



City of Encinitas

Planning and Building Department

Current Planning Division

505 S. Vulcan Avenue, Encinitas, California 92024-3633

FINDING OF SUBSTANTIAL CONFORMANCE WITH DESIGN REVIEW PERMIT AND COASTAL DEVELOPMENT PERMIT

CASE NO: 16-126 SUBC
APPLICANT: AT&T Wireless
DESCRIPTION: Substantial Conformance determination with Design Review Permit and Coastal Development Permit Case No. 11-165 ADR/CDP (PBD 2012-07), to allow for the replacement/addition of three new antennas, the addition of three new Remote Radio Units (RRU) and one new equipment cabinet within the existing equipment room. All existing and proposed antennas will be located behind an existing faux panel that matches the existing brick building. This site is an existing wireless telecommunications facility located at 937 South Coast Highway 101 within the Commercial Mixed 1 (D-CM-1) zone of the Downtown Encinitas Specific Plan and the Coastal Zone of the City of Encinitas.

LOCATION: 937 South Coast Highway 101 (APN: 258-190-14 and -15)

DATE: July 26, 2016

This document is to certify that the applicant's proposed plans and photo-simulations stamped received by the City of Encinitas on June 6, 2016, have been determined to be consistent with Design Review Permit and Coastal Development Permit No. 11-165 ADR/CDP authorized by the City of Encinitas. Additionally, all antennas within each sector array will be located behind an existing faux brick RF screening. The equipment cabinet proposed within the equipment enclosure is completely screened from view.

This determination is based on the following findings:

This determination is based on the following findings for Substantial Conformance with a Design Review Permit:

1. No project condition is changed or deleted;

The proposed modification does not affect the original conditions of approval.

2. No feature, facility, or amenity is deleted or substantially altered which had been considered essential to the project's quality, safety, or function by the decision making body;

The design is consistent with the exterior appearance of the facility approved under the Administrative Design Review Permit Case No. 11-165 ADR/CDP.

3. The area of any residential floor plan is not decreased or increased by more than five percent;

The proposed change will not increase floor area.

4. No additional lots or dwelling units are added;

No additional lots or dwelling units are proposed to be added to the project.

5. No public or private open space is reduced in area or in its potential for use and enjoyment;

No public or private open space will be reduced by this proposal.

6. The shape and bulk of structures, exterior building materials, landscaping, parking and access are substantially in conformance with the spirit and intent of the Design Review Permit decision;

The project still maintains the same design appearance and functional characteristics, whereby the spirit and intent of the original Administrative Design Review Permit are maintained consistent with Case No. 11-165 ADR/CDP. The antennas will be completely screened to match the building. This new screening will enhance the appearance of the existing building.

7. The grading plan will not increase or decrease the final grade on any part of the site by more than 3 feet over or under the plan approved by the Design Review Permit decision;

No grading is proposed.

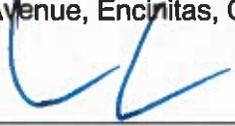
8. No significant changes are made which, in the opinion of the Planning and Building Department should be reviewed by the body which approved the original application;

The overall integrity and function of the wireless communications facility will remain unchanged with the antenna change out and upgraded concealment of all of AT&T's antenna arrays. The wireless communications facility as proposed will operate in full compliance with the standards for Radio Frequency Emissions (RF) as adopted by the FCC with adherence to the site compliance recommendations outlined in the RF report prepared by EBI Consulting. Kramer Firm, Inc. (the City's Third Party RF Engineer), through the analysis contained in the applicant's Radio Frequency Emission study about power, antenna height and other elements, confirmed that the proposed telecommunications facility with the proposed changes are in compliance with the Federal Communications Commission (FCC) OET 65 requirements and Section 6409(a) contained within the Middle Class Tax Relief and Job Creation Act of 2012. All "RF Notice" signs will be installed in compliance with FCC OET Bulletin 65 in both English and Spanish. The proposed equipment cabinet will be in compliance with Chapter 30.40 of the Encinitas Municipal Code (Performance Standards) and the applicable noise limitations noted within the Downtown Encinitas Specific Plan. Based on the discussion above, the Department finds that there are no significant changes that warrant a modification to the permit.

ENVIRONMENTAL STATUS: The project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303(d) which exempts the construction and location of limited numbers of new, small facilities or structures from environmental review. The project meets the criteria for the exemption.

This determination shall be valid 15 days from the date of this determination, during which time any aggrieved person may, upon payment of necessary fees file an appeal. Additional permits, including Building and Grading Permits, may be required by the Building Department or other City Departments. It is the applicant's responsibility to obtain all necessary permits required for the type of project proposed. The applicant may proceed through the plan check process during the appeal period at his/her own risk; **plan check fees are non-refundable**. Any filing of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1) until such time as an action is taken on the appeal.

Any questions should be directed to Todd Mierau, Associate Planner, at (760) 633-2693 or via email at tmierau@encinitasca.gov, or the Planning and Building Department at 505 South Vulcan Avenue, Encinitas, CA 92024, (760) 633-2710.



Manjeet Ranu, AICP
Acting Planning and Building Director