

Planning Commission

AGENDA REPORT

MEETING DATE: June 7, 2012

SUBJECT: Verizon Wireless

CASE: CUP 12-879

Recommendation

Conditionally approve a wireless antenna facility at the Twin Oaks Golf Course through a Major Conditional Use Permit.

Introduction

The 57-acre site is currently developed as an 18-hole golf course, clubhouse, restaurant, and golf shop. The proposed facility will be located next to four (4) existing mono-trees (by other wireless providers) north of the clubhouse.

The proposed wireless antenna facility will include up to twelve (12) panel antennas mounted at the top of a forty (40) foot high mono-tree with ground-mounted equipment located within a 240 square-foot equipment building, and attached 215 square-foot enclosure area for outdoor equipment. The "mono-tree" is designed to resemble a broad-leaf tree with the panel antennas camouflaged by the faux branches and leaves. No comments from the public were received.

Discussion

The current zoning of the property is Specific Plan Area (SPA), and designated as a golf course in the Twin Oaks Valley Specific Plan. The facility will be located approximately 250 feet north of the club house between the driving range and ninth fairway. Surrounding land uses are single-family residences located further to the north, east, and south, and N. Twin Oaks Valley Road is further to the west. Per Section 20.126.060 of the Telecommunications Ordinance, the proposal does not comply with the location requirements for telecommunications facilities allowed by right. Therefore, said ordinance and the Twin Oaks Valley Specific Plan require the approval of a Major Conditional Use Permit to allow the construction and operation of the proposed mono-tree within the Specific Plan Area (SPA).



The proposed project is in compliance with the Twin Oaks Valley Specific Plan in that the ground-mounted equipment and mono-tree comply with building setbacks. The ground-mounted equipment will be located within an enclosed building, except for an emergency back-up generator and two (2) condenser units which will be located outside and completely screened from view by a nine (9) foot high block wall enclosure. The proposed equipment building and enclosure will be architecturally compatible with the existing buildings and match in color and stucco finish. The existing eleven (11) foot high chain link safety fence will be relocated to the front of the proposed building/enclosure to continue to prevent golf balls hit from the driving range from landing within the work area of the adjacent maintenance building.

Per the submitted visual simulation (Attachment "C"), the proposed mono-tree is designed to resemble a broad-leaf tree. The project proposes a forty (40) foot high mono-tree which exceeds the thirty-five (35) foot height limit as designated in the Twin Oaks Valley Specific Plan. However, the Specific Plan does allow for deviation from the height limit, through the CUP approval, when the overall impact and design of the facility is considered. In this case, the proposed mono-tree will be installed at a lower elevation than the existing thirty-five (35) foot high mono-trees, and as a result, the top of the proposal will not be higher than the others. Therefore, the proposed mono-tree will not create a significant visual impact since it will blend in with the other mono-trees and live trees on site. The twelve (12) panel antennas mounted atop the proposed mono-tree will be camouflaged by faux leaves (leaf-covered socks), and all equipment (i.e.: antennas, cables, brackets, etc.) will be painted a blend of greens and browns to match the faux tree foliage.

Any potential noise levels generated by the proposed facility will not exceed 45 dB(A) at the nearest property line per the General Plan Noise Element. The closest sensitive noise receptor is the single family residences located approximately 312 feet to the east across the driving range. The project proposes to locate all ground equipment within the 240 square-foot equipment building except for an emergency back-up generator and two (2) condenser units which will be installed outside within the adjacent nine (9) foot high block wall enclosure. Said outdoor equipment will be the only potential source of noise generation since the proposed equipment within the building will not be audible from outside the building. The generator will be housed within an acoustic insulated cabinet by the manufacturer, and is expected to operate only in the event of a power failure or for weekly maintenance for approximately fifteen (15) minutes on a weekday during daytime hours. According to the noise analysis prepared for the project, noise generation by the operation of the generator and condenser units will not exceed 45 dB(A) at the nearest property line. This result included accumulative noise levels from the adjacent existing outdoor equipment (condenser units) for the other wireless providers.



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 preliminary data 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.

Attachment(s)

Adopting Resolution

- A- Vicinity Map
- B- Aerial Photo
- C- Visual Simulations
- D- Requested Entitlement
- E- Site & Project Characteristics
- F- Negative Declaration 12-819

Prepared by:

A handwritten signature in blue ink, appearing to read "Norm Pedersen".

