Hearing Officer Transmittal Checklist

Hearing Date
04/19/2016
Agenda Item No.
9

Project Number: R2015-02280-(3)

Case(s): Conditional Use Permit Case No. 20150090
Environmental Assessment Case No. 201500154

Planner: Greg Mirza-Avakyan

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☒ Site Plan / Equipment Plans / Elevations
- ☒ Photographic Visualizations

Reviewed By: _____

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

PROJECT NUMBER
R2015-02280

HEARING DATE
April 19, 2016

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201500090
Environmental Assessment No. 201500154

PROJECT SUMMARY

OWNER / APPLICANT
T-Mobile West LLC / Pepperdine University

MAP/EXHIBIT DATE
11/05/2015

PROJECT OVERVIEW
The applicant, T-Mobile West LLC requests a conditional use permit to authorize the construction, operation, and maintenance of a wireless telecommunications facility consisting of nine (9) panel antennas, nine (9) RRUs, one (1) microwave dish antenna, and four (4) equipment cabinets to be mounted on the roof of the Keck Building on the Pepperdine University Campus.

LOCATION
24255 Pacific Coast Highway

ACCESS
Ingress and egress to the site by internal roads from Pacific Coast Highway or Malibu Canyon Road.

ASSESSORS PARCEL NUMBER(S)
4458-038-010

SITE AREA
225 square feet

GENERAL PLAN / LOCAL PLAN
Pepperdine University Long Range Development Plan

ZONED DISTRICT
Malibu

LAND USE DESIGNATION
P – Public and Semi-Public

ZONE
A-1-1-DP (Light Agricultural – one acre minimum required area – Development Program)

PROPOSED UNITS
N/A

MAX DENSITY/UNITS
N/A

COMMUNITY STANDARDS DISTRICT
N/A

ENVIRONMENTAL DETERMINATION (CEQA)
Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

KEY ISSUES
- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.24.110 (A-1 Zone Development Standards)

CASE PLANNER:
Greg Mirza-Avakyan

PHONE NUMBER:
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E-MAIL ADDRESS:
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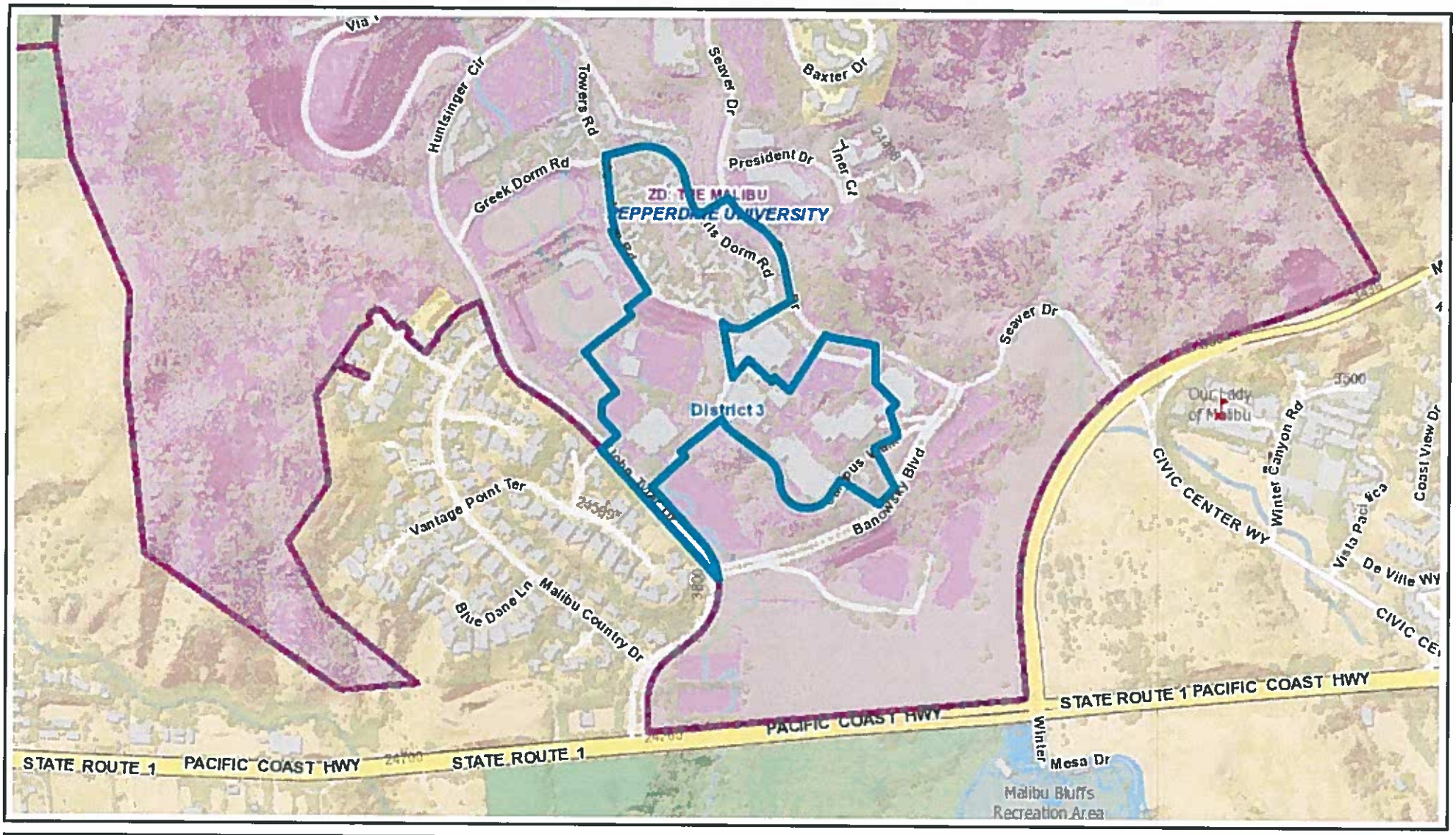

Property Location Map

24255 Pacific Coast Highway

Printed: Mar 23, 2016

0 1,000
Feet

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the construction, operation, and maintenance of a wireless telecommunications facility (WTF). A WTF is not a specified use in the County Zoning Code. The comparable use is a radio transmission tower, which is subject to a CUP in the in the Zone pursuant to County Code Section 22.24.100.

PROJECT DESCRIPTION

The project is a request for a CUP to authorize the construction, operation, and maintenance of wireless telecommunications facility (WTF) consisting of nine (9) panel antennas, nine (9) RRUs, one (1) microwave dish antenna, and four (4) equipment cabinets to be mounted on the rooftop of the Keck/Appleby administrative building on the Pepperdine University Campus at 24255 Pacific Coast Highway. The WTF will cohabitate on the building rooftop with existing wireless facilities by other carriers. All of the panel antenna equipment will be screened from view by Fiber Reinforced Plastic (FRP) screening, which will replace, but maintain an appearance identical to the existing parapet. The 15.3" diameter microwave dish, which is mounted to the side and projects over the top of a parapet wall, will not be visible from the street. The equipment cabinets and utility racks will be fully screened from view with an existing roof shed. The lease area is 225 square feet and is located at various locations on the roof of the Keck/Appleby building.

