



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall – Parkview Conference Room

March 13, 2020
2:30 p.m.

- A. Call to Order:
- B. Agenda items:

1. MINOR CONDITIONAL USE PERMIT – PHG 19-0064; PHG 19-0065; PHG 19-0066; PHG 19-0067 and PHG 19-0068:

A Minor Conditional Use Permit to install and operate five (5) Crown Castle (T-Mobile carrier) small wireless facilities (referred to as nodes) in the public right-of-way. The proposed nodes involve the replacement of existing concrete street light poles. All proposed node installations are designed to accommodate one canister-type antenna mounted on the top or on the side of the pole, and up to two (2) radio units mounted onto the sides of the pole. Additional associated equipment is proposed to be placed in new underground concrete vaults (handhole). The poles would vary in height, and the light fixtures would be upgraded to an LED fixture. Trenching and boring is required to extend power and telecommunication lines to the new facilities. The proposal also includes the adoption of the environmental determination prepared for the project.

Location: Five (5) locations within the public right-of-way, generally located along El Norte Parkway, Ash Street, Lincoln Avenue, and Fig Street

Applicant: Kevin Moe for Crown Castle (T-Mobile Carrier)

Planner: Jay Paul

DECISION OF THE ZONING ADMINISTRATOR:

- _____ Approved, as set to form
- _____ Conditionally approved with the attached modifications
- _____ Denied
- _____ Continued to: ___ Date Certain (_____) ___ Date Unknown
- _____ Referred to Planning Commission

- C. Adjournment:

ZONING ADMINISTRATOR

CASE NUMBER: PHG 19-0064, PHG 19-0065, PHG 19-0066, PHG 19-0067 and PHG 19-0068

APPLICANT: Crown Castle (T-Mobile carrier)

PROJECT LOCATION: Five (5) locations within the public right-of-way, generally located along El Norte Parkway, Ash Street, Lincoln Avenue, and Fig Street

REQUEST: A Minor Conditional Use Permit to install and operate five (5) Crown Castle (T-Mobile carrier) small wireless facilities (referred to as nodes) in the public right-of-way. The proposed nodes involve the replacement of existing concrete street light poles. All proposed node installations are designed to accommodate one canister-type antenna mounted on the top or on the side of the pole, and up to two (2) radio units mounted onto the sides of the pole. Additional associated equipment is proposed to be placed in new underground concrete vaults (handhole). The poles would vary in height, and the light fixtures would be upgraded to an LED fixture. Trenching and boring is required to extend power and telecommunication lines to the new facilities. The proposal also includes the adoption of the environmental determination prepared for the project.

STAFF RECOMMENDATION: Approval of Planning Case Nos. PHG 19-0064, PHG 19-0065, PHG 19-0066 and PHG 19-0067, subject to conditions; and Denial of Planning Case No. PHG 19-0068 for the reasons stated in the staff report and findings.

GENERAL PLAN DESIGNATION: N/A, Public Right-of Way

ZONING: Varies per adjacent site (street right-of-way)

BACKGROUND/PROJECT DESCRIPTION: Crown Castle proposes to install five (5) small wireless facilities (nodes) in the public right-of-way. All of the wireless facilities would be located adjacent to single-family or multi-family residential zones. The proposed facilities involve the removal and replacement of an existing concrete street light pole with a new, approximately 27-foot-high street light pole and mounting one (1) canister type antenna (8-inch in diameter x 24-

inch tall) on top of the light pole with a shroud (16-inch diameter) around the antenna. Two (2) 40-watt radio units would be mounted onto each side of the pole and placed within a rectangular, approximately 5.6 cubic foot equipment cabinet. Additional associated equipment is proposed to be placed in new underground concrete vaults (handhole). The light fixture would be upgraded to an LED fixture. Trenching or boring is required to extend power and telecommunication lines underground to the new facility. The proposal also includes the adoption of the environmental determination prepared for the project.

A Minor Conditional Use Permit and public notice is required to permit the proposed five (5) small cell wireless facilities in the City's right-of-way, in accordance with Zoning Code Article 34, "Communication Antennas", Section 33-704(k), because the proposed nodes are either located along a non-circulation element street and/or along the front yard of a single-family residence or the pole-mounted equipment exceeds the maximum of twelve (12) inches in width and twelve (12) inches in depth. Crown Castle proposal includes two radio units mounted onto each side of the pole within a concealment shroud with a dimension of 18.32-inch x 17.96-inch wide x 29.85-inch tall. A minor Conditional Use Permit also is required if a small cell wireless facility is either located along a non-circulation element street and/or along the front-yard of a single-family residences. All five (5) of the sites are either located along a non-circulation element street or along the front yard of a single-family residence.

The proposed small wireless antennas would provide Crown Castle wireless voice and data coverage to the surrounding area where there is currently a need for additional service coverage. The proposed wireless node(s) also would provide coverage to areas of Escondido that are otherwise very difficult or impractical to cover using traditional larger macro wireless telecommunications facilities. Conditions of approval have been added to this project to minimize the visual impacts to the public and adjacent residences. The Zoning Administrator is the authorized decision-maker for reviewing and granting discretionary approvals related to Minor Conditional Use Permits. It is important to note that this staff report has grouped together the five (5) applications for sake of exposition. Exhibits attached hereto are to be incorporated by reference to each case file and appended to each record of action to establish site improvement specifications and conditions and other requirements for the new small cell wireless facility installations.

Crown Castle provided a feasibility analysis of potential alternative locations for the five (5) small wireless facilities. The analysis demonstrated that PHG 19-0064 through PHG 19-0068 are the preferred and most feasible locations to meet the service/coverage objectives. However, staff recommends the proposed Fig/Farr location (PHG 19-0068) be relocated to the southeastern corner of the intersection to further reduce potential impacts to an adjacent residence. Crown Castle indicated that although the proposed Fig/Farr small wireless facility could be relocated towards the southeastern corner and meet their service/coverage requirements, this was not their preferred location due to potential timing issues obtaining new SDG&E permits for the node. Therefore, AT&T is requesting approval of the original location of the small wireless facility on the

northeastern corner. However, as the record shows in Exhibit "A," this reason overlooks the reasonableness of a technically feasible alternative.

The Zoning Administrator ascertained all pertinent facts in order to reach a decision; and the Zoning Administrator, by resolution of record, set forth its findings. In consideration of the full record to date, it is recommended the Zoning Administrator approve four (4) of Crown Castle's proposed small wireless facility locations associated with Planning Case Nos. PHG 19-0064 through PHG 19-0067, and deny Crown Castle's proposed location for Planning Case No. PHG 19-0068. The staff report highlights the Zoning Administrators actions, the points of the approvals and denial, and staff's analysis of the requests.

REASON FOR STAFF RECOMMENDATION:

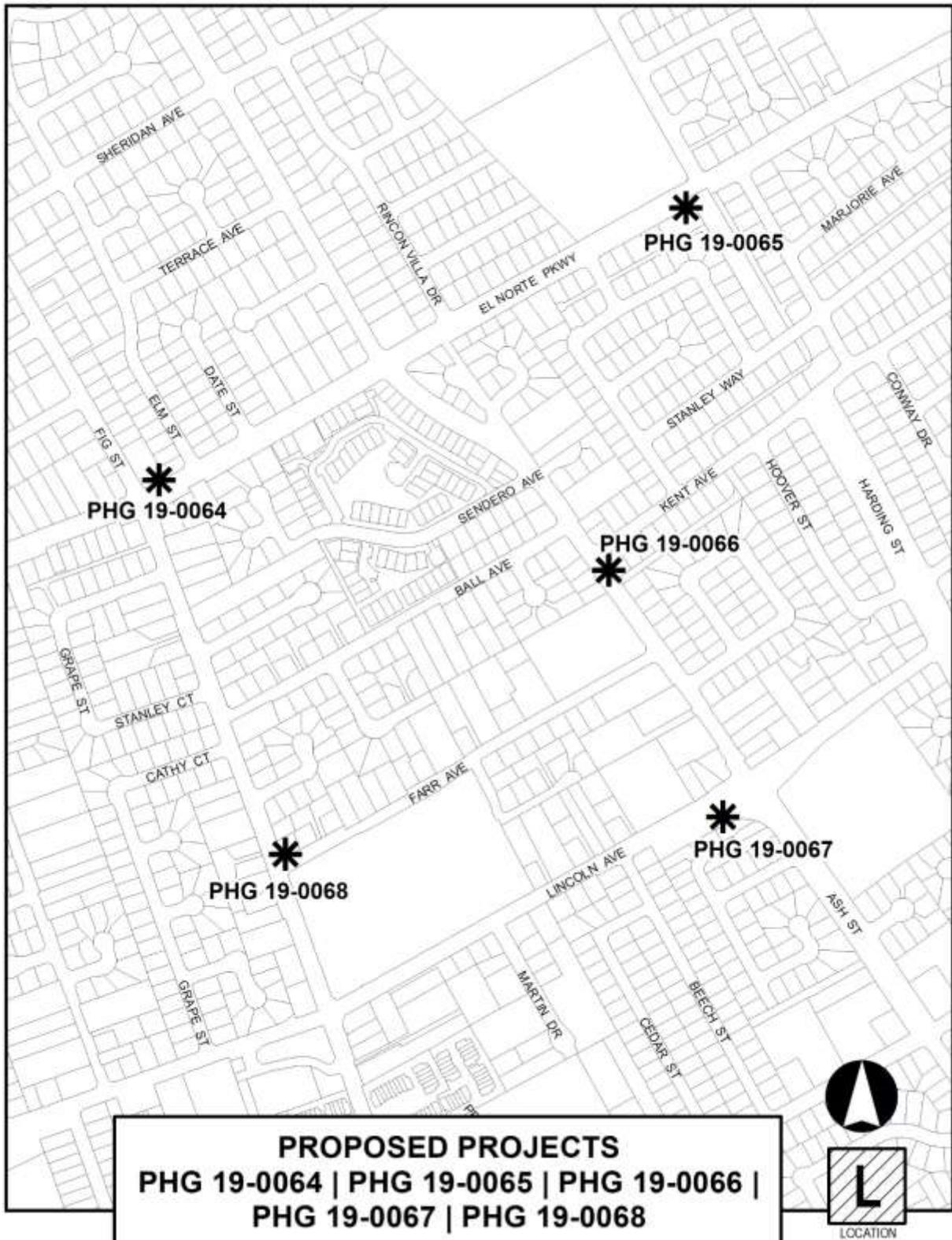
1. PHG 19-0064 through PHG 19-0067. The proposed small cell wireless facilities would be located within the city's right-of-way, which permits wireless facilities subject to approval of a Minor Conditional Use Permit. The proposed facilities would enhance communication services throughout the City in areas where there currently is a need for additional service coverage or capacity. The replacement street lights and the proposed small wireless facilities would not be out of character with the area because the facilities would still resemble and function as a street light pole. The proposed wireless equipment has been integrated into the design of the light pole and utility pole such that the average, untrained observer generally cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Associated support equipment is proposed to be placed in a small new underground concrete vault (handhole).
2. Staff believes that each of the small wireless facilities would not be hazardous to the health of nearby residents based on the results of an RF Compliance Certification (Radio Frequency), prepared by Dtech Communications. The study indicates that each facility would be within the maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) guidelines.
3. PHG 19-0068. In accordance with Article 34, Section 33-704 (C)(iv), requires that an applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available. In this case, Crown Castle indicated there are other preferred locations that are available that would achieve compliance with the City's code standards that regulate node placement, while still meeting their coverage objectives.

