

# Hearing Officer Transmittal Checklist

Hearing Date  
03/01/2016  
Agenda Item No.  
11

Project Number: R2015-02917-(5)  
Case(s): Conditional Use Permit Case No. 201500118  
Environmental Assessment Case No. 201500209  
Planner: Thuy Hua

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Previous CUP Conditions of Approval
- 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
- Findings and conditions of Previous permit

Reviewed By: 



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

**PROJECT NUMBER**  
 R2015-02917-(5)

**HEARING DATE**  
 March 1, 2016

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201500118  
 Environmental Assessment No. 201500209

## PROJECT SUMMARY

**OWNER / APPLICANT**

Verizon California, Inc.

**MAP/EXHIBIT DATE**

6/15/15

**PROJECT OVERVIEW**

The applicant is requesting a Conditional Use Permit (CUP) to authorize the continued operation of an existing microwave dish and telecommunication switching facility. The microwave antenna was previously approved through CUP 200400050 and expired on March 15, 2015. The telecommunication switching facility was established as a permitted use when the property was zoned M-3 (Unclassified), though it now requires a CUP under the A-2 zone.

**LOCATION**

5850 East Avenue I, Lancaster

**ACCESS**

East Avenue I

**ASSESSORS PARCEL NUMBER(S)**

3384-001-800

**SITE AREA**

1.28 Acres

**GENERAL PLAN / LOCAL PLAN**

Antelope Valley Area Plan

**ZONED DISTRICT**

Antelope Valley East

**LAND USE DESIGNATION**

RL20 (Rural Land 20)

**ZONE**

A-2-5 (Heavy Agricultural with a Minimum Required Lot Size of 5 Acres)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

1 du / 20 acres

**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)
  - 22.24.170 (A-2 Zone Development Standards)

**CASE PLANNER:**

Thuy Hua

**PHONE NUMBER:**

(213) 974 - 6443

**E-MAIL ADDRESS:**

thua@planning.lacounty.gov



### **ENTITLEMENTS REQUESTED**

- Conditional Use Permit ("CUP") for the continued operation of an unmanned telecommunication switching facility and microwave antenna in the A-2-5 (Heavy Agricultural with a Minimum Required Lot Size of Five Acres) Zone pursuant to County Code Section 22.24.150.

### **PROJECT DESCRIPTION**

The project is a request to continue operation and maintenance of an existing unmanned telecommunication switching facility and microwave antenna. No modifications or expansions are being requested. The project was legally established in 1957 under the M-3 (Unclassified) Zone as a permitted use and since the zoning of the property has changed to A-2-5 now requires a CUP for continued operation. A CUP was approved for the microwave antenna under CUP 200400050 and expired on March 15, 2015.

### **SITE PLAN DESCRIPTION**

The subject property is a rectangular parcel 1.28 acres in size located at 5850 East Avenue I (APN 3384-001-800) in the Antelope Valley East Zoned District. The site layout consists of an existing one-story 5,520 square foot rectangular structure, measuring approximately 124'-6" by 43'-9", with an additional 865 square foot second-story mezzanine, and an attached CMU wall enclosed equipment area located at the north side of the parcel. The rear two-thirds of the subject property is undeveloped. Access to the property is provided from East Avenue I. No changes to the site are proposed.

### **EXISTING ZONING**

The subject property is zoned A-2-5.

Surrounding properties are zoned as follows:

North: A-2-5

South: A-2-5

East: A-2-5

West: A-2-5

### **EXISTING LAND USES**

The subject property is developed with a telecommunication switching facility.

Surrounding properties are developed as follows:

North: Vacant, farm

South: Vacant, farm

East: Vacant

West: Vacant, farm

### **PREVIOUS CASES/ZONING HISTORY**

Based on the Los Angeles County Assessor's building records, the structure was constructed in 1957 when the zoning for the property was M-3 (Unclassified) Zone.

