



City of Escondido Zoning Administrator

AGENDA

ZONING ADMINISTRATOR

201 North Broadway
City Hall – Parkview Conference Room
February 26, 2020
3:00 p.m.

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

1. MINOR CONDITIONAL USE PERMIT – PHG 19-0069 and PHG 19-0077:

A Minor Conditional Use Permit to install and operate two (2) AT&T small cell wireless facilities (nodes) in the public right-of-way. The proposed nodes involve the removal and replacement of existing concrete street light poles. All proposed node installations are designed to accommodate one canister-type antenna mounted on top of the replacement pole, and four (4) radio units mounted vertically onto the side of the pole. Additional associated equipment is proposed to be placed in new underground concrete vaults (handholes). 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: Two (2) locations within the public right-of-way, generally located along Crane Avenue and Alamos Place.

Applicant: Timothy J. Groves, Black & Veatch (AT&T carrier)

Planner: Darren Parker

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 19-0069 and PHG 19-0077

APPLICANT: Timothy J. Groves, Black and Veatch (AT&T carrier)

PROJECT LOCATION: Two (2) locations within the public right-of-way, generally located along Crane Avenue and Alamitos Place.

REQUEST: A Minor Conditional Use Permit to install and operate two (2) AT&T small cell wireless facilities (nodes) in the public right-of-way. The proposed nodes involve the removal and replacement of existing concrete street light poles. All proposed node installations are designed to accommodate one canister-type antenna mounted on top of the replacement pole, and four (4) radio units mounted vertically onto the side of the pole. Additional associated equipment is proposed to be placed in new underground concrete vaults (handholes). 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: Approve, subject to conditions

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

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

BACKGROUND/PROJECT DESCRIPTION: AT&T Wireless proposes to install two (2) small cell wireless facilities (referred to as nodes) on a replacement City light poles in the public right-of-way. The proposed nodes would be located adjacent to a single-family residential zones. The proposed nodes would consist of the same scope of work, which includes replacing an existing City light pole with a new 27-foot tall street light pole and mounting one (1) canister type antenna (approximately 24-inches tall x 10-inches in diameter) on top of the light pole with four (4), 7.8-inch wide x 4.13" deep x 7.8"-inch long radio units mounted vertically onto the side of the proposed street light poles. The new street light poles would still function and operate as a standard City

street light, with a new LED fixture. The street light would be in conformance with the City's Design Standards for ornamental street lighting and visual impacts of the proposed facilities would be minimized by incorporating a stealth type design into the street light. Additional associated equipment would be placed in small new underground concrete vaults (handholes). SDG&E would bring power to a handhole near the pole and conduit from the handhole to the pole.

A Minor Conditional Use Permit and public notice is required to permit the proposed two (2) 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. The size of the AT&T's pole-mounted equipment (canister antenna and radios) would be in conformance with the City's general design requirements that limit the dimension of the attached equipment to a maximum of twelve (12) inches in width and twelve (12) inches in depth and an overall height to 35 feet. The side mounted radio units are approximately 7.87" l width x 4.13" in depth x 7.8" in length. The radio units are mounted in dual configuration (approximately 17.1" in length) with a total of four (4) radio units or two (2) dual-mounts configured vertically onto each pole. The height of the replacement pole and top-mount consider antenna would not exceed approximately 30'-4" in height, as some installations are proposed under this height as shown in the attached exhibits.

The proposed small cell wireless antennas would provide AT&T wireless voice and data coverage to the surrounding areas where there is currently a need for additional service coverage. These wireless services include mobile telephone, wireless broadband, emergency 911, data transfers, electronic mail, Internet, web browsing, wireless applications, wireless mapping and video streaming. 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 impact 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. The basis of the Zoning Administrator's review is under the City Wireless Communication Ordinance (Article 34) and the administrator's findings for CUPs in Article 61. It is important to note that this staff report has grouped together two (2) applications for sake of exposition. Exhibits attached hereto are to be incorporated by reference to the case file and appended to the record of action to establish site improvement specifications and conditions and other requirements for the new small cell wireless facilities installation.

REASON FOR STAFF RECOMMENDATION:

1. 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 (CUP). The proposed facilities would enhance communication service throughout the City in areas where

there currently is a need for additional service coverage or capacity. Although the replacement street lights and top mounted canister antennas(s), would not exceed approximately 30'-4" feet in height, the proposed 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 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 vaults (handholes).

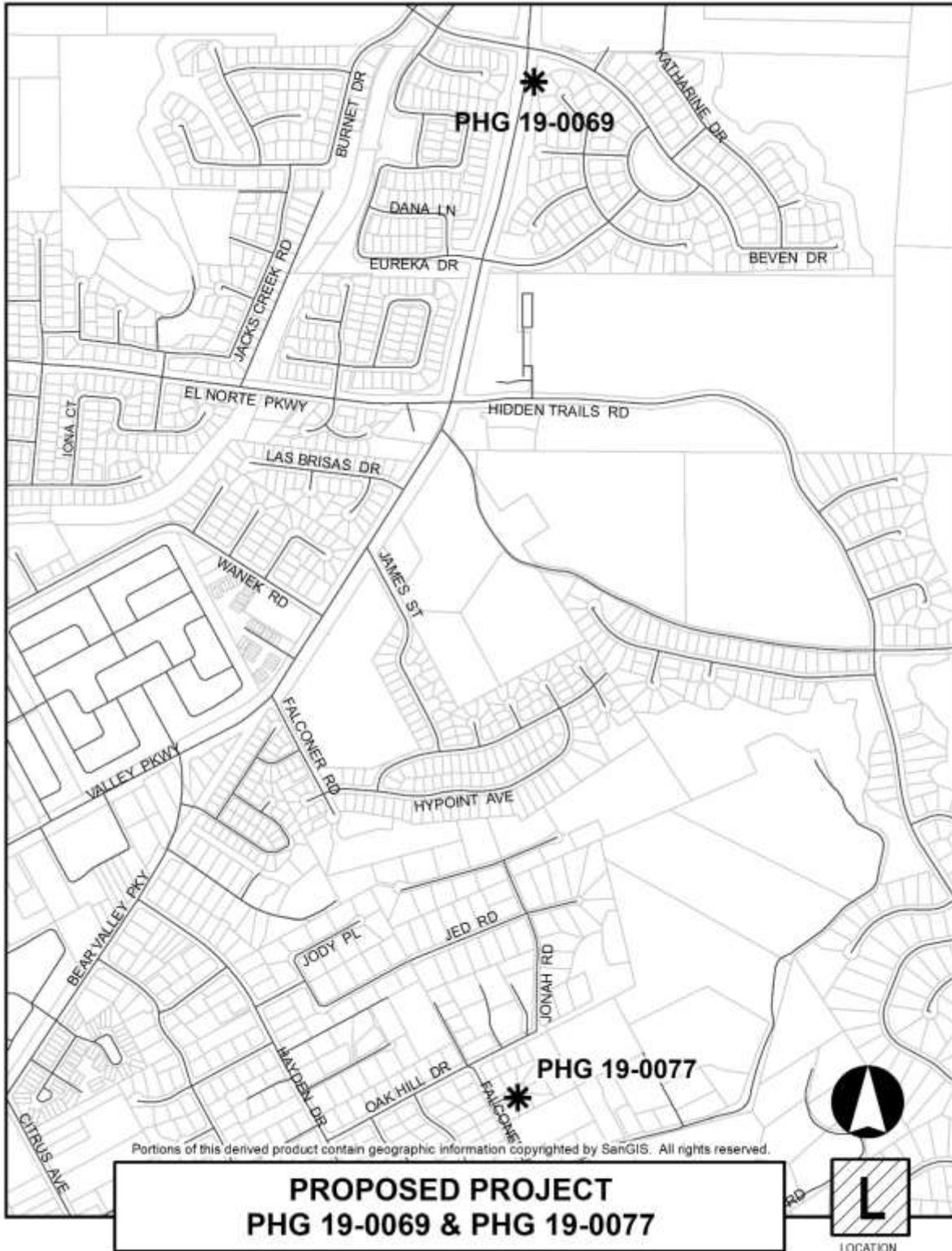
2. Staff believes that the two (2) facilities would not be hazardous to the health of nearby residents based on the results of an RF Compliance Certification (Radio Frequency), prepared by AT&T, on April 2, 2019. The study indicates the facilities would be within the maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) guidelines.

