

# Hearing Officer Transmittal Checklist

Hearing Date 3/6/2012
Agenda Item No. 6

**Project Number:** R2011-01056-(3)  
**Case(s):** Conditional Use Permit No. 201000105  
**Planner:** Phillip Estes, AICP

- 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
- Photo Simulations, Photographs
- GIS-Net Map
- Aerial Image(s)
- Tentative Tract / Parcel Map
- Site Plan, Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: *Shonnette*

 <p>Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213) 974-6443 <b>PROJECT NO. R2011-01056-(3)</b> <b>CONDITIONAL USE PERMIT 201100105</b></p>	<p><b>PUBLIC HEARING DATE</b> 3/6/2012</p>	<p><b>AGENDA ITEM</b></p>
	<p><b>RPC CONSENT DATE</b></p>	<p><b>CONTINUE TO</b></p>
<p><b>APPLICANT</b> Black and Veatch</p>	<p><b>PROPERTY OWNER</b> Public Right-Of-Way County of Los Angeles</p>	<p><b>REPRESENTATIVE</b> Cable Engineering Services Rob Searcy</p>
<p><b>PROJECT DESCRIPTION</b> To authorize the construction, operation and maintenance of a 38.5 foot maximum height wireless telecommunications facility (WTF) and accessory equipment.</p>		
<p><b>REQUESTED ENTITLEMENTS</b> Conditional use permit to authorize a WTF facility located in the public right-of-way located in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area), pursuant to Sec. 22.24.150.</p>		
<p><b>LOCATION/ADDRESS</b> In the public right-of-way, adjacent to 221 S. Malibu Canyon Road, Malibu, CA 90265</p>		
<p><b>SITE DESCRIPTION</b> The site plan shows the proposed 38.5 foot tall WTF pole, equipment cabinet, and electrical meter. Included are two panel antennas located on a two eight foot extension arms mounted to the pole. There is an existing Sprint WTF antenna array, which will remain and be attached to the new pole. The project will replace an existing 38.5 foot tall wood utility pole at the same location.</p>		
<p><b>ACCESS</b> Pacific Coast Highway to Malibu Canyon Road</p>	<p><b>ZONED DISTRICT</b> The Malibu</p>	
<p><b>ASSESSORS PARCEL NUMBER</b> Adjacent to 4456-034-901</p>	<p><b>COMMUNITY</b> Malibu</p>	
<p><b>SIZE</b> N/A</p>	<p><b>COMMUNITY STANDARDS DISTRICT</b> N/A</p>	
	<p><b>EXISTING LAND USE</b></p>	<p><b>EXISTING ZONING</b></p>
Project Site	Public right-of-way	A-2-5
North	Malibu Creek State Park	A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area)
East	Malibu Creek State Park	A-1-1, A-2-5
South	Vacant	A-1-1, A-2-5
West	Pepperdine University (vacant)	A-1-1, A-1-1-DP (Light Agricultural – One Acre Minimum Required Lot Area – Development Program)
<p><b>GENERAL PLAN/COMMUNITY PLAN</b> Malibu Local Coastal Plan</p>	<p><b>LAND USE DESIGNATION</b> 18 – Parks</p>	<p><b>MAXIMUM DENSITY</b> N/A</p>
<p><b>ENVIRONMENTAL DETERMINATION</b> Class 3 Categorical Exemption – New Construction or Conversion of Small Structures</p>		

**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: Phillip Estes (pestes@planning.lacounty.gov)		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

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

**STAFF ANALYSIS**  
PROJECT NO. R2011-01056-(3)  
CONDITIONAL USE PERMIT NO. 201100105

**PROJECT DESCRIPTION**

To authorize a 38.5 foot tall wireless telecommunications facility, antennas, equipment cabinet, and an electrical meter pedestal ("Project").

**REQUIRED ENTITLEMENT**

A conditional use permit (CUP) for a wireless telecommunications facility (WTF) located in the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone, The Malibu Zoned District, pursuant to Section 22.24.150 of the Los Angeles County Code ("Zoning Ordinance").

**LOCATION**

Located in the public right-of-way, adjacent to 221 S. Malibu Canyon Road, The Malibu Zoned District. The Project is adjacent to Assessor's Parcel No. 4456-034-901.

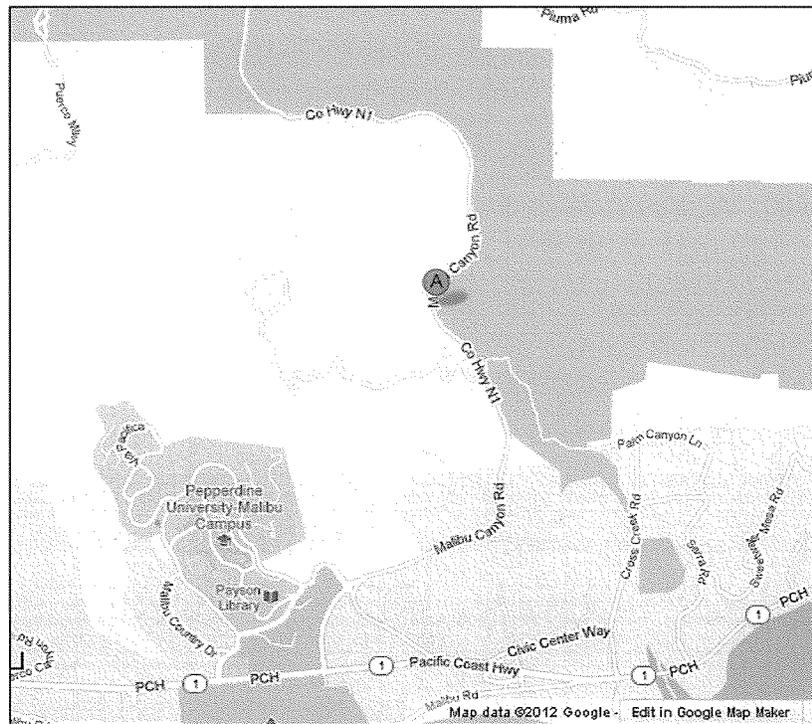


Figure 1 - Vicinity Map

**SITE PLAN DESCRIPTION**

The site plan shows the proposed 38.5 foot tall WTF wood monopole, equipment cabinet, and electrical meter pedestal, and four foot tall slump stone wall located in the public right-of-way. Included are two panel antennas located on a two eight foot extension arms mounted to the pole. The existing Sprint antenna array will be mounted to the new pole. The project will replace an existing 38.5 foot tall wood utility pole at the same location. Vehicular access is via Malibu Canyon Road, a fully-improved major highway.