Norm Pedersen, Associate Planner

Reviewed by:

A handwritten signature in blue ink, appearing to read "Jerry Backoff".

Jerry Backoff, Planning Division Director

Approved by:

A handwritten signature in blue ink, appearing to read "Charlie Schaffer".

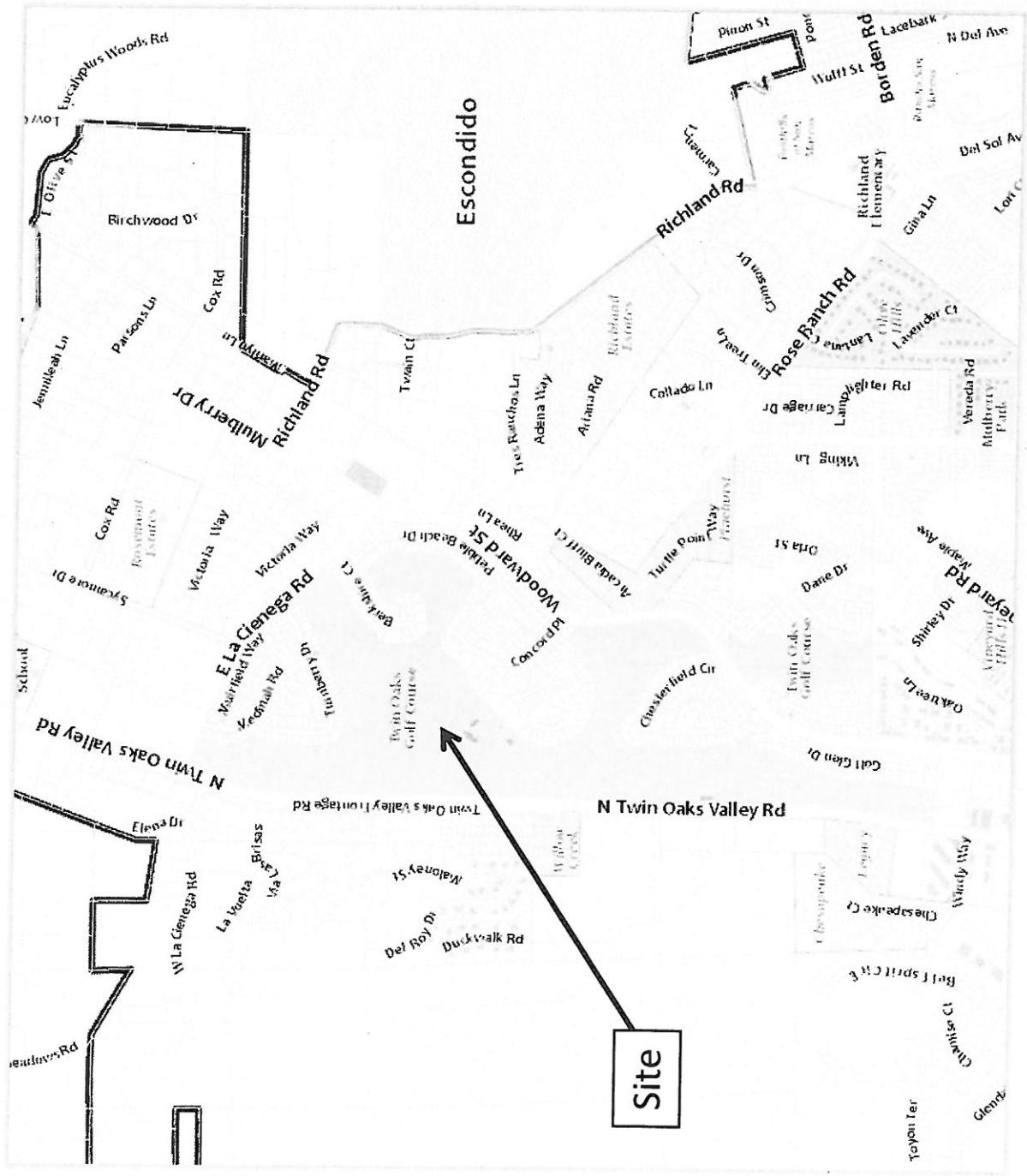
Charlie Schaffer, Development Services Director



