



AGENDA REPORT

Meeting of the San Marcos Planning Commission

MEETING DATE: February 22, 2016
SUBJECT: Conditional Use Permit for the installation and operation of a wireless telecommunication facility for Verizon Wireless located at 2638 S. Santa Fe Ave.
APN: 217-102-60-00
CASE: P14-0009 (CUP 14-005 / ND 15-009)

Recommendation

Approve a Conditional Use Permit to allow the installation and operation of a new wireless telecommunication facility at a property which is currently developed with a contractor office and service facility, in the Light Industrial (L-I) zone of the College Neighborhood. Consider and adopt a Mitigated Negative Declaration (MND) under the requirements of the California Environmental Quality Act (CEQA).

Introduction

The project site is developed with four (4) detached structures- a former granite counter-top showroom which is located near S. Santa Fe Avenue, a two (2) story barn/warehouse, an approximately 1,000 sq. ft. industrial office building in the rear of the site and a covered work area and outdoor storage yard. The site is approximately 1.75 acres and is located at 2638 S. Santa Fe Avenue.

The subject property is zoned Light Industrial (L-I), with a General Plan land use designation of Light Industrial. The adjacent land uses to the east and north are light industrial with various nonconforming outdoor storages uses. To the south, across S. Santa Fe Avenue are other properties zoned Industrial (I), and to the west of the subject site is an intermodal container storage yard, in an unincorporated portion of the County of San Diego. Access to the site is provided through S. Santa Fe Avenue, as well as a private access easement on the west side of the property.

Proposed Project

The project applicant, Verizon Wireless, is requesting approval of a Conditional Use Permit for the installation and operation of a wireless telecommunication facility which will be comprised of a forty-five (45) foot tall monopole containing up to twelve (12) panel antennas mounted at a height of thirty-seven (37) feet; with ground-mounted equipment located in a new 412 square foot equipment enclosure. The monopole is designed to resemble a eucalyptus tree with all antennas and pole mounted equipment to be



concealed within the faux canopy of the facility. The monopole and the equipment enclosure will be located on the east side of the property, approximately 160 feet north of the existing roadway edge of South Santa Fe Avenue, behind the existing two (2) story structure.

Discussion

The City adopted a new Wireless Telecommunications Facilities ordinance on August 12, 2014. Since the application for the proposed project was submitted prior to the adoption of the new regulations, the project must be processed under the former regulations (Attachment E), which were in effect at the time the application was submitted. Pursuant to Section 20.465.030(A) of the applicable regulations, the project requires the approval of a Conditional Use Permit because the proposed facility is not integrated into an existing building or located within the Right-of-Way of the Light Industrial (L-I) Zone (although already developed, the likely redevelopment of the site makes the placement of the proposed wireless telecommunication facilities on the existing structures undesirable). The proposed project is in compliance with all provisions of the former Wireless Telecommunication Facilities regulations as well as the applicable provisions of the Light Industrial (L-I) Zone in that the equipment enclosure and monopole comply with building setback and height limits of the L-I Zone.

As stated previously, the property is developed with four (4) detached structures supporting industrial uses. Although the faux tree monopole as proposed by the applicant will be forty-five (45) feet tall, the monopole structure itself will be forty (40) feet tall, with an additional five (5) feet of height resulting from the use of faux branches necessary to maintain the "natural appearance" of the simulated tree (the maximum allowed height in L-I zone is sixty (60) feet). Photo simulations of the proposed faux tree wireless telecommunication facility are provided as Attachment F. The project has been conditioned to provide a minimum of three (3) branches per linear foot of height of the tree, which will ensure a full and realistic canopy of the faux tree and screen the antennas. In addition, the applicant has also been conditioned to plant a minimum of three (3) Brisbane Box trees to the north and south of the facility along the easterly side of the project site. The proposed natural trees will aid in the integration of the faux tree monopole at the site, which already has a number of trees located on the north side of the property along a creek channel. The proposed Brisbane Box trees will have a mature height of thirty (30) to forty-five (45) feet and a canopy spread ("width") of twenty-five (25) feet. Given the primary viewing angle of the site from the south and west (from S. Santa Fe Avenue) the placement of natural trees and the distance the facility is set back from the roadway (165 feet), the proposed screening is considered sufficient by staff to meet the stealth design requirements of the former Wireless Telecommunications Facilities Ordinance.

The project is also proposing to construct a 412 square foot equipment enclosed at the site to house the ground mounted support equipment necessary to operate the facility, including a 30 KW back-up generator. The proposed building will be located five (5) feet south of the faux tree monopole, with all wired connections between the two facilities running underground. Per San Marcos Municipal Code (SMMC)



Section 20.300.070(F), the "Noise Ordinance," any potential noise levels generated by the wireless telecommunication facility equipment may not exceed 65 dB(A) at the nearest property line. Per the manufacturer's specifications, the generator may emit up to 65 dB(A) during usage. To provide additional noise attenuation, the generators will be located within a noise attenuating enclosure and will only be used during power outages and for short periods of time during weekly maintenance power cycles, which has been conditioned to occur during daytime hours for periods of no longer than fifteen (15) minutes.

The City required documentation from the applicant to confirm that the proposed wireless telecommunication facility will operate in conformance with all FCC standards for RF emissions. The RF analysis that was submitted by the applicant to the City was reviewed by the City's telecommunication technology consultant. It was the determination of both the applicant's report, and the City's telecommunication technology consultant that the facility will operate in compliance with FCC regulations (the applicant prepared RF Site Compliance Report and RF Safety Evaluation from the City's telecommunications consultant have been included in the technical appendices of the Mitigated Negative Declaration (ND 15-009), Attachment G). In addition, within six (6) months of the final inspection the applicant is required to submit an RF implementation report that contains field measurements of actual RF levels and demonstrates compliance with FCC regulations.

A Mitigated Negative Declaration (ND 15-009) was prepared for this project and has been included as Attachment G. A Notice of Availability was posted on October 27, 2015 with a twenty (20) day public review period that ended on November 16, 2015. No comments were received during this period. Staff therefore recommends adoption of the Mitigated Negative Declaration with approval of Resolution PC 16-4516 (and the mitigation measures incorporated therein).

Public Comment

The City did not receive public comments related to a position either in favor or in opposition to the project.

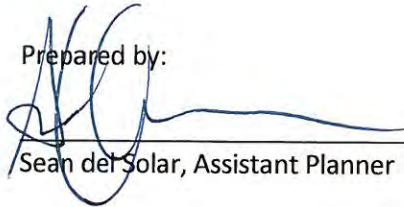
Attachment(s)

Adopting Resolution

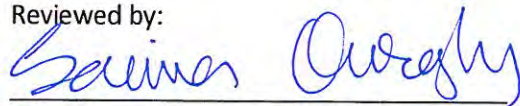
- A- Vicinity Map
- B- Aerial Photo
- C- Requested Entitlement
- D- Site & Project Characteristics
- E- SMMC Chapter 20.465, adopted January 24, 2006 (Applicable Wireless Telecommunication Facility Regulations)
- F- Photo Simulations
- G- Mitigated Negative Declaration (ND 15-009)
- H- Project Plans



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ATTACHMENT A

Vicinity Map





ATTACHMENT B
Aerial Photo



-  Approximated location of proposed faux tree wireless telecommunication facility
-  Boundary of project site



ATTACHMENT C

Requested Entitlements

- Conditional Use Permit to allow the installation and operation of a faux tree wireless telecommunication facility at a developed property in the Light Industrial (L-I) zone of the College Neighborhood. Consider and adopt a Mitigated Negative Declaration (MND) under the requirements of the California Environmental Quality Act (CEQA).



ATTACHMENT D

Site & Project Characteristics

<u>Property</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
Subject	Contractor Services	L-I	Light Industrial
North	Outdoor Storage	L-I	Light Industrial
South	Contractor Services	I	Industrial
East	Outdoor Storage	L-I	Light Industrial
West	Outdoor Storage	Industrial (SD County)	Industrial

Flood Hazard Zone	<u>X*</u> yes	___ no
Resource Conserv. Area	___ yes	___ no
Sewers	<u>n/a</u> yes	___ no
Septic	<u>n/a</u> yes	___ no
Water	<u>n/a</u> yes	___ no
Gen. Plan Conformance	<u>x**</u> yes	___ no
Land Use Compatibility	<u>x**</u> yes	___ no

Development Standards of the L-I Zone:

<u>Setbacks</u>	<u>Required</u>	<u>Proposed Project</u>
Side (east)	0 ft.	~4 ft.
Side (west)	0 ft.	~170 ft.
Front (south)	61 ft. (from ROW CL)	~240 ft.
Rear (north)	0 ft.	~225 ft.
Height Maximum	60 ft.	45' ft.

* The project is located outside of the Flood Hazard Area on the property

** Approval of Conditional Use Permit (CUP) required to attain compliance



ATTACHMENT E

SMMC Chapter 20.465, Adopted January 24, 2006
(Applicable Wireless Telecommunication Facility Regulations)

CHAPTER 20.465 TELECOMMUNICATIONS FACILITIES**Sections:**

Section 20.465.010	Purpose of Chapter
Section 20.465.020	Applicability
Section 20.465.030	Telecommunications Facilities by Right
Section 20.465.040	Permit Procedures for Telecommunications Facilities by Right
Section 20.465.050	Standards for Telecommunications Facilities
Section 20.465.060	Antenna and Communication Facilities
Section 20.465.070	Indemnification
Section 20.465.080	Non-Enforcement by the City
Section 20.465.090	Appeals

Section 20.465.010 Purpose of Chapter

The purpose of this chapter is to provide a uniform and comprehensive set of procedures and standards for the development, siting, and installation of telecommunications facilities. Specifically, the purpose of this chapter is as follows:

- A. Effectively manage the community public ROWs.
- B. Provide for the managed development and installation of communications infrastructure in the City.
- C. Promote and protect the public health, safety, and welfare by undergrounding telecommunications facilities to the fullest extent possible.
- D. Reduce, if not eliminate, the impacts of telecommunications facilities on City residents and the traveling public.

