



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



July 19, 2016

Richard J. Bruckner
Director

Kim Allen
Busch Law PLLC
113 Cherry Street, No. 75604
Seattle, WA 98104

**REGARDING: CONDITIONAL USE PERMIT NO. RPPL2016001292
 31540 RIDGE ROUTE ROAD (APN: 2865-011-016)**

Hearing Officer Gina Natoli, by her action of **July 19, 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 **August 2, 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
CONDITIONAL USE PERMIT NO. RPPL2016001292**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL2016001292 ("CUP") on July 19, 2016.
2. The permittee, SpectraSite Communications LLC ("permittee"), requests the CUP to authorize the continued operation and maintenance of a wireless telecommunications facility (WTF) comprised of a 152-foot-tall monopole with antennas rising an additional three feet upward for a total height of 155 feet, along with a ground equipment enclosure, ("Project") on a property located at 31540 Ridge Route Road in the unincorporated community of Castaic ("Project Site") in the M-1 (Light Manufacturing) Zone pursuant to Los Angeles County Code ("County Code") Section 22.32.070.
3. The Project Site is 15.6 acres in size and consists of one legal lot. The Project Site is irregular in shape with flat topography and is developed with a recreational vehicle (RV) park and the subject existing WTF.
4. The Project Site is located in the Castaic Canyon Zoned District and is currently zoned M-1.
5. The Project Site is located within the IL (Light Industrial) 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: R-3 (Limited Density Multiple Residence) Zone
 - South: O-S (Open Space)
 - East: O-S
 - West: C-3 (General Commercial)
7. Surrounding land uses within a 500-foot radius include:
 - North: Vacant land
 - South: Sports/Aquatic Center, trailer/camper parking
 - East: Vacant land
 - West: Truck parking, motels, upholstery shop, restaurant
8. Ordinance No. 2012-0055Z established the M-1 Zone on the subject property on November 27, 2012. Ordinance No. 7486 established the R-R (Resort and Recreation) Zone on the subject property on March 3, 1959. CUP No. 95-211 established the subject WTF on the property on January 30, 1996. That permit expired on January 30, 2016.

9. The site plan for the Project depicts the subject property with the WTF located at the southern end. A detailed site plan depicts the WTF with the L-shaped ground equipment enclosure (58 feet by 40 feet at the longest sides) with monopole inside. Two equipment shelters are depicted: one measuring 10 feet by 20 feet and the other measuring 12 feet by 30 feet. The four-foot-by-eight-foot concrete pad for the diesel generator is depicted as well. An elevation of the tower depicts the 152-foot-tall monopole with antennas mounted at 135 feet and 155 feet. A microwave dish is depicted at 40 feet (on center) above ground level. Also depicted is the six-foot-tall barbed-wire fence around the ground equipment enclosure
10. The Project Site is accessible via Ridge Route Road to the west. Primary access to the Project Site will be via an entrance/exit on Ridge Route 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 a WTF with ground compound on a large lot. No changes or modifications were proposed at that time.
12. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
13. No correspondence was received from the public regarding the Project.
14. A duly-noticed public hearing was held before Hearing Officer Gina Natoli. Staff presented the case and recommended approval. The Hearing Officer asked staff about the barbed wire atop the chain-link fence surrounding the ground equipment enclosure. Staff responded that barbed wire (and chain-link fencing) would not be permitted under current design guidelines for WTFs.

The project representative, Kim Allen, testified in favor of the CUP and requested that certain changes be made to some of the conditions of approval. The Hearing Officer asked Ms. Allen what recommendations she had regarding the design of the chain-link barbed-wire fence. Ms. Allen suggested that, since the facility is well embedded into the property, and not very visible from outside the property, the chain-link fence be permitted to remain but that the barbed wire be removed.

The Hearing Officer agreed that this was appropriate and proceeded to direct staff to make necessary changes to the Project conditions to reflect the removal of the barbed wire atop the fence. The Hearing Officer then closed the public hearing, found the Project categorically exempt from CEQA, and approved the CUP for a 15-year grant and with the suggested changes to the conditions discussed above.

