



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 7, 2012

Norman MacLeod
765 The City Drive, Suite 470
Orange, CA 92868

**REGARDING: PROJECT NO. 2012-00600-(3)
CONDITIONAL USE PERMIT NO. 201200046
680 ½ CRATER CAMP DRIVE, MONTE NIDO**

Hearing Officer Paul McCarthy, by his action of **August 7, 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 **August 21, 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 Rudy Silvas of the Zoning Permits West Section at (213) 974-6462, or by email at rsilvas@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

Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors; DPW (Building and Safety); Fire (Fire Prevention Bureau), Zoning Enforcement West

MKK:RS

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

PROJECT NUMBER R2012-00600-(3)
CONDITIONAL USE PERMIT NUMBER 201200046

REQUEST

The applicant, Sprint Nextel, requests a new conditional use permit (CUP) application for the continued use of an existing WTF mounted to a 33 foot - 6 inch tall wooden utility pole, with existing ground mounted equipment. No new equipment or changes are proposed. Access to site is from Crater Camp Drive, a private road. Service vehicle parking will continue to be within the paved shoulder area. The existing WTF utility pole, identified as pole no. 20130SPR, was previously approved under CUP No. 01-196, and expired on July 16, 2012.

HEARING DATE: AUGUST 7, 2012

PROCEEDINGS:

A duly noticed public hearing was held on August 7, 2012, before Hearing Officer Paul McCarthy. Staff gave a presentation recommending approval for the new CUP application to allow for the continued use of the existing WTF located in the A-1-1 zone within the Malibu Zone District. There were no outstanding issues or complaints to report.

The applicant's representative provided testimony before the Hearing Officer and questioned Condition No. 34 and its requirement for the existing WTF utility pole, related equipment, conduits and above ground power meter equipment cabinet to be repainted and camouflaged with a brown earth-tone color. When questioned about the condition by the Hearing Officer, Staff reported that the wooden utility pole, its mounted equipment box and related conduits, had been weathered down and were in need of repainting. The power meter equipment cabinet, mounted above ground next to the utility pole, was not currently a camouflaged brown earth-tone color. Subsequently, the applicant agreed to accept the condition and have the equipment repainted. The applicant had no other concern regarding the other conditions and accepted them.

The Hearing Officer closed the public hearing, and determined that the project was categorically exempt under California Environmental Quality Act (CEQA) reporting requirements, under a Class 1 Categorical Exemption for Existing Facilities, and approved Conditional Use Permit No. 201200046, Project No. 2012-00600-(3); subject to the attached findings and conditions of approval.

FINDINGS

1. The applicant requests a CUP pursuant to Los Angeles "County" Code Section 22.24.100 for the continued use of a wireless telecommunication facility (WTF) mounted on an existing utility pole with related ground mounted equipment within the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) zone. A WTF is not a defined use in the County Code; however, Staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Radio and Television stations and towers are uses subject to conditional use permits within the A-1 zone.

2. The subject property is located at 680 1/2 Crater Camp Drive, within the unincorporated Los Angeles County community of Monte Nido, Third Supervisorial District, and within the Malibu Zone District.
3. Surrounding land uses consist of:
 - North: Single family residence
 - South: Single family residence
 - East: Single family residence
 - West: Single family residence
4. Surrounding Zoning consists of:
 - North: A-1-1
 - South: A-1-1
 - East: A-1-1
 - West: A-1-1
5. Site plan depicts the property boundaries, the existing WTF utility pole and antennas, ground mounted equipment cabinet, steps to the facility from Crater Camp Drive and the edge of pavement. An aerial power line from the subject WTF utility pole to another utility pole across Crater Camp Drive is also depicted. The location of the WTF utility pole is also 312 feet to the east of the Malibu Canyon and Lagoon SEA and situated on private property.
6. The subject property was designated A-1-1 under Ordinance No. 7310 which was adopted by the County Board of Supervisors on March 11, 1958.
7. Project No. 01-196-(3)/CUP 01-196 was approved on July 2, 2002 for a new unmanned WTF on an existing 34 foot high utility pole with two Omni antennas and a "microcell". A new equipment cabinet was also approved at the base of the pole. A negative declaration was adopted for the project. The approved CUP expired on July 16, 2012. This new conditional use permit application is for the continuation of an existing wireless facility.
8. The project site is within the Malibu Land Use Plan Category of Residential I (1DU/AC), and the Los Angeles Countywide General Plan Land Use Category of Non Urban. The continued use of the existing wireless facility does not conflict with the Residential I Category of the Malibu Land Use Plan, which typically is characterized by housing units grouped on gently sloping hillsides or upon flat terrain usually within established rural communities. The Malibu Land Use Plan supplements the Countywide General Plan for this specific area and takes precedence on specific land use issues. The Malibu Land Use Plan has several goals and policies that ensure the protection of visual resources and the project has continued to meet these applicable goals and policies of the area plan. The project meets the following goals and policies in Chapter 4.2.3 of the Malibu Land Use Plan.
 - "Prohibit placement of signs, utilities, and accessory equipment that obstruct views to the ocean and scenic elements wherever feasible." (Viewshed Protection Goal; Policy 126 of Chapter 4.2.3)

