Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 7, 2013

TO: Gina Natoli, Hearing Officer

FROM: Gretchen Siemers, Zoning Permits North Section

SUBJECT: Project Number R2006-03240-(5)
Conditional Use Permit No. 201100108
Continued Hearing Date: February 19, 2013 (1:00 P.M.)
Agenda Item No. 3

PROJECT BACKGROUND

Project No. R2006-03240-(5) is a request to allow for the construction, operation, and maintenance of a new roof-mounted wireless telecommunication facility (WTF) and for development within a Significant Ecological Area (SEA) for AT&T Wireless on an existing three-story building. The project is located at 26650 The Old Road in the Santa Clarita Valley. The project was before the Hearing Officer on July 17, 2012, August 21, 2012, and January 15, 2013.

The project was continued on January 15, 2013 to February 19, 2013 in order for staff to bring the project before the Regional Planning Commission (RPC) as a discussion item for concurrence on the appropriate environmental document. The project's location within the SEA requires that the CUP be subject to the additional regulations for development within SEAs, as described in Section 22.56.215 of the Los Angeles County (County) Code, as well as the SEA Technical Advisory Committee (SEATAC) Procedures and Guidelines, which require that Planning staff forward to the RPC a recommendation of a Negative Declaration for review and determination prior to completion.

On January 23, 2013, the RPC heard the presentation from staff on the analysis of the environmental document. The applicant spoke during the meeting and requested the RPC's concurrence. After comments from the applicant, the RPC indicated their concurrence with staff's recommendation for a Negative Declaration.

STAFF RECOMMENDATION

The applicant has met the required burdens of proof for the CUP, and the project will have a less than significant effect on the environment. Therefore, staff recommends the approval of CUP No. 201100108 and adoption of the Negative Declaration.

SUGGESTED APPROVAL MOTION

"I MOVE TO CLOSE THE PUBLIC HEARING AND ADOPT THE NEGATIVE DECLARATION."

"I MOVE TO APPROVE CUP No. 201100108 WITH ATTACHED FINDINGS AND CONDITIONS."

Attachments: Revised Findings
Revised Conditions

SMT:GS

DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2006-03240-(5)
CONDITIONAL USE PERMIT NO. 201100108

1. **ENTITLEMENT REQUESTED.** The applicant, AT&T Mobility, is requesting a conditional use permit ("CUP") to authorize the construction, operation and maintenance of a new unstaffed wireless telecommunication facility ("WTF"), in the C-3 (Unlimited Commercial) Zone and within the boundaries of a Significant Ecological Area (SEA). A CUP is required for a WTF in the C-3 Zone and SEA pursuant to Sections 22.28.210 and 22.56.215 of the Los Angeles County ("County") Code.

2. **HEARING DATES.** July 17, 201, August 21, 2012, January 15, 2013, February 19, 2013.

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**

July 17, 2012: The project was before Hearing Officer Gina Natoli. Staff presented the facts of the case and recommended approval of the project. Staff answered questions asked by the Hearing Officer. Vance Pomeroy, the applicant's representative testified. No other testimony was heard. The hearing officer continued the public hearing and requested that the following issues be resolved prior to making a determination:

- The permit status of the existing WTF for Sprint which was initially a part of this application;
- Investigate the procedure by which a WTF is conditionally permitted in an SEA; and
- Reconcile staff's recommendation of exemptions per the California Environmental Quality Act (CEQA).

August 21, 2012: The project was heard before Hearing Officer Gina Natoli. Staff recommended that the hearing be taken off-calendar to allow additional time to address the unresolved issues discussed at the July 17, 2012 hearing.

January 15, 2013: The project was heard before Hearing Officer Gina Natoli. Staff addressed the issues brought before the hearing officer during the previous hearings. Staff recommended that the hearing be continued to February 19, 2013 in order for the project's environmental document to be brought before the Regional Planning Commission ("RPC") as a discussion item, pursuant to SEA Technical Advisory Committee (SEATAC) Guidelines. On January 23, 2013, staff presented the recommended environmental determination to the RPC as a

discussion item. The RPC concurred with staff's recommendation. The applicant's representative, Vance Pomeroy, testified.

