

ATTACHMENT "A"
List of Conditions for CUP22-00005

Approval Date: September 08, 2022

Effective Date: September 20, 2022

Expiration Date: September 20, 2025

This list of conditions applies to: Consideration of Conditional Use Permit CUP22-00005 and Variance VAR22-00002 to construct a 69-foot-high wireless telecommunications facility that will be designed as a faux eucalyptus tree within the C-2 General Commercial zone located at 11616 Hesperia Road (Applicant: AT&T Mobility: APN: 0415-081-50)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITIONAL CONDITIONS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED
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COMPLIED BY

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

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COMPLIED BY

SOILS REPORT. The Developer shall provide soils reports to substantiate the foundation design. (B)

COMPLETED
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UTILITY CLEARANCES. The Building Division will provide utility clearances after required permits and inspections for the facility. Utility meters shall be permanently labeled. (B)

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INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors.

The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

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MAINTENANCE OF FACILITY. The water tower, fencing, and all related equipment shall be maintained in good condition during the life of the wireless telecommunications facility. (P)

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ABANDONMENT OF FACILITY. Should the facility fail to be used as approved for more than 180 consecutive days or should its 25 year effective life expire, then the applicant shall cause the removal of the faux eucalyptus tree, fencing and all related equipment at its sole cost and expense. The faux eucalyptus tree and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition shall result in forfeiture of the bond and/or letter of credit posted with the City so that the City will have the funds to cause its removal. The bond shall not be released until the facilities removal is verified by the Planning Division. (P)

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CO-LOCATION AGREEMENT. The applicant shall record a co-location agreement permitting at least two other wireless telecommunications facilities upon the site. The co-location agreement shall be binding for the life of the facility. The agreement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)

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FACILITY REQUIREMENTS. The faux eucalyptus tree shall be consistent with the elevations and photo simulations approved as part of CUP22-00005. (P)

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FENCING REQUIREMENTS. A ten foot, eight inch high split-face block wall fence shall be used to screen the mechanical equipment and other appurtenant elements of the wireless telecommunications facility. (P)

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BOND. The applicant shall submit a bond and/or letter of credit acceptable to the City in an amount to cover the cost of removing the entire wireless communications facility in the event that the communications facility is abandoned or after 25 years from its date of establishment, whichever occurs first. The bond or letter of credit and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. As an alternative, the removal bond requirement may be included as part of a recorded lease agreement. (P)

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USE OF GENERATORS. A generator will only be allowed for backup emergency power to the facility and shall be located within the approved fenced area. Use of a generator to provide power for any other purpose is prohibited. (P)

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COMPLIED BY

UTILITIES. The wireless communications facility shall be served by independent utility connections and shall be

separately metered. (B, P)

COMPLETED
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COMPLIED BY

VARIANCE. These conditions are concurrent with approved Variance VAR22-00002 becoming effective. (P)

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ACCESS EASEMENTS. An access easement shall be recorded, allowing access from a public right-of-way to the wireless telecommunications facility for the benefit of each wireless telecommunications provider using the site for construction and maintenance of the wireless telecommunications facilities during the operating life of the facility. As an alternative, the access easement requirement may be satisfied by an easement established as part of a recorded lease agreement. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)

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ANNUAL CERTIFICATION. The wireless telecommunications carrier shall obtain a business license prior to issuance of a building permit and shall maintain a business license during the life of the facility. On an annual basis, the carrier shall self-certify on a form acceptable to the Planning Department that the appearance of the wireless telecommunications facility, including all parts of the facility are maintained consistent with the elevations and photo simulations approved as part of this CUP, and in good working order. Failure to self-certify is a violation of these conditions, and such violation shall be corrected before issuance of any permit or final inspection associated with this wireless facility. (P)

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REMOVAL BOND. The applicant shall maintain the bond and/or letter of credit acceptable to the City. The bond or letter of credit shall not expire before the end of the 25-year term in which the facility is to be used. Neither the bond nor the letter of credit shall be released until the facility's removal is verified by the Planning Division. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	947-1300
(E) Engineering Division	947-1476
(F) Fire Prevention Division	947-1603
(P) Planning Division	947-1200
(RPD) Hesperia Recreation and Park District	244-5488