

Report

MEETING OF THE PLANNING COMMISSION

MEETING DATE: June 6, 2011

SUBJECT: AT&T Mobility. Wireless Antenna Facility
SP 92-27 (09M) / CUP 09-814 / ND 10-798

Recommendation

Recommend to the City Council approval of a Specific Plan Modification and conditional approval a Major Use Permit to allow the installation and operation of a disguised wireless telecommunication facility within the Richland Hills North Specific Plan.

Introduction

The project site at 842 Nordahl Road contains a 3,027 square-foot commercial building, parking facilities and landscaped grounds originally developed as a PAR 3 ("pitch & putt") golf course. The existing facilities at the subject property are now used as a church.

The proposed wireless telecommunication facility will include up to twelve (12) panel antennas mounted at the top of a thirty-five (35) foot high mono-tree with ground-mounted equipment located within a 355 square-foot equipment enclosure. The "mono-tree" is designed to resemble a broadleaf tree with the panel antennas camouflaged by the faux branches and leaves. The mono-tree and equipment enclosure will be located in the rear of the property behind the parking lot.

Discussion

The current zoning of the property is Richland Hills North Specific Plan Area (SPA), and the Richland Community Plan designates the property as Commercial (Specific Plan). The subject property gently slopes upward from a low point at Nordahl Road to a high point in the east, changing in elevation approximately 114 feet. While the majority of the property has been previously developed, the rear 0.86 acres of the site remain ungraded and in a relatively natural state (this area would be unchanged by the project). The subject property was originally developed as a PAR-3 ("pitch & putt") golf course in 1997 with improvements at the site including a clubhouse, parking facilities and a graded and landscaped golf course across the majority of the property. In 2003 a church was approved under a separate Specific Plan Modification and Conditional Use Permit to operate from the existing building at the project site (this CUP would remain in effect and unchanged by this project).

The Richland Hills North Specific Plan currently does not contain a provision for wireless telecommunication facilities. The project proposes to modify the Specific Plan to add a provision that would permit one (1) disguised wireless telecommunication facility with the approval of a Major Conditional Use Permit, consistent with Section 20.126.060 of the San Marcos Municipal Code (Wireless Telecommunication Ordinance). Approval of the Specific

Plan modification is required to approve the applicant's request for a Conditional Use Permit.

The site of the monopole was selected to place the facility out from view of Nordahl Road, provide the operator of the facility with the maximum service coverage, and place the antenna a maximum distance away from all surrounding properties and best utilize the natural hillside for a backdrop to enhance the proposed "tree" camouflaging of the facility. The monopole will utilize faux branches and leaves, colors, and textures to emulate a thirty-five (35) foot tall broadleaf tree. The twelve (12) panel antennas and all other pole mounted equipment will be concealed within the canopy of the faux tree and out of public view (a photo simulation of the proposed facility is included as Attachment "C"). In addition, the project will plant a minimum of three (3) twenty-four (24) inch box trees no less than ten (10) feet in height surrounding the monopole to further camouflage the pole. The 355 square foot equipment enclosure will be located approximately ninety (90) feet away from the monopole and positioned in a way that will create a low profile to the subject site and surrounding properties. It will be constructed of earth tone split face concrete blocks no higher than eight (8) feet in height with a trellis on top giving the structure a decorative appearance compatible with the site and surrounding properties. In addition to architectural treatments, the equipment enclosure will be screened by climbing vines, shrubs and existing mature landscape at the site. In an effort to further enhance the camouflaging of the site, the project has been conditioned to remove existing poles and nets that remain from the previous use of the site as a PAR-3 ("pitch & putt") golf course.

Section 704 of the Telecommunication Act of 1996 states that "No State or local government or instrumentality thereof may regulate the placement, construction, and/or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the commission's regulations concerning such emissions." Therefore, the City may not deny the proposed project based upon perceived health impacts of the facility. The Federal Communications Commission (FCC) has developed exposure guidelines which are the implementing regulations for Section 704. The FCC guidelines require evaluation to determine whether transmitters of facilities comply with the FCC radio frequency (RF) guidelines, incorporating Maximum Permissible Exposure (MPE) limits. MPE limits are defined in terms of power density, electric field strength, and magnetic field strength to which a person may be exposed without harmful effect. Pursuant to FCC regulations, the City has required documentation from the applicant which confirms the proposed wireless telecommunication facility is operating within the FCC RF guidelines for MPE (included as Appendix "B," of Negative Declaration 10-798, and provided with this report as Attachment "F"). In addition, the City's wireless telecommunication consultant reviewed the site specifications and also independently determined that the facility would operate in conformance with FCC regulations (included as Appendix "C," of Negative Declaration 10-798, and provided with this report as Attachment "F"). Additionally, the facility has been conditioned to submit an RF report containing measurements of RF levels at the site within six (6) months of operation to confirm the operations of the site are within FCC regulations.