Respectfully submitted,

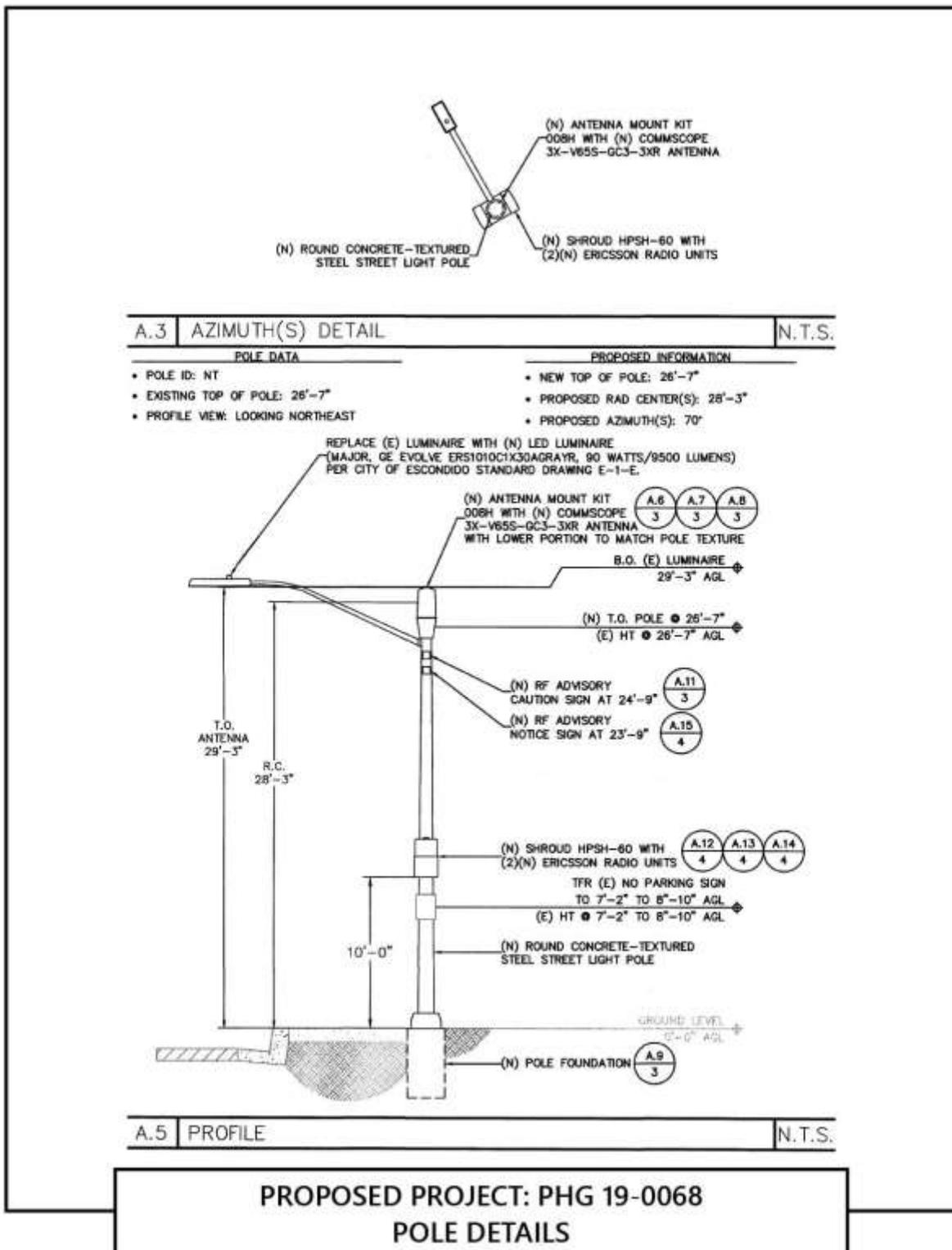


Jay Paul
Senior Planner

Project (Node) Locations



Note: All antennae details are the same design for each node location and shown for reference purposes, but may vary in azimuth and whether other traffic-related signs are attached.

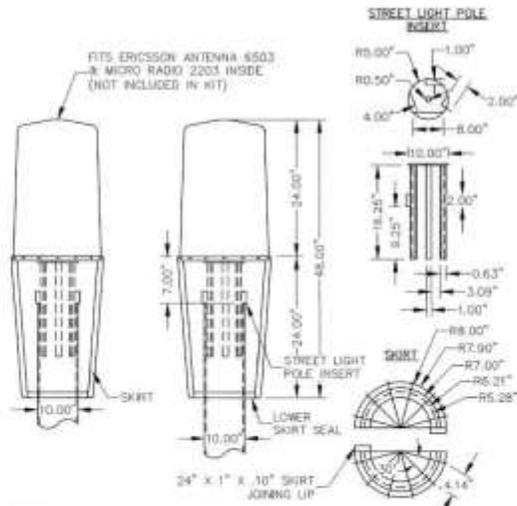




GENERAL SPECIFICATIONS

DIMENSIONS (HT x DIA)	23.5 x 7.9 in (598 x 200 mm)
NET WEIGHT, WITHOUT MOUNT KIT	15.9 lb (7.2 kg)
WIND LOADING, MAXIMUM	90.0 lb (150 km/hr)
	20.2 lb (150 km/hr)
WIND SPEED, MAXIMUM	150 mph (241 km/hr)

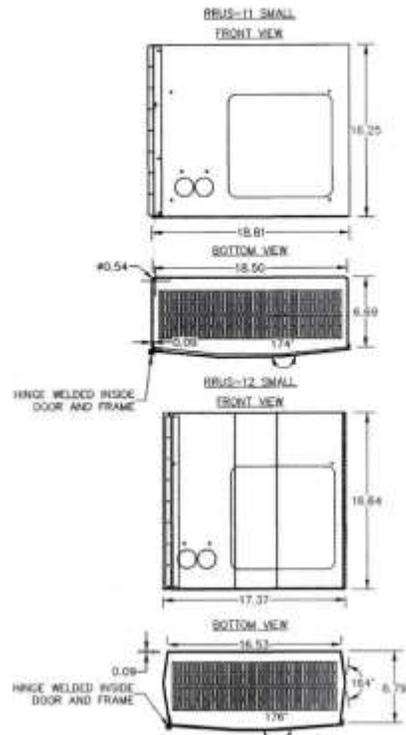
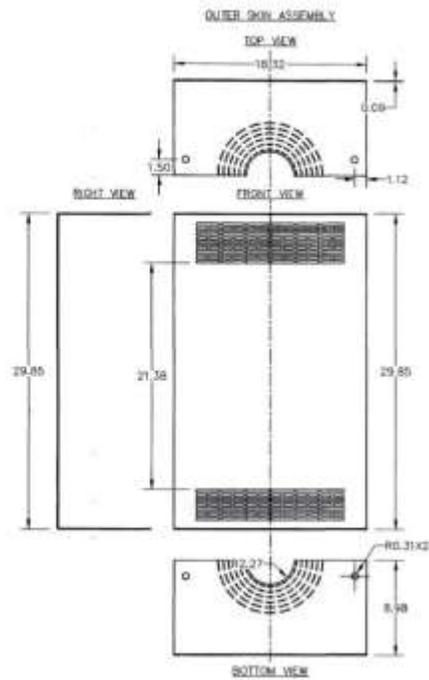
COMMSCOPE 3X-V65S-GC3-3XR ANTENNA



- NOTES:
 1. STEEL FRAME WEIGHTS WITH GRADE 8 MOUNTING HARDWARE WEIGHTS 12.5 LBS
 2. SKIRT COVER WEIGHTS 8 LBS
 3. TOTAL WEIGHT WITH ANTENNA IS 65.5 LBS
 ANTENNA SHOULD TO BE TEXTURED TO MATCH STREET LIGHT POLE

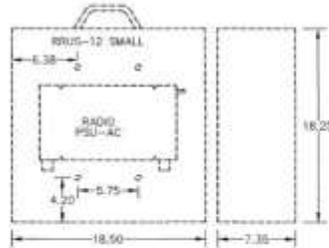
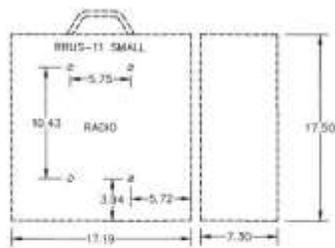
ANTENNA MOUNT KIT 00BH (PRIVATE)

PROPOSED PROJECT: PHG 19-0064
 ANTENNA DETAILS



NOTE:
 ALL DIMENSIONS IN INCHES UNLESS OTHERWISE NOTED.