15. The Hearing Officer finds that the Project is consistent with the zoning classification of the site. While "WTF" is not a use specified in the County Code, WTFs are

considered similar to radio towers, which are permitted in the M-1 Zone with approval of a CUP.

16. The Hearing Officer finds that the Project is compatible with the IL land use category as the monopole, while tall at 155 feet, is appropriate for a property designated as industrial.
- *General Plan Public Services and Facilities Policy PS/F 6.2: Improve existing wired and wireless telecommunications infrastructure.*
Allowing the continued operation and maintenance of the WTF will permit the continued use of telecommunication services for the area. Common maintenance and improvements to the WTF will be possible in the future through review by the County.
 - *General Plan Public Services and Facilities Policy PS/F 6.3: Expand access to wireless technology networks, while minimizing impacts through co-location and design.*
The WTF has existed for approximately 20 years at the site and its continued use at the site will continue to provide telecommunication service access to the community. Future co-locations onto the WTF are possible and could provide additional telecommunication services to the area.
 - *General Plan Public Services and Facilities Policy PS/F 6.4: Protect and enhance utility facilities to maintain the safety, reliability, integrity and security of utility services.*
The WTF is a utility-type of service that has provided telecommunication service for 20 years at the subject site. Common maintenance and improvements to the WTF will be possible in the future through review by the County.

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

17. The WTF is well-placed on a large property designated and zoned for industrial uses. While the WTF monopole is relatively tall, it blends in well with the area, which contains a mix of rural and industrial uses.

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.

18. The WTF is existing and does not require any variations or deviations from development standards. The WTF complies with all pertinent zoning and other standards.

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.

19. The WTF is located near major roads that are adequately wide and paved to service the WTF. The WTF will require periodic visits from maintenance personnel, and there is adequate parking on the property to accommodate the service vehicle. The use is not anticipated to generate pedestrian or bicycle trips, nor will it conflict with pedestrian or bicycle use.

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.

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 Castaic community. On June 10, 2016, a total of 63 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 21 notices to those on the courtesy mailing list for the Castaic Canyon 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 exemption); and
2. Approves Conditional Use Permit No. RPPL2016001292, subject to the attached conditions.

ACTION DATE: July 19, 2016

RG:AMC
July 19, 2016

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016001292**

PROJECT DESCRIPTION

The project is for a conditional use permit the continued operation, and maintenance of a wireless telecommunication facility (WTF) comprised of a 155-foot-tall monopole within a 1,620-square-foot ground lease compound surrounded by a six-foot-high chain-link fence, 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 July 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 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 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 notification

of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial 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 **September 6, 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 – WIRELESS TELECOMMUNICATIONS FACILITY

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. The permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
21. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the 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. 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 presented at the public hearing.
25. Maintenance vehicles shall not block access to driveways or garages.

26. The maximum height of the facility shall not exceed 155 feet above finished grade.
27. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
28. 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.
29. 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.
30. The CUP number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
31. Upon termination of this grant or 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. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of Regional Planning and any other government agency. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.
32. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A," are authorized by these grants.
33. External lighting, including security lighting, shall be on motion sensors, be of low-intensity (a rating of no greater than 400 lumens), fully shielded and directed away from adjacent residences and open space. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the Federal Aviation Administration. All lighting shall comply with the requirements of the County Rural Outdoor Lighting Ordinance.
34. 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.
35. 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.
36. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone,

concrete, stucco or wrought iron or the existing chain-link. Barbed wire atop the chain-link fence is prohibited.

37. New equipment added to the facility shall not compromise the streamlined design of the facility.

PROJECT SITE-SPECIFIC CONDITIONS

38. This grant shall authorize the continued operation and maintenance of a WTF, comprised of a 155-foot-tall monopole tower and appurtenant equipment within a ground lease compound.