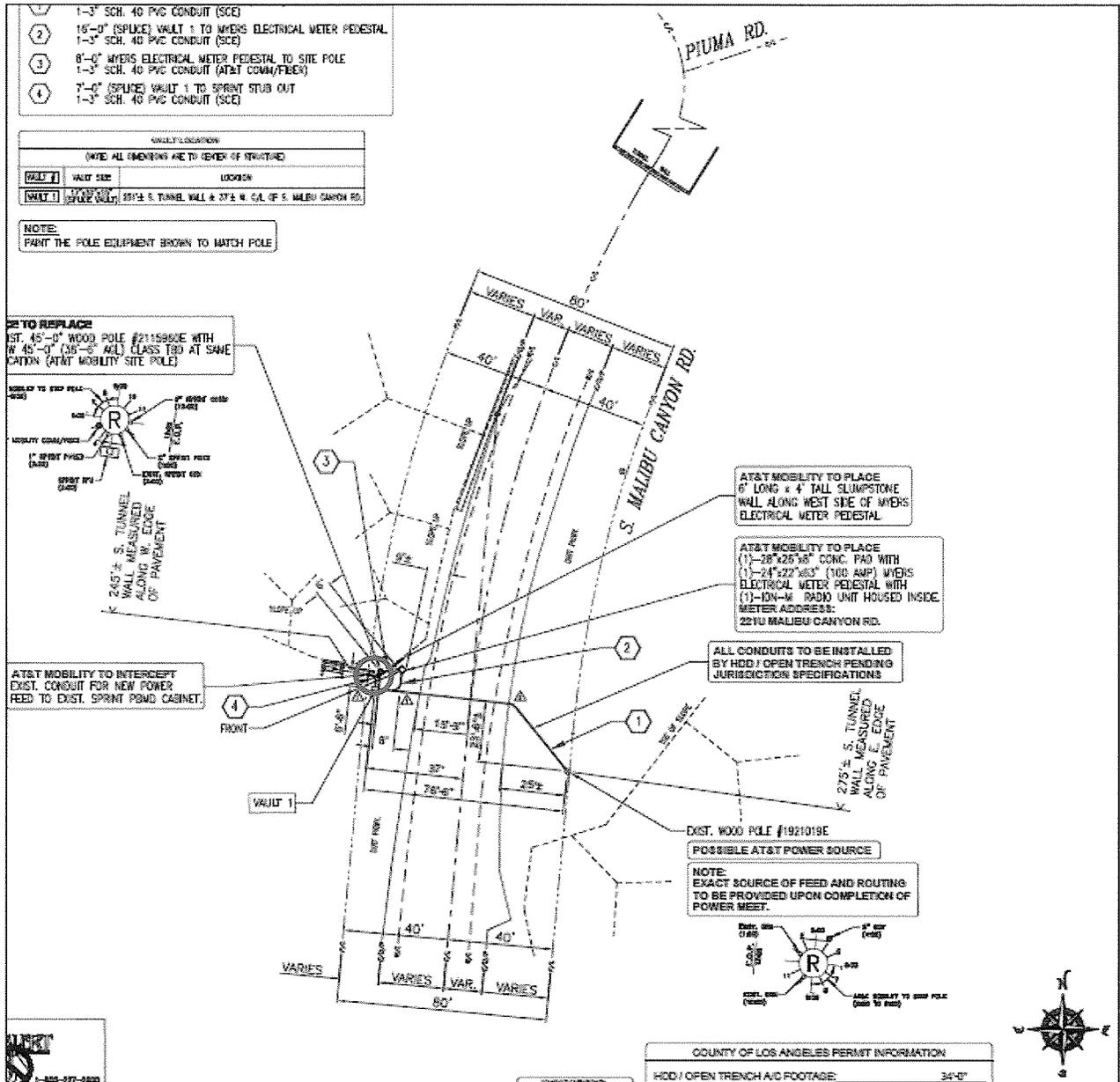


Figure 2 Site Plan

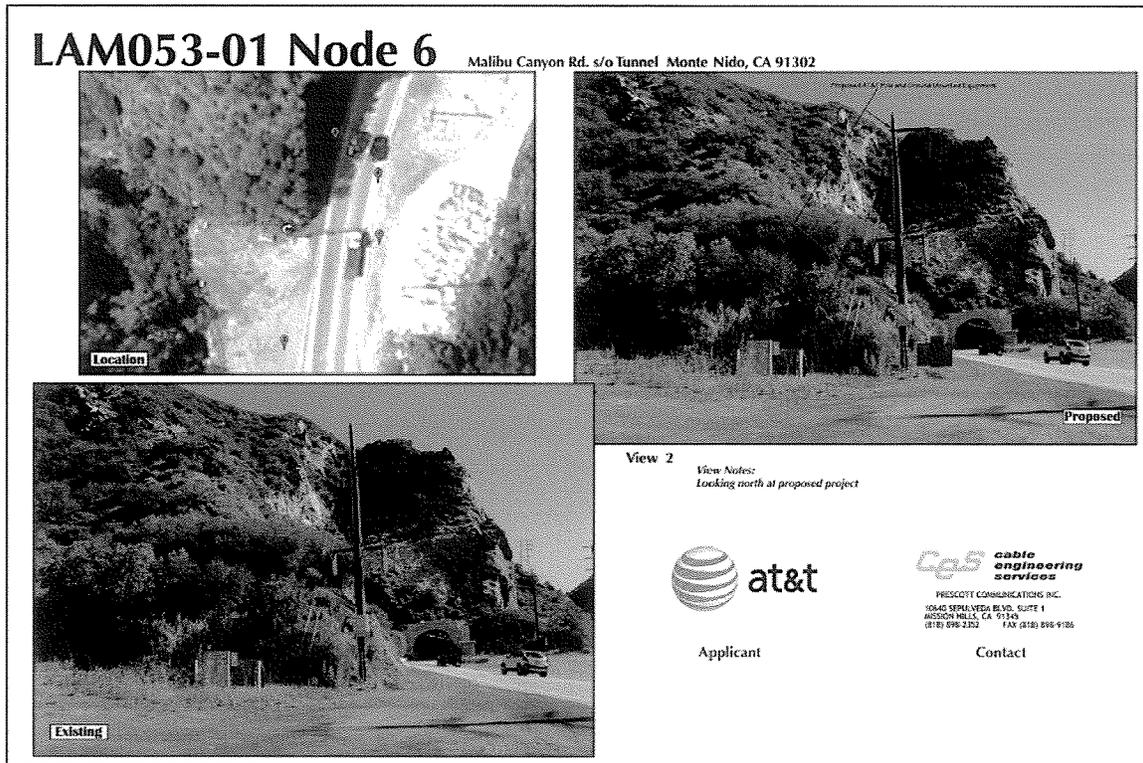


Figure 3 Photo Simulation view towards north

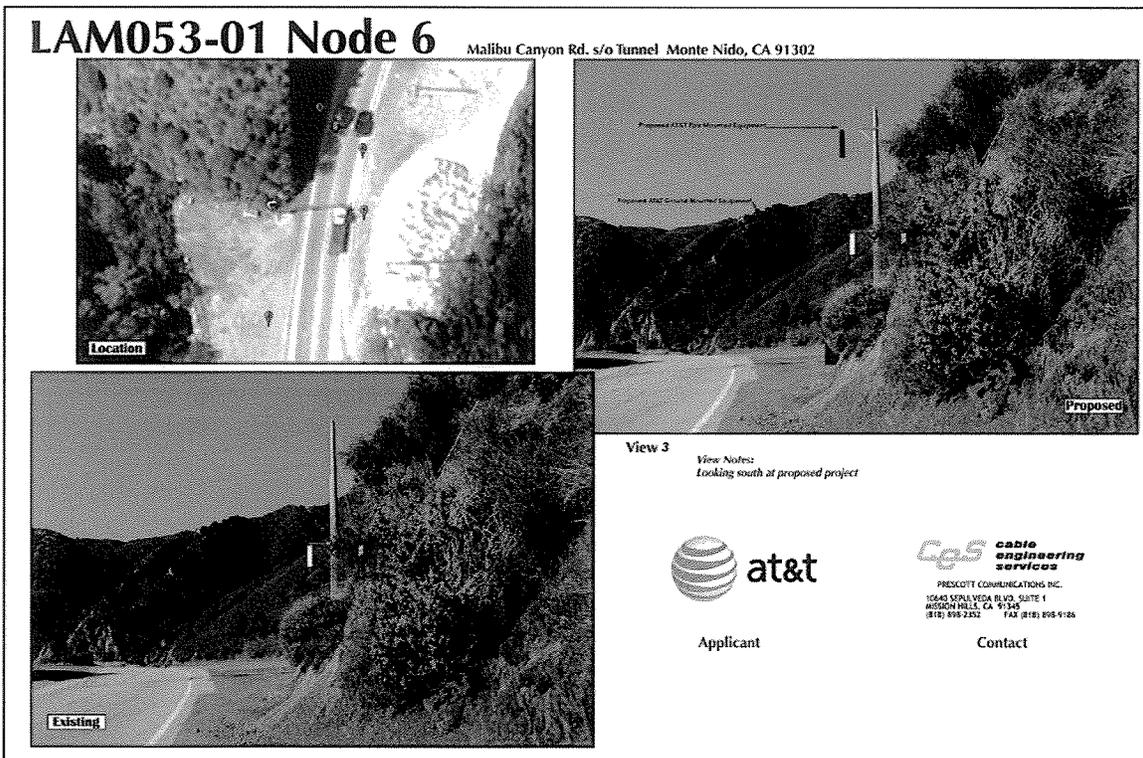


Figure 4 Photo simulation view towards south

**LAND USE**

The Project is located in the public right-of-way. The right-of-way is developed with wood utility poles ranging from 25 to 38.5 feet in average height. There is one pole mounted WTF located on the existing wood pole.

The following indicates the existing land uses within 500 feet of the subject property, as indicated on the applicant's land use map:

- North: Malibu Creek State Park
- East: Malibu Creek State Park
- South: Vacant
- West: Pepperdine University (vacant)