EXISTING ZONING

The subject property is zoned A-1-1-DP (Light Agricultural – one acre minimum required area – Development Program).

Surrounding properties are zoned as follows:
North: A-1-1-DP
South: City of Malibu
East: A-1-1-DP
West: A-1-1-DP

EXISTING LAND USES

The subject property is developed with a university campus building that is 75-foot-tall at its highest point.

Surrounding properties are developed as follows:
North: University Campus and State Park
South: Pacific Coast Highway
East: University Campus and Vacant
West: Residential

PREVIOUS CASES/ZONING HISTORY

The campus was originally established in the early 1970's after the Regional Planning Commission approved a zone change that allowed campus development. The campus came under the jurisdiction of the Coastal Commission with the adoption of the Coastal

Act of 1976. The Pepperdine University Long Range Development Plan (LRDP) was certified by the Coastal Commission in the mid-1980s to provide guidance for future expansion of the campus.

Key permit cases are as follows: in 1972, Conditional Use Permit No. 133 was approved to establish the original campus, and Variance no. 82 established parking requirements of one parking space for each full-time-equivalent student. In February, 1987 Conditional Use Permit No. 2432 established a campus master plan. On July 7, 1987 the Board of Supervisors approved the DP zone change as Ordinance No. 87-0106Z, zone case 85-007, and in August of 1987, the zone change went into effect, creating the Development Program (DP) designation for the whole campus. In May, 1999 Conditional Use Permit No. 97191 was approved to establish the graduate campus. Numerous subsequent conditional use permits entitled various campus additions and various minor improvements including wireless telecommunications facilities.

On January 20, 2009 an application by T-Mobile USA for Conditional Use Permit No. 200800190-(3) was approved by the Hearing Officer to authorize the construction, operation, and maintenance of an unmanned WTF on the rooftop of the Keck/Appleby building on the Pepperdine Campus. However, the CUP expired, as the WTF was never constructed. The WTF approved by the abovementioned CUP would have been located on the same rooftop as the current proposal; however, the layout and location of the equipment was not the same as the new proposal.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 3 Exemption, New Construction or Conversion of Small Structures) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request to construct a wireless telecommunications facility that will occupy a 225-square foot lease area, which is considered a small structure that qualifies for a Class 3 exemption. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is a public and semi-public facility. It is consistent with the General Plan policies for public and semi-public facilities and community-serving uses, including public buildings and campuses, schools, hospitals, cemeteries, and fairgrounds; airports and other major transportation facilities. A wireless telecommunication facility (WTF) is a use associated with public and semi-public areas and is therefore consistent with the permitted uses of the underlying land use category. The project is within the Pepperdine University Long Range Plan and requires a Notice of Intended Development from the Coastal Commission.

The following policies of the General Plan are applicable to the proposed project:

- *Policy PS/F 6.2 (Public Services and Facilities): Improve existing wired and wireless telecommunications infrastructure.*

  The proposed project will allow T-Mobile Wireless to fill a gap in the coverage of wireless service in the area.

- *Policy PS/F 6.3 (Public Service and Facilities): Improve access to wireless technology networks, while minimizing visual impacts through co-location and design.*

  The proposed WTF will expand access to a wireless technology network by filling a gap in coverage for the T-Mobile network in the area. The WTF is proposed to be integrated into the building's architecture through design, color, and texture and is fully screened in order to minimize visual impacts.

- *Policy S 4.1(Safety): Ensure that residents are protected from the public health consequences of natural or man-made disasters through increased readiness and response capabilities, risk communication, and the dissemination of public information.*

  Cell phones provide one of the primary methods in which the public engages in communication and the dissemination of public information. The proposed project will fill a gap in wireless coverage, which will improve the ability of the public to communicate in an emergency.

<u>Zoning Ordinance and Development Standards Compliance</u>

Pursuant to Section 22.24.110 of the County Code, establishments in the A-1 Zone are subject to the following development standards:

- Yards – the structure meets the yard requirements for the A-1 Zone, which defers to the yard requirements for the R-1 Zone. The required front yard in this zone shall be no less than 20 feet in depth. The required side yard shall be no less than five feet in depth, and the rear yard shall be no less than 15 feet in depth. The WTF equipment is proposed to be located well outside these required setbacks.
- Parking – Per section 22.52.1220 of the County Code, for uses not specified, the director determines the required parking necessary to prevent traffic congestion and excessive on-street parking. The wireless facility is unmanned, and should not generate traffic and congestion, as it will require only periodic maintenance. When maintenance is needed, the vehicle can use the on-site parking adjacent to the building area. No designated parking space is required.

<u>Wireless Telecommunication Facilities Standards</u>

The project is subject to the following standards in the Subdivision & Zoning Ordinance Policy No. 01-2010:

- Height – The structure-mounted WTF equipment does not project over the building roof line, with the exception of the microwave dish antenna, which projects 10 feet over the roof line – which is less than the maximum 16 feet.

- Design – All of the WTF antennae and equipment are screened from view to minimize visual impacts.
- Co-Location – The applicant is proposing to locate the WTF equipment on the roof of the same building where two other carriers currently co-habitate their WTFs.
- Security – The WTF equipment is located on the rooftop of a building and only has private access from inside the building.

Site Visit
Staff conducted a site visit on September 16, 2015. The site was observed from the ground level, and appeared exactly as shown in the photo simulations provided by the applicant. The locations and proposed screening of the WTF equipment is such that there will not be a visual effect on the building, and the facilities will not contribute negatively to the aesthetic of the Pepperdine campus.

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
Wireless facilities are found in all zones and land use categories within unincorporated Los Angeles County. They provide important communication infrastructure that supports public services and safety. This WTF is proposed to be built on a campus with mixed residential, educational, and institutional uses. The aesthetic impacts of the project have been appropriately addressed by placing the WTF onto an existing building and integrating the equipment into the architecture through design, color, and texture. The bulk of the WTF equipment is fully screened, with the exception of one microwave dish antenna, which will not be visible from the rest of campus. The proposed equipment makes use of existing facilities.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS
The Los Angeles County Departments of Public Works (DPW) and Fire were consulted on this permit request. Fire stated that they did not need to review this project. DPW cleared the project for public hearing, with a condition of approval related to the ability of the building roof to handle the addition of the WTF equipment. This condition is included in the Conditions of Approval for this project.

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 from the public.

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 Project Number R2015-02280, Conditional Use Permit Number 201500090, 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.

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 201500090 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Greg Mirza-Avakyan, Regional Planning Assistant II, 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, Photo Simulations, Aerial Image
Site Plan, Land Use Map

MKK:GMM
April 5, 2016

DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02280-(3)
CONDITIONAL USE PERMIT NO. 201500090

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500090 ("CUP") on April 19, 2016.