Any noises generated at the project site would be the result of mechanical cooling systems integrated into the eight (8) outdoor equipment cabinets which will be located within the equipment enclosure. A noise analysis for the outdoor equipment cabinets has been included as Appendix "D," of Negative Declaration 10-798, and provided with this report as Attachment "F." Per the General Plan Noise Element, any potential noise levels generated by the wireless antenna facility equipment should not exceed 50 dB(A) at the nearest

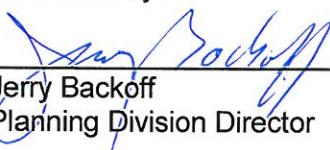
residential property line. The nearest residential property line to the equipment enclosure is approximately 60 feet to the south east, however the nearest residence to the equipment enclosure is 240 feet to the north. While the noise study determined that the facility will be in compliance with the noise regulations of the General Plan, an eight (8) foot high block wall enclosure will be constructed around the equipment cabinets to further attenuate any noises generated by the project.

City Staff has received inquiries from the public regarding the project. While the majority of inquiries were general project design questions, one resident has expressed concerns with RF emissions related to the project. City staff has met with the resident and worked with the applicant to address the concerns of the resident to the extent possible allowed under the law. As discussed in preceding sections, the City cannot base a decision of a wireless telecommunication facility on perceived health effects of RF emissions if the facility complies with FCC regulations. With the information provided and assistance of technical experts, City staff has determined that the facility will comply with FCC regulations for RF levels. In addition, the applicant/operator of the facility has been conditioned to submit an RF report including field measurements of RF levels within 6 months of operating the facility. Should that report determine that the facility is not operating in conformance with FCC regulations and the applicant/operator cannot modify the facility to conform to those regulations, it has been conditioned to be completely removed from the site.

Attachment(s)**Adopting Resolutions**

- A- Vicinity Map
- B- Aerial Photo
- C- Visual Simulations/Site Photos
- D- Requested Entitlement
- E- Site & Project Characteristics
- F- Negative Declaration 10-798

Submitted by:



Jerry Backoff
Planning Division Director



Michael D. Edwards
City Engineer

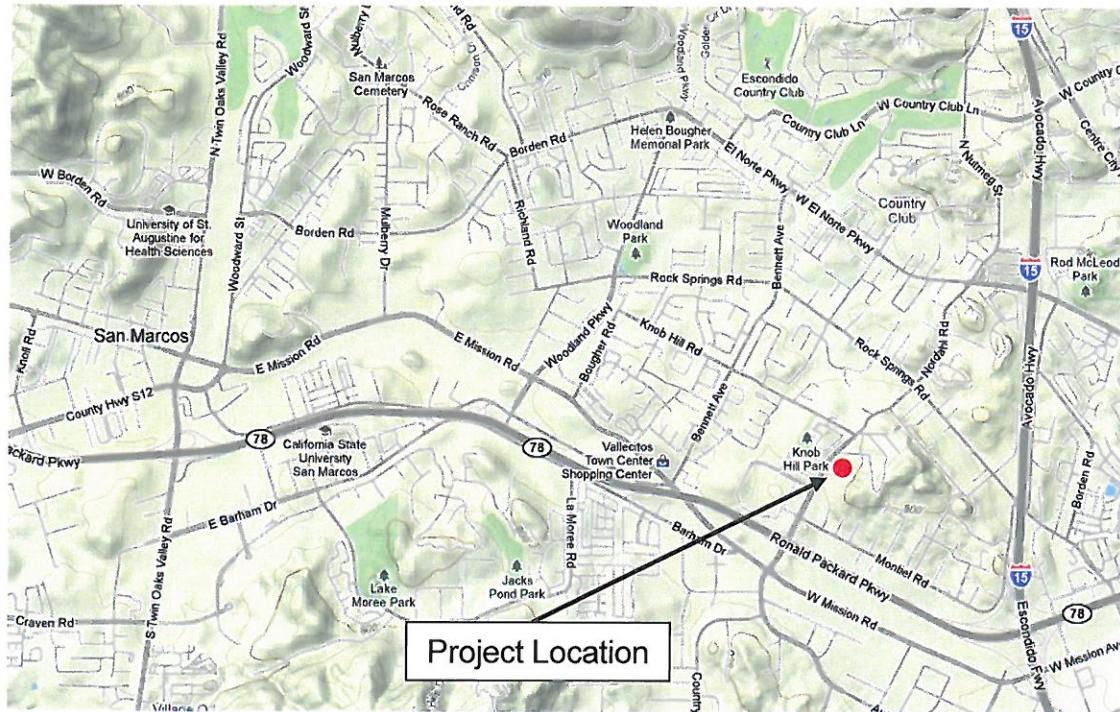
Reviewed by:



Charlie Schaffer
Development Services Director

ATTACHMENT A

Vicinity Map



ATTACHMENT B

Aerial Photo



Subject Property



City Boundary Line



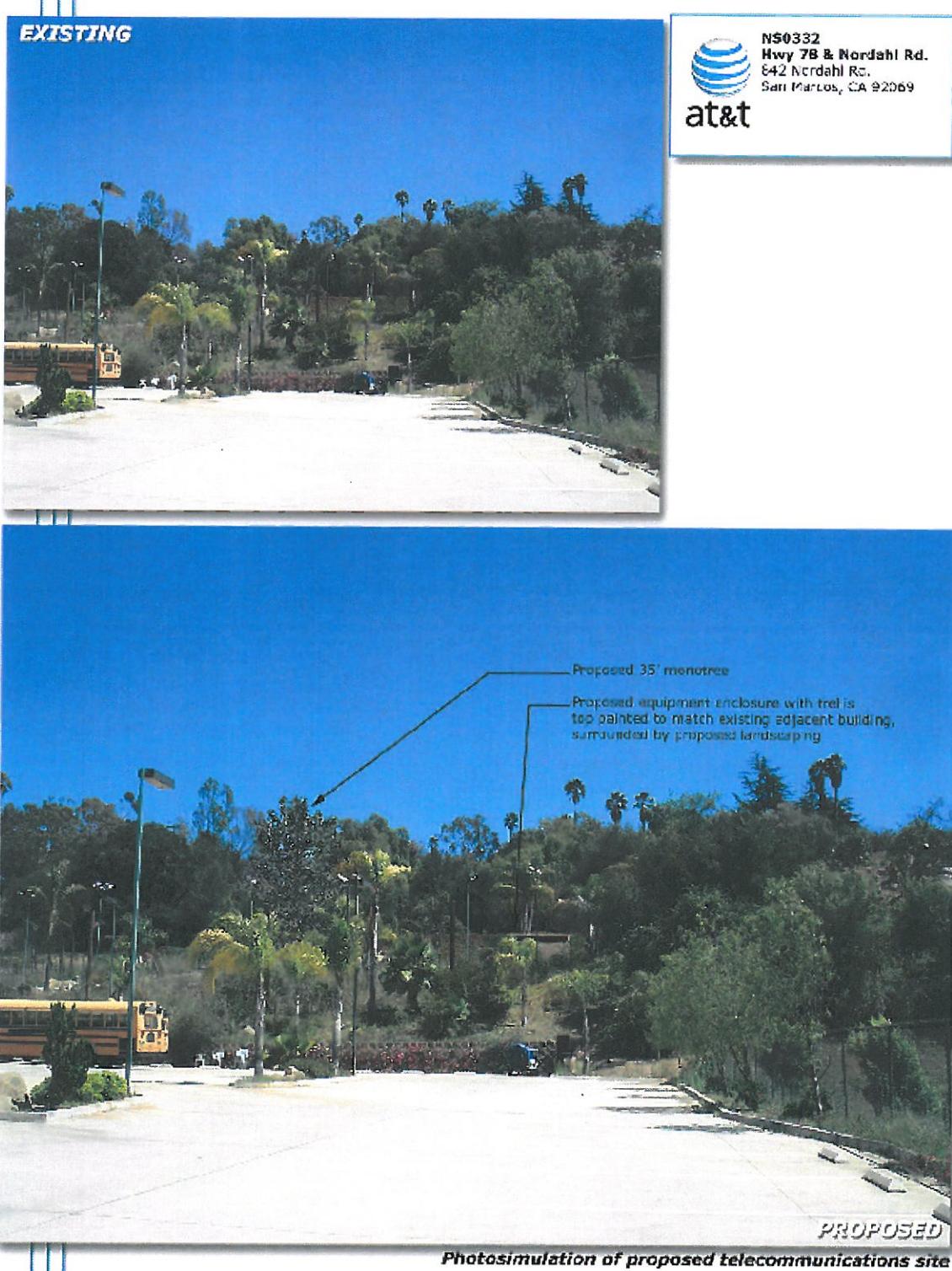
Wireless Antenna/Faux Tree*



Equipment Enclosure*

*Approximate location of facility

ATTACHMENT C
Visual Simulations/Site Photos



ATTACHMENT D
Requested Entitlements

- Specific Plan Modification to add a provision to the Richland Hills North Specific Plan to permit one (1) disguised wireless telecommunication facility with approval of a Conditional Use Permit.
- Major Conditional Use Permit to allow for the installation and operation of a wireless telecommunication facility containing a thirty-five (35) foot high mono-tree and 355 square foot equipment enclosure.

ATTACHMENT E
Site & Project Characteristics

<u>Property</u>	<u>Existing</u>	<u>Zoning</u>	<u>General Plan</u>
<u>Land use</u>			<u>Designation</u>
Subject	Church	SPA	Commercial (SP)
North	Single-Family Residential	R-1	Residential 2-4 du/ac
South	Medical Office	SPA	Commercial (SP)
East	Single-Family Residence	R-1	Residential 2-4 du/ac
West	Multi-Family Residential	R-3-10	Residential 15-20 du/ac

Flood Hazard Zone	<u>yes</u>	<u>x</u> no
Resource Conserv. Area	<u>yes</u>	<u>x</u> no
Redevelop. Proj. Area 1	<u>x</u> yes	<u> </u> no
Sewers	<u>x</u> yes	<u> </u> no
Septic	<u>yes</u>	<u>x</u> no
Water	<u>x</u> yes	<u> </u> no
Gen. Plan Conformance	<u>x*</u> yes	<u> </u> no
Land Use Compatibility	<u>x*</u> yes	<u> </u> no

* with approval of Specific Plan Modification and Conditional Use Permit.

Development Standards per the Richland Hills North Specific Plan:

<u>Setbacks</u>	<u>Required</u>	<u>Proposed</u>