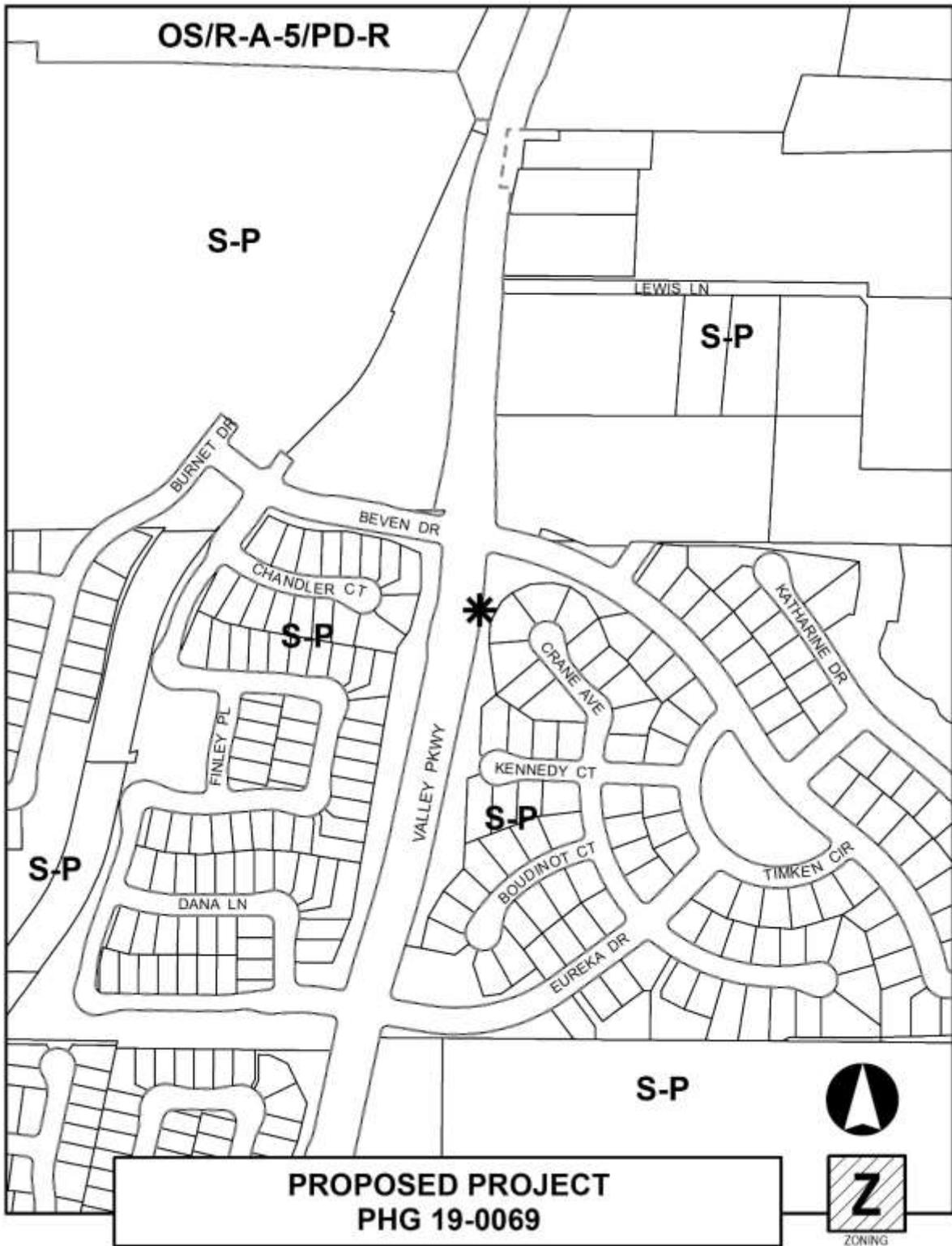
Respectfully submitted,

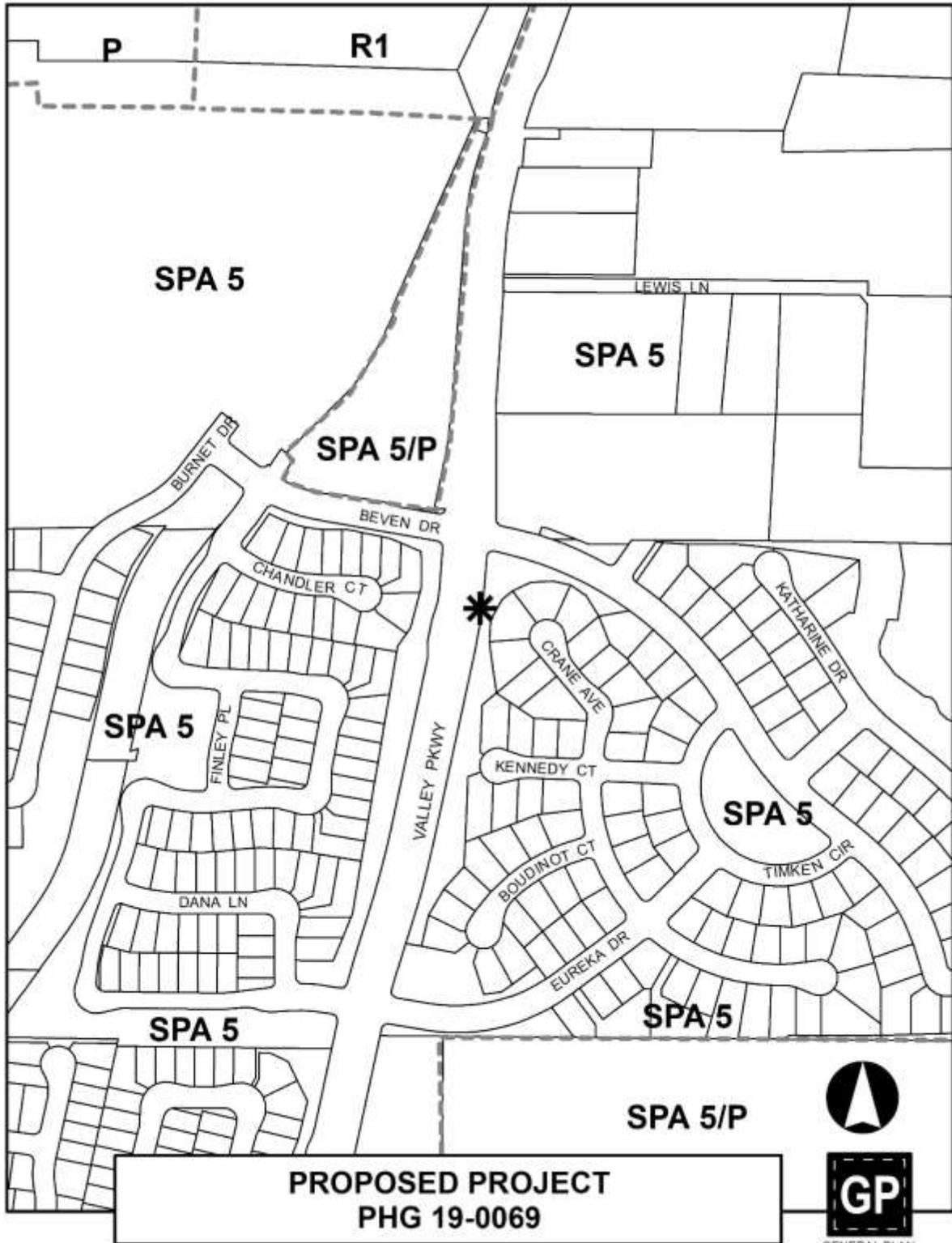
Darren Parker