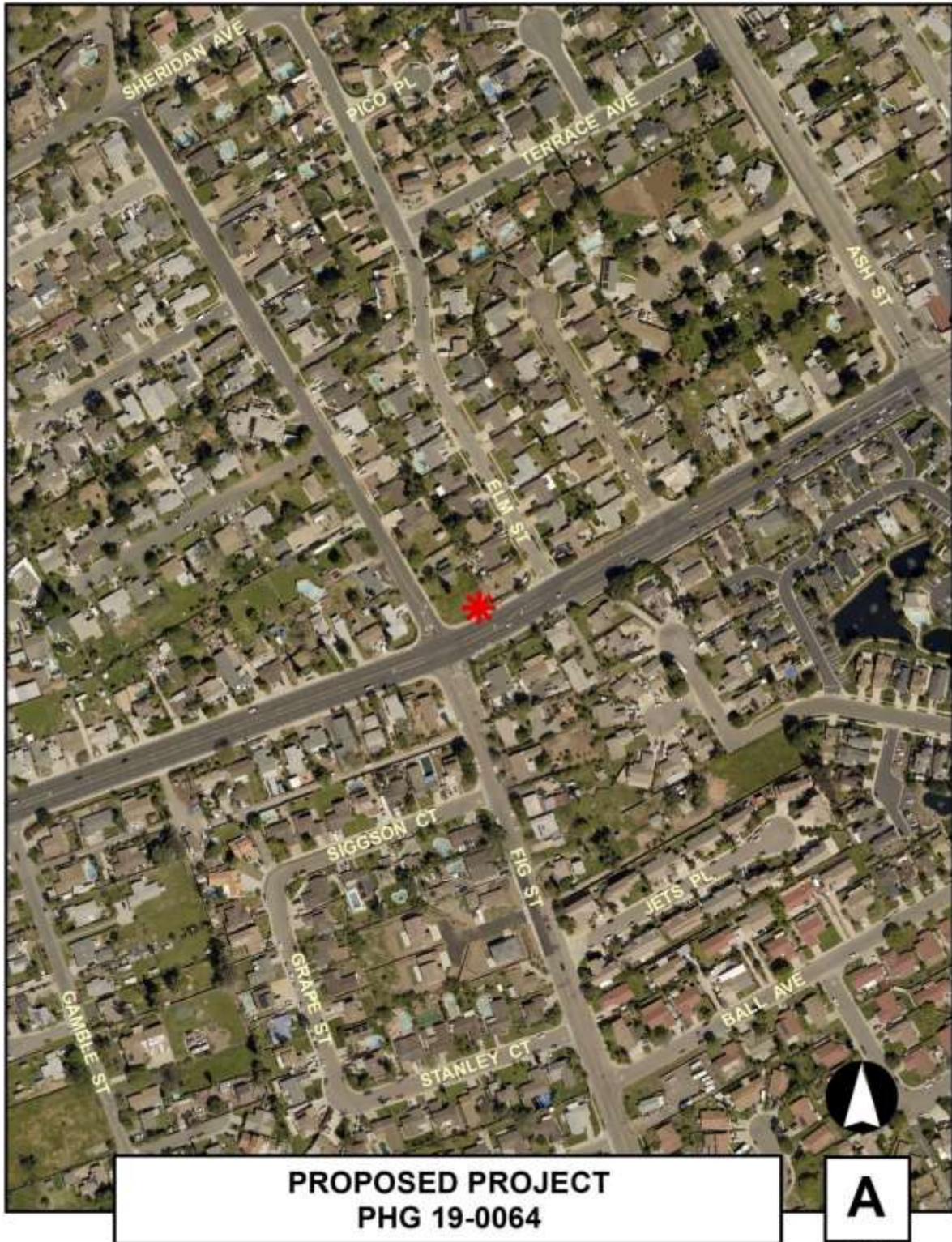
RADIO DIMENSIONS

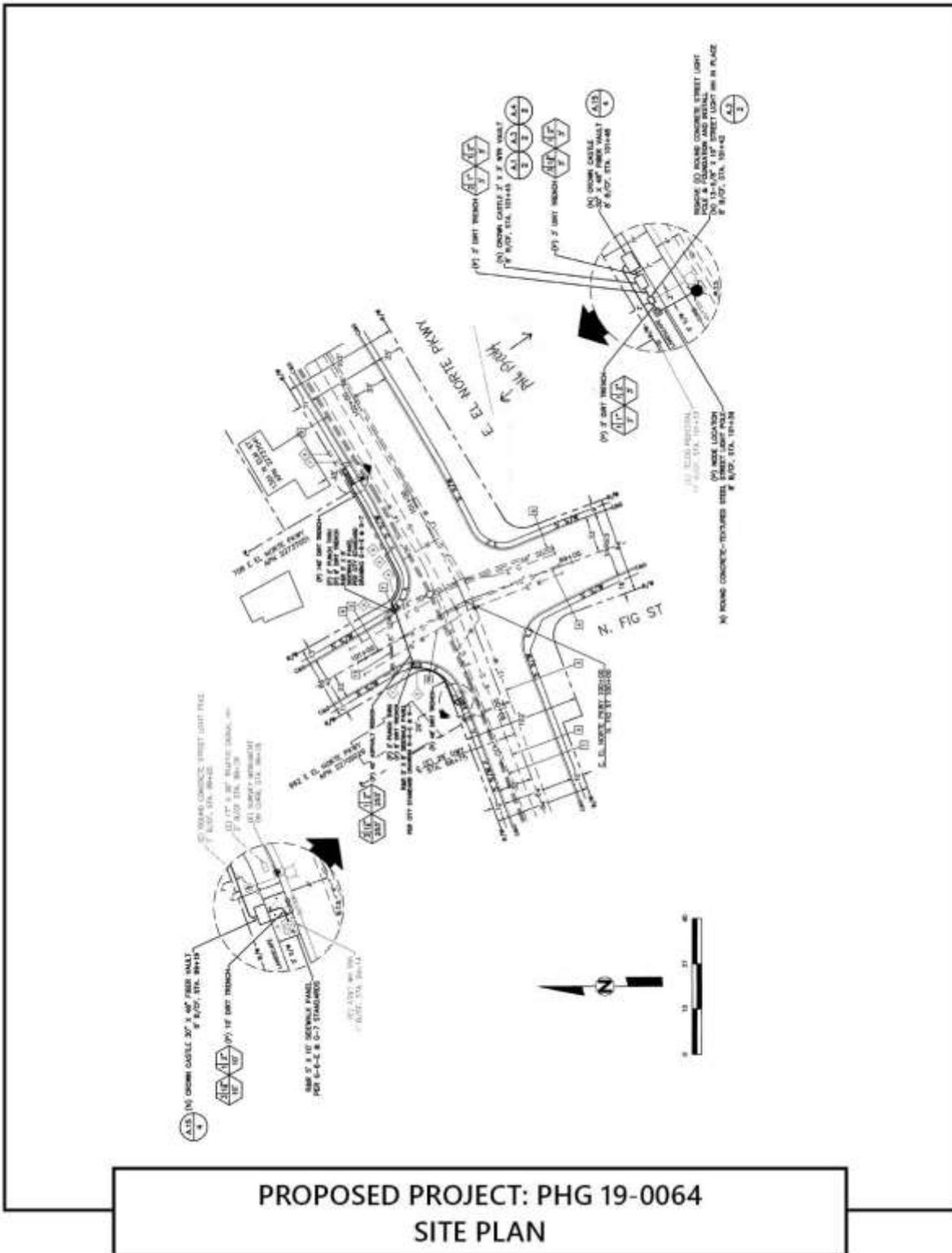


SHROUD HPSH-60 RADIO UNIT ENCLOSURE

**PROPOSED PROJECT: PHG 19-0064
 ENCLOSURE DETAILS**

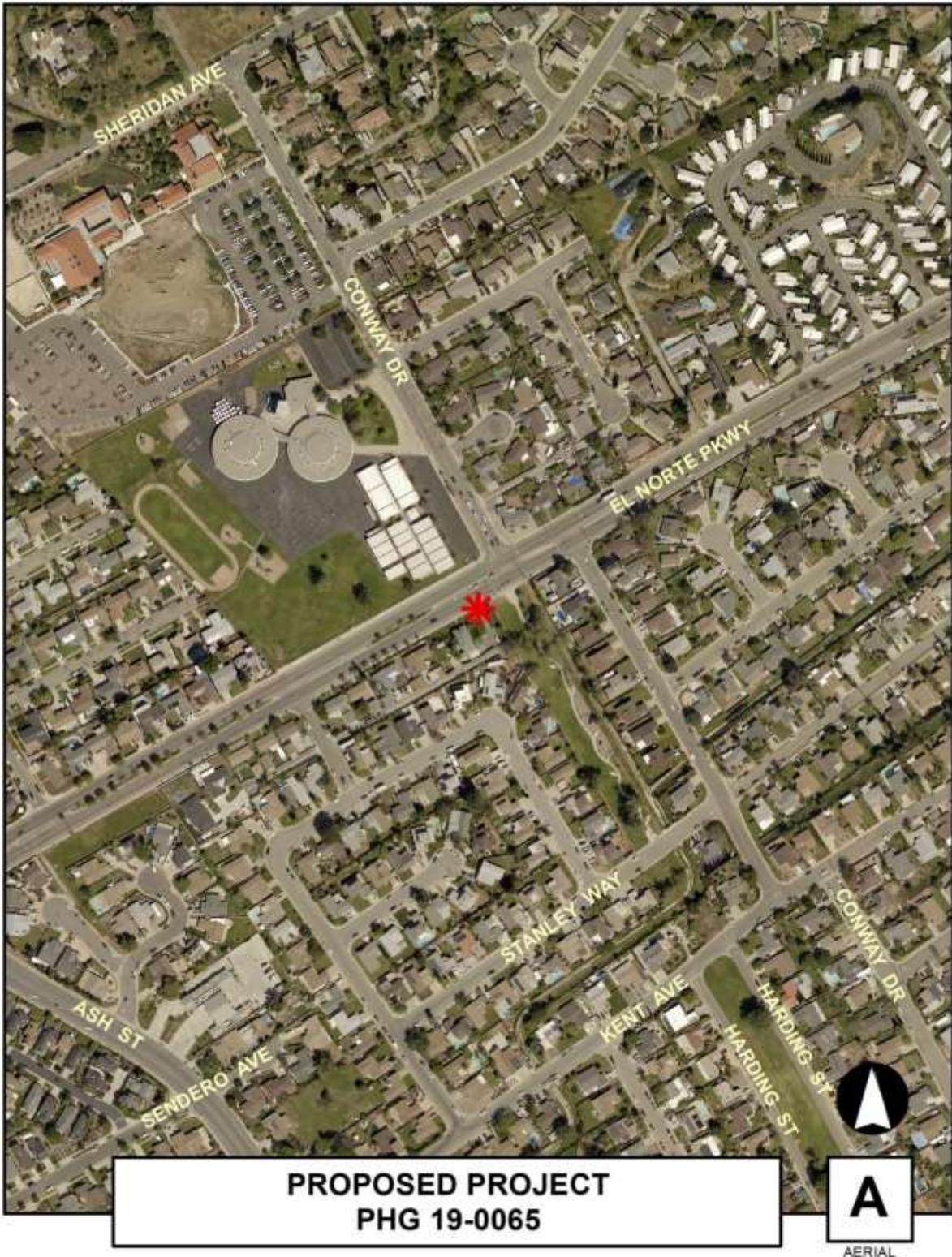
Zoning Administrator
March 13, 2020
PHG 19-0064, PHG 19-0065, PHG 19-0066
PHG 19-0067 and PHG 19-0068

