

#### THE CITY OF SAN DIEGO

### REPORT TO THE PLANNING COMMISSION

DATE ISSUED:

December 10, 2009

**REPORT NO. PC-09-094** 

ATTENTION:

Planning Commission, Agenda of December 17, 2009

SUBJECT:

T-MOBILE - ENCANTO - PROJECT NO. 191130. PROCESS 4

OWNER/

City of San Diego

APPLICANT:

T-Mobile West Corporation

#### **SUMMARY**

<u>Issue(s)</u>: Should the Planning Commission approve a Wireless Communication Facility (WCF) at 6780 Aviation Drive within the Skyline Paradise Hills community planning area?

#### **Staff Recommendation:**

- 1. Approve Conditional Use Permit (CUP) No. 675019; and
- 2. Approve Planned Development Permit (PDP) No. 675074.

<u>Community Planning Group Recommendation</u>: On November 10, 2009, the Skyline-Paradise Hills Planning Committee voted unanimously to recommend approval of this project.

Environmental Review: This project was found to be exempt per the Categorical Exemption for Replacement or Reconstruction, Section 15302 in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The environmental exemption determination for this project was made on October 2, 2009, and the opportunity to appeal that determination ended October 23, 2009.

<u>Fiscal Impact Statement</u>: T-Mobile West Corporation is the financially responsible party for this project and is responsible for costs associated with processing this project.

Code Enforcement Impact: None.

Housing Impact Statement: None.



#### **BACKGROUND**

This project proposes a 50 foot high faux pine tree supporting twelve T-Mobile antennas on a City Water Department property located at 6780 Aviation Drive. The application also includes a new equipment shelter. The property is zoned RS-1-7 and is located in the Skyline-Paradise Hills community planning area. The site is on a hilltop surrounded by single family homes. WCF's are permitted in the RS-1-7 zone with a CUP. Because the height is proposed at 50 feet, where the maximum height allowed is 30 feet, a PDP is required.

T-Mobile currently has antennas on the City's 100 foot tall monopole and they have three outdoor equipment units. The City has requested T-Mobile to remove and/or relocate their antennas off of the City's communication tower and to relocate their equipment away from the City tower, hence this application for a stand alone facility.

American Tower and Sprint Nextel both have illegal facilities on the same property. American Tower applied for a permit to allow their 130 foot tall tower to remain on site and the application was denied by the City Council on February 2, 2009. Sprint Nextel received approval from the Planning Commission on February 21, 2008 for a 50 foot high faux broadleaf, but has yet to remove the old tower. Inquiries to Sprint Nextel about their replacement tree have gone unanswered and the project has been turned over to Neighborhood Code Compliance. Once the removal of the Sprint Nextel monopole and the American Tower monopole have occurred, the project site will support two faux trees and one City communication tower. The addition of landscaping by Sprint Nextel and T-Mobile will help to integrate all of the facilities into the hilltop setting and the remaining communication tower will become less visible to the surrounding community.

#### General Plan Analysis:

The City's General Plan requires that wireless facilities be both minimally visible and visually respectful and compatible with the community. The antennas associated with this facility are interspersed within a faux tree and will be covered with pine needle socks to further integrate the antennas into the foliage. Associated equipment will be concealed within a new shelter designed similar to the one that was approved for Sprint Nextel. Based on the project's design, it is compatible with the City's General Plan. The Skyline-Paradise Hills Community Plan does not discuss wireless communication facilities.

#### Conclusion:

Staff has reviewed the project and has determined that it complies with the Wireless Communication Facility regulations. Except for the height of the proposed faux tree, the project complies with all other development regulations of the RS-1-7 zone. The antennas will be interspersed within the faux tree and covered with pine needle socks to further incorporate the antennas into the overall design and make them less visible. The location of the tree on a hilltop along with the Sprint Nextel faux tree and the proposed live trees will create a well integrated perspective to the surrounding community below. Therefore, Staff recommends approval of this project.

#### **ALTERNATIVES**

- 1. Approve Conditional Use Permit No. 675019 and Planned Development Permit No. 675074, with modifications.
- 2. Deny Conditional Use Permit No. 675019 and Planned Development Permit No. 675074, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake

Program Manager

Development Services Department

Karen Lynch-Ashcraft

Project Manager

Development Services Department

#### BROUGHTON/KLA

#### Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Environmental Exemption
- 8. Project Plans
- 9. Photosimulation
- 10. Coverage Maps
- 11. Project Chronology
- 12. Notice of Public Hearing

Rev 01-04-07/rh



PROJECT SITE

CTT.

S Woodman St

T-MOBILE- ENCANTO- PROJECT NUMBER 191130 Aerial Photo





**6780 AVIATION DRIVE** 

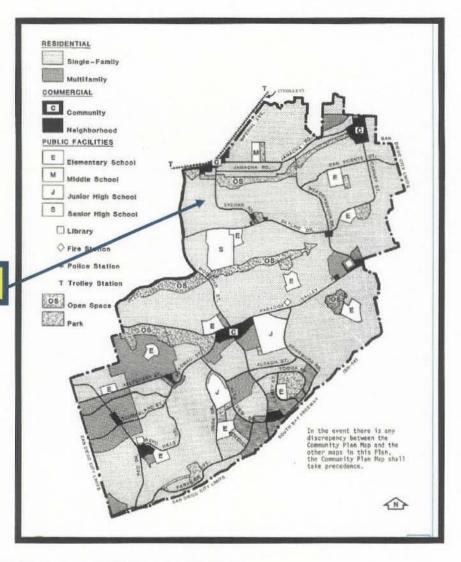
North





T-MOBILE - ENCANTO- PROJECT NUMBER 191130 6780 AVIATION DRIVE



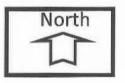


### SKYLINE PARADISE HILLS COMMUNITY PLAN MAP



**PROJECT SITE** 

T-MOBILE <u>- ENCANTO- PROJECT NUMBER 191130</u> 6780 AVIATION DRIVE



ATTACHMENT 3

| PROJECT DATA SHEET                   |   |  |  |  |
|--------------------------------------|---|--|--|--|
| PROJECT NAME: T-Mobile Encanto       |   |  |  |  |
| PROJECT DESCRIPTION:                 | A wireless communication facility consisting of a 50' high<br>faux pine tree supporting 12 panel antennas and an<br>associated equipment enclosure. |  |  |  |
| COMMUNITY PLAN<br>AREA:              | Skyline-Paradise Hills  |  |  |  |
| DISCRETIONARY<br>ACTIONS:            | Conditional Use Permit, Planned Development Permit  |  |  |  |
| COMMUNITY PLAN LAND USE DESIGNATION: | Single-Family Residential   |  |  |  |

#### **ZONING INFORMATION:**

ZONE: RS-1-7

HEIGHT LIMIT: 30-Foot maximum height limit.

FRONT SETBACK: 15 feet.
SIDE SETBACK: 4 feet.
STREETSIDE SETBACK: 12 feet.
REAR SETBACK: 13 feet.

| ADJACENT PROPERTIES:                     | LAND USE<br>DESIGNATION &<br>ZONE  | EXISTING LAND USE         |  |
|--|--|---------------------------|--|
| NORTH:                                   | Single-Family<br>Residential; RS-1-7.  | Single-Family Residential |  |
| SOUTH:                                   | Single-Family<br>Residential; RS-1-7.  | Vacant                    |  |
| EAST:                                    | Single-Family<br>Residential; RS-1-7.  | Vacant                    |  |
| WEST:                                    | Single-Family<br>Residential; RS-1-7.  | Single-Family Residential |  |
| DEVIATIONS OR<br>VARIANCES REQUESTED:    | Deviation to exceed the 30 foot height limit with a 50 foot high faux tree.  |                           |  |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On November 10, 2009, the Skyline-Paradise Hills Planning Committee voted unanimously to approve this project, with no conditions. |                           |  |

# PLANNING COMMISSION RESOLUTION NO. XXXXX CONDITIONAL USE PERMIT NO. 675019 PLANNED DEVELOPMENT PERMIT NO. 675074 T-MOBILE -- ENCANTO PROJECT NO. 191130

WHEREAS, City of San Diego, Owner and T-Mobile West Corporation, 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 675019 and 675074 on portions of a .51 acre site;

WHEREAS, the project site is located at 6780 Aviation Drive in the RS-1-7 zone of the Skyline-Paradise Hills Community Planning area;

WHEREAS, the project site is legally described as that portion of Lot 162, Encina De San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1546;

WHEREAS, on December 17, 2009, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 675019 and Planned Development Permit No. 675074 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 2, 2009, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15302; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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

That the Planning Commission adopts the following written Findings, dated December 17, 2009.