2. The permittee, T-Mobile West LLC, requests the CUP to authorize the construction operation, and maintenance of a wireless telecommunications facility (WTF) on a property located at 24255 Pacific Coast Highway in the Pepperdine University Community ("Project Site") in the A-1-1-DP (Light Agricultural – one acre minimum required – Development Program) Zone pursuant to Los Angeles County Code ("County Code") section 22.24.100. The Project is located within The Malibu Zoned District and is currently Zoned A-1-1-DP (Light Agricultural – one acre minimum required area – Development Program).

3. The Project is located within The Malibu Zoned District and is currently zoned A-1-1-DP (Light Agricultural – one acre minimum required area – Development Program).

4. The Project Site is developed with public and semi-public facilities and is consistent with the General Plan policy for such facilities. The Project Site is also subject to the Pepperdine University Long Range Development Plan.

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

   North: A-1-1-DP
   South: City of Malibu
   East: A-1-1-DP
   West: A-1-1-DP

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

   North: University Campus and State Park
   South: Pacific Coast Highway
   East: University Campus and Vacant
   West: Residential

7. The Project Site is 33.6 gross acres in size and consists of one legal lot. The Project Site is irregular in shape with steep topography and is developed with Pepperdine University Campus Buildings. The specific lease area of the proposed WTF is 225 square feet and will be structure mounted onto an existing campus building.

8. The campus was originally established in the early 1970's after the Regional Planning Commission approved a zone change that allowed campus development.

The campus came under the jurisdiction of the Coastal Commission with the adoption of the Coastal Act of 1976. The Pepperdine University Long Range Development Plan (LRDP) was certified by the Coastal Commission in the mid-1980s to provide guidance for future expansion of the campus.

9. Key permit cases are as follows: in 1972, Conditional Use Permit No. 133 was approved to establish the original campus, and Variance no. 82 established parking requirements of one parking space for each full-time-equivalent student. In February, 1987 Conditional Use Permit No. 2432 established a campus master plan. On July 7, 1987 the Board of Supervisors approved the DP zone change as Ordinance No. 87-0106Z (Zone Change Case No. 85-007), and in August of 1987, the zone change went into effect, creating the Development Program (DP) designation for the whole campus. Conditional Use Permit No. 97191 was approved to establish the graduate campus in May of 1999.

10. On January 20, 2009, an application by T-Mobile USA for a Conditional Use Permit No. 200800190-(3) was approved by the Hearing Officer to authorize the construction, operation, and maintenance of an unmanned WTF on the rooftop of the Keck/Appleby building on the Pepperdine Campus. However, the CUP expired, as the WTF was never constructed. The WTF approved by the abovementioned CUP would have been located on the same rooftop as the current proposal; however, the layout and location of the equipment was not the same as the new proposal.

11. The Project Site is accessible via internal roads to the west of campus. Primary access to the Project Site will be via an entrance/exit on Banowsky Blvd.

12. Per Section 22.52.1220 of the County Code, for uses not specified, the director ~~makes the decision on~~ determines the required parking necessary to prevent traffic congestion and excessive on-street parking. Because the wireless facility requires only periodic maintenance and the maintenance vehicle can use the onsite parking adjacent to the building area, no designated parking is required to be provided.

13. The Los Angeles County Departments of Public Works (DPW) and Fire were consulted on this permit request. In a letter dated November 3, 2015, Public Works cleared the project for public hearing with a recommended condition to have the applicant provide engineering calculations to justify the structural ability of the existing building to handle the additional antennas and equipment. These conditions are included in the Conditions of Approval for the Project. The Fire Department stated that they did not need to review this project.

14. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, 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 is a request to construct a wireless

telecommunications facility that will occupy a 225-square-foot lease area, which is considered a small structure that qualifies for a Class 3 exemption.

15. 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.

16. Staff has not received any comments from the public.

17. [Reserved for Hearing Proceedings]

18. The Hearing Officer finds that the project is consistent with Policies S/F 6.2 and 6.3 (Public Services and Facilities) of the Los Angeles County General Plan, which support the improvement of wireless telecommunications infrastructure and encourage the improvements in access to wireless technology while minimizing visual impacts through design. Furthermore, the project is consistent with Policy S 4.1 (Safety) of the General Plan, which calls for increased readiness and response capabilities, as well as the communication of risk and the dissemination of public information. Therefore, this project is consistent with the General Plan.

19. The Hearing Officer finds that the use of the proposed lease area for a wireless facility that will be incorporated into the roof of an existing, legally established building is consistent with the A-1 Zone requirements. No designated parking space is required for a maintenance vehicle, as only periodic maintenance is needed, and the vehicle can use the on-site parking provided adjacent to the building. The wireless equipment meets the requirements in the A-1 for front, side, and rear yard requirements. Therefore, this project is consistent with the Zoning Code.

20. The Hearing Officer finds that by camouflaging and screening the proposed WTF equipment into the building's architecture through design and placement, the structure-mounted set-up of the facility meets the requirements of the Wireless Telecommunications Facilities Interpretation and Procedure Memo. The addition of the WTF will not increase the roofline height, as the highest point of the wireless equipment will be at 68 feet above grade, or 7 feet below the highest point on the roof, which is 75 feet above grade. Furthermore, the WTF equipment will co-habitate with two other carriers on the roof of the Keck/Appleby building. Therefore, the project is consistent with the Subdivision & Zoning Ordinance Policy No. 01-2010.

21. The Hearing Officer finds that the proposed WTF is be integrated into the roofline of an already existing building and that the operation of the facility can be accomplished without disrupting or changing the operation or character of the existing building. The proposed facility will be unmanned, so it will have no impact on traffic or have any adverse impacts on adjacent land uses. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

22. The Hearing Officer finds that the WTF is proposed to be placed entirely on the existing building's rooftop and that the antennas are proposed to be hidden behind RF-friendly material that will be designed to be 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.

23. Hearing Officer finds that the WTF is proposed to be integrated into an already existing building and does not require any new public infrastructure for its construction, maintenance, or operation. The operating characteristics of the proposed 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 such use would generate, and by other public or private service facilities as are required.

24. 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 15 years.

25. 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 Malibu community. On March 3, 2016, a total of 45 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, as well as 16 notices to those on the courtesy mailing list for the Malibu Zoned District and any additional interest parties.

26. 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 will be consistent with the adopted General 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 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 3, New Construction or Conversion of Small Structures categorical exemption); and

2. Approves Conditional Use Permit 201500090, subject to the attached conditions.

ACTION DATE: April 19, 2016

MKK:GAM
April 5, 2016

c: Zoning Enforcement, Building and Safety

DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02280-(3)
CONDITIONAL USE PERMIT NO. 201500090

PROJECT DESCRIPTION

The project is a request to authorize the construction, operation, and maintenance of a roof-mounted wireless telecommunications facility consisting of fully screened panel antennas, microwave dish antenna(s), and fully screened associated equipment, 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 19, 2031.** 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 **$1600.00**. 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 the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of 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 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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 **June 17, 2016**.

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 substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (WIRELESS)

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

22. If any external lighting is proposed, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

23. 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.

24. 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.

25. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.

26. The maximum height of the facility shall not exceed 68-feet above finished grade.

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

28. The panel antennae shall be camouflaged and be integrated into the building's architecture through design, color, and texture.

29. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant.

30. 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 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 30 days of notice.