Front	61 ft.	~490 ft.
Rear	20 ft.	~225 ft.
Side	10 ft.	20 ft.
Height	35 ft.	35 ft.

ATTACHMENT F
Negative Declaration 10-798

RESOLUTION PC 11-4231

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING
COMMISSION RECOMMENDING TO THE CITY COUNCIL
APPROVAL OF AN AMENDMENT TO THE RICHLAND
HILLS NORTH SPECIFIC PLAN

SP 92-27 (09M)
AT&T Mobility, LLC.

WHEREAS, on December 18, 2009 an application was received from AT&T Mobility requesting an amendment of the Richland Hills North Specific Plan to allow for a disguised wireless telecommunication facility, in conjunction with a Conditional Use Permit (CUP 09-814), at an existing commercial property at 842 Nordahl Road, more particularly described as:

A portion of Lots 3 and 4, in Block 6 of the Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map No. 806 filed in the Office of the County Recorder of San Diego County.

Assessor's Parcel Number: 228-120-46

WHEREAS, the adopted Richland Hills North Specific Plan does not allow wireless telecommunication facilities as a permitted land use; and

WHEREAS, the Specific Plan Amendment is limited to a single parcel (APN: 228-120-46); and

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

WHEREAS, the required public hearing held on June 6, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 10-798) 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 proposed Specific Plan Amendment, as conditioned will comply with the goals and objectives of, and is consistent with, the adopted Richland Community Plan and will not result in an increase of intensity of commercial as contemplated under the existing Specific Plan.

