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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

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W12g

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49th Day: 6-19-97
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Staff: SPF-VNT
Staff Report: 6-18-97
Hearing Date: July 8-11, 1997
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-74

APPLICANT: Remote Communication Systems, Inc. AGENT: Carolyn Ingram-Seitz
(RCSI)

PROJECT LOCATION: A parcel on Castro Peak, east of Latigo Canyon Road,
Malibu; Los Angeles County. APN: 4464-022-013.

PROJECT DESCRIPTION: Removal of concrete and trash on site; recompaction of site; reconstruction of fence. Placement of eight 20 ft. high monopole antennas on six foot high chain-link fence, placement of self standing 50 foot high antenna, placement of three 120 sq. ft. pre-fabricated structures on a new concrete pad, a fourth 260 sq. ft. pre-fabricated structure on a separate concrete pad, utilities and appurtenant equipment (i.e. generators and fuel tanks).

Lot area:	20.18 acres
Building coverage:	1,100 sq. ft.
Pavement coverage:	0
Landscape coverage:	0
Parking spaces:	0
Project density:	0
Ht abv fin grade:	26 and 50 feet

LOCAL APPROVALS RECEIVED: Approval in Concept from Los Angeles County
Department of Regional Planning

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan.
Coastal Development Permits 4-94-203 (GTE Mobilnet), 4-94-234 (GTE Mobilnet),
and 6-97-009 (Pacific Bell Mobile Services).

SUMMARY OF STAFF RECOMMENDATION:

This is an after-the-fact application for the removal of concrete and trash on a vacant lot previously housing antenna and associated buildings, and the placement of structures and antenna for the same purpose. There are two other sites adjacent to the subject property which have similar service equipment. This project was originally processed as a de-minimus waiver; an objection was given by a neighboring property owner. Therefore the Commission determined that a coastal development is required for this project. Staff recommends approval of the project with special conditions regarding abandonment, revegetation, and condition compliance.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Future Redesign of Telecommunications Facilities

Prior to the issuance of the coastal development permit, the applicant shall agree in writing that where future technological advances would allow for

reduced visual impacts resulting from the proposed communication facility, the applicant agrees to make those modifications which would reduce the visual impact of the proposed facility. If, in the future, the facility is no longer needed, the applicant agrees to abandon the facility and be responsible for the removal of all permanent structures, and restoration of the site consistent with the character of the surrounding area. Before performing any work in response to the requirements of this condition, the applicant shall contact the Executive Director of the California Coastal Commission to determine if an amendment to this coastal development permit is necessary.

2. Revegetation Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, two sets of a revegetation plan, prepared by a qualified biologist, resource specialist, or landscape architect, for the areas disturbed outside the fenced communication facility. The plan shall detail the areas cleared of vegetation and indicate any regrowth of native and/or non-native vegetation. The plan shall show the removal of invasive plants on site; native vegetation shall not be removed. The plan shall incorporate the use of native plants and seed consistent with the vegetation in the immediate surrounding area.

The revegetation plan shall be implemented no later than October 1, 1997. Should there be no rain by that time the applicant may request an extension of time. In no event, should the planting occur later than February 1, 1998. Such planting shall be adequate to provide 90 percent coverage of the site within two years and shall be repeated, if necessary, to provide such coverage.

3. Condition Compliance

The requirements specified in the foregoing special condition that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 45 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause will terminate this permit approval.

STAFF NOTE

This project was originally processed by Commission staff as a De-Minimus waiver. The site was posted and scheduled to be reported to the Commission on May 13, 1997. On May 8, 1997, Commission staff received a letter from a neighboring property owner objecting to the proposed waiver (Exhibit 9). The author of the letter, Darrell Bevan, claims that information submitted by the applicant was incorrect, that violations existed on site, and that the proposed site is not needed as services are available on Bevan's site. Mr. Bevan also spoke at the Commission hearing and requested denial of the application. The facts, stated in the letter of objection, regarding the development previously on site, and currently on site are not completely accurate. A complete description of the development previously on site and currently proposed is described below. In order to provide the Commission with complete and accurate information on this site, the application was pulled from the District Director's Report rendering the need for a coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Project Description and Background

This is an after-the-fact application for the removal of concrete and trash from a previous communications facility and reconstruction of a new communications facility. The new construction consists of two concrete pads for a total of four structures and a small parking area. The structures consist of three 120 sq. ft. pre-fabricated communication housing structures, and the fourth is a 260 sq. ft. prefabricated concrete storage building. There is a fence surrounding the approximately one acre communication facility with eight 20 foot high monopoles attached. There is a temporary tower comprised of three 35 foot high telephone poles, in a row, with antenna above bringing the height of the structure to approximately 50 feet. There are miscellaneous equipment structures such as a generator, back-up generator, fuel tank, and an 80 sq. ft. storage shed (See Exhibit 5). A trench outside the fenced area was dug to install underground utilities cables to a telephone/utility pole outside the fenced area. The applicant also cleared all vegetation in at least a 100 foot radius around the fenced area. Finally, there is a small recreational vehicle outside the fenced area which is for security guards when they are on site. It is not intended to be used as a residential unit.

This site was previously used as a communication facility by another lessee of the property (See Exhibit 7). The structures which were previously on the site included a chain link fence with approximately twenty 20 foot high monopoles attached; a concrete foundation for pre-fabricated structures, a generator and other appurtenant structures. There was also a utility pole used to convey utilities to the subject site. Upon termination of the lease, the previous lessee removed all structures, concrete foundations, fencing and antenna from the site. The site was left with trash and concrete rubble. In addition, the previous lessee graded part of the site and left a trench in the middle of the road to inhibit access. The current lessee removed the trash, fixed the trench and recompact the site. This action is a part of this application.

