Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

May 3, 2016

Sonal Thakur
Core Development Services
3350 East Birch Street, Suite 250
Brea, CA 92821

REGARDING: **PROJECT NO. R2015-03222-(5)**
CONDITIONAL USE PERMIT NO. 201500128
PALO SOLA TRUCK ROAD (APN: 2826-017-802)

Hearing Officer Gina Natoli, by her action of **May 3, 2016**, 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 17, 2016. 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 with the enclosed Affidavit of Acceptance. 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 Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@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

Robert Glaser, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

RG:AMC

CC 060412

FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03222-(5)
CONDITIONAL USE PERMIT NO. 201500128

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500128 ("CUP") on May 3, 2016.

2. The permittee, Crown Castle ("permittee"), requests the CUP to authorize the legalization, and the continued operation and maintenance of, an existing wireless telecommunications facility (WTF) ("Project") on a property located at Palo Sola Truck Road in the unincorporated community of Oat Mountain ("Project Site") in the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.170. There are four other WTFs on the subject property, and it is not clear if the subject WTF was established with a CUP. At the time of Project application submittal, the Project Site was located in a Significant Ecological Area (SEA [Santa Susanna Mountains/Simi Hills SEA]). However, a recent update to the County General Plan has adjusted the boundaries of the SEA to outside the property, and the Project is no longer subject to an SEA CUP.

3. The Project Site is 20.51 acres in size and consists of one parcel. The Project Site is irregular in shape with steep topography and is developed with five WTFs.

4. The Project Site is located in the Newhall Zoned District and is currently zoned A-2-2.

5. The Project Site is located within the RL20 (Rural Land 20) land use category of the County General Plan ("General Plan") Land Use Policy Map.

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

   North: A-2-2
   South: A-2-2
   East: A-2-2
   West: A-2-2

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

   North: Vacant land, County facility
   South: Vacant land
   East: Vacant land
   West: WTF, vacant land

8. The following permits established the other WTFs on the property: CUP No. 95-071-(5) established a three-tower WTF on the subject property consisting of (1) a 140-

foot-tall lattice tower, (2) a 100-foot-tall lattice tower, and (3) a 40-foot-tall monopole on August 13, 1996. That CUP expired on September 10, 2006 and was reauthorized by CUP No. 200600217 on April 1, 2008. CUP No. 91-049-(5) authorized a 154-foot-tall WTF tower without expiration date on July 2, 1991.

9. The site plan depicts the location of the subject WTF, as well as four other WTFs, accessible from Oat Mountain Road. An equipment and antenna layout plan depicts the triangular-shaped lattice tower from the top, and the equipment shelter is depicted (19 feet by 28.5 feet) with numerous cabinets and a microwave dish. Elevations depict the 100-foot-tall lattice tower with antennas on top rising to 103 feet. Numerous panel antennas and microwave dishes are located on the tower from 21 feet upwards. A 7.5-foot-tall chain-link fence surrounds the WTF tower and 15-foot-tall equipment shelter. The 7.5-foot fence is outside the setback of the property (approximately 37 feet from property line).

10. The Project Site is accessible via Palo Sola Truck Road from Limekiln Canyon Road to the south. Primary access to the Project Site is via an entrance/exit on Palo Sola Truck Road.

11. 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 involved the continued operation and maintenance of an existing WTF or no expansion of use beyond that which was previously existing.

12. No comments from the public on the Project were received.

13. A duly-noticed was held before Hearing Officer Gina Natoli. Staff presented the case and recommended approval of the Project with updated Findings and Conditions. The Hearing Officer asked Staff if Palo Sola Truck Road was the main access route to the Project Site and Staff responded that it was. The Project's representative, Sonal Thakur, was present and stated that she read the Project's updated Findings and Conditions and agreed with them. The Hearing Officer asked Ms. Thakur if she knew how long the subject WTF existed at the Project Site. Ms. Thakur responded that she did not know but estimated it was erected at some time in the early 2000s given the presence of building permits from that time.

    The Hearing Officer then presented some minor editorial changes to Findings and Conditions to Staff, closed the public hearing, found the Project categorically exempt from CEQA, and approved the Project for a 15-year grant term.

14. The Hearing Officer finds that the Project is consistent with the RL20 land use designation of the General Plan and also meets many of the General Plan's goals and policies pertaining to utility services and emergency communications.

15. The Hearing Officer finds that the Project is consistent with the Zoning Code requirements. Title 22 of the County Code does not explicitly specify "WTF" as a use. The use most consistent with a WTF specified in the County Code is "radio or television stations and towers". Pursuant to Section 22.20.290 of the County Code, development of radio and television stations and towers is a permitted use of property in Zone A-2, provided that a CUP is first obtained. All zone development standards are met by the Project and no deviations or variances are requested.

16. The Hearing Officer finds that the proposed use with the attached conditions will be consistent with the adopted General Plan because the Project allows for emergency and everyday communication without detracting from the rural nature of the community.

17. The Hearing Officer finds that 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. Surrounding residential uses are approximately 1.7 miles away and the WTF does not create nuisances nor is it detrimental to others use of their property.

18. The Hearing Officer finds 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area as no deviations or variances from development standards are required, and all requirements are met on-site. The Project Site is over 20 acres and can accommodate all necessary requirements.

19. The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required. The Project Site is in a rural area and there are not opportunities for routine pedestrian and bicycle trips. While maintenance vehicles will periodically visit the Project Site, there is adequate capacity on local roads to handle them, and there is adequate parking on the Project Site for them.

20. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 years.

21. 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 Oat Mountain community. On March 22, 2016, a total of six 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, as well as 24 notices to those on the courtesy mailing list for the Newhall Zoned District and to any additional interested parties.

22. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is 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 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 pedestrian, bicycle, and vehicle 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 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and

2. Approves Conditional Use Permit No. 201500128, subject to the attached findings and conditions.

ACTION DATE: May 3, 2016

RG:AMC
May 3, 2016

c: Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03222-(5)
CONDITIONAL USE PERMIT NO. 201500128

PROJECT DESCRIPTION

The project is for the legalization and the continued operation and maintenance of an existing wireless telecommunications facility (WTF) comprised of a 100-foot-tall lattice tower with antennas rising to 103 feet above ground level with numerous panel antennas and microwave dishes, 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 Conditions No. 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 10 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 May 3, 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 ninety (90) days from the date of final approval of the grant. A single thirty- (30-) day 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, continued operation 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 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 **July 5, 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 (WTF)

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

20. Upon completion of construction of the facility, 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 proposed 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 Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

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

25. The facility shall be maintained as depicted in the photographs presented at the public hearing.

26. 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.

27. The maximum height of the facility shall not exceed 103 feet above finished grade.

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

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. The facility shall be secured by fencing, gates and/or locks.

34. 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.

PROJECT SITE-SPECIFIC CONDITIONS

35. This grant shall authorize the legal establishment and the continued operation and maintenance of an existing lattice tower WTF comprised of numerous antennas and equipment on a property containing four other WTFs.