

Hearing Officer Transmittal Checklist

Hearing Date
08/07/2012
Agenda Item No.
9

Project Number: R2012-00600-(3)
Case(s): Conditional Use Permit No. 201200046
Planner: Rudy Silvas

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Correspondence (DPW, Fire, Health, Parks)
- Environmental Documentation (MND – Initial Study & MMP)
- Burden of Proof Statement(s)
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan
- Exhibit Map
- Landscaping Plans (Preliminary)
- Applicant Correspondence (Alternate location, propagation plots, AT&T letter)
- Previous CUP 01-196 Findings and Conditions of Approval

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6462
PROJECT NUMBER R2012-00600-(3)
CUP 201200046

PUBLIC HEARING DATE 8/7/2012	AGENDA ITEM 9
RPC CONSENT DATE	CONTINUE TO

APPLICANT Sprint Nextel	OWNER Roger Browning	REPRESENTATIVE Norman MacLeod
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PROJECT DESCRIPTION
 Conditional use permit (CUP) application for the continued use of an existing wireless telecommunication facility (WTF) mounted to a 33 foot – 6 inch tall wooden utility pole with existing ground mounted equipment. No new equipment or changes are proposed. Access to site is from Crater Camp Drive, a private road. Service vehicle parking will continue to be within the paved shoulder area. The existing WTF utility pole, identified as pole no. 20130SPR, was previously approved under CUP No. 01-196 and expired on July 16, 2012.

REQUIRED ENTITLEMENTS
 The applicant requests a CUP pursuant to Los Angeles "County" Code Section 22.24.100 for the continued use of a WTF mounted on an existing utility pole with related ground mounted equipment within the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area). A WTF 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 within the A-1 zone.

LOCATION/ADDRESS
 680 1/2 Crater Camp Drive, Calabasas

SITE DESCRIPTION
 Site plan depicts the property boundaries, the existing utility pole and antennas, ground mounted equipment cabinet, steps to the facility from Crater Camp Drive and the edge of pavement. An aerial power line from the subject utility pole to another pole across Crater Camp Drive is also depicted. The location of the WTF utility pole is also 312 feet east of the Malibu Canyon and Lagoon SEA and situated on private property.

ACCESS Crater Camp Drive	ZONED DISTRICT The Malibu
ASSESSORS PARCEL NUMBER 4456-005-023	COMMUNITY Monte Nido
SIZE 1.62 Acres	COMMUNITY STANDARDS DISTRICT N/A

	EXISTING LAND USE	EXISTING ZONING
Project Site	Existing WTF, remainder Vacant	A-1-1
North	Single family residences	A-1-1
East	Single family residences	A-1-1
South	Single family residences	A-1-1
West	Single family residences	A-1-1

GENERAL PLAN/COMMUNITY PLAN Malibu Land Use Plan	LAND USE DESIGNATION Residential 1	MAXIMUM DENSITY 1 DU/Acre
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ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption-Existing Facilities

RPC LAST MEETING ACTION SUMMARY

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

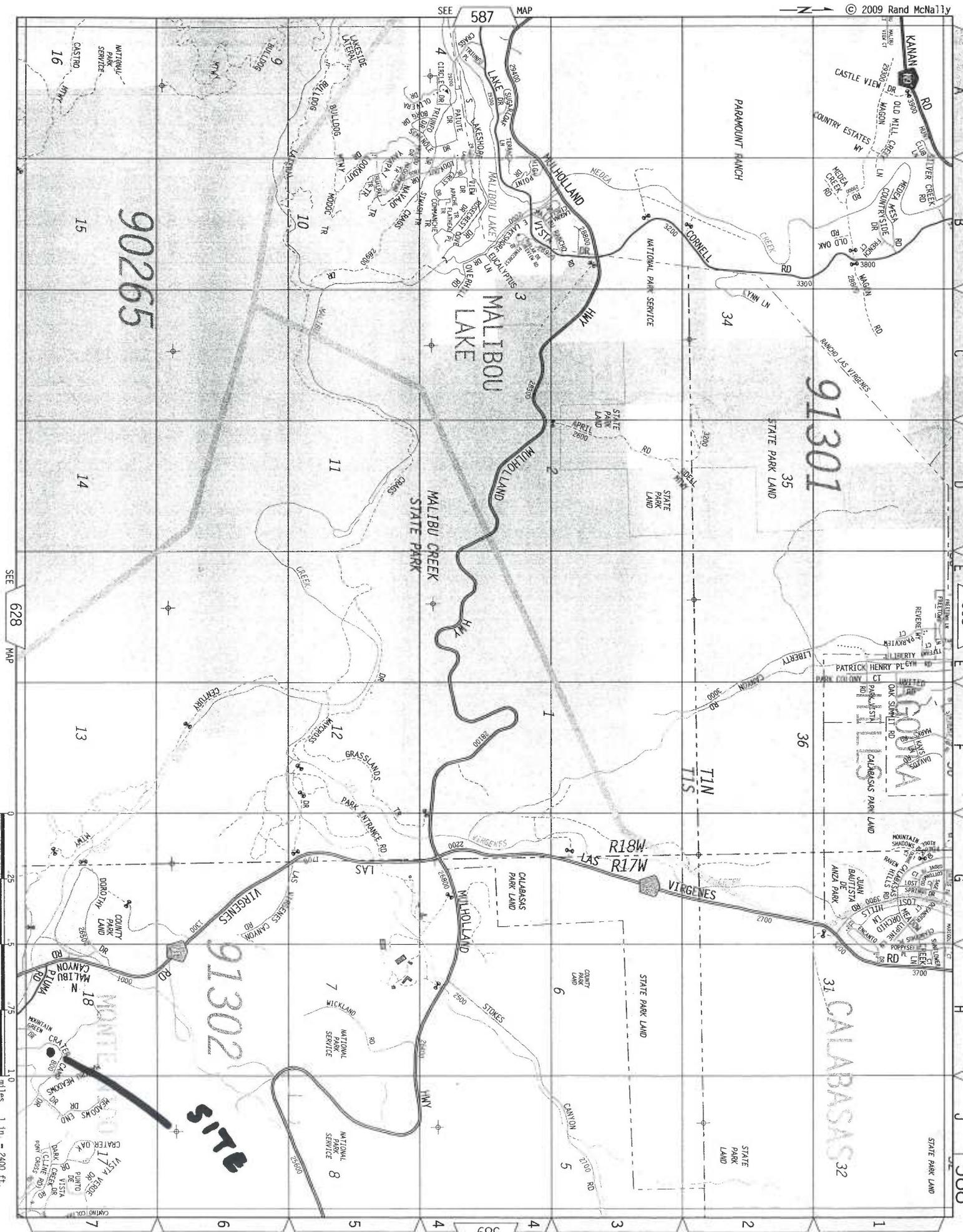
TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Rudy Silvas		
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

SEE 587 MAP

SEE 589 MAP



90265

91301

91302

91303

SITE

SEE 628 MAP

0 0.25 0.5 1.0 miles 1 in. = 2400 ft.

