Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

November 5, 2013

Norman MacLeod
28205 Bluebell Drive
Laguna Niguel, CA 92677

REGARDING: **PROJECT NO. R2013-00957-(3)**
CONDITIONAL USE PERMIT NO. 201300044
2577 ½ S. Topanga Canyon Blvd., Topanga CA
Adjacent to APN 4448-003-900

Hearing Officer Alex Garcia, by his action of **November 5, 2013,** 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 the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **November 19, 2013. Appeals must be delivered in person.**

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 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 additional information, please contact Travis Seawards of the Zoning Permits West Section at (213) 974-6462, or by email at TSeawards@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: DPW (Building and Safety); Zoning Enforcement

MKK:TSS

CC.060412

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NOS. R2013-00945-(3), R2013-00956-(3), R2013-00957-(3), R2013-00958-(3), R2013-00959-(3), R2013-00960-(3), R2013-00963-(3), R2013-00964-(3)
CONDITIONAL USE PERMIT NOS. 201200042, 201300043, 201300044, 201300045, 201300046, 201300047, 201200050, 201300051

1. **ENTITLEMENTS REQUESTED.** The applicant, Sprint Nextel, is requesting Conditional Use Permits (CUPs) to authorize the continued use and operation and maintenance of eight (8) wireless telecommunications facilities located in the public right-of-way in the following zones and pursuant to the following County Code sections:
   1. Project No. R2013-00945-(3) in the C-3 (Unlimited Commercial) Zone and R-1-10,000 (Single Family Residence – 10,000 Square Foot Minimum Required Lot Area) Zone pursuant to County Code Sections 22.28.210 and 22.20.100.
   2. Project No. R2013-00956-(3) in the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.24.100.
   3. Project No. R2013-00957-(3) in the A-1-1 and R-3 (Unlimited Multiple Residence) Zone pursuant to County Code Section 22.24.100 and 22.20.290.
   4. Project No. R2013-00958-(3) in the A-1- and R-3 Zones pursuant to County Code Sections 22.24.100 and 22.20.290.
   5. Project No. R2013-00959-(3) in the C-2 (Neighborhood Business) and R-1-6,000 (Single Family Residence – 6,000 Square Foot Minimum Required Lot Area) pursuant to County Code Sections 22.28.160 and 22.20.100.
   6. Project No. R2013-00960-(3) in the R-1-10,000 Zone pursuant to County Code Section 22.20.100.
   7. Project No. R2013-00963-(3) in the OS (Open Space) Zone pursuant to County Code Section 22.40.430.
   8. Project No. R2013-00964-(3) in the A-1-5 (Light Agricultural – 5 Acre Minimum Required Lot Area) pursuant to County Code Section 22.24.100.

2. **HEARING DATE.** November 5, 2013

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on November 5, 2013 before the Hearing Officer. There was one member of the community that inquired if one of the facilities was new and exactly where it was located. The Hearing Officer explained that the wireless facilities had been approved since 2001 and staff explained that the site were located in the public right-of-way and not on public property. The applicant's representative, Norman MacLeod, said that he had reviewed the conditions of approval and had no further questions. There being no further testimony, the Hearing Officer closed the public hearing and approved the project subject to the conditions recommended by staff and agreed to by the applicant's representative.

4. **PROJECT DESCRIPTION.** The project is a request for CUPs to authorize the continued use of eight (8) wireless telecommunications facilities located in the public right-of-way along Topanga Canyon Boulevard in the Malibu Coastal Zone and the Santa Monica Mountains North Area between the Pacific Coast Highway

and Mulholland Drive. The eight wireless facilities were approved by CUP No. 00-61-(3) on August 8, 2001. The approved facilities are as follows:

Project Site	Project Numbers	Project Details
1	Project No. R2013-00945-(3) CUP No. 201300042	Four panel antennas mounted on an existing utility pole approximately 27 feet above grade level with an associated equipment cabinet on a concrete pad.
2	Project No. R2013-00956-(3) CUP No. 201300043	Four panel antennas mounted on an existing utility pole approximately 34 feet above grade level with an associated equipment cabinet on a concrete pad.
3	Project No. R2013-00957-(3) CUP No. 201300044	Two Omni antennas mounted on an existing utility pole approximately 30 feet above grade level, a microcell at 8 feet above grade level, and an associated equipment cabinet on a concrete pad.
4	Project No. R2013-00958-(3) CUP No. 201300045	Four panel antennas mounted on an existing utility pole approximately 25 feet above grade level, a microcell at 8 feet above grade level, and an associated equipment cabinet on a concrete pad.
5	Project No. R2013-00959-(3) CUP No. 201300046	Two panel antennas mounted on an existing utility pole approximately 23 feet above grade level, a microcell at 8 feet above grade level, and an associated equipment cabinet on a concrete pad.
6	Project No. R2013-00960-(3) CUP No. 201300047	Two Omni antennas mounted on an existing utility pole approximately 31 feet above grade level with an associated equipment cabinet on a concrete pad.
7	Project No. R2013-00963-(3) CUP No. 201300050	Two panel antennas mounted on an existing utility pole approximately 28 feet above grade level, a microcell at 8 feet above grade level, and an associated equipment cabinet on a concrete pad.
8	Project No. R2013-00964-(3) CUP No. 201300051	Two Omni antennas mounted on an existing utility pole approximately 28 feet above grade level, a microcell at 8 feet above grade level, and an associated equipment cabinet on a concrete pad.

5. **LOCATION.** The location of the eight wireless facilities are as follows:

Project Site	Project Numbers	Location
1	Project No. R2013-00945-(3) CUP No. 201300042	159 ½ S. Topanga Canyon Blvd. (Adjacent to APN 4445-006-038)
2	Project No. R2013-00956-(3) CUP No. 201300043	1950 ½ S. Topanga Canyon Blvd. (Adjacent to APN 4448-004-901)
3	Project No. R2013-00957-(3) CUP No. 201300044	2577 ½ S. Topanga Canyon Blvd. (Adjacent to APN 4448-003-900)
4	Project No. R2013-00958-(3) CUP No. 201300045	3251 ½ S. Topanga Canyon Blvd (Adjacent to APN 4448-003-900)
5	Project No. R2013-00959-(3) CUP No. 201300046	3904 ½ S. Topanga Canyon Blvd. (Adjacent to APN 4443-003-010)
6	Project No. R2013-00960-(3) CUP No. 201300047	1050 ½ S. Topanga Canyon Blvd. (Adjacent to APN 4443-006-030)
7	Project No. R2013-00963-(3) CUP No. 201300050	3500 ½ S. Topanga Canyon Blvd. (Adjacent to APN 4443-003-902)
8	Project No. R2013-00964-(3) CUP No. 201300051	2123 ½ S. Topanga Canyon Blvd. (Adjacent to APN 4434-016-016)

6. **EXISTING ZONING.** All of the eight wireless telecommunications facilities are located in the public right-of-way along Topanga Canyon Boulevard. However, pursuant to Section 22.16.020, the zoning for the properties adjacent to the project sites extend to the centerline of the right-of-way. The zoning and surrounding zoning for the project sites are as follows:

Project Site	Project Numbers	Project Site Zone and Surrounding Zoning Designations
1	Project No. R2013-00945-(3) CUP No. 201300042	C-3 and R-1-10,000. Surrounding zones are A-1-1 and R-1-10,000 to the north, C-3 to the south, R-1-10,000 to the east, and C-3 to the west.
2	Project No. R2013-00956-(3) CUP No. 201300043	A-1-1. Surrounding zones are City of L.A – Topanga State Park to the north and east, and A-1-1 to the south and west.
3	Project No. R2013-00957-(3) CUP No. 201300044	A-1-1 and R-3. Surrounding zones are A-1-1 to the north, east, and west, and A-1-1 and R-3 to the south.
4	Project No. R2013-00958-(3) CUP No. 201300045	A-1-1 and R-3. Surrounding zones are A-1-1 to the north and east, A-1-1 and R-3 to the south, and C-2 to the west.
5	Project No. R2013-00959-(3) CUP No. 201300046	C-2 and R-1-6,000. Surrounding zones are R-1-6,000 and C-2 to the north, C-2 to the south, R-1-6,000 to the east, and A-1-1 to the west.

6	Project No. R2013-00960-(3) CUP No. 201300047	R-1-10,000. A-1-1 to the north and west, and R-1-10,000 to the south and east.
7	Project No. R2013-00963-(3) CUP No. 201300050	OS. OS to the north and south. R-1-12,000 to the east, and City of Calabasas single-family development to the west.
8	Project No. R2013-00964-(3) CUP No. 201300051	A-1-5. A-1-5 to the north, south, and west, and A-1-5 and C-2 to the east.

