

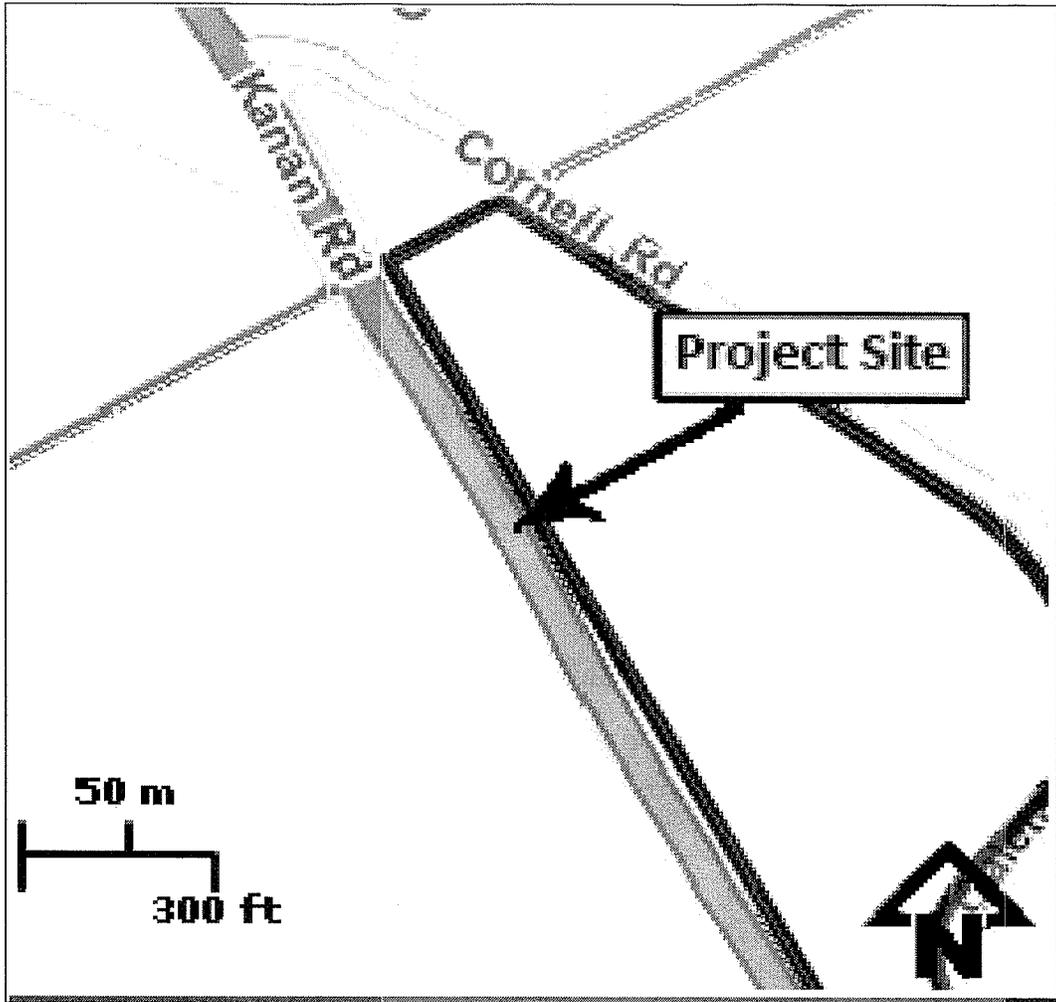
Hearing Officer Transmittal Checklist

Hearing Date
12/06/2011
Agenda Item No.
4

Project Number: R2011-01053-(3)
Case(s): Conditional Use Permit No. 201100102
Planner: Tyler Montgomery

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Photo Simulations

Reviewed By: 





Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6462
PROJECT NUMBER R2011-01053
RCUP 201100102

PUBLIC HEARING DATE 12/6/2011	AGENDA ITEM 4
RPC CONSENT DATE	CONTINUE TO

APPLICANT Black and Veatch	OWNER AT&T Mobility	REPRESENTATIVE Rob Searcy, Cable Engineering Services
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PROJECT DESCRIPTION
 The applicant requests a conditional use permit (CUP) to construct a new wireless telecommunications facility. The facility would consist of two panel antennas mounted on an existing 34-foot-tall wooden utility pole in the Kanan Road public right-of-way. Ancillary equipment and an equipment cabinet would be placed nearby, also within the right-of-way.

REQUIRED ENTITLEMENTS
To authorize a new wireless telecommunications facility mounted on an existing utility pole

LOCATION/ADDRESS
 Public right-of-way near 4536 Kanan Rd., Agoura

SITE DESCRIPTION
 The site plan depicts two 4'-3" panel antennas mounted on a six-foot extension arm on an existing 34-foot-tall wooden utility pole within the Kanan Road right-of-way. The antennas would have a maximum height of 27'-6" above ground. A small equipment box would be mounted on the pole at a level of 7'-6" above ground. A four-foot-tall equipment cabinet would also be mounted within the right-of-way, approximately 20 feet to the south. While an oak tree is located immediately to the east of the right-of-way, the proposed structures would not encroach within its protected zone.

ACCESS Kanan Road, to the west	ZONED DISTRICT The Malibu
ASSESSORS PARCEL NUMBER N/A	COMMUNITY Santa Monica Mountains North Area
SIZE 0 Acres	COMMUNITY STANDARDS DISTRICT Santa Monica Mountains North Area

	EXISTING LAND USE	EXISTING ZONING
Project Site	Public right-of-way	None
North	Vacant land	RPD-2-0.5U (Residential Planned Development-- Two Acre Minimum Lot Area; 0.5 dwelling units/acre); City of Agoura Hills
East	Vacant land	RPD-2-0.5U
South	Vacant land	RPD-2-0.5U
West	Vacant land	RPD-2-0.5U

GENERAL PLAN/COMMUNITY PLAN Santa Monica Mtns. North Area Plan	LAND USE DESIGNATION N2 (Rural Residential 2)	MAXIMUM DENSITY 0.5 dwelling units/acre
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ENVIRONMENTAL DETERMINATION
 Class 3 Categorical Exemption- New Construction or Conversion of Small Structures

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Tyler Montgomery		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor

STAFF ANALYSIS
PROJECT NO. R2011-01053-(3)
CONDITIONAL USE PERMIT NO. 201100102

PROJECT DESCRIPTION

The applicant seeks a conditional use permit ("CUP") to authorize the construction, operation, and maintenance of a wireless telecommunications facility, consisting of two panel antennas mounted on an existing 34-foot-tall utility pole in the public right-of-way.

REQUIRED ENTITLEMENTS

Pursuant to County Code Part 1 of Chapter 22.56, the applicant is requesting a CUP to authorize the construction of a wireless telecommunications facility. A wireless telecommunications facility is not a defined use in the County Code; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to conditional use permits in all zones.

DESCRIPTION OF SUBJECT PROPERTY

Location

The project site is located on the eastern side of the Kanan Road public right-of-way, near 4536 Kanan Road, in The Malibu Zoned District of unincorporated Los Angeles County.

Physical Features

The project site is adjacent to Kanan Road, a paved two-lane thoroughfare, and will incorporate an existing wooden utility pole 34 feet in height. Unpaved land within the right-of-way is level and consists of dirt and some small shrubs. An oak tree is located on the adjacent property to the east, although the proposed project is outside its protected zone, as defined by the Los Angeles County Oak Tree Ordinance (County Code Sec. 22.56, Part 16).

EXISTING ZONING

Subject Property

The project site is located within the public right-of-way and therefore is unclassified in terms of zone.

Surrounding Properties

Surrounding properties within 500 feet of the subject property are zoned:

North: RPD-2-0.5U (Residential Planned Development—Two Acre Minimum Required Lot Area, 0.5 Dwelling Units per Acre Maximum Density); City of Agoura Hills

South: RPD-2-0.5U

East: RPD-2-0.5U

West: RPD-2-0.5U

EXISTING LAND USES

Subject Property

The project site is developed with a paved road and utility poles.

Surrounding Properties

Surrounding land uses within 500 consist of vacant land in all directions.

Land Use Policy Map

The subject property is located within the N2 (Rural Residential 2) classification of the Santa Monica Mountains North Area Plan. The primary intent of this classification is to allow residential development of densities equal or less than 0.5 dwelling units per acre. However, utility and infrastructure uses are also allowed. Therefore, the wireless telecommunications facility is consistent with this classification.

SITE PLAN

The site plan depicts two four-foot, three-inch tall panel antennas mounted on a six-foot extension arm on an existing 34-foot-tall wooden utility pole within the Kanan Road right-of-way. The antennas would have a maximum height of 27 feet, six inches above ground. A small equipment box would be mounted on the pole at a level of seven feet, six inches above ground. A four-foot-tall equipment cabinet would also be mounted within the right-of-way, approximately 20 feet to the south. While an oak tree is located immediately to the east of the right-of-way, the proposed structures would not encroach within its protected zone.