ENTITLEMENTS REQUESTED

The applicant requests a CUP pursuant to Los Angeles "County" Code Section 22.24.100, which is pursuant to Part 1 of Chapter 22.56, for the continued use of a wireless telecommunication facility (WTF) mounted on an existing utility pole with related ground mounted equipment, within the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) zone. A WTF 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 within the A-1 zone.

PROJECT DESCRIPTION

Conditional Use Permit (CUP) application for the continued use of an existing WTF mounted to a 33 foot - 6 inch tall wooden utility pole with existing ground mounted equipment. No new equipment or changes are proposed. Access to the site is from Crater Camp Drive, a private road. Service vehicle parking will continue to be within the paved shoulder area. The existing WTF utility pole, identified as pole no. 20130SPR, was previously approved under CUP No. 01-196, and expired on July 16, 2012.

SITE PLAN DESCRIPTION

Site plan depicts the property boundaries, the existing WTF utility pole and antennas, ground mounted equipment cabinet, steps to the facility from Crater Camp Drive and the edge of pavement. An aerial power line from the subject WTF utility pole to another utility pole across Crater Camp Drive is also depicted. The location of the WTF utility pole is also 312 feet east of the Malibu Canyon and Lagoon SEA and situated on private property.

LOCATION

The subject property is located at 680 1/2 Crater Camp Drive, within the unincorporated Los Angeles County community of Monte Nido, Third Supervisorial District, and within the Malibu Zone District.

EXISTING ZONING

Subject Property

The subject site is zoned A-1-1

Surrounding Zones

Surrounding properties are zoned:

North: A-1-1

South: A-1-1

East: A-1-1

West: A-1-1

EXISTING LAND USES

Subject Property

Existing WTF, remainder of property is vacant

Surrounding Properties

Surrounding land uses consist of:

North: Single family residence

South: Single family residence

East: Single family residence

West: Single family residence

ENVIRONMENTAL DETERMINATION

Staff of the Los Angeles County Department of Regional Planning (DRP) has recommended that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The project is to continue the use of an existing WTF. No modifications or additional equipment is proposed.

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, property posting, library posting and DRP website posting.

In order to ensure notification 30 days before the scheduled hearing date of August 7, 2012, in accordance with the above provisions, a total of 58 public hearing notices were mailed out on June 27, 2012 to all property owners within a 500 foot radius of the subject property.

Also to ensure notice of the hearing 30 days before the hearing date, the Notice of Public Hearing was published and advertised in the *Daily News* newspaper on July 3, 2012, and *La Opinion* newspaper on July 3, 2012. The notice and a factual sheet were also sent on June 27, 2012 to the Calabasas Library located at 200 Civic Center Way in Calabasas.

Staff also received the Certificate of Posting from the applicant stating that the Notice of Public Hearing was posted at the site 30 days before the hearing date in accordance with Section 22.60.175 of the County Code.

PREVIOUS CASES/ZONING HISTORY

- Project No. 01-196-(3)/CUP 01-196 was approved on July 2, 2002 for a new unmanned WTF on an existing 34 foot high utility pole with two mounted Omni antennas and a "microcell". A new equipment cabinet was also approved at the base of the pole.. A negative declaration was adopted for the approved project. The CUP expired on July 16, 2012, and this new conditional use permit application is for the continuation of an existing wireless facility.

- The subject property was zone designated A-1-1 under Ordinance No. 7310 which was adopted by the County Board of Supervisors on March 11, 1958.

STAFF EVALUATION

General Plan Consistency

The project site is within the Malibu Land Use Plan Category of Residential I (1DU/AC), and the Los Angeles Countywide General Plan Land Use Category of Non Urban. The continued use of the existing wireless facility does not conflict with the Residential I Category of the Malibu Land Use Plan, which typically is characterized by housing units grouped on gently sloping hillsides or upon flat terrain usually within established rural communities. The Malibu Land Use Plan supplements the Countywide General Plan for this specific area and takes precedence on specific land use issues. The Malibu Land Use Plan has several goals and policies that ensure the protection of visual resources and the project has continued to meet these applicable goals and policies of the area plan. The project meets the following goals and policies in Chapter 4.2.3 of the Malibu Land Use Plan.

“Prohibit placement of signs, utilities, and accessory equipment that obstruct views to the ocean and scenic elements wherever feasible.” (Viewshed Protection Goal; Policy 126 of Chapter 4.2.3)

“Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.” (Visual Compatibility Goal; Policy 129 of Chapter 4.2.3)

“Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.” (Siting of Structures and Architectural Character in Visual Resource Areas; Policy 134 of Chapter 4.2.3)

The project is consistent with the above Malibu Land Use Plan goals and policies in that the location of the WTF pole at its height of 34 feet does not obstruct views of scenic elements, is properly located on the site so that it is in a harmonious relationship with the surrounding environment, and does not require any grading or reconfiguration of the site.

Zoning Ordinance and Development Standards Compliance

The zoning of the property where the existing WTF is located is A-1-1. 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 within the A-1 zone.

The existing WTF pole is 34 feet above grade, which is consistent with the Department's Subdivision and Zoning Ordinance "Policy" No. 01-2010 for Wireless Telecommunications Facilities. The Policy limits the height of such ground-mounted structures to the height allowed in the applicable zone up to a maximum of 75 feet. Only the height of single-family residential structures are limited to 35 feet under County Code Section 22.24.110 for Zone A-1 development standards, and the maximum height of non-residential structures in the A-1 zone are allowed to be 13 times the buildable area. The existing WTF pole is well below the 75 feet limitation of the Policy.

