



ATTACHMENT H
PC STAFF REPORT



PLANNING COMMISSION MEETING DATE:

FEBRUARY 18, 2025

SUBJECT:

..Title

REQUEST TO RENEW A CONDITIONAL USE PERMIT TO ALLOW THE CONTINUED OPERATION OF AN EXISTING AT&T MOBILITY WIRELESS TELECOMMUNICATION FACILITY (CELL TOWER) AT A 10.21-ACRE PARCEL IN THE AGRICULTURAL (A-1) ZONE.

LOCATION/APN:

2080 GOLDEN EAGLE TRAIL / APN: 679-040-01-00

CASE NUMBER:

CONDITIONAL USE PERMIT (CUP) 23-0005 AND CATEGORICAL EXEMPTION (EX) 24-027

..Body

Recommendation

..Recommendation

1. ADOPT Class 1 Categorical Exemption (Existing Facilities) (EX24-027); and
2. APPROVE Resolution No. PC 24-5140 for a Conditional Use Permit (CUP23-0005) to allow the continued operation of an existing wireless telecommunication facility located at 2080 Golden Eagle Trail.

..Body

Introduction

The 10.21-acre project site is currently developed with a single-family residence, agricultural uses, and two (2) faux-tree wireless telecommunication facilities, one operated by T-Mobile/Crown Castle and the subject facility operated by AT&T. This project would approve the continued operation of the AT&T facility for an additional 10-year period.

Discussion

The project site is currently developed with a single family residence, private equestrian stables, and is zoned Agricultural (A-1). The existing AT&T Mobility, LLC wireless telecommunication facility is located southwest of the existing single-family residence. The adjacent land uses to the east and south include single-family residences in the A-1 zone, and a single-family residence in the County of San Diego. To the north and west of the project site are single family residences and open space areas located within the San Elijo Hill Specific Plan area. From Questhaven Road, access to the site is provided through Golden Eagle Trail and Attebury Drive, both private roads.



In 2013, the Planning Commission (and City Council, by virtue of the denial of an appeal) approved Conditional Use Permit (CUP 12-004), authorizing AT&T Mobility, LLC to construct and operate a 35'-0" tall unmanned mono-pine wireless telecommunications facility with up to fifteen (15) antennas and a 240 square foot (12'-0" x 20'-0") equipment enclosure. In November of 2013, litigation was filed against AT&T Mobility, LLC, AT&T Mobility, Inc., and the City by members of "CELL NO," a group of residents in the vicinity of the project site but by December of 2014, the litigation was settled. Construction began in 2018 when the building permit (B14-00484) was issued. Construction was completed on July 29, 2020, when the final building inspection passed. The design of the faux tree was required to emulate a pine tree, with a canopy exhibiting a wide base and gently tapered sides matching the existing T-Mobile faux tree monopole. The proposed equipment building and mechanical pad was required to incorporate architectural details and colors identical to the existing T-Mobile equipment enclosure. All equipment enclosures have been designed to emulate an agricultural building, matching all existing accessory structures on the property.

The initial term of CUP 12-004 was ten (10) years and expired on September 3, 2023. This application to renew the wireless facility was filed prior to the ten (10) year expiration date on August 30, 2023. Approval of this CUP renewal would allow the continued operation of the site for an additional period of ten (10) years. During the permit term, the facility would be required to comply with the conditions of approval of this CUP.

A compliance inspection of the facilities conducted by City staff, determined that the camouflaging materials (e.g., faux branches and pine needles) were near the point of obsolescence and a "rebranching" to replace worn materials was required. Conditions of approval have been included in the resolution to require rebranching and the addition of concealment means, such as "branch extenders" or "foliage extenders" to add density to the faux-tree silhouette and enhancing its natural appearance. An arborist report is included as Attachment E and recommends structural pruning be conducted on all nine trees onsite, along with a soil test to indicate whether fertilization is necessary and mulching to maintain soil moisture. Annual monitoring and reporting are recommended to describe the conditions of the trees and any recommendations necessary to ensure optimal growth of plant materials installed in accordance with CUP 13-0006.

