



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 13, 2013 REPORT NO. HO 13-014

ATTENTION: Hearing Officer

SUBJECT: AT&T – Hilton Torrey Pines
PTS PROJECT NUMBER: 289104

LOCATION: 10950 North Torrey Pines Road

APPLICANT: AT&T Mobility and Ashford Hospitality Limited PA/Hilton Orlando
Partners LLC (Co-Permittees)

City of San Diego (Owner)

SUMMARY

Issue(s): Should the Hearing Officer approve a Coastal Development Permit (CDP) for a Wireless Communication Facility (WCF) in the University community plan area?

Staff Recommendation(s): APPROVE Coastal Development Permit No. 1075293.

Community Planning Group Recommendation: The University Community Planning Group recommended approval of this project and reconfirmed that recommendation at their October 9, 2012 meeting.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 18, 2012, and the opportunity to appeal that determination ended January 11, 2013.

BACKGROUND & DISCUSSION

AT&T – Hilton Torrey Pines is an application for a Coastal Development Permit (CDP) for a Wireless Communication Facility (WCF). The project is located in the University community plan area in the CV-1-1 zone. The project is located at 10950 North Torrey Pines Road. (Attachments 1, 2, and 3)

WCF's are permitted in commercial zones as a limited use approval. In this case, the WCF is located in the Coastal Overlay Zone – Appealable area which requires the processing of a Coastal Development Permit (CDP), Process 3, to allow this development.

This project proposes a 30-foot high faux pine tree (“monopine”) capable of supporting 16 panel antennas and an equipment enclosure. WCF's are permitted as faux trees when existing or proposed trees of a similar size and species are located near the faux tree. The intent is to integrate the WCF with the neighborhood and landscape setting. In this case, existing live trees will be supplemented with additional trees to more effectively integrate the monopine.

The City's General Plan addresses Wireless Facilities in UD-A.15. The visual impact of WCF should be minimized by concealing WCF in existing structures, or utilizing camouflage and screening techniques to hide or blend them into the surrounding area. Facilities should be designed to be aesthetically pleasing and respectful of the neighborhood context. Equipment associated with the WCF should be located in underground vaults or unobtrusive structures. This project complies with the General Plan recommendations by locating antennas on a faux tree, designed to blend in with a backdrop of existing and proposed trees. Equipment associated with the antennas will be located within an existing equipment area and will not be visible from the public right-of-way.

Based on the proposed design, the project complies with the WCF Regulations of the Land Development Code (LDC 141.0420). The project has received support from the community planning group, and draft findings have been made in the affirmative to approve the CDP. Therefore, Staff recommends approval of CDP No. 1075293.

ALTERNATIVES

1. Approve Coastal Development Permit No. 1075293, with modifications.
2. Deny Coastal Development Permit No. 1075293, if the Hearing Officer makes written findings based on substantial evidence that the approval is not authorized by state or local zoning law.

Respectfully submitted,



Alex Hempton, AICP
Development Project Manager

Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet

5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Notice of Right to Appeal Environmental Exemption
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement (ODS)¹
10. Photo Simulation
11. Photo Survey
12. Site Justification
13. Coverage Maps
14. Hearing Officer Hearing Public Notice
15. Project Plans

¹ As this project is located on City property, an ODS form is not collected. However, a listing of AT&T Executives has been provided.

