



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

November 20, 2012

Coastal Business Group  
Attn: Beth Broussard  
16150 Scientific Way  
Irvine, CA 92618

**REGARDING: PROJECT NO. R2012-00695-(4)  
CONDITIONAL USE PERMIT NO. 201200052  
Wireless facility near with Edison water tank, Santa Catalina Island**

Hearing Officer Mitch Glaser, by his action of **November 20, 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 **December 4, 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 fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Tyler Montgomery of the Zoning Permits West Section at (213) 974-6462, or by email at [TMontgomery@planning.lacounty.gov](mailto:TMontgomery@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m.

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  
c: Zoning Enforcement  
MK:TM

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-00695-(4)  
CONDITIONAL USE PERMIT NO. 201200052**

1. **ENTITLEMENT REQUESTED.** Pursuant to County Code Part 1 of Chapter 22.56, the applicant, AT&T Mobility, is requesting a CUP to authorize the continued operation of a wireless telecommunications facility. A wireless telecommunications facility is not a defined use in the County Code; however, staff has traditionally utilized the defined use of “radio and television stations and towers” as a comparable use. Radio and television stations and towers are uses subject to conditional use permits in all zones
2. **HEARING DATE.** November 20, 2012.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held before the hearing officer on November 20, 2012. Regional Planning staff gave a brief presentation recommending approval. The applicant’s representative, Ms. Beth Broussard, was sworn in and testified in favor of the project. She also requested that Condition Number 15, which required the covering of graffiti within 24 hours, be modified to allow more time for organizing repainting at the very remote site. The hearing officer, Mr. Mitch Glaser, agreed and extended the period of time to seven days. He subsequently closed the public hearing and approved the project.
4. **PROJECT DESCRIPTION.** The applicant seeks a conditional use permit (“CUP”) to authorize the continued operation and maintenance of a wireless telecommunications facility consisting of a 30-foot monopole, equipment cabinets, and other appurtenant facilities co-located on a property developed with an existing Southern California Edison above-ground water tank.
5. **LOCATION.** The project site is located on a ridgeline approximately two-thirds of a mile to the east of Two Harbors, Santa Catalina Island (APN 7480-040-801).
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing Southern California Edison water tank, 46 feet in height, which is located on the central portion of the 0.55-acre property. The antennas and equipment of four wireless telecommunications facilities are located immediately to the northwest of the tank. The wireless facility currently under consideration consists of four panel antennas mounted on a 30-foot-high monopole, and other equipment, including cabinets, meter, and GPS antenna, mounted on a 200-square-foot concrete slab approximately 40 feet to the south of the of the monopole. The property is accessed from the southeast by a private dirt driveway, which connects to Little Harbor Road, approximately 1,300 feet away.

7. **EXISTING ZONING.** The subject property is zoned C/SF (Organized Camps and Special Facilities) in the Santa Catalina Island Specific Plan. Surrounding properties within 500 feet are all zoned C/SF as well.
8. **EXISTING LAND USES.** The subject property is developed with an above-ground water tank and four wireless telecommunications facilities. Surrounding properties within 500 feet are all vacant and consist of steeply sloping terrain.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the C/SF (Organized Camps and Special Facilities) land use area of the Santa Catalina Island Local Coastal Plan. The C/SF land use designation is intended for the continuation and improvement of existing high intensity recreation and education facilities and activities while recognizing the importance of open space uses for resource conservation. The designation also allows for necessary infrastructure and communication facilities. The existing wireless telecommunications facility is for communication and, therefore, is consistent with the permitted uses of the underlying land use category.
10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project is subject to standards in the Santa Catalina Island Specific Plan. Because the wireless facility is already in existence and no modifications are proposed, there are no applicable development standards of the C/SF Zone (Section 22.46.440 of the County Code) or island-wide development standards, as specified in Section 22.46, Part 2 of the County Code.

