

Report

MEETING OF THE PLANNING COMMISSION

MEETING DATE: October 3, 2011

SUBJECT: AT&T Mobility. Wireless Antenna Facility
CUP 05-679 (11M)

Recommendation

Conditionally approve an equipment upgrade of an existing wireless antenna facility at a single-family residence through a Modification of a Conditional Use Permit.

Background

On November 6, 2006, the Planning Commission approved the existing wireless antenna facility which includes a thirty (30) foot high mono-tree with up to twelve (12) panel antennas and equipment enclosure. Only six (6) antennas were installed.

Introduction

The site is developed with an approximately 2,500 square-foot single-family residence, an 1,500 square-foot pool house, and other accessory structures on a six (6) acre lot on top of Hollandia Hill. An existing Sprint wireless antenna facility (25 feet-high mono-palm with 3 panel antennas) is located on site, northwest of the residence, and was previously approved per Conditional Use Permit (CUP 03-586).

The proposed equipment upgrade will replace the six (6) existing panel antennas with twelve (12) new panel antennas mounted at the top of the thirty (30) foot high mono-tree and install two (2) additional equipment cabinets within the existing equipment enclosure. The installation of this technology will allow for significantly improved data rates which can accommodate current and future generation communications. The existing "mono-tree" is designed to resemble a broad-leaf tree, with the panel antennas camouflaged by the faux branches and leaves. The mono-tree and enclosure are located in the rear yard at the northwest corner of the property. No written comments from the public were received.

Discussion

The subject site is currently zoned Agricultural (A-1) and has a land use designation of "Agricultural-Residential at 0.125-1 du/ac". The adjacent land uses are single-family residential to the north and east of the site; a church facility to the northwest; and Hollandia Park to the west and south. Hollandia Dairy and Mission Hills High School are located further to the west and south, respectively.

Section 20.126.060 of the City's Telecommunications Ordinance requires the approval of a Major Conditional Use Permit for the operation of a wireless antenna facility within a residential zone. The applicant proposes an equipment upgrade; therefore, a CUP modification is required. The existing facility complies with the building setbacks and height

limit of the Agricultural (A-1) Zone. The modification does not propose to increase the height of the mono-tree nor encroach into any setbacks.

The existing mono-tree is designed, in appearance and height, to match the existing mature trees on site per Attachment C. The proposal is conditioned that the twelve (12) new antennas will be located within the canopy of the mono-tree and camouflaged by faux branches and leaves. All the antennas, hardware, and cables are conditioned to be painted a blend of greens and browns to match the faux foliage. The existing six (6) foot-high enclosure will screen the new equipment cabinets, along with the existing cabinets, from view.

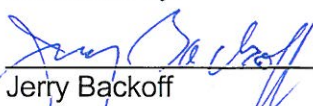
Section 704 of the Telecommunication Act of 1996 states that "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent 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 these facilities. 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. The standards established in the FCC RF guidelines constitute exposure limits and are relevant only to facilities that are accessible to workers or members of the public. Per FCC regulations, the City can require documentation from the applicant which confirms the wireless antenna facility is operating within the FCC RF guidelines for MPE. The RF report will also evaluate the cumulative emissions of the proposal to ensure compliance with the FCC regulations. Therefore, the applicant will be conditioned to submit a RF report when the facility is tested prior to operating. Based on a preliminary RF report submitted by the applicant, the proposed power output for the facility is in accordance with FCC regulations as verified by the City's telecommunications consultant who has recommended the conditions of approval, related to FCC compliance, as specified in the resolution.

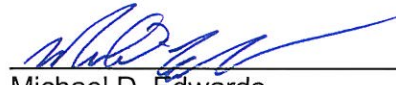
Attachment(s)

Adopting Resolution

- A- Vicinity Map
- B- Aerial Photo
- C- Existing Facility Photos
- D- Visual Simulations
- E- Requested Entitlement
- F- Site & Project Characteristics

Submitted by:


Jerry Backoff
Planning Division Director


Michael D. Edwards
City Engineer

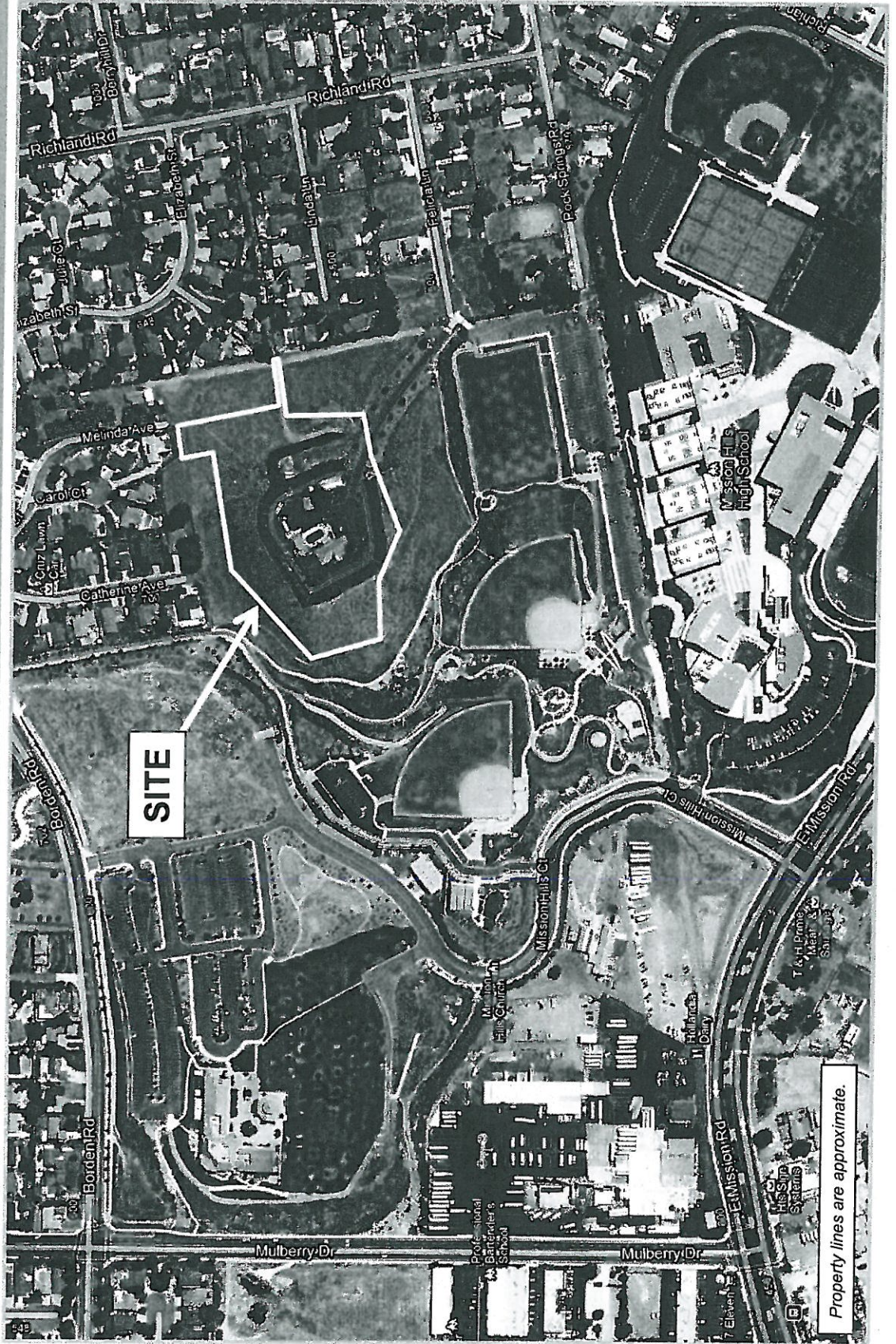
Reviewed by:



Charlie Schaffer
Development Services Director

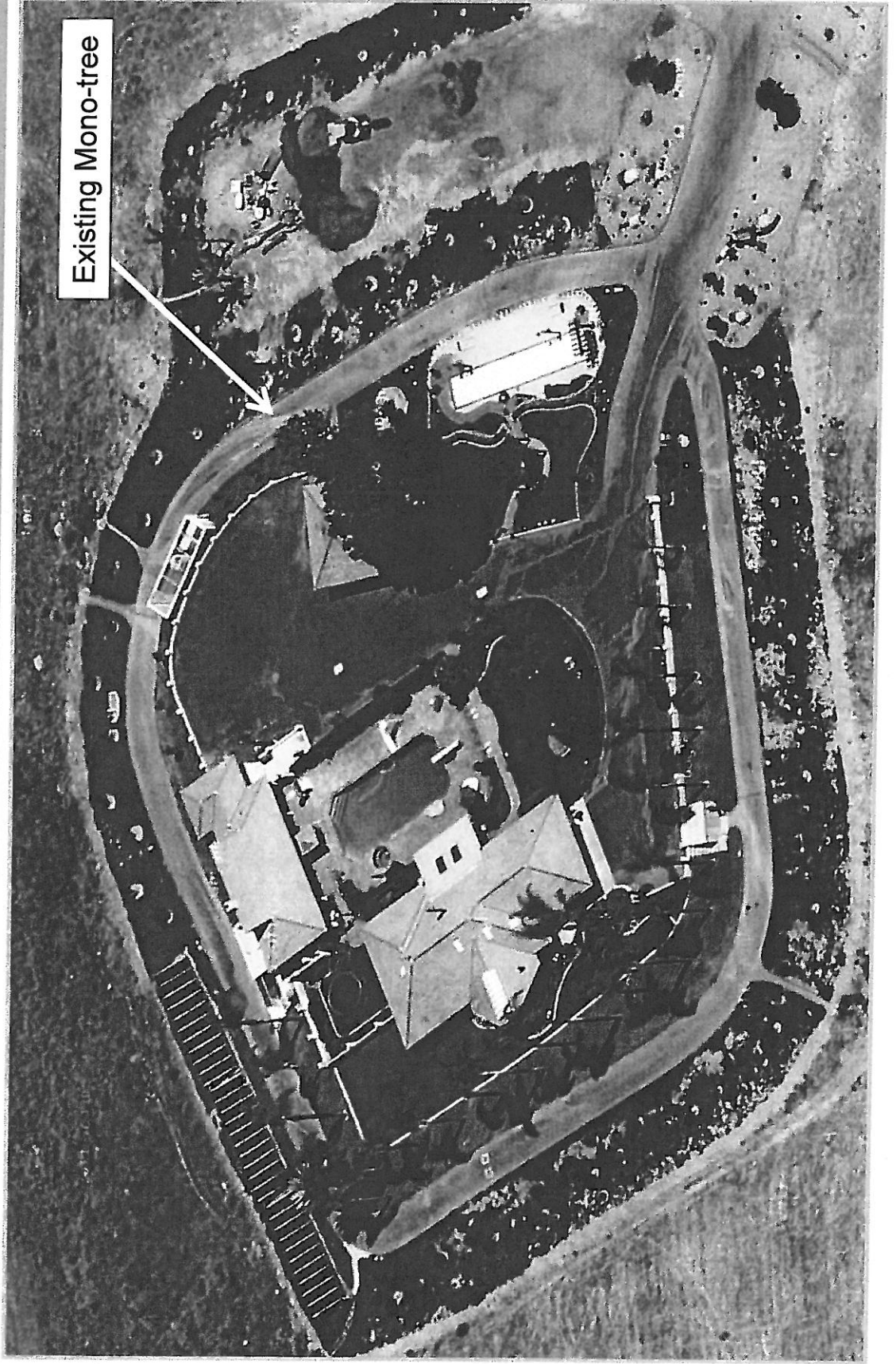
ATTACHMENT A
Vicinity Map

Vicinity Map



ATTACHMENT B
Aerial Photo

Project Area



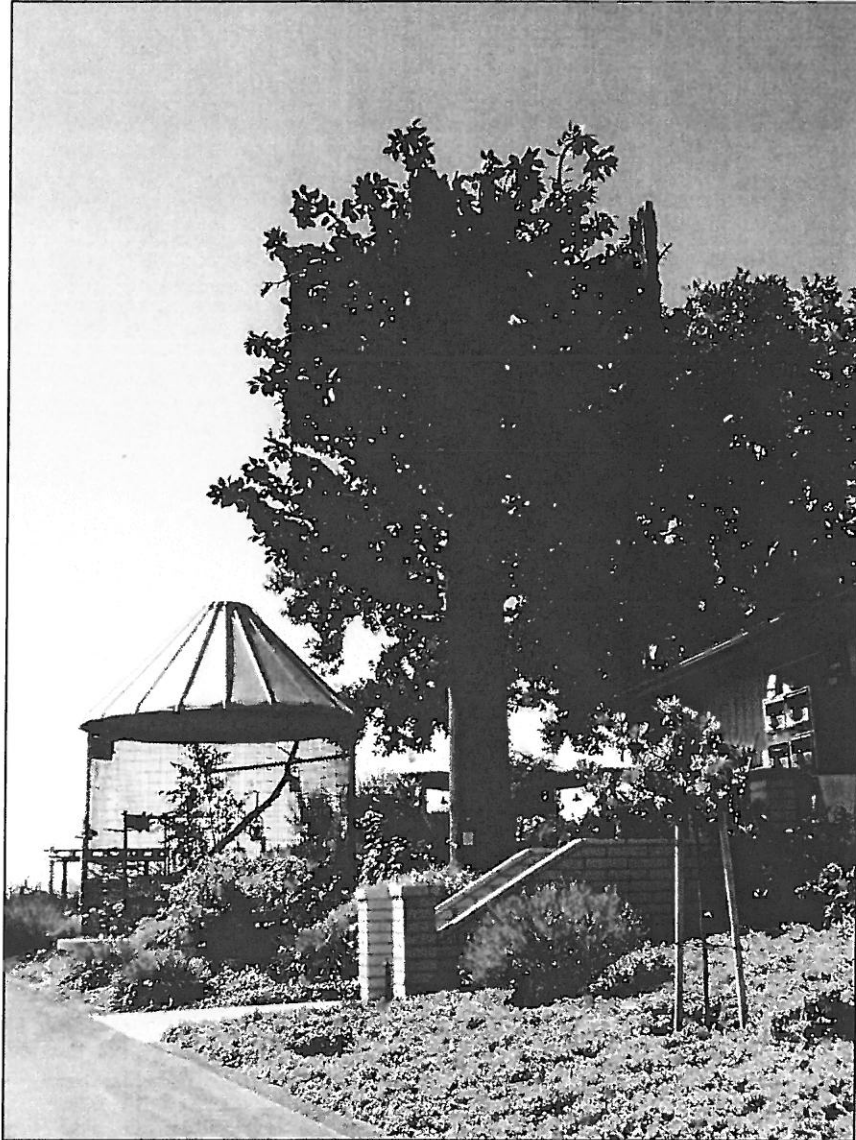
ATTACHMENT C

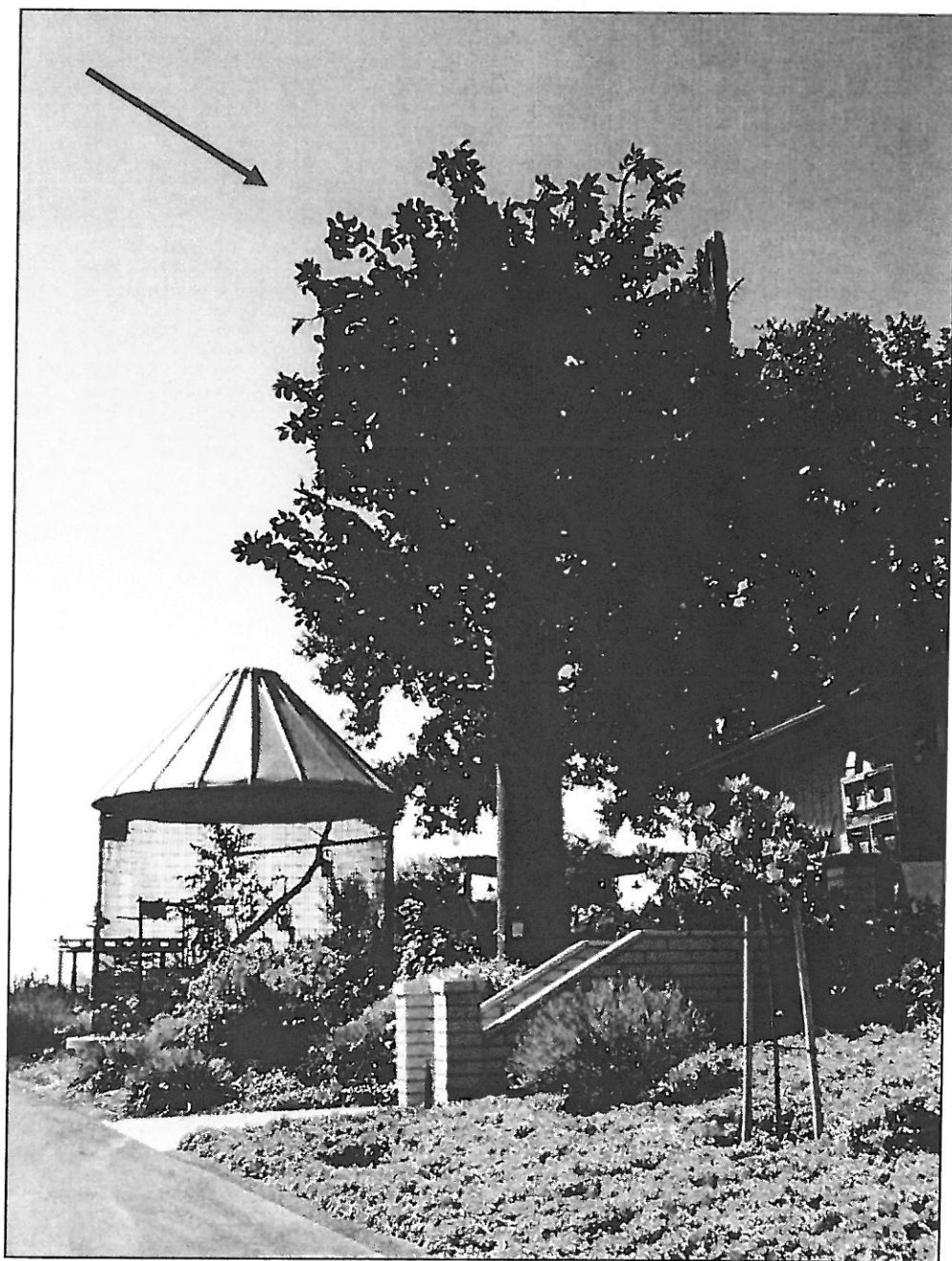
Visual Simulations

