



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 17, 2015

Adrian Culici
CES for Verizon Wireless
10640 Sepulveda Blvd.
Mission Hills, CA 91345

**REGARDING: PROJECT NO. R2015-01112-(5)
CONDITIONAL USE PERMIT NO. 201500050
2253U W. AVENUE D, LANCASTER
(RIGHT-OF-WAY ADJACENT TO APN 3117-005-013)**

Hearing Officer Gina Natoli, by her action of **November 17, 2015**, 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).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 1, 2015**. Appeals must be delivered in person.

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

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Richard Claghorn of the Zoning Permits North Section at (213) 974-6443, or by email at rclaghorn@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


Robert Glaser, Supervising Regional Planner
Zoning Permits North Section

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

c: DPW (Building and Safety); Zoning Enforcement
RG:RC

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-01112-(5)
CONDITIONAL USE PERMIT NO. 201500050**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on November 17, 2015 in the matter of Project No. R2015-01112-(5), Conditional Use Permit ("CUP") No. 201500050.
2. The applicant, Verizon Wireless ("permittee"), is requesting a CUP to authorize the operation and maintenance of an unmanned wireless telecommunications facility ("WTF"), on a site located within the public right-of-way ("ROW") in the unincorporated area north of Lancaster ("Project Site") in the M-1 (Light Manufacturing) Zone in the Lancaster Zoned District pursuant to County Code Sections 22.32.070 and 22.28.260. The WTF ("Project") consists of six panel antennas with a top height of 34 feet and related equipment mounted to a 43-foot high utility pole, adjacent equipment cabinets, and related equipment. The WTF is an existing use, although it has not previously been approved by the County, so this permit treats the WTF as a new use. Changes are proposed to the WTF, including replacement of three 48" antennas with three new 72" antennas, a new 4" conduit, six new remote radio units ("RRUs"), three new tower mounted amplifiers ("TMAs"), raycap surge protectors, new battery cabinet, and related equipment.
3. The Project Site is in the ROW of West Avenue D, also known as State Highway 138. It has an address of 2253U West Avenue D. It is located north of Assessor's Parcel Number 3117-005-013, a vacant parcel. The topography of the Project Site is flat.
4. The Project Site is located within the Light Industrial land use category of the Antelope Valley Area Plan ("Area Plan") Land Use Policy Map. The utility pole and WTF are consistent with this category.
5. Surrounding Zoning includes:
 - North: M-1
 - South: M-1
 - East: M-1
 - West: M-1, MXD-RU (Rural Mixed Use Development)
6. Surrounding land uses within a 500-foot radius include:
 - North: Vacant land
 - South: Vacant land
 - East: Vacant land
 - West: Vacant land
7. The Project Site is accessible from West Avenue D.

8. There is no record of any previous County approvals for the existing WTF at the Project Site. The WTF has been at this location since 1996 according to the applicant. An encroachment permit for the WTF was issued by the California Department of Transportation ("Caltrans") on October 4, 2004. At the time, the site was zoned D-2-2 (Desert-Mountain, Two Acre Minimum Required Lot Area). The zone was changed to M-1 as of July 16, 2015.
9. Proposed modifications to the WTF include replacement of three 48" antennas with three new 72" antennas, a new 4" conduit, six new RRUs, three new TMAs, raycap surge protectors, new battery cabinet, and related equipment.
10. Regional Planning staff determined that the Project qualifies for a Class 3 (New Construction or Conversion of Small Structures) 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 consists of small structures and equipment within an existing ROW that will have minimal impacts to the environment.
11. 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 hearing by mail, newspaper, and property posting.
12. Staff has not received any comments from members of the public at this time.
13. A duly noticed public hearing was held on November 17, 2015 before the Hearing Officer. A presentation was given by staff, which included a discussion of modifications to the draft findings and conditions. Changes were made to some draft conditions, including the following: a change in the due date for Exhibit "A" submittal in Condition No. 17, deleting part of Condition No. 25 discussing a light pole, reducing the maximum height limit to the existing pole height of 43 feet in Condition No. 27, modifying condition No. 33 to eliminate the part discussing walls and fences and modifying the wording of that condition discussing the landscaping screening, providing a choice of three alternative landscaping species in Condition No. 34, adding clarification to Condition No. 36 in case any ventilation enclosures are added later, and the elimination of the draft Condition No. 39, which was regarding flat rate power, and was found to be unnecessary. Language was also added to Conditions No. 34 and 35 to indicate that the landscaping shall be provided unless it is not allowed by Caltrans. A correction was made to draft Finding No. 19 to indicate that an encroachment permit, if required, shall be obtained from Caltrans rather than DPW. Other minor changes were made to the draft findings and conditions regarding punctuation, capitalization, and formatting. The project representative Rob Searcy spoke briefly and agreed with the staff presentation, and the revised findings and conditions. He also stated that no ventilation enclosures were proposed. There being no further testimony, the Hearing Officer closed the public hearing, determined that the project is categorically exempt, and approved the Project subject to the revised findings and conditions.

14. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Project is located within the Antelope Valley Area Plan ("Area Plan"), a component of the General Plan.

15. The Hearing Officer finds that the following policy of the General Plan is applicable to the proposed project:

General Plan Public Services and Facilities Policy PS/F 6.2: "Improve existing wired and wireless telecommunications infrastructure."

The Project will legally establish and upgrade the existing WTF to improve telecommunications service in the area.

16. The Hearing Officer finds that the following policy of the General Plan is applicable to the proposed project:

General Plan Public Services and Facilities Policy PS/F 6.3: "Expand access to wireless technology networks, while minimizing impacts through co-location and design."

The Project will improve the wireless network while minimizing visual impacts. The WTF antennas will be attached to a utility pole and the equipment will be visually screened with plants.

17. The Hearing Officer finds that the following policy of the General Plan is applicable to the proposed project:

General Plan Public Services and Facilities Policy PS/F 6.4: "Protect and enhance utility facilities to maintain the safety, reliability, integrity and security of utility services."

The Project will enhance the communications infrastructure of the area.

18. The Hearing Officer finds that the proposed use is consistent with the M-1 zoning classification. Although Title 22 of the County Code does not explicitly specify 'WTF' as a use, the use most consistent with a WTF specified in the County Code is 'radio or television stations and towers'. Pursuant to Sections 22.32.070 and 22.28.260 of the County Code, development of radio and television stations and towers is a permitted use of property in Zone M-1, provided that a CUP is first obtained. In Section 22.32.070 of the County Code, the M-1 Zone allows any use listed in the C-M Zone (22.28.260), subject to the same limitations and conditions. In Section 22.28.260 of the County Code, the C-M Zone requires a CUP for radio or television stations and towers. Therefore, a CUP is required for a WTF in the M-1 Zone.

19. The Hearing Officer finds that the project complies with applicable development standards of Subdivision and Zoning Ordinance Policy No. 01-2010 (Wireless Telecommunications Facilities) dated July 26, 2010 ("WTF Policy Memo"). The height of the WTF is less than 50 feet as required by the development guidelines for

WTFs in the ROW. The placement of the WTF shall not interfere with the public's unobstructed access, and if required the applicant shall obtain an encroachment permit from Caltrans. If the WTF must be relocated due to a street improvement project or undergrounding of utilities, the cost of relocation of the WTF shall be fully borne by the permittee for the WTF.

20. The Hearing Officer finds that the WTF policy memo's development guidelines for WTFs in the public ROW state that all appurtenant equipment that is not structure-mounted shall be placed underground, unless the applicant provides documentation showing that undergrounding is infeasible. The permittee has stated that placing the equipment underground is infeasible because the existing equipment is above ground and will mostly remain the same. It is in a remote location and has not generated any complaints, and it will be screened with additional landscaping. Southern California Edison guidelines also discourage underground equipment vaults. Therefore, it is not necessary to require undergrounding of the equipment.
21. The Hearing Officer finds that the Project satisfies the Conditional Use Permit Burden of Proof findings in Section 22.56.040 of the County Code.
22. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The WTF is installed on a wooden utility pole and adjacent land located within the public ROW, is small in size, it blends in with the utility equipment, will have landscaping planted for screening, and will have very little visual impact on the area. The facility is not detrimental to the surrounding area or the residents of the area. The nearest residences are in a mobile home park more than a mile south of the Project Site. The nearest neighboring use is a Sanitation District Plant located more than a quarter-mile away to the northeast. This WTF provides a benefit to the safety of the community by providing communication service to a rural area near a freeway exit, where motorists might need to make emergency calls. This facility fulfills a vital need for emergency communications, benefiting public safety in the area, as well as for non-emergency personal, business, and government communications.
23. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The WTF is unmanned and does not generate additional traffic or require parking or loading facilities. The subject site in the ROW is adequate in size and shape to accommodate the use, and is integrated with the uses in the surrounding area. Parking for occasional visits for maintenance, about once per month, can be provided in the

shoulder area of Avenue D, which is wide enough to provide temporary parking for maintenance vehicles.

24. The Hearing Officer finds that the Project is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required. The WTF is located along Avenue D and has adequate access. The WTF does not impact traffic patterns or generate an increase in traffic or require public services such as water, sewer, or waste management. The facility is serviced by electrical power and is adequately served by the existing road and utility infrastructure. The WTF is not staffed and requires only infrequent maintenance visits, approximately once per month.
25. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure continued compatibility between the use of the Project Site allowed by this grant and surrounding land uses.
26. 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. All neighboring property owners within 1,000 feet of the Project Site were notified by mail, including 22 different owners. Additionally, the case materials were available on Regional Planning's website and at the Lancaster Library. A total of 13 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Bouquet Canyon Zoned District. Notices were sent on October 8, 2015.
27. 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 North 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 and Area 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 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 15303 of the State CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures); and
2. Approves Conditional Use Permit No. 201500050, subject to the attached conditions.

ACTION DATE: November 17, 2015

RG:RC

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-01112-(5)
CONDITIONAL USE PERMIT NO. 201500050**

PROJECT DESCRIPTION

This grant authorizes the operation and maintenance of an unmanned wireless telecommunications facility ("WTF") located on a 43-foot-high utility pole and adjacent land within the public right-of-way of West Avenue D. This grant 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 until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall 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 10 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. 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 17, 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, operation of the unmanned WTF 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 **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund

provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to 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 the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("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 use 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." **Three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by January 19, 2016, including the site plan and elevation plan showing the revised landscaping, as agreed during the public hearing.
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.

PROJECT SITE-SPECIFIC CONDITIONS

19. This grant shall authorize the operation and maintenance of an existing unmanned WTF and appurtenant equipment as shown on the plans marked Exhibit "A".

PERMIT-SPECIFIC CONDITIONS

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. The facility shall remain in compliance with the Encroachment Permit issued by Caltrans in 2004 or any subsequent Encroachment Permit.

25. Any 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. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
26. 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.
27. The maximum height of the facility shall not exceed 43 feet above existing grade.
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. All structures, including antennae and above-ground equipment shall be a neutral, earth-tone color, excluding black, to blend into and harmonize with the surroundings.
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. Landscaping, as shown on the approved Exhibit "A", shall be provided to screen the equipment boxes from the street, unless the landscaping is not allowed by Caltrans.
34. Appurtenant equipment boxes shall be screened or camouflaged. Install the following landscaping for screening: either Quail bush (*Atriplex confertifolia*), four-wing saltbush (*Atriplex canescens*), or Antelope bush (*Purshia tridentata*), unless the landscaping is not allowed by Caltrans.

35. All development pursuant to this grant shall conform with the requirements of the California Department of Transportation ("Caltrans") to the satisfaction of said department.
36. Ventilation enclosures for the project site, if any are used, shall be mounted to the ground surface with no projection above ground.
37. 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 either obtain a new conditional use permit to relocate its facilities or to install a new pole or poles and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.
38. Upon termination of this grant or after the construction of this facility, if 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.
39. 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.
40. If Caltrans 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.
41. 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 Caltrans.
42. 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.