

RESOLUTION No. 2006-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING A REVISED LANDSCAPE PLAN FOR THE AMERICAN TOWER SITE

WHEREAS, the American Tower Corporation has a Lease Agreement with the City of San Juan Bautista as provided by Resolution No. PC2002-03; and

WHEREAS, the Resolution No. PC2002-03 states that a chain link fence shall contain no wood slats, that blackberry plants will be planted on the perimeter of the fence so as to eventually climb the chain link fencing so as to partially filter the view of the poles and communication shelters, cabinets and fencing; that almond, olive, and oak trees shall be planted on the outside perimeter of the fence on the west, north, and eastside of the proposed project; that these trees are intended to filter the view of the fencing and communications infrastructure over a long period; and the City will require that the applicant plant additional trees at a later date if the view of the wireless facility has not been properly filtered; and

WHEREAS, the City has received numerous complaints from its citizens regarding the facility and the fact that the antenna and equipment are visible from the City; and

WHEREAS, the City of San Juan Bautista sent a letter to the American Tower Corporation dated February 16, 2005, notifying American Tower that it was in default of the Lease Agreement regarding non-compliance with the use permit related to landscaping to screen the communications facility from view; and

WHEREAS, the City of San Juan Bautista on March 25, 2003, approved planting ceanothus next to the Verizon Equipment building as a requirement to the first amendment to the American Tower landscape plan; and

WHEREAS, the City of San Juan Bautista sent a second letter to the American Tower Corporation dated September 16, 2005, notifying American Tower to fulfill obligations under Condition No. (2) to plant additional trees to properly screen the wireless facility within 60 days; submit landscaping maintenance reports, and properly maintain the landscaping; and

WHEREAS, the City of San Juan Bautista sent a letter to American Tower dated October 7, 2003, outlining additional landscaping that should be planted (second amendment to landscape plan), which included planting five new buckeye at various locations at the communications facility, and one new ceanothus at corner of the Verizon Equipment building; and

WHEREAS, the City of San Juan Bautista City Planner verified that the landscaping referenced in the October 7, 2003 letter were planted in 2003, and verified again on November 15, 2005, and verified that the buckeyes (planted outside compound fence) and ceanothus (planted within compound fence) are healthy; and

WHEREAS, there are on site the following plants:

- 4 Ceanothus
- 22 Western blackberry
- 3 Blue oak
- 3 Almond
- 3 Mission olive
- 5 California buckeye; and

WHEREAS, American Tower retained the services of the LYLE company as property managers who then promptly requested an extension to the landscape plan deadline so as to allow adequate time for LYLE to respond to the City's Request; and

WHEREAS, the City of San Juan Bautista City Planner met with LYLE staff on November 15, 2005 at City hall to discuss the project history, and issues, and conduct a site visit to inspect conditions at the communications site and determine what additional landscape could be installed to block the view of the communications equipment; and

WHEREAS, the LYLE company submitted to the City of San Juan Bautista City Planner the landscape plans (third amendment to the landscape plan), and graphics depicting progressive change in landscape character and canopy over a period of years, and which were presented to the Planning Commission on December 6, 2005; and

WHEREAS, the Planning Commission at their hearing on December 6, 2005 remanded the review of the landscape plan to the Historical Resources Board; and

WHEREAS, the Historical Resources Board reviewed the revised LYLE Company landscape plan at their hearing on December 13, 2005 and January 10, 2006, whereupon the HRB requested changes be made to the landscape plan, which were subsequently incorporated into the revised landscape plans presented to the Planning Commission on February 7, 2006; and

WHEREAS, the Planning Commission approved the current plans with 3 ayes and 1 nay on February 7, 2006 with the following conditions added,

- ✓ For the period ending May 2007 there shall be a monthly progress report submitted to the City relating to the ATC landscape program,
- ✓ Paint the PG&E box outside the fenced compound with a camouflage scheme using Sherwin Williams (or equivalent manufacturer) Best Bronze(SW 6160), High Tea (SW6159)(i.e., browns), and Secret Garden (SW6181)and Oak Moss (i.e., greens); and

WHEREAS, landscape plan presented to the City Council on February 21, 2006 is considered the "fourth amendment to the landscape plan" (with revision date of February 2006 printed on said plan), which contains the following changes:

- 2 to 3 foot wide all-weather path with shredded redwood 2 to 3 inches deep for purposes of landscape maintenance and inspection by City staff and those concerned. As the north side of the compound is the area with the exposed pipe and gully, the path will not traverse this area.
- 9 new trees to be planted (6 Coast live oak and 3 olives)
- 10 new ceanothus (Ray Hartman and Monterey varieties) to be planted inside the compound around existing and proposed communications equipment
- Irrigation to existing berries to be removed and irrigation to be redirected to new trees.
- Installation of a single-person access gate on the side near the irrigation tank to provide access for maintenance and inspections on the north side of the compound.
- Paint PG&E transformer a camouflage color (brown and greens hues)
- Installation of deer protection mesh around all ATC landscaping outside of fenced compound

- Remove brush and weeds to fence line on north side in order to secure new plants from competition and fire damage;
- Submit monthly progress reports through May 2007 and thereafter on a quarterly basis through the next 5 year term ending May 2012; and

WHEREAS, the installation of camouflage netting and/or camouflage painting of the Verizon communication shelters requested by the Historical Resources Board is not part of the landscape plan.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends to the City Council to approve the fourth American Tower communication site landscape plan amendment and continuance of enforcement of Resolution No. PC2002-03:

Findings:

1. The landscape plan meets the intent of Resolution No. PC2002-03 to filter views of the communications facility from the City of San Juan over a long period.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on February 21, 2006, by the following vote:

AYES: Reed, Hill, Medina, Geiger, Dias

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Dan Reed

ATTEST: _____
Trish Paetz, Deputy City Clerk