

Hearing Officer Transmittal Checklist

Hearing Date
8/4/15
Agenda Item No.
3

Project Number: R2014-00258-(5)
Case(s): Conditional Use Permit Case No. 201400011
Planner: Iris Chi

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
-
-
-

Reviewed By:  _____



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2014-00258-(5)

HEARING DATE

August 4, 2015

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201400011

PROJECT SUMMARY

OWNER / APPLICANT

AT&T

MAP/EXHIBIT DATE

November 4, 2014

PROJECT OVERVIEW

The applicant, AT&T, is requesting a Conditional Use Permit for the continued operation and maintenance of an existing unmanned fiber optic regeneration plant. There is a 1,410 square foot building that encloses the fiber optic regeneration switch. The unpermitted back up power generation has been removed. The project was previously approved through CUP 00-168-(5).

LOCATION

39168 Willowvale Road

ACCESS

Via Willowvale Road

ASSESSORS PARCEL NUMBER(S)

3003-016-800

SITE AREA

0.23 Acres

GENERAL PLAN / LOCAL PLAN

Antelope Valley Area Plan

ZONED DISTRICT

Palmdale

LAND USE DESIGNATION

U2 – Urban 2

ZONE

R-A-7000 (Residential Agricultural – 7,000 Square Feet Minimum Required Lot Area)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

3.4 – 6.6 du/ac

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Antelope Valley Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.20.450 (R-A Zone Development Standards)

CASE PLANNER:

Iris Chi

PHONE NUMBER:

(213) 974 – 6443

E-MAIL ADDRESS:

ichi@planning.lacounty.gov



ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the continued operation and maintenance of an existing unmanned fiber optic regeneration plant, which is considered a communication equipment building in the R-A (Residential Agricultural – 7,000 Square Feet Minimum Required Lot Area) Zone pursuant to County Code Section 22.20.440.

PROJECT DESCRIPTION

The applicant, AT&T, is requesting a Conditional Use Permit for the continued operation and maintenance of an existing unmanned fiber optic regeneration plant. The parcel is 10,065 square feet. There is a 1,410 square foot building that encloses the fiber optic regeneration switch, which is screened by a six foot high masonry wall. Access to this facility is from a driveway off of Willowvale Road. The unpermitted back up power generation has been removed. The project was previously approved through CUP 00-168-(5).

EXISTING ZONING

The subject property is zoned R-A-7,000.

Surrounding properties are zoned as follows:

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

EXISTING LAND USES

The subject property is developed with an unmanned fiber optic regeneration plant.

Surrounding properties are developed as follows:

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

PREVIOUS CASES/ZONING HISTORY

CUP No. 00-168-(5)

- Approved on April 10, 2001
- Expired on April 3, 2011
- Allowed for the upgrade, authorization and expansion of an existing unmanned fiber optic regeneration plant by the placement of a 1,400 square foot pre-fabricated structure.

Zoning Exception Case No. 7127

- Expired on March 10, 1984

- Allowed the construction of a coaxial repeater station. It is uncertain when the fiber optic replaced the coaxial cable use.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. This project is exempt and it is not an exception to the exemption since it is not located in an environmentally sensitive area. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the U2 – Urban 2 land use category of the Antelope Valley Area Plan. 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.

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 existing facility will ensure that such service is readily available, and useable in the case of an emergency.

Zoning Ordinance and Development Standards Compliance

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 rear 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.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

- A. *That the requested use at the location will not:*
1. *Adversely affect the health, peace, comfort of welfare of persons residing or working in the surrounding area, or*
 2. *Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or*

3. *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 continued operation of the facility.

- B. *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. All required yard setbacks are maintained and continue to be in compliance. 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.

- C. *That the proposed site is adequately served:*
 1. *By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicular traffic such use would generate; and*
 2. *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.

Neighborhood Impact/Land Use Compatibility

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 mitigating design features to be added onto the generator. 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.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

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.