In addition, all wireless telecommunications facilities seeking a new CUP must comply with certain development standards regarding height, design, and visual screening pursuant to Subdivision and Ordinance Policy Memo 01-2010 for wireless facilities. This policy requires that ground-mounted structures have a maximum height of 75 feet above grade or the height limit of the zone, whichever is less. The C/SF Zone has no specific height limit, and the existing facility monopole has a maximum height of 30 feet. The policy also requires that facilities co-locate with other utility structures when possible, as the existing facility does. Finally, the policy requires that wireless facilities be designed and located in such a way to minimize visual impact. While the existing facility is located on a ridgeline, it is located far from any habitable structures, is next to an existing water tank, and does not extend to a height above the water tank, which rises 46 feet above grade.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The continued operation of the wireless telecommunications facility is unlikely to adversely affect the health, peace, comfort or welfare of surrounding residents, be detrimental to surrounding properties, or create a hazard to public health, safety, or general welfare. The facility will be required to operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated are minimal. The proposed structures are relatively small in nature, and the photographs provided by the applicant indicate that they are relatively unobtrusive. The aesthetic impact of the existing 30-foot-tall monopole is lessened by its

placement immediately adjacent to the 46-foot-tall above-ground water tank. In addition, the project site is surrounded by vacant land in all directions, and staff has received no objections to the project from the public. The height of the utility pole, as maintained, is consistent with Regional Planning's Subdivision and Zoning Ordinance Policy No. 01-2010 for wireless telecommunication facilities, as the pole is not taller than 75 feet above grade. Also consistent with the policy is the fact that the facility is co-located with other utility structures.

The proposed facility would comply with all applicable development standards for the C/SF Zone and Santa Catalina Island Specific Plan. The project would also be adequately served by the private access driveway linking to Little Harbor Road, which would be adequate to accommodate periodic maintenance visits. One parking space is also provided by the existing driveway.

12. **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 web page posting. Because the site is not visible from any public road, the on-site posting requirement was waived.
13. **PUBLIC COMMENTS.** No public comments were received regarding the project.

#### **CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

14. The C/SF land use designation is intended for the continuation and improvement of existing high intensity recreation and education facilities and activities while recognizing the importance of open space uses for resource conservation. However, the designation also allows for necessary infrastructure and communication facilities. The Santa Catalina Island Local Coastal Plan also requires that any development "minimize risks to life and property in areas of high geologic, flood, and fire hazard." The existing wireless telecommunications facility is for communication, including emergency communication. Therefore, the proposed use will be consistent with the adopted general plan for the area.
15. The facility will be required to operate within safety standards of the Federal Communications Commission (FCC), and any sounds generated would be minimal. The structures are relatively small in nature, and their co-location with other utility structures makes them aesthetically unobtrusive. In addition, the project site is surrounded by vacant land in all directions, not visible from any public road, and staff has received no objections to the project from the public. Therefore, the requested use at the location proposed would not adversely affect persons or properties in the surrounding area.
16. The existing facility complies with all applicable development standards of the C/SF zone and the Santa Catalina Island Specific Plan. The existing paved service road, known as Summit to Summit Motorway, would also be adequate to

accommodate one parking space for periodic maintenance visits. One parking space is also provided by the existing driveway. Therefore, the proposed site is adequate in size and shape to integrate said use with the uses in the surrounding area.

17. The project would also be adequately served by the private access driveway linking to Little Harbor Road, which would be adequate to accommodate periodic maintenance visits. Only utility maintenance vehicles are permitted to use this driveway. Therefore, it is sufficient to carry the kind and quantify of traffic generated by the maintenance visits.

#### ENVIRONMENTAL DETERMINATION

18. The project consists of allowing the continued operation and maintenance of an existing wireless telecommunications facility. Therefore, the project qualifies for a Class 1—Existing Facilities—Categorical Exemption 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.
19. **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 to 15 years.
20. **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, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

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

- A. That the proposed use 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 substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. 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. 201200052 is APPROVED subject to the attached conditions.

Action Date:

MK:TM  
11/20/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-00695-(4)  
CONDITIONAL USE PERMIT NO. 201200052**

**PROJECT DESCRIPTION**

The project consists of the continued operation and maintenance of an existing wireless telecommunications facility consisting of a 30-foot monopole, equipment cabinets, and other appurtenant facilities co-located on a property developed with a Southern California Edison above-ground water tank, 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 has 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 November 20, 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 (one every other year) inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform to 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 seven days 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 by January 21, 2012.

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 regulations of the State Public Utilities Commission.
19. Upon final approval of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
20. 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.
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 Enforcement 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 obtain an encroachment permit if deemed necessary.
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. One parking space for maintenance vehicles shall continue to be provided. The space need not be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or other structures.
25. The maximum height of the wireless telecommunication facility shall not exceed 30 feet above finished grade.

26. Within 30 days of change in service provider ownership of the facility, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new owner.
27. The finished surface of the facility shall not be glossy or reflective in nature. The finish shall be graffiti-resistant and of the same color as the existing water tank.
28. 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.
29. 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.
30. 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.
32. 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. 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.