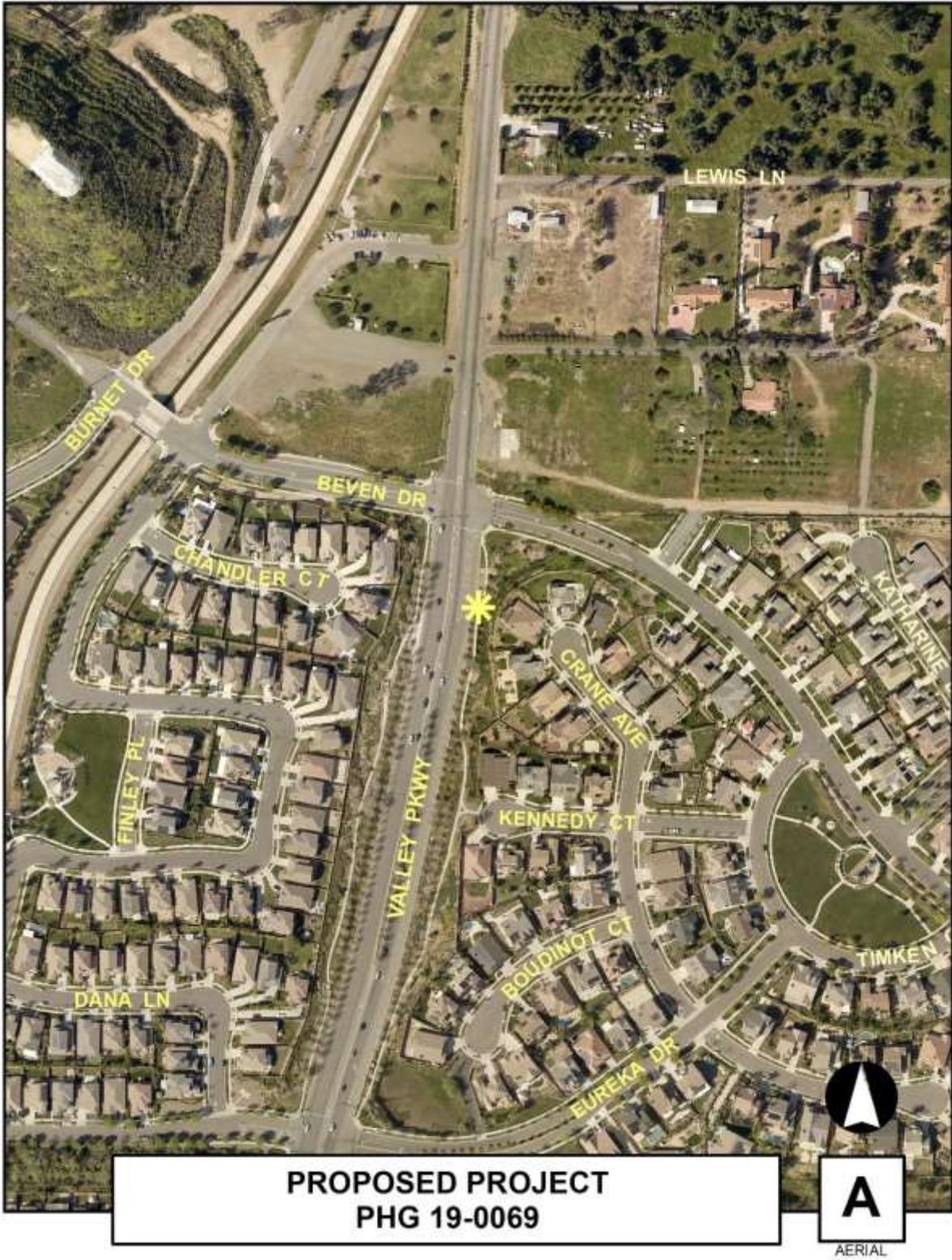
Darren Parker
Associate Planner

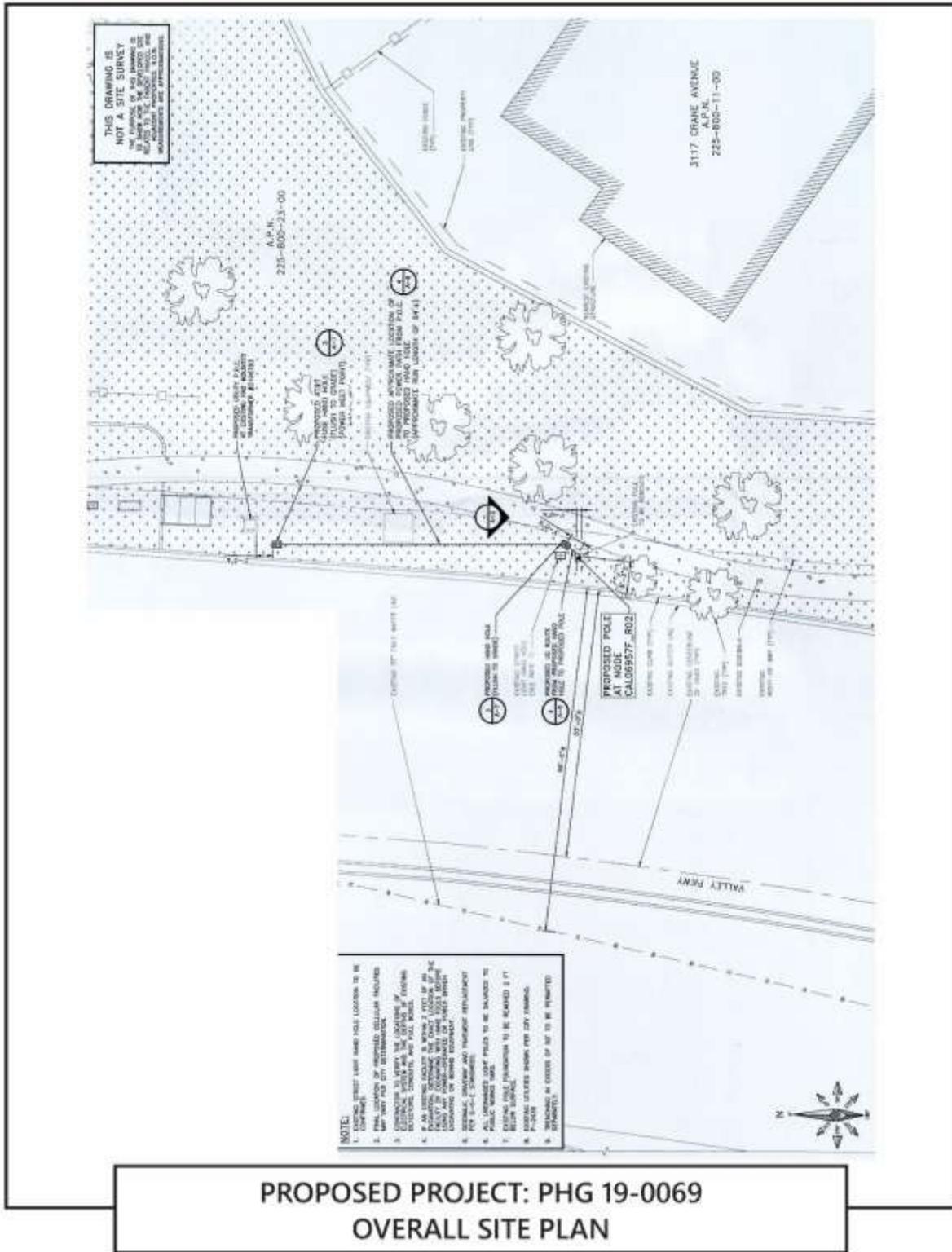
AT&T Sites

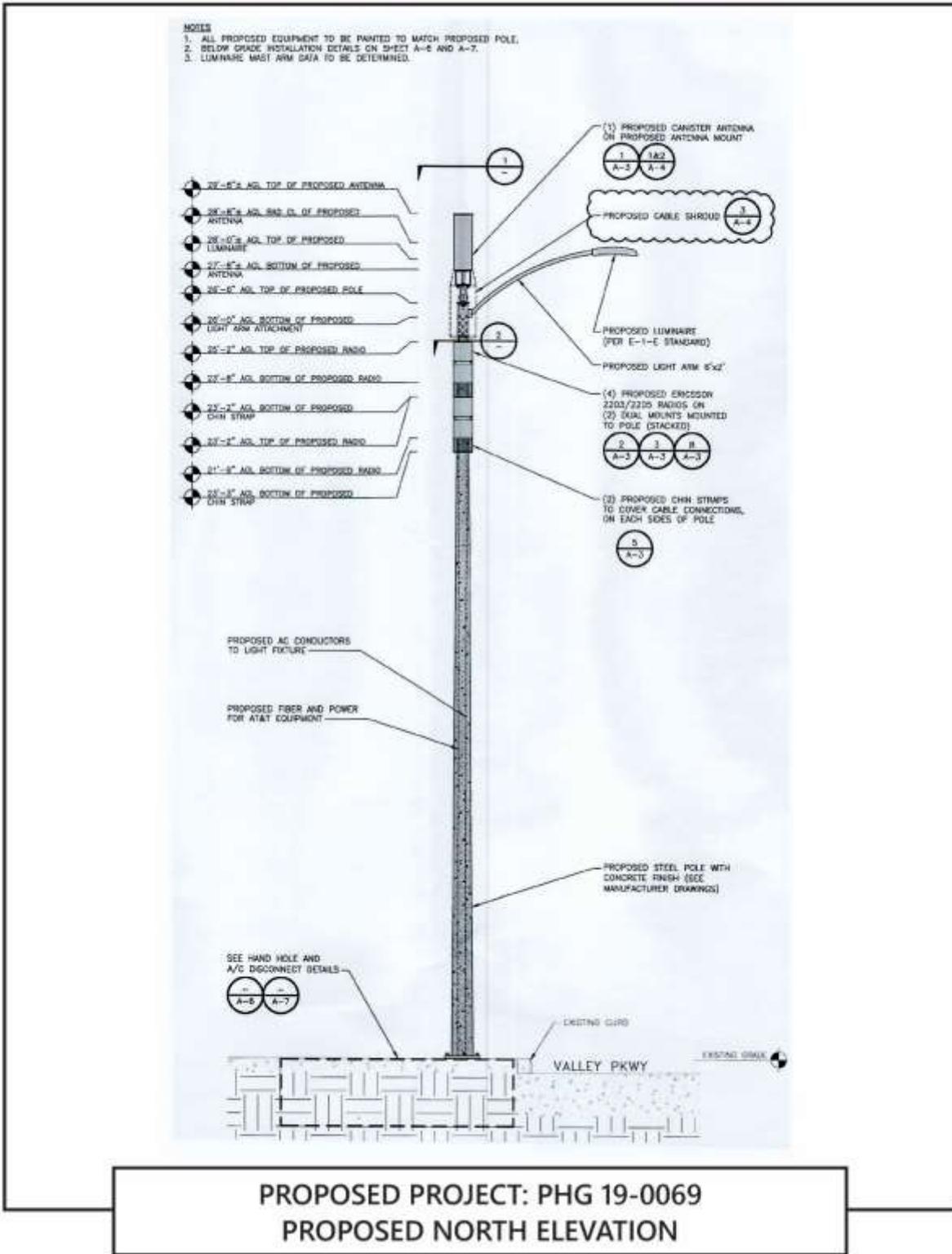