#### **FINDINGS**:

#### **Conditional Use Permit - Section 126.0305**

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

The Skyline-Paradise Hills Community Plan does not address wireless communication facilities as a specific land use, however, the City of San Diego's General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. The antennas associated with this wireless facility are proposed to be mounted on a monopine located on a hilltop above the Skyline Paradise Hills community.

The addition of landscape material adjacent to the facility will serve to blend the project into the surroundings. Equipment associated with this facility will be located within an enclosure, constructed of concrete block topped by a trellis structure. The design of the enclosure will be consistent between the other carrier (Sprint) on site. Therefore, this facility will not adversely affect the applicable land use plan.

Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permit process. 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. T-Mobile is proposing to construct a 50 foot high monopine that will support 12 panel antennas. All of the antennas will be covered with mesh pine needle socks to camouflage the antennas. The associated equipment is located within a concrete block enclosure that will be accented with a wood lattice cover. The addition of landscape materials adjacent to the communication facility will help to integrate and camouflage the installation. The overall project is designed to blend in with the existing and proposed landscaping. Additionally, the Communication Antenna regulations state that an antenna facility will be considered minor if the facility including the equipment is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement, unique design solutions or accessory use structures. The project complies with the development regulations for the RS-1-7 zone and the Communication Antenna regulations. Therefore, the proposed development would not adversely affect the Skyline-Paradise Hills Community Plan nor the City of San Diego General Plan and Progress Guide.

### 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) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require T-Mobile to perform a cumulative RF study and submit the finding in a report to the City of San Diego within 30 days of approval of this permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

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

The project complies with all applicable development regulations including the RS-1-7 development regulations of the Land Development Code and the City of San Diego Communication Antenna Regulations (Land Development Code Section 141.0405). This section of the code requires architectural integration and/or enhancements with the existing buildings or landscape on the property. The monopine is proposed to be 50 feet high and could be a collocation facility for a future carrier. The addition of antenna socks as well as a landscape planting palette for the project site will minimize any potential visual impacts. The property is

managed by the Water Department. There are currently three wireless towers on site, the Sprint tower is anticipated to be removed and replaced with a faux tree, the American Tower Corporation tower was denied by the City Council and has been referred to Neighborhood Code Compliance and the City's Communication Division has a tower for emergency communication purposes. T-Mobile currently has antennas on the City's tower, which the City has asked them to remove, so for this reason, T-Mobile is requesting a permit to have their own facility. The request for a height deviation is necessary to provide the same coverage T-Mobile currently has now on the City tower. The allowed height in the RS-1-7 zone is 30 feet and the tree is proposed at 50 feet. There are no other deviations or variances requested with this application. Therefore, the project complies to the maximum extent possible with the applicable regulations of the Land Development Code, while continuing uninterrupted coverage and service to the Skyline Paradise Hills community.

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

Council Policy 600-43 provides a location preference framework for these types of facilities, encouraging providers to locate in non-residential areas. This property is zoned for residential. The original use of the site was for a City water tank, however, the tank was removed several years ago and it has since been used for wireless communications purposes. Because of the elevation, the site is visible to the surrounding community. The eventual removal of the towers and the replacement with faux trees and additional live landscaping will help to integrate the facilities into the hilltop setting and minimize the visibility to the surrounding community.

#### Planned Development Permit - Section 126.0604

#### A. Findings for all Planned Development Permits

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

The Skyline-Paradise Hills Community Plan does not address wireless communication facilities as a specific land use, however, the City of San Diego's General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. The antennas associated with this wireless facility are proposed to be mounted on a monopine located on a hilltop above the Skyline Paradise Hills community. The addition of landscape material adjacent to the facility will serve to blend the project into the surroundings. Equipment associated with this facility will be located within an enclosure, constructed of concrete block topped by a trellis structure. The design of the enclosure will be consistent between the other carrier (Sprint) on site. Therefore, this facility will not adversely affect the applicable land use plan.

Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permit process. 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. T-Mobile is proposing to construct a 50 foot high monopine that will support 12 panel antennas. All of the antennas will be covered with mesh pine needle socks to camouflage the antennas. The associated equipment is located within a concrete block enclosure that will be accented with a wood lattice cover. The addition of landscape materials adjacent to the communication facility will help to integrate and camouflage the installation. The overall project is designed to blend in with the existing and proposed landscaping. Additionally, the Communication Antenna regulations state that an antenna facility will be considered minor if the facility including the equipment is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement, unique design solutions or accessory use structures. The project complies with the development regulations for the RS-1-7 zone and the Communication Antenna regulations. Therefore, the proposed development would not adversely affect the Skyline-Paradise Hills Community Plan nor the City of San Diego General Plan and Progress Guide.

### 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) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require T-Mobile to perform a cumulative RF study and submit the finding in a report to the City of San Diego within 30 days of approval of this permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

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

The project complies with all applicable development regulations including the RS-1-7 development regulations of the Land Development Code and the City of San Diego Communication Antenna Regulations (Land Development Code Section 141.0405). This section of the code requires architectural integration and/or enhancements with the existing buildings or landscape on the property. The monopine is proposed to be 50 feet high and could be a collocation facility for a future carrier. The addition of antenna socks as well as a landscape planting palette for the project site will minimize any potential visual impacts. The property is managed by the Water Department. There are currently three wireless towers on site, the Sprint tower is anticipated to be removed and replaced with a faux tree, the American Tower Corporation tower was denied by the City Council and has been referred to Neighborhood Code Compliance and the City's Communication Division has a tower for emergency communication purposes. T-Mobile currently has antennas on the City's tower, which the City has asked them to remove, so for this reason, T-Mobile is requesting a permit to have their own facility. The request for a height deviation is necessary to provide the same coverage T-Mobile currently has now on the City tower. The allowed height in the RS-1-7 zone is 30 feet and the tree is proposed at 50 feet. There are no other deviations or variances requested with this application. Therefore, the

project complies to the maximum extent possible with the applicable regulations of the Land Development Code, while continuing uninterrupted coverage and service to the Skyline Paradise Hills community.

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

This project will be beneficial to the community. The facility provides wireless communication services, including e911 for users of cell phones and other devices. The facility provides these wireless services in a way that is integrated with the community. Therefore, this development will be beneficial to the community.

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 RS-1-7 zone allows a maximum height of 30 feet. The faux tree is proposed to be 50 feet high. The general vicinity is low scale single family homes with the exception of the immediate vicinity, which is the site of a former water tank, but now supports three communication towers. Two of the exiting towers, Sprint Nextel and American Tower Corporation, are due to be removed and only the City tower will remain. Sprint Nextel will replace their tower with a 50 foot high faux tree and between T-Mobile and Sprint Nextel; sufficient landscape will be planted to integrate the faux trees into the hilltop setting.

If the faux tree were reduced to 30 feet in height, the T-Mobile coverage foot print would be reduced significantly. As a result, additional facilities would have to be installed throughout the community to compensate for the loss in coverage. Overall, the location and design of the pole and the proposed mature landscaping make this project a well designed wireless communication facility.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 675019 and Planned Development Permit No. 675074 is hereby GRANTED by the Planning commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No.'s 675019 and 675074, a copy of which is attached hereto and made a part hereof.

Karen Lynch-Ashcraft Development Project Manager Development Services

Adopted on: December 17, 2009

Job Order No. 43-2631

#### RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-2631

Conditional Use Permit No. 675019
Planned Development Permit No. 675074
T-Mobile – Encanto
PROJECT NO. 191130
Planning Commission

This CUP No. 675019 and PDP No. 675074 is granted by the **Planning Commission** of the City of San Diego to City of San Diego, Owner, and T-MobileWest Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420. The .51 acre site is located at 6780 Aviation Drive in the RS-1-7 zone of the Skyline-Paradise Hills Community Planning area. The project site is legally described as that portion of Lot 162, Encina De San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1546.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and/or Permittee for a wireless communication facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 17, 2009, on file in the Development Services Department.