- “Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.” (Visual Compatibility Goal; Policy 129 of Chapter 4.2.3)
 - “Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.” (Siting of Structures and Architectural Character in Visual Resource Areas; Policy 134 of Chapter 4.2.3)
9. The project is consistent with the above Malibu Land Use Plan goals and policies in that the location of the WTF pole at its height of 34 feet does not obstruct views of scenic elements, is properly located on the site so that it is in a harmonious relationship with the surrounding environment, and does not require any grading or reconfiguration of the site.
 10. The zoning of the property where the existing WTF is located is A-1-1. A wireless telecommunications facility is not a defined use in the County Code; however, Staff has traditionally utilized the defined use of “radio and television stations and towers” as a comparable use. Radio and Television stations and towers are uses subject to conditional use permits within the A-1 zone.
 11. The existing WTF pole is 34 feet above grade, which is consistent with the Department's Subdivision and Zoning Ordinance “Policy” No. 01-2010 for Wireless Telecommunications Facilities and their permitted height in the applicable zone. The Policy limits the height of such ground-mounted structures to the height allowed in the applicable zone, up to a maximum of 75 feet. The height of single-family residential structures are limited to 35 feet under County Code Section 22.24.110 for Zone A-1 development standards, and the maximum height of non-residential structures in the A-1 zone are allowed to be 13 times the buildable area. The existing WTF pole is well below the 75 feet limitation of the Policy.
 12. Section 22.52.1220 of the County Code determines parking requirements for uses that are not specified. The Director may impose an amount of parking spaces that he or she finds to be adequate to prevent traffic congestion and excessive on-street parking. The proposed wireless telecommunications facility will be unmanned and will require periodic maintenance visits only. Maintenance vehicles shall continue to access the site by parking along Crater Camp Drive which is a private road.
 13. The exiting WTF pole initially caused concern among the neighboring property owners prior to the first hearing for the WTF in 2002. Staff received a phone call and four letters at the time from local residents concerning the height of the pole initially proposed at 45 feet. The applicant at the time conceded to the concerns of the neighboring property owners and subsequently changed the proposed height of the pole to 34 feet prior to the hearing. Other concessions were also made by the applicant in response to community concerns, such as a condition requiring that the permittee maintain an insurance indemnification to the Malibu Meadows Homeowners' Association that holds the association harmless for the permittee's use of private roads owned by the association. All project site-specific conditions of the original approval of CUP 01-196 is maintained in the conditions of approval for this new CUP application.
 14. The existing WTF pole is subtle in its design and does not have a visual impact. However, as part of the conditions of approval, the applicant will be required to paint the

existing pole and related equipment and conduits a matching earth-tone brown color to allow the pole to better blend in with the surrounding natural environment. The equipment cabinet shall also be painted a matching earth-tone color.

15. Through the continued maintenance of the WTF pole per the attached conditions of approval the WTF site shall continue to be land use compatible.
16. Zoning Enforcement West staff reported no current violations on the site as of July 25, 2012, and the site has passed all scheduled site inspections since 2002 for the previously approved CUP.
17. Staff has not received any comments from the public regarding the CUP application for the new wireless telecommunication facility and utility pole.
18. The applicant is required to substantiate all facts identified by County Code Section 22.56.040. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the Burden of Proof.
19. Staff did not solicit any comments from other County Departments on this proposed WTF facility; therefore, no comments were received.
20. 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.
21. 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, with eight biennial inspections.
22. 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 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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the requested use at the location proposed 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.
- 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 described in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- 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.