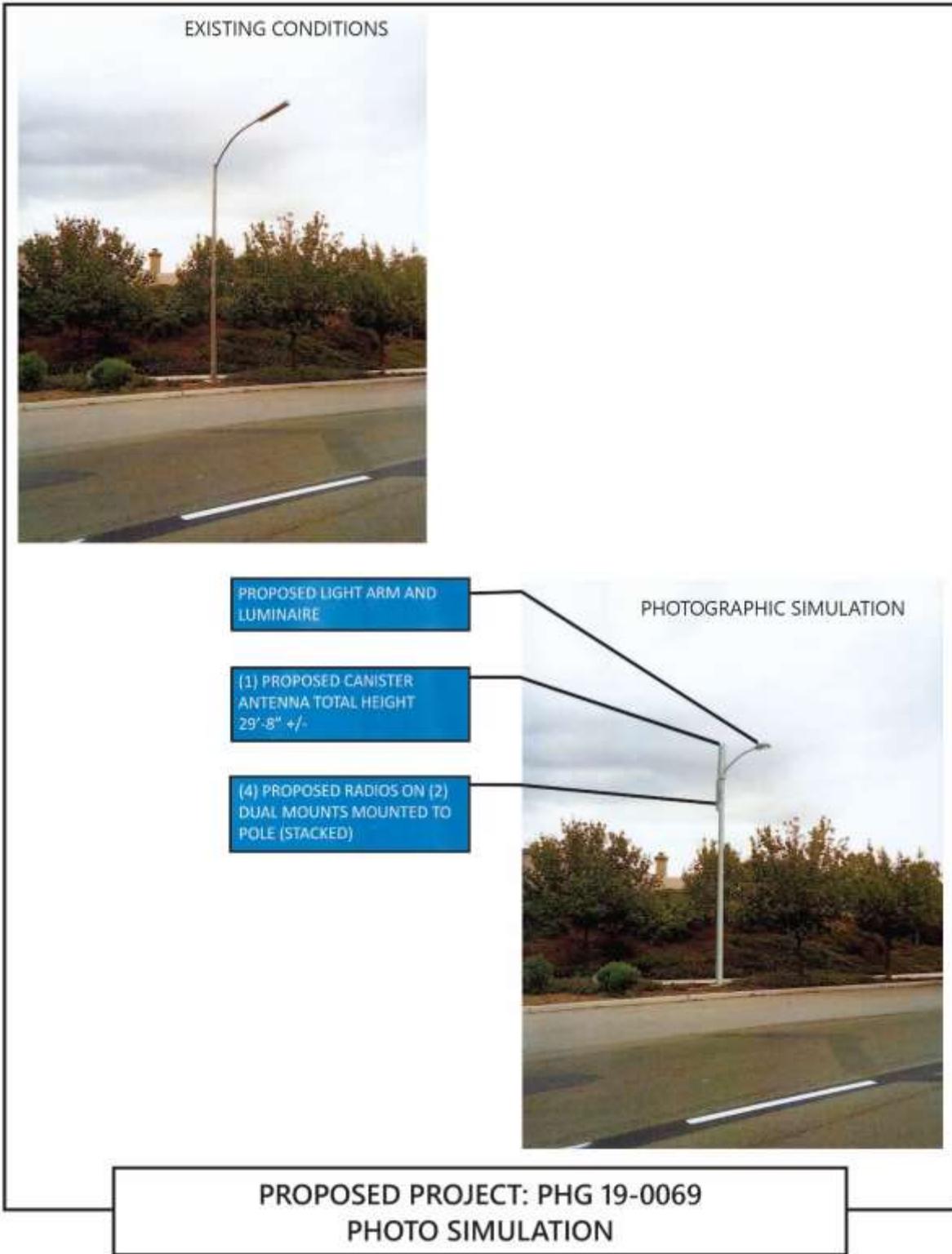


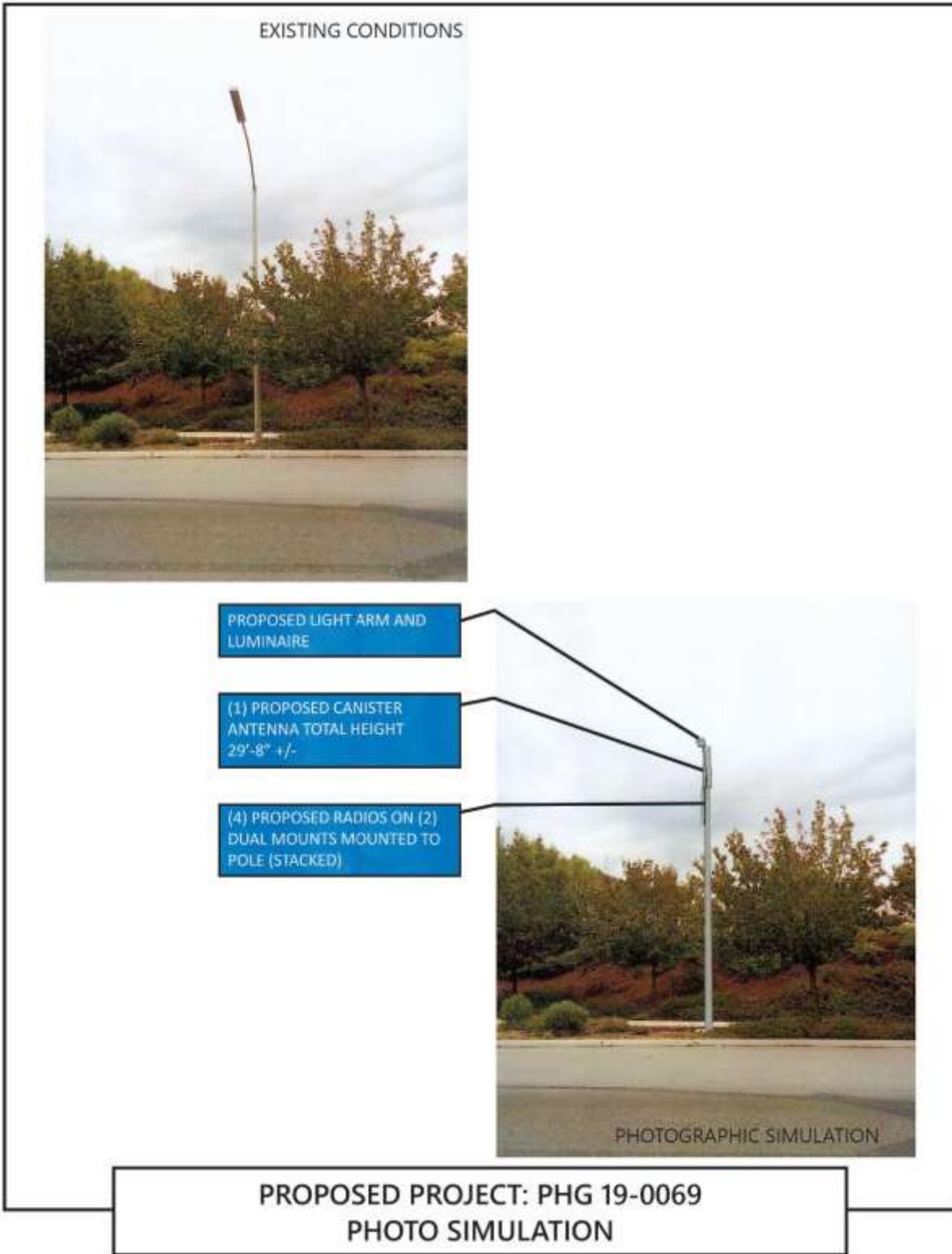


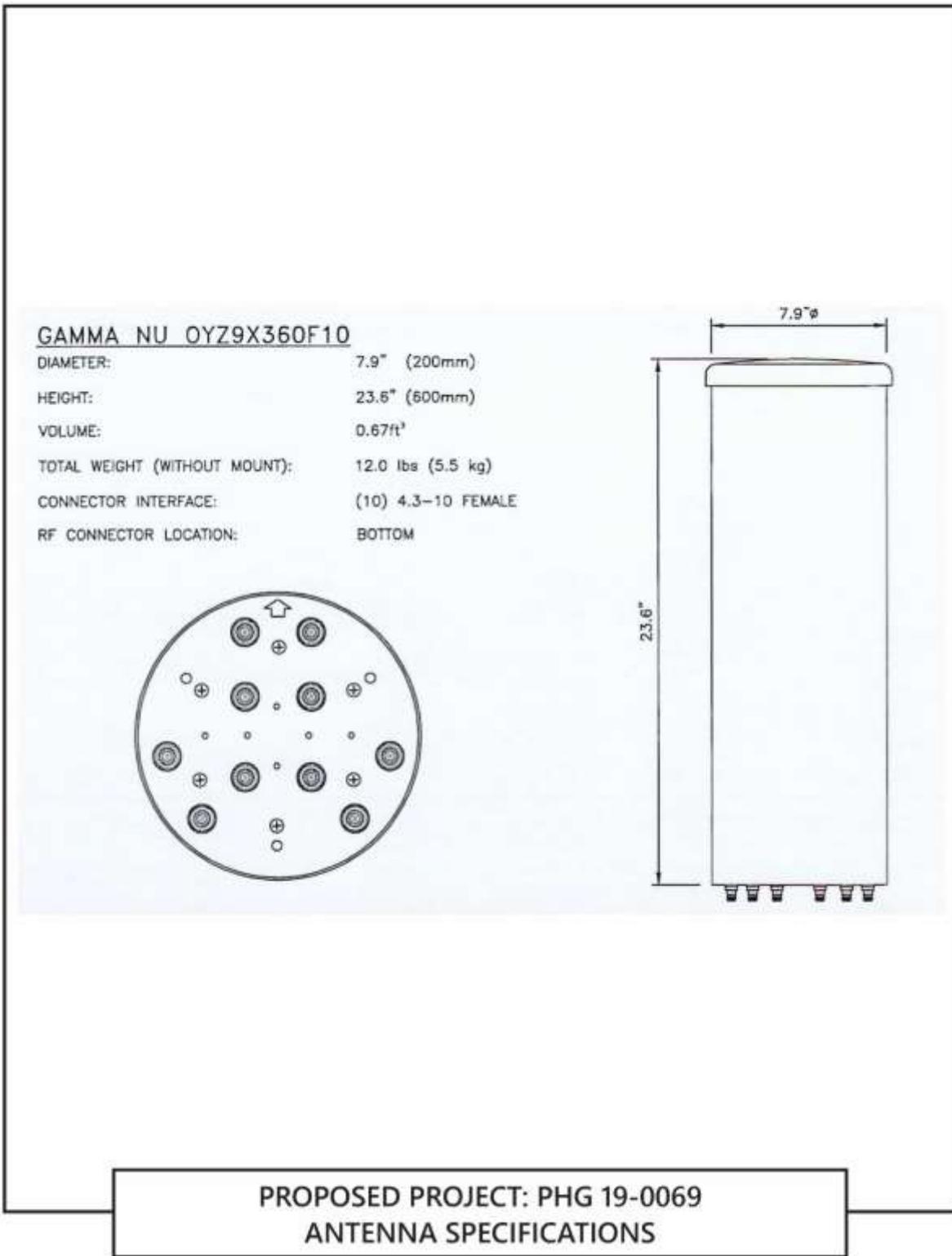