February 19, 2013: [*To be inserted after the public hearing.]*

4. **PROJECT DESCRIPTION.** The project consists of the construction, operation, and maintenance of an unstaffed WTF in the C-3 Zone and development within an SEA. The proposed WTF, for AT&T consists of 12 panel antennas on an existing three-story building, and associated equipment. The antennas are attached in three sectors on the roof on the east and west façades of the building. The equipment is located within a 16-foot by 30-foot lease area on a rooftop platform.

5. **LOCATION.** The subject property is located at 26650 The Old Road, Valencia, in the Newhall Zoned District. The property is a part of the developed Westridge subdivision project.

6. **SITE PLAN DESCRIPTION.** The subject parcel is an approximately five-acre parcel with a three-story, 65,000-square-foot commercial building and associated parking. On the roof of the commercial building are three existing WTFs. The subject property is located at the southeast corner of Valencia Boulevard and The Old Road, both designated Major Highways on the County Master Plan of Highways. Access to the property is from The Old Road.

   The site plan depicts the existing three-story commercial building with three existing roof-mounted WTFs. The proposed WTF, for AT&T, consists of 12 panel antennas with associated transmission equipment. The antennas, each 4 feet high by 1 foot wide, are attached in three sectors of four antennas each near the roofline on the east and west façades of the building. The antennas are camouflaged by a 5-foot high, radio frequency-friendly parapet wall, integrated into the façades of the building. The associated transmission equipment is located at the center of the rooftop, within nine cabinets on a 16-foot-by-30-foot lease area on a steel platform. Access to the subject WTF is provided by a 5-foot wide rooftop walkway, via interior access stairs, which are restricted to building management. The proposed use and structures meet all applicable development standards. The existing parking lot provides adequate parking for the monthly maintenance visit.

7. **EXISTING ZONING.** The subject property is zoned C-3. Surrounding properties are zoned as follows:
   North: C-3;
   East: C-3, A-2-5 (Heavy Agricultural--5 Acre Minimum Required Lot Area) Zone;
   South: A-2-5; and

West: RPD-5,000-23.5U (Residential Planned Development; 5,000 Square Foot Minimum Required Lot Area; Maximum 23.5 Dwelling Units Per Acre); C-R (Commercial Recreation), A-2-5.

8. **EXISTING LAND USES.** The subject property is a developed parcel of land with a commercial building with three existing WTFs on the roof. Surrounding properties are developed as follows:
North: Strip commercial center with retail and restaurants;
East: Vacant land, Interstate 5;
South: Golf course, single-family residences;
West: Detached condominiums, golf club and course.

9. **PREVIOUS CASES/ZONING HISTORY.** In 1999, the Board of Supervisors approved the Westridge development project, Regional Planning Project No. 87-222-(5). The project, which created the subject parcel, consists of more than 1,700 dwelling units, a golf course, and associated public-serving uses, including the commercial uses on the subject project site.

On June 1, 2004, the RPC approved CUP No. 03-391 for Cingular (now Metro PCS), authorizing the construction, operation, and maintenance of an unstaffed WTF consisting of six antennas and associated equipment on the rooftop of the commercial building that was, at that time, under construction.

On February 19, 2008, the Regional Planning Commission (RPC) approved CUP No. 200600224 for Royal Street Communications, authorizing the construction, operation, and maintenance of an unstaffed T-Mobile WTF consisting of six antennas on the rooftop of the existing commercial building.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The subject property is designated "C" (Community Commercial) in the Santa Clarita Valley Areawide General Plan ("SCV Plan"), a component of the Los Angeles County General Plan ("General Plan"). The parcel is developed with a commercial building with associated parking, and three existing WTFs; these uses are consistent with the adopted land use designation.