Aerial Photo



AT&T – Hilton Torrey Pines, Project No. 289104
10950 North Torrey Pines Road

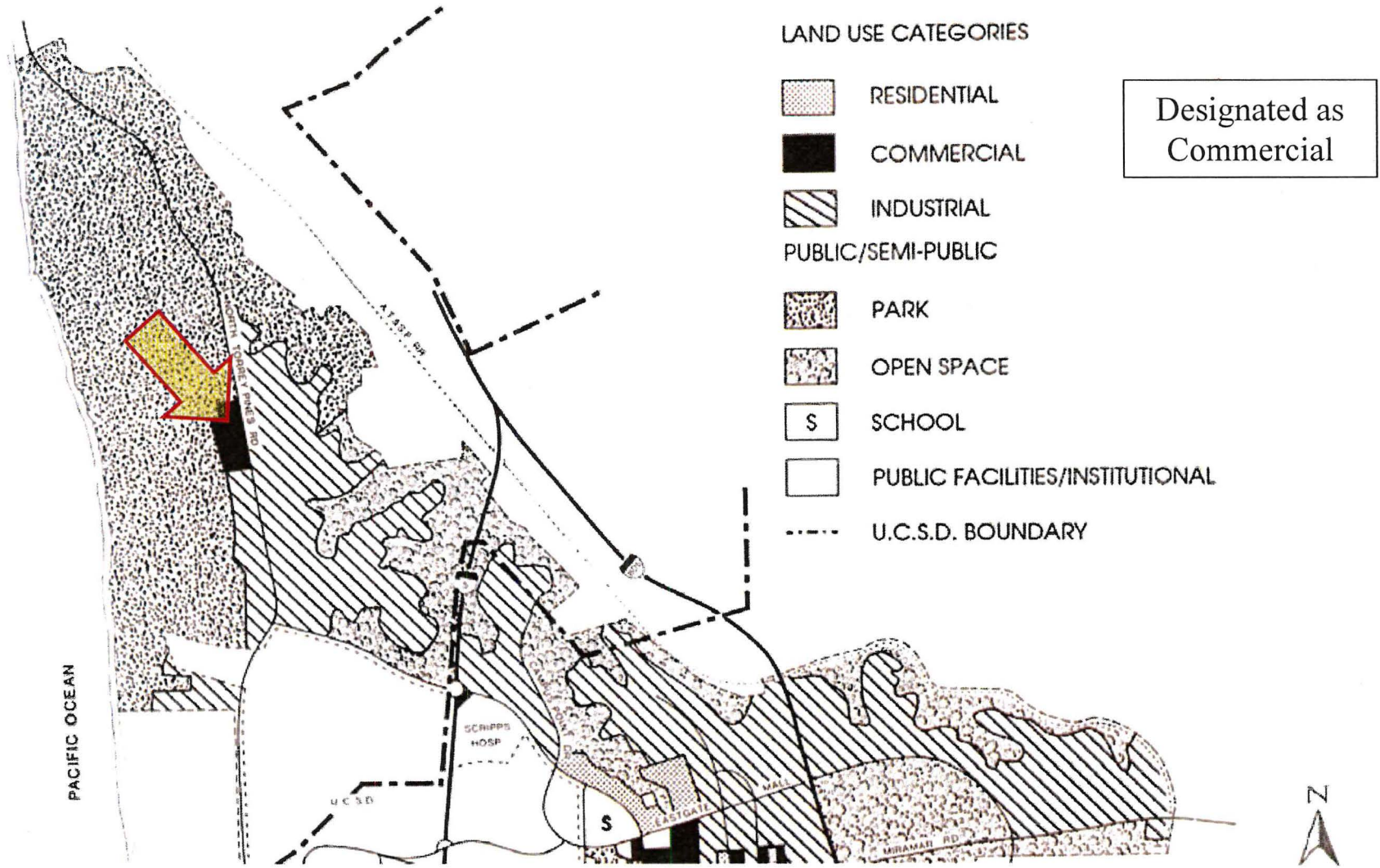
Aerial Photo



AT&T – Hilton Torrey Pines, Project No. 289104
10950 North Torrey Pines Road

Community Plan Land Use Map

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AT&T – Hilton Torrey Pines, Project No. 289104
 10950 North Torrey Pines Road

ATTACHMENT 2



PROJECT DATA SHEET

PROJECT NAME:	AT&T – Hilton Torrey Pines	
PROJECT DESCRIPTION:	Coastal Development Permit (CDP) for a 30-foot high monopine, supporting 16 panel antennas, and an equipment area.	
COMMUNITY PLAN:	University	
DISCRETIONARY ACTIONS:	Coastal Development Permit, Process 3	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: CV-1-1 HEIGHT LIMIT: 30' LOT SIZE: - FLOOR AREA RATIO: - FRONT SETBACK: 10' SIDE SETBACK: 10' STREETSIDE SETBACK: - REAR SETBACK: 10' PARKING: -		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial, CV-1-2	Hotel
SOUTH:	Commercial, CV-1-1	Hotel
EAST:	Industrial, IP-1-1	Industrial/Offices
WEST:	Open Space, OP-1-1	Golf Course
DEVIATIONS OR VARIANCES REQUESTED:	None.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The University Community Planning Group recommended approval of this project and reconfirmed that recommendation at their October 9, 2012.	

**HEARING OFFICER RESOLUTION NO. HO-XXXX
COASTAL DEVELOPMENT PERMIT NO. 1075293
AT&T – HILTON TORREY PINES, PROJECT NO. 289104**

WHEREAS, the CITY OF SAN DIEGO, Owner, and AT&T MOBILITY and ASHFORD HOSPITALITY LIMITED PA/HILTON ORLANDO PARTNERS LLC, Co-Permittees, filed an application with the City of San Diego for a permit to construct, operate, and maintain a Wireless Communication Facility (WCF) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1075293);

WHEREAS, the project site is located at 10950 North Torrey Pines Road in the CV-1-1 zone of the University community plan;

WHEREAS, the project site is legally described as Lot 1 of Sheraton Hotel at Torrey Pines Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map thereof, filed as Map No. 12164, in the Office of the Recorder of Said County;

WHEREAS, on February 13, 2013, the Hearing Officer of the City of San Diego considered COASTAL DEVELOPMENT PERMIT NO. 1075293 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 18, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303 (New Construction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 13, 2013.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The proposed monopine and equipment area will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan. The proposed equipment area is enclosed within an existing equipment enclosure area and will not be visible to the public nor will it affect public views to and along the ocean and other scenic coastal areas. The proposed monopine, at 30-feet, will enable 16 antennas to be mounted to the monopine and concealed within the faux branches and foliage. Existing trees and proposed pine trees will act to integrate the faux tree

with the surroundings. The proposed Wireless Communication Facility (WCF) will provide wireless coverage in the area in a manner that is effectively integrated with the surroundings. The WCF will not impact views to and along the ocean or other scenic coastal areas, but because of the design and the existing and proposed backdrop of live trees, it will complement the landscape setting in which it is proposed.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The monopine and equipment area are proposed in a previously disturbed/developed area and will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The University Community Plan and the North City Local Coastal Program do not specifically identify regulations for Wireless Communication Facilities. The proposed monopine and equipment enclosure are situated on property previously developed as a hotel. The equipment is located in an existing equipment enclosure and is not visible to the public, nor does it obstruct views. The proposed monopine is situated among existing and proposed trees. Views of the ocean are not visible from this portion of public right-of-way along North Torrey Pines Road. Therefore, the proposed project is in conformance with the Local Coastal Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed monopine and associated equipment is located within an existing hotel development and does not impact the public access and recreation policies of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, COASTAL DEVELOPMENT PERMIT NO. 1075293 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1075293, a copy of which is attached hereto and made a part hereof.

Alex Hempton, AICP
Development Project Manager
Development Services

Adopted on: February 13, 2013

Internal Order No. 24003021

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003021

COASTAL DEVELOPMENT PERMIT NO. 1075293
AT&T – HILTON TORREY PINES, PROJECT NO. 289104
HEARING OFFICER

This COASTAL DEVELOPMENT PERMIT NO. 1075293 is granted by the HEARING OFFICER of the City of San Diego to THE CITY OF SAN DIEGO, Owner, and AT&T MOBILITY and ASHFORD HOSPITALITY LIMITED PA/HILTON ORLANDO PARTNERS LLC, Co-Permittees, pursuant to San Diego Municipal Code [SDMC] sections 141.0420 and 126.0701. The site is located at 10950 North Torrey Pines Road in the CV-1-1 zone of the University community plan. The project site is legally described as: Lot 1 of Sheraton Hotel at Torrey Pines Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map thereof, filed as Map No. 12164, in the Office of the Recorder of Said County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct, operate, and maintain a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 13, 2013, on file in the Development Services Department.