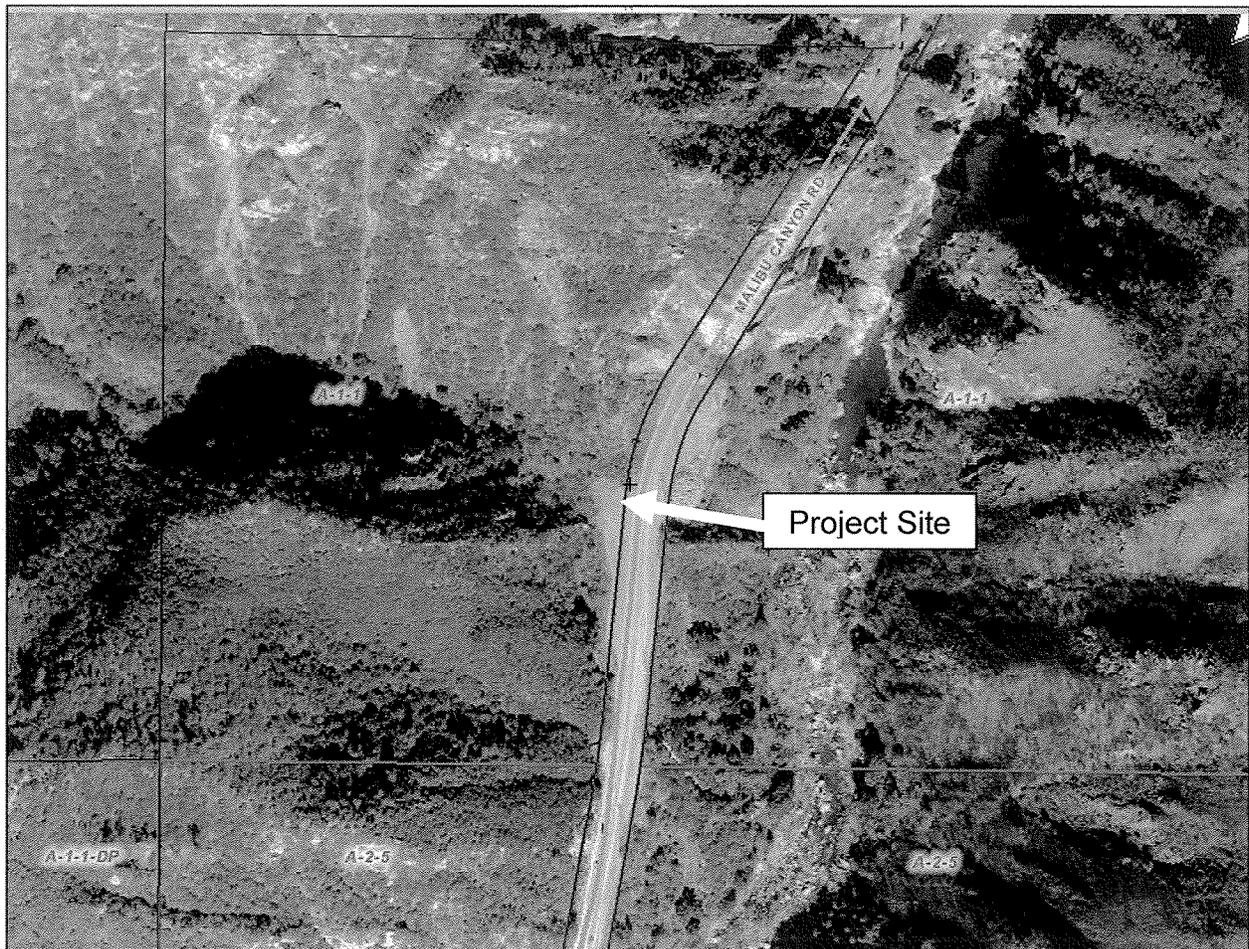


Figure 5 - Aerial view perspective (2008).



### **PREVIOUS ZONING PERMIT CASES**

CUP No. 03-383 approved the existing pole mounted WTF, indicated as "Sprint" on the applicant's plans. This CUP will expire on July 21, 2014.

### **STAFF EVALUATION**

#### **Malibu Local Coastal Plan Consistency**

The property is located in category 18 (Parks) category of the Los Angeles County ("County") Malibu Local Coastal Plan ("community plan"), which permits "public owned park and beach land." Pursuant to the community plan, permitted non-residential uses may include public and semi-public uses, such as utility and communication facilities. Therefore, the facility is compatible with the plan category and the community plan.

#### **Zoning Ordinance and Development Standards Compliance**

The property is located in the A-2-5 Zone, which permits a radio and television towers, with an authorized CUP. A WTF is deemed similar to a radio or television tower and is, therefore, permitted with an authorized CUP. The maximum permitted height for a non-residential use in the A-2-5 Zone is 13 times buildable height. Section 22.56.110 of the Zoning Ordinance provides that "Unless specifically modified by a conditional use permit, all regulations prescribed in the zone in which such conditional use permit is granted shall apply." Therefore with an approved CUP, the Project height of 38.5 feet is consistent with the height standards permitted in the A-2-5 Zone.

#### **BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Zoning Ordinance. The applicant's Burden of Proof statements are attached.

The Zoning Ordinance identifies the burden of proof criteria which must be met in order for a CUP to be granted. Upon reviewing the merits of this request and the criteria for granting a CUP, staff concludes that the applicant has satisfied the Burden of Proof.

#### **Conditional Use Permit Burden of Proof Analysis**

1. That the requested use at the location will not:
  - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety of general welfare.

#### Staff Comments:

The Project will satisfy all building code requirements. The Project satisfies all A-2-5 development standards, with an approved CUP. The Project will replace an existing 38.5 foot tall wood utility pole at the same location. The new facility will have a maximum height of 38.5 feet. The facility will closely resemble the existing wood pole and, therefore, will not impact land uses located in the vicinity. The existing WTF has not adversely affected the public welfare and has operated without any known incidence. As such, staff concludes that the Project will not be detrimental to the health, peace, comfort and welfare of persons in the surrounding area and will not negatively affect property values.

2. 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Staff Comments:

The Project will replace an existing 38.5 foot tall wood pole with a 38.5 above ground height wood pole. The wood pole is sufficiently designed and is of similar appearance to the existing wood pole so as to not negatively impact adjacent properties. As such, the facility at this location will have a negligible visual impact. The Project satisfies all A-2-5 development standards, with an approved CUP. Yard setbacks are not required in the right-of-way. Therefore, staff concludes that the Project is adequately integrated with the surrounding area and the site is adequate to accommodate the Project.

3. That the proposed site is adequately served:
  - a. By highways or streets of sufficient width, and improved as necessary to carry the kind of quantity of traffic such use would generate, and
  - b. By other public or private service facilities as are required.

Staff Comments:

Existing public improvements are sufficient to accommodate the proposed use and will not unduly burden existing traffic flows, water, or sewer services. The facility is unmanned and, therefore, will have less than a significant impact on vehicular traffic in the area or utility usage. Therefore, staff concludes there are no anticipated impacts to highways or other public or private facilities.

