SUBJECT: CONTINUED ITEM AT&T RICE RANCH MAJOR USE PERMIT MODIFICATION

At the June 10, 2022 Planning Commission hearing, a quorum was not able to be established to vote on the item, therefore, a procedural motion was passed to have the project continued to the July 22, 2022 Planning Commission hearing. Dates have been modified in the decision documents and staff report to reflect the new Planning Commission hearing date of July 22, 2022. No changes to the project are proposed as a result of the continuance.
SUBJECT: CONTINUED ITEM AT&T RICE RANCH MAJOR USE PERMIT MODIFICATION

At the May 6, 2022 Planning Commission hearing, the project applicant and property owner representative both requested a continuance of the project for additional time to final a civil settlement that has been in process over the last year. The continuance was granted and as such, dates have been modified in the decision documents and staff report to reflect the new Planning Commission hearing date of June 10, 2022. No changes to the project are proposed as a result of the continuance.
A. OVERVIEW

The purpose of this report is to provide the Planning Commission with the information necessary to consider a proposed Major Use Permit (MUP) Modification for the AT&T Rice Ranch Wireless Telecommunication Facility (Project), conditions of approval, and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA). Planning & Development Services (PDS) staff recommends approval of the MUP, with the conditions noted in the attached MUP decision (Attachment B).

The Project, submitted December 2020, is a request for AT&T (Applicant) to revise, operate, and maintain an existing wireless telecommunication facility. The Project includes removing and replacing antennas and remote radio units (RRUs), and rebranching of the existing 50-foot-tall mono-broadleaf tree. The Project also includes removing and replacing ancillary equipment located within the existing eight-foot-tall concrete masonry unit (CMU) block wall enclosure which will be painted to match the existing residence on site. The 2.64-acre project site is located at 10590 Couser Way in the Valley Center Community Plan Area, is zoned Limited Agriculture (A70) and contains the existing telecommunication facility and avocado grove.
The MUP for the existing wireless telecommunication facility was approved on January 21, 2011 and expired on January 21, 2021 in accordance with the amortization schedule in the County of San Diego’s Zoning Ordinance Section 6991. The Project is required to bring the existing wireless telecommunication facility into conformance with the amortization requirements outlined in Zoning Ordinance Sections 6985 and 6991. The design of the wireless telecommunication facility was found to utilize the most current technology and will be granted an additional 10 years of operation before it needs to be re-evaluated against the technology available in the future.

This report includes a staff recommendation, a Project description, analysis and discussion, and the Valley Center Community Planning Group recommendation.

B. REQUESTED ACTIONS

This is a request for the Planning Commission to evaluate the Project and determine if the required findings can be made and, if so, take the following actions:

a. Adopt the Environmental Findings included in Attachment D, which includes a finding that the Project is exempt from the California Environmental Quality Act (CEQA).

b. Grant Major Use Permit Modification PDS2020-MUP-09-020W1, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment B).

C. DEVELOPMENT PROPOSAL

1. Project Description

The Applicant requests a MUP Modification to revise and continue operating an existing wireless telecommunication facility located at 10590 Couser Way in the Valley Center Community Plan Area. The Applicant proposes to remove and replace antennas and RRU’s and rebranch the existing 50-foot-tall mono-broadleaf tree. All antennas will have “socks” installed over them for camouflage and RRRUs and equipment will be painted dark green to match the mono-broadleaf foliage (Figure 1). In addition, a battery cabinet and power plant cabinet with associated equipment will be removed and replaced within the existing 330 square foot CMU block wall enclosure located directly adjacent to the base of the facility. Both the interior and exterior of the CMU block wall enclosure will be painted to match the color of the existing single-family residence.

On January 21, 2011, the Planning Commission approved Major Use Permit PDS2009-3300-09-020 for the wireless telecommunication facility. Since approval of the MUP, multiple Minor Deviations have been approved for minor equipment changes, upgrades, and maintenance of the faux mono-broadleaf tree. Pursuant to the County of San Diego’s Zoning Ordinance, faux tree facilities are defined as “high-visibility” and the project site is located in a non-preferred zone. Therefore, the original MUP was granted for a period of 10 years and expired on January 21, 2021. Pursuant to the amortization schedule in Zoning Ordinance Section 6991, the Applicant is required to obtain a modified MUP to bring the facility into compliance with the Zoning Ordinance and renew the facility for an additional 10 years. The Applicant submitted for the Modification in December of 2020.
Figure 1: View on site of existing (left) and proposed (right) mono-broadleaf tree and equipment enclosure, looking northwest.

2. Subject Property and Surrounding Land Uses

The Project is located on a 2.64-acre parcel within the Valley Center Community Plan Area (Figure 2). The project site is zoned Limited Agriculture (A70). The General Plan Regional Category is Rural, and the Land Use Designation is Rural Lands (RL-20).
Figure 2: Vicinity map

The site contains the existing telecommunication facility and avocado grove. The nearest adjacent parcel is under common ownership and contains a single-family residence and a pool (Figure 3). Surrounding land uses are primarily agriculture, single-family residential, and vacant land (Table C-1).
Figure 3: Aerial photograph of project site. Location of existing facility identified with red star.

Table C-1: Surrounding Zoning and Land Uses

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan</th>
<th>Zoning</th>
<th>Adjacent Streets</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Public/Semi-Public Lands (Solid Waste Facility)</td>
<td>Solid Waste Facility (SWF)</td>
<td>SR-76/Pala Road</td>
<td>Vacant Land</td>
</tr>
<tr>
<td>East</td>
<td>Rural Lands (RL-20)</td>
<td>Limited Agriculture (A70)</td>
<td>Couser Way</td>
<td>Agriculture, Rural Residential</td>
</tr>
<tr>
<td>South</td>
<td>Rural Lands (RL-20)</td>
<td>Limited Agriculture (A70)</td>
<td>Couser Canyon Road</td>
<td>Agriculture, Rural Residential</td>
</tr>
<tr>
<td>West</td>
<td>Rural Lands (RL-20)</td>
<td>Limited Agriculture (A70)</td>
<td>Deseret Road</td>
<td>Agriculture, Vacant Land</td>
</tr>
</tbody>
</table>
D. ANALYSIS AND DISCUSSION

The Project has been reviewed to ensure it conforms to all the relevant ordinances and guidelines, including, but not limited to, the San Diego County General Plan, the Zoning Ordinance, and CEQA. The following topics were reviewed during the Project’s processing and are detailed below: Amortization, Site Plan Analysis, Community Compatibility/Visual Impacts, and Alternative Site Analysis (ASA).

1. Key Requirements for Requested Actions
   a. Is the Project consistent with the vision, goals, and policies of the General Plan?
   b. Is the Project consistent with the goals and policies of the Valley Center Community Plan?
   c. Is the Project consistent with the County’s Zoning Ordinance?
   d. Is the Project consistent with the County’s Wireless Ordinance?
   e. Does the Project comply with CEQA?

2. Analysis

The Project is located on a property zoned Limited Agriculture (A70), which is a non-preferred zone for wireless telecommunication facilities according to Zoning Ordinance Section 6986A. Section 6985 of the County Zoning Ordinance requires the approval of a MUP for all wireless facilities in a Rural zone, and A70 is defined as a Rural zone in Section 6983. In addition, the Project includes a request for two exceptions that were approved with the original MUP: 1) Exception from the 35-foot height requirement for the 50-foot-tall facility as provided by Section 4620.g of the County Zoning Ordinance, 2) Exception to allow the facility to be set back 33 feet from the nearest residential property line, instead of the required 50-foot setback (Section 6985.C.4) as allowed by Section 4813 of the County Zoning Ordinance.

Amortization

The Project is subject to amortization because a faux tree is defined as a “high visibility” facility and the site is within a rural zone, which is a non-preferred zone. This means the existing facility must be brought into conformance with the Zoning Ordinance requirements within a specified time, as stated in Section 6991 of the Zoning Ordinance. It also has a term limit pursuant to Zoning Ordinance section 6985.C.11, which states that projects that are considered high visibility and require use permits are given a maximum term limit based on the valuation of the facility. This Project is considered a high visibility structure and requires a MUP Modification to continue operation and maintenance and renew the facility’s term limits. The Project subject to this MUP Modification is valued at approximately $300,000 and will therefore have a maximum term of 10 years. This time may be extended by modifying the permit, if it is found that no smaller or less visible technology is available or feasible to replace the facility at the time of the request for a modification.

Site Planning Analysis

The Project is located on a privately owned 2.64-acre site. The proposed 50-foot-tall mono-broadleaf tree is designed to be compatible with the surrounding land uses and mountainous, vegetated backdrop. The facility is located approximately 1,800 feet north of Couser Canyon Road, the nearest public road, approximately 65 feet west of the single-family residence on the adjacent parcel but
under common ownership and approximately 495 feet north of the nearest neighboring residential structure. Due to topography and existing surrounding vegetation including avocado trees, it is not visible from Couser Canyon Road. The facility may be visible from nearby residences but will blend amidst several existing avocado trees as they grow to similar height.

**Community Compatibility/Visual Impacts**

General Plan Policy COS 11.1 requires protection of scenic highways, corridors, regionally significant vistas, and natural features. The County of San Diego General Plan identifies State Route 76 (SR-76), or Pala Road, as a County Scenic Highway in the vicinity of the site. The proposed mono-broadleaf tree is approximately 0.85 miles from SR-76 and is not visible from the scenic corridor due to distance and intervening topography and vegetation.