Compliance with Applicable Zoning Standards

The property on which the proposed facility is to be located is unclassified in terms of zone. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and television stations and towers are uses subject to conditional use permits.

Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The Director of Regional Planning may impose an amount of parking spaces that the Director finds to be adequate to prevent traffic congestion and excessive on-street parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits only. Maintenance vehicles would access the facility from Kanan Road, the shoulder of which would provide adequate parking space for one vehicle. Therefore, the appropriate parking for such a use would be one space, and that parking would be satisfied by the existing road shoulder.

There are no specific setback requirements for an unclassified zone, nor are there height requirements. All other applicable development standards would be met by the facility.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate, to the satisfaction of the Commission, the following facts:

- A. That the requested use at the location proposed 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.
- 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.
- 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.

The applicant's burden of proof responses are attached to this document. It is staff's opinion that the applicant has satisfied the burden of proof for a CUP.

ENVIRONMENTAL DOCUMENTATION

This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The facility qualifies for a Class 3, Small Structures, categorical exemption, as the structures proposed are small in scale.

PUBLIC AGENCY COMMENTS AND RECOMMENDATIONS

The County departments of Fire, Public Works, and Public Health are not usually consulted regarding proposed wireless facilities in the public right-of-way unless there are site specific issues that warrant their review. Staff does not believe that anything unusual regarding this specific project would warrant their input.

PUBLIC COMMENTS

Legal Notification/Community Outreach

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, property posting, library posting and DRP website posting. No public comments were received regarding the project.

STAFF EVALUATION

The operation of the wireless telecommunications facility is unlikely to adversely affect the health, peace, comfort or welfare of surrounding residents, be detrimental to surrounding properties, or create a hazard to public health, safety, or general welfare. The facility will be required to operate within safety standards of the Federal

Communications Commission (FCC), and any sounds generated would be minimal. The proposed structures are relatively small in nature, and the photo simulations provided by the applicant (attached) indicate that they would be aesthetically unobtrusive. In addition, Kanan Road is not a designated scenic highway, the project site is surrounded by vacant land in all directions, and staff has received no objections to the project from the public.

The proposed facility would comply with all applicable development standards for unclassified land. The project would also be adequately served by Kanan Road, a two-lane thoroughfare without level-of-service issues. The existing road shoulder would also be adequate to accommodate one parking space for periodic maintenance visits.

Due to the aforementioned factors, staff believes that the applicant has satisfied the burden of proof for a conditional use permit.

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 201100102 for a grant term of 15 years, subject to the attached conditions.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Hearing Officer:

Zoning Enforcement

Inspection fees of \$1,400.00 to cover the costs of 7 recommended biennial zoning enforcement inspections for the CUP.

SUGGESTED APPROVAL MOTION

I hereby close the public hearing and **APPROVE** Conditional Use Permit 201100102 subject to the attached Findings and Conditions of Approval.

Prepared by Tyler Montgomery, Regional Planning Assistant II
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statements
Site photographs and photo simulation
Site plans and elevations

MK:TM
11/23/11

**HEARING OFFICER'S FINDINGS AND ORDER:
PROJECT NO. R2011-01053-(3)
CONDITIONAL USE PERMIT NO. 201100102**

REQUEST: Pursuant to Part 1 of Chapter 22.56 of the County Code, the applicant is requesting a conditional use permit ("CUP") to authorize the construction, operation, and maintenance of a wireless telecommunications facility on an existing utility pole in the public right-of-way.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The project site is located on the eastern side of the Kanan Road public right-of-way, near 4536 Kanan Road, in The Malibu Zoned District of unincorporated Los Angeles County.
2. The project site is unclassified in terms of zone as it is located within the public right-of-way.
3. The project site is adjacent to Kanan Road, a paved two-lane thoroughfare, and will incorporate an existing wooden utility pole 34 feet in height. Unpaved land within the right-of-way is level and consists of dirt and some small shrubs. An oak tree is located on the adjacent property to the east, although the proposed project is outside its protected zone.
4. Surrounding properties within 500 feet are zoned as follows:
North: RPD-2-0.5U (Residential Planned Development—Two Acre Minimum Required Lot Area, 0.5 Dwelling Units per Acre Maximum Density); City of Agoura Hills
South: RPD-2-0.5U
East: RPD-2-0.5U
West: RPD-2-0.5U
5. The surrounding land uses within 500 feet consist of vacant land.
6. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The facility qualifies for a Class 3, Small Structures, categorical exemption, as the proposed structures are small in scale.
7. 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, property posting, library posting and DRP website posting. No public comments were received regarding the project.

8. A wireless telecommunications facility is not a defined use in the Zoning Ordinance; however, staff has traditionally utilized the defined use of “radio and television stations and towers” as a comparable use. Radio and television stations and towers are uses subject to conditional use permits in all zones.
9. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The director may impose an amount of parking spaces that he finds to be adequate to prevent traffic congestion and excessive on-street parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits only. Maintenance vehicles access the facility Kanan Road, the shoulder of which would provide adequate parking space for one vehicle. Therefore, the appropriate parking for such a use would be one space, and that parking would be satisfied by the existing road shoulder.
10. The subject property is located within the N2 (Rural Residential 2) classification of the Santa Monica Mountains North Area Plan. The primary intent of this classification is to allow residential development of densities equal or less than 0.5 dwelling units per acre. However, utility and infrastructure uses are also allowed. Therefore, the wireless telecommunications facility is consistent with this classification.
11. The site plan depicts two four-foot, three-inch tall panel antennas mounted on a six-foot extension arm on an existing 34-foot-tall wooden utility pole within the Kanan Road right-of-way. The antennas would have a maximum height of 27 feet, six inches above ground. A small equipment box would be mounted on the pole at a level of seven feet, six inches above ground. A four-foot-tall equipment cabinet would also be mounted within the right-of-way, approximately 20 feet to the south. While an oak tree is located immediately to the east of the right-of-way, the proposed structures would not encroach within its protected zone.
12. The operation of the wireless telecommunications facility is unlikely to adversely affect the health, peace, comfort or welfare of surrounding residents, be detrimental to surrounding properties, or create a hazard to public health, safety, or general welfare. The facility will be required to operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated would be minimal. The proposed structures are relatively small in nature, and the photo simulations provided by the applicant indicate that they would be aesthetically unobtrusive. In addition, Kanan Road is not a designated scenic highway, the project site is surrounded by vacant land in all directions, and staff has received no objections to the project from the public.
13. The proposed facility would comply with all applicable development standards for unclassified land. The project would also be adequately served by Kanan Road, a two-lane thoroughfare without level-of-service issues. The existing road shoulder

would also be adequate to accommodate one parking space for periodic maintenance visits.

14. 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, 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. 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.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for conditional use permits as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects which have been determined not to have a significant effect on the environment, in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit No. 201100102 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit of Acceptance

c: Commission Services, Zoning Enforcement, Building and Safety

MK:TM
11/23/11

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2011-01053-(3)
CONDITIONAL USE PERMIT NO. 201100102**

PROJECT DESCRIPTION

This grant authorizes the construction, operation, and maintenance of a wireless telecommunications facility consisting of panel antennas mounted on existing utility pole and ancillary facilities. The project is approved as depicted on the approved Exhibit "A", subject to all of 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 and cannot be used 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 conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required fees have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this condition (No. 2), and Conditions No. 4, 5, and 6 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 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 \$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 in accordance with to Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of final approval of the grant by the County. A single, one-year time extension may be requested, in writing and with payment of the applicable fee, before the expiration date.
7. 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.
8. 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. In addition, upon any transfer or lease of the subject 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.
9. **This grant shall terminate on December 6, 2026.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new permit application with Regional Planning prior to the expiration of this permit, 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 for 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.
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 \$1,400.00.** This 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 **seven (7) 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 condition 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, 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 requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. All development pursuant to this grant shall conform to the requirements of the County Department of Public Works, the County Fire Department and Fire Warden, and the County Department of Public Health.
14. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". If changes to the site plan are required as a result of instruction given at the public hearing, a revised Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of the CUP. In the event that subsequent plans are submitted, the written authorization of the property owner is necessary.

PROJECT SPECIFIC CONDITIONS

15. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
16. If requested, 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. 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.
21. Construction and maintenance on the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
22. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.

23. One parking space for maintenance vehicles shall be provided. The space need not be delineated or dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
24. The maximum height of the facility shall not exceed 34 feet above natural grade.
25. 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.
26. 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. Panel antennas and other equipment mounted on the pole shall be painted in a color or colors to match said pole.
27. 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 of notification. A sign shall be posted on the project site with a contact phone number for reporting any graffiti or maintenance issues at the facility.
28. 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.