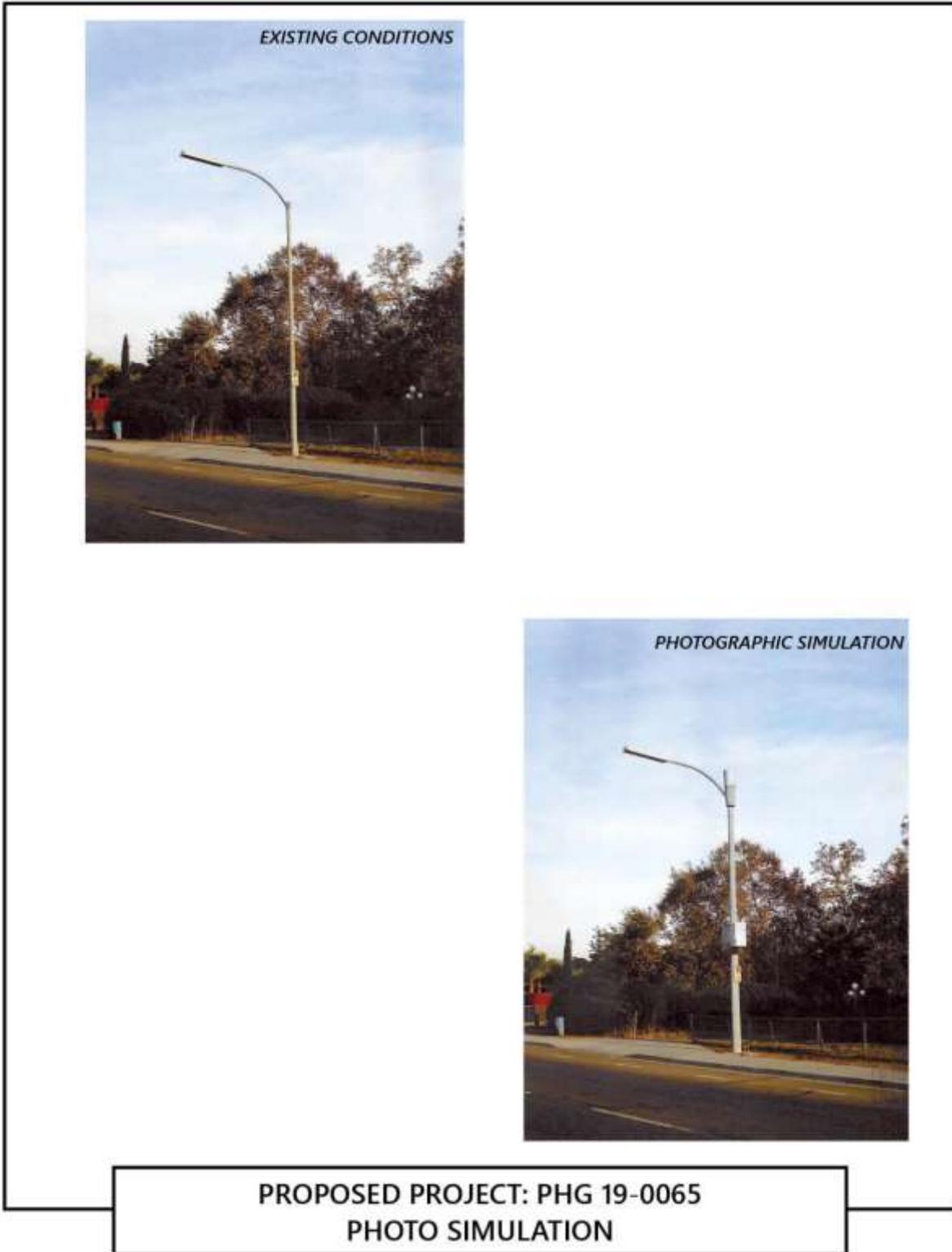


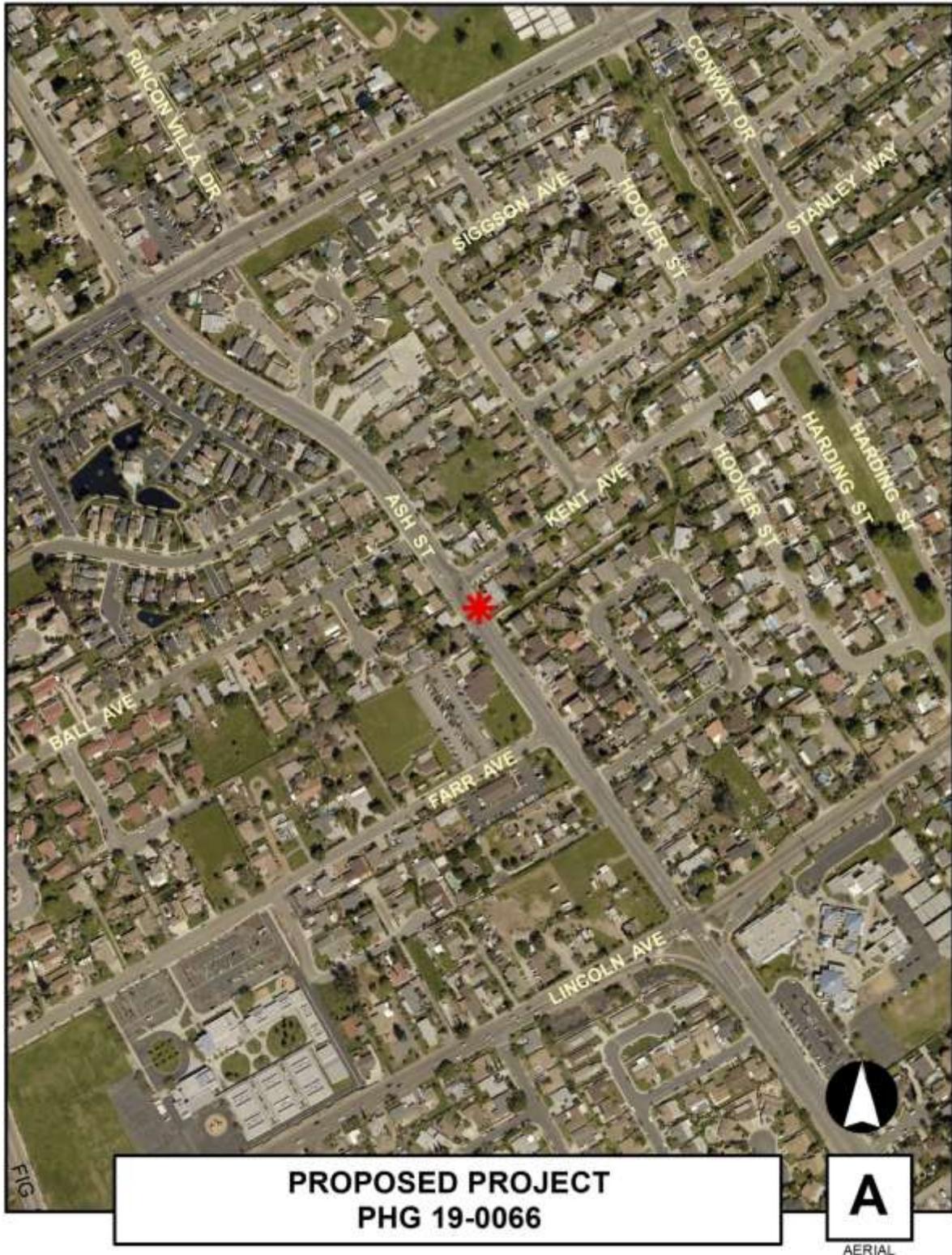


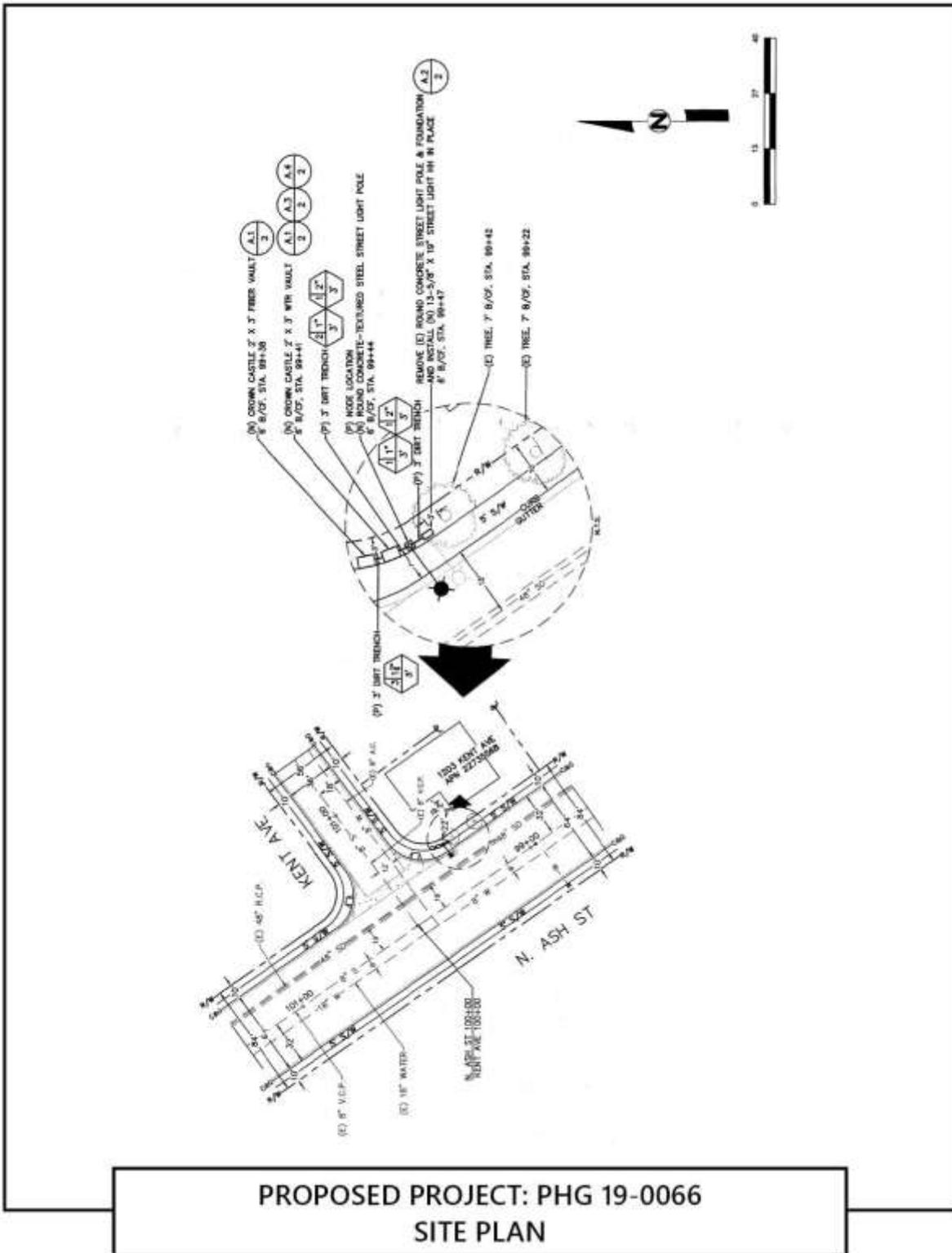


**PROPOSED PROJECT: PHG 19-0064
PHOTO SIMULATION**