31. 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.

32. The 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.

33. Upon termination of this grant or after the construction of this facility, if 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.

34. New equipment added to the facility shall not compromise the stealth design of the facility.

35. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated November 3, 2015.

<u>Attachments:</u>
Public Works Department Letter dated November 3, 2015.

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: LD-2

November 3, 2015

TO: Mi Kim
Zoning Permits West Section
Department of Regional Planning

Attention Travis Seawards

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201500090
PROJECT NO. R2015-02280
24255 PACIFIC COAST HIGHWAY
ASSESSOR'S MAP BOOK NO. 4458, PAGE 38, PARCEL NO. 10
UNINCORPORATED COUNTY AREA OF MALIBU

Thank you for the opportunity to review the site plan and zoning permit application for the project located at 24255 Pacific Coast Highway in the unincorporated County area of Malibu. The applicant is requesting authorization for a CUP to allow the construction, installation, operation, and maintenance of a new wireless telecommunication facility, which will consist of three antennas and three remote radio units mounted in three separate areas on the roof-top of the Keck Building at Pepperdine University. The project will also include equipment cabinets and other ancillary equipment located on the rooftop.

☒ Public Works recommends that the condition shown below be applied to the project if ultimately approved by the advisory agency.

☐ Public Works has comments on the submitted documents; therefore, a Public Hearing shall **NOT** be scheduled until the following comments have been addressed:

1. Building and Safety

   1.1 Submit building plans to Public Works' Building and Safety Division, Santa Clarita District office, for review and permit issuance. Provide engineering calculations to justify the existing building is capable of handling the addition of the new antennas and equipment.

   For questions regarding the building and safety condition, please contact Kevin Petrowsky of Building and Safety Division at (818) 880-4150 or kpetrows@dpw.lacounty.gov.

If you have any questions or require additional information, please contact Max Rodriguez of Public Works' Land Development Division at (626) 458-4910 or mrodrique@dpw.lacounty.gov.

MR:tb
P:\ldpub\SUBPCHECK\Plan\CUP\CUP 201500090-24255 pacific coast\TCUP 201500090\2015-10-26 TCUP 201500090 SUBMITTAL\.docx

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.

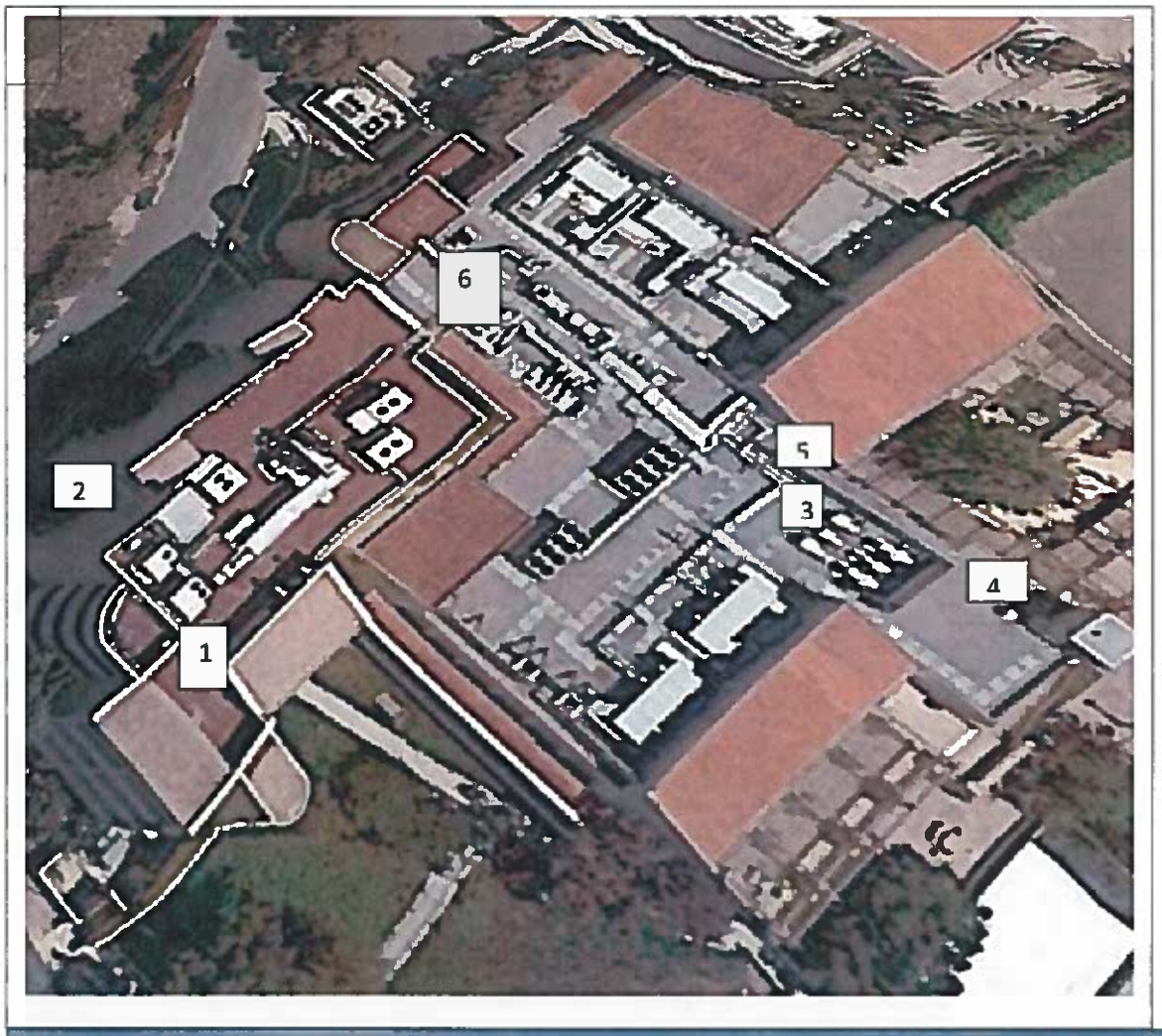
The proposed site will have no adverse effects to the surrounding area. It will increase wireless service and capacity in the immediate surrounding area, primarily for patrons and staff at Pepperdine University. The proposed site will not be detrimental to the existing surroundings because this is a university campus which relies on good cell and internet coverage to support the staff and hard-working students. This site will be in compliance with all federal, state, and local regulations in orders to ensure public health, safety, and the general welfare of campus life at Pepperdine University.

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.

The proposed site meets the standard criteria of the Department of Regional Planning's use permit application as well as the wireless findings herein. The antennas and RRUs at this facility need to be high enough to project coverage over the university, and the building (Keck) is tall enough to accomplish that height. Additionally, since the building is so tall, the screened antennas will be much less visible. This proposed layout of antennas and equipment is the most compatible layout for the school.

