

**CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT NO. 399 APC TOWERS**

General Conditions

1. Conditional Use Permit No. 399 is approved for two years from the date of approval unless an extension of time is requested by the applicant and granted by the Planning Commission. A building permit for each CUP and diligent pursuit of construction shall vest this conditional use permit.
2. Two Date Palm trees of a minimum 20 to 30 foot brown trunk height shall be planted adjacent to the proposed wireless tower. The location of the Date Palm trees may be outside of the leased area.
3. The construction shall be in conformance with the plans submitted and conditions imposed herein for Conditional Use Permit No. 399. This shall include the materials and colors shown on the approved plans.
4. The cell tower shall consist of a stealth monopalm structure with a maximum height of 85-feet. The pole structure shall be designed and painted to mimic a tree trunk.
5. A landscape plan shall be submitted to the Planning Division. The Landscape Plan shall denote the botanical name, common name, legend, plant distribution, canopy spread and amount of material to be planted.
6. Each facility and site which contains trees, foliage or other landscaping elements, whether or not used as stealthing, shall be maintained in good condition at all times, and the owner or operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping as soon as practicable, and in accordance with the approved landscape plan.
7. Landscape plans shall be approved by the Planning Division and landscaping shall be in place before issuing a Certificate of Occupancy.
8. A landscape and maintenance agreement shall be in place between the operator and their successor prior to Certificate of Occupancy.
9. River rock or decorative gravel shall be installed as ground cover.
10. The facility shall be enclosed by a six-foot split face block wall to ensure restricted access to the facility.
11. The property owner shall remove all unpermitted uses of the site that include the unpermitted storage of vehicles and materials, or shall complete all required entitlement approvals necessary to have the project come into compliance, prior to building final of the project.
12. The applicant, or subsequent owners, shall bear all cost associated with relocation or removal of any of the telecommunication facilities hereby approved.
13. The applicant shall obtain encroachment permits from the Engineering Department.

Engineering inspections shall be required during the installation and final stage.

14. Improvement plans prepared by a California Registered Civil Engineer shall be submitted for Engineering plan check prior to issuance of permits. Plans shall clearly indicate existing and proposed facilities and identify/avoid conflicts. The applicant is directed to contact City Building staff to obtain existing improvement plans for utilities within the right-of way.
15. The applicant shall complete all utility clearances with the Coachella Valley Water District.
16. Submit a grading/site improvement plan for Building, Planning and Engineering Department plan check and approval.
17. The applicant shall defend, indemnify and hold harmless the City and its officers, agents and employees from any claim, action, or proceedings against the City or its officers, agents or employees to attack, set aside, void or annul any approval under this chapter. The applicant shall further defend, indemnify and hold harmless the City, its officers, agents and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors or independent contractors, pursuant to the approval issues by the City.
18. The applicant shall pay all necessary plan check, permit and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
19. All proposed easement documents shall be prepared by a registered land surveyor or civil engineer authorized to practice land surveying and mapping and shall be submitted for engineering plan check and shall be recorded with the County prior to Issuance of permits.
20. The project shall conform to the City of Coachella Municipal Code.
21. The electrical service and all other utilities to the project shall be installed underground in accordance with the General Plan.
22. All existing and future wireless facilities shall meet all applicable FCC emissions and exposure standards for electromagnetic (EM) radiation, and all required notices and signs shall be posted on site as required by the FCC and PUC.
23. If the proposed wireless communication facility site is capable of accommodating a collocated facility upon the same site, the owner or operator of the existing facility shall allow another carrier to co-locate its facilities and equipment thereon, provided the parties can mutually agree upon reasonable terms and conditions. All co-located facilities upon the site shall be architecturally coordinated and “stealthed” consistent with each other.
24. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain all applicable permits and/or clearances from the following agencies as required:
 - Riverside County Fire Department
 - City of Coachella Planning Department

- City of Coachella Engineering Department
- City of Coachella Public Works Department
- City of Coachella Building Department
- Coachella Valley Unified School District (CVUSD)
- Coachella Water Authority
- Imperial Irrigation District
- State Water Quality Control Board (SWQCB)
- South Coast Air Quality Management District (SCAQMD)
- Public Utilities Commission (PUC)
- Federal Communication Commission (FCC)
- Federal Aviation Agency (FAA)

The applicant is responsible for all requirements of the permits or clearances from the above listed agencies and departments. If the requirements include approval of improvement plans, the applicant shall furnish proof of said approvals prior to City approval.

25. The applicant shall bear the cost, of all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
26. All grading shall conform to the recommendation contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.
27. The applicant shall furnish security, in a form acceptable to the requirements of Chapter 15.40 of the City of Coachella Municipal Code, and in an amount sufficient to guarantee compliance with the approved Storm Water Pollution Protection Plan (SWPPP), Fugitive Dust Control Plan and the provisions as submitted with its application for a grading permit.
28. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
29. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
30. The applicant shall submit a concrete mix design for approval of the City's Building Official. The applicant shall not schedule construction operation until mix design is approved.
31. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
32. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of the California Building Code and applicable State of California Business and Professions

Code.

33. In the event the applicant fails to construct the improvements for the development, or fails to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.
34. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.
35. No cables, conduit or other equipment on the monopalm tower pole shall be visible.
36. All electrical work for the proposed antennas shall be contained within the monopalm tower cavity.
37. The panel antennas shall be mounted securely to the monopalm tower. All antennas and antenna arrays shall be painted to match the faux design screening material shall be approved by the Design and Department Director.
38. Prior to building permit issuance, the Applicant and/or Property Owner shall address all existing code violations on the subject property, including but not limited to unpermitted structures, uses, or improvements. All such structures and uses shall either be removed or legalized through the appropriate planning and building permit processes, subject to review, approval, and discretion of the Development Services Department.

Maintenance

39. All facilities, including antennae, mounts, wires, conduit, lighting, fences, shields, cabinets, poles and ancillary equipment, shall be maintained by the owner or operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable so as to maintain the facility's original appearance and to minimize occurrences of dangerous conditions or visual blight. All trash, debris, litter and graffiti shall be removed by owner/operator within forty-eight (48) hours following notification from the City.
40. The owner or operator of the facility shall routinely and regularly inspect the site to ensure compliance with the standards set forth in this chapter. Further, the Planning Director, or designee, may, upon providing reasonable advance notice to the owner or operator, conduct an inspection of a facility to verify compliance with the provisions of this chapter.

41. The wireless telecommunication facility operators are required to notify the City of Coachella's Planning Division within sixty (60) days of any change of ownership of the facility.
42. Contact information for the owner or operator, in case of an emergency, fire, or report of any damage, destruction, or vandalism, must be posted in a conspicuous location on the outside of the wireless facility. The materials used must be of weather resistant composition.

Abandonment and Removal

43. Where the owner or operator intends to abandon the wireless communication facility or portion thereof, the owner or operator shall notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations and the date the facility shall be removed. The notice shall be given not less than sixty (60) days prior to abandonment. Failure to give notice shall not affect the owner's or operator's obligation to remove an abandoned facility.
44. Upon abandonment, revocation, or other lawful order of any federal, state or local agency to terminate facility operations, the owner or operator shall physically remove the facility or terminated/abandoned elements within thirty (30) days following the date of abandonment or termination of use. "physically remove" shall include, but not be limited to:
 - A. Removal of antennae, mounts, equipment cabinets and security barriers from the subject site;
 - B. Transportation of the antennae, mounts, equipment cabinets and security barriers to an appropriate repository;
 - C. Restoring the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the Planning Director.
45. The Planning Director may stay the requirement to remove an abandoned/terminated wireless communication facility upon written request and evidence submitted by the owner or operator that another wireless provider is in reasonable negotiations to acquire and use the wireless communication facility.
46. If an owner/operator of an abandoned wireless communication facility fails to physically remove the facility and all related equipment within the time frames set forth herein, the City may do so at the owner/operators expense.
47. The owner/operator shall submit a lighting plan during plan check for the installation of lighting around the equipment enclosure, including the area between the enclosure and the restroom structure

Engineering Department

PRIOR TO APPROVAL OF ENGINEERING PLANS or ISSUANCE OF ENGINEERING PERMITS:

PRECISE GRADING:

48. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control, slope easements, and all other pertinent information shall be submitted for review and approval by the City Engineer.
49. Garden wall permits shall be required for wall construction. The maximum height of any wall shall be limited to six (6) feet as measured from an average of the ground elevations on either side.

STREET IMPROVEMENTS:

50. Applicant shall construct appurtenant roadway components such as, but not limited to: commercial Driveway approach, paved street for missing gap from existing street to propose Driveway to the satisfaction of City Engineer prior to the issuance of the first COO.

PRIOR TO RELEASE OF OCCUPANCY PERMITS/ACCEPTANCE OF PUBLIC IMPROVEMENTS:

51. Prior to issuance of certificate of occupancy, all public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.

Riverside County Fire Department

52. A deferred submittal to the Riverside County Fire Department for the diesel generator is required.
53. A Fire Department Knox box will be required upon full submittal.