



# MINUTES

## Regular Meeting of the Planning Commission

**TUESDAY, FEBRUARY 18, 2025**

City Council Chambers

1 Civic Center Drive, San Marcos, CA 92069

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### **CALL TO ORDER**

At 6:30 p.m. Planning Commission Chair Rios called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

Commissioner Norris led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

The Secretary called the roll:

PRESENT: COMMISSIONERS: BARNETT, CAVANAUGH, NORRIS, RIOS, CARROLL, KILDOO, SAULSBERRY

ALTERNATE COMMISSIONERS IN AUDIENCE: RICO, MARCINKO

ABSENT COMMISSIONERS: NONE

Also present were: Planning Division Director Joe Farace; Associate Planner Corina Flores; Principal Planner Scott Nightingale; Telecom Law Firm Jonathan Kramer; Deputy City Attorney Punam Prahalad; Senior Management Analyst Song LeBaron.

### **ORAL AND WRITTEN COMMUNICATIONS**

None

### **SEATING OF NEW COMMISSIONERS**

Planning Director Joe Farace introduced Marie Marcinko as the new alternate Commissioner and indicated that Steve Kildoo was appointed as a regular Commissioner to fill the vacant seat, and Commissioners Carroll and Cavanaugh were re-appointed.



**ELECTION OF CHAIRPERSON**

**Action**

COMMISSIONER SAULSBERRY MADE A MOTION TO NOMINATE COMMISSIONER RIOS AS CHAIRPERSON; SECONDED BY COMMISSIONER NORRIS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: BARNETT, CAVANAUGH, NORRIS, CARROLL, KILDOO, SAULSBERRY  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: RIOS

**ELECTION OF VICE CHAIRPERSON**

**Action**

COMMISSIONER NORRIS MADE A MOTION TO NOMINATE COMMISSIONER SAULSBERRY AS VICE CHAIRPERSON; SECONDED BY COMMISSIONER CARROLL. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: BARNETT, CAVANAUGH, NORRIS, RIOS, CARROLL, KILDOO  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: SAULSBERRY

**CONSENT CALENDAR**

**1. APPROVAL OF MINUTES, 12/02/2024**

**Action:**

COMMISSIONER SAULSBERRY MOVED TO APPROVE CONSENT CALENDAR ITEM #1 AS PRESENTED; SECONDED BY COMMISSIONER BARNETT. MOTION CARRIED BY THE FOLLOWING VOTE.

AYES: COMMISSIONERS: BARNETT, CAVANAUGH, NORRIS, RIOS, CARROLL, KILDOO, SAULSBERRY  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE



## **PUBLIC HEARING**

### **2. Project No:** CUP23-0005 – AT&T Mobility Renewal

**Applicant:** AT&T Mobility, LLC

**Request:** Conditional Use Permit to allow the continued operation of a wireless telecommunication facility (cell tower), composed of a 35-foot-tall faux tree monopole and associated ground-mounted equipment inside an existing 240 square-foot equipment building on a 10.21-acre property.

**Recommendation:** Staff recommends approval

**Principal Planner Scott Nightingale and Associate Planner Corina Flores:** gave staff presentation.

**Jonathan Kramer with Telecom Law Firm:** continued with the presentation.

**Applicant Representative John Hefferman with AT&T:** introduced Harold Thomas with MD7 and AT&T to give the applicant presentation.

## **OPEN PUBLIC COMMENTS**

**John Signorino, resident of San Marcos:** expressed concerns with the road maintenance that AT&T did not repair. Would like to have the road repaired as promised by AT&T.

**Planning Commissioners Discussions:** T-Mobile’s responsibility; decision of the 10-year renewal; specific direction regarding the \$10,000 from AT&T to the residence; anything more definitive on what the payments were for; road repair done by AT&T at the time of construction; no change to the RF profile of the antenna; enforcement of the Conditional Use Permit requirements; language of the conditions for T-Mobile and AT&T regarding the road; road repair by private owners; thank you for the presentation.

**Staff response:** Both T-Mobile and AT&T share responsibility to maintain the road. T-Mobile also must renew their Conditional Use Permit after 10 years. The condition reads that the applicant agreed to pay an additional \$10,000 to the residence of the easement rights of Golden Eagle Trail to use for repair or maintenance of that roadway as they see fit. If there are complaints about conditions not being satisfied, those are brought to the City’s attention and our responsibility to investigate. If the Conditions of Approval are not being complied with, the applicant is notified to rectify the situation. If its not rectified there is legal ramifications we can pursue. The condition reads, “The applicant shall be responsible for repairing any damage to the private road caused by project related construction or ongoing regular maintenance activities. All repairs must restore the road to a condition equal to or better than its preconstruction state to the satisfaction of the owner of the subject property 2080 Golden Eagle Trail.” We are not aware if any of the \$10,000 was used for road repair.



**Jonathan Kramer response:** Back in 2006 in the basement cafeteria Statehouse we discussed the 10-year renewal. It was adopted by state law in 2007. Congress states we are not allowed to regulate cell site technology, so swinging antennas is within the right of the cell tower companies.

**Applicant response:** The \$10,000 payment to the homeowners was in lieu of returning the road to its original condition before the construction equipment damage. AT&T repaired the road after construction.

**Planning Director Joe Farace** read into the record a minor correction to Condition F of the Condition Use Permit Resolution, located on page 3 of 11 currently reads the Conditional Use Permit shall expire on February 18, 2035, should state February 19, 2035.

**Action:**

COMMISSIONER KILDOO, RECOGNIZING ALL OF THE REQUIREMENTS OF THE CONDITIONAL USE PERMIT HAVE BEEN MET, INCLUDING CEQA EXEMPTION EX24-027 AND THE REVISED EXPIRATION DATE OF FEBRUARY 19, 2035, MOTIONED TO APPROVE PC24-5140 FOR CUP23-0005; AND SECONDED BY COMMISSIONER SAULSBERRY. MOTION CARRIED BY A ROLL CALL VOTE.

AYES: COMMISSIONERS: BARNETT, CAVANAUGH, NORRIS, RIOS, CARROLL, KILDOO, SAULSBERRY  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE

**CLOSED PUBLIC COMMENTS**

**REPORT: CREEK SPECIFIC PLAN UPDATE**

Commissioner Kildoo gave the update to the Commission after meeting with the consultant MIG. MIG came up with a new infrastructure that will currently work with the community. Commissioner Norris indicated MIG is asking what we would like to see, as things have changed. My input was to see a walkable space along the creek, and space that overlooks the creek. Would like to have a parking structure. Commissioner Saulsberry said MIG took their time to research the city and how to bring the city together and blending with The Row.

**PLANNING DIVISION DIRECTOR COMMENTS:**

We will have a meeting on March 17<sup>th</sup>, with projects lined up in April and further into the year. We will have a busy year. This concludes my report.

**PLANNING COMMISSIONERS COMMENTS:**

The Commission is getting asked to resolve disputes and we don't have the power to do that.



**ADJOURNMENT**

At 7:50 p.m. Chair Rios adjourned the meeting.

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FATIMA RIOS, CHAIRPERSON  
CITY OF SAN MARCOS PLANNING COMMISSION

**ATTEST:**

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GINA JACKSON, SENIOR OFFICE SPECIALIST  
CITY OF SAN MARCOS PLANNING COMMISSION

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