



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

September 19, 2012

Richard J. Bruckner
Director

Norman J. McCleod
PDC Corporation
765 The City Drive, Suite 470
Orange, CA 92868

**REGARDING: PROJECT NO. R2012-00597-(4)
CONDITIONAL USE PERMIT NO. 201200045
27526 ½ EASTVALE ROAD, ROLLING HILLS ESTATES**

Hearing Officer Mitch Glaser, by his action of **September 18, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **October 2, 2012**. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Andrew Svitek of the Zoning Permits West Section at (213) 974-6462, or by email at asvitek@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement
MK:AS

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00597-(4)
CONDITIONAL USE PERMIT NO. 201200045**

1. **ENTITLEMENT REQUESTED.** The applicant, Sprint Nextel, is requesting a conditional use permit to authorize the continued operation and maintenance of a wireless telecommunications facility within the public right of way pursuant to County Code Section 22.20.040 in the R-A (Residential Agricultural-20,000 Lot Area Minimum) Zone.
2. **HEARING DATE.** September 18, 2012
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on September 18, 2012 before the Hearing Officer. The applicant's representative, Norman Macleod, presented testimony in favor of the request. There were no other testifiers. The Hearing Officer closed the public hearing and approved the conditional use permit, subject to the conditions of approval.
4. **PROJECT DESCRIPTION.** The project is an existing wireless telecommunications antenna mounted on a wooden utility pole and associated equipment located in the public right of way. The site plan shows a 5 foot by 3 foot concrete pad located on the ground that will house a power distribution cabinet. A 3 foot by 1.5 foot microcell is shown mounted on the existing pole, 8 feet above the ground. One antenna is mounted on the existing pole 30 feet above grade.
5. **LOCATION.** 27526 ½ Eastvale Road, Rolling Hills
6. **EXISTING ZONING.** Public right of way of Eastvale Road, but technically under R-A-20,000 Zone per County Code Section 22.16.020.
7. **EXISTING LAND USES.** Wooden utility pole with wireless telecommunications antenna mounted on a wooden utility pole and associated equipment.
8. **PREVIOUS CASES/ZONING HISTORY.** Conditional Use Permit No. 01-082-(4) authorized the construction and maintenance of the wireless telecommunications facility. The project was approved on June 12, 2002 and expired on June 12, 2012.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within a Low Density Residential area of the General Plan. The Low Density Residential land use designation is intended for single family residences. The existing wireless telecommunications facility provides wireless services to the surrounding residential area and is therefore consistent with the permitted uses of the underlying land use category.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The existing wireless telecommunications facility mounted on an existing telephone pole is in compliance with the zoning ordinance. There are no zone-specific standards that apply as the project is in the public right of way.
11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The existing wireless telecommunications facility mounted on an existing telephone pole is in compliance with the zoning ordinance. The small scale and unobtrusive design of the antenna mounted on an existing utility pole blends in with the surrounding residential community without creating a detrimental visual impact.
12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** As the project is the continued use of an existing wireless telecommunications facility, no county department comments were required.
13. **LEGAL NOTIFICATION AND PUBLIC 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 and property posting.
14. **PUBLIC COMMENTS.** A call was received from a neighbor of the project site requesting information about the project. No public comments were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The utility pole mounted wireless telecommunications antenna continues to provide phone and data services to the surrounding community.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

16. The utility pole mounted wireless telecommunications antenna complies is required to comply with all FCC regulations and is small in scale suitable for a residential area.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare

17. The utility pole mounted wireless telecommunications antenna is located on an existing utility pole within the public right of way and does not conflict with any zoning regulations.

Therefore, 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

18. The utility pole mounted wireless telecommunications antenna only requires servicing at the most once a month and the right of way provides adequate parking for a maintenance vehicle.

Therefore, 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.

ENVIRONMENTAL DETERMINATION

19. The project involves the authorization for continued operation and maintenance of an existing wireless telecommunications facility with no alterations. Therefore, project qualifies for a Class 1 Categorical Exemption for existing facilities and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
20. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant fifteen (15) years.
21. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Class 1 Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200045 is APPROVED subject to the attached conditions.

MK:AS
9/19/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00597-(4)
CONDITIONAL USE PERMIT NO. 201200045**

PROJECT DESCRIPTION

The project is an existing wireless telecommunications antenna mounted on a wooden utility pole and associated equipment located in the public right of way, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition No 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on September 18, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the **utility pole-mounted wireless communications facility** and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to

determine the permittee's compliance with the conditions of approval. The fund provides for seven (7) biannual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies** of a modified

Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

18. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
19. 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.
20. 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.
21. 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.
22. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
23. 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".
24. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new owner or service provider.
25. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
26. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or

missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.

27. Upon request, the permittee/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.
28. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

PROJECT SITE SPECIFIC CONDITIONS

29. Routine maintenance of 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.
30. Any new equipment added to the facility will require a Revised Exhibit "A" and shall not compromise the design of the facility.
31. All projects located in the public right of way shall be constructed to the County's standards and codes to the satisfaction of the Department of Public Works and/or any other applicable agency.
32. This grant entitles the permittee to install the wireless telecommunications facilities on the existing or a replacement utility pole but does not entitle the permittee to retain the pole for its sole use or to install a new pole for its facilities in the event the existing pole is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the provision of Condition 8, if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The applicant will be required to either obtain a new conditional use permit to relocate its facilities or to install a new pole or poles and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.
33. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of the Department of Regional Planning and any other government agency.

34. The facilities shall be on flat rate power. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A," are authorized by these grants.
35. If the facility is installed in a parkway or other landscaped area, the wireless facility owner shall install drought-tolerant landscaping immediately surrounding the installation or restore any existing landscaping and irrigation system disturbed by the installation. The installed or restored landscaping shall be consistent with the existing landscaping in the immediate vicinity.
36. The height of the facility shall be maintained at its existing 35 feet.
37. The placement of the facility shall not interfere with the public's unobstructed use of highways, sidewalks or trails, or unobstructed access from private property to highways and other public access.
38. If the Department of Public Works requires the facility to relocate due to street improvement projects and undergrounding of utilities, the cost of relocation of wireless facilities due to such projects shall be fully borne by the owner, operator, or permittee of the wireless facilities involved.
39. If street parking is prohibited on the street where the facility is located and on nearby side streets, the permittee shall obtain an approved traffic plan for the parking of maintenance vehicles from the Department of Public Works.