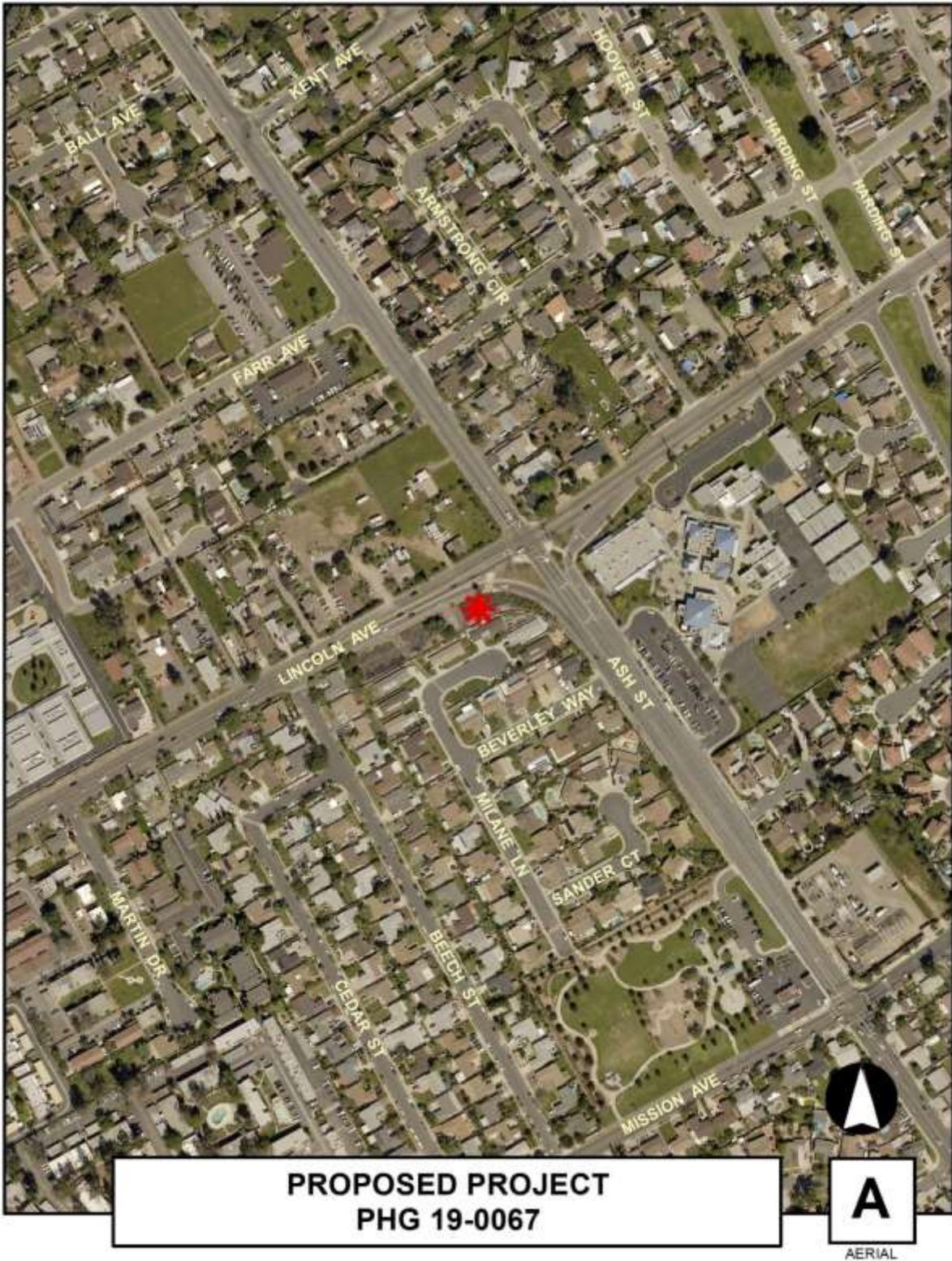


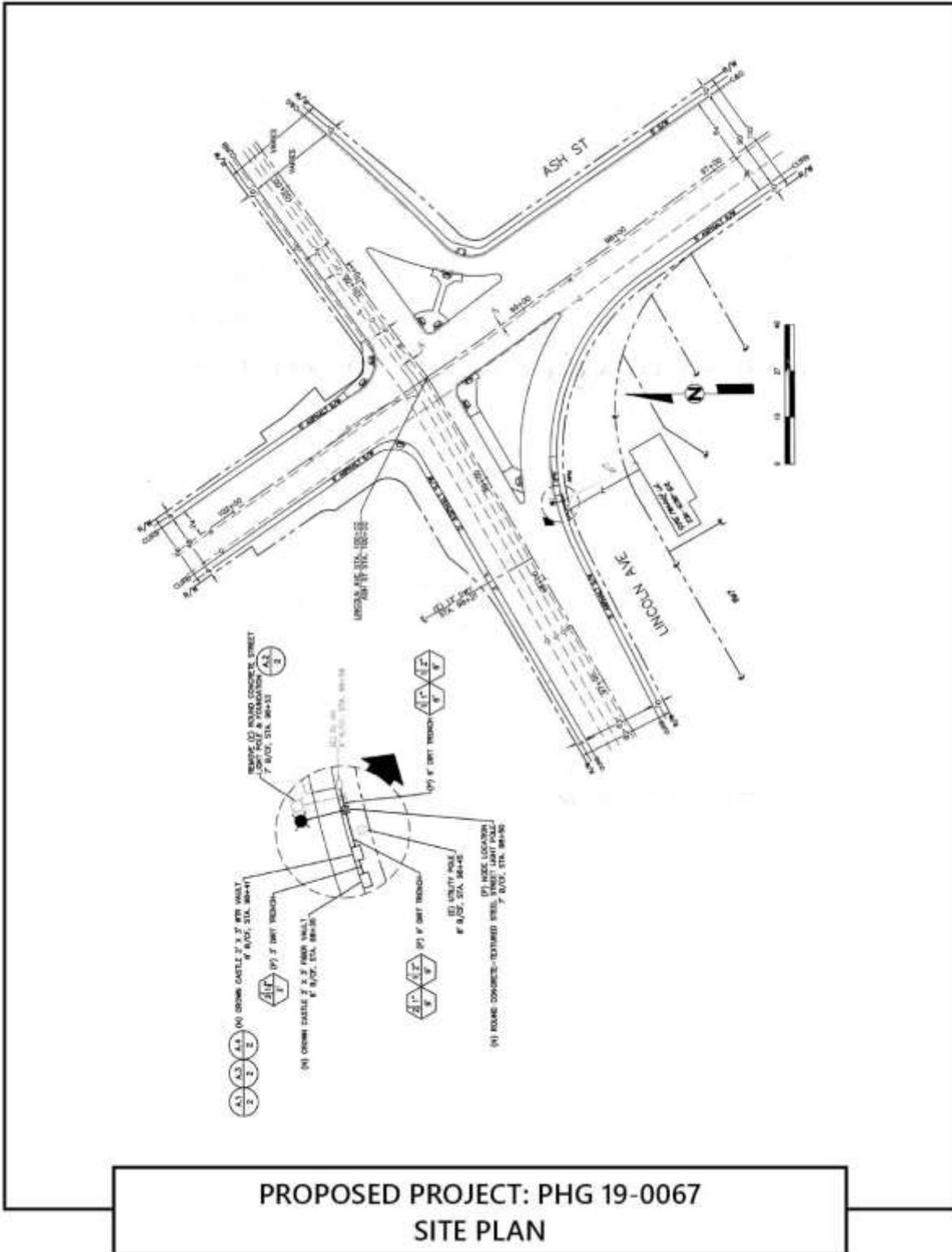


PROPOSED PROJECT: PHG 19-0066
SITE PLAN



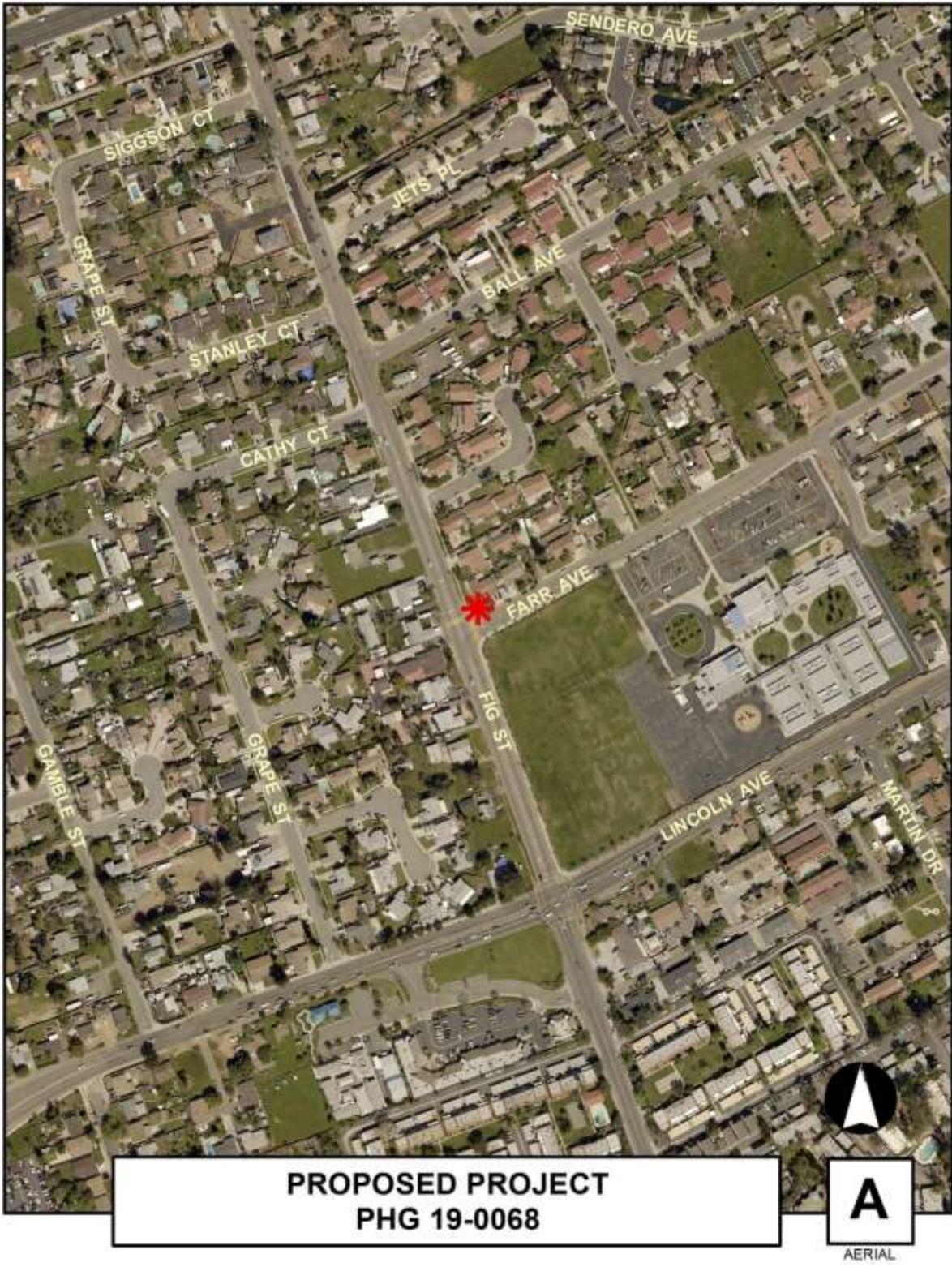
**PROPOSED PROJECT: PHG 19-0066
PHOTO SIMULATION**

