Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 4, 2015

Blu Croix
3961 Black Bird Way
Calabasas, CA 91302

REGARDING: **PROJECT NO. R2014-00258-(5)**
CONDITIONAL USE PERMIT NO. 201400011
39168 WILLOWVALE ROAD PALMDALE, CA 93551

Hearing Officer Susan Tae, by her action of **August 4, 2015,** 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 18, 2015. 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 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

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:IC

CC.060412

FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00258-(5)
CONDITIONAL USE PERMIT NO. 201400011

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400049 ("CUP") on August 4, 2015.

2. The permittee, AT&T ("permittee"), requests the CUP to authorize the continued operation and maintenance of an existing unmanned fiber optic regeneration plant, which is considered a communication equipment building ("Project") on a property located at 39168 Willowvale Road in the unincorporated community of Antelope Valley ("Project Site") in the R-A-7,000 (Residential Agricultural – 7,000 Square Feet Minimum Required Lot Area) zone pursuant to Los Angeles County Code ("County Code") section 22.20.440. R-A-7,000 is the zone that was assigned to this parcel in the Antelope Valley Area Plan in 1986. The project application was deemed complete before the revised Antelope Valley Area Plan came into effect in 2015 and is therefore under the previous Area Plan from 1986.

3. The Project Site is 0.23 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with unmanned fiber optic regeneration plant.

4. The Project Site is located in the Palmdale Zoned District and is currently zoned R-A-7,000.

5. The Project Site is located within the U2 – Urban 2 land use category of the Antelope Valley Area Plan Land Use Policy Map.

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

   North: City of Palmdale
   South: R-A-7,000
   East: City of Palmdale, R-A-7,000
   West: R-A-7,000

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

   North: Single-family residences
   South: Single-family residences
   East: Single-family residences
   West: Single-family residences, School

8. Zoning Exception Case No. 7127 expired on March 10, 1984. It allowed for the construction of a coaxial repeater station. CUP No. 00-168-(5) was approved on April 10, 2001 and expired on April 3, 2011. It allowed for the upgrade, authorization

and expansion of an existing unmanned fiber optic regeneration plant by the placement of a 1,400 square foot prefabricated structure.

9. The site plan for the Project depicts a 10,065 square foot parcel with a 1,410 square foot building that encloses the fiber optic regeneration switch, which is screened by a six foot high masonry wall. The unpermitted back up power generator has been removed. The Project maintains a 25 foot front and rear yard setbacks and five foot side yard setback.

10. The Project Site is accessible via Willowvale Road to the northwest. Primary access to the Project Site will be via an entrance/exit on Willowvale Road.

11. The County Department of Public Health ("Public Health") reviewed the project for the unpermitted generator on February 24, 2015. Public Health did not recommend the project and required the applicant to submit noise mitigation plans. The applicant chose to remove the unpermitted generator and confirmed its removal on July 8, 2015. If the applicant chooses to install a generator at a future date, the proposal must be review by County prior to its installation.

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 does not involve negligible or expansion of the existing use.

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. A duly noticed public hearing was held on August 4, 2015 before the Hearing Officer. The applicant's representative, Stephen Slater presented testimony in favor of the request and answered questions presented by the Hearing Officer. The Hearing Officer requested changes to be made to the Conditions of Approval to reflect the land use designation and zoning are under the 1986 Antelope Valley Area Plan. There being no further testimony, the Hearing Officer closed the public hearing, found the project to be categorically exempt and approved the project with the recommended changes by staff and agreed to by the applicant.

15. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan and the Antelope Valley Area Plan. The project site is located within the U2 – Urban 2 land use category of the Antelope Valley Area Plan. The project application was deemed complete before the revised Antelope Valley Area Plan came into effect in 2015 and is therefore under the previous Area Plan from 1986. This designation is intended for residential homes in the urban areas. The project is for the continued operation and maintenance of an existing unmanned fiber optic regeneration plant and is therefore consistent with the permitted uses of the underlying land use category.