MK:TM
11/23/11

Justification / Project Description
Proposed Wireless Telecommunications Facility
4536 Kanan Road

Introduction:

AT&T Mobility requests approval a Conditional Use Permit to place a solely pole mounted wireless telecommunication facility in the Right-of Way on an existing utility pole that supports an existing WTF. The facility is proposed to be located at 4536 Kanan Road in the area to the south of the City of Agoura Hills and north of the Malibu city boundary. Currently the area is developed with utility poles supporting the conveyance of other utility services on the subject utility pole. The proposed utility pole mounted WTF will be comprised of an existing 34' wood utility pole with a pair of 4 ft. panel antennas mounted to 6 ft. extension arms at an elevation of approximately 27 ft. above existing grade. There will be no ground mounted equipment proposed as a part of this project.

AT&T Mobility is a telecommunications service provider operating wireless telecommunication sites throughout California and the nationwide. AT&T Mobility and its affiliates have acquired licenses from the Federal Communications Commission ("FCC") to provide wireless telecommunication services. These licenses include the County of Los Angeles and the City of Los Angeles, California. The regional system operates within the State of California as a state franchisee as licensed by the California Public Utility Commission ("CPUC").

Description of Use:

Pursuant to Title 22 of the Los Angeles County Zoning Code, AT&T Mobility has made an application for a Conditional Use Permit approval to establish and operate a WTF in the ROW of Road. There are no existing WTF facilities currently operating in the vicinity of the proposed facility therefore there are no co-location opportunities in proximity to this location.

Site Selection:

Pursuant to the code requirements, AT&T Mobility searched the area within the search ring for sites that presented three primary factors. First, the area is analyzed to determine zoning compatibility in a district to allow for the placement of a WTF. The site selection focused on commercial or manufacturing zone districts. In the area of focus, only agricultural zones were present. The second factor of consideration was to find co-location opportunities. Therefore the site selection area was narrowed primarily to the ROW where other utility uses were present. The subject location was identified and fit the development objective as well as the technical network performance criteria.

Finally, the selection of the proposed site rested on the determination of compatibility with adjacent development and preservation of existing view corridors. Further

CONDITIONAL USE PERMIT CASE – BURDEN OF PROOF**SEC. 22-56.040**

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed 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.

1. The proposed facility will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community, but is necessary to provide wireless communications to this particular area of Los Angeles County and the surrounding communities. Wireless communications are also used to promote efficient and effective non-emergency personal, business, and governmental communications. These services have been established and are accepted as an integral part of the nation's telecommunications infrastructure and promote the public health, safety, morals, comfort and general welfare. The operation of the proposed telecommunication facility will provide a reliable and convenient means of communication for everyday personal and business use.

The proposed wireless telecommunication facility which AT&T Mobility will operate is necessary in order to provide wireless services to the surrounding community, including traditional wireless services such as wireless digital telephone service, mobile broadband and data transmission services. This technology does not interfere with radio, television or other communications signals, and all matters pertaining to health and safety and signal interference are within the sole province of the FCC.

2. The facility does not have growth-inducing implications, or promote additional development or a change in the density of surrounding residential and open space areas. Substantially no additional noise, smoke, odor impacts will be generated and no additional parking will be required for the proposed facility. Further, the proposed facility will not interfere with the quiet enjoyment of neighboring land uses.
3. This telecommunications facility will not endanger the public health, safety or general welfare. In fact, this site, as part of a larger network, provides access to wireless telecommunications in the event of an emergency. Wireless communication technology provides vital communications in "E911" and other emergency situations.

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.

The facility will not impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity. To the contrary, enhanced wireless communications has a positive influence on personal, business, governmental, and other existing uses in this area. Substantially similar wireless telecommunication installations exist within this immediate area.

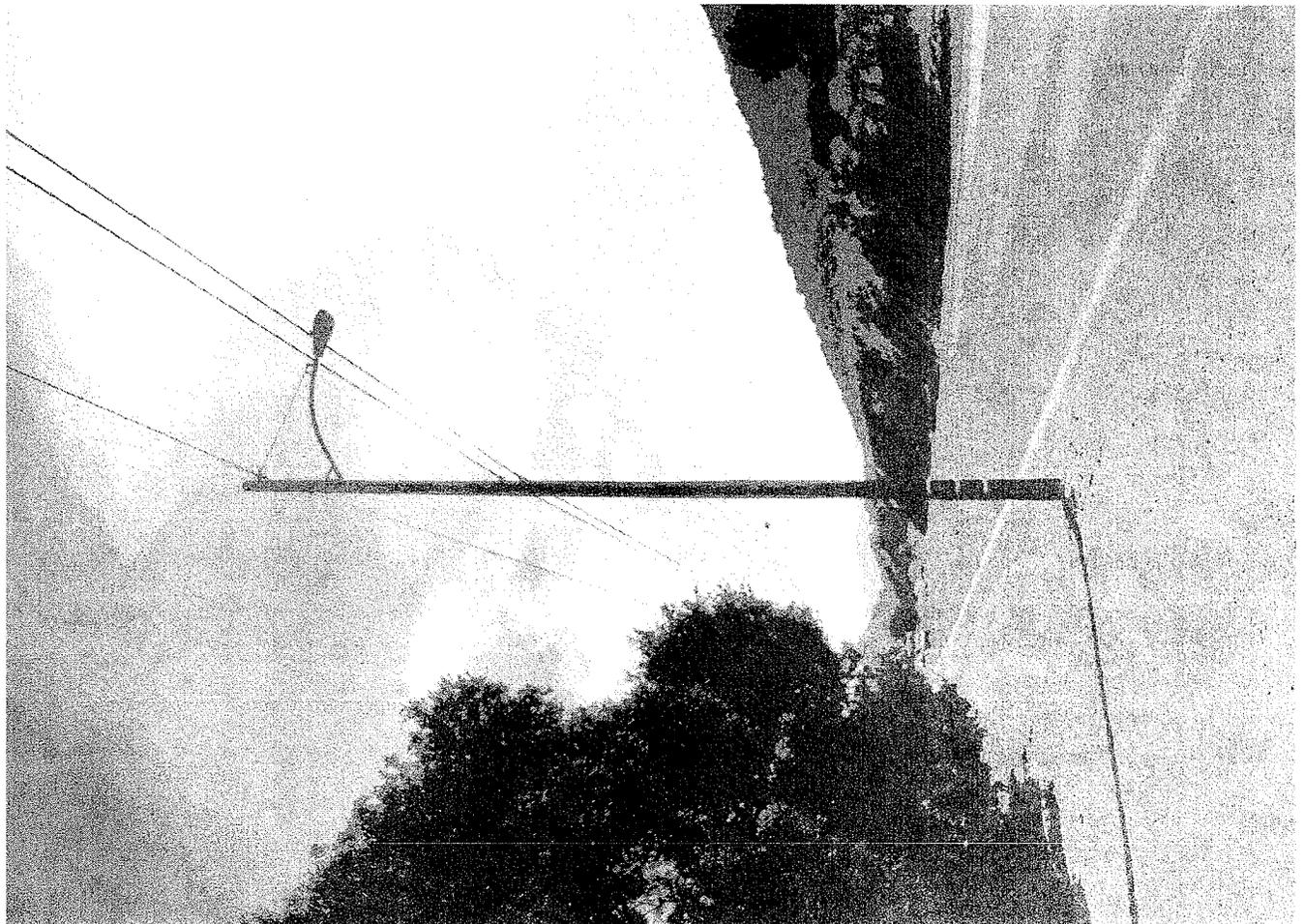
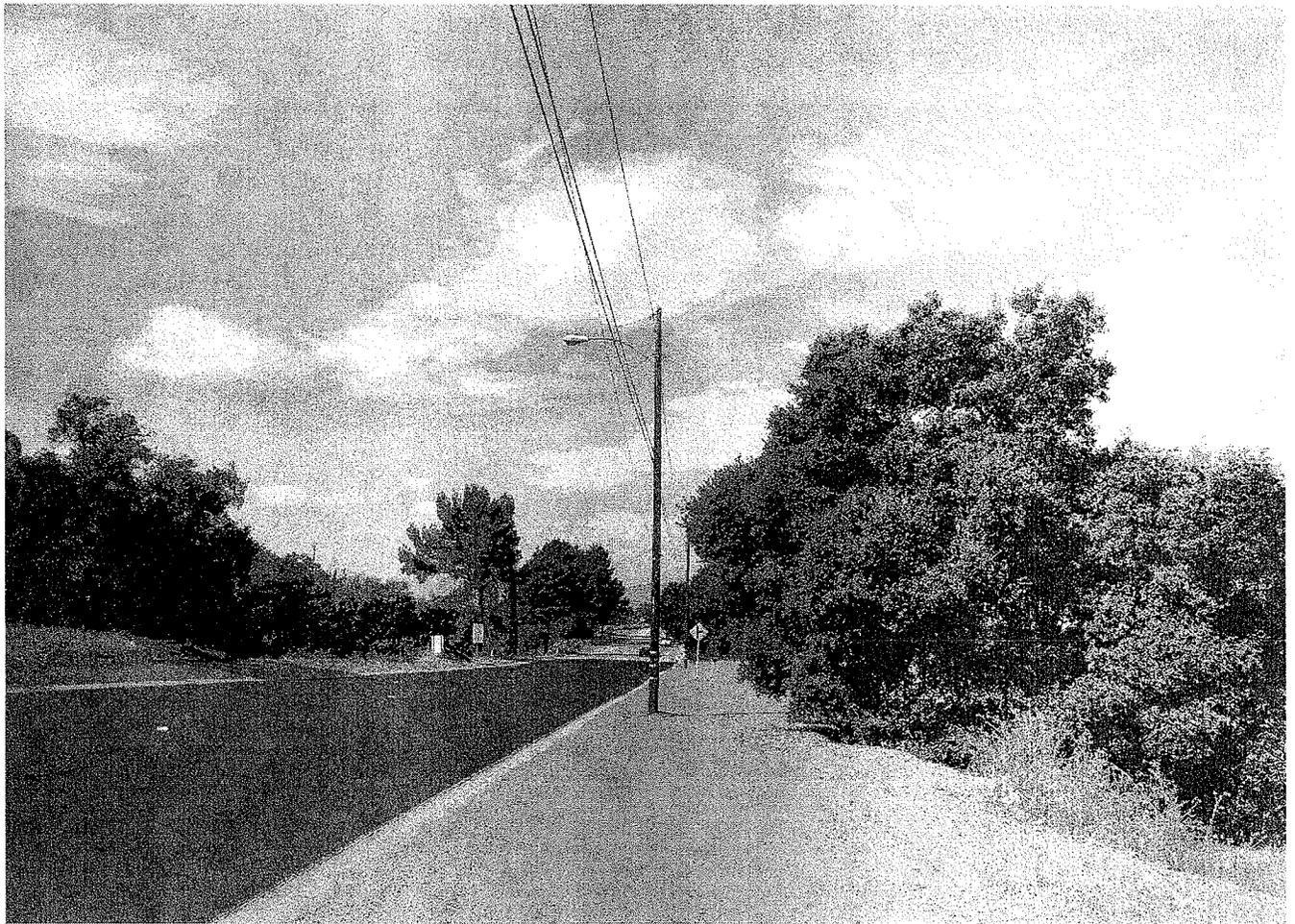
The facility is consistent with the primary established uses within the Right-of-Way providing access to transportation services and the conveyance of utility services. The existing utility pole will be augmented by the addition of two (2) antennas attached to 6 ft. extension arms and a radio equipment cabinet painted brown to emulate the color of the existing utility pole and attached utility service equipment. Further, there will be no ground mounted equipment related to the proposed facility.

