



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 30, 2009 **REPORT NO. PC-09-098**

ATTENTION: Planning Commission, Agenda of December 17, 2009

SUBJECT: T-MOBILE - DUFFER
PROJECT NO. 180623, PROCESS 4

**OWNER/
APPLICANT:** Duffer Family Trust
T-Mobile West Corporation

SUMMARY

Issue(s): Should the Planning Commission approve a wireless communication facility at 1551 Kenalan Drive within the Otay Mesa Nestor Community?

Staff Recommendation:

1. **APPROVE** Planned Development Permit No. 691115; and
2. **APPROVE** Conditional Use Permit No. 652813.

Community Planning Group Recommendation:

On July 8, 2009 the Otay Mesa-Nestor Community Planning Group voted 9-1-1 to recommend approval of this project (Attachment 12).

Environmental Review:

The project does not have the potential to result in a significant impact on the environment. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301(b) [Existing Facilities].

This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 16, 2009, and the opportunity to appeal that determination ended June 30, 2009.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

The project site is located at 1551 Kenalan Drive in the RS-1-7 zone within the Otay Mesa Nestor community planning area. The site is surrounded by single family residences. The original Conditional Use Permit consisted of two panel antennas attached on a 12-foot high pole and one panel antenna attached on a 16-foot, 7-inch high pole for a total of three (3) antennas at this location. The associated equipment is concealed behind a 6-foot high wooden fence on the west side of the property. The existing wireless communication facility was originally approved under Conditional Use Permit 95-035-085 on October 31, 1996 to Pacific Bell Mobile Services (PBMS) with a 10 year expiration date.

T-Mobile acquired this wireless communication facility from PBMS/Cingular Wireless in 2002. Once an existing wireless communication facility permit expires, a new permit application must be submitted demonstrating compliance with the current regulations. There is also no extension process for an expired permit. The Wireless Communication Facilities (WCF) regulations identify this project as a Process 4, Conditional Use Permit (CUP) due to the fact that the project site is residentially zoned with residential use. T-Mobile is also requesting setback deviations resulting in a Planned Development Permit (PDP), Process 4 which is processed concurrently with the CUP. The design complies with the Land Development Code Section 141.0420 which requires all WCFs to use all reasonable means to conceal and minimize the visual impact through architectural integration, landscape, and siting solutions. The proposed antennas are surrounded by existing landscaping effectively screening the WCF from travelers on Highway 905. The associated equipment is concealed behind an existing 6-foot high wooden fence with minimal visual impacts.

DISCUSSION

Project Description:

T-Mobile's application is a request to continue the existing use of this wireless communication facility with minor modifications. T-Mobile will replace the existing panel antennas to support their current Universal Mobile Telecommunications System (UMTS) objective. The UMTS antennas will allow T-Mobile to upgrade and improve their data and voice services to the surrounding neighborhood. As part of the modification, the poles and antennas will be painted to match the existing landscaping to help effectively camouflage these items from public views. The total number of antennas at this location will remain the same at three. The equipment will continue to operate behind the 6-foot high wooden fence enclosure.

Wireless Communication Facility (WCF) Regulation - The site is located within a residential zone (RS-1-7 Zone) containing a residential use and is permitted as a Process 4 Conditional Use Permit pursuant to Land Development Code (LDC) Section 141.0420(f)(1). The project as designed, complies with LDC Section 141.0420(g)(2). This section states, "The applicant shall use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape, and siting solutions." Therefore, this proposed WCF complies with the design requirement as indicated in this section of the Code. However, the pipe mounts and the equipment are located within the required side and rear yard setback and requiring a Planned Development Permit for setback deviations pursuant to LDC Section 126.0601. As designed, the poles are within the required setbacks, however, they appear to be effectively screened by the existing landscaping as opposed to a new faux tree or other more intrusive designs. More importantly, if the poles were to comply with setback regulations, significant height increases may be required to maintain the existing coverage objective. Any increase to the height of the pole would most certainly increase the visual impact to the surrounding area. Staff is also concerned with the effectiveness of any new landscaping and how well it will camouflage the site if the poles were relocated to comply with the setback regulations. The project as designed would minimize visibility of the WCF using the existing landscaping while accommodating T-Mobile's coverage to the surrounding area without any modifications to the height of the poles. Painting the antennas and the poles will further help with the integration to the existing landscaping. The location of the equipment is also in the required side yard setback; however, the facility is concealed with very little visual impact to the adjacent property.

