

Hearing Officer Transmittal Checklist

Hearing Date
4/7/2015

Agenda Item No.
5

Project Number: R2014-02323-(3)
Case(s): Conditional Use Permit Case No. 201400104
Environmental Assessment Case No. 201400181
Planner: Adrine Arakelian

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: 



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

PROJECT NUMBER
 R2014-02323-(3)

HEARING DATE
 April 7, 2015

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201400104
 Environmental Assessment No. 201400181

PROJECT SUMMARY

OWNER / APPLICANT

Sprint Nextel

MAP/EXHIBIT DATE

6/10/14

PROJECT OVERVIEW

The project seeks to authorize the continued operation of a wireless telecommunications facility (WTF) in the public right of way adjacent to Kanan Road. The project is located in the A-1-20 (Light Agricultural – 20 Acres Required Minimum Lot Area) Zone in the Santa Monica Mountains North Area CSD. The WTF is mounted to a utility pole and consists of two antennas, one radio frequency unit mounted to the pole, and associated equipment. The radio frequency unit will be removed and replaced. The project was previously established through CUP No.03-203.

LOCATION

Right of way adjacent to 1685 Kanan Road, Malibu

ACCESS

Kanan Road

ASSESSORS PARCEL NUMBER(S)

2058-008-004

SITE AREA

Utility pole in right-of-way

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains North Area Plan

ZONED DISTRICT

The Malibu

LAND USE DESIGNATION

N20- Mountain Lands 20 (1 dwelling unit/20 acres)

ZONE

A-1-20

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Santa Monica Mountains North Area

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Santa Monica Mountains North Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.44.133 (Santa Monica Mountains North Area CSD requirements)
 - 22.24.110 (A-1 Zone Development Standards)

CASE PLANNER:

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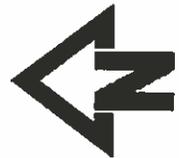


R2014-02323-(3)

Project Location Map

Printed: Mar 09, 2015

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for a wireless telecommunications facility in the A-1-20 (Light Agricultural - 20 Acres Required Minimum Lot Area) Zone pursuant to County Code Section 22.24.100.

PROJECT DESCRIPTION

The project seeks to authorize the continued operation of a wireless telecommunications facility located on pole number 20424S, a 38.5-foot tall utility pole in the public right of way adjacent to 1685 Kanan Road. The project is located in the A-1-20 zone in the Santa Monica Mountains North Area CSD. The project was previously established through CUP No.03-203 and proposes to maintain the existing facility with the following modification: to remove and replace the existing radio frequency unit (RFU) mounted to the existing utility pole as a maintenance upgrade to the facility. The surrounding property where the facility is located is currently undeveloped.

EXISTING ZONING

The subject property is zoned A-1-20.

Surrounding properties are zoned as follows:

North: A-1-2 (Light Agricultural, 2 Acres Required Minimum Lot Area)

South: A-1-20

East: A-1-20

West: A-1-20

EXISTING LAND USES

The subject property is developed with an existing utility pole and wireless facility in the public right of way. The project site is developed with a 38.5-foot tall utility pole with two antennas attached to the 8-foot wide cross arms which are located 23 feet above ground level. An existing RFU is mounted to the utility pole 8 feet above ground level. The wireless facility runs on flat rate power and obtains its power from a pole-tap off secondary power on the pole. The vault proposed for the original CUP approval was never constructed. There is adequate area around the utility pole site for maintenance vehicles to service the facility.

Surrounding properties are developed as follows:

North: Single-family residential, undeveloped land

South: Undeveloped land

East: Undeveloped land

West: Undeveloped land, single-family residential

PREVIOUS CASES/ZONING HISTORY

A previous CUP 03-203 for authorization of the wireless facility was approved in July, 2004. The grant terminated on July 14, 2014.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. An initial study was prepared for the original CUP approval of the wireless facility. The initial study showed that there is no substantial evidence of a significant effect on the environment. Based on the initial study, the Department of Regional Planning prepared a Negative Declaration for the original project. The project was constructed per original approvals and is presently considered an existing facility with a maintenance upgrade proposed that involves negligible expansion of use beyond that existing at the time of the determination. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the N20-Mountain Lands land use category of the Santa Monica Mountains North Area Plan. This designation is intended for low density single family housing, agriculture, recreational uses, lodging, telecommunications facilities and other local serving commercial and public facilities. The plan encourages clustering of uses to reduce disturbances to the topographic, vegetative, and biological settings. The wireless telecommunications facility is located on a previously existing utilities infrastructure within the previously disturbed right of way area and is therefore consistent with the permitted uses of the underlying land use category.

