

MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
1 CIVIC CENTER DRIVE  
SAN MARCOS, CALIFORNIA  
MONDAY, MARCH 1, 2010 - 6:30 PM

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CALL TO ORDER

At 6:30 p.m. Chairman Kildoo called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Wedge led the Pledge of Allegiance to the Flag.

SEATING OF NEW COMMISSIONERS

Backoff: Introduced new & re-appointed commissioners and asked them to be seated at dais. Re-appointed: Regular members, Dean Nelson, Jim Schaible, Kevin Norris and, new Regular: Kristal Kritzer-Jabara (former Alternate replacing Regular member Paul Vojtecky). New Alternate: Carl Maas (replaced Kristal Kritzer-Jabara), in audience.

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: Jacoby, Kildoo, Kritzer-Jabara, Nelson, Norris, Schaible, Wedge

ALTERNATE COMMISSIONERS IN AUDIENCE: Maas, Minnery

ABSENT: None.

Also present were: Planning Division Director, Jerry Backoff; Planning Secretary, Lisa Kiss; Deputy City Attorney, Morton Park; Principal Civil Engineer, Peter Kuey

ELECTION OF CHAIRPERSON

Kildoo: Nominations opened for chairperson.

Nelson: Motion made to nominate Kildoo, seconded by Wedge and carried by a unanimous vote.

### ELECTION OF VICE-CHAIRPERSON

Kildoo: Nominations opened for vice chair.

Nelson: Motion made to nominate Wedge, seconded by Schaible and carried by a unanimous vote.

### ORAL AND WRITTEN COMMUNICATIONS

None.

### **CONSENT CALENDAR**

#### 1. APPROVAL OF MINUTES, 1/4/10

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CONSENT CALENDAR AS PRESENTED; SECONDED BY COMMISSIONER JABARA AND CARRIED BY A UNANIMOUS VOTE.

### **PUBLIC HEARINGS**

#### 2. **Case No:** CUP 08-769 / ND 10-796

**Application of:** Verizon Wireless

**Request:** Conditional Use Permit to allow the installation and operation of an unmanned digital communications antenna facility on a mono-tree (designed to resemble a pine tree) at an existing single-family residence in the Residential Mobile Home Park (R-MHP) Zone.

**Location of Property:** 1324 Fulton Road, more particularly described as: Portions of Lots 3 and 4 in Block 16 of Map No. 581 and 806, Rancho Los Vallecitos de San Marcos. Assessor's Parcel No.: 224-052-24.

Kildoo: Item #2 continued to 4/5/10.

#### 3. **Case No:** CUP 08-750

**Application of:** Merry Williams

**Request:** Conditional Use Permit to allow the continued operation of an existing recreational vehicle storage facility (in conjunction with the adjacent mobile home park) at an existing single-family residence in the Residential Mobile Home Park (R-MHP) Zone.

**Location of Property:** 1324 Fulton Road, more particularly described as: Portions of Lots 3 and 4 in Block 16 of Map No. 581 and 806, Rancho Los Vallecitos de San Marcos. Assessor's Parcel No.: 224-052-24.

Staff Presentation (Jerry Backoff):

Described request and location. Property is surrounded by the Madrid Manor Mobile Home Park. PowerPoint presentation and aerial photos shown. (Pointed out primary storage area, 17 permanent spaces, and overflow area in SW corner of property). RV's outside this area shall be removed within 45 days of approval. Applicant would like additional time. Storage is limited to residents of Mobile Home Park. Rental to others outside park is not allowed. Storage area has been operating for 32 years. There's an existing 1,590 s.f. residence and 1,780 s.f. barn on property. RV storage was originally approved in '75 in conjunction with expansion of Madrid Manor. This permit will implement operational standards that were not previously addressed in older CUP. RV's shall be limited to 34. Size of storage area shall be restricted. Existing block wall on Fulton Road partially screens RV's from view. Large RV's are parked away from Fulton Road. During processing, code enforcement received complaints and Staff received three letters in opposition and one in favor. Staff recommends approval.

Schaible: Asked how many are currently there?

Backoff: About 22 RV's, two or three are boats and miscellaneous equipment. Some RV's do not belong to residents of Mobile Home Park and will need to be eliminated. Staff was advised that some owners have passed away. Applicant will need time to contact family members for removal of those.

Nelson: Have they accumulated RV's from those who passed away?

Backoff: In some cases and they have rented space to others who are not residents of Madrid Manor. They're now limited to residents only.

Nelson: Understand the mobile home park does not receive revenue from this?

Backoff: Correct. Lease rates are charged by owner of property. Madrid Manor has some storage space at park but not enough.

Norris: Clarify those being removed.

Backoff: (Pointed out). Hard surface and overflow area are only two storage areas allowed. City is trying to eliminate possible expansion.

OPEN PUBLIC HEARING

John McFarland, Brother of Merry Williams (Applicant): Gave background and family history. He's fourth generation to grow up on the former 65-acre hay farm. Graduated from local schools. Fulton Road is named after their great-grandfather. Mother, Madelyn Fulton, was very involved in Historical Society. Step-father and developer of Madrid Manor were friends who had an agreement for storing RV's/items on the property. It was a cooperative deal for 30 years where they charged \$10/spot. Not a business operation just a friendship deal. The 17 spots were well cared for but then others needed a space and it grew. All of staff's 18

conditions are very helpful to clean up the operation. Welcomes the input as they transition from farm-friendly to more of a business-type operation. They want to comply and make it a win-win situation for all. Sister lives on the site and has access to park amenities.

Wedge: One letter from Phyllis Peck mentioned people live in the RV's.

McFarland: That did happen. It's not been permitted. Due to it being a farming neighborhood and trying to be a good Christian who cares for people, someone did stay there. It's not a practice; there was no rent and technically no permission. Stated his mom had a hard time throwing someone off property during time she was there.

Jacoby: Inquired if there are any hookups on property?

McFarland: No.

Nelson: Asked current charge?

McFarland: Increased to \$20/mo. in 2009.

Nelson: Asked if they're able to keep it at \$20 after doing necessary improvements?

McFarland: Not planned to be a business or money making operation. The farm is a historical site, the home is 100 years old and there's a beautiful barn. Farm is no longer productive. Objective is for rent to help pay the taxes. Can't say that won't be the objective forever. There are children and grand-children.

Ulysses Samuel Andrew Brown, resident of Madrid Manor: Owner of an 18' tri-hull with 130 hp engine and a trailer. Stated he needs a good place to park it. Any place else in So Cal is \$45 month.

Lawrence Johansen, resident of Madrid Manor: He and wife enjoy traveling in their camper. When they first got it, there was no space to store it so he was forced to park his car on Country Club Lane. Received notes from unhappy homeowners, a citation from Escondido police and people thought car was for sale. Was so happy to finally get a space and be able to move car back to house. It's not a business, it's a service. There is no advertising or recruiting for customers.

Mark Borger, Escondido resident: Met Merry through church. Have done some part-time work for them on the property. Supportive of their request. 17 spaces won't be enough. Recommended storage is allowed on other side also.

Dale Davidson, President of HOA @ Madrid Manor: Really appreciate Merry Williams and the 17 spaces available. It's been a great relationship and wish to continue.

Bob Johnson, resident of Madrid Manor: Have RV parked on property. It's been a great deal. The older we get, the less money we can make. Anything in that direction sure helps.

John Simpson, resident of Madrid Manor: Have RV and boat in storage for 13 years. It would be a hardship to find another place that is affordable.

John Ward, temporary resident of Madrid Manor: Wouldn't know what to do without Merry Williams. It's good to have an affordable option.

Dennis Balsiger, resident of Madrid Manor: Have RV in storage. It's a lifesaver for me. Couldn't find another place to store it. Have no objections to expanding it to the left side of driveway if kept orderly. Recommend it.

Kildoo: Asked if any other speakers?

#### CLOSE PUBLIC HEARING

Nelson: Inquired why City doesn't want it expanded on left side? Seems like a good service for the park.

Backoff: Concern was over some complaints due to visibility of RV's along roadway as well as non-parked RV's. Trying to keep contained to one area. Commission could consider request with same operational standards. Surface needs to eliminate dust.

Kildoo: Asked if DG would be adequate?

Backoff: It's required in overflow area. Main storage is asphalt. DG is more economical.

Kildoo: Asked if max of 34 would change if storage area is increased?

Backoff: Yes.

#### RE-OPEN PUBLIC HEARING

Kildoo: Asked applicant if they want extra space?

McFarland: Yes. Excited to serve more people and be more orderly. Like the DG idea. Maybe the mobile home park could assist with cost. Willing to work together. Moveable cones might work instead of painting lines.

Jabara: Asked if they know how many additional people are interested?

McFarland: No, but 17 spaces are inadequate. There are 330 spaces of retired people, 50 RV's, maybe 100? There are probably residents paying \$100 elsewhere who can't get into these spots.

Wedge: One letter mentioned a waiting list.

Davidson, President of HOA: Currently no waiting list. Normally have 3-4, but gas prices have gone up and less RV's now.

McFarland: Sister is worried about the number of days to get RV's out, those with disabilities or deceased owners. Don't want to call police to pull them out. May have to get keys and assist.

CLOSE PUBLIC HEARING

RE-OPEN PUBLIC HEARING

B.G. Edwards, resident of Madrid Manor: Their mobile home currently looks straight at the units on the left side. Anyone in an RV can look directly down into their home. Propose they be kept at least a vehicle length away from our property line.

Nelson: Asked if people come and go a lot?

Edwards: Stated someone was living in one about 6 months ago.

CLOSE PUBLIC HEARING

Kildoo: Discussed condition change relating to total number of RV's and placement.

Backoff: Suggested changing number rather than area of storage. Will work with applicant to revise site plan and add requirement to leave space next to Mr. Edwards boundary, with smaller boats there, then higher RV's in the middle and outside. Other conditions may need adjusting. Staff needs flexibility to do so.

Kildoo: Agreed.

Nelson: Inquired who maintains vegetation along Fulton Road?

Backoff: Believes it's the property owner's frontage. Would be nice if landscaped but to reduce cost was conditioned to put in crushed rock to assist in weed control along subject site.

Unidentified man in audience: (Unable to hear).

Kildoo: Hearing is closed.

Backoff: Not sure if fully improved along frontage.

Nelson: Fence was re-done along Woodland Parkway and once you turn on Fulton, it looks bad. Imagine residents would like to have area cleaned up.

Kildoo: Asked that Staff find out answer for next month's meeting.

Action:

COMMISSIONER WEDGE MOVED TO APPROVE CUP 08-750 AS SET FORTH IN RESOLUTION PC 10-4164 WITH MODIFICATIONS: C.1.b. Storage of recreational vehicles shall be limited to a maximum of **50** vehicles. C.1.c. . . . at the southeast corner of the property. **Additional overflow parking may be allowed on the west side of the driveway provided that larger recreational vehicles are parked away from the western property line and closer to the driveway at the center of the property. Any overflow parking along the western property line shall be limited to low profile vehicles such as boats and small trailers.** Add: **C.1.s.** The applicant shall coordinate with the recreational vehicle owners, who are not Madrid Manor residents, to have their vehicles removed from the site within **ninety (90) ~~forty-five (45)~~** days of approval of this Conditional Use Permit, **unless approved by the Planning Division Director.**; SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

AYES: COMMISSIONERS: JACOBY, KILDOO, KRITZER-JABARA, NELSON, NORRIS, SCHAIBLE, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

4. **Case No:** CUP 08-779 / ND 10-797

**Application of:** AT&T Mobility

**Request:** Conditional Use Permit to allow the installation and operation of an unmanned digital communications antenna facility on a mono-tree (designed to resemble a pine tree) at an existing single-family residence in the Estate Residential and Ridgeline Overlay (E-1-20 ROZ)) Zone.

**Location of Property:** 850 Deadwood Drive, more particularly described as: Parcels 1, 2 & 3 of Parcel Map No. 8593. Assessor's Parcel No.: 222-121-20, 222-121-21 & 222-121-22.

Staff Presentation (Jerry Backoff):

Described request and location. PowerPoint presentation shown. Proposing a 35' high mono-pine with 12 panel antennae's, 336 square feet equipment enclosure located in the rear yard area northwest of an existing 2,400 s.f. residence. 10-acre property consisting of three parcels. Aerial photos shown. (Pointed out closest adjacent residence, approximately 100 feet away). Mono-pine shall be located near other trees to blend in. Also recommending additional trees be planted. Site is within Ridgeline Overlay Zone. Not located on the Ridgeline as per ROZ Ordinance but is covered by the boundary line of that zone. Issue brought up in an e-mail re:

compliance with ROZ. Zone was primarily geared towards buildings, structures & room additions close to ridgelines. It was never anticipated to be applied to trees, real or fake. Tree is painted green/brown to camouflage and enclosure is earth tones. Photo simulations/views shown. Site not located within the view shed of any City-wide viewing platforms. City is precluded by Federal law to regulate placement, construction and modification of wireless facilities on the basis of environmental effects from radio frequency emissions. At time of full operation, the project is conditioned to submit a report substantiating full compliance with FCC regulations. Staff recommends approval. Based upon input received from nearby residents, Staff and applicant looked at possibility of re-locating to the NE portion of the site. The leach line/septic tanks would preclude this. There's some flexibility to move 20-25 feet from proposed location.

#### OPEN PUBLIC HEARING

Kildoo: Announced option of giving one speaker 15 minutes, or 3 minutes to each person.

Rae Rothschild, Deadwood Drive resident: Spent five years building house. First two years interrupted by ridgeline ordinance. Complied with many requirements, including fire & safety. Health & safety is primary issue for them as well as property values. The regulations changed over time. Safety was improved as science changed. Science has changed with cell phones. This is 24/7 exposure. We have digital 3G-4G networks where we don't know how that affects children and adults. Hindsight is not something you can use in medical matters. Canada has strict rules where these towers can go. Not permitted in residential/educational safety zones. Same rules apply in Asia and Europe. Norway is taking them out of their schools. Must look forward and think about property values and safety of kids.

Kildoo: Reminded audience that Commission can't weigh in on health and safety.

Terry Calen, Deadwood Drive resident: Stood before Commission 32 years ago and asked for a lot split. We were required to improve the 1.5 mile road from Questhaven. We weren't developers and built just one house, but put in the underground for everyone up there. We did things to improve property values. It's a beautiful place to live. Since then, we've been assessed water fees for 15 years to pay for new water lines that San Elijo Hills uses, and endured 10 years of grading and blasting for San Elijo. Now AT&T wants to use our property for San Elijo residents. Suggest they locate in San Elijo Hills. It will be an eyesore and affect all of us. Regarding the ROZ, it's silly to say they didn't think about a cell tower that will look like a tree. Asked if he could add 30 feet to his house if it looks like a tree? Commission should protect resident's property. There are plenty of vacant hills it could go on. To locate on a residential property is a poor decision.

Jacoby: Asked if he thinks the tower will be for benefit of San Elijo Hills?

Calen: Transmitter aims right at my house. Stated he has great cell service and doesn't need it. With so much land up there, why pick a residents house?



Melinda Nevins Benson, Deadwood Drive resident: Board-certified family practice physician. Recognize health issues are not supposed to be part of argument but whether real or perceived the studies are becoming more prevalent because they are studying them in the rest of the world. It will become more commonplace where everybody feels it is a risk. People will not want to buy a house where there's a cell tower 30' from child's bedroom. A few years ago, no one thought cell phones were a big deal. Now it is common knowledge they shouldn't be placed near the ear or be given to children, but the official stance is they are safe. Can cause headaches, agitation, memory loss, muscle pain, fatigue, anxiety, depression, slow reaction, cancer, electro-hypersensitivity disorder. Hyper-sensitivity is common in several countries in the world now and considered a disability. As it becomes more prevalent, house values will decrease. It's not well studied in the U.S. because the Telecommunications Act in '96 stopped allowing litigation based on health risks. 24/7 studies have not been done in children. Feels it should be located in an Industrial area, not residential. There are many other places it could be located. The health risks do affect our property values.

Diana Stanfill, property owner for 20 + years. Own 8 acres, but lives in Encinitas. Original desire was to build but costs set them back. Primary objection is health risk. Wish Commission could consider this.

Nora Logan, Deadwood Drive resident: Chose to live in rural area for peace, view, extra land and being away from the rat race. Recently fought a neighbor who was having illegal wedding parties and won. We are prepared to go the distance on issues that affect our lifestyle. Huntington Beach denied cell tower due to opposition, including health issues and location within 500' of school. The proposed tower would be near a child's bedroom. The general public perceives health issues. Spoke to local real estate brokers who advised the towers are negative to property values. Before we knew of potential negative effects, we inquired about putting one on our property. We were told there was an existing cell tower within one mile, so chances were slim we could get one. Also advised that local agencies would require the use of existing tower first. There are two within one mile of this proposal, one at Golden Eagle Drive.

Doug Hogan, Deadwood Drive resident: Principal Owner of Rancho Coastal Engineering. Have done numerous projects with City. From a human standpoint, it's ironic a huge agency has made a law that says we can't talk about health issues. Like a tobacco industry saying cigarettes are good for you. Find it interesting that the property is in the ROZ but not a ridgeline. In my opinion we are a ridgeline. Would like to see how the definition was arrived at. We are very visible from San Elijo Road. Willing to draw a 200 scale topo. If determined to be on ridgeline, you can see it doesn't meet standards. AT&T will introduce report that there's no problem with radiation. Stated he doesn't really know the answer, but it will decrease property values. Request a continuance. There are significant issues. Carriers can't force towers. There's no significant gap. They didn't try least intrusive means. There are other alternatives. Don't believe proper notification was given. Best option is a denial. Everyone is against it, no one for it.

Julie Bartholet, Deadwood Drive: Have owned property for 12 years next to the proposed tower. Stated the potential decision is life changing for them. Currently remodeling and planned to move into home in a few months. Feels it will blight their property, devalue it, violates the spirit of ROZ and is an eyesore from the front of house. Located closer to their house than the applicant's. Need 90 day continuance at the least. The beams will be 24/7 on their patio, kitchen and bedrooms. Testing data was provided last week and is not convincing enough to put our 7 & 4 year old in potential harm's way. Commented it would financially devastate them as a family. They would not move in. Would be forced to sell as distressed property at a reduced price. Has no place in a residential area. Believe neighbor would not have agreed to this had they known everyone's position. Her financial gain is our loss. Begging the Commission not to grant it.

Nelson: Asked if the neighborhood has tried to talk to applicant?

Julie Bartholet: Have tried. We would support her and back her financially. Was told she's not doing it for the money. Heard they wanted cell coverage. They don't believe in the environmental position and had no idea about property devaluation. It's a big company taking advantage of her. Husband spoke with her.

Jim Bartholet, Deadwood Drive: Begged neighbor not to do this because they can't move in now. Life savings are into our home. Offered to pay them what AT&T will pay them. Feels applicant wanted to walk away from it but thinks AT&T will take her house away. She's elderly and afraid. Indicated his mother is a nurse and knows there are health downsides to this. Unable to rent it out knowing what we know. Also speaking on behalf of neighbor who owns an avocado grove and wants to stop this. The maximum exposure is listed at 141, which is our living room.

Kildoo: Radiation exposure?

Bartholet: Indicated the maximum exposure is in their house and they won't expose their children to this. The tree is ugly and it's 100' from them. Spoke with Attorney Randy Walton, who worked on Ridgeline Task Force. Randy said it's not in the spirit of the ridgeline. No one wants this. Applicant's son advised them today they don't want it now, can't get out of it and are afraid they'll lose their house. City sent notification 3 weeks ago. The sign was on their driveway and we didn't see it because we have a separate driveway.

Ed Priebe, Deadwood Drive resident: Issues are lack of studies done re: health and safety, lack of planning for adequate location to provide coverage for San Elijo Hills, significant property value decrease and concerns for his children and neighbors. Indicated he is electro-hypersensitive. Can't carry a cell phone anywhere on his body. Results in burning sensation. Must shut phone off and live on a hill away from RF/EMF frequency. This is something he has to live with. Doesn't want his kids to deplete their immune system health. Need to locate somewhere else away from residential areas. Request continuance of 90 days. Applicant should be let off the

hook. It will turn into a class-action lawsuit leading to negative press for everyone involved.

Ted Marioncelli, AT&T Mobility: AT&T felt this was a good project, with the tree hidden in a heavily wooded area on property. Tried to avoid the leach field. Could move it somewhat to the east, but sounds like neighbors want it moved two miles. It's a strategic point, connecting a San Elijo project, this is the midpoint, then coverage goes to CSUSM. Could work with staff to come up with better looking tree, more foliage to hide antennae.

Norris: Asked why it can't be located a mile away?

Marioncelli: T Mobile site on Golden Eagle doesn't do AT&T any good. It's too far west. AT&T engineers looked at but rejected that site. Every cell company has a network of sites, each slightly different. They must work within each company's network.

Wedge: Neighbors indicated applicant is fearful she could be sued if she changes her mind. Does AT&T have a contract where she can't change her mind?

Marioncelli: AT&T enters into a lease agreement with property owner. Not aware of a reason where there'd be a great threat. If CUP not approved, can't enforce anything.

Wedge: Asked if she can she change her mind? Would she lose her home?

Marioncelli: Been involved in industry for 15 years and have never heard of anything like that happening.

Nelson: Thought there would be more reciprocal agreements?

Marioncelli: Industry is going the opposite way with less of those type agreements. When AT&T bought Cingular, Cingular had two networks in this market. They sold network to T Mobile. During a two year transition period there was a shared frequency. Now AT&T is replacing those sites.

Nelson: Asked why the cell companies don't provide health information to people?

Marioncelli: There are legal reasons. Can't imagine a local agency wanting to assume the regulation of health and safety on these. It would be a huge liability issue. That is why the FCC takes on that responsibility. They do regulate for health and safety. AT&T is required to meet the federal standards. Dr. Gerald Bushberg prepared the RF Safety Analysis for this site. He's a premier Radio-Frequency Radiation expert in the U.S. since '78. He helped write some of the regulations. They are amazingly safe. There is very little harm that can come from these. On this project, there is a condition that AT&T would test after they are on the air, the RF radiation levels in the area. If the neighbors want AT&T to test in their house, they will do that.

Nelson: Asked if they'd remove tower if it exceeded levels?

AT&T: Have never experienced that happening. There would be something wrong with the design and it would be changed. AT&T must comply with regulations.

Wedge: Mentioned a picture shown earlier where peak of RF's are at highest level.

Marioncelli: It's a graph with the measurement on the side, .00400 microwatt per square centimeter = 4/1000's of a microwatt. It's the peak power at that point according to the study.

Wedge: Asked where 141 feet came from?

Jim Bartholet: Goes directly through house into our child's bedroom.

Marioncelli: Don't know where the 141 feet comes from.

Bartholet: The report doesn't mention our house. Standards are based on 30 minutes, for a 6' 180 lb. man, not a child.

Wedge: Commented that she works at post office and there is an AT&T cell tower in the parking lot that she is exposed to all day long. Asked how many at golf course?

Backoff: Four or five.

Wedge: Live above golf course and can't determine which trees are cell towers. People live there and the value of those homes has not been reduced.

Jabara: Asked if any other viable locations?

Marioncelli: Vacant land doesn't have power or phone service.

Jabara: Fire station?

Marioncelli: Looked at but it's blocked by a couple hills.

Norris: AT&T bought Cingular?

Marioncelli: Spun off old network.

Norris: Asked if currently on that network?

Marioncelli: No, it was a two-year agreement and it's over.

Norris: Inquired if there's any way they can put a site next to theirs?

Marioncelli: Doesn't work for AT&T's radiofrequency engineering group.

Nelson: Is it because the radiofrequency's override each other?

Marioncelli: Could co-locate on same facilities if that location worked for AT&T radiofrequency engineers.

Kildoo: Haven't had this vocal a group come before Commission in a while. The entire neighborhood is concerned. AT&T didn't do their due diligence in going out to the neighbors to answer questions and solicit input. Can't talk about health but must be cognizant of their concerns. Need to address as best we can. If it takes more time, we need to do that. Asked City Attorney to address property values.

Morton Park: Stated his understanding from speaking with a legal authority is, for substantial weight to be given to the evidence at a public hearing related to diminution and property values, you would need to have an expert in the field, i.e., an appraiser, testify to the specific type of antennae being utilized and specific location. Not available tonight. If property owner had that expert testimony the Commission could give weight to.

Kildoo: Concerns about notification?

Backoff: Sent to normal 500' radius from property line. Project was initiated in '08, and then put on hold. The City did not receive responses from the first notice. If City knew of concerns, a workshop would have been held. It could mean that possibly new people may have moved in, or maybe they didn't open the envelope. Commission can continue item. City has another Attorney/consultant who could possibly re-evaluate other sites.

Nelson: MOTION MADE TO CONTINUE FOR 90 DAYS, SECONDED BY JACOBY.

Wedge: Concerned that AT&T didn't talk to residents. Don't share the extent of the resident's health fears. Live by five cell towers and work by one. Perhaps they can find an appraiser. It would seem that AT&T could talk to them about health and safety.

Jacoby: Asked when the last property was sold?

Unidentified in Audience: 2003.

Kildoo: AT&T is asking for approval in a residential neighborhood and should communicate better.

Wedge: It's clear that it's not the case the applicant would lose house if she changes her mind.

Bartholet: Now that it's part of the record he believes applicant would reconsider and cancel agreement.

Kildoo: That would be a discussion between applicant and AT&T. The residents have expressed enough concerns to allow continuance.

#### CLOSE PUBLIC HEARING

##### Action:

COMMISSIONER NELSON MOVED TO CONTINUE CUP 08-779 FOR 90 DAYS (TO THE JUNE 7, 2010 PLANNING COMMISSION HEARING); SECONDED BY COMMISSIONER JACOBY AND CARRIED BY THE FOLLOWING ROLL CALL VOTE;

AYES: COMMISSIONERS: JACOBY, KILDOO, KRITZER-JABARA, NELSON, NORRIS, SCHAIBLE, WEDGE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

#### PLANNING DIRECTOR COMMENTS

Backoff: Next month's meeting will include a training session presented by the City's Storm Water Manager, Erica Ryan regarding new storm water regulations.

Nelson: Commented that they can discuss health issues related to storm water but not RF waves. Thought there would be more reciprocal agreements and companies working together.

Kildoo: There is a need for towers in a number of spots. Asked if anyone from City is attending the law seminar regarding storm water. (He received brochure).

Park: Not aware of.

Backoff: City's Storm Water Manager is very knowledgeable and is attending an upcoming training session, but may not be that particular one.

#### PLANNING COMMISSIONERS COMMENTS

Kildoo: Inquired about additional training, suggested "Planning Commission 101" and "CEQA 101" to include how to read an EIR.

Nelson: Suggested presentations by Chief Newman, Sheriff's Deputy or Emergency Response.

Wedge: Commented she learned a lot on a ride along with sheriff.

Jacoby: Asked if City has an appraiser?

Backoff: City hires outside appraisers.

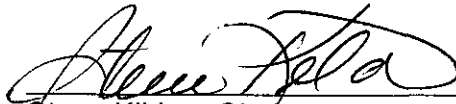
Kildoo: Called an appraiser and realtor who gave opinion that cell towers don't decrease value.

Nelson: Discussed recent robbery at a friend's house.

Wedge: Informed group that she's not working at the post office now.

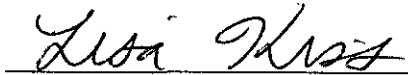
ADJOURNMENT

At 8:44 p.m. Commissioner Kildoo adjourned the meeting.



Steve Kildoo, Chairperson  
SAN MARCOS PLANNING COMMISSION

ATTEST:



Lisa Kiss, Secretary  
SAN MARCOS PLANNING COMMISSION