Section 20.465.020 Applicability

The provisions of this chapter shall apply to all public and private utilities, including antennas, power lines and facilities, and telecommunication installations of any kind located within the City.

- A. **Conditional Use Permit Required.** A CUP shall be required, subject to the process provisions of chapter 20.520 (Conditional Use Permit) for any telecommunications facility that:
 - 1. would be placed in a location other than those specifically enumerated in section 20.465.030 (Applicability); and/or
 - 2. does not meet the standards for a telecommunications facility by right as set forth in section 20.465.050 (Standards for Reclamation).
 - 3. Mitigation of Impacts. If a telecommunications facility is to be placed outside the City ROW, the City may impose conditions to mitigate the environmental impacts of the facilities in a manner consistent with CEQA.

Section 20.465.030 Telecommunications Facilities by Right

Telecommunications facilities are allowed by right subject to applicable building permits in or on any of the following locations. Telecommunication facilities not meeting these requirements shall be subject to a CUP.

- A. **Zones.** Commercial (C, O-P, S-R) and Industrial (B-P, L-I, I, I-2) Zones, provided that either the telecommunications facilities are located in the public ROW or the telecommunications facilities constitute camouflaged facilities that are located on or in buildings.
- B. **City Property.** City-owned or operated property and facilities.
- C. **Land Uses.** All parcels used for institutional or governmental uses, including government offices, parks, easements, open space, government parking lots or fueling stations, and similar related institutional uses.
- D. **Public Locations and Rights-of-Way.** Public ROW locations other than City facilities and City property, provided that all telecommunications facilities and associated facilities are located underground, including PBMD and telephone company connections, except as otherwise provided in section 20.465.050 (D). For the purposes of this Zoning Ordinance, City trails shall not be considered a component part of the public ROW. Examples of acceptable installations in the public ROW include the following:
 - 1. Antennas mounted on a streetlight standard or traffic signal standard. Typical examples include antennas that are mounted atop a utility pole within a street ROW or a streetlight or traffic signal standard by extending the height of the pole and using a cylindrical antenna unit that replicates the diameter and color of the pole or light standard. Such installations are acceptable but not required.
 - 2. Small box antennas intended for wireless internet connections, mounted on the underside of a standard arm near the traffic signal or streetlight.
 - 3. Antennas mounted to existing sports field (parks) light standards that are mounted where the antenna panels are visible and the placement of the antennas in relation to the light fixtures is appropriate. Antennas shall be painted to match the color of the light standard.
 - 4. Antennas mounted to the exterior of an existing utility pole within the public ROW.
- E. **Co-location.** Sites of existing telecommunications facilities where substantial maintenance activity is necessary and/or where the applicant is retrofitting or replacing existing telecommunications facilities with smaller and/or lower profile telecommunications facilities or appurtenances, or where all such retrofitting or replacement is entirely below ground. Notwithstanding the foregoing, any existing telecommunications facility may be replaced as a matter of right one (1) time only with a cabinet that is not more than one hundred ten percent (110%) of the originally permitted size of the cabinet that is being replaced.
- F. **Collocation of Facilities on Existing Wireless Towers or Base Stations.** Sites of existing wireless towers or base stations that can support wireless antennas at the time of application shall be processed in accordance with section 6409 of the Telecommunications Act, as the same may

be amended from time to time. Proposed collocations are not exempt from the requirements of the National Historic Preservation Act or the National Environmental Policy Act. Modification of an existing wireless tower or base station shall be permitted for eligible facilities when such modifications do not substantially change the originally permitted physical dimensions of such existing tower or base station and meet all building, electrical, and fire code requirements.

Eligible facilities meeting such requirements are defined as the following:

1. Collocation of new transmission equipment; or
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

For purposes of this chapter, modifications shall not be deemed to substantially change the physical dimensions of such tower or base station if they do not increase the originally permitted tower height by more than ten percent (10%) or the height of the originally permitted antenna array plus twenty (20) feet, whichever is greater; or do not add more than four (4) new equipment cabinets or one (1) new shelter; or protrude more than twenty (20) feet or the originally permitted width of the tower, whichever is greater; do not necessitate excavation outside existing leased or owned-property and any current easements, and do not change a camouflaged facility to a non-camouflaged facility.

Section 20.465.040 Permit Procedures for Telecommunications Facilities

- A. **Building Permit.** Telecommunication facilities allowed by right per the standards of this chapter shall require a building permit subject to compliance with all provisions of this chapter and all of the development standards of the Zone.
- B. **Application Review.** Each telecommunications facilities permit shall require the equivalent of a Site Development Plan Review (Chapter 20.525) and payment of a fee for all telecommunications facilities allowed by right prior to issuance of a building permit. The City may use a telecommunications consultant to facilitate the review of the application. The fees paid by the applicant shall be used to cover the costs of the telecommunications consultant for review of the application as well as any other costs incurred by the City in processing the application. Site Development Plan Review is intended to ensure that the proposed telecommunications facility by right meets the requirements and standards set forth in this chapter and underlying Zone. Neither public notice nor a public hearing shall be required as part of the Site Plan Review for an administrative use permit for a telecommunications facility by right.
- C. **Telecommunications Facilities in the Public ROW.** When the installation of a telecommunications facility shall include work in the public ROW, the applicant shall obtain, and pay all deposits and fees associated with obtaining, an encroachment permit from the City's Engineering Division, a ROW permit from the City's Public Works Department, and a building permit from the City's Building Division.
 1. Antennas mounted on streetlights or traffic signals shall require a License Agreement and approval by the City Attorney.

Section 20.465.050 Standards for Telecommunications Facilities

All telecommunications facilities allowed by right shall meet the following standards:

- A. Telecommunications facilities not located in the public ROW shall be:
 - 1. Enclosed within new or existing structures and/or otherwise concealed or shielded from public view to the full extent technically feasible;
 - 2. Architecturally consistent with the new or existing structure and designed to meet the definition of “Camouflaged Facility” in chapter 20.600 (Definitions).
 - 3. For facilities mounted on buildings, the accessory equipment shall be inside the building, on the roof the building that the antennas are mounted on, or in a structure that is architecturally compatible with the main structure.
 - 4. For accessory wireless equipment, screening should be accomplished by locating the equipment within a fully enclosed building or in an underground vault, except as outlined in Section 20.465.050(E).
 - 5. For above ground installations that are not within a fully enclosed building, screening shall consist of walls, landscaping, or walls combined with landscaping to effectively screen the facility.
 - 6. For collocation on existing telecommunications facilities, the permit date shall be co-terminous with any existing permit.
- B. Telecommunications facilities located in the public ROW shall be located underground to the full extent allowed by applicable Public Utilities Commission regulations and to the full extent technically feasible including exhaust and intake valves that are not required to be above ground for technical reasons.
- C. In the event that a telecommunications facility is not concealed from public view and/or is not placed underground because it was not technically feasible to do so when the permit was issued for such telecommunications facility, an applicant shall take such actions as are necessary to place such telecommunications facility underground when it becomes technically feasible to do so or to conceal such telecommunications facility from the public view by methods including landscaping and other screening measures.
- D. Antennas located in the public ROW or on streetlights or traffic signals shall be limited to small equipment components that are compatible in scale and proportion to street lights and traffic signals and the poles they are mounted on. The antenna facilities shall not impose operational or maintenance restrictions to the streetlight or traffic signal.
- E. To the extent that San Diego Gas & Electric (SDG&E) does not allow the placement of facilities and/or equipment supporting telecommunications facilities attached to SDG&E utility poles to be located underground, such facilities and/or equipment may be located above ground. In the event that SDG&E changes its policies regarding undergrounding, all applicants shall promptly take such actions as are necessary to place such facilities and equipment underground.

- F. All telecommunications facilities shall be painted to blend in with existing structures and surroundings. The paint shall be maintained in good condition.
- G. All applicants shall perform maintenance, including graffiti removal, on all of their telecommunications facilities within seventy-two (72) hours after receipt of notice from neighbors and/or the City of the need for such maintenance. Notwithstanding the foregoing, in the case of an emergency, an applicant shall perform maintenance on a telecommunications facility immediately.
- H. In all cases where a telecommunications facility is to be located on property or a facility not owned by the City, an applicant must have the written agreement of the property and/or facility owner that:
 - 1. The telecommunications facility may be installed on the property and/or facility;
 - 2. The applicant shall have legal access to the telecommunications facility at all times to perform necessary maintenance; and
 - 3. That the applicant shall have legal access to the utilities necessary to operate and maintain the telecommunications facility.

Except as provided in section 20.465.050 (D), utilities for all such telecommunications facilities shall be constructed underground and/or enclosed within camouflaged facilities.

- I. Under no circumstances shall the City be required to approve the installation of more than one (1) telecommunications facility on any streetlight or traffic light unless the City deems it technically and aesthetically feasible, in its discretion, to do so. Nothing in this section is intended to or shall require the City to approve the installation of new utility poles.
- J. Under no circumstances shall the City be required to extend City facilities upon which telecommunications facilities can be located, including street lights, to areas where they currently do not exist. Such facilities shall be extended into areas where they currently do not exist only if the applicant pays the full cost of the construction, installation, and ongoing maintenance and operation (including electricity costs) of such extended facilities. In addition to the foregoing, to the extent that existing facilities upon which telecommunications facilities can be located must be modified or retrofitted to accommodate a telecommunications facility, such modification or retrofit shall be made at the applicant's sole cost and expense. Additionally, the primary purpose or use of City facilities shall remain the function for which they were initially constructed, and the installation of any telecommunications facility thereon shall be a secondary use or purpose.
- K. Prior to the issuance of a permit, the applicant shall furnish proof to the City of the posting of a bond in favor of the City, with a corporate surety approved by the City and in the sum specified in the permit, that would cover the costs of removal of all of applicant's telecommunications facilities within the City in the event that the applicant no longer pays rent and/or energy costs and/or in the event that the applicant no longer uses the telecommunications facility. Such bond shall cover the costs necessary to remove some vaults and to fill in other vaults, as determined by the City to be appropriate and consistent with the City's health and safety requirements. Such

bond will be accompanied with plans showing the dimensions of the facilities for which the bond is being submitted.