The facility is located approximately 495 feet north of the nearest off-site residential structure, and approximately 65 feet west of the single-family residence on the adjacent parcel under common ownership. The residents there will have limited views of the Project due to the distance and topography. The faux tree will be visible from surrounding areas but due to distance, topography, and the vegetated landscape, the facility blends in with the rural character of the area. Therefore, the proposed wireless telecommunication facility will not introduce a negative visual impact to the community.

**Alternative Site Analysis**

The facility currently provides cellular service to the surrounding residents, visitors, and motorists. The site is zoned Limited Agriculture (A70), a non-preferred zone for wireless facilities. Section 6986.C. of the Zoning Ordinance states that wireless facilities shall not be approved in non-preferred zones when siting in a preferred zone or preferred location is feasible unless the proposed site is preferable due to aesthetic and community character compatibility. The Applicant provided an Alternative Site Analysis (ASA) to demonstrate the feasibility of co-location opportunities on existing wireless telecommunication facilities in the Project vicinity. The Applicant demonstrated in the ASA that there are no feasible co-location opportunities, and that moving the facility would create a gap in area coverage (Figure 6). All other wireless telecommunication facilities are located outside the Applicant’s target coverage area and other existing sites are not capable of supporting an additional carrier.

Further information detailing the ASA analysis can be found in Attachment F.

The Geographic Service Area (GSA) maps shown in the below figure illustrate coverage in the area, with and without the wireless telecommunication facility. The GSA maps demonstrate that the existing location is necessary to provide continued coverage and adequate service to motorists and residents in the area (Figure 6). The 50-foot height of the facility is necessary to allow the antennas to provide coverage due to the surrounding topography. These GSA maps for AT&T can also be found in Attachment F.
3. General Plan Consistency

The Project is consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

Table D-1: General Plan Conformance

<table>
<thead>
<tr>
<th>General Plan Policy</th>
<th>Explanation of Project Conformance</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOAL S-1 – Public Safety. Enhanced public safety and the protection of public and private property.</td>
<td>The Project will provide coverage throughout the area, which is essential in the event of an emergency. In addition, FirstNet, a first responder network, will be provided by the facility to further public safety and accessibility to prompt emergency response in the surrounding area.</td>
</tr>
<tr>
<td>GOAL S-2 – Emergency Response. Effective emergency response to disasters that minimizes the loss of life and damage to property, while also reducing disruption in the delivery of vital public and private services during and following a disaster.</td>
<td></td>
</tr>
<tr>
<td>Policy LU-15.1 – Telecommunication Facilities Compatibility with Setting. Require that wireless telecommunication facilities be sited and designed to minimize visual impacts, adverse impacts to the natural environment, and are compatible with existing development and community character.</td>
<td>The Project will minimize visual impacts through adding additional branching and covering antennas with “socks” to blend equipment into the monobroadleaf tree design and painting the existing equipment enclosure to match the color of the existing residence on the adjacent parcel under common ownership, which aids in making the facility compatible with existing development and the rural community character.</td>
</tr>
<tr>
<td>POLICY LU 15.2 – Co-Location of Telecommunication Facilities. Encourage wireless telecommunication services providers to co-locate their facilities whenever appropriate, consistent with the Zoning Ordinance.</td>
<td>The facility is available to provide co-location opportunities for other carriers as feasible.</td>
</tr>
</tbody>
</table>
4. Zoning Ordinance Consistency

a. Development Regulations

The Project complies with all applicable zoning requirements of the Limited Agriculture (A70) zone with the incorporation of conditions of approval (See Table D-2).

Table D-2: Zoning Ordinance Development Regulations

<table>
<thead>
<tr>
<th>CURRENT ZONING REGULATIONS</th>
<th>CONSISTENT?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Regulation: A70</td>
<td>Yes, upon approval of a MUP Modification</td>
</tr>
<tr>
<td>Animal Regulation: L</td>
<td>N/A</td>
</tr>
<tr>
<td>Density:</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot Size: 4 AC</td>
<td>N/A</td>
</tr>
<tr>
<td>Building Type: C</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Floor Area:</td>
<td>N/A</td>
</tr>
<tr>
<td>Floor Area Ratio:</td>
<td>N/A</td>
</tr>
<tr>
<td>Height: G</td>
<td>Yes, upon approval of a MUP Modification</td>
</tr>
<tr>
<td>Lot Coverage: -</td>
<td>N/A</td>
</tr>
<tr>
<td>Setback: C</td>
<td>Yes</td>
</tr>
<tr>
<td>Open Space: -</td>
<td>N/A</td>
</tr>
<tr>
<td>Special Area Regulations:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Development Standard

Section 4600 of the Zoning Ordinance sets the maximum height requirements. This parcel has a designated height of “C” which requires structures to be no more than 35 feet in height.

Proposed/Provided

The mono-broadleaf tree is 50 feet tall. The approved MUP included a request to exceed the 35-foot height limit, which is necessary to meet the intended coverage objective. The MUP Modification requests the continuation of the height exceedance allowance to continue to provide optimal coverage.

Complies?

Yes ☒ No ☐

Upon approval of MUP Modification
### Development Standard

<table>
<thead>
<tr>
<th>Proposed/Provided</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed location of the mono-broadleaf tree and associated equipment enclosure are located outside all required setbacks including front, rear, and side yard setbacks.</td>
<td>Yes ☒ No ☐</td>
</tr>
</tbody>
</table>

### b. Wireless Ordinance Consistency

By federal law, the County is prohibited from regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency (RF) emissions, if the facilities comply with the Federal Communication Commission’s (FCC) regulations concerning RF emissions. Therefore, County decision makers do not consider comments or information concerning potential health effects or other environmental effects when determining whether to approve permits for cellular facilities. Also, staff does not require information from the Applicant concerning such effects from RF emissions associated with the Project. Information regarding potential health effects is available from the cellular providers upon request as it is also required from the FCC.

The County is preempted by the Federal Telecommunication Act from considering Electric Magnetic Radiation (EMR) when reviewing the proposed location of cellular facilities. Therefore, staff does not require information from the Applicant on potential health effects from EMR associated with the Project. Generally, this information is available from the cellular providers upon request as it is also required from the FCC.

**Table D-3: Wireless Ordinance Consistency**

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Proposed/Provided</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 6985.C.2 of the Wireless Telecommunication Ordinance requires that the equipment accessory to a facility not exceed 10 feet in height unless a greater height is necessary to maximize architectural integration and the facility is screened by landscaping.</td>
<td>The existing equipment and cabinets are of varying height but are all less than 10 feet. The existing eight-foot-tall CMU block wall equipment enclosure will be painted to match the color of the existing residence on the adjacent property under common ownership and agricultural trees on-site further screen the facility.</td>
<td>Yes ☒ No ☐</td>
</tr>
</tbody>
</table>

<p>| Section 6985.C.4 of the Wireless Telecommunication Ordinance requires that a minimum 50-foot setback for a telecommunication tower when it is placed adjacent to a residential use. | The 50-foot-tall mono-broadleaf tree is setback 33 feet from nearest residential property line and 65 feet from nearest single-family residence. The approved MUP included a request to be set back | Yes ☒ No ☐ Upon approval of MUP Modification |</p>
<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Proposed/Provided</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 6985.C.5 of the Wireless Telecommunication Ordinance prohibits the placement of a telecommunication tower or equipment in the front, rear, or side yard setback.</td>
<td>from the nearest residence by 33 feet and the MUP Modification requests the continuation of the reduced setback allowance.</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Section 6985.C.6 of the Wireless Telecommunication Ordinance states that noise from any equipment supporting the facility shall meet the requirements of the County’s Noise Ordinance on an average hourly basis.</td>
<td>The tower and equipment enclosure are located outside all required building setbacks including front, rear, and side yard.</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Section 6985.C.11 of the Wireless Telecommunication Ordinance limits the term of a “high visibility” facility, depending on the valuation of the wireless facility.</td>
<td>No new noise-producing equipment or operational uses are proposed as part of the Project. The Project will not create a change in the existing noise environment and is therefore anticipated to comply with the County of San Diego Noise Ordinance Section(s) 36.404.</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Section 6987.D of the Wireless Telecommunication Ordinance states that sites visible from a Scenic Highway, as identified in the General Plan, shall be designed in such a manner as to avoid adverse visual impacts and does not permit the use of</td>
<td>The site is not visible from any nearby scenic roads or highways due to the distance and topography.</td>
<td>Yes ☒ No ☐</td>
</tr>
</tbody>
</table>
5. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed for compliance with CEQA and it is determined that the proposed project qualifies for a categorical exemption under CEQA Section 15301. Section 15301 exempts the operation, repair, maintenance, permitting leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. It has been determined that the project is not in an environmentally sensitive location; will not have a cumulative effect on the environment; is not on a hazardous waste site; will not cause substantial change in the significance of a historical resource; and will not result in damage to a scenic highway.

E. COMMUNITY PLANNING GROUP RECOMMENDATION

On February 8, 2021, the Valley Center Community Planning Group (CPG) reviewed the Project. The CPG recommended denial of the MUP Modification indicating AT&T has other alternatives to find a site located away from residents by a vote of 11-3-0-0 (11-Yes, 3-No, 0-Abstain, 0-Absent). The Applicant provided an Alternative Site Analysis (ASA) to demonstrate the feasibility of co-location opportunities on existing wireless telecommunication facilities in the Project vicinity. The Applicant demonstrated in the ASA that there are no feasible co-location opportunities, and that moving the facility would create a gap in area coverage. The nearest commercial zone is located approximately 2.7 miles west of the existing facility and will not meet the coverage objectives. The ASA and Geographic Service Area Maps can be found in Attachment F. The Valley Center CPG meeting minutes can be found in Attachment E.