2. The proposed Specific Plan Amendment, as conditioned, will not impact the orderly development of the Specific Plan as established by the Richland Community Plan.
3. The proposed Specific Plan Amendment, as conditioned, will not be detrimental to the public health, safety, and welfare in that the proposed use will be conditioned through the required Conditional Use Permit (CUP 09-814) for camouflaging treatment, setbacks, landscaping, and adequate public facilities and infrastructure, including fire and police as conditioned through these approvals.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. Mitigated Negative Declaration (ND 10-798) is hereby approved.
3. This Specific Plan Modification (SP 92-27 (09M)) is hereby recommended to the City Council for approval.
4. This Specific Plan (SP 92-27 (09M)) is approved in conjunction with the submitted Conditional Use Permit (CUP 09-814), and all conditions of approval specified in Resolution PC 11-4232 are hereby incorporated by reference.
5. Prior to approval of grading plans and/or building permit application, whichever comes first, the applicant shall submit the revised specific plan document with corrections made per the errata sheet to the Planning Division for review and final approval. Upon final approval, the applicant shall submit two (2) final copies (bound, color copy, with 11"x17" pull-out maps and a CD containing an editable Microsoft Word file and Adobe PDF file of the document) to the Planning Division.
6. 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 6th day of June, 2011, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Steve Kildoo, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Planning Secretary
SAN MARCOS CITY PLANNING COMMISSION

ERRATA SHEET FOR SPECIFIC PLAN SP 92-27 (09M)

Section II.	<p>II-1. LAND USE SUMMARY:</p> <p>The Richland Hills North Specific Plan proposes the following uses:</p> <p>a.) Public Golf Center inclusive of a coffee shop and proshop.</p> <p>b.) A church with approval of a Conditional Use Permit.</p> <p>ADD:</p> <p>c.) <u>One (1) wireless telecommunication facility consisting of one (1) thirty-five (35) foot high disguised monopole and one (1) 355 square foot equipment enclosure with the approval of a Major Conditional Use Permit.</u></p> <p>All proposed uses are consistent with the General Plan and Zoning Ordinance.</p>
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RESOLUTION PC 11-4232

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A MAJOR CONDITIONAL USE PERMIT FOR THE INSTALLATION AND OPERATION OF A DISGUISED WIRELESS TELECOMMUNICATION FACILITY WITHIN THE RICHLAND HILLS NORTH SPECIFIC PLAN AREA (SPA) OF THE RICHLAND COMMUNITY

Case No. CUP 09-814
AT&T Mobility, LLC.

WHEREAS, on December 18, 2009 an application was received from AT&T Mobility requesting a Specific Plan Modification and Major Conditional Use Permit to allow the installation and operation of a disguised wireless telecommunication facility, including ground-mounted equipment inside a new 355 square-foot enclosure and a thirty-five (35) foot high mono-tree with twelve (12) panel antennas (designed to resemble a broadleaf tree) at an existing church site located at 842 Nordahl Road in the Richland Hills North Specific Plan Area (SPA) Zone in the Richland Community, more particularly described as:

A portion of Lots 3 and 4, in Block 6 of the Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map No. 806 filed in the Office of the County Recorder of San Diego County.

Assessor's Parcel Number: 228-120-46

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

WHEREAS, the required public hearing held on June 6, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 10-798) 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 Major Conditional Use Permit as conditioned is consistent with the policies and intent of the adopted Richland Community Plan, in that the installation of a disguised wireless telecommunication facility provides a needed service for the good of the community.
2. The granting of the Major 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 Communication Commission (FCC) standards and California Public Utility Commission (PUC) requirements, and noise has been attenuated by an equipment enclosure.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit is approved per the submitted site plan, floor plan, elevations, and visual simulation, except as modified herein, and shall not be expanded and/or altered unless a modification to this permit is approved.
- C. The Conditional Use Permit is approved subject to compliance with the following conditions:
 1. The site plans and elevations shall be modified as follows:
 - a. On Sheet T-1 add landscape inspection to be conducted by the City of San Marcos Planning Division, contact (760) 744-1050, extension 3223.
 - b. On Sheet A-0 a line shall be added denoting the conservation area on the property. An additional line shall also be added to denote the limits of work.
 - c. On Sheet A-1, proposed cable shroud at base of broadleaf tree shall be located either within the pole or in the rear of the tree, out of sight from the adjacent parking lot at the project site.
 - d. On Sheet A-1, add notes that indicate that the trees surrounding the monopole are proposed.
 - e. On Sheet A-1.1 a brow ditch shall be added along the back of the equipment enclosure wall. Said brow ditch shall flow to existing drainage facilities onsite.
 - f. On Sheet A-1.1 update keynote (4) to reflect the planting of trees per approved landscape plans.
 - g. On Sheet A-1.1 update keynote (10) to indicate that the poles and nets from the previous golf course use of the site are to be removed.
 - h. On Sheet A-2, the fiber cabinet and electrical box with emergency generator receptacle locations shall be moved to the interior of the equipment enclosure. Any other cabinets, junction boxes or other such facility shall be relocated on the interior side of the equipment enclosure.
 - i. On sheets A-2 and A-3.1 ensure consistency between keynotes (9) and (4)