The communication facility is situated over approximately one acre on a 20 acre lot off of Castro Peak Motorway (See Exhibit 6). The subject lot is not located in a wildlife corridor or significant watershed. Access to the site is by Castro Peak Motorway, a unpaved fire road with access from Latigo Canyon Road (See Exhibits 1, 3, and 4). Immediately adjacent to the site are two other communication facilities. The first is a County owned and operated facility on a .46 acre lot; the other is located on a 2.36 acre lot and owned by L. Darrell Bevan. National Park Service property is located immediately south of the subject site.

The application lists both RCSI and L.A. Cellular as applicants for the project. Both RCSI and L.A. Cellular have submitted letters authorizing Carolyn Ingram-Seitz to represent them for this application. Moreover, a copy of the lease between the property owner, Ellen Fielding, and the lessee, RCSI, is included in the application. L.A. Cellular is a third party lessee, leasing a portion of the site from R.C.S.I..

B. Environmental Resources and Visual Impacts

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the Malibu Land Use Plan contains several policies regarding the control of runoff, minimization of water pollution, the development on ridgelines and the protection of scenic resources. These policies have been used by the Commission as guidance in past permit actions. For example, Policy 82 suggests that new development shall minimize grading to reduce the effects of runoff and erosion on coastal resources; and Policy 84 suggests the use of landscaping plans for stability and the minimization of the fuel load. Policy 96 suggests that water quality be protected from pollutants and runoff. Policy 125 suggests that new development be sited and designed to protect public views from designated scenic highways and scenic coastal areas. Policy 130 states, in part, that new development in highly scenic areas should be sited to protect views, be compatible with the surrounding area, and minimize landform alteration.

Solstice canyon, south of Castro Peak motorway is a significant watershed. The watershed actually includes both the main canyon and Dry Canyon, a small tributary to the east; both canyons contains significant wildlife values, includes a perennial stream, a waterfall and riparian woodland with stands of sycamore and white alder as well as high scenic values. Although the site is not located within this watershed, it contains a significant stand of healthy chaparral vegetation, and thus provides the same value as the watershed below for nesting, breeding, and feeding of native fauna.

The subject lot remains heavily vegetated with native vegetation, including sage and Manzanita, with the exception of the one acre communication facility and the access road. During development on the site, the applicant cleared vegetation for a distance of at least one hundred feet downslope from the access road. Some of the vegetation removed was on National Park Service land. The National Park Service has already requested that the applicant

reseed disturbed park land, which the applicant has done. The excessive removal of vegetation on steep ridgeline slopes has the potential to create adverse environmental impacts on canyons and streams below by increasing sedimentation and siltation of streams. Increased runoff from steep ridgeline slopes does negatively impact canyon and stream habitats below by covering vegetation, and feeding, nesting and breeding grounds with sedimentation. Increased siltation in water courses can deplete oxygen sources, cover the natural stream bottom with soil, and bury feeding, nesting and breeding grounds.

Moreover, This amount of clearance exceeds the allowances set forth by the Fire Department and the Coastal Commission. In accordance with the Fire Department standards, the Commission allows for the clearance of all vegetation for a maximum radius of 50 feet around structures. The next 50 to 150 feet around a structure may be thinned of vegetation; however, total clearance of all vegetation is typically not permitted. The purpose in retaining some vegetation is to provide habitat and erosion protection. The Fire Department suggests, and the Commission allows, for the reduction in the fuel load through the removal of dead brush and the reduction in the height of remaining plants. The removal of all vegetation on a steep slope will result in surficial erosion which in turns increase sedimentation and siltation downslope. In addition, an increase in surficial erosion can lead to instability of the slope. Therefore, the Commission requires the applicant to submit a revegetation plan for those areas cleared of vegetation. The plan shall outline the areas cleared and indicate the vegetation which is regrowing. All non-native, invasive plant material shall be removed; native vegetation should remain. The plan shall detail the plants and or seeding to be done to revegetate the area. The Commission further requires that this plan be implemented before the 1997/1998 rainy season. In no event should the revegetation occur later than February 1, 1998.

The subject site also has the potential to create adverse visual impacts. The subject site is located on the top of a major ridgeline in the Santa Monica Mountains. The subject site is located on a major ridgeline with little development in the area. The Castro Peak ridgeline is a LUP designated "significant ridgeline." Significant ridgelines constitute a scenic resource of the Coastal Zone due to their visibility from many vantage points. The site is also visible from the 101 Freeway in some locations.

There are two sites immediately adjacent to the subject property which also have communication facilities. The County site has a large tower, fencing, and a small structure. The site to the east has a large tower with several dished antenna attached, several monopoles attached to the top of telephone poles, and equipment structures. Previously, on this site, there was previously a communication facility on this site with monopole antennas attached to fencing and a tower, as evidenced in Exhibit 4.

The proposed development is consistent with development in the surrounding area. The proposed twenty foot high monopoles are attached to the six foot high chain link fence. They are not as bulky as the adjacent towers or telephone poles with monopoles, and thus are not as visible. The temporary tower comprises three 35 foot high telephone poles placed in a row with various antenna attached at the top. This tower is proposed to be temporary until such time that both Regional Planning and the Commission approve a permanent tower. This temporary tower is visible from scenic lookouts; however, the temporary tower is lower in height than the towers on the other

lots. The Commission finds that the monopole antennas and temporary tower do not create a significant adverse visual impact as seen from nearby scenic highways.

