



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 1, 2014

Steve Slater
3961 Black Bird Way
Calabasas, CA 91302

**REGARDING: PROJECT NO. R2013-02559-(5)
CONDITIONAL USE PERMIT NO. 201300128
9550 PEARBLOSSOM HIGHWAY, LITTLEROCK**

Hearing Officer Alejandro Garcia, by his action of **April 1, 2014**, 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 15, 2014**. **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. 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 Iris Chi of the Zoning Permits North Section at (213) 974-6443, or by email at ichi@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


Paul McCarthy, 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

PMC:IC

CC 060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02559-(5)
CONDITIONAL USE PERMIT NO. 201300128**

1. **ENTITLEMENT REQUESTED.** The applicant, AT&T, is requesting a conditional use permit (CUP) to authorize the continued operation and maintenance of an existing telecommunications switching facility pursuant to County Code Section 22.24.150 in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) Zone.
2. **HEARING DATE.** April 1, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on April 1, 2014 before Hearing Officer Alejandro Garcia. Changes were made to the Findings to reflect the correct number of parking spaces, a total of eight spaces (seven standard and one handicap). There was no public testimony made in favor of or opposition to the project. The Hearing Officer closed the public hearing, acknowledged the Categorical Exemption and approved the Conditional Use Permit with the following findings and conditions.
4. **PROJECT DESCRIPTION.** The applicant, AT&T, is requesting a Conditional Use Permit to authorize the continued operation and maintenance of an existing telecommunications switching facility in the A-2-1 zone. The existing telecommunications switching facility consists of a 9,393 square foot building that houses telephone switching equipment and two utility courtyards on a 38,000 square foot parcel. There are seven standard parking spaces and one handicap space. The project is proposing to maintain the telecommunications switching facility as it currently exists. This use was previously established through CUP No. 00-135.
5. **LOCATION.** 9550 Pearblossom Highway, Little Rock
6. **EXISTING ZONING.** The subject property is zoned A-2-1.

Surrounding properties are zoned as follows:

North: A-2-1, O-S (Open Space)

South: A-2-1

East: A-2-1

West: O-S

7. **EXISTING LAND USES.** The subject property is developed with a telecommunications switching facility.

Surrounding properties are developed as follows:

North: Flood control channel

South: Single family residence

East: Vacant land
West: Flood control channel, vacant land

8. PREVIOUS CASES/ZONING HISTORY.

CUP No. 96-153-(5)

- Approved the construction, maintenance and operation of an unmanned communications facility consisting of a 90-foot monopole and one equipment cabinet.
- Expired December 17, 2006

CUP No. 00-135-(5)

- Approved the expansion of an existing telecommunications facility consisting of a 5,244 square foot addition to the existing building that houses telephone switching equipment.
- Expired January 23, 2011

9. GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.

The project site is located within the N1 (Non-Urban) land use category of the Antelope Valley Area Plan. This designation allows for low-density rural development. The existing telecommunications switching facility is consistent with the land use designation because it is not an intensive land use and is therefore consistent with the permitted uses of the underlying land use category.

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

- *General Plan Public Services Policy 58: "Maintain high quality emergency response services."*

Cellular service is often used to make emergency calls. The proposed facility will ensure that such service is readily available, and useable in the case of an emergency.

10. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

Title 22 of the County Code does not explicitly specify a telecommunications switching facility as a use. The use most consistent with a telecommunications switching facility specified in the County Code is 'public utility service yards.' Pursuant to Section 22.24.100 of the County Code, development of public utility service yard is a permitted use of property in Zone A-2, provided that a CUP is first obtained.

Pursuant to Section 22.24.170 of the County Code, establishments in the A-2 Zone are subject to the following development standards:

- Front, side and rear yards shall be provided as required in Zone R-1.

The switching facility is in compliance with the yard requirements with a 20 foot front yard setback, 15 foot side yard setback and 72 foot rear yard setback.

Pursuant to Section 22.52.1220 of the County Code, a maximum of three (3) parking spaces are required for the unstaffed telecommunications switching facility. The site plan shows eight parking spaces (seven standard spaces and one handicap space) which are sufficient to accommodate the monthly maintenance visits to the site.

11. NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

The existing switching facility is appropriate for the site and area. The design of the switching facility minimizes visual intrusions and allows for the project to fit with the surrounding character of the neighborhood. The outer perimeter of the parcel is fenced with a block wall and is landscaped on both sides that front Pearblossom Highway and 96th Street East.

The switching facility will not be detrimental to the surrounding community. The facility provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property. This switching facility has been in operation for the past 18 years with no violations. The switching facility supports the wireless telecommunications infrastructure and the ability to make emergency calls is important. The additional coverage will be beneficial for residents and emergency personnel, such as the County Fire and Sheriff's Departments.

12. COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

Staff has not received any comments at this time.

13. LEGAL NOTIFICATION AND PUBLIC OUTREACH. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

14. PUBLIC COMMENTS.

Staff has not received any comments at this time.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The project site is located within the N1 (Non-Urban) land use category of the Antelope Valley Area Plan. This designation allows for low-density rural development. The existing telecommunications switching facility is consistent with the land use designation because it is not an intensive land use and is therefore consistent with the permitted uses of the underlying land use category.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

16. The existing switching facility is on a 38,000 square foot parcel and is located on the corner of Pearblossom Highway and 96th Street. The surrounding properties are all undeveloped and there are no adjacent neighbors or sensitive receptors

that could potentially be impacted. The purpose of renewing the preexisting CUP is to bring the property into compliance with the County Code and continue to operate the switching station as it has been in operation for over a decade. No new development or modifications are proposed in conjunction with this application request and no increases in noise, odors, dust, glare, shadows or fire hazards are projected to be generated with the renewal of the preexisting CUP.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

17. All the development on site, including the switching facility, is existing and no new development is proposed in conjunction with this application request. The site includes a 9,393 square foot structure that encloses the existing telecommunications switching facility, a paved parking lot, as well as perimeter fencing and landscaping. The facility is designed to operate unstaffed.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

18. The switching station has been in operation at the current site for over a decade without any problems related to traffic or parking. Adjacent highways and roads have been more than sufficient in providing access to the site. As indicated before, no new development or intensification in the operation is projected to be generated with approval of this CUP. The use will continue to operate as it currently exists and no new traffic will be generated as a result of this approval. No new parking will be needed in conjunction with the renewal of the CUP. The switching facility is designed to operate unstaffed with only intermittent visits from service technicians. The property has a private parking lot in order to provide off street parking for service technicians.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

19. The project is currently an existing telecommunications switching facility and is not located within an environmentally sensitive area. Therefore, the project qualifies as a Categorical Exemption (Class 1, Existing Facilities) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

20. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
21. **RECORD OF PROCEEDINGS.** 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, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. 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; and
- D. 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 traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200049 is Approved subject to the attached conditions.

ACTION DATE: April 1, 2014

PMC:IC
4/1/14

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02559-(5)
CONDITIONAL USE PERMIT NO. 201300128**

PROJECT DESCRIPTION

The project is for the continued operation and maintenance of an existing telecommunications switching facility in the A-2-1 (Heavy Agricultural – One Acre Minimum Required Lot Area) Zone subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on April 1, 2029.** 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 telecommunications switching facility 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 said 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 compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **July 1, 2014**.
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 be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize the continued operation and maintenance of a telecommunications switching facility, in accordance with the approved Exhibit "A".
20. The permittee shall maintain a minimum of three (3) parking spaces as required for the unmanned telecommunications switching facility by Section 22.52.1220 the County Code. If the permittee changes the operation of telecommunications switching facility so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.

If the telecommunications switching facility substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

21. All landscaping shall be maintained along the frontages of Pearblossom Highway and 96th Street East in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.