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, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00258-(5), Conditional Use Permit Number 201400011, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 201400011 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Iris Chi, Planner, Zoning Permits North Section
Reviewed by Robert Glaser, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Aerial Image
Site Plan, Land Use Map

RG:IC
7/16/2015

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00258-(5)
CONDITIONAL USE PERMIT NO. 201400049**

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.
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.
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. *To be inserted after the public hearing to reflect hearing proceedings.*
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. 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. 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 rear 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
7/20/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00258-(5)
CONDITIONAL USE PERMIT NO. 201400049**

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.

**AT&T – 39168 Willowvale Rd.
Palmdale, CA.**

CONDITIONAL USE PERMIT BURDEN OF PROOF

Burden of Proof

A. That the requested use at the location will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or**
- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or**
- 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

The application request is for the purpose of renewing a preexisting conditional use permit for an unmanned fiber optic regeneration plant which expired on April 3, 2011 as stipulated in the original conditions of approval. The existing use is on a 10,065 square foot parcel. It is located near the intersection of Willowvale Rd. and Whiteash Dr. in an area that is residential in nature. The surrounding properties are single family homes with a middle school being located directly across from the subject. The purpose of renewing (reestablishing) the preexisting use permit is to bring the property into compliance with the Los Angeles County Code. The use has been in operation for over a decade. During this time there have been no complaints regarding the use. This is a clear indication that the use is not materially detrimental to the surrounding nor is it generating any adverse impacts. As indicated before, the equipment located on-site is enclosed by a structure and no full-time employees work on-site in that it is designed to operate unmanned. 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 conditional use permit.

B. 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.

Section 22.20.440 of the Los Angeles County Zoning Code allows the establishment of a communication equipment building within the R-A zoning district with approval of a conditional use permit. All the development on site, including the regeneration plant, are existing and no new development is proposed in conjunction with this application request. The site includes a 1,400 square foot structure that encloses 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. In addition, the project supports and further enhances the following goals and policies within the Los Angeles County General Plan:

- General Goals and Policies Chapter, Policy No. 20: *Maintain and conserve sound existing development (Los Angeles County General Plan, General Goals and Policies Chapter, Pg. 21).*

The subject use has been in operation for over a decade at the existing site. The facility provides a communications network that serves a fundamental public communication need. Approval of the conditional use permit would conserve the use which services the general public without producing any adverse impacts to the surrounding environment.

- General Goals and Policies Chapter, Policy No. 58: *Maintain high quality emergency response services (Los Angeles County General Plan, General Goals and Policies Chapter, Pg. 25).*

The facility helps maintain the communications network that offers increased quality and accessibility to emergency response communication services. Telecommunications services have developed into an indispensable facet of modern life offering a wide range of emergency communications. The results of any major interruption of telecommunications services can be detrimental. The approval of the application request for the proposed use will preserve network reliability which will continue to service the members of the public.

- Noise Element Goal: *Reduce transportation noise to a level that does not jeopardize health and welfare (Los Angeles County General Plan, Noise Element, Pg. 18).*

The unmanned fiber optic regeneration plant is designed to operate unmanned with only intermittent visits from service technicians that are temporary in nature. Unlike a conventional commercial, industrial or agricultural use, the noise traffic that will be generated in conjunction with the conditional use permit renewal for the regeneration plant will be minimal due to the fact that there are no full-time employees traveling to the site on a daily basis.

- Noise Element Goal: *Protect areas that are presently quiet from future noise impact (Los Angeles County General Plan, Noise Element, Pg. 18).*

The unmanned fiber optic regeneration plant is located in the interior of a 1,400 square foot building. Any noise being generated by the use will be mitigated by the fact that the facility is completely enclosed. This, in return, will assist in protecting adjacent areas from any noise impacts that could potentially have a detrimental impact on the environment.

C. That the proposed site is adequately served:

1. 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
2. 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. As indicated before, no new development or intensification in the operation is projected to be generated with approval of this conditional use permit. The use will continue to operate "as is" 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 conditional use permit. The use is designed to operate unmanned with only intermittent visits from service technicians from time-to-time. The property has a driveway as well as a paved lot in order to provide off-street parking for service technicians that may be on-site from time-to-time.