Similar communication facilities have been approved in other areas within the Coastal Zone. As noted above, on the adjacent lot, owned by Mr. Bevan, the Commission has granted waivers for additional antenna on the existing adjacent tower [Coastal Development permit Waivers 4-94-016 (PacTel Cellular) and 4-96-117 (Airtouch Cellular)].

In 4-94-203 (GTE Mobilnet of Santa Barbara), the Commission approved the installation of cellular telephone repair facility at Diablo Peak on Santa Cruz Island. This development included several appurtenant structures and accessory units such as storage buildings and generators. The Commission approved the project, and a subsequent amendment to the project (4-94-203A) subject to nine special conditions. The conditions related to fire suppression and protection, protection of native habitat, future development and abandonment of the site. In 4-94-234 (GTE Mobilnet of Santa Barbara), the Commission approved a similar project, to that described above, for a cellular repeater facility on Mt. Pleasant on Santa Cruz Island. That permit was subject seven special conditions including fire suppression, protection of native habitat, future development and abandonment.

In San Diego, the Commission approved the construction of a wireless communication facility with four panel antennas on a 32 foot high steel pole and an equipment pole just east of interstate 5 under coastal development permit 6-97-9 (Pacific Bell Mobile Services). This permit was approved subject to 1 special condition which required that the applicant agree that should technological advances enable changes to occur to minimize visual impacts, those changes shall occur. The condition further required that should the development become obsolete the site shall be restored. In this case, the proposed development is a replacement of communication facilities that previously existed with new communication facilities. The subject development does not expand further than the existing graded pad on site. No permanent tower is proposed at this time; no development exceeds the height or bulk of the neighboring tower on Los Angeles County property to the immediate south of the subject site. The proposed project thus will not create significant adverse visual impacts as proposed.

However, the Commission acknowledges that the applicant is currently seeking a conditional use permit (CUP) from Los Angeles County Department of Regional Planning for a permanent tower on the site. Should the applicant receive both a CUP and a coastal development permit for this tower, the existing tower, and possibly the monopoles, may become obsolete. Further, in the future, the communications equipment on site may become obsolete all together based on the advancement of technology. Should this occur in the future, there may be no need for the existing equipment on site. Although the individual effect of this development is not significant, the cumulative effect of additional towers and structures on this ridgeline, as technology progress, can create adverse visual impacts. Therefore, in the event that future technological advances allow for a reduced visual impact, the Commission finds it necessary to require the applicant to agree to make those modifications which would reduce the visual impact of the proposed facility. Likewise, if, in the future, the facility is no longer needed, the applicant shall agree to abandon the facility and be responsible for the removal of all permanent structures, and restoration of the site as noted in special condition 1.

The Commission finds that only as conditioned is the project consistent with Sections 30231 and 30251 of the Coastal Act.

C. Violation

This application includes the after-the-fact request to remove concrete and trash from a communication facility site and establish a new communication facility site. Placement of structures, minor grading to install underground utilities, and clearing of vegetation occurred without the benefit of a coastal development permit.

Although development has taken place prior to submission of this permit application on lot 1, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding section provides findings that the project as conditioned is in conformity with the provisions of Chapter 3. As conditioned, the development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

There are no negative impacts caused by the proposed development, as conditioned, which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

