

# Hearing Officer Transmittal Checklist

<b>Hearing Date</b> 3/17/15
<b>Agenda Item No.</b> 8

**Project Number:** R2014-02325-(3)  
**Case(s):** Conditional Use Permit Case No. 201400106  
Environmental Assessment Case No. 201400183  
**Planner:** Kevin Finkel

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- California Coastal Commission Waiver De Minimis

**Reviewed By:** 



Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012

**PROJECT NUMBER**

R2014-02325

**HEARING DATE**

3/17/15

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201400106  
 Environmental Assessment No. 201400183

**PROJECT SUMMARY**

**OWNER / APPLICANT**

Sprint Nextel

**MAP/EXHIBIT DATE**

2/3/15

**PROJECT OVERVIEW**

The applicant requests a conditional use permit to authorize the continued operation of an existing wireless telecommunications facility with no changes located on a 43-foot utility pole in the public right-of-way pursuant to section(s) 22.44.810.J of the Los Angeles County Code. The requested entitlement replaces Conditional Use Permit no. 03-205-(3), which originally approved this facility on July 14, 2004 and expired on July 14, 2014. The facility consists of two omni whip antennas and one radio frequency unit cabinet mounted to the existing utility pole.

**LOCATION**

1199 Kanan Dume Road, Malibu

**ACCESS**

Kanan Dume Road

**ASSESSORS PARCEL NUMBER(S)**

Adjacent to 4471-019-903

**SITE AREA**

N/A – Utility Pole

**GENERAL PLAN / LOCAL PLAN**

Santa Monica Mountains Local Coastal Program

**ZONED DISTRICT**

Malibu

**LAND USE DESIGNATION**

OS-P (Open Space-Parks)

**ZONE**

O-S-P (Open Space-Parks)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

N/A

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Santa Monica Mountains Local Coastal Program
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.44.810.J (Santa Monica Mountains Local Implementation Program Permit Requirements)
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.40.430 (O-S Zone Development Standards)