F. PUBLIC INPUT

The Project was first submitted to PDS in December 2020. At the time of application submittal and in accordance with Board Policy I-49, public notices were sent to property owners within a minimum radius of 300 feet of the project site until at least 20 different property owners were noticed. A total of twenty-two property owners were notified within a 1,900-foot radius from the project site. No written comments or phone calls were received from community members as a result of the public notices sent at the time of application. In addition, public notices for the Planning Commission hearing were sent to a total of twenty-two property owners, including owners of properties beyond the minimum of 300 feet, for a radius of 1,900 feet from the project site.

G. RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Environmental Findings included in Attachment D which include a finding that the project is exempt from CEQA.

2. Grant MUP Modification PDS2020-MUP-09-020W1, make the findings, and impose the requirements and conditions as set forth in the Form of Decision in Attachment B.
Report Prepared By: Rachael Lindebrekke, Project Manager
619-323-7872
Rachael.Lindebrekke@sdcounty.ca.gov

Report Approved By: Dahvia Lynch, Director
858-694-2962
Dahvia.Lynch@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE: [Signature]
DAHVIA LYNCH, DIRECTOR

ATTACHMENTS:
Attachment A – Planning Documentation
Attachment B – Form of Decision Approving PDS2020-MUP-09-020W1
Attachment C – Environmental Documentation
Attachment D – Environmental Findings
Attachment E – Public Documentation
Attachment F – Photos, Geographic Service Area Maps, Alternative Site Analysis
Attachment G – Ownership Disclosure
Attachment A – Planning Documentation
AT&T Rice Ranch
PDS2020-MUP-09-020W1
General Plan

Valley Center
Subregional Plan Area

(18) Rural Lands (RL-20)
(19) Rural Lands (RL-40)
(32) Public/Semi-Public Facilities
(42) Public/Semi-Public Lands (Solid Waste Facility)
VENTIV R48-2000c3

AC INPUT
- INPUT VOLTAGE: Nominal
- INPUT FREQUENCY: 50/60 Hz
- INPUT VOLTAGE NOMINAL: 187 - 264 Vac
- INPUT FREQUENCY: 50 - 60 Hz

DC OUTPUT
- OUTPUT VOLTAGE (MAX): +42 to +58 VDC
- OUTPUT CURRENT: 20 Amps
- OUTPUT CURRENT RANGE: 0 - 20 Amps
- ROLE EFFICIENCY: 90.5%

TECHNICAL
- DIMENSIONS (INCHES): Width: 2.69
- WEIGHT: 181 lbs

DC POWER UPGRADE NOTES:
1. Contractor to provide labels or tag on power trunk cables with actual installed length (ft) and size (AWG) that are visible at the equipment area.
2. Use (E) #6 AWG for main power trunk with a cable run length of approximately 75 ft for RU5447S.
3. Use (N) #6 AWG for the main power trunk with a cable run length of approximately 75 ft for RU583.
4. Use (N) #6 AWG for the main power trunk with a cable run length of approximately 75 ft for RU5447S (1-feed) and RU5883 (1-feed).
5. Use #10 AWG for all the lamp cables for an RUU's with a cable run length of approximately 15 ft.
6. No DC power extend converters are needed in the power plant.
7. No DC-DC converters are needed in the power plant.
8. General Contractor will refer to AT&T approved power study for more details.

Net/extend Flex Battery Enclosure

The Net/extend Flex Battery Enclosure is designed to house battery modules in a flexible configuration. It features a modular design allowing for easy expansion and maintenance.

Specifications:
- Dimensions: 19" x 17" x 25.5"
- Weight: 100 lbs
- Max. Voltage: 24V
- Max. Current: 500 A

Features:
- Includes battery modules
- Provides space for additional modules
- Easy access to individual modules

DC POWER UPGRADE NOTES:
1. Use #6 AWG for main power trunk with a cable run length of approximately 75 ft.
2. Use #6 AWG for the main power trunk with a cable run length of approximately 75 ft.
3. Use #6 AWG for the main power trunk with a cable run length of approximately 75 ft.
4. Use #6 AWG for the main power trunk with a cable run length of approximately 75 ft.
5. Use #10 AWG for lamp cables for RUU's with a cable run length of approximately 15 ft.
6. No DC power extend converters are needed in the power plant.
7. No DC-DC converters are needed in the power plant.
8. General Contractor will refer to AT&T approved power study for more details.
Attachment B – Form of Decision
Approving PDS2020-MUP-09-020W1
May 6, 2022

PERMITTEE: AT&T
MAJOR USE PERMIT: PDS2020-MUP-09-020W1
E.R. NUMBER: PDS2020-ER-09-02-009A
PROPERTY: 10590 Couser Way, Valley Center, CA 92082
APN(S): 128-020-34-00

DECISION OF THE PLANNING COMMISSION

ORIGINAL MAJOR USE PERMIT DECISION (3300-09-020)
Grant, this Major Use Permit for an unmanned wireless telecommunication facility consists of this Form of Decision and the plot plan dated September 9, 2010, consisting of six sheets. This permit authorizes the placement of a wireless telecommunication facility consisting of a 50-foot-tall mono-tree and associated equipment pursuant to Sections 6980 and 7350 of the Zoning Ordinance.

Also granted, is a specific exception pursuant to Section 4620(g) of the Zoning Ordinance to allow a 50-foot-tall mono-tree where 35 feet is the maximum height allowed, and a setback exception pursuant to Section 4813 to allow the proposed mono-broadleaf tree to be setback from the common lot line shared by the two legal lots by a distance of 33 feet.

MODIFICATION TO MAJOR USE PERMIT DECISION (MUP-09-020W1)
Grant, as per plot plan, equipment layout and elevations dated February 15, 2022, consisting of twenty-two (22) sheets approved concurrently herewith, a Major Use Permit Modification for the renewal of the existing telecommunication facility pursuant to Section 6985 and 6991 of the Zoning Ordinance. This permit authorizes the continued use and maintenance of the existing 50-foot-tall faux mono-broadleaf and related equipment and equipment shelter. In addition, this permit authorizes the rebranching of the mono-broadleaf tree, removal and replacement of antennas, remote radio units (RRUs), and ancillary equipment located within the existing eight-foot-tall concrete masonry unit (CMU) block wall enclosure.

Also grant, an exception pursuant to Section 4620(g) of the Zoning Ordinance to allow a 50-foot-tall mono-broadleaf tree where 35 feet is the maximum height allowed, and a setback exception pursuant to Section 4813 to allow the proposed mono-broadleaf tree to be setback from the common lot line shared by the two legal lots by a distance of 33 feet.
The wireless telecommunication facility is considered "high visibility" and is located within a "residential zone", therefore, pursuant to Section 6985(c)(11) of the Zoning Ordinance, this Major Use Permit Modification shall have a maximum term of 10 years (ending May 6, 2032, at 4:00 p.m.). This may be extended for an additional period of time through a modification of the Major Use Permit if it is found that no smaller or less visible technology is available or feasible to replace the facility at that time.

**MAJOR USE PERMIT MODIFICATION EXPIRATION:** This Major Use Permit Modification shall expire on **May 6, 2024** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit Modification has commenced prior to said expiration date.

---

**CONDITIONS FOR MAJOR USE PERMIT (3300-09-020)**

**SPECIFIC CONDITIONS:** Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

**ANY PERMIT:** (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. **COST RECOVERY:** [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]
   **Intent:** In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

2. **RECORDATION OF DECISION:** [DPLU], [GP, CP, BP, UO]
   **Intent:** In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **Description of requirement:** The applicant shall sign, notarize with an ‘all purpose acknowledgement’ and return the Recordation Form, with Decision attached, to DPLU. **Documentation:** Signed and notarized Recordation Form with Decision attached. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by DPLU at the County Recorder’s Office. **Monitoring:** The DPLU Zoning
Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at DPLU.

3. **CODE COMPLIANCE [DPLU, BI] [UO, FG] [DPLU, FEE]**

   **Intent:** In order to comply with the provisions of Chapter 2, of Division 5, Title 5 of the County Code and Section 6118 et al. of the Zoning Ordinance, the applicant and/or property shall comply with the following requirement. **Description of requirement:** All existing unpermitted trailers/mobile homes shall be removed from the property prior to the issuance of building permit. **Documentation:** The applicant shall submit a letter and photographic evidence to DPLU to show that all unpermitted trailers/mobile homes are no longer exist on-site. **Timing:** Prior to issuance of any building permit, documentation of code compliance for all structures on-site shall be submitted. **Monitoring:** The Building Inspector shall verify that no code violations exist on the property.