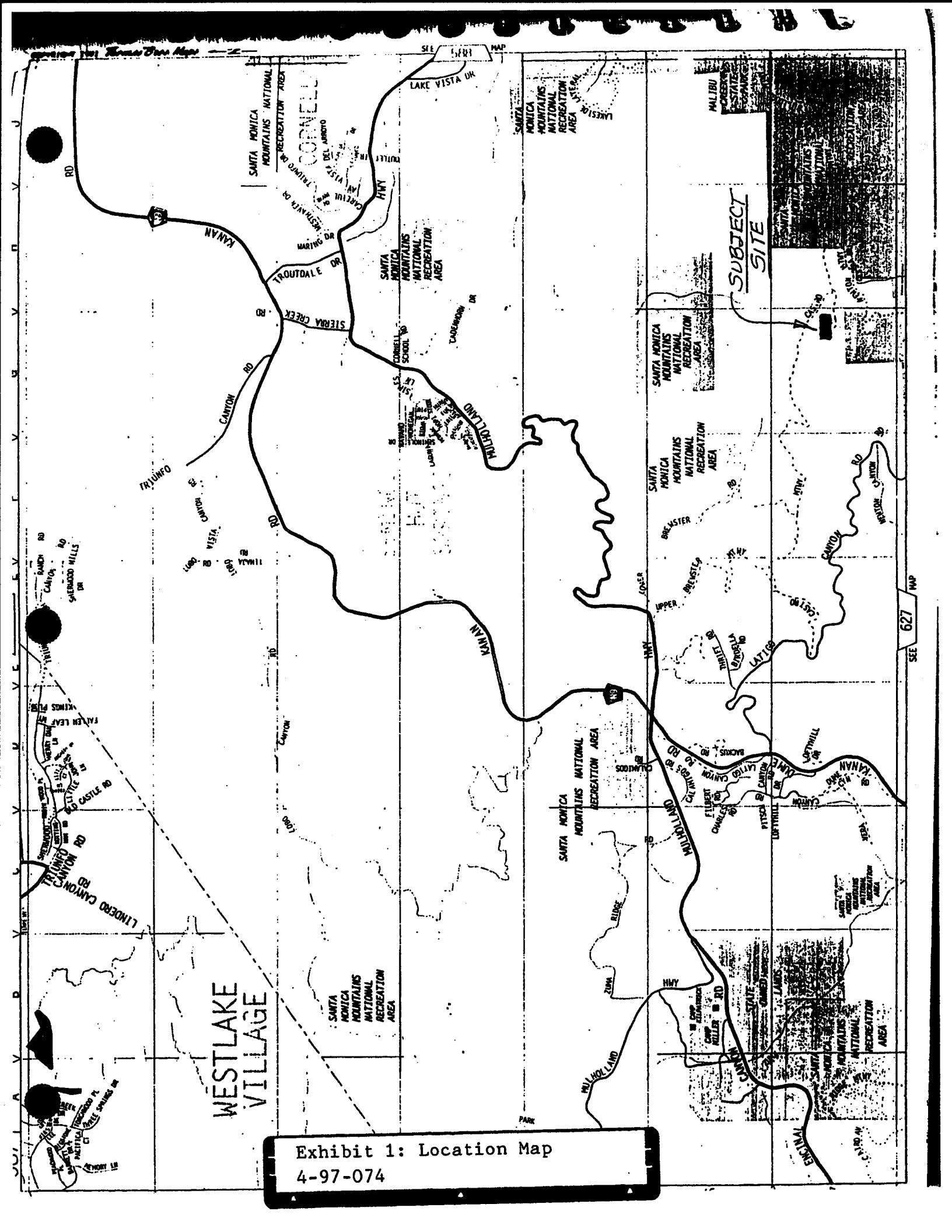
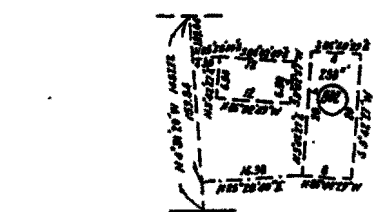
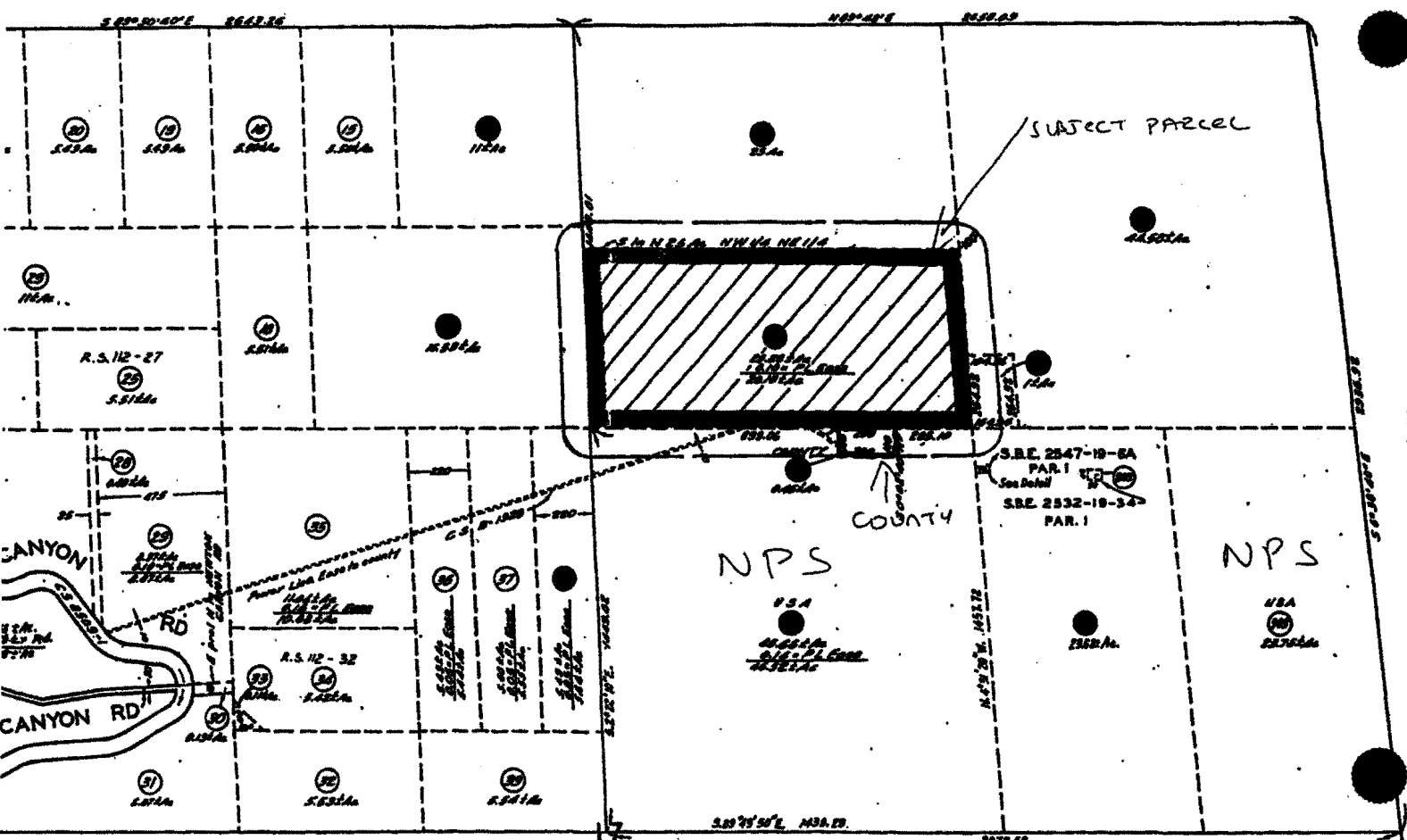


