



**NOTICE OF DECISION**  
Development Services Department

<b>Project Name:</b>	145 S El Camino Real - AT&T Wireless Facility Modifications
<b>Request:</b>	Substantial Conformance determination with Planning Commission Resolution No. 2012-09 (Case No. 11-114 MUPMOD/CDP), dated March 15, 2012, to allow for antenna and equipment upgrades to an existing wireless telecommunications facility.
<b>Discretionary Action:</b>	Substantial Conformance (SUBC)
<b>CEQA Determination:</b>	Exempt
<b>DECISION:</b>	APPROVED
<b>Project Number:</b>	SUBC-006392-2023
<b>DSD Number:</b>	2024-69
<b>Location:</b>	145 S El Camino Real
<b>Community:</b>	New Encinitas
<b>APN:</b>	259-550-28-00
<b>Applicant:</b>	MasTec Communications Group, on behalf of AT&T Wireless
<b>Representative:</b>	Stephanie Becker
<b>Project Planner:</b>	Takuma Easland, Associate Planner <a href="mailto:teasland@encinitasca.gov">teasland@encinitasca.gov</a>
<b>Decision Date:</b>	June 20, 2024
<b>Report Approval:</b>	<input checked="" type="checkbox"/> Katie Innes, Planning Manager <input checked="" type="checkbox"/> Andrew Maynard, Principal Planner

This document is to certify that the applicant's proposed plans have been determined to be in substantial conformance with the originally approved Major Use Permit Modification (MUPMOD) and Coastal Development Permit (CDP) approved pursuant to Planning Commission Resolution No. PC 2012-09 (Case No. 11-114 MUPMOD/CDP).

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## BACKGROUND

The project site is located at 145 S El Camino Real within the General Commercial (CG) Zoning District, and within the Coastal Overlay Zone. The existing facility includes roof mounted antennas within an existing screening wall, and an equipment enclosure located to the north of the building.

The following permit actions have taken place on the subject lot:

From 1995 to 2010, several building permits and discretionary planning approvals were issued to authorize various wireless carriers to construct roof-mounted wireless antennas and associated equipment at this site.

- Planning Commission Resolution No. PC 2010-12, (Case No. 10-014 MUPMOD/CDP) dated September 16, 2010, approved the removal of existing AT&T facilities and new construction of three (3) sectors of four (4) antennas within the existing screen parapet for AT&T Wireless. Equipment upgrades proposed were located within the existing equipment enclosure. Building Permit No. 10-998 authorized the construction of this facility pursuant to the discretionary approval.
- Planning Commission Resolution No. PC 2012-09, (Case No. 11-114 MUPMOD/CDP) dated March 15, 2012, approved upgrades for Long Term Evolution (LTE) technology to be installed within the existing co-location wireless facility, including 24 Remote Radio Units (RRUs) and 12 DC surge suppressors within the existing screen parapet for AT&T Wireless. No building permit was issued to construct the wireless facility, and the discretionary planning approval expired.
- Substantial Conformance Determination (Case No. 17-276 SUBC) dated February 8, 2018, approved the replacement/addition of new antennas, RRUs, remote radio filters and DC surge suppressors within the existing screen parapet and equipment changes within the existing equipment enclosure by AT&T Wireless. Building Permits 18-399 and 18-926 authorized the construction of this facility pursuant to discretionary approval.
- Substantial Conformance Determination (Case No. SUBC-006367-2023) dated May 13, 2024, approved the replacement/addition of new antennas, DC surge protectors, rectifiers, and cabinets within the existing screen parapet and equipment changes within the existing parapet and equipment enclosure by AT&T Wireless.

## PROJECT SUMMARY/ANALYSIS:

The existing wireless facility is being modified, as described below, and as listed on the project plans.

- Remove existing AT&T microwave antenna at 22-foot rad-center
- Remove existing AT&T microwave fiber-reinforced polymer (FRP) screen
- Remove existing AT&T EW-90 waveguide
- Install new AT&T microwave antenna at 22-foot rad-center fully screened by an RF screen
- Install new AT&T FRP screen painted to match existing wall

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- Install new (2) Nokia UPT ODU's
- Install new (2) AT&T fiber in new innerduct
- Install new (2) AT&T CNT-400

A radio frequency-electromagnetic energy report was prepared by EBI Consulting, dated May 23, 2024. The wireless telecommunications facility will adhere to the site compliance recommendations outlined in the report.

Furthermore, Telecom Law Firm PC, (the City's Third-Party RF Engineer), has reviewed the analysis contained in the applicant's Radio Frequency Emission Study and concurred with the findings. The site will operate in full compliance with the standards for Radio Frequency (RF) Emissions, as adopted by the Federal Communications Commission (FCC). The study includes information related to the facility's power, access, signage, antenna height, and other elements, and has confirmed that all recommended radio frequency emissions mitigation measures are followed, and that the proposed changes at the existing telecommunications facility demonstrate planned compliance with the FCC Rules for the proposed site design.

All signage will comply with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. Additionally, all signage will provide a working local or toll-free telephone number to its network operations center, that reaches a live person who can exert transmitter power-down control over this site, as required by the FCC.

Section 6409(a)(2) of the Middle-Class Tax Relief and Jobs Creation Act of 2012 defines an "eligible facilities request" as a request to collocate, remove or replace transmission equipment on an existing wireless tower or base station. Telecom Law Firm PC, (the City's Third-Party RF Engineer), concluded that the proposed changes are in conformance with Section 6409(a), as there are no increases to height or width, fewer than four new equipment cabinets, no new excavation, and the concealment element will be improved. The City concludes that Section 6409 applies to the proposed project and that the project demonstrates planned compliance with federal radio frequency exposure guidelines.

**This determination is based on the following findings for a Substantial Conformance of a Major Use Permit:**

**1. No project condition is changed or deleted;**

The proposed modifications to the existing wireless telecommunications facility do not affect the conditions of approval in Resolution No. PC 2012-09 (Case No. 11-114 MUPMOD/CDP), approved on March 15, 2012, which last modified the project site. All of the conditions contained within Resolution No. PC 2012-09 will remain in effect for this project.

**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 integrity and function of the existing wireless communications facility will remain the same with the proposed modifications. The wireless telecommunications facility will adhere to the site compliance recommendations outlined in the EBI Consulting, Radio Frequency (RF) Emissions report dated May 23, 2024.

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The site will operate in full compliance with the standards for Radio Frequency Emissions, as adopted by the Federal Communications Commission (FCC). The study includes information related to the facility's power, antenna height, and other elements, and has confirmed that all recommended radio frequency emissions mitigation measures are followed, and that the proposed changes at the existing telecommunications facility demonstrate planned compliance with the FCC Rules for the proposed site design. All signage will comply with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. Additionally, all signage will provide a working local or toll-free telephone number to its network operations center, that reaches a live person who can exert transmitter power-down control over this site, as required by the FCC. Based on the discussion above, the Development Services Department finds that there are no significant changes that warrant a modification to the original permit.

**3. No additional lots or dwelling units are added;**

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

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

The proposed project is limited to the existing developed portions of the site, which is within the existing lease hold area. No public or private open space will be impacted as a result of this project.

**5. 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 decision;**

The proposed project will maintain the same design appearance by housing all new antennas behind the FRP screens and roof parapet, and all equipment within an existing equipment enclosure area, therefore, maintaining the spirit and intent of the original Major Use Permit Modification and Coastal Development Permit. The proposed project will not modify the existing shape and bulk of structures, exterior materials, landscaping, or parking.

**6. The grading plan will not increase or decrease the final grade on any part of the site by more than three feet over or under the plan approved by the use permit decision, unless the Director finds that the project is not substantially altered by the grading change; and**

There is no grading associated with this project.

**7. No significant changes are made which, in the opinion of the Director, should be reviewed by the body which approved the original use permit application.**

The proposed project will maintain the spirit and intent of the originally approved entitlement. Based on the discussion above, the Development Services Department finds that there are no significant changes that would require submittal of a discretionary permit modification.

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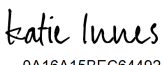
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**Environmental Status:** The project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 – Existing Facilities. CEQA Guidelines Section 15301 exempts from environmental review the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, which involve negligible or no expansion. The project proposes minor alterations to the existing wireless facility, none of the exceptions in CEQA Guidelines 15300.2 apply, therefore, the project may rely on the categorical exemptions and is exempt from environmental review.

This determination shall be valid 10 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 Permits, may be required by the Development Services 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.

If you have any questions regarding this determination, please contact Takuma Easland, Associate Planner, at (760) 633-2712 or by email at [teasland@encinitasca.gov](mailto:teasland@encinitasca.gov); or contact the Development Services Department, 505 South Vulcan Avenue, Encinitas, CA 92024 at (760) 633-2710 or by email at [planning@encinitasca.gov](mailto:planning@encinitasca.gov).

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Katie Innes  
Planning Manager

**Certificate Of Completion**

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