

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE: September 5, 2017
SUBJECT: AT&T Mobility, 2080 Golden Eagle Trail
APN: 679-040-01-00
CASE: LP16-00028 (P12-0023/CUP12-004)

Recommendation

Approve a Landscape Plan to screen a previously approved wireless telecommunication facility on a residential property, in the Agricultural (A-1) zone.

Introduction

On September 3, 2013, the Planning Commission conditionally approved Conditional Use Permit (CUP) 12-004 to allow the installation and operation of a thirty-five (35) foot tall faux tree wireless telecommunications facility, operated by AT&T, at 2080 Golden Eagle Trail ("AT&T CUP"). The approval of the project was subsequently appealed and on October 22, 2013, the City council denied the appeal. In the denial of the appeal, the City Council modified and added conditions of approval of the project, including a requirement for the Planning Commission to approve the Landscape Plan on consent calendar.

Discussion

The approved AT&T faux tree wireless telecommunication facility will be located approximately twenty-five (25) feet south of the existing thirty (30) foot tall Crown Castle (formerly T-Mobile) faux tree wireless telecommunication facility that is operated on the site under a separate Conditional Use Permit. The subject site is a ten (10) acre residential parcel already developed with a 4,350 square-foot residence, agricultural buildings and, as previously indicated, an existing Crown Castle (T-Mobile) faux tree wireless telecommunication facility. The property is zoned Agricultural (A-1) with a density of "0.125 to 1 dwelling units per acre" per the Agricultural/Residential (AG) General Plan Land Use Designation.

During the processing of the AT&T CUP and the subsequent appeal hearing, opponents of the project expressed concerns that the proposed landscaping did not sufficiently concealed the faux tree wireless telecommunication facility from surrounding residences. To address these concerns, the City Council modified the landscaping requirements of the AT&T CUP from identifying a specific quantity of trees, to an objective that the proposed landscaping, "to the extent reasonably feasible, screen the equipment from view of adjacent residences, and shall designate the tallest specimens and largest box size feasible with respect to landscape materials" (condition of approval F(8)(b) of Resolution 2013-7854). Additional landscape modifications to the AT&T CUP by the City Council included the requirements that the landscape plans be prepared by a Licensed Landscape Architect, be reviewed by a Certified

Arborist, be approved by the Planning Commission and that the landscaping be monitored annually by a certified arborist to ensure the proper growth of the landscape materials. With the incorporation of these modifications to the AT&T CUP, the City Council upheld the approval of the project and denied the appeal.

After the appeal hearing, residents in opposition to the project formed a group called "Cell No" and filed a lawsuit against AT&T and the City on November 22, 2013. Unrelated to the lawsuit, the City adopted a moratorium on January 28, 2014 that prevented approval of Wireless telecommunication facilities in specific areas of the city, while a new Wireless Telecommunication Facilities Ordinance was considered. Shortly thereafter, AT&T submitted a Building Permit application (B14-00484) on April 16, 2014 and a Landscape Permit application (LP14-00022) on October 15, 2014 (the 2014 landscape permit was superseded by the current 2016 Landscape Permit application when AT&T submitted revised landscape permit materials on November 10, 2016). In addition, on October 29, 2013, the City began processing an application filed by Crown Castle to restore the existing ("T-Mobile") wireless telecommunication facility and replace the landscaping materials providing the screening of the existing wireless telecommunication facility on the site.

On August 12, 2014, the City adopted a new wireless telecommunications facilities ordinance and ended the moratorium on the approval of wireless telecommunication facilities in specific areas of the city. The lawsuit filed by the "Cell No" group was settled on December 22, 2014 and as part of the settlement agreement, AT&T agreed to consult with the "Cell No" petitioners prior to the submittal of a final draft landscape plan to the City. On April 12, 2016, the Crown Castle ("T-Mobile") CUP for the restoration and landscape replacement for the existing wireless telecommunication facility on the site was approved by the City Council and specific quantities, sizes, and tree species were identified for the replacement screening trees. On November 10, 2016, AT&T submitted revised Landscape Permit materials to match and expanded the grove of trees being installed by Crown Castle (T-Mobile) to cohesively screen the proposed AT&T facility. As the City was processing the Landscape Permit, AT&T provided notice that consultation with the "Cell No" petitioners concluded on July 17, 2017.

The landscaping being installed at the site under a separate CUP and Landscape Permit by Crown Castle ("T-Mobile") consists of nine (9), thirty-six inch sized box trees of two (2) species: Queensland Box (*Lophostemon Confertus*) and Afghan Pine (*Pinus Eldaria*). Similarly, AT&T has proposed to utilize both the Queensland Box and Afghan Pine trees in their Landscape Permit. AT&T is proposing the installation of eleven (11) trees which includes six (6) Queensland Boxes, and five (5) Afghan Pines, of thirty-six (36) inch box and fifteen (15) gallon sized containers. The varying tree sizes will both provide the maximum tree height possible at planting, and provide for younger trees (i.e. 15 gallon size) to more quickly adapt to soil conditions and ensure adequate long term growth of the trees at the site over time. At maturity, the proposed trees should reach similar height to the thirty-five (35) foot tall AT&T faux tree monopole. In addition to the trees in the vicinity of the faux tree monopole, landscaping around the equipment enclosure will consist of ten (10) Toyon shrubs and three (3) Lemonade Berry shrubs which can grow between twelve (12) and eighteen (18) feet in height, respectively.

A soil report and review by a Certified Arborist retained by the applicant can be seen in Attachment G. The applicant's Arborist determined that the proposed trees and other landscape materials are adequately suited to the soil and climatic conditions of the site. Additionally, the City's arborist has conducted a peer review of the report and agrees with the conclusion and recommendations. The applicant prepared Arborist report also contains recommendations for the preparation of the soil and installation of the trees, which have been incorporated on the landscape plans.

Public Comments

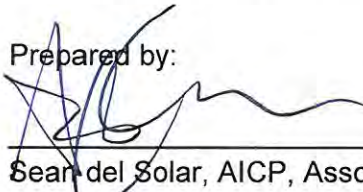
The City was contacted by Antilla Way resident and "Cell No" petitioner Elliot Herman, who has expressed a desire to address the commission on the proposed Landscape Plan. Additionally, the City has also been contacted by Golden Eagle Trail residents John and Constance Signorino about opposition to the AT&T project, including the landscaping. No other public comment was received regarding this item.

Attachment(s)

Adopting Resolution

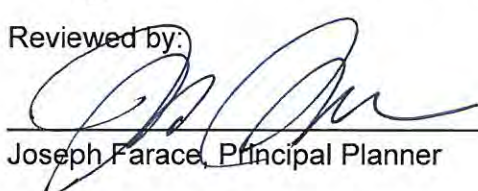
- A- Vicinity Map
- B- Aerial Photo
- C- Requested Entitlement
- D- Site and Project Characteristics
- E- Photo Simulations
- F- Resolution 2013-7854 for CUP12-004 / AA13-001
- G- Plan Arborist Report
- H- Arborist Certification
- I- Landscape Plan

Prepared by:



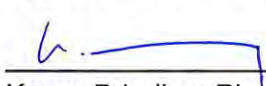
Sean del Solar, AICP, Associate Planner

Reviewed by:



Joseph Farace, Principal Planner

Approved and Submitted by:



Karen Brindley, Planning Division Manager

RESOLUTION PC 17-4636

A RESOLUTION OF THE CITY OF SAN MARCOS
PLANNING COMMISSION APPROVING A LANDSCAPE
PERMIT TO SCREEN A PREVIOUSLY APPROVED
WIRELESS TELECOMMUNICATION FACILITY AT A
RESIDENTIAL PROPERTY IN THE AGRICULTURAL (A-1)
ZONE

LP16-00028
(Project No. P12-0023)
AT&T Mobility

WHEREAS, on October 15, 2014 and November 10, 2016, respectively, applications were received from AT&T Mobility requesting a Landscape Permit to screen a previously approved wireless telecommunication facility, comprised of a thirty-five (35) foot tall faux tree monopole and associated ground-mounted equipment inside a new two hundred forty (240) square foot equipment enclosure designed to emulate an agricultural building at a 10.21 acre property located in the Agricultural (A-1) zone with a General Plan Land Use Designation of Agricultural, more particularly described as:

The West 417.42 Feet of the South 1/3 of the Southeast Quarter of the Northwest Quarter, and the West 417.42 Feet of the North 626.13 Feet of the Northeast Quarter of the Southeast Quarter, All in Section 27, Township 12 South, Range 3 West, San Bernardino Meridian, In the County Of San Diego, State of California, According to The United States Government Survey Approved September 19, 1889.

Assessor's Parcel Number: 679-040-01-00

WHEREAS, the Development Services Department did study said request and does recommend approval of requested use; and

WHEREAS, the wireless telecommunication facility (P12-0023: CUP 12-004 and ND 13-006) was initially approved on September 3, 2013 with the approval of Resolution PC 13-4359; and

WHEREAS, an appeal (AA 13-001) of the Planning Commission's decision was heard by the City Council on October 22, 2013; and

WHEREAS, the City Council amended the Planning Commission's approval of the project on October 22, 2013 (Resolution PC 13-4359) to require that the Planning Commission approve the Landscape Plan of the project on the consent calendar (Resolution 2013-7854); and

WHEREAS, litigation regarding the City's approval of the project (Resolution 2013-7854) was settled on December 12, 2014; and

WHEREAS, within a year of the approval of the project (Resolution 2013-7854), the applicant applied for a building permit on April 4, 2014 (B14-00484) and Landscape Permit on October 10, 2014 (LP14-00022); and

WHEREAS, on November 10, 2016, AT&T submitted revised landscape permit materials for its proposed facility pursuant to the request by the Development Services Department to coordinate with the landscape plans for the Crown Castle/T-Mobile facilities and a new permit number was assigned (LP16-00028); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the installation of landscaping, as proposed by landscape permit (LP16-00028), was analyzed in the previously adopted Mitigated Negative Declaration for the project (ND 13-006) and is exempt from CEQA pursuant to Sections 15300.1 and 15304 of the California Code of Regulations (CCR), in that that the project is a ministerial decision of the City for a minor alteration to land; and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The Landscape Permit is consistent with Conditional Use Permit (CUP) 12-004 which is consistent with the policies and intent of the adopted General Plan, in that the installation and operation of the wireless telecommunication facility will provide a needed communication service within the City of San Marcos (GP Goal LU-17).
2. The granting of the Landscape Permit, as conditioned, is consistent with Conditional Use Permit (CUP) 12-004 and will not be detrimental to the public health, safety, or welfare, or the surrounding land uses in the area in that the landscaping is proposed to be located on a developed site and because the installation of the landscaping materials has been coordinated with a Landscape Architect and Arborist, and the applicant will prepare and submit a "schedule of landscape and irrigation maintenance" report to the City upon completion of the project for review and approval, to ensure that the site's landscaping is adequately maintained.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. Said Landscape Plan (LP 16-00028) dated May 4, 2017 complies with the requirements of CUP 12-004 and the City of San Marcos Municipal Code.
- C. The Landscape Plan is approved subject to compliance with the following conditions:

1. The Landscape Plan screen plant species shall consist of Afghan pine, Queensland box, Toyon and Lemonade Berry. Tree/species size, quantity, and location shall be consistent to the approved Landscape Plan.
 2. Species installation and on-going maintenance shall comply with the best practices described in the May 25, 2017 Arborist Memorandum prepared by LSA Associates Inc.
- D. All previous approved conditions of Resolution PC-13-4359 shall remain in force and effect.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 5th day of September 2017, by the following electronic vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

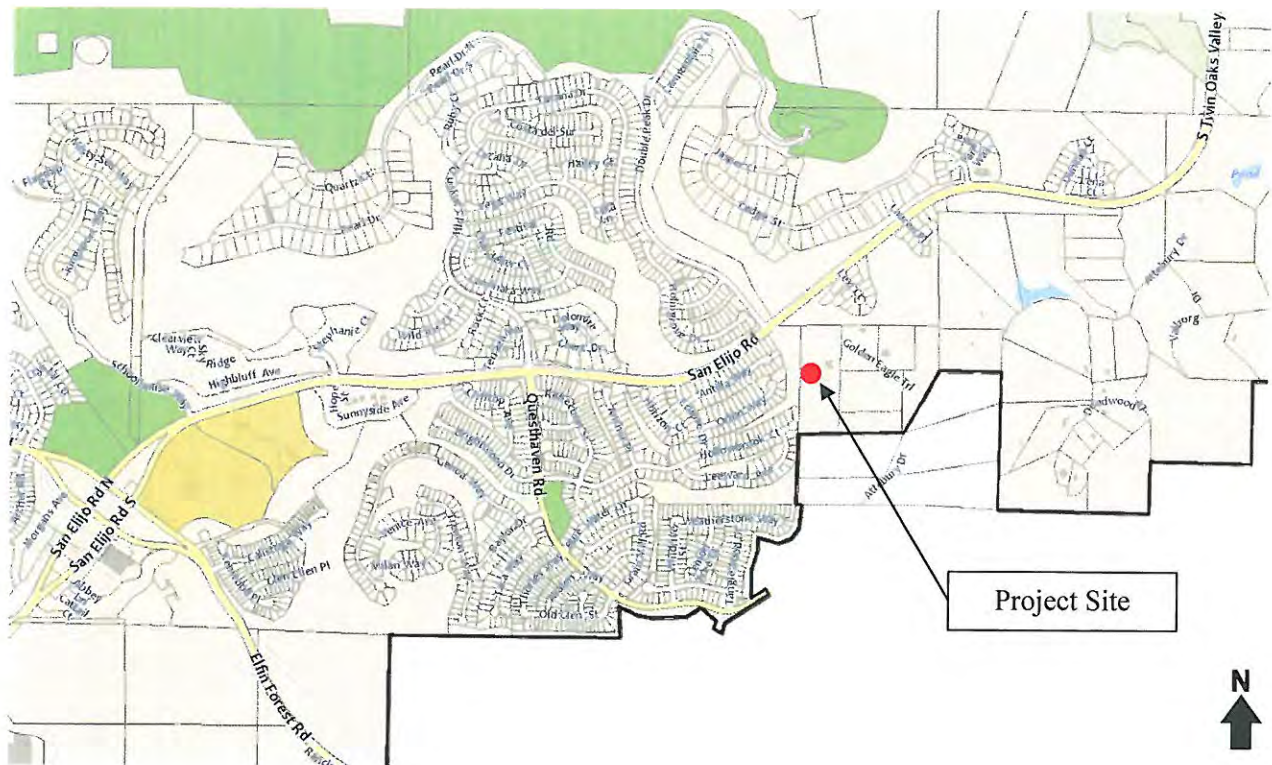
Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

ATTACHMENT A

Vicinity Map



ATTACHMENT B

Aerial Photo



-  Approximate location of approved faux tree wireless telecommunication facility
-  Approximate location of approved equipment enclosure
-  Approximate location of existing Crown Castle wireless telecommunication facility

ATTACHMENT C
Requested Entitlements

Approve a Landscape Permit. In accordance with the California Environmental Quality Act (CEQA), the landscape permit is consistent with the adopted Mitigated Negative Declaration (ND 13-006) for the project and qualifies for an exemption from CEQA pursuant to Sections 15300.1 and 15304 of the California Code of Regulations (CCR), in that that the project is a ministerial decision of the City for a minor alteration to land.

ATTACHMENT D
Site & Project Characteristics

<u>Property</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
Subject	Single-Family Residence	A-1	AG/Res 0.125 – 1 du/ac
North	Open Space (vacant)	SPA	Open Space
South	Single-Family Residence	RR (SD County)	Semi-Rural Residential (SR-2)
East	Single-Family Residence	A-1	AG/Res 0.125 – 1 du/ac
West	Open Space (vacant)	SPA	Open Space

Flood Hazard Zone	<u> </u> yes	<u> X </u> no
Sewers	<u>n/a</u> yes	<u> </u> no
Septic	<u>n/a</u> yes	<u> </u> no
Water	<u> x </u> yes	<u> </u> no
Gen. Plan Conformance	<u> x </u> yes	<u> </u> no
Land Use Compatibility	<u> x </u> yes	<u> </u> no

ATTACHMENT E
Photo Simulations

AERIAL MAP



COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
A/E/C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
3200 COLUMBIA STREET, SUITE 100
SAN FRANCISCO, CA 94134
T 415.775.1000 | F 415.775.1001

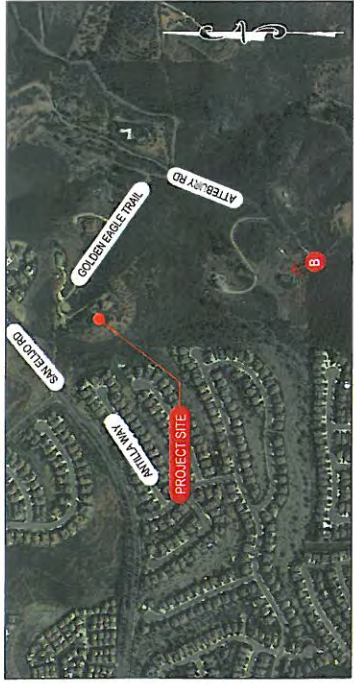


TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW
A

SHEET
1 / 6

AERIAL MAP

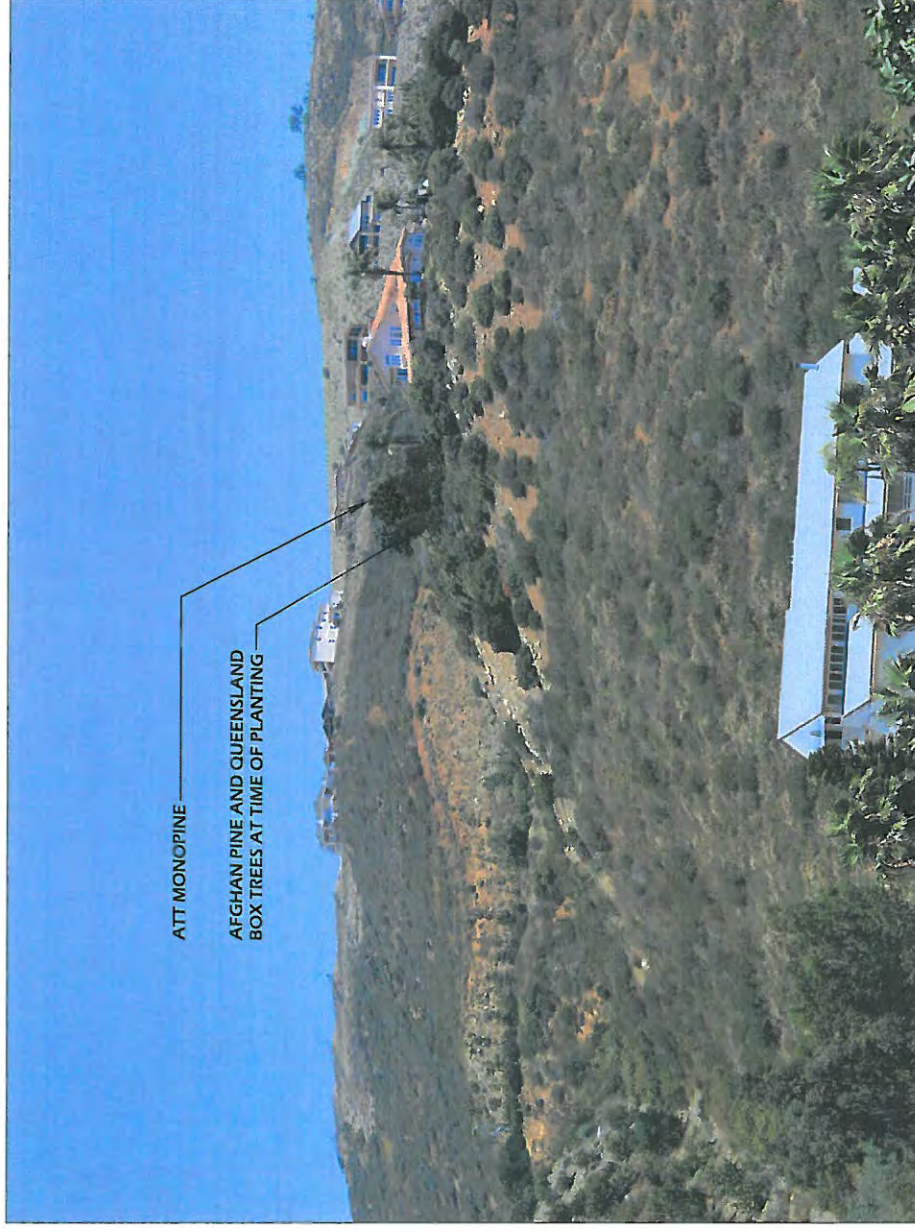


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC

AIEC WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARK, SUITE 110 | IRVINE, CA 92614
T 949.425.1001 | F 949.425.1001



TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW

B

SHEET

2 / 6

Photo simulation of trees at planting

AERIAL MAP

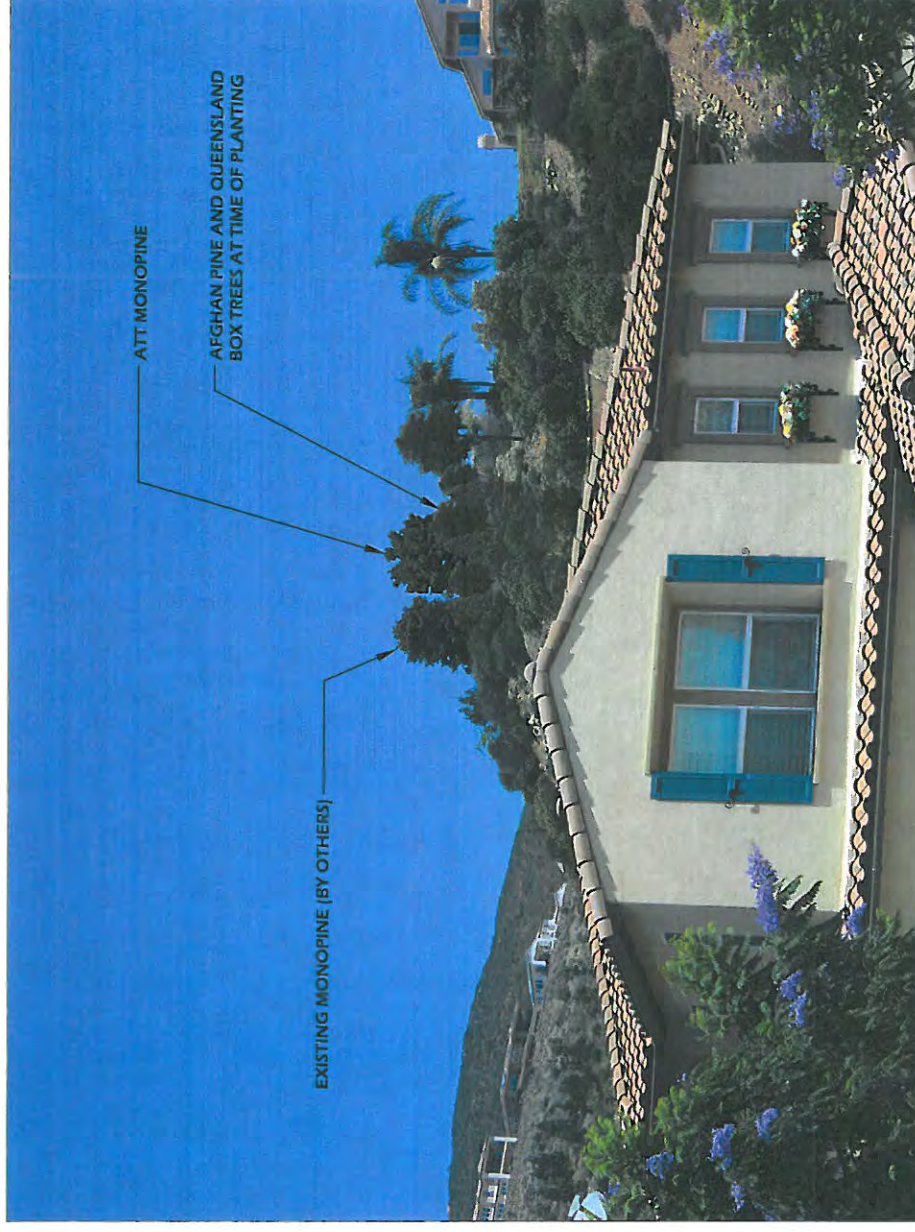


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
A/E/C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARKWAY, SUITE 200
SAN MARCOS, CA 92078
TEL: 949.425.1000 | FAX: 949.425.1001

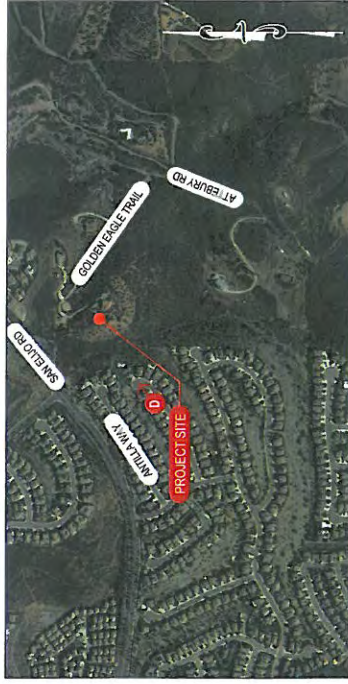


TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW	SHEET
C	3 / 6

Photo simulation of trees at planting

AERIAL MAP

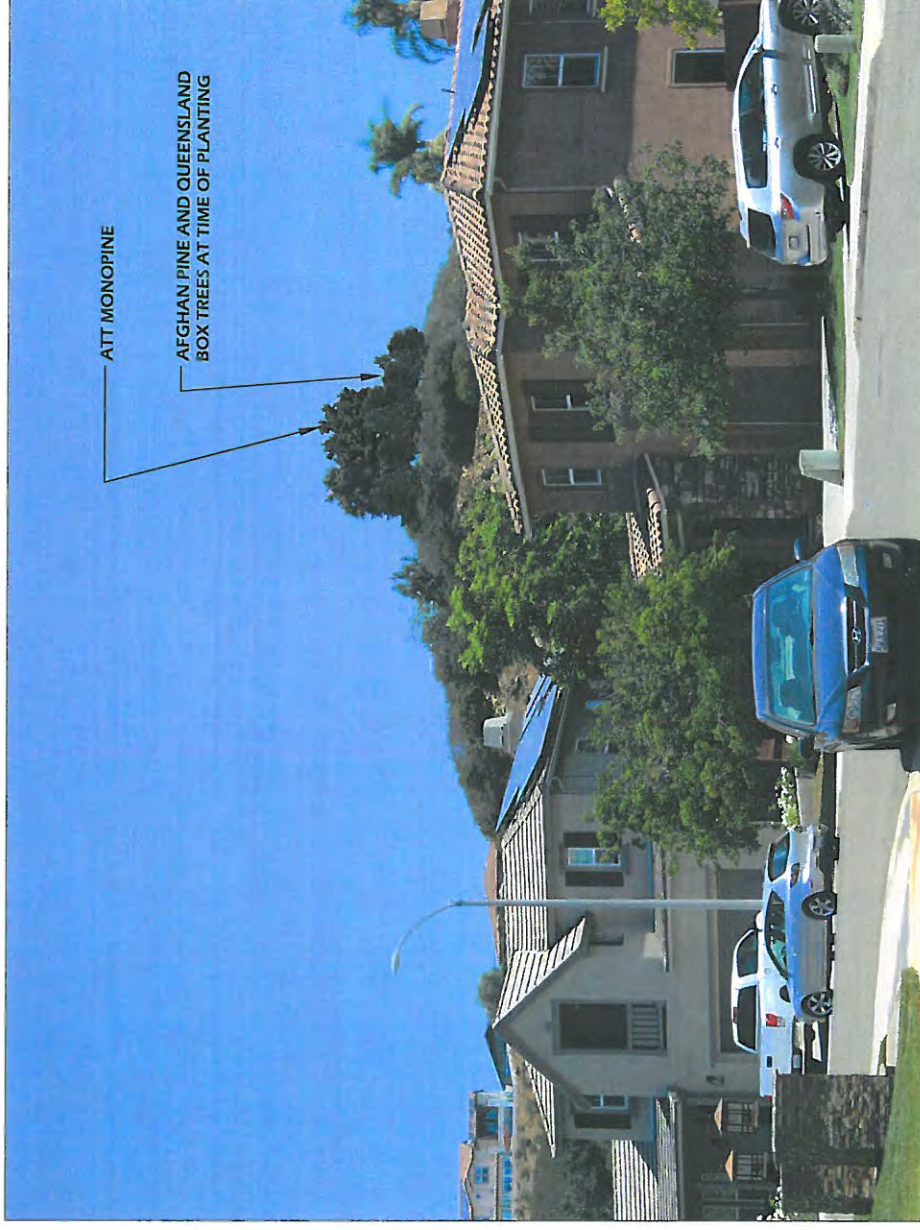


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC

AIEC WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARK, SUITE 110 | IRVINE | CA 92614
T 949.475.1000 | F 949.475.1001



TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW

D

SHEET

4 / 6

Photo simulation of trees at planting

AERIAL MAP

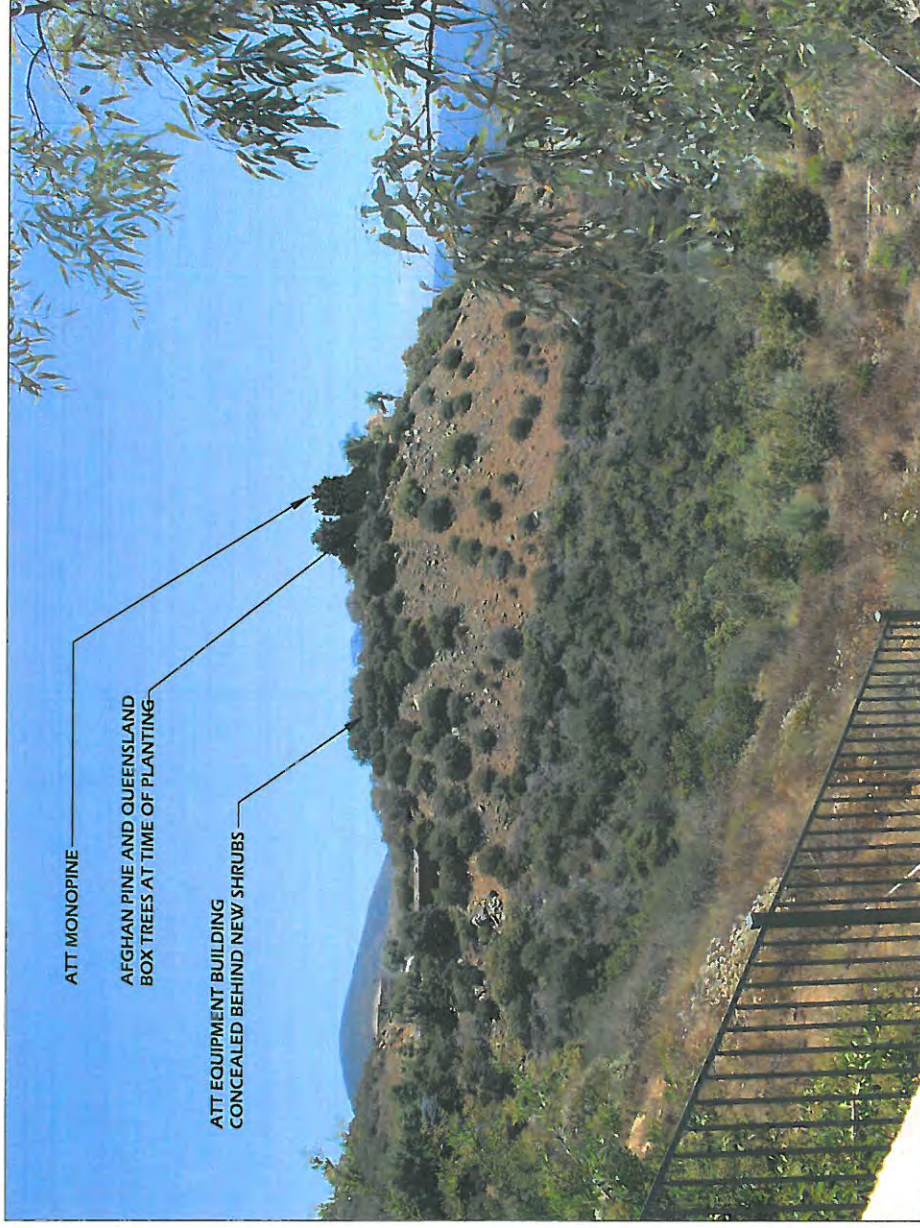


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
A/E/C WORKS

ARCHITECTURAL | ENGINEERING | CONSULTING
32 EXECUTIVE PARK | SUITE 100 | COSTA MESA, CA 92626
T 949.975.1000 | F 949.975.1001



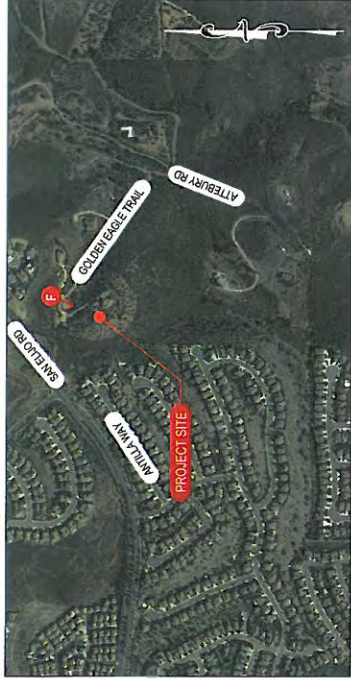
TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW
E

SHEET
5 / 6

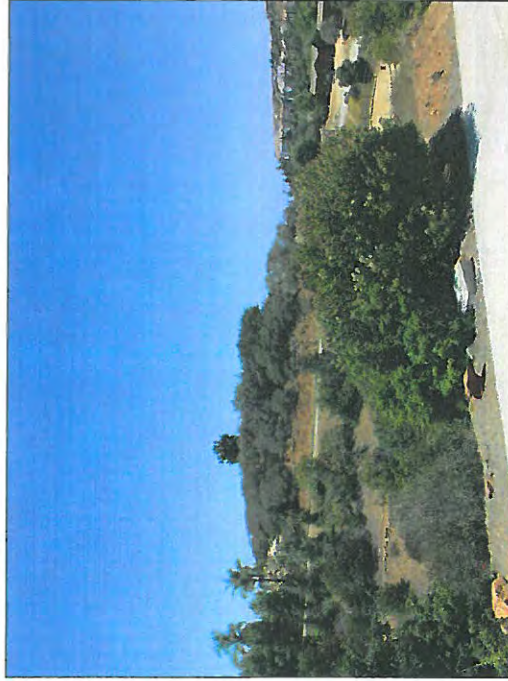
Photo simulation of trees at planting

AERIAL MAP

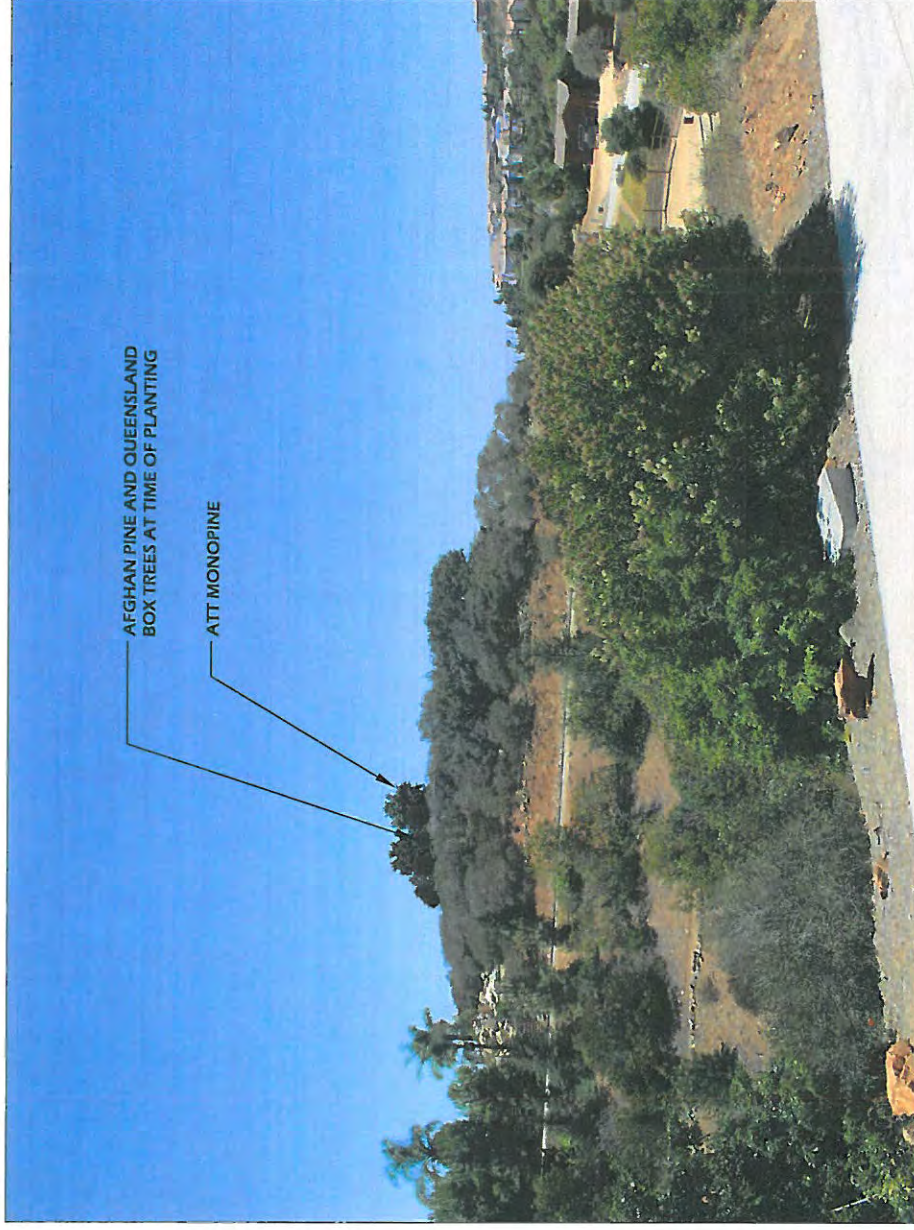


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
A|E|C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 DECEMBER STREET, SUITE 200
T 949 475 1000 | F 949 475 1001



TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW

F

SHEET

6 / 6

AERIAL MAP



COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
AIEC WORKS

ARCHITECTURE | ENGINEERING | CONSTRUCTION
32 EXECUTIVE PARK, SUITE 110, IRVINE, CA 92614
T 949.475.1000 | F 949.475.1001



TWIN OAKS SOUTH
NS0343

2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW

A

SHEET

1 / 6

Photo simulation of trees at maturity

AERIAL MAP

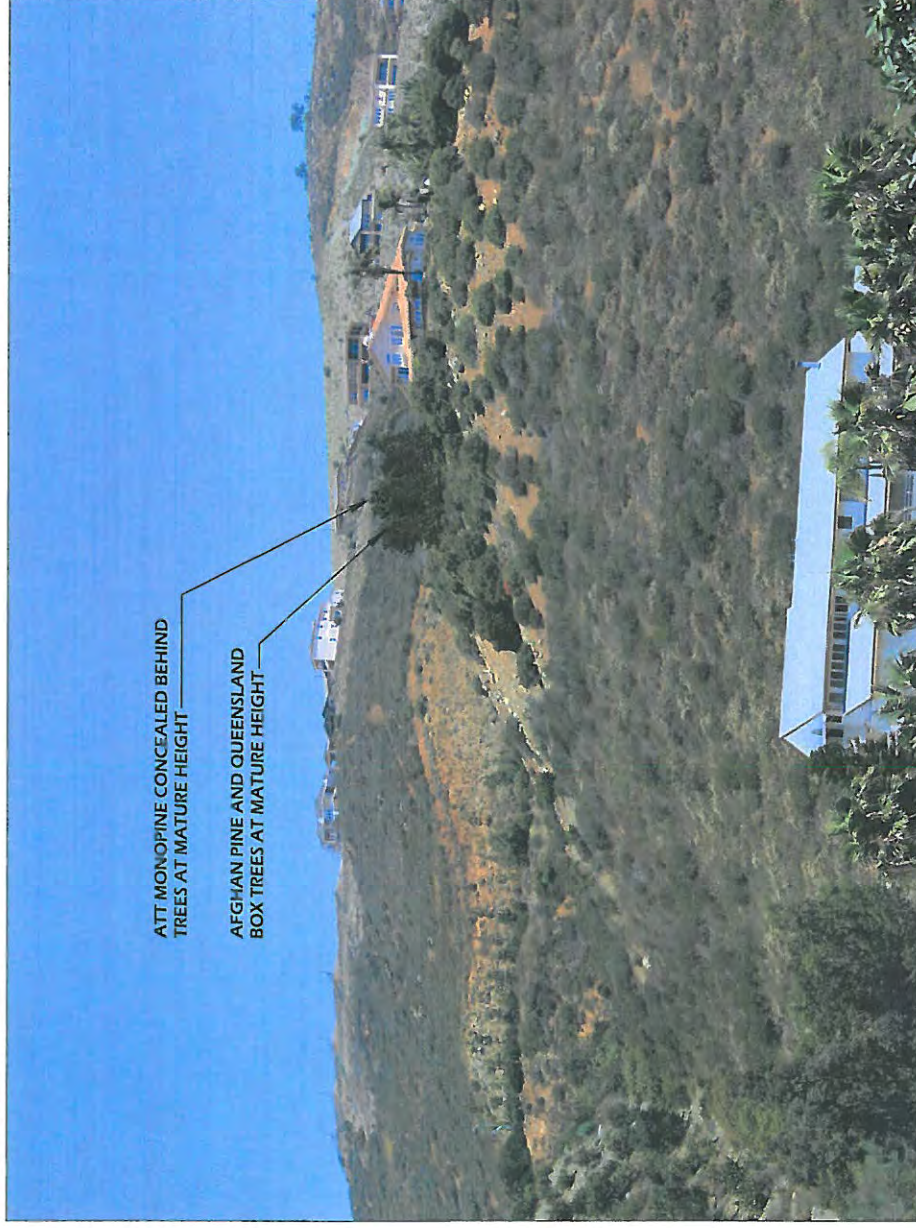


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
AIEC WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 DEER CREEK DRIVE, SUITE 100
SAN MARCOS, CA 92078
T 949.475.1000 | F 949.475.1001



TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW
B

SHEET
2 / 6

Photo simulation of trees at maturity

AERIAL MAP

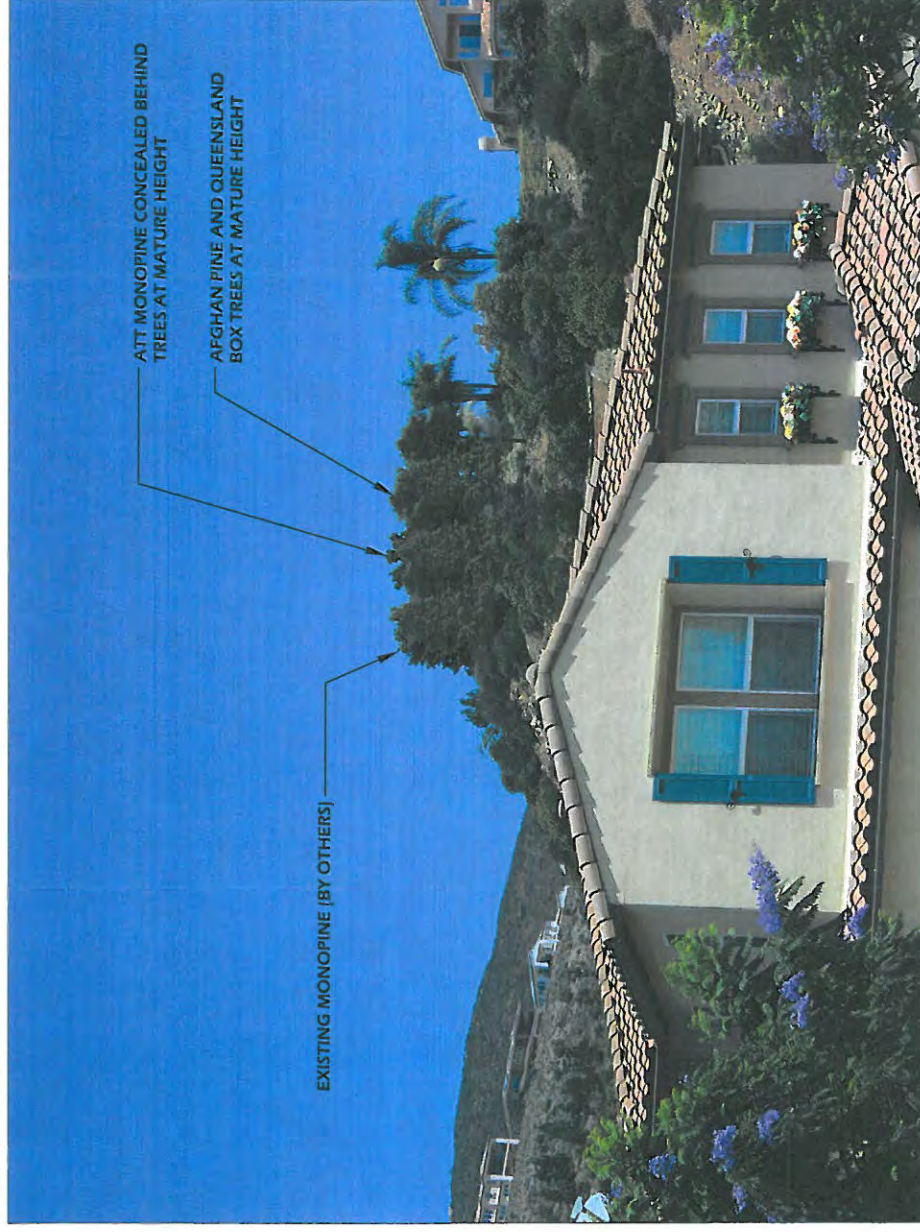


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
A/E/C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32500 15TH AVE, SUITE 100
SAN MARCOS, CA 92078
P 949.475.1000 | F 949.475.1001



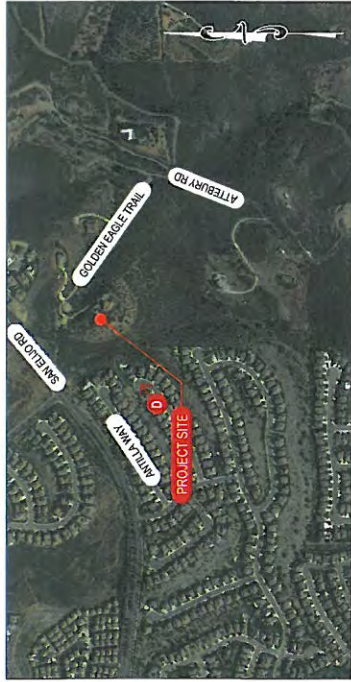
TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW
C

SHEET
3 / 6

Photo simulation of trees at maturity

AERIAL MAP

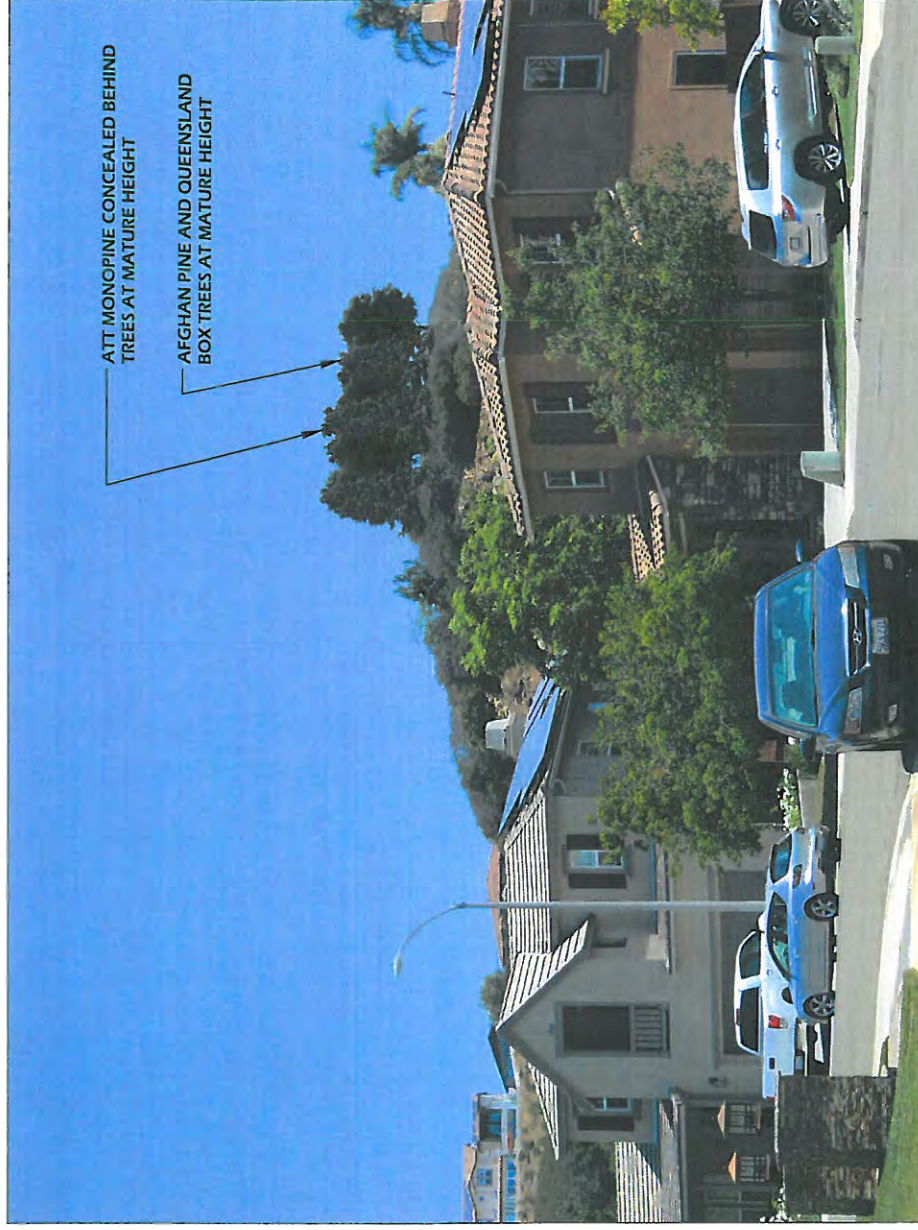


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
A/E/C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 BRECKENRIDGE DRIVE, SUITE 100, CA 92078
T 949.475.1000 | F 949.475.1001



TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW	SHEET
D	4 / 6

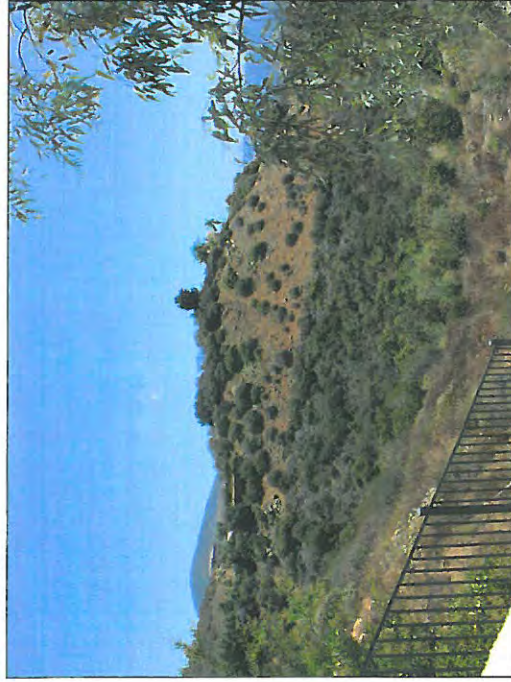
Photo simulation of trees at maturity

AERIAL MAP

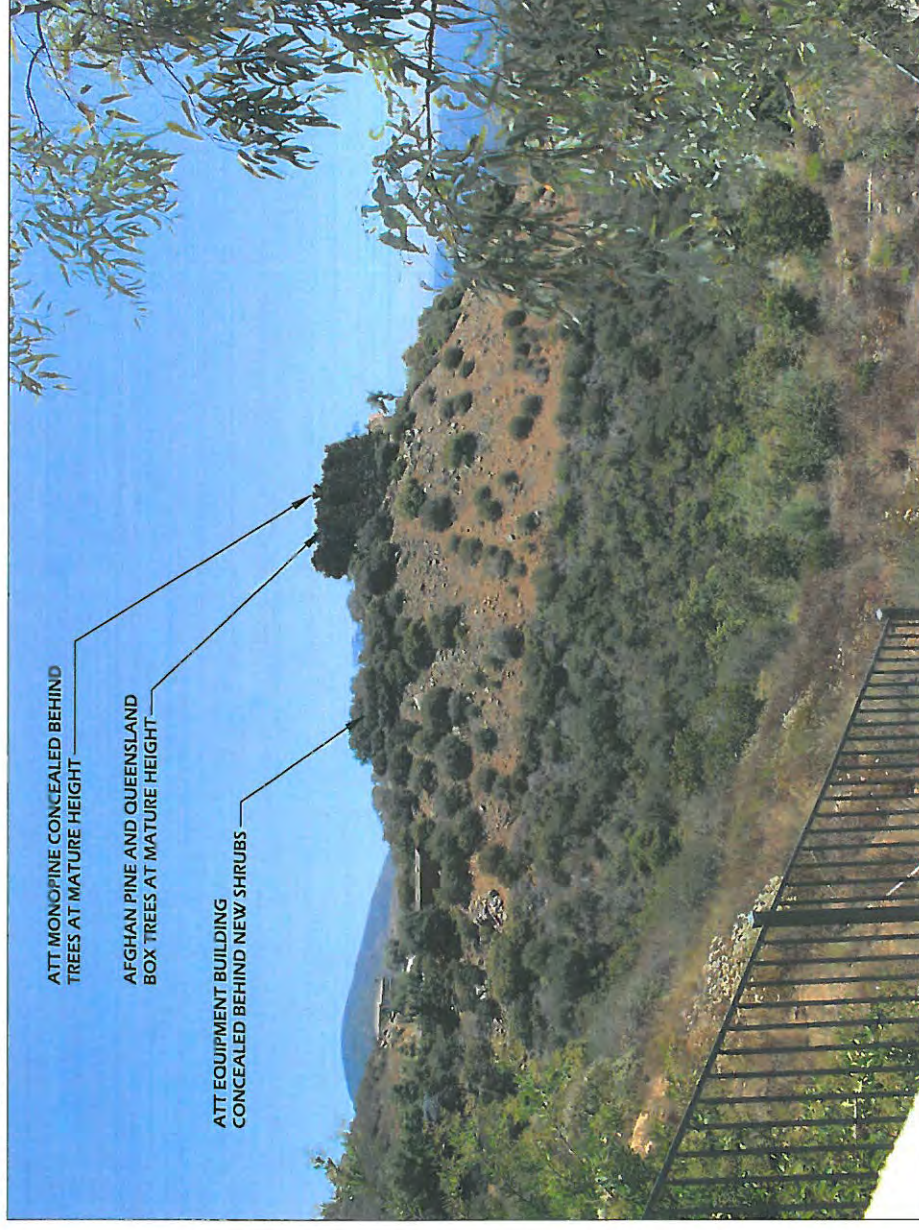


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
A/E/C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 SATELITE WAY, SUITE 100
SAN MARCOS, CA 92078
P 949.425.1000 | F 949.425.1001

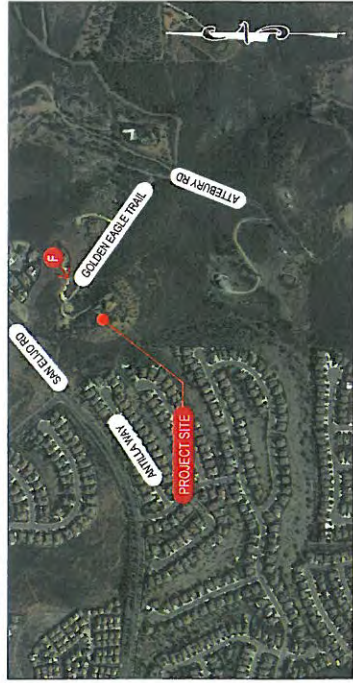


TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW	SHEET
E	5 / 6

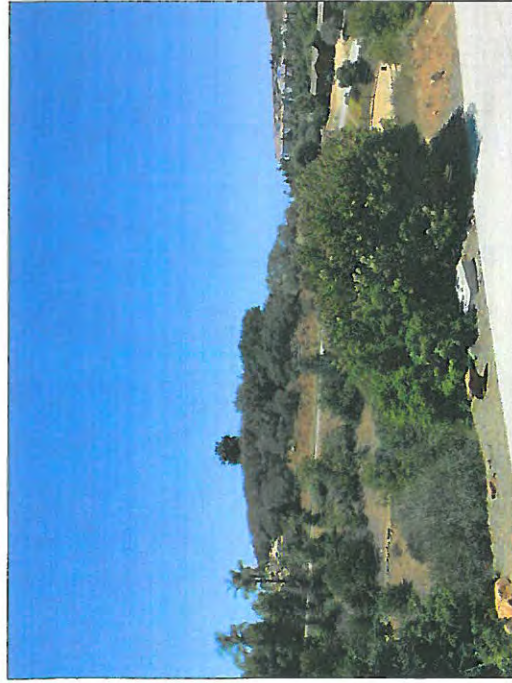
Photo simulation of trees at maturity

AERIAL MAP

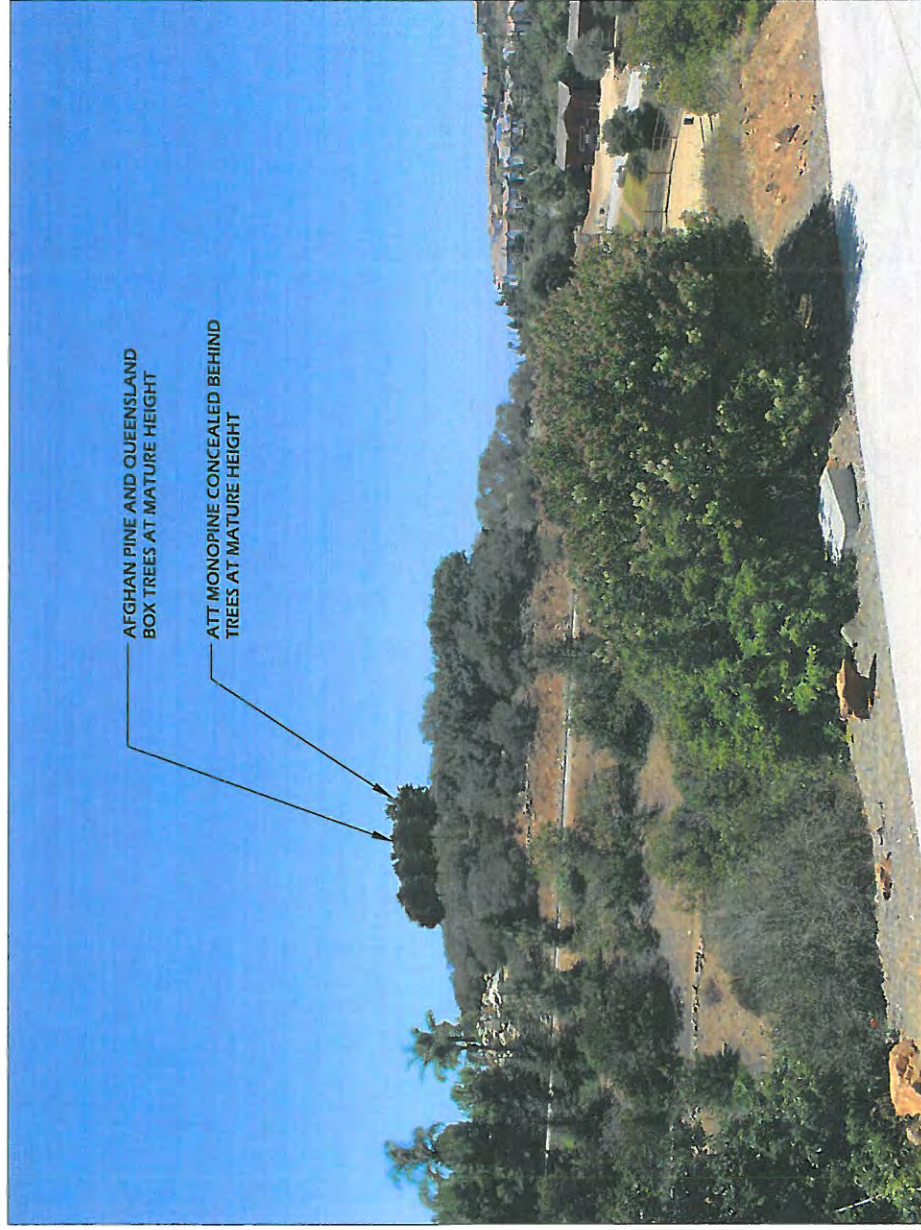


COPYRIGHT: GOOGLE MAPS, 2017

EXISTING



PROPOSED



DCI PACIFIC
AIEICWORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 DECEMBER ST. SUITE 100 | SAN MARCOS, CA 92078
T 949.475.1000 | F 949.475.1001



TWIN OAKS SOUTH
NS0343
2080 GOLDEN EAGLE TRAIL
SAN MARCOS, CA 92078

VIEW
F

SHEET
6 / 6

Photo simulation of trees at maturity

ATTACHMENT F
Resolution 2013-7854
(CUP12-004 / AA13-00)

RESOLUTION 2013-7854

A RESOLUTION OF THE CITY OF SAN MARCOS CITY COUNCIL
DENYING AN APPEAL OF A CONDITIONAL USE PERMIT TO ALLOW
THE INSTALLATION AND OPERATION OF A WIRELESS
TELECOMMUNICATION FACILITY AS A FAUX TREE AT RESIDENTIAL
PROPERTY IN THE AGRICULTURAL (A-1) ZONE

Project No. P12-0023
CUP 12-004 / ND 13-006 / AA 13-001
AT&T Mobility, LLC.

WHEREAS, on December 18, 2012 an application was received from AT&T Mobility, LLC. requesting a Conditional Use Permit to allow the installation and operation of a wireless telecommunication facility, comprised of a 35 foot tall faux tree monopole and associated ground-mounted equipment inside a new 240 square-foot equipment building designed to emulate an agricultural building at a 10.21 acre property located in the Agricultural (A-1) zone with a General Plan Land Use Designation of Agricultural, more particularly described as:

The West 417.42 Feet of the South 1/3 of the Southeast Quarter
of the Northwest Quarter, and the West 417.42 Feet of the North
626.13 Feet of the Northeast Quarter of the Southeast Quarter,
All in Section 27, Township 12 South, Range 3 West, San
Bernardino Meridian, In the County Of San Diego, State of
California, According to The United States Government Survey
Approved September 19, 1889.
Assessor's Parcel Number: 679-040-01

WHEREAS, the Development Services Department did study said request and recommended approval of requested use; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 13-006) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission approved the request for a CUP and adopted the Mitigated Negative Declaration (ND 13-006) by a 5-2 vote, on September 3, 2013, subject to conditions based on the findings contained in Planning Commission Resolution PC 13-4359; and

WHEREAS, an appeal was filed by Mr. Elliot Herman, on September 11, 2013, in opposition to the decision of the Planning Commission; and

WHEREAS, a provisional appeal was filed by Mr. and Mrs. John Signorino, on September 12, 2013, in opposition to the decision of the Planning Commission; and

WHEREAS, the City Council held an appeal hearing on October 22, 2013 which was legally noticed and duly advertised and held in the manner prescribed by law; and

NOW, THEREFORE, the City Council resolves as follows:

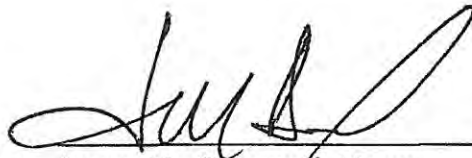
- A. The foregoing recitals are true and correct.
- B. The City Council finds that, in accordance with CEQA, on the basis of the entirety of the record before it (including the Initial Study and any comments received), there is no substantial evidence that the project as conditioned will have a significant effect on the environment. The City Council further finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis, and approves the same.
- C. The City Council finds that the Conditional Use Permit, as conditioned, will not be detrimental to the public health or welfare, or to the surrounding land uses, in that the proposed wireless antenna facility will be located at a developed site and the City's expert has independently determined that the design and technical conditions of the proposed wireless antenna facility as conditioned will in all respects comply with the FCC regulations for impacts on the quality of the human environment (47 C.F.R. § 1.1303 *et seq.*); environmental impacts have been mitigated to a level of below significant with the incorporation of the Conditions of Approval contained in Resolution PC 13-4359; and any potential noise impacts will be attenuated by the approved equipment enclosure. In addition, visual impacts of the proposed project have been minimized because the monopole is designed to resemble a pine tree that will blend in with the existing simulated pine and adjacent natural trees; additional natural trees will be planted to further screen the monopole; the panel antennas will be concealed by pine needle antenna covers, the faux branches and leaves of the mono-pine; and the ground mounted equipment will be screened from view by an equipment enclosure designed to emulate an agricultural building.
- D. The City Council finds that the Conditional Use Permit, with staff conditions, is consistent with the policies and intent of the adopted General Plan, and the provisions of the City's Municipal Code.
- E. The appeal of the Planning Commission's approval of the Conditional Use Permit pursuant to Resolution PC 13-4359 is hereby denied.
- F. The terms and provisions of Resolution PC 13-4359 and the Conditional Use Permit are hereby revised as reflected on the attached red-lined version, which is incorporated herein by this reference as though set forth in full.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, this 22nd day of October 2013, by the following roll call vote:

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, DESMOND

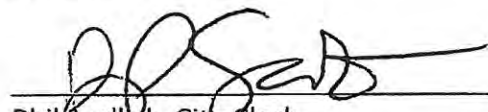
NOES: COUNCILMEMBERS: ORLANDO

ABSENT: COUNCILMEMBERS: NONE

A handwritten signature in black ink, appearing to read 'James M. Desmond', written over a horizontal line.

James M. Desmond, Mayor
City of San Marcos

ATTEST:

A handwritten signature in black ink, appearing to read 'Phil Scollick', written over a horizontal line.
Phil Scollick, City Clerk
City of San Marcos

RESOLUTION PC 13-4359

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION AND OPERATION OF A WIRELESS TELECOMMUNICATION FACILITY AS A FAUX TREE AT RESIDENTIAL PROPERTY IN THE AGRICULTURAL (A-1) ZONE

[AS REVISED BY CITY COUNCIL ACTION ON OCTOBER 22, 2013 FOLLOWING APPEAL]

Project No. P12-0023
CUP 12-004 / ND 13-006
AT&T Mobility, LLC.

WHEREAS, on December 18, 2012 an application was received from AT&T Mobility, LLC. requesting a Conditional Use Permit to allow the installation and operation of a wireless telecommunication facility, comprised of a 35 foot tall faux tree monopole and associated ground-mounted equipment inside a new 240 square-foot equipment building designed to emulate an agricultural building at a 10.21 acre property located in the Agricultural (A-1) zone with a General Plan Land Use Designation of Agricultural, more particularly described as:

The West 417.42 Feet of the South 1/3 of the Southeast Quarter of the Northwest Quarter, and the West 417.42 Feet of the North 626.13 Feet of the Northeast Quarter of the Southeast Quarter, All in Section 27, Township 12 South, Range 3 West, San Bernardino Meridian, In the County Of San Diego, State of California, According to The United States Government Survey Approved September 19, 1889.
Assessor's Parcel Number: 679-040-01

WHEREAS, the Development Services Department did study said request and does recommend approval of requested use; and

WHEREAS, the required public hearing held on August 19, 2013 was duly advertised and held in the manner prescribed by law and was continued to September 3, 2013; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 13-006) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The granting of the Conditional Use Permit, with staff conditions, is consistent with the policies and intent of the adopted General Plan, in that the installation of a collocation of a wireless telecommunication facility provides a needed communication service within the City of San Marcos.
2. The granting of the Conditional Use Permit, as conditioned, will not be detrimental to the public health, safety, or welfare, or the surrounding land uses in the area in that the proposed wireless antenna facility will be located at a developed site and that operational standards for the facility have been conditioned to comply with FCC standards and California PUC requirements; and potential noise impacts will be attenuated by an equipment enclosure. In addition, visual impacts of the proposal have been minimized because the monopole is designed to resemble a pine tree and will blend in with the existing mono-pine (operated by T-Mobile) and adjacent natural trees; the panel antennas will be concealed by the faux branches and leaves of the mono-pine; and the ground mounted equipment will be screened from view by an equipment enclosure designed to emulate an agricultural building.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit is approved per the submitted site plan, floor plan, elevations, and visual simulation for a 35'-0" tall faux tree monopole with twelve (12) panel antennas servicing one telecommunication provider (AT&T) and a 240 square foot (12'-0" x 20'-0") equipment enclosure except as modified herein, and shall not be expanded unless a modification to this permit is approved.
- C. Within thirty (30) days of approval, the project plans shall be revised as follows:
 1. The site plan shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I(we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of Resolution PC 13-4359." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any building permit submittal.
 2. Sheet T-1 shall be revised to remove "City of San Diego" and replace with "City of San Marcos."
 3. The proposed side mounted "coax cable shroud" shall be removed. All wiring exiting the monopole shall do so underground through conduit imbedded in the foundation of the monopole.

4. The "mechanical condenser pad" and associated appurtenances (i.e. retaining wall, stone veneer foundation wall, etc.) shall be relocated from the northwest side of the equipment enclosure to the southeast side of the equipment enclosure. The new location of the mechanical pad shall, to the extent feasible screen the mechanical equipment. Final design and location of the mechanical pad and retaining walls shall be subject to the approval of the Planning Division Director.
5. The GPS antennas shall be relocated to the south eastern side of the building and painted to match the equipment enclosure.
6. The proposed equipment building and mechanical pad walls shall incorporate agricultural themed architectural details and appear identical to the existing T-Mobile equipment enclosure incorporating matching colors and fire resistant finishes/roofing materials.
7. All ground-mounted equipment for the wireless antenna facility shall be located within the equipment building, except for the two (2) condenser units and two (2) GPS antennas which shall be completely screened from view by the stone veneer clad mechanical equipment pad walls.
8. The design of the faux tree shall emulate a pine tree with a canopy that exhibits a wide base and gently tapered sides that matches, to the extent feasible, the existing T-Mobile faux tree monopole.
9. All tower mounted equipment shall be completely concealed within the canopy of the faux tree. Any penetrations of faux tree canopy by tower mounted equipment shall be prohibited.
10. The panel antennas shall be permanently covered with faux leaves (leaf-covered socks), and completely screened from view by the faux branches and leaves of the faux tree.
11. The panel antennas, brackets, radio equipment, mounting hardware, and cables shall be painted a blend of green and brown to match the faux tree foliage.
12. All conduit, cables, etc. for connecting the ground-mounted equipment to the mono-tree and a utility source (i.e. power, telephone, etc.) shall be concealed from view by undergrounding. The area of any trench work shall be restored to original condition by the applicant.
13. All retaining walls shall incorporate the use of stone veneer.

14. Notes shall be added to the plans that indicate a separate landscape plan is required to be approved by the Planning Commission prior to the issuance of the Building Permit. The site plan shall identify the proposed locations of the six (6) Pinus Eldarica ("Afghan Pines") trees (twenty four (24) inch box sized with 8' 0" trunk height and 4' 0" spread). Plans shall also indicate that a separate Landscape Permit is required for the approval and installation. The required trees shall be distributed throughout the hillside and to the extent possible, should not be clustered on the ridge of the hill. The final placement and species of these trees is subject to the approval of the Planning Division Director.
 15. A fuel management zone shall be required 30' from the perimeter of the equipment enclosure. The applicant shall provide for a fuel-management easement on adjacent properties if needed. All easements shall be reviewed and approved by the City Engineer prior to the recordation of said easement. Documentation shall be provided by the developer/applicant showing adjacent property owners have agreed to grant fuel modification easements.
 16. Any required fuel management zone easements shall be reviewed and approved for recordation by the City Engineer, Fire Marshal and City Attorney. Conformed copies of recorded fuel management easements shall be provided to the City Engineer and Planning Division.
- D. Prior to the commencement of any construction activities onsite (i.e. utility trenching, grading, clearing, grubbing, etc.), the applicant shall:
1. Provide habitat-based mitigation at a set ratio for impacts to Southern Mixed Chaparral habitat that contains at least 25 individual wart-stemmed ceanothus plants. Habitat based mitigation shall be mitigated for at a ratio of 1:1. Habitat-based mitigation shall be executed according to policy set forth by the City of San Marcos. Onsite mitigation is preferred, however offsite purchase of mitigation credits from an approved mitigation bank may also be approved.
 2. To avoid any direct or indirect impacts to nesting birds, removal of any suitable nesting habitat, including any brushing, clearing, and/or grading activities of habitat that may support active nests shall be restricted to periods outside of the breeding season, which is defined as occurring between February 1 and August 31. If the removal of habitat that may support active nests must occur during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey for the presence of nesting birds on and within an approximately 500-foot buffer surrounding the construction area. The pre-construction survey must be conducted within 10 calendar days prior to initiating any construction activities, or a set number of days prior according to

the City. If nesting birds are detected by the City-approved biologist, a bio-monitor should be present on-site during construction to minimize construction impacts and ensure that no nest is removed or disturbed until all young have fledged.

3. Document the current condition of private roadways (i.e. Golden Eagle Trail and the segment of Attebury Drive between Golden Eagle Trail and Questhaven Road) being used for construction traffic. Documentation shall include either a video or photographic record of the roadway condition. A copy of the documentation shall be provided to the Engineering and Planning Divisions. The extent of the inspection shall be determined by the City's Planning Division Director. Applicant shall be responsible for reimbursement for City staff time spent reviewing materials submitted.
- E. Prior to the reliance on this Conditional Use Permit, the applicant shall obtain Building Permits from the Building Division.
- F. Prior to the issuance of Building Permits, the following shall be complied with:
1. Plans submitted for plan check to the Building Division for the issuance of Building Permits shall include the following:
 - a. All provisions of Conditions "C" and "D" shall be addressed to the satisfaction of the Planning Division Director.
 - b. A sheet containing a copy of each page of this Conditional Use Permit shall be attached.
 - c. The applicant shall also include a sheet in the plans submitted for Building Permits that contains manufacturer specifications for the faux tree. These specifications shall contain, at a minimum: the specific model of the "monopine," a branch diagram and close up photos of the faux bark, and leaf materials. The branch diagram shall contain an accurate branch count and sufficient information on branch spacing to demonstrate compliance with the following requirements:
 - i. At a minimum, three (3) faux branches per foot shall be required to create a realistic and natural faux tree. All branches shall incorporate faux leaves, natural colors and three (3) dimensional textures.

- ii. Horizontally mounted faux branches and leaves shall extend a minimum of eighteen (18) inches beyond the face of the panel antennas.
 - iii. All panel antennas shall be covered with leaf-covered socks.
- 2. Applicant shall perform all grading work compliant with SMMC 17.32. Issuance of a grading permit shall be required for grading activities performed outside of the exemptions listed in SMMC 17.32.045.
- 3. The applicant shall sign a statement on the approved site plan and submit building plans attesting he has read Section 17.32.045 SMMC ("Grading Ordinance") pertaining to permit exemptions, and that he believes to the best of his knowledge that he is exempt from the City's permit requirements based on one or more criteria set forth in said ordinance. Otherwise, a detailed grading plan shall be submitted to the City's Engineering Division for review and approval.
- 4. No engineering permit shall be construed as providing exemption to applicable or adopted standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict Developer/Applicant shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project or issuance of an engineering permit.
- 5. Applicant shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with the projects' planning, engineering, construction or architecture for the project.
- 6. This project has been designated a Standard project based on the submitted threat assessment form. This project shall be responsible for full compliance with the latest adopted Standard Urban Stormwater Management Plan (SUSMP), latest adopted stormwater quality permit, and conditions the conditions contained herein for the project's designation. Changes to the project that affect the project's SUSMP designation shall require approval of the City Engineer and may be subject to further conditions at the time of Building Permit issuance.
- 7. This project has been designated a Risk Level R2 project based on the submitted risk assessment. This project shall be responsible for full compliance with the latest adopted Construction General Permit State of the Water Resources

Control Board and conditions contained herein for your projects risk level. Changes to the scope of the project that affect the risk assessment shall require the approval of the City Engineer and may be subject to further conditions at the time of Building Permit issuance.

8. A separate permit for landscaping shall be required. Landscape plans submitted for a permit shall be approved by the Planning Commission, as a consent calendar item. At a minimum, the proposed landscaping shall comply with the following requirements:
 - a. Landscape plan shall identify the proposed locations of all landscape screening materials including, but not limited to, species, number of specimens, trunk height and spread.
 - b. The plan shall, to the extent reasonably feasible, screen the equipment from view of adjacent residences, and shall designate the tallest specimens and largest box size feasible with respect to landscape materials.
 - c. The applicant shall have the landscape plan reviewed by a licensed arborist and licensed landscape architect at its sole cost and expense.
 - d. Any engineered slopes created by the project shall be re-vegetated to a condition consistent with pre-project state.
 - e. Landscape plans shall also comply with the fuel modification zone and Biological report.
 - f. Final landscape and irrigation plans shall be prepared by a licensed landscape architect.
 - g. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
 - h. Landscape plans shall comply with all provisions of City Standards; contain all required landscaping and an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents;

height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.

- i. If applicable, plant material and irrigation design shall comply with the City's landscape Water Efficiency Ordinance, Chapter 20.330 of the San Marcos Municipal Code.
 - j. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division for plant quality and compliance with minimum size requirements. The final installed placement of all plant materials shall in accordance with the landscape plan approved by the Planning Commission. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.
9. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
10. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
11. The City of San Marcos is located in Seismic Design Category "D." Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
12. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
13. The project is subject to Public Facilities Fees as established by the City of San Marcos Public Facilities Financing Plan Ordinance. The amount of the public facilities fees shall be in accordance with the latest adopted ordinance and resolution. The fees shall be based on the approved land use and shall be paid prior to the issuance of any permit or land use entitlement as determined by the City.
14. The proposed new development is subject to the payment of School Fees as required by law.

15. In lieu of annexing the site into the Community Facilities Districts, the applicant shall pay the special taxes as required: For CFD 98-01IA1 (Police) the in-lieu fee is \$1,000.00, for CFD 2001-01 (Fire & Paramedic), the in-lieu fee is \$1,000.00, and for CFD 98-02 (Lighting & Landscaping), the in-lieu fee is \$1,000.00. Said in-lieu fees (\$3,000) shall be paid prior to issuance of a building permit.
16. Construction plans shall indicate warning sign type and location. Warning signage shall be compliant with ANSI C95.2 color, symbol, and content conventions. Signage shall be written in English and Spanish. Prior to beginning unattended operation of this project, the applicant/operator shall first install the permanent warning signs and at all times thereafter maintain said signage in good condition. Signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC. The location of signage must ensure that anyone approaching may clearly see the signage before entering the controlled zone.
17. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.

G. During the construction phase, the following conditions shall be complied with:

1. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
2. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City and or County for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
3. During grading and construction operations, the applicant shall maintain public and private driveway and/or road access to neighboring properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.

4. The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
 5. The applicant shall implement and maintain stormwater pollution prevention measures as required on the approved plans. Violations of the City's Stormwater Management Ordinance (Chp. 14.15 S.M.M.C.) will result in Stop Work Orders, Notices of Violations and/or citations with fines. Work on the project may be delayed until the City determines that compliance with stormwater requirements has been achieved.
- H. Prior to final inspection approval, the following conditions shall be complied with:
1. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.
 2. The applicant shall submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Improvement Plan, respectively. Any proposed modifications to the planting plan shall be approved by the City.
 3. The applicant shall evaluate the private roadways used for construction access to the project site (Golden Eagle Trail and a segment of Attebury Drive between Golden Eagle Trail and Questhaven Road and an additional segment of Questhaven Road from the San Marcos city limit, to the intersection of Attebury Drive) along the same limits as the pre-construction inspection and perform a comparative review of the conditions of the roadway. Any damage incurred as part of the construction activities shall be the responsibility of the applicant/developer to repair. In addition to the foregoing, the applicant has agreed to provide the additional sum of \$10,000 to the owners of the residences which have easement rights to Golden Eagle Trail, to use for repair or maintenance of that roadway as they see fit. Any defects or damage that occur as a result of regular use or are not directly related to the construction activities of the applicant/developer shall not be subject to this condition.
 4. If deemed necessary by the Planning Division Director, the applicant shall install additional leaves onto the leaf-covered socks of the mono-tree and antennas, as determined by the Planning Division Director, in order to screen the antennas, hardware, cables, etc. from view. The screening cost shall be paid for by the communication company.

5. The proposed development shall satisfy the conditions of approval. The contractor shall obtain approval from all City departments and other agencies before requesting a Final Inspection from the Development Services Department.
- I. Prior to full time operation of the facility, the applicant shall ensure (in writing) to the Planning Division Director that the facility is in compliance with all applicable FCC regulations. It will be the responsibility of the operator to contact the City acknowledging any changes in the regulations that would affect this project prior to any modification.
- J. Within six (6) months of final inspection approval for the installation, the applicant/operator of the facility shall submit to the Planning Division a project implementation report which provides field measurements of radio frequency densities of all antennas installed on the subject site, and all existing ambient levels of radio frequency emissions. This report (RF Report) shall include a written summary comparing results of the field measurements with FCC standards (i.e. stating emissions as a percentage of FCC limits). Additionally, the RF Report shall be conducted at a time that the facility is operating at its designed maximum power output level. If panel antennas are installed in phases, said report shall be updated when additional antennas are installed (not to exceed maximum of 12 panel antennas). The RF Report shall also evaluate the cumulative emissions of the proposed project and the existing wireless telecommunication facilities to ensure compliance with the FCC regulations. The applicant shall submit to the Planning Division a copy of applicable FCC documentation (i.e. license, permit, etc.) authorizing the operation of the facility.
- K. The project implementation report shall be subject to review and approval by the Planning Division. Upon receipt of sufficient public expression of concern that a Telecommunications Facility does not comply with existing FCC radio frequency guidelines, the City may utilize the services of an independent radio frequency engineer to verify, at the Telecommunications Carrier's expense, the Facility's compliance with federal guidelines. If the City finds that the facility is not in compliance with FCC standards, the City shall require the facility to be modified to comply with FCC standards, or the facility shall be entirely removed from the site.
- L. The Ongoing operation of the facility and reliance on this Conditional Use Permit is subject to the following:
 1. The applicant/operator shall at all times comply with all FCC rules and regulations, including without limitation, the RF emissions safety requirements of FCC Office of Engineering Bulletin 65, and any successors thereto. It shall be

responsibility of the applicant to contact the City acknowledging any changes in the regulations that would affect the Telecommunications Facility.

2. If the Federal Communications Commission adopts new standards regarding this use, the applicant shall repeat the aforementioned monitoring and report cycle.
 3. The installation of communication equipment (deemed a public utility) shall comply with the rules and regulations enforced by the state of California Public Utilities Commission.
 4. The mono-tree and equipment enclosure shall be maintained in good condition which includes replacing damaged or lost faux branches, leaves, bark cladding, and antenna covers, and painting of equipment and faux tree parts when necessary.
 5. All trees and landscaping installed with this project shall be maintained in a healthy and thriving manner for screening purposes of the proposed mono-tree and equipment enclosure. If any of said trees and/or landscaping perish or are destroyed, then the applicant/operator and/or property owner shall replace it in kind, size, and quantity to provide the same screening value as determined by the Planning Division Director.
 6. The applicant/operator shall, at its sole cost and expense, cause a licensed Arborist to monitor the project site annually throughout the term of this Conditional Use Permit, and to promptly submit a report to the Planning Division after each monitoring inspection which details their findings and recommendations. If the City determines it necessary to have the Arborist's monitoring report reviewed by a third party, the applicant/operator shall also be solely responsible for all costs associated with this review.
 7. The applicant/operator shall, at its sole cost and expense, submit an RF Report, including all components described in Condition "J" of this Conditional Use Permit shall also be conducted annually throughout the term of this Conditional Use Permit, and each annual RF Report detailing such findings shall thereafter be promptly submitted to the Planning Division. If the City determines it necessary to have the RF Report reviewed by a third party, the applicant/operator shall also be solely responsible for all costs associated with this review.
- M. If a modification or renewal of this Conditional Use Permit is processed and the existing Telecommunications Facility is not concealed from public view and/or is not placed underground because it was not technically feasible to do so when the permit was issued for such Telecommunications Facility, the applicant shall take such actions as are necessary to place such Telecommunications Facility underground when it becomes

technically feasible to do so or to conceal such Telecommunications Facility from the public view by methods including, but not limited to, landscaping and other screening measures.

- N. Any new construction, alteration, improvement, or modification to an existing structure requires the issuance of a building permit and compliance with the minimum code requirements of the latest adopted California Building Code.
- O. To the extent that a co-location is technically possible, the applicant/operator shall not oppose the potential future installation of other wireless communication antennas that consolidate at this site.
- P. The Planning Division may, but is not obligated to inspect the premises annually to ensure compliance with all conditions of this permit. If the Planning Division determines that compliance is not being achieved, then a public hearing shall be scheduled for possible Director's Permit modification or revocation.
- Q. This Conditional Use Permit shall expire on September 3, 2023. Any request for permit extension shall be applied for by the permittee no later than thirty (30) days prior to the expiration date.
- R. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
- S. Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
- T. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- U. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the

direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 3rd day of September 2013, by the following electronic vote:

AYES: COMMISSIONERS: FLODINE, JONES, MAAS, KILDOO, SCHAIBLE

NOES: COMMISSIONERS: NELSON, NORRIS

ABSENT: COMMISSIONERS: NONE

APPROVED:

Dean Nelson, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

[NOTE: PURSUANT TO CITY COUNCIL RESOLUTION 2013-7854, ADOPTED ON OCTOBER 22, 2013, THE CITY COUNCIL DENIED THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF THIS CONDITIONAL USE PERMIT AND MODIFIED SPECIFIED CONDITIONS AS SET FORTH ABOVE]

ATTACHMENT G
Arborist Report



BERKELEY
CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: May 25, 2017

To: Bok Yu, RA – DCI Pacific, Inc.

FROM: Leo Simone, LSA

SUBJECT: Arborist Memorandum for the AT&T NS0343 – Twin Oaks South at Golden Eagle Residence Wireless Telecommunication Facility Site No. P12-0023/CUP 12_004, 2080 Golden Eagle Trail, San Marcos, California

INTRODUCTION

DCI Pacific, Inc. retained LSA to review and comment on the soil fertility analysis report prepared for the Twin Oaks South at Golden Eagle Residence Wireless Telecommunication Facility Site No. P12-0023/CUP 12_004 project by Waypoint Analytical, and to provide recommendations as to the most suitable trees to screen the telecommunication tower, based on the results of the soil fertility analysis report and observations from the most recent site visit conducted on April 12, 2017.

The April 12, 2017, site visit was conducted with City of San Marcos (City) Associate Planner Sean del Solar; Crown Castle's consultant, Sean Maddox with MD7; and construction contractor Chris Stump with Baycom Construction. The on-site meeting was for LSA to provide recommendations on tree planting sites.

METHODS

Site Inspection

On April 12, 2017, LSA Associate Biologist Leo Simone (International Society of Arboriculture [ISA] Certified Arborist/Certified Tree Risk Assessor WE-8491A) conducted a site visit of the Golden Eagle Residence Wireless Telecommunication Facility Site No. P12-0023/CUP 12_004 to examine site conditions of the proposed future tree planting sites for the adjacent Crown Castle installation that occupies the same site as the AT&T NS0343 – Twin Oaks South project.

Review of Soil Fertility Analysis Report

The soil analysis conducted by Waypoint Analytical was reviewed to assist with the tree selection process (Soil Fertility Analysis Report [Attachment A]).

Selection of Suitable Plant Material

The *County of San Diego Defensible Space Suggested Plant List* was consulted, as well as the *Sunset Western Garden Book*. A literature search for trees that would be expected to perform satisfactorily in the growing environment found on site, and would have a mature height of approximately 30 feet (a height requirement that would not interfere with the telecommunication tower signal), was conducted. Final plant selection was made after consulting with the project landscape architect,

Bill Shapton, in response to City Associate Planner Sean del Solar's letter of March 15, 2017, and subsequent telephone communications.

The selected tree species are as follows as shown on the Sheet L3 Planting Plan:

- Queensland Box (*Lophostemon confertus*): (3) 36-inch box
- Afghan Pine (*Pinus b. 'Eldarica'*): (3) 24-inch box, (6) 15 gallon
- Toyon (*Heteromeles arbutifolia*): (10) 15 gallon
- Lemonade Berry (*Rhus integrifolia*): (3) 15 gallon

The three 36-inch box Queensland box trees are proposed at the top of the hill. Planting of the three 24-inch box Afghan pines and six 15-gallon Afghan pines are proposed for either side of the Mono Pine antenna location (Figure 1 – Tree Staking layout, [Attachment B]). Drought-tolerant native tall shrubs, consisting of ten 15-gallon toyon and three 15-gallon lemonade berry are proposed for the northwest corner, southwest side, and southern side of the equipment enclosure within the 30-foot-wide Fuel Management Zone as indicated on Sheet L3 Planting Plan.

Retained as a Certified Arborist, I have personally reviewed the project plans (revised on March 30, 2017) and submitted a letter of approval that also contains an acknowledgement that I will oversee selection of trees from the supplier and installation of the landscape materials at the site. The reference letter is included on Landscape Sheet L4.

DISCUSSION

Existing Site Conditions

The wireless telecommunication site is on a hilltop in a residential lot at 2080 Golden Eagle Trail, San Marcos, California. Native vegetation in the project area consists of Diegan coastal sage scrub and chaparral, with ornamental landscaping near the residence. The native vegetation in the vicinity of the site appeared to be in good condition. The ornamental landscaping in the area also appeared healthy.

During the April 12, 2017, site visit I examined the Torrey pine tree that was planted as part of the original landscape plan for the Crown Castle Golden Eagle Residence Wireless Telecommunication project (Facility Site No. 8242872). The tree is stunted, chlorotic, and generally in poor health. This is likely the result of a lack of adequate drainage and poor soil conditions. It should also be noted that several of the Torrey pines observed in the general vicinity of the project also appeared chlorotic and in less-than-optimal health.

Review of Soil Fertility Analysis Report

The Waypoint Analytical soil fertility analysis concluded that the soil found on site is "moderately acidic at 5.7 on the pH scale, which is slightly lower than preferred for most plants including Pine Trees." The report also noted that "the site was very rocky along with a very steep slope will likely inhibit the incorporation of amendments during soil preparation... The soil chemistry and fertility are very good in this sample and should support a broad range of plants. Calcium carbonate lime in the backfill will increase the pH into the desired slightly acidic range overtime. Do not include rocks

larger than 1" in the backfill mix as this will limit the rootable soil volume." The results of the soil analysis are consistent with the Natural Resource Conservation Service (NRCS) description of the soil sampled on site: San Miguel-Exchequer rocky silt loams soil series. These soils also consist of rock outcrops.

Soils

According to the NRCS Soil Survey for the San Diego County Area, the soils found on site are San Miguel-Exchequer rocky silt loams (9–70 percent slopes). These soils primarily support Diegan coastal sage scrub. San Miguel series soils are well-drained, shallow to moderately deep silt loams with clay subsoils that are derived from metavolcanic rock. San Miguel soils also form a complex with Exchequer series soil. Exchequer series soils are well-drained, shallow silt loams derived from weathered hard metabasic (metamorphosed basalt), or mafic, rock. Both soils have medium-to-rapid runoff, and moderate to high erosion potential. The San Miguel silt loam has slow permeability, and the Exchequer has moderate permeability. Fertility is very low for both soil types. The soil profile pH ranges from strongly acidic to slightly acidic (5.0–6.5).

Tree Selection

Tree selection was derived from the results of the soil fertility report prepared by Soil & Plant Laboratory, Inc., and suitable trees from the County of San Diego Suggested Plant List. Suitability was determined by the growing requirements of the selected trees, including the following:

- Climate zone (Sunset Zone 21)
- Soil
- Drainage
- Size at maturity (30 feet)
- Water requirements
- Pest susceptibility

Based on the constraints associated with the rocky soil and steep slopes found on site and limitation of acceptable plant material, selecting trees that will have an identical height and spread to the proposed rebranched Mono Pine may not be possible.

In consultation with the project landscape architect, upon reviewing the above-referenced soil analysis, trees were selected that are expected to perform satisfactorily in the growing environment found on site. Where possible, trees were selected with a mature height of approximately 30 feet (a height requirement that would not interfere with the telecommunication tower signal).

The following trees and shrubs are generally tolerant of poor soils and drought conditions:

- Afghan pine (*Pinus b. 'Eldarica'*)
- Queensland box (*Lophostemon confertus*)
- Toyon (*Heteromeles arbutifolia*)
- Lemonade berry (*Rhus integrifolia*)

The Afghan pine and Queensland box trees are nonnative ornamental species. These trees are able to grow and reproduce in the local climate, and once established, the natural rainfall is usually enough moisture to sustain them.

CONCLUSIONS AND RECOMMENDATIONS

This Arborist's report was used in developing a landscape plan based on the results of the soil fertility analysis report prepared for the project by Waypoint Analytical. The minimum standards for screening listed in the original Conditional Use Permit for the project (CUP 12-004) states the project is required to use trees that are similar in height and spread to the Mono Pine. As previously noted, at maturity, the selected trees will be of similar height and spread. However, it should be understood that trees are living organisms, and their eventual height and spread are dictated by the particular on-site growing conditions.

Selected Plant Material

Please note that planting 24- and/or 36-inch box trees in rocky soil conditions such as those found on site is more likely to result in a poorer outcome than planting from 5-gallon or 15-gallon container sizes. It should also be noted that the selected trees may not be available as 24- and/or 36-inch box trees; therefore, LSA recommends the City allow for the planting of 5-gallon container trees if 24- and/or 36-inch box trees are not readily available.

Planting and Maintenance

Because of the shallow, rocky soil conditions found on site, the planting hole should be overexcavated. In most cases, drainage will need to be improved before planting. The soil fertility analysis performed by Waypoint Analytical concluded that the presence of the amount of rock and steep slopes on the site are likely to inhibit nutrient-holding capacities in the soil. Therefore, rock greater than 1 inch should be removed to a depth of at least 24 inches, and at least twice the diameter of the root ball. The wider the area from which rock is removed, the more rooting volume will be provided for the tree as it grows outward. LSA recommends that this work be performed using a backhoe where possible.

Please also note that when removing that much rock, the soil volume will decrease drastically. The planting area can be refilled with suitable import topsoil. Waypoint Analytical suggested that calcium carbonate lime be added to the backfill to increase the pH to the desired slightly acidic range over time.

Amendment recommendations should be based on an analysis of the chosen import material.

If the subsoil below the level of rock removal does not drain well, anaerobic soil conditions may develop, an environment that favors the pathogens responsible for root rot diseases. If that is the case, then consider installing supplemental drainage at the bottom of planting pits. Those drains could daylight farther down the slope.

Proper site preparation before and during planting, coupled with good follow-up care, reduces the amount of time the plant material experiences transplant shock and allows the tree to quickly

establish in its new location. The ideal time to plant trees is during the fall or early spring. Cool weather conditions allow the trees to establish roots in the new location before spring and summer heat stimulates new growth. Proper handling during planting is essential for new trees. The ISA recommends that the following procedures be used for all trees.

- Where practicable, the planting hole should be at least three times the diameter of the root ball but only as deep as the root ball. It is important to make the hole wide because the roots on the newly establishing tree must push through surrounding soil in order to become established. The existing soils on site have been compacted and may be unsuitable for healthy root growth. Breaking up the soil in a large area around the tree(s) provides the newly emerging roots room to expand into loose soil to accelerate establishment.
- The trunk flare at the base of the tree should be partially visible after the tree has been planted. If the trunk flare is not partially visible, soil should be removed from the top of the root ball. The trunk flare determines how deep the hole needs to be for proper planting.
- Prior to placing the tree in the hole, confirm that the hole has been dug to the proper depth—and no more. The majority of the roots on the newly planted tree will develop in the top 12 inches of soil. If the tree is planted too deeply, new roots will have difficulty developing because of a lack of oxygen. It is better to plant the tree a little high, 2 to 3 inches above the base of the trunk flare, than to plant it at or below the original growing level. This planting level will allow for some settling. To avoid damage when setting the tree in the hole, lift the tree by the root ball, not by the trunk.
- Before backfilling, view the tree from several directions to confirm that it is straight. Once backfilling has begun, it may be difficult to reposition the tree.
- The hole should be filled about one-third full while gently, but firmly, packing the soil around the base of the root ball, being careful not to damage the trunk or roots in the process. Fill the remainder of the hole, firmly packing the soil to eliminate air pockets that may cause roots to dry out. Soil should be added a few inches at a time and settled with water. Continue this process until the hole is filled and the tree is firmly planted. It is not recommended to apply fertilizer at the time of planting.
- If the tree is grown and dug properly at the nursery, staking for support will not be necessary in most landscape situations. Studies have shown that trees establish more quickly and develop stronger trunk and root systems if they are not staked at the time of planting. However, protective staking may be required on sites where vandalism or windy conditions are concerns. If staking is necessary for support, two stakes used in conjunction with a wide, flexible tie material will hold the tree upright, provide flexibility, and minimize injury to the trunk. Remove the support staking and ties after the first year of growth.
- Mulch is organic matter applied to the area at the base of the tree. It holds moisture, moderates soil temperature extremes (both hot and cold), and reduces competition from grass and weeds. A 2- to 4-inch layer is ideal. More than 4 inches may cause a problem with oxygen and moisture levels. When placing mulch, ensure that the tree trunk is not covered. Doing so may cause decay

of the living bark at the base of the tree. A mulch-free area 1 to 2 inches wide at the base of the tree is sufficient to avoid moist bark conditions and prevent decay.

- Keep the soil moist but not soaked; overwatering causes needles to turn yellow and fall off. Water trees when the soil is dry below the surface of the mulch. Continue until mid-fall, tapering off for lower temperatures that require less-frequent watering. Xeriscape irrigation should be employed, ensuring deep watering that is matched to the tree's evapotranspiration rates. Other follow-up care may include minor pruning of branches damaged during the planting process. Prune sparingly immediately after planting, and wait to begin necessary corrective pruning until after a full season of growth in the new location.

To ensure that best practice standards are being met, planting should be performed by ISA-certified tree workers under the supervision of a certified arborist.

Disclosure Statement

I have personally inspected the property referred to in this memorandum and have stated my findings accurately. I have no current or prospective interest in the vegetation or the property, and I have no personal interest or bias with respect to the parties involved. The analysis, opinions, and conclusions stated here are my own and are based on current scientific procedures and facts. My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party or upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events. My analysis, opinions, and conclusion were developed according to commonly accepted arboricultural practices.

Attachments: A – Soil Fertility Analysis Report
B – Figure 1: Tree Staking Layout

ATTACHMENT A

SOIL FERTILITY ANALYSIS REPORT



Anaheim Office
Lab No: 17-137-0007
May 24, 2017

Depratti Inc.
13948 Calle Bueno Ganar
Jamul, CA 91935

Att: Tim Henion

AT&T CELL TOWER PROJECT- 2080 GOLDEN EAGLE TRAIL, SAN MARCOS, CA 92078

Attached are the results of the analysis performed on a soil sample that was collected from the above mentioned project site by our laboratory on 5/17/2017. This sample was analyzed for nutrient levels and soil suitability in preparation for a new landscape installation.

Observations:

One composite sample was collected from a 2-12" depth. Compaction was slight to moderate. There were no notable changes in color or texture of the material throughout the proposed planting area. The site was very rocky along with a very steep slope will likely inhibit the incorporation of amendments during soil preparation. Rocks may need to be removed or relocated in order to excavate planting pits.

Analytical Results:

The texture of the soil is classified as a 'gravelly sandy loam' based off the USDA soil classification standards. The estimated water infiltration rate, which may vary with the degree of soil compaction, is 0.28 inches per hour. Organic content was measured at 4.0% by total dry weight.

The reaction of the soil is moderately acidic at 5.7 on the pH scale, which is slightly lower than preferred by most plants including Pine Trees. Qualitative lime is absent in this sample.

Salinity (ECe), soluble sodium, and boron levels are safely low.

Sodium is properly balanced by calcium and magnesium, as indicated by the safely low sodium adsorption ratio (SAR) of 0.7.

In terms of fertility, Zinc is low and manganese is low optimum. The remaining major and minor elements are at optimal levels for plant nutrition in this sample.

Comments:

The soil chemistry and fertility are very good in this sample and should support a broad range of plants. Calcium carbonate lime in the backfill will increase the pH into the desired slightly acidic range overtime. Do not include rocks larger than 1" in the backfill mix as this will limit the rootable soil volume.



Recommendations:

Tree and Shrub Planting Guidelines

1. Excavate planting pits at least twice the diameter of the rootball.
2. The top of the rootball should be at or slightly above final grade.
3. Uniformly blend 2 lbs. of calcium carbonate lime per cubic yard of backfill soil.
4. Organic material is not required in the backfill; however, if you wish, the amended surface soil or a soil blend consisting of no more than 20% by volume organic matter can be placed in the upper 12 inches of backfill only. Soil below this depth should not contain any added organic matter because of the threat of plant disease and/or anaerobic soil conditions developing.
5. Place slow release fertilizer tablets in the upper 12 inches of backfill at manufacturer's recommended rates. If fertilizer amended soil is used as a backfill the addition of slow release fertilizer tablets is not necessary.
6. Do not cover the original rootball with other soil. Ideally, a temporary soil berm is often constructed around the outer edge of the rootball to help channel water into the rootball and then into surrounding soil until roots are established in the backfill and the rootball is no longer the sole source of water for the plant.
7. Ideally, a weed and turf free zone, preferably 2-3 ft. in diameter, should be maintained just beyond the diameter of the planting hole. A 2-4 inch deep layer of coarse mulch can be placed around the tree or shrub; mulch should be kept a minimum 4-6 inches from the trunk.

Maintenance Fertilization

Uniformly broadcast calcium nitrate (15.5-0-0) at the rate of 5 lbs. per 1000 sq. ft. The first application should occur approximately 60 days after planting, with repeat applications every 120 days or as growth and color dictate. In early fall and spring, substitute a complete fertilizer such as 16-6-8, or equal, for the sulfur coated urea at the rate of 6 lbs. per 1000 sq. ft. to ensure continuing supplies of phosphorus and potassium. When trees have become well established, fertilizer applications can be less frequent.

If we can be of any further assistance, please feel free to contact us.

A handwritten signature in dark ink, appearing to read "J. Kiefer".

Joe Kiefer

Depratti Inc.
13948 Calle Bueno Ganar
Jamul CA 91935



4741 East Hunter Ave, Suite A
Anaheim, CA 92807
Main 714-282-8777 • Fax 714-282-8575
www.waypointanalytical.com

Project : AT&T Cell Tower Project
2080 Golden Eagle Trail
San Marcos, CA 92078

Report No : 17-137-0007
Purchase Order :
Date Recd : 05/17/2017
Date Printed : 05/23/2017
Page : 1 of 1

COMPREHENSIVE SOIL ANALYSIS

Sample Description - Sample ID		Half Sat %	pH	ECe dS/m	NO ₃ -N ppm	NH ₄ -N ppm	PO ₄ -P ppm	K ppm	Ca ppm	Mg ppm	Cu ppm	Zn ppm	Mn ppm	Fe ppm	Organic % dry wt	Lab No.
		TEC	Qual Lime													
Site Soil		20 135	5.7 None	0.6	28 1.2	21	23	220	2068	321	1.6	2.1	12	177	4.0	08006
Sufficiency Factors																
Percent of Sample Passing 2 mm Screen																
Gravel %				Sand				Very Coarse				Med. to Very Fine				
Coarse 5 - 12				Coarse 0.5 - 1				1 - 2				0.05 - 0.5				
2.8	1.5	1.0	0.5	0.7	0.7	0.7	0.7	15.8	13.2	34.7	23.8	12.3	0.002	0.022	0.002	08006
Saturation Extract Values																
Ca meq/L	Mg meq/L	Na meq/L	K meq/L	B ppm	SO ₄ meq/L	SAR	USDA Soil Classification									Lab No.
2.8	1.5	1.0	0.5	0.19	0.7	0.7	Gravelly Sandy Loam									08006

Sufficiency factor (1.0=sufficient for average crop) below each nutrient value. N factor based on 200 ppm constant feed. SAR = Sodium adsorption ratio. Half Saturation % = approx field moisture capacity. Nitrogen(N), Potassium(K), Calcium(Ca) and Magnesium(Mg) by sodium chloride extraction. Phosphorus(P) by sodium bicarbonate extraction. Copper(Cu), Zinc(Zn), Manganese(Mn) & Iron(Fe) by DTPA extraction. Sat. ext. method for salinity (ECe as dS/m), Boron (B), Sulfate(SO₄), Sodium(Na) Gravel fraction expressed as percent by weight of oven-dried sample passing a 12mm(1/2 inch) sieve. Particle sizes in millimeters. Organic percentage determined by Walkley-Black or Loss on Ignition.

* LOW , SUFFICIENT , HIGH

ATTACHMENT B

FIGURE 1: TREE STAKING LAYOUT

ATTACHMENT H
Arborist Certification



BERKELEY
CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

July 17, 2017

Sean del Solar, Associate Planner
City of San Marcos
Planning Division
1 Civic Center Drive
San Marcos, CA 92069

Subject: Arborist Certification of AT&T NS0343 – Twin Oaks South Planting Plan for the Golden Eagle Residence, 2080 Golden Eagle Trail, City of San Marcos, California, Site No. 824272 Landscape Plans

Dear Mr. del Solar:

Per the City of San Marcos (City) Planning Division request (Plan Check Comments LP16-00028), this letter certifies that the NS0343 – Twin Oaks South Landscape Plan LP16-00028 (Landscape Permit for P12-0023/CUP 12-004) – AT&T Mobility 2080 Golden Eagle Trail, San Marcos, CA 92078, revised May 30, 2017) has been reviewed by International Society of Arboriculture (ISA) Certified Arborist Leo Simone (Certification No. WE-8491A) and is acceptable, meeting the requirements put forth by the City for the proposed planting and irrigation plans. Per the City Conditions of Approval, LSA acknowledges that an ISA-certified arborist will oversee the selection of trees from the supplier and the installation of landscape materials at the site.

If you have any questions regarding this letter, I can be reached at (949) 553-0666 or at leo.simone@lsa.net.

Sincerely,

LSA ASSOCIATES, INC.

Leo Simone
Associate, Biologist
ISA Certified Arborist/Tree Risk Assessment Qualified No. WE-8491A

cc: Bok Yu, DCI Pacific, Inc.
Bill Shapton, Shapton Landscape Architecture

ATTACHMENT I
Landscape Plan