- L. Prior to the issuance of a permit, the applicant shall either furnish proof to the City of the posting of a bond in favor of the City, with a corporate surety approved by the City, or make a cash deposit with the City, either of which shall be in an amount that is specified in the permit as necessary to cover the costs of landscape maintenance of the telecommunications facility for the time periods set forth in section 20.465.050 (T), below. In the event that the Director extends the landscaping monitoring and maintenance period as provided in section 20.465.050 (T), the bond or cash deposit required by this section shall also be extended.
- M. With regard to any bond required to be posted under this section, the corporate surety must be authorized to issue such bonds in the State of California, and the bond must be obtained and secured through an authorized agent in the County of San Diego. All such bonds must include provisions for increasing the bond amount by a reasonable amount over time and for increasing the bond amount in the event that the number of telecommunications facilities covered by an existing bond increases over time.
- N. An applicant shall remove any telecommunications facility including, without limitation, foundations and appurtenant ground wires, from a site and the site shall be restored to its original pre-installation condition, within one hundred eighty (180) days of cessation of operation or abandonment of the telecommunications facility. A facility shall not be deemed abandoned upon the expiration of this one hundred eighty (180)-day period if the applicant notifies the City in writing prior to the expiration of the one hundred eighty (180) days of its intent to use the facility or to remove the same within one (1) additional six (6)-month period. In no event shall abandonment of a facility be stayed or tolled under this Section for a period in excess of one (1) year. On the removal of abandoned facilities, the applicant/operator shall notify the City within one hundred eighty (180) days prior to terminating the operation of the facility, or as soon thereafter as is practicable. Notification shall be in writing and shall include a reference to the Administrative Use Permit number and address location of the facility.
- O. The installation of any telecommunications facility shall not create or cause a violation of the ADA, and shall be compliant with all applicable building and electrical codes as well as the latest iteration of the tower safety code, the terms and provisions of which are incorporated herein by reference.
- P. Upon application, telecommunications carriers shall provide a theoretical assessment of compliance with all applicable Federal Communications Commission (FCC) radio frequency (RF) guidelines, incorporating all maximum permissible exposure limits. Following installation and activation of the facility, telecommunications carriers shall provide an actual assessment to verify compliance with all applicable FCC RF guidelines.
- Q. Upon receipt of sufficient public expression of concern that a telecommunications facility does not comply with existing RCC RF guidelines, the City may use the services of an independent

- radio frequency engineer to verify, at the telecommunications carrier's expense, the facility's compliance with federal guidelines.
- R. No above-ground telecommunications facility shall be located or placed in the path of public trails. Above-ground telecommunications facilities to be located adjacent to a public trail must be located so that they do not impede public use of and access of the public trail.
- S. In the event a road improvement project requires a permitted telecommunications facility to be moved, such telecommunications facility shall be moved at the applicant's sole cost and expense and shall be placed underground to the full extent technically feasible. Notwithstanding the foregoing, in the event that a road improvement project is initiated by a person other than the City or the applicant, such person must move the telecommunications facility at its sole cost and expense. In addition to the foregoing, in the event that a service interruption would occur during the time period that a telecommunications facility is being moved, a temporary telecommunications facility may be installed for a period not to exceed ninety (90) days, which may be extended for an additional ninety (90) days upon application to the Director demonstrating the necessity for the extension to avoid disruption of service, provided that all of the requirements for installing a telecommunications facility by right or a telecommunications facility requiring a CUP, as applicable, are met. Further extensions can be granted upon application to the Director and demonstration of the necessity therefore, particularly in cases of damage to telecommunications facilities resulting from natural disasters.
- T. An applicant shall provide plans and specifications, including materials and color specifications and full construction details, for any proposed telecommunications facility to the level of detail required by the Planning Division. Upon construction of any telecommunications facility, the applicant shall provide an as-built plan to the City. All plans required under this chapter shall be prepared and signed by a California Licensed Engineer or Architect in accordance with the California Business and Professions Code.
- U. An applicant shall modify plans for a new telecommunications facility to the satisfaction of the Director to incorporate noise attenuation measures in order to meet the requirements of the City's General Plan and the City's Noise Ordinance (Chapter 10.24 of the Municipal Code). Such noise attenuation measures may be supplemented or modified over time to accommodate technological advances in the field of noise suppression.
- V. An applicant shall provide landscape and irrigation plans for the site of any proposed telecommunications facility, including a permanent source of irrigation for the site, if irrigation of the site is necessary and there is a feasible water source for the site that can be metered. All proposed landscaping shall be consistent with the surrounding area or community character and shall mitigate the visual impact of the telecommunications facility. Said landscape plans shall contain a mixture of shrubs, vines, and ground cover. An applicant shall monitor and maintain any such landscaping for a period of one (1) year following its installation, and the applicant shall promptly replace any plantings that do not survive. The Director shall have the ability, in his/her sole discretion, to extend the landscaping monitoring and maintenance period to two (2) years in

- the event that the landscaping is not healthy and vigorous at the end of the initial one (1)-year period. In no event shall the City be responsible for the maintenance of landscaping.
- W. An applicant shall provide a traffic control plan for construction and/or maintenance of a telecommunications facility to the Engineering Division as part of any encroachment permit process and to the Public Works Department as part of any excavation permit process.
- X. An applicant shall pay all applicable public facilities fees as required by City Ordinance prior to the issuance of any permit.
- Y. An applicant shall pay all applicable development fees or permit fees as required by City Ordinance prior to the issuance of any permit.
- Z. An applicant shall submit separate petitions to annex into and establish with respect to the property where the telecommunications facility is to be located, the special taxes levied by the following Community Facilities Districts:
1. CFD 98-01, Police
 2. CFD 2001-01, Fire and Paramedic
 3. CFD 98-02, Lighting, Landscaping, and Open Space
- AA. No permit will be issued without receipt of an executed petition for annexation, and consent and waiver executed by the property owner, for each of the above-referenced CFDs and establishment of the special taxes.
1. The applicant/property owner shall comply with all rules, regulations, policies, and practices established by the City with respect to the CFDs including, without limitation, requirements for notice and disclosure to future owners or residents; OR
 2. The applicant may, in lieu of annexing into the CFDs for Police (CFD 98-01); Fire and Paramedic (CFD 2001-01); and Lighting, Landscaping, and Open Space (CFD 98-02), pay the special taxes as a fee.
- BB. The telecommunications facility shall comply with all applicable current and future FCC regulations. It shall be the responsibility of the applicant to contact the City acknowledging any changes in the regulations that would affect the telecommunications facility.
- CC. The installation of the telecommunications facility shall comply with the provisions of the latest adopted Uniform Building and Electrical Codes as well as with the California Building Code, Part 2, Title 24, California Code of Regulations.
- DD. The applicant shall comply with all City standards and requirements for excavation and grading, as established by City Ordinance, whether or not such work is performed in the public ROW.
- EE. If a telecommunications facility is to be placed outside the City ROW, the City may impose conditions to mitigate the environmental impacts of the facilities in a manner consistent with CEQA.

Section 20.465.060 Antenna and Communication Facilities

- A. Transmitting and/or receiving antennas for non-public use shall not exceed a maximum height of the applicable Zone.
- B. Antennas shall conform to the location requirements of chapter 20.410 (Second Dwelling Units and Accessory Structures).

Section 20.465.070 Indemnification

To the maximum extent permitted by applicable law, an applicant shall at all times defend, indemnify, protect, save harmless, and exempt the City, the City Council, its officers, agents, servants, attorneys, and employees from any and all penalty, damage, or charges, excepting only punitive damages, arising out of claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, that arise out of, or are caused by, the construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of telecommunications facilities within the City based on any act or omission of an applicant, its agents or employees, contractors, subcontractors, independent contractors, or representatives. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included as those costs that shall be recovered by the City.

Section 20.465.080 Non-Enforcement by the City

An applicant shall not be relieved of its obligation to comply with any of the provisions of this chapter, any permit issued hereunder or any applicable law or regulation, by reason of any failure of the City to force prompt compliance.

Section 20.465.090 Appeals

An appeal from the decision of the Director or the Planning Commission made in the administration or enforcement of this Zoning Ordinance pertaining to installations that are not by right (pursuant to section 20.465.030 [Telecommunications Facilities by Right] of this Zoning Ordinance) may be made by the carrier or any person having an interest in the property that is the subject of the decision, as provided in Chapter 20.545 (Appeals and Revocations). All appeals related to a decision made through the CUP process shall be consistent with the standards and process of chapter 20.545 (Appeals and Revocations).

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ATTACHMENT F
Photo Simulations

EXISTING



The project site, as seen looking north
from across Santa Fe Avenue

Smilax Drive
2638 S. Santa Fe Ave.
San Marcos, CA 92069



These simulations are intended for graphical purposes only and not intended
to be part of or to replace the information provided on the construction drawings

1/19/2016

PROPOSED
Photosimulation of proposed telecommunications site

EXISTING



The project site, as seen looking north from across Santa Fe Avenue, west of the property.