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 proposed site location is ideal because of (a) its height and (b) its purpose as an administrative building. Pacific Coast Highway (PCH) is in proximity to this site's coverage. However, the site does not affect travel of any kind on the highway or the college campus. On the contrary, this site will be installed, operated and maintained on the rooftop of the existing Keck building, and will only generate 1 trip per month for general maintenance.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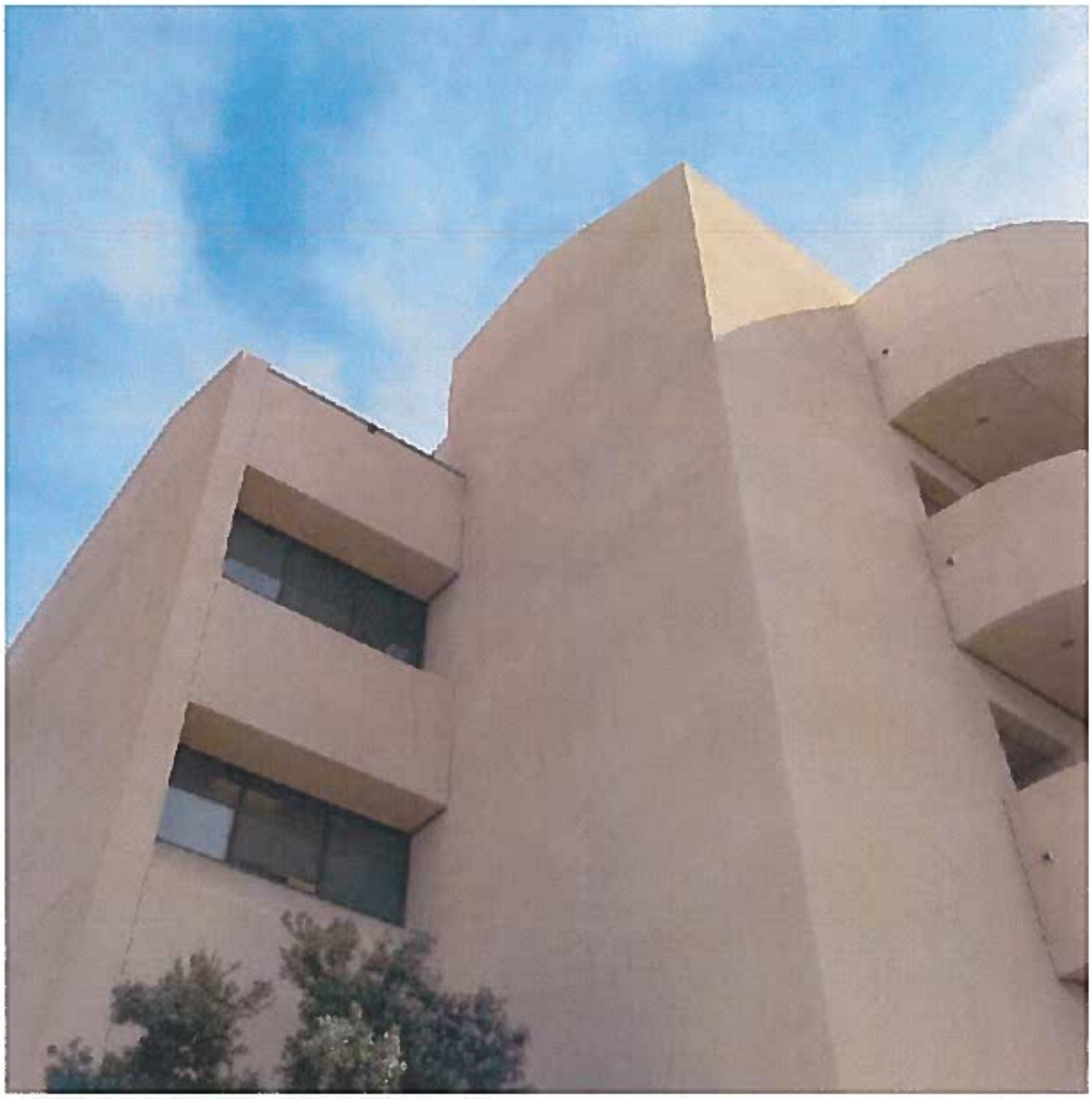

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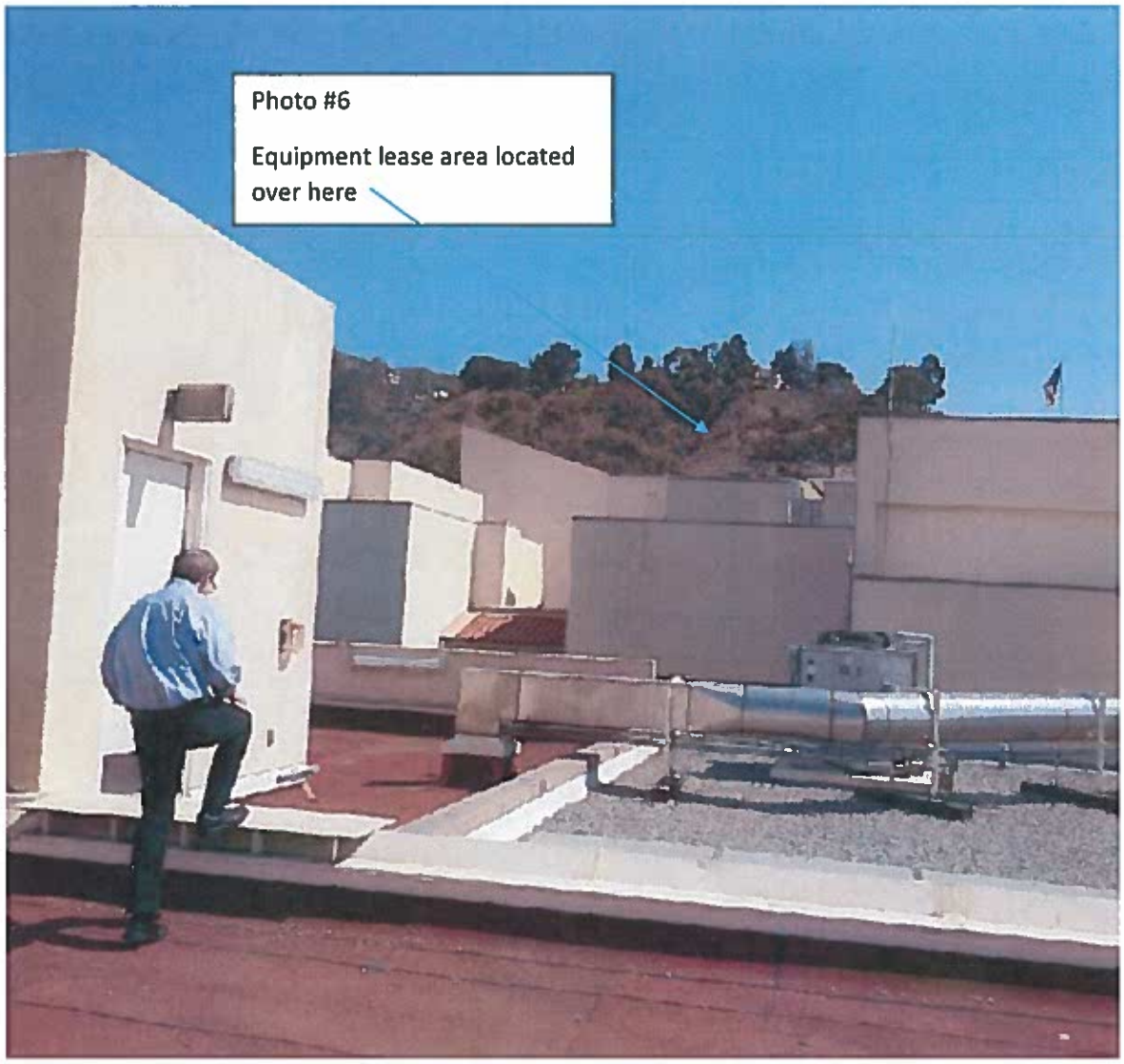

