

Resolution Number

County of Mendocino
Ukiah, California

September 5, 2024

UM_2023-0005 – TELESAN COMMUNICATIONS

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO CONSTRUCT A NEW 100 FOOT TALL CELLULAR ANTENNA TOWER WITH A "EUCALYPTUS" TREE TYPE DESIGN. INSTALL THREE ARRAYS OF ANTENNAS FOR THREE WIRELESS CARRIERS ALONG WITH ASSOCIATED TOWER AND GROUND EQUIPMENT, INCLUDING ONE EMERGENCY ELECTRICITY GENERATOR PER EACH CO-LOCATOR/CARRIER. ADDITIONAL WORK INCLUDES THE INSTALLATION OF 400 FEET OF UNDERGROUND UTILITIES. ALL EQUIPMENT WILL BE PLACED ON CONCRETE PADS AND LOCATED WITHIN A FENCED 2,500 SQUARE FOOT LEASE AREA, WHICH IS LOCATED WITHIN A TOTAL TELESAN LEASE AREA OF 4,900 SQUARE FEET AT THE BASE OF THE TOWER

WHEREAS, the applicant Telespan Communications, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to construct a new 100 foot tall cellular antenna tower with a "Eucalyptus" tree type design. Install three arrays of antennas for three wireless carriers along with associated tower and ground equipment, including one emergency electricity generator per each co-locator/carrier. Additional work includes the installation of 400 feet of underground utilities. All equipment will be placed on concrete pads and located within a fenced 2,500 square foot lease area, which is located within a total Telespan lease area of 4,900 square feet at the base of the tower, located in the Coastal Zone, 2.4± miles north of Manchester on the east side of State Route 1 (SR 1), 0.92± miles north of its intersection with Alder Creek Beach Road (CR 515), located at 16401 South Highway 1, Manchester (APN: 132-180-18).; General Plan RL 160; Zoning RL 160; Supervisorial District 5; (the "Project"); and

WHEREAS, an Initial Study and Negative Declaration were prepared for the Project and noticed and made available for agency and public review on July 26, 2024 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, the Planning Commission held a public hearing on September 5, 2024, at which time all relevant testimony and evidence presented orally or in writing was heard and received regarding the Negative Declaration and the Project, and

WHEREAS, in accordance with applicable provisions of law, on September 5, 2024, the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and closed the continued public hearing. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings;

1. Pursuant to MCC Section 20.532.095(A)(1), the cell tower and ground equipment located within a fenced and gated lease area along with other development comply with the certified Local Coastal Program. The project is not in conflict with the Rangelands (RL 160), land use classification and the

proposed development is consistent with the intent of the Rangelands Classification with the approval of a Coastal Development Use Permit; and

2. Pursuant to MCC Section 20.532.095(A)(2), the cell tower and ground equipment located within a fenced and gated lease area along with other development will be provided with adequate utilities. Power and communication connections will be provided to the tower site via underground cables, and access roads, drainage, and other necessary facilities are sufficient as there is an existing private road access from State Route 1 and the project will construct additional access to the project site; and
3. Pursuant to MCC Section 20.532.095(A)(3), the cell tower and ground equipment located within a fenced and gated lease area along with other development are consistent with the purpose and intent of the Rangelands District, which allows this type of use to be developed with the approval of a Coastal Development Use Permit, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the Rangelands District; and
4. Pursuant to MCC Section 20.532.095(A)(4), the cell tower and ground equipment located within a fenced and gated lease area along with other development, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and a Negative Declaration has been prepared; and
5. Pursuant to MCC Section 20.532.095(A)(5), the cell tower and ground equipment located within a fenced and gated lease area along with other development will not have any adverse impact on any known archaeological or paleontological resources, and **Condition 18** is in place if archaeological sites or artifacts are discovered; and
6. Pursuant to MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site. The site is currently developed with two existing single-family residences and multiple barn structures, and the cell tower and ground located equipment within a fenced and gated lease area along with other development will not affect demands on public services; and
7. Pursuant to MCC Section 20.532.100 (A)(2)(a) the development of the cell tower and ground equipment located within a fenced and gated lease area along with other development will impact a total ground area of 0.11± acres of land on a 10.5± acre property. Consequently, the project will have an insignificant impact on the viability of the resource lands for agricultural purposes and is compatible with the long-term protection of resource lands; and
8. Pursuant to MCC Section 20.532.100 (B)(1)(a) the development of the cell tower and ground equipment located within a fenced and gated lease area along with other development is not located within an environmentally sensitive habitat area and will create no impacts to such; and
9. Pursuant to MCC Section 20.532.100 (B)(1)(b) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will minimize the construction of new roads and other facilities. An existing private road will be utilized for access to the project property from State Route 1, while a new gravel driveway and service road will be added; and
10. Pursuant to MCC Section 20.532.100 (B)(1)(c) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development maintains views from beaches, public trails, roads and views from public viewing areas, or other recreational areas. The tower is located within and around an existing stand of trees and is located on the east side of State Route 1, which is in the opposite direction for one to view the Pacific Ocean. Surrounding properties are large, rural and sparsely populated; and