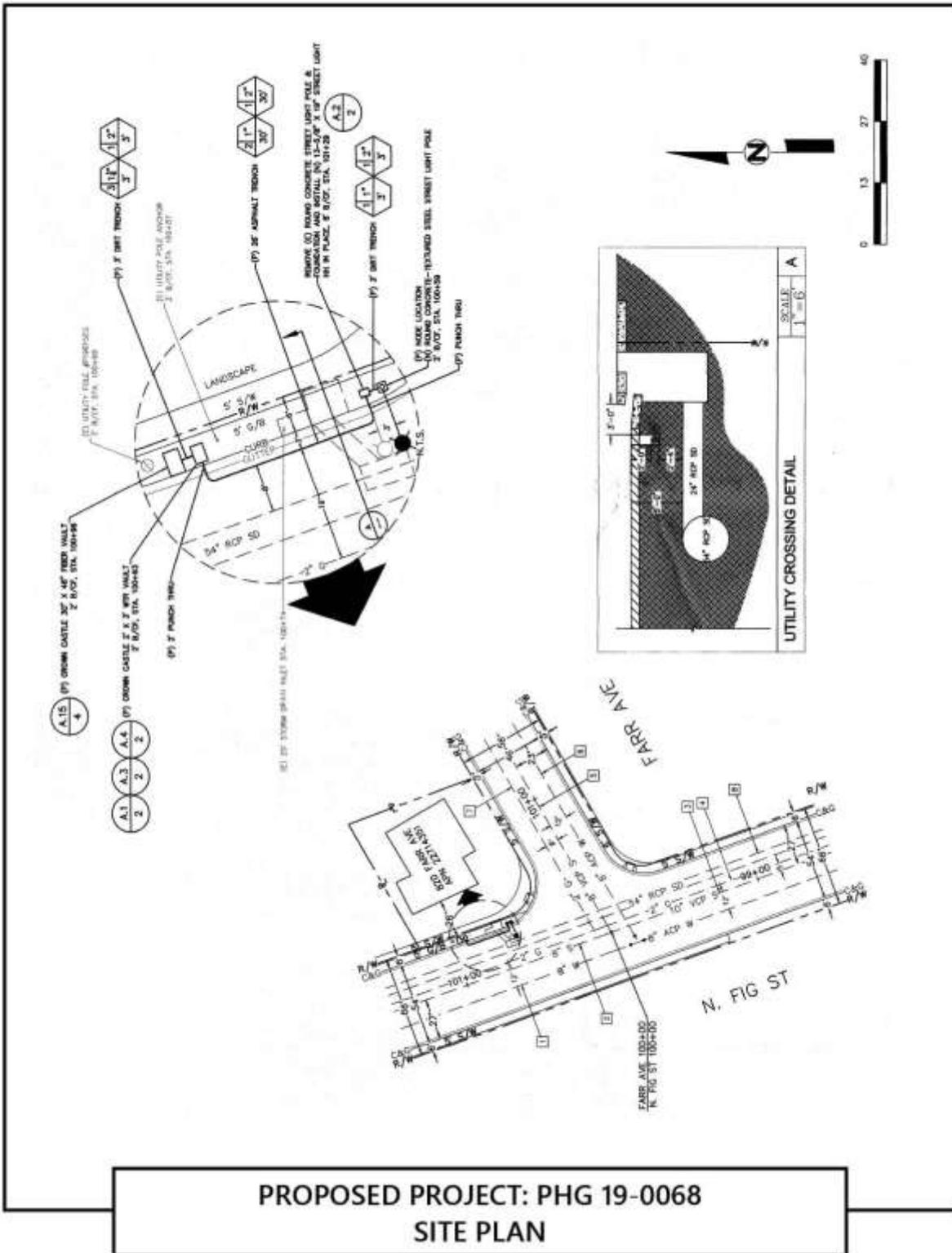






**PROPOSED PROJECT: PHG 19-0067
PHOTO SIMULATION**





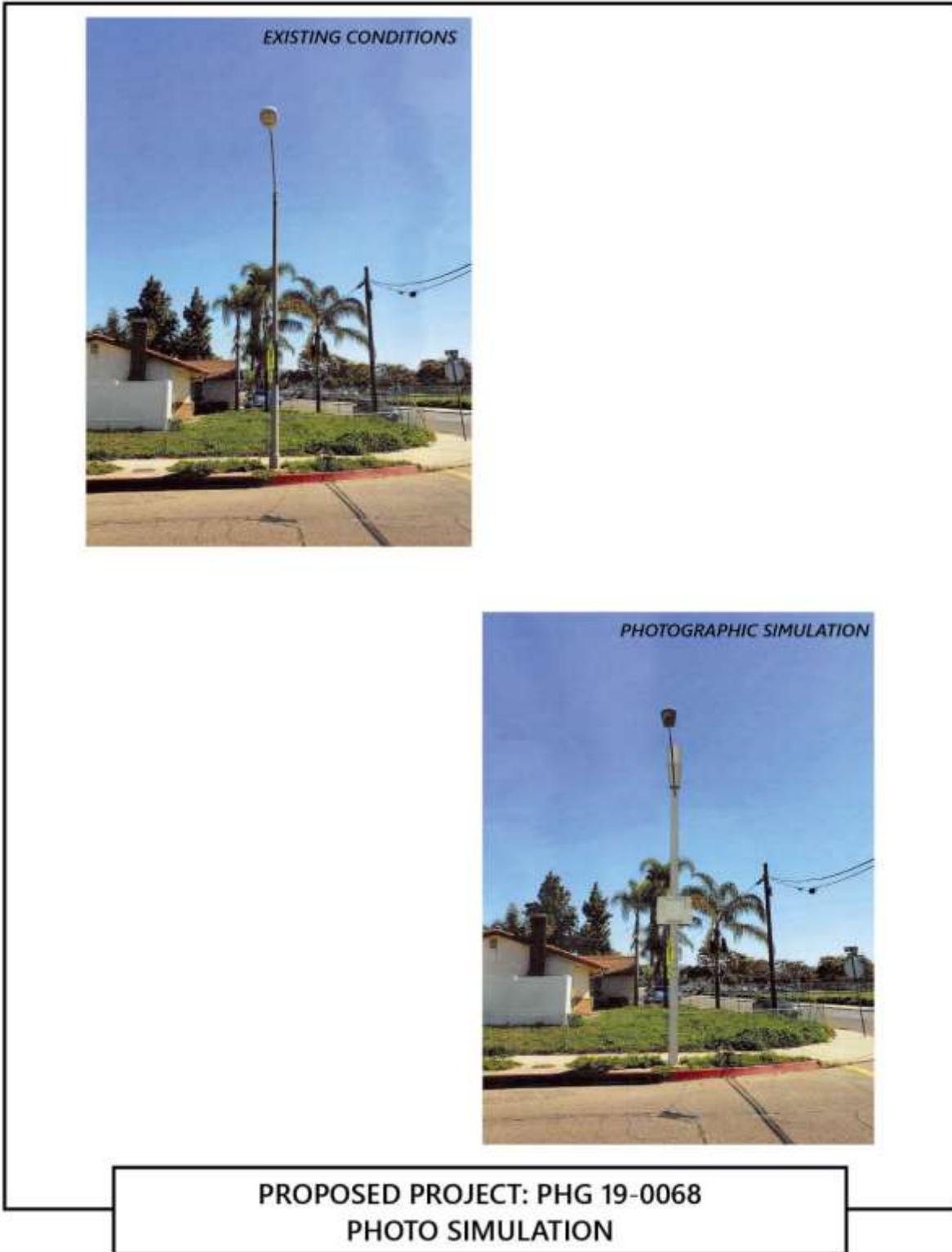


EXHIBIT “A”
FINDINGS OF FACT
PHG 19-0064, PHG19-0065, PHG19-0066, PHG19-0067,

Environmental Determination:

1. The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15303, “New Construction of Small Structures.”

Conditional Use Permit:

1. All decisions granting or denying Conditional Use Permits shall be made in accordance with Section 33-1203 of the Escondido Zoning Code (Findings for Conditional Use Permits). The new construction of four (4) small cell wireless facilities has been reviewed and the Zoning Administrator concludes and finds, based on the analysis of the project described therein the March 12, 2020 Zoning Administrator Staff Report, that:
 - a. Granting the proposed Minor Conditional Use Permit to allow the construction of four (4) small cell wireless facilities would be based upon sound principles of land use and in response to services required by the community because the placement of the four (4) wireless small cell antennas structures (nodes) would enhance wireless service where there currently is a need for additional services coverage or capacity. In addition, each facility is relatively small and would not result in a substantial alteration of the present land use. Conditions of Approval have been incorporated to minimize any potential land-use compatibility.
 - b. Granting the proposed Minor Conditional Use Permit for the construction of four (4) small cell wireless sites would not cause deterioration of bordering land uses or create special problems for the area in which it is located because the facilities would be appropriately integrated into a replacement pole that would continue to function as a city street light or a utility pole. Additionally, RF emission generated from each site would be below the FCC accepted guidelines/standards. Pursuant to federal law and local government agency may regulate the placement and modification of a wireless communication facility on the basis of the environmental or health effects of radio frequency emissions to the extent that such facilities comply with federal law concerning emissions.
 - c. The proposed Minor Conditional Use Permit for four (4) small cell wireless facilities would be compatible with the surrounding neighborhoods because the facilities have been designed to be appropriately incorporated into/mounted onto a street light or utility pole, and

would be located in an area where existing street lights, utility poles or similar type infrastructure currently exist. Associated support equipment would be placed in small new underground concrete vaults (handhole). Conditions have been applied to reduce potential impacts to the immediate areas.

