REPORT TO THE HEARING OFFICER

HEARING DATE: February 25, 2015 REPORT NO. HO 15-021

ATTENTION: Hearing Officer

SUBJECT: T-MOBILE POINT LOMA 7th DAY ADVENTIST CHURCH
PTS PROJECT NUMBER: 378635

LOCATION: 4425 Valeta Street, San Diego, CA 92107

APPLICANT: Debra Gardner (Depratti, Inc.) Agent for T-Mobile

SUMMARY

Issue(s): Should the Hearing Officer approve a Wireless Communication Facility (WCF) on an existing church property in the RM-1-1 zone of the Peninsula Community Planning area?

Staff Recommendation(s) – APPROVE Conditional Use Permit No. 1330409.

Community Planning Group Recommendation – On January 15, 2015, the applicant presented the project to the Peninsula Community Planning Board who inadvertently omitted the item from the agenda. No concerns were expressed by the board members however, no vote was taken. The applicant has requested staff to move forward with this project without a recommendation from the Peninsula Community Planning Board. (Attachment 10).

Environmental Review: Negative Declaration (MND) No. 42243 was prepared for the T-Mobile 7th Day Adventist project, which was certified and adopted by the City of San Diego Development Services Department on May 6, 2005, by Resolution CM-5023. In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) No substantial changes are proposed to the project which would require major revisions of the previous ND; (2) No substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous ND; and (3) There is no new information of substantial importance that was not known and could not have been known at the time the previous ND was certified. Therefore, no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document. All of the impacts were adequately addressed and disclosed in previously certified ND No. 42243.
BACKGROUND

The existing Wireless Communication Facility (WCF) is located on the northeast block of Valeta Street between Soto Street and Famosa Boulevard on an existing church property. The site location abuts the Peninsula Family YMCA parking lot to the south and multi-family residences to the west (Attachment 1). There are also residential uses to the north and to the east.

T-Mobile’s WCF is located inside a cupola on the roof of the Point Loma 7th Day Adventist church behind Fiberglass Reinforced Panel (FRP) screening. The cupola (Attachment 9) was designed to appear as part of the building and can support up to sixteen antennas under Neighborhood Use Permit (NUP) No. 226685. A Substantial Conformance Review Application was approved on July 5, 2012 to replace six of the sixteen entitled antennas. This modification upgraded the existing network to support the fourth generation of mobile telecommunications technology (also known as 4G) to the surrounding area. The 4G network is necessary to accommodate the sharp rise in cell phone usage and this technology will result in a more efficient use of spectrum, better signal coverage and more capacity. NUP No. 226685 will expire on May 6, 2015 so T-Mobile is proactively seeking a new permit ahead of the expiration date. The project as a whole must comply with the current regulations. The condition for the expiration date provided the City an opportunity to re-evaluate the site for advancement in technology and design compatibility with the surrounding community.

No changes are being proposed to this site and the antennas along with the equipment will continue to be concealed from public views as illustrated in the attached photosurvey (Attachment 7). The church is screened by mature palm and pine trees around the property and the existing 9-foot 7-inch tall cupola blends in appropriately to avoid any concerns related to bulk and scale. Along with painting both the cupola and the equipment building the same color palette, these two structures are seemingly integrated into the existing church design and appear as part of the original church building. Furthermore, the site has been in operation for the last ten years without any issues or complaints. The site will also continue to provide the surrounding community with 4G options and will meet the Federal Communication Commission’s purpose and intent with maintaining and deploying broadband connections in a timely manner.

This is a Preference 3 location according to Council Policy 600-43 and this location corresponds to uses allowed with a Conditional Use Permit, Process 3 (141.0420(e)(1)). The applicant is required to demonstrate that sites within Preference 1 and 2 locations were explored in good faith and found unacceptable. The technical analysis (Attachment 13) identified this location as the only acceptable candidate which is otherwise surrounded with single and multi-family residential uses. Furthermore, there would be an approximate fifty to sixty feet in elevation loss if the site was relocated to a commercial zone. This difference in elevation would result in a significant negative impact to the coverage objective and would require a much taller and a more obtrusive facility which would be difficult to design to comply with the regulations. Additionally, the existing stealth design is compatible with the church use and preserves the neighborhood characteristics as it relates to bulk and scale.
DISCUSSION

The City of San Diego General Plan requires all WCFs to be concealed in existing structures when possible, or otherwise use camouflaging techniques to hide or blend them into the surrounding area. The existing T-Mobile WCF conceals up to sixteen antennas inside a rooftop cupola designed to integrate with the church. Compliance with the General Plan is achieved by concealing the antennas inside the rooftop cupola behind Fiberglass Reinforced Panel (FRP) screen, painted and textured to match the existing church. The rooftop cupola as designed continues to be aesthetically pleasing and respectful of the neighborhood context. Additionally, the design is consistent with the Land Development Code Section 141.0420. This section of the regulations reinforces the City's General Plan requirement and requires all WCF to utilize reasonable means to conceal or minimize the visual impacts of wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions. Both the antennas and the equipment associated with this project are concealed and integrated with the existing church property and therefore, the CUP application for the T-Mobile WCF complies with the General Plan and the Land Development Code Section 141.0420.

ALTERNATIVE

1. Approve Conditional Use Permit No. 1330409, with modifications.

2. Deny Conditional Use Permit No. 1330409, 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,

Simon Tse, Development Project Manager

Attachments:

1. Aerial Photograph
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. Photo Survey
8. Project Plan(s)
9. Project Photosimulation(s)
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology
13. Telecom Technical Analysis
Aerial Photo
T-Mobile Point Loma 7th Day Adventist Church Project No. 378635
4425 Valeta Street, San Diego, CA 92107
Community Land Use Map (Peninsula)

T-Mobile Point Loma 7th Day Adventist Church Project No. 378635
4425 Valeta Street, San Diego, CA 92107
Project Location Map
T-Mobile Point Loma 7th Day Adventist Church Project No. 378635
4425 Valeta Street, San Diego, CA 92107
### PROJECT DATA SHEET

**PROJECT NAME:** T-Mobile Point Loma 7th Day Adventist Church

**PROJECT DESCRIPTION:** Wireless Communication Facility (WCF) consisting of sixteen (16) antennas concealed inside a cupola on an existing church. The equipment associated with this project will continue to operate inside a 162-square foot equipment shelter sited between the main church structure and the multi-purpose building.

**COMMUNITY PLAN AREA:** Peninsula

**DISCRETIONARY ACTIONS:** Conditional Use Permit

**COMMUNITY PLAN LAND USE DESIGNATION:** Institutional

**ZONING INFORMATION:** (RM-1-1)

| CURRENT HEIGHT LIMIT: 30-feet | PROPOSED HEIGHT: 30-feet |
| CURRENT FRONT SETBACK: 15-feet | PROPOSED FRONT SETBACK: No Change |
| CURRENT SIDE SETBACK: 10-feet | PROPOSED SIDE SETBACK: No change |
| (8-feet adjacent to residential use) |
| CURRENT REAR SETBACK: 15-feet | PROPOSED REAR SETBACK: No change |

**ADJACENT PROPERTIES:**

| NORTH: Residential/RM-3-7 | EXISTING LAND USE Residential |
| SOUTH: Park/Open Space/OP-1-1 | Residential |
| EAST: Residential/RM-3-7 | Park/YMCA |
| WEST: Residential/RM-3-7 | Residential |

**DEVIATIONS OR VARIANCES REQUESTED:** No deviations are proposed.

**COMMUNITY PLANNING GROUP RECOMMENDATION:** On January 15, 2015, the applicant presented the project to the Peninsula Community Planning Board who inadvertently omitted the item from the agenda. No concerns were expressed by the board members however, no vote was taken. The applicant has requested staff to move forward with this project without a recommendation from the Peninsula Community Planning Board.
WHEREAS, SOUTHEASTERN CALIFORNIA CONFERENCE OF 7TH DAY ADVENTIST, Owner, and T-MOBILE USA, INC., Permittee, filed an application with the City of San Diego for a permit to maintain an existing Wireless Communication Facility (WCF) consisting of sixteen (16) panel antennas concealed inside the rooftop cupola behind Fiberglass Reinforced Panel (FRP) screening, painted and textured to match the existing church building. The equipment associated with this project will continue to operate inside a 162-square foot building as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit (CUP) No. 1330409;

WHEREAS, the project site is located at 4425 Valeta Street, San Diego, CA 92107 in the RM-1-1 zone of the Peninsula Community Planning Area;

WHEREAS, the project site is legally described as Lots 1 of Rollins Subdivisions, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7916, filed with the office of County Recorder of San Diego County, April 10, 1974;

WHEREAS, on February 25, 2015, the HEARING OFFICER of the City of San Diego considered Conditional Use Permit (CUP) No. 1330409 pursuant to the Land Development Code of the City of San Diego;

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 25, 2015.

FINDINGS:

Findings for Conditional Use Permit - Section §126.0305

1. The proposed development will not adversely affect the applicable land use plan;

   The Peninsula Community Plan does not address Wireless Communication Facilities (WCF); however, the City of San Diego General Plan requires all WCFs to be concealed in existing structures when possible, otherwise use camouflage and screening techniques to hide or blend them into the surrounding area. Additionally, each WCF shall be designed to be aesthetically pleasing and respectful of the neighborhood context to minimize the visual impacts of the wireless facilities. This existing T-Mobile WCF consists of sixteen (16) antennas concealed inside a cupola on the roof of the existing church, painted and textured to match the building design. The 9-foot, 7-inch tall cupola, as designed, continues to be aesthetically pleasing to the neighborhood context which is surrounded by single and multi-family residences. The equipment associated with this project will continue to operate inside the existing 162-square foot building site between the main church structure and the multi-purpose building, not visible to the public. Along with painting both the cupola and the equipment building the same color palette, these two structures are seemingly integrated into the existing church design and appear as part of the original church building. The church property is also screened with existing mature palm and pine trees.
minimizing the visibility of the WCF. Therefore, the proposed WCF will not adversely affect the Peninsula Community Plan; nor the City of San Diego General Plan.

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

   The project consists of an existing rooftop cupola and associated 162-square foot equipment building. The antennas are completely concealed inside the rooftop cupola behind FRP materials, painted and textured to match the existing church building. The original design is still consistent with the existing church use and is in scale with the rest of the building. Additionally, the WCF design continues to be aesthetically pleasing to the neighborhood context with mostly single and multi-family residences. The project is located at 4425 Valeta Street, San Diego, CA 92107 in the RM-1-1 zone of the Peninsula Community Planning Area.

   The conditions of approval for the project will require continued compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. No proposed improvement plans are associated with the project since no modifications are being proposed. Nevertheless, the project will be required to continue to meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

   Additionally, the Federal Telecommunication 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." T-Mobile submitted an RF Report, which concluded that the project complies with FCC RF Standards. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction. In conclusion, the proposed project will not be detrimental to the public health, safety and welfare.

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 has been designed to comply with the Wireless Communication Facility Regulations Land Development Code Section 141.0420 and the RM-1-1 zone. Pursuant to LDC Section 141.0420(e)(1) a Conditional Use Permit is required. LDC Section 141.0420 requires all WCFs to be designed to minimize visual impacts. The existing rooftop cupola completely conceals the WCF behind FRP screening, painted and textured to match the existing church building. The design is integrated with the existing church building use and is in scale with the rest of the property which continues to be aesthetically pleasing to the surrounding neighborhood context. No deviations are proposed for this project. Therefore, the proposed WCF will comply with the regulations of the Land Development Code.

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

   Pursuant to Council Policy 600-43, the applicant is required to demonstrate that sites within Preference 1 and 2 Locations were explored in good faith and found unacceptable. The technical analysis identified this location (4425 Valeta Street) as the only acceptable candidate which is otherwise surrounded with single and multi-family residential uses. Furthermore, there would be an approximate fifty to sixty feet in elevation loss if the site was relocated to a commercial zone that is approximately one mile away from the current location. The difference in elevation would result in a significant
negative impact to the coverage objective and would require a much taller and a more obtrusive facility which would be difficult to design to comply with the regulations. Additionally, the existing stealth design is compatible with the church use and preserves the neighborhood characteristics as it relates to bulk and scale.

The site was also recently updated to support the fourth generation of mobile telecommunications technology (also known as 4G) to the surrounding area. The 4G network is necessary to accommodate the sharp rise in cell phone usage and this technology will result in a more efficient use of spectrum, better signal coverage and more capacity. The site will also continue to provide the surrounding community with 4G options and will meet the Federal Communication Commission’s purpose and intent with maintaining and deploying broadband connections in a timely manner. Therefore, the proposed WCF use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the HEARING OFFICER, Conditional Use Permit No. 1330409 is hereby GRANTED by the HEARING OFFICER to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1330409, a copy of which is attached hereto and made a part hereof.

Simon Tse
Development Project Manager
Development Services

Adopted on: February 25, 2015

Internal Order No. 24004862
CONDITIONAL USE PERMIT NO. 1330409
T-MOBILE POINT LOMA 7TH DAY ADVENTIST CHURCH PROJECT NO. 378635
HEARING OFFICER

This Conditional Use Permit No. 1330409 is granted by the HEARING OFFICER of the City of San Diego to SOUTHEASTERN CALIFORNIA CONFERENCE OF 7TH DAY ADVENTIST, Owner, and T-MOBILE USA, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] section Chapter 12, Article 6, Division 3 and Land Development Code Section 141.0420. The project site is located at 4425 Valeta Street, San Diego, CA 92107 in the RM-1-1 zone of the Peninsula Community Planning Area. The project site is legally described as Lots 1 of Rollins Subdivisions, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7916, filed with the office of County Recorder of San Diego County, April 10, 1974.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility (WCF), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 25, 2015, on file in the Development Services Department.

The project shall include:

   a. A Wireless Communication Facility (WCF) consisting of a total of sixteen (16) panel antennas concealed inside a rooftop cupola behind Fiberglass Reinforced Panel (FRP) screen panels, painted and textured to match the existing building. The equipment associated with this project is located inside a 162-square foot building between the main church structure and the multi-purpose building, painted and textured to match; and

   b. 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 March 11, 2018.

2. This Conditional Use Permit (CUP) and corresponding use of this site shall expire on February 25, 2025. Upon expiration of this approval, 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 unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.

3. No later than ninety (90) days prior to the expiration of this approval, the Owner/Permittee may submit a new application to the Development Services Department 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 the Owner/Permittee to utilize this site for WCF purposes beyond the permit expiration date. Use of this permit approval 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 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 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.

**PLANNING/DESIGN REQUIREMENTS:**

14. No overhead cabling is permitted.

15. The Owner/Permittee shall not cause or allow the antennas located on the WCF to be different sizes (length, width, or height) than as shown on the stamped approved plans and as listed here: (56" by 12" by 7.9").

16. Use of or replacement of any building façade with FRP material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building. All FRP shall be painted and textured to match the original building surfaces.

**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 25, 2015 and HO-XX-XXX (TBD).
February 25, 2015
Conditional Use Permit No. 1330409

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Simon Tse, Development Project Manager
City of San Diego

NOTE: Notary acknowledgment must be attached per Civil Code section 1180 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.

SOUTHEASTERN CALIFORNIA CONFERENCE OF 7TH DAY ADVENTIST
Owner

By ____________________________
Name:
Title:

T-MOBILE USA, INC.,
Permittee

By ____________________________
Name:
Title:

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.
T-Mobile
SD06999A 7th Day Adventist Church
Photo Survey
Key Map
1. View of North Elevation of site.
2. View of South Elevation of site.
3. View of East Elevation of site.
4. View of West Elevation of site.
5. View looking North from site.
6. View looking East from site.
7. View looking South from site.
8. View looking West from site.
This project proposes no on-site engineering improvements for the development shown on this drawing. This project proposes the following:

1. No permanent water system will be used or required by the project.
2. No existing parking space will be used or removed by the project.
3. The removal of a portion of an existing driveway and no adverse disturbance or trenching is proposed by the project. The project proposes no work within the public right-of-way.
4. No existing parking space will be used or removed by the project.
5. This is a renewal of a permit for an existing facility and no ground disturbance or trenching is proposed by the project.
6. This project proposes no work within the public right-of-way.

The information contained in this set of construction documents is proprietary by nature. Any use or disclosure other than that which relates to carrier services is strictly prohibited.
NO STRUCTURAL CHANGES, NO ELECTRICAL CHANGES AND NO NEW OR ADDITIONAL BATTERIES

EXISTING (6) T-MOBILE ANNAI\S
PER SECTOR "A", "B" & "C"

EXISTING COAXIAL CABLE TRAY MOUNTED ON UNISTRUT SLEEPERS 4'-0" O.C.

FUTURE (10) T-MOBILE ANNAI\S
PER SECTOR "A", "B" & "C"

EXISTING (6) T-MOBILE ANNAI\S
PER SECTOR "A", "B" & "C"
SD06999 Photo Simulation – North Elevation

**BEFORE**

**AFTER**

Antennas Mounted within Cupola.
No changes proposed.
PENINSULA COMMUNITY PLANNING BOARD MINUTES

3701 Voltaire St., Point Loma Library

Nov. 20, 2014, Scheduled 6:30-9:15 p.m.

DRAFT MINUTES

(will be voted upon at 1/15/15 meeting)

Present: Nicole Burgess, Dominic Carnevale, Patricia Clark, Bruce Cook, Bruce Coons, David L. Dick, Jon Linney, Peter Nystrom, Julia Quinn, Jarvis Ross, Mike Ryan, Don Sevrens, Paul Webb

Absent: Mark Krencik, Jay Shumaker

Called to order at 6:35 p.m.

PARLIAMENTARY ITEMS

1. Approval of Agenda. One item (Wabaska circle) delayed, one item (Seventh-day Church cell tower) inadvertently omitted from agenda heard as non-public information item with no vote taken. Motion by Ross, second by Coons. Vote 10-0. Abstaining: Paul Webb (Brown Act concerns). Not voting: Burgess (late) and Dick (late).

2. Approval of October 2014 minutes. Approved 10-0, Burgess, Carnevale and Webb abstaining because of absences

3. Secretary’s Report – Don Sevrens (None)

4. Treasurer’s Report – Patricia Clark
   Reported $1.58 in treasury, appealed for donations to cover arrearages on Website bill incurred prior to July 1, 2014 when city stipend kicked in
   Chair Report – Julia Quinn.
   Briefed board on requirements for 2015 election. Terms expiring are Carnevale, Coons, Krencik, Quinn and Ryan.

NON-AGENDA PUBLIC COMMENTS

KORLA EQUINTA – Expressed concerns that projects of four units or less are being approved through a ministerial process escaping board and public review, then being moved forward through map waivers.
MIKE STEVENS — Said enclosed parking spaces at units are being rented out to non-residents in a flagrant violation of Municipal Code. Said Code Enforcement will only respond if the complaint is from a neighbor.

JIM GILHOOLY — Mentioned Navy environmental review hearing on Rosecrans pipeline will be Wednesday Dec. 3 from 5 to 8 p.m. at the Portuguese Hall on Avenida de Portugal.

Member of public (name not audible) — Decried Monarch Development Corporations plans to build 180 units at the former Barnard School site with no public park. Urged board to act.

GOVERNMENT REPORTS

Council District 2 — Rollin Bush. Praised Burtech Pipeline for voluntary cleanup of park site at Avenida de Portugal and Canon. Introduced Conrad Wear, aide to Council Member-elect Lori Zapf. Bush was roundly applauded for his service and results.

City Planning — Despite requests from board member David Dick for a planning advisor to be present and assist, Tony Kempton was absent.

INFORMATION ITEMS

1. Ocean Beach Planning Board Update — Presentation by Valerie Paz (Absent, no report)
2. Point Loma Substation Rebuild — Presentation by Claudia Valenzuela, SDG&E
   Seventy-year-old substation at Udall and Wabaska is being replaced, something that does not require municipal approval. Terraced retaining walls, drip irrigation and 41 mature trees will be used to mask machinery. It will have a 60-foot tower to communicate with other substations.
3. Canon Street Pocket Park Update — Presentation by Jon Linney and Don Sevrens

Praised Burtech Pipeline for agreeing to a $5,000 cleanup of site. Board member Bruce Cook has volunteered his services to prepare a conceptual plan at the appropriate time. Parks and Recreation subcommittee meeting was held at nearby rec center with good turnout. Outreach conducted door to door on streets including Canon, Avenida de Portugal, Evergreen, Lowell and Bangor. Outreach to groups including Kiwanis, Portuguese community and Point Loma Association. Reported strong support from individuals contacted.

Dick: Raised questions over whether this was an appropriate role for board members.
Ross: Land use comes under board’s purview.
Ryan: Pertinent report shows deficiency of 664 to 793 acres of parkland on the peninsula.
4. Proposed T-Mobile cell tower at Seventh-day Adventist Church at 442 Valeta St. near Peninsula Y.
   A company representative was present to speak to the matter, inadvertently omitted from the agenda. No concerns were expressed by board members. No vote was taken.

ACTION ITEMS

1. Approval of letter to city regarding new permit application for 1676 Plum St.
   Presentation by Jon Linney, Jerry Lohla and Danna Nicholas, deputy city attorney. Proposed letter asked Department of Development Services to halt processing or review of any new permits for the site until seven counts of criminal charges have been fully adjudicated. Lohla predicted the longunfinished house will never be built but neighborhood will continue to suffer. Nicholas said “In this case Mr. Mendiola earned himself a criminal complaint.” She said the only way he can finish is to get new permits and that a plea agreement might result in a finish, demolition or sale. No trial date has been set.

2. EF International Language School at former Cabrillo Hospital site
   Presentation by Shawna Sullivan
   Only a single-family home is our district. The rest of the high-rise, parking lot and proposed recreation area is in the Midway district.

3. Pump Station No. 2 Power Reliability and Surge Protection Project, 4077 N. Harbor Dr.
   Presentation by Genene Lehotsky, City of San Diego Department of Public Works.
   Additional pumps and new housings to be installed at present site bordering North Harbor Drive. This was an action item at the request of the Coastal Commission.
   Motion to approve by Ryan, second by Webb. Approved by unanimous vote.

4. Carleton Street Map Waiver, Project No. 373548, 3015-3021 Carleton St.
   Map waiver to construct four residential condominiums at building currently under construction. Applicant: David Parot
   Discussion pointed out that the project received ministerial approval, escaping board and public review. It was pointed out that the third floor “lofts” or “dens” contain closets and bathrooms and are really third bedrooms and violate Municipal Code parking requirements. Also, testimony pointed out there has been extensive advertising of three-bedroom units although the applicant denied responsibility for the advertising.
The applicant said it was identical to other 30-foot condos in Roseville which generated discussion from board and the public of unhappiness with loopholes leading to substandard buildings and destruction of community character.

Sevrens: Complained of obfuscation and seemingly misleading statements by the project manager and the applicant as to perceived violations of the Municipal Code.

Ross: A den with a closet is a third bedroom and this does not meet the parking requirements.

Coons: There are two levels of subterfuge here.

Quinn: Similar three-story condos in Roseville have created many problems.

Webb: We never get to see the plans before they are built.

Carnevale: We are not going to stand for this (broken) process any more.

Dick: If we are serious (on opposing projects which use this methodology) we should send an emissary to any future hearing.

Motion by Carnevale, second by Ross to deny map waiver. Unanimous vote to deny (12-0).

5. Anderson Residence, CDP, Project No. 368632, 379 San Antonio Place.
Construct 1,180 SF second floor addition and remodel portion of first floor on 5,050 SF lot. Applicant: Mark Lyon

Motion to approve by Webb, second by Nystrom. Unanimous vote to approve (12-0).

6. Approval of Letter to City of San Diego for Sunset Cliffs Blvd. Crosswalks. Presentation by Walter Spath and Peter Nystrom

City asked to study crosswalks along Sunset Cliffs in the linear park area with at least one having flashing pavement buttons.

Motion by Carnevale, second by Coons. Unanimous vote (12-0) to send letter.

7. Approval of Letter to City of San Diego for Evergreen Street Bike Boulevard – Presentation by Nicole Burgess.

The type of bike boulevard was left unspecified. Burgess said it would have the effect of calming traffic in the neighborhood as well as creating a livable bikeable community.


Abstain (1): Ross (need a unified approach to bike lanes).

8. Approval of Letter to City for Voltaire/Wabaska Intersection Improvements – Presentation by Nicole Burgess
Postponed to give applicant on adjacent construction (SDG&E) time to resolve cycle issues.

9. Approval of Letter to San Diego Regional Airport Authority on Early Airplane Turns and Increased Traffic on North Harbor Drive from New Parking Structure – Presentation by Paul Webb

10. Approval of Comment letter to U.S. Navy on Miramar Pipeline Repair and Relocation Project Draft Environmental Assessment – Draft EA evaluates potential environmental impacts associated with repairing and relocating portions of Navy’s Miramar fuel pipeline, including relocation of 3.5 miles of pipeline to the Rosecrans Street right-of-way from the La Playa waterfront. Presentation by Julia Quinn
Navy has never appeared before planning board despite invitations. Request to board for comment did not allow adequate time to write a response and allow board review. Motion by Webb, second by Nystrom to have Quinn and Webb create a response and send without board review. Passed by unanimous (12-0) vote.

Adjourned at 9:40 p.m. to Jan. 15, 2015. (There will not be a December meeting.)
From: Julia [pcpbem@gmail.com]  
Sent: Monday, February 02, 2015 2:44 PM  
To: Tse, Simon  
Cc: Mark Krencik  
Subject: Re: PTS 378635 T-Mobile Pt Loma 7th Day Adventist

Hi Simon: If an official vote is required of the planning board based on City DSD procedures to move this on to the hearing office, then let me know and the item will be scheduled for the February 19, 2015 meeting. No major concerns are anticipated because it is any existing use and no changes are being proposed, but it would not be proper for me to state whether an official vote is required or not. That would be a call by the City. Let me know if you have any questions. Thank you, Julia Quinn

On Thu, Jan 29, 2015 at 10:45 AM, Tse, Simon <STse@sandiego.gov> wrote:

Good morning Julia – I was reviewing the minutes and I wanted to know if there would be any issue if the applicant continues to Hearing Officer without obtaining an official vote from your planning board. I understand that Anne from Deprattinc. presented the project to the Peninsula Planning Board on January 15, 2015 and no official vote was provided because the item was inadvertently omitted from the agenda. The decision maker may want to know if the group had requested the applicant to return for an official vote, or if that was not needed based on the fact that this is an existing facility and no changes are being proposed. Thank you in advance for your response.

ST

Simon Tse  Development Project Manager  Office: 619.687.5984  Fax: 619.446.5499

Development Services Department

1222 First Avenue, 5th Floor San Diego, CA 92101-4155

Email - STse@Sandiego.gov

OpenDSD Now: Pay Invoices and Deposits Online
## Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval(s) requested.
- Neighborhood Use Permit
- Coastal Development Permit
- Other

**Project Title:**
T-Mobile POINT LOMA 7TH DAY ADVT.

**Project No.:** For City Use Only
378635

**Project Address:**
4425 VALETA STREET SAN DIEGO

### Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved and executed by the City Council. The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached:** X Yes  X No

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<th>Name of Individual (type or print):</th>
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**ATTACHMENT 11**

### Part II - To be completed when property is held by a corporation or partnership

**Legal Status (please check):**

- [ ] Corporation
- [ ] Limited Liability - [ ] General, [ ] Limited
- [ ] Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached: Yes [ ] No [x]

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<td>T-Mobile USA, Inc.</td>
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<tr>
<td>Street Address: 10509 Vista Sorrento Parkway, Suite 206 San Diego, CA 92121</td>
<td></td>
</tr>
<tr>
<td>Phone No.: 858-334-6139 Fax No.: 858-334-6148</td>
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<tr>
<td>Name of Corporate Officer/Partner (type or print): JON ZUMSTEG</td>
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## T-Mobile Point Loma 7th Day Adventist

### PROJECT CHRONOLOGY

PTS #378635 INT #24004862

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<th>Date</th>
<th>Action</th>
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<td>11/26/2014</td>
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**Total Staff Time:** Including City Holidays and Furlough 109 days

**Total Applicant Time:** Including City Holidays and Furlough 15 days

**Total Project Running Time:** From Deemed Complete to PC Hearing 124 days
ATTACHMENT 13

T-Mobile
SD06999A POINT LOMA 7TH DAY ADVT.
TELECOM SITE JUSTIFICATION LETTER

1. Description of the location, type, capacity, field strength or power density, and calculated geographic service area of the proposed antenna or antenna array.

LOCATION AND TYPE

T-Mobile continues the operation of and existing telecommunications facility at 4425 VALETA STREET. The facility was originally approved on May 6, 2005 by NUP # 226685, PTS # 42243. The permit is included in this NUP application. The project consists of sixteen (16) panel antennas mounted within an existing 225 square feet rooftop cupola at no more than 30 feet high. There are existing cabinets within an existing equipment enclosure at ground. This proposed facility is unmanned, operating 24 hours a day. The only visits to the site will consist of any emergency calls as well as regular maintenance visits once every four to six weeks.

FREQUENCY AND POWER SPECIFICATIONS

The transmitting frequency for the T-Mobile system is 1950-1965 Megahertz. The receiving frequency is 1870-1885 Megahertz.

COVERAGE AND CAPACITY

The objective of this proposed site is to provide coverage and capacity within the residential area to the north, east, south and west and also to connect the coverage gaps to the surrounding sites. Please refer to the existing coverage map that illustrates the existing coverage gap. The site will provide coverage in a current gap and provide additional capacity, allowing more users to use the system simultaneously and will provide “off-load” capacity for adjacent sites currently operating within a 1-mile radius from this proposed site (see attached map).

2. Location of all existing, proposed and anticipated wireless communications facilities in the Applicant/Permittee’s network located within a 1 mile radius from proposed site.

Please refer to justification map and to coverage maps attached.
3. A description of how the proposed facility fits into, and is a necessary part of, the Applicant/Permitee’s network.

The objective of this proposed site is to provide coverage and capacity within the residential area to the north, east, south and west and also to connect with the surrounding sites. Please refer to the existing coverage map that illustrates the existing coverage gap. The site will provide coverage in a current gap and provide additional capacity, allowing more users to use the system simultaneously and will provide “off-load” capacity for adjacent sites currently operating within a 1-mile radius from this proposed site (see attached map).

4. If the proposal does not include co-location, written documentation of all efforts made to co-locate at another site, and a justification for the decision not to co-locate.

There are no other carriers at this existing site, but it is an existing site therefore no additional selection process was completed.

5. Discuss Alternative Sites and why they were not selected.

This site is located on residential use surrounded by single and multi-family residential zones. The search ring is primarily residential. The proposed site was initially selected because of its height above the coverage area and ability to fill the coverage gap and connect to surrounding sites. It is now selected again because it’s height above the coverage area and it’s an existing site where T-Mobile would like to continue operating. Please refer to aerial and coverage maps provided. There were no other non-residential alternatives reviewed in addition, the lower preference level locations (AR-1-1 and OP-1-1) were not selected as a viable candidate because they are 50’ and 60’ lower in elevation that the existing candidate. By relocating to either of these locations T-Mobile would suffer a huge loss in the coverage objective. As shown on the attached Official Zoning Map, there are several parcels to the south of the existing site that are commercially zoned. These parcels are too close to another existing T-Mobile site SD06498. The other commercially zoned parcel that is to the northeast of the existing site is outside of the search ring and is close to another T-Mobile site SD06820 (see attached maps).
Point Loma 7th Day Adventist Church (SD06999)

Justification Maps
Point Loma 7th Day Adventist Church (SD06999) Justification Maps
Point Loma 7th Day Adventist Church (SD06999)
Justification Maps
Point Loma 7th Day Adventist Church (SD06999)
Justification Maps

Official Zoning Map

City of San Diego
Development Services Department
Point Loma 7th Day Adventist Church (SD06999)
Justification Maps

32.45.020N 117-13.339W
USNG 11S MS 7917 2363
ESRI - World Topo
SD06999A Coverage Map

RF Team San Diego Market
Feb 05, 2014
Contents:

Plots:

• SD06999A Coverage
• Existing On-Air sites coverage without SD06999A
• SD06999A with existing On-Air neighbor sites coverage
Existing On-Air sites coverage without SD06999A