Smilax Drive
2638 S. Santa Fe Ave.
San Marcos, CA 92069



Proposed (3) live trees

Proposed monoecalyptus

Proposed equipment shelter and generator enclosure



These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

1/19/2016

PROPOSED

Photosimulation of proposed telecommunications site

EXISTING



The project site, as seen looking east from the west side of the property

Smilax Drive
2638 S. Santa Fe Ave.
San Marcos, CA 92069



Proposed monoecalyptus
Proposed equipment shelter and generator enclosure
Proposed (3) live trees

These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

1/19/2016

PROPOSED

Photosimulation of proposed telecommunications site

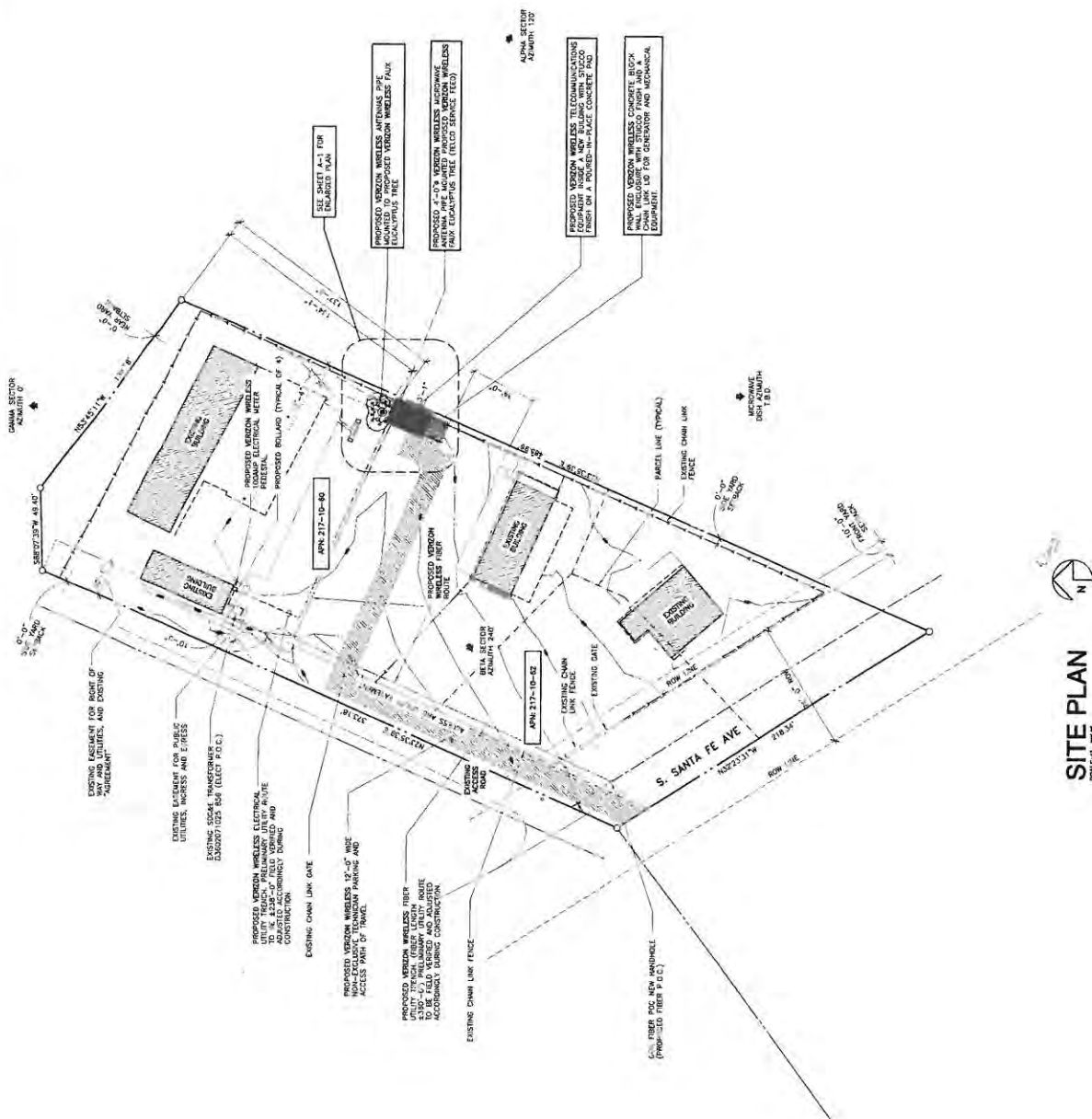


ATTACHMENT G
Mitigated Negative Declaration ND 15-009



ATTACHMENT H

Project Plans



- SCALE: 1/4" = 1'-0"

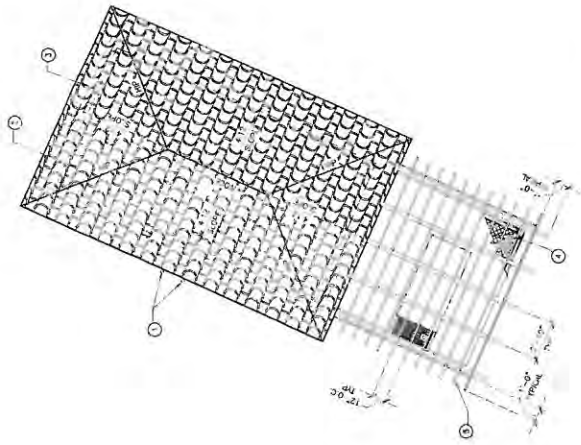
APPROVALS	
DATE	DATE
DATE	DATE
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DATE	DATE
DATE	DATE
DATE	DATE

PROJECT NAME
SMILAX DRIVE
2638 S. SANTA FE AVENUE
SAN MARCOS, CA 92069
SAN DIEGO COUNTY

DRAWING DATES	
01/21/14	90% 2D (REV)
01/21/14	100% 2D (REVISION 1 (R))
01/21/14	100% 2D (REVISION 2 (R))
01/21/14	100% 2D (REVISION 3 (R))
01/21/14	100% 2D (REVISION 4 (R))
01/21/14	100% 2D (REVISION 5 (R))
01/21/14	100% 2D (REVISION 6 (R))
01/21/14	100% 2D (REVISION 7 (R))
01/21/14	100% 2D (REVISION 8 (R))

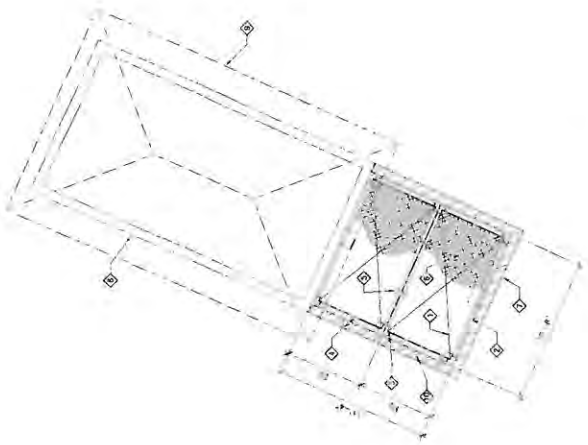
SHEET TITLE
**ROOF & TRELLIS PLAN
AND CHAIN LINK LID
PLAN**

PROJECT: VERBONA 1134
A-2



ROOF & TRELLIS PLAN
SCALE: 1/8" = 1'-0"

- ROOF & TRELLIS PLAN NOTES:**
- PROPOSED EXISTING ANTENNAS MOUNTED TO ROOF EXIST (TYPICAL OF 2)
 - PROPOSED SPANISH TILE ROOF TO MATCH EXISTING BUILDING ROOF
 - PROPOSED BUILDING OUTLINE BELOW (SHOWN DASHED)
 - PROPOSED ADJACENT GENERATOR ENCLOSURE
 - PROPOSED WOOD TRELLIS

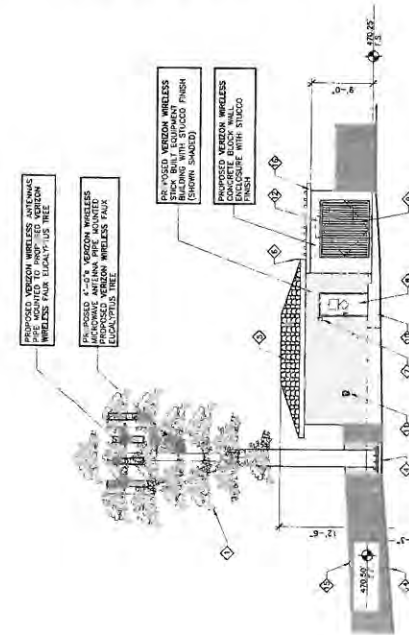


CHAIN LINK LID PLAN
SCALE: 1/8" = 1'-0"

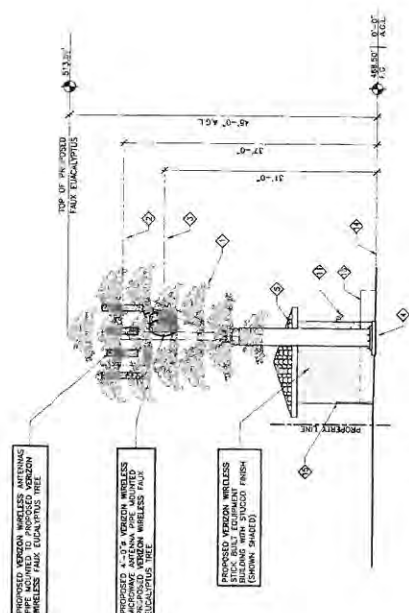
- CHAIN LINK LID PLAN NOTES:**
- "X" INDICATES A SINGLE PANEL OF THE CHAINLINK LID
 - PROPOSED 3/4" SCHEDULE 40 GALVANIZED STANDARD PIPE FRAME (TYPICAL)
 - PROPOSED GALVANIZED STEEL PIPE CLAMPS FOR CHAINLINK TENSIONER STRIP
 - PROPOSED GALVANIZED TENSIONER STRIP (TYPICAL)
 - PROPOSED BRACKET SUPPORT CLAMP FOR CHAINLINK LID AT 4'-0" O.C.
 - PROPOSED GALVANIZED CHAINLINK MESH PARTIALLY REMOVED FOR CLIMBING ON BOTTOM "SIDE" OF FRAME. SEE SPECIFICATION THIS SHEET
 - PROPOSED CONCRETE BLOCK WALL FOR GENERATOR ENCLOSURE
 - PROPOSED WIRELESS EQUIPMENT BUILDING
 - PROPOSED EQUIPMENT BUILDING OVERHANG
 - PROPOSED OPENING IN CONCRETE BLOCK WALL (SHOWN SHADDED)