Photo Survey

CUP 05-679 (11M) /AT&T NS0331

598 Felicia Lane, San Marcos, California, 92069





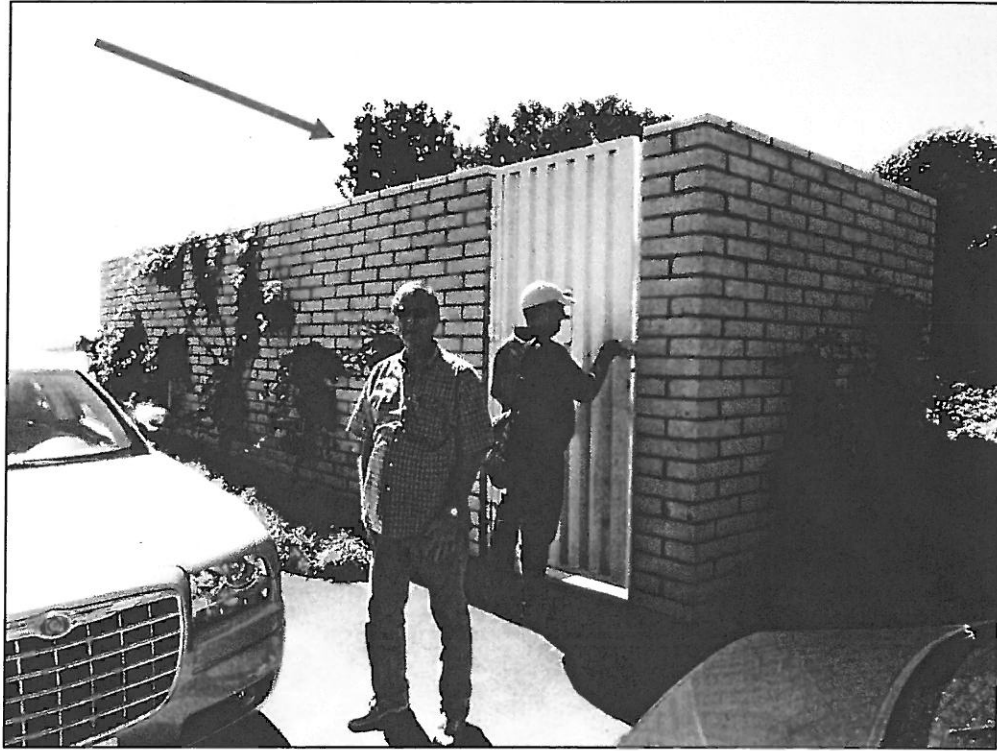
Existing faux broadleaf tree with existing antennas



Looking at the top of the existing faux tree



Another photo looking at the top of the existing faux tree



Looking at the existing faux tree behind the equipment shelter

ATTACHMENT D Requested Entitlements

- Modification of a Conditional Use Permit to allow an equipment upgrade of an existing unmanned digital communications antenna facility on a mono-tree at a single-family residence.