16. The Hearing Officer finds that the Project is consistent with the development standards of the R-A zone, as set forth in section 22.20.450. The Pursuant to Section 22.20.440 of the County Code, communication equipment buildings are allowed in the R-A Zone with a CUP. Pursuant to 22.20.450, properties in R-A Zone shall be subject to development standards that apply to the R-1 (Single-Family Residence) Zone. The front, side and read yard setbacks are in compliance with the County Code. The existing front yard setback is 25 feet, side yard setback is five feet and the rear yard setback is 25 feet.

17. The Hearing Officer finds that the Project is consistent with the surrounding area in the unincorporated community of Antelope Valley. The existing fiber optic regeneration plant design is appropriate for the site and area. It is located on a parcel that is disguised to closely resemble the adjacent single-family residences. The Department of Public Health ("Public Health") reviewed the project for noise impacts to the neighboring residences on February 24, 2015. Public Health did not clear the project for hearing based on the existing unpermitted generator. Public Health required noise mitigation plan to be submitted. The applicant decided to remove the unpermitted generator and it was confirmed on July 8, 2015 that the generator has been removed.

    The fiber optic regeneration plant will not be detrimental to the surrounding community. It provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property. The ability to make emergency calls is important in any environment. The additional coverage will be beneficial for the public and emergency personnel, such as the Fire and Sheriff's Departments.

18. The Hearing Officer finds that the requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The existing use is on a 10,065 square foot parcel and is located near the intersection of Willowvale Road and Whiteash Drive in an area that is residential in nature. The surrounding properties are single-family homes with a middle school located directly across from the subject property. The use has been in operation for over a decade. During this time there have been no complaints regarding the use. The use is not materially detrimental to the surrounding area nor is it generating any adverse impacts. The equipment located on-site is enclosed within a structure and no full time employees work on-site since it is designed to operate unmanned. No new developments or modifications are proposed for this project. No increases in noise, odors, dust, glare, shadows or fire hazards are projected to be generated with the renewal of the CUP.

19. 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 this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. All development on-site, including the regeneration plant, is existing and no new

development is proposed in conjunction with this application request. The site includes a 1,410 square foot structure that enclosed the existing unmanned fiber optic regeneration plant, a paved parking lot, as well as perimeter fencing and landscaping. The on-site improvements have been more than sufficient in servicing the facility's needs especially when considering that it is designed to operate unmanned.

20. 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 traffic such use would generate and by other public or private service facilities as are required. The use has been in operation at the current site for over a decade without any problems related to traffic or parking. Adjacent roads have been more than sufficient in providing access to the site. No new development or intensification in the operation is projected to be generated with approval of this CUP. The use will continue to operate with no changes and no new traffic will be generated. The use is designed to operate unmanned with only intermittent visits from service technicians. The property has a driveway as well as a paved lot in order to provide off-street parking for service technicians.

21. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to twenty (20) years.

22. 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 Antelope Valley community. On June 26, 2015, a total of 263 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 eight notices to those on the courtesy mailing list for the Palmdale Zoned District and to any additional interested parties.

23. 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 and the Antelope Valley Area 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 this 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 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 21000 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and

2. Approves Conditional Use Permit No. 201400011, subject to the attached conditions.

ACTION DATE: August 4, 2015

RG:IC
8/4/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00258-(5)
CONDITIONAL USE PERMIT NO. 201400011

PROJECT DESCRIPTION

The project is for the continued operation and maintenance of an existing unmanned fiber optic regeneration plant, which is considered a communication equipment building 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 August 4, 2035**. 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 unmanned fiber optic regeneration plant 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 **$2,000.00**. 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 **ten (10) 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 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 **October 4, 2015**.

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.

PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize the operation and maintenance of an unmanned fiber optic regeneration plant.

PERMIT SPECIFIC CONDITIONS

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

21. 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.

22. If the subject property is adjacent to residences, construction and 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.

23. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles.

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

25. 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.

26. Upon termination of this grant, 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.

27. All landscaping on the subject property shall be maintained in a neat and healthy condition.

28. The facility shall be painted with a color that is consistent with the surrounding neighborhood and shall be maintained in good condition at all times.

29. Noise mitigation plans must be reviewed and approved by the County Department of Public Health prior to the installation of a future generator.