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

- *Policy VI-31: Wireless telecommunication facility sites shall preserve the character and aesthetics of areas chosen for such uses by limiting the visual and safety impacts of such facilities through careful design, screening, and mitigation requirements. The co-location and clustering of wireless telecommunication facilities and structures shall be encouraged, wherever possible, to help avert unnecessary proliferation of such facilities in public and private property.*

The project is in conformance with this policy. By locating the wireless facility upon existing utility infrastructure along the public right of way, the facility has limited the visual and safety impacts of such facilities to the extent feasible without creating additional visual impacts beyond that already created by the utility pole itself. The project is on flat rate power, as such a vault or any additional roadside infrastructure was not constructed.

Zoning Ordinance and Development Standards Compliance

Pursuant to Sections 22.24.110 of the County Code establishments in the A-1 Zone are subject to the following development standards applicable to this project:

- The height limit for structures is 35 feet. The utility pole is 38.5 feet tall, however it is an existing structure onto which the WTF was mounted at a height in conformance with the height limit. The antenna and cross arms are mounted to

the utility pole at a height of approximately 23 feet. All appurtenant equipment is mounted on the utility pole at a height below 35 feet.

Pursuant to Subdivision and Zoning Ordinance Policy No. 01-2010 regulating Wireless Telecommunication Facilities, the project conforms to standards regulating facilities in the public right of way including a 50-foot height limit. The project does not include appurtenant above-ground facilities. The project has obtained an encroachment permit from the Department of Public Works and the placement does not obstruct use of public access ways. Additionally, the project conforms to standards regulating the finish of the equipment to blend in with its surroundings.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The project is located in a rural area with undeveloped land in its surroundings. The public right of way of Kanan Road, where the facility is located has ample shoulder space to accommodate parking of maintenance vehicles. The facility is an existing facility with no concerns or violations cited for its operation. The facility forms part of a system of telecommunication facilities along the public rights of way in the area that serves an essential function within the communications infrastructure of the area. The equipment has been painted to match the utility pole and the removal and replacement of the RFU does not negatively alter the design or function of the facility. The facility, located on existing utility infrastructure, does not have significant additional visual impacts beyond the previously existing utility pole. Within a scenic and resource sensitive area, the placing of communication infrastructure upon an existing utility system renders this project compatible with its surroundings.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County department consultations were not necessary due to their previous review of the project, the project's compliance with its approval and conditions, and that no significant alteration has been proposed.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-02323, Conditional Use Permit Number 201400104, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 201400104 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Adrine Arakelian, RPA II, Zoning Permits West Section
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map

MKK:AAA
3/10/15

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02323-(3)
CONDITIONAL USE PERMIT NO. 201400104**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400104 ("CUP") on April 7, 2015.
2. The permittee, Sprint Nextel ("permittee"), requests the CUP to authorize an existing unmanned wireless telecommunications facility ("Project") on an existing utility pole in the public right of way located near 1685 Kanan Road in the unincorporated community of Santa Monica Mountains North Area ("Project Site") in the A-1-20 (Light Agricultural - 20 Acres Required Minimum Lot Area) Zone pursuant to Los Angeles County Code ("County Code") section 22.24.100.
3. The Project Site is mounted upon an existing utility pole in the public right of way. The Project Site is the generally flat road shoulder of Kanan Road and is developed with an existing utility pole upon which are mounted two antennas on an 8-foot long cross arm and one radio frequency unit (RFU) cabinet mounted directly onto the pole.
4. The Project Site is located in the Malibu Zoned District and is currently zoned A-1-20.
5. The Project Site is located within the Mountain Lands 20 (N20) land use category of the Santa Monica Mountains North Area Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-1-2 (Light Agricultural – 2 Acres Required Minimum Lot Area)
 - South: A-1-20
 - East: A-1-20
 - West: A-1-20
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family residential, undeveloped land
 - South: Undeveloped land
 - East: Undeveloped land
 - West: Undeveloped land, single-family residential
8. The Project was previously approved by CUP 03-203 for authorization of the wireless facility on July 14, 2004. The grant terminated on July 14, 2014. The project has been in compliance since its establishment with no concerns reported.
9. The site plan for the Project depicts a 38.5-foot tall wooden utility pole, pole number 420424SPR. A street light is mounted on the pole at 28 feet above ground. The two

existing wireless antennas are 2.8 feet tall and are mounted on an 8-foot wide cross arm at a height of 23 feet above ground. The replacement RFU is mounted on the utility pole at 8 feet above ground, in the same location as the existing RFU. The utility pole is placed approximately 7.5 feet from the edge of the pavement.