ATTACHMENT A

Vicinity Map

Vicinity Map



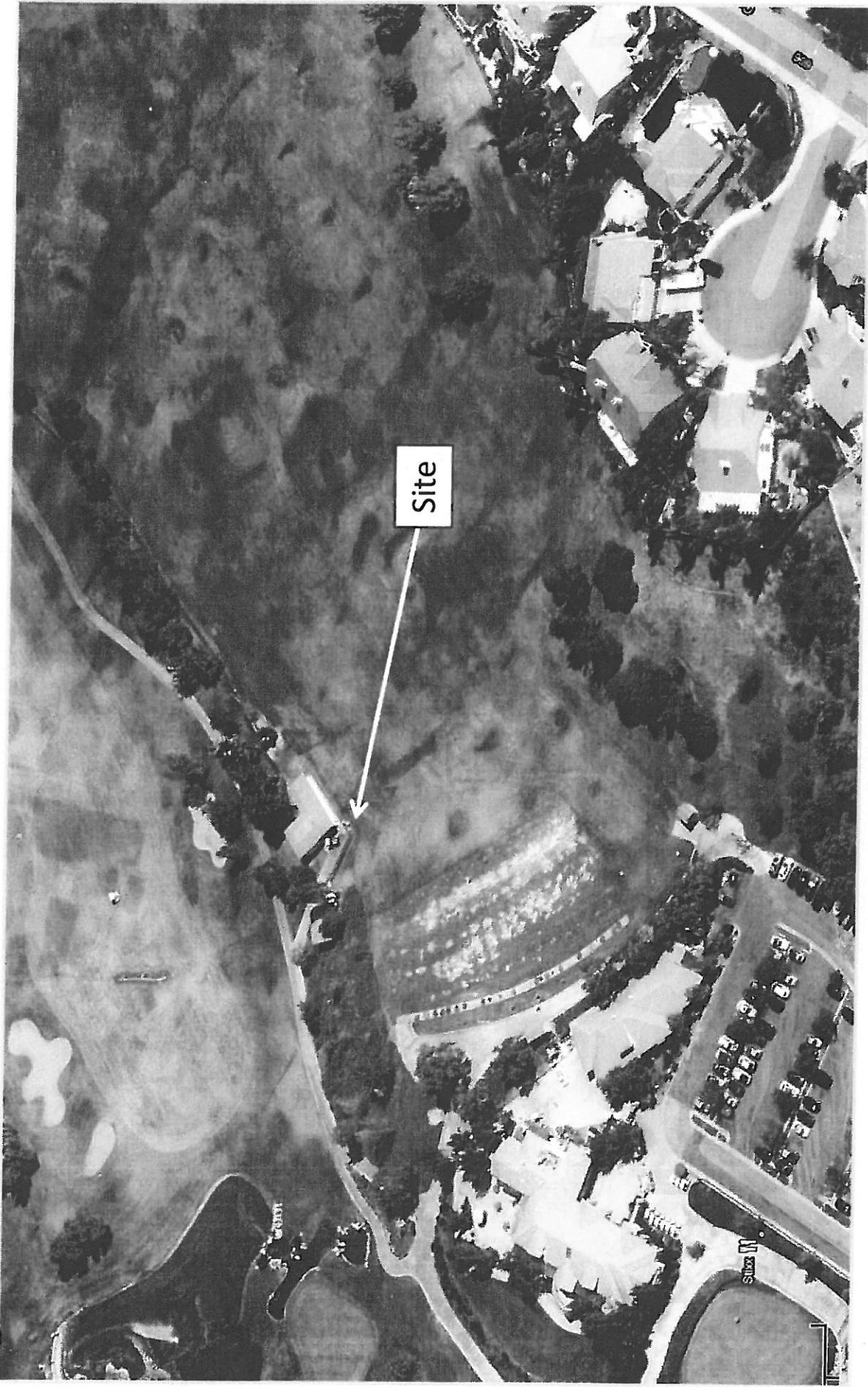


ATTACHMENT B

Aerial Photo

AGENDA ITEM NO. 4

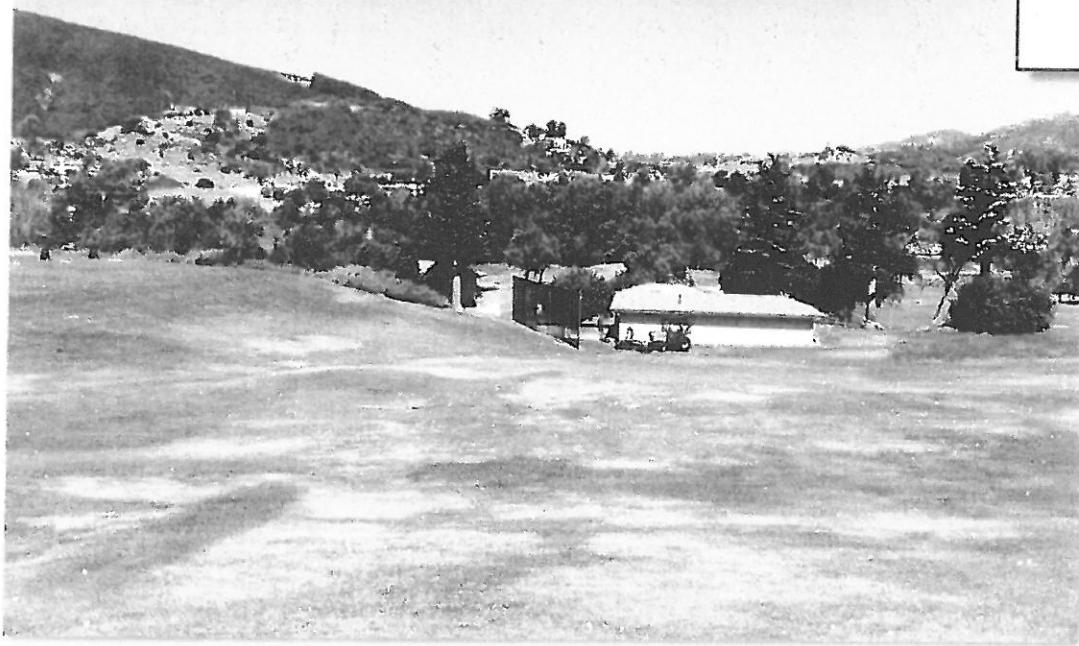
Aerial Photo





ATTACHMENT C
Visual Simulations

EXISTING

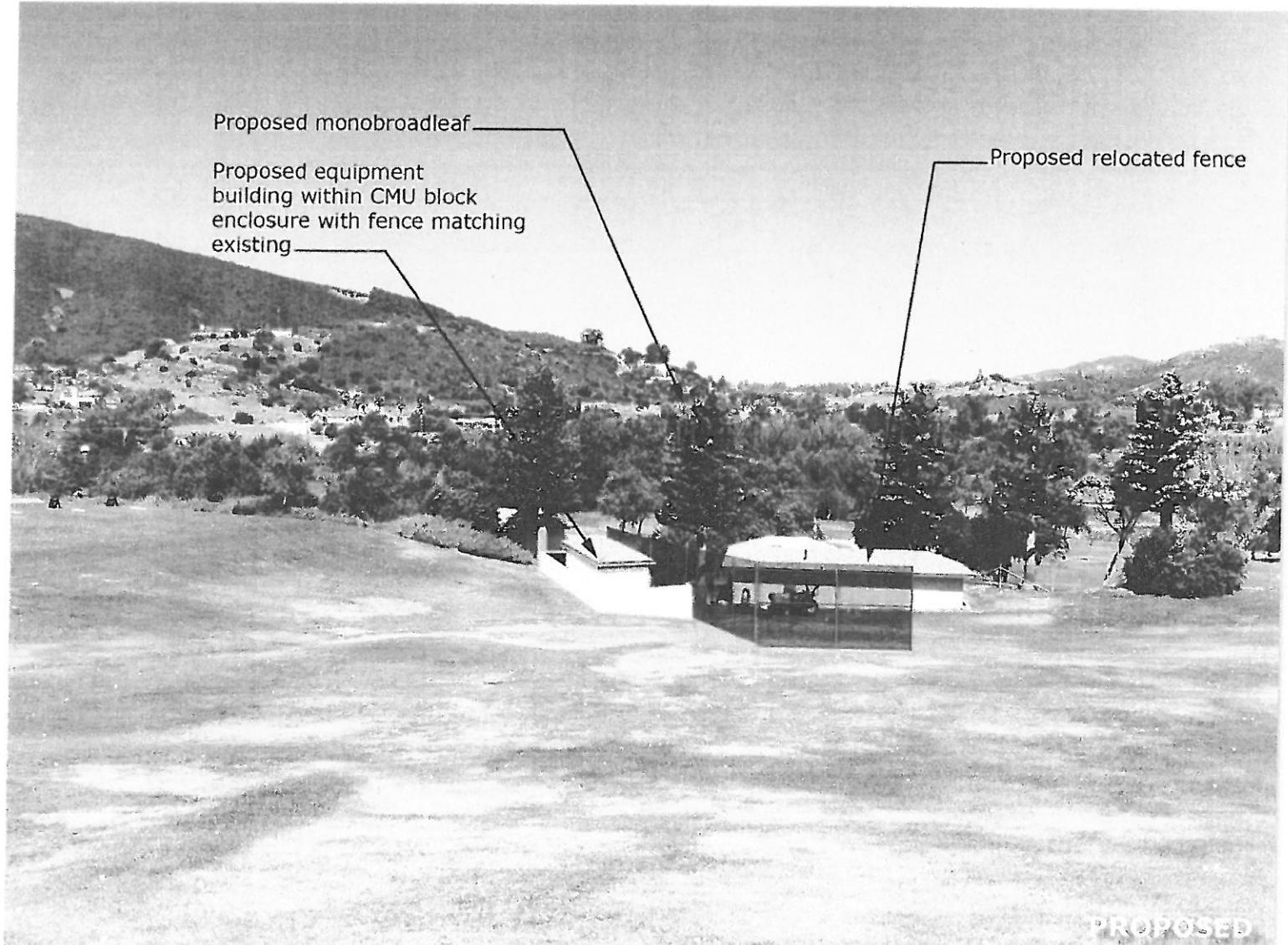


Twin Oaks

1441 North Twin Oaks Valley Rd.
San Marcos, CA 92069



Proposed monobroadleaf
Proposed equipment
building within CMU block
enclosure with fence matching
existing
Proposed relocated fence





ATTACHMENT D
Requested Entitlements

- Major Conditional Use Permit to allow for the installation and operation of a wireless antenna facility as a mono-tree at the Twin Oaks Golf Course in the Twin Oaks Valley Specific Plan Area (SPA).



ATTACHMENT E

Site & Project Characteristics

| <u>Property</u> | <u>Existing</u> | <u>Zoning</u> | <u>General Plan</u> |
|------------------------|-------------------------|------------------|-----------------------|