The project shall include:

- a. A 50 foot high faux pine tree supporting 12 panel antennas. Associated equipment will be relocated into a 240 square foot shelter;
- b. A PDP for the height deviation, where 30 feet is permitted.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. 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. This permit must be utilized within nine (9) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
- 2. This permit and corresponding use of this site shall **expire on December 17, 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. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - 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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

#### **ENGINEERING REQUIREMENTS:**

- 14. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
- 15. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

#### **LANDSCAPE REQUIREMENTS:**

- 16. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.
- 17. Prior to issuance of any construction permits for buildings complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
- 18. Prior to activation of WCF, it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections.
- 19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
- 20. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or activation of WCF or a Final Landscape Inspection.
- 21. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

#### PLANNING/DESIGN REQUIREMENTS:

- 22. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the structure(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
- 23. Prior to obtaining a Construction Permit the following items must be illustrated on the construction drawings; coax cable tray, meters, telco, A/C units, generator receptacles, cable runs, bridges, dog houses and external ports. These appurtenances must be minimized visually so as to avoid the effect of changing the outward appearance of the project from what was approved on the exhibits.
- 24. The applicant of record is responsible for notifying the city prior to the sale or takeover of this site to any other provider.
- 25. This wireless communication facility shall be removed or replaced if it is determined that the facility or components of the facility are obsolete.
- 26. Prior to issuance of construction permits for the Public Improvement Plans, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Department Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.
- 27. Prior to the issuance of a construction permit, the telecommunication provider shall provide a certified cumulative radio frequency model study demonstrating compliance with the Federal Communications Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.
- 28. 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.
- 29. Prior to building permit issuance, faux broad-leaf specifications shall be submitted for review and approval by the Development Services Department. The details shall include:
  - a. Official manufacturer specifications and photos
  - b. Distance the branches extend from the antenna face 24 inches required
  - c. Branch count
  - d. Overall branch density (minimum 2.5 per ft., measured from start of branches to top of tree)
  - e. Beginning branch height 15 feet
  - f. Overall tree height and overall pole height
  - g. Materials
  - h. Cabling of the antenna (no overhead cabling)
  - i. Sock details
  - i. Color specifications
  - k. Leaf detail (proposed leaf should be similar to surrounding mature or proposed tree species)
  - 1. Type of brackets

#### INFORMATION ONLY:

- Please note that an Administrative Planning Hold will be placed on the project prior to
  Final Clearance from the City's Building Inspector to ensure compliance with the approved
  plans and associated conditions. Prior to calling for your Final Inspection from your
  building inspection official, please contact the Project Manager listed below at (619) 6309373 to schedule an inspection of the completed facility. Please schedule this
  administrative inspection at least five working days ahead of the requested Final Inspection
  date.
  - 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 December 17, 2009 by Resolution No. XXXXX.

Permit Type/PTS Approval No.: <u>191130/CUP No. 675019/PDP No. 675074</u>
Date of Approval: <u>December 17, 2009</u>

| AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES<br>DEPARTMENT        |  |  |  |  |
|--|--|--|--|--|
| Karen Lynch-Ashcraft Development Project Manager                                 |  |  |  |  |
| NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq. |  |  |  |  |
|  | ution hereof, agrees to each and every condition of every obligation of Owner/Permittee hereunder. |  |  |  |
|  | City of San Diego Owner/Permittee  |  |  |  |
|  | By   |  |  |  |
|  | T-Mobile West Corporation Owner/Permittee  |  |  |  |
|  | By   |  |  |  |

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

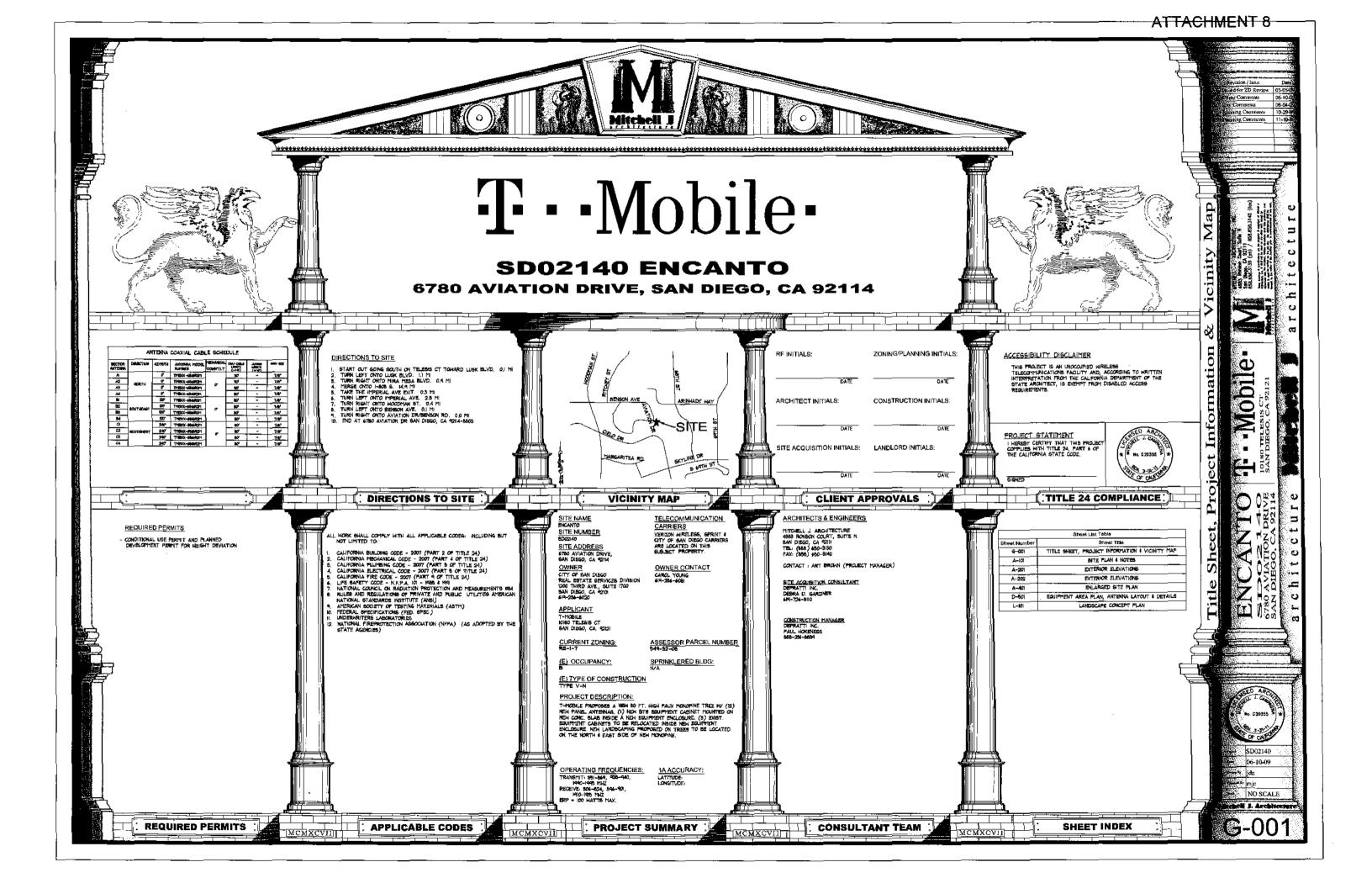
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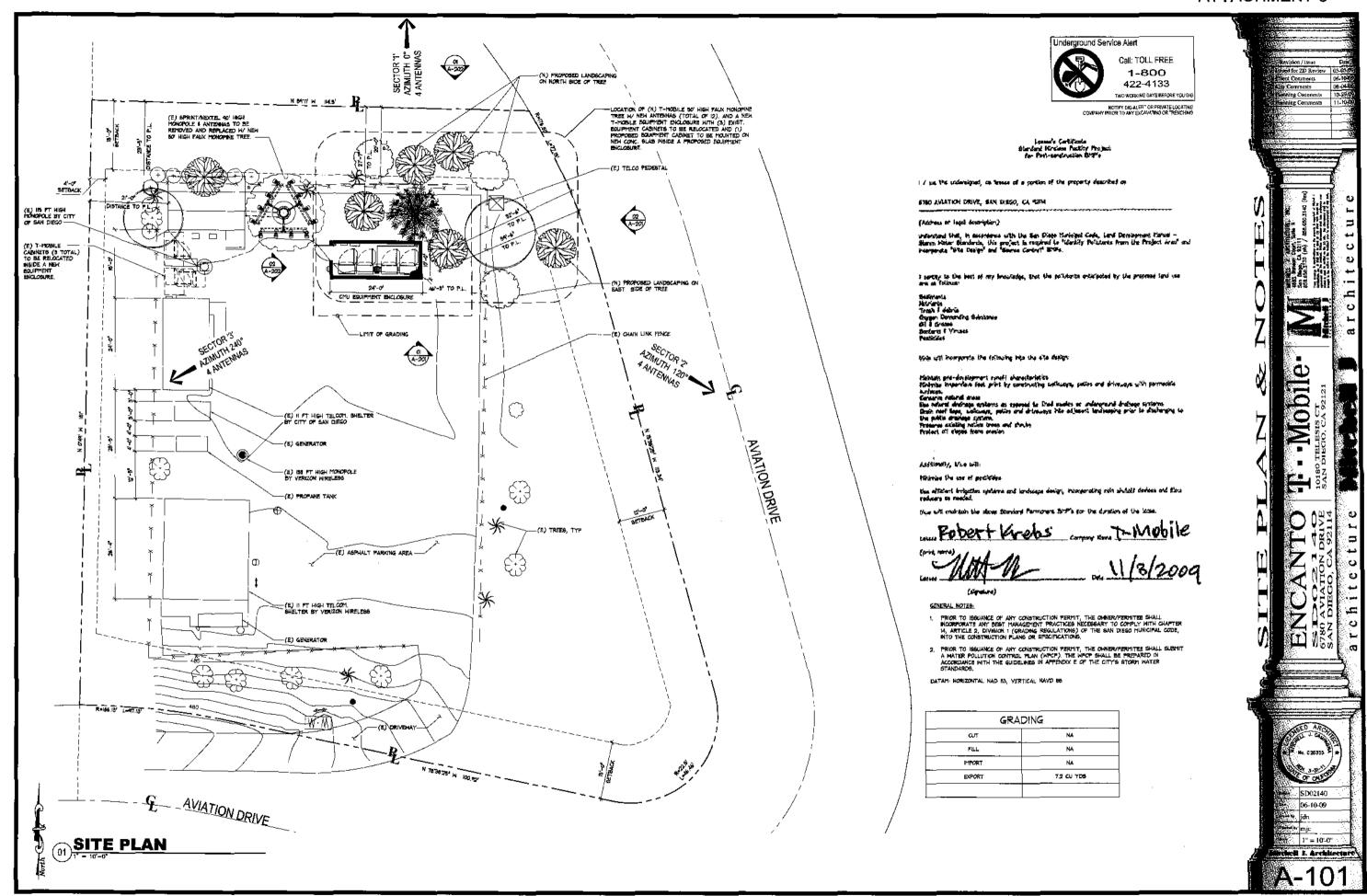
### **DETERMINATION OF** ENVIRONMENTAL EXEMPTION Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