The General Plan designates Special Management Areas (SMAs) wherein additional policies apply. The subject parcel is located within an area designated as an SEA on the SMA map of the General Plan. The SEA 64 was established to protect the valley oak (*Quercus lobata*) savannah habitat. In addition, the California Natural Diversity Database (CNDDB) records show that the parcel contains Palmer's grapplinghook (*Harpagonella palmeri*), slender-horned spineflower

(*Dodecahema leptoceras*), and Orcutt grass (*Orcuttia californica*), which is endemic to vernal pools. The impacts of development on the SEA were analyzed in a previous approval, CUP 87-222-(5), which is still in effect. In addition, the SEA Technical Advisory Committee ("SEATAC") determined that the project would not have a significant effect on the environment.

The SCV Plan and the General Plan contain additional goals and policies that guide development of the use at the subject location. The proposed and existing WTFs are consistent with the applicable land use compatibility goals and policies. The following policies of the General Plan and SCV Plan are applicable to the subject property and serve as a guideline for the operation and maintenance of such facility:

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

- A WTF provides cellular service to this neighborhood and such service is often used to make emergency calls. The facility will ensure that such service is readily available.

SCV Plan, Land Use Policy 7.1: "Adequacy of Public Services"

- This policy encourages the development of convenient services to meet the needs of Santa Clarita Valley residents, including utilities. The WTF provide a convenient utility for residents, with a level of service commensurate with need, as encouraged by the SCV Plan. The project applicant has provided documentation to support the local need for cellular services, which are a publicly accessible service. Thus, the service proposed will be adequate to serve local community.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Title 22 of the County Code does not specify "WTF" as a use. The use which is most similar to a WTF specified in Title 22 is "radio or television stations and towers." Pursuant to Section 22.28.210 of the County Code, development of radio and television stations and towers is a permitted use in Zone C-3, provided that a CUP is obtained. In addition, the project complies with applicable development standards, as per Section 22.28.220 of the County Code.

Supplementing the general requirements of Title 22 is Subdivision and Zoning Ordinance Policy 01-2010, Guidelines for Wireless Telecommunication Facilities. These policy guidelines indicate that structure-mounted WTFs be camouflaged or

screened from view. The subject WTF adheres to this policy by utilizing parapet screens integrated into the façade of the roofline to screen the WTF from view.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The design of the existing and proposed WTF is appropriate for the site and area. The WTF equipment is located on the roof of a three-story building.

    The WTF is not, and will not be, a detriment to the surrounding community. A WTF provides valuable telecommunications infrastructure to the community and is consistent with the established use and zoning requirements for the subject property. To date, there have been no complaints about the use or maintenance of the subject property. Thus, it can be concluded that the WTF does not have a negative impact on the surrounding community.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** No comments or recommendations from County departments have been received.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** No comments or recommendations from other agencies have been received.

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

16. **PUBLIC COMMENTS.** No comments from the public have been received.

CONDITIONAL USE PERMIT-SPECIFIC FINDINGS

17. The requested continued use is justified at the current location because the WTF will not generate additional light, nor will the facility block any views, attract criminal elements, or interfere with the use of the subject or surrounding properties. As a fully screened roof-mounted facility where other WTFs have existed with no complaints, it will not negatively affect other properties.

    Therefore, the requested use at the location will not:

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

18. The site is adequate in size and shape to accommodate all development features related to the use of a WTF. As a roof-mounted facility, it meets or exceeds minimum setback requirements. The facility will operate in a manner that is consistent and compatible with the surrounding area. One parking space will be available within the existing commercial building's parking lot for monthly maintenance visits.

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

19. The existing use is adequately served by The Old Road and Valencia Boulevard, designated Major Highways on the County's Master Plan of Highways, as well as other public facilities already in place, such as water and sewer. The use is not expected to generate additional need for this infrastructure. This is an unstaffed facility expected to have one monthly visit for maintenance, and the existing roads and parking are sufficient to accommodate the visits.