Ordinance 7093 was adopted by the Board of Supervisors on January 2, 1957, which established the zoning of the property as M-3 (Unclassified) Zone. Ordinance 7450 was adopted by the Board of Supervisors on December 16, 1958, which changed the zoning of the property to A-2-2 (Heavy Agricultural with a Minimum Required Lot Size of Two Acres). Ordinance 7490 was adopted by the Board of Supervisors on March 17, 1959, which changed the zoning of the property to A-2-1 (Heavy Agricultural with a Minimum Required Lot Size of One Acre). Ordinance 2015-0021Z adopted by the Board of Supervisors on June 16, 2015 changed the zoning of the property to A-2-5 (Heavy Agricultural with a Minimum Lot Size of Five Acres).

Plot Plan No. 43548, approved on April 21, 1994, authorized the replacement of HVAC units.

Project No. R2004-00615 / Conditional Use Permit No. 200400050, approved on March 15, 2005, authorized the construction, operation, and maintenance of an unmanned six-foot in diameter drum-style microwave antenna installed on the southerly wall of the existing structure.

#### **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. The project involves the renewal of an existing use with no modifications or expansions. While the project is located within a Significant Ecological Area ("SEA"), Section 22.56.215.A of the County Code states, in part, that a SEA CUP is required prior to the construction or enlargement of any building or structure. Therefore, if an existing building or structure was legally established, the use does not require a SEA CUP unless an enlargement or expansion of the building or structure is being proposed. 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 Rural Land 20 land use category of the Antelope Valley Area Plan. Allowable uses in this designation include: single-family residences at a maximum density of one dwelling unit per 20 acres; equestrian and animal uses; and agricultural and related activities. Specific allowable uses and development standards are determined by the underlying zoning designation. The telecommunication switching facility and microwave antenna provide a service to the local area and will not contribute to an increase in the residential density in the area. Therefore, the project is 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 Policy No. 20, Page 21: Maintain and conserve sound existing development.*

The existing use has existed and been well maintained since 1957, without adverse impacts to the surrounding area.

- *General Policy No. 58, Page 25: Maintain high quality emergency response services.*

The existing telecommunication switching facility and microwave antenna provide the local area with the necessary communication infrastructure to set up communication paths between any two distant points. The existing use helps maintain the communications network that offers increased quality and accessibility to emergency response communication services. Telecommunication services have developed into an indispensable facet of modern life, offering a wide range of emergency and non-emergency communications. The results of any major interruption of telecommunications services can be detrimental. The continued operation of the existing use will preserve network reliability which will continue to service the members of the public.

- *Noise Goal No. 6, Page 18: Protect areas that are presently quiet from future noise impact.*

The existing telecommunications switching facility is located in the interior of a 5,520 square foot building. Any noise being generated by the switching facility is mitigated by the fact that the facility is completely enclosed. This, in turn, will assist in protecting adjacent areas from any noise impacts. Additionally, the facility is designed to operate unmanned with only intermittent visits from service technicians that are temporary in nature and thus with no full-time employees it does not contribute much activity or noise to the area.

The following goal of the Antelope Valley Area Plan is applicable to the proposed project:

- *Goal PS 7: Emergency services that respond in a timely manner.*

The existing telecommunication switching facility helps maintain the communications network that offers increased quality and accessibility to emergency response communication services. The continued operation of the existing use will preserve network reliability which will continue to service the members of the public.

#### Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.24.150 of the County Code, communication equipment buildings and radio and television stations and towers are both allowed uses in the A-2 Zone, 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 required minimum 20-foot front, 5-foot side, and 15-foot rear yards as required in Zone R-1. The subject property has

provided required yards of 25 feet in front, 5.5 feet on the west side, 20 feet on the east side, and 280 feet in the rear.