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February 24, 2015

TO: Iris Chi
Regional Planning Assistant II
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA M.T
Environmental Health Division
Department of Public Health

**SUBJECT: CUP CONSULTATION
PROJECT NO. R2014-00258/ CUP201400011
Fiber Optic Plant Generator
39168 Willowvale Road, Antelope Valley**

- Public Health recommends approval of this CUP.
- Public Health does **NOT** recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the CUP renewal request for the above referenced project. The CUP is for an existing unmanned fiber optic regeneration plant. No interior or exterior modifications or improvements are proposed. The Department cannot recommend approval of the CUP until a noise mitigation plan has been submitted as requested below.

Toxics-Epidemiology Program

Staff from the Toxics Epidemiology Program reviewed the documents and plans provided by the applicant and conducted a site assessment of the subject project located at the above location.

The emergency generator runs for 1 hour during day test runs monthly and 4 hours once annually; therefore, the applicable exterior noise standard here is Title 12 section 12.08.390, Standard No. 1 (L50) for daytime residential zones. The ambient noise level (L50) is greater than the standard (50 dBA); therefore, the ambient noise level (52.4 dBA) is applied as the standard in this case.

The site assessment findings indicate that the generator exceeds the standard (L50 ambient) by 8.7 dBA (67.1 dBA @ adjacent south residential property – 52.4 dBA); therefore, the applicant is required to attenuate the noise from the generator to levels at or below the L50 standard (52.4 dBA).

We recommend that the applicant consult with an acoustical professional or engineer to provide recommendations to mitigate the noise impact. A noise barrier around the equipment with sufficient transmission loss (STC) and height should be adequate to reduce noise levels to exterior noise standards. (Keep in mind that ambient noise levels vary so design should incorporate reducing sound levels by at least 10 dBA).

Submit noise mitigation plans to our Program for review. Our Program recommends a follow-up noise monitoring to monitor conditions after mitigation.

If you have questions regarding the above section, please contact Robert Vasquez or Evenor Masis of the Toxics-Epidemiology Program at (213)738-3220 or at rvasquez@ph.lacounty.gov and emasis@ph.lacounty.gov.

For any other questions regarding this report, please feel free to contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.

