

PROJECT REPORT

TO: **PLANNING COMMISSION**

AGENDA DATE: December 13, 2023

FROM: **PLANNING/DEVELOPMENT SERVICES DEPT.**

AGENDA TIME **9:00 AM/ No.5**

Entravision Communications Company, LLC

PROJECT TYPE: Conditional Use Permit (CUP) #23-0028 SUPERVISOR DIST #5

LOCATION: 99 E. Keystone Road APN: 040-350-027-000

Brawley, CA 92227 PARCEL SIZE: 41.08 Acres

GENERAL PLAN (existing) Specific Plan Area (Mesquite Lake) GENERAL PLAN (proposed) N/A

ZONE (existing) ML-I-2 (Mesquite Lake Medium Industrial\Renewable Energy) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 12/13/2022

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION:

HEARING DATE: N/A

I.S. NUMBER N/A

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG / APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
OTHER		<u>Quechan Tribe</u>		

REQUESTED ACTION:

IT IS RECOMMENDED THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING AND HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT PLANNING COMMISSION APPROVE CUP #23-0028 BY TAKING THE FOLLOWING ACTIONS:

1. FIND THAT THE PROJECT IS CATEGORICALLY EXCEPT FROM CEQA UNDER GOVERNMENT CODE SECTION 15301 AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
2. FIND THAT CONDITIONAL USE PERMIT #23-0028 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND
3. APPROVE CONDITIONAL USE PERMIT #23-0028 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

STAFF REPORT
PLANNING COMMISSION MEETING
December 13, 2023
Conditional Use Permit (CUP) #23-0028

Applicant: **Entravision Communications Company, LLC**

Agent: **2425 Olympic Blvd.**
 Suite 6000 West,
 Santa Monica CA 90404

Project Location:

The project site is located at 99 E. Keystone Road, Brawley, CA 92227, further identified as Assessor's Parcel Number (APN) 040-350-027-000. The project site is legally described as Parcel 1, of Parcel Map #2231 of East 160 acres of Tract 69, Township 14 South, Range 14 East, S.B.B.M. in an unincorporated area of the County of Imperial, State of California, (Attachment "A" Site Vicinity Map).

Project Summary:

The Imperial County Planning and Development Services (ICPDS) received a Conditional Use Permit (CUP) application and supporting documentation from Entravision Communications Company, LLC. to renew entitlements for previously approved CUP #01-0049, which was recorded on December 31, 2002, and approved for a total of 15 years, expiring on December 31, 2017.

The applicant intends to continue operation of the existing 375 foot above ground level "AGL" tower. The new CUP will have the new time period of 10 years as required per Government Code Section 65964, with a 5-year extension option. If approved Conditional Use Permit #23-0028 would supersede previously approved CUP #01-0049. No changes to the existing wireless facility were proposed.

History:

On March 23, 1999, CUP #1196-95 was recorded for Entravision Communication Company LLC granting permission for a 375-foot FM Communication Facility (APN 040-350-027-001) for a single user. CUP required a \$10,000 as initial bond for security. On January 28, 1999, a check (#6043315) in the amount of \$10,000 was received. CUP #1196-95 is also known as CUP #95-0039.

On October 5, 2000, an application (#38959) was submitted for SBA to co-locate on the existing 375-foot tower.

On October 9, 2000, a request was received for a "minor amendment" for CUP #1196-95. A \$2,500 T/M deposit was required.

On December 2, 2001, CUP #01-0049 was applied to modify CUP #1196-95 to be approved for the “co-location” of multiple users.

The 375-foot tower was constructed under PMT #39923 (Issued December 20, 2001)

On December 31, 2002, CUP #01-0049 was recorded granting permission to Entravision Communication to continue operating & maintaining a 375-foot above ground level “AGL” tower. CUP requires surety in the amount of \$10,000 & each additional co-locate to be \$2,000.

On August 28, 2023, Entravision Communications Company, LLC. was submitted an application for Conditional Use Permit #23-0028 for the renewal of Land Use Entitlements for an existing 375 foot above ground level “AGL” Tower.

On November 30, 2023, a Surety/ Removal Bond for \$25,000 was submitted.

Land Use Analysis:

The project site is zoned “ML-I-2-RE” (Mesquite Lake Medium Industrial, Renewable Energy) per Imperial County Land Use Ordinance (Title 9). The project is consistent with the General Plan and with the Imperial County Land Use Ordinance since the tower is allowed with a CUP, in the Mezquite Lake Specific Plan Area.

Surrounding Land Use Ordinance:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Tower Site	ML-I-2-RE	Mesquite Lake Medium Industrial Renewable Energy
North	Vacant	A-2 RE	General Agricultural Renewable Energy
South	Vacant	ML-I-2-RE	Mesquite Lake Medium Industrial Renewable Energy
East	Vacant	ML-I-2-RE	Mesquite Lake Medium Industrial Renewable Energy
West	Truck	ML-I-2-RE	Mesquite Lake Medium Industrial Renewable Energy

Environmental Review:

The Environmental Evaluation Committee during a Public Hearing held on January 10, 2002, Determine a Negative Declaration for CUP #01-0049. Conditional Use Permit #23-0028 can be categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

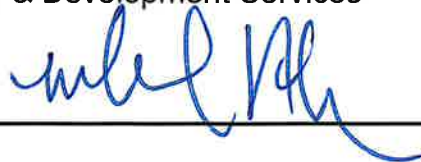
It is recommended that the Planning Commission conduct a public hearing and hear all the opponents and proponents of the proposed project. Staff would then recommend that Planning Commission approve CUP #23-0028 by taking the following actions:

1. Find that the project is categorically except from CEQA under Government Code Section 15301 and that no further environmental documentation is necessary; and,
2. Find that Conditional Use Permit #23-0028 is consistent with applicable zoning and building ordinances; and
3. Approve Conditional Use Permit #23-0028 for a new 15-year term, subject to the existing conditions.

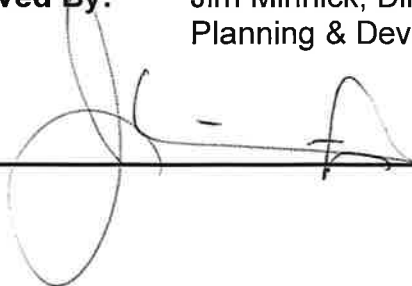
Prepared By: Rocio Yee
Planning & Development Services



Reviewed By: Michael Abraham, AICP, Assistant Director
Planning & Development Services