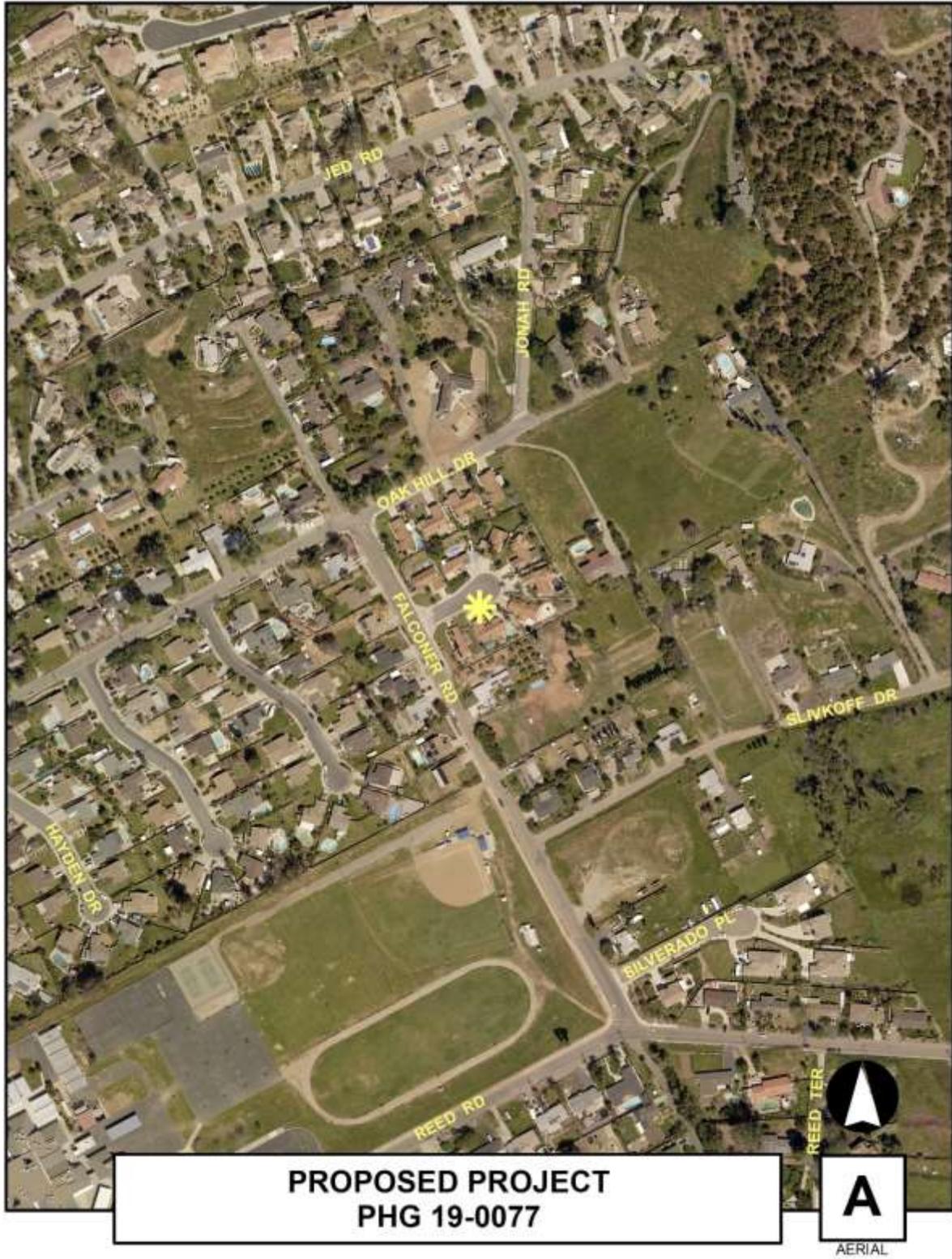


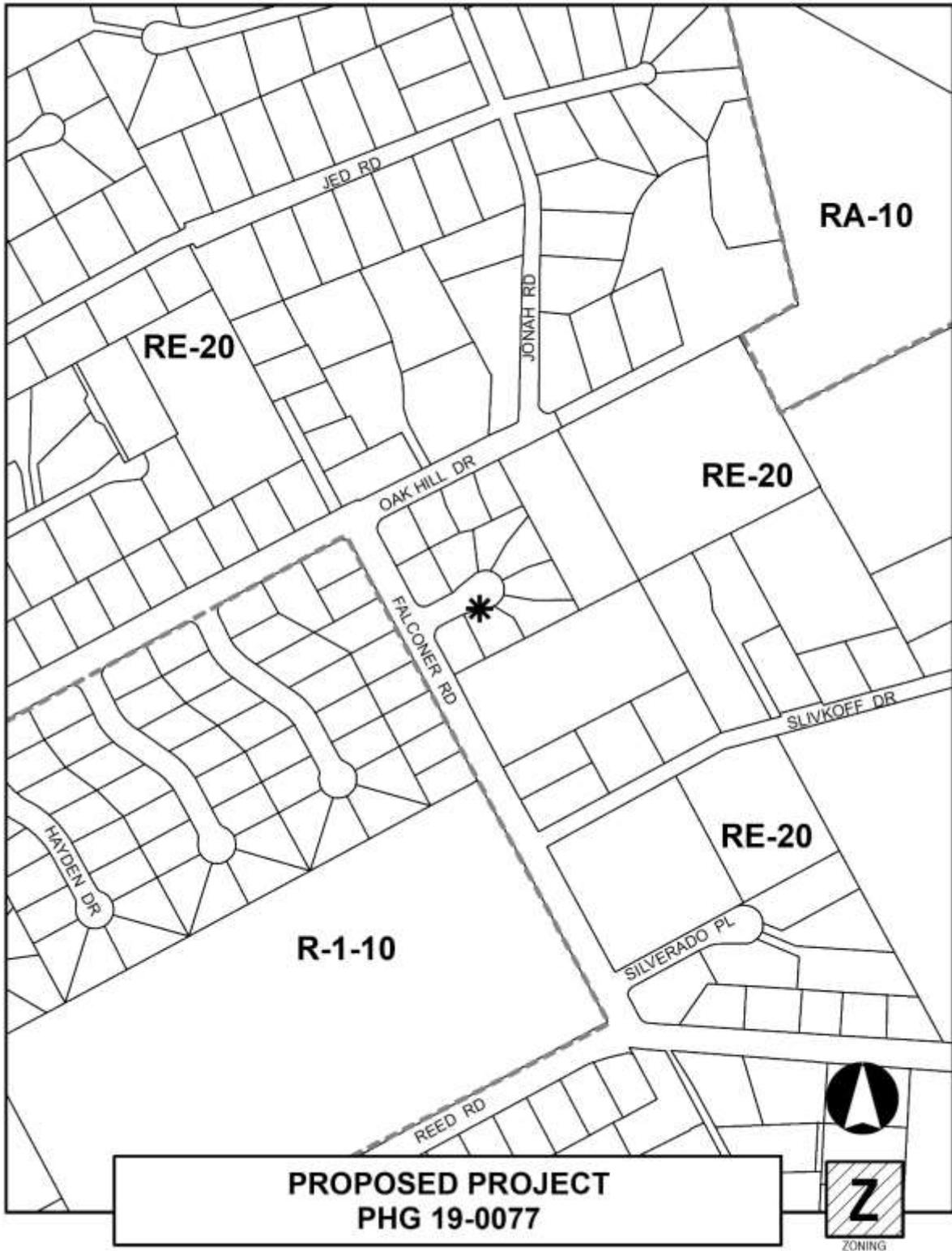


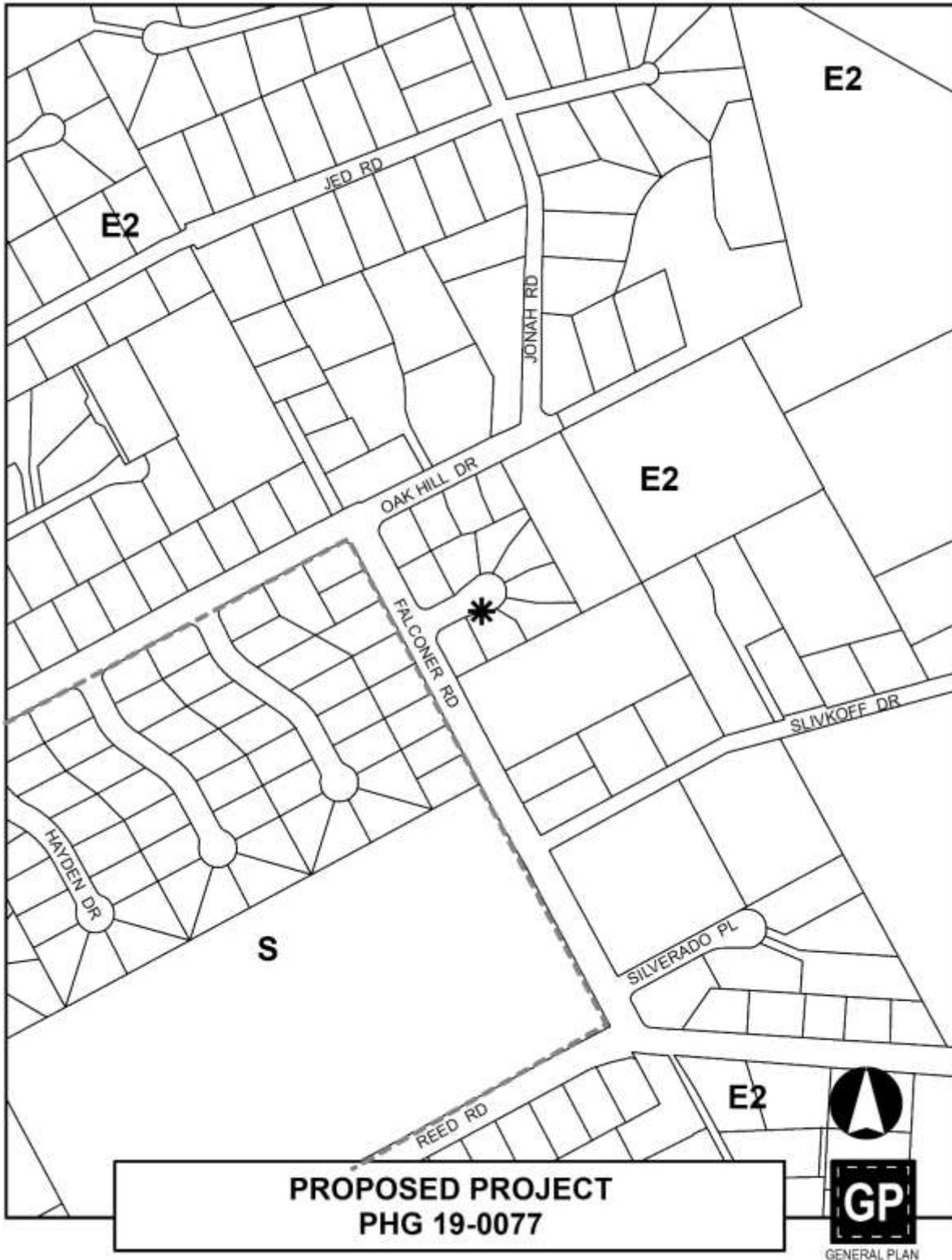


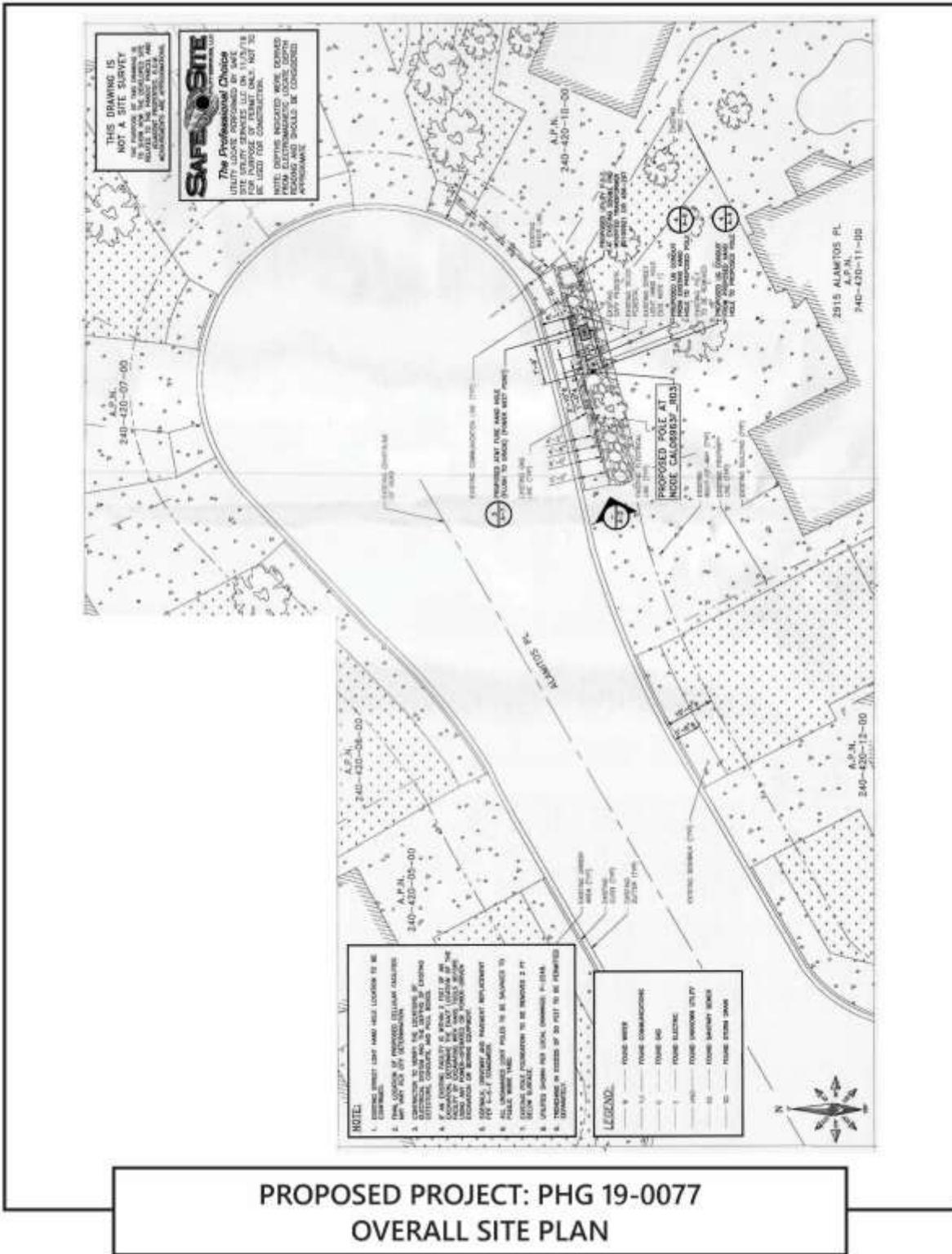


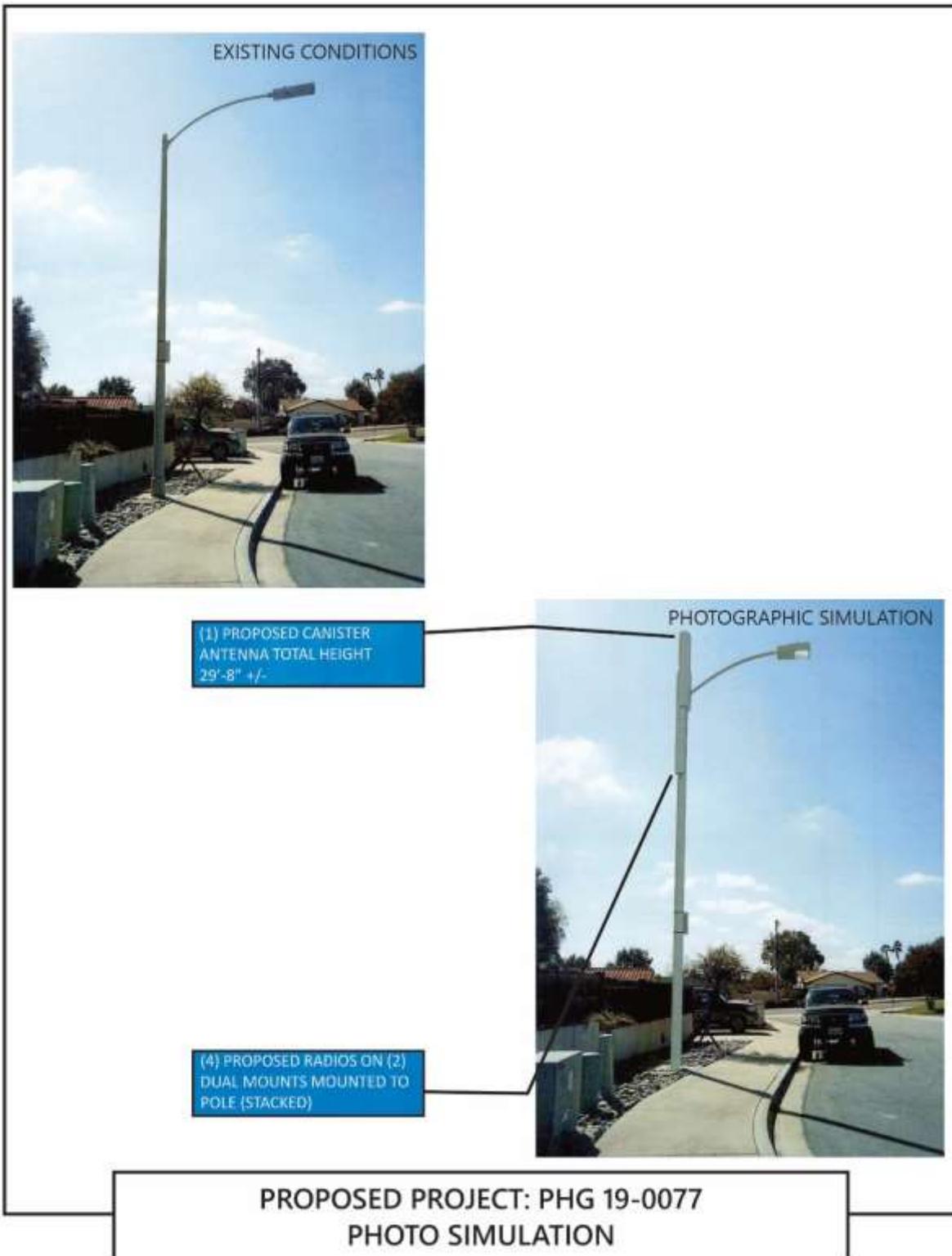
PROPOSED PROJECT: PHG 19-0069
ANTENNA SPECIFICATIONS

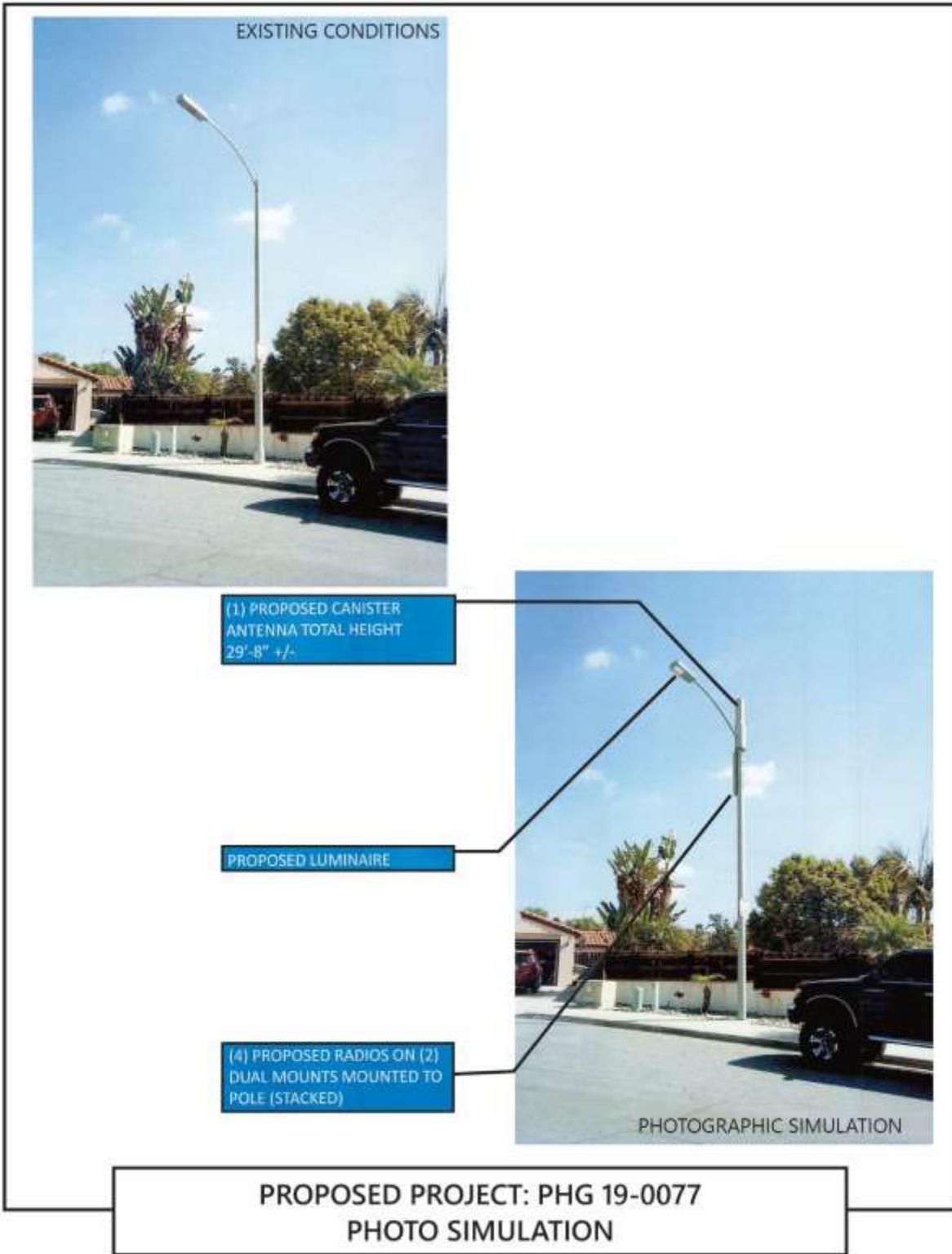


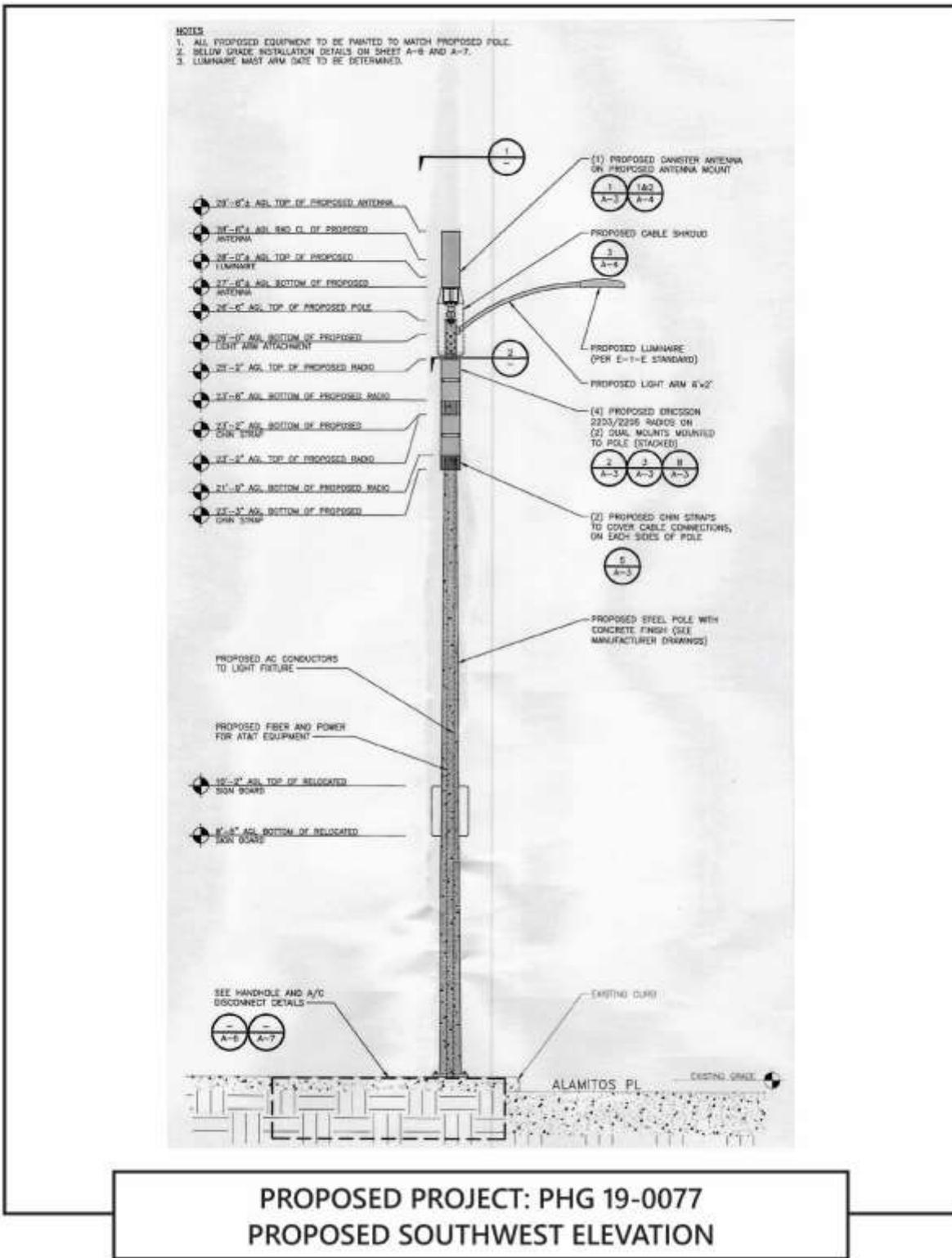


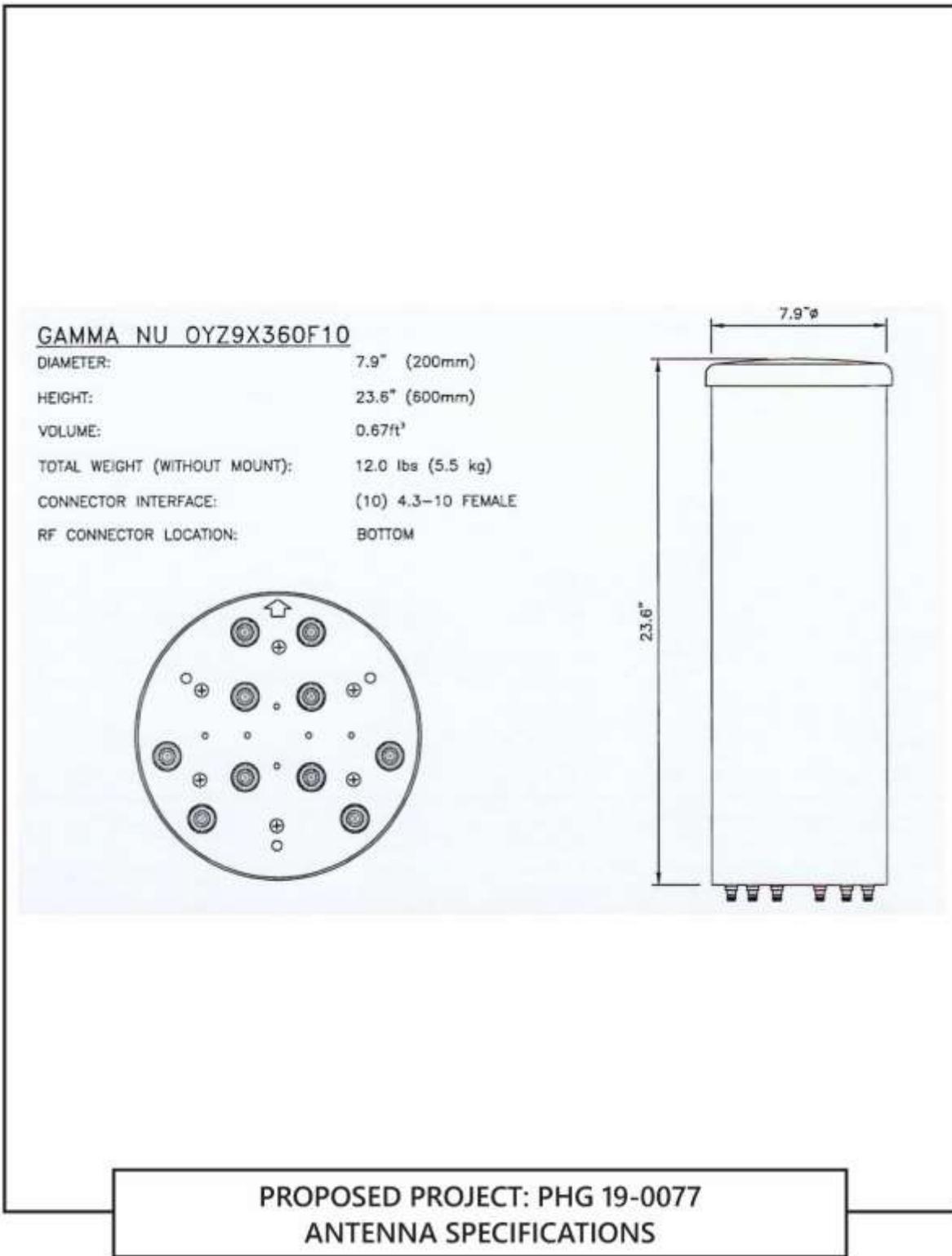


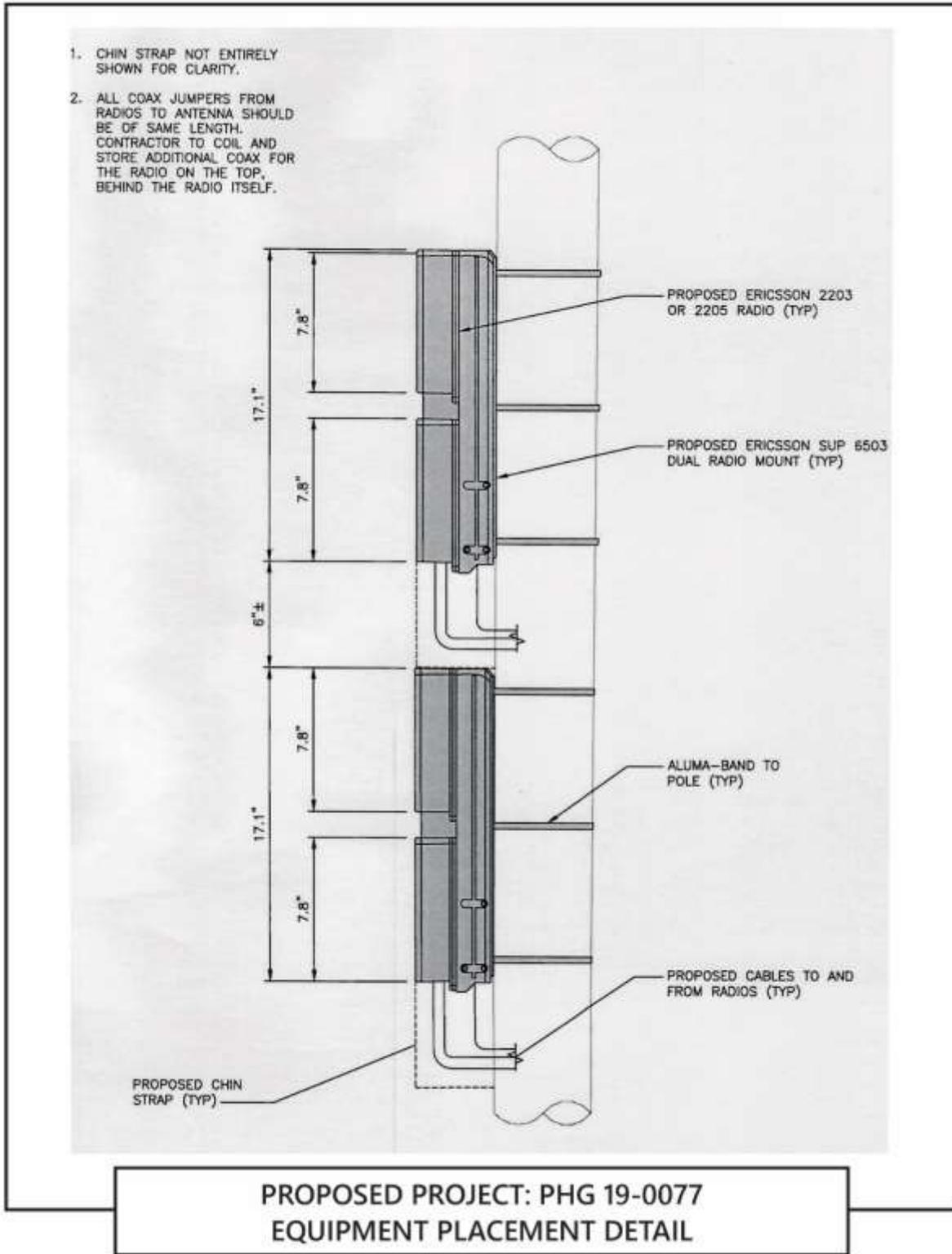












**PROPOSED PROJECT: PHG 19-0077
EQUIPMENT PLACEMENT DETAIL**

EXHIBIT “A”
FINDINGS OF FACT
PHG 19-0069 and PHG 19-0077

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 the 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 two (2) small cell wireless facilities has been reviewed and the Zoning Administrator concludes and finds, based on the analysis of the project described therein the February 26, 2020 Zoning Administrator Staff Report, that:
 - a. Granting the proposed Minor Conditional Use Permits to allow the construction of two (2) 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 two (2) 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 two (2) small cell wireless facilities 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. Additionally, RF emission generated from each site would be below the FCC accepted guidelines/standards. Pursuant to federal law a local government agency may not regulate the placement and modification of a wireless facilities 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 two (2) small cell wireless facilities would be compatible with the surrounding neighborhood because the facilities has been designed to be appropriately incorporated into/mounted onto a street light, and would be located in an area where existing street lights, or similar type infrastructure currently exists. Associated support equipment would be placed in small new underground concrete vaults

(handholes). Conditions have been applied to reduce potential impacts to the immediate areas.

- d. The applicant, AT&T has analyzed and demonstrated that each 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 two (2) small cell wireless 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 sites are either located along a non-circulation element street or along the front of a single-family residence.
- f. That the design of the two (2) 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 “B”
CONDITIONS OF APPROVAL
AT&T Small Cell Node
PHG 19-0069 and PHG 19-0077

Planning Division Conditions:

1. All construction and operations shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the City. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City requirements in effect at the time of Building Permit issuance unless specifically waived herein.
2. Operator shall be required to pay all development fees of the City then in affect at the time and in such amounts as may prevail when (if) building permits are issued, including any applicable City Wide Facilities.
3. All uses and design of the project shall strictly conform to the exhibits and references in the staff report as of the date of approval, to the satisfaction of the Planning Division.
4. Any proposed construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Building Division, Fire Department and Engineering Division.
5. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
6. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting and in accordance with the City of Escondido Design Standards and Standard Drawing E-1-E.
7. All new utility service shall be underground or kept within the structure.
8. The two (2) small cell wireless facilities shall be subject to the terms of the Telecommunication Network License and Encroachment Agreement with the City of Escondido.
9. The existing light fixtures shall be upgraded to LED and noted on the plans.
10. 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.

11. 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.
12. 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.
13. Any GPS antenna units shall be painted to match the support structures which shall be noted on the building plans to the satisfaction of the Planning Division.
