



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: September 4, 2013

PLANNER: Cliff Jones, Associate Planner *CJ*

SUBJECT: Conditional Use Permit 12-334 / Site Plan Permit 13-200 / Architectural Permit 13-201, Verizon Wireless at Vista Hermosa Park, a request to consider allowing the replacement of a field light pole with a cellular field light pole and cellular equipment building at Vista Hermosa Sports Park located at 987 Avenida Vista Hermosa.

REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution (Attachment 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

Conditional Use Permit, Section 17.16.060(F) and 17.28.070(E): for the cellular facility.

- a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
- b. The site is suitable for the type and intensity of use that is proposed.
- c. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- d. The proposed use will not negatively impact surrounding land uses.
- e. The antennas do not interfere with the transmission or reception of other signals in the City.
- f. The transmission or reception of the signal has not been demonstrated to pose a threat to the public health or safety.
- g. The antennas do not create adverse visual impacts to the surrounding area or to the City at large, as determined by the City.

Site Plan Permit, Section 17.16.050(F): for the new non-residential site plan.

- a. The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all the applicable provisions of this title, the goals, and objectives of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed;
- b. The site is suitable for the type and intensity of development that is proposed;

- c. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity;
- d. The proposed development will not be unsightly or create disharmony with its locale and surroundings; and
- e. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location.

Architectural Permit, Section 17.16.100(F)(1): for the non-residential structure.

- a. The architectural treatment of the project complies with the San Clemente General Plan;
- b. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, setback color, etc.;
- c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines;
- d. The general appearance of the proposal is in keeping with the character of the neighborhood; and
- e. The proposal is not detrimental to the orderly and harmonious development of the City.

BACKGROUND

Verizon Wireless requests the installation of a cellular field light pole and equipment building at Vista Hermosa Sports Park located at 987 Avenida Vista Hermosa. Vista Hermosa Sports Park is located within the Public land use designation of the Forster Ranch Specific Plan. Cellular facilities are permitted with the approval of a Conditional Use Permit. The park has sports fields, walking trails, an aquatics center, children's play area, restrooms, and picnic areas. Surrounding uses include a Target shopping store to the north, open space to the east, residential to the south, and a Fire Station to the east. If approved this would be the first cellular carrier allowed in the park. Refer to Attachment 2 for a location map and Attachment 3 for photographs of the project site.

August 21, 2013 Planning Commission

On August 21, 2013 the Planning Commission continued the project. The Planning Commission requested that Planning staff research and report back on a number of items. Table 1 below provides staff's findings:

Table 1 – Response to Commissioner Inquiries

Planning Commission Inquiry	Response
1. Consideration of requiring the applicant install equipment under the sidewalk by excavation rather than cutting and patching the existing sidewalk.	Boring or tunneling under the small section of sidewalk will be more disruptive to the immediate area than a simple saw-cut and trench installation. Additionally, if the sidewalk is undercut, re-compaction is difficult and may lead to future sidewalk failure or cracking of the sidewalk. The sidewalk can be cut at existing joints and rebar doweling can be inserted to tie new and existing sections together to further limit settling or section separation.
2. Suggestion to notify those residents living in the development down the slope, especially those in view of the proposed wireless antennas on the light poles.	All 229 residences below the park in the neighborhoods of Mandalay and Villa Pacifica were mailed a notice.
3. Information concerning venting and fuel storage for the proposed generator	The generator will contain a 55 gallon fuel tank within its base platform. It will be housed in its own room in the building and supply and exhaust ventilation will be managed by a fan system incorporated into the room. This is not detailed in the zoning drawings as that level of detail has not been achieved this early in the project. The project will be designed to meet or exceed all applicable Fire and Building codes.
4. Consideration of undergrounding cellular equipment	Response from Verizon: The placement of equipment underground is a problematic suggestion for several reasons. First and foremost, underground installation would require extensive disruption and excavation at the park. This excavation would also be inadvisable due to the proximity to the manufactured slope to the east of the building site. In a general sense, all underground vaults are prone to ongoing issues with unwanted water intrusion, especially when the area is irrigated regularly for adjacent landscape materials. Further complicating this particular site is the extensive network of underground drainage for the entire park facility and parking lot towards the large catch-basin between the park and La Pata. The equipment building has been designed to meet the stringent requests and expectations of Park staff and the Planning Department.

Planning Commission Inquiry	Response
5. Information concerning the value this installation will provide to the community	Verizon Wireless radio frequency (RF) engineers determined that a gap in coverage exists in this area. Deployment of this Verizon Wireless facility will provide improved coverage in the City of San Clemente. Furthermore, City Hall has received several complaints that the Talega area does not have adequate cellular coverage. Refer to Attachment 7 for RF coverage maps for additional detail.

Development Management Team

The City's Development Management Team (DMT) reviewed the applicant's request and determined it meets requirements. Conditions of Approval are recommended that are included in the attached draft resolution.