**CASE PLANNER:**

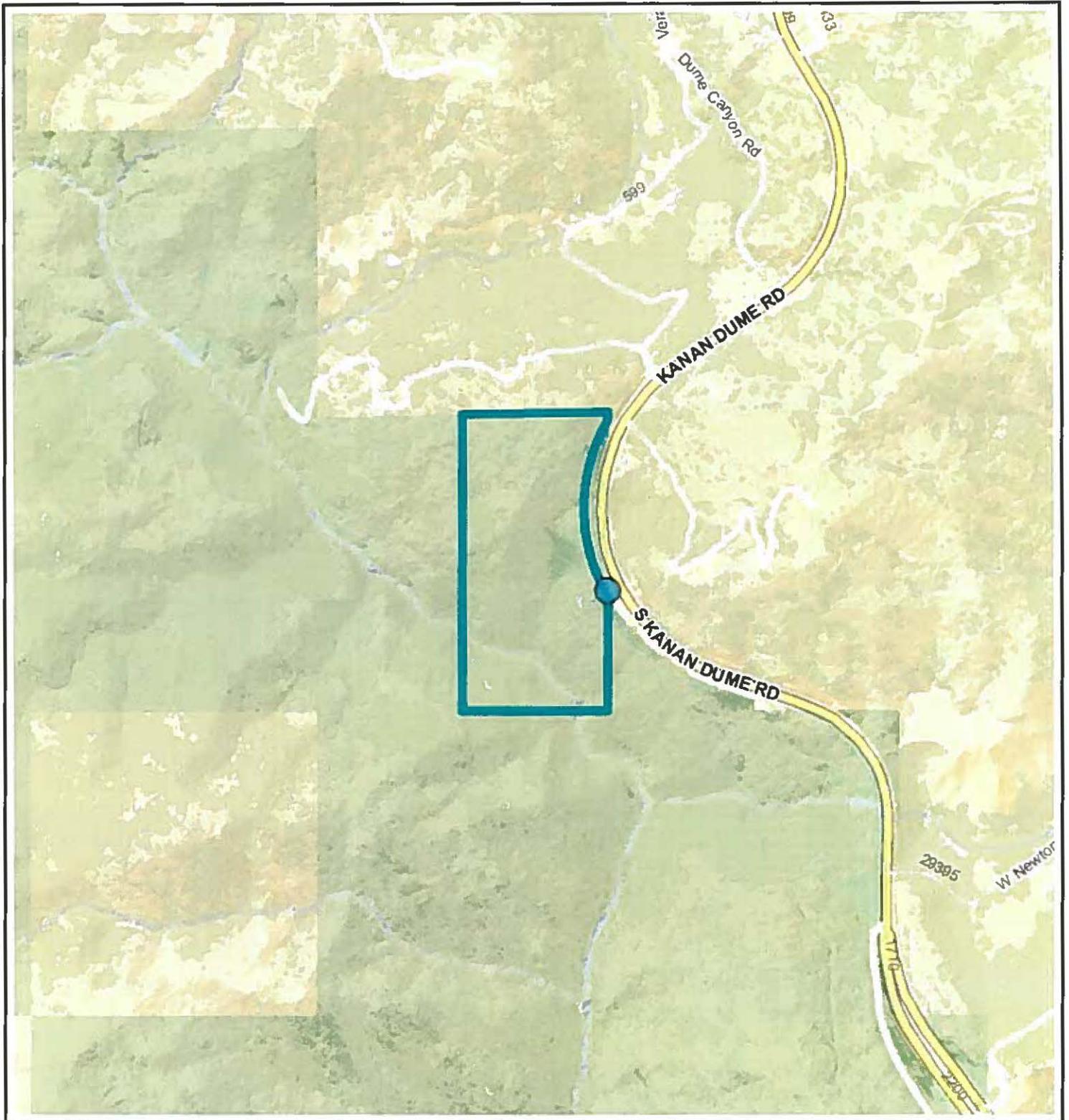
Kevin Finkel

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## Vicinity Map (Circle Depicts Approximate Location)

Printed: Feb 04, 2015



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**ENTITLEMENTS REQUESTED**

- Conditional Use Permit ("CUP") to authorize the continued operation of an existing wireless telecommunications facility with no changes on a utility pole in the public right-of-way pursuant to County Code Section 22.44.810.

**PROJECT DESCRIPTION**

The applicant, Sprint Nextel, is requesting a CUP to authorize the continued operation of an existing unmanned wireless telecommunications facility ("WTF"). Per County Code Section 22.44.810.J.3 of the Santa Monica Mountains Local Implementation Program ("SMMLIP"), if "the use remains unchanged from its previous approval, a replacement use permit of the same type may be granted. CUP No. 03-205-(3) approved the existing WTF on a new 50-foot on July 14, 2004; however, a 43-foot utility pole was actually constructed. The WTF consists of two omni whip antennas on 8-foot cross arms and one radio frequency unit ("RFU") cabinet mounted to the existing 43-foot utility pole. The project would replace the existing RFU with one of similar size and located at the same position on the utility pole. No additional changes are proposed. All equipment associated with the WTF will be painted brown to match the color of the utility pole.

The WTF is located in the public right-of-way at 1199 Kanan Dume Road adjacent to Assessor's Parcel Number 4471-019-903 in the Coastal Zone segment of the unincorporated Santa Monica Mountains. The WTF is located on the west side of Kanan Dume Road approximately one mile south of Latigo Canyon. The unmanned WTF requires only monthly maintenance visits.

**EXISTING ZONING**

The project site is zoned O-S-P (Open Space-Parks) and is located in the Malibu Zoned District.

Surrounding properties are zoned as follows:

North: R-C-20 (Rural Coastal Zone, 20 Acre Required Minimum Area) and O-S-P

South: R-C-20 and O-S-P

East: R-C-20 and O-S-P

West: R-C-20 and O-S-P

**EXISTING LAND USES**

The subject WTF is located in an unpaved portion of the public right-of-way approximately 21 feet from the edge of pavement. This portion of the public right-of-way is developed with the existing WTF mounted to a utility pole and an adjacent utility pole with a street light.

Surrounding properties are developed as follows:

North: Park land and vacant land

South: Park land and vacant land

East: Park land and vacant land

West: Park land and vacant land

**PREVIOUS CASES/ZONING HISTORY**

- CUP No. 03-205-(3) approved the existing WTF on a new 50-foot utility pole replacing an existing utility pole on July 14, 2004. This CUP expired on July 14, 2014.
- California Coastal Commission Waiver De Minimis Number 4-04-095-W permitted the development of the WTF on a new 50-foot utility pole replacing an existing utility pole on November 22, 2004.