14. Any support poles, brackets, cable runs and other support equipment shall be painted to match/blend with the varying colors and textures of the support structure. This shall be clearly noted on the building plans to the satisfaction of the Planning Division.
15. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering, and Building Divisions have been completed.
16. The plans submitted for any necessary building/encroachment permit(s) shall include notes or details containing the necessary work involved in complying with these project conditions.
17. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4553 to arrange a final inspection.
18. AT&T, or any subsequent operator/leaseholder, 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 AT&T facility is determined to be the cause of the electronic interference, AT&T shall solve the problem in a timely manner to the satisfaction of the complainant and the Director of Community Development. Any interference with Fire Department or public safety communications shall be corrected immediately by AT&T to the satisfaction of the City of Escondido.
19. AT&T shall coordinate with the City of Escondido to select a qualified, independent, third party to conduct actual power density measurements of the facility within ninety (90) days of installation and full operation. The results of the study shall be submitted to the Director of Community Development so that the theoretical power density study can be compared to the actual output and ensure compliance with FCC requirements.

20. AT&T, or a future leaseholder, shall be responsible for all ongoing maintenance of the facility, including the antennas, associated equipment and live trees/landscaping (if landscaping is a requirement of the project design), to ensure that the condition of the facility does not appear weathered.
21. AT&T, or any subsequent operator/lease holder of the facilities shall not oppose co-location of the facility by other wireless carriers (subject to City of Escondido approval) if it can be proven that the additional carrier would not adversely affect the operation and function of AT&T antennas.
22. All proposed signage associated with the project shall comply with the City of Escondido Sign Ordinance (Ord 92-47) and to the satisfaction of the Planning Division. Appropriate signs providing notice, caution or warning, and other necessary markings shall be placed at the main access point(s) and other locations, as may be required, in order to alert the general public, maintenance or other workers approaching the antennas to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits. The requirement for the appropriate signage/notice shall be indicated on the building plans.
23. 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.
24. These two (2) CUPs shall become null and void unless utilized within twelve (12) months of the effective date of approval.
25. This item may be referred to the Zoning Administrator for review and possible revocation or modification of the Conditional Use Permit at a noticed public hearing upon receipt of nuisance complaints and/or non-compliance with the conditions of approval.
26. The applicant shall submit the necessary application, fees and plans to obtain an Encroachment Permit at least ten (10) days before the relevant shot clock timeline for these applicants ends, or the Minor Conditional Use Permit is void, unless the Applicant agrees to and signs a tolling agreement.
27. 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 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 (PHG19-0069 & PHG19-0077). The City will promptly notify the applicant or permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense of that claim or action.

28. 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

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.