AGENDA NO. 7

City of Oceanside
Development Services Department
Planning Division

Memorandum

Date: June 24, 2013 (Continued from the June 10, 2013 Planning Commission Meeting)

To: Chairperson and Members of the Planning Commission

From: Marisa Lundstedt, City Planner

Subject: **Application for Substantial Conformity Determination (SC13-00017)**

On March 12, 2012, the Planning Commission approved Conditional Use Permit (C10-00012) to allow installation and operation of standalone wireless telecommunication facilities at 3471 Cannon Road, which is a City-owned property developed with two potable water reservoirs and ancillary facilities managed by the City's Water Utilities Department. As proposed by AT&T Mobility, the project involves installation of two new telecommunications towers adjacent to the southernmost reservoir on the project site: one tower would be situated to the north of the reservoir, while the other tower would be placed to the southeast of the reservoir. The tower to the north of the reservoir was proposed and approved at 30 feet in height; the tower to the southeast of the reservoir was proposed and approved at 43 feet.

In the course of the public hearing on this item, there was considerable discussion of the feasibility of co-locating additional wireless facilities on the proposed new towers. Following testimony from the applicant that the 30-foot tower to the north of the reservoir was likely tall enough to accommodate co-location, discussion focused on the prospects of co-location on the proposed tower to the southeast of the reservoir. The Commission expressed explicit support for flexibility in the height of the tower to the southeast of the reservoir in order to accommodate future co-located facilities, and consequently, staff added a condition of approval to provide for such flexibility:

In order to accommodate future co-located telecom facilities, the height of the proposed tower to the southeast of the small reservoir shall be adjusted, within the maximum allowable height of 51 feet. This tower shall also remain below the peak of the adjacent reservoir, by siting it farther down the landscape slope. The adjusted height and location

of this tower shall be reviewed and approved by the City Planner prior to submittal of construction drawings for plan check.

Listed as Condition #46, the above language was appended to the resolution of approval subsequent to the public hearing. Staff subsequently reviewed the audio recording of the public hearing and determined that while most of the discussion of co-location focused on the proposed tower to the southeast of the reservoir, the Commission ultimately directed staff to fashion a condition of approval allowing flexibility in the height of both of the proposed towers.

By means of this substantial conformity determination, staff seeks to amend Condition #46 to better accord with the direction provided by the Planning Commission on March 12, 2012. Staff proposes the following language to allow for flexibility in the height of both of the proposed towers:

In order to accommodate future co-located telecom facilities, the height of both of the proposed towers may be adjusted, within the maximum allowable height of 51 feet. Neither tower shall exceed the peak of the adjacent reservoir. The adjusted height and location of each tower shall be reviewed and approved by the City Planner prior to submittal of construction drawings for plan check.

Staff will provide a revised resolution of approval for C10-00012 at the June 24th public hearing.

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PLANNING COMMISSION
RESOLUTION NO. 2013-P30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	CUP10-00012
APPLICANT:	AT&T Mobility @ San Francisco Peak
LOCATION:	3471 Cannon Road

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 16, 39 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction and operation of a wireless telecommunications facility, consisting of two faux eucalyptus towers accommodating a total of 12 panel antennas, a 324-square foot equipment enclosure and extension of underground electrical service on City-owned property at 3471 Cannon Road;

WHEREAS, the Planning Commission, after giving the required notice, did on the 12th day of March, 2012 conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, the Planning Commission approved the application by a vote of 5-0 and directed staff to add a condition of approval granting flexibility in the height of the two proposed antenna towers to accommodate co-located facilities, allowing both towers to rise to a maximum height of 51 feet as long as they remain below the peak of the adjacent reservoir;

WHEREAS, said condition of approval has now been included to this resolution as condition #46;

WHEREAS, this resolution supersedes Planning Commission Resolution 2012-P12;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, a Mitigated Negative Declaration (MND) has been prepared for this application, addressing environmental

impacts and establishing mitigation measures to reduce said impacts to less than significant levels; and

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

WHEREAS, on June 10, 2013, the Planning Commission continued consideration of this resolution to June 24, 2013;

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

FINDINGS:

For the Conditional Use Permit:

