

CONDITIONS OF APPROVAL

RESOLUTION: 2020-XX & 2020-XX
PROJECT: PA 2019-15/CUP 2019-05/CDR 2019-07
PROJECT NAME: APC Towers
PROJECT LOCATION: APN: 370-120-019
APPROVAL DATE:
EFFECTIVE DATE:
EXPIRATION DATE:

GENERAL CONDITIONS

1. Planning Application No. 2019-50: A request by APC Towers for the construction of a new 60-foot high wireless communications facility disguised as a eucalyptus tree consisting of 12 panel antennas and 6 Remote Radio Units (RRUs). The project will include ancillary ground equipment consisting of two (2) equipment cabinets located within a CMU block enclosure, and one (1) backup generator. The facility will be located at the northeasterly corner of Corydon Drive and Palomar Street, more specifically 32533 Corydon Drive (APN: 370-120-019).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning approval, implementation and construction of Planning Application No. 2019-15 (Conditional Use Permit No. 2019-05 and Commercial Design Review No. 2019-07), which action is sought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of Planning Application No. 2019-15 (Conditional Use Permit No. 2019-05 and Commercial Design Review No. 2019-07) or any of the proceedings, acts or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality or validity of any condition attached thereto. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by Indemnitees and costs of suit, claim or litigation, including without limitation attorneys' fees, penalties and other costs, liabilities and expenses incurred by Indemnitees in connection with such proceeding. The City will promptly notify the applicant of any such claim, action, or proceeding against the City. If the project is challenged in court, the City and the applicant shall enter into formal defense and indemnity agreement, consistent with this condition.
3. Within 30 days of Project approval and prior to issuance of any building permits, the applicant shall sign and complete an "Acknowledgement of Conditions," and shall return the executed original to the Community Development Department for inclusion in the case records.

PLANNING DIVISION

4. Conditional Use Permit No. 2019-14 shall lapse and become void two years following the date on which the Conditional Use Permit became effective, unless one of the following: (1)

prior to the expiration of two years, a building permit related to the conditional use permit is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the conditional use permit approval pursuant to subsections (B) and (C) of LEMC Section 17.415.070.D.

5. Commercial Design Review No. 2019-18; shall lapse and shall become void two (2) years following the date on which the approval became effective, unless one of the following: 1) prior to the expiration of two years, a building permit related to the design review is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (i) and (ii) of LEMC Section 17.415.060.H.1.b. The expiration date of an approved design review may be extended for no more than two years. The first extension may be granted for one-year subject to the approval of the Community Development Director after consultation with other City departments if such design review complies with current laws, standards and policies. The approval authority that approved the underlying minor design review may grant a second one-year extension so long as the minor design review complies with current laws, standards and policies. Application for extensions of time shall be filed prior to the expiration of the initial design review approval and accompanied by the required processing fee.
6. In accordance with the LEMC Section 17.415.070.I, a conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Conditional Use Permit application.
7. In accordance with the LEMC Section 17.415.070.F, an application for modification, expansion or other change in a Conditional Use Permit shall be reviewed according to the provisions of LEMC Chapter 17.415 in a similar manner as a new application.
8. If operation of this use triggers concerns related to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this Conditional Use Permit may be referred back to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said Conditional Use Permit.
9. The applicant shall at all times comply with Section 17.176 (Noise Ordinance) of the Lake Elsinore Municipal Code (LEMC).
10. Outside lighting is prohibited unless required by the FAA or the California Building Code, including the appendix and standards adopted by the California Building Standards Commission.
11. All site improvements shall be constructed as indicated on the submitted plans. The applicant shall meet all required development standards as indicated by the Commercial Design Guidelines and the LEMC. Any other revisions to the approved site plan or building elevations shall be subject to the review of the Community Development Director or his designee. All plans submitted for Building Division Plan Check shall conform to the submitted plans.
12. All materials and colors depicted on the plans shall be used. If the applicant wishes to

modify any of the approved materials or colors depicted on the plans, the applicant shall submit a proposal setting forth the modifications for review by the Community Development Director or his designee.