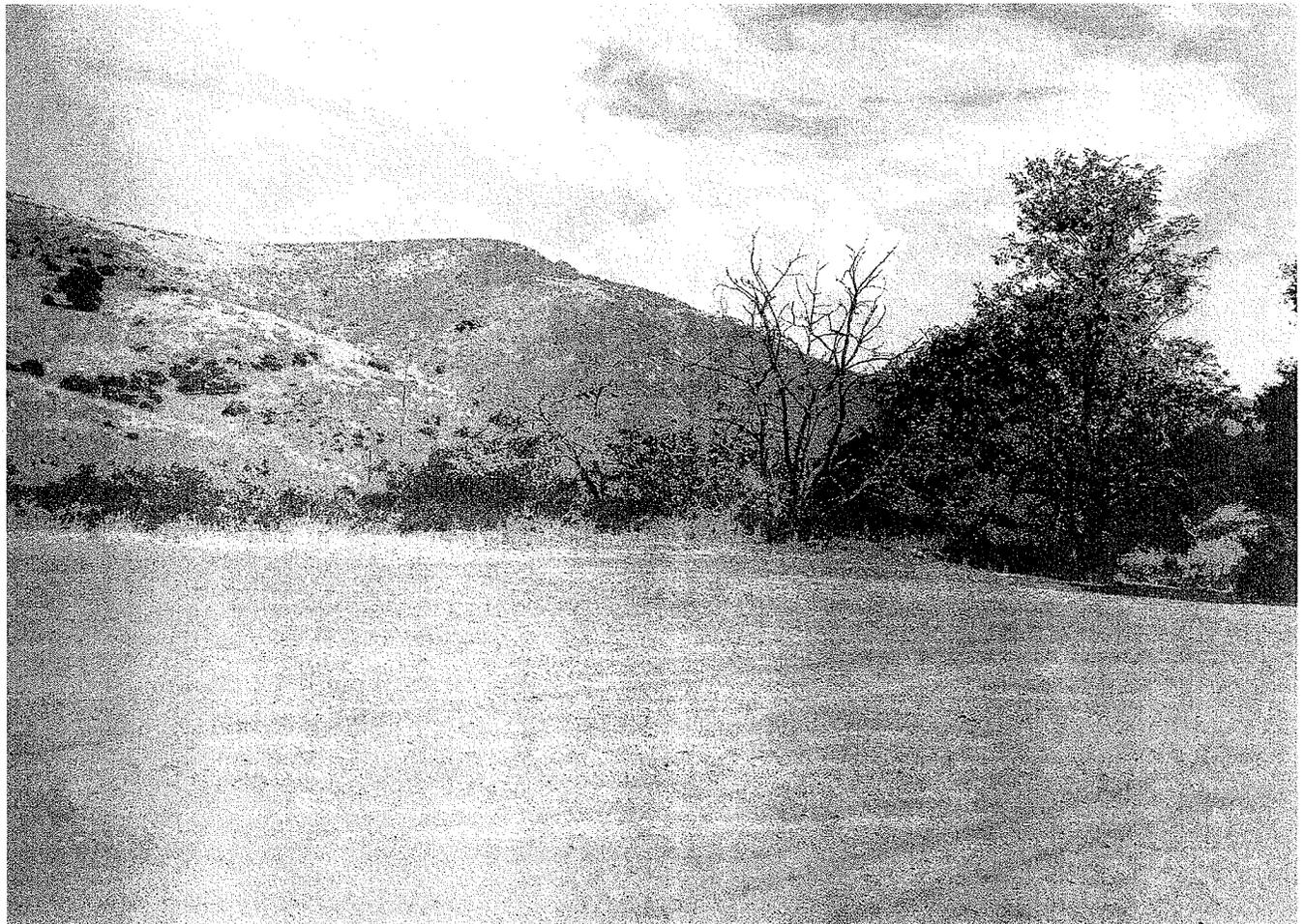
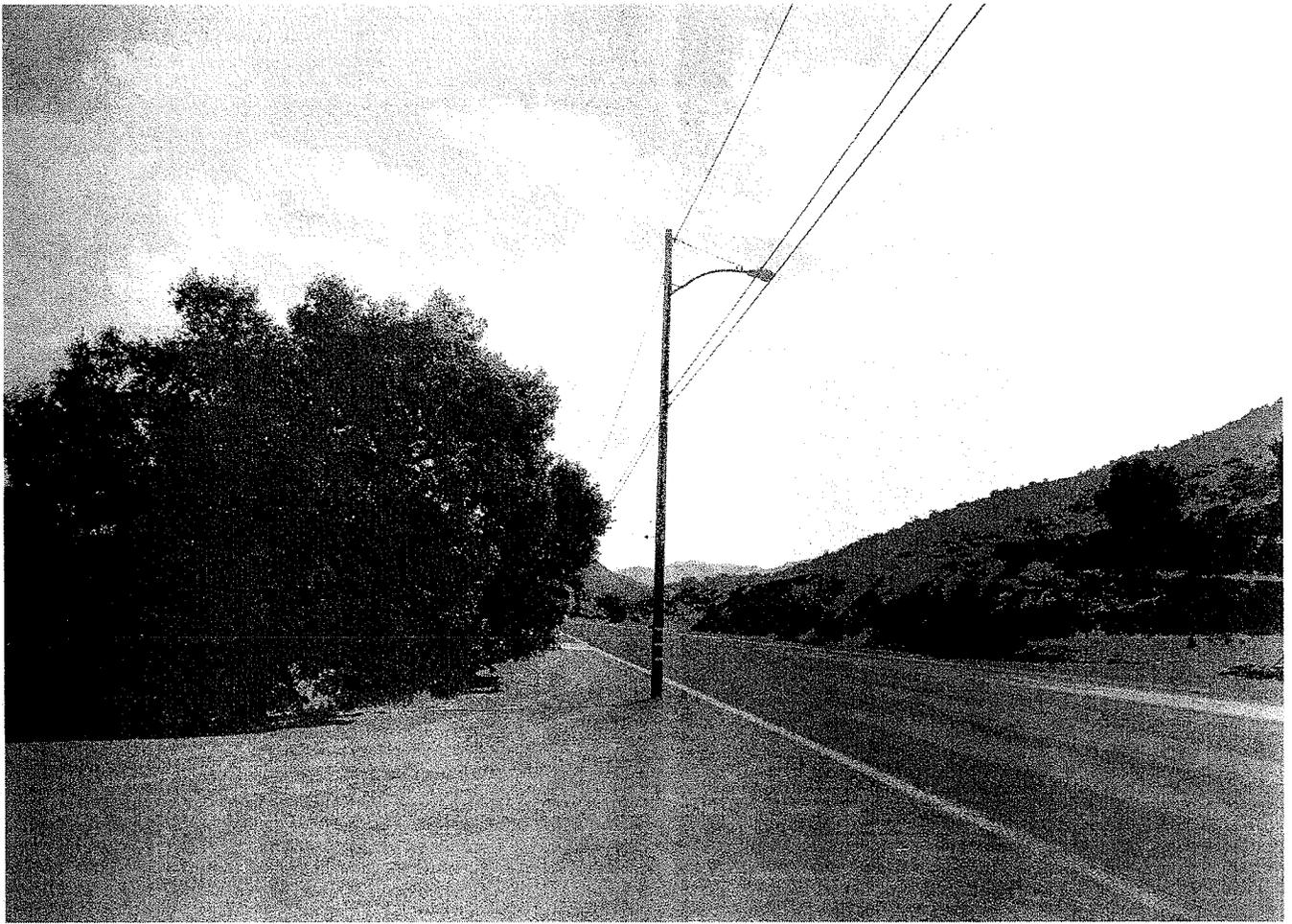
C. That the proposed site is adequately served:

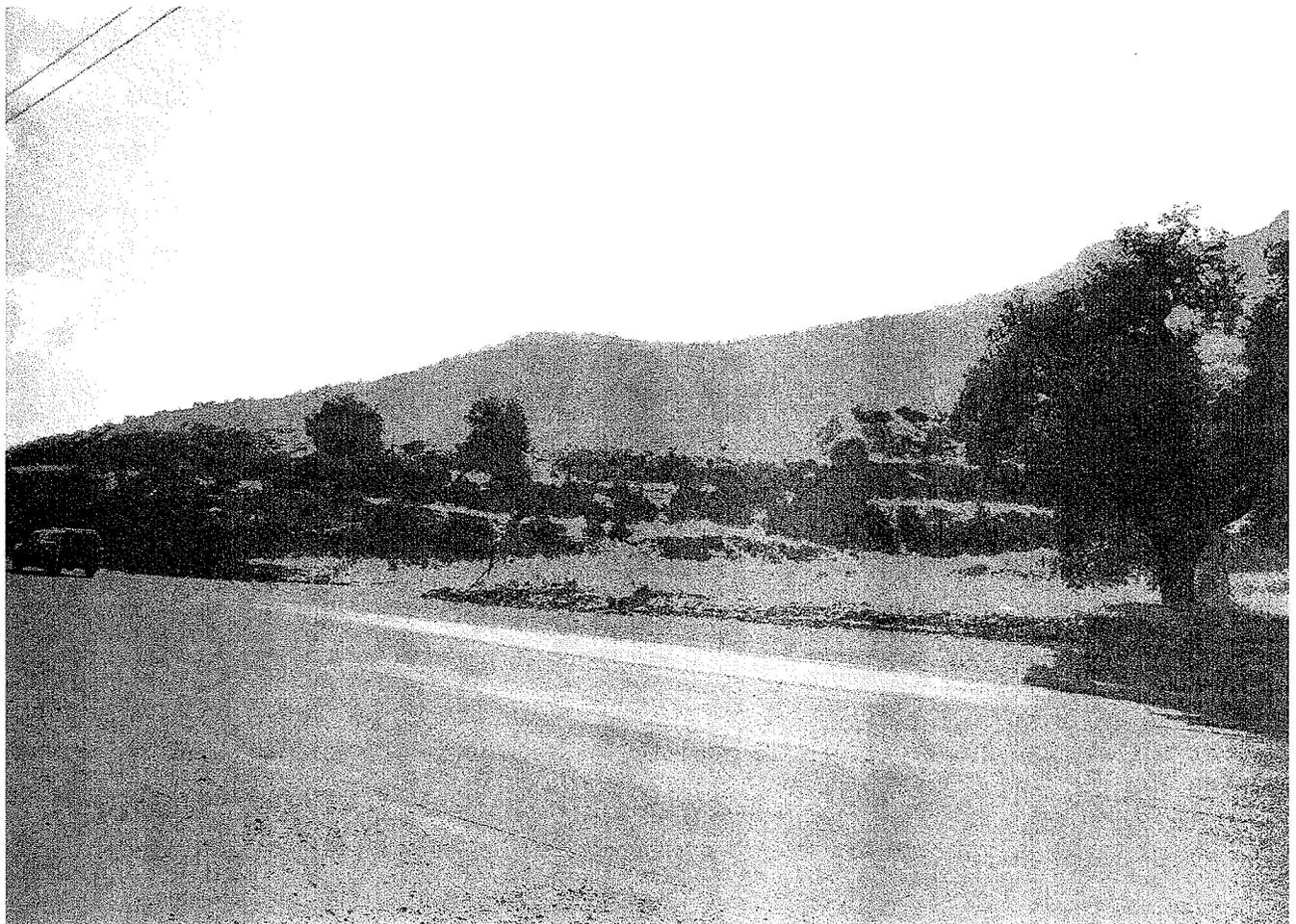
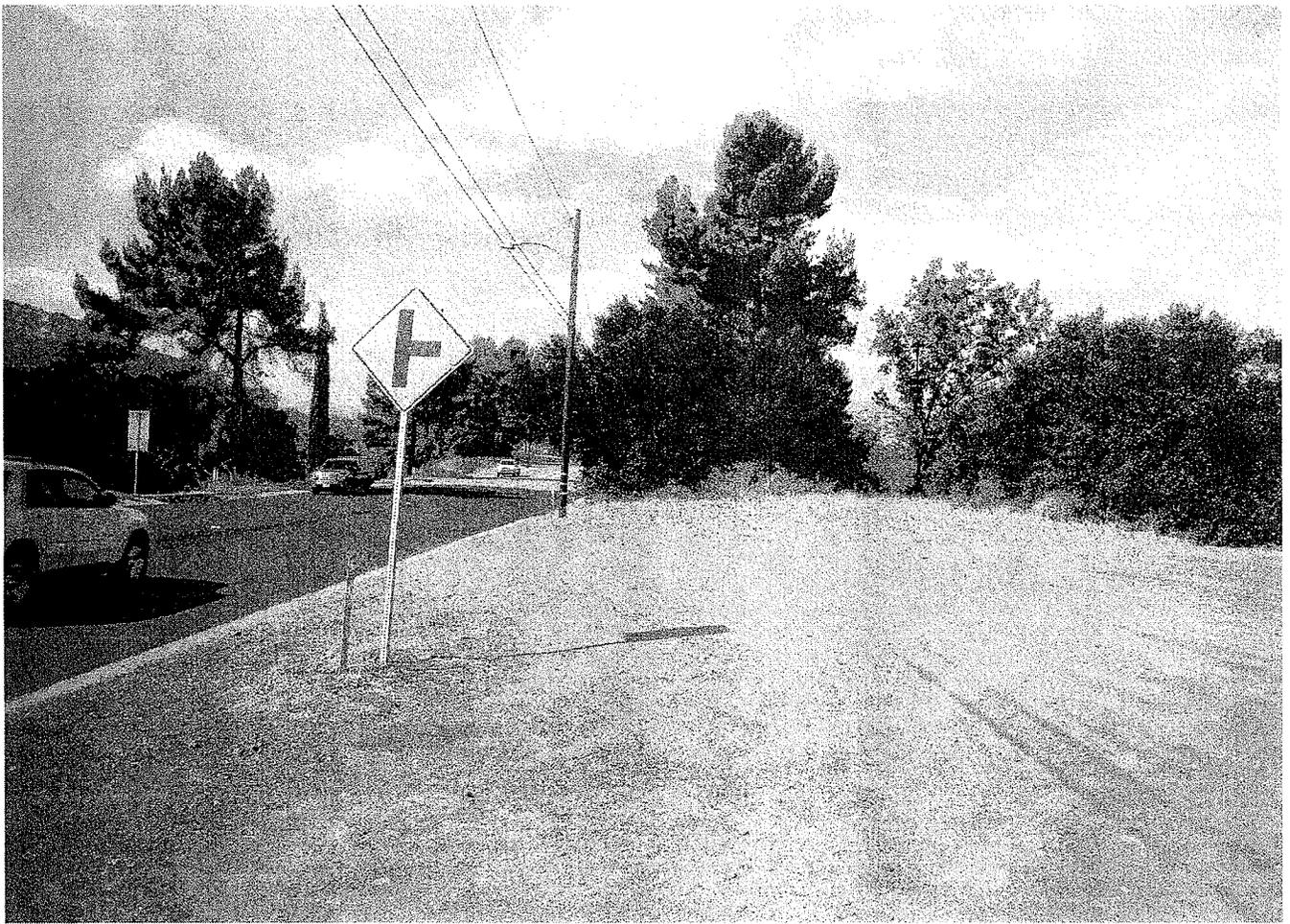
1. By highways or streets of sufficient width an improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