7. **EXISTING LAND USES.** All eight wireless telecommunications facilities are located in the public right-of-way along Topanga Canyon Boulevard and are mounted on existing utility poles. The land uses that surround the project sites are as follows:

Project Site	Project Numbers	Project Site Surrounding Land Uses
1	Project No. R2013-00945-(3) CUP No. 201300042	Single-family residences and vacant rural land to the north and east, a library, shopping center, and vacant rural land to the south, and retail services, a restaurant and vacant rural land to the west.
2	Project No. R2013-00956-(3) CUP No. 201300043	Topanga State Park to the north and east, and vacant rural land to the south and west.
3	Project No. R2013-00957-(3) CUP No. 201300044	Undeveloped vacant rural land and open space in all directions.
4	Project No. R2013-00958-(3) CUP No. 201300045	Undeveloped vacant rural land and open space in all directions.
5	Project No. R2013-00959-(3) CUP No. 201300046	Single-family residences, vacant rural land, and a maintenance yard to the north, vacant rural land, a vacant gas station, and the Pacific Ocean to the south, single-family residences and vacant rural land to the east, and vacant rural land, a general store, and retail services to the west.
6	Project No. R2013-00960-(3) CUP No. 201300047	Undeveloped vacant rural land and single-family residences in all directions.
7	Project No. R2013-00963-(3) CUP No. 201300050	Open space and scenic area to the north, south and west, and single-family residences to the east.
8	Project No. R2013-00964-(3) CUP No. 201300051	Vacant rural land and single-family residences to the north, south, and west, and single-family residences, theater, art studio, wedding venue and vacant land to the east.

8. **PREVIOUS CASES/ZONING HISTORY.** All eight wireless telecommunications facilities were approved by CUP 00-61-(3) on August 8, 2001 and expired on August 8, 2011.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** All eight wireless telecommunications facilities are located in the public right-of-way along Topanga Canyon Boulevard and are mounted on existing utility poles in areas covered by the Santa Monica Mountains North Area Plan and the Malibu Coastal Plan. The Regional Planning Commission approved the existing eight wireless facilities by CUP No. 00-61-(3) in 2001 and determined that the projects were consistent with the General Plan, the Santa Monica Mountains North Area Plan, and the Malibu Coastal Plan. As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in these land use plans, the project is consistent with their respective land use plans.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Wireless telecommunications facilities are not a defined use in the County Code; therefore staff have used "radio and television stations and towers" as a comparable use. Radio and television and stations and towers require a CUP in all zones. All eight wireless telecommunications facilities are located in the public right-of-way along Topanga Canyon Boulevard and are mounted on existing utility poles and therefore there are no applicable zoning development standards.

11. The eight wireless telecommunications facilities are compliant with the Departmental policy on the height of wireless projects in the public right-of-way. Departmental wireless telecommunication facilities policy states that no wireless facility in the public right-of-way shall exceed 50 feet above grade level. The tallest wireless facility out of the eight total facilities is mounted approximately 34 feet above grade level.

12. The eight wireless telecommunications facilities are compliant with the Departmental policy for the placement of wireless facilities in the public right-of-way. Departmental policy states that wireless facilities in the public right-of-way shall not interfere or obstruct highways, trails, sidewalks or any other public or private access. The existing eight wireless facilities that are mounted on exiting utility poles do not interfere or obstruct access to any highway, trail, sidewalk, or private or personal access.

13. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The eight wireless facilities do not negatively impact the areas or neighborhoods in which they are located. The eight wireless telecommunications facilities have been in existence since 2001 and there has been no record of public complaints or zoning violations for any of the sites. The aesthetic impact of wireless facilities has been addressed by placing the facilities on utility poles in the public right-of-way. The wireless

facilities also provide important communications infrastructure to rural areas of the County.

14. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Los Angeles County Department of Public Works (DPW) was consulted on this permit request. The eight wireless facilities were approved in 2001 and were required to obtain encroachment permits form Caltrans and DPW as they are located in the public right-of-way. The applicants have provided the records of the encroachment permits and as existing structures with no proposed changes, DPW has stated that they do not require any further review.

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.** Staff has not received any comments at this time.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. All eight wireless telecommunications facilities are located in the public right-of-way along Topanga Canyon Boulevard and are mounted on existing utility poles. In 2001 the Regional Planning Commission approved the existing eight wireless facilities by CUP No. 00-61-(3) and determined that the projects were consistent with the General Plan, the Santa Monica Mountains North Area Plan, and the Malibu Coastal Plan. As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in these land use plans, the project is consistent with their respective land use plans.