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 or she 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 shall continue to access the site by parking along Crater Camp Drive which is a private road.

Neighborhood Impact/Land Use Compatibility

The existing WTF pole initially caused concern among the neighboring property owners in 2002. Staff received a phone call and four letters at the time from local residents concerning the height of the pole, which was initially proposed at 45 feet. The applicant at the time conceded to the concerns of the neighboring property owners and subsequently changed the proposed height of the pole to 34 feet prior to the hearing. Other concessions were also made by the applicant in response to community concerns, such as a condition requiring that the permittee maintain an insurance indemnification to the Malibu Meadows Homeowners' Association that holds the association harmless for the permittee's use of private roads owned by the association. All project site-specific conditions of the original approval of CUP 01-196 will be maintained in the conditions of approval for this new CUP application.

The existing WTF pole appears to be subtle in its design and is not a visual impact in its proposed location. However, as part of the conditions of approval, the applicant will be required to paint the existing pole and related equipment and conduits a matching earth-tone brown color to allow the pole to better blend in with the surrounding natural environment. The equipment cabinet shall also be painted a matching earth-tone color. Through the continued maintenance of the WTF pole per the attached conditions of approval the WTF site will continue to be compatible with surrounding land uses.

RELATED ZONING ENFORCEMENT CASES

Zoning Enforcement West staff reported no current violations on the site as of July 25, 2012, and the site has passed all scheduled site inspections since 2002 for the previously approved CUP.

Burden of Proof

The applicant is required to substantiate all facts identified by County Code Section 22.56.040. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the Burden of Proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff did not solicit any comments from other County Departments as this is a continuation of an existing WTF.

PUBLIC COMMENTS

Staff has not received any comments from the public on this project at the time of this report.

FEES/DEPOSITS

If approved, fees identified in the attached project 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 and/or documentary evidence presented at the public hearing:

Staff recommends that the Hearing Officer close the public hearing and approve Conditional Use Permit No. 201200046, Project No. 2012-00600-(3) subject to the attached Findings and Conditions.

SUGGESTED MOTION

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND APPROVE CONDITIONAL USE PERMIT CASE NO. 201200046, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Rudy Silvas, Principal Regional Planning Assistant
Reviewed by Mi Kim, Supervising Regional Planner

Attachments:

Draft Findings and Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan/Elevation Plan
Land Use Map

MKK:RS 07/26/2012

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

PROJECT NUMBER R2012-00600-(3)
CONDITIONAL USE PERMIT NUMBER 201200046

REQUEST

The applicant, Sprint Nextel, requests a new conditional use permit (CUP) application for the continued use of an existing WTF mounted to a 33 foot - 6 inch tall wooden utility pole, with existing ground mounted equipment. No new equipment or changes are proposed. Access to site is from Crater Camp Drive, a private road. Service vehicle parking will continue to be within the paved shoulder area. The existing WTF utility pole, identified as pole no. 20130SPR, was previously approved under CUP No. 01-196, and expired on July 16, 2012.

HEARING DATE: AUGUST 7, 2012

PROCEEDINGS:

FINDINGS

1. The applicant requests a CUP pursuant to Los Angeles "County" Code Section 22.24.100 for the continued use of a wireless telecommunication facility (WTF) mounted on an existing utility pole with related ground mounted equipment within the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) zone. A WTF 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 within the A-1 zone.
2. The subject property is located at 680 1/2 Crater Camp Drive, within the unincorporated Los Angeles County community of Monte Nido, Third Supervisorial District, and within the Malibu Zone District.
3. Surrounding land uses consist of:
North: Single family residence
South: Single family residence
East: Single family residence
West: Single family residence
4. Surrounding Zoning consists of:
North: A-1-1
South: A-1-1
East: A-1-1
West: A-1-1
5. Site plan depicts the property boundaries, the existing WTF utility pole and antennas, ground mounted equipment cabinet, steps to the facility from Crater Camp Drive and the edge of pavement. An aerial power line from the subject WTF utility pole to another utility pole across Crater Camp Drive is also depicted. The location of the WTF utility

pole is also 312 feet to the east of the Malibu Canyon and Lagoon SEA and situated on private property.

6. The subject property was designated A-1-1 under Ordinance No. 7310 which was adopted by the County Board of Supervisors on March 11, 1958.
7. Project No. 01-196-(3)/CUP 01-196 was approved on July 2, 2002 for a new unmanned WTF on an existing 34 foot high utility pole with two Omni antennas and a "microcell". A new equipment cabinet was also approved at the base of the pole. A negative declaration was adopted for the project. The approved CUP expired on July 16, 2012. This new conditional use permit application is for the continuation of an existing wireless facility.
8. The project site is within the Malibu Land Use Plan Category of Residential I (1DU/AC), and the Los Angeles Countywide General Plan Land Use Category of Non Urban. The continued use of the existing wireless facility does not conflict with the Residential I Category of the Malibu Land Use Plan, which typically is characterized by housing units grouped on gently sloping hillsides or upon flat terrain usually within established rural communities. The Malibu Land Use Plan supplements the Countywide General Plan for this specific area and takes precedence on specific land use issues. The Malibu Land Use Plan has several goals and policies that ensure the protection of visual resources and the project has continued to meet these applicable goals and policies of the area plan. The project meets the following goals and policies in Chapter 4.2.3 of the Malibu Land Use Plan.
 - "Prohibit placement of signs, utilities, and accessory equipment that obstruct views to the ocean and scenic elements wherever feasible." (Viewshed Protection Goal; Policy 126 of Chapter 4.2.3)
 - "Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment." (Visual Compatibility Goal; Policy 129 of Chapter 4.2.3)
 - "Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged." (Siting of Structures and Architectural Character in Visual Resource Areas; Policy 134 of Chapter 4.2.3)
9. The project is consistent with the above Malibu Land Use Plan goals and policies in that the location of the WTF pole at its height of 34 feet does not obstruct views of scenic elements, is properly located on the site so that it is in a harmonious relationship with the surrounding environment, and does not require any grading or reconfiguration of the site.
10. The zoning of the property where the existing WTF is located is A-1-1. 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 within the A-1 zone.