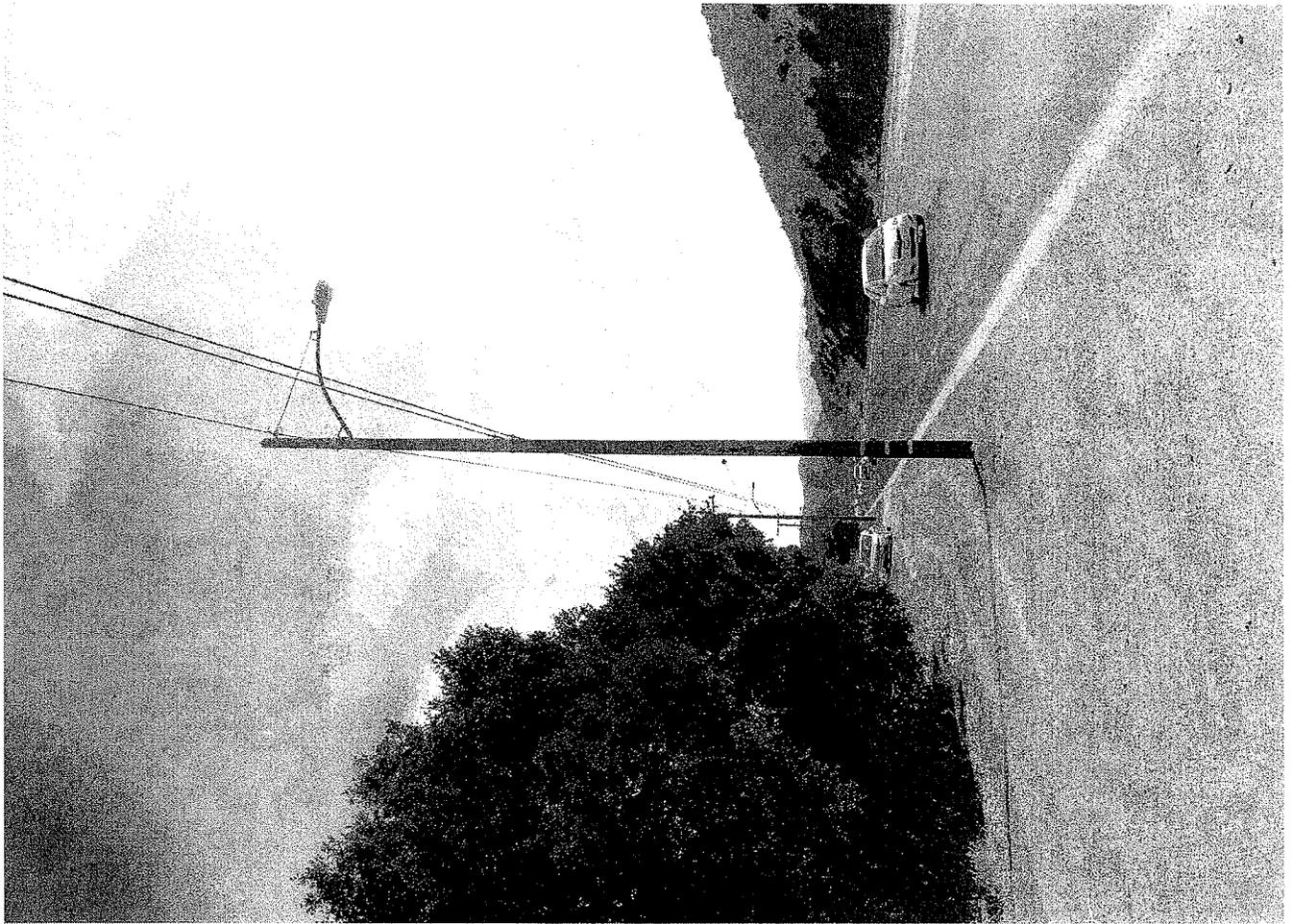
1. The facility is not staffed and requires only infrequent maintenance visits (approximately one time a month). Further, no public access is required. There will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisances generated. The proposed project is consistent with the State franchise granted by the California Public Utilities Commission that provides for the conveyance of utility services within the ROW consistent with local regulatory standards.

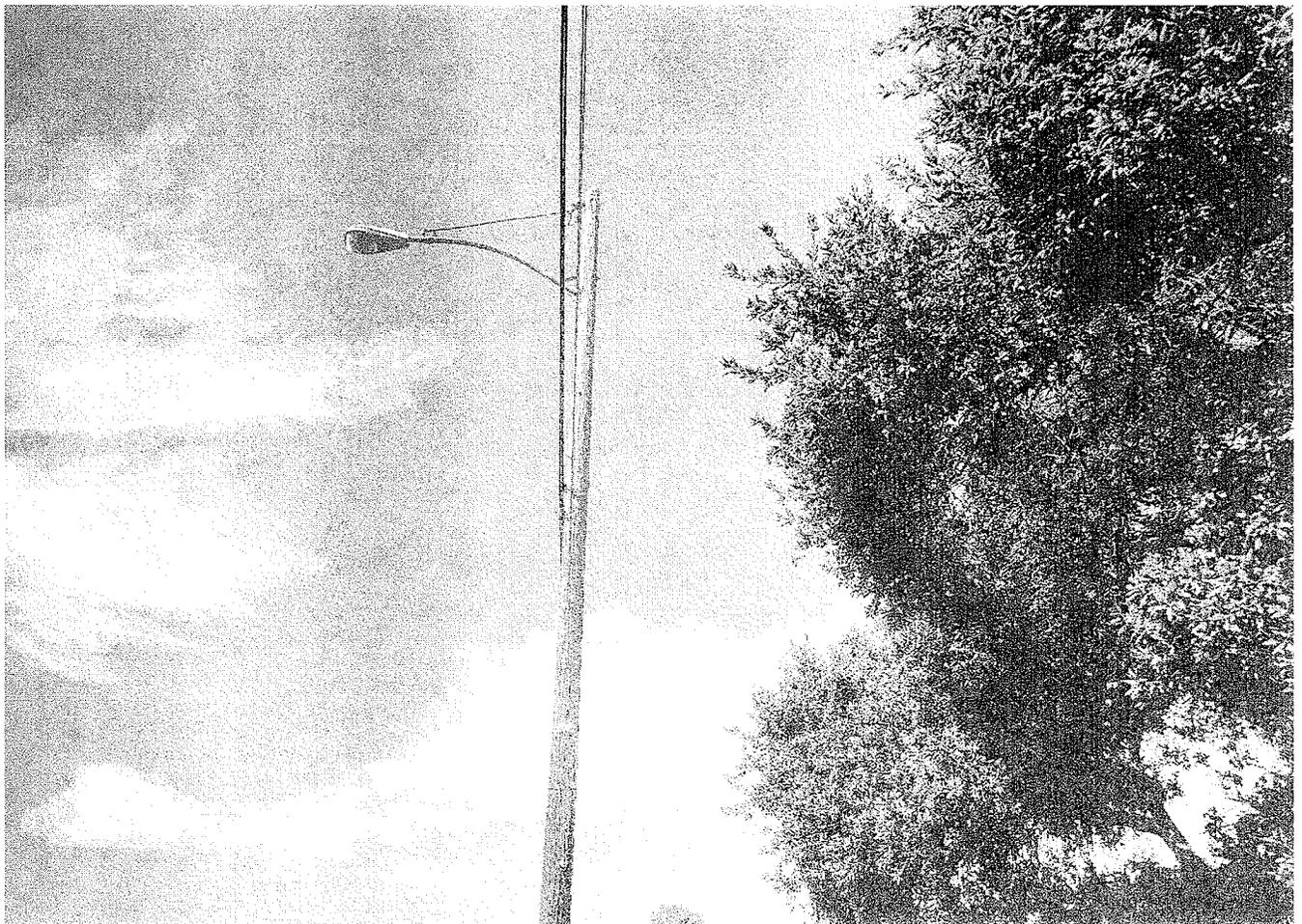
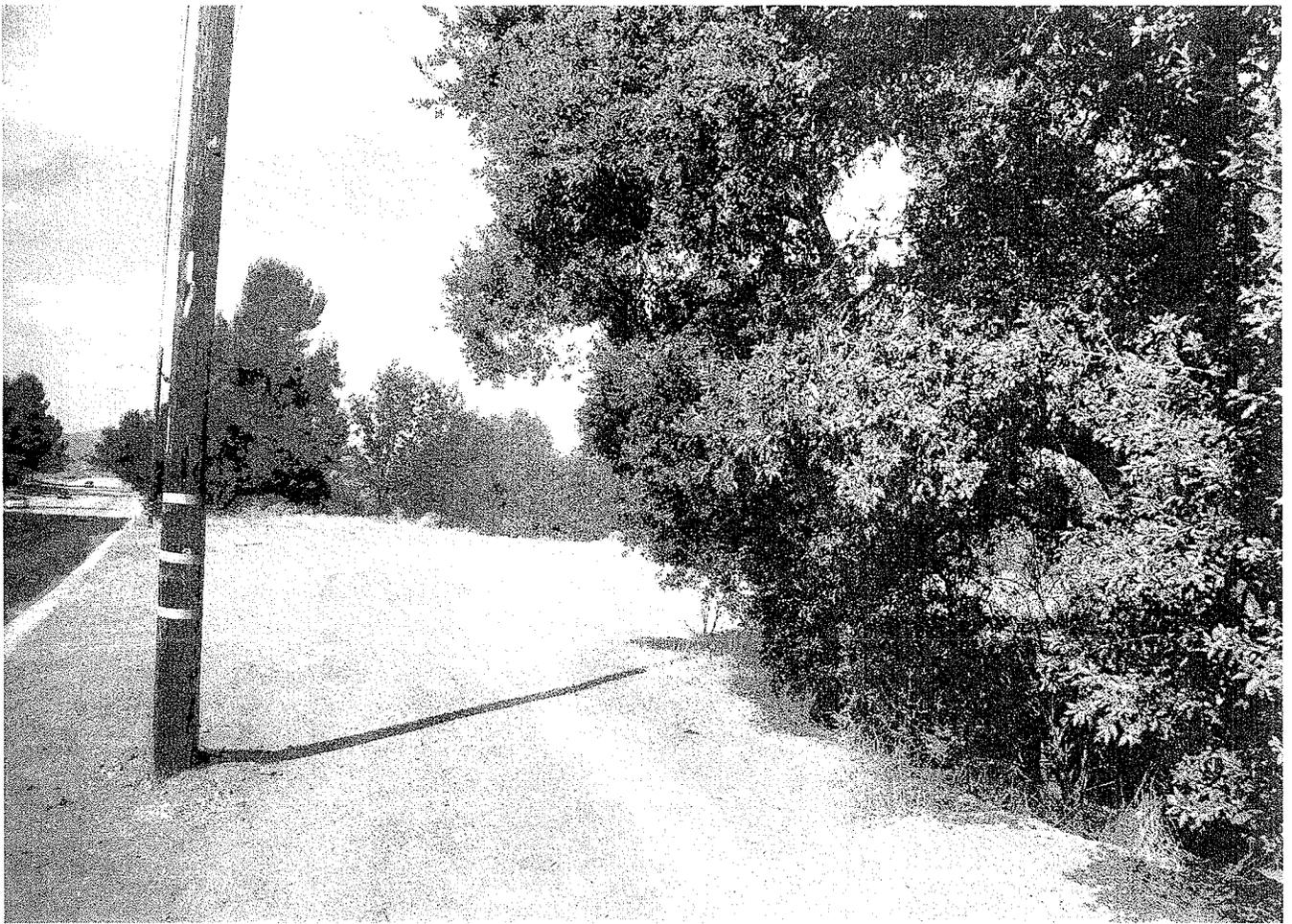
2. The proposed facility only utilizes minimal electric service, which is available on the property. No water, sewer, refuse or other additional services shall be required.