Noticing

Public notices were distributed and posted per City and State requirements. Additionally, All 229 residences below the park in the neighborhoods of Mandalay and Villa Pacifica were mailed a notice. No public comments have been received to date.

PROJECT DESCRIPTION

Cellular Field Light Pole

The proposal replaces a field light pole with a cellular field light pole holding six panel antennas and one microwave dish. Each panel antenna measures six feet in height and the microwave dish measures four foot in diameter. The cellular field light pole is to be constructed by the same light pole manufacturer, Musco, with the same material and finish as the existing pole. The lighting would be relocated to the cellular pole at the same elevation and orientation as the existing lighting to assure there is no added light pollution. For comparison purposes, the height and diameter of the existing field light pole versus proposed cellular field light pole is summarized in Table 2 below.

Table 2 - Existing vs. Proposed Field Light Pole Height/Diameter

Pole Type	Height	Diameter
Existing Field Light Pole	70.8'	16" bottom tapering to 8" at top
Proposed Cellular Field Light Pole	71'	22" bottom tapering to 12.5" at top

As seen in the table above, the proposed cellular field light pole is 2.4 inches taller and 6 inches wider than our standard field light pole. The increased diameter of the pole is noticeable. The applicant has indicated that the increased diameter is necessary to: 1)

accommodate a larger inside diameter for conduit size and quantity; and 2) the height and inside diameter necessitates a structurally larger diameter pole. The increased height of the pole is negligible and is not anticipated to create any adverse visual impacts. The topography of the area necessitates the antennas to be located at a high elevation on the park site to allow radio frequency to transmit over hills. The applicant chose the cellular field light pole as it has the least visual impact given the necessary elevation for the antennas. City policy supports the use of wide diameter cellular field light poles with visible antennas for the following reasons: 1) City Wireless Master Plan for public property identifies cellular field light poles, characteristically wider than a typical field light pole, as an example of a stealth cell site design; 2) cellular field light poles have been approved and constructed at San Geronimo Park and Bonito Park with no documented negative impacts; and 3) alternative structures built to conceal antennas at similar heights are typically more substantial in size having greater visual impacts to the community.

Cellular Equipment Building

The building that will house the cellular equipment is 600 square feet in area and designed in Spanish Colonial Revival architecture style consistent with the pool building and other structures in Vista Hermosa Sports Park. The building most closely matches the concession/restroom buildings at the park. Refer to image below of concession/restroom building.



Similar to the concession/restroom building shown above, the structure incorporates red barrel tile roof, white smooth stucco walls, dark brown wood rafter tails, copper gutters, dark brown steel doors, and black wrought-iron detail.

At the rear of the building will be four gps antennas measuring six inches tall installed flush with the building. Access and visibility to the rear of the building are limited.

Please refer to the plans and visual simulations, Attachment 3, for additional detail.

Development Standards/Design Guidelines

The development standards for antennas on City property and within the Public land use designation are determined through the discretionary review process. Development must comply with the Forster Ranch Architectural Guidelines and City Design Guidelines as the appropriate standard. Table 3 summarizes the project's consistency with relevant guidelines.

Table 3 - Project Consistency with Design Guidelines

<i>Design Guideline</i>	<i>Project Consistency</i>
<i>Preserve and strengthen San Clemente's unique atmosphere and historic identity as "The Spanish Village by the Sea." (Forster Ranch Specific Plan Architectural Guidelines)</i>	Consistent. The equipment building is designed to reflect the Spanish Colonial Revival architectural style of park buildings.
<i>"All development proposals should demonstrate sensitivity to the contextual influences of adjacent properties and the neighborhood." (Design Guidelines II.B)</i>	Consistent. The equipment building is designed to reflect the Spanish Colonial Revival architectural style of park buildings. The cellular field light pole matches the design of existing field light poles, is made by the same manufacturer as existing field light poles, and lighting would be relocated at the same elevation and orientation as the existing lighting to assure there is no added light pollution.

The project's site plan is compatible with the surrounding area, complies with City Design Guidelines, and therefore complies with the developments standards for the zone.

PROJECT ANALYSIS

Conditional Use Permit

The primary consideration in review of a Conditional Use Permit (CUP) is to ensure the project is compatible with surrounding land uses. Staff has reviewed and determined the project meets the required findings for the approval of a CUP. The surrounding land uses are the Target shopping store to the north, open space to the east, residential to the south, and a Fire Station to the east. The closest residence is located approximately 750 feet from the site. Because the proposed antennas are flush mounted to the field light pole, their visibility is limited. To ensure architectural

compatibility, the cellular equipment building matches the architecture of the concession/restroom buildings at the park.

The Federal Communications Commission (FCC) has determined that wireless communication facilities, such as the ones' proposed, do not cause public health hazards. According to the FCC, the radio frequency study prepared for this installation indicates that the emission levels will be far below the safety standard threshold. Based on these factors, staff's position is that the use is compatible with the surrounding area and will not have a detrimental effect on the public health, safety, and welfare.