PHOTO KEY MAP

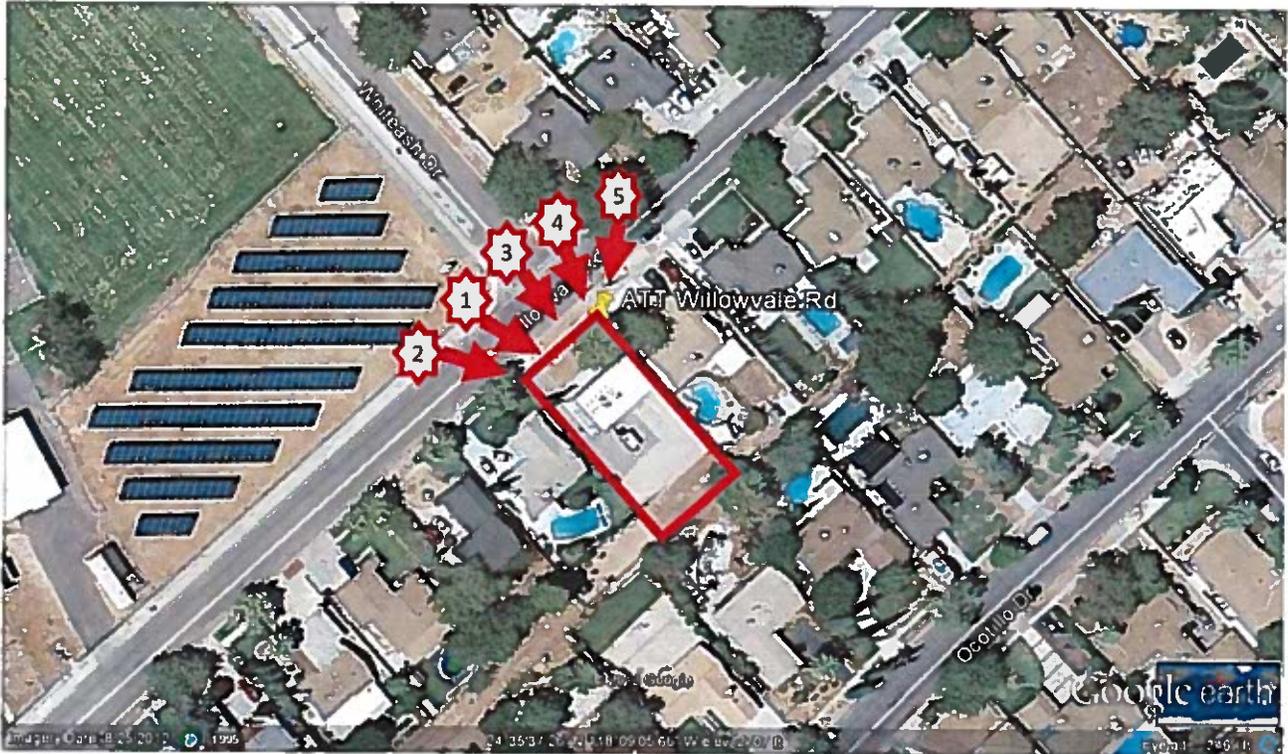


PHOTO NO. 1



PHOTO NO. 2



PHOTO NO. 3