11. Pursuant to MCC Section 20.532.100 (B)(1)(d) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will not need to be provided with potable water and will not have any water waste disposal or other services required; and
12. Pursuant to MCC Section 20.532.100 (B)(1)(e) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will preserve the rural character of the site, as it is a small development that is being camouflaged to better fit in with the natural surroundings; and
13. Pursuant to MCC Section 20.532.100 (B)(1)(f) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will not disturb a large portion of prime agricultural soils. Its total lease area is 0.11± acres with ground disturbance only within a 2,500 square foot area; and
14. Pursuant to MCC Section 20.532.100 (B)(1)(g) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will ensure existing land use compatibility by having such a small footprint, being located near to State Route 1 and within an area that is not conducive to agricultural development and surrounding properties will still be able to develop agricultural uses with no hinderance from the project; and
15. Pursuant to MCC Section 20.532.100 (B)(2)(a) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development is proposed in an area which is close to State Route 1, which is within and adjacent to a large stand of trees, which is not conducive to agricultural development; and
16. Pursuant to MCC Section 20.532.100 (B)(2)(b) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development, the relatively small lease area and the large overall parcel size means that the project will not hinder the use of other more agriculturally viable areas with better soil conditions; and
17. Pursuant to MCC Section 20.532.100 (B)(2)(c)) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will be separated from the existing agricultural use of cattle grazing by the chain link fencing that will be erected around the cell tower and ground lease area; and
18. Pursuant to MCC Section 20.532.100 (B)(2)(d)) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will not diminish the productivity of adjacent agricultural lands. The 4,900 square foot fenced lease area is within a parcel that is 10.5± acres in size, while surrounding parcels are 17±, 20±, 20± and 112± acres in size; and
19. Pursuant to MCC Section 20.532.100 (B)(2)(e)) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development will not impair agricultural viability through increased assessment costs or degraded air and water quality. While the tower will slightly increase air pollution standards periodically while testing of the electrical generator is being done, the impacts would be less than significant and water quality will not be affected, as ground disturbance is to be kept to a minimum; and
20. Pursuant to MCC Section 20.532.100 (B)(2)(f)) the development of the cell tower and ground located equipment within a fenced and gated lease area along with other development is not near to any urban area. The nearest community is located 1.3± miles to the north and consists of a rural subdivision of single-family houses.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Negative Declaration and the Conditions of Approval. The Planning Commission certifies that the Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested major use permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST:

JAMES FEENAN
Commission Services Supervisor

BY: _____

BY: JULIA KROG
Director

CLIFFORD PAULIN, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2023-0005 –TELESPAN COMMUNICATIONS

SEPTEMBER 5, 2024

APPROVED PROJECT DESCRIPTION: Construct a new 100 foot tall cellular antenna tower with a “Eucalyptus” tree type design. Install three arrays of antennas for three wireless carriers along with associated tower and ground equipment, including one emergency electricity generator per each co-locator/carrier. Additional work includes the installation of 400 feet of underground utilities. All equipment will be placed on concrete pads and located within a fenced 2,500 square foot lease area, which is located within a total Telespan lease area of 4,900 square feet at the base of the tower.

CONDITIONS OF APPROVAL:

Aesthetics

1. The total height of tower including antennas and faux branches will not exceed 100 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the applicant shall confirm that the height is no greater than approved and shall submit a written certification to the County of the actual height.
2. Existing trees and other vegetation which will provide screening for the proposed facility and associated access roads shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
3. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
4. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
5. Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color samples shall be submitted to the Department of Planning and Building for approval.
6. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.
7. Branches of the “monoecalyptus” shall extend beyond the antennas and fully conceal the supporting structure and antennas. The branches must:
 - (i) Be constructed to a density of 2.5 branches for each one vertical foot of pole, and

- (ii) Start attachment at no greater than twenty-five (25) feet above finished grade and continue to the top of the pole, and
 - (iii) Be a minimum of eight (8) feet long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.
8. ~~The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.~~ Proposed antenna arrays shall not exceed the width of the existing array or arrays, or extend beyond the limits of the faux foliage.
- 9 An evaluation of the facility's stealth capability shall be submitted for review and approval by the Department of Planning and Building Services after the initial construction, one year following construction and every five years thereafter. The report shall assess surrounding vegetation growth, including height and density in the vicinity, and a color assessment to assess fading of material. Replacement or remediation of the wireless facility shall be performed by the applicant if required by the Department of Planning and Building Services.