Site Plan Permit

The primary consideration in review of a Site Plan Permit (SPP) is to ensure the proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location. Staff has reviewed and determined the project meets the required findings for a Site Plan Permit. The location of the cellular equipment building and cellular field light pole was an important consideration in the Development Management Team's (DMT) review of the project. After several site plan iterations, the applicant has proposed a project which has the least amount of impacts to the parking lot area, taking power off of La Pata, and is less visible, located towards the rear of the park.

Architectural Permit

The primary consideration in review of an Architectural Permit (AP) is to ensure the project is consistent with the City's Design Guidelines. The applicant has designed a project that is consistent with the City's Design Guidelines. Utilizing Spanish Colonial Revival Architecture, the cellular equipment building will match the architecture of the other Vista Hermosa Sports Park buildings. The cellular field light pole will create minimal visual change other than the girth of the pole and visibility of antennas, and is more stealth than other antenna options. As mentioned previously above, City policy supports the use of wide diameter cellular field light poles with visible antennas.

Staff is supportive of the architecture proposed for the site and has determined that the required Architectural Permit findings can be made for approval including consistency with the City's Design Guidelines and compatibility with the neighborhood.

Design Review Subcommittee

Table 4 below summarizes the concerns raised and discussed by the DRSC members and how the applicant has addressed the comments/concerns.

Table 4 - DRSC concerns and modifications

<i>DRSC concerns</i>	<i>Project modifications</i>
A condition of approval should be added to the project that would allow additional carriers to locate within the cellular equipment building and/or lease area.	Condition included as requested.
The Subcommittee acknowledged that the cellular field light pole is identified as “stealth” within the City Wireless Master Plan for public properties and past precedent has allowed cellular field light poles at Bonita Park and San Gorgonio Park. One Subcommittee member felt the cellular light pole design is “visual blight.”	No modifications made. The applicant proposes the cellular field light pole as it has the least visual impact given the necessary elevation for the antennas and City policy supports their use.

GENERAL PLAN CONSISTENCY

Table 5 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 5 - General Plan consistency

Policies and objectives	Consistency finding
<p><i>Objective 1.6. – “Provide for the continuation of existing and development of new public service, religious, and institutional uses and facilities which meet the needs of the City’s residents.</i></p> <p><i>Policy 1.6.6. – “Ensure that public buildings and sites are designed to be compatible in scale, mass, character, and architecture with the existing buildings and pertinent design characteristics prescribed by this General Plan...”</i></p>	<p>Consistent. The cellular facility provides cellular communications to City residents and public servants in an area where cellular service is deficient.</p> <p>Consistent. The equipment building is designed to reflect the Spanish Colonial Revival architectural style of park buildings. The cellular field light pole matches the design of existing field light poles, is made by the same manufacturer as existing field light poles, and lighting would be relocated at the same elevation and orientation as the existing lighting to assure there is no added light pollution.</p>

ENVIRONMENTAL REVIEW

The Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission determine this request is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because it consists of the installation of small, new equipment and facilities.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 12-334 / SPP 13-200 / AP 13-201.

This is the recommended action. It would result in allowing the construction of a cellular communication facility on City property with a lease agreement managed by the finance department.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

The Planning Commission could add or modify the project and/or conditions of approval that may affect the design of the project, such as changes to the height of the pole, the size and placement of antennas, etc. Design changes must be consistent with Design Guidelines.

3. The Planning Commission can deny CUP 12-334 / SPP 13-200 / AP 13-201.

This action would result in not allowing the construction of a cellular communication facility.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approves CUP 12-334 / SPP 13-200 / AP 13-201, Verizon Wireless at Vista Hermosa Park, subject to the attached Resolution and Conditions of Approval.

<i>Attachments:</i>	Attachment 1	Resolution PC 13-030
	Exhibit A	Conditions of Approval
	Attachment 2	Location Map
	Attachment 3	Site Photos
	Attachment 4	Visual Simulations
	Attachment 5	Wireless Master Plan – Example of “Stealth” Cell Site Design - Field Light Standard
	Attachment 6	June 12, 2013 DRSC Minutes (excerpted)
	Attachment 7	Radio Frequency Coverage Maps

Plans under separate cover

RESOLUTION NO. PC 13-030

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 12-334 / SITE PLAN PERMIT (SPP) 13-200 / ARCHITECTURAL PERMIT (AP) 13-201, ALLOWING THE REPLACEMENT OF A FIELD LIGHT POLE WITH A CELLULAR FIELD LIGHT POLE AT AVENIDA VISTA HERMOSA SPORTS PARK LOCATED AT 987 AVENIDA VISTA HERMOSA