Exhibit 1: Location Map
4-97-074

1992

PG
19

81
87
901



DETAIL
NO SCALE

SECTION LINES PER CS B-733

Exhibit 2: Parcel Location
4-97-074



Exhibit 3: Aerial Photograph
4-97-074 circa 1983

R.C.S.I. SITE LOCATION

U.S.G.S. TOPO- CURRENT ISSUE @ 400%

T.17 R.18 W.

1" EQUALS 500 FEET

453

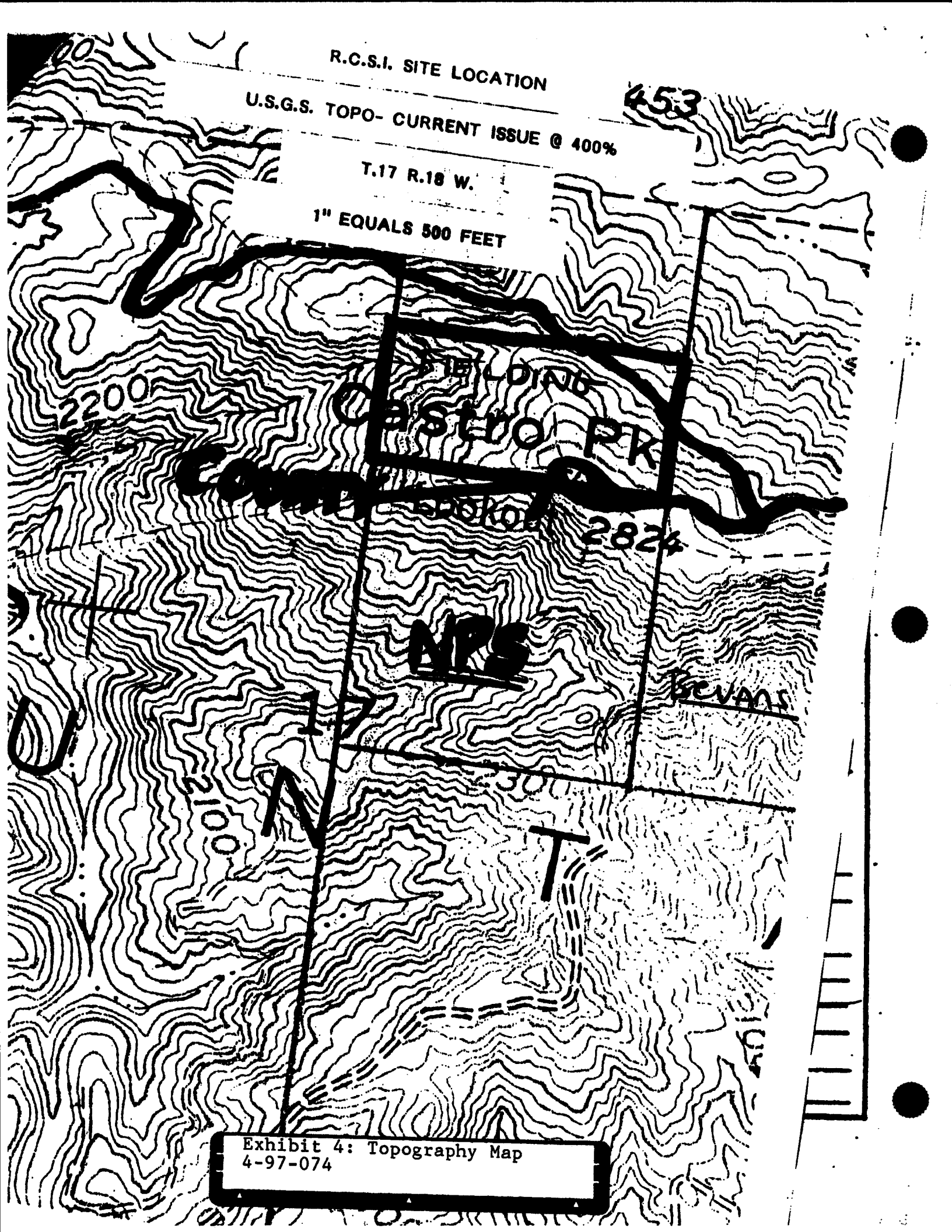
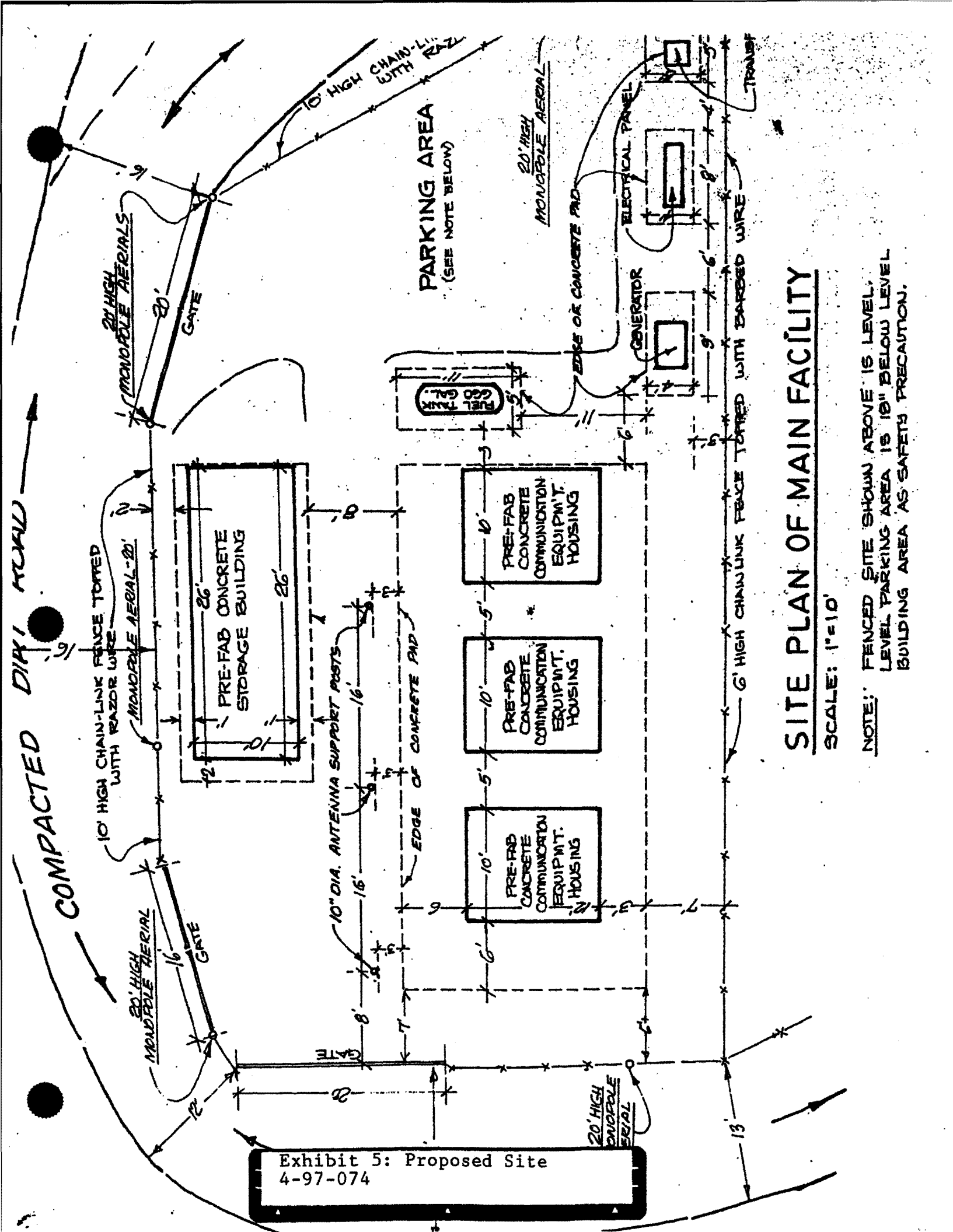


