



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

November 20, 2012

Michelle Nguyen  
2749 Saturn Drive  
Brea, CA 92821

**REGARDING: PROJECT NO. R2011-01185-(4)  
CONDITIONAL USE PERMIT NO. 201100113  
14251 SKYLINE DRIVE, HACIDENA HEIGHTS (APN #8221-025-023)**

Hearing Officer Mitch Glaser, by his action of November 20, 2012, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 4, 2012. Appeals must be delivered in person.**

**Appeals: To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement

MM:SM

CC.060412

**Notice of Determination**

**Appendix D**

**To:**

Office of Planning and Research  
For U.S. Mail: Street Address:  
P.O. Box 3044 1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
County of: Los Angeles Environmental Findings  
Address: 12400 E. Imperial Hwy., #1101  
Norwalk, CA 90650

**From:**

Public Agency: LA County Regional Planning  
Address: 320 W Temple St, 13th Floor  
Los Angeles, CA 90012

Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

Lead Agency (if different from above): \_\_\_\_\_  
Address: \_\_\_\_\_

Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): 2012091058

Project Title: Skyline Drive WTF

Project Applicant: Verizon Wireless

Project Location (include county): 14251 Skyline Drive, Hacienda Heights (Los Angeles County)

**Project Description:**

The project is a conditional use permit for the construction of a wireless telecommunications facility consisting of the replacement of four existing tennis court light poles with four new light poles each topped with an antenna radome and the construction of a new lease area containing appurtenant equipment cabinets located on the property of an existing single-family residence.

1. The project  will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan  was  was not] adopted for this project.
5. A statement of Overriding Considerations  was  was not] adopted for this project.
6. Findings  were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

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

Signature (Public Agency): Steve Me Title: Regional Planning Assistant II

Date: November 20, 2012 Date Received for filing at OPP: \_\_\_\_\_

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-01185-(4)  
CONDITIONAL USE PERMIT NO. 201100113**

1. **ENTITLEMENT REQUESTED.** A Conditional Use Permit (CUP) for the construction of a wireless telecommunications facility in the A-1-1 (Light Agricultural – 1 acre Minimum Required Area) Zone pursuant to County Code Section 22.24.100.
2. **HEARING DATE.** November 12, 2012
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held before the Hearing Officer. Hearing Officer Mitch Glaser was in attendance for the public hearing. The applicant's representative, Michelle Nguyen, presented testimony in favor of the request and answered questions presented by the Hearing Officer. There being no further testimony, the Hearing Officer closed the public hearing, indicating his intent to approve project R2011-01185 with conditions.
4. **PROJECT DESCRIPTION.** The applicant, Verizon Wireless, is requesting a conditional use permit (CUP) for the construction of a wireless telecommunications facility (WTF) consisting of the replacement of four existing 21'-6" tennis court light poles with four new 26'-4" light poles each topped with a radome containing one antenna each located at an existing single-family residence. Appurtenant equipment including four (4) new equipment cabinets and six (6) new wall mounted equipment cabinets will be contained in a new 261 sq. ft. lease area to be built in the existing landscaped area along the western side of the tennis court and will be surrounded by new concrete block retaining wall. The project site lies within the current boundaries of the Sycamore and Turnbull Canyons Significant Ecological Area (SEA). However, the project site will lie outside of the proposed SEA boundary of the updated General Plan.
5. **LOCATION.** The subject property is located at 14251 Skyline Drive in the unincorporated community of Hacienda Heights and in the Hacienda Heights Zoned District.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing single-family home and adjacent tennis court along Skyline Drive with the proposed WTF pole locations and equipment lease area located on the south end of the tennis court. Access to the WTF will be via a proposed 3 ft. wide non-exclusive pedestrian path of access leading from the driveway of the existing single-family home, through the tennis court, and to the WTF equipment lease area.
7. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agricultural – 1 acre Minimum Required Area).  
The existing zoning for the surrounding properties are as follows:  
North: A-1-1 (Light Agricultural – 1 acre Minimum Required Area)  
South: A-1-1 (Light Agricultural – 1 acre Minimum Required Area)  
East: A-1-1 (Light Agricultural – 1 acre Minimum Required Area)  
West: A-1-1 (Light Agricultural – 1 acre Minimum Required Area)
8. **EXISTING LAND USES.** The subject property contains/is..... The existing land use for the surrounding properties are as follows:  
North: Vacant

South: Single-family Residences  
East: Single-family Residences  
West: Vacant, Single-family Residences

9. **PREVIOUS CASES/ZONING HISTORY.** The Zoning History of this parcel is as follows: A1-1 (May 25, 1948), A-1-1 (May 24, 2011).

Plot Plan No. 201200572 – This plot plan was for an 836 sq. ft. room addition.

**GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the RL10 – Rural Lands 10 of the Hacienda Heights Community Plan. The RL10 – Rural Lands 10 land use designation is intended for single-family residential development, rural, equestrian, agricultural and other related activities, and local serving, ancillary commercial uses. The existing single-family residence and proposed wireless telecommunications facility is consistent with the RL10 land use designation to limit intensive development and preserve areas of significant natural and scenic resources 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:

- *Direct urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillsides, landslide areas and fire hazard areas.*
- *Protect areas that have significant natural resources and scenic values, including significant ecological areas, the coastal zone and prime agricultural lands.*
- *Extend new urban facilities and services only where new urban development is planned and permitted.*

The new wireless facility will be built on the property of an existing single-family residence in an area where urban development exists and avoids severe hazard areas. Construction of the project will disturb minimal vegetation on the project site and would protect the nearby Sycamore and Turnbull Canyons SEA.

- *Improve the quality and accessibility of critical urban services including crime control, health, recreational and educational services.*
- *Maintain high quality emergency response services.*

Construction of the new wireless facility will ensure that local cellular service will be available during emergencies.

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

- *Protect the character of existing single-family neighborhoods.*
- *Preserve open space for recreation or land preservation.*
- *Minimize alteration of the hillside caused by development.*

- *Locate new structures off the top of a ridgeline (as shown on the Ridgelines Map), when determined by the reviewing agency to be possible, to preserve undeveloped ridges.*
- *Site structures to minimize the extent of fuel modification zones and degradation of locally-indigenous vegetation.*
- *Screen Significant Ecological Areas from direct and spillover lighting and noise from adjoining uses.*
- *When undergrounding or co-locating is not feasible, direct new transmission towers, lines and equipment to locations where environmental and visual impacts will be minimized.*
- *Require that any screening or camouflaging devices used are consistent with the existing environment.*

The project will be constructed on a tennis court of an existing single-family residence. The design of the facility will protect the character of the existing single-family neighborhood and preserve nearby open space of the Sycamore and Turnbull Canyons SEA. Construction of the project will disturb minimal vegetation, will not alter the hillside, and will not require a fuel modification zone. The design of the facility will camouflage the proposed antenna poles as light standards for the tennis court. Appurtenant equipment will not be visible from the public right of way.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Title 22 of the Los Angeles County code (Zoning Ordinance) does not specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.24.100 of the County Code, development of radio and television stations and towers is a permitted use in Zone A-1 (Light Agricultural), provided that a CUP is obtained. The proposed facility complies with the County's Subdivision & Zoning Ordinance Policy memo No. 01-2010 that establishes policies and guidelines regarding permits for the siting and maintenance of WTFs.
11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** Allowing the wireless telecommunications facility to be built and operate will ensure that local cellular service will remain readily available. The proposed WTF will be located in the tennis court of a single-family residence along Skyline Drive. The four new antenna poles will replace four existing tennis court light poles and will match the existing light poles with a similar color and appearance. The new appurtenant equipment will include equipment cabinets that will be contained in a 261 sq. ft. lease area to be built in the existing landscaped area along the western side of the tennis court and will be surrounded by new concrete block retaining walls.
12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The project site lies within the current boundaries of the Sycamore and Turnbull Canyons SEA. Although the project site will lie outside of the proposed SEA boundary of the updated General Plan, the County Significant Ecological Areas Technical Advisory Committee (SEATAC) still reviewed the project for compatibility with the SEA on March 5, 2012. After reviewing the project's Biological Constraints Analysis, SEATAC determined that the project would not significantly impact the SEA.

13. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. **PUBLIC COMMENTS.** No public comments have been received at this time.

#### CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The proposed WTF will help provide a seamless integration of a communications network and be a beneficial use to Verizon customers by improving wireless service. The project will fill an existing service gap by reducing the number of dropped and blocked calls in the area surrounding the site.

The design of the proposed facility will integrate it into the existing tennis court by replacing existing light poles with poles that will be of similar color and appearance. Construction of the equipment area will require a minimal disturbance of vegetation. Once completed the equipment area will not be visible from the public right of way or from neighboring properties.

The proposed WTF will be an invaluable communications tool in the event of emergencies (such as traffic accidents and fires), and natural disasters (earthquakes, floods, etc.) where normal landline communications are often disrupted, overlooked or inaccessible during and after such events have occurred

16. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
17. The proposed facility will be located on an existing tennis court of a single-family residence and replace existing light standards with poles that will accommodate cables within the poles and fully-enclosed antennas on top of the poles within a radome. The location of the proposed facility, the design and setbacks all ensure that there will not be any detriment to the character of the neighborhood.
18. 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 proposed use is an unmanned wireless telecommunications facility which is only visited by a maintenance vehicle once every four to six weeks. Turnbull Canyon is the only thoroughfare and is of sufficient width to accommodate the monthly maintenance visit. The only public services required are electricity and telco, which can be adequately provided to this location with little to no impact on the project site or surrounding properties.
20. 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.