**ENVIRONMENTAL DETERMINATION**

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The entitlement request is to authorize the continued operation and maintenance of an existing WTF with no changes. The project site is located in a rural part of the coastal zone segment of the unincorporated Santa Monica Mountains. As no changes are proposed, the continued operation of the project would not adversely affect the scenic quality of the area. The WTF is unmanned and would not generate any daily increase in traffic or other activity to the area. As such, the WTF is not expected to result in any environmental impacts. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

**STAFF EVALUATION**

Development in Coastal Zone segment of the unincorporated Santa Monica Mountains is guided by the Santa Monica Mountains Local Coastal Program ("SMMLCP"). The SMMLCP, consisting of the Santa Monica Mountains Land Use Plan ("SMMLUP") and the SMMLIP, was certified by the California Coastal Commission in October 2014 and replaced the 1986 Malibu Land Use Plan, which previously guided development in this area.

General Plan/Community Plan Consistency

The project site is located within the OS-P (Open Space-Parks) land use category of the SMMLUP. This designation is intended to provide recreation areas, preserve areas of biological, scenic, historical, and cultural value, and protect public health and safety. Uses consistent with this category include public parkland, beaches, passive recreation areas, resource conservation areas, low-intensity sanctuaries, open-space, equestrian activities, rural campgrounds, telecommunications facilities, and historical sites. The WTF is consistent with the land use category as telecommunications facilities are a listed intended use in this category. Therefore, the WTF is consistent with the underlying land use category.

The following policies of the LUP are applicable to the proposed project:

- *CO-152: Require wireless telecommunication facilities to be designed and sited in such a manner that they minimize impacts to visual resources and blend into the landscape. Such facilities shall be co-located where feasible. This may include requiring one taller pole rather than allow multiple shorter poles. New wireless telecommunication facilities may be disguised as trees of a species that*

*would likely be found in the surrounding area that blend with the natural landscape when it is not feasible to co-locate on an existing pole.*

- *LU-52: Limit the visual and safety impacts of wireless telecommunications facilities to preserve the character and aesthetics of surrounding areas, through careful design, screening, and mitigation requirements. Encourage undergrounding of accessory equipment, co-locating, and clustering wireless telecommunication facilities and structures, wherever possible, to help avert unnecessary proliferation of such facilities.*

The requested entitlement permits the continued operation of a WTF on a utility pole in the public right-of-way. By integrating a WTF with a minimalist design onto a utility pole, the impact of such a facility on visual resources and the aesthetic value of the area is minimized. Further, the type of equipment used for this WTF has a small footprint allowing all equipment to be mounted to the pole and avoid visual clutter at grade level. Finally, by utilizing a minimalist design, additional space exists on the utility pole to allow future co-location to help avert the unnecessary proliferation of these facilities. Therefore, the use is consistent with these policies.

#### Santa Monica Mountains Local Implementation Program Compliance

Projects in the Santa Monica Mountains Coastal Zone are subject to the provisions and standards of the SMMLIP. Pursuant to subsection 22.44.810.J.3 of the SMMLIP, when an existing use permit issued by the County expires and a coastal development permit or waiver issued by the California Coastal Commission (CCC) exists and no new development is proposed, a replacement permit of the same type may be granted. As the project has an existing waiver from the CCC and this request would not alter the previously approved WTF, the project meets all necessary requirements to request a new conditional use permit.

#### Zoning Ordinance and Development Standards Compliance

At the time the WTF was established in 2004 (prior to the certification of the SMMLCP), the project site was zoned A-1-1. At the time of approval, the WTF complied with all applicable zoning and development standards of the A-1-1 zone. The development standards that applied to this project are as follows:

##### A-1-1 Zone

- **Parking:** Pursuant to Section 22.24.110 of the County Code, establishments in the A-1-1 Zone are subject to the automobile parking space requirements outlined in Part 11 of Chapter 22.52. This section does not provide specific parking requirements for WTFs, but requires that for a use not specified, the Director shall determine the necessary quantity of parking. Because the WTF is unmanned, the project requires only minimal access for maintenance activities. The project site and the surrounding area provide ample existing parking to satisfy this need. Therefore, the project continues to be compliant with this requirement.

**Burden of Proof**

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

**Neighborhood Impact/Land Use Compatibility**

The project is located in a rural area of the Santa Monica Mountains. The WTF has been operational for approximately 10 years and no complaints or zoning violations have been filed during that time. The project area consists of a mix of single-family residences, vacant land, park space, and agricultural uses. WTFs are a use identified by the LUP as being compatible with these surrounding uses. Further, the WTF consists of a minimalist design and is mounted to an existing utility pole in the public right-of-way. All project components, including the antennas and RFU cabinet, are mounted to this pole thus minimizing the visual appearance associated with this type of equipment. As such, the WTF does not create a negative visual impact on nearby uses. Because the facility would continue to be unmanned and requires only one maintenance visit per month, the WTF will not generate any substantial increase in activity in the vicinity of the project site. Adequate access to the project site exists from improved local streets and highways. The project is the continuation of an existing facility on a utility pole in the public right-of-way, and as such, will not negatively impact the health, safety, and welfare of the neighborhood. Staff is of the opinion that this facility is compatible with the surrounding neighborhood.