Exhibit 4: Topography Map
4-97-074



SITE PLAN OF MAIN FACILITY

SCALE: 1"=10'

NOTE: FENCED SITE SHOWN ABOVE IS LEVEL.
 LEVEL PARKING AREA IS 10" BELOW LEVEL
 BUILDING AREA AS SAFETY PRECAUTION.

WOLFEBA • FFF

SUBJECT SITE - 20.21 AC.

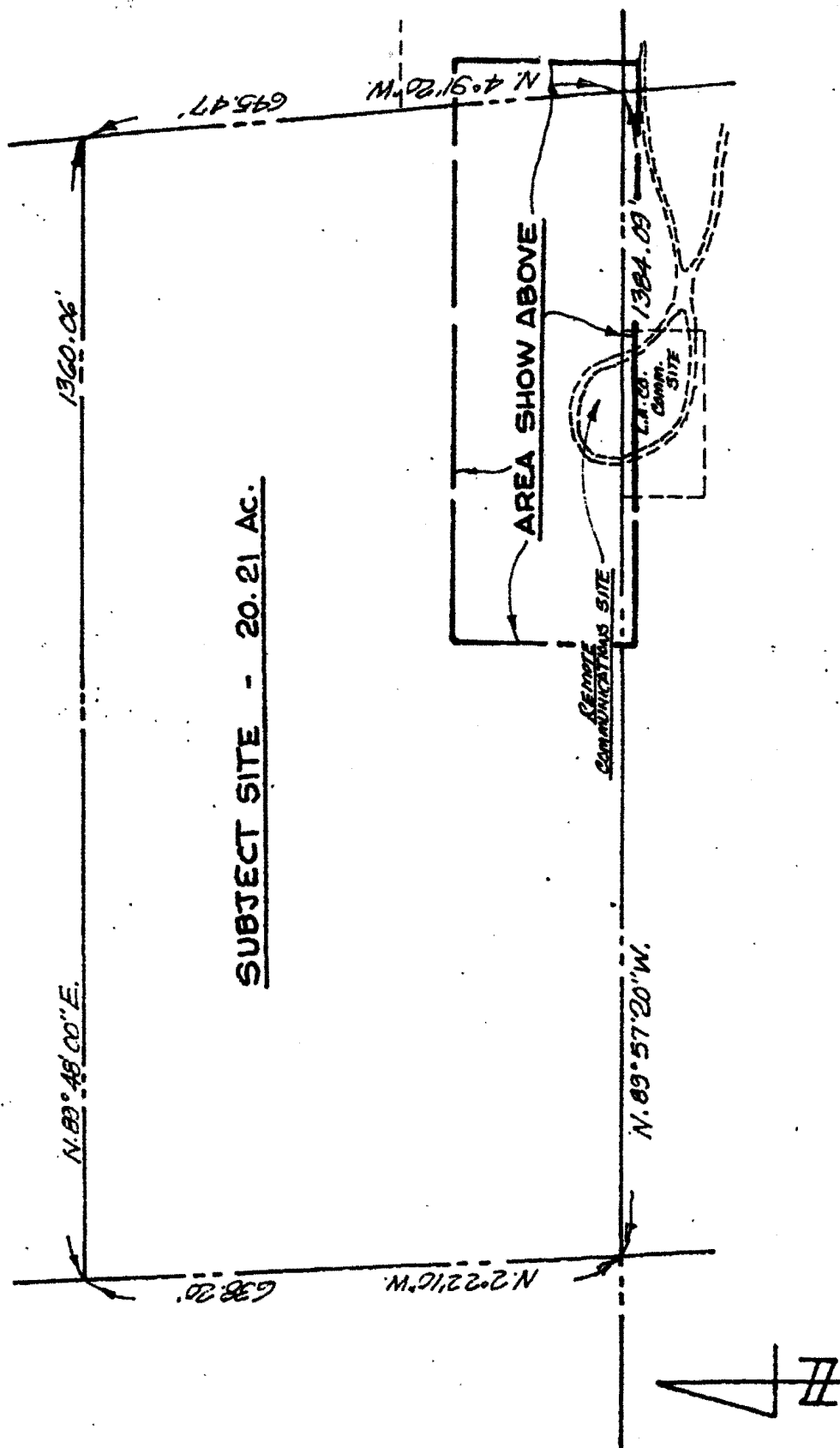
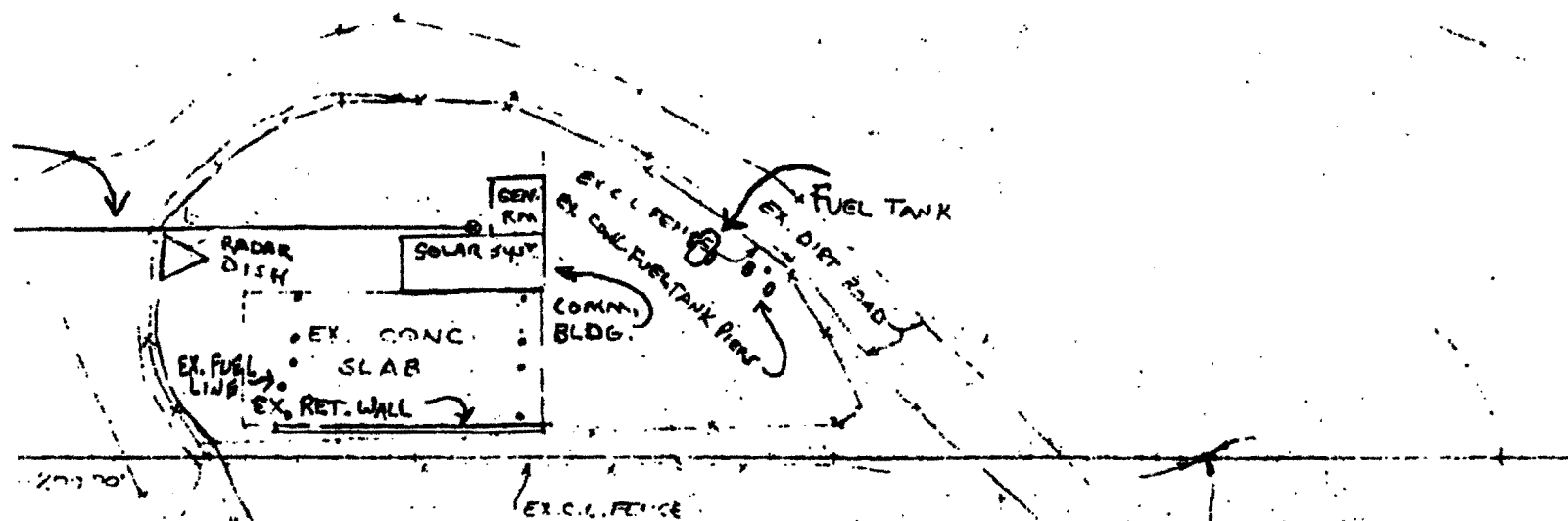


Exhibit 6: Site location on lot
4-97-074

DETAIL "A" BELOW FOR MONOPOLE LOCATIONS



F.B.I. MAY
COUNTY SUBJECT TO
MON. TIL 12 W
APR 5 17
244 1943

SCALE: 1" = 30'

INSIDE COMPOUND NOT TO EXACT SCALE
NO ACCESS AVAILABLE.

2" Ø 6 IP
CORNER
ON TOP.
OWNER
CONTACT
TEL

Exhibit 7: Previous development
4-97-074

PP 44740 REQUIREMENTS FOR CONSISTENCY 2/12/97

Approved for replacement of two portable unmanned communications equipment shelters, one portable storage container and appurtenant ground support equipment in connection with and accessory to the continuation of a non-conforming communication facility that includes 14 existing twenty foot high monopole antennas. Site development will also include establishment of an amateur radio station with antenna structure in conformity with the standards of Section 22.52.1430 of the Zoning Ordinance, attached hereto. All development will take place on existing concrete slabs that have been previously used for the same purpose and within the perimeter of the existing graded development site with no new grading necessary. The subject property requires recordation of a clear certificate of compliance prior to approval of Conditional Use Permit Case No. 96-054, for expansion of this communications facility.