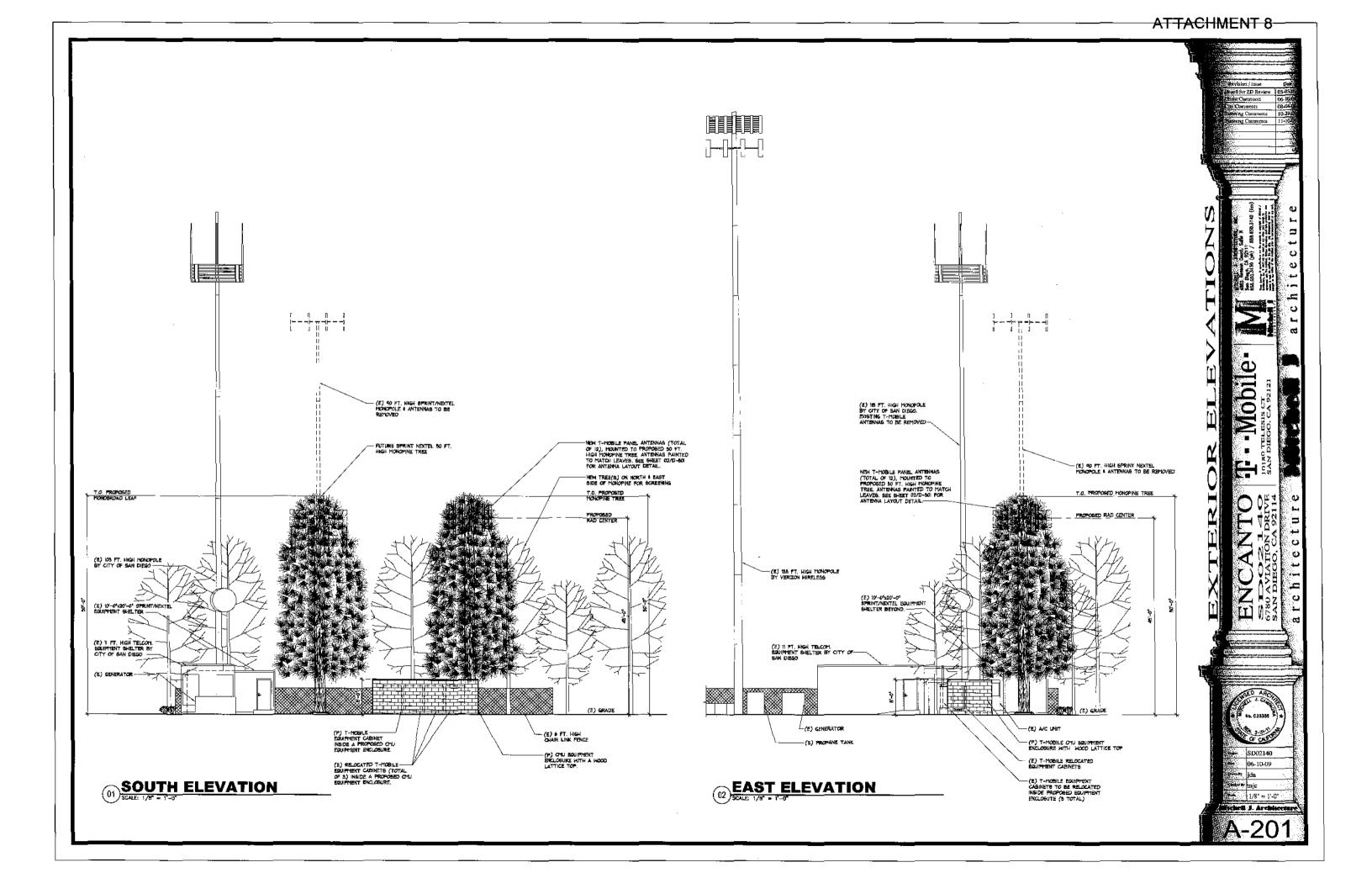
| Agency: CITY OF SAN DIEGO  |  | roject No.: 191130<br>b Order No. 43-2631               | Date: October 2, 2009   |
|--|--|---|---|
| Action/Permi   | t(s): Conditional Use Permit (CUP) and   | Planned Development Perm                                | iit (PDP)   |
| Description of maximum heig  | f Activity: T-Mobile Encanto: CUP and the limit of 30'-0" and removal of an exist  | PDP for a 50'-0" Wireless (sting 90'-0" WCF.            | Communication Facility (WCF) which exceeds the  |
| in the City of S   | ctivity: Project is located at 6780 Aviati<br>San Diego, County of San Diego, and Sta<br>lifornia 92121, P.O.C. Robert Krebs, 760  | te of California. Applicant:                            | e in the Skyline Paradise Hills Community Planning area,<br>Omnipoint dba T-Mobile, 10180 Telesis Court, 3 <sup>rd</sup> Floor,   |
| (CHECK BO) 1. [ ] 2. [X]   | XES BELOW) This activity is EXEMPT FROM C  [ ] Section 15060 (c)(3) of the c  [ ] Section 15061 (b)(3) of the c  This project is EXEMPT FROM CEC   | State CEQA Guidelines (the<br>State CEQA Guidelines (Ge | ·   |
| Section [ ] 15301 [X] 15302 { ] 15303  [ ] 15304 [ ] 15305 [ ] 15311 [ ] 15312 [ ] 15315 [ ] 15317 [ ] 15319 | ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)  Short Name Existing Facilities Replacement or Reconstruction New Construction or Conversion of Structures Minor Alterations to Land Minor Alteration in Land Use Information Collection Accessory Structures Surplus Government Property Sales Minor Land Divisions Open Space Contracts or Easements Annexation of Existing Facilities ar Exempt Facilities Transfer of Ownership of Interest in | [ ] 15268<br>[ ] 15269<br>[ ] Other                     | ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)  Short Name Ongoing Project Feasibility and Planning Studies Adoption of Coastal Plans and Programs Ministerial Projects Emergency Projects |
| [ ] Other  It is hereby o  | Preserve Open Space ertified that the City of San Diego has de y to be exempt:   | termined the Distribution                               | on:<br>a or Project file<br>ach-Ashcraft, Development Project Manager   |