The existing telecommunication switching facility and microwave antenna are unmanned and will require periodic visits. While a parking space is not dedicated, the subject property can adequately and safely accommodate the parking of a vehicle used for periodic maintenance of the unmanned facility along the paved driveway parallel to East Avenue I and in front of the building entrance.

The height limit in the A-2 zone is 35 feet. The height of the existing building is 30'-5". The drum-style microwave antenna is mounted on the southern wall on top of the mezzanine floor and reaches a height of 35'-6". While the microwave antenna exceeds the height limit of 35 feet by six inches, rooftop antennas are not subject to the height limit.

#### Site Visit

Staff conducted a site visit on January 28, 2016 and found the plans to be consistent with the site. Staff took photographs of the existing building and the surroundings, which are included in the hearing package.

#### 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.

#### Neighborhood Impact/Land Use Compatibility

The existing unmanned telecommunication switching facility and microwave antenna are consistent with the existing zoning and land use category. The telecommunication switching facility was established as a legally permitted use when the property was zoned M-3, though it now requires a CUP under the A-2 zone. The microwave antenna was originally approved by CUP 200400050 in 2005. The facility has been well maintained over the years and provides the area with necessary telecommunication infrastructure. There are no proposed changes to the existing use and it does not impact the other vacant and agricultural uses in the surrounding area.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Per the Departmental consultation procedures, the renewal of this specific use did not require consultations with the other County departments.

### **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 R2015-02917, Conditional Use Permit Number 201500118, 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, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500118 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Thuy Hua, Senior Regional 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  
Site Photographs  
Aerial Image  
Site Plan  
Land Use Map

RG:TH  
2/17/16

**DRAFT FINDINGS AND ORDER  
OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-02917-(5)  
CONDITIONAL USE PERMIT NO. 201500118**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500118 ("CUP") on March 1, 2016.
2. The permittee, Verizon California Inc. ("permittee"), requests the CUP to authorize the continued operation of an existing unmanned telecommunication switching facility and microwave antenna ("Project") on a property located at 5850 East Avenue I (APN 3384-001-800) in the unincorporated Antelope Valley ("Project Site") in the A-2-5 (Heavy Agricultural with a Minimum Lot Size of Five Acres) Zone pursuant to Los Angeles County Code ("County Code") Section 22.24.150.
3. The Project Site is 1.28 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with one existing building.
4. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned A-2-5 (Heavy Agricultural with a Minimum Lot Size of Five Acres).
5. The Project Site is located within the RL20 (Rural Land 20) land use category of the Antelope Valley Area Plan Land Use Policy Map.
6. Surrounding zoning within a 500-foot radius includes:
  - North: A-2-5
  - South: A-2-5
  - East: A-2-5
  - West: A-2-5
7. Surrounding land uses within a 500-foot radius include:
  - North: Vacant, farm
  - South: Vacant, farm
  - East: Vacant
  - West: Vacant, farm
8. The Project Site was zoned M-3 (Unclassified) in 1957 through Ordinance No. 7093, and there were several subsequent zoning cases approved. Ordinance No. 7450 changed the zoning to A-2-2 (Heavy Agricultural with a Minimum Lot Size of 2 Acres) in 1958. Ordinance No. 7490 changed the zoning to A-2-1 (Heavy Agricultural with a Minimum Lot Size of 1 Acre) in 1959. Ordinance 2015-0021Z changed the zoning to A-2-5 (Heavy Agricultural with a Minimum Lot Size of Five Acres) in 2015.