Section 704 of the Telecommunication Act of 1996 states that "No State or local government or instrumentality thereof may regulate the placement, construction, or modification of wireless telecommunication facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such facilities comply with the commission's regulations concerning such emissions." Therefore, City cannot deny the proposed project based upon perceived health impacts of these facilities. The Federal Communications Commission (FCC) has developed exposure guidelines which are the implementing regulations for Section 704. The FCC guidelines require evaluation to determine whether transmitters of facilities comply with the FCC radio frequency (RF) guidelines and incorporate Maximum Permissible Exposure (MPE) limits. MPE limits are defined in terms of power density, electric field strength, and magnetic field strength to which a person may be



exposed without harmful effect. The standards established in the FCC RF guidelines constitute exposure limits and are relevant only to facilities that are accessible to workers or members of the public. To show compliance with these standards, the applicant is required to submit an updated RF report anytime modifications to the facility are made (i.e. addition of new antennas, etc.), and the applicant has provided their updated RF report as part of this CUP renewal application. The required report will include RF field measurements to ensure that current environmental conditions are included in the analysis and shall confirm that the wireless telecommunication facility is operating within the FCC RF guidelines for MPE.

Environmental Review

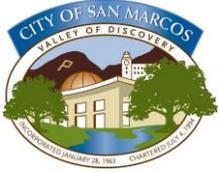
A Negative Declaration (ND 13-006) was prepared, circulated, and adopted on September 3, 2013, with the approval of CUP 12-004. The proposed project, a continuation of the operation of a wireless communications facility, is Categorical Exempt from CEQA, pursuant to Section 15301, Class I (Existing Facility with No Expansion) as the facility is existing and no expansion is proposed that would negatively impact the site or environment.

Public Comment

On September 25, 2023, public comments were received via email by John Signorino, a neighboring resident, stating health and safety concerns (Attachment G). The City responded to Mr. Signorino on January 23, 2025, with the following information: The City received an on-site Radio Frequency Safety Survey Report (RFSSR), or RF EME report, prepared by MobilComm Professionals, Inc. for AT&T. Based on the information collected on-site, the report states that AT&T Mobility is compliant with FCC Rules & Regulations as outlined in FCC OET Bulletin 65 and no additional actions are required in the report dated November 7, 2024.

Regarding concerns stated around private road maintenance, it is important to note that under the conditions of approval for CUP 12-004, AT&T committed to providing a one-time contribution of \$10,000 to the owners of properties with easement rights to Golden Eagle Trail. These funds were designated for the repair and/or maintenance of the private road, covering any damage beyond the scope of AT&T's roadwork. Additionally, conditions for the renewal of this CUP require the applicant document the condition of the roadway both before and after any construction or maintenance activities. Should any damage occur as a result of these activities, the applicant is required to repair all damages prior to the issuance of any future building permits. It is also important to clarify that the renewal of this CUP will not involve construction activities of the same scale as the original approval, and thus, the potential for road damage is expected to be significantly lower.

In response to concerns raised around wildfire mitigation zones, the City noted that the conditions of approval for CUP 12-004 required a 30' fuel management zone from the perimeter of the equipment enclosure, which meets the City's Fire mitigation management requirements. This condition is repeated in the renewal of this CUP and currently the site is maintaining a fuel management zone of approximately 48 ft from the perimeter of the equipment enclosure.



Attachment(s)

Adopting Resolution:

Resolution PC 24-5140

- A. Vicinity Map
- B. Requested Entitlements
- C. Site & Project Characteristics
- D. RF EME Report
- E. Arborist Report
- F. Notice of Exemption (EX 24-027)
- G. Public Comments (if any are received in writing outside the CEQA comment period. Comments on the CEQA document should be included in the CEQA document and need not be included here)
- H. Project Plans
- I. Photo Simulations

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