10. The Project Site is accessible via Kanan Road to the east.
11. The Project has proposed that the existing road shoulder is broad enough to allow the occasional maintenance vehicle adequate parking and access to the site. The Project has functioned well in this manner and no change is proposed. Access to other utility facilities in the vicinity function in a similar manner.
12. As the project is an existing facility with no significant changes proposed, no consultations with other County departments are required.
13. Prior to the public hearing on the Project, the Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the project involves continuation of an existing facility with no significant alteration.
14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. No comments from the public regarding the Project have been received.
16. Reserved. Hearing Proceedings
17. The Hearing Officer finds that the Project is consistent with the plans and policies of the Santa Monica Mountains North Area Plan. The WTF is located on an existing facility within a rural and scenic area and is thus consistent with the plan's recommendation to encourage clustering of facilities and limitation of visual impacts, in addition to reducing disturbance to the biological and topographic resources of the area.
18. The Hearing Officer finds that the Project is allowed in the subject zone category with the approval of a conditional use permit. Further, the Project is consistent with the development standards of the A-1 zone as set forth in section 22.24.100 of the County Code.
19. The Hearing Officer finds that the project is adequately located and designed to prevent visual impacts to the surrounding neighborhood. The wooden utility pole is consistent with other utility poles in the area according to height and usage. The co-location of wireless facilities with utility poles is consistent with reducing visual impacts in the area.

20. The Hearing Officer finds that as an unmanned facility, the Project will not generate any significant additional activity to the area.
21. The Hearing Officer finds that the Project Site is adequate in size to accommodate all project components. The antenna and associated equipment are mounted onto an existing facility and do not require an expansion of the project site.
22. The Hearing Officer finds that the Project is adequately served by improved local roads and highways to accommodate the kind and quantity of traffic the Project would generate. As an unmanned facility, the project requires only occasional maintenance visits.
23. The Hearing Officer finds that the Project is compatible with the surrounding land uses through the location and design of the facility, placed on existing infrastructure and finished so as to blend with the surroundings.
24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 15 years.
25. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Malibu community. On February 26, 2015 a total of 11 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 5 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.
26. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 21000 et seq. of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit No. 201400104, subject to the attached conditions.

ACTION DATE: April 7, 2015

MKK:AAA

3/10/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02323-(3)
CONDITIONAL USE PERMIT NO. 201400104**

PROJECT DESCRIPTION

The project is a request to authorize the continued operation and maintenance of a wireless telecommunications facility located on utility pole number 20424S, a 38.5-foot tall utility pole in the public right of way adjacent to 1685 Kanan Road in the Malibu area in the North Santa Monica Mountains, 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 reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on April 7, 2030.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunication facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a

violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to 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 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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **June 8, 2015**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATION FACILITY)

19. This grant shall authorize the continued existence and maintenance of an unmanned wireless telecommunications facility (WTF) mounted on a 38.5-foot tall wooden utility pole in the public right of way on the west side of Kanan Road. The WTF consists of two antennas mounted on an 8-foot cross arm and RFU cabinet mounted on the utility pole, among the necessary utility connections.
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. Upon completion of construction of the facility, the permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If 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.
22. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.

23. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency.
25. If any external lighting is proposed, including security lighting, it shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
26. 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.
27. 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.
28. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
29. 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 blends in with the immediately surrounding environment.
30. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
31. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
32. The 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.

33. 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. 8, if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The permittee will be required to obtain a new conditional use permit to relocate its facilities or to install a new pole or poles at the present location and continue the use at the same location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.
34. 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 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.
35. The facilities shall be on flat rate power. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A," are authorized by these grants.
36. The placement of the facility shall not interfere with the public's unobstructed use of highways, sidewalks or trails, or unobstructed access from private property to highways and other public access.
37. If 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 or permittee of the wireless facilities involved.
38. If street parking is prohibited on the street where the facility is located and on nearby side streets, the permittee shall obtain an approved traffic plan for the parking of maintenance vehicles from Public Works.
39. Maintain standard Americans with Disabilities Act clearances around all above ground wireless telecommunication equipment including poles within the public right of way to the satisfaction of Public Works, where applicable.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

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

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

A. That the requested use at the location will not:

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

The existing facility is collocated on a wooden utility pole located within the public right of way and blends in with the rural character of the area. two omni whip antenna are mounted to a wood cross arm to match the wooden utility pole; the installation is not detrimental or visually intrusive to the abutting and surrounding area; nor detrimental to the enjoyment of the surrounding owners.

