Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 21, 2015

Sarah Freed
Synergy Development Services
7543 Woodley Ave #201
Van Nuys, CA 91406

REGARDING: **PROJECT NO. R2014-03359-(5)**
CONDITIONAL USE PERMIT NO. 201400164
26650 THE OLD RD (APN 2826-142-161)

Hearing Officer John Calas, by his action on April 21, 2015, 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 the 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 **May 5, 2015. 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. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions on the following page. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Thuy Hua of the Zoning Permits North Section at (213) 974-6443, or by email at thua@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Rob Glaser, Acting Supervising Regional Planner
Zoning Permits North Section

CC 060412

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement

RG:TH

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03359-(5)
CONDITIONAL USE PERMIT NO. 201400164

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400164 ("CUP") on April 21, 2015.

2. The permittee, T-Mobile ("permittee"), requests the CUP to authorize the continued operation and maintenance of an existing unmanned wireless telecommunications facility ("WTF") on the rooftop of an office building ("Project") on a property located at 26650 The Old Road (APN 2826-142-161) in the unincorporated community of Santa Clarita ("Project Site").

3. The CUP is a request to authorize the continued operation and maintenance of an existing unmanned WTF located on the rooftop of a three-story office building in the C-3 Zone. The upgrade to the existing site includes 700 MHz frequency antennas. The scope of work includes moving the one existing antenna from one position to another within each sector, adding one (1) new 4-foot Commscope antenna within each sector, adding one (1) new remote radio unit (RRU) per sector, installing DC-conductors to the new RRUs, and upgrading the DC-power in the equipment cabinet. When completed, the WTF consists of nine (9) panel antennas and twelve (12) remote radio units located in three sectors behind parapets along with a 12'-0" x 10'-0" lease area containing equipment cabinets and other ancillary equipment on the roof. The project will extend to a height of 46'-6" at the top of the antennas. Previously approved CUP 03-391 expired June 1, 2014.

4. The Project Site is 3.82 acres in size and consists of one legal lot. The Project Site is irregular in shape and is developed with an existing three-story office building.

5. The Project Site is located in the Newhall Zoned District and is currently zoned C-3 (Unlimited Commercial).

6. The Project Site is located within the CM (Major Commercial) land use category of the Santa Clarita Valley Area Plan Land Use Policy Map.

7. Surrounding Zoning within a 500-foot radius includes:

North:	C-3, RPD (Residential Planned Development)
South:	O-S (Open Space), C-R (Commercial Recreation)
East:	O-S
West:	C-R

8. Surrounding land uses within a 500-foot radius include:

   North: Vacant, juice store, barber, coffee store, restaurant, multi-family residential
   South: Vacant
   East: Vacant land, Interstate 5
   West: Golf course

9. Several CUPs have been granted for this property for wireless telecommunication facilities by other carriers. These permits are listed below and are independent of the Project.

CASE NUMBER	PROJECT DETAIL
RCUP 03-391	Authorized construction, operation, and maintenance of unmanned WTF (Cingular Wireless). Approved June 1, 2004.
RCUP 200600224	Authorized construction, operation, and maintenance of unmanned WTF (Royal Street Communications). Approved February 19, 2008.
RCUP 201100108	Authorized construction, operation, and maintenance of unmanned WTF (AT&T) Approved February 19, 2013.
RCUP 201300176	Authorized construction, operation, and maintenance of unmanned WTF (Verizon Wireless). Approved November 4, 2014.

10. The site plan for the Project depicts the existing unmanned rooftop WTF located behind existing parapet walls matching the three-story office building. The nine antennas are distributed across three sectors located behind the parapet walls, each sector containing three antennas and four remote radio units. A 12'-0" x 10'-0" lease area contains equipment cabinets. One non-exclusive parking stall is located on the on the far east side of the Project Site.

11. The Project Site is accessible via The Old Road which runs along the western boundary of the Project Site.

12. The WTF requires only periodic maintenance and the maintenance vehicle can use the non-exclusive parking stall located within the on-site parking provided by the office building use. No additional parking is required to be provided

13. Prior to the Hearing Officer's public hearing on the Project, the Department of Regional Planning Staff ("Staff") determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code Section 2100, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued operation and maintenance of a WTF on a three-story office building, with negligible or no expansion of the use beyond that which was previously existing.

14. 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 hearing by mail, newspaper, and property posting.

15. Prior to the Hearing Officer's public hearing, Staff did not receive any comments from the public regarding the Project.

16. A duly noticed public hearing was held on April 21, 2015 before the Hearing Officer. The applicant's representative, Sarah Freed, testified on behalf of the applicant and in support of the project. There was no further testimony. The Hearing Officer requested that Condition No. 36 be revised to cite the specific section of Title 12 applicable to the project. The Hearing Officer then closed the public hearing and approved the project.