Air Quality

10. Prior to the development phase of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generator.
11. The new access road leading from the existing road to the project site shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with regulations regarding asbestos content.
12. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Biological Resources

13. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,966.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the action by the Planning Commission. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to ensure timely compliance with this condition.**
14. If ground disturbing activities occur during the breeding season of actively nesting birds, (February through mid-September) surveys for active nests will be conducted by a qualified biologist no more than ten days prior to start of activities. Pre-construction nesting surveys shall be conducted for nesting migratory avian and raptor species in the project site and buffer area. Pre-construction biological surveys shall occur prior to the proposed project implementation, and during the appropriate survey periods for nesting activities for individual avian species. Surveys will follow required CDFW and USFWS protocols, where applicable. A qualified biologist will survey suitable habitat for the presence of these species. If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area will be established to avoid impacts to the active nest site.

Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If no nesting avian species are found, project activities may proceed and no further Standard Construction Conditions measures will be required.

15. If active nesting sites are found, the following exclusion buffers will be established, and no project activities will occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest or parental care for survival.
 - Minimum no disturbance area of 250 feet around an active nest of non-listed bird species and a 250 foot no disturbance buffer around migratory birds.
 - Minimum no disturbance of 500 feet around an active nest of non-listed raptor species; and 0.5 mile no disturbance buffer from listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for their survival.
 - Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change should cease and the appropriate regulatory agencies (i.e., CDFW, USFWS etc.) shall be consulted for additional avoidance and minimization measures.
 - A variance from these no disturbance buffers may be implemented when there is a compelling biological or ecological reason to do so, such as when the project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and is recommended that CDFW and USFWS be notified of implementation of a no disturbance buffer and variance.
16. No individuals or populations of Point Arena Mountain Beaver, nor any tunnel/burrow systems were identified within the proposed project site or buffer area during biological surveys. Potential habitat for this species occurs in the project buffer area approximately 390 feet south of the proposed tower site consisting of stream habitat with riparian and scrub vegetative communities. However, the potential exists that this species could become established in the proposed project site or buffer area prior to project implementation, or intermittently wander into the project site. Telespan shall implement the following Standard Construction Conditions to avoid or minimize impacts to the Point Arena mountain beaver during project implementation.
 - A pre-construction survey will be conducted for the proposed project. If any populations or burrow tunnel systems for this species are discovered, these burrow/tunnel systems and populations will be protected by establishing at a minimum one-hundred-foot buffer to them. If these populations or burrow/tunnel systems are located less than 100 feet of or within the project construction zone, proposed project components will be adjusted if feasible. In the case that this is not possible, then Telespan will enter into consultations with the USFWS and CDFW to determine next actions prior to construction of the proposed project.
17. Implementation of the proposed project has the potential to result in direct impacts to overwintering populations of monarch butterflies should they be present in the project buffer area during implementation of the proposed project.
 - If the project will occur during the overwintering period of the monarch butterfly (November-January) the project proponent will retain a qualified biologist familiar with the identification of monarch butterflies and their overwintering habitat. The qualified biologist will survey the trees found within the project buffer area to determine if butterflies are overwintering and determine if proposed activities will have any impacts on this species. If the project has the potential to affect overwintering habitat, implementation of these measures will ensure no impacts to occur to this species.

Cultural Resources

18. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
19. An ~~tribal~~-archaeological monitor shall be present during any ground disturbing activities.

Geology and Soils

20. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.
21. All fiber optic cables servicing the facility from its point of origin shall be placed under ground in a suitable trench.
22. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion control measures shall be in place at the end of each day's work and shall be maintained until permanent protection is established.
 - e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless an Erosion and Sedimentation Prevention Plan, prepared by a registered civil engineer, has been submitted and approved by the Department of Planning and Building Services which outlines wet weather earthmoving and drainage control protocols. Such plan shall include all appropriate Best Management Practices that shall be installed in accordance with the approved Erosion and Sediment Prevention Plan prior to the start of construction during the rainy season.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:

1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Noise

23. The Generator shall be equipped with mufflers and spark arresters and shall not produce noise levels exceeding 50 dBa at the nearest off-site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation. If necessary, the generator shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive noise to surrounding residences.

Public Services

24. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

Wireless Guidelines

25. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on the fence exterior in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.
26. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
27. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
28. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.
29. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.

Standard Conditions

30. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.

31. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
32. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
33. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

34. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
35. This permit is issued for a period of ten (10) years and shall expire on **September 5, 2034**. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
36. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
37. Future modifications shall be considered cumulatively to determine if request constitutes a "substantial change" to the facility under applicable federal law.
38. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
39. Should fuel storage at the site exceed thresholds established for when preparation of a Hazardous Materials Management Plan is required, a Hazardous Materials Management Plan (HMMP) shall be submitted to the satisfaction of the Division of Environmental Health. Prior to the issuance of any building permits in reliance of this Use Permit, the applicant shall furnish evidence from the Division of Environmental Health that either a HMMP is not required or that one has been submitted to the satisfaction of the Division of Environmental Health.
40. All Conditions of Approval shall be printed on or attached to any building permit plans submitted to the Department of Planning and Building Services.
41. All utilities to and from the project site shall be undergrounded, including electrical and communication (fiber broadband) cables