Council Policy 600-43 - The guidelines establish a hierarchy from the most preferred locations (Preference 1) to the least preferred location (Preference 4) for WCFs. The project is proposed within a Preference 4 location according to Council Policy 600-43, which categorizes WCF according to the land use in which they are located. In this case, the property is zoned residential, containing residential use, thereby qualifying the site as the least desirable site. The applicant must demonstrate that sites within the Preference 1, 2, and 3 locations were explored in good faith and found unacceptable. The surrounding area identified within T-Mobile's search ring primarily consists of single family residential uses (Attachment 15). The nearest commercial uses are located several blocks north, along Kenalan Drive (Attachment 2). This area was identified by T-Mobile and was considered to be an infeasible option to provide the necessary coverage to Highway 905 due to topography and distance. (Attachment 14).

General Plan - The General Plan, Section UD-A.15, states that WCFs 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. The design of the facilities is to be aesthetically pleasing and respectful of the neighborhood context. After conducting multiple site visits, staff agrees that painting the poles and antennas to match the landscaping would effectively camouflage the site from the public views consistent with this section of the General Plan. The equipment cabinets are completely concealed behind the existing wooden fence with no visual impacts to the surrounding community. Staff has determined that the proposed WCF has been designed to be aesthetically pleasing and respectful of the neighborhood contact.

Community Plan Analysis - The project location has been designated for single family residential use in the Otay Mesa Nestor Community Land Use Plan (Attachment 2). The Otay Mesa Nestor Community Plan does not contain specific policies on wireless communication facility development.

Project-Related Issues:

Community Planning Group Recommendation – On July 8, 2009, the Otay Mesa Nestor Community Planning Group voted 9-1-1 to recommend approval and extend the use of the wireless communication facility for another ten years (Attachment 12).

Conclusion:

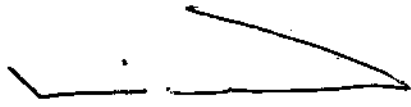
The proposed Wireless Communication Facility can be supported by staff with a Conditional Use Permit and a Planned Development Permit. Ideally, a complete concealment facility is preferred, resulting in no future expiration date. However, if this cannot be achieved, the WCF must be designed to integrate with the surrounding environment. Currently, the two 4-inch diameter poles are screened by existing landscaping. To effectively camouflage the WCF, T-Mobile will paint the poles and antennas to match the surrounding landscaping reducing the visual impacts to a minimum. The modifications as proposed are in compliance with the regulations.

Staff reviewed the proposed project and determined it to be consistent with the purpose and intent of the Wireless Communication Antennas Facility Regulations. The deviation being requested to have the wireless communication facility within the required side and rear yard setbacks can be supported by staff with a Planned Development Permit. Additionally, a Conditional Use Permit is required as the facility is located on a residentially zoned property and with residential use. The required findings can be made (Attachment 8) to support staff's recommendation. Therefore, staff recommends the Planning Commission approve Planned Development Permit No. 691115 and Conditional Use Permit No. 652813.

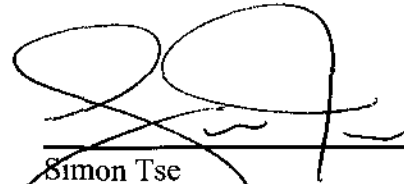
ALTERNATIVES

1. **APPROVE** Planned Development Permit No. 691115 and Conditional Use Permit No. 652813, **with modifications.**
2. **DENY** Planned Development Permit No. 691115 and Conditional Use Permit No. 652813, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Simon Tse
Associate Planner
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan(s)
6. Project Site Photo(s)
7. Photo Simulation(s)
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Notice of Hearing
11. Ownership Disclosure Statement
12. Community Planning Group Recommendation
13. Project Chronology
14. Coverage Map
15. Justification Map



Aerial Photo

T-MOBILE DUFFER Project No. 180623
1550 Kenalan Drive, San Diego, CA 92154





Map ONE

Otay Mesa-Nestor

Existing Conditions

Land Use

- Legend**
- Single Family Residential, Rural Res.
 - Multi-Family Residential
 - Group Quarters
 - Mobile Home Park
 - Commercial
 - Industrial; Warehouse/Storage
 - Industrial Under Construction
 - Communication Utilities; Parking
 - Institutional
 - Schools
 - Gen. Aviation / Airport
 - Other Transportation
 - Ag/culture
 - Park, Open Space
 - Undeveloped



Community Land Use Map (OTAY MESA NESTOR)

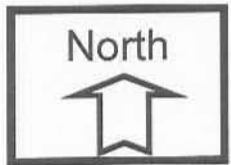
T-MOBILE DUFFER Project No. 180623
1550 Kenalan Drive, San Diego, CA 92154