PHOTO NO. 4

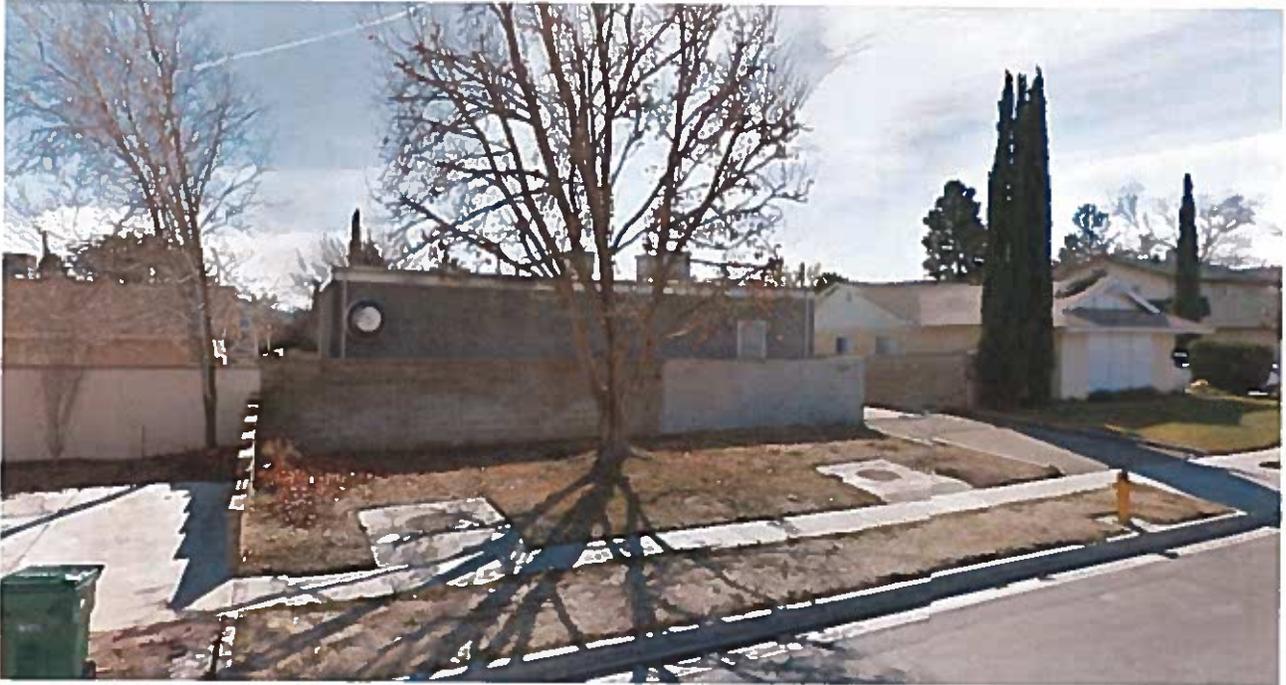
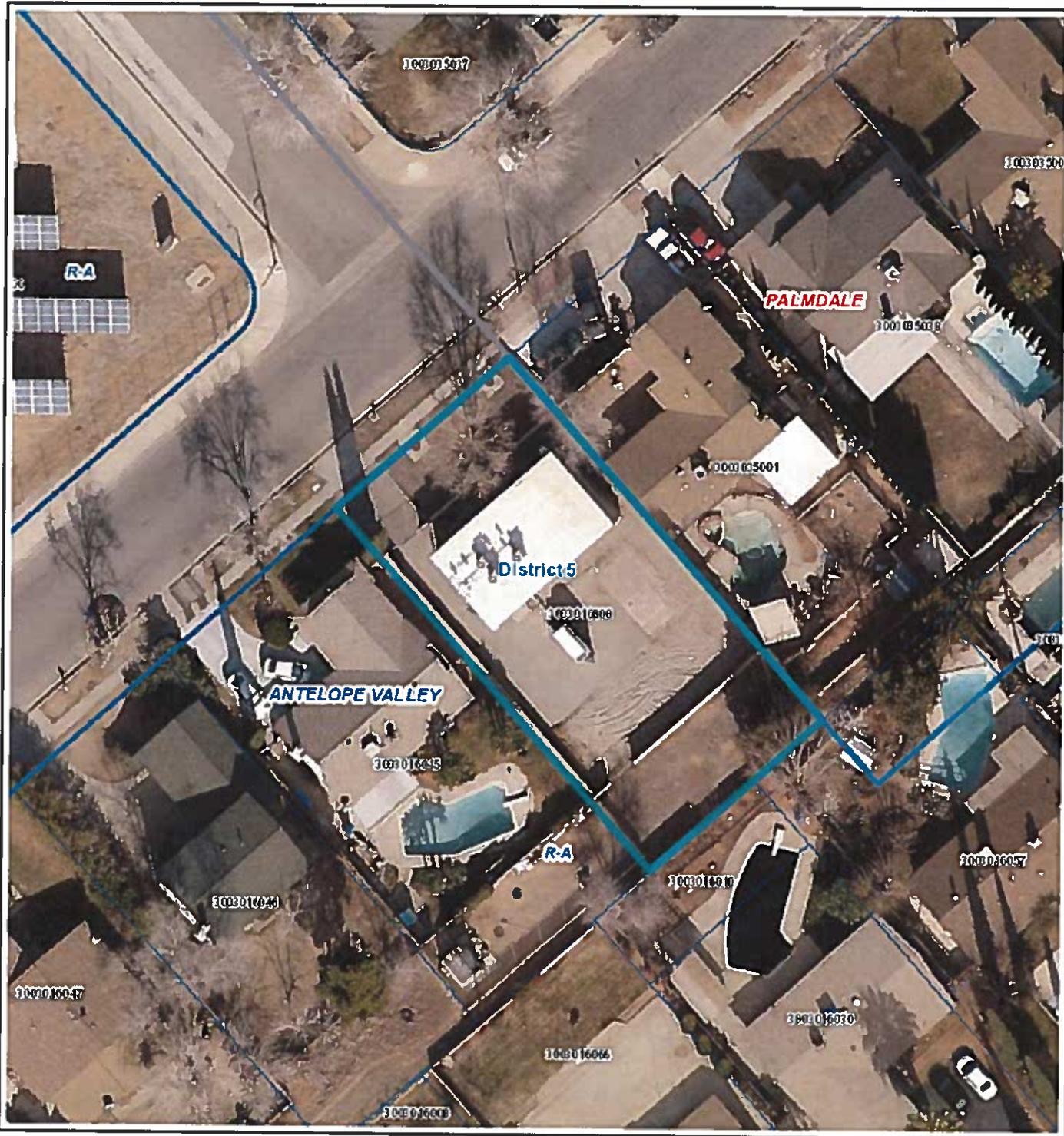