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

20. The request is for the construction, operation and maintenance of a WTF on the rooftop of an existing three-story commercial building in a developed community. The facility is completely screened from view by a 5-foot-high radio frequency-friendly parapet-wall, integrated into the façade of the building. This project is compatible with the biotic resources present and will not affect undisturbed areas.

    Therefore, the requested development is designed to be highly compatible with biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.

21. The subject property does not currently contain any water bodies, watercourses, or any tributaries.

    Therefore, the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.

22. The commercial building has existed for more than 10 years and there is no expansion of the structure beyond the existing footprint. The height of the WTF is camouflaged by a 5-foot-high radio frequency-friendly parapet-wall, for a total height of 47 feet above ground level, integrated into the façade of the building. Migratory paths, including aerial paths, will not be affected. The area surrounding the project site is fully developed.

    Therefore, the request development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.

23. The request is for a roof-mounted WTF on an existing commercial building, and does not include any removal of any natural vegetative cover or open spaces.

    Therefore, the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.

24. The WTF is mounted on the rooftop of an existing building in a developed area. There are no existing habitat areas in the immediate vicinity. The roads, walls, and fences, surrounding the greater, developed Westridge community serve to buffer habitat areas.

    Therefore, that where necessary, existing fences or walls are provided to buffer important habitat areas from development.

25. The property is fully developed with a commercial building and associated parking and decorative landscaping. Access to the subject property is via The Old Road and internal driveway system. Interior access stairs accessible to building management access the roof of the building; these access points do not conflict with critical resources within the SEA.

    Therefore, roads and utilities serving the proposed development are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.

26. SEATAC held a public meeting on November 5, 2012 to discuss the applicant's request and the following recommendations were made:

    a. SEATAC recommended that the currently proposed installation will not harm the remaining natural resources of the SEA near the building.

b. The building is low (3 stories), no towers are proposed, and the area is urban so that lighting on the installation would not be problematic.
c. Project modifications that would require additional SEATAC review are those stated for concern, including:
    i. Expansion of the footprint of the installation beyond the rooftop or extension of height beyond the present height, such as a high installation that would require Federal Aviation Administration ("FAA") safety lighting;
    ii. Activity on a tower for which the FAA requires safety lighting or additional safety lighting; and

27. On November 5, 2012, SEATAC determined by a unanimous vote of three members that the presented design of the AT&T project does not need further SEATAC review. Additional SEATAC review would be required for certain modifications that are listed in the attached project conditions.

ENVIRONMENTAL DETERMINATION

28. Based on the analyses contained in the Environmental Checklist Form (Initial Study) dated December 6, 2012, and the RPC's concurrence, the proposed project could not have a significant effect on the environment, and qualifies for a Negative Declaration.

29. The project is a wireless facility with associated equipment that will locate on the rooftop of an existing three-story commercial building. The project site is located within a fully developed community on a fully developed parcel. Although the project is located within a County-designated SEA, the small scale and location is such that the impacts to sensitive biological area or protected natural habitat community are expected to be less than significant.

    Therefore the project does not have the potential to degrade the environment or impact threatened species or sensitive habitat.

30. The project is a wireless facility with associated equipment that will locate on the rooftop of an existing three-story commercial building. The overall scale of the project is small and impacts from construction activities will be minimal. Wireless facilities produce few environmental impacts such as greenhouse gas emissions or pollutants.

    Therefore the project will not achieve short-term environmental goals to the disadvantage of long-term environmental goals.

31. The project is a wireless facility with associated equipment that will locate on the rooftop of an existing three-story commercial building. The overall scale of the project is small and impacts from construction activities will be minimal and temporary. Wireless facilities produce few environmental impacts that are considered individually limited but cumulatively considerable, such as greenhouse gas emissions or pollutants.

    Therefore the project is not expected to have impacts that can be considered cumulative.

