heavy Agriculture). Pursuant to Section 22.24.150, Title 22 of the County Code (Zoning Ordinance), a Conditional Use Permit is required for the construction, operation, and maintenance of a radio tower in the A-2 Zone.
6. Conditional Use Permit No. 2296 authorized an 80-foot antenna in 1984. The permittee initially applied for a conditional use permit to allow for the construction of an unmanned radio transmitter facility that would be 185 feet in height at this location. This request was denied by the Regional Planning Commission on November 30, 1983. The Commission's denial was appealed to the Board of Supervisors, which approved the conditional use permit authorizing a height of 80-feet. The permittee subsequently constructed a 65-foot radio tower.
7. Conditional Use Permit No. 99-219 authorized the construction, operation, and maintenance of a 100-foot radio tower on June 12, 2000. It also anticipated that the existing 65-foot radio transmission antenna would be removed from the subject property. However, this 65-foot radio transmission antenna has remained on-site, but only to serve as an auxiliary antenna.
8. Although the original approval anticipated the removal of the previous radio telecommunications tower and this intention was reflected in Condition 15(e) of Conditional Use Permit No. 99-219, which authorized the construction and maintenance of the new radio transmission tower, the original tower remains on-site serving as an auxiliary antenna and may continue to be maintained as an auxiliary antenna. The applicant will maintain the older tower not for its regular operations but on a limited basis to fulfill its responsibilities under FCC regulations. Per FCC regulations, the station must maintain an Emergency Action Notification System in operation at all times to relay emergency information to the public. Obviously the station can't do that if its primary equipment fails, so it needs to have standby equipment. The FCC does not explicitly require a backup system, but given the general emergency notification requirement, most stations have them. The FCC refers to such back up as "auxiliary antennas," stating in 47 CFR sec. 73.1675 "An auxiliary antenna is one that is permanently installed and available for use with the main antenna is out of service[.]" That is the purpose the older antenna serves, and the station needs to maintain it as back up. It is therefore determined that the old antenna may be maintained for the purposes of continuing to serve as an auxiliary antenna.
9. The land use designation in the General Plan for the subject property and the surrounding area is Open Space. The Open Space areas include both public and privately owned lands committed to long term open space, and lands intended to be used in a manner compatible with the Open Space designation. The continued operation and maintenance of the existing radio towers can be found consistent with this land use category.
10. The project has been determined to be categorically exempt under CEQA (Class 1 for existing facilities).
11. The project is subject to (1) the countywide development standards for projects located within the A-2 (Heavy Agricultural) Zone; (2) the standards listed for the area within the boundaries of the Baldwin Hills Community Standards District (CSD). There are no use-specific standards for radio and television towers and the policy-based standards for wireless towers do not apply to radio towers.

12. The facility is located on property that is zoned A-2 (Heavy Agricultural). The radio broadcasting use falls under the classification of "radio and television stations and towers, but not including studios" (Section 22.24.150) which is a use that may be authorized with a conditional use permit.
13. Structures in the A-2 Zone do not have a height limitation (Section 22.24.170.B), except for residences, which are subject to the same standards as if they were built in the R-1 (Single Family Residential) Zone, and hence would be limited to 35 feet above grade, except for chimneys and rooftop antennas (Section 22.20.110). However, since the use is subject to a conditional use permit, the height of such a facility may be limited by the hearing officer according to Section 22.56.205 which provides that "the building bulk provisions prescribed in the various zones shall not apply to uses permitted by conditional use permit. In granting a conditional use permit, the hearing officer shall prescribe the height limit..."
14. Section 22.52.1220 determines parking requirements for uses which do not have specific parking requirements specified in the zoning ordinance. The existing radio tower is unmanned and will be visited for periodic maintenance only. The Code imposes the amount of parking spaces that will be adequate to prevent traffic congestion and excessive on-street parking. There is currently adequate space for parking a vehicle within the subject property.
15. Section 22.24.170.A requires that structures be located with front, side and rear yard setbacks as required by the R-1 Zone, which generally are 20 feet in the front, 5 feet on the sides, and 15 feet in the rear. (Section 22.20.120). The existing antennas are approximately 540 feet from La Brea Avenue and 500 feet to stocker. Due the size of the parcel on which the antennas are located the minimum setback requirements are satisfied by this project.
16. Section 22.24.170.C states that parcels in the A-2 Zone shall comply with the minimum lot area requirements of Part 2 of Chapter 22.52, which for any structures in the A-2 Zone (Section 22.52.250) shall be a minimum of 10,000-square feet per Section 22.52.100.D.3. The project is located on a 0.3-acre leasehold within a 104.70-acre parcel, which meets the minimum lot area requirements.
17. The subject property is located within the Baldwin Hills CSD. According to Section 22.44.142.A, the purpose of the CSD is "to provide a means of implementing regulations, safeguards, and controls for activities related to drilling for and production of oil and gas within the oil field located in the Baldwin Hills area of the county of Los Angeles. The purpose of these supplemental regulations is to ensure that oil field operations are conducted in harmony with adjacent land uses, to minimize the potential adverse impacts of such operations, to regulate such operations so they are compatible with surrounding land uses, and to enhance the appearance of the site with landscaping and other property maintenance requirements." The provisions of the CSD relate to drilling operations and do not relate to the conditional use request for the continued operation and maintenance of a radio transmission tower.
18. The project involves a use specifically listed in the zoning code (a radio or television tower) rather than a wireless (cellular) communications tower. Therefore, the policies and