11. The existing WTF pole is 34 feet above grade, which is consistent with the Department's Subdivision and Zoning Ordinance "Policy" No. 01-2010 for Wireless Telecommunications Facilities and their permitted height in the applicable zone. The Policy limits the height of such ground-mounted structures to the height allowed in the applicable zone, up to a maximum of 75 feet. The height of single-family residential structures are limited to 35 feet under County Code Section 22.24.110 for Zone A-1 development standards, and the maximum height of non-residential structures in the A-1 zone are allowed to be 13 times the buildable area. The existing WTF pole is well below the 75 feet limitation of the Policy.
12. 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 or she 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 shall continue to access the site by parking along Crater Camp Drive which is a private road.
13. The exiting WTF pole initially caused concern among the neighboring property owners prior to the first hearing for the WTF in 2002. Staff received a phone call and four letters at the time from local residents concerning the height of the pole initially proposed at 45 feet. The applicant at the time conceded to the concerns of the neighboring property owners and subsequently changed the proposed height of the pole to 34 feet prior to the hearing. Other concessions were also made by the applicant in response to community concerns, such as a condition requiring that the permittee maintain an insurance indemnification to the Malibu Meadows Homeowners' Association that holds the association harmless for the permittee's use of private roads owned by the association. All project site-specific conditions of the original approval of CUP 01-196 is maintained in the conditions of approval for this new CUP application.
14. The existing WTF pole is subtle in its design and does not have a visual impact. However, as part of the conditions of approval, the applicant will be required to paint the existing pole and related equipment and conduits a matching earth-tone brown color to allow the pole to better blend in with the surrounding natural environment. The equipment cabinet shall also be painted a matching earth-tone color.
15. Through the continued maintenance of the WTF pole per the attached conditions of approval the WTF site shall continue to be land use compatible.
16. Zoning Enforcement West staff reported no current violations on the site as of July 25, 2012, and the site has passed all scheduled site inspections since 2002 for the previously approved CUP.
17. Staff has not received any comments from the public regarding the CUP application for the new wireless telecommunication facility and utility pole.
18. The applicant is required to substantiate all facts identified by County Code Section 22.56.040. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the Burden of Proof.
19. Staff did not solicit any comments from other County Departments on this proposed WTF facility; therefore, no comments were received.

20. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
21. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years, with eight biennial inspections.
22. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is 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 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 described in this Ordinance, 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.

HEARING OFFICER ACTION:

1. Staff of the Department of Regional Planning has recommended that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act reporting requirements, as the project is to continue an existing wireless telecommunications facility and utility pole. The Hearing Officer has considered the 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. 201200046, Project No. 2012-00600-(3), is APPROVED subject to the attached findings and conditions.

c: Zoning Enforcement West, Building and Safety

MKK:RS
07/26/2012

**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2012-00600-(3)
CONDITIONAL USE PERMIT NO. 201200046**

PROJECT DESCRIPTION

A new conditional use permit (CUP) application for the continued use of an existing WTF mounted to a 33 foot-6 inch tall wooden utility pole with existing ground mounted equipment. No new equipment or changes are proposed. Access to site is from Crater Camp Drive, a private road. Service vehicle will continue to park within the paved shoulder area for the occasional maintenance visits. The existing WTF utility pole, identified as pole no. 20130SPR, was previously approved under CUP No. 01-196, and expired on July 16, 2012.

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County (County) Department of Regional Planning (Regional Planning) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk (Recorder). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 7, 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$1,600.00**. 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 fund provides for **eight (8)** biennial inspections **(one every other year) for fifteen years**. 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 requirements of Title 22 of the County 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.
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, **three (3) 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 **three (3) 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 all applicable regulations of the State Public Utilities Commission and the Federal Communications Commission.
19. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement West 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.
20. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless telecommunications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time, and will be required to have a Revised Exhibit "A" approved in accordance with Condition No. 17.
21. 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 Permits West Section of the Department of Regional Planning.
22. 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 the permittee shall obtain an encroachment permit if deemed necessary.
23. Any external lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences or property, and beacon lights are prohibited unless required by the Federal Aviation Administration.

24. Construction and 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.
25. 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.
26. One parking space for maintenance vehicles shall continue to be provided in location depicted on Exhibit "A". Maintenance vehicles shall not block the Crater Camp Drive paved right-of-way.
27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement West Section of the Department of Regional Planning the name and contact information of the new property owner or service provider.
28. 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 matches immediately-surrounding environment.
29. 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. Landscaping shall be maintained at all times and shall be promptly replaced if needed.
30. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement West Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
31. The Department of Regional Planning project number, conditional use permit number and leaseholder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level. The phone number of Zoning Enforcement West, (213) 974-6453, shall also be displayed.

PROJECT SITE-SPECIFIC CONDITIONS

32. New equipment, or co-located WTFs added to the facility shall not compromise the subtle nature of the facility.

33. The height of the facility/utility pole shall not exceed 34 feet above grade.
34. The existing WTF utility pole, related equipment, conduits and above ground power meter equipment cabinet shall be repainted and camouflaged with a brown earth-tone color which blends in with the surrounding natural environment.
35. Existing native drought tolerant shrubs and trees shall be maintained around the subject facility to screen the ground-mounted equipment box and utility pole. In the event that the shrubs are removed or perish, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to receive instructions on replanting with native drought tolerant plants. The applicant will be responsible for re-planting, and also for providing any facilities which the Fire Department may deem necessary to protect the property from fire hazard.
36. The permittee shall maintain an insurance indemnification to the Malibu Meadows Homeowners' Association that holds the association harmless for the permittee's use of private roads owned by the association.
37. This grant entitles the permittee to continue the use of the existing wireless telecommunications facilities on the existing 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 No. 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.
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. 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 West Section of the Department of Regional Planning and any other government agency. Prior to installation of its facility, the permittee shall post a performance security, satisfactory to the Director of Public Works and provide a copy to the Zoning Enforcement West Section of the Department of Regional Planning, in an amount to sufficiently cover the cost of removal of the facility as provided herein. In the event the facility is not so removed within 90

days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

40. No additional meter boxes outside the existing facility shown in approved Exhibit "A," are authorized by these grants.

MKK:RS

07/26/2012



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location 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.

The existing facility is collocated with a wooden utility pole located at the edge of the public right of way and blends in with the rural characteristic of the area. the antenna is mounted on a wooden cross arm and painted to match the wooden utility pole; therefore the installation is not detrimental to the abutting and surrounding area; no detrimental to the enjoyment of the surrounding owners.