WHEREAS, on September 27, 2012, an application was submitted and deemed completed, by Plancom, Inc. on behalf of Verizon Wireless, 250 El Camino Real #117, Tustin, CA 92780, for Conditional Use Permit (CUP) 12-334, Site Plan Permit (SPP) 13-200, Architectural Permit (AP) 13-201, a request to allow the replacement of a field light pole with a cellular field light pole at Avenida Vista Hermosa Sports Park located at 987 Avenida Vista Hermosa within the Public Use zoning district within the Forster Ranch Specific Plan. The park site is located at the southwest corner of the intersection of Avenida Vista Hermosa and La Pata and is a portion of Assessor's Parcel Number 124-081-64; and

WHEREAS, the City's Development Management Team (DMT) reviewed the subject application, and the DMT determined it complies with the General Plan, Zoning Ordinance, Forster Ranch Specific Plan, and other applicable City ordinances and codes; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because it consists of the installation of small, new equipment and facilities; and

WHEREAS, on September 4, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: The project is categorically exempt from the California Environmental Quality Act (CEQA) as provided for in CEQA Guidelines Section 15303, as a Class 3 exemption because it consists of the installation of small, new equipment and facilities.

Section 2: With respect to CUP 12-334, the Planning Commission finds that:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all applicable provisions of the

Forster Ranch Specific Plan, Zoning Code, the San Clemente General Plan, and the purpose and intent of the zone in which the use is being proposed in that the proposed wireless facility will improve cellular coverage for Verizon customers in the vicinity.

- B. The site is suitable for the type and intensity of use that is proposed in that the site contains adequate space to accommodate the proposed antennas and related cellular equipment and the ancillary cellular equipment shall be screened from public view.
- C. The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity in that the transmission or reception of the signals from the proposed antennas has not been demonstrated to pose a threat to the public health and safety. The Federal Communications Commission (FCC) has determined that wireless telecommunication facilities designed and operated consistent with FCC rules and regulations do not cause public health hazards. According to the FCC the facility must operate within the limits set by the 1992 ANSI (American National Standards Institute) standards for public exposure to electronic magnetic field (EMF) emissions. The 1992 ANSI standards set the threshold between safety and known hazard at 50 times below a level that the majority of the scientific community believes may pose a health risk to human populations.
- D. The proposed use will not negatively impact surrounding land uses in that:
 - 1. The proposed antennas do not create adverse visual impacts to the surrounding area or to the City at large as the antennas are flush mounted to the field light pole to limit their visibility and the cellular equipment is provided within an equipment building that matches the architecture of the concession/restroom buildings at the park.
 - 2. City policy supports the use of cellular field light poles for the following reasons: 1) City Wireless Master Plan for public property identifies cellular field light poles, characteristically wider than a typical field light pole, as an example of a stealth cell site design; 2) cellular field light poles have been approved and constructed at San Geronio Park and Bonito Park with no documented negative impacts; and 3) alternative structures built to conceal antennas at similar heights are typically more substantial in size having greater visual impacts to the community.
 - 3. The project will not emit noise or odors.
 - 4. The proposed antennas do not interfere with the transmission or reception of other signals in the City, according to the technical evidence provided by the applicant.

5. The transmission or reception of the signals from the antennas has not been demonstrated to pose a threat to the public health and safety in accordance with the technical studies provided by the applicant.

Section 3: With respect to SPP 13-200, the Planning Commission finds that:

- A. The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all the applicable provisions of this title, the goals, and objectives of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed in that the location of the cellular equipment building and cellular field light pole has the least amount of impacts to the parking lot area, taking power off of La Pata, and is less visible, located towards the rear of the park. The location of the wireless facility will improve cellular coverage for Verizon customers in the vicinity.
- B. The site is suitable for the type and intensity of use that is proposed in that the site contains adequate space to accommodate the proposed antennas and related cellular equipment and the ancillary cellular equipment shall be screened from public view.
- C. The proposed development will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity in that the transmission or reception of the signals from the proposed antennas has not been demonstrated to pose a threat to the public health and safety. The Federal Communications Commission (FCC) has determined that wireless telecommunication facilities designed and operated consistent with FCC rules and regulations do not cause public health hazards. According to the FCC the facility must operate within the limits set by the 1992 ANSI (American National Standards Institute) standards for public exposure to electronic magnetic field (EMF) emissions. The 1992 ANSI standards set the threshold between safety and known hazard at 50 times below a level that the majority of the scientific community believes may pose a health risk to human populations.
- D. The proposed development will not be unsightly or create disharmony with its locale and surroundings in that the antennas are flush mounted to the field light pole to limit their visibility and the cellular equipment is provided within an equipment building that matches the architecture of the concession/restroom buildings at the park.
- E. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location in that the project has gone through several project iterations and this layout meets all applicable development standards.