ATTACHMENT E

Site & Project Characteristics

<u>Property</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
Subject	Single-Family Residence	A-1	Residential 0.125-1 du/ac
North	Single-Family Residence	R-1	Residential 2-4 du/ac
South	City Park	O-S	Park Site
East	Single-Family Residence	R-1	Residential 2-4 du/ac
West	City Park	O-S	Park Site

Flood Hazard Zone	<u> </u> yes	<u> x </u> no
Resource Conserv. Area	<u> </u> yes	<u> x </u> no
Redevelop. Proj. Area	<u> </u> yes	<u> x </u> no
Sewers	<u> n/a </u> yes	<u> </u> no
Septic	<u> n/a </u> yes	<u> </u> no
Water	<u> n/a </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 CUP.

Development Standards per the A-1 Zone:

<u>Setbacks</u>	<u>Required</u>	<u>Existing Facility</u>
Front	60 ft.	~185 ft.
Rear	25 ft.	~112 ft.
Side	15 ft.	~200 ft
Height	35 ft.	30 ft.

RESOLUTION PC 11-4245

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A MODIFICATION OF A CONDITIONAL USE PERMIT TO ALLOW AN EQUIPMENT UPGRADE OF AN EXISTING UNMANNED DIGITAL COMMUNICATIONS ANTENNA FACILITY ON A MONO-TREE AT A SINGLE-FAMILY RESIDENCE IN THE AGRICULTURAL (A-1) ZONE IN THE RICHLAND NEIGHBORHOOD

Case No. CUP 05-679 (11M)
AT&T Mobility

WHEREAS, on March 23, 2011 an application was received from AT&T Mobility requesting a Major Conditional Use Permit to allow an equipment upgrade of an unmanned digital communications antenna facility, including replacement of the existing panel antennas with twelve (12) new antennas mounted onto an existing thirty (30) foot high mono-tree (designed to resemble a broad-leaf tree) and installation of an additional two (2) equipment cabinets within an existing 315 square-foot equipment enclosure, at a single-family residence located at 598 Felicia Lane in the Agricultural (A-1) Zone in the Richland Neighborhood, more particularly described as:

Remainder Parcel of Parcel Map No. 18135
Assessor's Parcel Number 226-011-95

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

WHEREAS, the required public hearing held on October 3, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did find the project Categorically Exempt pursuant to Section 15301 Class 1, in that this is an existing facility, of the California Environmental Quality Act (CEQA); and

WHEREAS, the original Conditional Use Permit (CUP 05-679) was previously approved by Planning Commission on November 6, 2006; and

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

1. The granting of the Conditional Use Permit modification, with staff conditions, is consistent with the policies and intent of the adopted Richland Neighborhood Plan, in that the installation of digital communications facilities provides a needed communication service within the City of San Marcos.

2. The granting of the Conditional Use Permit modification, with staff conditions, will not be detrimental to the public health, safety, or welfare, or the surrounding land uses in the area in that the project proposes an equipment upgrade of an existing wireless antenna facility located on a developed site, and that operational standards for the upgraded facility have been conditioned to comply with FCC standards and California PUC requirements. The proposal will replace six (6) existing antenna panels with twelve (12) new antenna panels on an existing mono-tree which was originally approved to allow up to twelve (12) antenna panels. In addition, the existing mono-tree is designed to resemble the adjacent broad-leaf tree and the new antennas will be concealed by the faux branches and leaves of the mono-tree, and the additional ground mounted equipment will be screened from view by the existing 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 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 plan shall be modified as follows:
 - a. On Sheet A-4, antenna color shall be indicated as "green/brown blend" to match the faux tree foliage, and not "light grey" as indicated.
 2. All ground-mounted equipment shall be located within the equipment enclosure at the rear yard, and completely screened from view.
 3. The mono-tree shall match in appearance the existing mature broad-leaf tree.
 4. The twelve (12) antenna panels and all tower-mounted equipment shall be located within the canopy, and shall not protrude beyond the branches of the mono-tree.
 5. The panel antennas shall be permanently covered with faux leaves (leaf-covered socks), and completely screened from view by the faux branches and leaves of the mono-tree.
 6. The panel antennas, brackets, radio equipment, mounting hardware, and cables shall be painted a blend of greens and browns to match the faux tree foliage.
 7. The mono-tree shall not exceed thirty (30) feet (top of highest branch/leaf) in height. If any of the existing trees adjacent to the proposed mono-tree shall perish or be destroyed, then the applicant/operator shall replace it with a tree of the same type and