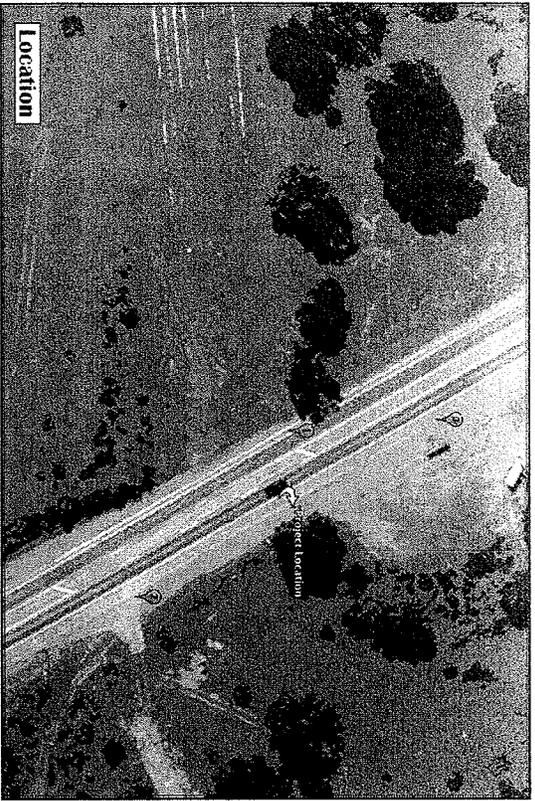




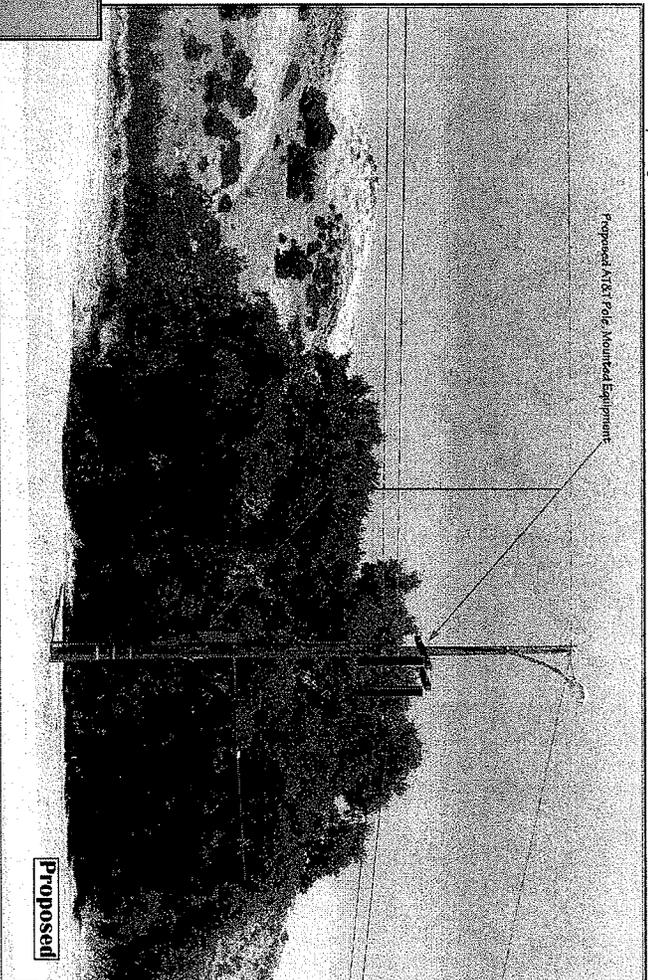


LAM549-01 Node 1

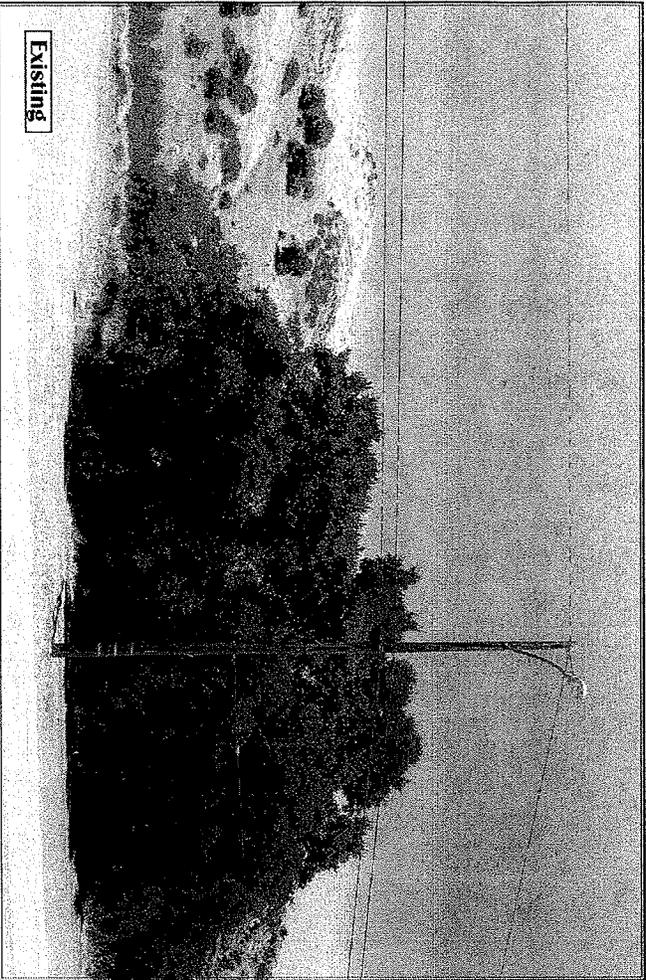
Kanan Rd. and Cornell Way Agoura Hills Ca 91301