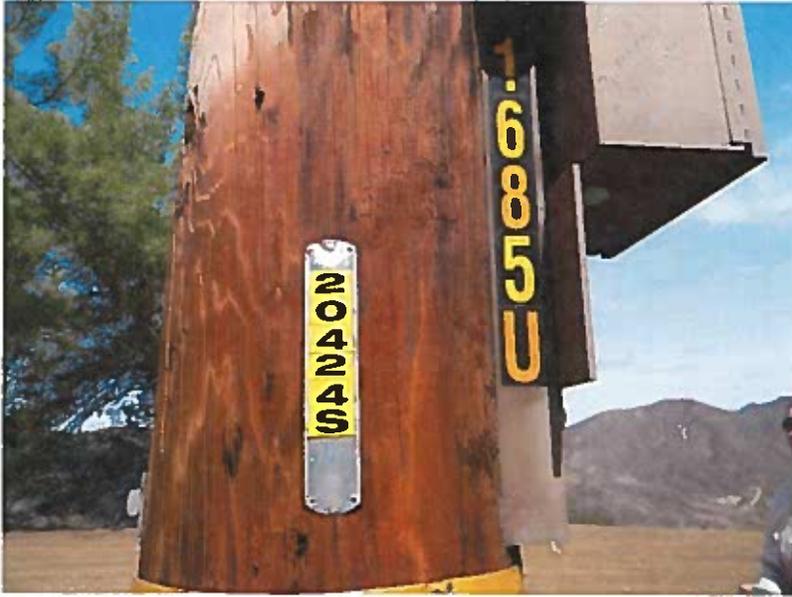
B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

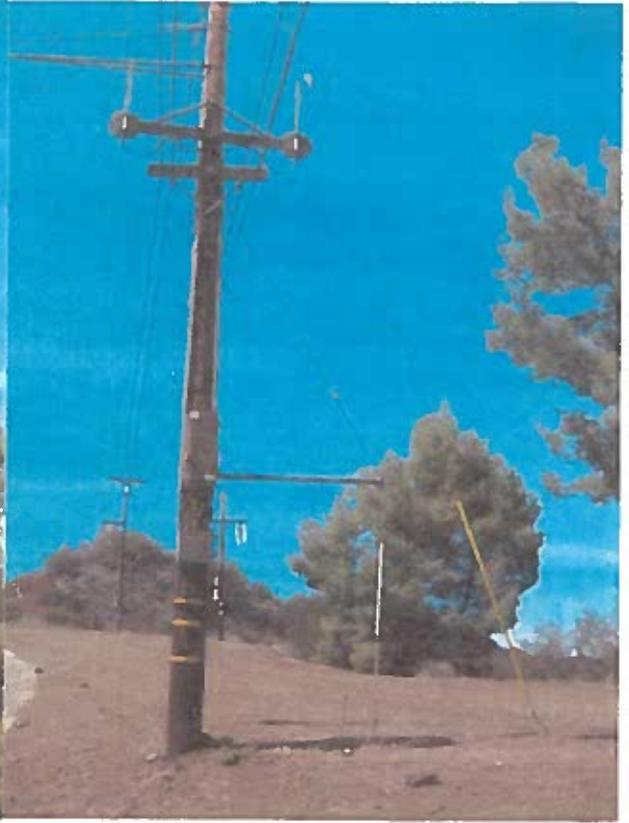
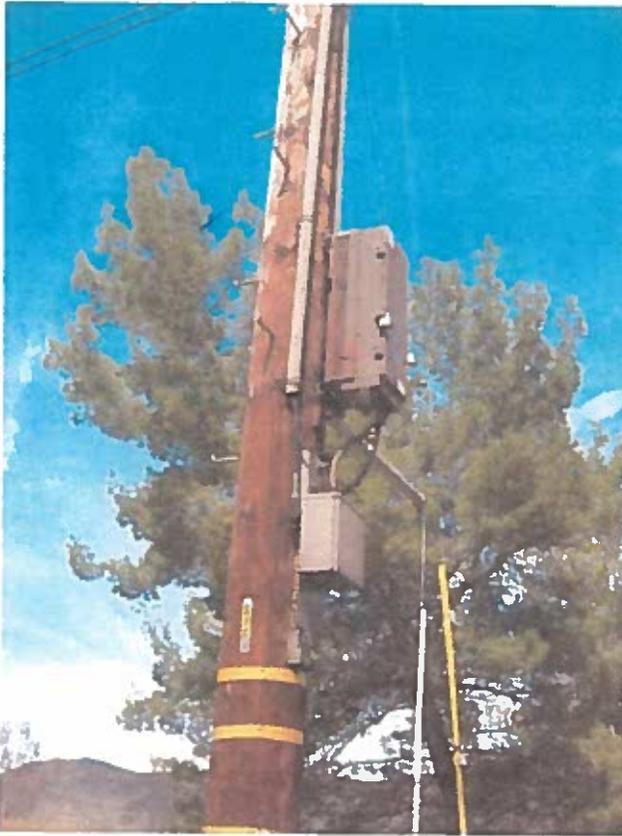
Due to the rural nature and character of the area the existing facility is similar in scope, color and design of other existing wooden utility poles in the community. the site is virtually unnoticeable as a wireless facility given it's diminimus design and attachment to a wooden utility pole on a property that is adequate in size.