9. Plot Plan No. 43548 approved the replacement of HVAC units on April 21, 1994. Conditional Use Permit No. 200400050 approved the construction, operation, and maintenance of an unmanned six-foot in diameter drum style microwave antenna installed on the southerly wall of an existing structure on March 15, 2005 and expired on March 15, 2015.
10. The site plan depicts the Project Site with an existing one-story 5,520 square foot rectangular structure, measuring approximately 124'-6" by 43'-9", with an additional 865 square foot second-story mezzanine, and an attached CMU wall enclosed equipment area located at the north side of the parcel. The building contains a switch hub, equipment room, battery room, equipment cage, electrical switchboard room, janitor's closet, restroom, and mechanical equipment in the mezzanine. The height of the existing building is 30'-5" above the mezzanine floor, but most of the building is 20'-7" in height. The 6-foot in diameter drum style microwave antenna is mounted on the southern wall on top of the mezzanine floor and reaches a height of 35'-6". A back-up generator is located to the south of the building. The rear two-thirds of the Project Site is undeveloped. Ingress and egress to the Project Site is provided by two driveways off East Avenue I.
11. The Project Site is accessible via East Avenue I to the north. The primary and sole access to the Project Site is via two driveways from East Avenue I.
12. The Project does not provide any dedicated parking spaces. However, the Project Site can adequately and safely accommodate the parking of a vehicle used for periodic maintenance of the unmanned facility by the entrance to the building or within the paved driveway area parallel to the north side of the building facing East Avenue I.
13. As the Project is an existing facility with no changes proposed, consultation with other County departments is not required.
14. 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 involves the continued use and operation of a microwave antenna and telecommunication switching facility, with no expansion of use beyond that which is previously existing.
15. 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.
16. Prior to the Hearing Officer's public hearing, the Department of Regional Planning ("Regional Planning") staff did not receive any comment from the public.

17. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
18. The Hearing Officer finds that the Project is consistent with the goals and policies of the Antelope Valley Area Plan, a component of the General Plan. The project site is located within the Rural Land 20 land use category of the Antelope Valley Area Plan. Allowable uses in this designation include: single-family residences at a maximum density of one dwelling unit per 20 acres; equestrian and animal uses; and agricultural and related activities. Specific allowable uses and development standards are determined by the underlying zoning designation. The telecommunication switching facility and microwave antenna provide a service to the local area and will not contribute to an increase in the residential density in the area. Therefore, the project is consistent with the permitted uses of the underlying land use category.
19. The Hearing Officer finds that the Project is consistent with the A-2-5 zoning classification because communication equipment buildings and radio and television stations and towers are both allowed uses in the A-2 Zone.
20. The telecommunication switching facility has been in operation since 1957, providing the necessary telecommunication infrastructure for the area. The microwave antenna has operated without any violations during the duration of its grant term. The surrounding properties are vacant or farms and there are no adjacent neighbors or sensitive receptors that could potentially be impacted. Therefore, the Hearing Officer finds that the Project 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 Project Site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
21. The telecommunication switching facility is developed on a 1.28 acre site near the southwest corner of East Avenue I and 60<sup>th</sup> Street East. All the development onsite are existing and no new development is proposed. The Project Site includes a 5,520 square foot structure that encloses the existing telecommunications switching facility, a paved driveway, as well as perimeter fencing and landscaping. Therefore, the Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features as are required in order to integrate the Project into the surrounding area.
22. The Project Site is served by East Avenue I, which is designated as an Existing Secondary Highway. The use will continue to operate in its existing unmanned state with only intermittent visits from service technicians, and thus no new traffic will be generated. Therefore, the Hearing Officer finds that the Project 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.

23. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 20 years.
24. 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 the Lancaster Library. On January 13, 2016, a total of 15 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 16 notices to those on the courtesy mailing list for the Antelope Valley East Zoned District and to any additional interested parties.
25. 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 Antelope Valley Area Plan and General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE HEARING OFFICER:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201500118, subject to the attached conditions.

**ACTION DATE: MARCH 1, 2016**

RG:TH  
2/17/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-02917-(5)  
CONDITIONAL USE PERMIT NO. 201500118**

**PROJECT DESCRIPTION**

The project is for the continued operation and maintenance of an unmanned telecommunication switching facility and microwave antenna located at 5850 East Avenue I (APN 3384-001-800) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 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 March 1, 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 telecommunication 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 \$2,200.00. 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 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 the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of 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 **May 2, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. The permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If wireless telecommunication facilities are co-located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of the said wireless telecommunication facilities.
21. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed wireless telecommunication facility that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
23. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

24. 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. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
25. 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.
26. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
28. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
29. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
30. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
31. Upon termination of this grant or after the construction of this facility, if the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.

#### **PROJECT SITE SPECIFIC CONDITIONS**

32. This grant shall authorize the continued operation and maintenance of an unmanned telecommunication switching facility and drum style microwave antenna installed on the southerly wall of the telecommunication switching building located at 5850 East Avenue I.

33. All equipment shall be a neutral color excluding black to blend with its surroundings and shall be maintained in good condition at all times.
34. The operator shall provide satisfactory safeguards to prevent unauthorized access to the mezzanine enclosure.

RG:TH  
2/17/16



## CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

**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.

Please see attachment.

**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.**

Please see attachment.

**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 traffic such use would generate, and
2. By other public or private service facilities as are required.

please see attachment.

Verizon California, Inc. – 5850 East Avenue I  
Lancaster, CA.  
APN: 3384-001-800  
August 2015

### 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; and

The application request is for the purpose of renewing a preexisting conditional use permit for a microwave antenna which expired on March 15, 2015 as stipulated in the original approval as well as an existing telecommunications switching facility which has operated as a legal non-conforming use, in that, no previous conditional use permit exists for the communications facility. The existing switching facility is on a 1.28 acre site and is located near the corner of East Avenue I and 60<sup>th</sup> Street intersection. The surrounding properties are all undeveloped and there are no adjacent neighbors or sensitive receptors that could potentially be impacted. Furthermore, the microwave antenna drum and the telecom switching facility have both operated peacefully on the site with no complaints or disturbances. The purpose of renewing (reestablishing) the preexisting use permit is to bring the site into compliance with the Los Angeles County Code and continue to operate both uses which have been in operation for several years. 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; and

Section 22.24.150 of the Los Angeles County Zoning Code allows the establishment of communications equipment buildings as well as radio and television towers within the A-2 zoning district with approval of a conditional use permit. All the development on site, including the switching facility, are existing and no new development is proposed in conjunction with this application request. The site includes a 5,520 square foot structure that encloses the existing telecommunications switching facility, a paved driveway, 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 several years at the existing site. The telecommunications switching 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 switching 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 telecommunications switching facility 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 telecommunications switching facility 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 for the switching facility 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 telecommunications switching facility is located in the interior of a 5,520 square foot building. Any noise being generated by the switching facility 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. Furthermore, the microwave antenna drum as well as the existing switching facility have been in operation on the site for several years without generating any noise issues or complaints.*

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 switching station as well as the microwave drum antenna have been in operation at the current site for several years 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 proposed 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 switching facility is designed to operate unmanned with only intermittent visits from service technicians from time-to-time. The property continues to comply with finding No. 10, as provided within the CUP approval correspondence for the previous CUP (CUP No. 200400050), by providing one parking space for the purpose of maintenance visits. The parking on site has been sufficient for the service/maintenance technicians.