Location



Proposed



Existing

View 1

View Notes:
Looking east at proposed project



Applicant

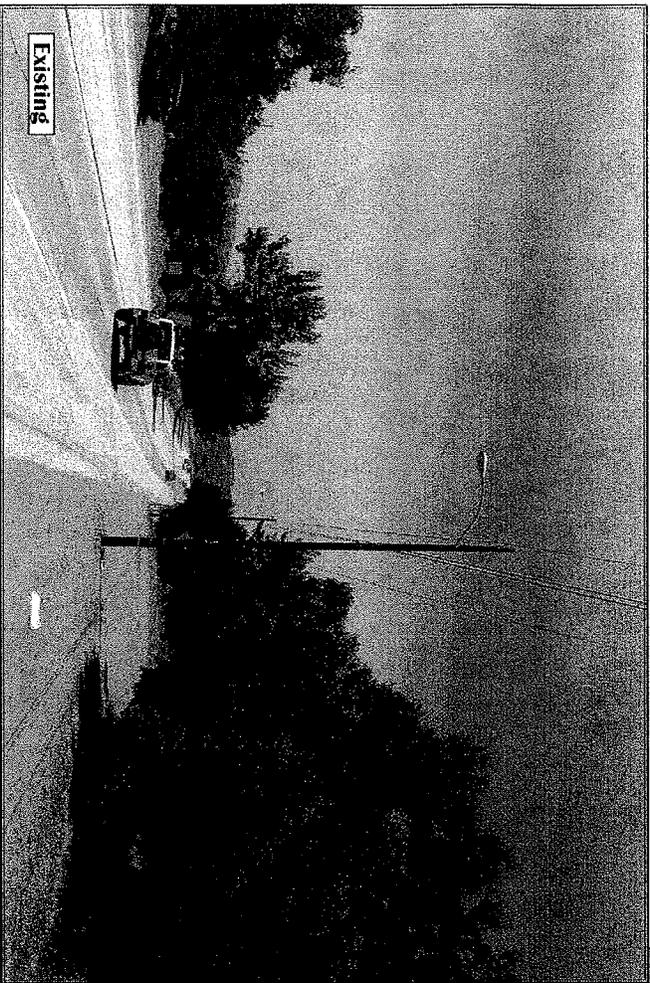
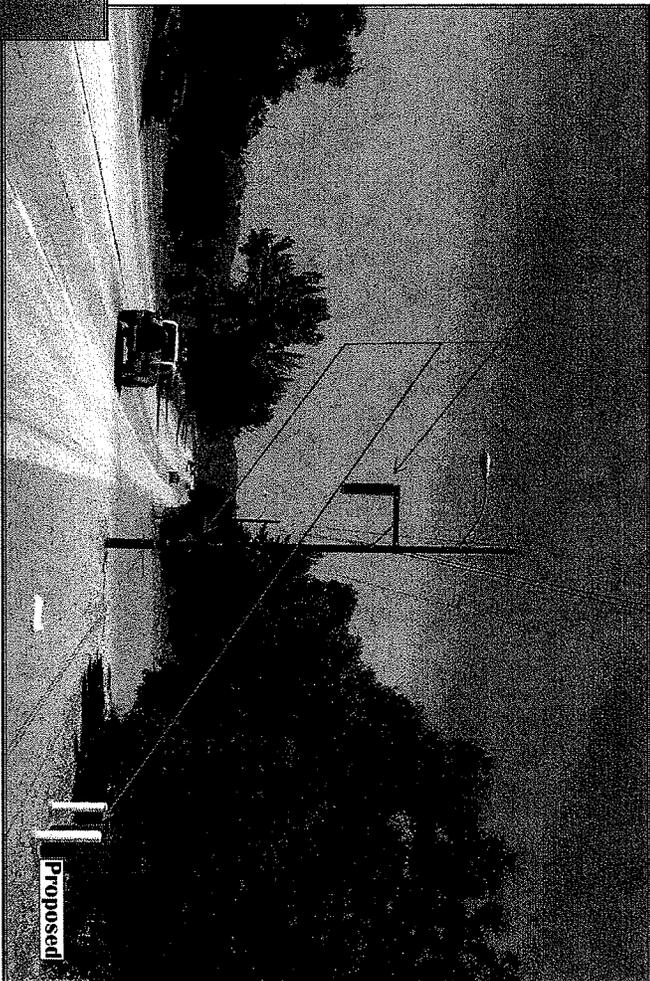


PRESGOTT COMMUNICATIONS INC.
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Contact

LAM549-01 Node 1

Kanan Rd. and Cornell Way Agoura Hills Ca 91301



View 2

View Notes:
Looking north west at proposed project



Applicant



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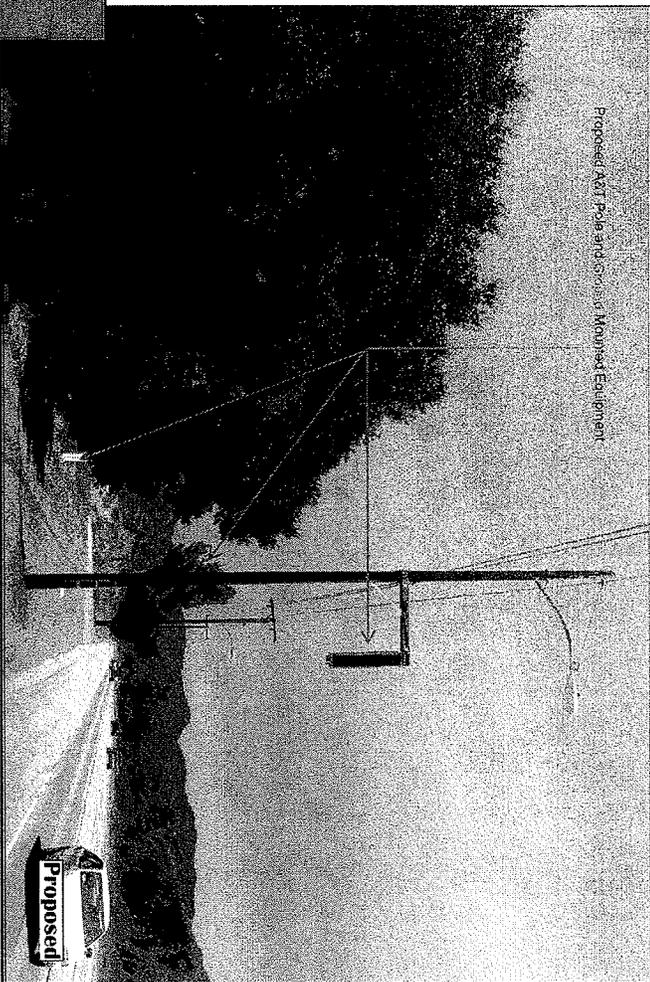
Contact

LAM549-01 Node 1

Kanan Rd. and Cornell Way Agoura Hills, CA 91301

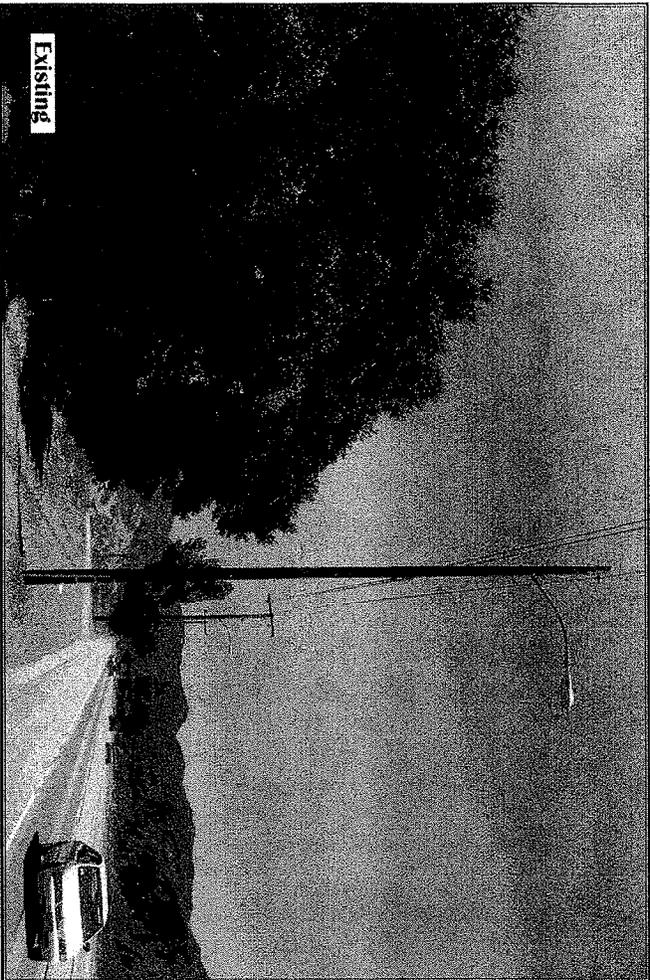


Location



Proposed Ant. Pole and Ground Mounted Equipment

Proposed



Existing

View 3

View Notes:
Looking south east at proposed project



Applicant



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