Aerial View

24255 Pacific Coast Hwy

Printed: Mar 23, 2016

0 500
Feet

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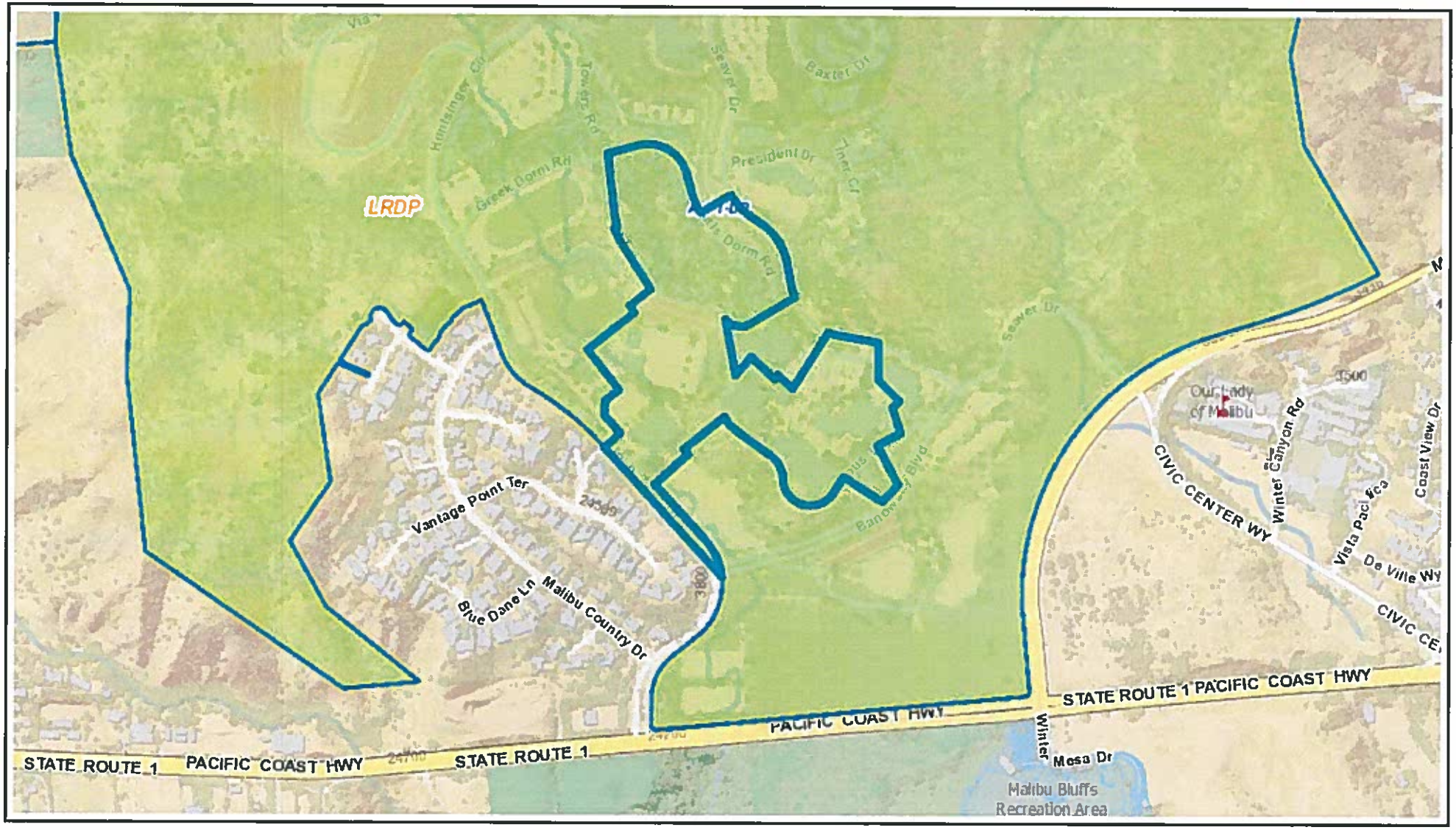

Zoning and Land Use

24255 Pacific Coast Highway

Printed: Mar 23, 2016

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Feet

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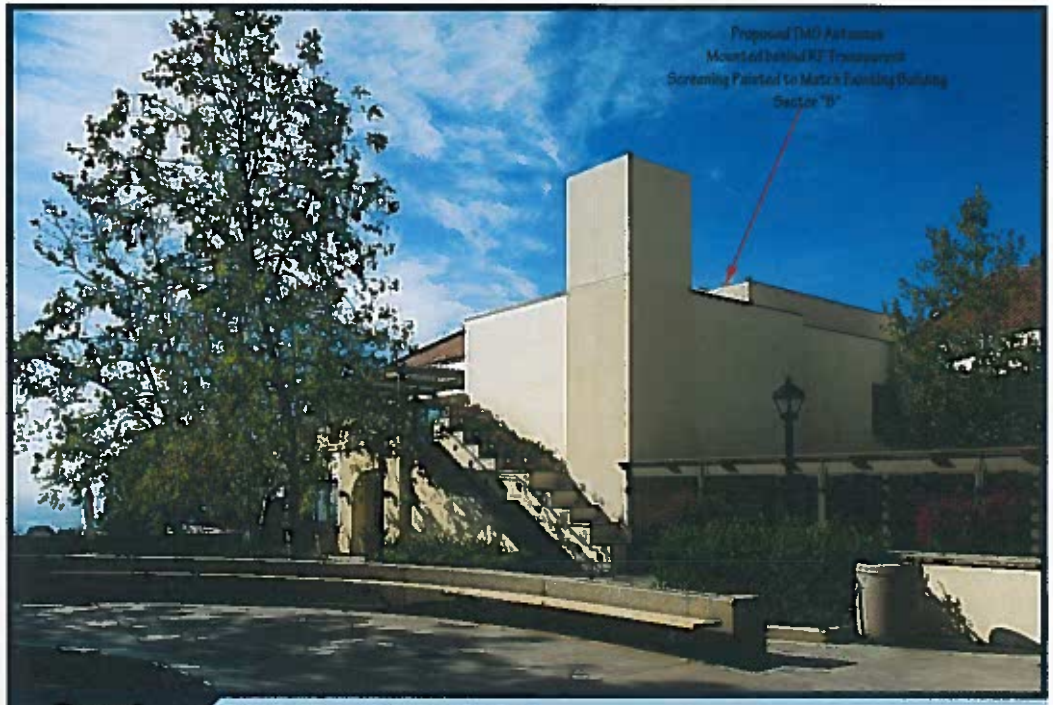
SV00586E