## **SITE PHOTOGRAPHS**



**PHOTO 1: NORTH FAÇADE OF FACILITY**



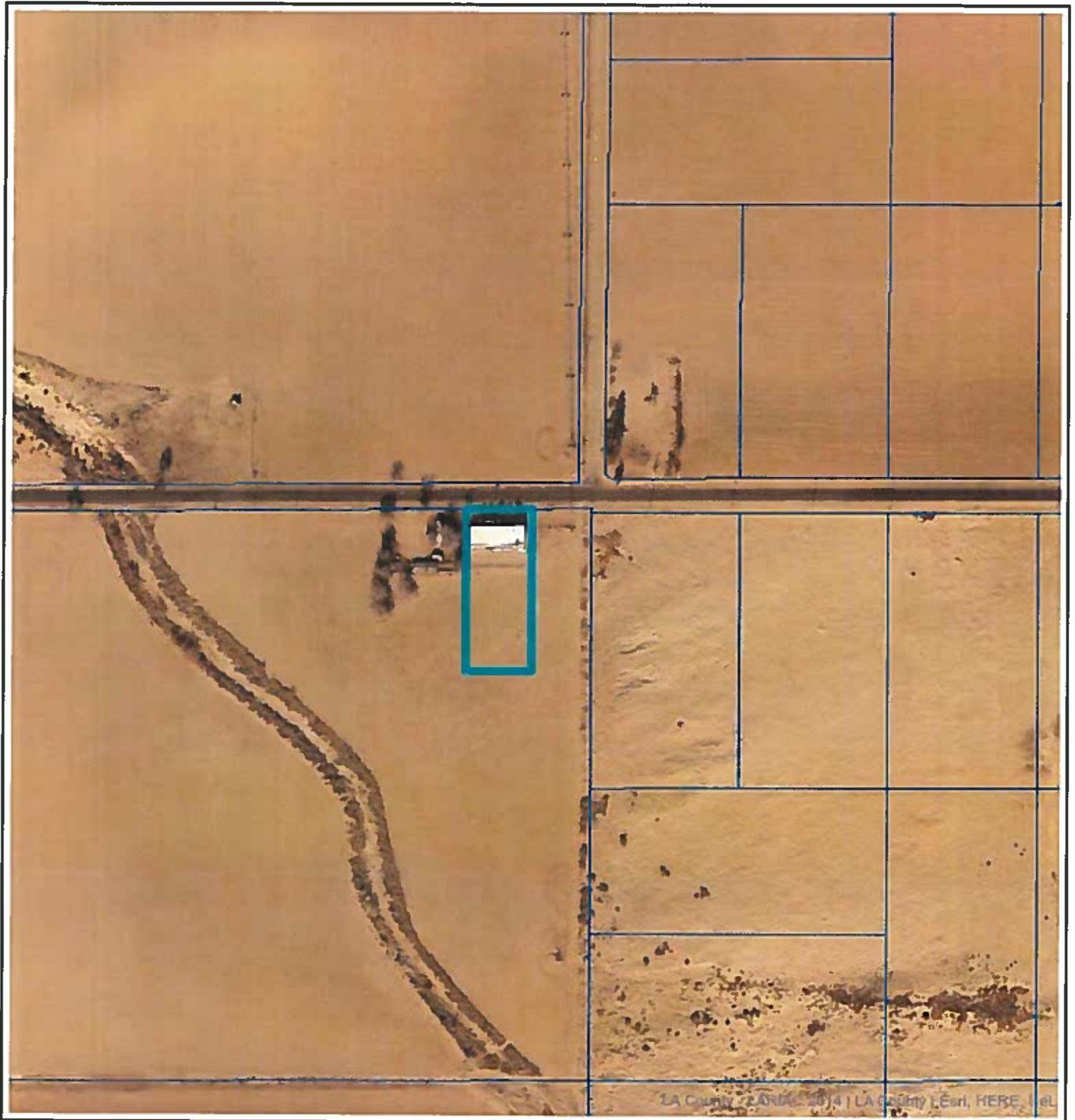
**PHOTO 2: ENTRANCE TO PROJECT SITE FROM EAST AVENUE I**



**PHOTO 3: GATE TO REAR OF FACILITY**



**PHOTO 4: REAR OF FACILITY**



LA County Aerial 2014 | LA County Esri, HERE, DeL

## Aerial Map

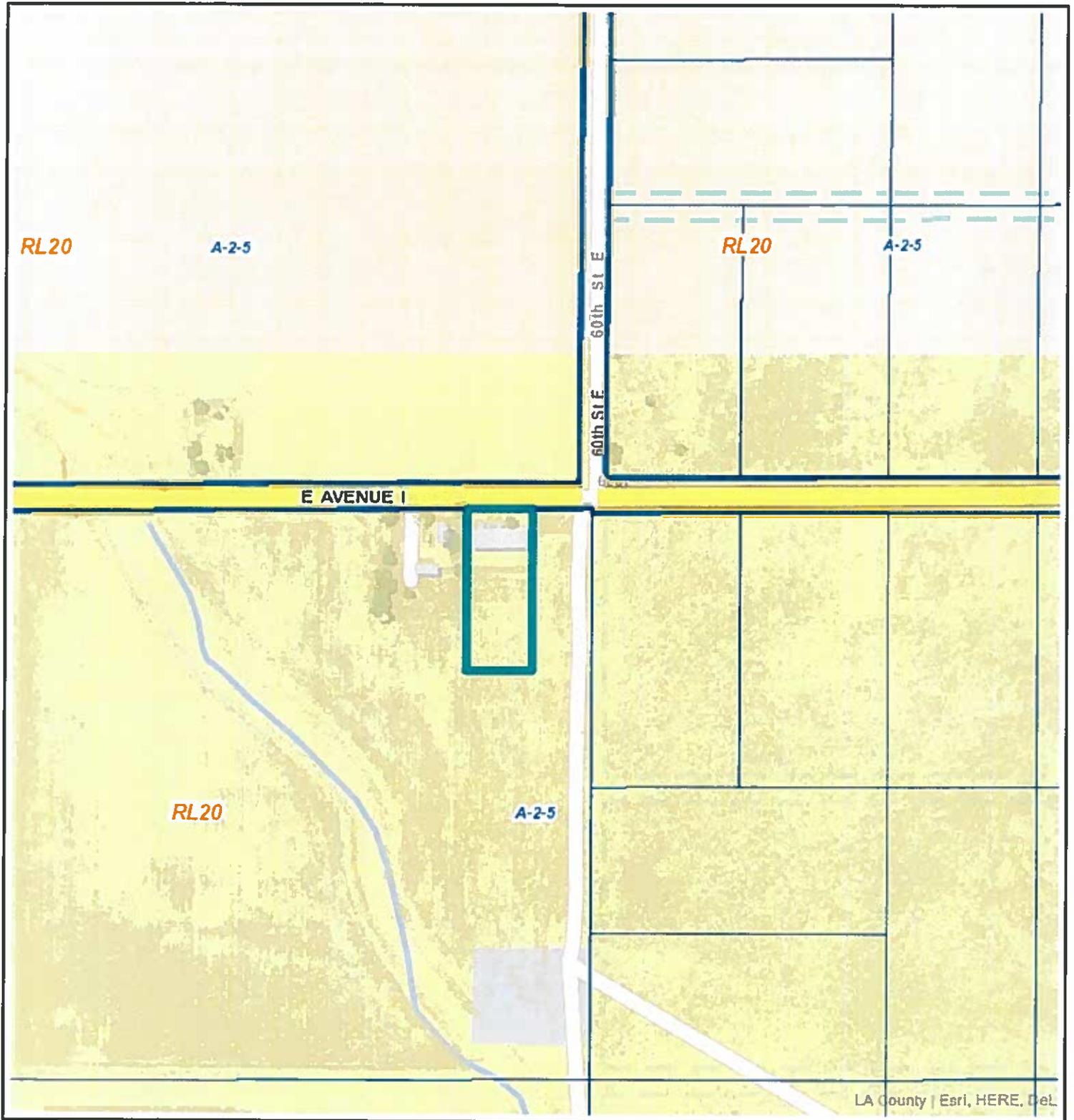
**Project No. R2015-02917 / CUP 201500118**

Printed: Feb 17, 2016



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# Land Use Policy / Zoning Map

Project No. R2015-02917 / CUP 201500118

Printed: Feb 17, 2016



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