32. The project is a wireless facility with associated equipment that will locate on the rooftop of an existing three-story commercial building. The overall scale of the project is small and impacts from construction activities will be minimal and temporary. Wireless facilities produce few environmental impacts that could directly or indirectly impact human beings, such as greenhouse gas emissions or pollutants.

    Therefore, the project is expected to have a less than significant environmental impact.

33. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.

34. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the proposed use will be consistent with the adopted general plan for the area; and

B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of

property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

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

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

E. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas; and

F. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state; and

G. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state; and

H. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development; and

I. That where necessary, fences or walls are provided to buffer important habitat areas from development; and

J. That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and Section 22.56.215 of the Los Angeles County Code.

HEARING OFFICER/DIRECTOR ACTION:

1. The Hearing Officer, having considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence that

the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Hearing Officer, and adopts the Negative Declaration.

2. In view of the findings of fact and conclusions presented above, **CONDITIONAL USE PERMIT NO. 201100108** is approved subject to the attached conditions.

Action Date: February 19, 2013

SMT:GS

c: Zoning Enforcement, Building and Safety

DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2006-03240-(5)
CONDITIONAL USE PERMIT NO. 201100108

PROJECT DESCRIPTION

The project consists of the construction, operation, and maintenance of an unstaffed Wireless Telecommunication Facility ("WTF") in the C-3 (Unlimited Commercial) Zone and within the boundaries of a Significant Ecological Area ("SEA"). The proposed WTF consists of 12 panel antennas on an existing three-story building, and associated equipment. Pursuant to Sections 22.28.210 and 22.56.215 of the Los Angeles County Code (County Code), a conditional use permit (CUP) is required for a WTF in the C-3 Zone, and development with an SEA, 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 Nos. 10 and 12. 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 fully 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 fully 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 22.170.010.

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 February 19, 2028**. 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 one (1) year from the date of final approval of the grant. A single one-year (1-year) time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Part 13 Chapter 22.56, of the County Code.

12. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the

permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **$2,231.25** ($2,156.25 for a Negative Declaration or Mitigated Negative Declaration plus $75.00 processing fee). No land use project subject to this requirement is final, vested or operative until the fee is paid.

13. All development pursuant to this grant must be kept in full compliance with the County Fire Code.

14. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.

15. All development pursuant to this grant shall conform to the requirements of County Department of Public Works ("Public Works").

16. 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.

17. 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.

18. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

19. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

20. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PROJECT-SPECIFIC CONDITIONS

21. This grant shall authorize the construction, operation, and maintenance of an unstaffed WTF mounted on the roof of an existing building.

22. The following changes to this project shall require SEATAC review and a new CUP will be required:

    a. Expansion of the footprint of the installation beyond the rooftop or extension of height beyond the present height, such as a high installation that would require Federal Aviation Administration (FAA) safety lighting;

    b. Activity on a tower for which the FAA requires safety lighting or additional safety lighting;

    c. Installation of any new tower; and/or

    d. Any addition of lighting to what currently exists. FAA requirements for lighting vary with location and height.

23. Any modification that the County biologist determines is cause for concern for impact to the SEA after a site visit and review of the project documents could be referred to SEATAC. County biologist can use the guidelines above which have been proposed by SEATAC. Such modifications may include, but are not limited to, the addition of lighting.

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

25. Upon completion of construction of the facility, the permittee shall submit 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 other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.

26. Insofar as is feasible, the operator 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.

27. Any proposed WTF that will be co-locating on the proposed facility will be required to submit 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.

28. 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.

29. External lighting, including security lighting, 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.

30. Construction and maintenance of the facility shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.

31. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A." Placement and height of all roof-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.

32. 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.

33. Within 30 days of change in service provider ownership, the permittee shall provide Regional Planning the name and contact information of the new service provider.

34. The finished surface of the visible parapet wall shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.

35. 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 within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice.

36. Regional Planning 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. The same information shall be available from building management upon request.

37. The facility shall be secured by a locked rooftop door and/or fencing.

SMT:GS