The project is compliant with all applicable development standards of the A-1-1 Zone. The project site is served by existing public services and improved local roads and highways. Therefore, the project is not expected to have a negative effect on the environment or to impact existing public service and utility systems.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

As the project is an existing use not proposing any changes, County Departments were not consulted.

**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.

**PUBLIC COMMENTS**

Staff has not received any comments at this time.

**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 **APPROVAL** of CUP No. 201400106, subject to the attached conditions.

**SUGGESTED APPROVAL MOTION:**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NO. 201400106, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Kevin Finkel, AICP, Zoning Permits West Section  
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:  
Draft Findings  
Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Site Photographs  
Site Plan

MKK:KAF  
2/11/15

**DRAFT FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-02325-(3)  
CONDITIONAL USE PERMIT NO. 201400106**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on March 17, 2015, in the matter of Conditional Use Permit No. 201400106 ("CUP").
2. The permittee, Sprint Nextel, ("permittee"), requests a CUP to authorize the continued operation of an existing unmanned wireless telecommunications facility ("WTF") ("project") mounted to a 43-foot utility pole with no changes on a property located at 1199 Kanan Dume Road adjacent to Assessor's Parcel Number 4471-019-903 in the Coastal Zone segment of the unincorporated Santa Monica Mountains ("project site") pursuant to Los Angeles County Code ("County Code") Section 22.44.810.J.3. The Santa Monica Mountains Local Implementation Program (SMMLIP) allows a replacement use permit to be granted for a project where the previous use permit has expired if "the use remains unchanged from its previous approval." Because no changes to the design of the project are proposed, the permittee is eligible to request a new conditional use permit.
3. The project site is located on the west side of Kanan Dume Road approximately one mile south of Latigo Canyon in an unpaved portion of the public right-of-way approximately 21 feet from the edge of pavement.
4. The project site is located in the Malibu Zoned District and is currently zoned O-S-P (Open Space-Parks). Prior to certification of the Santa Monica Mountains Local Coastal Program (SMMLCP), the project site was zoned A-1-1 (Light Agricultural, one acre minimum lot size).
5. The project site is located within the OS-P (Open Space-Parks) land use category of the Santa Monica Mountains Local Coastal Program Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: R-C-20 (Rural Coastal Zone, 20 Acre Required Minimum Area) and O-S-P
  - South: R-C-20 and O-S-P
  - East: R-C-20 and O-S-P
  - West: R-C-20 and O-S-P
7. Surrounding land uses within a 500-foot radius include:
  - North: Park land and vacant land
  - South: Park land and vacant land
  - East: Park land and vacant land
  - West: Park land and vacant land

8. There are two previous approvals on the project site. CUP No. 03-205-(3) was approved on July 14, 2004 and permitted the construction of a WTF on a new 50-foot utility pole replacing an existing utility pole. However, a 43-foot utility pole was actually constructed. This CUP expired on July 14, 2014. California Coastal Commission Waiver De Minimis Number 4-04-095-W was approved on November 22, 2004 and permitted the development of the WTF on a new 50-foot utility pole replacing an existing utility pole.
9. The site plan for the project depicts an existing WTF mounted to an existing 43-foot utility pole in the public right-of-way. The WTF consists of two omni whip antennas mounted to 8-foot cross arms, a radio frequency unit cabinet ("RFU"), and associated mechanical equipment and cables all mounted to the utility pole. The applicant proposes to replace the existing RFU with one of similar size and mounted at the same location on the utility pole. All WTF equipment will be painted brown to match the color of the utility pole. The subject utility pole is adjacent to a second utility pole mounted with a street light.
10. The project site is located in the public right-of-way at 1199 Kanan Dume Road adjacent to Assessor's Parcel Number 4471-019-903 in the Coastal Zone segment of the unincorporated Santa Monica Mountains. The WTF is located on the west side of Kanan Dume Road approximately one mile south of Latigo Canyon. Primary access to the project will be via Kanan Dume Road.
11. The project is not required to provide a dedicated parking space as the maintenance visits will be periodic and the western shoulder of Kanan Dume Road can be used for parking.
12. Prior to the Hearing Officer's public hearing on the project, Regional Planning staff determined that the project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the project involves the continued operation of an existing unmanned WTF with no proposed changes.
13. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the project's public hearings by mail, newspaper, and property posting.
14. Prior to the Hearing Officer's public hearing, the Department of Regional Planning staff ("staff") did not receive any correspondence regarding this project.
15. The Hearing Officer finds that the project is consistent with the goals and policies of the Santa Monica Mountains Land Use Plan. As a WTF with a minimalist design on an existing utility pole, the project is consistent with policies encouraging minimizing impacts to visual resources and the aesthetic value of the surrounding area. Further, by utilizing a minimalist design, additional space exists on the utility pole to allow future co-locations and help avert the unnecessary proliferation of these facilities.