24255 Pacific Coast Highway ~ Malibu, CA 90263

T-Mobile

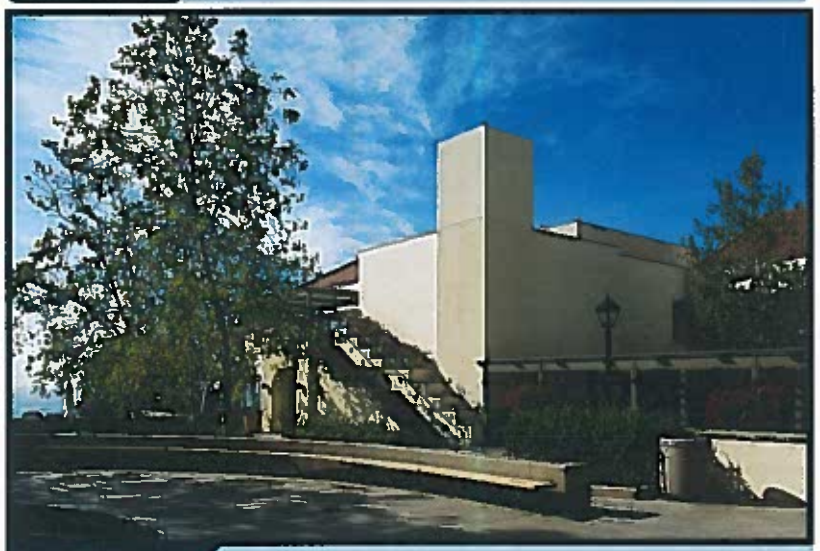
View 1

Location Map



Proposed

Notes: Looking west at proposed project



Existing

Applicant

T-Mobile USA
3 Imperial Promenade
Santa Ana, CA 92707
(714) 850-2400

Contact

Synergy Development Svc
7543 Woodley Ave #201
Van Nuys, CA 91406
(818) 840-0808

Photographic Visualizations Provided By:

SoCal
SCDG LLC
SoCal Design Group

10803 Aster Lane
Apple Valley, CA 92308
www.scdgllc.com
(951) 225-5421
edward@scdgllc.com

This photo simulation is being provided as a conceptual representation of the proposed wireless facility
For exact dimensions and design, please refer to the submitted plans
SCDG LLC (SoCal Design Group) is not Responsible for Post Simulation Production Design Changes

Revision Date: Dec. 1, 2014 12:17:20

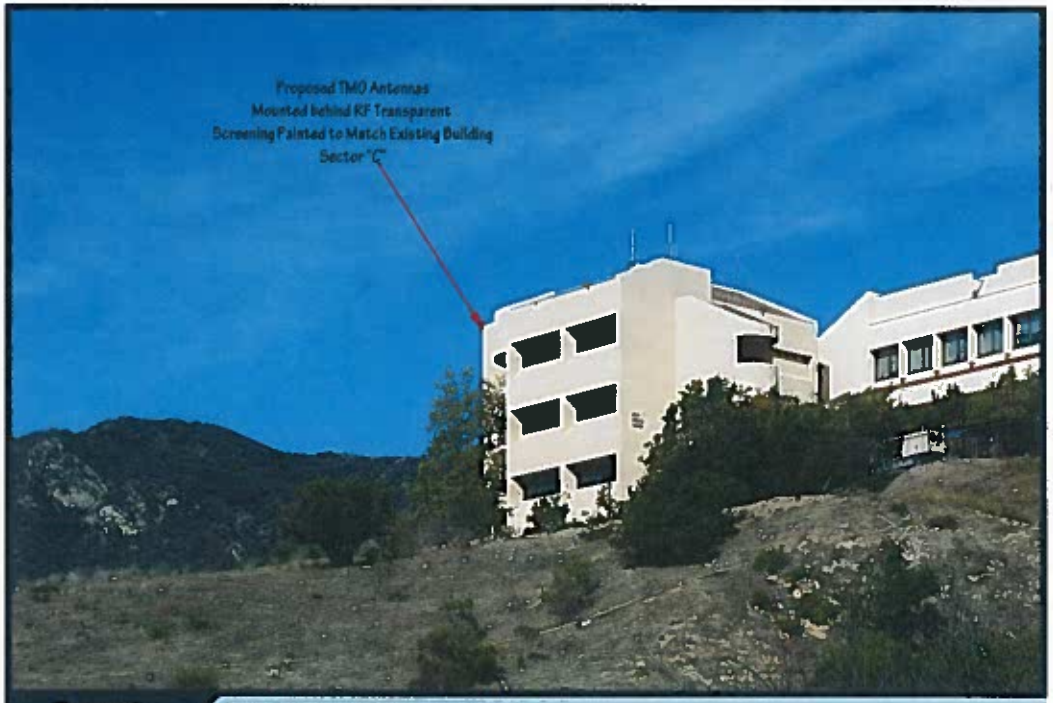
SV00586E

24255 Pacific Coast Highway ~ Malibu, CA 90263

T-Mobile

View 2

Location Map



Proposed

Notes: Looking north at proposed project

Existing

Applicant

T-Mobile USA
3 Imperial Promenade
Santa Ana, CA 92707
(714) 850-2400

Contact

Synergy Development Svc
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Van Nuys, CA 91406
(818) 840-0808

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Revision Date: Dec. 1, 2014 12:17:20

SV00586E

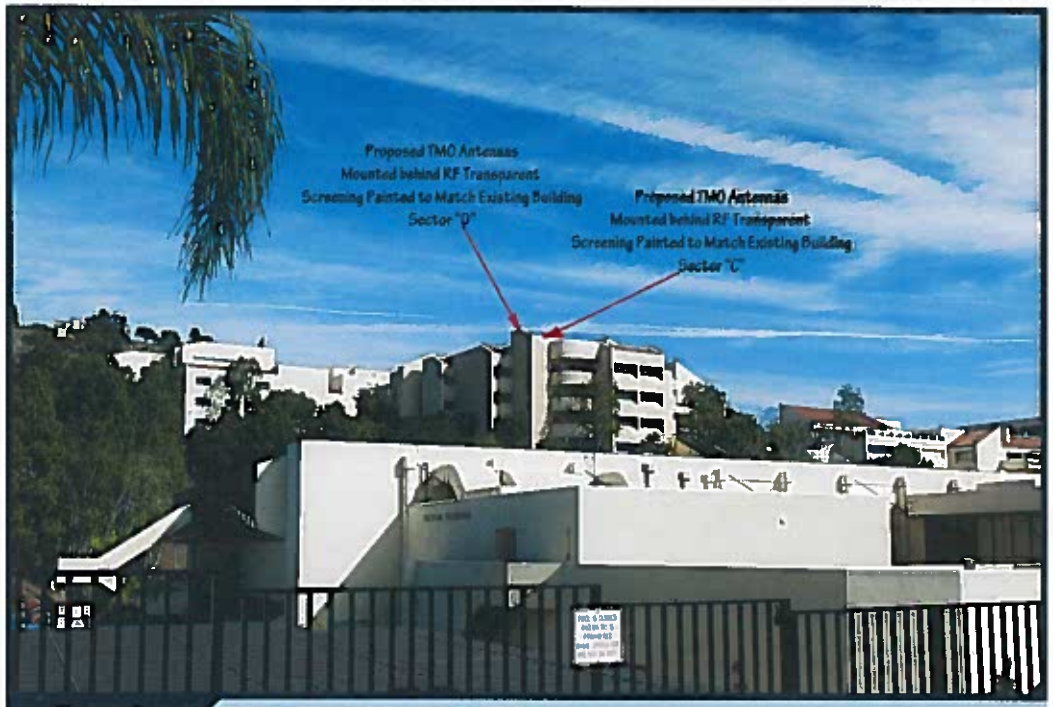
24255 Pacific Coast Highway ~ Malibu, CA 90263

