

September 22, 2017

NOTICE OF DECISION

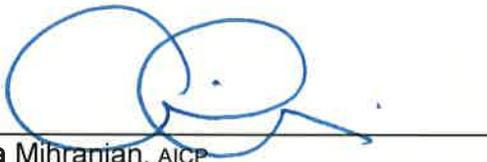
NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution No. 2017-30, approving, with conditions, Major Wireless Telecommunications Facility Permit ASG No. 41 to allow the installation of two 21.4" side-mounted panel antennas flush-mounted on the replacement street sign pole with related vaulted mechanical equipment at:

LOCATION: Palos Verdes Drive South west of Seacliff Drive
APPLICANT: Crown Castle
PROPERTY OWNER: City of Rancho Palos Verdes

Said decision is subject to the Conditions of Approval set forth in P.C. Resolution No. 2017-30 (available on the City's website at <http://www.rpvca.gov/916/Wireless-Telecommunications-Facilities>).

This decision may be appealed, in writing, to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the approval date, or by 4:30 P.M. on Friday, October 6, 2017. A \$2,275.00 appeal fee (or a \$1,275.00 appeal fee for residents) must accompany any appeal letter. If no appeal is filed in a timely manner, the Planning Commission's decision will be final at 4:30 P.M. on Friday, October 6, 2017.

If you have any questions, or would like to discuss the project further in detail, please contact Art Bashmakian at (310) 544-5227 or via email at wirelessTF@rpvca.gov.



Ara Mihranian, AICP
Director of Community Development

Enclosure

cc: Crown Castle
Project File

P.C. RESOLUTION NO. 2017- 30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES APPROVING, WITH CONDITIONS, MAJOR WIRELESS TELECOMMUNICATIONS FACILITY PERMIT ASG NO. 41 TO ALLOW THE INSTALLATION OF TWO 21.4" SIDE-MOUNTED PANEL ANTENNAS FLUSH-MOUNTED ON THE REPLACEMENT STREET SIGN POLE WITH RELATED VAULTED MECHANICAL EQUIPMENT ON PALOS VERDES DRIVE SOUTH WEST OF SEACLIFF DRIVE.

WHEREAS, Chapter 12.18 of the Rancho Palo Verde Municipal Code (RPVMC or Municipal Code) governs the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities ("WTFs") in the City's public right-of-way ("PROW") (RPVMC § 12.18.010);

WHEREAS, beginning in May of 2016, Crown Castle (the "Applicant") applied to the City for an Wireless Telecommunications Facility Permit ("WTFP"), pursuant to Section 12.18.040(A) of the Municipal Code, to install 26 antennas in the public right-of-way (PROW) to service AT&T customers throughout the City (the "Project") including ASG No. 41 on Palos Verdes Drive South west of Seacliff Drive;

WHEREAS, the original Project called for the installation of two 21.4" panel antennas on a 8' tall replacement steel street sign pole;

WHEREAS, the revised Project presented to the Planning Commission calls for the installation of two 21.4" panel antennas encased within a 2' tall canister shroud and a 3' tall tapered canister sleeve on a replacement steel street sign pole that will measure 19'-7" in total height;

WHEREAS, the revised Project also includes vaulted mechanical equipment including the radio and auxiliary equipment, as well as the SCE meter box in a secondary vault. There will be a total of three vaults measuring approximately 43 square feet;

WHEREAS, the Planning Commission, after considering different design options, indicated that the least intrusive design for a replacement pole would be side-mounted antenna panels that are flush-mounted to the pole with clipped-up cables, with modifications to the pole location, pole height, pole size, pole color, and installation technique;

WHEREAS, the Project requires the approval of a WTFP under Section 12.18 of the Municipal Code;

WHEREAS, the Project is exempt from review under the California Environmental Quality Act ("CEQA") because the Project constitutes a small scale installation of a new facility (14 CCR § 15303(d)).

WHEREAS, on September 21, 2017, the Planning Commission held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The proposed project is a request to:

- A. Install a WTF on the landward side of Palos Verdes Drive South west of Seacliff Drive;
- B. Replace an existing 8'-6" tall street sign pole with a 14' tall street sign pole with side-mounted 21.4" antenna panels that are flush-mounted with clipped-up cables on the replacement sign pole that will be painted brown to visually blend with the surrounding environment;
- C. Install the replacement street sign pole 5' from the edge of the roadway curb at a total height not to exceed 14', as measured from the adjacent grade to the top of the pole; and,
- D. Install vaulted mechanical equipment including the radio and auxiliary equipment, as well as the SCE meter box in a secondary vault for a total of three vaults measuring approximately 43 square feet in surface area.

Section 2: Approval of a WTF permit is warranted because the Project meets the findings required by Section 12.18.090 of the Municipal Code:

A. All notices required for the proposed installation have been given.

Crown Castle and the City have provided all notices required by the RPVMC. On May 25, 2017 property owners within 500' of the proposed facility were notified of the WTF mock-up which occurred at least 30 days in advance of the public hearing. On September 5, 2017, a public notice announcing the September 25, 2017 public hearing was provided to property owners within 500 feet of the proposed WTF.

B. The proposed facility has been designed and located in compliance with all applicable provisions of this chapter.

12.18.080(1)(a): *The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties all in a manner that achieves compatibility with the community and in compliance with Section 17.02.040 (View Preservation and Restoration) of this code.*

The project employs a screening and a camouflage design with the use of a 21.4" tall side-mounted panel antenna that will be flush-mounted to the side of the replacement street sign pole, with clipped-up cables, and that will be a total of 14' in height as measured from grade to the top of the pole. The flush-mounted antenna panels, not to exceed 1" from the pole surface, presents a slim side view that blends cleanly with the verticality of the pole. The pole is designed to match the poles in the immediate area. The proposal places all of the related mechanical equipment underground in a vault. The proposed installation will not have any significant view impairment to surrounding properties pursuant to Chapter 17.02.040 of the RPVMC.

12.18.080(A)(1)(b): *Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.*

The proposed WTF will be side-mounted to a replacement street sign pole that matches to the best extent possible other street sign poles in the area, and will utilize similar color, size, proportion, style, and quality to other street sign poles in the area. The antenna panels side-mounted to the replacement street sign pole will be professionally painted brown to blend with the surrounding environment. The replacement pole will not exceed 6" in diameter at its base and will taper to 4" in diameter at the top of the pole. The mechanical equipment will be vaulted under the existing sidewalk.

12.18.080(A)(1)(c): *Facilities shall be located such that views from a residential structure are not significantly impaired. Facilities shall also be located in a manner that protects public views over city view corridors, as defined in the city's general plan, so that no significant view impairment results in accordance with this code including Section 17.02.040 (View Preservation and Restoration). This provision shall be applied consistent with local, state and federal law.*

The Commission finds that the design would not significantly impair any public or private views. This finding remains unchanged with the installation of the side-mounted panel antennas to the pole. The proposed WTF will not impair views observed within a defined view corridor identified in the City's General Plan or Coastal Specific Plan.

12.18.080(A)(3): *Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts to traffic safety.*

The Project has been designed to avoid adverse traffic impacts by side-mounting the panel antennas to the replacement street sign pole that will measure a total of 14' to the top of the pole as measured from the ground and the pole will be setback 5' from the edge of the roadway curb. The related mechanical equipment will be vaulted avoiding traffic safety impacts.

12.18.080(A)(4): *Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.*

The proposed street sign pole and side-mounted panel antennas will be professionally painted brown to blend with the surrounding environment and will consist of materials that are subdued, non-reflective and are the same as the other street sign poles in the immediate area.

12.18.080(A)(5): *Equipment. The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted, to the extent feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this section, antennas shall be situated as close to the ground as possible.*

The project consists of a replacement street sign pole with the installation of two 21.4" panel antennas that will be flush and side-mounted to a pole, with clipped-up cables, which would result in an overall height of 14'. The project proposes a slim side view that blends cleanly with the verticality of the street sign pole and is the least visible of the options presented.

The height of the street sign pole may have to be increased by up to 5' to accommodate collocation because of the size of the panel antennas combined with there being a need to provide a separation of at least 1' between antenna panels for functionality purposes. Future location of additional antennas on this street light pole would detract from the overall appearance.

12.18.080(A)(6)(a): *Facilities shall be located consistent with Section 12.18.200 (Location Restrictions) unless an exception pursuant to Section 12.18.190 (Exceptions) is granted.*

The facility involves a replacement street sign pole on a major arterial street (Palos Verdes Drive South) identified in the General Plan. Therefore, an Exception is not applicable.

12.18.080(A)(6)(b) and (h): *Only pole-mounted antennas shall be permitted in the right-of-way. All other telecommunications towers are prohibited, and no new poles are permitted that are not replacing an existing pole.*

The project proposes a replacement street sign pole.

12.18.080(A)(6)(d): *Light Poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.*

Not applicable because the proposed facility does not entail a street light pole.

12.18.080(A)(6)(e): *Replacement Poles. If an applicant proposes to replace a pole in order to accommodate a proposed facility, the pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.*

The replacement street sign pole will be approximately 6' taller than the existing pole and approximately 6" wide in diameter at the base and 4" in diameter at the top of the pole, but the design, appearance and dimensions resemble the existing pole to the maximum extent feasible. There is an existing pole at the intersection of Palos Verdes Drive South and Seacliff Drive, and collocating this facility to that pole would significantly increase the pole height in order to meet the objectives of both carriers.

12.18.080(A)(6)(i): *All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the pole and shall be camouflaged or hidden to the fullest extent feasible.*

All cables and wires are required to be short, clipped-up and directly routed to the pole in order to be hidden from view with no loops, exposed cables, splitters or unsightly wires.

12.18.080(A)(7): *Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.*

The replacement pole would not take up much more right-of-way space compared to the existing street sign pole. The placement of the antennas on top of the pole will occupy limited air space above the right-of-way. The mechanical equipment will be undergrounded and the three vaults necessary to house the equipment will

measure approximately 43 square feet in total surface area. This space is the least amount of space that is technically feasible for equipment owned by AT&T. The space that will be occupied is below the surface with minimum exhaust vents that will be flush to the surrounding ground. The SCE meter box will be vaulted.

12.18.080(8): *Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.*

Based on the information submitted by the Applicant and as confirmed by the City's consultants, the Planning Commission finds that the proposed installation complies with all building codes related to wind loads.

12.18.080(9): *Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the right-of-way, or safety hazards to pedestrians and motorists and in compliance with Section 17.48.070 (Intersection Visibility) so as not to obstruct the intersection visibility triangle.*

The proposed integrated street sign pole design would not cause an obstruction to the public's use of the PROW, constitute a safety hazard and/or does not interfere with a City-defined intersection visibility triangle. The proposed project is not located in a paved sidewalk or walking area established for regular pedestrian use, and the replacement poles preserves the same/current signage purposes and setback parameters applicable to other street signs.

12.18.080(10): *Public Facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.*

Pursuant to the application documents submitted to the City, the integrated street sign pole design would not interfere with any public health or safety facilities.

C. If applicable, the applicant has demonstrated its inability to locate on existing infrastructure.

The proposal involves the use of an existing infrastructure, with the replacement of the existing street sign pole.

- D. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.**

The Applicant has submitted to the City a Right of Way Use Agreement (RUA) entered into with the City in 2011, which allows the Applicant to install wireless antennas in the PROW. Further, the Applicant has submitted a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission (CPUC) which provides that the Applicant has been authorized to install wireless telecommunications infrastructure in the PROW.

- E. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible and supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not available.**

The proposed integrated street sign pole design is the least intrusive of the alternative locations considered. Other locations and designs considered as part of the application process for purposes of filling the coverage gap claimed by the Applicant and discussed by the City's RF Engineer were found to be more intrusive than the proposed project.

Section 3: Conditions regarding any of the requirements stated herein are necessary to protect the health, safety and general welfare have been imposed in the attached Exhibit A.

Section 4: The Project is exempt from review under the California Environmental Quality Act ("CEQA") because the Project constitutes a small scale installation of a new facility (14 CCR § 15303(d)).

Section 5: Pursuant to Section 12.18.060 of the Municipal Code (referencing Chapter 17.80 of the Municipal Code), any interested person aggrieved by this decision or any portion of this decision may appeal to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the date of this decision, or by 4:30 PM on Friday, October 6, 2017. The Council-approved appeal fee must accompany any appeal letter. If no appeal is filed timely, the Planning Commission's decision will be final at 4:30 PM on Friday, October 6, 2017.

Section 6: For the foregoing reasons and based on testimony and evidence presented at the public hearings, the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby conditionally approves, a WTF permit application for the proposed installation on the landward side of Palos Verdes Drive South west of Seacliff Drive (WTF ASG NO. 41).

PASSED, APPROVED AND ADOPTED this 21st day of September 2017, by the following vote:

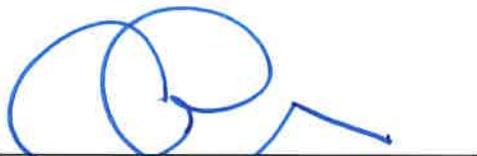
AYES: Commissioner Emenhiser, Leon, Nelson, and Chairman Cruikshank

NOES: Commissioner Bradley

ABSTENTIONS: None

RECUSALS: Vice-Chair James

ABSENT: Commissioner Tomblin



Ara Mihranian, AICP
Community Development Director; and,
Secretary of the Planning Commission

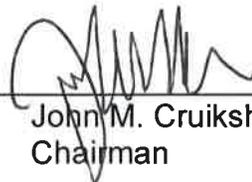

John M. Cruikshank
Chairman

EXHIBIT "A"
CONDITIONS OF APPROVAL
WIRELESS TELECOMMUNICATION FACILITY PERMIT ASG NO. 41
PALOS VERDES DRIVE SOUTH WEST OF SEACLIFF DRIVE

General Conditions:

1. Prior to obtaining a permit from the Public Works Department to install the facility, the applicant shall submit to the City a statement, in writing, that they have read, understand, and agree to all Conditions of Approval contained in this Resolution. Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
2. The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project.
3. Prior to conducting any work in the public right of way (PROW), such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, the applicant shall obtain an encroachment permit from the Director of Public Works.
4. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos Verdes Municipal Code (RPVMC) shall apply.
5. The Public Works Director or Director of Community Development are authorized to make minor modifications to the approved plans and any of the conditions of approval if such modifications will achieve substantially the same results as would strict compliance with the approved plans and conditions. Otherwise, any substantive change to the project shall require approval of a revision by the final body that approved the original project, which may require new and separate environmental review.

6. Failure to comply with and adhere to all of these conditions of approval may be cause to revoke the approval of the project pursuant to the RPVMC.
7. If the applicant has not obtained approvals from Public Works for the approved project or not commenced the approved project within one year of the final effective date of the Resolution, approval of the project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Public Works Department and approved by the Director.
8. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
9. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but not be limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.
10. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the project site or in the adjoining street rights-of-way before 7AM Monday through Friday and before 9AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.
11. All grading, landscaping and construction activities shall exercise effective dust control techniques, either through screening and/or watering.
12. Prior to commencement work, the Applicant shall obtain approval of a haul route from the Director of Public Works.
13. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Inspector. All construction waste and debris resulting from a construction, alteration or repair project shall be removed on a weekly basis by the contractor or property owner.

14. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this Resolution.

Project-specific Conditions:

15. This approval shall allow for the following:
 - A. Install a WTF on the landward side of Palos Verdes Drive South west of Seacliff Drive;
 - B. Replace an existing 8'-6" tall street sign pole with a 14' tall street sign pole with side-mounted 21.4" antenna panels that are flush the replacement sign pole that will be painted brown to visually blend with the surrounding environment;
 - C. Install the replacement street sign pole 5' from the edge of the roadway curb at a total height not to exceed 14', as measured from the adjacent grade to the top of the pole; and,
 - D. Install vaulted mechanical equipment including the radio and auxiliary equipment, as well as the SCE meter box in a secondary vault for a total of three vaults measuring approximately 43 square feet in surface area.
16. The proposed project is subject to the following Conditions to the satisfaction of the Director of Public Works and the Director of Community Development:
 - The proposed WTF shall be installed on a replacement street sign pole and shall be of a color, size, proportion, style, and quality deemed acceptable by the Director of Public Works and the Director of Community Development. The antenna panels and any related exposed structures shall be professionally painted and maintained to match the street sign pole.
 - The Applicant shall install landscaping near the proposed installation to screen the street sign pole and equipment consistent with existing landscaping.
 - The facility shall be designed and located in such a manner as to avoid adverse impacts on traffic safety; construction and operation of the facility shall comport with a duly-approved traffic control plan as required.
 - Colors and materials shall be subdued and non-reflective, and the pole and panel antennas shall be professionally painted brown to match existing street sign poles in the immediate area.

- All cables and wires shall be directly routed to the pole and encased within the pole, and hidden from view. No loops, exposed cables, splitters or unsightly wires shall be permitted.
- All ground-mounted facilities including mechanical equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.
- All accessory equipment shall be located underground including meter boxes and cabinets.
- The facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by Applicant where such landscaping is feasible and deemed necessary by the City to provide screening or to conceal the facility.
- The facility shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.
- The facility shall not be illuminated except for the standard street-light luminaire replacing the existing street light. All other illumination shall be restricted pursuant to RPVMC § 12.18.080(A)(15).
- Noise:
 - Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - At no time shall equipment noise from any facility exceed an exterior noise level of 55 dBA three feet from the source of the noise if the facility is located in the public right-of-way adjacent to a business, commercial, manufacturing, utility or school zone; provided, however, that for any such facility located within 500 feet of any property zoned residential or improved with a residential use, such equipment noise shall not exceed 45 dBA three feet from the sources of the noise. The foregoing noise level limitations shall govern facilities subject to RPVMC Chapter 12.18080(A)(16) until such time that a specific noise regulation ordinance is adopted and effective in this code, at which time such noise ordinance shall govern.

- The facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The Public Works Director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.
 - Consistent with current state and federal laws and if permissible under the same, at the time of modification of the facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
 - The installation and construction of the facility shall begin within one year after its approval or it will expire without further action by the City.
17. All wireless telecommunications facilities (WTFs) shall comply at all times with the following operation and maintenance standards:
- Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent within 48 hours:
 - After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
 - After Applicant, owner, operator or any designated maintenance agent receives notification from the City.
18. Each Applicant of a wireless telecommunications facility shall provide the Public Works Director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility ("contact information"). Contact information shall be updated within seven days of any change.
19. Prior to any construction activities, the permittee shall submit a security instrument (bond or letter of credit as approved by the City Attorney) in an amount determined by the City to be sufficient to cover all potential costs listed herein or in the RPVMC.

20. The Applicant shall provide additional information to establish that the proposed accessory equipment is designed to be the smallest equipment technologically feasible. The city may consider equipment installed or proposed to be installed in other jurisdictions.
21. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
 - General dirt and grease;
 - Chipped, faded, peeling, and cracked paint;
 - Rust and corrosion;
 - Cracks, dents, and discoloration;
 - Missing, discolored or damaged artificial foliage or other camouflage;
 - Graffiti, bills, stickers, advertisements, litter and debris;
 - Broken and misshapen structural parts; and
 - Any damage from any cause.
22. Applicant shall install, to the satisfaction of the Director of Public Works or the Director of Community Development, landscaping near the area of the pole and underground vault to minimize visual impacts prior to final inspection.
23. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the Public Works Director or the Director of Community Development.
24. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
25. Each facility shall be operated and maintained to comply with all Conditions of Approval. Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the same and the standards set forth in the RPVMC.

26. No person shall install, use or maintain any facility which in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.
27. Unless California Government Code Section 65964, as may be amended, authorizes the City to issue a permit with a shorter term, a permit for any WTF shall be valid for a period of ten years, unless pursuant to another provision of the RPVMC or these Conditions of Approval, it lapses sooner or is revoked. At the end of ten years from the date of issuance, such permit shall automatically expire.
28. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for WTFs.
29. A WTF is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
30. The operator of a facility shall notify the city in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the director of any discontinuation of operations of 30 days or more.
31. Failure to inform the Director of Public Works of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:
 - Litigation;
 - Revocation or modification of the permit;

- Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - Removal of the facilities by the City in accordance with the procedures established under the RPVMC for abatement of a public nuisance at the owner's expense; and/or
 - Any other remedies permitted by law.
32. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permittee, owner or operator shall remove its WTF and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City. The facility shall be removed from the property, at no cost or expense to the City.
33. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of these conditions of approval. Upon a showing of good cause, an extension may be granted by the director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this section shall be grounds for:
- Prosecution;
 - Acting on any security instrument required by the RPVMC or conditions of approval of permit;
 - Removal of the facilities by the city in accordance with the procedures established under the RPVMC for abatement of a public nuisance at the owner's expense; and/or
 - Any other remedies permitted by law.
34. In the event the Public Works Director or City Engineer determines that the condition or placement of a WTF located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), the Director or City Engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include

the basis for the removal and shall be served upon the permittee and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the facility shall be treated as abandoned property.

35. In the event the City removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with the RPVMC. Unless otherwise provided herein, the City has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the Applicant, owner or operator after notice, or removed by the City due to exigent circumstances.
36. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a WTF, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.