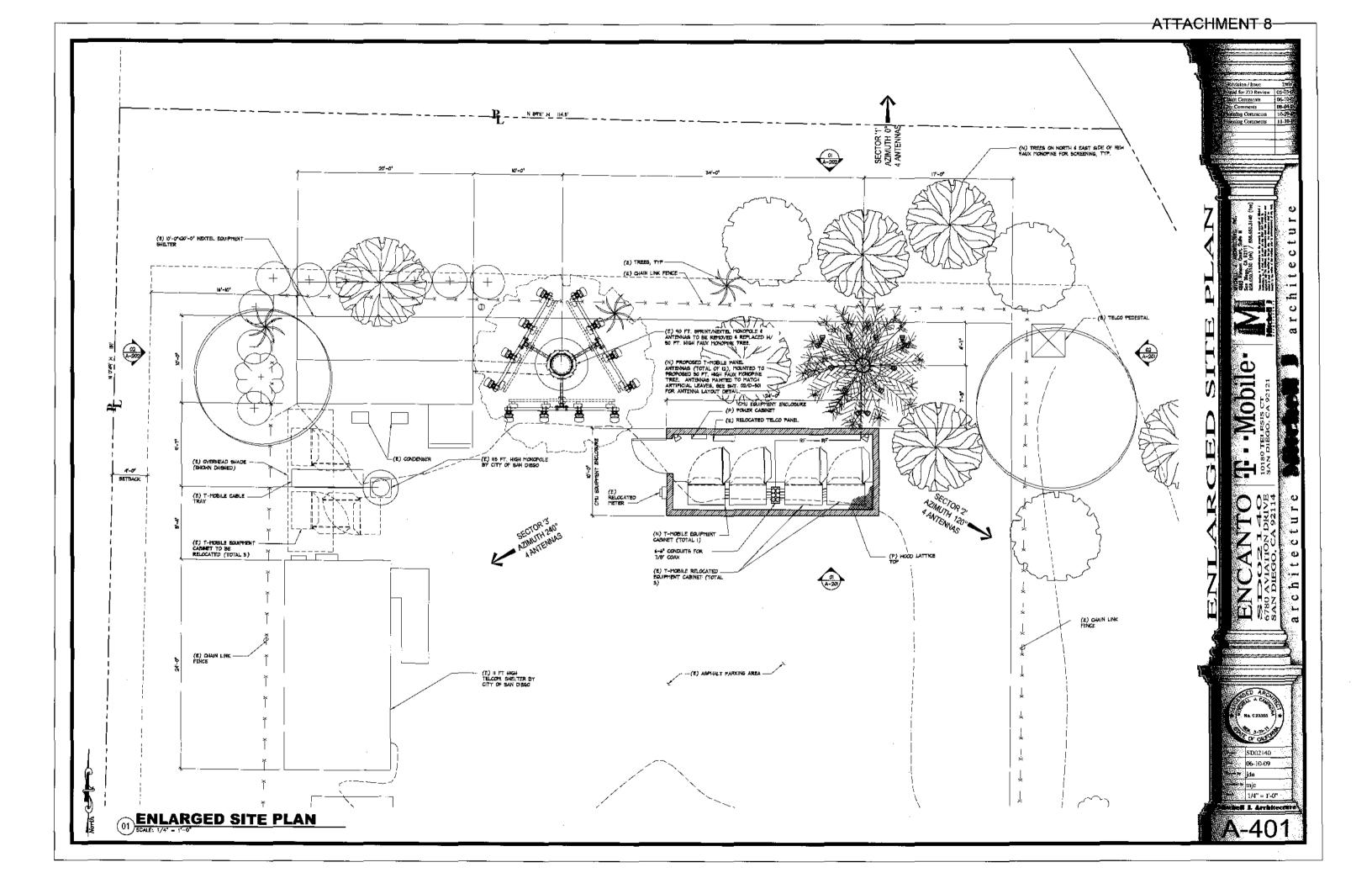
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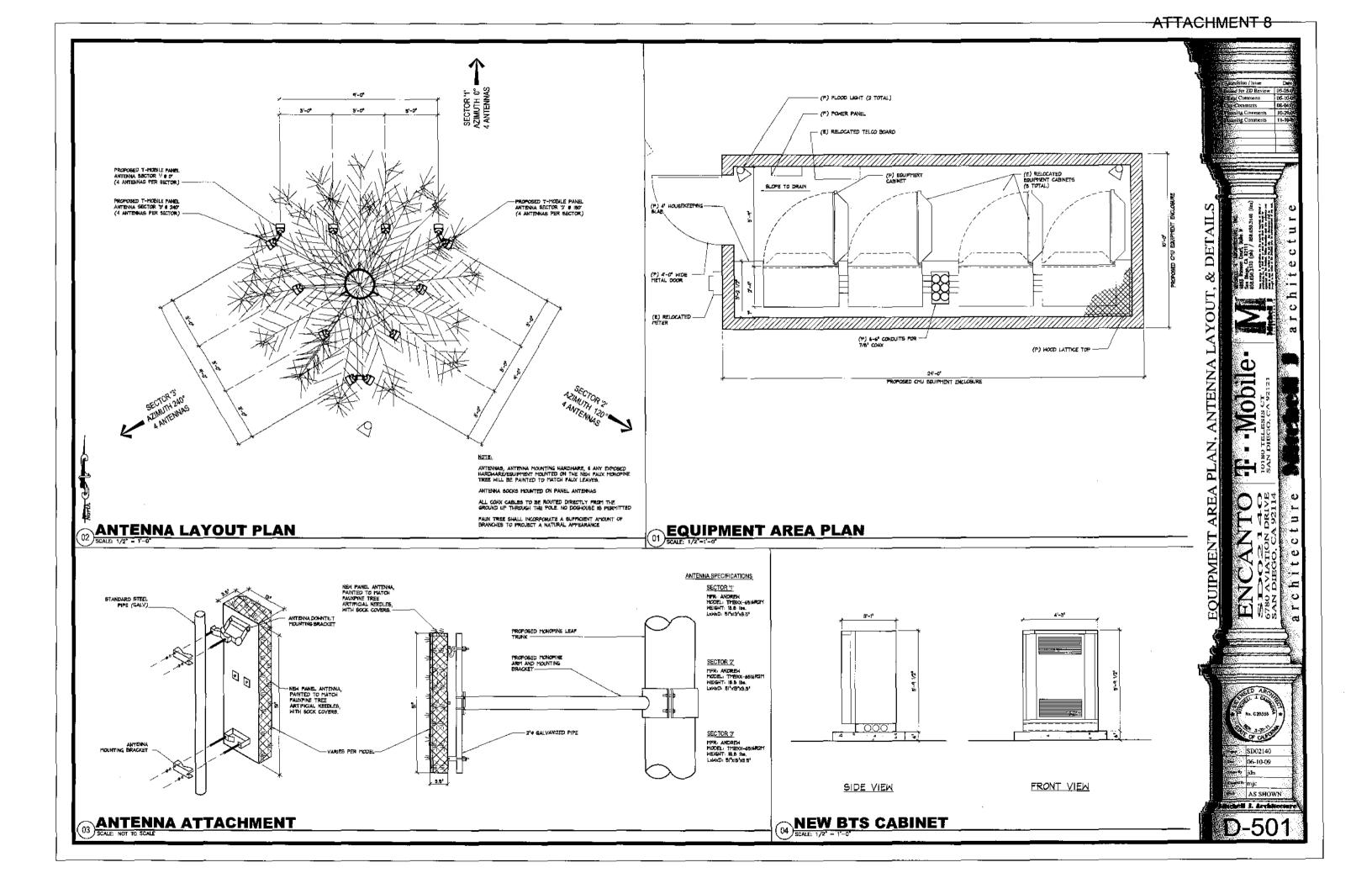
Environmental Analysis Section











NBTALL HYDROSEED MIS AS REQUIRED, HYDROSEED NOTE THIS SHEET.

| BOTANICAL NAME            | COMMON NAME           | Pounds<br>Pure Live Seed<br>Per Acre | Minimum Percent<br>Purity/Germination |
|---------------------------|-----------------------|--------------------------------------|---------------------------------------|
| ARTEMESIA PYCNOCEPHELA    | COAST SAGESTUSH       | 1.0                                  | 10/60                                 |
| BACCHARIS GARATHROIDES    | BROOM BACCHARIS       | 20                                   | 05/40                                 |
| CLARKIA AMOENA            | PAREWELL TO SPRING    | 1.0                                  | 96/60                                 |
| ERIOPHYLLUM CONFERTIFLORU | 1 GOLDEN YARROW       | 2.0                                  | 50/70                                 |
| ebchechoizia Cálifornica  | CALIFORNIA POPPY      | 9.0                                  | 98/80                                 |
| LOTUS SCOPARIUS           | DETRHEED              | 4.0                                  | 95/50                                 |
| LUPINUS SUCCELENTUS       | ARROYO LUPINE         | 2.0                                  | 98/98                                 |
| MIMULUS A. LONGIFLORUS    | SOUTHERN HONKEYFLONER | 2.0                                  | 02/60                                 |
| PHACELIA CAMPÁNULARIA     | CALIFORNIA BLUE BELL  | 1,0                                  | 98/60                                 |
| LUMPETING CHARLES INCOME  |                       |                                      |                                       |

SLURRY MIX COMPONENTS POUNDS MER ACRE SEED MIX 57,0 LBS. PER ACRE CELLILIOSE FIBER MILLOT 2,000 LBS. PER ACRE 55-0-0 COMMERCIAL FERTILIZER 50 LBS. PER ACRE 0-35-0 PLUS IST POPCORN SULFER ISO LBS. PER ACRE BINDER 50 LBS. PER ACRE

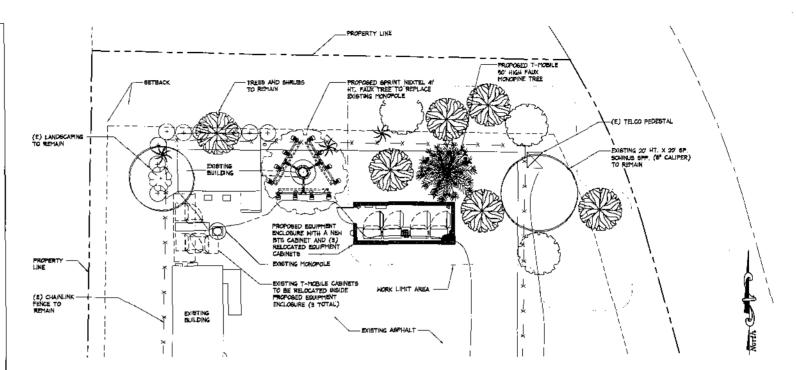
NOTE:

1. A WEITING AGENT CONSISTING OF 95 ALKYL POLYTHYLENE GLYCOL ETHER SHALL BE APPLIED PER MANUFACTURER'S
RECONTRIBUTION.

2. EQUIPMENT USED FOR THE APPLICATION OF SLURRY SHALL HAVE A BUILT-IN ACITATION SYSTEM TO SUSPEND AN
OF APPLYING SLURRY UNIFORMLY.

THE SLURRY UNIFORMLY.

5. SEE LANDSCAPE SPECIFICATIONS FOR ADDITIONAL NOTES.



#### GENERAL NOTES

<u>CONFORMANCE:</u> ALL LANDSCAPE AND PRINGATION SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF BAN DIBGOS LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL LANDSCAPE STANCARDS, AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.

MANTIFIANCE.

1. THE PROJECT SHALL BE MAINTAINED BY THE PERMITTEE WHO SHALL ASSUME RESPONSIBILITY FOR THE LONG TERM LANDSCAFE MAINTENANCE INCLIDING THE LANDSCAPING IN THE ADJOINING PUBLIC RIGHT OF WAY.

2. THE LANDSCAPE AREAS SHALL BE PREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION.

5. 'ALL LANDSCAPE INSTALLATION SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY OF SAN DIEGO'S LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS.'

4. SEVERE PRUNING OR TOPPING OF TREES IS NOT PERMITTED. THE TREES SHALL BE MAINTAINED IN A SAFE MANNER TO ALLOW EACH TREE TO GROW TO ITS MATURE HEIGHT AND SPREAD AS IDENTIFIED IN THE PLANT LEGEND."

STREET TREES AND LANDSCAPING IN THE PUBLIC ROW.

I. PROVIDE A 40 SO. FT. AIR AND MATER PERMEABLE GROWING AREA PER STREET TREE, MINIMUM SO S.F. PER PALM. MINIMUM DIMENSION (WIDTH) OF THE PLANTING AREA TO BE 6 FT.

2. HINNIUM TREE/IMPROVIEMENT SEPARATION DISTANCE.

TRAFFIC SIGNALS (STOP SIGNS) - 20 FT.
UNIPERSACURD UTILITY LINES - 5 FT. (10 FT. FCR SEMER)
ABOVE GROUND UTILITY LINES - 10 FT.
DRIVENATO (SITTERES) - 10 FT.
INTERSECTIONS (INTERSECTING CURS LINES OF 2 STREETS) - 28 FT.

BOOT BARRIERS. A ROOT BARRIERS SHALL BE PROVIDED FOR ALL NEWLY INSTALLED TREES WITHIN S FT. OF ANY HARDSCAPE, PAVEMENT, WALL BUILDING OR CARE. ROOT BARRIERS WILL NOT BE WRAPPED AROUND THE ROOTBALL AND SHALL BE 24" DEEP AND 10" IN LEWSTH. LEWSTH TO BE CENTERED ON ROOTBALL.

MILCH: INSTALL 2' DEEP BARK MILCH CHIPS IN ALL PLANTING AREAS, EXCLUDING SLOPES OF GREATER THAN BY REQUIRING REVEGETATION AND AREAS PLANTED MITH GROUNDCOYER OR LAWN. ALL EXPOSED SOIL AREAS MITHOUT VEGETATION SHALL ALSO BE MILCHED TO THIS MINIMUM DEPTH.

HYDROSEED: INSTALL HYDROSEED MIX (SEE THIS SHEET FOR MIX) IN ALL PLANTING AREAS OF SARE OR DISTURBED SOIL THAT HAVE A SLOPE OF GREATER THAN 3-1,

#### IRRIGATION:

I. AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VESETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VESETATION SELECTED.

2. ALL PLANTING AREAS SHALL BE IRRIGATED BY AN AUTOMATIC BELCH GRADE SYSTEM FEATURING A COMBINATION OF SPRAY HEADS, DRIP HEADS, AND BURBLERS.

