



AGENDA
**REGULAR MEETING OF THE PLANNING
AND ECONOMIC DEVELOPMENT
COMMISSION OF THE CITY OF DUARTE**

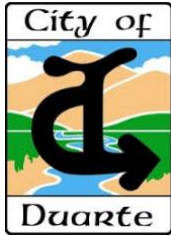
MONDAY, JUNE 17, 2024
7:00 PM

DUARTE COMMUNITY CENTER, 1600
HUNTINGTON DRIVE, DUARTE, CA 91010

MISSION STATEMENT

With integrity and transparency, the City of Duarte provides exemplary public services in a caring and fiscally responsible manner with a commitment to our community's future

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES
 - A. **March 18, 2024 Agenda Minutes**
4. ORAL COMMUNICATIONS - ITEMS NOT IN THE AGENDA
5. PUBLIC HEARINGS:
 - A. **Revocation of Conditional Use Permit 11-04:**
Following failure to adequately maintain the equipment at the 1720 Flower Avenue cell site, city staff have notified ownership, permit applicants, and licensees of noncompliance on this property multiple times as early as 2022. As a result of this non-compliance and inaction, this CUP is being called for a revocation hearing before the Planning and Economic Development Commission for the consideration of removing the zoning approval which allows the tower to operate.
6. ITEMS FROM DIRECTOR
7. ITEMS FROM COMMISSIONERS
8. ADJOURNMENT:



MINUTES
CITY OF DUARTE
PLANNING AND ECONOMIC
DEVELOPMENT COMMISSION

March 18, 2024

Commissioners
Tina Heany, Chair
Wally Wolff, Vice-Chair
Daniel Becker
Yesenia Paez
Brian Quandt

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chair Heany called the meeting to order at 7:00 p.m. The following were in attendance:

PRESENT:	Heany, Wolff, Becker, Paez, Quandt
ABSENT:	None
STAFF:	Hensley, Golding, Nash, Bautista, Gonzales
CITY ATTORNEY:	None

2. PLEDGE OF ALLEGIANCE:

Commissioner Paez led the Pledge of Allegiance.

3. APPROVAL OF MINUTES:

Commissioner Paez motioned to approve the December 18, 2023 minutes. Seconded by Commissioner Quandt. The motion carried 5-0-0-0. (Yes: Heany, Becker, Paez, Quandt; Wolff No: None; Abstain: None; Absent: None).

4. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA:

None

5. PUBLIC HEARINGS:

- A. **Conditional Use Permit 23-03** A REQUEST TO ALLOW ON-SITE SALE OF BEER AND WINE IN CONJUNCTION WITH AN EXISTING BONA FIDE EATING PLACE (TYPE-41 ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR REDWOOD PIZZA LOACTED AT 2229 HUNTINGTON DRIVE

RESOLUTION PC 24-01

A RESOLUTION OF THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 23-03 FOR A TYPE-41 ALCOHOL LICENSE FOR REDWOOD PZZA RESTAURANT AT 2229 HUNTINGTON DRIVE

Nash presented the staff report and explained the application for an alcohol license and how the business will manage alcohol sales. He also explained that there are currently eight (8) restaurant establishments within the city with an active Type-41 license.

Chair Heany opened the Public Hearing at 7:08 p.m.

The applicant, Fernando Castro, expressed gratitude for the approval of the CUP. Mr. Castro also informed the Commission that the sale of beer will allow the business to support local youth sports.

Action

Motion made by Commissioner Quandt to approve Conditional Use Permit 23-03 and Resolution 24-01. Seconded by Commissioner Becker. The motion carried 5-0-0-0. (Yes: Paez, Quandt, Wolff, Heany, Becker; No: None; Abstain: None; Absent: None).

6. BUSINESS ITEMS:

None

7. ITEMS FROM DIRECTOR:

Director Hensley provided updates on several items and projects throughout the city.

8. ITEMS FROM COMMISSIONERS:

None

9. ADJOURNMENT:

Chair Heany motioned to adjourn at 7:23 p.m. The next meeting is scheduled for April 15, 2024.