13. The branches for the monopine shall be spaced at three (3) branches per foot and the branches shall start twelve (12) feet from the bottom of the tree.
14. The antennas shall be covered by "socks" and/or shall be painted to match the tree.
15. Facilities designed as trees shall be kept in good repair at all times. The branches and the antenna "socks" shall remain in good condition. If at any time the branches and the antenna "socks" are missing or deteriorated (as determined by the Community Development Department), they shall be replaced within 30 to 60 days of observation and/or notification.
16. The project site shall be kept in good repair. Graffiti shall be removed from any structures within one week of observation and/or notification. The project site shall be kept free of weeds and other obtrusive vegetation for fire prevention purposes.
17. Landscaping installed for the project shall be continuously maintained to the reasonable satisfaction of the Community Development Director. If it is determined that the landscaping is not being maintained, the Director of Community Development shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
18. Prior to issuance of a building permit, a fully executed copy of the lease or other agreement entered into with the owner of the underlying property shall be submitted to the Community Development Department. The lease or other agreement shall include a provision indicating that the telecommunication service provider, or its successors and assigns, shall remove the wireless communication facility completely upon its abandonment. The lease or other agreement shall also include a provision notifying the property owner that if the telecommunication service provider does not completely remove a facility upon its abandonment, the City may remove the facility at the property owner's expense and lien the property for the cost of such removal. Propriety information in the lease may be redacted.
19. Prior to final inspection of any building permit, the permit holder, developer or successor-in-interest shall install a sign no smaller than 12 inches by 12 inches upon an exterior wall or fence that surrounds the lease area that provides the following contact information:
 - Address of wireless communications facility and any internal site identification number or code;
 - Name(s) of company who operates the wireless communications facility;
 - Full company address, including mailing address and division name that will address problems;
 - Telephone number of wireless communications facility company.

If a collocated facility (additional antennas and/or equipment shelters or cabinets) are added to an existing facility, an additional sign, including the above described information, shall be installed on said shelter or cabinet stating the name of the company who operates the primary wireless communications facility and the name of the company that operates the collocated facility.

20. The applicant shall pay all applicable City fees, including but not limited to: Development Impact Fees (DIF), Fire Facilities Fees, and Traffic Infrastructure Fees (TIF) per LEMC Section 16.74, Transportation Uniform Mitigation Fees (TUMF) per LEMC Section 16.83, MSHCP Fee per LEMC Section 16.85, at the rate in effect at the time of payment.
21. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

BUILDING DIVISION

General Conditions

22. Final Building and Safety Conditions. Final Building and Safety Conditions will be addressed when building construction plans are submitted to Building and Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
23. Compliance with Code. All design components shall comply with applicable provisions of the 2016 edition of the California Building, Plumbing and Mechanical Codes: 2016 California Electrical Code; California Administrative Code, 2016 California Energy Codes, 2016 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code.
24. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects. It takes 10 days to issue address and notify other agencies.
25. Clearance from LEUSD. A receipt or clearance letter from the Lake Elsinore School District shall be submitted to the Building and Safety Department to ensure the payment or exemption from School Mitigation Fees.
26. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
27. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
28. House Electrical Meter. Applicant shall provide a house electrical meter to provide power for the operation of exterior lighting, irrigation pedestals and fire alarm systems for each building on the site. Developments with single user buildings shall clearly show on the plans how the operation of exterior lighting and fire alarm systems when a house meter is not specifically proposed.

At Plan Review Submittal

29. Submitting Plans and Calculations. Applicant must submit to Building and Safety four (4) complete sets of plans and two (2) sets of supporting calculations for review and approval including:
- a. An electrical plan including load calculations and panel schedule, plumbing schematic, and mechanical plan applicable to scope of work.
 - b. A Sound Transmission Control Study in accordance with the provisions of the Section 1207, of the 2016 edition of the California Building Code.
 - c. A precise grading plan to verify accessibility for the persons with disabilities.
 - d. Truss calculations that have been stamped by the engineer of record of the building and the truss manufacturer engineer.

Prior to Issuance of Grading Permit(s)

30. Demolition Permits. A demolition permit shall be obtained if there is an existing structure to be removed as part of the project. Asbestos report and lead base paint reports are required before demo permit will be issued.

Prior to Issuance of Building Permit(s)

31. Plans Require Stamp of Registered Professional. Applicant shall provide appropriate stamp of a registered professional with original signature on the plans. Provide C.D. of approved plans to the Building Division.

Prior to Beginning of Construction

32. Pre-Construction Meeting. A pre-construction meeting is required with the building inspector prior to the start of the building construction.

CITY OF LAKE ELSINORE FIRE MARSHAL

33. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal. Questions should be directed to the Riverside County Fire Department, Lake Elsinore Office of the Fire Marshal at 130 S. Main St., Lake Elsinore, CA 92530. Phone: (951) 671-3124 Ext. 225.
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I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above named project and do hereby agree to accept and abide by all Conditions of Approval as approved by the City of Lake Elsinore Planning Commission on _____. I also acknowledge that all Conditions shall be met as indicated.

Date: _____

Applicant's Signature: _____

Print Name: _____

Address: _____

Phone Number: _____