Section 4: With respect to AP 13-201, the Planning Commission finds that:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that the building has been designed to be a Spanish Colonial Revival building and the antennas are flush mounted to the field light pole to limit their visibility.
- B. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, setback color, etc. in that the project meets all applicable Development standards and is consistent with the City's Design Guidelines.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the building is Spanish Colonial Revival architecture and is consistent with the City's Design Guidelines.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the cellular equipment building matches the architecture of on-site park buildings and the field light pole is to be constructed by the same light pole manufacturer, Musco, with the same material and finish as the existing pole.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that City policy supports the use of cellular field light poles for the following reasons: 1) City Wireless Master Plan for public property identifies cellular field light poles, characteristically wider than a typical field light pole, as an example of a stealth cell site design; 2) cellular field light poles have been approved and constructed at San Geronimo Park and Bonito Park with no documented negative impacts; and 3) alternative structures built to conceal antennas at similar heights are typically more substantial in size having greater visual impacts to the community.

Section 5: The Planning Commission hereby approves Conditional Use Permit (CUP) 12-334, Site Plan Permit (SPP) 13-200, Architectural Permit 13-201, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on September 4, 2013.

Chair

TO WIT:

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on September 4, 2013, and carried by the following roll call vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

Secretary of the Planning Commission

EXHIBIT A

**CONDITIONS OF APPROVAL*
CUP 12-334, SPP 13-200, AP 13-201**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____
2. Thirty (30) days after project approval, the applicant shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive]* (PIng.)_____
3. The applicant shall develop the approved project in conformance with the site plan, elevations, visual simulaitons, sample and materials board and any other applicable submittals approved by the Planning Commission. Any deviation from the site plan, elevations, visual simulaitons, materials, colors or other approved submittal shall require the owner or designee to submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines the deviation is

- significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator or Planning Commission, as appropriate. *[Citation – City Quality Insurance Program]* ■ (PIng.)_____
4. CUP 12-334, SPP 13-200, AP 13-201 shall become null and void if the use is not commenced within three (3) years from the date of approval of CUP 12-334, SPP 13-200, AP 13-201. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. A use shall be deemed to have lapsed, and CUP 12-334, SPP 13-200, AP 13-201 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.A.1 and Section 17.12.150.C.1 of the SCMC]* ■ (PIng.)_____
 5. The applicant shall have the right to request an extension of CUP 12-334, SPP 13-200, AP 13-201 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request may be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____
 6. The carrier shall comply with applicable Federal Communications Commission (FCC) requirements, per the Radio Frequency (RF) study, including, but not limited to requirements related to permissible levels of radio frequency emissions. ■■ (PIng.)_____
 7. To prevent exposures in excess of the FCC guidelines, no access within 10 feet directly in front of the antennas (horizontal plane of antenna) should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. ■■ (PIng.)_____
 8. Prior to issuance of any permits, the applicant shall submit for review, and shall obtain the approval of the Community Development Director or designee, a detailed landscape and irrigation plan incorporating drought-tolerant prickly plant material installed around the equipment building to improve the look of the site. The plan shall be prepared by a registered architect, and shall be in compliance with all pertinent requirements. ■■ (PIng.)_____ (BP&R.)_____
 9. To reduce contrast with the skyline staff recommends the tower and antennas be painted a light gray earth tone to match existing field light poles. ■■(PIng)_____
 10. A wooden gate shall be installed at the entry to the building to deter trespassing. ■■ (PIng.)_____ (BP&R.)_____

11. Equipment enclosure shall be designed to match the architecture of existing Spanish Colonial Revival concession/restroom buildings, incorporating the same colors and quality of materials, as determined by the City Planner. ■■ (PIng.)_____
12. The carrier shall provide in writing that the proposed antennas do not interfere with the transmission or reception of the City SCADA communication system and other communication equipment. ■■(Eng.)_____
13. The cellular communication facility shall not interfere with the function and operation of any utility communication equipment (e.g. City SCADA system) or control signals. If interference is found to be caused by the communication facility, the operator shall follow the FCC process to mitigate and resolve the issues. If project modifications are necessary, the changes shall be reviewed and approved in compliance with the Zoning Ordinance and other applicable regulations. ■ (Eng.)_____
14. Prior to Building Division final inspection and release of construction permits, the applicant shall meet with the Planning and Beaches, Parks & Recreation Divisions on the project site to review the colors, textures, location, height, antenna screening, landscaping, and other project characteristics to ensure the communication facility is constructed in substantial conformance with CUP 12-334, SPP 13-200, AP 13-201. The applicant shall comply with any request to correct field conditions found unacceptable to the satisfaction of the Planning or Beaches, Parks & Recreation Divisions. ■■ (PIng.)_____ (BP&R.)_____
23. Prior to Building Division final inspection and release of construction permits, a written agreement shall be executed by the applicant and approved by the City Planner and City Attorney; assuring landscaping is established three years after the project is constructed and released by the Building Division. The applicant or designee shall be responsible for fees related to this agreement. ■ (PIng.) _____
24. Prior to Building Division final inspection and release of construction permits, the applicant shall submit a letter, signed by a registered architect, to the Community Development Director or designee, stating that landscaping has been installed in accordance with the approved plans. ■ (PIng.) _____
25. Prior to the issuance of a building permit, applicant or designee shall submit to the Fire Chief a plan for review and approval of the battery system. The plans shall be in accordance with Article 64 of the California Fire Code. The failure to document deficiencies during this review shall not be held to permit or approve the violation of any law. If the applicant has any questions regarding this plan submittal, they may contact the Orange County Fire Authority at (714) 368-8843. ■■ (OCFA.)_____