16. The Hearing Officer finds that the project meets the qualifications in the SMMLIP to apply for a new conditional use permit. Further, the Hearing Officer finds that the project is allowed in the subject zone with the approval of a conditional use permit. Finally, the Hearing Officer finds that the project is consistent with all applicable development standards of the O-S Zone as set forth in section 22.40.440 of the County Code.
17. The Hearing Officer finds that the project is in compliance with the parking requirements set forth in Part 11 of Chapter 22.52 of the County Code, which allows the Director to determine the parking requirements. Dedicated parking spaces are not required as only periodic maintenance is required for this use.
18. The Hearing Officer finds that the project is adequately camouflaged to prevent visual impacts to the surrounding neighborhood as it consists of a minimalist design with all project components off of the ground and mounted to the utility pole to minimize the visual appearance of the WTF. Further, the Hearing Officer finds that the project, as designed, is well integrated into the surrounding area.
19. The Hearing Officer finds that the project, as an existing unmanned WTF with no proposed changes to the design, will not generate any substantial increase in activity in the vicinity of the project site.
20. The Hearing Officer finds that the project, as an existing WTF with no proposed changes to the design, is adequately served by improved local roads and highways to accommodate the kind and quantity of traffic the project would generate.
21. The Hearing Officer finds that the project is compatible with the uses in the surrounding rural area of the unincorporated Coastal Santa Monica Mountains. The existing camouflaging of the WTF ensures that the project will not result in a significant visual impact to the area generally and to the surrounding park land and vacant land. Further, the Hearing Officer finds that the operation of the WTF with a minimalist design integrated into a utility pole is compatible with the surrounding area.
22. The Hearing Officer finds that to ensure continued compatibility between the project and surrounding land uses, it is necessary to limit the grant term of the conditional use permit to 15 years.
23. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Coastal Zone segment of the unincorporated Santa Monica Mountains. On February 9, 2015, a total of 21 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the project site, to those on the courtesy mailing list of the for the Malibu Zoned District, and to any additional interested parties.

24. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

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

- A. The proposed use with the attached conditions is consistent with the adopted Santa Monica Mountains Local Coastal Program.
- B. The proposed use at the site 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.
- C. 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.
- D. 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 HEARING OFFICER:**

- 1. Finds that the project is exempt from the California Environmental Quality Act pursuant to section 21000 et seq. of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. 201400106, subject to the attached conditions.

**ACTION DATE: MARCH 17, 2015**

MKK:KAF  
February 17, 2015

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-02325-(3)  
CONDITIONAL USE PERMIT NO. 201400106**

Section 22.44.810.J.3 of the Santa Monica Mountains Local Implementation Program, "a replacement use permit of the same type with the same conditions may be granted." The authorized unmanned wireless telecommunications facility ("WTF") was originally approved as part of a batch of several WTFs in the project area. The following conditions reflect the application of the conditions to several projects and should be implemented as they apply to this WTF.

**GENERAL CONDITIONS**

1. These grants authorize the use of the subject properties for three (3) unmanned wireless telecommunications facilities at sites located along the north side of Kanan Road between Triunfo Canyon Road and Mulholland Highway (03-203), on the south side of Mulholland Highway between Latigo Canyon Road and Kanan Dume Road (03-204), and west side of Kanan Dume Road Between Latigo Canyon Road and Newton Canyon Road (03-205) as depicted on the approved Exhibit "A". The grants are subject to all of the following conditions of approval.
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 these grants.
3. These grants shall not be effective for any purpose until the permittee, and the owner of the subject properties 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 these grants and that the conditions of the grants have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
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 attach, set aside, void or annul these permit approvals, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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 in accordance with Los Angeles County Code Section 2.170.010
6. These grants shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, at least six (6) months before the expiration date.
  7. If any provision of these grants is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
  8. Prior to use of these grants, the terms and conditions of the grants shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject properties during the term of these grants, the permittee shall promptly provide a copy of the grants and its terms and conditions to the transferee or lessee, as applicable, of the subject properties.
  9. **This grant shall terminate on March 17, 2030** except as otherwise provided in Condition No. 16(g). Entitlement to the use of the properties thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six (6) months prior to the termination date of these permits, whether or not any modification of the uses are requested at that time.
  10. The subject properties shall be maintained and operated in full compliance with the conditions of these grants and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject properties. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of these grants, the permittee shall deposit with the County of Los Angeles the sum of **\$1,600.00** (8 inspections at \$200). These monies shall be placed in a performance fund that 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, including adherence to development in accordance with the approved site plans on file. The fund provides for **(8) inspections of the**