Project Location Map

T-MOBILE DUFFER Project No. 180623
1550 Kenalan Drive, San Diego, CA 92154



PROJECT DATA SHEET		
PROJECT NAME:	T-Mobile Duffer	
PROJECT DESCRIPTION:	A wireless communication facility consisting of three (3) existing wireless communication antennas mounted on two 4-inch diameter pole painted to match with associated equipment concealed behind an existing wooden fence enclosure.	
COMMUNITY PLAN AREA:	Otay Mesa Nestor	
DISCRETIONARY ACTIONS:	Planned Development Permit & Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	RS-1-7	
<u>ZONING INFORMATION:</u>		
	<u>Required</u>	<u>Proposed</u>
Zone:	RS-1-7	RS-1-7
Height Limit:	30 ft	30 ft
Front Setback:	15 ft	19 ft
Side Setback:	4.6 ft	Less than 4.6 ft
Rear Setback:	13 ft	Less than 13 ft
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential/RS-1-7	Single-Family Housing
SOUTH:	Residential/RS-1-7	Open Space
EAST:	Residential/RS-1-7	Single-Family Housing
WEST:	Residential/RS-1-7	Single-Family Housing
DEVIATIONS OR VARIANCES REQUESTED:	Deviation requested to the setback requirements within the RS-1-7 zone.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 8, 2009 the Otay Mesa Nestor Community Planning Group voted 9-1-1 to recommend support of this project.	

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DATE: 07/19/09
 PROJECT NO: 000
 PROJECT NAME: DUFFER
 PROJECT NUMBER: SD00160A
 PROJECT ADDRESS: 1491 SERRAVALLO DRIVE, SAN DIEGO, CA 92104
 SHEET TITLE: LENSEK'S CERTIFICATE
 SHEET NUMBER: T2

15200 WILSON COURT, SUITE 211
 SAN DIEGO, CALIFORNIA 92121
 TEL: (619) 594-1000
 FAX: (619) 594-1001
DCI PACIFIC

15200 WILSON COURT, SUITE 211
 SAN DIEGO, CALIFORNIA 92121
 TEL: (619) 594-1000
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Deprafine

Lensek's Certificate
 Standard Wireless Facility Project
 for Post-construction BMP's

I/we the undersigned, as lessee of a portion of the property described as
1531 Kanalar Drive, San Diego, CA 92154
 (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 certify to the best of my knowledge, that the pollutants anticipated by the
 proposed land use are as follows:

- Sediments
- Nutrients
- Trash & Debris
- Oxygen Demanding Substances
- 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 beds and shrubs
- Protect all slopes from erosion

Additionally, I/we will:

- Minimize the use of pesticides
- Use efficient irrigation systems and landscape design, incorporating soil
 setback devices and flow reducers as needed.

I/we will maintain the above Standard Post-construction BMP's for the duration of the
 lease.

Lessee: Robert Kraft Company Name: L-Mobile
 (Print name)
 Lessee: [Signature] Date: 8/20/09
 (Signature)

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DATE	09/01/09
PROJECT	DKD
OWNER	DKD
DESIGNER	DKD
CONTRACT NO.	DKD

ISSUE STATUS:

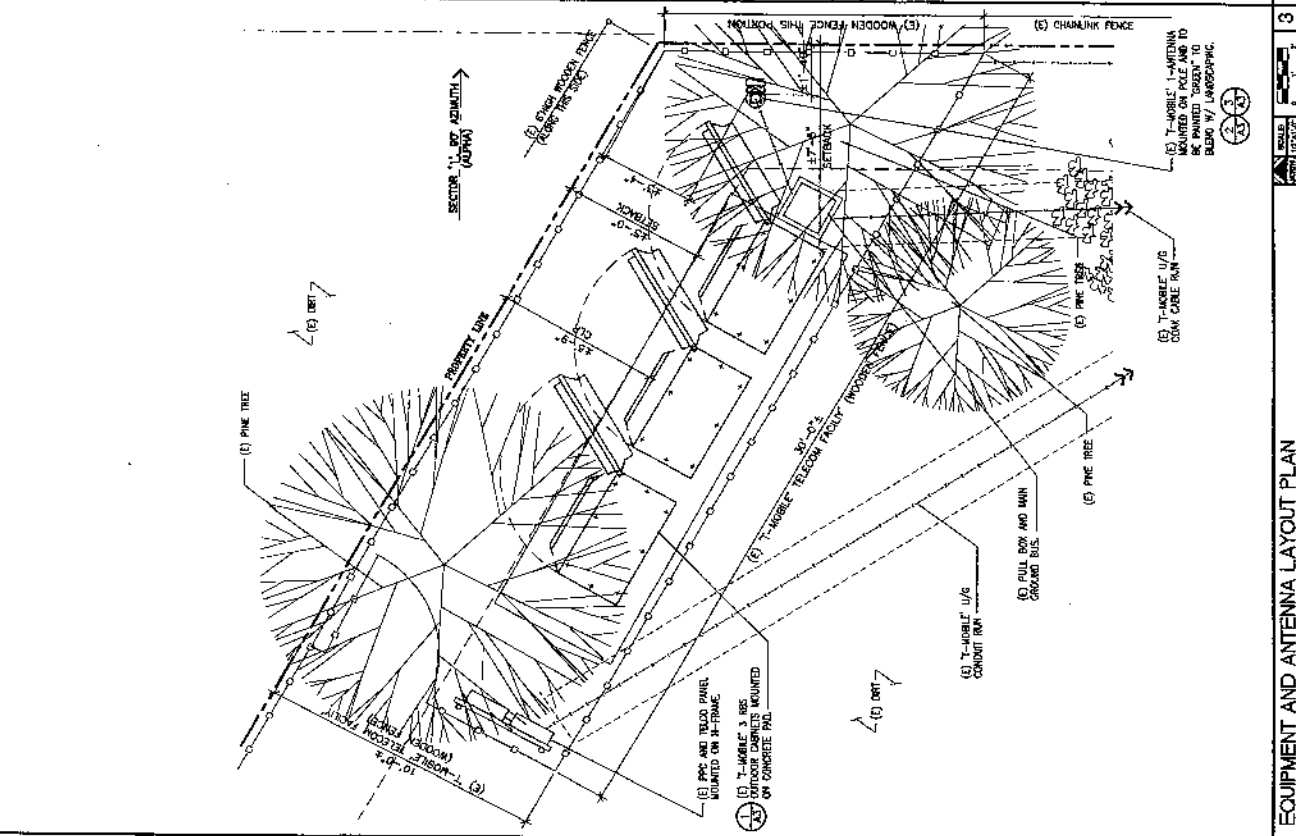
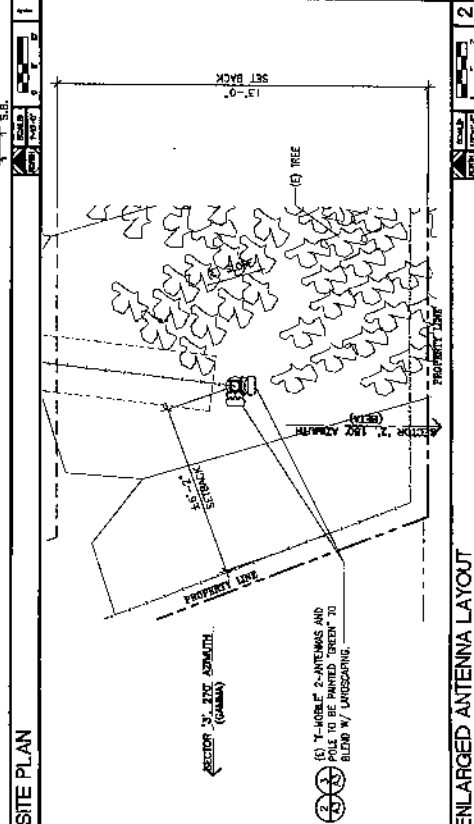
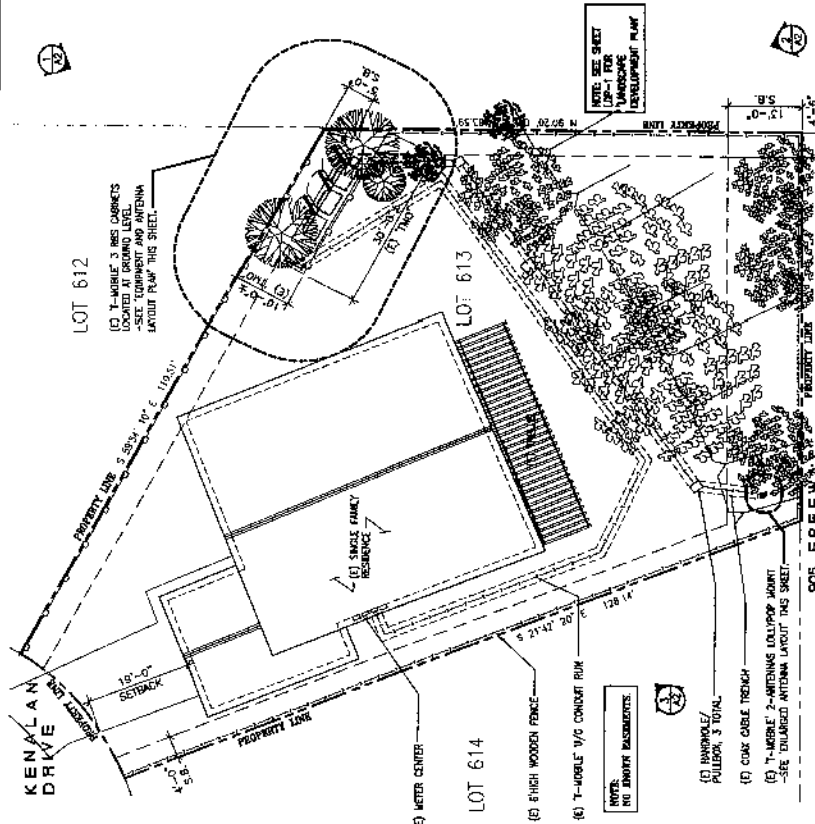
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T-Mobile
 1040 TELLERS COURT, SUITE 200
 SAN DIEGO, CA 92161
 PHONE (619) 415-1000 FAX (619) 475-1011