T-Mobile

View 3

Location Map

Existing



Proposed **Notes: Looking east at proposed project**

Applicant

T-Mobile USA
3 Imperial Promenade
Santa Ana, CA 92707
(714) 850-2400

Contact

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Photographic Visualizations Provided By:

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SCDG LLC (SoCal Design Group) is not Responsible for Post Simulation Production Design Changes

Revision Date: Dec. 1, 2014 12:17:20

SV00586E

24255 Pacific Coast Highway ~ Malibu, CA 90263

T-Mobile

View 4

Location Map

Proposed

Notes: Looking west at proposed project

Existing

Applicant

T-Mobile USA
3 Imperial Promenade
Santa Ana, CA 92707
(714) 850-2400

Contact

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Van Nuys, CA 91406
(818) 840-0808

SV00586E

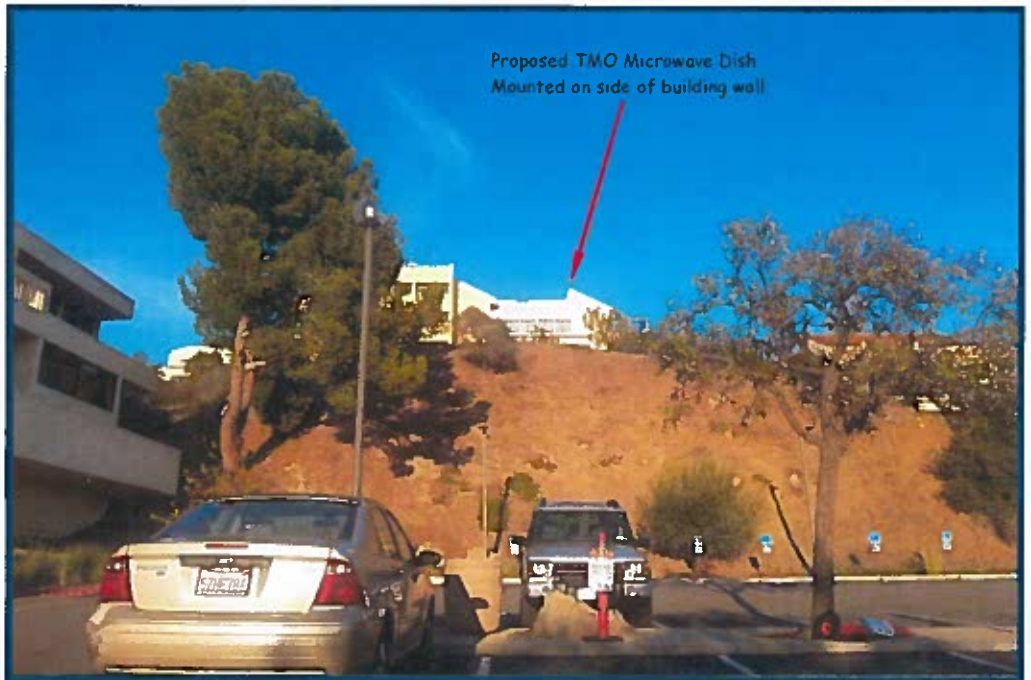
24255 Pacific Coast Highway ~ Malibu, CA 90263

T-Mobile

View 5

Location Map

Existing



Proposed

Notes: Looking west at proposed project

Applicant

T-Mobile USA
3 Imperial Promenade
Santa Ana, CA 92707
(714) 850-2400

Contact

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Van Nuys, CA 91406
(818) 840-0808

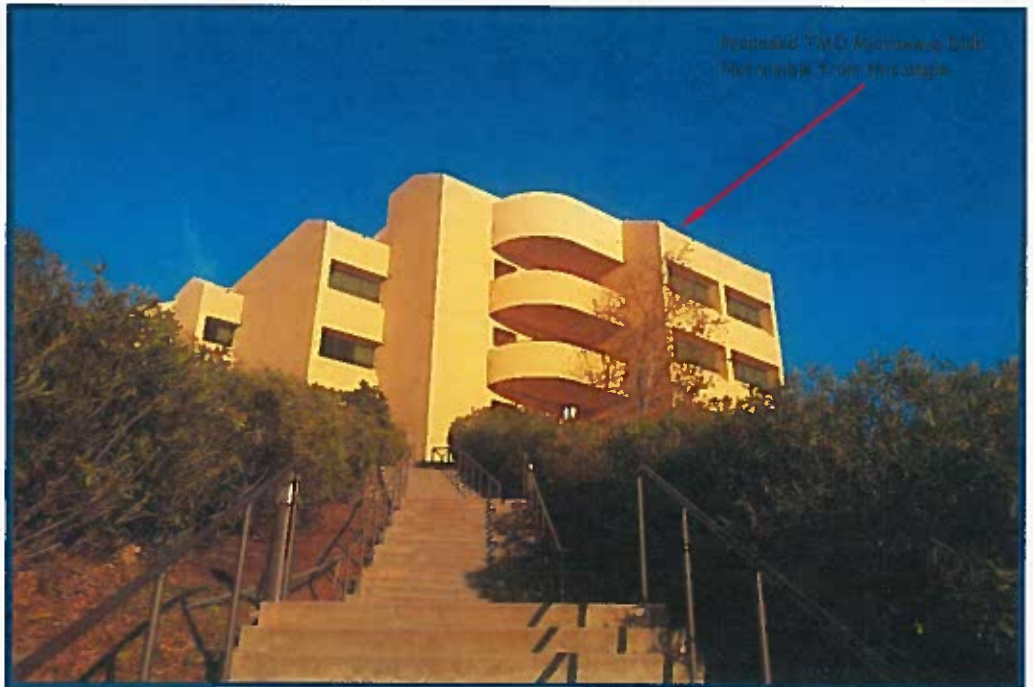
SV00586E

24255 Pacific Coast Highway ~ Malibu, CA 90263

T-Mobile

View 6

Location Map



Proposed

Notes: Looking west at proposed project

Existing

Applicant

T-Mobile USA
3 Imperial Promenade
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(714) 850-2400

Contact

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