Craig Hensley, Secretary

REVOCATION OF CUP 11-04



PLANNING AND ECONOMIC DEVELOPMENT COMMISSION STAFF REPORT

Date: June 17, 2024

Subject: Revocation of Conditional Use Permit 11-04 for the operation of an unmanned wireless telecommunications antenna facility

Location: 1720 Flower Avenue

Applicant: City-initiated

SUMMARY

Following failure to address site inspection corrections and failure to adequately maintain the equipment at the 1720 Flower Avenue site, this existing monopine cell tower is in noncompliance in multiple forms. City staff have notified ownership, permit applicants, and licensees of this property of the noncompliance multiple times as early as 2022, and no corrections had been made. As a result of this non-compliance and inaction, this conditional use permit (CUP) has been called for a revocation hearing before the Planning Commission for the consideration of removing the zoning approval which allows the tower to operate.

Following scheduling of this meeting and public notice, the applicant has now very recently made significant progress on the outstanding corrections including replacing the fake pine needles, installing socks onto the cell panels, and installing signage at the base of the tower which clarifies ownership and contacts. These improvements significantly improved the overall appearance of the structure; however, several items still remain including unpermitted and uninspected electrical work. Staff recommends the Commission receive and file this item, with the understanding that the tower owner will obtain permit/inspections and make all corrections before the end of August 2024.

BACKGROUND

In April of 2002, Conditional Use Permit (CUP) 02-01 was approved by the Duarte Planning Commission to allow an unmanned telecommunications facility within Lewis Business Center behind the nearby business "Value Windows" located at 1720 Flower Avenue. This approval included the installation of a 7'x20' equipment cabinet, twelve (12) antennas, and a microwave dish mounted on a newly constructed 58 foot tall "monopine" pole. This CUP approval was the result of a long review process to ensure this tower

created a concealed appearance including strong screening of the antennas and equipment by emulating the aesthetics of a pine tree. This included the use of faux pine branches, finishing the entire pole in a simulated tree bark faux bark, providing “needle socks” to cover the antennas themselves, painting all equipment to match it’s surroundings, ensuring electrical wiring was well hidden, and requiring the applicant to plant new 15-gallon pine trees nearby to help camouflage the site. The result of this effort was a cellular tower which resembled a pine tree, nestled amongst both existing and newly-planted pine trees in the Caltrans right-of-way; which reflect a strong and deliberate effort to avoid the project from creating a negative aesthetic impact.

This CUP included many conditions on the maintenance and operations of the tower, including one condition that stated the CUP may be reviewed every five (5) years to consider whether any changes to the tower may be necessary to maintain it’s appearance, and to determine if the tower’s technology has become obsolete. For this reason, CUP 02-01 was renewed as CUP 06-03 in 2006, then as CUP 11-04 in 2011. CUP 11-04 also had a condition stating it expires after ten (10) years, meaning in the case that this CUP is not formally revoked, renewal of this CUP would also eventually be an item of discussion. Additionally, upon receiving plans for tower improvements under SPDR 2021-64, staff analyzed whether a CUP renewal should be required prior to allowing any improvements. Seeing that the intent was to evaluate obsolete communication technology installed at the site, and in consideration of the fact that the technology proposed under SPDR 2021-64 was not obsolete but rather improvements, the Community Development Director determined that it was not necessary to process a CUP renewal at such time. Additionally, an important aspect of this decision was that the project included significant aesthetic improvements to the monopine, which were unfortunately never completed as the permit expired with outstanding corrections.

NONCONFORMING OPERATIONS

Under the Conditions of Approval of Conditional Use Permit 11-04, as well as Site Plan Design Review 21-64, the applicant is required to continuously maintain the wireless communication facility, associated equipment, finished surfaces and/or camouflaging materials as necessary, and any problems or concerns identified by the City shall be corrected within 90 days of written correspondence. Staff has informed the applicant of multiple maintenance deficiencies on several occasions. These deficiencies include(d):

1. The top panel portion of the tower has multiple gaps in screening and some equipment is very visible. Some panel antennas have no antenna socks at all (panels closest to the building), or are sparsely covered. Additional artificial pine needles or panel socks must be added to reduce the spaces seen between equipment and conceal the panel antennas.
2. Multiple branches and needles throughout the structure are sun-faded and nearly white in color. These sections should be painted or replaced per condition of approval #2: “All existing pine needles, branches, and bark on the existing monopine structure that appear damaged/discolored shall be removed and

replaced with new branches, needles, and bark as needed throughout the entire monopine structure.”