DEL PACIFIC
 ARCHITECTURE ENGINEERING INTERIORS
 2450 RIVINGTON DRIVE, SUITE 200
 SAN DIEGO, CA 92108
 PHONE (619) 444-1000 FAX (619) 444-1011

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PROJECT NAME: DARTER
 PROJECT NUMBER: SD001186A
 PROJECT ADDRESS: 1001 BURNHAM DRIVE SAN DIEGO, CA 92108
 SHEET NO.: 1001 BURNHAM DRIVE SAN DIEGO, CA 92108
SITE PLAN
EQUIPMENT & ANTENNA LAYOUT PLAN
 SHEET NUMBER: **A1**



2 ENLARGED ANTENNA LAYOUT

3 EQUIPMENT AND ANTENNA LAYOUT PLAN

PROPRIETARY INFORMATION

THE ARCHITECTURE AGREEMENT IN THIS SET OF CONSTRUCTION DOCUMENTS IS A LEGAL INSTRUMENT. IT IS THE INTENT OF THE ARCHITECT AND CLIENT THAT THIS AGREEMENT SHALL BE ENFORCEABLE AND BINDING ON ALL PARTIES WHICH RELATES TO THE MOBILE HOME WHICH IS THE SUBJECT OF THIS SET OF CONSTRUCTION DOCUMENTS.

DATE:	09/07/06
DESIGNED BY:	DND
DESIGNED BY:	ASD
CHECKED BY:	BOK
CHECKED BY:	BOK

ISSUE STATUS

NO.	DATE	DESCRIPTION
01	09/07/06	ISSUE NO. 1 - PRELIMINARY
02	09/07/06	ISSUE NO. 2 - PRELIMINARY
03	09/07/06	ISSUE NO. 3 - PRELIMINARY
04	09/07/06	ISSUE NO. 4 - PRELIMINARY
05	09/07/06	ISSUE NO. 5 - PRELIMINARY
06	09/07/06	ISSUE NO. 6 - PRELIMINARY
07	09/07/06	ISSUE NO. 7 - PRELIMINARY
08	09/07/06	ISSUE NO. 8 - PRELIMINARY
09	09/07/06	ISSUE NO. 9 - PRELIMINARY
10	09/07/06	ISSUE NO. 10 - PRELIMINARY