The project shall include:

- a. Sixteen (16) 75.5" by 11.8" by 6.0" panel antennas mounted to a 30-foot tall faux pine tree ("monopine") with equipment associated with the antennas located in a 11'-5" by 20'0" equipment shelter, located behind screening in an existing mechanical well;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning

regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 28, 2016.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. This Coastal Development Permit and corresponding use of this site shall expire on February 13, 2023. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
4. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.
5. Under no circumstances, does approval of this permit authorize the Owner/Permittee to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration date of this permit is prohibited.
6. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
7. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
8. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

9. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
10. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
11. The Permittee shall secure all necessary building permits. The Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
12. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
13. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

14. The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Permittee regarding litigation issues, the City shall have the authority to control the litigation and make

litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

ENGINEERING REQUIREMENTS:

15. The project proposes to export 13 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

16. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

17. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit the Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any construction permits for buildings, the Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

21. Prior to Final Inspection or activation of WCF, it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections.

22. The Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the

Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.

PLANNING/DESIGN REQUIREMENTS:

24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
25. All proposed hand-holes shall be covered with bark material to match the monopine trunk to the satisfaction of the Development Services Department.
26. All coaxial conduits shall be routed up through the caisson and into the monopine to the satisfaction of the Development Services Department. Doghouses are not permitted.
27. Branches shall extend a minimum of 24-inches beyond the proposed antenna faces and shall be attached to the monopine to extend out in between panel antennas to afford a more natural, realistic appearance to the monopine, to the satisfaction of the Development Services Department.
28. Starting branch height shall be no lower than 10-feet, as illustrated on Exhibit "A."
29. All exposed cables, brackets and supports shall be painted to match the faux tree foliage to the satisfaction of the Development Services Department.
30. RF socks fully covering the front and back of the antennas (and any other components) shall be used.
31. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
32. The applicant is required to provide color samples of the monopine prior to Building Permit issuance. This is to ensure that the proposed monopine integrates with the surrounding landscape. Staff will pre-approve the color sample prior to Building Permit issuance. The exact monopine color exhibit will be used during the final telecom planning inspection. The color approved by Planning Staff must be identical to the as-built monopine.
33. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.
34. The Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition.

35. The photosimulation(s) for the proposed project shall be printed (not stapled) on the building plans. This is to ensure the construction team building the project is in compliance with approved the Exhibit "A."
36. No overhead cabling is allowed for this project.
37. Exposed mounting apparatus and pipes shall be removed and shall not remain on monopine absent antennas.
38. The Permittee shall not cause or allow the antennas located on the monopine to be different sizes (length, width, or height) than as shown on Exhibit "A" and identified in this permit. A Substantial Conformance Review may be processed to modify antenna sizes.
39. The final WCF shall conform to Exhibit "A," which includes plans and photo simulations, prior to final telecom planning inspection approval.
40. Prior to the issuance of a construction permit, the Permittee shall provide a certified cumulative radio frequency model study demonstrating compliance with the Federal Communications Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.
41. All equipment, including transformers, emergency generators and air conditioners belonging to the Permittee shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.
42. The Permittee shall place appropriate signage on the WCF as required by CAL-OSHA/FCC to the satisfaction of the Development Services Department.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on February 13, 2013 and HO-XXXX.

DRAFT

Permit Type/PTS Approval No.: CDP/1075293
Date of Approval: 2/13/2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Alex Hempton, AICP
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

**CITY OF SAN DIEGO - REAL ESTATE
ASSETS DEPARTMENT**
Owner

By _____
DAVID SANDOVAL
DEPUTY DIRECTOR

AT&T MOBILITY
Co-Permittee

By _____
KEVIN BECKER
NETWORK MANAGER

**ASHFORD HOSPITALITY LIMITED
PA/HILTON ORLANDO PARTNERS
LLC**
Co-Permittee

By _____
DAVID J. KIMICHIK
PRESIDENT

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**



THE CITY OF SAN DIEGO

Date of Notice: December 18, 2012

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP or WBS No. 240003021

PROJECT NAME/NUMBER: AT&T Hilton Torrey Pines/289104**COMMUNITY PLAN AREA:** University**COUNCIL DISTRICT:** 1**LOCATION:** 10950 North Torrey Pines Road, San Diego, CA 92037 (Lot 1 of Sheraton Hotel at Torrey Pines Unit No. 2 Map No. 12164)**PROJECT DESCRIPTION:** Coastal Development Permit (CDP) for a Wireless Communication Facility (WCF). The project would consist of a new thirty foot high monopine surrounded by four (4) new pine trees to screen the proposed WCF. The associated equipment would be located within an existing equipment area on the project site. The project is located at 10950 North Torrey Pines Road in the CPIOZ-A and CV-1-1 zones, and Airport Influence Area - Review Area 1.**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer**ENVIRONMENTAL DETERMINATION:** This project is exempt pursuant to the California Environmental Quality Act Section 15303 – New Construction.**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** This project would be properly screened by new pine trees surrounding the new monopine. In addition the equipment would be located in an existing equipment enclosure. Minimal grading is proposed and no other impacts would occur. Therefore the project is exempt because it meets the criteria set forth in CEQA section 15303– New Construction –and where the exceptions listed in CEQA section 15300.2 would not apply.**DEVELOPMENT PROJECT MANAGER:**

Alexander Hempton

MAILING ADDRESS:1222 1st Avenue, San Diego, CA 92101**PHONE NUMBER:**

619-446-5349

On December 18, 2012 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 15 business days from the date of the posting of this Notice. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

UNIVERSITY COMMUNITY PLANNING GROUP
 University Town Center – Forum Hall
 Executive Committee Monthly Meeting – Tuesday, October 9, 2012
 Minutes (Final)

Directors present: Janay Kruger (JK) (Chair), Kris Kopensky (KK) (Secretary), Andrew Wiese (AW), Charley Herzfeld (CH), John Bassler (JB), Deryl Adderson (DA), Nan Madden (NM), Pat Wilson (PW), Sam L. Greening (SG), Doug Williamson (DW), Marilyn Dupree (MD), Petr Krysl (PK), William Geckeler (WG), Bruce Rainey (BR), Alice Tana (AT), Kyle Heiskala (KH), Anu Delouri (AD), and Kristin Camper (KC).

