



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 6, 2016

Alexander Lew
Core Development Services
2749 Saturn Street
Brea, CA 92821

**REGARDING: PROJECT NO. R2015-03862-(5)
CONDITIONAL USE PERMIT NO. 201500138
26730 WEST TAPIA CANYON ROAD | NEWHALL ZONED DISTRICT (APN: 2865-021-019)**

Hearing Officer Alex Garcia, by his action of **April 5, 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 **April 19, 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. R2015-03862-(5)
CONDITIONAL USE PERMIT NO. 201500138**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 2015000138 ("CUP") on April 5, 2016.
2. The permittee, AT&T Mobility ("permittee"), requests the CUP to authorize the continued operation and maintenance of, and minor upgrades to, an existing 67-foot-tall monopine wireless telecommunications facility (WTF) also containing T-Mobile equipment ("Project") on a property located at 26730 West Tapia Canyon Road in the unincorporated community of Castaic ("Project Site") in the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Area) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.150. Minor upgrades include three new panel antennas and six Remote Radio Units for AT&T.
3. The Project Site is 27.92 acres in size and consists of one legal lot. The Project Site is rectangular in shape with steep topography and is developed with the subject monopine WTF and another WTF, a monopole.
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 RL5 (Rural Land 5) land use category of the Santa Clarita Valley Area Plan ("Area Plan") Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-2-5 (Heavy Agricultural – Five Acre Minimum Required Area)
 - South: A-2-5
 - East: A-2-2
 - West: A-2-5
7. Surrounding land uses within a 500-foot radius include:
 - North: Vacant land
 - South: Detention Center
 - East: Vacant land
 - West: Transmission power lines, vacant land
8. The Project Site was zoned to A-2-2 by Ordinance No. 7397 on September 23, 1958. CUP No. 200500027 authorized the construction, operation, and maintenance of the subject WTF on October 19, 2005.

9. The site plan for the Project depicts the subject property with the monopine WTF located near the southern end of the property a dirt access road leading to Tapia Canyon Road. An enlarged site plan depicts the WTF in a fenced in ground lease area. This area is accessed through an access gate and a secondary rolling gate. An equipment shelter is located inside the lease area, along with the 67-foot-tall monopine tower. An antenna layout plan depicts 12 panel antennas for AT&T and a microwave dish. Elevations depict the tower with AT&T antennas at 62 feet above ground and T-Mobile antennas at 42 feet above ground. A 7-foot, 8-inch fence (total height with barbed wire) is depicted around the lease area.
10. The Project Site is accessible via Tapia Canyon Road to the east. Primary access to the Project Site will be via an entrance/exit on Tapia Canyon Road.
11. No comments from County Departments were received.
12. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued operation and maintenance of an existing monopalm WTF with minor upgrades to the antenna layout.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
14. No comments from the public were received.
15. A duly-noticed public hearing was held before Hearing Officer Alex Garcia. Staff presented the case and recommended approval with minor changes to the Conditions of Approval: (1) requiring the permittee to document the planting of the two pine trees as required by Condition No. 37 within one year from project approval, and (2) to edit Condition No. 38 to reference the correct height (67 feet). The applicant's representative, Alexander Lew, was present and testified in favor of the Project and agreed to the conditions as revised by Staff. The Hearing Officer stated that he agreed to the revision to require documentation of the pine tree planting within one year. He then closed the public hearing, found the Project categorically exempt from CEQA, and approved the CUP with the changes requested by Staff.
16. The Hearing Officer finds that the Project is consistent with the Area Plan as it is a use that does not detract from the rural nature of the community and aids in the communication network in the area, which is important for emergency communication.
17. The Hearing Officer finds that the Project is consistent with the A-2 zoning designation as the Project meets all the required setbacks and development

standards regarding parking. The Project Site is approximately 28 acres and can accommodate all required standards without variances. 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.

18. The Hearing Officer finds that the Project meets the objectives of the General and Area Plans as it allows for emergency and every day communication while not detracting from the goals, objectives envisioned by it. The WTF will maintain cellular telecommunications to residents, visitors, and motorists in a manner that is respectful and compatible with the surroundings. Attached conditions, including one requiring the planting of pine trees to help soften the visual impact of the WTF, will help ensure the facility remains visually compatible with the area.

Therefore, the Hearing Officer finds that the proposed use with the attached conditions will be consistent with the adopted General Plan.

19. The WTF has existed at the subject site since around 2005 without complaints from the community. The property is well buffered from surrounding land uses and is located at such a distance so as not to cause nuisances. The permittee will plant two 24-inch pine trees to soften the aesthetic impact of the monopine.

Therefore, 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.

20. The WTF does not require any deviations from development standards and the property is large enough to accommodate all requirements.

Therefore, 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.

21. The Project site is located in a sparsely developed area at the end of Tapia Canyon, a public road. There are no sidewalks present as it is a rural area. Bikeways are proposed to the west along Castaic Creek (Class 1 – Bike Path) and to the north on Lake Hughes Road (Class 3 – Bike Route), and the Project will not impact these proposed bikeways. 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.

Therefore, 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.

22. 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.
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 Department of Regional Planning's website and at libraries located in the vicinity of Castaic community. On February 25, a total of four 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 23 notices to those on the courtesy mailing list for the Newhall Zoned District and to any additional interested parties.
24. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 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. 201500138, subject to the attached findings and conditions as revised.

ACTION DATE: April 5, 2016

RG:AMC
April 6, 2016

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03862-(5)
CONDITIONAL USE PERMIT NO. 201500138**

PROJECT DESCRIPTION

The project is for the continued operation and maintenance of, and minor upgrades (consisting of replacing three panel antennas and six Remote Radio Units for AT&T) to, an existing wireless telecommunications facility (WTF) comprised of a 67-foot-tall monopine, containing AT&T and T-Mobile antennas and equipment, within an approximately 1,453-square-foot ground lease area, 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 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 5, 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 **June 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 unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
25. Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be maintained as depicted in the photographs and photosimulations 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 67 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. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
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.

35. New equipment added to the facility shall not compromise the stealth design of the facility.
36. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark.

PROJECT SITE-SPECIFIC CONDITIONS

37. The permittee shall plant two 24-inch box live pine trees adjacent to the monopine as depicted on the Exhibit "A". The permittee shall, by April 5, 2017, provide written and photographic documentation to Regional Planning that the planting has occurred. The trees shall be maintained and successfully established to the satisfaction of Regional Planning.
38. This grant shall authorize the continued operation and maintenance of, and minor upgrades to, a WTF disguised as a 67-foot-tall monopine.