3RD FLOOR PLAN SHEET 303
3RD FLOOR PLAN SHEET 304

ARCHITECTURE - PLANNING
3440 QUINCY DRIVE IRVINE, CA 92614
PHONE (949) 251-1100 FAX (949) 251-1101

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PROJECT NAME: DUFFER

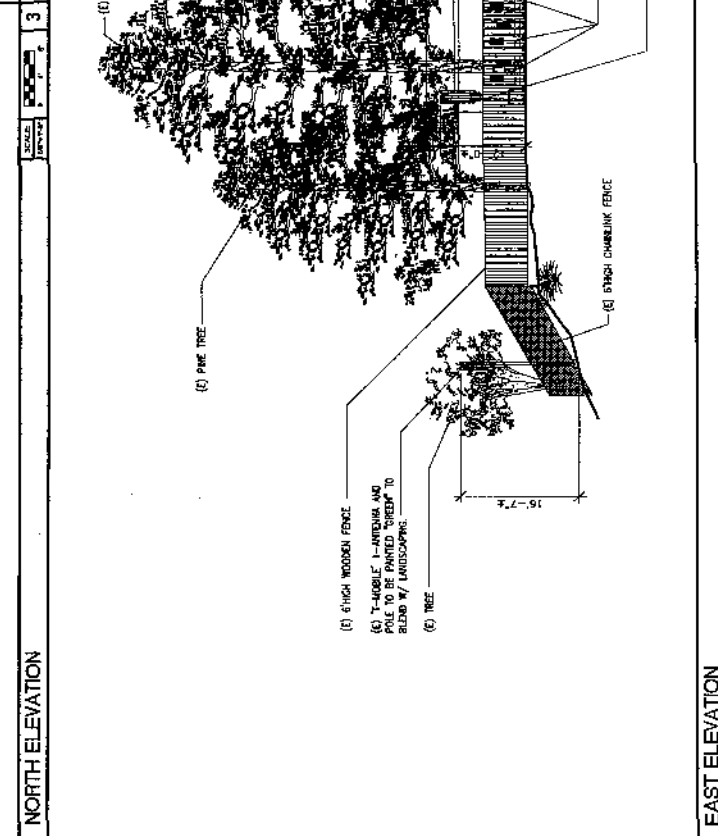
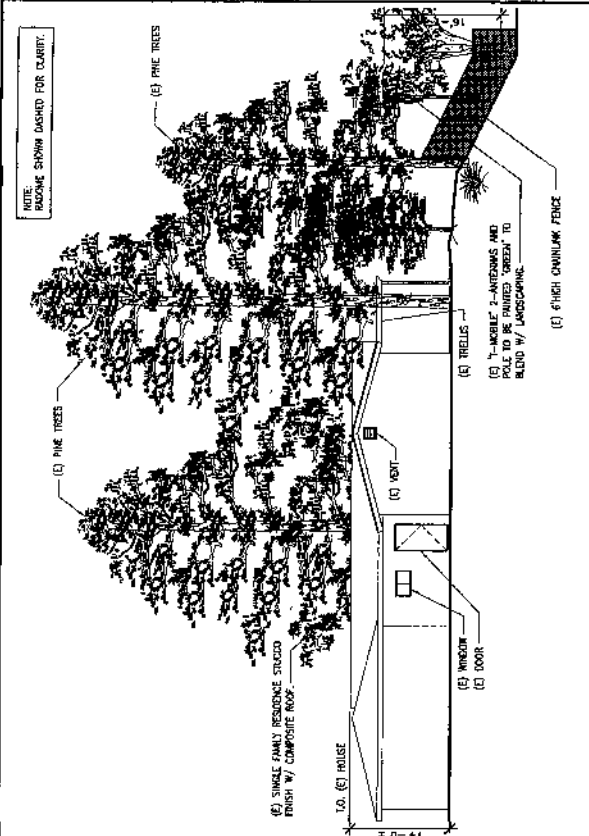
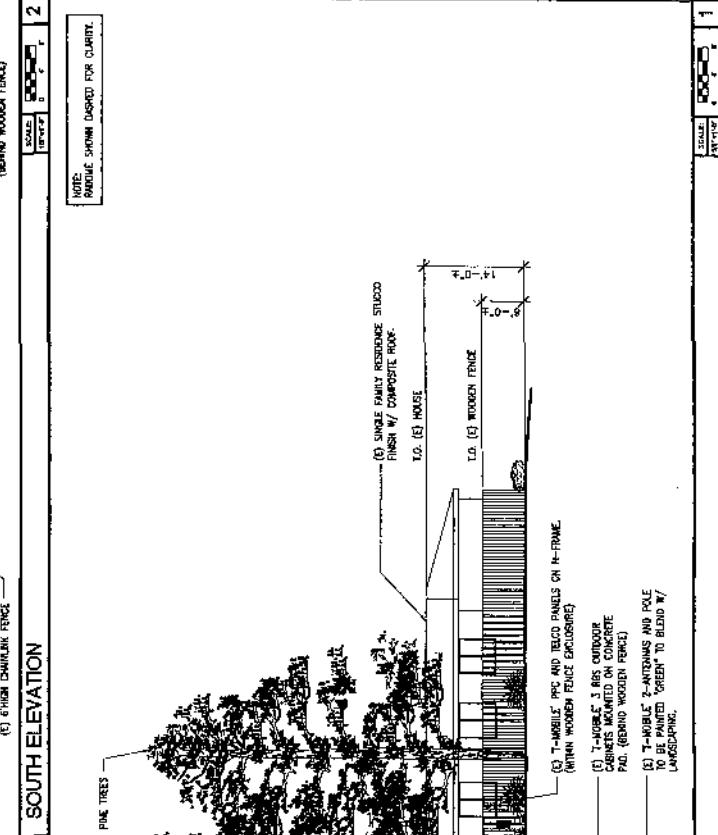
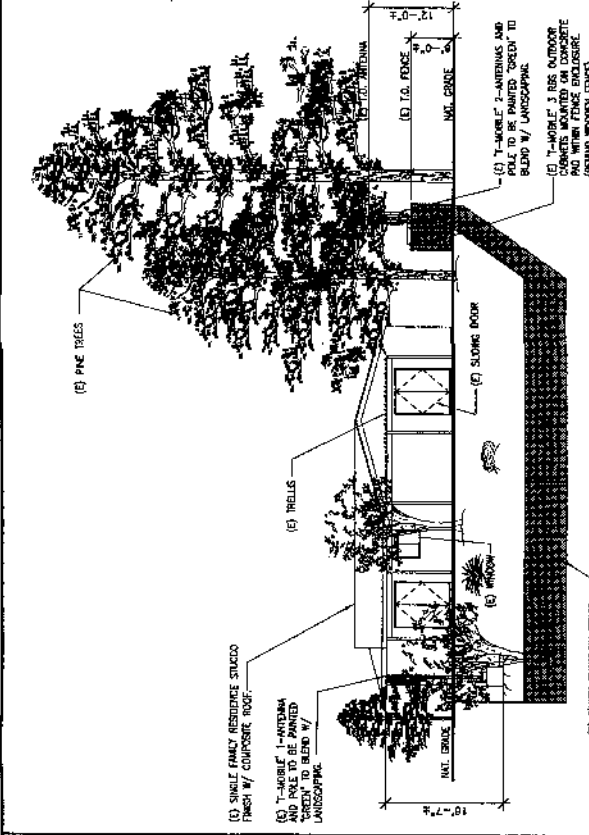
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PROJECT ADDRESS: 1081 S. BAYVIEW DRIVE SAN ANTONIO, CA 78204