- d. The applicant, AT&T has analyzed and demonstrated that the site is necessary to close a significant gap in service to the community. Although the signal propagated from a small cell wireless node antenna spans over a shorter range than a conventional macro tower system, small cell nodes can be an effective way too to close service coverage gaps and/or address capacity issues.
- e. The proposed location for four (4) small cell facilities conforms to the requirements of Article 34, "Communication Antennas", Section 33-704 (k), because a Minor Conditional Use Permit is required if a small cell wireless facility is either exceeds design standards, is located along a non-circulation element street and/or along the front yard of a single-family residences. All four (4) sites s are either located along a non-circulation element street or along the front of a single-family residence.
- f. That the design of the four (4) small cell wireless facilities conforms to the requirements of Article 34, "Communication Antennas", Section 33-704 (k), and any adopted guidelines to the maximum extent possible.
- g. The applicant, AT&T, has demonstrated in good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible, practical or potentially available. AT&T considered sites on other poles in the area but none of these sites is a desirable from construction, coverage or aesthetics perspectives. The proposed location was chosen based on design criteria for locating on city-owned light poles and the coverage and capacity needs for the area.

EXHIBIT “A”
FINDINGS OF FACT
PHG 19-0068 (Denial)

1. All decisions granting or denying a Minor Conditional Use Permits shall be made in accordance with Section 33-1203 of the Escondido Zoning Code (Findings for Conditional Use Permits) and with Section Article 34, Section 33-704(c) (Zoning Administrator Findings). The new construction of a small wireless communication facilities has been reviewed and the Zoning Administrator concludes and finds, based on the analysis of the project described therein the February 13, 2020, Zoning Administrator Staff Report, that:
 - a. In accordance with Article 34, Section 33-704 (C)(iv), the applicant, Crown Castle analyzed several alternative locations for placement of the proposed node and indicated that existing street light locations and other existing infrastructure within the right-of-way (SDG&E poles) either did not adequately meet their coverage objectives or were not preferred designs. However, Crown Castle indicated there were potential preferred alternative locations that could accommodate a new street light installation that is within close proximity to the project site that are technically feasible and that would adequately meet Crown Castle’s coverage objectives. The site proposed by Crown Castle (at the northeastern corner of Fig Street and Farr Avenue) is not the preferred location of the City because a new city light pole could be accommodated at the southeastern corner of Fig Street and Farr Avenue, which is a more preferred and technically feasible location as it would further reduce potential visual and compatibility impacts to an adjacent residential structure.

EXHIBIT “B”

CONDITIONS OF APPROVAL

Crown Castle Small Wireless Facilities (Nodes)

PHG 19-0064, PHG 19-0065, PHG 19-0066 and PHG 19-0067

Planning Division Conditions

All small wireless facilities which are subject to these Guidelines, whether approved by the City of Escondido or deemed approved by law, shall be automatically subject to all standard conditions of approval set forth below, in addition to any specific conditions applied to the specific facility. For the purpose of these Conditions of Approval, the term “Applicant” shall also include the permittee, wireless carrier, or its successor(s) in interest in any small wireless facility, as may be applicable.

1. Should the applicant fail to protest these conditions and/or file a timely and valid appeal of this Small Wireless Facility Permit, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 1. Acceptance of the permit by the applicant; and
 2. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Small Wireless Facility Permit or other approval(s) applicable to said permit.
2. Compliance with all requirements contained in these Guidelines and Section 33-704(k) of the Escondido Zoning Code shall be strictly adhered to.
3. The applicant shall remove any Notice of Public Hearing signage within 24 hours following a public hearing for any small wireless facility.
4. All required permits and agreements must be in place prior to commencing installation of any facility.
5. It shall be the responsibility of the applicant to secure any permits, approvals, agreements and authorizations from other agencies. Failure on behalf of the City of Escondido to ensure that said permits, approvals, agreements and authorizations have been secured shall not alleviate the applicant from this responsibility.

6. All construction and operations shall comply with all applicable requirements of the Escondido Zoning Code, Escondido Municipal Code, and any other applicable policies and requirements of the City.
7. The applicant shall pay all additional fees and deposits required by the City at the time of application for an encroachment permit, including those fees required by any master license agreement.
8. All aspects of the facility shall strictly conform to the plans and other exhibits approved by the City and on-file with the Planning Division.
9. Colors, materials and design of the project shall conform to the exhibits and references in the staff report to the satisfaction of the Planning Division.
10. The radio units shall be flush mounted to the street light and noted on the building plans, to the extent feasible, unless otherwise shown on the plans.
11. The radio units, antennas, shrouds and extension poles/equipment shall be painted/textured to match the street light pole or utility pole and noted on the plans to the satisfaction of the Planning Division.
12. As of the date of permit issuance, the applicant certifies that the facility utilizes the least intrusive design and that no less intrusive designs are available.
13. Final inspections by the Planning and Field Engineering Divisions shall be required before commencement of operations of any facility. Any facility not installed in strict compliance with the approved permit(s) and these Guidelines shall be brought into compliance and subsequent inspection(s) shall be requested by the applicant. Operations shall not commence prior to the facility passing final inspection(s).
14. Prior to commencement of operations, it shall be the applicant's responsibility to ensure that the facility has passed all inspections required by any other agencies with jurisdictional authority.
15. Post-Installation Certification. Within 90 calendar days after the applicant commences full, unattended operations of a small wireless facility, the permittee shall provide documentation demonstrating that the facility has been installed and constructed in compliance with the approved plans. Such documentation shall include without limitation as-built drawings, GIS data, and site photographs. Failure to provide such certification shall be cause for the City to rescind approval of the installation of the facility until such time as the certification has been provided.

16. Build-Out Period. The small wireless facility permit and associated encroachment permit will automatically expire twelve (12) months from the approval date unless construction has commenced. Construction shall be completed within six (6) months of commencement.
17. The applicant shall provide the City with a post-installation assessment report signed by a third-party RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations.
18. Site Maintenance. The applicant shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean, and safe condition. Any such equipment, structures, etc., that, in the opinion of the Director, has become worn, weathered, or otherwise degraded, shall be repaired or replaced by the permittee at the permittee's sole expense. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 24 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
19. Applicant hereby agrees to investigate complaints related to possible interference with electronic equipment in the surrounding area, to determine the cause of the interference. If the facility is determined to be the cause of the electronic interference, applicant shall resolve the issue in a timely manner, to the satisfaction of the Director.
20. Any facility suspected of causing interference with Fire Department or public safety communications shall be immediately taken out of operation and said interference shall be investigated. Should the facility be found to be the cause of the interference, the issue must be resolved prior to recommencing operation of the facility, to the satisfaction of the City of Escondido.
21. The final location of any small wireless facility shall be verified in the field to not interfere with visibility of any traffic control device or signage, or reduce sight distance below City and ASSHTO requirements, to the satisfaction of the City of Escondido prior to commencing operation of the facility.
22. Small wireless facilities installed on or as part of a new or replacement street light shall not be placed in locations subject to future public road widening or in conflict with future planned utility or storm drain infrastructure.
23. No facility shall be expanded, relocated, or otherwise modified without approval of subsequent permits by the City of Escondido.
24. Any application for the modification of an existing facility shall require replacement of any portion of the facility for which a less intrusive design has become available,

25. Any trenching in excess of fifty (50) feet will require a separate encroachment permit including a construction drawings submittal to the Engineering Services Department, and the owner of the proposed underground facilities will be required to execute a one-time Right-of-Way and Maintenance Agreement with the City of Escondido or provide evidence of prior Franchise Agreement rights.
26. Any City infrastructure removed in order to install a small wireless facility shall be so removed in a manner which does not damage said infrastructure, and said infrastructure shall be delivered to the City of Escondido public works yard, as directed by Field Engineering and Public Works staff.
27. Installation of any facility shall be in full compliance with all applicable city, regional, and state design standards and standard drawings.
28. The foundation of any removed street light shall be removed to a depth of at least two feet below finished grade.
29. All street light conduit and wiring splicing shall be reconnected in accordance with the City's standard drawings, to the satisfaction of the city engineer.
30. The applicant shall be responsible to repair or replace any driveway approach, curb and gutter, sidewalk, or other damages which have occurred as a result of construction activities for the facility, to the satisfaction of the city engineer. All curb, gutter, sidewalk and driveway repairs and replacements shall be in accordance with standard drawing G-6-E.
31. The applicant shall be responsible to repair and resurface all trenched roadways per City of Escondido Standard Drawing G-2-E, to the satisfaction of the City Engineer.
32. The applicant or contractor will be responsible to implement Best Management Practices (BMPs) to prevent storm water pollution in accordance with the approved Erosion Control Plan, CASQA Guidelines and City of Escondido Municipal Code during all phases of project construction to the satisfaction of the City Engineer.
33. Erosion and sediment controls, and other storm water pollution control measures, shall be provided to control sediment and silt from construction work areas. The applicant and contractor shall be responsible for maintaining all erosion and sediment controls throughout the construction work.
34. Compliance with Conditions and Laws. The applicant shall comply with all conditions specified. Failure to comply with any condition shall constitute grounds for revocation of the small wireless facility permit. The applicant shall also maintain compliance at all times with

all federal, state and local regulations applicable to the permittee, the subject property, and the small wireless facility, which includes without limitation any laws applicable to human exposure to RF emissions. In the event that RF emissions for the site exceed FCC standards, the applicant will be required to immediately cease operation of the facility until such time that the violation is corrected to the satisfaction of the Director. The applicant expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws.

35. No small wireless facility may encroach into, over, or across any adjacent property line.
36. No encroachment onto adjacent private property shall be allowed during the construction of any small wireless facility without express written consent of the adjacent property owner. This shall include private property owned by the City of Escondido.
37. Small wireless facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements requirements of the Zoning Code, these Guidelines, and all other applicable standards and permit conditions. Landscaping, painting, and other concealment treatment for any facility shall be maintained as such over time.
38. The applicant shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Escondido Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director may issue a stop work order for any activities that violate this condition in whole or in part.
39. Applicant's Contact Information. The applicant shall furnish the city engineer with accurate and up-to-date contact information for the person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the city engineer with updated contact information if either the responsible person or such person's contact information changes.

