

March 27, 2019

NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that on March 26, 2019, the Planning Commission of the City of Rancho Palos Verdes adopted P.C. Resolution No. 2019-06, approving, with conditions, Major Wireless Telecommunications Facility Permit LA-0194 to allow the installation of two 4'-7" tall flush-mounted panel antennas to an existing 37'-6" tall wood utility pole with related vaulted mechanical equipment:

LOCATION: Palos Verdes Drive South, 2,200 Feet Northwest of Schooner Drive

APPLICANT: Crown Castle

PROPERTY OWNER: City of Rancho Palos Verdes

Said decision is subject to the Conditions of Approval set forth in attached P.C. Resolution No. 2019-06.

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 5:30 PM on Wednesday, April 10, 2019. A \$2,275 appeal fee for non-residents or a \$1,275.00 appeal fee for Rancho Palos Verdes residents must accompany any appeal letter. If no appeal is filed in a timely manner, the Planning Commission's decision will be final at 5:30 PM on Wednesday, April 10, 2019.

If you have any questions, or would like to discuss the project further in detail, please contact Art Bashmakian at (310) 544-5228 or via email at WirelessTF@rpvca.gov.



Ara Mihranian, AICP
Director of Community Development

Enclosure

c: Crown Castle
Project File

P. C. RESOLUTION NO. 2019-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES APPROVING WITH CONDITIONS, MAJOR WIRELESS TELECOMMUNICATIONS FACILITY PERMIT NO. LA-0194 TO ALLOW THE INSTALLATION TWO 4'-7" TALL FLUSH-MOUNTED PANEL ANTENNAS ON AN EXISTING 37'-6" TALL WOOD UTILITY POLE WITH RELATED VAULTED MECHANICAL EQUIPMENT ON THE LANDWARD SIDE OF PALOS VERDES DRIVE SOUTH, 2,200 FEET NORTHWEST OF SCHOONER 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 including LA-0194 ("Project");

WHEREAS, the Project calls for the installation of two 4'-7" side-mounted panel antennas on a 37'-6" tall existing wood utility pole located 50' from the edge of Palos Verdes Drive South;

WHEREAS, on February 7, 2019, the required mock-up notice was issued and the mock-up was installed by February 15, 2019;

WHEREAS, on March 4, 2019, a public notice was mailed to property owners within a 500' radius of the subject site and published in the *Palos Verdes Peninsula News*, identifying the proposed location, pursuant to the requirements of the Rancho Palos Verdes Municipal Code; and a notification was sent to list-serve subscribers, announcing the March 26, 2019 Planning Commission meeting;

WHEREAS, on March 26, 2019, 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; and,

WHEREAS, the Project was found to be exempt from review under the California Environmental Quality Act ("CEQA") because the Project constituted a small scale

installation of new a new facility (14 CCR § 15303(d)).

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, 2,200 feet northwest of Schooner Drive,
- B. Retrofit an existing 37'-6" tall wood utility pole to accommodate the installation of two 4'-7" tall side-mounted panel antennas on a cross-arm extending from the utility pole, and
- C. Install vaulted underground mechanical equipment in the PROW.

Section 2: Approval of a WTFP 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 February 7, 2019, property owners within 500' of the proposed facility were notified of the mock-up which occurred at least 30 days in advance of the public hearing. Further, on March 4, 2019, a public notice announcing the March 26, 2019, public hearing was provided to property owners within 500' of the Project site and published in the *Peninsula News*. Based on the date of the initial application submittal of July 24, 2018 and the dates the application was deemed incomplete and the shot clock stopped and restarted, the shot clock is due to expire on May 18, 2019. Accordingly, all notice requirements have been met.