The subject property is located in the County's coastal zone and requires approval of a coastal development permit by the California Coastal Commission due to the erection of the new antenna structure. The development site is located just northerly of the Eastern Wildlife Corridor and not within 200 feet of either the Newton Canyon Inland Environmentally Sensitive Habitat Area and a remnant of the La Sierra Inland Environmentally Sensitive Habitat Area, all as designated in the Malibu Local Coastal Plan. The proposal is, therefore, exempt from the requirement for a recommendation by the County's Environmental Review Board.

Runoff from impervious surfaces shall be collected, retained and dissipated on-site in such a manner as to not cause erosion into Cold Creek located to the west. All graded slopes shall be replanted with native, non-invasive species.

Exhibit 8: County Approval
4-97-074

May 7, 1997

L. Darrell Bevan
1164 Amberton Lane.
Newbury Park, CA 91320

Susan Friend
California Coastal Commission
89 South California St., Suite 200
Ventura, CA 93001

Reference: Application 4-97-074W

Dear Ms. Friend,

While visiting your office today to obtain information regarding making application for a Waiver DM I reviewed an application for a waiver on the property adjacent to mine. I was surprised at the inaccuracies and misleading nature of the application. The following are some of the discrepancies I noted. I will provide you supporting evidence to my claims if you desire. I do not believe the requested waiver is in the best interest of the Commission or the tenants being served.

The applicant was listed as Remote Communications (RCSI) and L. A. Cellular. L. A. Cellular Telephone Company (LACTC) is a client of mine operation under authority of CONDITIONAL USE PERMIT CASE NO. 88-021-(4) granted on June 6, 1988. No information is provided indicating authorship of the application by LACTC.

The response to your request for proof of ownership makes no reference to Remote Communications or L. A. Cellular.

At the time RCSI's took possession of the property it had been returned to it's original undeveloped state in accordance with the terms of the previous lease. There were no buildings or structures damaged or destroyed on the property.

Previous to their removal the following items, as shown on the photographs in your file, were:

- A. 54 square foot trailer (not a structure) used for equipment.
- B. 499 gallon propane tank on a trailer.
- C. Solar panels to charge batteries delivering an average power of 100 Watts.
- D. 48 square foot garden shelter containing one 4kW emergency generator.
- E. 14 antennas 20 foot high.
- F. 175 feet of chain link fence approximately 7 feet high.
- G. One (1) concrete pad used only for parking.

Items claimed by RCSI to be on the property during this period but, in fact, were not:

- A. Antenna structure or tower over 20 feet tall.
- B. Over 800 square feet of portable buildings on cement pads.
- C. Extensions of commercial electricity and telephone.
- D. 1000 gallon fuel tank.

Exhibit 9: Letter of Objection
4-97-074 received for waiver

Violations of the PP44740 REQUIREMENTS FOR CONSISTENCY 2/12/97 exist including the following expansions of site by RCSI that never previously existed:

- A. Over 600 square feet of communication equipment buildings.
- B. Massive antenna support structure approximately 36 feet wide X 50 feet high.
- C. Underground commercial Edison power of 400 Amps at 120/240 Volts.
- D. Underground commercial GTE telephone lines, 25 pairs.
- E. More than two acres clear-cut of natural vegetation. No replanting or runoff control as required.
- F. Extensive grading without a permit resulting in a citation from the County of Los Angeles.
- G. Involuntary use of private driveway without easement for access or egress.
- H. Installation of three (3) generators each rated at 60 kW. At least one of which has been running continuously since April 11, 1997 without required permits.
- I. Installation of 500 gallon propane tank and 660 gallon diesel fuel tank.
- J. Installation and operation of communication equipment and building without first obtaining a conditional use permit or a required building permit from the County of Los Angeles.
- K. Operation of PUC regulated services in violation of General order 159A.
- L. Installation of as many as thirty (30) antennas ranging up to 50 feet high.
- M. Representations to tenants and others that all permits and authorizations have been obtained.

It is clear that there are numerous violations including Title 22 of the Zoning Code. Nonconforming use was terminated upon the removal of nonconforming building or structure according to 22.56.1540 A. 1. Even if it could be argued that the buildings or structures were damaged or destroyed, authority for rebuilding of like for like must be at a cost of reconstruction not to exceed 50 percent of the total market value as defined in 22.56.1510 G. A file has been opened in the Zoning Enforcement department of County of Los Angeles Department of Regional Planning identified as file # 970937 to investigate the matter.

There has been and continues to be adequate and permitted facilities for all private and public needs for communication equipment and antennas on Castro Peak servicing the West end of Los Angeles County and the Conejo Valley. There is no justification to the proliferation of facilities onto land designated for A1-1 usage. The County of Los Angeles maintains a site which it shares with State agencies including CHP. The Federal government also has a facility in operation adjacent. My 23 acre property is permitted and has been used to service private telecommunication providers and telephone companies. There is adequate space on my property to service all the needs in the foreseeable future. This facility is available to other site providers, including RCSI.

It is my recommendation that Remote Communications be denied their request for waiver until such a time that their application and representations accurately reflect the facts.

Sincerely,



L. Darrell Bevan