3. Metal straps/braces have been added to the monopole that the city does not currently have permit history or record of, and are not shown on approved plans. If these metal straps were permitted in the past, the applicant must provide evidence of when they were permitted under what plans. If they were in fact not permitted, a tree bark texture similar to that on the monopole should be added to the braces/straps as well.
4. There are multiple exposed wires coming out of the electrical cabinet. All wires located on the exterior of the equipment shelter must be concealed by conduit which is painted to match the equipment shelter. This correction is not only an aesthetic concern based on the entitlement’s conditions of approval, but also a safety concern, as these wires can currently be easily reached and tampered with.
5. There have been multiple cases of unpermitted work completed to the tower over the past few years including the tower bracing and recent electrical and antenna work. Since these were not permitted or inspected, there is no verification that these were completed correctly or safely. All work previously completed without permits must now be permitted/legalized.

Notification of this noncompliance was communicated in the following ways:

- Permit #2022-013 was obtained on 2/9/22 to remove and relocate panel antennas, relocate RRUS, install three (3) new air antennas, replace equipment within the equipment shelter, and make required aesthetic improvements.
- May 15, 2022: Following an inspection of recent electrical work, corrections were emailed to the building permit applicant detailing which corrections need to be made to final the permit. One correction also included fallen pine branches which were crammed behind the electrical box, rather than properly disposed of. Applicant confirmed receipt of the email and stated corrections would be made.
- December 22, 2022: Following months of no response of work completed, a letter was sent to the building permit applicants stating that the permit is approaching expiration.
- January 1, 2023: Upon receiving no response to the expiration letter, staff reached out to the applicant once again notifying them of permit expiration. At this time, both the applicant, Coastal Business Group, and the Site Acquisition Company, Bechtel, responded saying they will make the corrections.
- February 23, 2023: The permit applicant stated they made all corrections, but upon inspection from staff, it was found that they had only removed the littered branches. No other corrections had been made. Staff emailed both the applicant and contractor that these corrections had not been made, applicant and contractor confirmed receipt of corrections.

- August 1, 2023: A non-compliance letter was sent to the applicant, site owner, acquisition group, and contractor stating that the corrections had still not been made and that the tower was out of compliance in multiple forms. This letter warned that further inaction may result in revocation. Staff received correspondence from multiple companies involved including the Coastal Business Group, Crown Castle, and Bechtel, all stating the corrections will be made.
- September 28, 2023: Staff received a call that all corrections had been completed. Upon inspecting the site, no corrections or improvements were observed.
- April 11, 2024: Letter sent to applicant, site owner, acquisition group, and contractor stating that this meeting had been scheduled and once again informing them of their noncompliance.

PROGRESS RECENTLY MADE

June 3, 2024: Upon notice of the Planning Commission meeting, applicant has since made significant improvements to the site including new pine needles throughout the entirety of the tower, painting and finishing the monopine pole to simulate bark, and adding a sign designating contacts. While this is significant progress and *greatly* improved the overall appearance of the tower, some corrections still exist, including the fact that a very large percentage of the electrical work was not permitted or inspected. The following items still need to be completed to have this tower in full conformance:

- A permit needs to be pulled for all work which was completed without permits, or with expired permits, including all work completed under SPDR 2021-64. Once the permit is issued, the applicant must call for all applicable inspections until final sign-off.
- Electrical wiring leading to the equipment shelter is exposed and can be easily tampered with. Previous inspections with contractors have indicated this may be related to emergency services so may take time to reroute through conduit, but exposed wiring is both an aesthetic and safety concern.
- Similarly, a large handhole for accessing large cables is open and accessible. It appears the "Crown Castle" sign was installed with only one screw in an attempt to partially block this but was unsuccessful. The access "handhole" within the monopine must be properly covered and the sign securely fastened.
- At the time of inspection, there was much debris including pine needle structures within the nearby parkway, a 40-yard trash container not through Burrtec waste, and pine needles throughout the ground. All debris must be removed from the site and the site should be cleaned up.

RECOMMENDATION

Based on the information provided in the Staff report and very recent improvements made by the cell tower owner, Staff recommends the Planning Commission receive and file this

item, with the understanding that the tower owner will obtain permit/inspections and make all corrections on or before August 31, 2024. In the event that all improvements are made, permits are obtained, and inspections passed in this time frame, then this item will be considered addressed. Alternatively, in the event that all improvements are not made, permits are not obtained, and/or inspections not passed by August 31, 2024, then this item will be rescheduled for a future meeting for revocation or modification.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott Nash", with a large checkmark at the end.

Scott Nash
Associate Planner

Attachments

- Exhibit A: Photos of Site and Vicinity
- Exhibit B: Non-compliance letter mailed 1/25/23
- Exhibit C: Building Permit #2022-013 Corrections
- Exhibit D: Conditional Use Permit 2011-04 Conditions of Approval

Exhibit A



City of Duarte
Community Development Department

EXHIBIT A
VICINITY MAP AND SITE PHOTOS

SUBJECT PROPERTY-AERIAL



View from 210/605 Freeway





City of Duarte
Community Development Department

Nearby – Lewis Business Center





**City of Duarte
Community Development Department**

Photos Taken 2/23/23

(See Exhibit D for more photos)





**City of Duarte
Community Development Department**

Photos taken 6/4/24 (After Recent Improvements)





City of Duarte
Community Development Department



Exhibit B



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 | Tel (626) 357-7931 | Fax (626) 358-0018 | accessduarte.com

August 1, 2023

Coastal Business Group, Inc.
Attn: Jessica Grevin
24310 Moulton Pkwy, Suite O #1009
Laguna Hills, CA 92637-3306

**RE: AT&T Wireless “210 FWY/605 FWY” Site (No. LAC949 / CLL04231)
Expiration of Conditional Use and Building Permits**

Dear Ms. Grevin,

We are providing this letter to inform you that an AT&T wireless “monopine” facility located at 1720 Flower Avenue (LAC949) in Duarte is in noncompliance in multiple forms, and continued noncompliance may result in revocation or legal action. This wireless site is noncompliant in the following circumstances:

- a. Under the Conditions of Approval of Conditional Use Permit 2011-04, as well as Site Plan Design Review 2021-64, the applicant shall continuously maintain the wireless communication facility, associated equipment, finished surfaces and/or camouflaging materials as necessary, and all portions of the monopine shall appear in good condition at all times. Any problems or concerns identified by the City shall be corrected in a timely manner, but in no case later than 90 days from written correspondence provided to the Applicant. Staff has informed the applicant of multiple maintenance deficiencies.
- b. Per Conditional Use Permit 2011-04 which was approved on March 19, 2012, the permit shall automatically expire ten (10) years from and after the date of adoption by the Planning Commission. Meaning, your Conditional Use Permit which allows operation of the facility, has expired.
- c. Duarte Building Permit #2022-013 for new site improvements has outstanding corrections that continue to fail to be addressed and while this permit is still active, it will be expiring on August 24, 2023. This permit has already been extended multiple times, and further extensions will not be granted.

The City has notified you of this noncompliance numerous times (May 18, 2022, January 25, 2023, & March 7, 2023) and the City has received no acknowledgement that the repairs will be made, nor has there has been any indication of work completed since these corrections.

Given your failure to address site inspection corrections and failure to adequately maintain the equipment at the 1720 Flower Avenue site, the City may seek to schedule a revocation hearing and pursue further legal action (i.e. decommissioning).

However, the City seeks to arrive at an amicable solution and hopes to work collaboratively with you to remedy this problem. As such, we request that you acknowledge receipt of this correspondence by August 14th, 2023, and immediately begin repairs and maintenance on the communications facility at 1720 Flower Avenue so the repairs are completed prior to building permit expiration on August 24, 2023. It is my recommendation that your maintenance team contact me, Scott Nash in the City of Duarte Planning Division, to discuss the details and coordinate the aforementioned repairs.

Should you fail to adequately respond, the City will pursue any legal and administrative actions to ensure compliance with entitlements and the Duarte Municipal Code..

You may contact me Monday through Thursday between 7:30 AM to 6:00 PM at snash@accessduarte.com or (626) 357-7931 ext. 239.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Nash", with a checkmark-like flourish at the end.