on these sheets.

- j. On Sheet A-3, add a note indicating that the proposed metal gate and frame shall be painted an earth tone color
- k. On Sheets A-3 and A-3.1, the GPS antenna location shall be revised so that it is below the top of the equipment enclosure wall and completely concealed from public view.
- l. Note 3 on Sheets A-3 and 3.1, shall be modified to indicate that the proposed concrete block wall of the equipment enclosure shall be earth tone colored split-face block. Exposed concrete footing/pad on downslope side of enclosure shall be covered with stone veneer to match split-face block. The enclosure and retaining walls shall include a cap block.
2. All support equipment (i.e. equipment cabinets, coaxial cable shroud, telco panel, electrical panel/meter, GPS, etc.) shall be located within the equipment enclosure and completely screened from view.
3. The canopy of the faux tree shall be realistic and natural in appearance and have greater branch density and distribution than shown on the photo simulations to fully conceal all panel antennas and other pole mounted equipment. Branches and leaves shall extend a minimum of twenty-four (24) inches beyond the face of the panel antennas. Prior to the issuance of building permits, the applicant shall submit for approval by the Planning Division Director accurate diagrams with branch count/spacing information and photo of the actual faux tree proposed to demonstrate compliance with this condition.
4. The panel antennas shall utilize antenna stocks and/or socks with leaves.
5. All exposed surfaces of the monopole, from the top of the base to all branches shall be covered with three (3) dimensional bark cladding of an appropriate natural color (i.e. brown) to the satisfaction of the Planning Division Director.
6. The panel antennas, mounting hardware, cables and any other support equipment mounted on the pole shall be painted a blend of greens and browns to match the color of the faux tree.
7. The mono-tree shall have a maximum height of thirty-five (35) feet in accordance with the provisions of the Richland Hills North Specific Plan.
8. All conduit, cables, etc. for connecting the ground-mounted equipment to the mono-tree and a utility source (i.e. power, telephone, etc.) shall be underground and concealed from view. The area of any trench work shall be restored to original condition by the applicant.
9. Within 30 days of the approval of the Conditional Use Permit (CUP 09-814), the site plan, floor plans, and elevations shall be submitted as a digital file. The title

page shall include the statement "I(we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 11-4232." 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 Civil Engineer shall also appear on this title page. The digital files shall be provided to the City prior to any grading plan, improvement plan, or building permit submittal.

10. A building permit is required for the installation of the ground mounted equipment, equipment enclosure and mono-tree. The installation shall comply with the provisions of the latest adopted California Building Code and other model construction codes.
11. A minimum of three (3) twenty-four (24) inch box trees no less than ten (10) feet in height surrounding the monopole to further camouflage the pole. Selected trees shall also have a mature height of not less than thirty-five (35) feet. Final tree species and quantity shall be subject to the approval of the Planning Division Director.
12. Under a separate permit, the applicant shall submit landscape plans to the Planning Division for review and approval prior to issuance of any building permit per the following requirements:
 - a. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The landscape plans shall also include the trees, shrubs and vines required by the conditions contained herein and propose the replacement of any landscaping impacted by the installation of the facility. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet if within public view. 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 Council Resolution 2001-5747; and method of installation and irrigation.
 - b. Pursuant to Chapter 20.82 of the San Marcos Municipal Code, landscape plans shall be subject to the Water Efficient Landscape Ordinance (WELO).
 - c. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the cost estimate for the completion of all landscaping shown on approved plans. All submitted estimates shall be for the cost of plant and irrigation materials only.
 - d. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division. The

applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

13. Prior to issuance of any building permits, the following conditions shall be complied with:

- a. The applicant shall submit for approval accurate diagrams with branch count/ spacing information and photo of the actual faux tree proposed demonstrating compliance with the conditions contained herein, and indicating accurate branch counts and distribution and demonstrating that the canopy is realistic, sufficiently dense to conceal panel antennas and extends a minimum of twenty-four (24) inches beyond the face of the panel antennas.
- b. The applicant shall sign a statement on the approved site plan attesting to the fact that he/she has read Section 17.32.045 of the City's Grading Ordinance pertaining to permit exemptions, and that he/she believes to the best of his/her knowledge that he/she is exempt from the City's permit requirements based on one or more criteria set forth in said ordinance. Otherwise, a detailed grading plan shall be submitted to the City's Engineering Division for review and approval, and all related requirements must be met prior to issuance of a grading permit.
- c. Erosion control and/or sediment control details are required to be submitted to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Storm Water Permit requirements, and ordinances.
- d. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any permit.
- e. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure on-going long-term maintenance of all construction BMP's. Said mechanism shall address maintenance of the BMP's if project delays or abandonment occurs.
- f. The applicant/developer shall ensure any concentration of water shall be dissipated onsite to below erosive velocities.
- g. The applicant/developer shall not block nor divert any water resulting from the proposed project. For any new and/or relocated structures, overland drainage shall continue to flow in the general direction as before to the satisfaction of the City Engineer.
- h. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.

- i. Buildings and structures shall be designed to conform to the latest standards adopted by the State of California in the California Building Code, Part 2, Title 24, and California Code of Regulations.
- j. Building plans and instruments of service shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- k. 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.
- l. In lieu of annexing the site into the Community Facilities Districts, the applicant shall pay the special taxes as required: For CFD 98-01/CFD 2001-01 (Police/Fire & Paramedic), the in-lieu fee is \$1,000.00, and for CFD 98-02 (Lighting & Landscaping), the in-lieu fee is \$1,000.00. Said in-lieu fees shall be paid prior to issuance of a building permit.
- m. The building permit applicant for the proposed development, redevelopment, or discretionary use is required to pay Public Facilities Fees (PFF) as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
- n. 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.
- o. The proposed new development is subject to the payment of School Fees as required by law.

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

- a. During grading and construction operations, the applicant/developer shall maintain public and private driveway access to neighboring businesses/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.
- b. 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.
- c. The applicant/developer shall minimize exposure time of disturbed soil

areas.

- d. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations.
- e. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 A.M. to 4:30 P.M., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays observed by the City of San Marcos.
- f. 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 as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
- g. The applicant.builder/contractor shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
- h. 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 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.
- i. Should archaeological resources be discovered during construction, all work in that area shall be halted, the City of San Marcos Building Official shall be notified and a qualified archaeologist shall be summoned to the site to evaluate the find. Should the resource be determined significant, a recovery and catalog program shall be implemented at the expense of the applicant/developer. Work in the area of the find shall only be resumed at the discretion of the City of San Marcos Building Official.
- j. Should artifacts or items of potential paleontological significance be discovered during construction, all work in that area shall be halted, the City of San Marcos Building Official shall be notified and a qualified paleontologist shall be summoned to the site to evaluate the find. Should the resource be determined significant, a recovery and catalog program shall be implemented at the expense of the applicant/developer. Work in the area of

the discovery shall only be resumed at the discretion of the City of San Marcos Building Official.

- k. The applicant/developer shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (October 1 through May 1). Each such basin shall be provided with an all-weather access/maintenance road.
- l. The applicant/developer shall ensure that the grading and other construction activities meet the provisions specified in the California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-0001 – Section D.2.
- m. The applicant/developer shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
- n. The applicant/developer shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans.
- o. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

15. Prior to final inspection approval, the following conditions shall be complied with:

- a. If deemed necessary by the Planning Division Director, the applicant/developer shall install additional branches, socks and/or antenna stocks to further enhance the camouflaging elements of the faux tree. If required, the cost for these additional camouflaging elements would be paid for by the applicant/developer.
- b. If deemed necessary by the Planning Division Director, the applicant shall install additional landscaping or other screening mechanisms, as determined by the Planning Division Director, in order to screen (blend-in) the proposed mono-tree and equipment enclosure from view (these elements may include, but are not limited to additional trees, vines, shrubs, etc.). If necessary, the cost of additional screening shall be paid for by the applicant/developer.
- c. All previous golf course metal poles and nets shall be removed from the site.
- d. All landscaping and irrigation systems shall be installed in accordance to the approved landscape plans and to the satisfaction of the Planning Division

Director.