<u>ciaturato areas,</u> all graded, disturbed or excoed areas that nill not be fermanently payed or covered by structures shall be fermanently reversated and irrgated as shown in table 142-04F and in accordance with the standards in the land development

BRUSH MANAGEMENT: PROPOSED PLANT MATERIAL SHALL NOT POSE A CAMPLICT WITH BRUSH MANAGEMENT AROUND THE EXISTING ADJACENT RESIDENCE. (FOR EXAMPLE, MIGHLEY PLANMABLE PLANT MATERIAL, SUCH AS PINES, WOULD NOT BE PERMITTED MITHIN 100" OF THE RESIDENCE FOR ARRA ADJACENT TO NATIVE/MATURALIZED PRESTATIONS.)

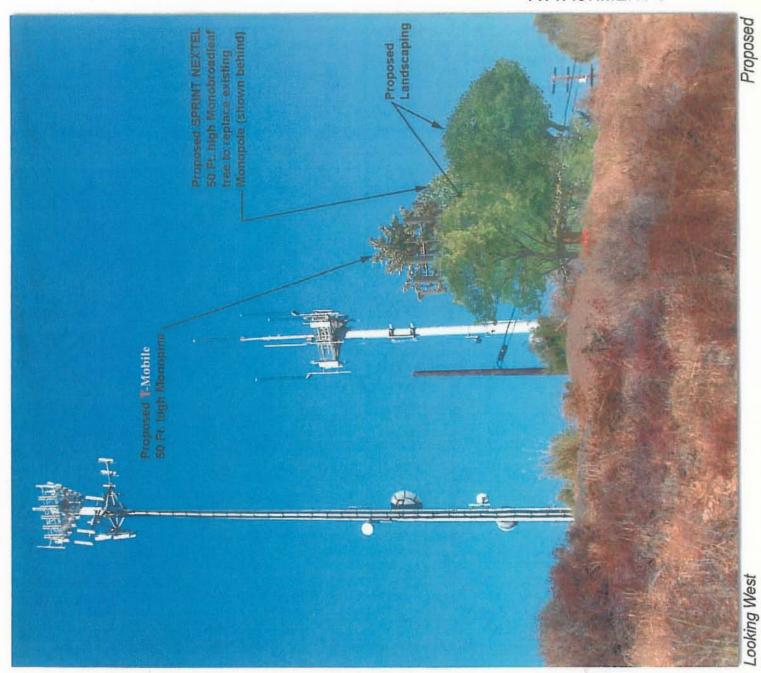
#### PLANTING SCHEME

DESIGN INTENT: THE SHOUR MATERIAL CHOSEN WILL MATURE IN 3 YEARS TO SCREEN THE SITE WALLS AND BLEND INTO THE EXISTING LANDSCAPE.
THE TREES SELECTED WILL MATURE IN 6 TO 10 YEARS AND GROW TO A HEIGHT OF 20 TO 40 FT. THE TREES WILL SCREEN THE PAUX TREE, ALL PLANT
MATERIAL IS DROUGHT TOLEPANT.

| 5YMBOL               | SIZE                             | QTY | FORM   | BOTANICAL NAME   | COMMON NAME   | HEIGHT/SPREAD                   |
|----------------------|----------------------------------|-----|--|--|---|---------------------------------|
| Source of the second | 100%<br>24° BOX                  | 4   | MED. TO<br>LARGE<br>CANOPY<br>SCREENING<br>TREES | ACACIA SPP.<br>CRASUARINA SPP.<br>EUCALYPTUS<br>SIDEROXYLON<br>GREVILLEA ROBUSTA | ACACIA TREE<br>BEEFWOOD RED IRON<br>BARK SILK OAK         | MATURE HEIGHT<br>20-60 FT/25 FT |
|                      | 1 <i>00%</i><br>36" B <i>0</i> X | 4   | MED. TO<br>LARGE<br>CANOPY<br>SCREENING<br>TREES | ACACIA SPP. CRASUARINA SPP. EUCALYPTUS SIDEROXYLON GREVILLEA ROBUSTA             | ACACIA TREE<br>BEEFWOOD RED IRON<br>BARK SILK OAK         | MATURE HEIGHT<br>20-60 FT/25 FT |
|                      | 100%<br>1 GALLON                 | 6   | HARDY<br>EVERGREEN<br>SHRUBBY VINE               | HARDENBERGIA VIOLACEA  | 'HAPPY WANDERER'<br>PURPLE CORAL PEA<br>PURPLE VINE LILAC |                                 |

| Cried for ZD Review Light Comments Discomments   | 05-05-09<br>06-30-09<br>08-04-09 |
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#### ATTACHMENT 9









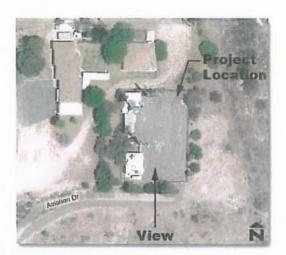
ENCANTO SD02140



## T - Mobile -



ENCANTO SD02140



Existing



SD02140 Encanto Justifi cation Washcial Zoning Map Legend City of San Diego Boundary Community Plan Areas Parcela ZONE MARKET M AR-1-2 CC-1-3 CC-2-3 CC-4-6 CC-5-3 CH-1-2 CC-1-2 CR-1-1 CUPD-CU-1-1 CUPD-CU-1-2 CUPD-CU-3-6 CUPD-CU-3-7 EASTERN AREA EUPD-CU-3-8 LEMON GROTE IL-3-1 MCCPD-GL-6 MCCPD-MR-1600 MCCPD-MR-1500 MCCPD-MR-3000 MHPD-SUBD-1 MHPD-SUBD-2 MHPD-SUBD-3 OP-1-1 OP-1-1 OR-1-1 RM-1-1 RM-1-2 RM-1-3 RM-2-5 RM-4-10 RS-1-1 RS-1-7 SESDPD-CSF-1 SESDPD-CSF-2 SESDPD-CSF-3 SESDPD-CSR-1 SESDPD-CSR-3 SESDPD-CT-2 SESOPD-NF-1500 SESDPD-MF-2000 SESDPD-MF-2500 SESDPD-MF-3000 SESDPD-SF-10000 SESDPD-SF-15000 NEIGHBØRHOODS SESDPD-8F-20000 SESOPO-SF-40000 5650PD-5F-6000 5650PD-8F-6000 Index Map SKYLINE-PARADISE HILLS 48 49 46 47 42 A3 40 /41 35 37 32 33 27 28 29 26 27 28 29 30 21 22 21 24 25 SAN DIEGO 10 20 15 16 12 13