Approved By: Jim Minnick, Director
Planning & Development Services

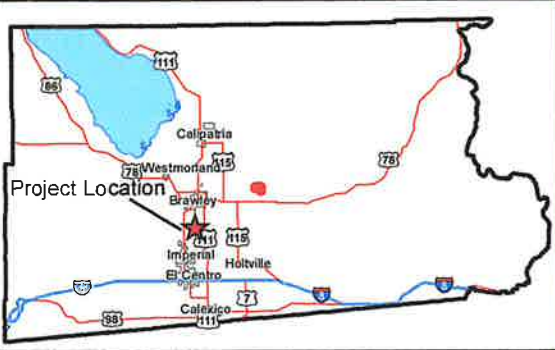
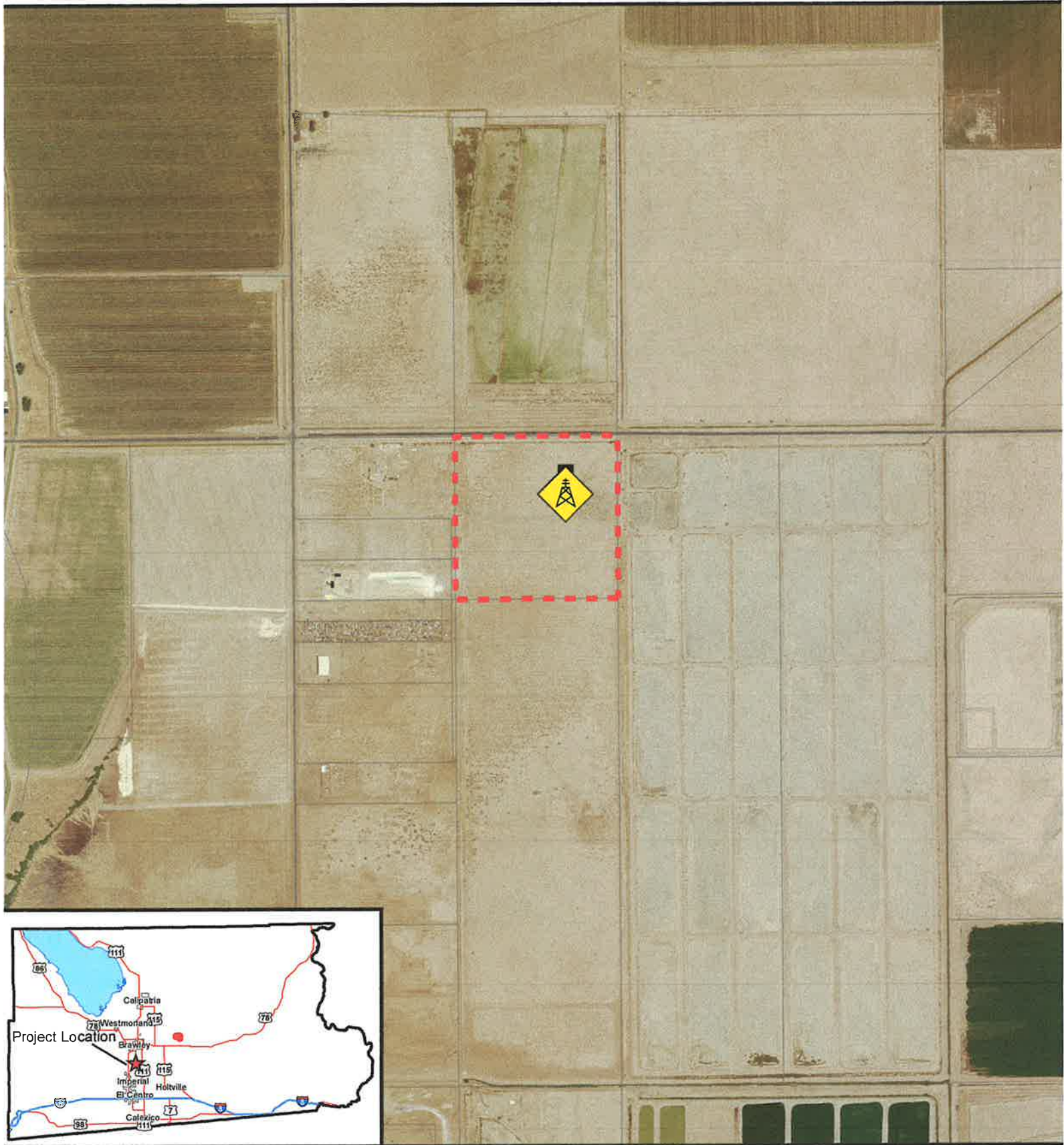


Attachments:




- A. Vicinity Map
- B. Site Plan
- C. Conditional Use Permit #23-0028 Agreement
- D. Planning Commission Resolution
- E. Previously approved Conditional Use Permit #01-0049
- F. Conditional Use Permit #23-0028 Application & Supporting Documents
- G. Comment Letters

ATTACHMENT "A"
VICINITY MAP

PROJECT LOCATION MAP

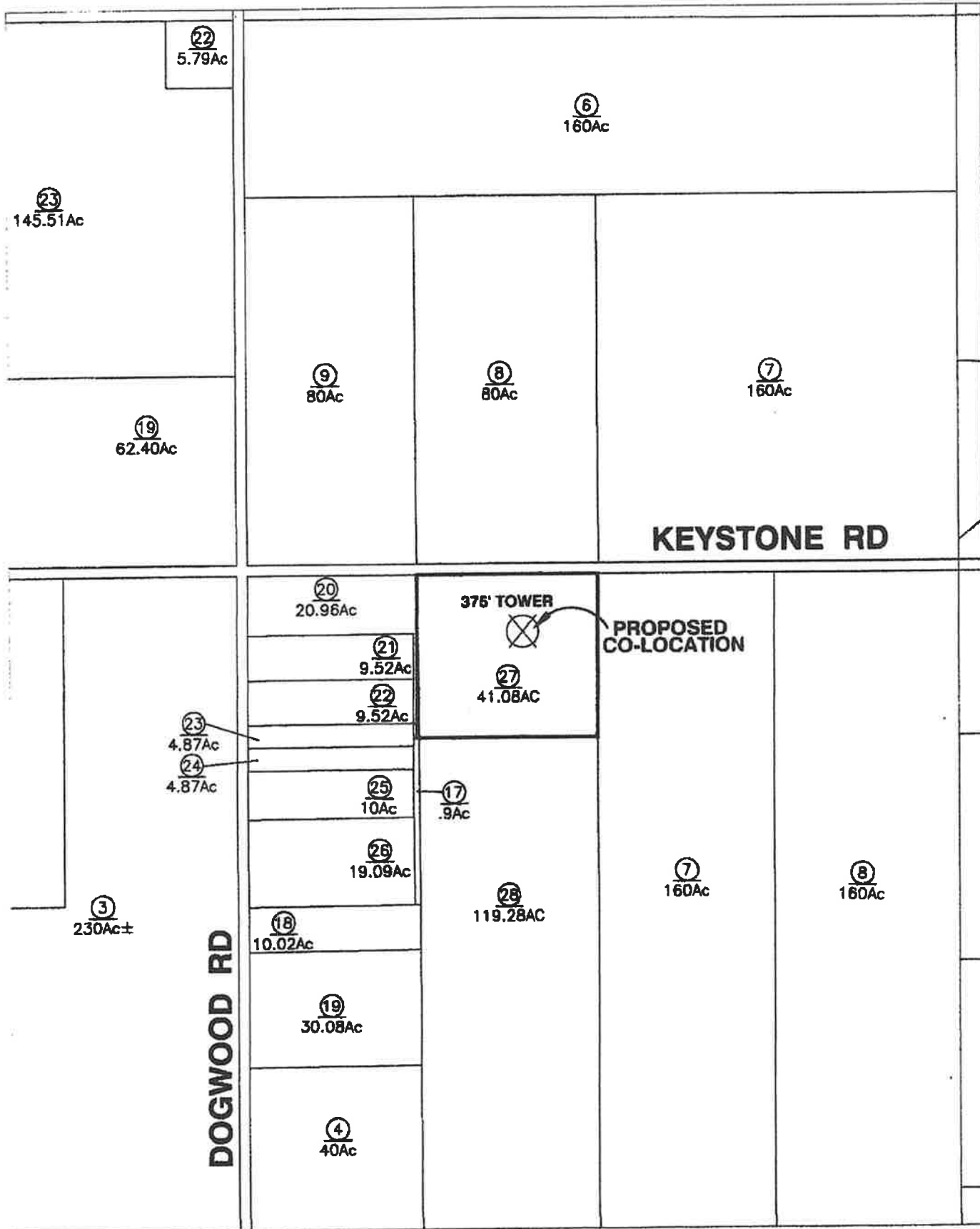


**ENTRAVISION COMMUNICATIONS
COMPANY LLC.
CUP #23-0028
APN 040-350-027-000**

-  Parcels selection
-  Parcels
-  Tower Location



ATTACHMENT "B"
SITE PLAN



CUP#01-0049

ENTRAVISION COMMUNICATIONS
Proposed Co-Location on Existing 375' Tower
APN# 040-350-27-01



ATTACHMENT "C"

CUP#23-0028

AGREEMENT

1 Recorded Requested By and
When Recorded Return To:

2 Imperial County Planning & Development Services
801 Main Street
3 El Centro California 92243

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5 **AGREEMENT FOR CONDITIONAL USE PERMIT CUP #23-0028**
6 (Entravision Communications Company, LLC)
7 (040-350-027-000)
8 **(Approved at Planning Commission December 13, 2023)**

9 This Agreement is made and entered into on this _____, day of _____ by
10 Entravision Communications Company, LLC. (2425 Olympic Blvd. Suite 6000 West, Santa
11 Monica, CA 90404) hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL,
a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

12 **RECITALS**

13 **WHEREAS**, Permittee is the owner or successor in interest in certain land in Imperial
14 County identified as Assessor's Parcel Number 040-350-027-000 further identified by the
15 following legal description: Parcel 1, Parcel Map 2231 of East 160 acres of tract 69,
16 Township 14 South, Range 14 East, S.B.M. in an unincorporated Area of the County of
Imperial, State of California; and