| Subject | <u>Land use</u> | <u>Zoning</u> | <u>Designation</u> |
| North | Golf Course | SPA | Specific Plan Area |
| South | Single-Family Residence | SPA | Specific Plan Area |
| East | Single-Family Residence | SPA | Specific Plan Area |
| West | Single-Family Residence | E-1-20 | Residential 1-2 du/ac |
| Flood Hazard Zone | <u> </u> yes | <u> </u> no | |
| Resource Conserv. Area | <u> </u> yes | <u> </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> </u> yes | <u> </u> no | |
| Land Use Compatibility | <u> </u> yes | <u> </u> no | |

Development Standards per the SPA Zone:

| <u>Setbacks</u> | <u>Required</u> | <u>Proposed</u> |
|-----------------------|-----------------|-----------------|
| North (to residences) | 40 ft. | ~900 ft. |
| South (to clubhouse) | n/a | ~250 ft. |
| East (to residences) | 40 ft. | ~312 ft |
| West (to N. TOV Rd.) | 50 ft. | ~750 ft |
| Height | 35 ft. | 40 ft.* |

* with approval of CUP.



ATTACHMENT J
Negative Declaration 12-819

AGENDA ITEM NO. 4

RESOLUTION PC 12-4291

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING
COMMISSION APPROVING A MAJOR CONDITIONAL USE
PERMIT TO ALLOW THE INSTALLATION AND OPERATION
OF A WIRELESS ANTENNA FACILITY AS A MONO-TREE
AT THE TWIN OAKS GOLF COURSE IN THE TWIN OAKS
VALLEY SPECIFIC PLAN AREA (SPA)

Case No. CUP 12-879
Verizon Wireless

WHEREAS, on January 23, 2012 an application was received from Verizon Wireless requesting a Major Conditional Use Permit to allow the installation and operation of a wireless antenna facility, including ground-mounted equipment inside a new 240 square-foot equipment building with attached 215 square-foot enclosure area for outdoor equipment (emergency back-up generator, etc.), and a forty (40) foot high mono-tree with twelve (12) panel antennas (designed to resemble a broad-leaf tree) at the Twin Oaks Golf Course in the Twin Oaks Valley Specific Plan Area (SPA), more particularly described as:

Parcel A of Parcel Map No. 16247
Assessor's Parcel Number 182-160-12

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 7, 2012 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 12-819) 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 staff conditions, is consistent with the policies and intent of the adopted General 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, 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 proposed wireless antenna facility will be located at a developed site and that operational standards for the facility have been conditioned to comply with FCC standards and California PUC requirements, and noise has been attenuated by an equipment enclosure. In addition, visual impacts of the proposal have been

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4

minimized because the antenna tower is designed to resemble a broad leaf tree and will blend in with the four (4) existing mono-trees (by other wireless providers) and adjacent mature trees; the panel antennas will be concealed by the faux branches and leaves of the mono-tree; and the ground mounted equipment will be screened from view by an equipment enclosure at an existing golf course.

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 architectural elevations shall be revised as follows:
 - a. On Sheets A-3 & A-4, under Note 7, the proposed GPS antennas shall be located below the top of the block wall so that all equipment is screened from view.
 - b. On Sheets A-3 & A-4, under Note 4, the proposed block wall enclosure shall match the building in stucco finish and color.
 - c. On Sheet A-3, under Note 17, the proposed steel gates shall be painted to match the building and block wall enclosure.
 - d. On Sheet A-1, clinging vines shall be installed along the relocated chain link fence on the section extending east of the equipment building.
 2. All ground-mounted equipment for the wireless antenna facility shall be located within the equipment building, except for the emergency back-up generator, two (2) condenser units, and two (2) GPS antennas which shall be completely screened from view by the block wall enclosure.
 3. The proposed equipment building and enclosure shall be architecturally compatible with the adjacent existing buildings, and match in color, stucco finish, and roof material.
 4. The mono-tree shall match in appearance the existing natural broad-leaf trees on site.
 5. 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.
 6. 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.

7. 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.
8. The mono-tree shall not exceed forty (40) feet (top of highest branch/leaf) in height.
9. 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 shall be restored to original condition by the applicant.
10. Within 30 days of the approval of the Conditional Use Permit (CUP 12-879), 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 12-4291." 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.
11. A building permit is required for the installation of the wireless facility. The installation shall comply with the provisions of the latest adopted California Building Code and other model construction codes.
12. Prior to issuance of any building permits, the following conditions shall be complied with:
 - a. Building plans shall include photos of the specific model of mono-tree to be installed, including close-up photos of the faux leaves, branches, and bark.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.

- f. 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.
- g. The proposed new development is subject to the payment of School Fees as required by law.
- h. 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.
- i. Construction plans shall indicate warning sign type and location. Warning signage shall be compliant with ANSI C95.2 color, symbol, and content conventions. Signage shall be written in English and Spanish. 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. Signage shall at all times 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.
- j. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.

13. 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.

- 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.
14. 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.
15. Prior to full time operation (i.e.: installation of the equipment cabinets within a 240 square-foot building with an attached 215 square-foot enclosure area, and 12 panel antennas mounted on top of a 40-foot high mono-tree), the applicant shall ensure (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 to contact the City acknowledging any changes in the regulations that would affect this project prior to any modification.
16. 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 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.
17. 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.

18. 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.
19. If the Federal Communications Commission adopts new standards regarding this use, the applicant shall repeat the aforementioned monitoring and report cycle.
20. 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.
21. 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 and faux tree parts when necessary.
22. 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.
23. 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.
24. This application shall be limited to the installation of:
 - a. Twelve (12) antenna panels mounted at the upper portion of the forty (40) foot high mono-tree designed to resemble a broad-leaf tree.
 - b. Ground mounted equipment (equipment cabinets, telco panel, electrical panel, GPS antenna, etc.) within a 240 square-foot equipment building, and attached 215 square-foot enclosure area (emergency back-up generator, two (2) condenser units, and (2) GPS antennas), and located south of the existing maintenance/wireless equipment building as shown on the approved site plan.
25. No additional equipment or antennas shall be permitted other than what is identified in Condition C24. A modification of this Conditional Use Permit shall be required to add or modify the number or type of antennas or equipment.
26. 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.

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 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. This Conditional Use Permit shall expire on June 7, 2022. Any request for permit extension shall be applied for by the permittee no later than thirty (30) days prior to the expiration date.
30. 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.
31. 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.
32. 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 7th day of June 2012, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Dean Nelson, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION