

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: February 11th, 2020

TITLE: J5 Infrastructure (AT&T Cell Tower)

CASE NO: CUP 02-19

PREPARED BY: Patricia Villagomez, Assistant Planner

REVIEWED BY: Rebecca Deming, Community Development Director

Planning Department Project Specific Conditions

1. The applicant/developer/operator shall maintain the cell tower, arrays, and screening with the appearance of the original Planning Commission approved plans.
2. The applicant/developer shall submit proof that they have submitted the project for review and approval to the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS).
3. The applicant/developer shall submit revised plans for the fence/wall equipment enclosure for review and approval by the Planning Department. Any wall/fence proposed in the commercial district is limited to an 8' max height.
4. The applicant/developer shall comply with all State & Federal Law pertaining to construction & operation of the proposed cell tower.

Standard Administrative Conditions

5. The approval for CUP 02-19 is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and will expire on February 11th, 2022
6. The applicant may request an extension of time for CUP 02-19, per the City's Zoning Ordinance Sections 17.92.100 and 17.76.090. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
7. Applicant/developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality

thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the applicant/developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

8. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
9. The development of the project on the project site shall be in substantial compliance with the exhibits contained in the project file for CUP 02-19.
10. Within fifteen (15) days of final approval by the Planning Commission, the applicant/developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements CUP 02-19 shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
11. The applicant/developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.

Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at (760) 346-1127. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at (760) 416-6159.

12. The applicant/developer shall deliver within 5 (five) working days to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$50 to enable the City to file a Notice of Exemption required pursuant to California Code of Regulations Section 15062. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the applicant/developer. If applicant/developer has not delivered to the Community Development Department the check as required above, the approval for the project granted shall be void by reason of failure of condition (Fish and Game Code Section 711.4(c)).

Standard Planning Conditions

13. The applicant/developer shall maintain the project site after the start of construction and until the project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days' notice by certified mail, the applicant/developer does not comply with the before mentioned

criterion, the City may either cancel building or grading permits and/or enter the project site with City staff and remove all subject violations, bill the applicant/developer and/or put a lien on the project site.

14. Any proposed signs shall be under a separate permit and shall require an application, review and approval by the Planning Department.
15. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
16. All walls and trash enclosures shall have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
17. All new breaker boxes, fire sprinkler risers, utility conduits, and drain pipes shall be interior to the building. Any exposed pipes are specifically prohibited. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
18. All mechanical equipment, either roof or ground mounted, and shall be screened from public view. All such equipment shall be fully screened by the roof structure, a parapet wall, appropriate ground mounted walls, berming, or landscaping. All walls shall architecturally match the building.
19. The applicant shall submit a Sign Permit to be approved by the staff to include the following:
 - a. All signage for in-line tenants shall be channel letters.
 - b. No sign shall have exposed raceways or conduits.
 - c. All signage shall comply with the Desert Hot Springs Municipal Code.
 - d. All signs that are removed shall be painted and patched immediately.
20. At no time shall the combination of uses or activities conducted with the building exceed the total demand for parking, as calculated in the City's Zoning Code and as provide onsite according to the approved site plan. Any change to the floor plan shall be subject to review and approval by the Planning Department.

Standard Graffiti Conditions

21. The applicant/developer shall keep the project site, clear of graffiti vandalism at all times. The applicant/developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
22. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the applicant/developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.
23. The applicant/developer and/or successor(s) in interest shall be responsible for the removal of any graffiti vandalism from the project site (exterior building surfaces

and/or exterior walls/fences) within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The applicant/developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.

24. The applicant/developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the applicant/developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
25. In the event that applicant/developer and/or successor(s) in interest, fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the Project Site for the purpose of removing or painting over graffiti vandalism the applicant/developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.
26. The applicant/developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the Project Site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.

Engineering

27. Prior to the issuance of a certificate of occupancy, Applicant/Developer shall annex to Community Facilities District No. 2010-1 for the maintenance of:
 - a. Landscape/Hardscape
 - b. Streetlights
 - c. Drainage Basins/Storm Drain Facilities/Storm Water Retention System Facilities
28. Applicant/developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex the Community Facilities District No. 2010-1 and the City fee for processing the request. The annexation shall be completed prior to the issuance of an occupancy permit.
29. Applicant/developer shall submit the following items for approval from the Engineering Department:
 - a. Grading Plans with the street address for each lot and/or building foot prints
 - b. Storm Drain/Drainage Plans/Storm Water Retention Systems Facilities Plans
 - c. Street Signage and Striping Plans
 - d. Street Lighting Plans
 - e. Composite Utility Plans
(Sewer and Water Plans – submit to Mission Springs Water District)
30. All grading plans for the project shall be in compliance with the requirements of the City of Desert Hot Springs and the City Engineer. These requirements may include geotechnical, soils, dust control, erosion control, or other submittals to the satisfaction of the City Engineer.

31. All grading plans and improvement plans shall be coordinated for consistency prior to the issuance of any permits and prior to the issuance of building permits with the proper pad certification from a licensed engineer.
32. Plans should submit to CA Fish and Wildlife to obtain clearance for grading permit
33. All on-site paving, curbs and gutters, sidewalks, ramps and other site work shall be constructed to City standards, subject to the improvement plans approved by the City Engineer.
34. The developer will be required to construct all parking spaces, parking areas and driveways to a 1% slope on AC and 0.5% slope on PCC to drain to an approved drainage facility onsite or City Storm Drain Facility as approved by the City Engineer.
35. The design of the on-site grading and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City Engineer.
36. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
37. The Developer will be required to install any improvements to any off-site facility if damaged during construction to the satisfaction of the City Engineer.
38. Any slopes exceeding 3' will need to have an in-ground water system and be planted with plant material to be approved by the Planning Department prior to Certificates of Occupancy per the City of Desert Hot Springs Zoning Ordinance 159.28.100.
39. All wall heights, wall types, and wall setbacks must be approved with the Planning Department.
40. Applicant/developer shall submit a project specific Hydrology Report, using Riverside County Flood Control and Water Conservation District's Hydrology Manual for City review and approval.
41. The applicant/developer shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer. Each retention basin shall include a sufficient number of underground vertical drywells designed to eliminate standing water in the basin. The retention basin shall be sized to retain all post-development storm water runoff within the limits of the project based on a 100-year storm event of 24-hour duration and shall completely drain/percolate any storm event within 72 hours. All upstream runoff from adjacent properties that has historically been directed onto the proposed project may be considered to pass through the project with the exception of historical retention that occurred on-site. The retention basin shall be designed with a maximum depth of 5 feet and maximum side slopes of 3:1 and shall not be used for purposes other than for the collection of storm water, nuisance water and well blow-off water. Alternate methods may be provided with the approval of the City Engineer.

- a. Any other facilities required in the drainage/hydrology study shall be designed and installed as detailed in Section 15.68, Flood Plain Management, and Section 15.72 Floodplain Construction of the Desert Hot Springs Municipal Code.
 - b. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.
 - c. Retention Basin Vehicular Access - Vehicular access shall be provided for maintenance of the retention basins to the satisfaction of the City Engineer. The City Engineer shall determine the need and/or design of such access. The grading of a "road" to the bottom shall comply with health and safety standards and shall meet the requisite design requirements including geometries and capacity of the basin(s). Maintenance of retention basins and drainage system shall be the responsibility of the Applicant/property owner/operator.
42. Applicant/developer shall prepare and submit a Project Specific Preliminary and Final Water Quality Management Plans pursuant to the Whitewater River Region Water Quality Management Plan for Urban Runoff.
43. Applicant/developer shall comply with the National Pollution Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB) regulations. The Applicant/Developer shall submit a Project Specific Stormwater Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Stormwater Discharges Associated with the Construction Activity, prior to the issuance of a grading permit. For projects larger than 1 acre, the Applicant/Developer shall obtain all required permits from the California Regional Water Quality Control Board (RWQCB) and submit a copy of the Notice of Intent (NOI) and the Waste Discharge Identification Number (WDID#) to the City's Public Works Department prior to the issuance of the any grading permit.

For further information contact the RWQCB at:
California Regional Water Quality Control Board (RWQCB),
Colorado River Basin Region,
73-720 Fred Waring Drive #100
Palm Desert, CA 92260
(760) 346-7491
www.waterboards.ca.gov/colorariver

44. Applicant/developer shall submit an owner-and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits.
45. Property is located in the Federal Emergency Management Act (FEMA). An Elevation Certificate shall be provided to the Building Department prior to issuance of a grading permit and shall be resubmitted "as constructed" prior to final grading signoff. In lieu of elevating the site, a Floodproofing Certificate for Non-Residential Structures may be filed with the building plans for the project and approved prior to the issuance of a grading permit.