21. The requested development will be located within a previously developed residence with adjacent landscape vegetation. There will be no required set-aside areas for the installation and operation of the proposed development.
22. Therefore, the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.
23. The requested development will not impact any water bodies, watercourses, or their tributaries. Also, the proposed project will not indirectly affect any downstream water bodies or watercourses.
24. Therefore, the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.
25. The requested development will not affect or otherwise impact any wildlife movement corridors. The proposed development is located entirely within an existing residential development. No open space areas or natural communities will be impacted.
26. Therefore, the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.
27. The proposed project is contained within a previously developed residential area. The proposed project will be installed within an area that already lacks natural vegetative cover. Also, the proposed project is not located within the vicinity of any natural communities that require a buffer area to reduce impacts to adjacent open-space areas.
28. Therefore, the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.
29. A fence is already installed along the boundary of the existing residence, which will also serve as a fence surrounding the proposed development project. This existing fence will buffer the proposed project from adjacent open-space areas within the vicinity of the project site.
30. Therefore, where necessary, fences or walls are provided to buffer important habitat areas from development.
31. The proposed project is accessed by existing paved roads, driveways, and a residential tennis court. The utilities that serve the proposed project are located within the residential footprint and will not require any development outside of the residential area.
32. Therefore, the roads and utilities serving the proposed developments are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.

#### ENVIRONMENTAL DETERMINATION

33. The Initial Study identified one area of potential significant environmental impact: biological resources. This impact can be mitigated to a less than significant level with the implementation of mitigation measures.

34. Therefore, the project qualifies as a Mitigated Negative Declaration and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of project does not have a significant effect on the environment with the implementation of the proposed mitigation measures.
35. **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.
36. **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, 13<sup>th</sup> 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 East 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.
- F. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.
- G. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state.
- H. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.
- I. That where necessary, fences or walls are provided to buffer important habitat areas from development.

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

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section e.g. 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer has considered the Mitigated Negative Declaration for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment with the implementation of mitigation measures.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100113 is Approved subject to the attached conditions.

Action Date: November 20, 2012

MM/SM  
11/20/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-01185-(4)  
CONDITIONAL USE PERMIT NO. 201100113**

**PROJECT DESCRIPTION**

The project is a conditional use permit request for the construction of a wireless telecommunications facility (WTF) consisting of the replacement of four existing tennis court light poles with four new light poles topped with a radome containing one antenna each and appurtenant equipment located at an existing single-family residence located within the Sycamore and Turnbull Canyons Significant Ecological Area 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, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 11 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 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, **including the Mitigation Monitoring Program**, 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 November 20, 2027.** 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 two (2) years from the date of final approval of the grant. A single one-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. 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 \$2,176.50 (\$2,101.50 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.
12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as if set forth fully herein.
13. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
14. The permittee shall deposit an initial sum of \$6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
15. 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.
16. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
17. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") 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.
18. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
19. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being

operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

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

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, **three (3) copies of a modified Exhibit "A"** shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
21. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of the proposed plans** to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

22. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
23. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department 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.
24. 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.
25. 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 the Department of Regional Planning.
26. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
27. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Antenna lighting is prohibited other than the tennis court lights. Beacon lights are prohibited unless required by the FAA.
28. 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.

29. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". 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.
30. 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.
31. The maximum height of the facility shall not exceed 26 feet and 4 inches above finished grade.
32. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
33. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
34. The Department of 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.
35. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.
36. New equipment added to the facility shall not compromise the stealth design of the facility.
37. Appurtenant equipment boxes shall be screened or camouflaged.

Attachments: Mitigation Monitoring Program (pages 1-1)

**MITIGATION MONITORING PROGRAM**

*Wendell Canyon*

**PROJECT NO. R2011-01185 / CONDITIONAL USE PERMIT NO. 201100113 / ENV NO. 201100174**

The Department of Regional Planning staff has determined that the following mitigation measures for the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

The permittee shall deposit the sum of \$6,000.00 with the Department of Regional Planning within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<b>BIOLOGICAL RESOURCES</b>				
1	A pre-construction nesting survey will be conducted prior to shrub and tree removal activities during the breeding season (February to August). In the event that an active nest is observed, a qualified biologist will monitor construction activity that may affect the nest. Construction activity should not occur within 250 feet of any active nest unless a monitor is present. Construction activity may occur within this limit at the discretion of the monitoring biologist.	Prior to construction	Applicant	California Department of Fish and Game
<b>MITIGATION COMPLIANCE</b>				
As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting compliance report to the Department of Regional Planning for review, and for replenishing the mitigation monitoring account if necessary until such as all mitigation measures have been implemented and completed.	Submittal and approval of compliance report and replenishing mitigation monitoring account	Yearly and as required until all measures are completed.	Applicant and subsequent owner(s)	DRP

As the applicant, I agree to incorporate these mitigation measures into the project, and understand that the public hearing and consideration by the Hearing Officer and/or Regional Planning Commission will be on the project as mitigation measures.

Applicant *[Signature]* Date 11-12-2012  
 Staff *[Signature]* Date 11/19/12

