

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case No.: P15-0133 (CUP)
P16-0105 (Variance)

PLANNING COMMISSION HEARING DATE: APRIL 7, 2016

CONDITIONS

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 Development Department, Planning Division.

Case Specific

• **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 68-foot high wireless telecommunications facility, camouflaged as a eucalyptus tree, where 35-feet is the maximum height permitted in the R-1-7000 Zone.
2. No additions or modifications to the 68-foot facility shall be permitted which constitutes a substantial change or defeat the concealment elements of the wireless telecommunications facility, 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 wireless telecommunications facility and associated support equipment shall be maintained in a like-new condition at all times.
5. The wireless telecommunication facility shall be designed within the applicable American National Standards Institute (ANSI) standards.
6. The antennas shall be designed in accordance with the FCC standards for professionally acceptable radio frequency emissions for all types of communications towers.
7. The existing 68 foot high telecommunications structure, disguised as a palm tree shall be removed within five days of transferring the existing antennas to the new 68 foot high telecommunications structure, disguised as a eucalyptus tree.

Prior to Building Permit Issuance:

8. Plans shall be submitted through the Building and Safety Division and shall include the following:
 - a. The monoeucalyptus facility shall not exceed 68-feet in height;

- b. The 'bark' shall extend through the top of the antenna structure;
- c. Branches shall exceed, at minimum, eighteen (18) inches beyond the antenna arrays;
- d. Antennas shall be covered in 'socks';
- e. All related equipment attached to the poles shall be painted to match the trunk or the leaves of the monoeucalyptus and shall be substantially screened with branches and leaves.
- f. All wires shall be enclosed within the trunk of the facility and antenna arms.
- g. Plans shall reflect all landscaping and irrigation.

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.
- 10. Landscaping and irrigation shall be installed per the approved plans.

Operational Conditions

- 11. All equipment shall be located within the equipment enclosure.
- 12. The wireless telecommunications facility and related support equipment shall be designed to prevent unauthorized persons from accessing and/or climbing them.
- 13. 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.
- 14. Any graffiti on the facility shall be removed within 24 hours of notification.
- 15. 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.
- 16. 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.
- 17. 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.

18. All wireless telecommunications facilities and related support equipment shall be removed within 90 days of the discontinuation of use.

Standard Conditions

- **Planning**

19. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
20. 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.
21. 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.
22. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses 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.
23. 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.
24. 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 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.
25. 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.

26. Failure to abide by all conditions of this permit shall be cause for revocation.
27. 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.
28. The applicant shall verify the height of the telecommunications facility once it has been constructed to insure compliance with the approved plans.
29. 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.
30. 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.

- **Public Works**

31. No Requirements

- **Public Utilities Electric**

Contact Summer Ayala at 951-826-5421 for Public Utilities Electric questions.

32. No Requirements

- **Public Utilities Water**

33. No Requirements

- **Fire Department**

The following to be met prior to construction permit issuance:

34. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
35. Construction plans shall be submitted and permitted prior to construction.
36. Fire Department access is required to be maintained during all phases of construction.