18. The eight wireless facilities were approved in 2001 and have been operating for 10 years without any record of public complaints or zoning violations for any of the project sites. All eight projects obtained the necessary encroachment permits for structures in the public right-of-way from Caltrans and the Department of Public Works. Additionally, the eight facilities are located in rural, mountainous terrain and provide important communications infrastructure to these areas. Therefore, the requested uses at the locations 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.

19. The eight wireless facilities are located in the public right-of-way along Topanga Canyon Boulevard and are mounted on existing utility poles. They are subject to departmental policies, and they are compliant with the Departmental standards for height and placement of wireless projects in the public right-of-way. Therefore, the

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

20. The project is a request to continue the use and operation of eight wireless telecommunications facilities. There are no proposed changes to any of the eight facilities and therefore the project does not require any new public infrastructure to continue their use. Therefore, the proposed sites are 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.

ENVIRONMENTAL DETERMINATION

21. The project is a request to continue the use of eight existing wireless telecommunications facilities that are located in the public right-of-way with no proposed changes to the project sites. Therefore, the project qualifies as a Categorical Exemption (Class 1 - Existing Facilities) and 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.

22. Project Nos. 1, 2, 3, 4, 5, and 6 are located in a Significant Ecological Resource Area (SERA). The projects were reviewed by the Environmental Review Board (ERB) on August 19, 2013 and were not found to have any new substantial environmental impacts. ERB recommended the following conditions, which have been added to the project's Conditions of Approval:

    - Old and new above-ground facilities shall be painted in a color that matches the soil surrounding the facility or if on a wooden pole, the color of the pole.
    - In locations on stream banks, wattles shall be used downslope to capture and retrieve for disposal in a landfill any debris from the maintenance operations that may fall towards the stream. This includes brush from clearance operations.

23. **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 fifteen (15) years.

24. **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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT

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.

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

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and finds 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, CUP No. 201300042, CUP No. 201300043, CUP No. 201300044, CUP No. 201300045, CUP No. 201300046, CUP No. 201300047, CUP No. 201300050, CUP No. 201300051 are **APPROVED**, subject to the attached conditions.

MKK:TSS
6/5/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NOS. R2013-00945-(3), R2013-00956-(3), R2013-00957-(3), R2013-00958-(3), R2013-00959-(3), R2013-00960-(3), R2013-00963-(3), R2013-00964-(3)
CONDITIONAL USE PERMIT NOS. 201200042, 201300043, 201300044, 201300045, 201300046, 201300047, 201200050, 201300051

PROJECT DESCRIPTION

The project is a request to authorize the continued operation and maintenance of eight (8) existing wireless facilities consisting of panel antennas, omni antennas, and microcells mounted on utility poles and associated equipment cabinets on concrete pads at ground level located in the public right-of-way of Topanga Canyon Boulevard. Each of the eight facilities is subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall 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 November 5, 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 new Conditional Use Permits application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facilities and satisfaction of Condition No. 2 shall be considered use of this grant. For the facilities located in the Malibu Coastal Zone, this grant shall expire unless used within five (5) 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 **$12,800.00**. 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 for each of the eight wireless facilities. Inspections shall be unannounced.

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

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

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("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 of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

    In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of 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.

17. 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.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT

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

20. 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. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.

26. The project shall be 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 maintained as depicted in the photo simulations presented at the public hearing.

27. 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.

28. 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.

29. New equipment added to the facility shall not compromise the stealth design of the facility.

30. This grant entitles the permittee to install the wireless telecommunications facilities on the existing or a replacement 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. 9, 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.

31. 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 Section of the Department of Regional Planning and any other government agency. 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.

32. 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.

PROJECT SITE SPECIFIC CONDITIONS

33. This grant shall authorize the continued operation and maintenance of each of the eight (8) existing wireless facilities consisting of panel antennas, omni antennas, and microcells mounted on utility poles and associated equipment cabinets on concrete pads at ground level located in the public right-of-way of Topanga Canyon Boulevard.

34. The antennas and power equipment cabinets shall be painted and maintained with a neutral color excluding black to blend into and harmonize with the surroundings, shall not be glossy or reflective in nature, and shall be maintained in good condition at all times.

35. Old and new above-ground facilities shall be painted in a color that matches the soil surrounding the facility or if on a wooden pole, the color of the pole.

36. In locations on stream banks, wattles shall be used downslope to capture and retrieve for disposal in a landfill any debris from the maintenance operations that may fall towards the stream. This includes brush from clearance operations.