SHEET NO.: A2

ELEVATIONS

SHEET NUMBER:



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CHECKED BY: BJK
DESIGNED BY: BJK
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F-Mobile

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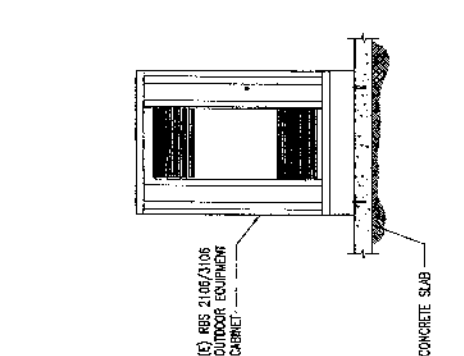
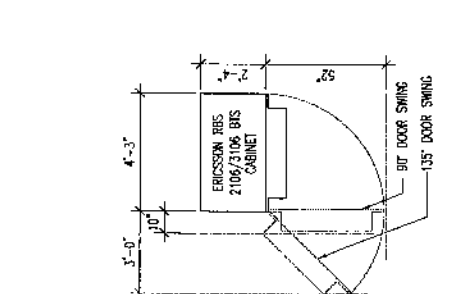
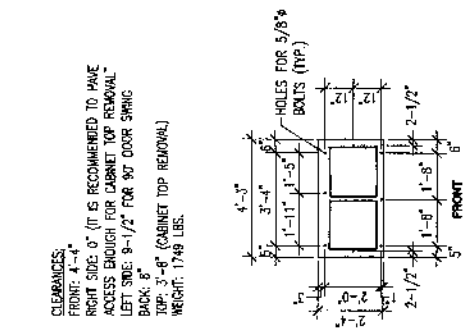
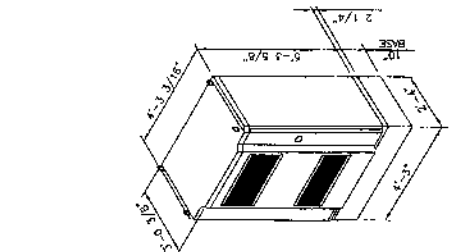
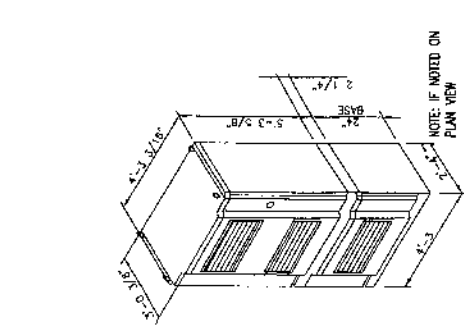
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OUTPOST