   **OCCUPANCY:** (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

4. **ANNEX TO LIGHTING DISTRICT: [DPW, LDR] [DPLU, ZONING] [UO].**

   **Intent:** In order to promote orderly development and to comply with the Street Lighting Requirements of the County Centerline Ordinance Section 51.511.1 and The County of San Diego Public Road Standards, the property shall transfer into the lighting district. **Description of requirement:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **Documentation:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [DPLU, ZONING]. The applicant shall provide the receipt to [DPLU, PCC]. **Timing:** Prior to occupancy of the first structure built in association with this permit, final grading release, or use in the premises in reliance of this permit, the fee shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

5. **INSPECTION FEE: [DPLU, ZONING][DPLU, PCO] [UO][DPR, TC, PP].**

   **Intent:** In order to comply with Zoning Ordinance Section 7362.e the Discretionary Inspection Fee shall be paid. **Description of Requirement:** Pay the Discretionary Permit Inspection Fee at the [DPLU, Zoning Counter] and schedule an appointment for a follow up inspection with the County Permit Compliance Officer to review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. **Documentation:** The applicant shall provide a receipt showing that the inspection fee has been paid. The applicant shall also schedule the follow up inspection with the [DPLU, PCC]. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **Monitoring:** The [DPLU, Zoning Counter] shall process an invoice and collect the fee for the Use Permit Compliance Inspection Fee. Upon collection of the fee, an inspection milestone shall be entered to schedule an inspection six months from the date that occupancy or use of the site was established. The permittee contact information shall be updated in the County permit tracking system, and the [DPLU, Permit Compliance Officer] should be notified. The [DPLU, Permit Compliance Officer] shall contact the permittee and schedule the initial inspection.
6. SITE PLAN IMPLEMENTATION: [DPLU, BI] [UO] [DPR, TC, PP].
   Intent: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. Description of Requirement: The site shall conform to the approved plot plan and the building plans. This includes, but is not limited to: installing all required design features, painting all structures with the approved colors, and all temporary construction facilities have been removed from the site. Documentation: The applicant shall ensure that the site conforms to the approved plot plan and building plans. Timing: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. Monitoring: The [DPLU, Building Inspector] and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

7. PHOTO SIMULATION: [DPLU, PCC] [UO, FG] [DPLU, FEE]
   Intent: In order to verify that the site complies with the County Zoning Ordinance Section 6980 through 6991 (Wireless Telecommunications Section), the site shall substantially comply with the approved plot plans and photo-simulations. Description of Requirement: The site shall be built to substantially comply with the approved photo-simulations to ensure that the site was built to be invisibly screened from public view. Documentation: The applicant shall build the site to comply with the approved plans and the photo-simulations. Upon completion, the applicant shall provide the photographic evidence to the [DPLU, PCC] for review. Timing: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall be built to match the approval Monitoring: The [DPLU, PCC] shall review the provided Photos for compliance with this condition and compliance with the photos-simulations.

ONGOING: (The following conditions shall apply during the term of this permit).

8. SIGHT DISTANCE: [DPLU, CODES] [OG].
   Intent: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1. (E) of the County of San Diego Public Road Standards, an unobstructed sight distance shall be maintained for the life of this permit. Description of Requirement: There shall be a minimum unobstructed sight distance along Couser Canyon Road from private road, Couser Way for the life of this permit. Documentation: A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. Timing: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. Monitoring: The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

9. SITE CONFORMANCE: [DPLU, PCO] [OG] [DPR, TC, PP].
   Intent: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. Description of Requirement: The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. Documentation: The property owner and
permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

10. **PRIVATE ROAD MAINTENANCE:** [DPW, LDR] [BP, IP, GP, UO].

   **Intent:** In order to ensure that the offsite private roads are maintained and not damaged during construction, the applicant shall assume responsibility. **Description of Requirement:** The applicant is responsible for maintenance and repair, in case of damage caused by this project to the on-site and off-site private roads that serve the property during either construction or subsequent operations. **Documentation:** The applicant shall assume responsibility pursuant to this condition. **Timing:** Upon establishment of use, The following conditions shall apply during the term of this permit. **Monitoring:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

11. **SITE CONFORMANCE:** [DPLU, PCO] [OG].

   **Intent:** In order to comply with the County Zoning Ordinance Section 6980 through 6991 (Wireless Telecommunications Section), the site shall substantially comply with the requirements of this condition. **Description of Requirement:** The project shall conform to the following requirements. This includes, but is not limited to maintaining the following:

   a. Maintain the appearance of the facility and associated equipment shelter, as depicted in the approved photo simulations.

   b. All graffiti on any components of the facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way must be removed within 48 hours of notification.

   c. All wireless telecommunications sites including antennae and cabinets shall be kept clean and free of litter, display a legible operator’s contact number for reporting maintenance problems, and be secured to prohibit unauthorized access.

   d. Wireless telecommunications facilities with use discontinued shall be considered abandoned 90 days following the final day of use. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or determination that the facility has been abandoned, whichever occurs first. All wireless carriers who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intention no less than 60 days before the final day of use. The County reserves the right to remove any facilities that are abandoned for more than 90 days at the expense of the facility owner. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

   e. Maintain the vegetation surrounding the wireless telecommunication facility to ensure the facility will be adequately screened at all times.
Documentation: The property owner and applicant shall conform to the ongoing requirements of this condition. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. Timing: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. Monitoring: The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

CONDITIONS FOR MAJOR USE PERMIT MODIFICATION (MUP-09-020W1)

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Site Plan. Where specifically indicated, actions are required prior to the approval of any grading, improvement, or building plan, and the issuance of grading, construction, building, or other permits as specified:

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. GEN#1–COST RECOVERY: [PDS, DPW, DEH, DPR], [GP, CP, BP, UO] INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. DESCRIPTION OF REQUIREMENT: The applicant shall pay off all existing deficit accounts associated with processing this permit. DOCUMENTATION: The applicant shall provide a receipt to Planning & Development Services, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. TIMING: Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. MONITORING: The PDS Zoning Counter shall review the receipts and verify that all PDS, DPW, DEH, and DPR deposit accounts have been paid.

2. GEN#2–RECORDATION OF DECISION: [PDS], [GP, CP, BP, UO] INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. DESCRIPTION OF REQUIREMENT: The applicant shall sign, notarize with an ‘all-purpose acknowledgement’ and return the original Recordation Form to PDS. DOCUMENTATION: Signed and notarized original Recordation Form. TIMING: Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. MONITORING: The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. ROADS#1–SIGHT DISTANCE
   INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of
Section 6.1 E of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is **350 feet** of unobstructed intersectional sight distance in both directions along Couser Canyon Road from the proposed private easement road, Couser Way, in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of 2.3 Minor Collector as described in Table 5 based on a speed of **35 MPH**, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

**DOCUMENTATION:** The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified.

**MONITORING:** The [PDS, LDR] shall verify the sight distance certifications for compliance with this condition.

4. **ROADS#2--ANNEX TO LIGHTING DISTRICT**

**INTENT:** In order to promote orderly development and to comply with the Street Lighting Requirements of the County of San Diego Board Policy I-18 and The County of San Diego Public Road Standards, the property shall transfer into the Lighting District. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit)*

5. **GEN#3--INSPECTION FEE**

**INTENT:** In order to comply with Zoning Ordinance Section 7362.e, the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that
the inspection fee has been paid along with updated contact information [PDS, PCC].

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. MONITORING: The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

6. **PLN#1—PHOTO SIMULATION (WIRELESS): [PDS, PCC] [UO, FG] [PDS, FEE]

**INTENT:** In order to verify that the site complies with the County Zoning Ordinance Section 6980 through 6991 (Wireless Telecommunications Section), the site shall substantially comply with the approved plot plans and photo-simulations. **DESCRIPTION OF REQUIREMENT:** The site shall be built to substantially comply with the approved photo-simulations dated April 1, 2022 to ensure that the site was built to be screened from public view.

- **a.** Each panel antenna mounted to the mono-broadleaf must be covered with a “sock”.
- **b.** Both the interior and exterior of the CMU block wall enclosure must be painted to match the color of the existing single-family residence.

**DOCUMENTATION:** The applicant shall build the site to comply with the approved plans and the photo-simulations. Upon completion, the applicant shall provide the photographic evidence to the [PDS, PCC] for review. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall be built to match the approval **MONITORING:** The [PDS, PCC] shall review the provided photos for compliance with this condition and compliance with the photo-simulations.

7. **PLN#2–SITE PLAN IMPLEMENTATION: [PDS, BI] [UO] [DPR, TC, PP].

**INTENT:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved plot plan and the building plans. This includes but is not limited to: installing all required design features, painting all structures with the approved colors, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. Any interior changes to approved telecommunications equipment that are located entirely within an approved enclosed equipment shelter, with equipment that cannot be seen by an adjacent residence, parcel or roadway, shall not require Modification or Deviation of the permit, to the satisfaction of the Director of Planning and Development Services (expansion of the existing approved equipment shelter and/or addition of noise generating equipment would require either Modification or Deviation of the permit). **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, Building Inspector] and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

8. **NOISE#1—NOISE REQUIREMENT [PDS, FEE X1]

**INTENT:** In order to reduce the impacts of the installation of any generator or any external noise-generating device, that would use the external power stub (generator receptacle)
and to comply with the County of San Diego Noise Ordinance 36.404 as evaluated in the County of San Diego Noise Guidelines for Determining Significance, the following requirements shall be continued for the life of this permit. DESCRIPTION OF REQUIREMENT: Prior to the installation of any generator or any external noise-generating device, that would use the external power stub and/or proposed pad location approved with this Use Permit, the permittee shall obtain approval of a minor deviation or modification:

a. The minor deviation shall comply with Zoning Ordinance Sections 7609 and 6985.b as defined by 6983.1 for Invisible – Facilities. Upon the approval of the minor deviation, the proposed generator shall comply with the County Noise Ordinance Section 36.404.

b. Failure to comply with the invisibility standards of Zoning Ordinance Section 6983.1, and compliance with the County Noise Ordinance Section 36.404, will require an application and subsequent approval of a Modification to this Use Permit before any generator can added or used on the site.

DOCUMENTATION: The property owner and permittee shall comply with the permittee or property owner chooses to install a generator unit associated with the cellular facility, they must apply for a Deviation or Modification of this permit pursuant to the County of San Diego Zoning Ordinance. TIMING: Prior to the installation of any generator or any external noise-generating device, that would use the external power stub and/or proposed pad location approved with this Use Permit, the permittee shall obtain approval of a minor deviation or modification to the approved plot plan and provide proof that the device complies with the County Noise Ordinance. MONITORING: The County Noise Specialist shall review all proposed generator unit installation and ensure that the project complies with on-going noise ordinance standards. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

9. HAZ#1–HEALTH AND SAFETY PLAN

INTENT: In order to protect workers from hazardous chemicals and to notify the public of potential hazardous chemicals and substances and to comply with the California Health and Safety Code, Chapter 6.95, the applicant shall receive approval from the Department of Environmental Health and Quality. DESCRIPTION OF REQUIREMENT: The applicant of the facility shall obtain all necessary permits for the storage, handling, and disposal of the hazardous materials as required by the Department of Environmental Health and Quality-Hazardous Materials Division. The plan shall be approved by [DEH, HMD]. The Hazardous Materials Division, Plan Check section contact is Sayed Khalid, (858) 935-0028 or by email at sayed.khalid@sdcounty.ca.gov. TIMING: Prior to occupancy of the first structure built in association with this permit, the Health and Safety Plan, and Hazardous Materials Business Plan shall be prepared, approved and implemented. MONITORING: [DEHQ, HMD] shall verify and approve all compliance with this condition.
ONGOING: (The following conditions shall apply during the term of this permit).

10. PLN#3–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. DESCRIPTION OF REQUIREMENT: The project shall conform to the approved landscape plans, building plans, and plot plans. This includes but is not limited to maintaining the following: painting all necessary aesthetics design features, and all lighting wall/fencing. Failure to conform to the approved plot plans is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. Documentation: The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a deviation or a modification pursuant to the County of San Diego Zoning Ordinance. Any interior changes to approved telecommunications equipment that are located entirely within an approved enclosed equipment shelter that cannot be seen by an adjacent residence, parcel or roadway, shall not require modification or deviation of the permit. Expansion of the existing approved equipment shelter and/or addition of noise generating equipment would require a modification or deviation. Timing: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. Monitoring: The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

11. PLN#4–SITE CONFORMANCE (WIRELESS): [PDS, PCO] [OG]

INTENT: In order to comply with the County Zoning Ordinance Section 6980 through 6991 (Wireless Telecommunications Section), the site shall substantially comply with the requirements of this condition. DESCRIPTION OF REQUIREMENT: The project shall conform to the following requirements. This includes, but is not limited to maintaining the following:

a. Maintain the appearance of the facility and associated equipment shelter, as depicted in the approved photo simulations dated April 1, 2022. Any interior changes to approved telecommunications equipment that are located entirely within an approved enclosed equipment shelter, with equipment that cannot be seen by an adjacent residence, parcel or roadway, shall not require Modification or Deviation of the permit, to the satisfaction of the Director of Planning and Development Services (expansion of the existing approved equipment shelter and/or addition of noise generating equipment would require either Modification or Deviation of the permit).

b. All graffiti on any components of the facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way must be removed within 48 hours of notification.

c. All wireless telecommunications sites including antennae and cabinets shall be kept clean and free of litter, display a legible operator’s contact number for reporting maintenance problems, and be secured to prohibit unauthorized access.
d. Wireless telecommunications facilities with use discontinued shall be considered abandoned 90 days following the final day of use. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or determination that the facility has been abandoned, whichever occurs first. All wireless carriers who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intention no less than 60 days before the final day of use. The County reserves the right to remove any facilities that are abandoned for more than 90 days at the expense of the facility owner. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

DOCUMENTATION: The property owner and applicant shall conform to the ongoing requirements of this condition. Failure to conform to the approved plot plans is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

12. ROADS#3–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the County of San Diego Public Road Standards, an unobstructed sight distance shall be maintained for the life of this permit. DESCRIPTION OF REQUIREMENT: There shall be a minimum unobstructed sight distance of 350 feet in both directions along Couser Canyon Road from the proposed private easement road, Couser Way, for the life of this permit. DOCUMENTATION: A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The [PDS, Code Compliance Division] is responsible for compliance of this permit.

13. ROADS#4–PRIVATE ROAD MAINTENANCE

INTENT: In order to ensure that the offsite private roads are maintained and not damaged during construction, the applicant shall assume responsibility. DESCRIPTION OF REQUIREMENT: The applicant is responsible for maintenance and repair, in case of damage caused by this project to the on-site and offsite private roads that serve the property during either construction or subsequent operations. DOCUMENTATION: The applicant shall assume responsibility pursuant to this condition. TIMING: Upon establishment of use, the following conditions shall apply during the term of this permit. MONITORING: The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.
MAJOR USE PERMIT FINDINGS FOR 3300-09-020 AND
MAJOR USE PERMIT MODIFICATION FINDINGS FOR MUP-09-020W1

Pursuant to Section 7358 (see Section 7359 for findings required for permits filed pursuant to Regional Land Use Element 3.8) of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit Modification are made:

(a) The location, size, design, and operating characteristics of the proposed use would be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

The 2.64-acre subject property is developed with an existing single-family residence and an avocado grove and unmanned wireless telecommunication facility. The nearest adjacent parcel is under common ownership and contains a single-family residence and pool. The proposed modification to the unmanned wireless telecommunication facility would consist of rebranching the 50-foot-tall mono-broadleaf tree and painting the equipment enclosure, which measures 8’8” x 36’8”, to match the adjacent single-family residence. The wireless telecommunication facility, including the equipment enclosure, is situated within that would be placed inside the existing avocado grove. The proposed underground utility trench would be placed under the existing asphalt pavement and avocado grove on the project site. The subject property is connected to Couser Canyon Road (a public road), by an easement for access, and is for the benefit and use of owners of the subject property.

The site and surroundings are generally mountainous and neighboring properties range in size from 3 acres to 160 acres and are rural residential in character. The surrounding land use includes single family residential, agricultural, and the Pala Indian Reservation.

Scale and Bulk:
Photo simulations on file with Major Use Permit Modification P00-020 MUP-09-020W1 illustrate that the proposed existing wireless telecommunication facility and the associated equipment enclosure are unobtrusive to the surrounding viewsed. The view from the surrounding area would be minimized because the project is designed to be camouflaged and it is strategically placed within the existing avocado grove, so that it would blend into the surrounding vegetation and topography. The Modification proposes rebranching of the existing mono-broadleaf tree, installation of “socks” over all antennas and RRUs and equipment to be painted dark green matching the mono-broadleaf foliage to further camouflage the facility. In addition, the Modification proposes to paint both the interior and exterior of the CMU block wall equipment enclosure to match the color of the adjacent single-family residence. The project is compatible with adjacent uses in terms of scale and bulk because of the camouflaged design, the existence of other vertical elements such as the existing avocado trees, other mature
vegetation, and the adjacent single-family residence. Therefore, the proposed wireless telecommunication facility would be consistent with the scale and bulk of the surroundings.

Coverage:
The subject parcel is 2.64 acres in size, and a total of 13 acres when combined with the adjacent parcel in common ownership, in size, and—The wireless telecommunication facility is located on a parcel that is developed with an existing single-family residence and avocado grove and the adjacent parcel under common ownership is developed with an existing single-family residence and pool. The lease area for this unmanned wireless telecommunication facility would totals approximately 320 square-feet (less than 1% lot coverage). Due to the small footprint of the facility, the addition of the proposed wireless telecommunication facility would maintains similar coverage with surrounding parcels.

Density:
The project is a Major Use Permit Modification for the authorization of the placement continued operation of an existing wireless telecommunication facility and does not have a residential component subject to density.

2. The availability of public facilities, services, and utilities

The project is located within the Valley Center Fire Protection District and has been reviewed and found to be FP-2 compliant by the County Fire Marshal. The project would not require water or sewer services. Electrical and telephone services are available on-site. All required utilities are therefore available for the project.

3. The harmful effect, if any, upon desirable neighborhood character

The project would not adversely affect the desirable neighborhood character because the project is designed to be camouflaged. The equipment shelter would be located within a CMU enclosure to conceal it from the surrounding properties and will be painted to match the adjacent single family residence. Photo simulations on file with Major Use Permit Modification P09-020 MUP-09-020W1 illustrate that the line, form, and color of the facility would be largely consistent with other elements that make up the visual setting of the area, such as the existing avocado trees and mature vegetation. Furthermore, the project was reviewed for noise impacts and determined to be consistent with the County Noise Ordinance. The project, as designed, would not cause any substantial, demonstrable negative aesthetic effect to views from the surrounding area and roadways. Therefore, the project would not have a harmful effect on the neighborhood character.

4. The generation of traffic and the capacity and physical character of surrounding streets

The traffic generated from the project is expected to be one to two maintenance trip(s) per month and would utilize Couser Canyon Road, a public road; and
Couser Way a private road, for access. Existing parking is available on the property. The use associated with this Major Use Permit Modification would be compatible with the existing rural nature of the area because the number of maintenance trips will not substantially alter the expected traffic or physical character of the surrounding streets and would be compatible with adjacent uses. Therefore, the number of maintenance trips would not substantially increase or alter the physical character of the surrounding streets.

5. The suitability of the site for the type and intensity of use or development which is proposed

The applicant proposes a Major Use Permit Modification for the authorization of continued operation and maintenance of an existing unmanned wireless telecommunication facility. The subject property is 2.64 acres in size, and a total of 13 acres when combined with the adjacent parcel in common ownership and is developed with access and utility services adequate to serve the proposed use. The installation of the continuation of use and maintenance of the existing wireless telecommunication facility would not require significant alteration to the landform. The project, as designed, would be camouflaged and would not change the characteristics of the area and is suitable for this site and the type and intensity of uses and development. For reasons stated above, the proposed project would be compatible with adjacent land uses.

6. Any other relevant impact of the proposed use

None identified.

(b) The impacts, as described in Findings (a) above, and the location of the proposed use would be consistent with the San Diego County General Plan.

The project is subject to the Regional Category Estate Development Area (EDA) Rural Lands (RL-20), Land Use Designation (47) Estate Development Limited Agriculture (A70), and the Valley Center Community Plan. The project complies with the General Plan because civic uses are allowed if they support the local population. In addition, the project is consistent with Policy 4 of the Public Safety Element of the County General Plan that encourages the support, establishment, and continual improvement of Countywide telephone communications system, particularly with respect to enhancing emergency communications.

(c) That the requirements of the California Environmental Quality Act have been complied with.

Pursuant to Section 15303 of the State CEQA Guidelines, the project is exempt from CEQA because it is an unmanned wireless telecommunication facility that involves the installation of Small, New Equipment and Facilities in Small Structures. Pursuant to Section 15301 of the State CEQA Guidelines, the project is exempt from CEQA because it involves operation, maintenance, permitting, leasing, licensing, and minor alteration to an unmanned wireless telecommunication facility involving no expansion of use beyond
that existing at the time of the lead agency’s determination. It has been determined that
the project is not in an environmentally sensitive location; would not have a cumulative
effect on the environment; is not on a hazardous waste site; would not cause substantial
change in the significance of a historical resource; and would not result in damage to a
scenic highway

WIRELESS TELECOMMUNICATION FINDINGS

The project is in a non-preferred location in a non-preferred zone. Pursuant to Section 6986.B
of the Wireless Telecommunication Facilities Ordinance, the applicant provided an alternative
site analysis and discussed preferred locations in the area and why they were not technologically
or legally feasible. Pursuant to Section 6986.C of the Ordinance, the applicant has provided a
well-designed facility as that of a faux tree. Due to the camouflaging of the facility and lack of
preferred zones in the surrounding area, the proposed project has been determined to be
preferable and compatible with the character of the community.

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to, the
following County of San Diego, State of California, and U.S. Federal Government, Ordinances,
Permits, and Requirements:

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the County Lighting Ordinance
59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall
comply with the approved plot plan(s), specific permit conditions and approved building plans
associated with this permit. All light fixtures shall be designed and adjusted to reflect light
downward, away from any road or street, and away from adjoining premises, and shall otherwise
conform to the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322,
and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific
permit conditions, and approved building plans associated with this permit as they pertain to
lighting. No additional lighting is permitted. If the permittee or property owner chooses to change
the site design in any way, they must obtain approval from the County for a Minor Deviation or
a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: In order to comply with the County Noise Ordinance
36.401 et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-
1 & N-2), the property and all of its uses pursuant to the General Plan Noise Element (Table N-
1 & N-2), the property and all of its uses shall comply with the approved plot plans, specific
permit conditions and approved building plans associated with this permit. No noise generating
equipment and project related noise sources shall produce noise levels in violation of the County
Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s),
specific permit conditions, and approved building plans associated with this permit as they pertain
to noise generating devices or activities. If the permittee or property owner chooses to change
the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable
stormwater regulations the activities proposed under this application are subject to enforcement
under permits from the San Diego Regional Water Quality Control Board (SDRWQCB) and the
County of San Diego Watershed Protection, Stormwater Management, and Discharge Control
Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. Project design shall be in compliance with the new Municipal Permit regulations. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:


The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below.


GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8’) in vertical height of cut/fill pursuant to Section 87.201 of the County Code.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit for any and all work within the County Road rights-of-way. Contact DPW/PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing, or planting trees or shrubs in the County Road rights-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the PDS Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County Road rights-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County Road rights-of-way.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT
LIMITED TO THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

**EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS**

<table>
<thead>
<tr>
<th>Planning &amp; Development Services (PDS)</th>
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<tbody>
<tr>
<td>Project Planning Division</td>
<td>PPD Land Development Project</td>
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<tr>
<td>Permit Compliance Coordinator</td>
<td>PCC Project Manager</td>
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<tr>
<td>Building Plan Process Review</td>
<td>BPPR Plan Checker</td>
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<tr>
<td>Building Division</td>
<td>BD Map Checker</td>
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<tr>
<td>Building Inspector</td>
<td>BI Landscape Architect</td>
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<td>Zoning Counter</td>
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<tr>
<th>Department of Public Works (DPW)</th>
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<td>Private Development Construction</td>
<td>PDCI Environmental Services</td>
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<tr>
<td>Inspection</td>
<td>Unit Division</td>
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<th>Department of Environmental Health and Quality (DEHQ)</th>
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<tr>
<td>Land and Water Quality Division</td>
<td>LWQ Local Enforcement Agency</td>
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<td>Vector Control</td>
<td>VCT Hazmat Division</td>
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<th>Department of Parks and Recreation (DPR)</th>
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<tr>
<td>Trails Coordinator</td>
<td>TC Group Program Manager</td>
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<tr>
<td>Parks Planner</td>
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<th>Department of General Service (DGS)</th>
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<tr>
<td>Real Property Division</td>
<td>RP</td>
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**APPEAL PROCEDURE:** Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with Section 7366 of the County Zoning Ordinance. An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT’S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Planning Commission until a hearing on your application is held and action is taken by the Board of Supervisors. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

ON MOTION of Commissioner______, seconded by Commissioner______, this Form of Decision is passed and approved by the of the County of San Diego, State of California, at a regular
meeting held on this 6th day of May 2022, in County Operations Center, 5520 Overland Avenue, San Diego, California, by the following vote:

AYES:  NOES:  ABSTAIN:  ABSENT:

COUNTY OF SAN DIEGO PLANNING COMMISSION
Dahvia Lynch, Director

BY:

Ashley Smith, Chief
Project Planning Division
Planning & Development Services

email cc:
Tara Carmichael; Md7 Project Contact Md7 on behalf of AT&T
Valley Center CPG
Ed Sinsay, Land Development, Team Leader, Planning & Development Services
Denise Russell, Project Planning, Planning Manager, Planning & Development Services
Attachment C – Environmental Documentation
REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/Policies

FOR PURPOSES OF CONSIDERATION OF
AT&T Rice Ranch Wireless Telecommunication Facility
Major Use Permit Modification
PDS2020-MUP-09-020W1, PDS2020-ER-09-02-009A
May 6, 2022

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES ☐ NO ☐ NOT APPLICABLE/EXEMPT ☒

Discussion:
While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO – Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES ☐ NO ☒ NOT APPLICABLE/EXEMPT ☐

Discussion:
The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE – Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES ☐ NO ☐ NOT APPLICABLE/EXEMPT ☒

Discussion:
The project will obtain its water supply from the Valley Center Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.
IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>Not Applicable/Exempt</th>
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<tbody>
<tr>
<td>The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?</td>
<td>✗</td>
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<tr>
<td>The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?</td>
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<td>✗</td>
<td></td>
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<tr>
<td>The Steep Slope section (Section 86.604(e))?</td>
<td>✗</td>
<td></td>
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<tr>
<td>The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?</td>
<td>✗</td>
<td></td>
<td></td>
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<tr>
<td>The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?</td>
<td>✗</td>
<td></td>
<td></td>
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</tbody>
</table>

Discussion:

**Wetland and Wetland Buffers:**
The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance (RPO).

**Floodways and Floodplain Fringe:**
The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the RPO.

**Steep Slopes:**
The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no slopes that have a gradient of 25 percent or greater and 50 feet or higher in vertical height on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

**Sensitive Habitats:**
Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife...
corridor. No sensitive habitat lands were identified on the site, therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

**Significant Prehistoric and Historic Sites:**
Based on an analysis of County of San Diego archaeology resource files, archaeological records, maps, and aerial photographs by County of San Diego staff archaeologist, it has been determined that the project site does not contain any archaeological resources. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>NOT APPLICABLE</th>
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</table>

Discussion:
The project Storm Water Management Plan has been reviewed and is found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>NOT APPLICABLE</th>
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Discussion:
The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Staff has reviewed the plot plans and information provided and has determined it to be adequate as it relates to County Noise Standards conformance. The project consists of a new wireless communication facility. The project site as well as surrounding parcels to the east, west, and south are zoned Limited Agriculture, which is subject to the most restrictive one-hour sound level requirement of 45 dBA at the project property line. The parcels to the north are zoned Solid Waste Facility, which is subject to the arithmetic mean one-hour average of 57.5 dBA. The proposal does not involve the installation of substantial noise generating equipment. The project does not propose any new generator units. The proposed equipment cabinet is located within the existing concrete masonry unit wall and is approximately 47 feet away from the nearest property line to the west. Therefore, the project as design would demonstrate compliance with County noise standards. The project is not anticipated to exceed the sound level requirements pursuant to County Noise Ordinance, Section 36.404.
Based on the information above, no additional noise information and/or noise mitigation is required at this time. However, if any changes to the ground-level equipment or a generator is added during a revision, additional noise review would be required.
NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O680
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: AT&T Rice Ranch Wireless Telecommunication Facility Major Use Permit Modification; PDS2020-MUP-09-020W1, PDS2020-ER-09-02-009A.

Project Location: 10590 Couser Way in the Valley Center Community Plan area, within unincorporated San Diego County. APN: 128-020-34-00.

Project Applicant: Md7 on behalf of AT&T; 10590 W. Ocean Air Drive, Suite 300, San Diego, CA 92130; p. 858-386-4760

Project Description: The applicant requests a Major Use Permit Modification (MUP Modification) to revise, operate, and maintain an existing wireless telecommunication facility. The project consists of removing and replacing antennas and remote radio units, and rebranching the existing 50-foot-tall mono-broad leaf tree. Ancillary equipment located within the existing five-foot-tall concrete masonry unit (CMU) block wall enclosure, is also proposed to be removed and replaced. The existing CMU block wall enclosure will be painted to match the existing residences on site. The 2.54-acre project site is located at 10590 Couser Way in the Valley Center Community Plan Area within unincorporated San Diego County. The project site is subject to the General Plan Regional City and Land Use Designation Rural Lands (RL-20). Zoning for the site is Limited Agriculture (A70) which allows wireless telecommunication facilities under the Tier 4 Classification with the approval of a MUP pursuant to Section 6985 of the Zoning Ordinance. The existing wireless telecommunication facility is required to be brought into conformance with the amortization requirements outlined in Zoning Ordinance Sections 6985 and 6991, which this MUP Modification seeks to accomplish. The wireless telecommunication facility is defined as a high visibility facility and will have a term limit of 10 years pursuant to Section 6985(C)(11) of the Zoning Ordinance.

Agency Approving Project: County of San Diego

County Contact Person: Rachael Lindebrekke Phone Number: 619-323-7872

Date Form Completed: March 30, 2022

This is to advise that the County of San Diego Planning Commission has approved the above-described project on May 6, 2022 and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"). (check only one)
   □ Declared Emergency (C 21098(b)(3); G 15289(a))
   □ Emergency Project (C 21098(b)(4); G 15289(b)(c))
   □ Statutory Exemption: C Section: □
   □ Categorical Exemption: G Section: □
   □ G 15161(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
   □ G 15182 - Residential Projects Pursuant to a Specific Plan
   □ G 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning
   □ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.

2. Mitigation measures □ were □ were not made a condition of the approval of the project.

3. A Mitigation reporting or monitoring plan □ was □ was not adopted for this project.

Statement of reasons why project is exempt: Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Pursuant to Section 15301 of the State California Environmental Quality Act Guidelines, the project is exempt from CEQA because it proposes minor alterations, maintenance and continued operation of an existing unmanned wireless telecommunications facility. It has been determined that the project is not in an environmentally sensitive location; will not have a cumulative effect on the environment; is not on a hazardous waste site; will cause substantial change in the significance of a historical resource; and will not result in damage to a scenic highway.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: ___________________________________ Telephone: (619) 323-7872

Name (Print): Rachael Lindebrekke Title: Land Use & Environmental Planner

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.
Attachment D – Environmental Findings
AT&T RICE RANCH WIRELESS TELECOMMUNICATION FACILITY
MAJOR USE PERMIT MODIFICATION
PDS2020-MUP-09-020W1
ENVIRONMENTAL LOG NO. PDS2020-ER-09-02-009A

ENVIRONMENTAL FINDINGS

May 6, 2022

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15301 for the reasons stated in the Notice of Exemption.

2. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).
Attachment E – Public Documentation
Valley Center Community Planning Group

Approved Minutes for a Virtual Zoom meeting held on February 8, 2021 at 7:00 p.m.
Delores Chavez Harms, Chair; Kevin Smith, Vice-Chair; James Garritson, Secretary

A=Absent; Ab=Abstention; DRB=Valley Center Design Review Board; N=Nay; P=Present; R=Recused; VCCPG=Valley Center Community Planning Group; VCPRD=Valley Center Parks & Recreation District; Y=Yea

A. Join Zoom Meeting: https://us02web.zoom.us/j/83221566126, Meeting ID: 832 2156 6126, Passcode: VCCPG-Feb

B. Roll Call

- Meeting was called to order at 7:00 p.m. and a Quorum was established with 14 members present. *Michelle Bothof arrived after the approval of the January 11, 2021 Minutes.
  - Lisa Adams - P
  - Michelle Bothof - P*
  - Susan Fajardo - P
  - Julia Feliciana - P
  - Riley Franco - A
  - James Garritson - P
  - Delores Chavez Harms - P
  - Steve Hutchison - P
  - Matt Matthews - P
  - Kathleen McCabe - P
  - LaVonne Norwood - P
  - James Radden - P
  - Dori Rattray - P
  - Kevin Smith - P
  - Renee Wolf - P

Guests:

- Carie Flores
- Napoleon Zervas
- Tally Thompson
- David Ross
- Kathleen Lippitt
- Deliah Bruzee
- Justin Causey
- Don Barletti
- Fredrick Wollman
- Will Rogers
- Francesca Pappa
- Lauren Yzaguirre
- Pat Downing
- KBS
- Jeremiah R.
- Ronda
- Heidi Rouse
- Kevin McGee
- Sydney Circle
- Justin Salter

C. Pledge of Allegiance - Ms. Norwood

D. Approval of January 11, 2021 Minutes

- Motion: To approve the January 11, 2021 Minutes.
- Maker/Second: Norwood/Feliciana
- Motion Carries 13-0-0 (Y-N-Ab).

E. Public Comments: Members of the public may address the Planning Group on any topic not on the agenda.

1) Valley Center Town Hall Zoom Meeting with Supervisor Desmond

- Ms. Adams and Ms. Norwood shared information from a presentation made by the office of Jim Desmond. Information was shared about Covid-19 vaccine registration. Expansion of Cole Grade Road will begin once all utilities are undergrounded. It will take about two years to complete this project. Valley Center Road will be resurfaced this summer.
- San Diego County has the goal to have 75% of the population receive the Covid-19 vaccine by this summer.

2) SANDAG RFP (Request for Proposal) Rancho Lilac
Fredrick Wollman shared information about Rancho Lilac and how SANDAG cancelled the RFP over concerns the community had about the lack of trails and public access to this open space preserve. SANDAG will interview potential managers this spring and hire a manager by fall.

Members of the community need to provide comments to SANDAG about this property. Ideas could include trail loops, preservation of buildings, and the number of trails to provide.

**Cannabis Dispensary**

- Kathleen Lippitt (guest), shared concerns related to the County’s new cannabis and social equity program. She shared information about preventing drug abuse among young people in the County. She is very concerned that cannabis dispensaries will create potential problems for a lot of youth within San Diego County. Drug abuse often begins in adolescence and it is important that people in our community voice their concerns about these dispensaries.

- There was a BOS meeting on January 27th for the cannabis ordinance. It is believed that the Planning Groups were not properly notified. This item will be heard at the BOS meeting in 90 days from January 27th. Concerns need to be brought forth at that time as well as emailing supervisors of any concerns or objections.

- Tally Thompson asked about future plans for a large grocery store in Valley Center. Chair Harmes and Mr. Smith shared information about the proposed Vons shopping center at Liberty Plaza.

3) **Village Station Presentation [ATTACHMENT]**

- Will Rogers shared a presentation about the historic significance of his property and how this will be integrated into the Village Station shopping center. He shared a number of slides that showed the history of Village Station. This property is zoned C-36 General Commercial and is 11.7 acres.

- The site plan indicates a linear walkway which symbolically represents the trails or roads of the past used by the Butterfield/Overland Stage line or a transcontinental railroad line.

- Mr. Rogers shared some of the site plan modifications and wants to develop a collection of buildings that symbolically represent Valley Center’s past by providing Authentic Architecture Styles such as Ranch & Farm Monterey Spanish or Mission Revival Symbolic historic signs on each building.

- Mr. Rogers shared information about the site plan modifications and the authentic architecture styles that make up all buildings. Ranch and Farm, Monterey, and Spanish or Mission Revival design are incorporated into each building. The site will have restaurants, a coffee shop, a possible bank, and a market. Each building in the shopping center will have a unique sign design. Chair Harmes asked Mr. Rogers to present this project tonight in preparation for a possible vote next month.
• The County has made the recommendation to install concrete sidewalks and would also like a 9-foot easement along the frontage of the property. Mr. Rogers is not in favor of the County recommendation to install concrete sidewalks.
• Ms. Norwood asked about the timeline of the project. Mr. Rogers hopes to break ground on the project next year.

F. Action items (VCCPG advisory vote may be taken on the following items)
1) ATT Rice Ranch PDS2020-MUP-20-014 (Fajardo): Modification to existing AT&T cell site located on Couser Way. (Vote)
   • Don Barletti reiterated information that was shared at the January 2021 Planning Group meeting related to modifications to an existing AT&T cell site. The lease was signed by his mother-in-law back in 2009.
   • Carie Flores, applicant’s agent, shared a presentation about the modifications proposed to the existing AT&T cell site. Sydney Circle asked if the antennas are larger than existing ones. Carie Flores said the tower and antennas will remain the same height.
   • Lauren Yzaguirre is the County planner for the project. Ms. Norwood asked a question about communication between the family and AT&T. The family has had difficulty contacting representatives from AT&T.
   • Carie Flores said that AT&T must and will follow all FCC guidelines related to emissions.
   • Chair Harmes asked if the family feels that they are receiving just compensation when compared to similar projects in the community. The family does not feel that their current lease contract provides just compensation when compared to similar tower leases in the community.
   • There was discussion about an October 2020 letter after Ms. Fajardo requested further information.
   • Lauren Yzaguirre only is aware of the project that is before us tonight. The Valley Center Fire District has already approved this project.
   • Kevin McGee provided information about the possible installation of emergency backup generators that will allow the site to stay up for an additional three hours.
   • Ms. Rattray asked if the new antennas will require a backup generator and Mr. McGee stated that generators are not required.
   • **Motion: To deny the Rice Ranch cell site modifications because AT&T has other alternatives to find a site located away from residents.**
   • **Maker/Second:** Adams/Hutchison
   • **Motion Carries 11-3-0 (Y-N-Ab).** Mr. Garriston, Chair Harmes, and Mr. Smith voted nay.

2) Soccer Field PDS2020-MUP-20-009 (Wolf): Update (No Action)
   • Ms. Wolf shared that this project still needs much work before it can move forward. The Planning Group needs to wait for further review about the scoping letter.

3) Valley Center Professionals PDS2020-STP-20-008 (McCabe): Update. (No Action)
- Dr. Clark’s office has submitted everything to the County and is now awaiting approval.

4) Valley Center Road ABC Permit PDS2021-ABC-21-002 (Adams): Informational. ABC license for mini-mart at 27455 Valley Center Road & Charlan Road. (No Action)
   - Ms. Adams shared that the property owners are in the beginning stages of filing for an alcohol license.

5) Tree Removal: County Vegetation Manager has identified trees for removal on Banbury & Lilac.
   - Chair Harmes shared images of four trees in Valley Center that the County plans to trim or remove. Three are located on Lilac Road and one is located on Banbury. Ms. McCabe asked if the trees are located on private property.

G. Subcommittee Reports
1) Member Updates (Harmes, Chair): Ethics training every 2 yrs from last completion date.
2) Emergency Evacuation (Harmes, Chair): The County matrix will be updated.
3) Parks & Rec (Norwood, Chair): Parks & Rec members will not become part of LAFCO, but will be on the county VC park board.
4) Mobility (Adams, Chair): No updates
5) Tribal Liaison (Smith, Chair) Mr. Smith has shared his contact information with all local tribes.
6) Design Review Board (Smith/Adams): The Matz property owners near the corner of Old Castle and Indian Hill Road are requesting a waiver in order to use the property.
7) Community Plan (Hutchison, Chair): Mr. Hutchinson would like Dr. Matthews to join this subcommittee.
   - Motion: To approve Dr. Matthews as a member of the Community Plan subcommittee.
   - Maker/Second: Hutchison/Norwood
   - Motion Carries 14-0-0 (Y-N-Ab)
8) Website (Wolf, Chair)
9) Nominations (Fajardo, Chair):
10) Potential Trails Subcommittee:
    - Chair Harmes stated that Mr. Vick contacted Ms. Norwood about having a VCCPG representative for the trails committee. Mr. Hutchison said that there has never been an official subcommittee. It was agreed that an official Trails subcommittee should represent the Planning Group.
    - Motion: To appoint Lavonne Norwood as a representative of the Valley Center Community Planning Group for the Valley Center Trails Association.
    - Maker/Second: Smith/McCabe
    - Motion Carries 14-0-0 (Y-N-Ab)

I. Adjournment
- Next regular meeting of VCCPG: **March 8, 2021 at 7 p.m.**
- The meeting adjourned at 9:13 p.m.
- Minutes were approved on March 8, 2021.

James Garriston, Secretary

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**Appendix VCCPG February 8, 2020 Minutes**

**Village Station Presentation**

**Concept Statement**

In the 1880's Valley Center was developing and growing in population and many people hoped to sell and profit from the valley. The shopping center will enable these events with an integration of what could have been. The image indicates a direct railway which symbolizes represents the link to wealth of the past used by the railroad/Overland Stage line or a transcontinental railroad line. Historical buildings were designed with the idea used and influence of the past in anticipation of greater things to come, as in this Center.

**Valley Center's Past**

1906 First senior school opens in Valley Center.
1913 San Ysidro School opens in Valley Center.
1921 Valley Center post office opens.
1925 Overland Stage line opens.
1931 Overland Stage line closed.
1950 Telephone comes to Valley Center.
1960 Valley Center Senior High School opens.
1970 Valley Center Junior High School opens.
1980 Valley Center High School opens.

**Overland Stage**

1840 First overland stage route opens in Valley Center.
1848 Overland Stage line opens.
1850 Overland Stage line closed.
1860 Overland Stage line resumes.
1870 Overland Stage line closed.
1880 Overland Stage line resumes.
1890 Overland Stage line closed.
1900 Overland Stage line resumes.
1910 Overland Stage line closed.
1920 Overland Stage line resumes.
1930 Overland Stage line closed.
1940 Overland Stage line resumes.
1950 Overland Stage line closed.
1960 Overland Stage line resumes.
**PROJECT DATA**
- PARCEL MAP 11145
- 11.7 ACRES
- APN 186-2400-39 & 35 TWO LOTS
- ZONE C-36 GENERAL COMMERCIAL
- HEIGHT LIMIT 35'
- SET BACKS 10', FRONT 20', SIDES 10'
- VACANT LAND WITH GRADING PERMIT
- PROPOSED USE: COMMERCIAL RETAIL

**SITE PHOTOS**

**PROJECT TEAM**

**PROPOSED USE**

**Modifications to Site Plan**

**Previously Approved Site Plan**

**Proposed Site Plan**
Concept Statement

The concept is to develop a collection of buildings that symbolically represent Valley Center's past by preserving:
- Authentic Architectural Styles such as:
  - Ranch & Farm
  - Mission
  - Spanish or Mission Revival
- Symbolic historic signs on each building

Building “A” Elevations

Building “B” Elevations

Building “C” Elevations

Building “D” Elevations

Building “E” Elevations

Building “F” Elevations

Proposed Building I & J

Sign Plan

Sign Program

Sign Distance Chart
Attachment F – Photos, Geographic Service Area Maps, Alternative Site Analysis
Rice Ranch | NS0310

10590 Couser Way, Valley Center, CA 92082

EXISTING

PROPOSED

Re-branching on existing faux tree

CMU wall painted to match color of house

ACCURACY OF PHOTOMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.
CAL01310 Coverage plots

FA: 10090230

May 13, 2021

Jorge Melchor
Coverage with CAL01310 @40ft
October 27, 2021

To: San Diego County
    Planning & Development Services
    5510 Overland Ave, Suite 310
    San Diego, CA 92123

From: MD7, LLC
    Justin Causey, Land Use
    10590 W Ocean Air Drive, Suite 300
    San Diego, CA 92130
    858-291-1869
    jcausey@md7.com

Re: Alternative Site Analysis
Site ID: NS0310
Site Address: 10590 Couser Way, Valley Center, CA 92082

In accordance with Zoning Ordinance Section 6986.2.B, AT&T is submitting an alternative site analysis due to the location of the existing wireless telecommunication facility. This facility is located in the Limited Agriculture Zone (A70) and has a General Plan Land Use designation of Rural Lands (RL-20). In addition to the zoning ordinance the Valley center CPG would like to see the facility moved to a near-by commercial area, but would also like to see the coverage remain the same of the area served. MD7 along with AT&T have analyzed the area for possible alternative candidates that would suite the ordinance and/or the Valley Center CPG requests.

Alternative Site 1
The nearest commercial zone is located on the West side of the CA-76 and I-15 interchange, as depicted “1” on exhibit A. APN 125-050-77-00 is currently occupied by a gas station and rest stop. This location is not feasible for two main reasons. First, AT&T has 2 facilities near that area currently operating and providing service to this location. Secondly, if the site were to be moved to this location it would cause a massive coverage gap being filled by NS0310.

Alternative Site 2
In the case of this location a preferred zone cannot be found in the desired coverage area. Typically when this happens AT&T will try to comply with San Diego County zoning ordinance by opting for a low-visibility site. Unfortunately, in this area it is difficult to find an existing structure to collocate onto. The nearest water tower is located approximately 1.3 miles South, as depicted “2” on exhibit A. This would allow the facility to be considered a low-visibility site, but is much too far from the service area to provide sufficient service. This would leave a gap to residence in the area as well as along CA-76.

Alternative Site 3 (existing site considered for Co-location)

10590 WEST OCEAN AIR DRIVE / SUITE 300 / SAN DIEGO, CA 92130
The county would like AT&T to look into 2 nearby facilities that were recently approved. The first facility is located at 33516 Couser Canyon Road and is a 50' mono-palm, depicted as “3” on exhibit A. AT&T would be able to collocate onto the mono-palm around the 30' RAD center. This is a drastic drop in RAD that may cause interference from near by trees or structures. An advantage of this facility is that it sits on an elevation about 170' higher than the existing NS0310. However, this facility is about .75 miles to the South. This would bring the facility closer to existing AT&T facilities and further away from the current coverage areas NS0310 provides. The Southern movement would leave a gap along CA-76. This project is to help bring emergency service communication to the facility, and the movement of this facility would leave a gap for emergency services along a major highway.

**Alternative Site 4 (existing site considered for Co-location)**
The second approved facility suggested by the county is located at 33780 Double Canyon Road, depicted as “4” on exhibit A. This is also a 50' mono-palm. This would again leave AT&T to located on the 30' RAD height. While this facility is very close and centrally located to the current coverage area, it is about 500' lower in elevation. Moving the facility there would lend itself to be a very low performing facility.

The existing facility is well concealed on this parcel by the use of a mono pine design. Additionally the entire facility is not visible from any public ROW, so although the design in considered high-visibility, it is actually not visible to the public. There are no good alternatives to this facility in the area, and moving the site would create an unnecessary gap in coverage shown in the included coverage maps.

Sincerely,

![Signature]

Justin Causey,
Land Use Project Manager
MD7, LLC
(858) 291-1869
jcausey@md7.com
Attachment G – Ownership Disclosure
County of San Diego, Planning & Development Services

APPLICANT’S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) PDS2020-MUP-09-020W1

Assessor’s Parcel Number(s) 128-020-34-00

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. NOTE: Attach additional pages if necessary.

A. List the names of all persons having any ownership interest in the property involved.

Olive Rice

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

NOTE: Section 1127 of The Zoning Ordinance defines Person as: “Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.”

Carie Thao
Signature of Applicant

Carie Thao, Md7 LLC, on behalf of AT&T

Print Name

Date 12/11/2020

----- OFFICIAL USE ONLY -----

SDC PDS RCVD 12-18-20
MUP09-020W1