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

12.18.080(A)(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 WTF is proposed to be installed on an existing 37'-6" tall wood utility pole. The 4'-7" tall panel antennas will be attached to a cross-arm extending from the wood pole. The proposed Project will blend into the environment that consists of vertical infrastructure consisting of utility poles with mast arms, power and cable lines, and street and traffic signs along Palos Verdes Drive South. The antennas and cross-arm will be the same color as the existing utility pole. The area surrounding the utility pole has some existing foliage that minimizes the Project's appearance from the roadway and nearby residences in the Sea View Tract which are located approximately 80' higher in elevation than the Project location. The WTF will not dominate the surrounding area because of the existing vertical infrastructure and limited size of the existing utility pole and antennas. The proposal places all of the related mechanical equipment underground in a vault.

View analysis, conducted on March 12, 2019, concluded that the proposed installation will be visible from the Palos Verdes Drive South corridor but will not have any significant view impairment of public views from said corridor and will not create a view impairment from residential viewing areas 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 panel antennas are proposed to be installed on an existing 37'-6" tall wood utility pole that will be painted brown to match the existing and other utility poles in the area. The slim panel antennas combined with the proposed brown color is an appropriate technique that disguises and blends the facility into the environment. The proposed antennas will be the slimmest design available and will minimize the facility's visual impacts and is more compatible with the surrounding environment in terms of size, proportion and color.

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 Project does not result in any view impairment to surrounding residences nor will it create a significant view impairment from the public view corridor located along Palos Verdes Drive South, as identified in the City's General 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 is designed to avoid adverse traffic impacts by affixing the panel antennas to an existing wood utility pole with the bottom of the antennas measuring approximately 33' from the ground. The related mechanical equipment will be vaulted underground 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 panel antennas will be painted with non-reflective mission brown paint that will match and blend with the existing wood utility pole.

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 panel antennas will be flush-mounted to an existing 37'-6" tall wood utility pole with the bottom of the antennas measuring approximately 33' above the ground level below. Locating the antennas on the pole will not preclude possible future collocation by other operators or carriers. The accessory equipment will be vaulted and hidden from view.

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 proposed location is within the PROW of an arterial street as identified in the City's General Plan. As such, an exception is not required in this case.

12.18.080(A)(6)(b): *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. (For exceptions see subparagraph (6)(h) below and sections 12.18.190 (Exceptions) and 12.18.220 (State or Federal Law).) Sections 12.18.080(6)(c) through (f) are not applicable.

The proposed WTF will be located in the PROW and will be pole mounted to an existing wood utility 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 existing pole is not a 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 panel antennas will be affixed to an existing wood utility pole that will be retrofitted and repaired, not replaced.

12.18.080(A)(6)(f): Pole mounted equipment, exclusive of antennas, shall not exceed six cubic feet in dimension.

The pole mounted equipment, excluding antennas, would be limited to cable connecting the node to power and fiber optic backbone, connectors, brackets, and GPS. The pole mounted equipment, excluding antennas, would therefore not exceed six cubic feet in dimension. Furthermore, the related mechanical equipment will be vaulted underground.

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.

Interior installation is infeasible as the WTF will utilize an existing wooden pole. All cables and wires will be conditioned to be installed within conduit, clipped, and, flush mounted and painted mission brown to match the pole.

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 WTF will be mounted to an existing wood utility pole. The placement of the antennas on the pole connected to a cross-arm will occupy limited air space above the right-of-way. The mechanical equipment will be undergrounded and the vault necessary to house the equipment measuring approximately 43 square feet in area. This space is the least amount of space that is technically feasible for vaulted 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.

12.18.080(A)(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, the Planning Commission finds that the proposed installation complies with all building codes related to wind loads.

12.18.080(A)(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 Project design, height and size, including the undergrounding of the mechanical equipment, will not cause an obstruction to the public's use of the PROW, does not constitute a safety hazard and/or does not interfere with the City-defined intersection visibility triangle because the bottom of the proposed antennas will be located 33' above the ground level, not over the drivable portion of the street, and the related mechanical equipment will be undergrounded.

12.18.080(A)(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.*

The installation, including the undergrounding of the mechanical equipment, will not interfere with fire hydrants, fire stations, water lines or any other public health or safety facilities as determined by the Public Works Department. Furthermore, part

of the Plan Check review process and site inspections, Public Works will ensure that the Project will not interfere with any of the stated utilities.

12.18.080(A)(11): Screening. *All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.*

The Project does not have pole-mounted equipment, excluding the antennas and the portion of the road does not have a curb. The related mechanical equipment will be undergrounded at least 45' from the edge of the road pavement.

12.18.080(A)(12): Accessory Equipment. *Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground, except as provided below.*

The related accessory equipment, including the meter, will be located underground.

12.18.080(A)(13): Landscaping. *Where appropriate, each 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 deemed necessary by the city to provide screening or to conceal the facility.*

As the mechanical equipment will be undergrounded below the existing gravel surface adjacent to the existing pole, no landscaping will be required for this facility because of its close proximity to the Preserve and to minimize vegetation near or around existing utility poles.

12.18.080(A)(14): Signage. *No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.*

The facility does not include any signs or advertising devices other than certification, warning or other signage required by law.

12.18.080(A)(15)(a-e): Lighting.

The facility does not include any such lighting.

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

This finding is not applicable as the proposed WTF antenna is proposed to be installed on an existing wood utility pole and the related mechanical equipment will be undergrounded.

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.

Four Alternative locations were identified in the Applicant's Coverage Analysis report for purposes of filling the coverage gap claimed by the Applicant, and two were found to be more intrusive than the proposed Project and two were deemed not viable because of restrictions caused by the active landslide.

Section 3: Conditions regarding any of the requirements listed above which the Planning Commission finds to be necessary to protect the health, safety and general welfare, have been included 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 new a new facility (14 CCR § 15303(d)).

Section 5: For the foregoing reasons and based on 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 approves Major Wireless Telecommunication Facility Permit No. LA-0194, subject to conditions, allowing the installation of a two panel antennas measuring 4'-7" in height on an existing wood utility pole located on the landward side of Palos Verdes Drive South, 2,200 feet northwest of Schooner Drive.

PASSED, APPROVED AND ADOPTED this 26th day of March 2019, by the following vote:

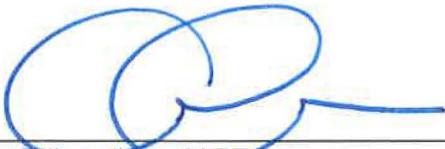
AYES: COMMISSIONERS NELSON, JAMES, SANTAROSA, SAADATNEJADI, PERESTAM, VICE-CHAIRMAN LEON, AND CHAIRMAN BRADLEY

NOES: NONE

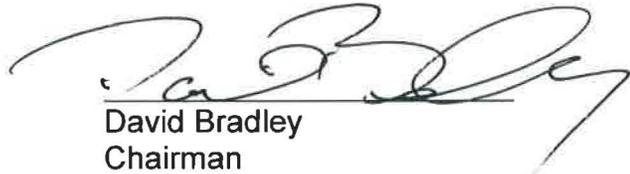
ABSTENTIONS: NONE

RECUSALS: NONE

ABSENT: NONE



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



David Bradley
Chairman

EXHIBIT "A"
CONDITIONS OF APPROVAL
WTF NO. LA-0194
LANDWARD SIDE OF PALOS VERDES DRIVE SOUTH
2,200' NORTHWEST OF SCHOONER DRIVE

General Conditions:

1. Prior to obtaining a permit from the Public Works Department to install the street light pole, the Applicant and the property owner 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 and/or permits from the Departments of Public Works and/or Community Development for the approved Project or not commenced the approved Project within one year of the final effective date of this 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 Community Development Department and approved by the Director of Community Development.
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, if applicable, 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 of the Project shall be removed on a daily 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 (Public Works and Community Development Departments) with the effective date of this Resolution.
15. The mock-up shall be removed within seven (7) days after all appeal periods have been exhausted.

Project-specific Conditions:

16. This approval allows for the following:
 - A. Install a WTF on the landward side of Palos Verdes Drive South, 2,200' northwest of Schooner Drive,
 - B. Retrofit an existing 37'-6" tall wood utility pole to accommodate the installation of two 4'-7" tall side-mounted and flush-mounted panel antennas to the utility pole, and
 - C. Install vaulted underground mechanical equipment in the PROW.
17. The proposed Project is subject to the following Conditions to the satisfaction of the Director of Public Works and the Director of Community Development:
 - o The antennas and related exposed structures shall be painted mission brown and maintained to match the utility pole.
 - o 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.
 - o Colors and materials shall be subdued and non-reflective, and shall be the same as the existing wood utility pole.

- All cables and wires attached to the exterior of the wooden pole shall be mounted flush and clipped in a conduit that is painted mission brown to match the pole.
- No cable or wires shall be visible.
- All ground-mounted facilities including mechanical equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18" from the curb and gutter flow line.
- All accessory equipment shall be located underground including meter boxes and cabinets.
- The vault cover shall be painted gray to match the gravel color surrounding the wood utility pole.
- The facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, unless the trimming of existing foliage is deemed necessary for the operation of the wireless facility. The Director of Community Development shall determine the extent of trimming of existing foliage to maintain adequate screening of the wireless 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.
- 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 3' 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' of any property zoned residential or improved with a residential use, such equipment noise shall not exceed 45 dBA 3' from the sources of the noise. The foregoing noise level limitations shall govern facilities subject to RPVMC Chapter 12.18.080(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.
18. All wireless telecommunications facilities 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 Applicant, owner, operator or any designated maintenance agent within 48 hours:
 - After discovery of the need by the Applicant, owner, operator or any designated maintenance agent; or
 - After Applicant, owner, operator or any designated maintenance agent receives notification from the City.
19. 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 Applicant, 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.

20. Prior to any construction activities, the Applicant 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 (including removal costs) listed herein or in the RPVMC.
21. Prior to permit issuance, 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.
22. 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:
 - a. General dirt and grease;
 - b. Chipped, faded, peeling, and cracked paint;
 - c. Rust and corrosion;
 - d. Cracks, dents, and discoloration;
 - e. Missing, discolored or damaged artificial foliage or other camouflage;
 - f. Graffiti, bills, stickers, advertisements, litter and debris;
 - g. Broken and misshapen structural parts; and
 - h. Any damage from any cause.
23. If applicable, the Applicant shall install, to the satisfaction of the Public Works Director or Director of Community Development, landscaping near the proposed installation of the vaulted accessory equipment to screen the vaulted equipment consistent with existing landscaping prior to final inspection.
24. If applicable, all trees, foliage or other landscaping elements approved as part of the facility shall be maintained in good condition at all times, and the Applicant, 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.

25. The Applicant 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.
26. 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.
27. 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.
28. 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 wireless telecommunications facility 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.
29. An Applicant 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 WTF's.
30. 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 Applicant has obtained prior written approval from the Director of Public Works, which shall not be unreasonably denied.
31. 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 Public Works any discontinuation of operations of 30 days or more.

32. 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:
 - a. Litigation;
 - b. Revocation or modification of the permit;
 - c. Acting on any bond or other assurance required by the RPVMC or Conditions of Approval of the permit;
 - d. 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 or permittee's expense; and/or
 - e. Any other remedies permitted by law.
33. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the Applicant, 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.
34. Failure of the Applicant, 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 Public Works Director where circumstances are beyond the control of the Applicant after expiration. Further failure to abide by the timeline provided in this section shall be grounds for:
 - a. Prosecution;
 - b. Acting on any security instrument required by the RPVMC or these Conditions of Approval;
 - c. 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 or permittee's expense; and/or

- d. Any other remedies permitted by law.
35. 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 Applicant 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.
36. 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 or security instrument posted and to the extent such costs exceed the amount of the security instrument, collect those excess costs in accordance with the RPVMC. Unless otherwise provided herein, the City has no obligation to store such facility. Neither the Applicant, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removed by the City due to exigent circumstances.
37. 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 any equipment installed above ground and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.