

#### **REPORT TO THE HEARING OFFICER**

HEARING DATE:	June 12, 2013	REPORT NO. HO 13-037
ATTENTION:	Hearing Officer	
SUBJECT:	T-MOBILE – CHATSWORTH PTS PROJECT NUMBER: 283325	
LOCATION:	3704 Tennyson Street	
APPLICANT:	T-Mobile West LLC (Permittee) Pacific Bell Telephone Company (O	wner)

#### SUMMARY

<u>Issue:</u> Should the Hearing Officer approve a Conditional Use Permit (CUP) for a Wireless Communication Facility (WCF) in the Peninsula Community Plan area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1132117.

<u>Community Planning Group Recommendation</u>: The Peninsula Community Planning Group voted 9-0-1 to recommend approval of this project at their December 2012 meeting. (Attachment 8)

<u>Environmental Review</u>: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301(b) (Existing Facilities, public or private utilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 12, 2013, and the opportunity to appeal that determination ended April 26, 2013.

#### **BACKGROUND & DISCUSSION**

T-Mobile – Chatsworth is an application for a Conditional Use Permit (CUP) for a Wireless Communication Facility (WCF). The project is located in the Peninsula community plan area in the RM-3-7 zone at 3704 Tennyson Street. (Attachments 1, 2, and 3)

WCF's are permitted in residential zones with a non-residential use, where the antennas are located less than 100' from the property line of a residential use, day care, elementary school, or middle school, with the processing of a Process 3 CUP.

The existing facility was originally permitted by approval number 95-0350-004 which was issued August 2, 1995. The current application is for a new permit to continue operation of the wireless facility with some changes to the antennas. This application is subject to the current regulations in effect, including applicable zoning regulations, the Wireless Communication Facility Regulations (LDC section 141.0420), and the City's General Plan.

WCF's are required to use the smallest, least visually intrusive antennas, components, and other necessary equipment. Applicants are required to use all reasonable means to conceal or minimize the visual impacts of WCF's through integration. Integration with existing structures or among existing uses shall be accomplished through the use of architecture, landscape, and siting solutions.

In this particular case, the antennas are façade mounted to an existing telephone switch/utility building, with equipment associated with the antennas located on the roof of the building. The existing antennas will be changed to new antennas (with similar dimensions). The cable tray will be relocated to the roof of the building (instead of being attached to the side of the building) to improve the overall appearance of the facility. The antennas will receive screening elements painted and textured to match adjacent building surfaces. (Attachment 10)

The City's General Plan addresses Wireless Facilities in Policy UD-A.15. The visual impact of WCFs should be minimized by concealing WCFs 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 effectively integrating the antennas on the existing structure and locating the equipment in a way where it is not readily visible from the public right-of-way. This allows the WCF to be integrated with the property, and respectful of the neighborhood context.

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 CUP. Therefore, Staff recommends approval of CUP No. 1132117.

#### ALTERNATIVES

- 1. Approve Conditional Use Permit No. 1132117, with modifications.
- 2. Deny Conditional Use Permit No. 1132117, 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,

C1-

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
- 10. Photo Simulation
- 11. Photo Survey
- 12. Site Justification
- 13. Coverage Maps
- 14. Hearing Officer Hearing Public Notice
- 15. Project Plans