40. Indemnification. The applicant, permittee, and any successor-in-interest thereof, shall defend, indemnify and hold harmless the City of Escondido, and its agent's officers or employees, from (1) any claim, action or proceeding against the City, its agents, officers or employees to attack, set aside, void or annul an approval of the City, arising out of or concerning (PHG19-0064, PHG19-0065, PHG19-0066 and PHG 19-0067) the small wireless facility permit, and (2) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the small cell wireless facility permit or the small cell wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the permittee shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. Within ten calendar days of the service of a claim, the permittee shall execute a letter of agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. The permittee expressly acknowledges and agrees that such indemnification obligations will survive the expiration, revocation or other termination of this small cell wireless facility permit.
41. Permit Revocation. Any permit granted under these Guidelines may be revoked by the Director if the facility is not operating in compliance with these conditions or any applicable federal, state, or local laws.
42. Abandoned Facilities. The small wireless facility authorized under this small wireless facility permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small cell wireless facility is abandoned or deemed abandoned, the applicant or support structure owner (if not on a City-owned support structure) shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Escondido Municipal Code and Escondido Zoning Code. In the event that neither the applicant or support structure owner (if not on City-owned infrastructure) complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and support structure owner (if not on City-owned infrastructure) shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and restoration activities.
43. Landscaping. The applicant shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged, destroyed or displaced, the permittee shall hire and pay for a licensed arborist to select, plant

and maintain replacement landscaping in the nearest appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be a minimum 24-inch box specimen tree or larger, as determined by the Director, and shall be the same species as the tree which was removed unless determined by the Director that a different species is appropriate for the location. The applicant shall, at all times, be responsible to maintain any replacement landscape features and maintain any new landscaping installed in conjunction with the small wireless facility.

44. Protected trees. Any protected trees damaged as a result of the installation of a small wireless facility shall be assessed by a licensed arborist. All recommendations of the licensed arborist intended to restore the tree shall be carried out by the applicant. Should any protected tree be destroyed or otherwise displaced as a result of the installation of any facility shall be replaced at a ratio recommended by the licensed arborist. This condition shall apply to any protected trees damaged, destroyed or otherwise displaced during construction, operation and removal of any facility if the facility is determined to be the cause of said damage, destruction or displacement.
45. Cooperation with RF Compliance Evaluations. At all times relevant to this permit, the applicant and the property owner (if not on City-owned infrastructure) shall reasonably cooperate with efforts by the City to evaluate whether the facility complies with all applicable FCC rules and regulations for human exposure to RF emissions. Such cooperation shall be at no cost to the City and may include, but not be limited to: (1) furnishing the City with a post-installation assessment report signed by an RF engineer certifying the wireless facility's compliance with applicable FCC rules and regulations; (2) providing technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC; and (3) promptly responding to all requests by the City or its designee for information and cooperation with respect to any of the foregoing.
46. Future Undergrounding Programs. If other public utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public right-of-way where the applicant's small wireless facility is located, the applicant must underground its equipment except the antennas, any electric meter and any other equipment that must be placed above ground in order to function. Accessory equipment that requires an environmentally controlled underground vault to function are not exempt from this condition. Such undergrounding shall occur at the applicant' sole cost and expense.
47. Small wireless facilities which have been installed on utility poles which are removed as part of a utility undergrounding project, and any facilities that are strand-mounted between such poles, shall be removed by the permittee with no compensation provided by the City or other

entity carrying out the undergrounding project. The existence of small wireless facilities shall not prevent the City or other entity from carrying out an undergrounding project. Replacement of the facility shall be subject to a new small wireless facility permit. This condition includes utility poles and lines which are required to be placed underground as a condition of approval of a development project.

48. Small wireless facilities which are required to be removed or relocated as a result of a public works project shall be so removed or relocated at the sole expense of the permittee.
49. Any relocation of a small wireless facility required as a result of public works or utility undergrounding projects shall be processed in the same manner as a new small wireless facility.
50. Electric Meter Upgrades. If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
51. All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.
52. Existing City-owned structures on which any small wireless facility is placed shall remain the property of the City. Any new or replacement structures in the right-of-way which are subject to a master license agreement shall become the property of the City of Escondido in the event that an applicant removes or abandons any small wireless facility installed on said structure(s).
53. No additional antennas or expansion of this facility shall be permitted without a modification of the Conditional Use Permit and a public hearing before the Zoning Administrator, or as allowed by the relevant State or Federal law. Minor changes within the approved size and design parameters may be permitted by the Director of Community Development and the Building Division.
54. The City of Escondido hereby notifies the applicant that the San Diego County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). The applicant shall remit to the City of Escondido Planning Division a check payable to the "San Diego County Clerk" in the amount of \$50.00 within two working days of the date of this letter. Per California Environmental Quality Act (CEQA) section 15062, the filing of a Notice of Exemption and the posting with the San Diego County Clerk starts a 35-day statute of limitations period on legal challenges

to the agency's determination that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

Engineering Division Conditions

GENERAL NOTES

1. All work to be done in accordance with the standard specifications for public works construction, 2015 edition, effective December 07, 2016 by resolution no. 2016-17 and the design standards and standard drawings of the city of Escondido effective April 02, 2014 by resolution 2014-08, along with any amendments thereto.
2. All contractors working in the public right of way shall obtain a separate encroachment permit from the director of engineering services, inspection of all work is required. Contact the engineering field office at (760) 839-4664 to arrange for encroachment permits and inspection. Twenty-four-hour advance notice is required for inspection. No work shall be performed in the public right of way on Saturdays, Sundays or legal holidays without the express permission of the city engineer.
3. It shall be the responsibility of the contractor to locate all substructures, whether shown heron or not, and protect them from damage. The expense of repair or replacement of said substructures shall be borne by the contractor.
4. Location and elevation of all existing improvements within the area of work shall be confirmed by field measurement prior to construction of new work. Contractor will make exploratory excavations and locate existing underground facilities sufficiently ahead of construction to permit revisions to plans if revisions are necessary because of actual location of existing facilities.

SMALL CELL WIRELESS FACILITIES

1. All structural calculations shall be provided on plans and stamped by a California registered civil engineer for all facilities mounted to city street light poles and other public infrastructure, front and side elevations sections and attachment details, and detailed site plan showing all existing and proposed facilities.
2. All existing city street light poles to be removed shall be "carefully" salvaged to the Public Works Yard. The pole foundation shall be removed to a minimum depth of 2 (two) feet below finish grade.
3. All existing and new street light poles shall be retrofitted or constructed in accordance with the City of Escondido Design Standards and Standard Drawing E-1-E. This includes the retrofitting of existing street light poles with a new L.E.D. luminaire.
4. All street light conduit and wiring splicing shall be reconnected in accordance with the City's Standard Drawings E-1-E and to the satisfaction of the Public Works Director.

5. Street light poles installed by the applicant shall have a separate SDG&E power source directly connecting to the small cell facilities, unless prior agreements have been made otherwise. Wireless company shall be responsible for all maintenance and repair cost of the poles, and light fixtures as per the executed agreement.

DIRECTIONAL BORE AND TRENCHING UTILITY NOTES

1. All temporary paving placed by any contractor, subcontractor or utility company shall remain in the public right of way for not more than 30 calendar days on residential streets and 72 hours on arterials, major roads, collectors and local collectors, prior to placement of permanent pavement. All temporary paving placed in the public right of way shall be maintained continuously in accordance with City of Escondido Standard Drawing No. G-3-E.
2. All underground utilities to be installed before construction of curbs, gutters, sidewalks or surfacing of streets.
3. Contractor shall notify utility companies prior to starting work near company facilities and coordinate his work with company representatives. It shall be the responsibility of the developer to contact the utility companies, advise them of the proposed improvements and bear the cost of relocations, if needed.
4. The city may not be able to mark-out all sewer laterals and water services. If any sewer laterals or water services are broken as part of the construction, they will be repaired immediately at the contractor's expense.
5. When a future conflict exists with the fiber optic conduit and cables, they shall be relocated upon the city's request, at the owner's expense.
6. All fiber optic conduit shall be provided with a 6-inch wide strip of polyethylene nonmetallic detection tape one foot over the pipe. In addition, a #12 tracer copper wire shall be installed over all nonmetallic or undetectable conduits to aid in the detection/tracing of underground utility lines.
7. At all points where the proposed conduit trench intersects a pre-existing water main trench, the pre-existing water main trench shall be backfilled with a 1-sack slurry backfill mix up to the top of the existing water main. All trench conduit installations shall conform with City of Escondido Standard Drawing G-2-E Narrow Trench Backfill. Maintain a minimum horizontal clearance of 5 (five) feet from outside of conduit to outside of sewer, water, and storm drain. Maintain a minimum vertical clearance of 1 (one) foot with all conflicts with City of Escondido utilities.
8. All jack and bore conduit installations and related work shall be constructed in accordance with Standard Drawing No. M-3-E. Maintain a minimum horizontal clearance of 5 (five) feet from outside of conduit to outside of sewer, water, and storm drain. Maintain a minimum vertical clearance of 3 (three) feet with all conflicts with City of Escondido utilities.
9. Where applicable, an encroachment permit shall be obtained from CALTRANS and from San Diego County Water Authority for work within their right-of-way and/or easement. Clearance

from Rincon, Vallecitos, and/or Valley Center Water District shall be obtained for any work within their service area or waterline facilities. It will be the applicant's responsibility to notify and/or make all arrangements with other agencies or Water Districts as may be necessary for City approval.

10. Any work performed in a public street moratorium area, including trench and bore pits, shall be required to resurface the roadway in accordance with the City's Municipal Code. All other surface treatment shall be per Standard Drawing G-2-E.
11. All new connector handholes and pull boxes shall be installed at the ultimate right-of-way, back of sidewalk, and to the satisfaction of the City Engineer.
12. The applicant shall be responsible to repair or replace any driveway approach, curb and gutter, sidewalk, or other damages as a result of construction activities for this subject project. All curb, gutter, sidewalk and driveway repairs and replacements shall be in accordance with San Diego Area Regional Standard Drawings.

STORM WATER POLLUTION PREVENTION NOTES

1. Best management practices (BMPS) shall be implemented during all phases of construction in conformance with the City of Escondido's Municipal code. All BMP's shall be installed in accordance with the most recent version of the CASQAS Handbook.
2. Inspection, modification and maintenance of the BMP's shall be implemented as necessary. In the event of failure or refusal to properly maintain the BMP's, the City may issue emergency maintenance work to be completed to protect adjacent private and public property. The cost (including an initial mobilization amount" and any fines assessed to the City shall be charged to the owner of the project.
3. Necessary materials to implement the required BMPs' shall be available on site to facilitate rapid deployment or to repair any BMP failures.
4. City Staff shall be alerted by the contractor, permittee or owner, as needed for emergency work during rainstorms.
5. Run-on flow onto the site shall be properly managed and planned for to prevent failure of BMP's and /or illegal discharges from the project site into the storm drain.
6. Storm drain inlet protection shall be installed at storm drain inlet to prevent sediment from entering the storm drain system.
7. Street sweeping vehicles with vacuums and water tanks shall be used to keep paved streets free of loose soil and/or construction debris.