17 **WHEREAS**, Entravision Communications Company, LLC, and/or any subsequent
18 owner(s) would be required to and intend to fully comply with all of the terms and conditions
of the project as specified in this Conditional Use Permit (CUP); and

19 **WHEREAS**, Permittee has requested a permit to continue operation of the existing
20 375 foot above ground level "AGL", which also referred to as APN 040-350-027-000

21 **WHEREAS**, Permittee will not operate any type of use other than specified herein
22 and within the application; and

23 **WHEREAS**, Permittee intends to operate the tower for its own use, Permittee shall
24 at some future date allow another "compatible" use communication, or electronic
25 transmission operator (hereinafter referred to as a "subsidiary user"), to use the same tower,
thereby minimizing the number of towers required within the confines of the County; and

26 **WHEREAS**, the County encourages multiple use (co-locators) of such towers to the
27 extent that sharing of towers is compatible in use, frequency and meets applicable regulatory
28 standards of all permitting jurisdictions; and

1 **WHEREAS**, though the sharing of tower space is physically possible, it is recognized that
2 additional structural considerations must be addressed and if applicable, permitted by the
3 Building Division of the Imperial County Planning and Development Services Department,
4 to assure that the tower is structurally adequate.

5 **WHEREAS**, County, after reviewing of the project, after a noticed public hearing
6 before the Planning Commission, agreed to issue Conditional Use Permit #23-0028, subject
7 to the following conditions:

8 **NOW THEREFORE**, the County hereby issues CUP #23-0028 subject to all of the
9 following conditions.

10 **GENERAL CONDITIONS:**

11 *The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are*
12 *either routinely and commonly included in all Conditional Use permits as "standardized" conditions and/or*
13 *are conditions that the Imperial County Planning Commission has established as a requirement on all*
14 *CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions*
15 *are as applicable as the SITE SPECIFIC conditions!*

16 **G1 COSTS:**

17 Permittee shall pay any and all amounts as determined by the County to defray all costs for
18 the review of reports, field inspections, enforcement, monitoring, or other activities related
19 to compliance with this permit, County Ordinances, and/or other laws that apply. Any billing
20 against this project, now or in the future, by the Planning and Development Services
21 Department or any County Department for costs incurred as a result of this permit, shall be
22 billed through the Planning and Development Services Department.

23 **G2 AUDIT OF BILLS:**

24 Permittee shall have the right to have any bill audited for clarification or correction. In the
25 event Permittee request an audit or an explanation of any bill, it shall be in writing to the
26 Planning and Development Services Department. Permittee shall bring the account current
27 including any amount due under a "disputed" billing statement, before any audit is
28 performed. If the amount disputed is the result of a Department other than the Planning and
Development Services Department the explanation or audit shall be performed by said
Department and a report provided to both the Permittee and the Planning and Development
Services Dept.

G3 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state, and/or federal permits, licenses,
contracts, and/or other approvals for the construction and/or operation of this project. This
shall include, but not be limited to Health, Building, Sanitation, APCD, Public Works, Sheriff,
Regional Water Quality Control Board, Offices of Emergency Services, Division of Mines
and Geology, etc. Permittee shall like-wise comply with all such permit requirements for the
life of the project. Additionally, Permittee shall submit a copy of any such additional permit,
license and/or approval to the Planning Department within 30 days of receipt.

1 **G4 RECORDATION:**

2 This permit shall not be effective until it is recorded at the Imperial County Recorder's Office,
3 and payment of the recordation fee shall be the responsibility of the Permittee. If the
4 Permittee fails to pay the recordation fee within six (6) months from the date of approval,
5 and/or this permit is not recorded within 180 days from the date of approval, this permit shall
6 be deemed null and void, without notice having to be provided to Permittee. Permittee may
7 request a written extension by filing such a request with the Planning Director at least 30
8 days prior to the original 180 day expiration. The Director may approve an extension for a
9 period not to exceed 180 days. An extension may not be granted if the request for an
10 extension is filed after the expiration date.

7 **G5 COMPLIANCE/REVOCAION:**

8 Upon the determination by the Planning and Development Services Department, (if
9 necessary upon consultation with other Departments or Agency(ies)) that the project is or
10 may not be in full compliance with any one or all of the conditions of this Conditional Use
11 Permit, or upon the finding that the project is creating a nuisance as defined by law, the
12 PERMIT and the noted violation(s) shall be brought immediately to the attention of the
13 appropriate enforcement agency or to the Planning Commission for hearing to consider
14 appropriate response including but not limited to the revocation of the CUP or to consider
15 possible amendments to the CUP. The hearing before the Planning Commission shall be
16 held upon due notice having been provided to the Permittee and to the public in accordance
17 with established ordinance/policy. In the event the action by the County is necessitated by
18 the actions or lack thereof of a subsidiary user of the tower, all action by the County shall be
19 taken against the permittee as if the permittee had or was causing the violation. The County
20 shall not be obligated to deal with any subsidiary user of the facility.

15 **G6 PROVISION TO RUN WITH LAND:**

16 The provisions of this project are to run with the land/project and shall bind the current and
17 future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project.
18 Permittee shall not without prior notification to the Planning and Development Services
19 Department assign, sell, or transfer, or grant control of project or any right or privilege
20 therein. The Permittee shall provide a minimum of 60 days written notice prior to such
21 proposed transfer becoming effective. The permitted use identified herein is limited for use
22 upon this parcel described herein and may not be transferred to another parcel. This shall
23 likewise be applicable if the transfer is between the primary and a subsidiary user.

21 **G7 RIGHT OF ENTRY:**

22 The County reserves the right to enter the premises to make the appropriate inspection(s)
23 and to determine if the condition(s) of this permit are complied with. Access to authorized
24 enforcement agency personnel shall not be denied, by the landowner, the permittee or a
25 subsidiary user. The County will contact the person designated by the Permittee to request
26 access to the facility. The request shall be approved within (72) seventy-two hours after
27 request.

25 **G8 TIME LIMIT:**

26 Unless otherwise specified within the project specific conditions this project shall be limited
27 to a maximum of (10) ten years from the recordation date of the CUP. The Conditional Use
28 Permit may be extended for a single (5) five year period by the Imperial County Planning &
Development Services Director. one or The CUP may be revoked, or the extension may not
be granted if the project is in violation of any all of the conditions or if there is a history of
non-compliance with the project conditions.

1 **G9 DEFINITIONS:**

2 In the event of a dispute the meaning(s) or the intent of any word(s) phrase(s) and/or
3 conditions or sections herein shall be determined by the Planning Commission of the County
4 of Imperial. Their determination shall be final unless an appeal is made to the Board of
5 Supervisors within the required time. In this permit the term Permittee may also apply to any
6 other facility user whether specified by name herein or not. To the extent that this tower may
7 be used by more than one service provider other than the applicant (permittee), all of the
8 conditions of this permit shall be equally applicable to the other "user(s)" as if they were the
9 "permittee".

10 **G10 SPECIFICITY:**

11 The issuance of this permit does not authorize the Permittee to construct or operate this
12 project in violation of any state, federal, local law nor beyond the specified boundaries of the
13 project as shown the application/project description/permit, nor shall this permit allow any
14 accessory or ancillary use not specified herein. This permit does not provide any prescriptive
15 right or use to the Permittee for future addition and/or modification to this project. The site
16 specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions,
17 and only the use or uses listed shall be deemed as approved by this permit. The Permittee's
18 application and or any support documents supplied by Permittee as part of the application
19 shall not be used to determine allowed use(s).

20 **G11 HEALTH HAZARD:**

21 If the County Health Officer determines that a significant health hazard exists to the public,
22 the County Health Officer may require appropriate measures and the Permittee shall
23 implement such measures to mitigate the health hazard. If the hazard to the public is
24 determined to be imminent, such measures may be imposed immediately and may include
25 temporary suspension of the subject operations. However, within 45 days of any such
26 suspension of operations, the measures imposed by the County Health Officer must be
27 submitted to the Planning Commission for review and approval. Nothing shall prohibit
28 Permittee from requesting a special Planning Commission meeting provided Permittee
bears all costs.

G12 ENCROACHMENT PERMIT:

Permittee shall obtain, as necessary all encroachment permits, or other special traffic safety permits from the Department of Public Works and/or CALTRANS.

G13 REPORT(S):

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed within sixty (60) days from the first day of the Calendar year, and shall include at a minimum, the total number of "users" on the tower, any problems encountered during the previous year, any reported frequency interference complaints, the name & phone number of the responsible person whom to contact, and a checklist to show the status of each condition herein. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from Permittee or other users if applicable, however it shall be the responsibility of the permittee to assure the County that such information is received

1 **G14 RESPONSIBLE AGENT:**

2 Permittee shall maintain on file with the Planning and Development Services Department
3 the name and phone number of the responsible agent for the site. A backup name shall also
4 be provided, and a phone number for 24-hour emergency contact shall also be on file. If
5 there are other users, the same information (as applicable) required from the Permittee shall
also be made available to the County from such other users.

6 **G15 INDEMNIFICATION:**

7 At no cost to the County, Permittee and each and every subsidiary user, shall indemnify,
8 and hold harmless the County, the Board of Supervisors and all officers and agents of the
9 County against any and all claims, actions and liabilities arising out of the permitting,
10 construction and/or operation of the project. This indemnity agreement shall be on file with
11 the Planning and Development Services Department prior to recordation of this CUP.
12 Failure to have the agreement on file within 60 days from the date of approval by the
13 Planning Commission shall terminate the approval of this CUP. If the tower is subject to
14 "multiple" use by anyone other than the Permittee, each such operator, or facility, or
15 individual, person or corporation shall have on file with the County Planning and
16 Development Services Department an indemnification agreement identical to that of the
17 Permittee.

18 **G16 CHANGE OF OWNER/OPERATOR:**

19 In the event the ownership of the site or the operation of the site transfers from the current
20 Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms
21 and conditions of this permit as if said successor was the original Permittee. Current
22 Permittee shall inform the County Planning and Development Services Department in writing
23 at least 60 days prior to any such transfer. Failure of a notice of change of ownership or
24 change of operator shall be grounds for the immediate revocation of the CUP. In the event
25 of a change, the new Owner/Operator shall file with the Department, via certified mail, a
26 letter stating that they are fully aware of all conditions and acknowledge that they will adhere
27 to all. If this permit or any subservient or associated permit requires financial surety, the
28 transfer of this permit shall not be effective until the new Permittee has requisite surety on
file. Furthermore existing surety shall not be released until replacement surety is accepted
by County. Failure to provide timely notice of transfer by Permittee shall forfeit current
surety.

In the event this is a multi-use tower facility, the written approval from any "user" of the tower shall be provided to the County in addition to the above.

24 **G17 COMPLIANCE WITH ORDINANCE:**

25 Permittee is aware of, has been provided a copy of and has agreed to be bound by and
26 maintain compliance with the "Communications Ordinance", being Title 9 Division 24 of the
27 County's codified ordinances.

1 (TOTAL "G" CONDITIONS are 17)

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Site Specific Conditions:

S1 PROJECT DESCRIPTION:

This permit authorizes the Permittee to continue to operate and maintain a cellular communication tower. The tower height shall not exceed 375-feet and the total developed height of any antenna thereon shall not exceed 375 feet above ground level (AGL). The tower shall be operated and maintained to the specifications contained in the application or as modified. In addition to the information contained in the application, and as a result of the County, the applicant and the other interested parties desiring to minimize the number of towers in the County, this tower may be used by multiple users in addition to the Permittee, provided the conditions stated herein are followed.

S2 ACCESS TO SITE:

Access to the site shall be as described in the application and as shown on the assessors plat map, and/or as approved by or through an encroachment permit.

S3 NO TRESPASSING SIGNS:

Permittee shall post the site for "No Trespassing" on each side all along the fence.

S4 HOURS OF OPERATION:

Permittee shall be allowed to operate the site 24 hours per day, seven days per week.

S5 ANCILLARY USES & ADDITIONAL LAND USE PERMITS:

This permit authorizes the Permittee to operate the site as described under Specific Condition S1 with no additional ancillary facilities or uses. This permit shall be considered the primary permit for this site, and if additional Conditional Use Permit(s) are secured for this site, they shall be subservient to this permit at all times.

S6 SUSPENSION OF OPERATIONS:

If operation of the communications facility ceases for a period of twenty four (24) consecutive months, the Permittee shall remove the communications tower, all related equipment, and all structures and buildings within 6 months. Permittee may request in writing to the Planning Director a one-time extension; such extension shall be limited to a maximum of one year.

S7 ENFORCEMENT ACTION:

County officials responsible for monitoring and/or enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. As an example, responsible County officials may issue a citation and/or cease-and-desist order for repeated violation until such violations are abated. Under specific violations, the County may order the facility to cease operation until it can or will be operated in full compliance.

In the event there is enforcement action taken by the County it shall at all times be against the Permittee, even if the violation is caused by another party using the tower. It shall be the

responsibility of Permittee to assure that the tower is operated in compliance with all terms and conditions of the CUP.

S8 LIGHT & GLARE:

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and direct to onsite areas to minimize off site interference from unacceptable levels of light or glare.

S9 CONFLICTING PERMIT CONDITIONS:

In the event that there is a conflict between the condition of this permit and any other permit, the most stringent condition shall govern.

S10 MINOR ADMINISTRATIVE MODIFICATION:

The Planning and Development Services Director shall have the authority to make interpretations, issue administrative decisions and provide directions that while not modifying the intent of any condition will allow for problem resolution at an administrative level. Both Director and/or Permittee have the right to defer such issues to the Planning Commission. However in no event shall any decision regarding this permit be brought to the Board of Supervisors without first having been brought to the Commission.

S11 LATEST CODES GOVERN:

All on site structures shall be designed and built to meet the latest edition of the applicable codes. In the event the tower is altered, added to, or modified to accommodate additional users, additional antennae, or other structural modifications from those originally approved by County, Permittee shall provide revised structural drawings and calculations to the Building Inspection Division prior to such modifications being made.

S12 VARIANCE:

In conjunction with this CUP a height variance has been processed and issued to allow for the construction of the communication tower to a height not exceed 375 feet above ground level (AGL).

S13 LIGHTING:

Aircraft warning lights are to be installed on the tower to meet Federal Aviation Administration (FAA) specifications. Electrical backup power shall be provided for these lights on the proposed tower according to FAA standards and at a minimum shall include light at the top and at the mid-point of the structure. Permittee shall submit evidence of compliance with FAA requirements within six (6) months from the approval date of this CUP. As required by the Airport Land Use Commission meeting, Permittee shall install a high intensity strobe beacon (for daylight use only) and a red flashing warning light to warn aircraft in the vicinity.

S14 COMMUNICATION FREQUENCY:

Transmission frequency, amount of radiated power, and antennae characteristics shall comply with requirements by the Federal Aviation Authority (FAA), Federal Communications Commission (FCC), Planning Department and other applicable agencies.

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S15 FREQUENCY COORDINATION:

The operation of the project shall not cause interference with transmission or reception of signals or other communication facilities. Failure to comply with this condition shall result in suspension or revocation of the Conditional Use Permit.

S16 TOWER EMERGENCY INFORMATION:

Permittee shall file with the Imperial County Planning & Development Services Department a Tower Site Information sheet. The permittee shall update this information yearly.

S17 RESTORATION SURETY:

(a) Upon the expiration of this CUP, Permittee shall restore the site upon which the project is located back to its undeveloped condition. To ensure that such restoration is completed, Permittee shall provide security that is in conformance with the County's Financial Assurance Guideline, is acceptable to the Office of County Counsel, and in an amount not less than \$25,000. Said security shall cover Permittee, as well as any co-locators, users, or other subleases located at the site.

(b) The amount of security may be administratively increased by the Planning Department or the Planning Commission, upon a finding that the characteristics of the site warrants additional security. The security must be filed with the County within six (6) months of the approval of this CUP, and/or prior to the issuance of any building or grading permit, whichever comes first.

(c) The security shall remain in effect until the project has been completely removed, and the site has been fully restore to its undeveloped condition. In the event there is a history of noncompliance with the conditions of this CUP, or any other applicable federal, State or local law, regulation, rule, policy or procedure, the minimum amount of required security may be administratively increased by the Planning Department or Planning Commission to \$35,000.

(TOTAL "S" CONDITIONS are 17)

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NOW THEREFORE, County hereby issues Conditional Use Permit #23-0028, and Permittee hereby accepts such permit upon the terms and conditions set forth herein:

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE

Entravision Communications Company LLC.

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

James Minnick, Director of
Planning & Development Services

Date

PERMITTEE NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____ } S.S.

On _____ before me, _____ a Notary Public in and for said County and State, personally appeared _____, who proved to on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL } S.S.

On _____ before me, _____
a Notary Public in and for said County and State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

**ATTACHMENT “D”
PLANNING COMMISSION
RESOLUTIONS**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING "CONDITIONAL USE PERMIT #23-0028" ENTRAVISION COMMUNICATIONS COMPANY, LLC.

WHEREAS, Entravision Communications Company, LLC. has submitted an application for Conditional Use Permit #23-0028 for the renewal of land use entitlements for an existing 375-foot above ground level "AGL" Tower; and,

WHEREAS, the existing 375-foot tall tower was previously approved under Conditional Use Permit #01-0049; and,

WHEREAS, the project is categorically exempt in accordance with section 15301 of the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended"; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of approval, adoptions and certifications; and,

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on December 13, 2023; and,

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #23-0028 prior to approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving the Conditional Use Permit #23-0028 has been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as "Specific Plan Area (SPA)" and Mesquite Lake Medium Industrial Renewable Energy (ML-I-2-RE) under Title 9, Land Use Ordinance.

Mesquite Lake Medium Industrial Renewable Energy (ML-I-2-RE) Zone, the project is found consistent with approved Conditional Use Permit #23-0028.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The purpose of the project is to renew the land use entitlements for the existing 375-foot-tall Communications tower. The project is designated ML-I-2-RE (Mesquite Lake Medium Industrial Renewable Energy). Pursuant to Title 9 Division 5, Mesquite Lake Medium Industrial Renewable Energy (ML-I-2-RE) Zone, the project is found consistent with the approved Conditional Use Permit #23-0028

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.

The communications tower is listed as a use subject to a Conditional Use Permit under Title 9, Land Use Ordinance, Mesquite Lake Medium Industrial Renewable Energy (ML-I-2-RE).

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Project complies with the minimum requirements of this Title. The project complies with the applicable laws by obtaining a CUP under Title 9, Land Use Ordinance, Mesquite Lake Medium Industrial Renewable Energy (ML-I-2-RE). The Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The project is designated "Specific Area Plan (Mesquite Lake)" by the Imperial County General Plan. This existing tower site is located in an industrial area. This existing tower is not detrimental to the health, safety, and welfare of the public or to the property. No residents are located in the vicinity.

F. The proposed use does not violate any other law or ordinance.

The project will be subject to the Conditional Use Permit and current Federal, State and Local regulations. The project use does not violate any law or ordinance.

G. The proposed use is not granting a special privilege.

The project is a permitted use subject to approval of a Conditional Use Permit #23-0028 under under Title 9, Land Use Ordinance, Mesquite Lake Medium Industrial Renewable Energy (ML-I-2-RE) and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #23-0028, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **December 13, 2023**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT "E"
PREVIOUSLY APPROVED
CUP#01-0049

Entravision

CUP 01-0049² 002 - 0 J 3 6 0 8 1/25/02

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When Recorded Return To:
Imperial County Planning/Building Department
939 Main Street
El Centro, California 92243

RECORDED
OFFICIAL RECORDS
IMPERIAL COUNTY, CA
BOOK 2169 PAGE 761
2002 DEC 31 AM 11 20
DOLORES PROVINCIO
COUNTY RECORDER

TLs	42
RG	15
RF	13
MC	1
IX	1
TF	12
NL	
PY	
PR	

AGREEMENT FOR CONDITIONAL USE PERMIT # 01-0049
(Cellular Communication Tower)
(Entravision Communication Co.)
(APN 040-350-01-01)

This Agreement is made and entered into on this 13rd day of February, 2002, by and between Entravision Communications Co. (hereinafter referred to as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, and/or operator and/or successor in interest in certain land in Imperial County known as "Parcel 1 PM 2231 of E. 160 Acre Tract 69, T 14S, R14E., SBM", and;

WHEREAS, Permittee has applied to the County for permission to continue operating and maintaining a 375 foot above ground level "AGL" tower, which is also referred to as APN 040-350-21-01, and;

WHEREAS, Permittee will not operate any type of use other than specified herein and within the application, and;

WHEREAS, Permittee intends to operate the tower for its own use, Permittee may at some future date desire to allow another "compatible" use communication, or electronic transmission operator (hereinafter referred to as a "subsidiary user", to use

1 the same tower, thereby minimizing the number of towers required within the confines
2 of the County, and;

3 **WHEREAS**, the County would like to encourage multiple use of such towers to
4 the extent that "sharing" of towers is compatible in use, frequency and meets applicable
5 regulatory standards of all permitting jurisdictions, and ;

6 **WHEREAS**, though the "sharing" of tower space is physically possible, it is
7 recognized that additional structural considerations must be addressed and if
8 applicable, permitted by the Building Inspection Division, to assure that the tower is
9 structurally adequate, and;

10 **WHEREAS**, County, after a review of the project, after a noticed public hearing
11 before the Environmental Evaluation Committee, after a noticed public hearing before
12 the Planning Commission, agreed to issue Conditional Use Permit # 01-0049 to
13 Permittee, and/or his or her successor in interest subject to all of the following
14 conditions:

15 **NOW THEREFORE** the County issued the CUP (# 01-0049) subject to all of the
16 following conditions.
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INDEX TO CONDITIONS:

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2	G-1	Costs
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6	G-5	Compliance/Revocation
7	G-6	Provisions to Run with Land
8	G-7	Right of Entry
9	G-8	Time Limit
10	G-9	Definitions
11	G-10	Specificity
12	G-11	Health Hazard
13	G-12	Encroachment Permit
14	G-13	Report(s)
15	G-14	Responsible Agent
16	G-15	Indemnification
17	G-16	Change of Owner/Operator
18		
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21	S-3	No Trespass Signs
22	S-4	Hours of Operation
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25	S-7	Enforcement Action
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28	S-10	Minor Administrative Modification
	S-11	Latest Codes Govern
	S-12	Variance
	S-13	Lighting
	S-14	Communication Frequency
	S-15	Frequency Coordination
	S-16	Restoration Surety
	S-17	EMERGENCY/COMMUNICATION PARTICIPATION
	S-18	DEVELOPMENT AGREEMENT (ALTERNATIVE)

GENERAL CONDITIONS:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

G1 COSTS:

Permittee shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field inspections, enforcement, monitoring, or other activities related to compliance with this permit, County Ordinances, and/or other laws that apply. Any billing against this project, now or in the future, by the Planning/Building Department or any County Department for costs incurred as a result of this permit, shall be billed through the Planning/Building Department.

G2 AUDIT OF BILLS

Permittee shall have the right to have any bill audited for clarification or correction. In the event Permittee request an audit or an explanation of any bill, it shall be in writing to the Planning/Building Department. Permittee shall bring the account current including any amount due under a "disputed" billing statement, before any audit is performed. If the amount disputed is the result of a Department other than the Planning/Building Department, the explanation or audit shall be performed by said Department and a report provided to both the Permittee and the Planning/Building Dept.

G3 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state, and/or federal permits, licenses, contracts, and/or other approvals for the construction and/or operation of this project. This shall include, but not be limited to Health, Building, Sanitation, APCD, Public Works, Sheriff, Regional Water Quality Control Board, Offices of Emergency Services, Division of Mines and Geology, etc. Permittee shall like-wise comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of any such additional permit, license and/or approval to the Planning Department within 30 days of receipt.

G4 RECORDATION:

This permit shall **not be effective** until it is recorded at the Imperial County Recorders Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180 day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G5 COMPLIANCE/REVOCATION:

Upon the determination by the Planning/Building Department, (if necessary upon consultation with other Departments or Agency (ies)) that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the PERMIT and the noted violation(s) shall be brought immediately to the attention of the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing before the Planning Commission shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy. In the event the action by the County is necessitated by the actions or lack thereof of a subsidiary user of the tower, all action by the County shall be taken against the permittee as if the permittee had or was causing the violation. The County shall not be obligated to deal with any subsidiary user of the facility.

G6 PROVISION TO RUN WITH LAND:

The provision of this project are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project. Permittee shall not with out prior notification to the Planning/Building Department assign, sell, or transfer, or grant control of project or any right or privilege therein. The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel. This shall likewise be applicable if the transfer is between the primary and a subsidiary user.

G7 RIGHT OF ENTRY:

The County reserves the right to enter the premises to make the appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. Access to authorized enforcement agency personnel shall not be denied, by either the landowner, the permittee or a subsidiary user..

G8 TIME LIMIT:

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of (3) three years from the recordation date of the CUP. The CUP may be extended for successive three (3) year(s) by the Planning Director upon a finding by the Planning Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation(s) of the County of Imperial. Unless specified otherwise herein no conditional use permit shall be extended for more than four consecutive periods. If an extension is necessary or requested beyond fifteen years, Permittee shall file a written request with the Planning Director for a hearing before the Planning Commission. Such request shall include the appropriate extension fee. An extension shall not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions.

G9 DEFINITIONS:

In the event of a dispute the meaning(s) or the intent of any word(s) phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors within the required time. In this permit the term Permittee may also apply to any other facility user whether specified by name herein or not. To the extent that this tower may be used by more than one service provider other than the applicant (permittee), all of the conditions of this permit shall be equally applicable to the other "user(s)" as if they were the "permittee".

G10 SPECIFICITY

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown the application/project description/permit, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project. The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions, and only the use or uses listed shall be deemed as approved by this permit. The Permittee's application and or any support documents supplied by Permittee as part of the application shall not be used to determine allowed use(s).

G11 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of operations of the subject operations. However, within 45 days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G12 ENCROACHMENT PERMIT

Permittee shall obtain, as necessary all encroachment permits, or other special traffic safety permits from the Department of Public Works and/or CALTRANS.

G13 REPORT(S)

Permittee shall file an annual report with the Planning/Building Department to show that Permittee is in full compliance with this Conditional Use Permit and with the Surface Mining Reclamation Plan. The report shall be filed within sixty (60) days from the first day of the Calendar year, and shall include at a minimum, the total amount of material produced during the prior year, the amount of material shipped from the site, the current area disturbed, the current excavation depth (max.), the name & phone number of the responsible site attendant, and a checklist to show the status of each condition herein. It shall be the responsibility of the Permittee to provide all reports and to include

1 the information about other users. The County may request information at any time
2 from Permittee or other users if applicable, however it shall be the responsibility of the
3 permittee to assure the County that such information is received.

4 **G14 RESPONSIBLE AGENT**

5 Permittee shall maintain on file with the Planning/Building Department the name and
6 phone number of the responsible agent for the site. A backup name shall also be
7 provided, and a phone number for 24 hour emergency contact shall also be on file. If
8 there are other users, the same information (as applicable) required from the Permittee
9 shall also be made available to the County from such other users.

10 **G15 INDEMNIFICATION**

11 At no cost to the County, Permittee and each and every subsidiary user, shall
12 indemnify, and hold harmless the County, the Board of Supervisors and all officers and
13 agents of the County against any and all claims, actions and liabilities arising out of the
14 permitting, construction and/or operation of the project. This indemnity agreement shall
15 be on file with the Planning/Building Department prior to recordation of this CUP.
16 Failure to have the agreement on file within 60 days from the date of approval by the
17 Planning Commission shall terminate the approval of this CUP. If the tower is subject to
18 "multiple" use by anyone other than the Permittee, each such operator, or facility, or
19 individual, person or corporation shall have on file with the County Planning/Building
20 Department an indemnification agreement identical to that of the Permittee.

21 **G16 CHANGE OF OWNER/OPERATOR**

22 In the event the ownership of the site or the operation of the site transfers from the
23 current Permittee to a new successor Permittee, the successor Permittee shall be
24 bound by all terms and conditions of this permit as if said successor was the original
25 Permittee. Current Permittee shall inform the County Planning/Building Department in
26 writing at least 60 days prior to any such transfer. Failure of a notice of change of
27 ownership or change of operator shall be grounds for the immediate revocation of the
28 CUP. In the event of a change, the new Owner/Operator shall file with the Department,
via certified mail, a letter stating that they are fully aware of all conditions and
acknowledge that they will adhere to all. If this permit or any subservient or associated
permit requires financial surety, the transfer of this permit shall not be effective until the
new Permittee has requisite surety on file. Furthermore existing surety shall not be
released until replacement surety is accepted by County. Failure to provide timely
notice of transfer by Permittee shall forfeit current surety.

in the event this is a multi use tower facility, the written approval from any "user" of the
tower shall be provided to the County in addition to the above.

(TOTAL "G" CONDITIONS are 16)

The balance of this page was intentionally left blank!

SPECIFIC PROJECT CONDITIONS:**S1 PROJECT DESCRIPTION**

This permit authorizes the Permittee to continue to operate and maintain a cellular communication tower. The Tower height shall not exceed 375 feet and the total developed height of any antenna thereon shall not exceed 375 feet above ground level (AGL). The tower shall be operated and maintained to the specifications contained in the application or as modified. In addition to the information contained in the application, and as a result of the County, the applicant and the other interested parties desiring to minimize the number of towers in the County, this tower may be used by multiple user in addition to the Permittee, provided the conditions stated herein are followed.

S2 ACCESS TO SITE

Access to the site shall be as described in the application and as shown on the assessors plat map.

S3 NO TRESPASSING SIGNS

Permittee shall post the site for "No Trespassing" at least every side along the active perimeter of the site

S4 HOURS OF OPERATION

Permittee shall be allowed to operate the site 24 hrs per day, seven days per week.

S5 ANCILLARY USES & ADDITIONAL LAND USE PERMITS

This permit authorizes the Permittee to operate the site as described under condition S1 with no additional ancillary facilities or uses. This permit shall be considered the primary permit for this site, and if additional Conditional Use Permit(s) are secured for this site, they shall be subservient to this permit at all times.

S6 SUSPENSION OF OPERATIONS

(a) If operation of the communications facility ceases for a period of twenty four (24) consecutive months, the Permittee shall remove the communications tower, all related equipment, and all structures and buildings within 6 months. Permittee may request in writing to the Planning Director a one time extension; such extension shall be limited to a maximum of one year.

(b) Permittee shall file (with the County) surety in the amount of \$10,000, in a form acceptable to County Counsel. Said surety shall be filed within six (6) months of the approval of this CUP, and/or prior to issuance of any construction permit, whichever comes first, and shall guarantee restoration of the land to its condition prior to development.

(c) If there are other persons, firms or corporations using said tower, in addition to the Permittee, the surety shall increase at the rate of \$2000.00 per user and shall be provided to the County by said persons, firms or corporations.

S7 **ENFORCEMENT ACTION**

County officials responsible for monitoring and/or enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. As an example, responsible County officials may issue a citation and/or cease-and-desist order for repeated violation until such violations are abated. Under specific violations County may order the facility to cease operation until it can or will be operated in full compliance.

In the event there is enforcement action taken by the County it shall at all times be against the Permittee, even if the violation is caused by another party using the tower. It shall be the responsibility of Permittee to assure that the tower is operated in compliance with all terms and conditions of the CUP.

S8 **LIGHT & GLARE**

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and direct to on site areas to minimize off site interference from unacceptable levels of light or glare.

S9 **CONFLICTING PERMIT CONDITIONS**

In the event that there is a conflict between the condition of this permit and any other permit, the most stringent condition shall govern.

S10 **MINOR ADMINISTRATIVE MODIFICATION**

The Planning Director shall have the authority to make interpretations, issue administrative decisions and provide directions that while not modifying the intent of any condition will allow for problem resolution at an administrative level. Both Director and/or Permittee have the right to defer such issues to the Planning Commission. However in no event shall any decision regarding this permit be brought to the Board of Supervisors without first having been brought to the Commission.

S11 **LATEST CODES GOVERN**

All on site structures shall be designed and built to meet the latest edition of the applicable codes. In the event the tower is altered, added to, or modified to accommodate additional users, additional antennae or other structural modifications from those originally approved by County, Permittee shall provide revised structural drawings and calculations to the Building Inspection Division prior to such modifications being made.

S12 **VARIANCE**

In conjunction with this CUP a height variance has been processed and issued to allow for the construction of the communication tower to a height not to exceed 375 feet above ground level (AGL)

S13 **LIGHTING**

Aircraft warning lights are to be installed on the tower to meet Federal Aviation Administration (FAA) specifications. Electrical backup power shall be provided for these lights on the proposed tower according to FAA standards and at a minimum shall include lights at the top and at the mid-point of the structure. Permittee shall submit evidence of compliance with the FAA requirements within six (6) months from the approval date of this CUP. As required by the Airport Land Use Commission meeting, Permittee shall install a high intensity strobe beacon (for daylight use only) and a red flashing warning light to warn aircraft in the vicinity.

S14 **COMMUNICATION FREQUENCY**

Transmission frequency, amount of radiated power, and antennae characteristics shall be in compliance with requirements by the Federal Aviation Authority (FAA), Federal Communications Commission (FCC), Planning Department and other applicable agencies.

S15 **FREQUENCY COORDINATION**

The operation of the project shall not cause interference with transmission or reception of signals or other communication facilities. Failure to comply with this condition shall result in suspension or revocation of the Conditional Use Permit.

S16 **RESTORATION SURETY**

The original surety shall remain in effect until the tower and the ancillary facilities are removed and the site restored to its original condition. In the event there is a history of "non-compliance" with these conditions, prior to the renewal terms herein, the surety may be administratively increased to \$5,000.00 minimum and \$10,000.00 maximum, if the renewal is considered by the Planning Commission.

S17 **EMERGENCY/COMMUNICATION PARTICIPATION**

The permittee shall, in exchange for the benefit of this authorization, create a public benefit to the County by supporting the County in its program to establish and maintain a County Wide emergency communication system as well as a County Wide High Speed Internet Communication system. The support shall be in the form of a donation of \$50.00 per month (\$500 per year if paid at one time, no later than January 30th of each year), to be used by the County exclusively on a 50/50 allocation toward the emergency communication system and the high speed internet communication system.

If the facility is "multi-user" the support rate shall be \$90.00 per month (\$900.00 per year) for two users, or \$ 120.00 per month (\$1200.00 per year) for three users, or \$ 140.00 per month (\$1400.00 per year). If there are more than 4 users each additional user shall increase by \$20.00 per month (\$200.00 per year) over and above the four user rate.

S18 **DEVELOPMENT AGREEMENT**

In lieu of Condition S17 the permittee may enter into a "development agreement" with the County, the terms of which shall substantially support the concept of S17. The Development Agreement may however provide alternative benefits that the County desires in lieu of direct payments. The permittee may exercise this option within 60 days from the date of approval by the Planning Commission, however in doing so

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agrees to be bound by condition S17 until such time as a "development agreement" becomes effective. If the development agreement process is commenced but not completed condition S17 shall continue to govern.

Permittee is advised that County does have a "development agreement" ordinance which governs the processing of such an agreement. Furthermore permittee is advised that a development agreement can only be approved by the Board of Supervisors, therefore a hearing before the Board will be necessary to effectuate such an agreement.

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NOW THEREFORE, County hereby issues Conditional Use Permit # 01-0049 and Permittee hereby accepts such permit upon the terms and conditions set forth herein:

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

Permittee COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

Philip C. Wilkinson
Entravision Communication Co.

By: Jurg Heubeger, AICP, Planning Director

Agent/Representative



Dated April 17, 2002

STATE OF CALIFORNIA
COUNTY OF Los Angeles) S.S.

On April 17, 2002 before me, a Notary Public in and for the County of Los Angeles and State of California, personally appeared Philip C. Wilkinson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Marisol Silva

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document Agreement for Conditional Use Permit #01-0049
Number of Pages 12 Date of Document February 13, 2002
Signer(s) Other Than Named Above none
Dated April 17, 2002

Entravision

CUP 01-0049

1/25/02

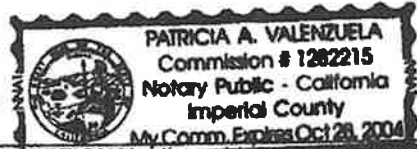
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STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On DECEMBER 23, 2002 before me,
PATRICIA A. VALENZUELA a Notary Public in and for
said County and State, personally appeared
JURG HEUBERGER, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Patricia A. Valenzuela



ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document Conditional Use Permit
Number of Pages 13 Date of Document February 13, 2002
Signer(s) Other Than Named Above _____

Dated _____

STATE OF CALIFORNIA
COUNTY OF _____ } S.S.

On _____ before me,
said County and State, personally appeared
_____, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

BT/F:Word/010049AG.cup

**ATTACHMENT "F" CUP
APPLICATION REQUEST
DOCUMENTATION**

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME Entravision Communications Company, L.L.C.		EMAIL ADDRESS mdelarosa@entravision.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 2425 Olympic Blvd., Suite 6000 West, Santa Monica, CA		ZIP CODE 90404	PHONE NUMBER (310) 447-3870
3. APPLICANT'S NAME Entravision Communications Company, L.L.C.		EMAIL ADDRESS mdelarosa@entravision.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 2425 Olympic Blvd., Suite 6000 West, Santa Monica, CA		ZIP CODE 90404	PHONE NUMBER (310) 447-3870
4. ENGINEER'S NAME CA. LICENSE NO.		EMAIL ADDRESS	
5. MAILING ADDRESS (Street / P O Box, City, State)		ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 040-350-027-000		SIZE OF PROPERTY (in acres or square feet) 41.08 Acres	ZONING (existing) A-2-G
7. PROPERTY (site) ADDRESS 99 E. Keystone Road, Brawley, CA 92227			
8. GENERAL LOCATION (i.e. city, town, cross street) E. Keystone Road and Dogwood Road, Brawley, CA 92227			
9. LEGAL DESCRIPTION <u>THAT PORTION OF THE EAST 160 ACRES OF TRACT 69, TOWNSHIP 14 SOUTH,</u> <u>RANGE 14 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF</u> <u>CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, SHOWN AS PARCEL 1 OF PARCEL MAP</u> <u>NO. 2231 RECORDED IN BOOK 10, PAGE 83 OF PARCELS MAP OF SAID IMPERIAL COUNTY.</u> PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)			
10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)		Permittee wishes to continue to operate and maintain	
a cellular communications tower on the property.			
11. DESCRIBE CURRENT USE OF PROPERTY		Permittee operates and maintains a cellular communications tower.	
12. DESCRIBE PROPOSED SEWER SYSTEM		N/A	
13. DESCRIBE PROPOSED WATER SYSTEM		N/A	
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM		N/A	
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? One employee will visit the site approx. twice per week.	

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Jeffery A. Liberman, President & COO 9/26/2023

Print Name _____ Date _____
Signature _____
Print Name _____ Date _____
Signature _____

REQUIRED SUPPORT DOCUMENTS

- A. SITE PLAN _____
- B. FEE _____
- C. OTHER _____
- D. OTHER _____

APPLICATION RECEIVED BY:		DATE	9/28/23	REVIEW / APPROVAL BY	OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	<input type="checkbox"/> P.W	
APPLICATION REJECTED BY:	_____	DATE	_____	<input type="checkbox"/> E.H.S	
TENTATIVE HEARING BY:	_____	DATE	_____	<input type="checkbox"/> A.P.C.D	
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	_____	<input type="checkbox"/> O.E.S	
		DATE	_____	<input type="checkbox"/> _____	

CUP #
23-0028



2425 Olympic Blvd., Suite 6000 West, Santa Monica, CA 90404

September 26, 2023

VIA FEDERAL EXPRESS

Imperial County Planning & Development Services Department
801 Main Street
El Centro, CA 92243
Attention: Gerardo Quero, Planner

Re: Entravision Communications Company, L.L.C. CUP #01-0049

Dear Mr. Quero:

With this letter, Entravision Communications Company, L.L.C. hereby requests re-entitlement for a new 15-year term for CUP #01-0049. Enclosed are the documents that you requested. Please note that the site plan will be sent to you separately.

Please contact me at (310) 447-3895 if you have any questions regarding this matter.

Regards,

Marissa de la Rosa
Deputy General Counsel
Entravision Communications Corporation

Enclosure

RECEIVED
SEP 28 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Tower Site Information Sheet

Please provide the following information for the Tower Site (incomplete data may delay the processing of the time extension):

CUP # 01-0049 Recording Date 12/31/2002 Document # 2002-003608

Applicant Name on CUP Entravision Communications Company, L.L.C.

Current Operator (if other) _____

Previous Operator _____

Site Address 99 E. Keystone Road, Brawley, CA 92227 Assessor's Parcel No. 040-350-027-000

Restoration Surety # Pending Surety Amount \$25,000.00

Tower Height 375 feet Current Site # _____

Benefit Agreement Date April 15, 2002 Benefit Fee Amount _____

Co-Locator(s) (if any)	Restoration Surety #	Amount
<u>Cellco Partnership dba Verizon Wireless</u>	<u># 017005869</u>	<u>\$2,000.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Conditions of Approval

Condition No.	Condition Description	Compliance Comment
G-1	Costs	Acknowledged and complied with.
G-2	Audit of Bills	Acknowledged.
G-3	Permits/Licenses	Acknowledged and complied with.
G-4	Recordation	Acknowledged.
G-5	Compliance/Revocation	Acknowledged.
G-6	Provisions to Run with Land	Acknowledged.
G-7	Right of Entry	Acknowledged.
G-8	Time Limit	Acknowledged.
G-9	Definitions	Acknowledged.

Condition No.	Condition Description	Compliance Comment
G-10	Specificity	Acknowledged.
G-11	Health Hazard	Acknowledged.
G-12	Encroachment Permit	Acknowledged.
G-13	Report(s)	Acknowledged.
G-14	Responsible Agent	Acknowledged.
G-15	Indemnification	Acknowledged.
G-16	Change of Owner/Operator	Acknowledged.
S-1	Project Description	Acknowledged.
S-2	Access to Site	Acknowledged.
S-3	No Trespass Signs	Acknowledged.
S-4	Hours of Operation	Acknowledged.
S-5	Ancillary uses and Additional Land Use Permits	Acknowledged.
S-6	Suspension of Operations	Acknowledged.
S-7	Enforcement Action	Acknowledged.
S-8	Light and Glare	Acknowledged.
S-9	Conflicting Permit Conditions	Acknowledged.
S-10	Minor Administrative Modification	Acknowledged.
S-11	Latest Codes Govern	Acknowledged.
S-12	Variance	Acknowledged.
S-13	Lighting	Acknowledged.
S-14	Communication Frequency	Acknowledged.
S-15	Frequency Coordination	Acknowledged.
S-16	Restoration Surety	Acknowledged.
S-17	Emergency/Communication Participation	Acknowledged.
S-18	Development Agreement (Alt)	Acknowledged.

RECEIVED

SEP 28 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES



Imperial County

Air Pollution Control District
2023 APCD-Permit Renewal

RECEIVED

DEC 29 2022

AIR POLLUTION
CONTROL DISTRICT

Facility name and mailing address:

Entravision Communication
1803 N. Imperial Avenue
El Centro, CA 92243

Permit Number:

3618 PTO
Active

Permit Type:

Combustion

Fee For The Year:

\$213.00

Facility address:

99 East Keystone Road
Imperial, CA 92251

Balance Due:

\$213.00

Resp. Agent:

Jose Mora

Issued:

1/1/2023

Phone:

760-482-7777

Expires:

12/31/2023

Certification by Authorized Agent:

The permit presented here is correct. The authorizations, certifications, and information from the application and permit being renewed, remain valid and will be kept with this ANNUAL PERMIT RENEWAL.

Date 12/29/22

Signature

Certification by APCD Officer:

This permit becomes valid when signed by authorized agent.

This permit, or an approved facsimile, shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises. (Rule 201D)

KEEP THIS COPY FOR POSTING

Entravision Communications Company, L.L.C. (“Entravision”) – CUP #01-0049

CUP General Conditions

Condition No.	Condition Description
G-1	Costs Acknowledged and complied with.
G-2	Audit of Bills Acknowledged.
G-3	Permits/Licenses Acknowledged and complied with.
G-4	Recordation Acknowledged.
G-5	Compilation/Revocation Acknowledged.
G-6	Provisions to Run with Land Acknowledged.
G-7	Right of Entry Acknowledged.
G-8	Time Limit Acknowledged.
G-9	Definitions Acknowledged.
G-10	Specificity Acknowledged.
G-11	Health Hazard Acknowledged.
G-12	Encroachment Permit Acknowledged.
G-13	Report(s) Acknowledged.
G-14	Responsible Agent Acknowledged.
G-15	Indemnification Acknowledged.
G-16	Change of Owner/Operator Acknowledged.

CUP Specific Conditions

Condition No.	Condition Description
S-1	Project Description Acknowledged.
S-2	Access to Site

	Acknowledged.
S-3	No Trespass Signs Acknowledged.
S-4	Hours of Operation Acknowledged.
S-5	Ancillary Uses and Additional Land Use Permits Acknowledged.
S-6	Suspension of Operations Acknowledged.
S-7	Enforcement Action Acknowledged.
S-8	Light & Glare Acknowledged.
S-9	Conflicting Permit Conditions Acknowledged.
S-10	Minor Administrative Modification Acknowledged.
S-11	Latest Codes Govern Acknowledged.
S-12	Variance Acknowledged.
S-13	Lighting Acknowledged.
S-14	Communication Frequency Acknowledged.
S-15	Frequency Coordination Acknowledged.
S-16	Restoration Surety Acknowledged.
S-17	Emergency/Communication Participation Acknowledged.
S-18	Development Agreement (Alternative) Acknowledged.

**ATTACHMENT "G"
COMMENT LETTERS**



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

November 06, 2023
REQUEST FOR REVIEW
AND COMMENTS

The attached project and materials are being sent to you for your review and as an early notification that the following project is being requested and being processed by the County's Planning & Development Services Department. Please review the proposed project based on your agency/department area of interest, expertise, and/or jurisdiction.

- | To: County Agencies | State Agencies/Other | Cities/Other |
|--|---|---|
| <input checked="" type="checkbox"/> County Executive Office – Rosa Lopez | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert Benavidez/Fred Miramontes/Ryan Kelley | <input checked="" type="checkbox"/> EHS – Jeff Lamoure/Mario Salinas/Alphonso Andrade/Jorge Perez/Vanessa R Ramirez |
| <input checked="" type="checkbox"/> Public Works – Carlos Yee/John Gay | <input checked="" type="checkbox"/> Board of Supervisors – John Hawk District #5 | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/Sal Flores/Robert Malek/ David Lantzer |
| <input checked="" type="checkbox"/> Fort Yuma- Quechan Indian Tribe – Jordan D. Joaquin/ H. Jill McCormick | <input checked="" type="checkbox"/> Ag. Commissioner – Margo Sanchez/Antonio Venegas/ Ashley Jauregui/ Jolene Dessert | <input checked="" type="checkbox"/> APCD – Monica Soucier/Belen Leon/Jesus Ramirez |
| <input checked="" type="checkbox"/> IID – Donald Vargas | <input checked="" type="checkbox"/> Campo Band Of Mission Indians - Marcus Cuero/Jonathan Mesa | |

From: Rocio Yee Planner I - (442) 265-1736 or rociyee@co.imperial.ca.us

Project ID: Conditional Use Permit #23-0028

Project Location: 99 E. Keystone Road, Brawley, CA 92227 APN 040-350-027

Project Description: Applicant is requesting a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP#01-0049) for an Existing Cellular Communication Tower and wishes to continue to operate and maintain this project.

Applicants: Entravision Communications Company LLC

Comments due by: **November 15th, 2023, at 5:00PM**

COMMENTS: (attach a separate sheet if necessary) (if no comments, please state below and mail, fax, or e-mail this sheet to Case Planner)

No comments

Name: Antonio Venegas Signature:  Title: Agricultural Biologist / Standards Specialist IV

Date: 11/07/2023 Telephone No.: 442-265-1500 E-mail: antoniovenegas@co.imperial.ca.us

RYATIS:\AllUsers\APN\040\350\027\CUP23-0028\Entravision Communications Company LLC Request for Comments 1.06.23 .docx