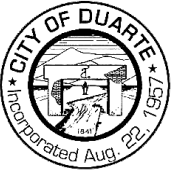
Scott Nash
Assistant Planner
City of Duarte

Attachments:

Building Permit #2022-013 Corrections
Conditional Use Permit 2011-04

C: Ye Family Investments LLC, Property Owner
AT&T Wireless, Original Applicant
Larry Breceda, Public Safety Manager
Jason Golding, Planning Division Manager

Exhibit C



City of Duarte

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING DIVISION

1600 Huntington Drive

Duarte, CA 91010

Ph: 626-357-7931 Fax: 626-358-0018

www.accessduarte.com

SITE INSPECTION CORRECTION SHEET

JOB ADDRESS: 1720 Flower Ave. AT&T Cell Tower	PERMIT # 2022-282
REVIEWED BY: Scott Nash - Planning	DATE: 2-23-23 (inspection); 3-7-23 (correction sheet)

Review corrections noted below and attached photos.

If you have any questions or need clarification, please contact the plan checker Monday through Thursday between 7:30 a.m. to 6:00 p.m. at 626-357-7931 ext. 239.

After the on-site inspection the following items were discovered and must be corrected:

1. The top panel portion of the tower has multiple gaps in screening and some equipment is very visible. Some panel antennas have no antenna socks at all (panels closest to the building), or are sparsely covered. Additional artificial pine needles or panel socks must be added to reduce the spaces seen between equipment and conceal the panel antennas. All antennas should be fully concealed within a sock per plans and conditions of approval.
2. Multiple branches and needles throughout the structure are sun-faded and nearly white in color. These sections should be painted or replaced per condition of approval #2: "All existing pine needles, branches, and bark on the existing monopine structure that appear damaged/discolored shall be removed and replaced with new branches, needles, and bark as needed throughout the entire monopine structure." See attached photo.
3. Metal straps/braces have been added to the monopole that the City does not currently have permit history or record of, and are not shown on approved plans. If these metal straps were permitted in the past, please provide evidence of when they were permitted under what plans. If they were in fact not permitted, a tree bark texture similar to that on the monopole should be added to the braces/straps as well.
4. There are multiple exposed wires coming out of the electrical cabinet. All wires located on the exterior of the equipment shelter must be concealed by conduit which is painted to match the equipment shelter. This correction is not only an aesthetic concern based on the entitlement's conditions of approval, but also a safety concern, as these wires can currently be easily reached and tampered with.

Gaps in Coverage and
Missing Socks



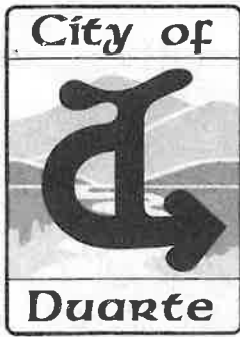




Exposed Electrical Wires



Exhibit D



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

March 20, 2012

WDR, LLC
Attn: J. Daniel Fox
PO Box 8823
Newport Beach, CA 92660

Subject: Planning Commission Approval of Conditional Use Permit 11-04 for the Property Located at 1720 Flower Avenue

Dear Mr. Fox,

On March 19, 2012, the Planning Commission approved your application for Conditional Use Permit 11-04, subject to conditions of approval, allowing modifications and improvements to the wireless communication facility and monopine structure for AT&T Wireless.

The following conditions of approval are required by the Planning Commission and shall be fully complied with by the property owner, applicant, and all representatives thereof. If you agree to comply with all the attached conditions, please complete and return the enclosed Affidavit of Acceptance to the Planning Division no later than April 4, 2012.

If you are dissatisfied with the action and/or the conditions of approval, you may appeal to the City Council within fifteen (15) days of the date of this letter. The appeal shall be filed with the City Clerk and shall contain a written statement regarding the grounds for the appeal and include the required appeal fee.

If you have any questions or concerns, please contact me at (626) 357-7931, ext. 239, Monday through Thursday, between the hours of 7:30 a.m. to 6:00 p.m.

Sincerely,

David F. Eoff IV
Assistant Planner

Attachment: Conditions of Approval
Affidavit of Acceptance

cc: Ye Family Investments, Property Owner
1720 Flower Avenue
Duarte, CA 91010

Conditions of Approval
Conditional Use Permit 11-04
1720 Flower Avenue (AT&T Wireless)