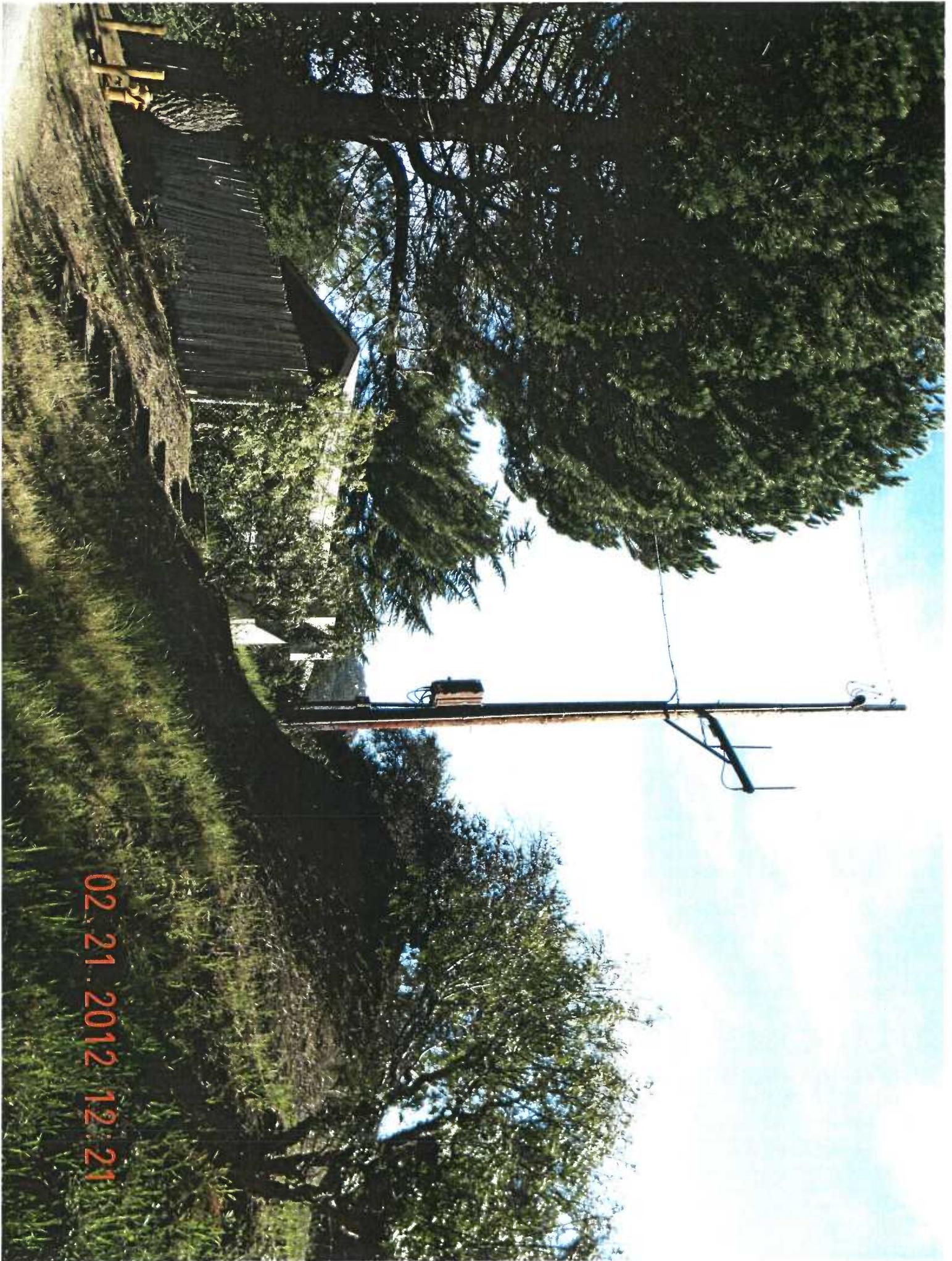
B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Due to the rural nature and charater of the area the existing facility is similar in scope, color and design of other existing wooden utility poles in the community. the site is virtually unnoticable as a wireless facility given it's diminimus design and attachment to a wooden utility pole on a property that is adequate in size.

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 site's location is abutting the public right of way and easily accessible by fully improved roads.