#### **Aerial Photo**



T-Mobile – Chatsworth, Project No. 283325 3704 Tennyson Street Page 1 of 1



T-Mobile – Chatsworth, Project No. 283325 3704 Tennyson Street



**Project Location Map** T-Mobile - Chatsworth, Project Number 283325

PROJECT DATA SHEET			
PROJECT NAME:	T-Mobile – Chatsworth		
PROJECT DESCRIPTION:	Conditional Use Permit (CUP), Process 3, for panel antennas façade mounted to an existing building with equipment located on the roof of the building.		
COMMUNITY PLAN:	Peninsula		
DISCRETIONARY ACTIONS:	Conditional Use Permit, Process 3		
COMMUNITY PLAN LAND USE DESIGNATION:	Residential		
	ZONING INFORMATI	<u>ON</u> :	
ZONE: RM	1-3-7		
HEIGHT LIMIT: 40'	Shanara (18		
FRONT SETBACK: 10'	/20'		
SIDE SETBACK: 5'			
STREETSIDE SETBACK: 10'			
REAR SETBACK: 5'         LAND USE       EXISTING LAND USE         DESIGNATION &       ZONE			
NORTH:	Residential, RM-3-7	Residential/Institutional	
SOUTH:	Residential, RM-3-7	Residential	
EAST:	Residential, RM-3-7	Residential	
WEST:	Residential, RS-1-7	Residential/Institutional	
DEVIATIONS OR VARIANCES REQUESTED:	None.		
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Pensinula Community Planning Group voted to recommend approval of this project 9-0-1 at the December 2012 meeting.		

#### HEARING OFFICER RESOLUTION NO. HO-XXXX CONDITIONAL USE PERMIT NO. 1132117 T-MOBILE – CHATSWORTH, PROJECT NO. 283325

WHEREAS, PACIFIC BELL TELEPHONE COMPANY, Owner, and T-MOBILE WEST LLC, Permittee, 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. 1132117);

WHEREAS, the project site is located at 3704 Tennyson Street in the RM-3-7 zone of the Peninsula community plan area;

WHEREAS, the project site is legally described as Lot 11 of Block 20 of Point Loma Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1106, filed in the Office of the County Recorder of San Diego County, December 30, 1907;

WHEREAS, on June 12, 2013, the Hearing Officer of the City of San Diego considered CONDITIONAL USE PERMIT NO. 1132117, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 12, 2013, 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 Guidelines Section 15301(b) (Existing Facilities, public or private utilities) 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 June 12, 2013.

#### FINDINGS:

#### Conditional Use Permit - Section 126.0305

# 1. The proposed development will not adversely affect the applicable land use Plan.

While the Peninsula Community Plan does not specifically address WCF's, the City's General Plan, in Policy UD-A.15, states that the visual impact of wireless facilities should be minimized. This can be achieved by concealing wireless facilities in existing structures when possible, or by using camouflage and screening techniques to hide or blend them into the surrounding area. This project proposes to façade mount panel antennas on an existing building in line with the current building height. The antennas will receive screening treatments, painted and textured to help them blend in with the building. Equipment cabinets associated with the antennas are located on the roof of the building. Based on the design of this WCF, the project will not adversely affect the applicable land use plan.

#### 2. The proposed development will not be detrimental to the public health, safety, and welfare.

The Telecommunications Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To ensure that the FCC standards are being met, a condition has been added to the permit that requires that the applicant submit a cumulative RF study to demonstrate compliance with the applicable FCC regulations. Therefore, based on the above, the project would not result in any significant health or safety risks and will not be detrimental to the public health, safety, and welfare within matters of the City's jurisdiction.

# 3. The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and

The WCF Design Requirements state that the applicant shall use all reasonable means to conceal or minimize the visual impacts of the WCF through integration. Integration with existing structures or among existing uses shall be accomplished through the use of architecture, landscape, and siting solutions. In this case, the antennas are façade mounted to an existing building, with screening painted and textured to match adjacent building surfaces. Equipment associated with the antennas is located on the roof of the building. WCFs are permitted in residential zones with a non-residential use, where the antennas are less than 100' from the property line of a residential use, day care, elementary school, or middle school with the regulations of the Land Development Code, based on the design of the WCF, and no deviations are requested.

#### 4. The proposed use is appropriate at the proposed location.

WCF are permitted in residential zones, with a non-residential use, where the antennas are located less than 100' from the property line of a residential use, day care, elementary school, or middle school, with a Process 3 Conditional Use Permit. Council Policy 600-43 and the WCF regulations, LDC 141.0420, allow WCF in commercial and industrial zones with a lower process level than a residential zone with a residential use. Locating a WCF in a commercial or industrial zone is more preferable than locating a WCF in a residential zone with a residential use. In this case, the WCF is proposed in a residential zone, with a non-residential use. If the antennas were located more than 100' from the property line of a residential use, the WCF would be permitted with a Process 2 Neighborhood Use Permit. Since the antennas are located less than 100' from the property line of a residential use, the wCF would be permitted with a Process 2 Neighborhood Use Permit. Since the antennas are located less than 100' from the property line of a residential use, and the wCF would be permitted with a Process 2 Neighborhood Use Permit. The antennas are façade mounted to the existing building with screening painted and textured to match adjacent building surfaces and equipment associated with the antennas is located on the roof of the building. The existing building is an institutional/utility-type use, functioning as a telephone switch building. The proposed use is appropriate at the proposed location based on the design and existing building use.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, CONDITIONAL USE PERMIT NO. 1132117 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. 1132117, a copy of which is attached hereto and made a part hereof.

Alex Hempton, AICP Development Project Manager Development Services

Adopted on: June 12, 2013

Internal Order No. 24002768

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: 24002768

#### CONDITIONAL USE PERMIT NO. 1132117 T-MOBILE – CHATSWORTH, PROJECT NO. 283325 HEARING OFFICER

This CONDITIONAL USE PERMIT (CUP) No. 1132117 is granted by the HEARING OFFICER of the City of San Diego to PACIFIC BELL TELEPHONE COMPANY, Owner, and T-MOBILE WEST, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0420 and 126.0301. The site is located at 3704 Tennyson Street in the RM-3-7 zone of the Peninsula community plan area. The project site is legally described as: Lot 11 of Block 20 of Point Loma Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1106, filed in the Office of the County Recorder of San Diego County, December 30, 1907.

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 June 12, 2013, on file in the Development Services Department.

The project shall include:

- a. Six (6) panel antennas (three sectors of two antennas each, with the following dimensions: 56.0" by 7.9" by 12.0"), façade mounted to an existing building, with two (2) equipment cabinets located on the roof;
- b. This building is for the primary purpose of providing landline telecommunication services, but may have the secondary purpose of accommodating Permittee's Operations on the Premises.
- 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 June 26, 2016.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 26, 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.

3. 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.

4. Under no circumstances, does approval of this permit authorize T-Mobile (or subsequent 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.

5. 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.

6. 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.

7. 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.

8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

9. 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.).

10. The Owner/Permittee shall secure all necessary building permits. The Owner/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.

11. 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.

12. All of the conditions contained in this Permit have been considered and were determinednecessary 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 Owner/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 Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(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.

13. The Owner/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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/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, Owner/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 Owner/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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

#### HISTORIC REVIEW REQUIREMENTS:

14. The building located at 3704 Tennyson Street appears eligible for historic designation under one or more HRB designation criteria. The work proposed as part of this discretionary action is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and would not adversely impact the building's eligibility as a historic resource. All future building permits associated with this entitlement, and any revisions to the project scope through a discretionary or Substantial Conformance Review process will require review and approval by Plan-Historic staff.

#### **ENGINEERING REQUIREMENTS:**

15. 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.

16. 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.

#### PLANNING/DESIGN REQUIREMENTS:

17. 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.

18. The Owner/Permittee shall not cause or allow the antennas located on the building to be different sizes (length, width, or height) than as shown on the stamped approved plans.

19. The WCF shall conform to the Exhibit "A" (consisting of the stamped approved plans and approved photosimulations) prior to receiving final inspection approval.

20. Prior to the issuance of a construction permit, the telecommunication provider 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.

21. 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.

22. 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.
- A "Telecom Planning Inspection" will be required prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans, exhibits, and associated conditions. <u>Prior to calling for your Final Inspection from your building inspection official</u>, please contact the Project Manager listed below at 619-446-5349 to schedule an inspection of the completed WCF. Please request the telecom inspection at least five working days ahead of the requested 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 June 12, 2013 and HO-XXXX.

Permit Type/PTS Approval No.: CUP No. 1132117 Date of Approval: 6/12/13

### 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.

PACIFIC BELL TELEPHONE CO. Owner

By

Neil Boyer Director of Network

T-MOBILE WEST, LLC Permittee

By

Kirt Babcock Network Manager

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



THE CITY OF SAN DIEGO

### Date of Notice: April 12, 2013 NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24002768

PROJECT NAME/NUMBER: T-Mobile Chatsworth/283325
COMMUNITY PLAN AREA: Peninsula
COUNCIL DISTRICT: 2
LOCATION: 3704 Tennyson Street, San Diego, CA 92107 (Lots 12-17, Block 20 of Point Loma Heights, Map 1106)

**PROJECT DESCRIPTION**: Conditional Use Permit (CUP) to replace six existing antennas with new antennas which would be facade mounted to the existing structure. The equipment would continue to operate without any changes. The project is located at 3704 Tennyson Street in the Coastal Height Limit Overlay Zone and FAA noticing area in the RM-3-7 zone within the Peninsula Community Plan area.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** This project is exempt pursuant to the California Environmental Quality Act Section 15301 (b) – existing facilities, public or private utilities.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego has determined the project meets the categorical exemption criteria set forth in the CEQA State Guidelines, Sections 15301(b) (existing facilities, public or private utilities), which allows for the licensing and permitting of existing facilities. Since the project would result in minimal changes to remove and replace existing antennas and is consistent with Section 21080.21 the exemption does apply.

DEVELOPMENT PROJECT MANAGER:	Alex Hempton
MAILING ADDRESS:	1222 1 <sup>st</sup> Avenue, San Diego, CA 92101
PHONE NUMBER:	619-446-5349

On April 12, 2013 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 10 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.



THE CITY OF SAN DIEGO

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

#### Community Planning Committee Distribution Form Part 2

Project Name:		Project Number:		Distribution Date:
T-Mobile Chatsworth		283325		9/19/2012
Project Scope/Location: PENINSULA. Conditional Use Permit, Process 3, for a	Wireless Comm	unicatio	n Facility.	
Applicant Name: Lam, Rocki			Applicant H (858) 650-3	Phone Number: 3130
Project Manager:			ax Number:	E-mail Address:
Hempton, Alexander	(619) 446-534	19 (6	519) 446-5245	AHempton@sandiego.gov
Vote to Approve     Members       Vote to Approve     Members       With Conditions Listed Below     Members       Vote to Approve     Members		Yes	Members No Members No Members No	Members Abstain / Members Abstain Members Abstain
With Non-Binding Recommendations Listed Below Memb		Yes	Members No	Members Abstain
No Action (Please specify, e.g., Need further info quorum, etc.) CONDITIONS:	rmation, Split v	ote, La	ck of	Continued.
NAME:       BEFF       AGE       TITLE:       CHAIR         SIGNATURE:       OATE:       12-25-1         Attach Additional Pages If Necessary       Please return to:       Project Management Division         City of San Diego       Development Services Department         1222 First Avenue, MS 302       San Diego, CA 92101			CHAIR 12-25-12	
Printed on recycled paper. Visit our Upon request, this information is avai				

(01-12)

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Variance Tentative Map	t Permit Site Development Permi	t J Planned Development Permit /aiver / Land Use Plan Amendmer	Conditional Use Permit
Project Title			Project No. For City Use Only
T-Mobile Chatsworth			
Project Address:			
3704 Tennyson St., San D	Diego, CA 92107		
art I - To be completed whe	en property is held by Individua	l(s)	
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DS-318 (5-05)

roject Title: T-Mobile Chatsworth		Project No. (For City Use Only)		
Part II - To be completed w	hen property is held by a co	poration or partnership		
egal Status (please check	s):			
Corporation Limited	Liability -or- 🦵 General) Wh	t State? Corporate Identification No		
is identified above, will be fill the property. Please list below therwise, and state the type in a partnership who own the property. Attach additional po- wnership during the time the fanager at least thirty days	ed with the City of San Diego ow the names, titles and addre of property interest (e.g., ten property). <u>A signature is rec</u> ages if needed. <b>Note:</b> The app e application is being process prior to any public hearing on	s) acknowledge that an application for a permit, map or other matter, in the subject property with the Intent to record an encumbrance again ses of all persons who have an interest in the property, recorded or interest in the property, recorded or the who will benefit from the permit, all corporate officers, and all partri- ired of at least one of the corporate officers or partners who own the leant is responsible for notifying the Project Manager of any changes in d or considered. Changes in ownership are to be given to the Project the subject property. Failure to provide accurate and current ownership Additional pages attached Yes No		
Corporate/Partnership Nar	ne (type or print):	Corporate/Partnership Name (type or print):		
Cowner Tenant/	Lessee	Cowner Tenant/Lessee		
Street Address:		Street Address:		
City/State/Zip:		Clty/State/Zip:		
Phone No:	Fax No:	Phone No: Fax No:		
Name of Corporate Officer/Pa	ther (type or print):	Name of Corporate Officer/Partner (type or print):		
Title (type or print):		Title (type or print):		
Signature :	Date:	Signature : Date:		
Corporate/Partnership Nan	ne (type or print):	Corporate/Partnership Name (type or print):		
Owner Tenant/L	essee	Owner Tenant/Lessee		
Street Address:		Street Address:		
City/State/Zlp:		City/State/Zip:		
Phone No:	Fax No:	Phone No: Fax No:		
Name of Corporate Officer/Partner (type or print):		Name of Corporate Officer/Partner (type or print):		
Title (type or print):		Title (type or print):		
Signature :	Date:	Signature : Date:		
Corporate/Partnership Nam	e (type or print):	Corporate/Partnership Name (type or print):		
Owner Tenant/Lessee		Owner Tenant/Lessee		
Street Address:		Street Address:		
City/State/Zip:		Clty/State/Zip:		
Phone No:	Fax No:	Phone No: Fax No:		
Name of Corporate Officer/Par	tner (type or print):	Name of Corporate Officer/Partner (type or print):		
Title (type or print):		Title (type or print):		
121 1 2				

#### SJ06157

#### **ATTACHMENT 9**



AT&T Towers Rooftop Program Office 2600 Camino Ramon, #3E300C San Ramon, CA 94583

#### LETTER OF AUTHORIZATION

To: The City of San Diego

APPLICATION FOR ZONING/USE/BUILDING PERMIT

Pacific Bell Telephone Company ("Pacific"), as property representative of the below-described property, does hereby appoint **T-Mobile West Corporation ("T-Mobile")**, as agent for the purpose of consummating any application necessary to ensure T-Mobile's ability to use and/or construct improvements to the property licensed to them for the purpose of constructing a communications site. Pacific and T-Mobile both understand that the application may be denied, modified, or approved with conditions, and that such conditions or modifications must be complied with prior to issuance of building permits.

T-Mobile understands and acknowledges that any construction of improvements is subject to the full execution of a license agreement with Pacific, and that any action on the part of T-Mobile to proceed with any applications with governmental agencies is at T-Mobile's sole risk and liability. T-Mobile shall protect, defend, indemnify and hold Pacific and its parent, affiliates and its and their directors, officers, employees, successors and assigns free and harmless from and against any and all injury, damage, loss, liability, lien, penalty, claim or expense ("Liabilities") including without limitation, attorneys' fees, expert witness fees and legal costs suffered by reason of any claim, cause of action, suit or judgment, Liabilities as a result of injury to or death of any person, of damage to or loss or destruction of any property, violation of any laws affecting or concerning any properties owned by Pacific, claims for personal injury, emotional distress, infringement of any patent, trademark, copyright, trade secret or other legally protected proprietary right, which arises out of, is occasioned by or in any way attributable to the acts or omissions of T-Mobile, its agents or contractors in connection with this Letter of Authorization, except to the extent caused by the active negligence or willful misconduct of Pacific, its agents or contractors.

Property Location:	3704 Tennyson Street			
	San Dieg	0	CA	92107
Assessor's Parcel Number:		449-461-10		
Signature of Propert	y Owner:	PACIFIC BELL TEL	EPHONE COMP	PANY
	Ву:	Nell Boyer	/	
ŧö	Title:	Director - Networ	rk	
	Date:	7-31-12		

Proud Sponsor of His U.S. Olympic Team

#### T-Mobile Senior Leadership Team

John Legere President and CEO

Jim Alling Chief Operations Officer

David R. Carey Executive Vice President Corporate Services

Peter Ewens Chief Strategy Officer

Alexander Andrew "Drew" Kelton Executive Vice President, Business to Business (B2B)

Dave Miller Chief Legal Officer and General Counsel

Michael Morgan Chief Financial Officer

Larry Myers Chief People Officer

Neville Ray Chief Technology Officer

Andrew Sherrard Acting Chief Marketing Officer



SITE ID #SDO6157A





EXISTING

PROPOSED

Page 1 of 2



EXISTING COAX CABLE TRAY TO BE REMOVED & RELOCATED TO ROOF OF EXISTING BUILDING.

EXISTING T-MOBILE ANTENNAS TO BE REPLACED WITH PROPOSED REPLACEMENT ANTENNAS WITH SKIRTS, (2) PER SECTOR, (6) ANTENNAS TOTAL.

SOUTH VIEW

# CHATSWORTH SITE ID #SDO6157A

# ••**T**••Mobile•



LOCATION

3704 TENNYSON ST., SAN DIEGO, CA 92107





EXISTING









#### PHOTOGRAPHIC SURVEY

T-Mobile SD06157A, Chatsworth

#### • View of the Subject Property



(1) View of the subject property looking north.



(2) View of the subject property looking west.



(3) View of the subject property looking south.



(4) View of the subject property looking east.

• View from the Subject Property



(5) View from the subject property looking north.



(6) View from the subject property looking east.



(7) View from subject property looking south.



(8) View from subject property looking west.



BOARD MEMBERS September 10, 2012

Mitchell J. Campagna, RA

CEO

TO:

Bodie C. Campagna CFO City of San Diego Development Services Department 1222 First Avenue, MS 301 San Diego, CA 92101-5154

FROM: Lynnea Barrett Site Acquisition Specialist Mitchell J Architecture 4883 Ronson Court, Suite N San Diego, CA 92111

RE: Site Justification Report T-Mobile Site SD06157A Chatsworth APN: 449-461-10

The existing T-Mobile wireless communication facility located at 3704 Tennyson St., San Diego, CA 92107 (the "Subject Property") is needed for following reasons:

As depicted on the following coverage maps, the existing wireless communication facility located at the Subject Property provides essential communication and improved service to the surrounding area. The facility ensures uninterrupted wireless service in the area. Without the facility at the current location, there would be a significant gap in coverage that would negatively impact the surrounding community.

The visual impact to the surrounding community is minimized because the equipment is located on the rooftop of the building and not visible from public view. All antennas are currently painted to match the exterior of the building. Side and bottom skirts will be utilized for architectural integration of the antennas into the building's façade.

If you have any additional questions, I can be reached by phone at (858) 650-3130 or by e-mail at lynnea.barrett@mitchellj.com.

Sincerely,

mea Barrel

Lynnea Barrett

#### ADJACENT LAND USE MAP

T-Mobile Chatsworth - 3704 Tennyson St., San Diego, CA 92107



ATTACHMENT 12

# T - Mobile

# **Coverage Map SD06157**

RF Team San Diego Market August 20, 2012



# $* : \mathbf{T} \cdot : Mobile*$

# **Contents:**

Plots:

- SD06157 coverage
- SD06157 On-Air neighbor sites coverage
- SD06157 with On-Air neighbor sites coverage





SD06157 Coverage

T . Mobile.







THE CITY OF SAN DIEGO

#### DATE OF NOTICE: May 29, 2013

# NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	June 12, 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:	CONDITIONAL USE PERMIT, PROCESS 3
PROJECT NO:	283325
PROJECT NAME:	T-MOBILE – CHATSWORTH
APPLICANT:	ANNE REGAN, DEPRATTI, INC., AGENTS
	<b>REPRESENTING T-MOBILE WEST, LLC</b>
COMMUNITY PLAN AREA:	Peninsula
COUNCIL DISTRICT:	District 2
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 Conditional Use Permit (CUP) for a Wireless Communication Facility (WCF) consisting of six (6) panel antennas façade mounted to the side of an existing building, with two equipment cabinets located on the roof of the building. The project is located at 3704 Tennyson Street.

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 <u>do not</u> e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at <u>www.sandiego.gov/development-services</u> 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 4/12/2013 and the opportunity to appeal that determination ended 4/26/2013.

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 <u>Support Services at (619) 321-3208</u> 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: 24002768

Revised 04/08/10 HRD











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