size.

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 concealed from view by undergrounding. The area of any trench work (i.e.: driveway, landscaping, etc.) shall be restored to original condition by the applicant.
9. Within 30 days of the approval of the Conditional Use Permit (CUP 05-679 (11M)), the site plan shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I(we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of Resolution PC 11-4245." 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.
10. A building permit is required for the installation of the equipment upgrade. The installation shall comply with the provisions of the latest adopted California Building Code and other model construction codes.
11. Prior to issuance of any building permits, the following conditions shall be complied with:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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 \$1000.00, and for CFD 98-02 (Lighting & Landscaping), the in-lieu fee is \$1000.00. Said in-lieu fees shall be paid prior to issuance of a building permit.

- f. Warning signage 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 install the permanent warning signs and at all times thereafter maintain said signage in good condition.
 - g. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.
- 12. During the construction phase, the following conditions shall be complied with:
 - a. 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.
- 13. Prior to final inspection approval, the following conditions shall be complied with:
 - a. If deemed necessary by the Planning Division Director, the applicant shall install on the mono-tree additional faux branches, leaves, leaf-covered socks and/or modifying the colors of the mono-tree and antennas, as determined by the Planning Division Director, in order to screen the antennas, hardware, cables, etc. from view. The screening cost shall be paid for by the communication company.
- 14. Within thirty (30) days of activating the modified installation, the applicant/operator shall conduct Radio Frequency (RF) compliance testing at full power and will all channels operational to determine whether the actual emissions meet the required FCC 47 CFR §1.1307 et seq. standards for the general population in all accessible areas. All compliance testing at this facility shall be observed by the City or the City's designee. If any areas are found to exceed the uncontrolled/general population limit of the FCC rules, then the City, in consultation with the applicant/operator, shall develop an appropriate RF emissions zone exclusion/warning protocol to comply with the FCC rules which shall be adopted and implemented by the applicant/operator within fifteen (15) days of receipt thereof.
- 15. 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 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 RF report shall also evaluate the cumulative emissions of the proposed project and the existing Sprint facility 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.

16. 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 Telecommunications Carrier'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.
17. 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 responsibility of the applicant to contact the City acknowledging any changes in the regulations that would affect the Telecommunications Facility.
18. If the Federal Communications Commission adopts new standards regarding this use, the applicant shall repeat the aforementioned monitoring and report cycle.
19. 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.
20. The mono-tree and equipment enclosure shall be maintained in good condition which includes replacing damaged or lost faux branches, leaves, bark cladding, and antenna covers, and painting of equipment when necessary.
21. All trees and landscaping shall be maintained in a healthy and thriving manner for screening purposes of the proposed mono-tree and equipment enclosure. If any of said 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.
22. 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, 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.

23. This application shall be limited to the installation of:
 - a. Replacement of six (6) existing antenna panels with twelve (12) new LTE antenna panels (including remote radio units (RRU), dual-band tower mounted amplifiers (TMA), and DC surge suppressors) mounted onto the existing thirty (30) foot high mono-tree.
 - b. Additional two (2) equipment cabinets installed within the existing 315 square-foot equipment enclosure designed to match the existing freestanding/retaining walls, and located at the rear yard.
24. No additional equipment or antennas shall be permitted other than what is identified in Condition C23. A modification of this Conditional Use Permit shall be required to add or modify the number or type of antennas or equipment.
25. Any changes in the approved location will require submittal of a revised drawing with all necessary information to be reviewed and approved by the Planning Division Director.
26. 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.
27. This 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.
28. 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.
29. 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.

30. This Conditional Use Permit shall expire on October 3, 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 3rd day of October 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