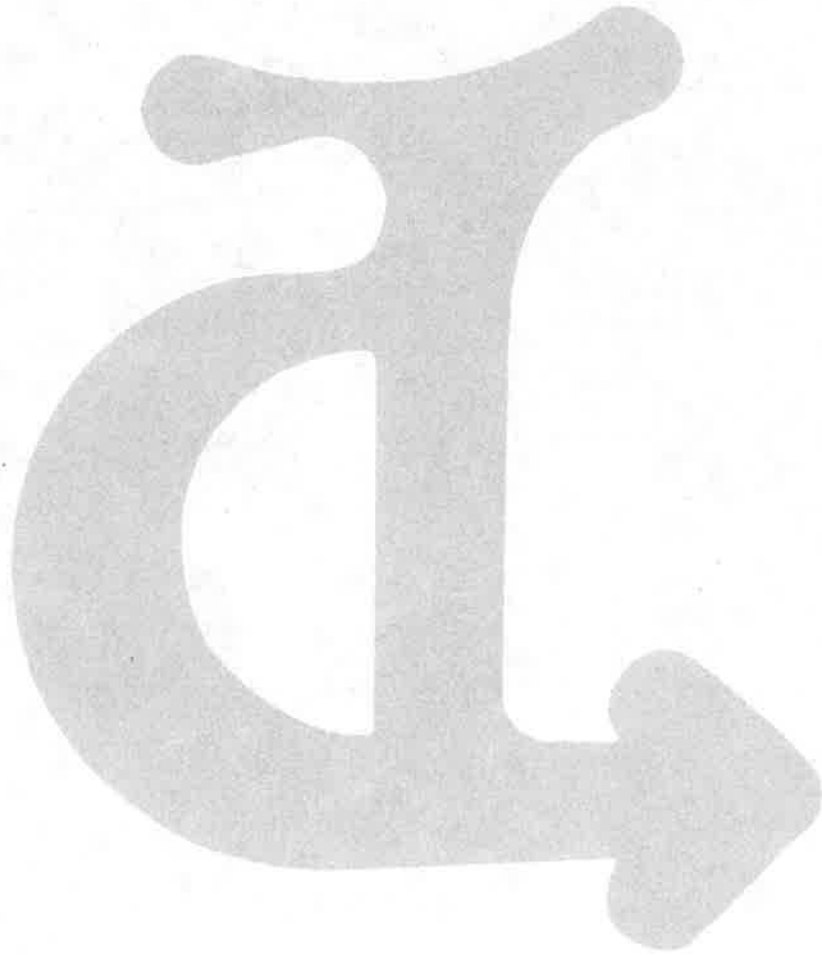
The following information is required by the Planning Commission as conditions of approval, and shall be fully complied with by the property owner, applicant, and all representatives thereof.

1. All damaged/discolored pine needles, branches, and bark shall be removed and replaced with new branches, needles, and bark as needed throughout the entire monopine structure, subject to the review and approval of the Planning Division.
2. Additional branches and pine needles shall be installed throughout the entire monopine structure to simulate a thicker, fuller pine tree and to increase screening and camouflaging, as depicted on the project photo simulations and as subject to the review and approval of the Planning Division.
3. All antennas and the microwave dish shall be painted green or brown to match the color of the pine tree. Pine needle socks shall be placed on the panel antennas; additional pine branches and/or needle socks shall be applied to the microwave dish. Final design shall be subject to Planning Division review and approval.
4. All antenna support structures, arm-mounted equipment, trunk-mounted equipment, bracing, or other exposed surfaces shall be painted green or brown to resemble a live pine tree. Final design shall be subject to Planning Division review and approval.
5. The equipment shelter shall be repainted to match the color of the adjacent industrial building.
6. The applicant (AT&T or successor) shall complete the required modifications and improvements to the monopine structure within 180 days from the date of adoption by the Planning Commission.
7. The Applicant (AT&T or successor) shall continuously maintain the wireless communication facility, associated equipment, finished surfaces and/or camouflaging materials as necessary, to ensure camouflaging/aesthetics simulate the appearance of a healthy and vibrant pine tree, and/or technology remains current and compliant with all applicable regulations and standards. All portions of the monopine shall appear in good condition at all times. Any problems or concerns identified by the City shall be corrected in a timely manner, but in no case later than 90 days from written correspondence provided to the Applicant. Failure to address any problems associated with the proposed use as a wireless telecommunications facility, or non-compliance with required conditions and regulations may warrant the matter being scheduled for a revocation hearing before the Planning Commission for review.
8. All wiring, cable bridges, and or other conduit associated with the proposed use shall be located at the base of the monopine structure, buried underground, run inside the building, or enclosed within the equipment cabinet.
9. No advertising material shall be allowed on any portion of the facility.
10. All product and material storage shall occur within the building. Exterior storage is prohibited.
11. The applicant (AT&T or successor) shall plant three (3) Canary Island Pine and/or Montezuma Pines within the Cal-Trans right of way along the 210/605-freeway embankment at the rear of the industrial park. The minimum planting size shall be 15 gallon. Any required irrigation shall be provided to ensure survivability, at no cost to any public entity. Cal-Trans approval must be obtained prior to planting trees. Contact Cal-Trans immediately to ensure installation is complete prior to final sign off from the Planning Division. The applicant (AT&T or successor) shall pursue