**site, every other year over the 15 year period. Inspections shall be unannounced.**

If additional inspections are required to ensure compliance with the conditions of these grants, or if any inspection discloses that the subject properties are being used in violation of any condition of these grants, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject properties into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection).

11. Notice is hereby given that any person violating a provision of these grants 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 these grants, if the Commission or hearing officer finds that these conditions have been violated or that these grants have been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject properties must be complied with unless specifically modified by these grants, as set forth in these conditions or shown on the approved plans.
13. Upon approval of these grants, the permittee shall contact Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the properties from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. Within sixty (60) days of the approval date of these grants, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A", similar to that presented at the public hearing, that depicts all required or proposed project changes, including the following: Landscaping at the site, including the size, type and location of all plants and trees. The landscaping shall conform to any existing landscaping on or adjacent to the site. The properties shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans 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 properties' owner.
16. The construction, operation and routine maintenance of the unmanned wireless telecommunications facility is further subject to all of the following conditions:

- a. Construction and maintenance of the facilities shall take place between the hours of 9:00 A.M. to 5:00 P.M., Monday through Friday only;
- b. During construction, the permittee and its contractor shall comply with Sections 12.12.010 - 12.12.100 of the Los Angeles County Code regarding building construction noise;
- c. The permittee shall ensure that any existing vegetation outside the fuel modification zone is not damaged during construction activities;
- d. The facilities shall be operated in accordance with regulations of the State Public Utilities Commission and in accordance with the emission standards of the Federal Communications Commission;
- e. The facility shall be on flat rate power. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A", are authorized by these grants;
- f. All structures, including antennas and above-ground ventilation stacks, shall be permanently colored or painted a neutral, earth-tone color, excluding black, to blend into and harmonize with the surroundings, shall not be glossy or reflective in nature and shall be maintained in good condition at all times. Stone used for facing on the proposed retaining wall shall be native to the Santa Monica Mountains;
- g. These grants entitle the permittee to install the unmanned wireless telecommunications facility on the existing or replacement utility poles but do not entitle the permittee to retain the poles for its sole uses 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. 9, if the existing pole is removed prior to the termination date of these grants, these grants 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;
- h. The permittee shall maintain all areas of the premises over which the permittee has control in a neat and orderly fashion, free of litter and debris. All required landscaping shall be continuously maintained in good condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary;
- i. 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.

- j. One parking space shall be required on the site or nearby for maintenance vehicle parking;
- k. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times; and
- l. Upon termination of these grants as provided in Condition No. 9 or 16 (g), or, if after the construction of these facilities, the facilities have ceased to operate, the permittee shall remove such facilities and clear the site of all equipment. The permittee shall restore the sites as nearly as practicable to their condition prior to the installation of the subject facilities. Failure to remove such facilities as required herein shall constitute a public nuisance. Prior to installation of its facilities, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of removal of the facilities as provided herein. In the event the facilities are not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facilities to be removed.



**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 on a wooden utility pole located within the public right of way and blends in with the rural character of the area. two omni whip antenna are mounted to a wood cross arm to match the wooden utility pole; the installation is not detrimental or visually intrusive to the abutting and surrounding area; nor 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:**