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.

the site's location is within the public right of way and easily accessible by fully improved roads.





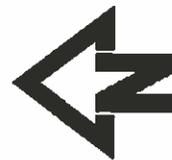


R2014-02323-(3)

Land Use / Zoning Map

Printed: Mar 09, 2015

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Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

July 15, 2004

James E. Hartl, AICP
Director of Planning

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SureSite Consulting Group, LLC
Courtney Schmidt
6655 Parkland Blvd., Suite 200
Solon, Ohio 44139

RE: **CONDITIONAL USE PERMITS 03-203-(3) through 03-205-(3)**

Dear Applicant:

The Regional Planning Commission, by its action of July 14, 2004, **APPROVED** the above described conditional use permits.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. Upon completion of the 15-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP, Director of Planning

Russell J. Fricano, Ph. D., AICP
Supervising Regional Planner
Zoning Permits Section

RJF:MBM

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement,

**CONDITIONAL USE PERMIT CASE NOS. 03-203-(3), 03-204-(3), 03-205-(3)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: March 17, 2004 and May 5, 2004

SYNOPSIS

The applicant, Sprint PCS, is requesting a conditional use permit to authorize the construction, operation and maintenance of three unmanned wireless telecommunications facilities located within the public right-of-way along Mulholland Highway, Kanan Road and Kanan Dume Road in the Malibu Zoned District.

PROCEEDINGS BEFORE THE COMMISSION

March 17, 2004 Public Hearing

A duly noticed public hearing was continued to May 5, 2004 due to a lack of quorum.

May 5, 2004 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission on May 5, 2004. All Commissioners were present. The applicant's representative answered questions posed by the Commission regarding the type of stone to be used for a proposed retaining wall. There being no further testimony, the Regional Planning Commission after discussion voted (5-0) to close the public hearing, indicate its intent to approve the conditional use permit, and direct staff to prepare findings and conditions for approval.

Findings

1. The applicant is requesting a conditional use permit to authorize the construction, operation and maintenance of three unmanned wireless telecommunications facilities on existing or replacement utility poles in the public right-of-way in the Santa Monica Mountains.
2. The subject properties are located within public right-of-ways west and southwest of the Cornell area within the Malibu Zoned District. Two of the sites are located in the Santa Monica Mountains North Area Community Standards District (03-203 and 03-204).

The three sites are located within the public right-of-way at the following locations:

03-203-(3): 1685 Kanan Road;

03-204-(3): 31475 Mulholland Highway; and

03-205-(3): 1199 Kanan Dume Road

3. All three sites are zoned A-1-1 (Light Agricultural – one acre minimum area). Cases 03-203 and 03-204 are also located within the Santa Monica Mountains North Area Community Standards District (“CSD”).
4. Zoning surrounding the subject property within a 500' radius is A-1-1 to the north, south, east and west for all three sites.
5. The subject properties are currently used as public right-of-ways that include utility infrastructure.
6. Surrounding land uses are as follows:

Cases	North	South	East	West
03-203-(3)	Vacant land	Vacant land	Vacant land	Vacant land
03-204-(3)	Vacant land/ Recreation Area	Vacant land	Vacant land, Single family residence	Vacant land, Single family residence
03-205-(3)	Vacant land	Vacant land	Vacant land	Vacant land

7. The proposed site for case 03-203 is designated N-20 (Mountain Lands) on the land use map for the Santa Monica Mountains North Area Plan (SMMNAP); case 03-204 is shown as Rural Residential (R-2). The SMMNAP recognizes telecommunications facilities as permitted uses within the Mountain Lands and Rural Residential land use designations. The proposed facilities can be found compatible with the SMMNAP.
8. Unmanned wireless telecommunications facilities are not uses that are explicitly referenced in the Malibu Local Coastal Plan. While this type of use is not referenced, it is consistent with the land use designations listed above. The following policy of the Plan is applicable to the subject properties and serves as a guideline for development:

“In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall: be visually compatible with and subordinate to the character of its setting; be sited so as not to significantly intrude into the skyline as seen from public viewing places.” (Policy 130, page 33)

The above referenced policy corresponds to the Countywide Goals by preserving the aesthetic value of scenic highways and skylines. The proposed facilities use existing or similar replacement utility poles, coloring that blends with surroundings and underground sites resulting in negligible visual impacts.

9. Unmanned wireless telecommunications facilities are uses that are not defined in the

Zoning Ordinance. However, staff has traditionally utilized the defined use of "radio and television stations and towers" as a comparable use. Pursuant to County Code Section 22.24.100, radio and television stations and towers are uses that require a conditional use permit in the A-1-1 zone.

9. Pursuant to County Code Section 22.52.1220 (uses not defined) parking shall be provided in an amount which the Director finds adequate to prevent traffic congestion and excessive on-street parking. The Director has determined that since the proposed facilities are unmanned and do not generate additional traffic or require continual parking, maintenance vehicles can utilize the shoulder of the street to park, or adjacent streets if no shoulder is available and if no onsite parking spaces are required to be provided by the applicant.
10. The conditions of approval require one space on or near the site for maintenance parking. The applicant has confirmed that maintenance parking is available at the site or within walking distance.
11. An initial study was prepared for this project and circulated for public review in compliance with the California Environmental Quality Act (CEQA) and the environmental document reporting procedures and guidelines of the County of Los Angeles. The initial study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project.
12. Public Hearing notices were mailed to the applicant and to 11 neighbors within a 500 foot radius of the project sites on February 9, 2004. Case materials, including the environmental documentation, were mailed to the Malibu Library on February 15, 2004. Public hearing notices were published in *The Malibu Times* and *La Opinion* on February 5, 2004. Public Hearing notices were posted at the sites by the applicant on March 17, 2004.
17. The proposed facilities will benefit the local community by providing wireless telecommunications service in an area where limited wireless service currently exists. This service will be available for use by emergency personnel in times of emergency or natural disaster.
18. As a condition of approval of this grant, the telecommunications equipment shall be painted or manufactured in a color to blend with the existing surrounding landscape. Stone used for the retaining wall for case 03-204 shall be native to the Santa Monica Mountains.
19. A new Conditional Use Permit will be required in the event that a corresponding utility line is placed underground and the existing poles are removed.

20. Compliance with the conditions of these grants will ensure the project's compatibility with surrounding land uses.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. The proposed use will be consistent with the adopted Santa Monica Mountains North Area Plan and the Malibu Local Coastal Plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the Los Angeles County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding areas;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Sections 22.56.090 and 22.56.215, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case Nos. 03-203-(3), 03-204-(3), 03-205-(3) are **APPROVED** subject to the attached conditions.

VOTE: 5-0

Concurring: Bellamy, Valadez, Helsley, Rew, Modugno

Dissenting:

Abstaining:

Absent:

Action Date: 7/14/2004

RJF:MBM
7/15/04

**CONDITIONAL USE PERMIT CASE NOS. 03-203-(3), 03-204-(3), 03-205-(3)
FINAL CONDITIONS**

1. These grants authorize the use of the subject properties for three (3) unmanned wireless telecommunications facilities at sites located along the north side of Kanan Road between Triunfo Canyon Road and Mulholland Highway (03-203), on the south side of Mulholland Highway between Latigo Canyon Road and Kanan Dume Road (03-204), and west side of Kanan Dume Road between Latigo Canyon Road and Newton Canyon Road (03-205) as depicted on the approved Exhibit "A". The grants are subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of these grants.
3. These grants shall not be effective for any purpose until the permittee, and the owner of the subject properties if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of these grants and that the conditions of the grants have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
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 these permit approvals, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or

**CONDITIONAL USE PERMIT CASE NOS. 03-203-(3), 03-204-(3), 03-205-(3)
FINAL CONDITIONS**

supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. These grants shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee, at least six (6) months before the expiration date.
7. If any provision of these grants is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of these grants, the terms and conditions of the grants shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the subject properties during the term of these grants, the permittee shall promptly provide a copy of the grants and its terms and conditions to the transferee or lessee, as applicable, of the subject properties.
9. **These grants shall terminate on July 14, 2014** except as otherwise provided in Condition No. 16(g). Entitlement to the use of the properties thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six (6) months prior to the termination date of these permits, whether or not any modification of the uses are requested at that time.
10. The subject properties shall be maintained and operated in full compliance with the conditions of these grants and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject properties. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of these grants, the permittee shall deposit with the County of Los Angeles the sum of **\$2,250.00** (5 inspections at \$150 for 3 sites). These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plans on file. The fund provides for **(5) inspections of the sites, every other year over the 10 year period. Inspections shall be unannounced.**

If additional inspections are required to ensure compliance with the conditions of these grants, or if any inspection discloses that the subject properties are being used in violation of any condition of these grants, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject properties into compliance. The amount charged for additional inspections shall be the amount

**CONDITIONAL USE PERMIT CASE NOS. 03-203-(3), 03-204-(3), 03-205-(3)
FINAL CONDITIONS**

equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of these grants is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify these grants, if the Commission or hearing officer finds that these conditions have been violated or that these grants have been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject properties must be complied with unless specifically modified by these grants, as set forth in these conditions or shown on the approved plans.
13. Upon approval of these grants, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the properties from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. Within sixty (60) days of the approval date of these grants, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A", similar to that presented at the public hearing, that depicts all required or proposed project changes, including the following: Landscaping at the site, including the size, type and location of all plants and trees. The landscaping shall conform to any existing landscaping on or adjacent to the site. The properties shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans 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 properties' owner.
16. The construction, operation and routine maintenance of the unmanned wireless telecommunications facilities, are further subject to all of the following conditions:
 - a. Construction and maintenance of the facilities shall take place between the hours of 9:00 A.M. to 5:00 P.M., Monday through Friday only;
 - b. During construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise;

**CONDITIONAL USE PERMIT CASE NOS. 03-203-(3), 03-204-(3), 03-205-(3)
FINAL CONDITIONS**

- c. The permittee shall ensure that any existing vegetation outside the fuel modification zone is not damaged during construction activities;
- d. The facilities shall be operated in accordance with regulations of the State Public Utilities Commission and in accordance with the emission standards of the Federal Communications Commission;
- e. The facilities shall be on flat rate power. No additional meter boxes contained outside existing facilities as shown in approved Exhibit "A", are authorized by these grants;
- f. All structures, including antennas and above-ground ventilation stacks, shall be permanently colored or painted a neutral, earth-tone 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. Stone used for facing on the proposed retaining wall shall be native to the Santa Monica Mountains;
- g. These grants entitle the permittee to install the unmanned wireless telecommunications facilities on the existing or replacement utility poles but do not entitle the permittee to retain the poles for its sole uses 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 these grants, these grants 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;
- h. The permittee shall maintain all areas of the premises over which the permittee has control in a neat and orderly fashion, free of litter and debris. All required landscaping shall be continuously maintained in good condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary;
- i. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
- j. One parking space per site shall be required on the site or nearby for

**CONDITIONAL USE PERMIT CASE NOS. 03-203-(3), 03-204-(3), 03-205-(3)
FINAL CONDITIONS**

maintenance vehicle parking;

- k. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times; and
- l. Upon termination of these grants as provided in Condition No. 9 or 16 (g), or, if after the construction of these facilities, the facilities have ceased to operate, the permittee shall remove such facilities and clear the site of all equipment. The permittee shall restore the sites as nearly as practicable to their condition prior to the installation of the subject facilities. Failure to remove such facilities as required herein shall constitute a public nuisance. Prior to installation of its facilities, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of removal of the facilities as provided herein. In the event the facilities are not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facilities to be removed.

RJF:MBM
7/7/04