17. The Hearing Officer finds that the Project is consistent with the goals and policies of the Santa Clarita Valley Area Plan. The project site is located within the Major Commercial (CM) land use category of the Santa Clarita Valley Area Plan. This designation identifies major commercial districts and is intended to promote the development of regional focal points for commercial, entertainment, and cultural uses serving the general public and drawing from a large market area. Allowable uses in this designation include regional shopping centers; retail sale of automobiles and recreation vehicles, furniture, and home improvement goods; theaters and other large-scale entertainment uses; corporate offices and financial institutions; day care centers; and hotels, restaurants, and other hospitality services. The WTF is located on the roof of an existing office building and is minimally intrusive to the use of the site and of the area. The project is therefore consistent with the permitted uses of the underlying land use category.

18. The Hearing Officer finds that the Project is consistent with the County Code. A wireless telecommunications facility is a use not specified in the County Code. The closest described uses are radio and television towers. Section 22.32.070 of the County Code permits these uses in the C-3 zone, provided a conditional use permit has first been obtained.

19. The Hearing Officer finds that the WTF has been integrated into the roofline of the three-story office building and that the operation of the WTF can be accomplished without disrupting or changing the operation or character of the existing commercial area. The WTF will be unmanned, so it will have no impact on traffic or have any adverse impact on adjacent land uses. Therefore, the requested use at the proposed site will not adversely affect the health, peace, comfort or welfare of persons residing or working the 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.

20. The Hearing Officer finds that the WTF has been placed on the existing office building's rooftop and that the antennas are proposed to be hidden behind parapet walls integrated into the existing building's architecture through paint and texture.

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

21. The Hearing Officer finds that the WTF has been integrated into an existing office building and does not require any new public infrastructure to construct, operate, or maintain. The operating characteristics of the WTF are that it is unmanned and will not generate additional traffic. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic that such use would generate, and by other public or private service facilities as are required.

22. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use to fifteen (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 the Department of Regional Planning's website and at the Valencia Library. On March 10, 2015, a total of 57 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site.

24. The location of the documents and other materials constituting the record of the 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 North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

A. The proposed use with the attached conditions will be consistent with the adopted Santa Clarita Valley Area Plan.

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 15303 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and

2. Approves Conditional Use Permit 201400164, subject to the attached conditions.

ACTION DATE: April 21, 2015

RG:TH
4/21/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-03359-(5)
CONDITIONAL USE PERMIT NO. 201400164

PROJECT DESCRIPTION

The project is a request to authorize the continued operation and maintenance of an existing unmanned wireless telecommunications facility ("WTF"). The upgrade to the existing WTF includes 700 MHz frequency antennas. The scope of work includes moving the one existing antenna from one position to another within each sector, adding one (1) new 4-foot Commscope antenna within each sector, adding one (1) new remote radio unit (RRU) per sector, installing DC-conductors to the new RRUs, and upgrading the DC-power in the equipment cabinet. When completed, the WTF will consist of nine (9) panel antennas in existing roof parapet enclosures, twelve (12) remote radio units, and a 12'-0" x 10'-0" lease area containing equipment cabinets and other ancillary equipment on the roof. The original project was previously approved through CUP 03-391 and expired on June 1, 2014. The project will extend to a height of 46'-6" at the top of the antennas within the C-3 (Unlimited Commercial) Zone subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and 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 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 reasonably 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 reasonably 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 April 21, 2030**. 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 by November 5, 2015, which is six (6) months 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. For the purposes of this provision, the continued use of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1,600.00**. 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 to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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 of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. 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.

17. 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 **July 21, 2015**.

18. 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

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.

20. The permittee shall provide upon request to the Zoning Enforcement Section 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.

21. Insofar as is feasible, the permittee 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.

22. Any proposed WTF that will be co-locating on the facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.

23. All structures shall conform to the requirements of the Department of Public Works Division of Building and Safety or other appropriate agency and obtain an encroachment permit if deemed necessary.

24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences and open space. Pole-mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

25. If the subject property is adjacent to residences, 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.

26. Placement and height of all structure-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.

27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles.

28. The maximum height of the top of the antennas shall not exceed 46'-6" above grade level.

29. The facility shall be concealed by roof mounted parapet walls. The parapet walls shall be integrated into the building's architecture through design, color, and texture.

30. 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.

31. 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 by the permittee within thirty (30) days of notice. Weathered, faded, or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within thirty (30) days of notice.

32. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.

33. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.

34. Upon termination of this grant or after 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 Regional Planning and any other government agency. In the event the facility is not so removed within ninety (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.

35. New equipment added to the roof shall be screened and submitted to the Director pursuant to Condition No. 18.

PROJECT SITE SPECIFIC CONDITIONS

36. All development pursuant to this grant shall comply with the requirements contained in the noise control ordinance, Section 12.08.440, during construction and during maintenance work or non-emergency operations of the generator.

4/21/15