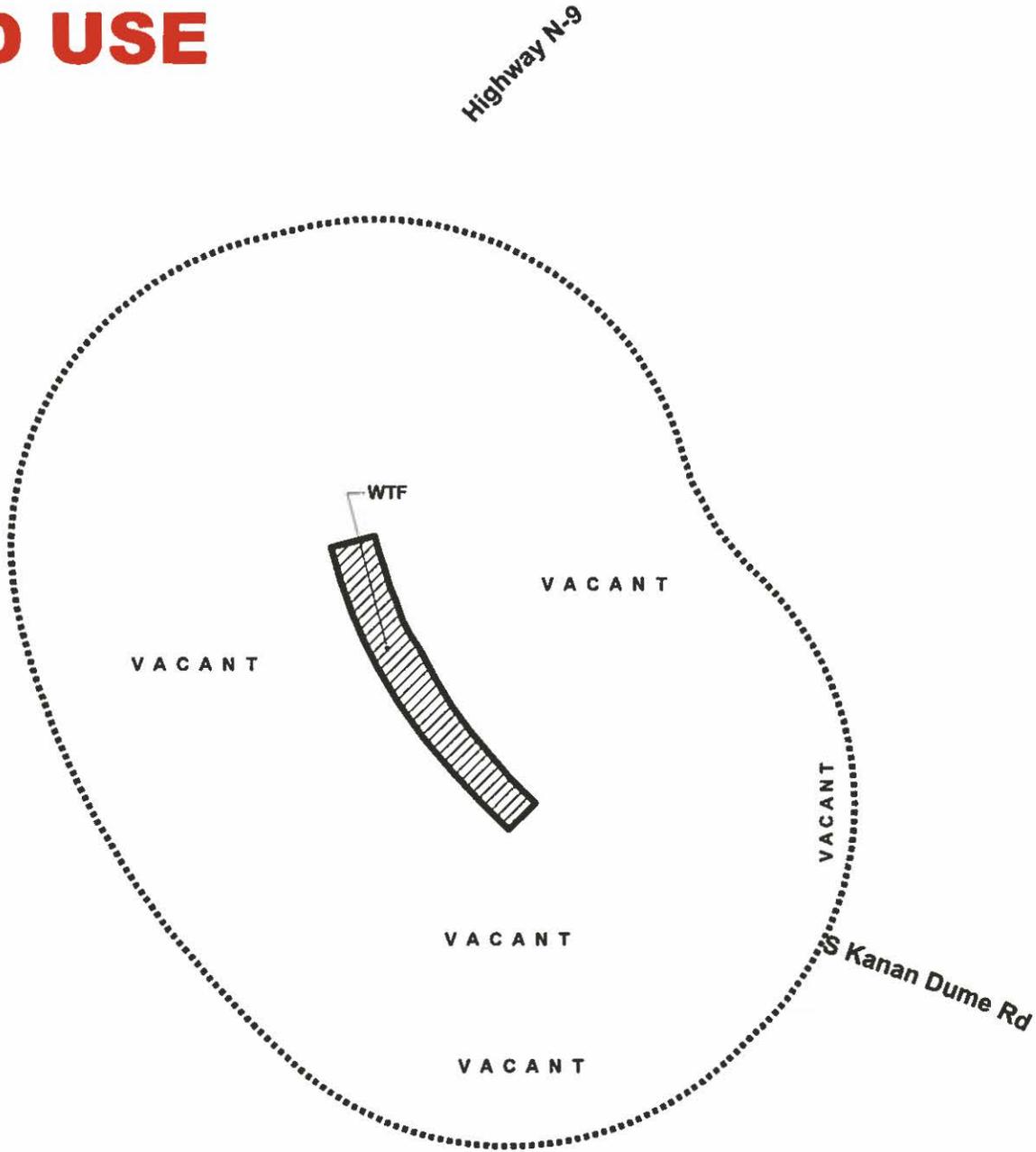
1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