HEARING OFFICER ACTION:

- 1. Staff of the Department of Regional Planning has recommended that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act reporting requirements, as the project is to continue an existing wireless telecommunications facility and utility pole. The Hearing Officer has considered the Categorical Exemption 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.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200046, Project No. 2012-00600-(3), is APPROVED subject to the attached findings and conditions.

c: Zoning Enforcement West, Building and Safety

MKK:RS
08/07/2012

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2012-00600-(3)
CONDITIONAL USE PERMIT NO. 201200046**

PROJECT DESCRIPTION

A new conditional use permit (CUP) application for the continued use of an existing WTF mounted to a 33 foot-6 inch tall wooden utility pole with existing ground mounted equipment. No new equipment or changes are proposed. Access to site is from Crater Camp Drive, a private road. Service vehicle will continue to park within the paved shoulder area for the occasional maintenance visits. The existing WTF utility pole, identified as pole no. 20130SPR, was previously approved under CUP No. 01-196, and expired on July 16, 2012.

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County (County) Department of Regional Planning (Regional Planning) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon 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 in the office of the County Registrar-Recorder/County Clerk (Recorder). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 7, 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 inspections (one every other year) for fifteen years. 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.
13. All requirements of Title 22 of the County Zoning Ordinance 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.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. 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.

16. 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.
17. 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

18. The facility shall be operated in accordance with all applicable regulations of the State Public Utilities Commission and the Federal Communications Commission.
19. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement West 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. 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.
20. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless telecommunications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time, and will be required to have a Revised Exhibit "A" approved in accordance with Condition No. 17.
21. 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 Permits West Section of the Department of Regional Planning.
22. 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 the permittee shall obtain an encroachment permit if deemed necessary.
23. Any external lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences or property, and beacon lights are prohibited unless required by the Federal Aviation Administration.

24. 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.
25. 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.
26. One parking space for maintenance vehicles shall continue to be provided in location depicted on Exhibit "A". Maintenance vehicles shall not block the Crater Camp Drive paved right-of-way.
27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement West Section of the Department of Regional Planning the name and contact information of the new property owner or service provider.
28. The finished surface of the facility 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 matches immediately-surrounding environment.
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 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. Any and all graffiti shall be removed by the operator or property owner within 48 hours. Landscaping shall be maintained at all times and shall be promptly replaced if needed.
30. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement West Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
31. The Department of Regional Planning project number, conditional use permit number and leaseholder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level. The phone number of Zoning Enforcement West, (213) 974-6453, shall also be displayed.

PROJECT SITE-SPECIFIC CONDITIONS

32. New equipment, or co-located WTFs added to the facility shall not compromise the subtle nature of the facility.

33. The height of the facility/utility pole shall not exceed 34 feet above grade.
34. The existing WTF utility pole, related equipment, conduits and above ground power meter equipment cabinet shall be repainted and camouflaged with a brown earth-tone color which blends in with the surrounding natural environment.
35. Existing native drought tolerant shrubs and trees shall be maintained around the subject facility to screen the ground-mounted equipment box and utility pole. In the event that the shrubs are removed or perish, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to receive instructions on replanting with native drought tolerant plants. The applicant will be responsible for re-planting, and also for providing any facilities which the Fire Department may deem necessary to protect the property from fire hazard.
36. The permittee shall maintain an insurance indemnification to the Malibu Meadows Homeowners' Association that holds the association harmless for the permittee's use of private roads owned by the association.
37. This grant entitles the permittee to continue the use of the existing wireless telecommunications facilities on the existing utility pole but does not entitle the permittee to retain the pole for its sole use or to install a new pole for its facilities in the event the existing pole is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the provision of Condition No. 8, if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The applicant will be required to either obtain a new conditional use permit to relocate its facilities or to install a new pole or poles and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.
38. If the Department of Public Works requires the facility to relocate due to street improvement projects and undergrounding of utilities, the cost of relocation of wireless facilities due to such projects shall be fully borne by the owner, operator, or permittee of the wireless facilities involved.
39. Upon termination of this grant or after the construction of this facility 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. Failure to remove such facility as required herein shall constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement West Section of the Department of Regional Planning and any other government agency. Prior to installation of its facility, the permittee shall post a performance security, satisfactory to the Director of Public Works and provide a copy to the Zoning Enforcement West Section of the Department of Regional Planning, in an amount to sufficiently cover the cost of removal of the facility as provided herein. In the event the facility is not so removed within 90

days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

40. No additional meter boxes outside the existing facility shown in approved Exhibit "A," are authorized by these grants.

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08/07/2012