- e. Warning signage in both English and Spanish shall be compliant with ANSI C95.2 color, symbol, and content conventions. Construction plans shall indicate sign type and location. Prior to beginning unattended operation of this project, the applicant/operator shall first place permanent warning signs and at all times thereafter maintain said signage in good condition.
- 16. Prior to full time operation (i.e. installation of the equipment cabinets within a 355 square-foot enclosure, and 12 panel antennas mounted on top of a 35-foot high mono-tree), the applicant shall insure (in writing) to the Planning Division Director that the facility is in compliance with all applicable FCC regulations. It will be the responsibility of the operator of the site to contact the City acknowledging any changes in the regulations that would affect this project prior to any modification.
- 17. 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 which provides final 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 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, this 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 applicant shall submit to the Planning Division a copy of applicable FCC documentation (i.e. license, permit, etc.) authorizing the operation of the facility.
- 18. The project implementation report shall be subject to review and approval by the Planning Division Director. Upon receipt of sufficient public expression of concern that a Telecommunications Facility does not comply with existing FCC radio frequency guidelines, the City may utilize the services of an independent radio frequency engineer to verify, at the applicant/operator's expense, the Facility's compliance with federal guidelines. If the City finds that the facility is not in compliance with FCC standards, the City shall require the facility to be modified to comply with FCC standards, or the facility shall be entirely removed from the site and preexisting site conditions restored.
- 19. The applicant/operator shall at all times comply with all 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/operator to contact the City acknowledging any changes in the regulations that would affect the wireless telecommunications facility.
- 20. If the FCC adopts new standards regarding this use, the applicant shall repeat the aforementioned monitoring and report cycle outlined in C18, C19 & C20.

21. 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.
22. The mono-tree, equipment enclosure and wood trellis shall be maintained in good condition which includes replacing damaged or lost faux branches, leaves, and bark cladding and painting of equipment when necessary.
23. All trees and landscaping installed by the project or providing screening value shall be maintained in a healthy and thriving manner for screening purposes of the proposed mono-tree and equipment enclosure. If any of project installed trees and landscaping shall perish or be destroyed, then the applicant/operator shall replace it in kind, size, and quantity to provide the same screening value as determined by the Planning Division Director.
24. In the event that any component of the wireless telecommunication 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 facility, the applicant/operator shall take such actions as are necessary to place such facility underground when it becomes technically feasible to do so or to conceal such facility from the public view by methods including, but not limited to, landscaping and other screening measures.
25. This application shall be limited to the installation of:
 - a. A thirty-five (35) foot high monopole disguised as a broadleaf tree.
 - b. Twelve (12) antenna panels in three (3) sectors all mounted at twenty-nine (29) feet (midpoint) of the monopole and all contained within the faux canopy.
 - c. Ground mounted equipment (eight (8) equipment cabinets, fiber panel, electrical panel/meter/transformer, LTE equipment cabinet, two (2) GPS antennas) within an equipment enclosure.
 - d. A three hundred fifty-five (355) square-foot split face CMU equipment enclosure not to exceed eight (8) feet in height.
26. No additional equipment or antennas shall be permitted other than what is identified in Condition C26. A modification of this Conditional Use Permit shall be required to add or modify the number or type of antennas or equipment.
27. 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.
28. This Major Conditional Use Permit shall be reviewed by staff to determine whether it is having a detrimental effect on surrounding uses. Should it be determined that

such is the case, a public hearing shall be scheduled before the Administrative Authority for possible modification or revocation. Failure to comply with any condition contained herein shall likewise constitute grounds for such a hearing.

29. 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.
30. 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.
31. This Conditional Use Permit shall expire on June 6, 2012 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6th day of June, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Steve Kildoo, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Planning Secretary

SAN MARCOS CITY PLANNING COMMISSION