26. Prior to the issuance of any permits, if deemed applicable by the Beaches, Parks and Recreation Director, the applicant shall supply the City with surety in a form acceptable to the City Attorney in an amount of a 100% of the approved cost estimate for performance and 100% of the approved cost estimate for labor and materials. ■■ (PIng.)_____ (BP&R.)_____
27. Cellular Carrier shall report without delay any damage to City equipment or property and shall be held responsible for the replacement of any such damage caused by construction activities. ■■ (PIng.)_____ (BP&R.)_____
28. Cellular Carrier shall be responsible for the replacement of all plant materials damaged by his operation, including trees, shrubs, ground cover, mulch, pebble bark and similar materials. The full cost of such replacement, including the cost of labor shall be borne by the Cellular Carrier. ■■ (PIng.)_____ (BP&R.)_____
29. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. (Bldg.)_____
- [S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*
30. Prior to issuance of building permits, proposed emergency generator requires OCFA review/approval. (Bldg)_____
- [S.C.M.C – Title 8 – Chapter 8.16- Fire Code]*
31. Prior to issuance of building permits, proposed emergency generator by South Coast Air Quality Management District for possible AQMD permit is required. (Bldg)_____
- [Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*
32. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. (Bldg.)_____
- [S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]*
33. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program

(RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. (Bldg.)_____

[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]

- 34. Prior to issuance of building permits, the owner or designee shall submit two copies of a project specific soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports submitted during the plan check process. (Bldg.)_____

[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]

- 35. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building/structures foundations conform to the front, side and rear setbacks are in conformance to the approved plans.

[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24] (Bldg.)_____

- 36. Prior to the Building Division's approval of the final inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. (Bldg.)_____

[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]

* All Conditions of Approval are standard, unless indicated as follows:

- Denotes modified standard Condition of Approval
- ■ Denotes project specific Condition of Approval



LOCATION MAP

CUP 12-334/SPP 13-200/AP 13-201, Verizon at Vista Hermosa Park
987 Avenida Vista Hermosa



No scale 

Site Photos
987 Avenida Vista Hermosa



Equipment Building Site.



Concession/Restroom Building (example of building architectural style).



Cellular Light Pole Site (View 1).



Cellular Light Pole Site (View 2).



Cellular Light Pole Site (View 3).

EXISTING

ATTACHMENT 4

987 Avenida Vista Hermosa
San Clemente, CA 92673



Proposed antennas mounted to replacement light standard

PROPOSED

EXISTING

Alp Park

987 Avenida Vista Hermosa
San Clemente, CA 92673



Proposed antennas mounted to replacement light standard



PROPOSED

Photosimulation of proposed telecommunications site: View from La Pata, SE of site

EXISTING



Alp Park

987 Avenida Vista Hermosa
San Clemente, CA 92673



Proposed antennas mounted to replacement light standard

PROPOSED

Photosimulation of proposed telecommunications site: View from adjacent parking lot

EXISTING

Alp Park

987 Avenida Vista Hermosa
San Clemente, CA 92673



Proposed antennas mounted to
replacement light standard

Proposed equipment shelter



PROPOSED

EXISTING



Alp Park
987 Avenida Vista Hermosa
San Clemente, CA 92673



Proposed equipment shelter

PROPOSED

Photosimulation of proposed telecommunications site: View of equipment area from pole, looking NE

9/25/2012

Ball Field Light Standards



30' LIGHT POLE WITH RADOME AND LIGHT ABOVE



60' LIGHT POLE WITH RADOME USING EXISTING POLE DIAMETER

description is Lot 14, Portion of Lot 13; Block 17 of Tract 793, and Assessor's Parcel Number 692-095-17.

Associate Planner Christopher Wright presented the staff report. The Subcommittee supported the project and recommended it be considered by the Planning Commission.

**E. Minor Cultural Heritage Permit 13-064, Active Culture Natural Café
(Jones)**

A request to consider exterior changes to accommodate a restaurant use at 109 South El Camino Real

Due to Subcommittee Member Julia Darden's absence and the recusal of Subcommittee member Michael Kaupp, which resulted in a lack of quorum, this item was continued to the Design Review Subcommittee meeting scheduled for Wednesday, June 26, 2013.

F. Conditional Use Permit 12-334/Site Plan Permit 13-200/Architectural Permit 13-201, Verizon Wireless at Vista Hermosa Park (Jones)

A request to consider allowing the replacement of a field light pole with a cellular field light pole at Avenida Vista Hermosa Sports Park located at 987 Avenida Vista Hermosa.

Associate Planner Cliff Jones presented the staff report.

The Subcommittee indicated that the equipment building was attractive and supported the design. The Subcommittee recommended that a condition of approval be added to the project that would allow additional carriers to locate within the cellular equipment building and/or lease area.

Subcommittee Member Kaupp indicated that he felt the cellular light poles were not a "stealth" design because the antennas are visible. He has concerns about adding cellular light poles to one of the most attractive parks in town.

The Subcommittee acknowledged that the cellular field light pole is identified as "stealth" within the City Wireless Master Plan for public properties and past precedent has allowed cellular field light poles at Bonita Park and San Geronio Park. Subcommittee Member Avera based his support of the project on the City Wireless Master Plan and past precedent. Mr. Kaupp conceded that the cellular light pole design is identified as a "stealth" concept in the Plan but he still perceived the cellular light pole design as "visual blight."

The Subcommittee recommended the project be considered by the Planning Commission.

3. **ORAL AND WRITTEN COMMUNICATIONS**

None.

4. **ADJOURNMENT**

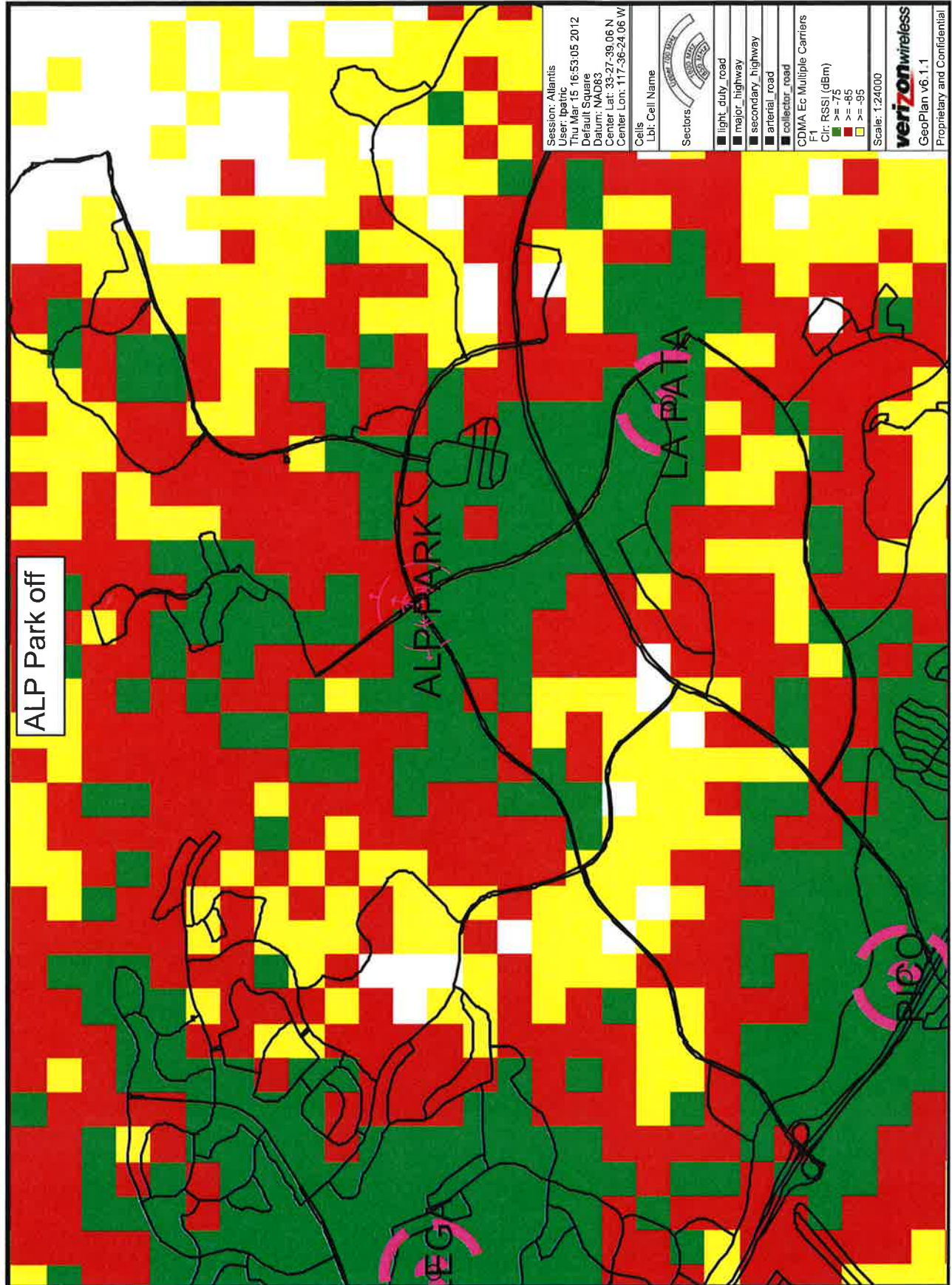
Adjourn to the Design Review Subcommittee meeting of June 26, 2013 at 10:00 a.m. in Conference Room A, Community Development Department, 910 Calle Negocio, Suite 100, San Clemente, CA 92673.