02.21.2012 12:21

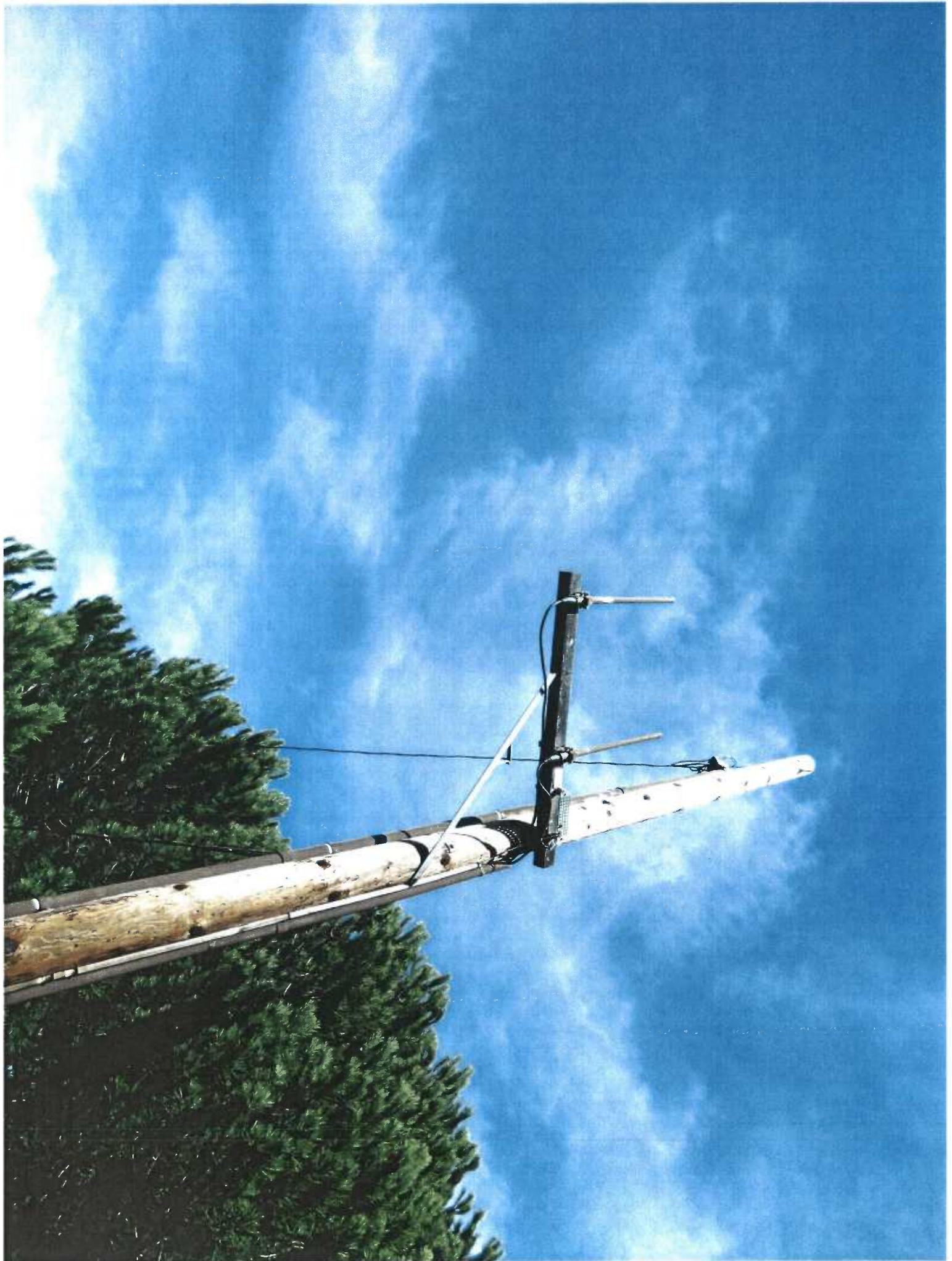


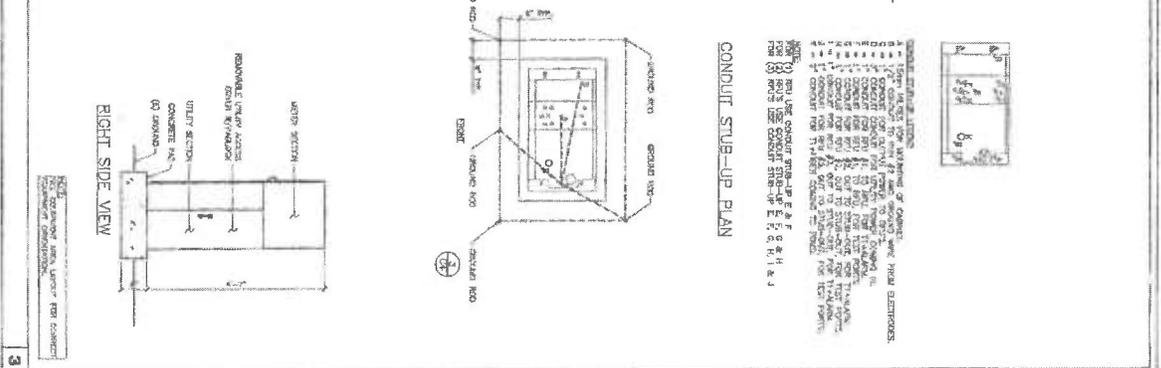
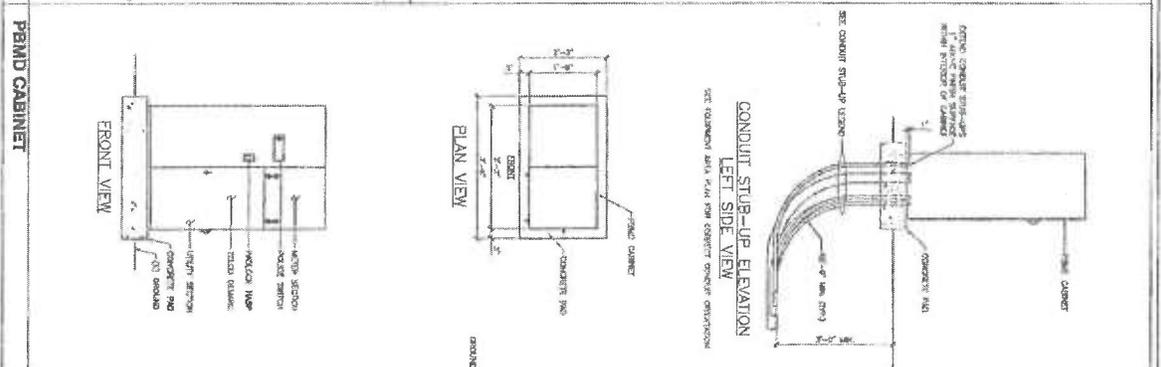
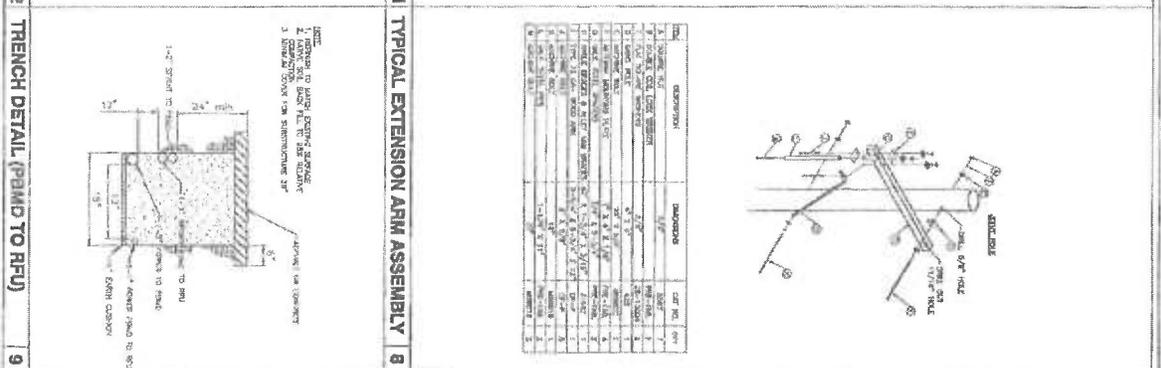
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NO.	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE PAD	1	EA
2	CONCRETE PAD	1	EA
3	CONCRETE PAD	1	EA
4	CONCRETE PAD	1	EA
5	CONCRETE PAD	1	EA
6	CONCRETE PAD	1	EA
7	CONCRETE PAD	1	EA
8	CONCRETE PAD	1	EA
9	CONCRETE PAD	1	EA
10	CONCRETE PAD	1	EA
11	CONCRETE PAD	1	EA
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13	CONCRETE PAD	1	EA
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49	CONCRETE PAD	1	EA
50	CONCRETE PAD	1	EA