**PUBLIC COMMENTS**

To date, staff has received no comments from the public.

**FEES / DEPOSITS**

If approved, fees identified in the attached conditions will apply unless modified by the Hearing Officer.

**STAFF RECOMMENDATION**

*The following recommendation is made prior to the public hearing and is subject to change based upon testimony or documentary evidence presented at the public hearing.*

Staff concludes that the applicant has satisfied the burden of proof and, therefore, recommends **APPROVAL** of Conditional Use Permit No. 201100105, for a fifteen (15) year term, subject to the attached conditions.

Prepared by: Phillip Estes, AICP, Principal Regional Planner  
Reviewed by: Susan Tae, AICP, Supervising Regional Planner

Attachments: Draft Findings, Draft Conditions, Burden of Proof, Photographs, Site Plan, Land Use Map.

SMT:PE  
2/23/12

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

**PROJECT NO.:** R2011-01056-(3)

**CONDITIONAL USE PERMIT NO.:** 201100105

**REQUEST:** To authorize a conditional use permit (CUP) for the construction, operation, and maintenance of a wireless telecommunications facility (WTF) consisting of an 38.5 foot wood monopole, antenna, and equipment cabinet, located in the public-right-of-way and the A-2-5 Zone (Heavy Agricultural – Five Acre Minimum Required Lot Area) in the Malibu Zoned District.

**HEARING DATE:** March 6, 2012 at 9:00 a.m.

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

March 6, 2012 Public Hearing

*To be completed after the proceedings.*

Findings

1. The project is a request for a conditional use permit (CUP) to authorize the construction, operation, and maintenance of a wireless telecommunications facility (WTF) consisting of a 38.5 foot wood monopole, antenna, and equipment cabinet ("Project").
2. The Project is located in the public right-of-way, adjacent to 221 S. Malibu Canyon Road in The Malibu Zoned District.
3. The adjacent Assessor's parcel number is 4456-034-901.
4. Access to the subject property is provided by Malibu Canyon Road, a fully-improved 80 foot major highway.
5. CUP No. 03-383 approved the existing WTF indicated as "Sprint" on the applicant's plans. CUP No. 03-383 will expire on July 21, 2014.
6. The property is located in the A-2-5 Zone, which allows a radio or television tower with an authorized CUP. A WTF is deemed to be similar to a radio or television tower.
7. Surrounding properties are located in the following zones:
  - North: A-1-1 (Light Agricultural – One Acre Minimum Required Lot Area)
  - East: A-1-1, A-2-5
  - South: A-1-1, A-2-5
  - West: A-1-1, A-1-1-DP (Light Agricultural – One Acre Minimum Required Lot Area – Development Program)
8. Surrounding land uses within 500 feet are:
  - North: Malibu Creek State Park
  - East: Malibu Creek State Park
  - South: Vacant
  - West: Pepperdine University (vacant)

9. With an approved CUP, the Project satisfies the development standards of the A-2-5 Zone.
10. The property is located in category 18 (Parks) of the Los Angeles County ("County") Malibu Local Coastal Plan ("community plan"), which principally permits "public owned park and beach land." Pursuant to the community plan, permitted non-residential uses may include public and semi-public uses, such as utility and communication facilities. Therefore, the facility is compatible with the plan category and the community plan.
11. The Project will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area because the Project will satisfy all building code requirements. The Project consist will replace an existing 38.5 foot tall wood utility pole at the same location. The new facility will have a maximum height of 38.5 feet. The facility will closely resemble the existing wood pole and therefore will not impact land uses located in the vicinity. The Project satisfies A-2-5 development standards, with an approved CUP.
12. The Project will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because the Project is sufficiently located away from sensitive land uses. It incorporates the existing a wood monopole design and antennas will be painted to match and blend with the wood monopole. The existing WTF has not adversely affected the public welfare and has operated without any known incidence.
13. The Project will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare because the Project does not propose the use of hazardous materials. It is sufficiently located away from any sensitive land uses. The Project incorporates the exiting wood monopole design and is sufficiently incorporated with the surrounding development.
14. The subject property is adequate in size and shape to accommodate the Project and applicable development standards. With the approved CUP, the Project satisfies the development standards for the A-2-5 Zone.
15. The subject property is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic the project would generate and by other public or private facilities as are required. Access to the subject property is provided by Malibu Canyon Road. Utilities are available to sufficiently to support the Project.
16. The Protect is a Class 3 (New Construction or Conversion of Small Structures) categorical exemption, pursuant the California Environmental Quality Act ("CEQA") reporting requirements.
17. Pursuant to Sections 22.60.174 and 22.60.175 of the Los Angeles County Code ("Zoning Ordinance"), the community was adequately notified of the public hearing by mail, newspaper advertisement, hearing notice sign, library package, and published on the County Department of Regional Planning ("Regional Planning") website.
18. No comments were received from the public.

19. To ensure continued compatibility between the use of Project and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to 15 years with eight (8) periodic inspections.
20. The documents and other materials constituting the record of proceedings upon which the decision is based are located at Regional Planning, 320 W. Temple St., Los Angeles, CA 90012.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

1. That the proposed use is consistent with the adopted general plan for the area;
2. That the requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
3. 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; and
4. 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 for a conditional use permit as set forth in Sections 22.56.040 and 22.56.090 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 and 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. 201100105 is **APPROVED** for a fifteen (15) year term, subject to the attached conditions.

SMT:PE  
2/23/12

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

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the 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 Number 6, and until all required monies have been paid pursuant to Condition Number 9.

Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to County Code Section 2.170.010.
5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder and County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this

grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

7. **This grant shall terminate on March 6, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. This grant will expire unless used within one year months from the date of approval. A single, one-year time extension may be requested in writing and with payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County 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) periodic inspections**. Inspections may 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is 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.
12. All requirements of Title 22 of the County Code ("Zoning Ordinance") shall be complied with unless otherwise set forth in these conditions or shown on the approved plan.
13. All structures shall conform to the requirements of the County Fire Department, as applicable.
14. All structures, walls and fences open to public view shall remain free of 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.