Respectfully submitted,

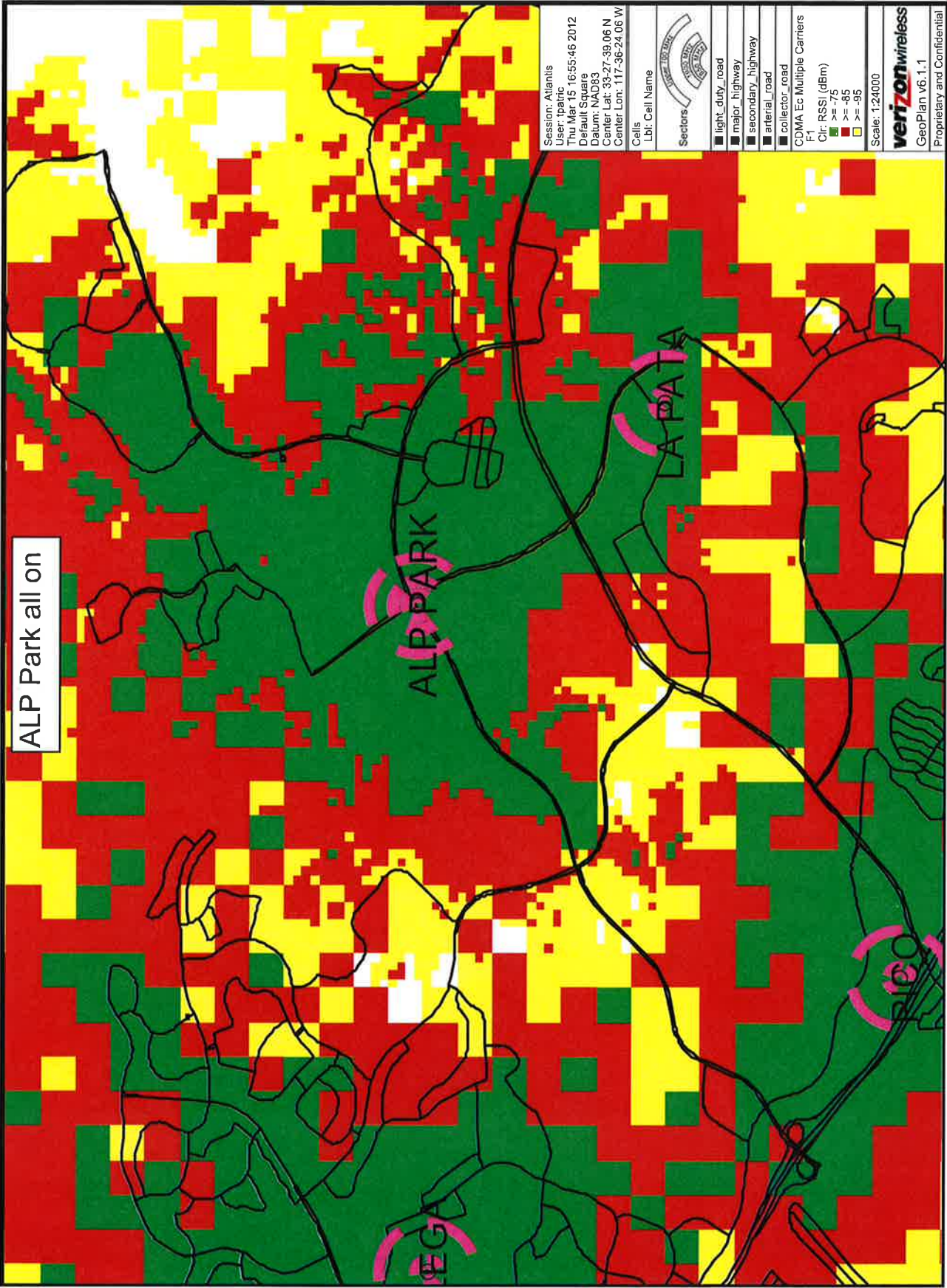
Michael Kaupp, Chair

Attest:

Cliff Jones



ALP Park all on



Session: Alanhis
User: ipatric
Thu Mar 15 16:55:46 2012
Default Square
Datum: NAD83
Center Lat: 33-27-39.06 N
Center Lon: 117-36-24.06 W

Cells
Lbi: Cell Name



- Sectors
- light_duty_road
 - major_highway
 - secondary_highway
 - arterial_road
 - collector_road

CDMA Ec Multiple Carriers
F1
Cir: RSSI (dBm)
■ >= -75
■ >= -85
■ >= -95

Scale: 1:24000

verizonwireless

GeoPlan v6.1.1
Proprietary and Confidential

ALP Park alone