CONTRACT DATE: 08/14/02

CONSTRUCTION

GREATER CAMP
LABORERS UNION
680 1/2 GREATER CAMP PKT
CULVERSON, CA 91302
LOS ANGELES, CA

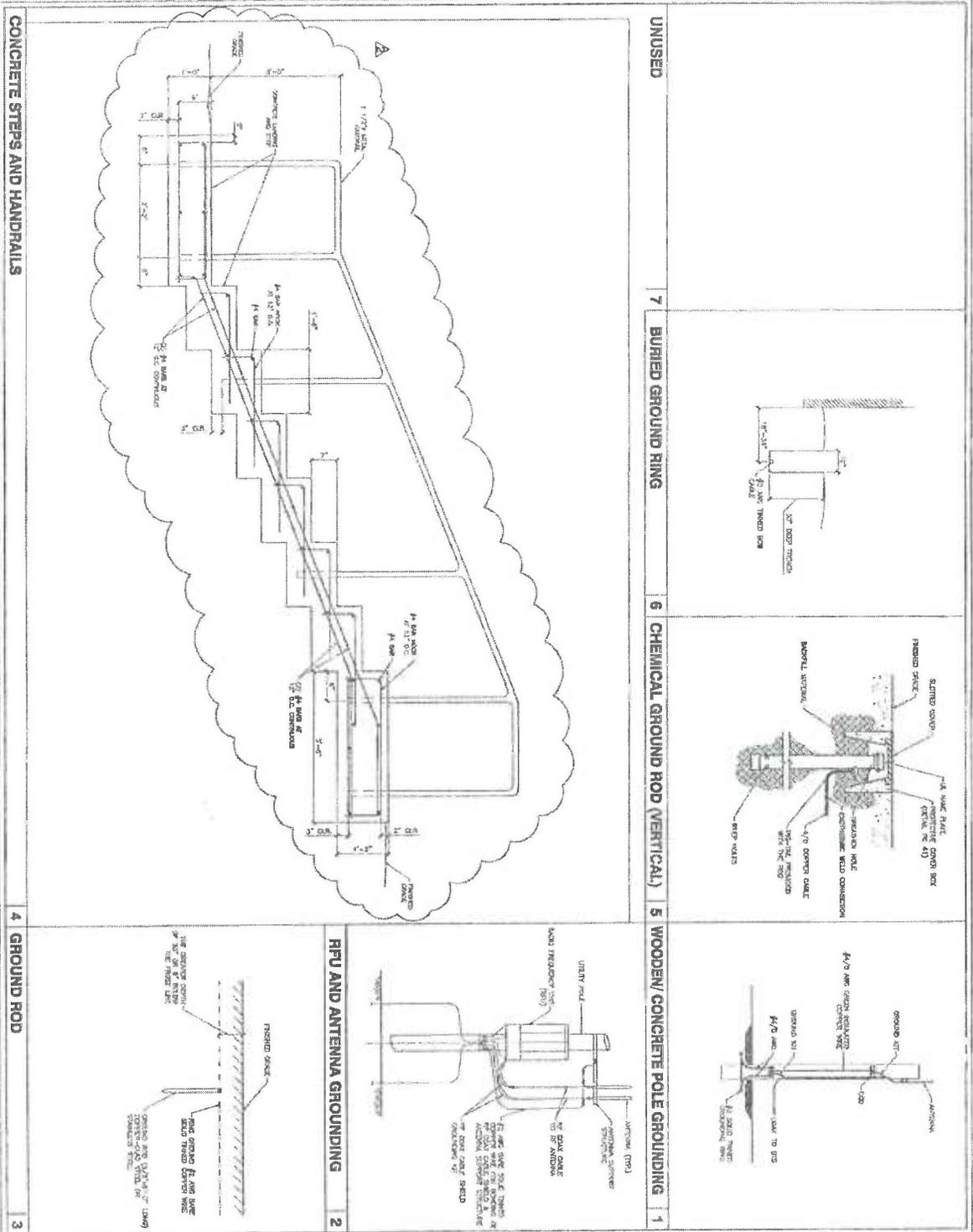
TETRA TECH

STATE OF CALIFORNIA
MICHAEL B. SMITH
11/24/02
23:21:07
CIVIL ENGINEER

EXP: 12-31-05

DETAILS

C3 1



<p>FOR THE SPRINT NETWORK 4800 GARDEN STATE RD PLEASANTON, CA 94588</p>	<p>GRANTER CAMP LABORATORY (5A) (R201305PR) 880 1/2 CENTER CAMP DR LOS ANGELES, CA 90008</p>	<p>DATE: 08/14/02 CONSTRUCTION</p>	<p>CONSTRUCTION</p>	<p>DATE: 08/14/02 CONSTRUCTION</p>					
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PROJECT NUMBER: C4
 SHEET NUMBER: 2
 DATE: 08/14/02



Los Angeles County
 Department of Regional Planning
 Director of Planning James E. Hartl, AICP



July 2, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dean Brown
 The Planning Consortium
 1111 W. Town and Country Road, Suite 37
 Orange, CA 92868

RE: CONDITIONAL USE PERMIT CASE NO. 01-196-(3)
 To authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary fee at (213) 974-6409. The appeal must be postmarked days after this notice is received by the applicant. The be called up for review by the Regional Planning Commission

For further information on appeal procedures or a approval, please contact the Zoning Permits Section

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 2510 0006 8578 5517

01-196-(3) PL Final
 Kettler

Postage	\$	
Copyright Fee		
Return Receipt Fee (Enclosure if Required)		
Restricted Delivery Fee (Enclosure if Required)		
Total P.		

Mailed
 7-18-02
 M.K.P.