1. The proposed wireless telecommunications facilities are consistent with the objectives of the Zoning Ordinance and the purposes of the Public/Semi Public zoning district in which the subject site is located. As per Oceanside Zoning Ordinance Section 1620, wireless telecommunications facilities, defined as major utilities, are permitted within Public/Semi Public zoning districts through approval of a Conditional Use Permit. Through appropriate siting and design, the proposed project would preserve the character and quality of the adjacent residential neighborhoods while providing an essential service to the community.
2. The proposed location of the conditional use, and the proposed conditions under which it would be operated or maintained, will be consistent with the General Plan. The proposed facilities will not be detrimental to the public health, safety, or welfare of persons residing or working in the vicinity; and will not be detrimental to properties or

improvements in the vicinity or to the general welfare of the City. The proposed facilities will comply with federal standards for maximum public exposure to radio frequency emissions, as determined by a radio frequency emissions report prepared by a licensed engineer and validated through third-party expert review. The proposed facilities will comply with all applicable building and safety standards intended to ensure the structural integrity of the attendant structures. Electrical equipment will be safely housed within secured enclosures, accessible only to qualified personnel. Noise emitted by the proposed facilities will be within parameters established by the Oceanside Municipal Code.

3. The proposed conditional use will comply with the provisions of the Zoning Ordinance and General Commercial District in which the property is located, including any specific condition required for the proposed conditional use in the commercial district in which it is located.

4. The placement and construction of the proposed telecom facilities in the proposed location is necessary for the provision of wireless services to City residents, businesses, and their owners, customers, guests or other persons traveling in or about the City, as determined by gap coverage analysis furnished by the applicant.

5. The proposal demonstrates a reasonable attempt to minimize stand-alone facilities, in that it has been demonstrated to the City's satisfaction that co-location with existing on-site facilities is not a viable option. The proposal will be sufficiently screened and camouflaged to protect the visual quality of the City, and will not have an adverse visual impact on historic resources, scenic views, or other natural or man-made resources.

6. The applicant has demonstrated that a significant gap in signal coverage exists, and that the proposed facilities constitute the least intrusive means of closing the significant gap in coverage.

7. The proposal meets all applicable requirements of Article 39 of the Oceanside Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Conditional Use Permit (CUP10-00012) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check.
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with C.C.R. Title 24, Part 2 (Disabled Access - Nonresidential buildings - D.S.A.).
4. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on building and electrical plans.
5. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
7. Setbacks and Type of Construction must comply with UBC Table 5-A. Allowable area must be shown to comply with Chapter 5 of the UBC.
8. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
   b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in

approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

Fire:

9. Cell sites are required to have a final inspection by the Fire Department.

10. Fire Department Plan Review will require the quantity of lead acid batteries proposed. In addition, the electrolyte volume will need to be provided for the batteries.

11. Stationary Storage Battery Systems having an electrolyte capacity of more than 50 gallons for flooded lead acid, nickel cadmium and valve regulated lead acid, or 1000 pounds for lithium-ion, used for facility standby power, emergency power or uninterrupted power supplies shall comply with Section 608 of the California Fire Code current edition, and Table 608.1.

12. If quantity of electrolyte solution is 10 gallons or greater, visible hazard identification signs as specified in NFPA 704 shall be placed at entrance to battery storage room.

Planning:

13. This Conditional Use Permit shall expire on June 24, 2015, unless implemented as required by the Zoning Ordinance.

14. This Conditional Use Permit approves only the wireless telecommunications facilities and associated improvements as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require amendment of the Conditional Use Permit or a new Conditional Use Permit.

15. The telecom facilities shall be erected, operated and maintained in compliance with Article 39 of the Oceanside Zoning Ordinance.

16. Within 30 calendar days following the installation of the telecom facilities, the applicant shall provide FCC documentation to the City Planner indicating that the facilities have been inspected and tested in compliance with FCC standards. Such documentation shall include the make and model (or other identifying information) of the equipment tested, the date and time of the inspection, the methodology used to make the determination, the name

and title of the person(s) conducting the tests, and a certification that the equipment is properly installed and working within applicable FCC standards.

17. Co-location of telecom facilities pursuant to Article 39 of the Oceanside Zoning Ordinance shall be required whenever feasible.

18. Any proposed new signs shall be in conformance with the Oceanside Sign Ordinance Guidelines and shall be submitted to the Planning Division.

19. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of building permits. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

20. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti ordinance (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Division. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be recorded in the form of a covenant affecting the subject property.

21. Prior to the transfer of ownership and/or operation of the facilities the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.

22. Failure to meet any conditions of approval for this development shall constitute a violation of the Conditional Use Permit.

23. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, 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, concerning Conditional Use Permit CUP10-00012. The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

24. The CUP shall be limited to an operational term of 10 years since the day of the expiration of this date, expiring on June 10, 2023. However, the Conditional Use Permit may be revised or renewed in accordance with the provisions of the Zoning Ordinance. The application for Conditional Use Permit revision shall also be evaluated against the existing land use policies and any site area and neighborhood changes.

25. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, Management Plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

26. This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made by the application.

27. In the event of incidental discovery of archaeological resources, the applicant shall follow the state-prescribed notification process outlined in Public Resources Code Section 5097.98, California Government Code 27491 and Health and Safety Code Section 7050.5.

28. Prior to the issuance of building permits, the applicant shall provide to state and federal wildlife agencies proof of purchase of 0.06 acres of coastal sage scrub habitat within the City's Wildlife Corridor Planning Zone.

29. Prior to the issuance of building permits, the applicant shall conduct a Phase One environmental site assessment to determine if soil contaminants are present within those portions of the site where the wireless telecommunications facilities will be located. Should soil contamination be discovered, the applicant shall provide a mitigation plan to be reviewed and approved by the City.

30. A qualified biologist shall be retained by the applicant to review the final grading plans, access routes and staging areas, monitor all aspects of construction, educate contractors about the biological sensitivities associated with the area and ensure compliance with mitigation measures.

31. The qualified biologist shall conduct a training session for all project personnel prior to any grading/construction activities. At a minimum, the training shall include a description of the target species of concern, its habitats, the general provisions of the Endangered Species Act (Act) and the MHCP, the need to adhere to the provisions of the Act, the general measures that are being implemented to conserve the target species of concern as they relate to the project, any provisions for wildlife movement, and the access routes to and project site boundaries within which the project activities must be accomplished.

32. Equipment storage, fueling and staging areas shall be located to minimize risks of direct drainage into riparian areas or other environmentally sensitive habitats. These designated areas shall be located in such a manner as to prevent runoff from entering sensitive habitats. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to the City of Oceanside, FWS, CDFG, and SWQCB, and shall be cleaned up immediately and contaminated sails removed to approved disposal areas.

33. Stockpiling of materials and other aspects of construction staging shall be limited to disturbed areas without native vegetation, areas to be impacted by project development or in non sensitive habitats.

34. "No fueling zones" shall be established within a minimum of 10 meters (33 feet) from all drainages and fire sensitive areas.

35. Artificial lighting adjacent to the preserve area shall be eliminated except where essential for roadway, facility use and safety and security purposes. Where use of artificial lighting is necessary it shall be limited to low-pressure sodium sources. Use of low voltage outdoor or trail lighting, spotlights or bug lights is prohibited. All light sources shall be shielded so that lighting is focused downward to restrict any light spillover onto sensitive habitat.

36. The qualified biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. Construction monitoring reports shall be completed and provided to the City of Oceanside summarizing how the project is in compliance with applicable conditions. The project

biologist shall be empowered to halt work activity if necessary and to confer with staff from the City of Oceanside to ensure the proper implementation of species and habitat protection measures.

37. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All revegetation plans shall be prepared and implemented consistent with Appendix C (Revegetation Guidelines of the Final MHCP Plan – Volume II) and shall require written concurrence of the FWS and CDFG.

38. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits shall be fenced with orange snow screen. Exclusion fencing shall be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas.

39. Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the City of Oceanside, FWS, and CDFG and shall be compensated at a minimum ratio of 5:1.

40. Impacts to Diegan coastal sage scrub will be mitigated through the off-site purchase of in-kind habitat at a 2:1 replacement ratio consistent with the current provisions under the City's draft MHCP Subarea Plan (2009).

41. Equipment will use available noise suppression devices and properly maintained mufflers. Construction noise will be reduced by using quiet or "new technology", equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.

42. During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.

43. The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

44. Temporary walls/barriers/enclosures will be erected around stationary construction equipment when such equipment will be operated for an extended period of time and where there are noise sensitive receptors substantially affected. Noise barriers and enclosures will consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures will close or secure any openings where pipes, hoses or cables penetrate the enclosure structure.

45. Notification will be given to residences within 91 meters (300 feet) of planned construction activities thirty (30) days prior to commencement of demolition activity, and will include a brief description of the project, the overall duration of the various construction stages, noise abatement measures that will be taken, and the name and phone number of the construction site supervisor or his designee to report any violation of a noise or mitigation standard.

46. In order to accommodate future co-located telecom facilities, the height of both of the proposed towers may be adjusted, within the maximum allowable height of 51 feet. Neither tower shall exceed the peak of the adjacent reservoir. The adjusted height and location of each tower shall be reviewed and approved by the City Planner prior to submittal of construction drawings for plan check.

47. The applicant shall maintain the most current information from the FCC regarding the allowable RF emissions and all other applicable regulations and standards. The applicant/operator shall file an annual report to the permit file advising the City of any regulatory changes that require modifications to the wireless communications facility and of the measures taken by the applicant to comply with such regulatory changes.

48. Absent any modifications to the wireless communications facility that would cause a change to the effective radiated power or frequency use, the applicant shall submit an

annual letter to the City Planner certifying that no such changes have been made to the site and that the facility continues to operate within the range allowed by FCC regulations.

Engineering:

49. For the demolition of any existing structure or surface improvements; grading plans shall be submitted and erosion control plans be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

50. Design and construction of all improvements shall be in accordance with the City of Oceanside Engineers Design and Processing Manual, City Ordinances, and standard engineering and specifications of the City of Oceanside and subject to approval by the City Engineer.

51. Where proposed off-site improvements, including but not limited to slopes, public utility facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City of Oceanside as required. The owner/developer shall provide documentary proof satisfactory to the City of Oceanside that such easements or other interest in real property have been obtained prior to issuance of any grading for this project. Additionally, the City of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the owner/developer, as applicable.

52. A precise grading plan shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. Prior to the issuance of a grading permit, the owner/developer shall notify and host a neighborhood meeting with all of the area residents located within 300 feet of the project site, to inform them of the grading and construction schedule, and to answer questions.

53. The owner/developer shall monitor, supervise and control all construction and construction-supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

54. Dirt, debris and other construction material shall not be deposited on any public street or within the City's storm water conveyance system.

a) All grading and related site preparation and construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing residential development. Because construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."

b) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. An alternate parking site can be considered by the City Engineer in the event that the lot size is too small and cannot accommodate parking of all motor vehicles.

c) The owner/developer shall complete a haul route permit application (if required for import/export of dirt) and submit to the City of Oceanside Engineering Department 48 hours in advance of beginning of work. Hauling operations (if required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

d) It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.

55. A traffic control plan shall be prepared according to the City traffic control guidelines and approved to the satisfaction of the City Engineer prior to the start of any work within the public right-of-way. Traffic control during construction of streets that have been opened to public traffic shall be in accordance with construction signing, marking and other protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines.

Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

56. Any existing public or private pavement, concrete driveways, pedestrian ramps and sidewalk within the project, or adjacent to the project boundary that are damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.

57. Drainage facilities shall be designed and installed to adequately accommodates the local storm water runoff and shall be in accordance with the San Diego County Hydrology and Design Manual and in compliance with the City of Oceanside Engineers Design and Processing Manual to the satisfaction of the City Engineer.

58. Prior to any grading of any part of this project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by the City Engineer.

59. Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer prior to the issuance of a preliminary grading permit and approved by the City Engineer prior to the issuance of occupancy permits. Any project fences, sound or privacy walls and monument entry walls/signs shall be shown on, bonded for and built from the landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held, prior to the start of any improvements.

60. The drainage design shown on the site plan or preliminary grading plan, and the drainage report for this project is conceptual only. The final drainage report and drainage design shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San Diego County Hydrology and Drainage Manual to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by

the City Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The owner/developer shall be responsible for obtaining any off-site easements for storm drainage facilities.

61. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed of in accordance with all state and federal requirements, prior to stormwater discharge either off-site or into the City drainage system.

62. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high barrier, approved by the City Engineer, shall be provided at the top of all slopes whose height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an arterial street or state highway.

63. The owner/developer shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.

64. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project will be subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the prevailing wage requirements prior to the granting of any fee reductions or waivers.

65. Approval of this project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuance of any building permits, in accordance with City Ordinances and policies. The owner/developer shall also be required to join into, contribute, or participate in any improvement, lighting, or other special district affecting or affected by this project. Approval of this project shall constitute the owner/developer's approval of such payments, and his agreement to pay for any other similar assessments or charges in effect when any increment is submitted for

final map or building permit approval, and to join, contribute, and/or participate in such districts.

66. In the event that the conceptual plan does not match the conditions of approval, the resolution of approval shall govern.

Water Utilities:

67. Any damage that shall occur to existing Water Utility Facilities within the San Francisco Peak Reservoir site due to the design, installation, construction or maintenance of the proposed cellular facilities shall be the responsibility of the Developer/Owner in accordance with the Lease Agreement. All repair work shall comply with the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or be approved by the Water Utilities Director.

68. Owner shall contact Water Utilities prior to any site access. Written notification shall be given to the Department at least 24-hours in advance. All personal shall be escorted on-site and be charged for the time spent on-site. No provisions for 24-hour continuous access have been granted.

69. No permanent fixtures shall be located within 5-foot from the edge of the existing drive isle around the reservoir.

70. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.

71. Complete indexed as-built shall be provided to Water Utilities with designation of all conduit and associated appurtenances.

72. The following conditions shall be met prior to the approval of engineering design plans.

73. No trees, structures or building overhang shall be located within any water or wastewater utility easement.

74. If landscaping is required as part of this development and the property does not have a separate irrigation system, then a separate irrigation meter and connection is required. If, on the contrary, the property were to have an existing separate irrigation system and the intent is to connect to this system, then an agreement letter between the developer and the

property owner shall be provided to the Water Utilities Department indicating the property owner's permission for an irrigation service tie-in.

Landscape:

75. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. A landscape pre-construction meeting shall be arranged with the owner or owner's representative, public works inspector, landscape architect of record, landscape contractor and general contractor prior to the commencement of landscape and irrigation improvements. The following landscaping requirements shall be required prior to plan approval and certificate of occupancy:

- Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.
- Landscape Architect shall be aware of all utility, sewer, storm drain easement and place planting locations accordingly to meet City of Oceanside requirements.
- Removal of the one Eucalyptus sp. shall be compensated for with the installation of (3) 15-gallon native shrubs (i.e. Heteromeles arbutifolia/ Toyons, Rhus integrifolia/ Lemonade Berry, Prunus illicifolia/ Holly-leaf Cherry, Quercus berberidifolia/ Scrub Oak). The shrubs shall be planted on the slope at Merced Dr. & Wisteria, towards the bottom of the slope, at the direction of the Public Works Inspector.
- The required landscape shall be maintained by AT&T Mobility LLC for a period of no less than three years or until such landscape has become established. In the event that the required plant material dies, the plants shall be replaced in kind and size. During the establishment period, any dead and/or dying plants that require replacement shall be extended for an

additional three months of maintenance. The landscape security shall be secured with the Engineering Division for a period of three years or until establishment. The landscape areas shall be maintained per City of Oceanside requirements.

- All landscaping, fences, walls, etc. on the site, and adjacent to any adjoining public parkways shall be maintained by AT&T Mobility, their assigns or any successors-in-interest in the property for a period of no less than three years or until such landscape has become established. The maintenance program shall include: a) normal care and irrigation of the landscaping b) replacement of plant materials c) repair of irrigation system or watering devices as necessary d) general cleanup of the landscaped and open areas e) parking spaces adjacent to curbs, walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.
- Permits or maintenance agreements associated with the landscape improvements shall be secured with the city prior to installation of the three shrubs on the slope at the corner of Merced Drive and Wisteria Street.
- Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all fire department requirements.
- All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- The shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.

- The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within 6 feet of a trees trunk on site (private) and within 10 feet of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.
- All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain planning department approval for these items in the conditions or application stage prior to 1st submittal of working drawings.
- For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.
- An automatic irrigation system or approved watering devices shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.
- Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.
- In the case where a water source is not available, the (3) 15-gallon shrubs shall be watered by DriWater perforated tubes and gel pacs (or approved equal) and/or in combination with TreeGator Junior Pro watering system (or approved equal). Installation shall follow the manufacturer's recommendation. Watering system shall be in place for a period of no less than three years following installation or until establishment.
- All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.

- The landscape plans shall match all plans affiliated with the project.
- Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with SWMP Best Management Practices and meet the satisfaction of the City Engineer.
- Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer..

76. In the event that the conceptual landscape plan (CLP) does not match the conditions of approval, the resolution of approval shall govern.

PASSED AND ADOPTED Resolution No. 2013-P30 on June 24, 2013 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Marisa Lundstedt, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2013-P30.

Dated: June 24, 2013

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

_____ Date: _____