City of San Diego

**Development Services Department** 

**GRID TILE: 16** 

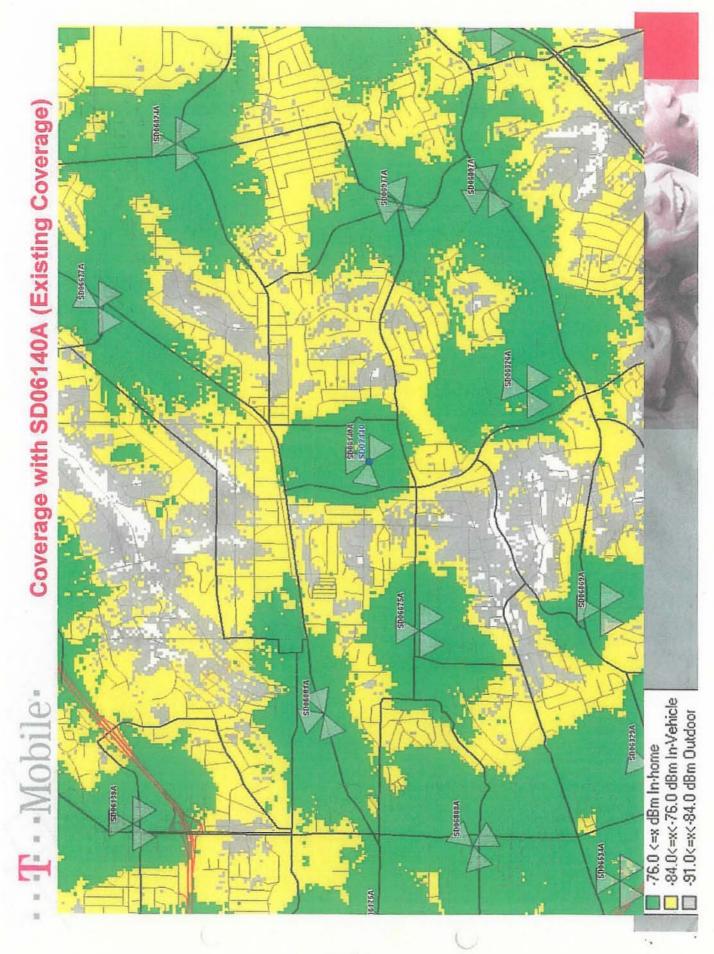
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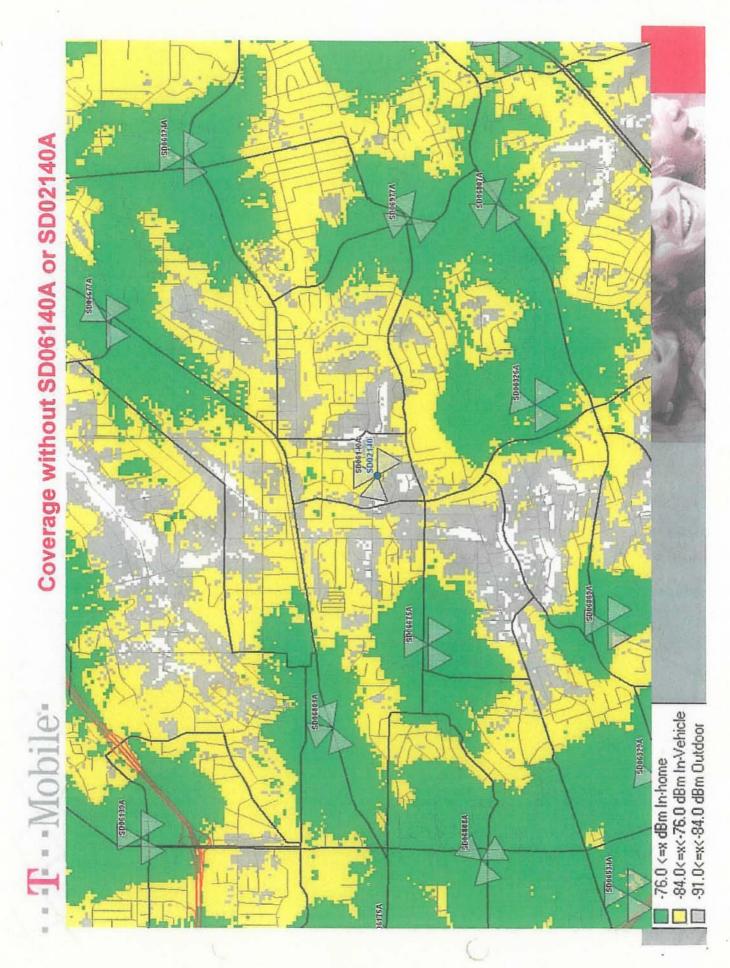
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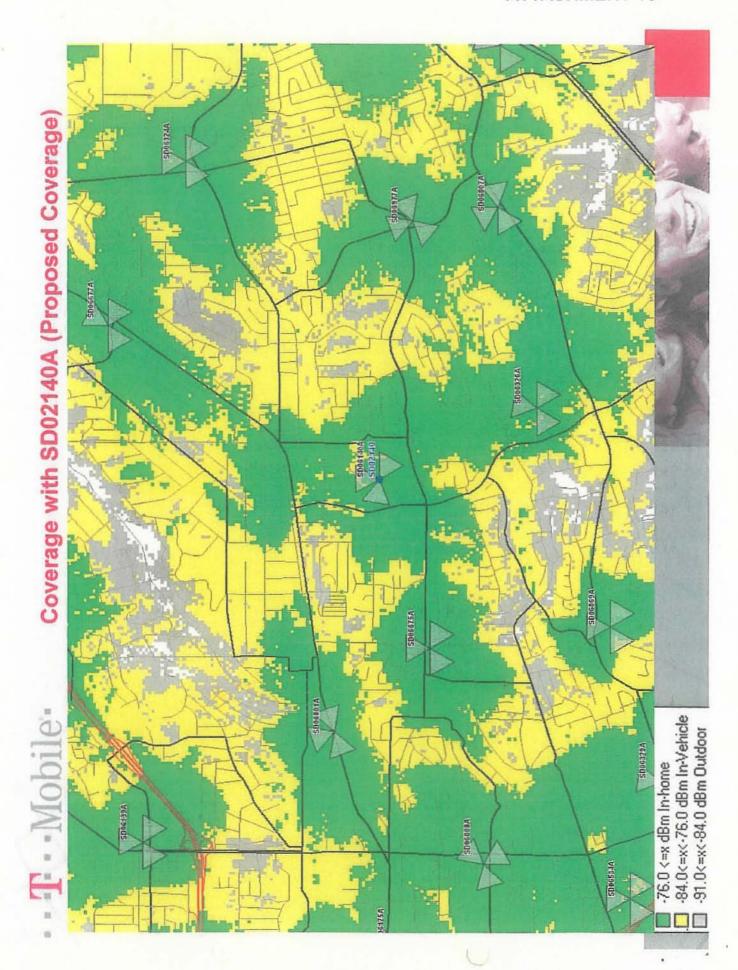
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#### Project Chronology T-Mobile -- Encanto PTS No. 191130 Job Order No. 43-2631

| Date                            | Action                                   | Description                                 | City<br>Review<br>Time | Applicant<br>Response                   |
|---------------------------------|--|---|------------------------|---|
| 8/24/09                         | First Submittal                          | Project Deemed<br>Complete &<br>distributed |                        |   |
| 10/6/09                         | First Submittal<br>Assessment Letter out |   | 43 days                |   |
| 11/5/09                         | Second submittal In                      | Normal Submittal                            |                        | 30 days from First<br>Assessment Letter |
| 11/17/09                        | Issues Resolved                          |   | 12 days                |   |
| 12/10/09                        | Planning Commission<br>Hearing           |   | 23 days                |   |
| TOTAL STA                       | FF TIME**                                |   | 2 months<br>18 days    |   |
| TOTAL APPLICANT TIME**          |  |   |                        | 30 days                                 |
| TOTAL PROJECT RUNNING<br>TIME** |  | From Deemed<br>Complete to HO<br>Hearing    | 3 mo                   | onths 16 days                           |

<sup>\*\*</sup>Based on 30 days equals to one month.



#### THE CITY OF SAN DIEGO

DATE OF NOTICE: November 23, 2009

### NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING:

December 10, 2009

TIME OF HEARING:

9:00 A.M.

LOCATION OF HEARING:

Council Chambers, 12th Floor, City Administration Building,

202 C Street, San Diego, California 92101

PROJECT TYPE:

Conditional Use Permit/Planned Development Permit,

**CEOA Exempt, Process 4** 

PROJECT NUMBER:

191130

PROJECT NAME:

T-MOBILE -- ENCANTO

APPLICANT:

Debra Gardner, DePratti, Inc.

COMMUNITY PLAN AREA:

Skyline-Paradise Hills

COUNCIL DISTRICT:

District 4

CITY PROJECT MANAGER:

Karen Lynch-Ashcraft, Development Project Manager (619) 446-5351

PHONE NUMBER:

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application for a wireless communication facility consisting of a 50 foot high faux tree supporting 12 panel antennas. Associated equipment is comprised of screened outdoor cabinets. The project site is located at 6780 Aviation Drive

The decision of the Planning Commission is final unless the project is appealed to the City Council. In order to appeal the decision of the Planning Commission you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Planning Commission before the close of the public hearing. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the office of the City Clerk, 202 "C" Street, Second Floor. The appeal must be made within 10 working days of the Planning Commission decision. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public

hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on October 2, 2009 and the opportunity to appeal that determination ended October 23, 2009.

If you have any questions after reviewing this information, you can contact the City Project Manager listed above.

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

Job Order No. 43-2631

Revised 12/5/08 RH