Sent To: Dean Brown
 The Planning Consortium
 Street Address: 1111 W. Town and Country Road, Suite 37
 City, State: Orange, CA 92868

PS Form 3825, January 2001

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility.

PROCEEDINGS BEFORE THE HEARING OFFICER:

July 2, 2002 Public Hearing

A duly noticed public hearing was held on July 2, 2002. The applicant's representative was sworn in and testified in favor of the project. He described the proposed telecommunications pole and related facility. He also indicated in response opponents' requests he agreed to reduce the height of the pole from the proposed 45 feet to 34 feet.

There being no further testimony, the Hearing Officer closed the public hearing and approved the wireless telecommunications facility request as amended.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility. The antennas and the "microcell" will be mounted on a proposed 34' tall wood utility pole. An equipment cabinet will be located at the base of the pole.
2. The subject property is located at 636 Crater Camp Dr., Calabasas in the Malibu Zoned District.
3. The subject property is zoned A-1-1 (Light Agriculture, One acre minimum lot requirement).
4. Surrounding properties are all zoned A-1-1.
5. The subject property is currently vacant.
6. Land Use on surrounding properties consists of the following:
North: Single family residences
South: Single family residences
East: Single family residences
West: Vacant

Southwest of the property is a lot used for equestrian uses.
7. The subject property is designated Residential I in the Malibu Land Use Plan of the Los Angeles County General Plan. These areas are usually characterized by a grouping of housing units on gently sloping or flat terrain often within established

rural communities. The maximum residential density standard is one du/ac.

8. Although there are no specific policies related to this type of use in the Malibu Land Use Plan, there are a few policies regarding visual compatibility that may apply to this use:

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. (p.33)

P 134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged. (p.34)

The proposed microcell box and antennae are small in size as compared to other wireless facilities and will be mounted on a 34' wood utility pole similar to those in the area. The proposed facility does not impinge on views from surrounding residential properties along the public right-of-way.

9. The site plan depicts the leased cell site on the northern corner of the subject property to be accessed via Crater Camp Dr., a private road. The applicant is proposing to construct a 34' tall utility pole to support two "whip" antenna, a GPS antenna, and a microcell. The proposed equipment cabinet will be ground mounted but close to the pole. The site is on a slope and will be accessed by proposed railroad tie steps.
10. The facility would also include a 50" tall x 19.9" wide X 20" deep ground-mounted equipment cabinet located 10 ft. from the pole.
11. A wireless telecommunications facility is a use not specified in Title 22 of the Los Angeles County Code (Zoning Ordinance).
12. The proposed use complies with the said development standards of the A-1 zone since it will be located on a vacant property and is not a single-family residence.
13. A Negative Declaration is the appropriate environmental documentation for this project under CEQA reporting requirements.
14. During the site visit, staff noted additional wooden utility poles similar to the pole being proposed.
15. Staff has received one phone call and a total of four letters from local residents concerning the subject request. The applicant provided a response to the issues described in two of the letters. This information, including the intent to reduce the height of the pole from 45 ft. to 34 ft. was provided to the hearing officer.

16. The applicant has made a number of other concessions in response to community concerns which were incorporated into the conditions of approval.
17. Currently, Sprint PCS is experiencing both coverage problems within the Malibu canyons. The development of this portion of the network will allow its customers seamless access to Sprint's network of services.
18. The proposed subject site is located close to the edge of the public right-of-way.
19. The wooden pole is similar in appearance and dimensions with other utility poles in the area and thus blends in visually and physically with the surrounding neighborhood infrastructure.
20. The proposed use as conditioned is consistent with the zoning, general plan and surrounding land uses.

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 area, and 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.

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 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

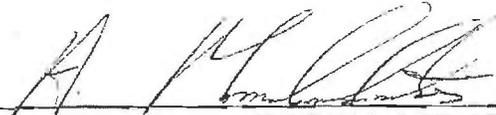
HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration

reflects the independent judgment and analysis of the Hearing Officer, and adopts the Negative Declaration.

2. In view of the findings of fact presented above, Conditional Use Permit Case No. 01-196-(3) is **APPROVED**, subject to the attached conditions.

BY: _____


Andy Malakates, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

DATE: _____

7-17-2002

Attachments: Conditions
Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for the operation and maintenance of an unmanned wireless telecommunications facility consisting of the antennae and a "microcell" mounted on a proposed 34' tall wood utility pole and an equipment cabinet located at the base of the pole, subject to all of the following conditions of approval:
 - a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
 - b. Said facility shall be removed if in disuse for more than six months;
 - c. 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;
 - d. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works;
 - e. The proposed facility shall be located outside of a future right of way 30 feet from the centerline on Crater Camp Drive;
 - f. The permittee shall provide written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The permittee/operator shall submit a copy of the annual report on the said facility's radio frequency emissions level, as required by the Federal Communications Commission requirements, to the Department of Regional Planning;
 - g. Any proposed wireless telecommunications facility that will be co-locating on the proposed facility will be required to submit the same written verification and include the cumulative radiation and emissions of all such facilities;
 - h. Said facility, including any lighting, fences, shields, cabinets, and poles shall be maintained by the operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight;
 - i. The operator shall submit an annual maintenance report to the Department of Regional Planning by January 1, verifying the continued operation and maintenance of the said facility;

- j. Drought tolerant shrubs and trees shall be planted around the subject facility to screen the ground-mounted equipment box and utility pole.
 - k. The antennas and pole-mounted equipment box shall be painted an earthtone brown color similar to that of the wood utility pole.
 - l. The permittee shall maintain an insurance indemnification to the Malibu Meadows Homeowners' Association that holds the association harmless for the permittee's use of private roads owned by the association.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to Condition No. 9.
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. 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.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs 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 Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing before the expiration date.
7. 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.
8. **This grant will terminate on July 16, 2012**, unless an application for co-location at or below the approved height is received, in which case the grant shall be extended for an additional ten (10) years. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. Entitlement to the 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 the Department of 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.
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 of Los Angeles the sum of \$750.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 5 biennial inspections. Should an application for co-location be approved, an additional \$750 shall be deposited into said fund.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

11. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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.
14. In the event of such 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.
15. The property shall be developed and maintained in substantial conformance with the approved plans on file. All revised site plans must be accompanied by the written authorization of the property owner.