guidelines contained in the Director's Memorandum dated July 26, 2010 do not apply to this project.

19. The subject property is located with the Open Space classification of the General Plan Land Use Element. The intent of this land use classification is to provide primarily for open space and other low-impact or resource-dependent uses. Other uses may also be permitted within this land use classification provided that they do not detract from the primary purpose of providing open space. An unmanned radio tower can be considered a resource-dependent use, as it is dependent on topography to provide a maximum amount of signal coverage. It is also unmanned, and therefore relatively low impact. The project is located is surrounded by an open area that is used for oil drilling in the Baldwin Hills. The project site is surrounded by oil fields, open space, La Brea and Stocker Street and Norman O. Houston Park, which form a large buffer between the antennas and commercial and residential areas.
20. 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. No public comments regarding this application have been received.
21. Although Condition 15(e) of Conditional Use Permit No. 99-219 required the removal of the existing tower, the tower continues to remain in place to this date. The applicant has stated that it is imperative to maintain the older tower, which is not operational on a daily basis, to be able to fulfill its responsibilities under FCC regulations. Per FCC regulations, the station must maintain an Emergency Action Notification System in operation at all times to relay emergency information to the public. Obviously the station can't do that if its primary equipment fails, so it needs to have standby equipment. The FCC does not explicitly require a backup system, but given the general emergency notification requirement, most stations have them. The FCC refers to such back up as "auxiliary antennas," stating in 47 CFR sec. 73.1675 "An auxiliary antenna is one that is permanently installed and available for use with the main antenna is out of service[.]" That is the purpose the older antenna serves, and the station needs to maintain it as back up. It is therefore recommended that the old antenna be maintained for the purposes of continuing to serve as an auxiliary antenna.
22. 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 twenty-five (25) years. The project has existed at this site for at least the previous 25 years without creating adverse impacts.
23. The location of the documents and other materials constituting the record of proceedings upon which the Commission'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 West 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.

AND, 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 No. 201000147 is **APPROVED** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MKK:AS  
6/05/12

**CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2006-02016-(2)  
CONDITIONAL USE PERMIT NO. 201000147**

**PROJECT DESCRIPTION**

The project is a request for a conditional use permit to allow for the continued operation and maintenance of two radio antenna towers (a 100-foot primary radio broadcasting antenna and a 65-foot auxiliary radio broadcasting antenna) and associated control equipment and grounding cable, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 Los Angeles County ("County") Department of Regional Planning ("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 No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 any other applicable limitations period. 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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and

duplication of records and other related documents shall be paid by the permittee according to 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. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on June 5, 2037.** 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 six (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.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the **radio transmission towers** and satisfaction of Condition No. 2 shall be considered use of this grant.
10. 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 ensure 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 the sum of **\$2,400.00**. 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 fund provides for **twelve (12) 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 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 ("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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.  
  
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 notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PROJECT SITE SPECIFIC CONDITIONS

18. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
19. The facility shall be operated in accordance with the regulations of the Federal Communications Commission (FCC).
20. The facility shall comply with all requirements of the Federal Aviation Administration (FAA) in regard to air navigation safety.

21. The equipment cabinet and antenna tower shall be enclosed by an **eight (8) foot** chain link fence.
22. The permittee shall provide additional landscaping along the perimeter of the lease space in order to more fully screen the development from Stocker Street and La Brea Avenue. The permittee shall submit a landscape plan within 30 days of approval.
23. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
24. The applicant shall ensure that **one (1)** parking space is available within the leasehold for use by service vehicles.
25. 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.
26. The surface colors and materials of all facilities shall not be glossy or reflective in nature and shall be maintained in good condition at all times. All screen boxes shall be painted or otherwise colored to match the color of the existing building.
27. The 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 as soon as reasonably possible to prevent occurrences of dangerous conditions or visual bright.