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





# LAND USE



## LAND USE 500 FOOT RADIUS MAP

Proj. R2014-02325 (3)  
RCUP 2014-00106

### Legend

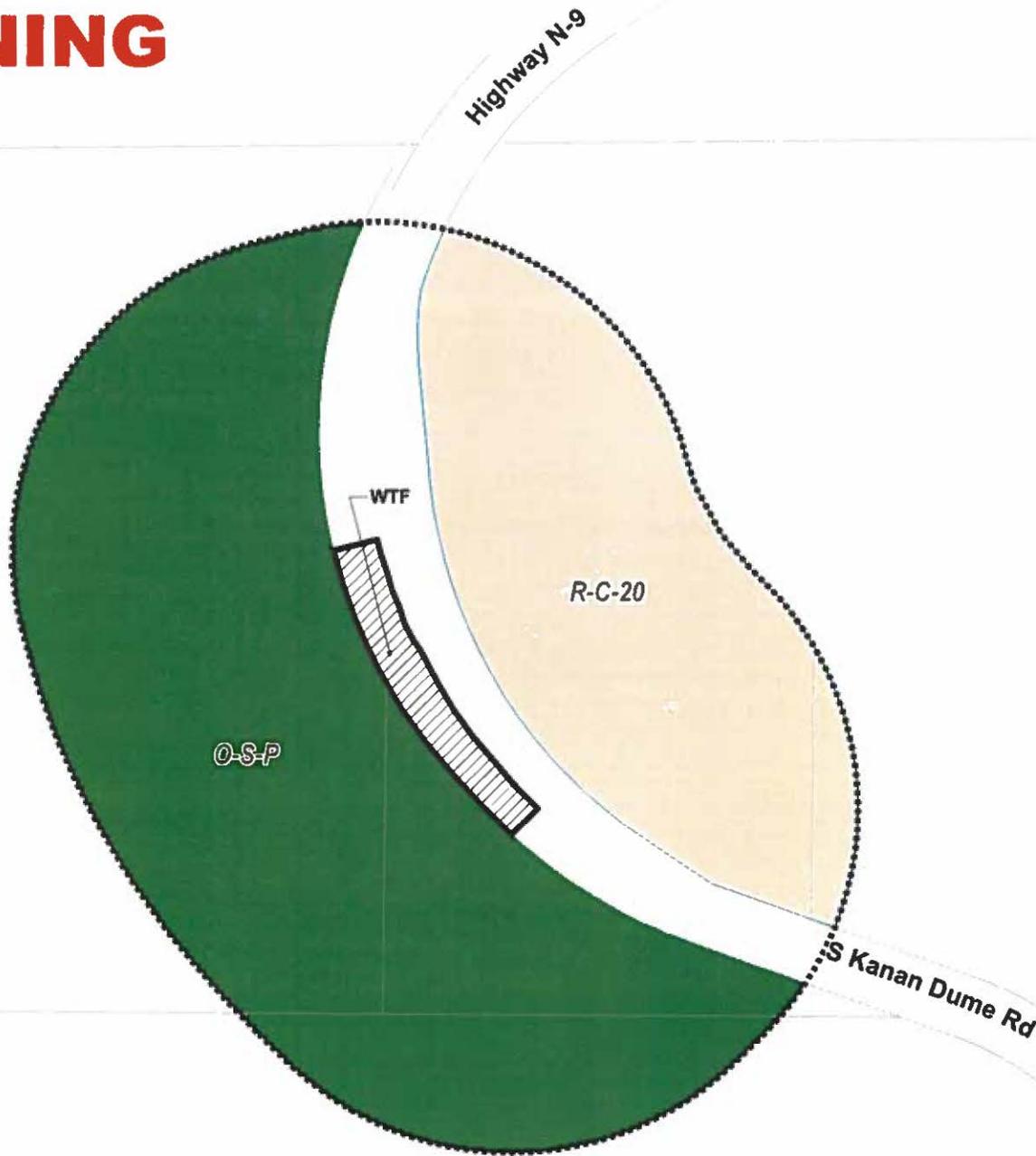
VACANT

### VICINITY MAP



LOS ANGELES COUNTY  
Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

# ZONING



## ZONING 500 FOOT RADIUS MAP

Proj. R2014-02325 (3)  
RCUP 2014-00106

### Legend

-  R-C - RURAL - COASTAL
-  O-S-P - OPEN SPACE - PARKS

### VICINITY MAP



0 40 80 160 240 320 Feet



LOS ANGELES COUNTY  
Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800  
www.coastal.ca.gov



NOTICE OF PERMIT WAIVER EFFECTIVENESS

DATE: November 22, 2004  
TO: Sprint P C S  
FROM: Peter M. Douglas, Executive Director  
SUBJECT: Waiver De Minimis Number 4-04-095-W

Please be advised that Waiver Number 4-04-095-W, which was reported to the Commission on November 19, 2004, became effective as of that date. Any deviation from the application and plans on file in the Commission office may require a coastal development permit for the entire project.

- APPLICANT: Sprint P C S
- LOCATION: 1199U Kanan Dume Road, Malibu (Los Angeles County)
- DESCRIPTION: Installation of a wireless communication facility within the right-of-way of the road, including replacement of an existing 50 foot tall utility pole with a new 50 foot tall utility pole two feet south of its existing location. The proposed facility will consist of two (2) 42"x1.5"x1" antennas mounted to the new utility pole on two 8 foot wide cross arms located at 24 feet above grade; a 34.8"x20"x10.4" radio frequency unit (RFU) located at 8 feet above grade; and two approximately 10"x10" disconnect boxes located below the RFU. There will be no above ground equipment cabinets associated with the proposed facility.

Should you have any questions, please contact our office.

Sincerely,

PETER M. DOUGLAS  
Executive Director

By: LILLIAN FORD  
Coastal Program Analyst