15. 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 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain all areas free of litter and debris on the premises over which the permittee has control.
17. The subject property shall be developed and maintained in substantial compliance with the **plans and photo simulations** marked Exhibit "A." If changes to the plans are required as a result of instruction given at the public hearing, an updated Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of approval or as modified by the Director of Regional Planning.
18. The facility shall operate in compliance with the regulations of the State Public Utilities Commission.
19. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of Regional Planning written certification that the facility complies with applicable Federal Communications Commission ("FCC") regulations, including a radio frequency report.
20. The Permittee or operator shall make the facility available for collocation, or provide a written explanation as to why future collocation is not technically feasible. Permits for future collocation are subject to Regional Planning review and building permits. Such subsequent applicants are subject to the regulations or policies in effect at that time. Subsequent co-located antenna(s), with no increase in height of the facility, may be permitted at the discretion of the Director of Planning with an approved Revised Exhibit "A".
21. Prior to approval by Regional Planning, future collocation facilities shall submit written certification that the facility complies with applicable FCC regulations, including a radio frequency report.
22. Future equipment shall be visually integrated with the facility and the surrounding area. Antennas, mounts, and cables shall be painted to match the facility.
23. All structures shall conform to the Public Works Division of Building and Safety requirements or other appropriate agency and obtain an encroachment permit if deemed necessary.
24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, and fully shielded and directed away from any adjacent residences. Lighting shall not spillover onto adjacent properties. Antenna and beacon lighting are prohibited, unless required by the FCC or the Federal Aviation Administration ("FAA").
25. If the facility is located adjacent to a residential or sensitive land use, construction and maintenance shall be limited to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Emergency repairs of the facility may occur as reasonably necessary.

26. The maximum height of the facility shall not exceed 38.5 feet above finished grade.
27. The use of air conditioners, diesel generators, or any other emergency backup energy source shall comply with the Los Angeles County Noise Control Ordinance.
28. Within 30 days of change in service provider, the permittee shall provide the Zoning Enforcement Section of Regional Planning the name and contact information of the new service provider.
29. 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.
30. The facility shall be maintained in good condition and repair, and shall remain free of 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. Weathered, faded or missing parts or materials used to disguise or camouflage the facility shall be maintained and/or replaced within 30 days of notice or observance of deteriorated conditions.
31. Upon request, the permittee or operator shall submit a report to the Zoning Enforcement Section of Regional Planning to demonstrate compliance with facility maintenance or removal conditions.
32. The facility shall display a small facility identification sign that can be viewed at or near eye level. The identification sign shall display the conditional use permit number, contact name, address, and telephone number of the facility owner or service provider.
33. Chain linked, chain linked with slats, barbed wire, concertina wire, and other similar types of wire fencing are prohibited.
34. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove abandoned 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 facility. Failure to remove such facility as required herein shall constitute a public nuisance and shall be subject to appropriate action by the Zoning Enforcement Section 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 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.

SMT:PE  
2/23/12

**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 proposed operation of the proposed co-located telecommunication facility will provide a reliable and convenient means of communication for everyday personal and business use.

The proposed wireless telecommunication 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 co-located 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 8 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 a Myers meter pedestal placed at grade adjacent to a pad containing existing ground mounted equipment placed there for the existing microcell 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.

**Justification / Project Description**  
**Proposed Wireless Telecommunications Facility**  
**2210 Malibu Canyon 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 2210 Malibu Canyon Road in the area to the south of Mulholland Highway and north of the Malibu city boundary. Currently the area is developed with utility poles supporting the conveyance of other utility services including a Sprint PCS WTF on the subject utility pole. The proposed utility pole mounted WTF will be comprised of an existing 38'6 ft. wood utility pole with a pair of 4 ft. panel antennas mounted to 8 ft. extension arms at an elevation of approximately 36 ft. There will be a Myers meter pedestal mounted along side an existing equipment pad compound housing the equipment of the associated WTF.

AT&T Mobility is a telecommunications service provider operating wireless telecommunications 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 Malibu Canyon Road. AT&T Mobility was able to identify an existing WTF facility currently operating in the vicinity of the proposed facility and therefore proposes to co-locate on the existing facility in order to reduce the proliferation of wireless facilities in the area.

**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. 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 consideration supporting the proposed location included the availability of adequate space to place the utility equipment on the pole and to accommodate the required line-of-site. Additionally, there was an effort made to limit the ground disturbance and placement of equipment on the ground in the area thereby limiting the visual impact on adjacent properties, open space and to the traveling public.

The subject site allows for the proposed project to operate in a manner that precludes adverse impacts to access, path of travel and maintains the current aesthetic condition for the area. The somewhat secluded location is well over 1000 ft. from residences and will present a minor addition to the existing utilities already residing in the ROW.

**Site Justification:**

Wireless telecommunication networks operate on a grid system of facilities that establish the functionality and performance of the system. The network is established on a line of sight premise that demands each site be situated in a manner that allows adjacent and abutting sites to generate signals that slightly overlap. By establishing this model of network deployment, the objective to provide seamless service is increased.

At this time, AT&T Mobility's RF engineers have identified a significant gap in the acceptable level of service in the area that the proposed project will serve. The network is evaluated continuously in an effort to maintain the standard of service demanded by the public and mandated by governmental regulations. Currently, a significant gap in service exists in all areas proximate to the proposed location on the roadways and in-building. This area is comprised of a major county highway, open space area and very low density residential development. The outdoor service level in limited areas is poor and poor to nonexistent within the service objective that precludes the required signal strength necessary to establish and maintain in-building service. The proposed facility will upgrade the deficiency within the target area and will fill the significant gap in coverage.

In the absence of the proposed facility, AT&T Mobility will be precluded from completing the network deployment and their customers will continue to experience unacceptable levels of service. The detrimental impact may be most pronounced in daily usage and heightened during emergencies and catastrophic events. The system will provide access to "E911" and to first responders during periods that landlines may not be operable.

**Conclusion:**

Based on the preceding facts and statements, consistent with the county code's standards for development and operation of WTF's, AT&T Mobility respectfully requests approval of the Conditional Use Permit application to operate a WTF within the ROW.



PRESCOTT COMMUNICATIONS INC.

September 27, 2011

**Response to Notice of Incomplete Application Regarding R2011-01056**

**Address the following:**

**Co-location feasibility on existing wireless telecommunication facilities located within ¼ mile of proposed project site.**

*This is a proposed co-location on an existing facility with the equipment location proposed to be located adjoining the existing equipment compound.*

**Non-Co-location sites considered and why they were not selected.**

The area surrounding the proposed project is comprised primarily of vacant land and open space. These areas are not preferred options in most cases and are disqualified when a less intrusive option is present in the ROW where existing structures and utility service connections are present.

As such, there are no other viable less intrusive options present and the subject site is the least intrusive method to provide the proposed service.

**Design Analysis that includes:**

**Describe how the proposed facility is designed to minimize the visual impact to the surrounding area.**

The site selection and design were tendered to mitigate potential visual impacts through the use of existing utility structures. In the State of California, the ROW is reserved for public access and the deployment of utility services provided to the public. In the present circumstance, an existing utility pole was selected as the location for the proposed WTF.

The project proposes to minimize potential visual impacts by coloring the antennas and radio equipment cabinets to compliment the exterior color of the utility pole. The electric meter pedestal and the radio equipment will be located in an existing graded shoulder in the ROW and will be colored an earth tone to minimize the potential visual impacts.

The antennas will be placed at less than 50 ft. above grade consistent with the County of Los Angeles WTF design policies.

**Alternative designs that were considered and why they were deemed infeasible.**

LAM053-01 Node 6

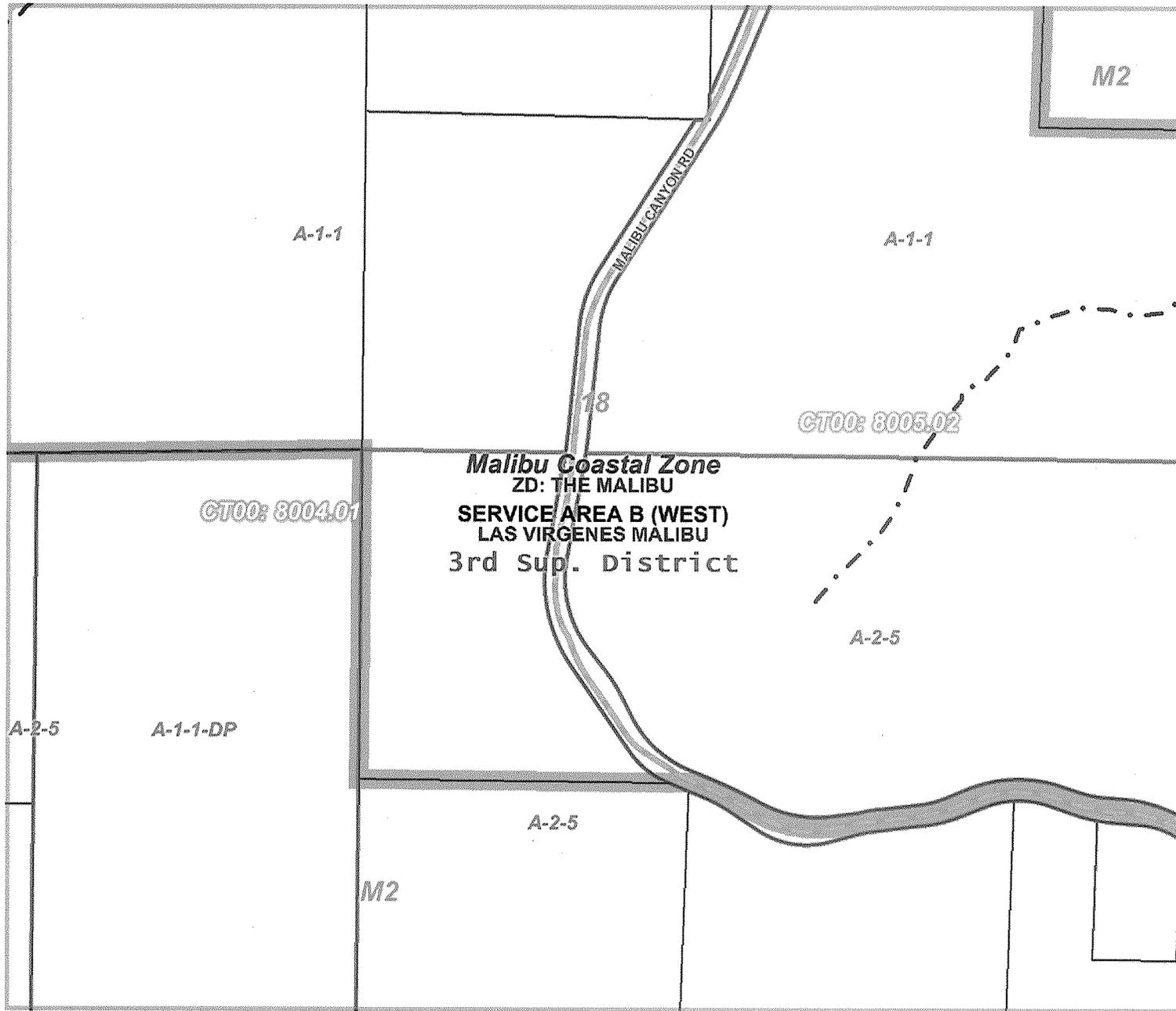
The antennas are proposed to be located on a wood utility pole that currently supports the conveyance of utility services and an existing Sprint PCS microcell. The antennas will be suspended at 36 ft. above grade on 6 ft. extension arms approximately 6 ft. above the existing WTF. The antennas will be painted brown to reduce the visual impacts. The antennas must be placed on extension arms to conform to the General Order 95 regulations to ensure adequate access for climbing space to reach the other utilities on the pole.

Alternatives to this design included placing a new utility pole out of lead with the existing string of utility poles in the area to accommodate flush mounted antennas. This alternate was disqualified due to the adverse reaction to the proliferation of new structures within the ROW, especially when co-location with existing utilities is a viable option.

**Letter from SCE authorizing the installation of WTF equipment on their pole.**

The use of the subject pole is available through the Joint Pole Committee process for the proposed project. There is no SCE approval required. AT&T Mobility is a JPA member which reserves the right to use joint use utility poles when available.

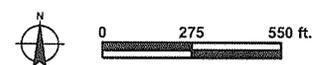
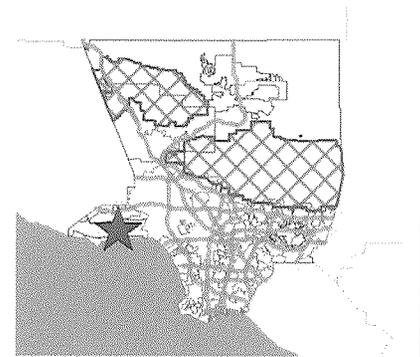
The approval of the request takes place later in the process and is not available at the present time but will be obtained prior to development of the facility.



### Legend

<ul style="list-style-type: none"> <li>Parcel Boundary</li> <li>Arterial Street</li> <li>Highway</li> <li>Freeway</li> </ul> <p><b>Master Plan of Highways</b></p> <ul style="list-style-type: none"> <li>Expressway - (e)</li> <li>Ltd. Secondary Highway - (e)</li> <li>Ltd. Secondary Highway - (p)</li> <li>Parway - (e)</li> <li>Parway - (p)</li> <li>Major Highway - (e)</li> <li>Major Highway - (p)</li> <li>Secondary Highway - (e)</li> <li>Secondary Highway - (p)</li> <li>(e)-Existing (p)-Proposed</li> </ul> <p><b>Railroad or Rapid Transit</b></p> <ul style="list-style-type: none"> <li>Railroad</li> <li>Rapid Transit</li> <li>Underground Rapid Transit</li> </ul> <p><b>Significant Ridgelines</b></p> <ul style="list-style-type: none"> <li>Catastic CSD Primary</li> <li>Catastic CSD Secondary</li> <li>SMNNA Significant</li> </ul> <p><b>Census Tract (2000)</b></p> <ul style="list-style-type: none"> <li>Assessor Map Book (AMB) Bdy</li> <li>Zoning Index Map Grid</li> <li>Zoning Map Grid</li> <li>USGS Quad Sheet Grid</li> <li>The Thomas Guide Grid</li> <li>TB Internal Page Grid</li> <li>Very High Fire Hazard Severity Zone</li> </ul> <p><b>Community Standards District (CSD)</b></p> <ul style="list-style-type: none"> <li>CSD Area Specific Boundary</li> <li>ESHA (Coast Only)</li> <li>Significant Ecological Area (SEA)</li> <li>Section Line</li> <li>Township and Range</li> <li>National Forest</li> <li>Equestrian District (EQD)</li> <li>Transit Oriented District (TOD)</li> <li>Selback District</li> <li>Zoned District (ZD)</li> <li>Supervisorial District Boundary</li> </ul> <p><b>Safety Related Stations (From TB)</b></p> <ul style="list-style-type: none"> <li>Fire Station</li> <li>Highway Patrol</li> <li>Police Station</li> <li>Ranger Station</li> <li>Sheriff Station</li> </ul>	<p><b>Zoning (Boundary)</b></p> <p><b>Zoning</b></p> <ul style="list-style-type: none"> <li>Zone A-1</li> <li>Zone A-2</li> <li>Zone B-1</li> <li>Zone B-2</li> <li>Zone C-1</li> <li>Zone C-2</li> <li>Zone C-3</li> <li>Zone C-H</li> <li>Zone C-M</li> <li>Zone CPD</li> <li>Zone C-R</li> <li>Zone D-2</li> <li>Zone D-7</li> <li>Zone D-8</li> <li>Zone M-1</li> <li>Zone M-1.5</li> <li>Zone M-2</li> <li>Zone M-3</li> <li>Zone M-P</li> <li>Zone MXD</li> <li>Zone O-S</li> <li>Zone P-R</li> <li>Zone R-1</li> <li>Zone R-2</li> <li>Zone R-3-(X)</li> <li>Zone R-4-(X)</li> <li>Zone R-A</li> <li>Zone RPD</li> <li>Zone R-R</li> <li>Zone SP</li> <li>Zone SR-D</li> <li>Zone W</li> </ul> <p><b>Landuse Policy (Not in Comm/ Area Plan)</b></p> <ul style="list-style-type: none"> <li>1 - Low Density Residential (1 to 6 du/ac)</li> <li>2 - Low/Medium Density Residential (6 to 12 du/ac)</li> <li>3 - Medium Density Residential (12 to 22 du/ac)</li> <li>4 - High Density Residential (22 or more du/ac)</li> <li>C - Major Commercial</li> <li>I - Major Industrial</li> <li>O - Open Space</li> <li>P - Public and Semi-Public Facilities</li> <li>RC - Rural Communities</li> <li>R - Non-Urban</li> <li>TC - Transportation Corridor</li> </ul> <p><b>Inland Waterbody</b></p> <ul style="list-style-type: none"> <li>Perennial</li> <li>Intermittent</li> <li>Dry</li> </ul>
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Note: This is a static legend, which includes only a portion of layers. To get full legend, please use "Display Map Legend tab" on the top left side of screen.





- ### Legend
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| <ul style="list-style-type: none"> <li>□ Parcel Boundary</li> <li>— Arterial Street</li> <li>— Highway</li> <li>— Freeway</li> </ul>   | <ul style="list-style-type: none"> <li>□ Zoning (Boundary)</li> </ul>   |
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