in earnest the Installation of landscaping. If Cal-Trans denies the planting of trees within the right of way, written proof of denial shall be submitted to the Planning Division.

12. No form of video transmission shall be allowed unless approved by the Planning Commission.
13. Conditional Use Permit 11-04 shall automatically expire ten (10) years from and after the date of adoption by the Planning Commission, granting this permit. The permit holder may seek renewal of the time-conditioned Conditional Use Permit by filing a timely renewal application for such renewal with the Community Development Department. In order to be timely, an application for renewal must be filed within 90 calendar days prior to the expiration of the Conditional Use Permit. Once a renewal application has been filed, the expiration date of the Conditional Use Permit is automatically extended until either the issuance or denial of the application for renewal has become final. Any decision to deny an application for renewal of the Conditional Use Permit shall be heard by the Planning Commission and shall be based upon the same grounds, findings, and evidence that would otherwise be necessary for the revocation of the Conditional Use Permit. Such grounds for denying an application for renewal of CUP 11-04 may include, but are not limited to, circumstances have changed (including the reasonable availability of new technology) such that one or more of the required findings for renewing CUP 11-04 can no longer be made.
14. The applicant/telecommunications service provider (AT&T or successor) shall retain a valid business license for the duration of the antenna facility operation.
15. All applicable conditions of Conditional Use Permit 11-04 shall be complied with at all times.
16. Any and all correction notices generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, successor, and all agents thereof.
17. Any expansion or modification of the use beyond what is approved as part of Conditional Use Permit 11-04 will require a new Conditional Use Permit and approval from the Planning Commission.
18. The applicant shall comply with applicable regulations of the M zone and Section 19.60.190 of Duarte Development Code.
19. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
20. The filing fee for Notice of Exemption (NOE) for a Categorical Exemption will require a payment fee of \$75.00 for payment that shall be submitted to the City within five (5) working days of the approval of the project. The check should be made payable to County of Los Angeles Registrar-Recorder. Failure to submit such payment within such five (5) day time frame renders the approval of this project null and void.
21. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of this letter. Said appeal must be in writing and filed with the City Clerk's office (DMC 19.144). The written appeal shall include reasons for the appeal.
22. Applicant shall provide a notarized letter from the property owner acknowledging and consenting to the conditions of approval associated with the Conditional Use Permit. The letter shall be submitted to the Planning Division within 15 days from the date of approval by the Planning Commission.
23. Any violation of the Conditions of Approval, Municipal, or other governmental regulations may be grounds for initiation of proceedings for the revocation of this Conditional Use Permit.

24. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.



Affidavit of Acceptance of Conditions of Approval
Conditional Use Permit 11-04
1720 Flower Avenue (AT&T Wireless)

The undersigned deposes and says:

I, _____, am the authorized agent or owner, of property involved in CONDITIONAL USE PERMIT 11-04, located at 1720 Flower Avenue, Duarte, California, 91010.

I further state that I have read, understand and accept, and will comply with PC Resolution 12-04, approved by the Planning Commission at the meeting held on March 19, 2012, set forth in the report dated March 19, 2012.

I am also aware that if any of the provisions of this approval are violated or held to be invalid, or any law, statute or ordinance is violated, the approval shall be void and the privileges granted thereunder shall lapse.

Signed this _____ day of _____, 2012.

SIGNED: _____

Mailing Address: _____

Phone: _____

Subscribed and sworn to (or affirmed before me on this

_____ day of _____, _____, by
Date Month Year

(1) _____,
Name of Signer

proved to me on the basis of satisfactory evidence to
be the person who appeared before me (.) (,) (and

(2) _____,
Name of Signer

proved to me on the basis of satisfactory evidence to
be the person who appeared before me.)

Signature of Notary Public