Directors absent: Jana Fortier (JF), George Lattimer (GL), and Ryan Perry (RP).

1. **Call Meeting to Order** – Janay Kruger (JK) at 6:06 PM.
2. **Pledge of Allegiance.**
3. **SDPD- Omar Sinclair**
 - a. Introduction
 - b. Reviewed contact information
 - a. Email: osinclair@pd.sandiego.gov
 - b. Desk: 858.552.1631
 - c. Cell: 619.756.2419
4. **Agenda Adoption –**
 - a. Two Deletions, item 10 as their EIR is not out and item 11 at the presenter's request
Motion: Motion to approve a submission for the City application for upgrading medians by AT and seconded by PW.
Vote: Unanimous, motion passed.
5. **Approval of September 2012 Minutes -**
 - a. CH: Remove "not" from section 8.c.i.
Motion: Recommend approval of minutes as amended by DW and seconded by WG.
Vote: 13 in favor, 2 abstentions, motion passed.
6. **Announcements – Janay Kruger (Chair)**
 - a. KH: Made an announcement in regards to UCSD
 - b. FBA is done and published (in packet)
 - c. JF seat is vacated by her request as she is on leave. Looking for applicants for the Resident 1 seat by November 1, 2012
Motion: Motion to apply for landscaping funds by PK and seconded by WG.
Vote: 14 in favor, 1 opposed, motion passed.
 - d. Brian Gregory from UCSD is here, there is a good chance that we are not going to get the acre from UCSD needed to upgrade the I-5 and Genesee intersection
 - e. Brian Gregory: UCSD is not here to say that they are not working with Caltrans as the interchange is very important to UCSD. Issue is a bike path location, fuel tanks and retaining wall near fuel tanks, and thirdly, Caltrans identified a slope easement that was not previously identified. Goal is to work with SANDAG and Caltrans on completing the project
 - f. JK: Issue is window of time for funding of state money. You do agree that the interchange is important to UCSD? A: Yes it is important to all of us
 - g. AT: What is the total student count expected at the Campus? A: Around 30K
7. **Reports-**
 - a. **UCSD – AD**
 - a. Community newsletter available
 - b. **Councilperson Sherri Lightner Office – Jesse Mays**

- a. I-5 intersection at Genesee is a priority for Sherri and she has let the Chancellor of UCSD know that it is an important issue to the community
- b. \$250k is being added to the city budget for one time tree trimming of palms
- c. Genesee Ave. paving was finished this week, traffic sensors will be reinstalled 10/22
- d. Canyonlands issue will come to City Council next Tuesday
- e. City Council does have the authority to add parcels that are not on the list
- c. **Membership – JK**
 - a. Discussed sign in sheet and membership requirements
- d. **Assemblyman Nathan Fletcher Office– Absent**
- e. **53rd District, Susan Davis Office – Katherine Fortner**
 - a. Davis dispatch distributed
 - b. AT: Does the military get their ballots timely? A: This is a focus for Susan
- f. **50th District Brian Bilbray Office – absent**
- g. **MCAS Miramar – Kristin Camper**
 - a. Air show update, planes fly in on Wednesday through Monday, Blue Angels practicing on Thursday
- h. **Planning Department – Absent**
- i. **Public Comment**
 - a. Community Member proposing to buy a building on Governor, currently an office building, converting to house a school for special needs children
 - b. Will be applying for a CUP, there is a proposal to the current owner to purchase
 - c. TIEE.org is the organizations website
 - d. JK: What is currently in the space? A: Office space
 - e. DW: Did you say 22k sf? That seems like a lot. A: Yes, the space will also be used for student recreation; the majority of recreation is inside. The majority of children will be Autistic
 - f. PW: Is this a private company? A: It is a private not for profit organization
 - g. WG: Do you typically have issues integrating your space into neighborhoods typically? A: no
 - h. Loretta Spano, saying goodbye as she resigned to her board. She is moving to Mission Valley
 - i. Sean Schmidt, Willmark communities, they are planning to move on with their next phase. Loretta spoke about concerns in relocating residents. Options reviewed
 - j. Walk San Diego, looking for volunteers, review of program
 - k. Ray Ellis spoke of running for City Council

8. ACTION ITEM: Save our Canyonlands, 3 parcels of open space on the pending list, vote to add them to the dedication list

- a. JK: Tried to get City here, they would not appear
 - b. PK: Move that we recommend the dedication of parcels K302P2, K302R2, K302P3
 - c. DW: Remind folks of his comment that this is a land grab and that we still have not heard from both sides of the argument as he has requested
 - d. AW: Review of his position from prior meetings in favor of approval of the motion
 - e. JK: Reviewed why this is on the agenda, it is a large amount of land that may have other use such as jobs
 - f. AT: Concerned that it may become another "sacred land" similar to Rose Canyon
- Motion:** Motion to recommend adding the 3 parcels reviewed to the open space dedication list by PK and seconded by CH.

Vote: 12 in favor, 3 against, motion passed.

9. Action Item: BioMed Innovation Center, PTS 270734, Process 5, CPA, SDP to amend SDP 9754 continued from 9/11/12 to review Amendment to the Mitigated

Negative Declaration, 7.07 acres - Ryan Bussard, Perkins and Will and Allen Haynie, Haynie & Associates

- a. Review of status of project

Motion: Recommend approval of project as presented by DW and seconded by AT.

Vote: Unanimous, motion passed.

10. Action Item: AT&T Hilton Torrey Pines, PTS 289104

- a. This project was heard before. The project has changed in that it will add more trees

Motion: Motion to approve as presented by DW and seconded by MD.

Vote: Unanimous, motion passed.

11. Action Item: La Jolla Crossroads II Community Plan Amendment, Rezone from IP-1-1 and RS-1-14 to RM-3-9, PDP, SDP, Vesting Tentative Map to construct 472 residential condominiums with deviation to bldg. height and remove Prime Industrial Lands designation on a 7.93 acre site at 9015 Judicial Dr within the University Community Plan, Airport influence area, FAA Part 77, CPIOZ A Prime Industrial Lands. EIR PTS 258190 Process 5 - Dee Snow, Garden Communities, Brandy Alvares, Applicant

- a. Vice Chair WG chaired this portion due to a conflict with JK's business
- b. WG will not vote on this item
- c. The EIR has not been released for review
- d. Review of the project
- e. Project reduced from 472 - 309 units, this was based on concern from Illumina on the proximity from their project
- f. Update on EIR, final has been prepared and submitted to the City. The City has approved the EIR and Garden Communities is working with the City on comments
- g. The 472 unit project had traffic/paleontological issues/ and noise issues. The revision to 309 units reduces traffic by 978 ADT's, Noise impact is the same, paleontological resources issue has been reduced as there is less subterranean garage
- h. Review of Alexandria's support of the project, representatives from Alexandria available at the meeting
- i. Review of urgency of timing. Their schedule has them going to planning commission November 1 so a vote is requested and preferred
- j. Review of subcommittee findings
- k. AW: Concerns from the sub committee; use change from SR to residential, question of neighboring concerns, suitability of sight for residential (air quality, noise, impact on community facilities, traffic). Subcommittee received answers to these questions only several hours before today's meeting. The majority of the committee was willing to support the project with conditions. Conditions were noise and public facility impact
- l. PW: Does not understand comment in item 3 of response to letter from UCPG as she does not understand how the FBA contribution satisfies the impact to community facilities as there is no available land. A: This is a response that is given from the City as well as the funds can contribute to extending usability of current recreational areas
- m. PK: How big is the "private park area" now? .75 acre
- n. PW: Who are you marketing to? A: 60% residents that live and work in the area, 20% students, balance is senior and military. What have you done to improve the soundproofing? A: The 1500 existing units have residents that are ok with the mitigation of noise as they are at or near 100% occupancy. The new development is adjacent to existing units, they feel the noise issue will be mitigated the same. Some mechanisms used to mitigate; sound rated windows, dual pane window, added layer of gypsum, all dependent on noise study results

- o. AW: Recommendation of subcommittee was to support approval, with recommendation that additional sound proofing be added on face of project that faces Miramar and second that more land be dedicated to public space
- p. CH: It was his impression as the subcommittee was 50%/50% on the need for conditions. Subcommittee was not in disagreement with CH statement.
- q. JB: Comment that regardless of FBA fees, the additional maintenance and support required by additional residents will not be paid through FBA. A: Additional tax revenue will be generated by this development that could support the additional maintenance
- r. SG: Not opposed to the project, sharing the fear that property taxes may not go into the appropriate areas.
- s. CH: One of his original oppositions was that of the impact of rezoning. He now sees that there is a need for more residential space, he would also like to hear from Alexandria
- t. Alexandria representative: Alexandria was originally concerned with impacts on their neighboring property; however Garden Communities has been very cooperative in addressing concerns and requests. Alexandria would like to see FBA funds funneled to Nobel Park. Alexandria is also interested in contributing to maintenance of Nobel Park
- u. Garden Communities is transferring trips to Alexandria which will allow them to develop 120K of RSF space
- v. PW: Is garden communities willing to contribute to maintenance of Nobel Park? A: Garden communities is interested in exploring it
- w. PK: The question is not using FBA funds for maintenance but possibly a \$200k contribution from Garden Communities
- x. DW: Finds the asking for a contribution repugnant as it is like holding a gun to someone's head. Also questioned bringing in a subcommittee member for just the last meeting to vote when the previous meetings were not attended by that member. He feels this sets a precedent
- y. PW: Does not feel that we are holding a gun to someone's head as there is an impact on the community that we need to address
- z. SG: Disagrees with DW comment
- aa. DK: Question of trip transfers, are they coming from Costa Verde? A: Yes they will be transferred

Motion: Motion to approve the project with two recommendations; add extra soundproofing on windows that face MCAS, and secondly explore the possibility for Nobel Park maintenance contribution by AT, and seconded by DW

Vote: No Vote as Substitute motion was proposed.

Substitute Motion: Amend the secondary part of the original motion by changing the second recommendation to read "recommend that Garden Communities set aside a separate community benefit fund, targeted to the maintenance of the North UC library and fields" by AW and seconded by PK.

Vote: 7 in favor, 6 opposed, 1 recusal, motion passed.

12. Ad Hoc Committees

- a. High Speed Rail – SG
 - a. No report
- b. Capital Power Plant – WG
 - a. Spoke with William Mitchell who works for Competitive Power Ventures, they are no longer associated with Capital power, looking for a Capital Power contact
- c. Bicycle Safety Committee - PK
 - a. No update
- d. Mid Coast Trolley –WG

- a. No update
- e. Scripps Health – J. Kruger
 - a. Waiting for EIR

13. Old/New Business

- a. CH: Can the UCPG send a letter to the City stating that there were more people in support of the project? This question was discussed but left unresolved

14. Adjourn – 9:02 PM

Submitted by:

Kristopher J. Kopensky, Secretary
University Community Planning Group



Corporate Governance



Randall L. Stephenson is Chairman of the Board, Chief Executive Officer and President of AT&T Inc. and has served in this capacity since June 2007. Mr. Stephenson has held a variety of high-level finance, operational, and marketing positions with AT&T, including serving as Chief Operating Officer from 2004 until his appointment as Chief Executive Officer in 2007 and as Chief Financial Officer from 2001 to 2004. He began his career with the Company in 1982. Mr. Stephenson received his B.S. in accounting from Central State University (now known as the University of Central Oklahoma) and earned his Master of Accountancy degree from the University of Oklahoma. He is the Chairperson of the Executive Committee. He has been a Director of AT&T since 2005. Mr. Stephenson is a Director of Emerson Electric Co.

Leadership

AT&T Board Bios



Randall L. Stephenson



Lynn M. Martin



Jon C. Madonna



John B. McCoy



Gilbert F. Amelio



Joyce M. Roché



Reuben V. Anderson



Matthew K. Rose



James H. Blanchard



Laura D'Andrea Tyson



Jaime Chico Pardo



James P. Kelly

Investor Relations

Company Information

Corporate Governance

Financial Reporting

Stock Information

Stockholder Services

Investor News

Calendar





SS0074
Hilton Torrey Pines
10950 North Torrey Pines Rd.
San Diego, CA 92037

Proposed monopline
Proposed equipment shelter behind
screen in existing mechanical well
(beyond)



(4) Proposed live pines shown
at approximate planting height

These simulations are intended for graphical purposes only and not intended
to be part of or to replace the information provided on the construction drawings

PROPOSED

Photosimulation of proposed telecommunications site

EXISTING



SS0074
Hilton Torrey Pines
10950 North Torrey Pines Rd.
San Diego, CA 92037

Proposed monopine
Proposed equipment shelter behind
screen in existing mechanical well
(beyond)



(4) Proposed live pines shown
at approximately 5 years
growth

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PROPOSED

Photosimulation of proposed telecommunications site

EXISTING


SS0074
Hilton Torrey Pines
 10950 North Torrey Pines Rd.
 San Diego, CA 92037

Proposed equipment shelter behind screen in existing mechanical well

Proposed monopine

(4) Proposed live pines shown at approximately 5 years growth

PROPOSED

These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

11/4/2012

Photosimulation of proposed telecommunications site

EXISTING


SS0074
Hilton Torrey Pines
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 San Diego, CA 92037



Proposed equipment shelter behind screen in existing mechanical well

Proposed monopine

(4) Proposed live pines shown at approximate planting height



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PROPOSED



SS0074
Hilton Torrey Pines
10950 North Torrey Pines Rd.
San Diego, CA 92037

Proposed equipment shelter behind screen in existing mechanical well

Proposed monopine

Initial photo sim, without additional pine trees shown, provided to show detail of faux tree.



These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

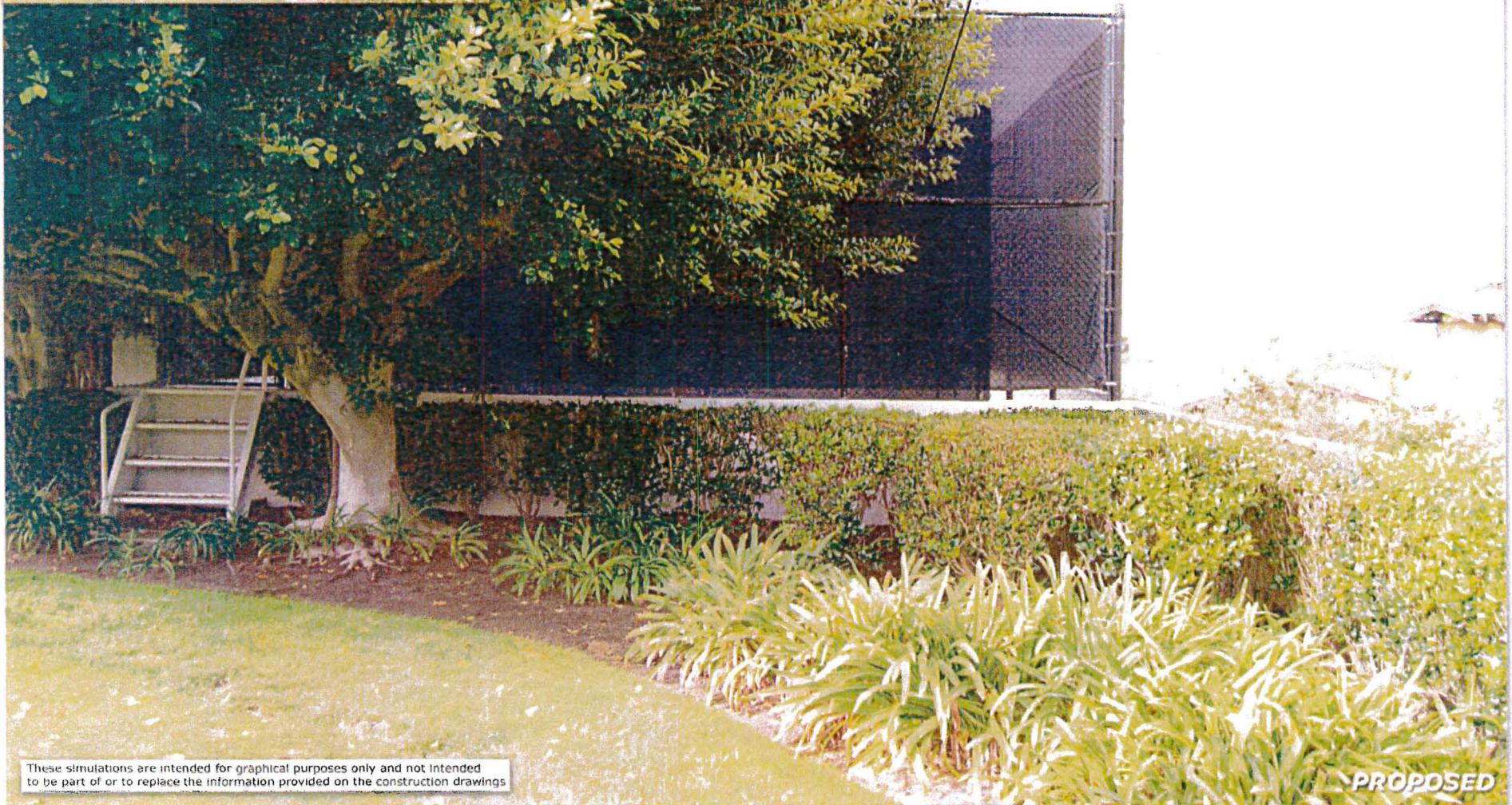
PROPOSED

Photosimulation of proposed telecommunications site




SS0074
Hilton Torrey Pines
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Proposed equipment shelter behind screen in existing mechanical well



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PROPOSED

Photosimulation of proposed telecommunications site



PHOTO STUDY & KEY MAP

SS0074

Hilton

10950 North Torrey Pines Road
San Diego, CA 92037

Prepared for:

City of San Diego

Department of Planning

1222 First Avenue MS 301
San Diego, CA 92101

Prepared by:

PlanCom, Inc.

Contractor Representatives for

AT&T Wireless

302 State Place

Escondido, CA 92029

Contact: Shelly Kilbourn, Planning Consultant
(619) 208-4685

June 6, 2012



Looking at north elevation



Looking north from site



Looking south from site



Looking east from site



Looking at equipment location



Aerial photo of site

SITE JUSTIFICATION
Hilton at Torrey Pines
10950 North Torrey Pines Road

PROJECT DESCRIPTION

The project is a proposed wireless communication facility located at the Hilton at Torrey Pines in the University Community Plan area. The proposed facility is a replacement for the two previous facilities proposed on the Torrey Pines Driving Range site.

The subject property is located at 10950 North Torrey Pines Road. The property zoned CV-1-1 and is developed with a hotel. Surrounding uses include hotels and office buildings.

SITE DESIGN

The proposed facility is a 30 foot monopine in a landscape planter adjacent to the hotel's parking structure. The equipment will be located in an existing mechanical well in the parking structure and will not be visible from any public vantage points.

PREFERENCE 1 LOCATION:

The project site is proposed on a Preference 1 location, but requires a Neighborhood Use Permit because it is located within the Coastal Zone.

CO-LOCATION OF WIRELESS FACILITIES

No other wireless carriers are located on this property.

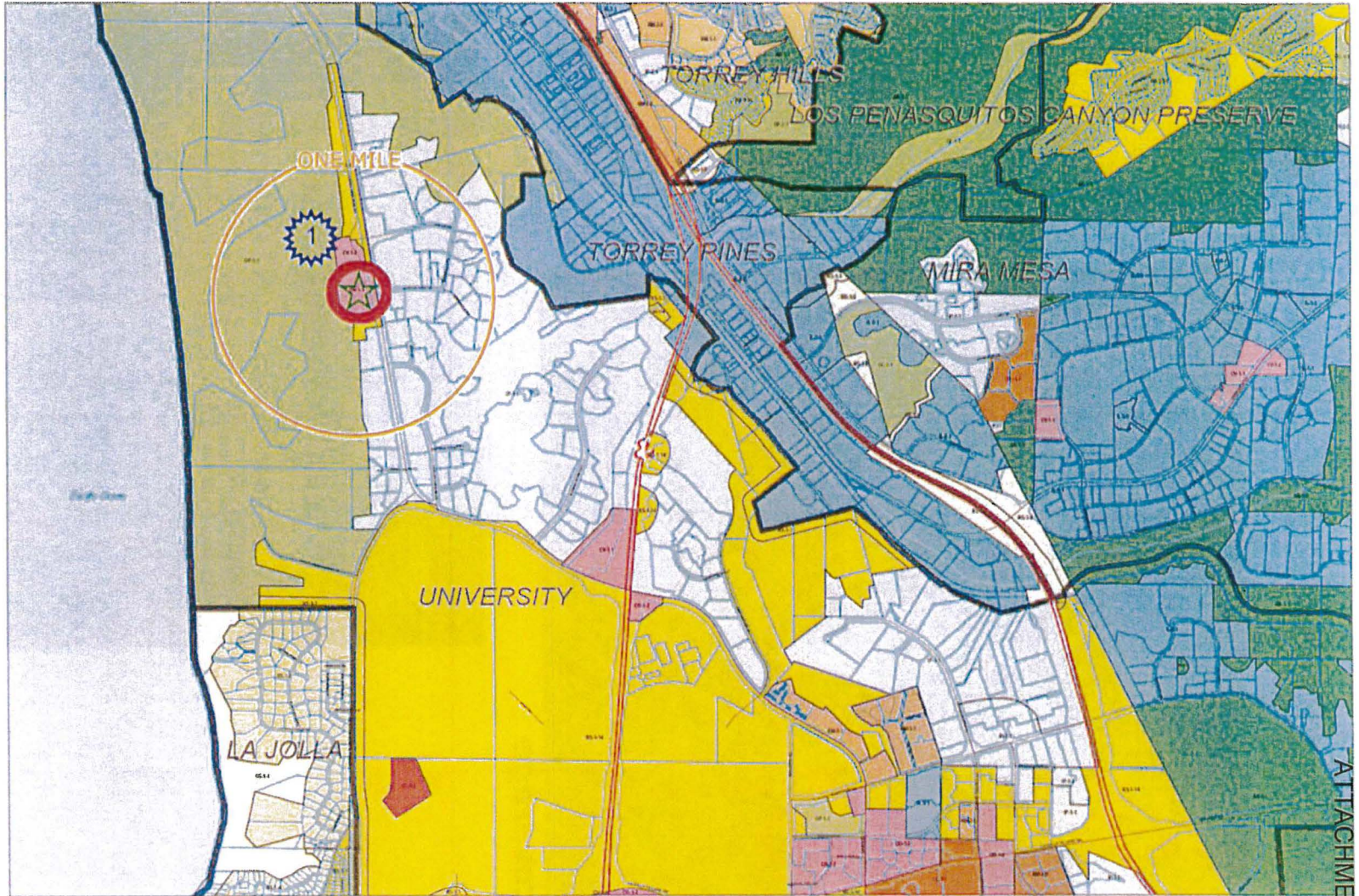


SS0074
Hilton
 10950 North Torrey Pines Rd.
 San Diego, CA 92037

Legend

-  Search Ring
-  Selected Site
-  Existing sites within 1 mile radius:
1. SD0942
-  Alternative Sites:
No alternative sites

Page 2 of 2



City of San Diego
 Planning Department
 1625 La Jolla Village Drive, San Diego, CA 92161
 (619) 594-6000
 www.sandiego.gov/planning

Map prepared by:
 City of San Diego
 Planning Department
 1625 La Jolla Village Drive, San Diego, CA 92161
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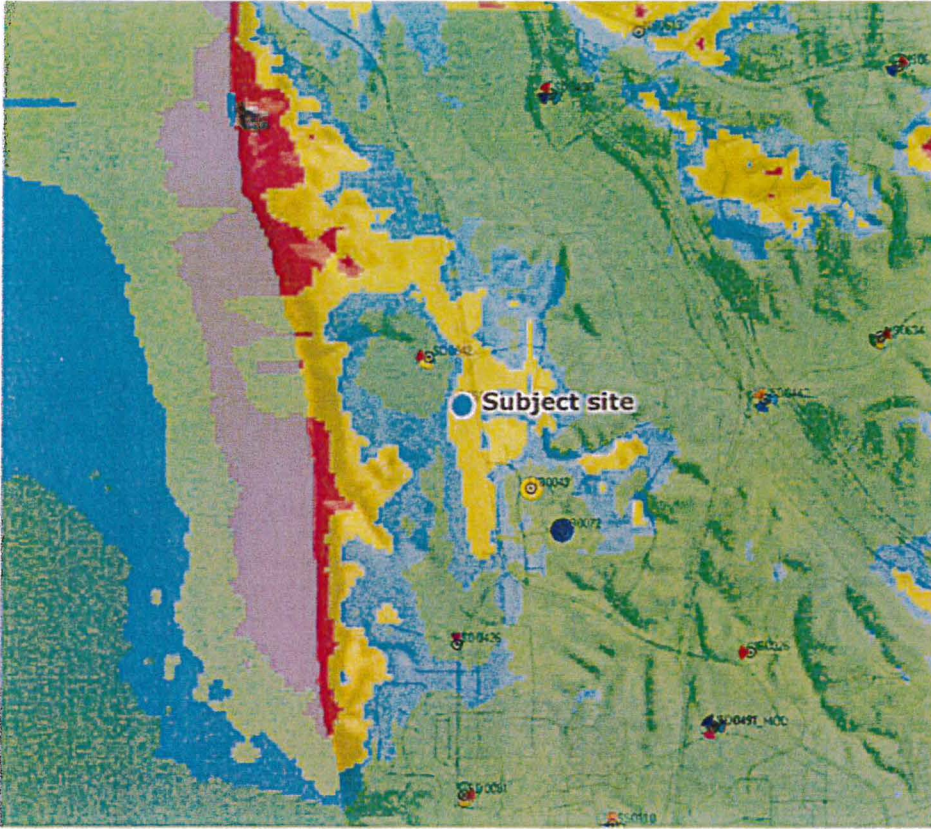
City of San Diego
Development Services Department



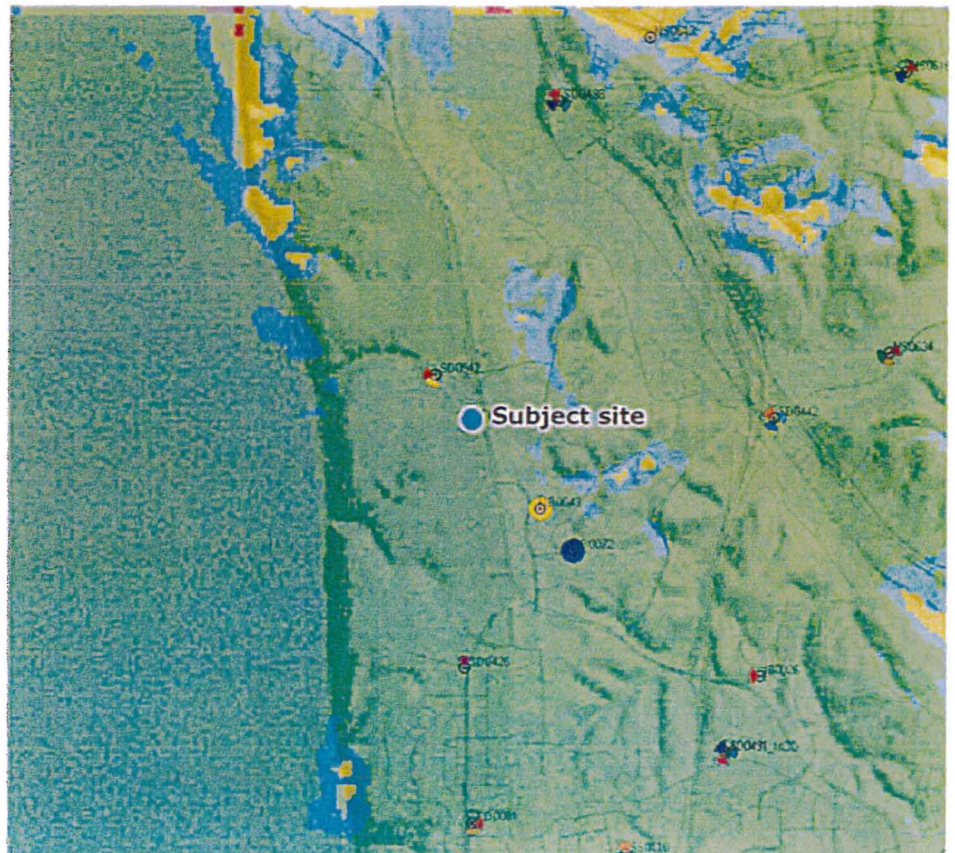
GRID TILE: 31
 GRID SCALE 800
 DATE 3/16/2005

ATTACHMENT 12

 **SS0074**
Hilton
10950 North Torrey Pines Rd.
San Diego, CA 92037



Existing coverage



Proposed coverage

Coverage Levels:

-  Excellent
-  Variable
-  Poor
-  No Coverage



THE CITY OF SAN DIEGO

DATE OF NOTICE: January 30, 2013

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	February 13, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	COASTAL DEVELOPMENT PERMIT, PROCESS 3
PROJECT NO:	<u>289104</u>
PROJECT NAME:	<u>AT&T – HILTON TORREY PINES</u>
APPLICANT:	KRYSTAL PATTERSON, PLANCOM, INC., AGENTS REPRESENTING AT&T MOBILITY
COMMUNITY PLAN AREA:	UNIVERSITY
COUNCIL DISTRICT:	District 1
CITY PROJECT MANAGER:	Alex Hempton, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5349/ahempton@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Coastal Development Permit (CDP) for a Wireless Communication Facility (WCF) consisting of a 30-foot high monopine (faux pine tree) supporting 16 panel antennas, with associated equipment located in an equipment area. The project is located at 10950 North Torrey Pines Road.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on December 18, 2012 and the opportunity to appeal that determination ended January 11, 2013.

Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. (Phone: 619-767-2370) Appeals must be filed within 10 working days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department. Please do not e-mail appeals as they will not be accepted. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24003021

Revised 04/08/10 HRD