46. If imported or exported soil material is necessary to balance the grading on the site, a separate grading plan and haul permit approval is necessary before transport of the material.
47. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
48. Prior to the installation of any improvements in the public right-of-way (ROW), an encroachment permit shall be obtained from the City Public Works Department
49. Any required water and sewer facilities must be constructed and paid for by the developer per the standards of the Mission Springs Water District (MSWD) and will require inspection by MSWD. Please direct all inquiries to MSWD Engineering Department by Email: engineering@mswd.org or by Phone: (760) 329-6448 (ext. 127; customer to leave message)
50. The developer shall provide and install all improvements, within and outside the project, in compliance with the policies and procedures of the City Engineer, and the serving utility company. These improvement requirements shall be completed or bonded prior to issuance of a building occupancy permit, building permit, or grading permit.
51. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
52. The developer will be required to recycle all construction materials possible during project construction. Developer will be required to deposit funds pertaining to the C & D Waste Recycling Program per City of Desert Hot Springs Ordinance 2005-14 Section 50.57. This deposit will be required upon permit issuance for the project site and will be refunded at the end of the project subject to the regulations of City Ordinance 2005-14, Section 50.58.
53. Prepare a site access easement by a separate instrument.
54. If the Applicant/Developer requests a Temporary Certificate of Occupancy before all the improvements are completed the Applicant/Developer shall submit the following items for approval with the submittal of the Improvement Agreement for the project;
 - a. Soils Report
 - b. Title Report
 - c. Preliminary Grading Plan
 - d. Hydrology Report
 - e. Preliminary traffic impact report
 - f. Utility master plan
 - g. Street Plans
 - h. Engineer's Estimate of the incomplete improvements
55. If the applicant/developer requests a Temporary Certificate of Occupancy before all the improvements are completed the Applicant/Developer shall file an improvement agreement with security to guarantee completion of public improvements as

follows:

56. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
57. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
58. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments.
59. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the Applicant/Developer by an amount corresponding to the amount of the security furnished by the contractor.
60. Notwithstanding the above, the Applicant/Developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
61. Security may be one of the following types subject to the approval of the City Engineer and City Attorney as to form:
62. Bonds - All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an acceptable policy holder's rating. The bond(s) shall contain the nearest street address of the institution providing the bond(s).
63. Cash Deposits - In lieu of the faithful performance and labor and material bonds, the developer may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.
 - a. Disbursements from cash deposits shall be made in compliance with a separate agreement between the developer and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the City Engineer.
64. All improvement agreements shall be approved by the City Attorney and City Council. Security for the agreement shall be approved by the City Attorney and Finance Director.

Standard Lighting Conditions

65. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.

66. Secluded or hidden interior corridors are strongly discouraged by the Planning and Police Departments. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

Standard Building & Safety Conditions

67. Project shall comply with the adopted California Building Standards Code (Title 24, California Code of Regulations) at time of building permit submittal (currently 2019) and other adopted City Ordinances which include the following:
- a. CA Building Code
 - b. CA Plumbing Code
 - c. CA Mechanical Code
 - d. CA Electrical Code
 - e. CA Fire Code
 - f. CA Green Building Standards Code
 - g. CA Energy Code

Fire Department Conditions

68. Access: Roadways installed and maintained by the cellular company/radio agency solely for maintenance of their equipment shall be deemed acceptable. Roadways to the site shall not be required to be installed and maintained to support fire apparatus.
69. Water Supply: No additional water supply for fire protection is required.
70. Extinguishers: Install a minimum size 2A10BC portable fire extinguisher located in extinguisher cabinet.
71. Gates and Barriers: Gates or other barriers across access roadways and at entrances to sites shall provide rapid reliable access by means of a Knox Box or Knox Padlock in an access for life safety and/or firefighting purposes. The Knox product and its location shall be approved.
72. Emergency and Standby Power: Emergency power systems, standby power systems and uninterrupted power supplies shall be in accordance with the CFC. Sign(s) designed in accordance with NFPA Standard 704 must be posted as applicable.
73. Knox Box: Install an approved Knox Box on the exterior of the gate with a supply of tagged access keys to be stored within the Knox Box.
74. Display Address: Provide site addressing by means of 6" numbers and letters completing the entire numeric and street address. Characters shall be contrasting and reflectorized.

75. Final Inspection: Prior to occupancy a Fire Department inspection is required to verify all conditions stated at plan check are met. City of Desert Hot Springs – Office of the Fire Marshal – RVC Fire (760) 329-6411 ext. 261

END