

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case No.: P15-0896 (CUP)
P15-1040 (VR)

PLANNING COMMISSION HEARING DATE: March 17, 2016

CONDITIONS

Case Specific

The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the approval of the Community and Economic Development Department, Planning Division.

Planning

1. The Planning Commission makes the necessary findings in the applicant's favor to grant the following variance. As justification, the applicant's written justifications and staff's supplemental variance justifications are referenced:
 - a. To allow for a 43-foot high wireless telecommunications facility, camouflaged as a streetlight pole, where 35-feet is the maximum height permitted in the R-1-13000 Zone.
2. No additions or modifications to the 43-foot facility shall be permitted which constitutes a substantial change or defeat the concealment elements of the streetlight pole, per section 6409 of the Spectrum Act.
3. This project shall comply with the City's adopted Noise Code. All construction activity will be restricted to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
4. The antenna shall be designed in accordance with the FCC standards for professionally acceptable radio frequency emissions for all types of communications towers.
5. The new wireless telecommunication facility shall be designed within the applicable American National Standards Institute (ANSI) standards.
6. The streetlight pole structure and associated equipment enclosure shall be maintained in a like-new condition at all times.
7. All conditions of Riverside County Airport Land Use Commission case ZAP1170MA15 shall apply.

Prior to Building Permit Issuance:

8. Design Review plans shall be submitted with plan check and shall include the following:
 - a. The wireless telecommunications facility shall not exceed 43-feet in height;

- b. All wiring shall run internally and shall extend up through the top of the structure and shall not be visible;
- c. The radome enclosure shall be painted to match and be compatible with the streetlight pole facility.

Prior to Release of Utilities:

- 9. The applicant shall obtain approval of all State and local agencies having jurisdiction over this use including the FAA and the FCC as necessary.

Operational Conditions:

- 10. All equipment shall be located within the equipment enclosure.
- 11. The wireless telecommunications facility and related support equipment shall be designed to prevent unauthorized persons from accessing and/or climbing them.
- 12. Any temporary power generator shall be located within a completely enclosed structure designed to comply with Title 7 (Noise Control) of the Riverside Municipal Code.
- 13. Any graffiti on the facility shall be removed within 24 hours of notification.
- 14. The subject property shall be developed substantially as shown on the plot plan on file with this case except for any specific modification that may be required by these conditions of approval.
- 15. The wireless telecommunication facility shall be installed and maintained in compliance with the requirements of the Uniform Building Code, National Electrical Code, noise standards, and other applicable codes, as well as other restrictions specified in this section. The facility operator and the property owner shall be responsible for maintaining the facility in good condition, which shall include but not be limited to regular cleaning, painting, and general upkeep and maintenance of the site.
- 16. The wireless telecommunication facilities shall not bear any signs or advertising devices other than certification, warning, or other legally required seals or legally required signage.
- 17. All wireless telecommunication facilities and related support equipment shall be removed within 90 days of the discontinuation of use.

- **Public Works**

- 18. Prior to any construction within the Public Right-of-Way, a licensed contractor shall obtain a Street Opening Permit from the Public Works Department.

- **Fire Department**

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

The Following to Be Met Prior To Construction Permit Issuance:

19. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

20. Construction plans shall be submitted and permitted prior to construction.

- **Public Works – Street Trees**

21. Existing plant material and irrigation system is protected in place. Please contact Landscape Maintenance Inspector, Jesse Fierro at jfierro@riversideca.gov with any questions.

Prior to Construction:

22. A pre-construction meeting is required, on site. Please contact Landscape Maintenance Inspector, Jesse Fierro at jfierro@riversideca.gov to schedule the meeting.

- **Parks and Recreation**

Prior to Final Inspection:

23. Any trenching through the multi-purpose trail shall be backfilled to achieve a minimum 90% relative compaction using stabilized decomposed granite as produced by Gail Materials in Corona, (951) 667-6106, or an equal material approved by the City.

Standard Conditions

- **Planning**

24. The Project must be completed per the Site Plan Review and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Design Review Staff. Upon completion of the Project, a Design Review Staff inspection must be requested, and **UTILITIES** will not be released until it is confirmed that the approved plans and all conditions have been implemented.

25. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.

26. This approval is for design concept only, and does not confirm the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.

27. There is a two (2) year time limit on this approval. Should the applicant or designee not obtain necessary Building permits or initiate operation within two (2) years following the CUP approval date, the CUP shall become null and void.
28. This Project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
29. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
30. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
31. This permit is issued based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community and Economic Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
32. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
33. Failure to abide by all conditions of this permit shall be cause for revocation.
34. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
35. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
36. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.
37. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.