PHOTO NO. 5





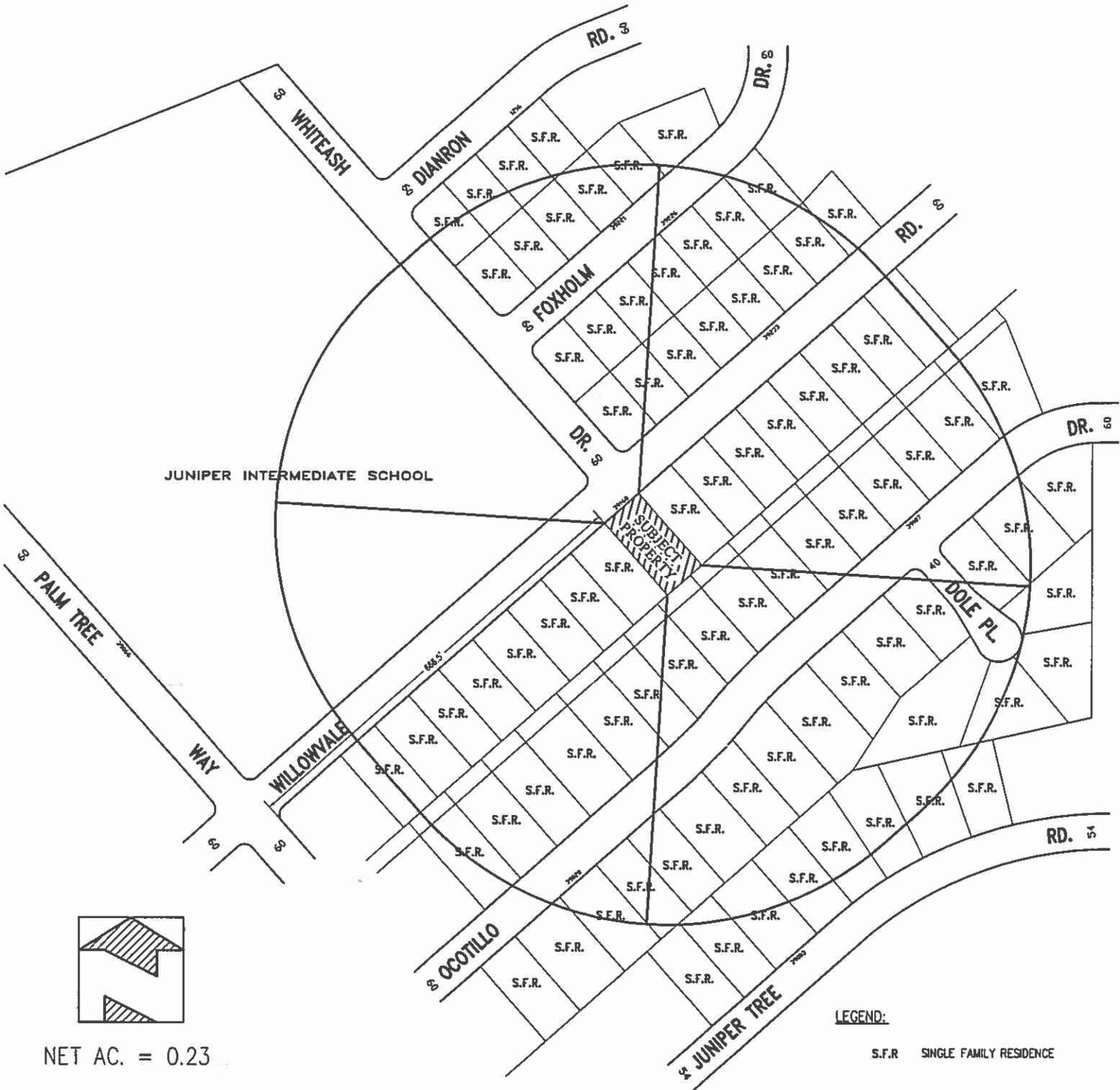
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NET AC. = 0.23

LEGAL: LOT 1, TRACT No. 24283, M.B. 636-5/6

CMS 13-6340

500-FOOT RADIUS LAND USE MAP



CONTINENTAL MAPPING SERVICE

6315 Van Nuys Boulevard, Suite 208, Van Nuys, CA 91401

Phone: (818) 787-1663 - Fax: (818) 787-1321

CASE No.:

DATE:

DRAWN BY: ANDRES RAAB

A.P.N. 3003-016-800

SCALE: 1" = 100'

USES: FIELD