ELEVATION NOTES:

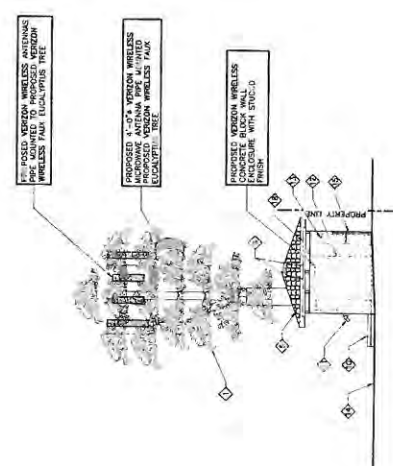
- ① PROPOSED 45'-0" HIGH PAUL EXCAVATIONS THREE
- ② PROPOSED 45'-0" HIGH PAUL EXCAVATIONS THREE
- ③ CONTAINER OF PROPOSED VIBRATION WHEELS
- ④ CONTAINER OF PROPOSED VIBRATION WHEELS
- ⑤ PROPOSED PAUL EXCAVATIONS THREE
- ⑥ PROPOSED SPINNING THE ROOF
- ⑦ PROPOSED PAUL EXCAVATIONS THREE
- ⑧ PROPOSED PAUL EXCAVATIONS THREE
- ⑨ PROPOSED PAUL EXCAVATIONS THREE
- ⑩ PROPOSED PAUL EXCAVATIONS THREE
- ⑪ PROPOSED PAUL EXCAVATIONS THREE
- ⑫ PROPOSED PAUL EXCAVATIONS THREE
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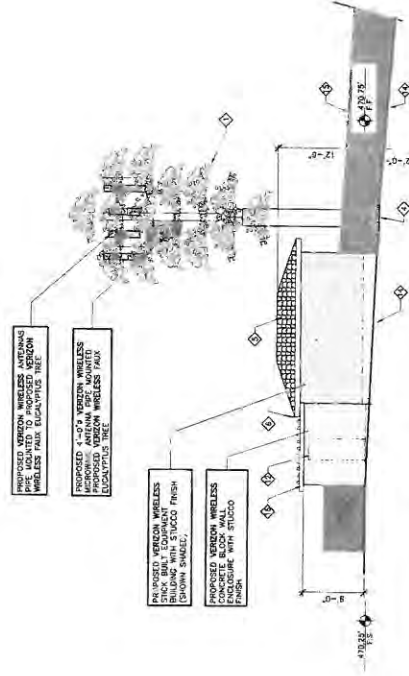
WEST ELEVATION



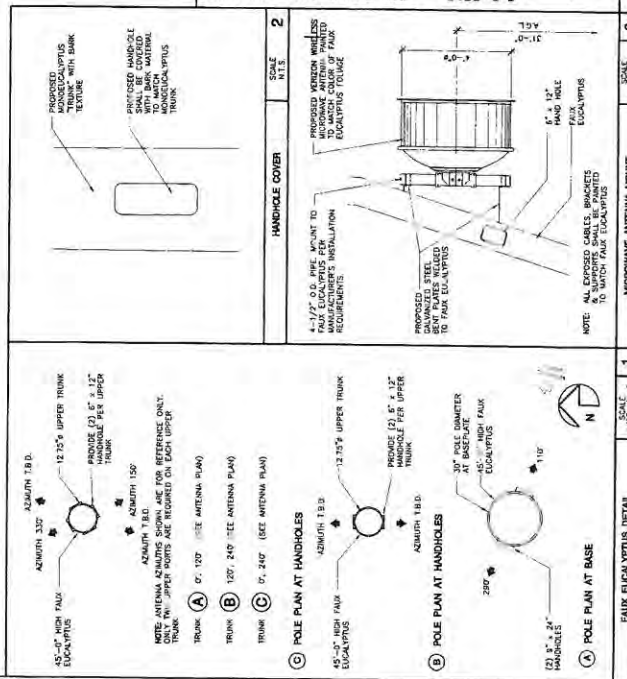
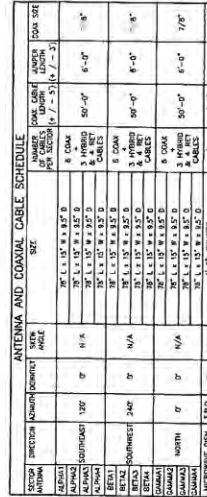
NORTH ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION



PLANTING NOTES

- [illegible]

WATER CONSERVATION NOTES

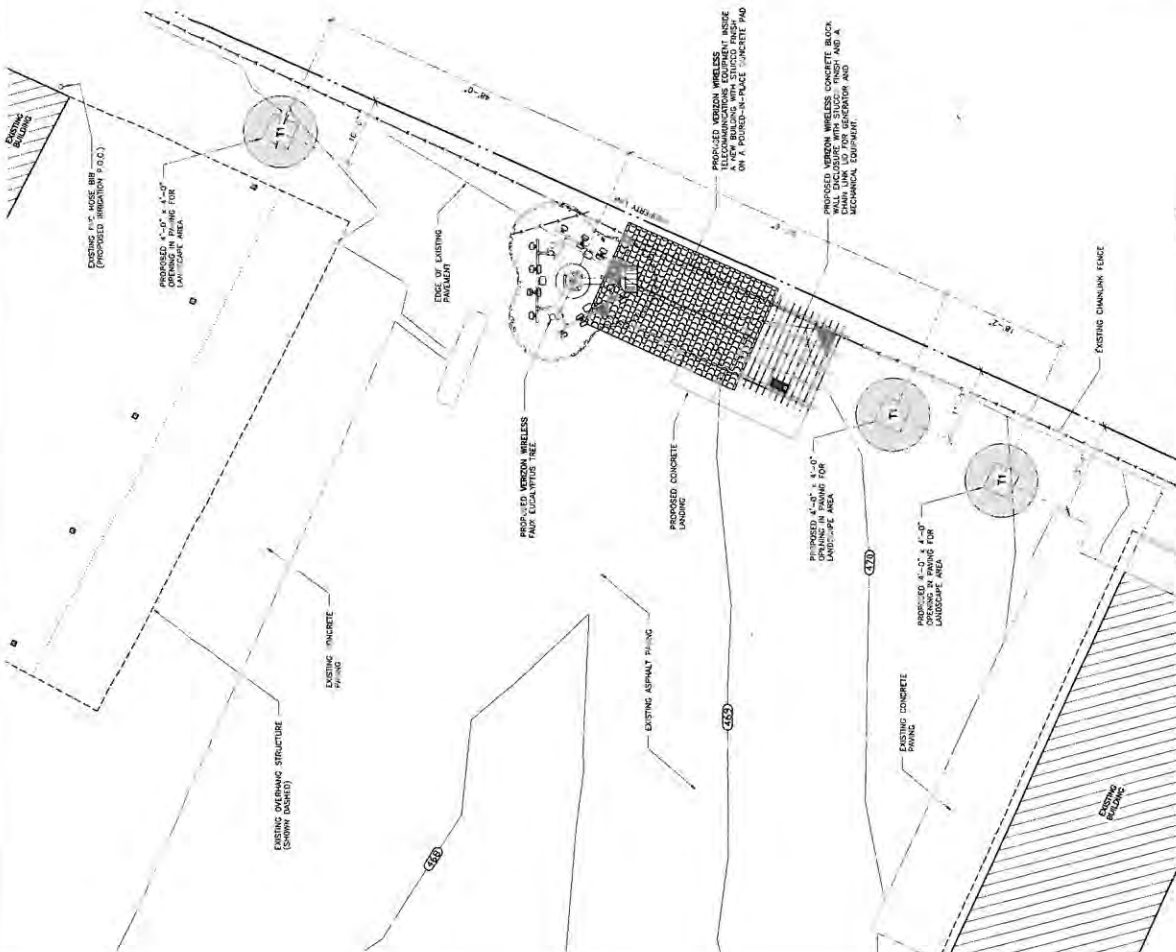
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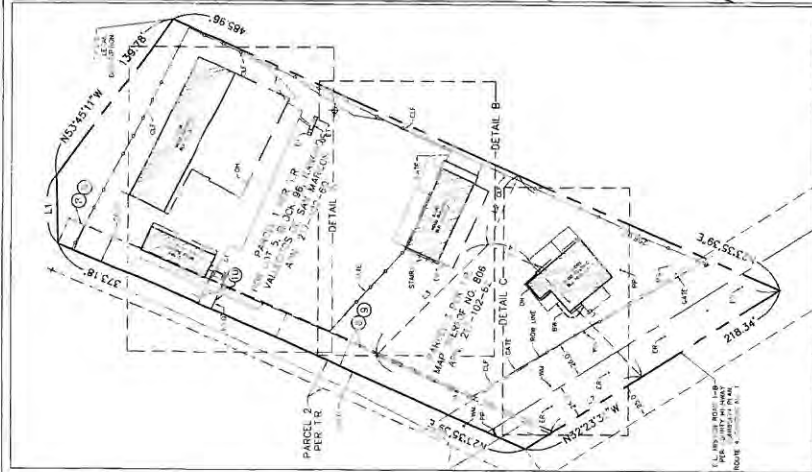
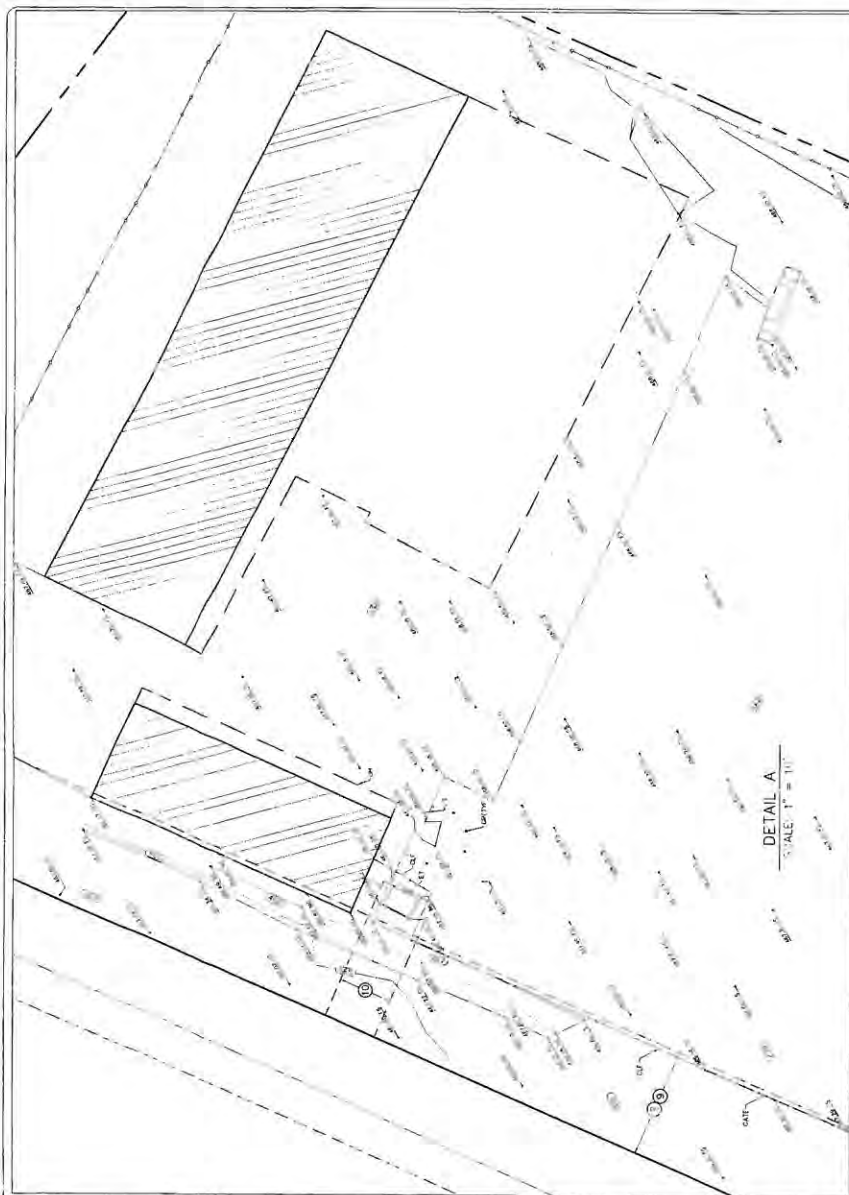
IRRIGATION NOTE:

CONTRACTOR IS TO COORDINATE MODIFICATIONS TO EXISTING ON SITE IRRIGATION SYSTEM TO PROVIDE PROPER PROPOSED LANDSCAPE COVERAGE. PROVIDE MATCHING IRRIGATION SPRINKLERS. COORDINATE ALL WORK WITH OWNER.

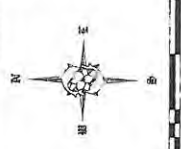
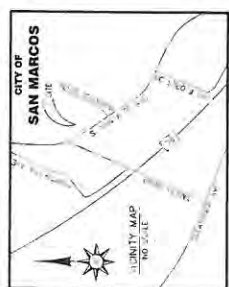
PLANTING LEGEND

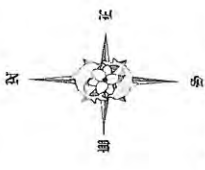
SYMBOL	BOTANICAL NAME	COMMON NAME	FORM / FUNCTION	PLANTING SIZE	QUANTITY	MATURE HEIGHT & SPREAD
	UNIDENTIFIED CONIFERUS	BIRCH-LIKE TREE	TREE	3.4" BOX	3	45' HEIGHT 25' SPREAD

LANDSCAPE DEVELOPMENT PLAN
SCALE 1/4" = 1'-0"



LINE TABLE		LENGTH
LINE	FEET	
L1	589.2730	40.42
L2	16.2	30
L3	545.5	10.43
L4	52.5	30
L5	45.3	15.00
L6	3.530	15.37

[illegible][illegible][illegible][illegible]



ASSESSOR'S PARCEL NUMBER
271-11-00-00-00

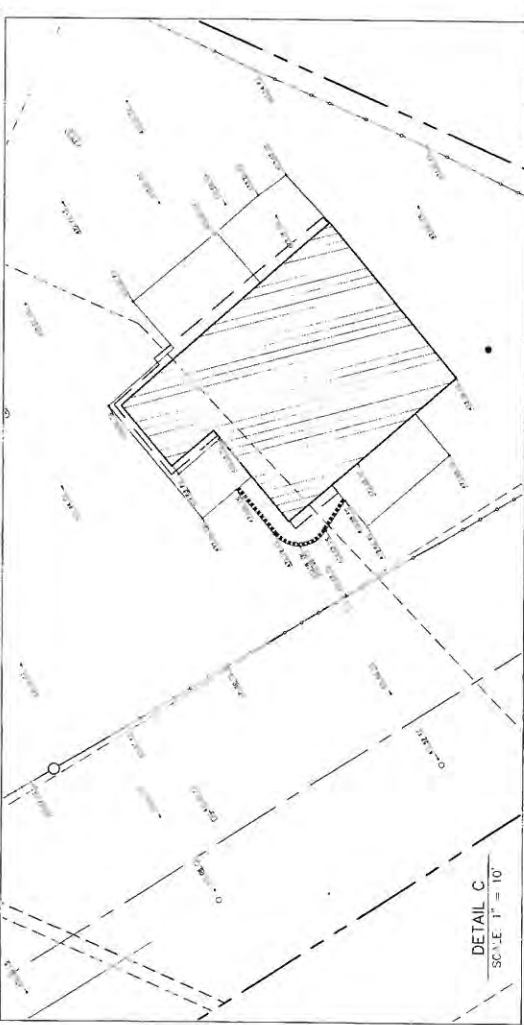
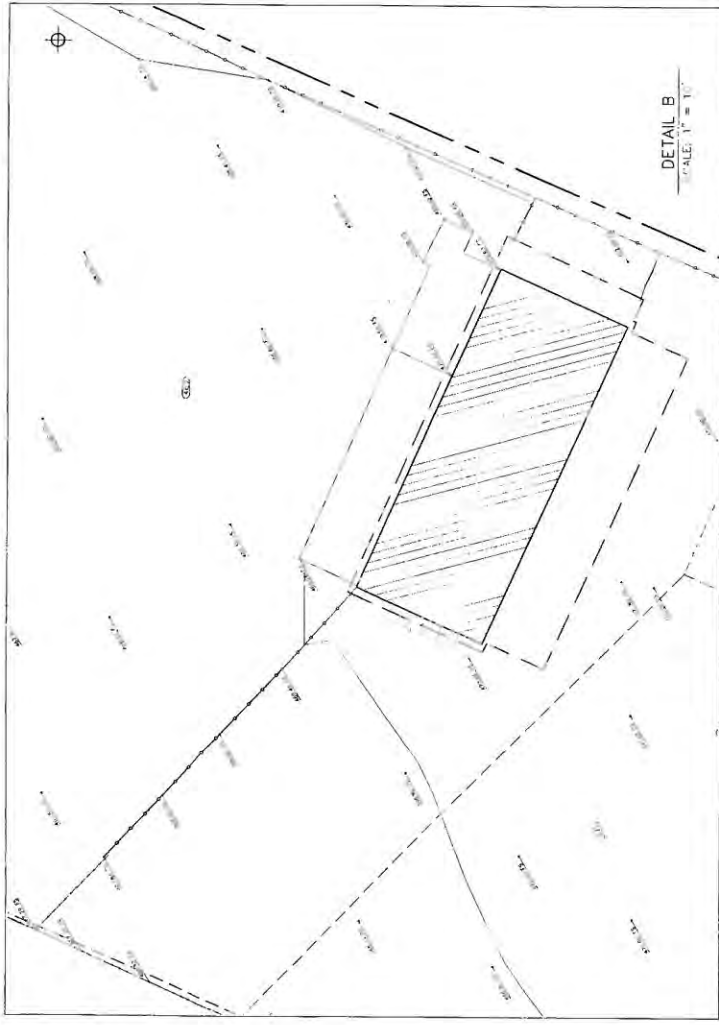
BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE 1983 NAD 83 DATUM. ALL BEARINGS ARE GIVEN AS TRUE BEARINGS. THE 1983 NAD 83 DATUM IS THE BASIS OF BEARINGS FOR THIS SURVEY. THE 1983 NAD 83 DATUM IS THE BASIS OF BEARINGS FOR THIS SURVEY. THE 1983 NAD 83 DATUM IS THE BASIS OF BEARINGS FOR THIS SURVEY.

DATUM STATEMENT:
THE DATUM FOR THIS SURVEY IS THE 1983 NAD 83 DATUM. ALL BEARINGS ARE GIVEN AS TRUE BEARINGS. THE 1983 NAD 83 DATUM IS THE BASIS OF BEARINGS FOR THIS SURVEY. THE 1983 NAD 83 DATUM IS THE BASIS OF BEARINGS FOR THIS SURVEY.

DATE OF SURVEY:
8/1/2014

COORDINATES:
EASTING: 117112.27
NORTHING: 117112.27
DATUM: NAD 83

LEGEND:
CL - CENTERLINE
CT - CENTERLINE
FL - FLECT - TRANSITION
GR - GRADE
IR - IRREGULAR
L - LINE
P - POINT
R - RADIUS
T - TANGENT
W - WIDE
X - CROSSING



RESOLUTION PC 16-4516

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION AND OPERATION OF A WIRELESS TELECOMMUNICATION FACILITY DISGUISED AS A FAUX TREE LOCATED AT 2638 S. SANTA FE AVENUE IN THE LIGHT INDUSTRIAL (L-I) ZONE OF THE COLLEGE NEIGHBORHOOD.

Project No. P14-0009
CUP 14-005 / ND 15-009
Verizon Wireless

WHEREAS, on February 7, 2014 an application was received from Verizon Wireless requesting approval of a Conditional Use Permit to allow the installation and operation of a wireless telecommunication facility comprised of a 45 foot tall faux tree monopole and associated ground-mounted equipment inside a new 412 square-foot equipment enclosure at a site which is developed with a tile and counter-top contractor's yard, located at 2638 S. Santa Fe Avenue in the Light Industrial (L-I) Zone, in the College Neighborhood, more particularly described as:

That portion of the northwesterly 201.00 feet of the southerly 481.00 feet of lot 5 in block 96, Rancho Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Number: 217-102-60-00

WHEREAS, on February 14, 2006, the City of San Marcos adopted Ordinance No. 2006-1261 ("Telecommunications Facilities") which was codified as San Marcos Municipal Code (SMMC) Chapter 20.126; and

WHEREAS, the City completed a comprehensive update to the Zoning Ordinance (SMMC Title 20) on December 13, 2013 to implement the comprehensive General Plan update; and

WHEREAS, SMMC Chapter 20.126 was re-codified as SMMC Chapter 20.465 in the comprehensive update to the Zoning Ordinance on December 13, 2013; and

WHEREAS, the City of San Marcos adopted Ordinance 2014-1398 on August 12, 2014, which superseded and replaced Chapter 20.465 of the SMMC; and

WHEREAS, under SMMC Section 20.465.020(A), the application filed by Verizon Wireless for a Conditional Use Permit (CUP 14-013) is not subject to the provisions of the

AGENDA ITEM
3

existing SMMC Chapter 20.465 because the application was submitted prior to the Ordinance's effective date; and

WHEREAS, the Development Services Department did study said request and does recommend approval of the requested use; and

WHEREAS, the required public hearing held on February 22, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 15-009) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The granting of the Conditional Use Permit, with conditions, is consistent with the policies and intent of the adopted General Plan, in that the installation of a wireless telecommunication facility provides a needed communication service within the City of San Marcos.
2. The granting of the Conditional Use Permit, as conditioned, will not be detrimental to the public health, safety, or welfare, or the surrounding land uses in the area in that the proposed wireless antenna facility will be located at a developed site and that operational standards for the facility have been conditioned to comply with Federal Communications Commission (FCC) standards and California Public Utility Commission (CalPUC) requirements; and potential noise impacts will be attenuated by an equipment enclosure. In addition, visual impacts of the facility have been minimized because the monopole is designed to resemble a faux tree and will be screened by both project installed natural trees and other existing trees at the site. The panel antennas will be concealed by the faux branches and leaves of the monopole and the ground mounted equipment will be screened from view by an equipment enclosure designed to be compatible with other existing structures onsite.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. Mitigated Negative Declaration (ND 15-009) is hereby adopted.
- C. The Conditional Use Permit is approved per the submitted project plans dated January 26, 2016, visual simulations dated January 19, 2016 and RF Report dated February 22, 2014. Per the aforementioned approved project plans, the project will consist of a forty-five (45) foot tall faux tree monopole, concealing the presence of twelve (12) panel antennas, and a 412 square foot ground mounted equipment enclosure. The project will provide the facilities to serve a single telecommunication provider, Verizon Wireless. The project, as

approved and modified herein, shall not be expanded and/or further modified unless subsequent approval is granted by the City.

- D. Within thirty (30) days of approval, a final plan set shall be submitted as a digital file and include a sheet containing each page of this resolution. This sheet shall also include the statement "I(we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of Resolution No. PC 16-4516." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any building permit submittal.
- E. No engineering permit shall be construed as providing exemption to applicable or adopted standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict Developer/Applicant shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project or issuance of an engineering permit.
- F. This project shall be responsible for full compliance with the latest adopted Construction General Permit State of the Water Resources Control Board and conditions contained herein for your projects risk level. Changes to the scope of the project that affect the risk assessment shall require the approval of the City Engineer and may be subject to further conditions at the time of Building Permit issuance.
- G. Any grading work shall be compliant with San Marcos Municipal Code (SMMC) Chapter 17.32 and is subject to the issuance of a grading permit, pursuant to SMMC § 17.32.045 and any applicable provisions of the Mitigation Monitoring Program of MND 15-009.
- H. A separate permit for landscaping shall be required. At a minimum, the proposed landscaping shall comply with the following requirements:
 - 1. Landscape plans shall include three (3) Lophostemon Confertus/Tristania Conferta ("Brisbane Box") trees, which shall be in twenty-four (24) inch box containers and have a height and spread of not less than ten (10) by four (4) feet, and shall be located in the positions identified in the approved site plan.
 - 2. To the extent reasonably feasible, screen the equipment from view of adjacent properties and S. Santa Fe Avenue.
 - 3. Utilize the tallest specimens and largest container sizes feasible for all species of landscape materials selected for use at the site.

4. Plans submitted for a Landscape Permit shall be signed by a licensed landscape architect, licensed landscape contractor, or any other applicable landscape professional, person, licensed or unlicensed, as listed in the Business and Professions Code, California Code of Regulations, or Food and Agricultural Code.
 5. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved plans. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
 6. Landscape plans shall comply with all provisions of City Standards; contain all required landscaping and an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
 7. If applicable, plant material and irrigation design shall comply with the California Code of Regulations; Title 23; Division 2; Chapter 207 – Model Water Efficient Landscape Ordinance, and the applicable provisions of the City's Water Efficient Landscape Ordinance.
- I. A Building Permit is required prior to the commencement of any work on the project site (i.e. utility trenching, grading, clearing, grubbing, etc.). Prior to the issuance of a Building Permit, the following conditions shall be complied with:
1. Applicant shall secure a landscape permit, pursuant to the provisions of Section H of this permit.
 2. Plans submitted to the Building Division for the issuance of a Building Permit shall include the following:
 - a. A sheet containing each page of the signed and adopted Conditional Use Permit, Resolution No. PC 16-4516.
 - b. A sheet containing the manufacturer specifications for the proposed model of "mono-broadleaf" faux tree and a branch diagram. The branch diagram shall contain an accurate branch count and sufficient information on branch spacing to demonstrate compliance with the following requirements:

- i. A minimum of three (3) branches per linear foot shall be required to create a realistic and natural faux tree. All branches shall incorporate faux leaves, natural colors and three dimensional textures on all surfaces.
 - ii. Horizontally mounted faux branches with leaves shall extend a minimum of eighteen (18) inches beyond the face of the panel antennas.
 - iii. All panel antennas shall be covered with leaf-covered socks.
3. Applicant shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with the projects' planning, engineering, construction or architecture for the project.
4. A one-time fee of \$3,000 shall be paid in lieu of annexation into Community Facility Districts (CFD): 98-01IA1, 98-02 and 2001-01 for all facilities installed and operated by the applicant, Verizon Wireless. No development entitlement, Building Permit, or Certificate of Occupancy will be issued without payment of a fee in lieu of annexation. The applicant/property owner shall comply with all rules, regulations, policies and practices established by the City with respect to the CFD's including, without limitation, requirements for notice and disclosure to future owners.
5. The applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation.
6. At least 30 days prior to beginning project construction; the applicant/developer must enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
7. The project archaeologist shall file a pre-ground disturbance report with the City to document the proposed methodology for ground disturbing activity observation, which will be determined in consultation with the contracted Luiseño Tribe referenced herein. Said methodology shall include the requirement for a

qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required herein, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.

8. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
9. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
10. The City of San Marcos is located in Seismic Design Category "D." Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
11. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
12. The project is subject to Public Facilities Fees as established by the City of San Marcos Public Facilities Financing Plan Ordinance. The amount of the public facilities fees shall be in accordance with the latest adopted ordinance and resolution. The fees shall be based on the approved land use and shall be paid prior to the issuance of any permit or land use entitlement as determined by the City.
13. All required warning signage compliant with ANSI C95.2 color, symbol, and content conventions shall be identified on the project plans. Signage shall be in both English and Spanish languages. Signage shall also provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC. The location of signage must ensure that anyone approaching may clearly see the signage before entering the controlled zone.
14. All construction related Best Management Practices (BMPs) shall be shown in detail on the construction plans submitted to the City for review and approval.

J. During the construction phase, the following conditions shall be complied with:

1. An electrical meter release to San Diego Gas and Electric (i.e. meter release) shall not occur until approved by the Planning Division. The Planning Division's approval of a meter release will be based on the satisfactory concealment of the onsite antennas as well as the installation of all required RF signage. To schedule an inspection of the facility for a meter release, contact the Planning Division at (760) 744-1050, ext. 3204.
2. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
3. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City and or County for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
4. An archeological monitor and a Luiseño Native American monitor must be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
5. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced herein. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.
6. In the event that curation of cultural resources is required, curation must be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos must provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.

7. All sacred sites, should they be encountered within the project area, must be avoided and preserved as the preferred mitigation, if feasible.
8. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance must occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
9. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under agreement with the landowner described in the measure above shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Manager for decision. The Planning Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Manager shall be appealable to the Planning Commission and/or City Council.
10. During grading and construction operations, the applicant shall maintain public and private driveway/road access to neighboring properties at all times, unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
11. The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
12. The applicant shall implement and maintain stormwater pollution prevention measures as required on the approved plans. Violations of the City's Stormwater

Management Ordinance (Chp. 14.15 S.M.M.C.) will result in Stop Work Orders, Notices of Violations and/or citations with fines. Work on the project may be delayed until the City determines that compliance with stormwater requirements has been achieved.

13. Prior to installation of landscape materials at the site, the plants shall be inspected and approved by the Planning Division for quality and compliance with minimum size requirements. To request/schedule the plant material inspection, contact the Planning Division at (760) 744-1050, ext. 3204.
- K. Prior to final Building Permit inspection approval, the following conditions shall be complied with:
1. Final building permit release will only be granted upon satisfactory evidence the wireless telecommunications facility was installed in compliance with the approved plans.
 2. All landscaping shall be installed per the approved plan. At the time of the final inspection, the applicant shall submit a letter from the Landscape Architect (addressed to the Planning Division Manager) certifying that all plant materials and irrigation systems have been installed in accordance with the approved landscape plans and compliant with all City and State Water Efficiency Landscape requirements.
 3. All antennas, pole mounted support equipment, wires/cables and related apparatus associated with the operation of the wireless telecommunication facility shall be painted natural colors in accordance with the surface mounted to, and fully concealed from public view within the canopy of the faux tree.
 4. If determined necessary by the Planning Division Manager, the applicant may be required to install additional screening materials to further conceal the presence of any wireless telecommunication facility equipment (i.e. antennas, hardware, cables, etc.) from public view. Any cost associated with the additionally required screening materials shall be the sole responsibility of the applicant.
 5. The proposed development shall satisfy the conditions of approval. The contractor shall obtain approval from all City Departments and other agencies before requesting a Final Inspection from the Development Services Department.
 6. Within thirty (30) days of the final inspection of the wireless telecommunications facility, the applicant/operator/owner must submit date stamped as-built photographs of the facility to the City. The photographs must be submitted in both paper and digital formats. The digital format shall contain a PDF with the photographs arranged on a simulated 8 ½ x 11 inch sheet of paper and clearly labeled to identify the content of each photograph. The as-built photographs shall

visually detail all of the installed equipment (i.e. antenna/pole mounted equipment, ground mounted equipment, meter pedestals, and any other related equipment associated with the operation of the facility).

- L. Within six (6) months of final inspection approval for the installation, the applicant/operator of the facility shall submit to the Planning Division a project implementation report ("RF Report") which provides field measurements of radio frequency densities of all antennas installed on the subject site, and all existing ambient levels of radio frequency emissions. The RF Report shall include a written summary comparing results of the field measurements with FCC standards (i.e. stating emissions as a percentage of FCC limits). Additionally, the RF Report shall be conducted at a time that the facility is operating at its designed maximum power output level. If panel antennas are installed in phases, said report shall be updated when additional antennas are installed (not to exceed maximum of 12 panel antennas). The RF Report shall also evaluate the cumulative emissions of the proposed project and the existing wireless telecommunication facilities to ensure compliance with the FCC regulations. The applicant shall submit to the Planning Division a copy of applicable FCC documentation (i.e. license, permit, etc.) authorizing the operation of the facility. If the City determines it necessary to have the RF Report reviewed by a third party, the applicant/operator shall also be solely responsible for all costs associated with this review.
- M. The ongoing operation of the facility and reliance under this Conditional Use Permit is subject to the following:
1. The applicant/operator shall at all times comply with all Federal Communications Commission ("FCC") rules and regulations, including without limitation, the RF emissions safety requirements of FCC Office of Engineering Bulletin 65, and any successors thereto. It shall be the responsibility of the applicant to contact the City acknowledging any changes in the regulations that would affect the Telecommunications Facility.
 2. If the FCC adopts new standards regarding this use, the applicant shall repeat the aforementioned (Condition of Approval "K") monitoring and report cycle.
 3. The installation of communication equipment (deemed a public utility) shall comply with the rules and regulations enforced by the state of California Public Utilities Commission.
 4. The onsite generator shall be used for emergency back-up purposes only and may never be used as a primary electrical source for the facility, in nonemergency situations. Maintenance uses of the generator shall be limited to no more than once per week, and shall not have a period of use that exceeds fifteen (15) minutes.

5. The faux tree monopole and equipment enclosure shall be maintained in good condition which includes replacing damaged or lost faux branches, leaves, bark cladding, antenna covers, and/or painting of equipment and faux tree parts when necessary.
6. The faux tree canopy of the monopole shall retain a natural appearance (i.e. shape, fullness, color, etc.) at all times and conceal all pole mounted equipment without compromising the natural appearance.
7. Within five (5) years of the final inspection date of the Building Permit, all landscape screening installed pursuant to the requirements of this permit and as approved in the Landscape Permit shall reasonably provide the level screening identified in the photo simulations dated January 19, 2016. If it is determined by the City that the landscaping is not providing the level of screening identified in the photo simulations after five (5) years of growth, the City may initiate enforcement action that may, but is not limited to, requiring that the applicant replace existing landscaping or install additional landscaping materials to provide an acceptable level of screening. Any additional landscaping required by the City shall be provided at the sole cost and expense of the applicant. If the City and the applicant cannot reach agreement on the modification of the site, then a hearing shall be scheduled before the Planning Commission for permit modification and/or revocation.
8. At all times, trees and other live plant materials installed for the purposes of screening the project facility shall be maintained in a healthy and thriving manner, providing adequate screening of the faux-tree monopole and equipment enclosure. If any of said trees and/or landscape materials perish or are otherwise destroyed, then the applicant/operator shall replace it in kind, size, and quantity to provide the same screening value as determined appropriate by the Planning Division Manager and the City's arborist.
9. Any future modifications, alterations, expansions and/or other changes to the facility shall be evaluated by the Development Services Department to determine the applicable permits required to allow the proposed modifications (i.e. CUP modification, Wireless Telecommunication Facility Building Permit, etc.) pursuant to all Federal, State and local laws, including all relevant provisions of this Conditional Use Permit. Prior to the issuance of a Wireless Telecommunication Facility Building Permit, the following conditions shall be complied with:
 - a. A sheet containing a copy of each page of this Conditional Use Permit (Resolution No. PC 16-4516) must be provided in the project plan set submitted for review.

- b. Building plans must also identify the location of all landscaping in the vicinity of the site and indicate that they will be protected in place during construction and replaced if damaged.
 - c. For any project proposing the collocation of additional antenna facilities for the purposes of allowing an additional carrier (other than the applicant, Verizon Wireless) to provide services from the facility, then separate payment of the fees described in condition of approval "H" of this permit shall be required, in addition to all other fees determined applicable by the Building Division.
 - d. The applicant shall also comply with all relevant provisions of this permit.
 - e. Within six (6) months of the final inspection of a Wireless Telecommunication Facility Building Permit issued for any equipment associated with the transmission of radio frequency energy, the applicant /operator of the facility shall submit to the Planning Division a project implementation report which provides field measurements of radio frequency densities of all antennas installed on the subject site, and all existing ambient levels of radio frequency emissions. This report ("RF Report") shall include a written summary comparing results of the field measurements with FCC standards (i.e. stating emissions as a percentage of FCC limits). Additionally, the RF Report shall be conducted at a time that the facility is operating at its designed maximum power output level. If panel antennas are installed in phases, said report shall be updated when additional antennas are installed. The RF Report shall also evaluate the cumulative emissions of the proposed project and the existing wireless telecommunication facilities to ensure compliance with the FCC regulations. The applicant shall submit to the Planning Division a copy of applicable FCC documentation i.e. license, permit, etc.) authorizing the operation of the facility.
- N. If a modification or renewal of this Conditional Use Permit is processed and any portion of the existing Telecommunications Facility is not concealed from public view and/or is not placed underground because it was not technically feasible to do so when the permit was issued for such Telecommunications Facility, the applicant shall take such actions as are necessary to place such Telecommunications Facility underground when it becomes technically feasible to do so or to conceal such Telecommunications Facility from the public view by methods including, but not limited to, landscaping and other screening measures.
- O. Any new construction, alteration, improvement, or modification to an existing structure requires the issuance of a building permit and compliance with the minimum code requirements of the latest adopted California Building Code.

- P. To the extent that a co-location is technically possible, the applicant/operator shall not oppose the potential future installation of other wireless communication antennas that consolidate at this site.
- Q. The Planning Division may, but is not obligated to inspect the premises annually to ensure compliance with all conditions of this permit. If the Planning Division determines that compliance is not being achieved, then a public hearing may be scheduled for possible Conditional Use Permit modification or revocation.
- R. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
- S. This Conditional Use Permit shall expire ten (10) years after the date of issuance of the first of any building permit issued for the project. Any request for permit extension shall be applied for by the permittee no later than one-hundred twenty (120) days prior to the expiration date.
- T. Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
- U. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- V. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 22nd day of February 2016, by the following electronic vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION