



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 2, 2009 **REPORT NO. PC-08-146**

ATTENTION: **Planning Commission, Agenda of January 8, 2009**

SUBJECT: CROWN CASTLE – MISSION GORGE - PROJECT NO.105832
PROCESS 4

**OWNER/
APPLICANT:** Navajo Properties, LLC
Crown Castle International

SUMMARY

Issue(s): Should the Planning Commission approve a Wireless Communication Facility (WCF) consisting of an existing 65 foot high monopole supporting six AT&T antennas with associated equipment in a nearby commercial building, all located at 7189 Navajo Road?

Staff Recommendation:

1. **Deny** Conditional Use Permit (CUP) No. 351227; and
2. **Deny** Planned Development Permit (PDP) No. 610384; and
3. **Deny** Site Development Permit (SDP) No. 610385.

Community Planning Group Recommendation: On July 16, 2007, the Navajo Community Planners, Inc. recommended 7 to 5 to approve the Crown Castle – Mission Gorge project (Attachment 11).

Environmental Review: Project No. 105832 was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on May 10, 2007.

Fiscal Impact Statement: All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: Neighborhood Code has been notified of this expired permit and is monitoring the progress of this application through the discretionary review process.

Housing Impact Statement: None

BACKGROUND

This project includes an existing 65-foot high monopole, supporting six panel antennas, located at the rear of an office complex at 7189 Navajo Road in the CC-1-3 zone (Attachments 1, 3, and 7). Associated equipment is located inside an adjacent office building and is not visible to the public. The Navajo Community Plan designates the property for commercial use (Attachment 2).

The project was originally approved by the Planning Commission on December 6, 1994 for a period of ten years (Attachment 10). Crown Castle (Crown) acquired the monopole from the original applicant, GTE, and due to buyouts and mergers, AT&T is now the tenant on the pole. Crown is now seeking appropriate permits to allow the facility to continue to exist as is.

The following discretionary permits are required for this use:

CUP – Section 141.0405 of the Land Development Code requires major telecommunication facilities to obtain a CUP. This facility is considered a major telecommunication facility because it is not designed to minimize the visual impact through the use of architecture, landscape architecture and siting solutions.

PDP – The CC-1-3 zone permits a maximum height of 45-feet. The existing tower is 65-feet. Additionally, for projects on commercial properties adjacent to residentially zoned properties, the side yard setback is calculated on a sliding scale depending on the height of the proposed structure. In this case, the rear yard setback is required to be a minimum of 16 feet. It is currently 14 feet, 5 inches, therefore encroaching approximately 1 ½ feet into the setback. The purpose of a PDP is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. In this case, the tower is not designed to integrate with the commercial property and the view from the adjacent residential units is a significant visual impact.

SDP – The project site is located in Subarea 1 of the Mission Trails Design District, which requires an SDP (Attachment 4). The intent is to ensure that development along the edges of Mission Trails Regional Park enhances the park's natural qualities and promotes the aesthetic and functional quality of park/urbanization relationships, while recognizing the right to reasonable development within the Design District.

DISCUSSION

Project Description:

The 65-foot tower is located at the rear of an office complex on Navajo Road. The associated equipment is located inside one of the adjacent office buildings. The pole currently has one tenant, AT&T Mobility, whose six panel antennas are façade mounted to the pole (Attachment 7). The facility, as it exists, does not comply with the development regulations for the CC-1-3 zone. The permitted height in this zone is 45-feet and the facility exceeds that maximum by 20-feet. The rear yard setback is required to be a minimum of 16-feet and the existing tower encroaches into that setback approximately a foot and a half.

Surrounding uses include single-family residential units to the north, and multi-family residential units to the east, west and south (Attachment 1). This project, as proposed, is classified as a major telecommunication facility and requires a Conditional Use Permit due to the fact that it does not comply with the Communication Antenna regulations (Section 141.0405 of the LDC-Attachment 14).

Community Plan Analysis:

The Navajo Community Plan does not specifically address wireless communication facilities; however the Community Environment Element does recommend preserving and enhancing the natural beauty and amenities of the Navajo Community by reducing visual clutter. Additionally, the City's General Plan requires that wireless facilities be minimally visible and be visually respectful and compatible with the community. Navajo is characterized by a wide variety of natural features typical of many other San Diego areas, including flat mesas, steep canyons, and rolling hills, including features such as Cowles Mountain, Lake Murray and Mission Dam. One of the most sensitive environmental resources in the community is Mission Trails Regional Park.

The proposed project is located in Subarea 1 of the Mission Trails Design District where major concerns are bulk, scale and height (Attachment 4). All subareas in the Design District do not permit structures to exceed four stories or 50-feet in height. Furthermore, the Design District recommends that wireless communication facilities be fully screened from public view and that adequate landscape screening is utilized.

The monopole is located at the rear of an office complex; however it is visible from Navajo Road and the surrounding neighborhood. The appearance of the monopole is not consistent with the goals and objectives of the Navajo Community Plan or the Mission Trail Design District.

Project-Related Issues:

A minor telecommunication facility must comply with all development regulations of the underlying zone and overlay zones. Major telecommunication facilities are antenna facilities that do not meet this criterion. In this case, the tower exceeds the maximum height limit by 20-feet and it encroaches into the rear yard setback by approximately a foot and a half. Furthermore, it has not been designed to be minimally visible through the use of architecture, landscape

architecture and siting solutions, which is required for a major telecommunication facility. Crown has not offered to make any design modifications to this tower to bring it into compliance with the regulations or other policy documents currently in effect. As other tower managers before them have asserted, any modifications to this tower would necessitate additional sites within the area to maintain existing coverage.

Staff firmly believes that there are design alternatives available to Crown that could achieve code and policy document compliance, which would also reduce the visual and land use impacts associated with the facility's proximity to the adjacent residential area. Typically on commercial properties, a carrier opts to locate their antennas on the building façade or roof, but in this case, the buildings are significantly lower than the existing tower. In order to achieve a comparable height for the antennas, design alternatives could include sign structures, clock towers, obelisks, etc. Those types of structures, however, are usually located at the front of the commercial property. By relocating the facility to the front of the property, it would be located further away from the residential units that surround the commercial property. If additional sites are needed to compensate for any loss in height, those applications would be reviewed according to the Code and policy documents in effect, with non-residential properties being the preference. Of course, a new stealth tower element at the front of the property would enable Crown to lease out additional space within the structure and yield supplemental earnings.

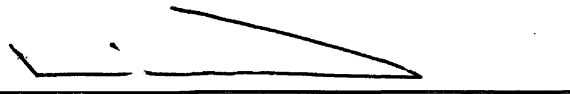
Conclusion:

There are many options that Crown could explore that would address not only the regulations and policy documents relating to wireless facilities, but also address the needs of the community. The tower is visible to Navajo Road and the surrounding community and staff cannot justify the findings to support the monopole. Crown has agreed to go forward with a recommendation of denial.

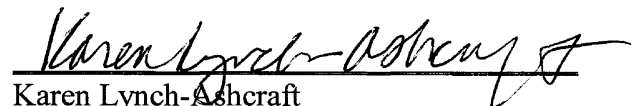
ALTERNATIVES

Approve CUP No. 351227, PDP No. 610384 and SDP No. 610385, with modifications.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



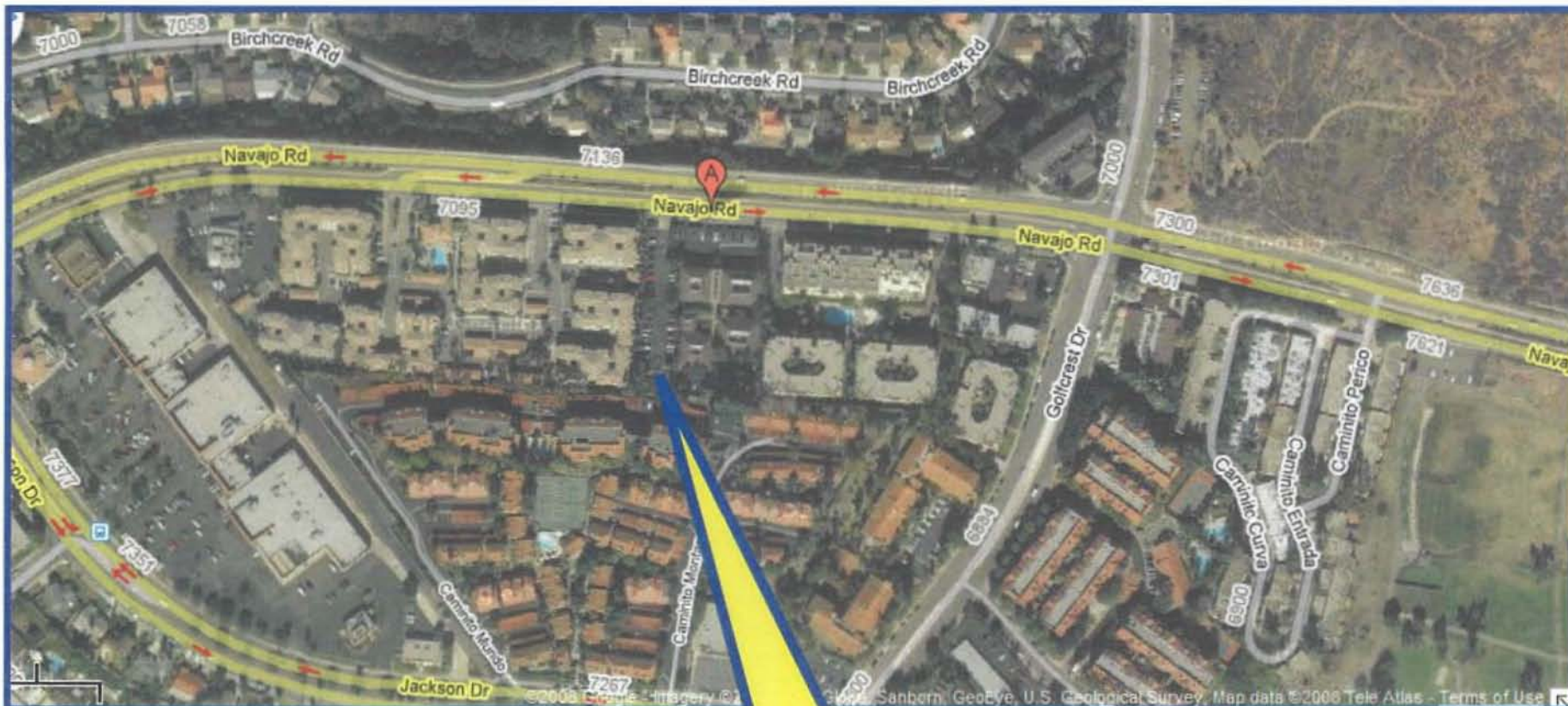
Karen Lynch-Ashcraft
Development Project Manager
Development Services Department

BROUGHTON/KLA

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Mission Trails Design District Map
5. Project Data Sheet
6. Project Plans
7. Project Photos
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Copy of Recorded Permit
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology
14. LDC Section 141.0405
15. Crown Castle Corporate Officers
16. AT&T Mobility Corporate Officers

Rev 01-04-07/rh



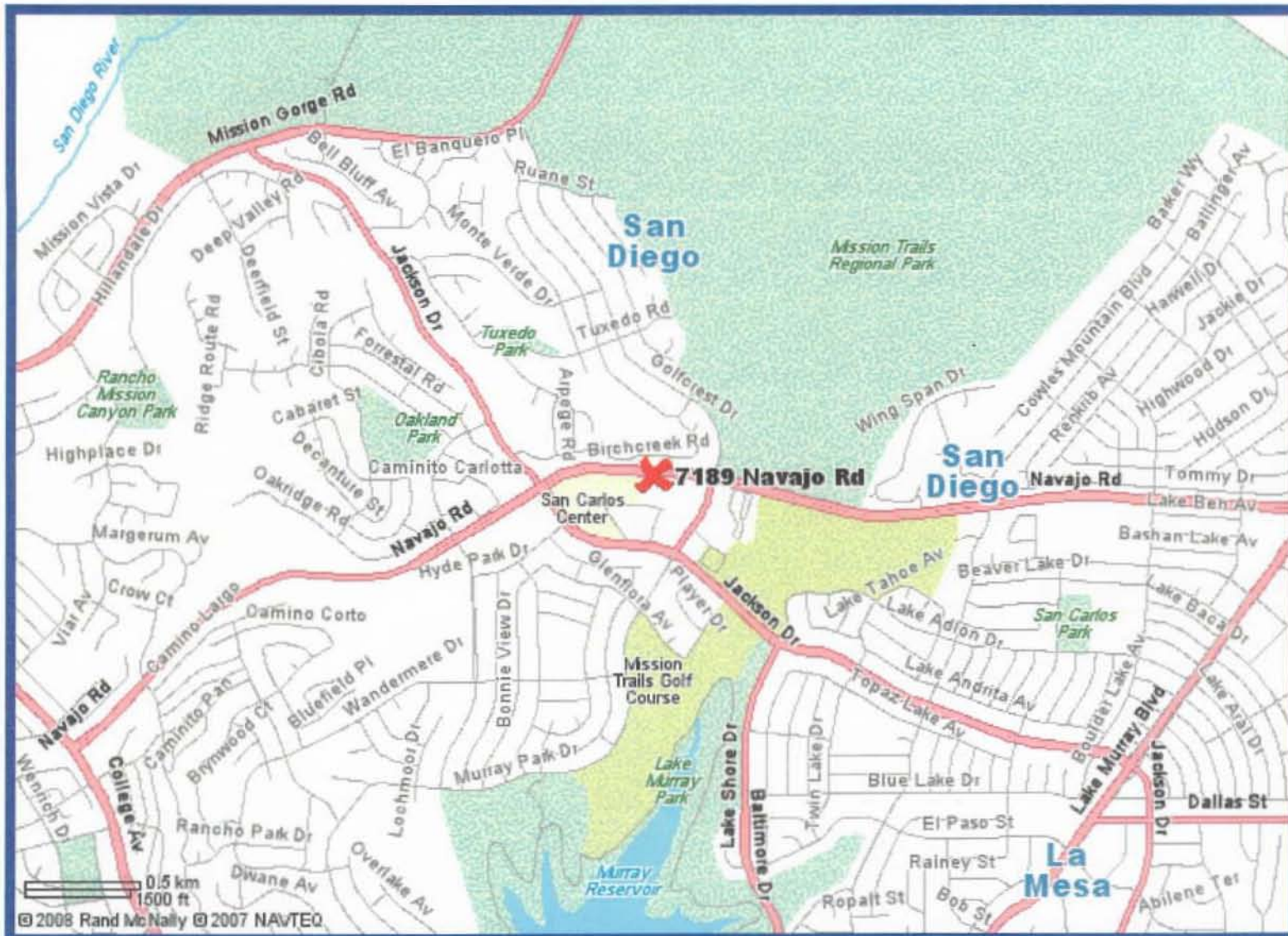
PROJECT SITE



Aerial Photo
CROWN CASTLE – MISSION GORGE – PROJECT NUMBER 105832
7189 NAVAJO ROAD



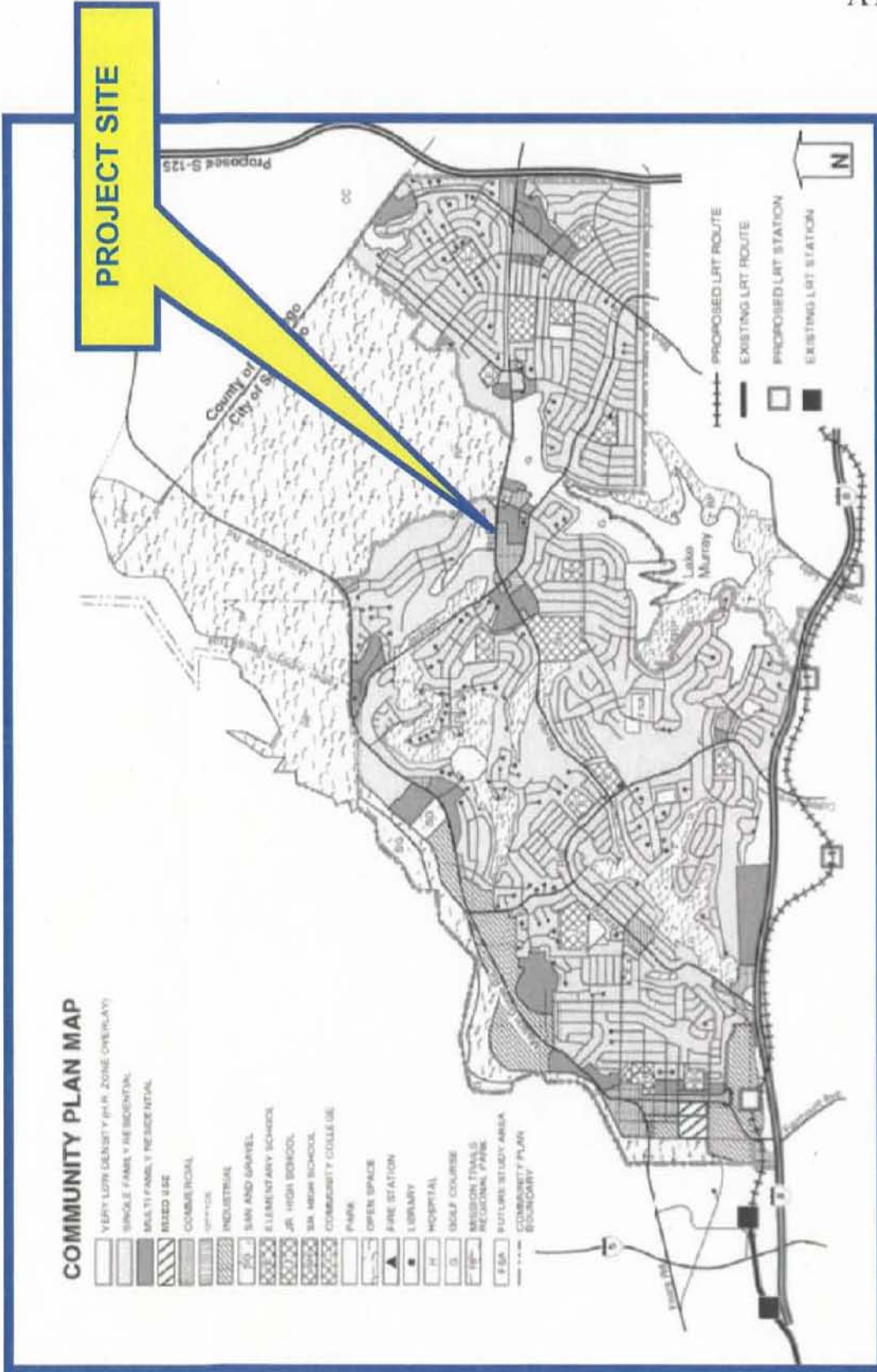
ATTACHMENT 1



Project Location Map

CROWN CASTLE – MISSION GORGE – PROJECT NUMBER 105832
7189 NAVAJO ROAD





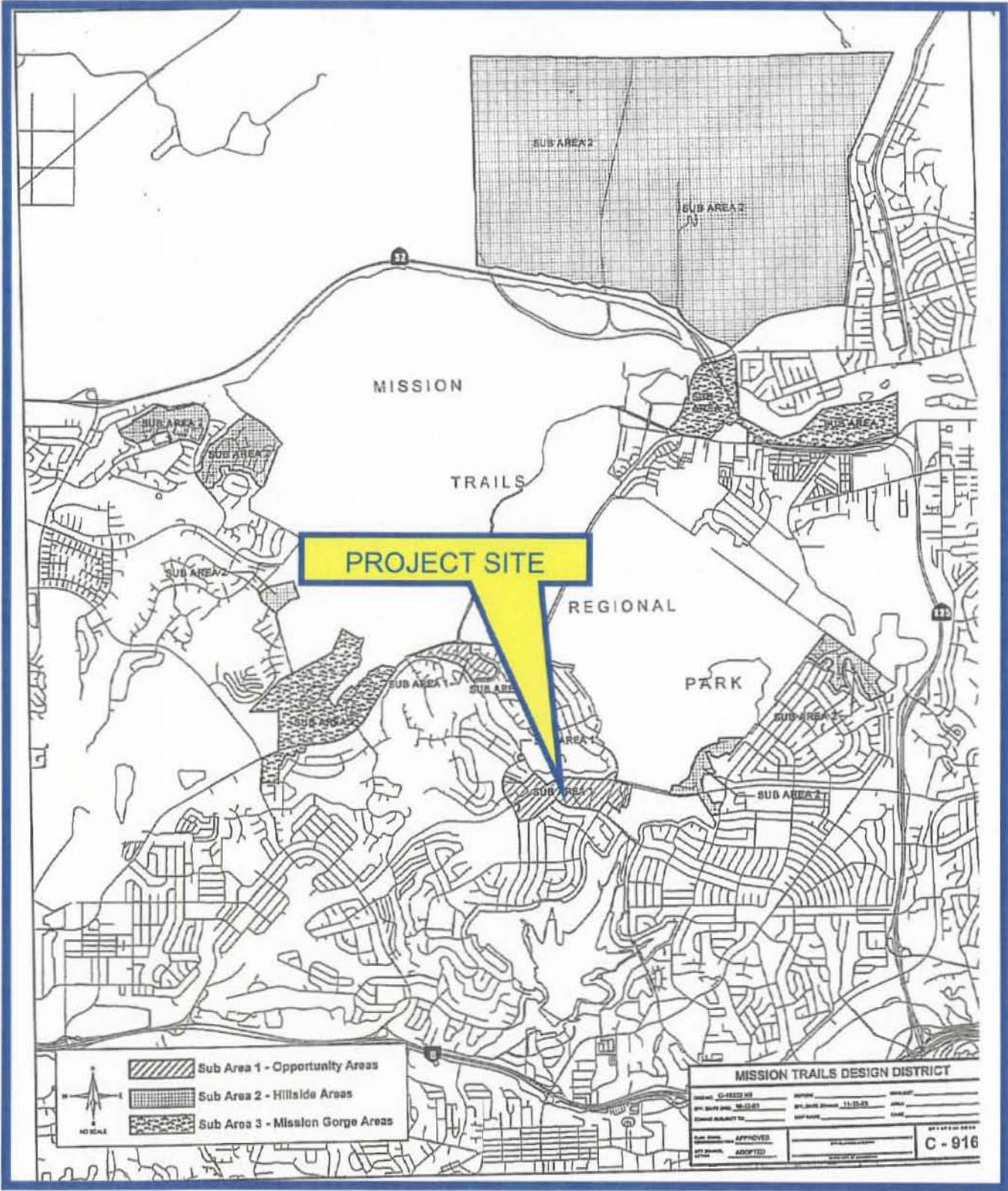
NAVAJO COMMUNITY PLAN MAP



CROWN CASTLE – MISSION GORGE – PROJECT NUMBER 105832

7189 NAVAJO ROAD





MISSION TRAILS DESIGN DISTRICT MAP



PROJECT DATA SHEET

PROJECT NAME:	Crown Castle – Mission Gorge	
PROJECT DESCRIPTION:	Existing 65 foot high monopole supporting six antennas. Associated equipment located in a nearby commercial building.	
COMMUNITY PLAN AREA:	Navajo	
DISCRETIONARY ACTIONS:	Conditional Use Permit; Planned Development Permit; Site Development Permit.	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: CC-1-3 HEIGHT LIMIT: 45 Foot maximum height limit. FRONT SETBACK: - SIDE SETBACK: 16 feet. REAR SETBACK: 16 feet.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Single-Family Residential; RS-1-7.	Single-Unit Residential
SOUTH:	Multi-Family Residential; RM-2-5.	Multi-Unit Residential
EAST:	Multi-Family Residential; CC-1-3.	Multi-Unit Residential
WEST:	Commercial; CC-1-3.	Multi-Unit Residential
DEVIATIONS OR VARIANCES REQUESTED:	1. Deviation to allow a 65-foot high monopole when the maximum height is 45-feet; 2. Deviation to allow 14-foot, 5-inch rear yard setback where 16.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 16, 2007, the Navajo Community Planners, Inc. recommended 7 – 5 to recommend approval of this project, with no conditions.	

Title Report

PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY
 ORDER NO. 1234567-20
 REPORT DATED: JANUARY 10, 2001

Legal Description

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:
 PARCEL 2 OF PARCEL MAP No. 985, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 11, 1972 AS FILE NO. 244748 OF OFFICIAL RECORDS.

Assessor's Parcel No.

674-520-14

Easements

① AN EASEMENT FOR ELECTRIC PURPOSE, RECORDED ON JANUARY 16, 1973 AS FILE NO. 73-013533 OF OFFICIAL RECORDS (PLOTTED APPROXIMATE LOCATION).

Access Easement/Lease Area

TO BE DETERMINED

Geographic Coordinates as Shown

1983 DATUM: LATITUDE 32° 10' 12.11" LONGITUDE 117° 02' 27.99"

Date of Survey

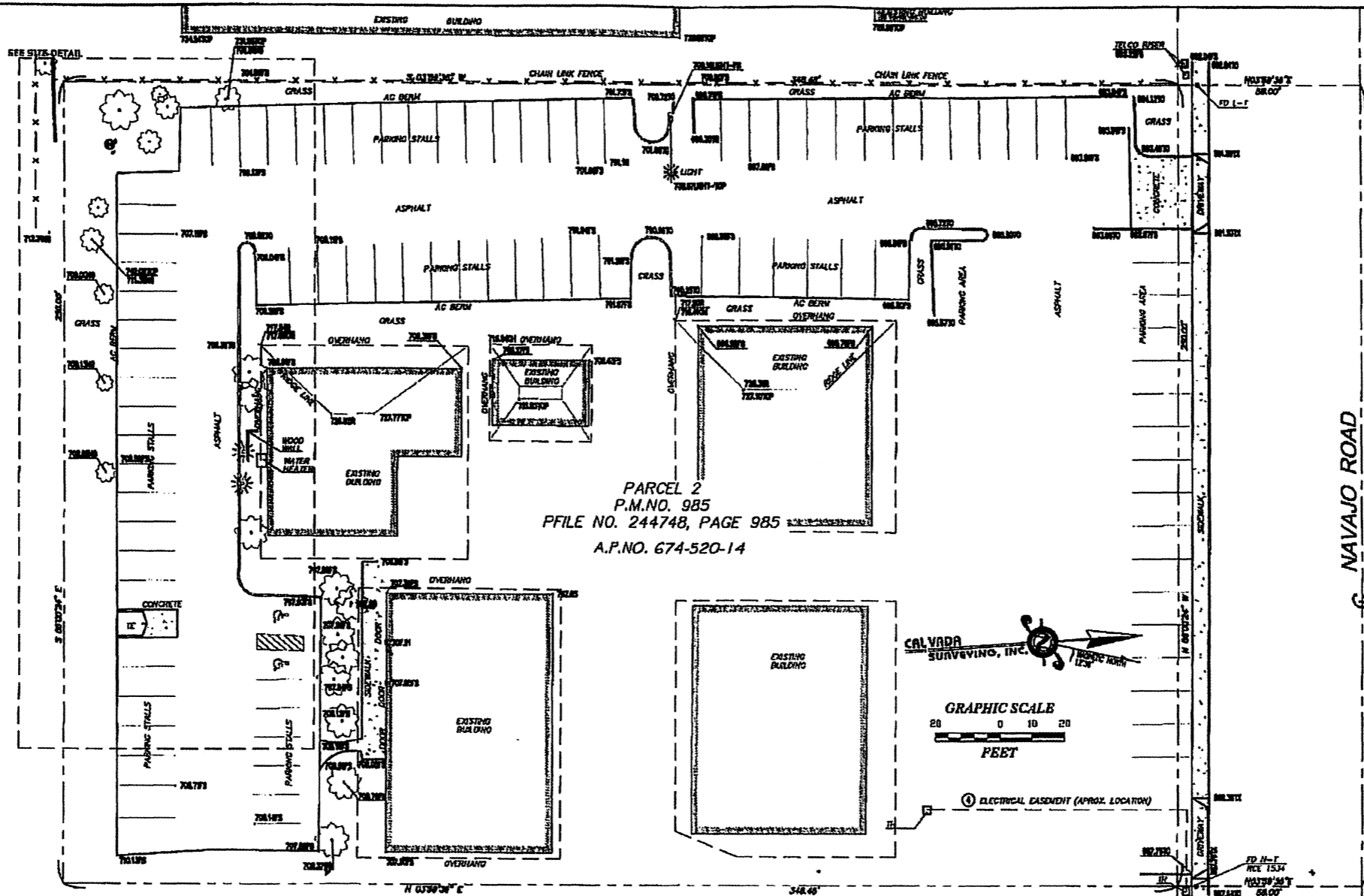
MARCH 27, 2006
 APRIL 17, 2006

Basis of Bearings

THE STATE PLANE COORDINATE SYSTEM OF NAD 83, CA ZONE 8.

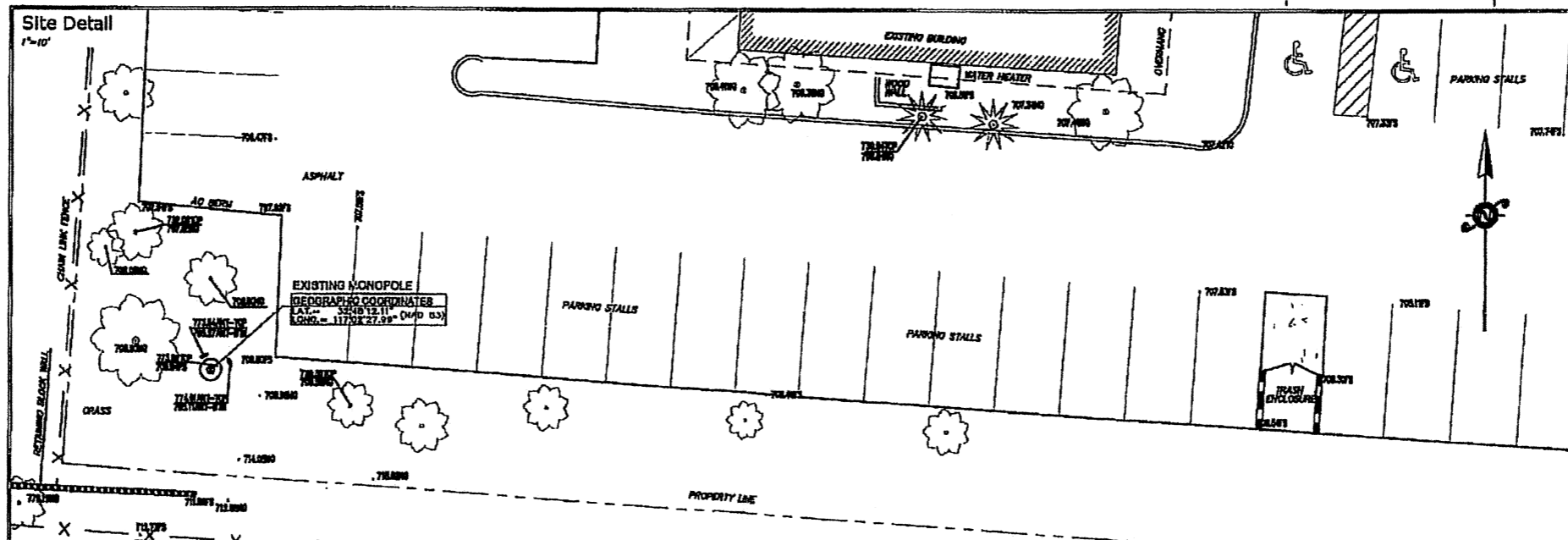
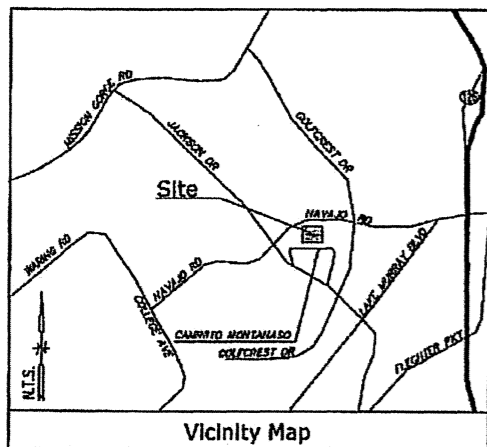
Bench Mark


NGS GPS MONUMENT NO. 6794, ELEVATION = 531.15 FEET (NAVD83)



Legend

DEM	DOTY	CHAIN LINK FENCE
FS	FRESH SURFACE	LIGHT OVERHANG
NZ	NATURAL GRASS	TOP OF STRUCTURE
RET	RETAINING/BLOCK WALL TOP	ADOP
SC	SURVEY CONTROL POINT	ELECTRIC TRANSMITTER
CON	CONCRETE PAVEMENT	FOUND MONUMENT
TR	TRAIL	CENTER LINE
TC	TOP OF CURB	PROPERTY LINE
TX	TOP OF CURB (OVERHANG)	





Dynatek
 TELECOMMUNICATIONS SERVICES

435 Crestview Drive
 Transfer, PA 16154
 Phone: 800-838-3224
 Fax: 724-646-1384
 www.dynatektelecom.com

DYNATEK PROJ. NO.: 06262
 DRAWN BY: AR/AS
 CHECKED BY: JIK

SUBMITTALS

3	04/20/06	CLIENT'S COMMENTS	EE
2	04/18/06	ADDITIONAL TOPO	JO
1	04/13/06	TITLE REPORT	AS
0	03/29/06	PRELIMINARY	AK

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CLIENT NAME IS STRICTLY PROHIBITED.

CALVADA
 LAND SURVEYING & DESIGN SERVICES • 12345 CENTER DRIVE • SAN DIEGO, CA 92108
 PHONE: 619-555-1234 FAX: 619-555-5678
 www.calvada.com

MISSION GORGE
 815401

7189 NAVAJO ROAD
 SAN DIEGO, CA 92109
 SAN DIEGO COUNTY

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:
LS-1



Dynatek

TELECOMMUNICATIONS SERVICES
 7134 Brookwood Drive
 Brookfield, OH 44403
 Phone: 800.838.3224
 Fax: 330.448.4337
 www.dynatektelecom.com

DYNATEK PROJ. NO.: 3404

DRAWN BY: L.M.L.

CHECKED BY: D.C.B.

SUBMITTALS

2	3/28/07	CITY COMMENTS
1	11/17/06	FINALS
0	4/13/06	ISSUED FOR REVIEW

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CLIENT NAME IS STRICTLY PROHIBITED.

MISSION GORGE
 #815401

7189 NAVAJO ROAD
 SAN DIEGO, CA 92119

SHEET TITLE:
 POST
 CONSTRUCTION
 BMP

SHEET NUMBER:

BMP-1

**Lessee's Certificate
 Standard Wireless Facility Project
 for Post Construction BMPs**

I/We the undersigned as owner(s) of the property described as

 (Address or legal description)

understand that in accordance with the San Diego Municipal Code, Land Development Manual - Storm Water Standards, this project is required to "Identify Pollutants from the Project Area" and incorporate "Site Design" and "Source Control" BMPs.

I/We certify to the best of my knowledge, pollutants anticipated by the proposed land use are as follows:

- Sediments
- Nutrients
- Trash & debris
- Oxygen Demanding Substance
- Oil & Grease
- Bacteria & Viruses
- Pesticides

I/We will incorporate the following into the site design -

- Maintain pre-development runoff characteristics
- Minimize impervious foot print by constructing walkways, patios and driveways with permeable surfaces.
- Conserve natural areas
- Use natural drainage systems as opposed to lined swales or underground drainage systems
- Drain roof tops, walkways, patios and driveways into adjacent landscaping prior to discharging to the public drainage system.
- Preserve existing native trees and shrubs
- Protect all slopes from erosion

Additionally I/we will;

- Minimize the use of pesticides
- Use efficient irrigation systems and landscape design - incorporating rain shutoff devices and flow reducers

I/we will maintain the above Standard Permanent BMPs for the duration of the lease.

Lessee _____ Company Name _____
 (print name)

Lessee _____ Date _____
 (signature)



Dynatek

TELECOMMUNICATIONS SERVICES
 7134 Brookwood Drive
 Brookfield, OH 44403
 Phone: 800.838.3224
 Fax: 330.448.4337
 www.dynatektelecom.com

DYNATEK PROJ. NO.: 5404

DRAWN BY: L.M.L.

CHECKED BY: D.C.B.

SUBMITTALS

2	3/28/07	CITY COMMENTS
1	11/17/06	FINALS
0	4/13/06	ISSUED FOR REVIEW

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CLIENT NAME IS STRICTLY PROHIBITED.

MISSION GORGE
 #815401

7189 NAVAJO ROAD
 SAN DIEGO, CA 92119

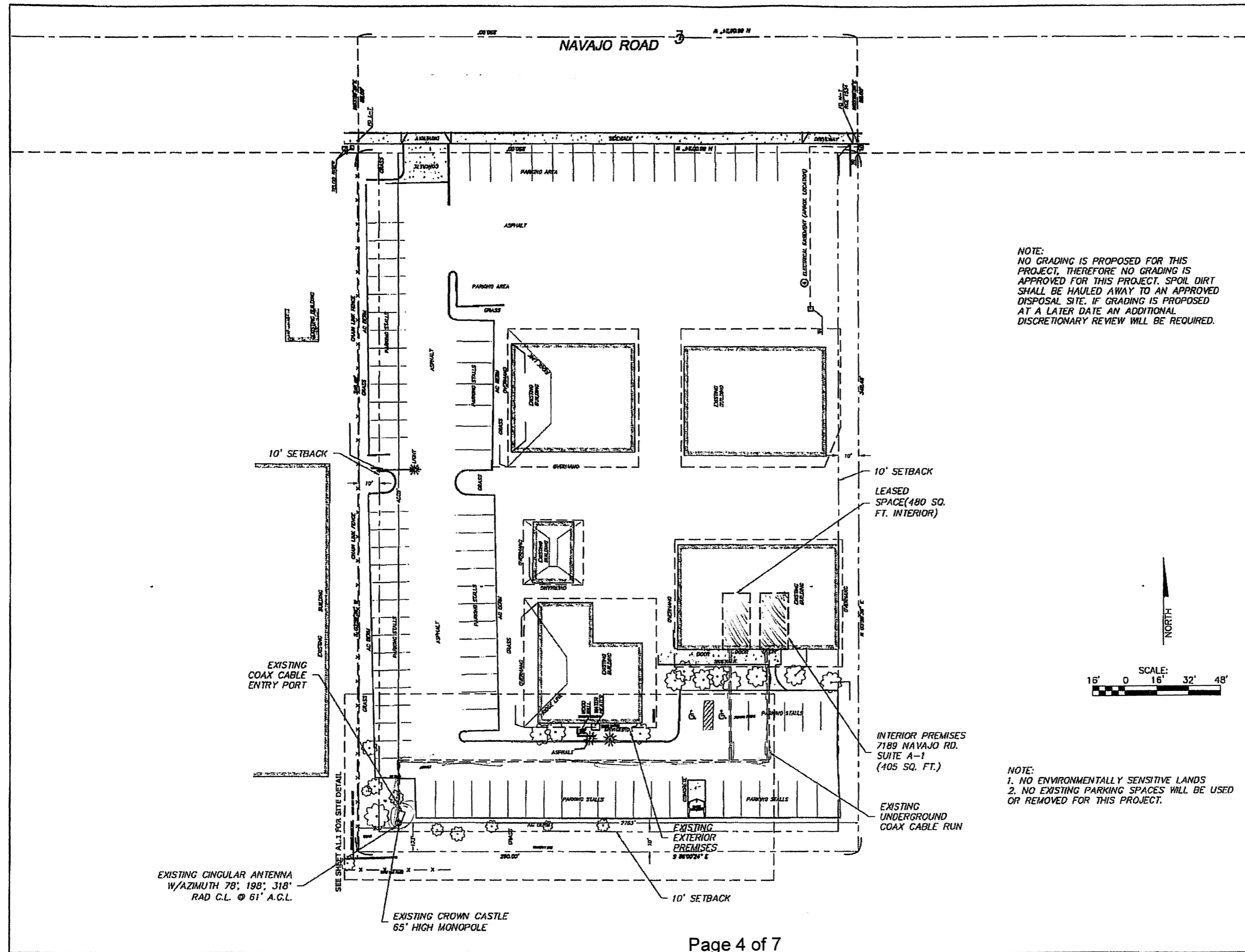
SHEET TITLE:
ARCHITECTURAL
SITE PLAN

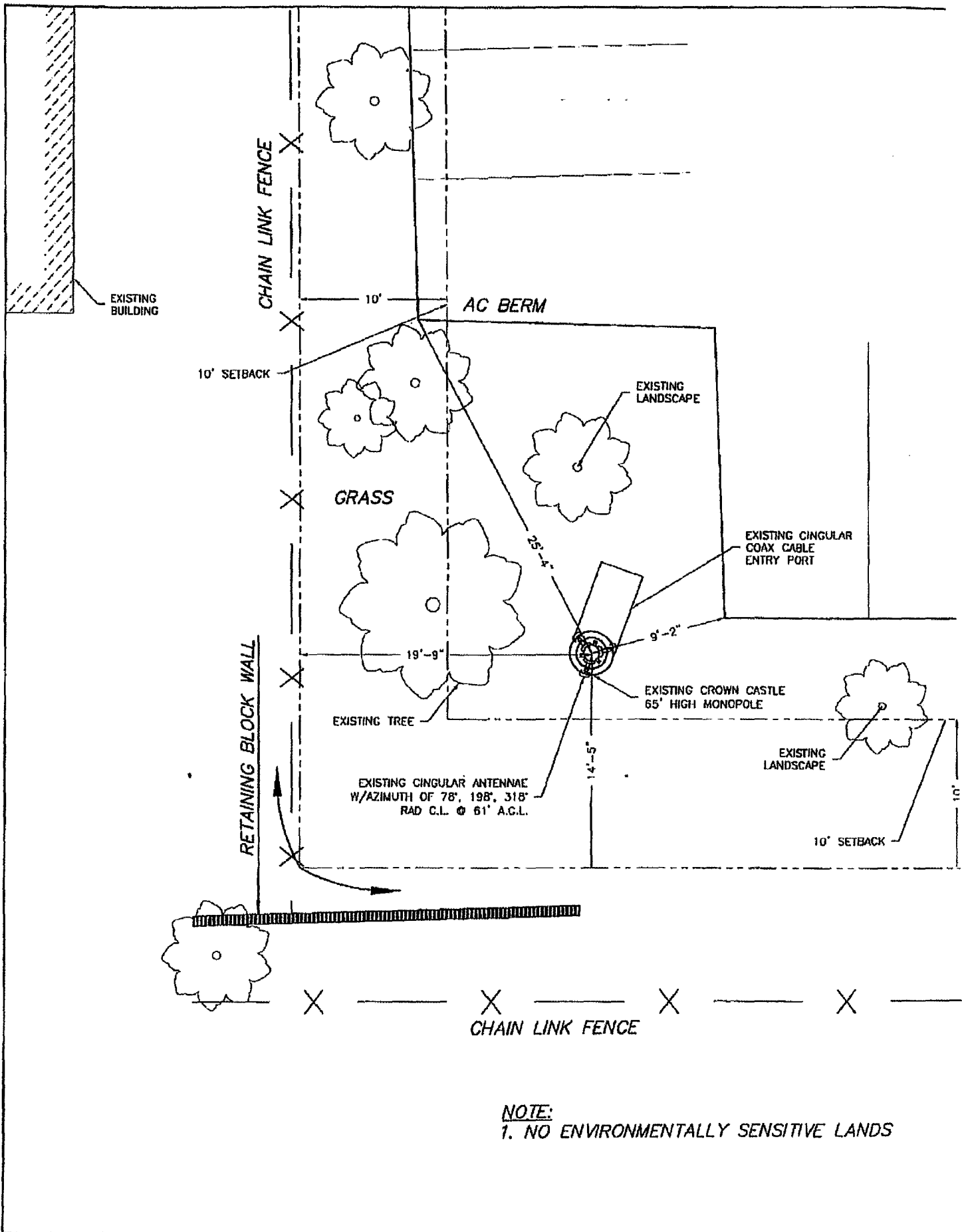
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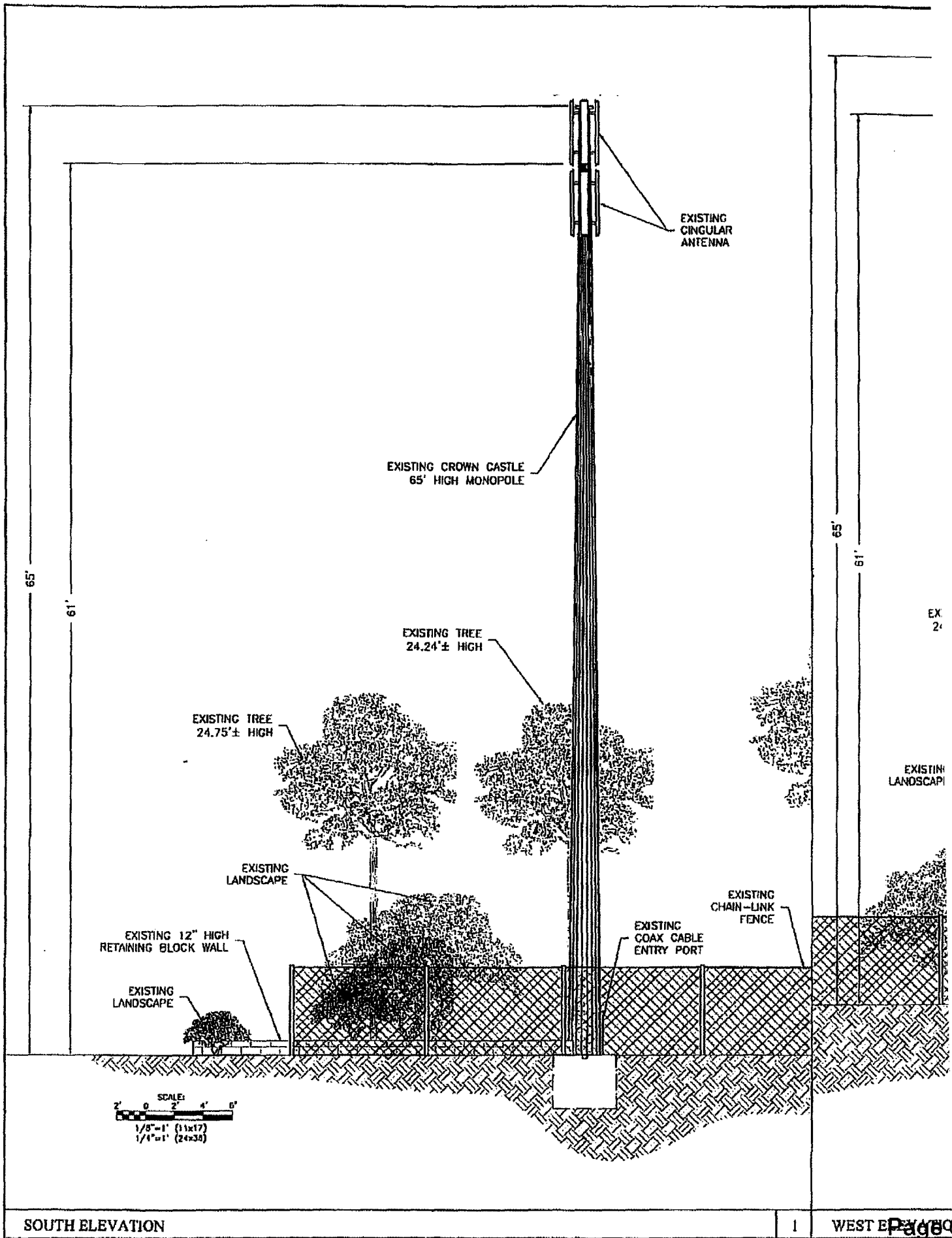
A-1

NOTE:
 NO GRADING IS PROPOSED FOR THIS PROJECT, THEREFORE NO GRADING IS APPROVED FOR THIS PROJECT. SPOIL DIRT SHALL BE HAULED AWAY TO AN APPROVED DISPOSAL SITE. IF GRADING IS PROPOSED AT A LATER DATE AN ADDITIONAL DISCRETIONARY REVIEW WILL BE REQUIRED.

NOTE:
 1. NO ENVIRONMENTALLY SENSITIVE LANDS
 2. NO EXISTING PARKING SPACES WILL BE USED OR REMOVED FOR THIS PROJECT.



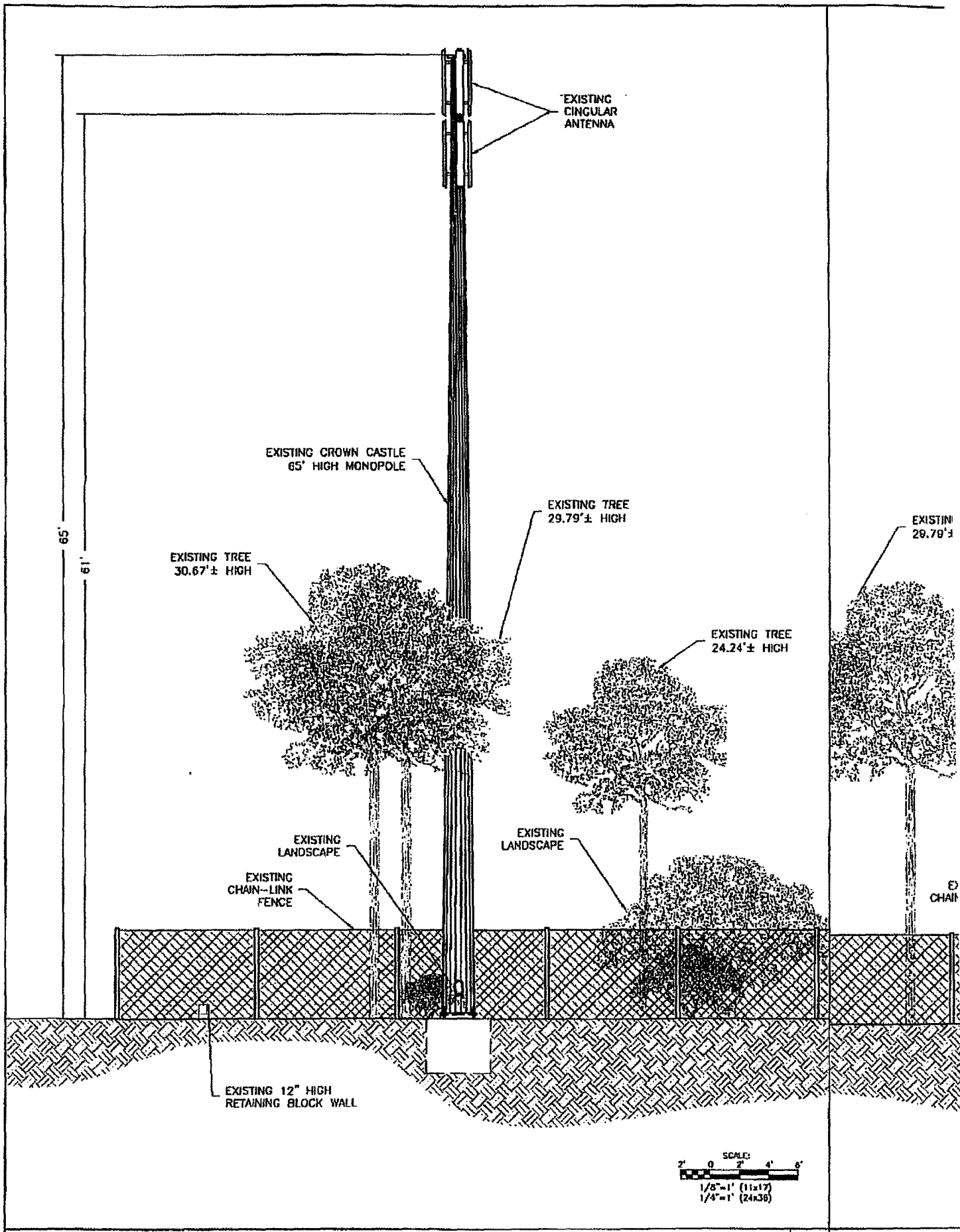




SOUTH ELEVATION

1

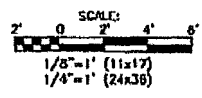
WEST ELEVATION



EAST ELEVATION

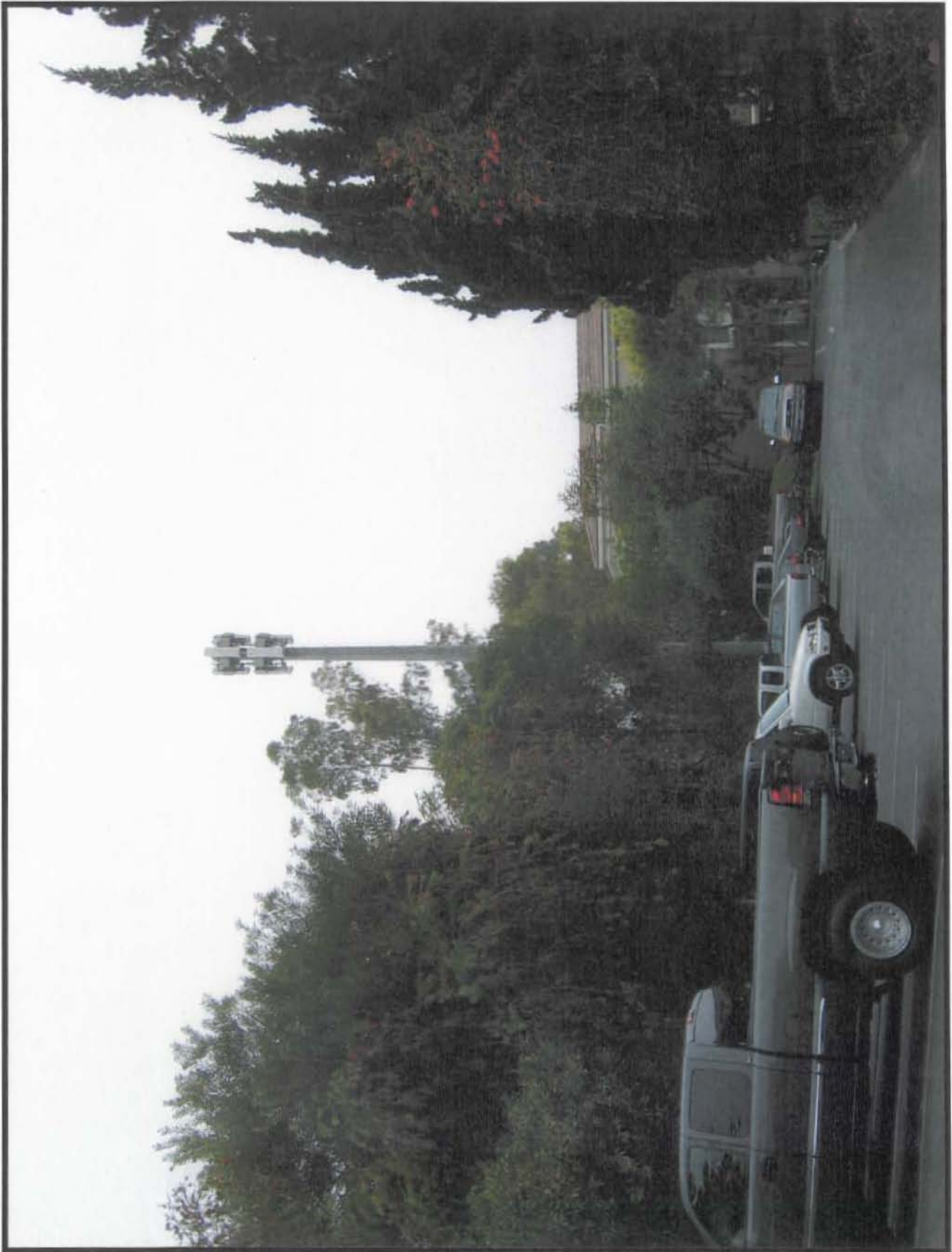
1

NORTH **Playot**





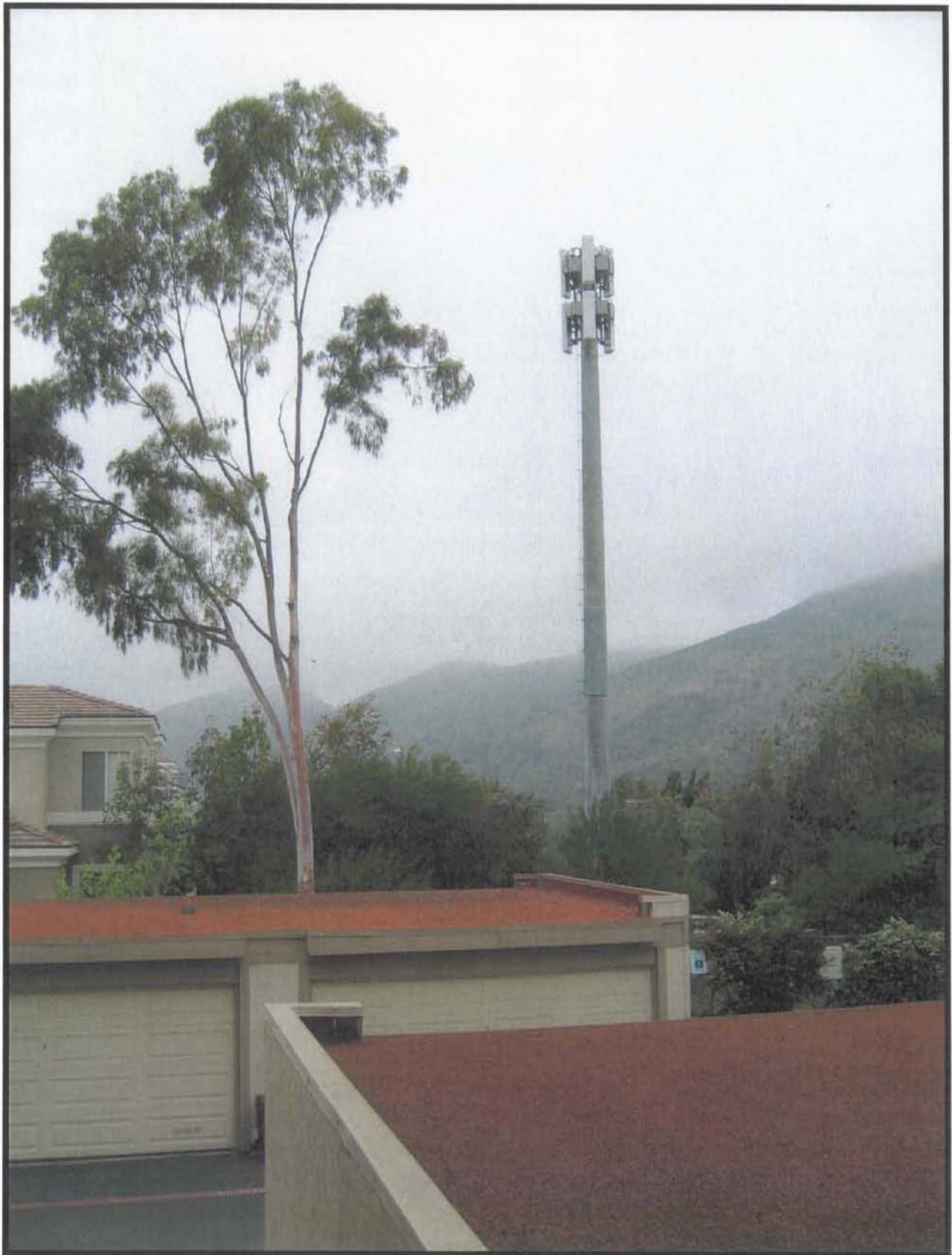
LOOKING SOUTH FROM NAVAJO ROAD



LOOKING WEST



LOOKING NORTHWEST



LOOKING NORTH

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-1633

CONDITIONAL USE PERMIT NO. 351227
PLANNED DEVELOPMENT PERMIT NO. 610384
SITE DEVELOPMENT PERMIT NO. 610385
CROWN CASTLE – MISSION GORGE
PROJECT NO. 105832
PLANNING COMMISSION
DRAFT

This Conditional Use Permit No. 351227, Planned Development Permit No. 610384 and Site Development Permit No. 610385 is granted by the Planning Commission of the City of San Diego to Navajo Properties, LLC, Owner, and Crown Castle, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0405. The 2 acre site is located at 7189 Navajo Road in the CC-1-3 zone of the Navajo Community Plan. The project site is legally described as Parcel 2 of Parcel Map No. 985 in the City of San Diego, County of San Diego, filed in the Office of the County Recorder of San Diego County, September 13, 1972 as File No. 244748 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Navajo Properties, LLC, Owner, and Crown Castle, Permittee, for a wireless communication facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 8, 2009, on file in the Development Services Department.

The project shall include:

- a. An existing 65-foot high monopole supporting a maximum of six panel antennas. Associated equipment is located in the furthest most southeastern office building on the property. Two lease areas are located within the building; one 480 square feet, the other 405 square feet;

- b. An exception to the 45-foot height limit to allow a 20-foot increase for the monopole and an exception to the rear yard setback requirement of 16-feet, where 14-feet, five-inches is being provided; and
- c. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conditions of this permit must be satisfied within six (6) months after the date on which all rights of appeal have expired.
2. This permit and corresponding use of this site shall **expire on January 8, 2019**. 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 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 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 compliance, which may include penalties and fines.
4. Under no circumstances, does approval of this permit authorize the Owner/Permittee or their tenants to utilize this site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective date of this permit is prohibited.
5. This permit shall not be valid 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
7. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
11. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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" 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.

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

PLANNING/DESIGN REQUIREMENTS:

14. The applicant of record is responsible for notifying the city prior to the sale or takeover of this site to any other provider.

15. This wireless communication facility shall be removed or replaced if it is determined that the facility or components of the facility are obsolete.

16. Within 60 days of approval of this permit, the telecommunication provider shall provide certification describing evidence that the cumulative field measurements of radio frequency power densities for all antennas installed on the premises are below the federal standards.

17. 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.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on January 8, 2009 by Resolution No. XXXXXX.

Permit Type/PTS Approval No.: CUP No. 351227, PDP No. 610384 and SDP No. 610385
Date of Approval: _____

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Karen Lynch-Ashcraft
TITLE: 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.**

Crown Castle International
Permittee

By _____
NAME
TITLE

Navajo Properties, LLC
Owner

By _____
NAME
TITLE

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

PLANNING COMMISSION
RESOLUTION NO. XXXXX
CONDITIONAL USE PERMIT NO. 351227
PLANNED DEVELOPMENT PERMIT NO. 610384
SITE DEVELOPMENT PERMIT NO. 610385
CROWN CASTLE – MISSION GORGE
PROJECT NO. 105832
DRAFT

WHEREAS, Crown Castle, Owner and Navajo Properties, LLC, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No.'s 351227, 601384, and 610385), on portions of a 2 acre site;

WHEREAS, the project site is located at 7189 Navajo Road in the CC-1-3 zone of the Navajo Community Plan;

WHEREAS, the project site is legally described as the southeast quarter of the northeast quarter of Section 18, Township 14, South, Range 3 West, San Bernardino Meridian, in the City of San Diego, State of California, according to official plat thereof;

WHEREAS, on January 8, 2009, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 351227, Planned Development Permit No. 610384 and Site Development Permit No. 610385 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated January 8, 2009.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

This facility was originally approved by the Planning Commission on December 6, 1994. The Conditional Use Permit (CUP) included a 10 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to reevaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and Crown Castle is now seeking to obtain another CUP, and a PDP and an SDP to maintain the facility as is.

The Navajo Community Plan does not address Wireless Communication Facilities as a specific land use recommendation, however, Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses wireless communication facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use

camouflage and screening techniques to hide or blend the facilities into the surrounding area. In addition to the General Plan, the Mission Trails Design District requires that wireless communication facilities be fully screened from public view.

This project is existing and was designed in accordance with the standards in place at the time of the original approval in 1994. The regulations and policies addressing wireless communication facilities have changed over the past 15 years and the existing monopole does not observe these statutes.

Based on the project's noncompliance with the City of San Diego's General Plan and the Mission Trails Design District Manual as it relates to Wireless Facilities, this project would adversely affect the land use plans.

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

The 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." If the decision maker approves the existing facility, a condition will be included within the permit to require Crown Castle to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 60 days of approval of the CUP.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

This facility was originally approved by the Planning Commission on December 6, 1994. The Conditional Use Permit (CUP) included a 10 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City imposed a ten year time limit in order to reevaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and Crown Castle is now seeking to obtain another CUP, and a PDP and an SDP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest structure in and around the area in which it is located and as such, it has an incongruous effect on the community's landscape. It is not camouflaged from public view nor is it architecturally integrated into the architectural or environmental setting. New residential development has been built recently and the monopole is a major visual impact for tenants in those units as well as all the other multi unit residential complexes surrounding the project site. The tower poses an unsightly visual impact on the Navajo community.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Mission Gorge project does not conform to this code requirement due to its height, design, color and the visual clutter it creates. As it exists, the tower is a significant visual impact to the community of Navajo.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

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

A wireless communication facility on this property may be an appropriate use subject to compliance with the ordinances and policies that regulate telecommunication facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration the surroundings including the proximity to the existing residential uses that exist around the facility, would be more appropriately located on this property.

Planned Development Permit - Section 126.0604

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

This facility was originally approved by the Planning Commission on December 6, 1994. The Conditional Use Permit (CUP) included a 10 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to reevaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and Crown Castle is now seeking to obtain another CUP, and a PDP and an SDP to maintain the facility as is.

The Navajo Community Plan does not address Wireless Communication Facilities as a specific land use recommendation, however, Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses wireless communication facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In addition to the General Plan, the Mission Trails Design District requires that wireless communication facilities be fully screened from public view.

This project is existing and was designed in accordance with the standards in place at the time of the original approval in 1994. The regulations and policies addressing wireless communication facilities have changed over the past 15 years and the existing monopole does not observe these statutes.

Based on the project's noncompliance with the City of San Diego's General Plan and the Mission Trails Design District Manual as it relates to Wireless Facilities, this project would adversely affect the land use plans.

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

The 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." If the decision maker approves the existing facility, a condition will be included within the permit to require Crown Castle to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 60 days of approval of the CUP.

3. The proposed development will comply with the regulations of the Land Development Code;

This project does not comply with all the development regulations of the CC-1-3 zone. The monopole exceeds the maximum height limit of 45 feet by 20 feet and it also encroaches into the rear yard setback by approximately 1 ½ feet. This facility was originally approved by the Planning Commission on December 6, 1994. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the CUP regulations allowed deviations. The project exists as it did after initial construction and Crown Castle is now seeking to obtain another CUP, and a PDP and an SDP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest structure in and around the area in which it is located and as such, it has an incongruous effect on the community's landscape. It is not camouflaged from public view nor is it architecturally integrated into the architectural or environmental setting. New residential development has been built recently and the monopole is a major visual impact for tenants in those units as well as all the other multi unit residential complexes surrounding the project site. The tower poses an unsightly visual impact on the Navajo community.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Mission Gorge project does not conform to this code requirement due to its

height, design, color and the visual clutter it creates. As it exists, the tower is a significant visual impact to the community of Navajo.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community; and

The monopole serves AT&T subscribers in the surrounding community, as well as commuters passing through the area and as such, is a beneficial service. Conversely, the significant visual impacts that the pole creates are detrimental to the Navajo community as well as to the City of San Diego. The pole is situated at the rear of a commercial complex surrounded by residential uses. It is 65 feet tall and is taller than any other structure in the immediate vicinity. The monopole is a negative visual impact to the community as well as to the adjacent properties. The original design of this tower was developed 10 years ago when design technology was not as advanced as it is today. The CUP was conditioned to expire in 10 years and the owner and operator of the facility, AT&T and Crown Castle had the responsibility of making preparations within their network to comply with any new regulations or policies in effect, which would have included a required reduction in height as well as adjustments to other existing facilities and development of new facilities.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The applicant, Crown Castle, is requesting to deviate from the CC-1-3 height limitation of 45 feet as well as the rear yard setback of 16 feet. The existing tower is 65 feet tall. It sits at the rear of a commercial complex that is surrounded by residential units. The project, as it exists, does not result in a visually desirable project. The facility could be relocated to the front of the property, maintain the height if technologically required and be redesigned as an obelisk, sign structure, clock tower or some other vertical element that would integrate with the complex. Moreover, Crown has the responsibility of exploring available alternatives that would address legal requirements as well as reduce the negative impact on their existing network. Section 141.0405 of the Land Development Code requires telecommunication facilities to integrate into the landscape in which they are proposed. If this facility were to be redesigned to comply with this section of the Code, a reasonable height deviation may be considered. The existing tower does not result in an acceptable project.

Site Development Permit - Section 126.0504

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

This facility was originally approved by the Planning Commission on December 6, 1994. The Conditional Use Permit (CUP) included a 10 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to reevaluate the project in light of new regulations and or

policies that may be in effect. The project exists as it did after initial construction and Crown Castle is now seeking to obtain another CUP, and a PDP and an SDP to maintain the facility as is.

The Navajo Community Plan does not address Wireless Communication Facilities as a specific land use recommendation; however, Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses wireless communication facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In addition to the General Plan, the Mission Trails Design District requires that wireless communication facilities be fully screened from public view.

This project is existing and was designed in accordance with the standards in place at the time of the original approval in 1994. The regulations and policies addressing wireless communication facilities have changed over the past 15 years and the existing monopole does not observe these statutes.

Based on the project's noncompliance with the City of San Diego's General Plan and the Mission Trails Design District Manual as it relates to Wireless Facilities, this project would adversely affect the land use plans.

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

The 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." If the decision maker approves the existing facility, a condition will be included within the permit to require Crown Castle to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 60 days of approval of the CUP.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

This project does not comply with all the development regulations of the CC-1-3 zone. The monopole exceeds the maximum height limit of 45 feet by 20 feet and it also encroaches into the rear yard setback by approximately 1 ½ feet. This facility was originally approved by the Planning Commission on December 6, 1994. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the CUP regulations allowed deviations. The project exists as it did after initial construction and Crown Castle is now seeking to obtain another CUP, and a PDP and an SDP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest

structure in and around the area in which it is located and as such, it has an incongruous effect on the community's landscape. It is not camouflaged from public view nor is it architecturally integrated into the architectural or environmental setting. New residential development has been built recently and the monopole is a major visual impact for tenants in those units as well as all the other multi unit residential complexes surrounding the project site. The tower poses an unsightly visual impact on the Navajo community.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Mission Gorge project does not conform to this code requirement due to its height, design, color and the visual clutter it creates. As it exists, the tower is a significant visual impact to the community of Navajo.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, is hereby DENIED.

Karen Lynch-Ashcraft
Development Project Manager
Development Services

Adopted on: January 8, 2009

Job Order No. 43-1633

CL# 1995-0065701

14-FEB-1995 11:13 AM

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Next day recording

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

1907

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

RF: 15.00 FEES: 37.00
AF: 21.00
MF: 1.00

AND WHEN RECORDED MAIL TO
~~PERMIT INTAKE~~
~~MAIL STATION 501~~

City Clerks - M.S. - 2A

FB
11P

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 94-0238
CITY COUNCIL

This Conditional Use Permit No. 94-0238 is granted by the City Council of the City of San Diego to the U.S. WEST CELLULAR OF CALIFORNIA, INC., a corporation, Permittee, pursuant to Sections 101.0510 and 101.0456 of the Municipal Code of the City of San Diego.

1. Permission is granted to Permittee to establish a cellular communication facility, located at 7189 Navajo Road, within the Navajo Community Planning area, described as a portion of Lot 2 Lake Shore Unit No. 5, Resubdivision No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6683, filed in the Office the County Recorder of San Diego County, July 10, 1970, in the CA Zone.
2. The facility shall consist of the following:
 - a. A 65-foot-high monopole supporting three panel antennas one-foot-wide and eight feet high; and
 - b. Associated equipment located within an existing office building on-site.
3. All aspects of this permit shall be in conformance with the application and plans marked "Exhibit A" and dated December 6, 1994 on file in the Development Services Department.
4. Street trees will be provided in accordance with City-Wide Landscape regulations (Municipal Code Section 101.0700).
5. This permit shall not be valid and the use legalized until:
 - a. The Permittee signs and returns the permit to the Development Services Department;
 - b. The Conditional Use Permit is recorded by the Development

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Services Department in the office of the County Recorder.

6. Other than street trees, landscaping shall not be modified or altered as a part of this permit and is to be maintained in a disease-, weed- and litter-free condition at all times.
7. Any outdoor lighting shall be so shaded and adjusted such that the light is directed to fall only on the same premises as light sources are located.
8. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
9. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 111.1122 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time an extension is applied for.
10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
11. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the City Council or
 - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
 - c. The permit has been revoked by the City.
12. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
13. This Conditional Use Permit is granted for a period of ten (10) years from December 6, 1994. At the end of this period, the permittee may apply for a new Conditional Use Permit. At such time as the Conditional Use Permit ceases to be utilized, all antennas and equipment shall be removed from the site by the last operator of the use.
14. If any existing hardscape or landscape indicated on the


approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

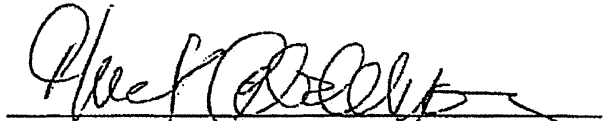
15. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
16. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

Passed and adopted by the City Council on December 6, 1994, by Resolution No. R-285079.

1910

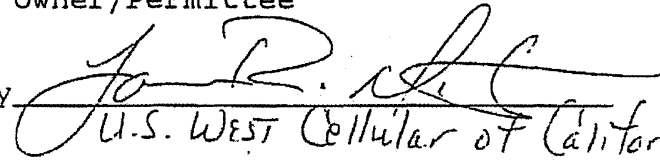
AUTHENTICATED BY:


SUSAN GOLDING, Mayor
The City of San Diego


CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

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

Owner/Permittee

By 
U.S. WEST Cellular of California, Inc

By _____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq. Form=p.ack

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State of California)
County of San Diego)

ss.

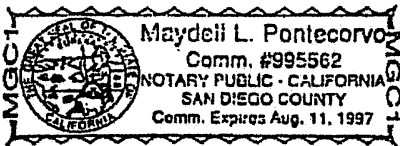
On February 9, 1995, before me, Maydell L. Pontecorvo
(name, title of officer, eg. Jane Doe, Notary Public)

personally appeared Charles G. Abdelnour, City Clerk
(name(s) of signer(s))

- personally known to me -or-
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity/ies, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.



Maydell L. Pontecorvo
(Signature of Notary)

Capacity claimed by signer: (This section is OPTIONAL)

- Individual
- Corporate Officer(s): _____
- Partner(s): General Limited
- Subscribing Witness
- Attorney-in-fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

Signer is representing: City of San Diego
(name of person(s) or entity(ies))

Attention Notary: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document:

<p>1. <u>IS</u> CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:</p>	<p>Title or Type of Document <u>CUP 94-0238 granted to U.S. West Cellular of CA, Inc.</u> Number of Pages <u>10</u> Date of Document <u>12/6/94</u> Signer(s) Other than Named Above <u>Susan Golding, Mayor, City of San Diego</u></p>
--	---

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of San Diego

On January 12, 1995 before me, Kristen E. Hale, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Larry Doherty
NAME(S) OF SIGNER(S)

personally known to me - OR - ~~proved to me on the basis of satisfactory~~ evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and office seal.

Kristen E. Hale
SIGNATURE OF NOTARY

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER
 INDIVIDUAL
 CORPORATE OFFICER
Regional Real Estate Manager
TITLE(S)

DESCRIPTION OF ATTACHED DOCUMENT
CUP Permit Authorization
TITLE OR TYPE OF DOCUMENT
4 plus attachment
NUMBER OF PAGES

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
U S WEST Cellular of California, Inc.

DATE OF DOCUMENT
SIGNER(S) OTHER THAN NAMED ABOVE

(R-95-942)

RESOLUTION NUMBER R-285079

ADOPTED ON DECEMBER 6, 1994

WHEREAS, on April 14, 1994, U.S. WEST CELLULAR OF CALIFORNIA, INC., a corporation, Permittee, filed an application for a Conditional Use Permit to establish a cellular communications facility located at 7189 Navajo Road within the Navajo Community Planning area, described as a portion of Lot 2 Lake Shore Unit No. 5, Resubdivision No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6683, filed in the Office of the County Recorder of San Diego County, July 10, 1970, in the CA Zone; and

WHEREAS, on December 6, 1994, the City Council of the City of San Diego considered Conditional Use Permit No. 94-0238, pursuant to Sections 101.0510 and 101.0456 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this City Council adopts the following findings with respect to Conditional Use Permit No. 94-0238:

CONDITIONAL USE PERMIT FINDINGS:

a. The proposed use will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

The establishment of the conditional use because of conditions that have been applied to it will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

b. The proposed use will comply with all relevant regulations in this code.

The establishment of the conditional use will comply with the relevant regulations in this Code.

MISSION TRAILS DESIGN DISTRICT FINDINGS:

a. The proposal complies with the purpose and intent of the concepts expressed in the applicable guidelines included in the Mission Trails Design Manual.

The proposed development complies with the purpose and intent of the concepts expressed in the applicable guidelines included in the Mission Trails Design District because the proposed monopole has been placed on the site so as to be as unobtrusive as possible.

b. The granting of a permit will be in harmony with the general purpose and intent of the Mission Trails Design District.

The granting of the Conditional Use Permit will be in harmony with the general purpose and intent of the Mission Trails Design District in that it represents reasonable development within the Design district and mitigates potential adverse impacts through design changes which would

reduce the bulk and scale of the proposed monopole.

c. The granting of a permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or the applicable adopted community plan.

The granting of this permit will not adversely affect the Progress Guide, General Plan, or applicable adopted community plan.

d. Application of the provisions of this Division and accompanying Mission Trails Design Manual will not deprive the applicant of the reasonable use of the land or buildings.

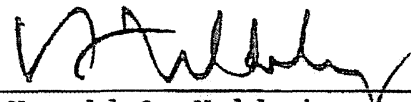
The strict application of the Mission Trails Height Limit would restrict the use of cellular technology in this portion of the Navajo Community.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Conditional Use Permit No. 94-0238 is hereby granted to U.S. WEST CELLULAR OF CALIFORNIA, INC. under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
12/15/94
Or.Dept:Clerk
R-95-942

Passed and adopted by the Council of the City of San Diego on DEC 03 1994 by the following vote:

YEAS: Mathis, Roberts, Kehoe, Stevens, Warden, Stallings, McCarty.

NAYS: None.

NOT PRESENT: Vargas, Mayor Golding.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: *Charles G. Abdelnour*, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION

No. R- 285079, passed and adopted by the Council of The City of San Diego, California
on DEC 03 1994

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: *Charles G. Abdelnour*, Deputy

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Navajo Community Planners, Inc.
Mission Valley Church of the Nazarene
4750 Mission Gorge Place
San Diego, CA 92120

Meeting Minutes for Monday, July 16, 2007

Call to Order: 7:00pm

Roll Call of Members:

Present:

Matt Adams – San Carlos	Cindy Martin – AG/Grantville	
Robert Castaneda – Del Cerro		Marilyn Reed – AG/Grantville
Randal Densley – AG/Grantville		
Brent Eidson – AG/Grantville	Dale Peterson – San Carlos	Cory Sharp – Del Cerro
Pat Jackson-Fassett – San Carlos	John Pilch – San Carlos	Paul Thomas – Del Cerro
Charles Little – AG/Grantville		Mickey Zeichick – San Carlos

Excused:

Absent:

Mike McSweeney – Del Cerro	Michele Nash-Hoff – Del Cerro	
Mark Rawlins – Del Cerro	Terry Jo Platt – AG/Grantville	
	Eric Sands – San Carlos	

Pledge of Allegiance: Paul Thomas

Modifications to the Agenda: Mr. Adams informed the Board that Shelly Kilbourn scheduled to present Verizon Lake Murray – PTS 97765 for the renewal of CUP for cell tower located near Keils shopping center in San Carlos has asked for a continuance. This item will be heard at a future meeting.

Mr. Sharp made a motion and Ms. Zeichick seconded to discuss the eligibility of Mr. Castaneda and the use of NCPI's private roster for personal or his personal business purposes non-NCPI. This item will be the first item heard.

Approval of the June Meeting Minutes: Motion – Pilch Second – Eidson.

Corrections: Mr. Pilch corrected pages 1 and 3 pertaining to the reference of Board members being absent OR excused.

Minutes approved with Ms. Reed and Ms. Zeichick abstained and Mr. McSweeney and Mr. Rawlins excused and Ms. Nash-Hoff and Mr. Sands absent.

Officers' Reports

President's Report:

- Mr. Adams recognized that Vicki Burgess was in attendance regarding the Navajo Facilities Financing Plan but asked that she returned in September so the Board has more time to review the draft plan.

- Mr. Adams reported that the responses to SDSU's EIR are due July 27, 2007. NCPI's written response to the EIR comment period for SDSU's proposal at Adobe Falls ends on July 27 will be an updated version of the letter sent to the first EIR in 2003. Mr Pilch will provide a copy of the original letter to update including Waring Road alternate route and level of service on Adobe Falls Road.

Vice President's Report:

- Mr. Pilch reported that the Mission Trails Task Force meets on Wednesday, July 18, 2007 where they will discuss the proposal to use Lake Murray for water skiing.
- The City's Charter Review Committee is hosting a series of public meetings. The closest meeting is at the Rolando Library on August 2, 2007.

Treasurer's Report:

- Ms. Jackson-Fassett reported a balance of \$175.20

Elected Officials' Reports

Jay Wilson, Councilman Madaffer

City Council approved first reading of mini dorms ordinance. Second reading will occur next week. Next is the City Attorney's Rooming House ordinance. It was presented at Council and will now be presented to planning groups. Mary Anne Greene will be at Navajo in September to present the City Attorney's proposal.

Summer Pops concert at 7pm, July 22 at Allied Gardens Community Park. National Night Out is Tuesday, August 2 at Allied Gardens Community Park at dusk. The movie being shown is the animated feature "Flushed Away".

Jennifer Cordeau, Mayor's Office of City Planning & Community Investment

Tracy Reed, Mayor's Office of City Planning & Community Investment

Grantville Community Plan Update Request For Proposals was released on Wednesday, July 11, 2007. Responses are due August 3, 2007. Ms. Cordeau provided a handout summarizing the RFP (Attachment A).

Tracy Reed is leading the drafting of a stakeholder group. He provided a handout which provides a draft the City's recommendation for the Stakeholder Committee (Attachment B). Interested parties will receive a mailing from the City regarding the committee. Mr. Reed informed the Board that just because a person may receive this mailing, it does NOT deem the recipient eligible to be on the Committee.

Mr. Pilch inquired:

1. When do you anticipate the committee being established? A: End of August, beginning of September.
2. Will there be bylaws established and how? A: The City will utilize other bylaws to help establish these quickly.
3. Why are members being required to fill out Form 700's? A: Management decision.

Mr. Eidson inquired about the status of the lawsuit? A: Settlement discussions continue with a trial date in November.

Ms. Martin inquired what is a Form 700? A: It is a Statement of Economic Interest.

Ms. Reed inquired about the number of representation. A: Mr. Reed answered that the numbers have not been determined.

Action Items

1. Eligibility of Mr. Castaneda and use of NCPI Private Roster Added to agenda by 2/3 vote of the Board

Questions of eligibility:

1. Length of residency – Purchased property in Del Cerro at 5667 Adobe Falls #C
2. Business connections – Is not employed by any developer working within Grantville nor any than planned to be.

Ms. Zeichick offered information that she is now employed by Cox Communications which is a partner with Sprint. Since NCPI occasionally hears Sprint projects, Ms. Zeichick may recuse herself if warranted.

Questions of use of private NCPI Roster:

1. Mr. Pilch received unsolicited email from Citizens for a Better Grantville. He is questioning how Mr. Castaneda got his email from a public website.
2. Ms. Jackson-Fasset received a letter in the mail from Mr. Castaneda regarding Citizens for a Better Grantville and calls into question the manner in which Mr. Castaneda found her mailing address. Was the private NCPI roster used inappropriately.

Mr. Castaneda sent the email letter to Mr. Pilch in his capacity as President of the San Carlos Area Council.

Mr. Castaneda informed Ms. Jackson-Fasset he used internet search functions to find mailing addresses for community leaders in Navajo.

Ms. Reed inquired about the results of the postcard surveys. Mr. Castaneda indicated that he received approximately 20 were returned of the more than 40 sent out.

Mr. Jesse Thomas (resident) inquired about the determinations of the sub-areas. A: They are established by the redevelopment area plan.

2. Crown Castle, Mission Gorge – Project #105832

Presented by: Mark Lindman

CUP/PDP Process 4 for a wireless communication facility consisting of an existing expired satellite dish on a 10' pole. Associated equipment exists inside building with a new outdoor cabinet to be located at the base of the pole all located at 7189 Navajo Road.

Cingular is the only provider utilizing the existing tower which was originally approved in 1995. The application does not include any additional providers or equipment.

The City's current standard does not allow a 65' antenna, however due to topography the provider would have to install about 4 antennas in the community to preserve the level of coverage.

They also looked at camouflaging the antenna via faux tree, but due to setbacks and location of the current monopole, they are unable to do so.

Mr. Lindman provided handouts that showed photographs (Attachment C) and coverage areas (Attachment D).

Mr. Pilch informed the Board that the San Carlos Area Council heard from about 30 residents from the condos adjacent to the antenna. Mr. Pilch read from the San Carlos newsletter which indicated the neighbors are opposed to the antenna and the recommendation of the group was not to renew the original CUP.

Mr. Adams asked what came first, the condo or the antenna. Mr. Lindman answered that the condos were first, the homeowners appealed the location to the City Council but the Council approved it anyway.

Motion by Mr. Pilch and second by Ms. Jackson-Fassett to recommend a denial of the conditional use permit for a 65' monopole wireless facility at 7189 Navajo Road. Motion fails 5 – 7 with Mr. Densley, Ms. Jackson-Fassett, Mr. Peterson, Mr. Pilch and Ms. Reed in favor and Mr. Castaneda, Mr. Eidson, Mr. Little, Miss Martin, Mr. Sharp, Mr. Thomas and Ms. Zeichick opposed. Mr. McSweeney, Mr. Rawlins were excused and Ms. Nash-Hoff, Mr. Platt and Mr. Sands were absent.

Motion by Ms. Martin and second by Ms. Zeichick to approve the conditional use permit for a 65' monopole wireless facility at 7189 Navajo Road. Motion carries 7 -5 with Mr. Castaneda, Mr. Eidson, Mr. Little, Miss Martin, Mr. Sharp, Mr. Thomas and Ms. Zeichick in favor and Mr. Densley, Ms. Jackson-Fassett, Mr. Peterson, Mr. Pilch and Ms. Reed. Mr. McSweeney, Mr. Rawlins were excused and Ms. Nash-Hoff, Mr. Platt and Mr. Sands were absent.

3. Interim & Long-Term Sewer Maintenance & Emergency Access Plan for Rancho Mission Canyon

Presented by: Ana Del Rincon, Project Manager – Engineering & Capital Projects and Keli Balo, Metropolitan Waste Water Department

Plan details for accessing sewer infrastructure for maintenance and emergency activities within Rancho Mission Canyon and the maintenance of the access paths.

Darryl Van Winkle (resident) commented on the public outreach plan for the mitigation that is occurring in the canyon. Suggested better materials in advance so the surrounding public knows what is happening. He also commented on the

barriers placed at the trailhead now and that it leaves the public uninformed and confused.

Motion by Mr. Pilch and second by Ms. Jackson-Fasset to recommend approval by NCPI of the interim and long-term sewer maintenance and emergency access plan for Ranch Mission Canyon. Motion carried 12 – 0 with Mr. McSweeney, Mr. Rawlins were excused and Ms. Nash-Hoff, Mr. Platt and Mr. Sands were absent.

Information Items

None

Non-Agenda Public Comment

Sub-Committee Reports

By-Laws:

Mr. Pilch presented the results of the By-Laws subcommittee meeting held on Monday, June 13, 2007 at the Benjamin Library in Allied Gardens. Subcommittee members present were: John Pilch, Cindy Martin, and Brent Eidson with Cory Sharp arriving at 6:45pm. Other NCPI members present were: Charles Little and Marilyn Reed. Members of the public present were: Brian Peterson, Betty Torre and Holly Simonette.

Results of subcommittee recommendations are available in the handout provided by Mr. Pilch (Attachment E).

Mr. Pilch expects to return to the Board with a complete list of recommendations at the September 17, 2007.

Mr. Adams and Mr. Pilch will work together to determine the best approach to conduct the deliberations on the subcommittee's recommendations.

Ms. Reed requested more outreach in advance (Mission Times Courier) of the September meeting where decisions on the by-laws will be made.

Community Group Reports

Allied Gardens – Cindy Martin:

Town Hall meeting will be on July 24 with Marti Emerald as the main speaker. July 22 is the Pops in the Park and August 2 is movie night in the park.

Del Cerro Action Council – Michael McSweeney:

Not present

San Carlos Area Council – John Pilch:

Lake Murray 4th of July Music Fest was a success. The committee is still accepting donations and is attempting to raise \$20,000 for fireworks alone in 2008. The total budget goal for 2008 is \$46,000.

Wednesday, August 1st meeting will have Barbara Cleves Anderson as the guest speaker to talk about the Mayor's Charter Committee and to seek community input.

Old Business

New Business

Adjourn: 9:31pm

DRAFT



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title _____ **Project No. For City Use Only** _____

Crown Castle - Mission Gorge

Project Address:

7189 Navajo Road, San Diego, CA 92119

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 / executed by the City Council. 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

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Signature : _____

Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Signature : _____

Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Signature : _____

Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____

Fax No: _____

Signature : _____

Date: _____

This information is available in alternative formats for persons with disabilities.
Be sure to see us on the World Wide Web at www.sandiego.gov/development-services

DS-318 (5-05)

Project Title: Crown Castle - Mission Gorge	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? CA Corporate Identification No. 043607079
 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

Corporate/Partnership Name (type or print):
 Navajo Properties LLC
 Owner Tenant/Lessee

Street Address:
 12609 Cijon Street

City/State/Zip:
 San Diego, CA 92129-3022

Phone No: (858) 945-1474 **Fax No:** (619) 374-2901

Name of Corporate Officer/Partner (type or print):
 Rick Simons

Title (type or print):
 PROPERTY MANAGER

Signature: *[Signature]* **Date:** 6/19/06

Corporate/Partnership Name (type or print):
 Crown Castle International
 Owner Tenant/Lessee

Street Address:
 510 Castillo Street

City/State/Zip:
 Santa Barbara, CA 93101

Phone No: (805) 957-1375 **Fax No:** (724) 416-4739

Name of Corporate Officer/Partner (type or print):
 JONATHAN DORNA, CROWN CASTLE

Title (type or print):
 ZONING MANAGER

Signature: *[Signature]* **Date:** 6/14/2006

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : **Date:**

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : **Date:**

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : **Date:**

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : **Date:**

DEVELOPMENT SERVICES
Project Chronology
CROWN CASTLE – MISSION GORGE
CONDITIONAL USE/PLANNED DEVELOPMENT PERMIT/SITE DEVELOPMENT
PERMIT- PROJECT NO. 105832

Date	Action	Description	City Review Time	Applicant Response Time
6/24/06	First Submittal	Project Deemed Complete		
8/4/06	First Submittal Assessment Letter	Initial Review completed	1 month, 11 days	
4/10/07	Second Submittal			8 months, 6 days
5/7/07	Second Submittal Assessment Letter		27days	
3/17/08	Project Closed Due to Inactivity – Referred to NCC			10 months, 10 days
9/19/08	Project Reopened			6 months, 2days
10/16/08	Review completed	Issues Resolved	27 days	
1/08/09	Planning Commission Hearing		2 months, 23 days	
TOTAL STAFF TIME**			5 months, 28 days	
TOTAL APPLICANT TIME**				2 years, 18 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to Planning Commission Hearing	2 years, 6 months, 15 days	

**Based on 30 days equals to one month.

San Diego Municipal Code Chapter 14: General Regulations
(12-2001)

§141.0405 Communication Antennas

- (a) Section 141.0405 regulates the following communication antennas. Amateur (HAM) radio facilities or temporary telecommunication facilities necessitated by natural or man-made disasters are not regulated as communication antennas. Section 141.0405 does not apply to single dish antennas smaller than 24 inches in diameter or to remote panel antennas less than 24 inches in length and in width, except when associated with another telecommunication facility.
 - (1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that comply with all development regulations of the underlying zone and overlay(s) and that meet the criteria in Section 141.0405(e)(1) or (2).
 - (2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0405(e)(1) or (2).
 - (3) Satellite antennas: Antennas capable of transmitting or receiving signals to or from a transmitter or a transmitter relay located in a planetary orbit. Satellite antennas include satellite earth stations, television-reception-only satellite antennas, and satellite microwave antennas.
- (b) General Rules for Telecommunication Facilities
All telecommunication facilities must comply with the following requirements:
 - (1) All approved telecommunication facilities must comply with the Federal standards for RF radiation in accordance with the Telecommunication Act of 1996 or any subsequent amendment to the Act pertaining to RF radiation. Documentation shall be submitted to the City providing evidence that the cumulative field measurements of radiofrequency power densities for all antennas installed on the *premises* are below the Federal standards.
 - (2) Except in the event of an emergency, routine maintenance and inspection of telecommunication facilities located on residentially zoned *premises*, including all of the system

components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.

- (3) Antenna facilities or associated equipment proposed for installation in the *public right-of-way* are subject to the following regulations:
 - (A) Antennas or associated equipment located in *public right-of-way* which is adjacent to a residentially zoned *premises* may be permitted with a Neighborhood Use Permit.
 - (B) Antennas and associated equipment located in the *public right-of-way* adjacent to non-residentially zoned *premises* are subject to review and approval by the City Manager.
 - (C) All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).
 - (D) A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.
- (4) Antennas and associated equipment located in the *public right-of-way* may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.
- (c) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.
- (d) All telecommunication facilities that are required to obtain encroachment authorization to locate on city-owned dedicated or designated parkland or open space areas shall comply with the following:

- (1) The City Manager shall determine that the proposed facility would not be detrimental to the City's property interest; would not preclude other appropriate uses; would not change or interfere with the use or purpose of the parkland or open space; and would not violate any deed restrictions related to City property, map requirements or other land use regulations.
 - (2) The proposed facility shall be integrated with existing park facilities or open space; shall not disturb the environmental integrity of the parkland or open space; and shall be disguised such that it does not detract from the recreational or natural character of the parkland or open space.
 - (3) The proposed facility shall be consistent with The City of San Diego Progress Guide and General Plan.
- (e) Minor Telecommunication Facilities

Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) An antenna facility will be considered a minor telecommunication facility if the facility, including equipment and *structures*, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, or *accessory use structures*.
- (2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:
 - (A) Additions or modifications to telecommunication facilities that do not increase the area occupied by the antennas or the existing antenna enclosure by more than 100 percent of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility.

- (B) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.
 - (C) Whip antennas if the number of antennas that are visible from the *public right-of-way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.
- (3) Minor telecommunication facilities are not permitted in the following locations:
- (A) On *premises* that are developed with residential uses in residential zones;
 - (B) On vacant *premises* zoned for residential development;
 - (C) On *premises* that have been designated as *historical resources*;
 - (D) On *premises* that have been designated or mapped as containing sensitive resources;
 - (E) On *premises* within the *MHPA*; or
 - (F) On *premises* that are leased for billboard use.
- (4) The installation of a minor telecommunication facility shall not result in the elimination of required parking spaces.
- (5) Minor telecommunication facilities that terminate operation shall be removed by the operator within 90 calendar days of termination.
- (f) Major Telecommunication Facilities

Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities on dedicated or designated parkland and open space may be permitted with a

Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Major telecommunication facilities are not permitted in the following locations:
 - (A) On *premises* containing designated *historical resources*;
 - (B) Within viewsheds of designated and recommended State Scenic Highways and City Scenic Routes; or
 - (C) Within ½ mile of another major telecommunication facility, unless the proposed facility will be concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, and *accessory use structures*.
 - (D) Within the Coastal Overlay Zone, on *premises* within the MHPA and/or containing *steep hillsides* with *sensitive biological resources*, or within public view corridors or view sheds identified in applicable *land use plans*.
- (2) Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.
- (3) Major telecommunication facilities shall use the smallest and least visually intrusive antennas and components that meet the requirements of the facility.

(g) Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(g)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(g)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(g)(4).

- (1) Exemption. Satellite antennas that are 5 feet in diameter or smaller are permitted in all zones and are exempt from this section.
- (2) Limited Use Regulations. Satellite antennas that exceed 5 feet in diameter are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
 - (A) Satellite antennas are not permitted within the *MHPA*.
 - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
 - (C) Satellite antennas shall not exceed 10 feet in diameter.
 - (D) Ground-mounted satellite antennas shall not exceed 15 feet in *structure height*.
 - (E) Ground-mounted satellite antennas shall not be located in the *street yard*, *front yard*, or *street side yard* of a *premises*.
 - (F) Satellite antennas shall not be light-reflective.
 - (G) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
 - (H) Ground-, roof-, and pole-mounted satellite antennas shall be *screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent *premises* and adjacent *public rights-of-way*.
- (3) Neighborhood Use Permit Regulations. Proposed satellite antennas that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.
 - (A) Satellite antennas are not permitted within the *MHPA*.

- (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
 - (C) Satellite antennas shall not exceed 10 feet in diameter.
 - (D) Satellite antennas shall not be light-reflective.
 - (E) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
 - (F) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.
- (4) Conditional Use Permit Regulations. Except for proposed satellite antennas which are *accessory uses* in industrial zones, proposed satellite antennas that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
 - (B) Satellite antennas are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.
 - (C) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

CROWN CASTLE CORPORATE OFFICERS

J. Landis Martin	Chairman of the Board
W. Benjamin Moreland	President, Chief Executive Officer, Director
John P. Kelly	Executive Vice Chairman of the Board
Jay Brown	Chief Financial Officer, Senior Vice President
James D. Young	President - Tower Operations
E. Blake Hawk	Executive Vice President, General Counsel
Philip M. Kelley	Senior Vice President - Corporate Development and Strategy
Robert F. McKenzie	Director
Edward C. Hutcheson Jr.	Director
Lee W. Hogan	Director

AT&T CORPORATE OFFICERS

Rayford Wilkins Jr.	Chairman of the Board
Stanley T. Sigman	President, Chief Executive Officer
Peter A. Ritcher	Chief Financial Officer
Ralph De la Vega	Chief Operating Officer
Joaquin R. Carbonell III	Executive Vice President and General Counsel
Rickford D. Bradley	Executive Vice President of Human Resources
Sean P. Foley	Executive Vice President - Treasury and Corporate Development
William W. Hague	Executive Vice President- International
Paul R. Roth	Executive Vice President -External Affairs and Public Relations
Gregory T. Hall	Vice President, Controller