PROJECT NUMBER
SD00106A

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Tulsa, Oklahoma 74103

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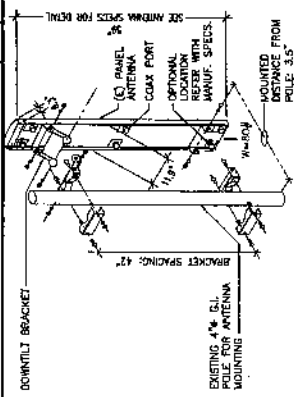
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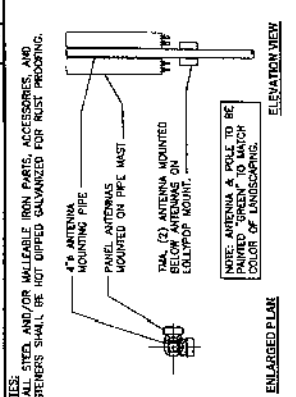
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ERICSSON RBS 2106/3106 FOOTPRINT (BOTTOM) ERICSSON RBS 2106/3106 FOOTPRINT (BOTTOM)
ERICSSON RBS 2106/3106 EQUIPMENT MOUNTING DETAIL ERICSSON RBS 2106/3106 EQUIPMENT MOUNTING DETAIL

BASE FRAME BOLT HOLE DETAIL
CLEARANCES:
FRONT: 4"-4"
RIGHT SIDE: 0" (IT IS RECOMMENDED TO HAVE ACCESS ENOUGH FOR CABINET TOP REMOVAL)
LEFT SIDE: 9-1/2" FOR 90° DOOR SWING
BACK: 8"
TOP: 3'-8" (CABINET TOP REMOVAL)
WEIGHT: 1748 LBS.

SCALE: 1/4" = 1'-0"



SCALE: 1/2" = 1'-0"



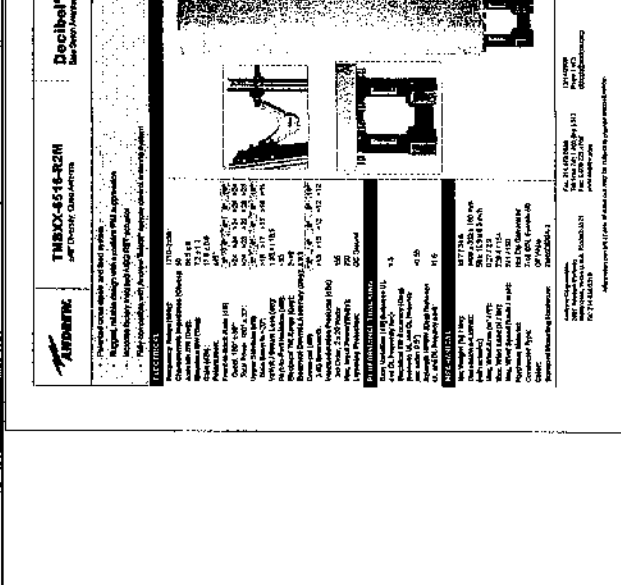
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SCALE: 1/4" = 1'-0"



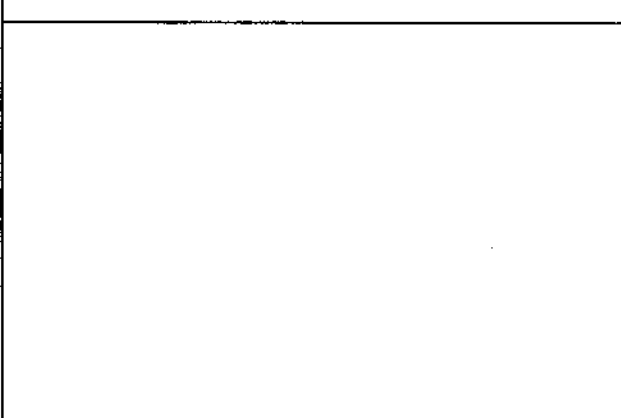
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ERICSSON 2106/3106 EQUIPMENT SPECIFICATIONS



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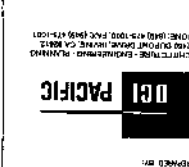
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NOT IN USED
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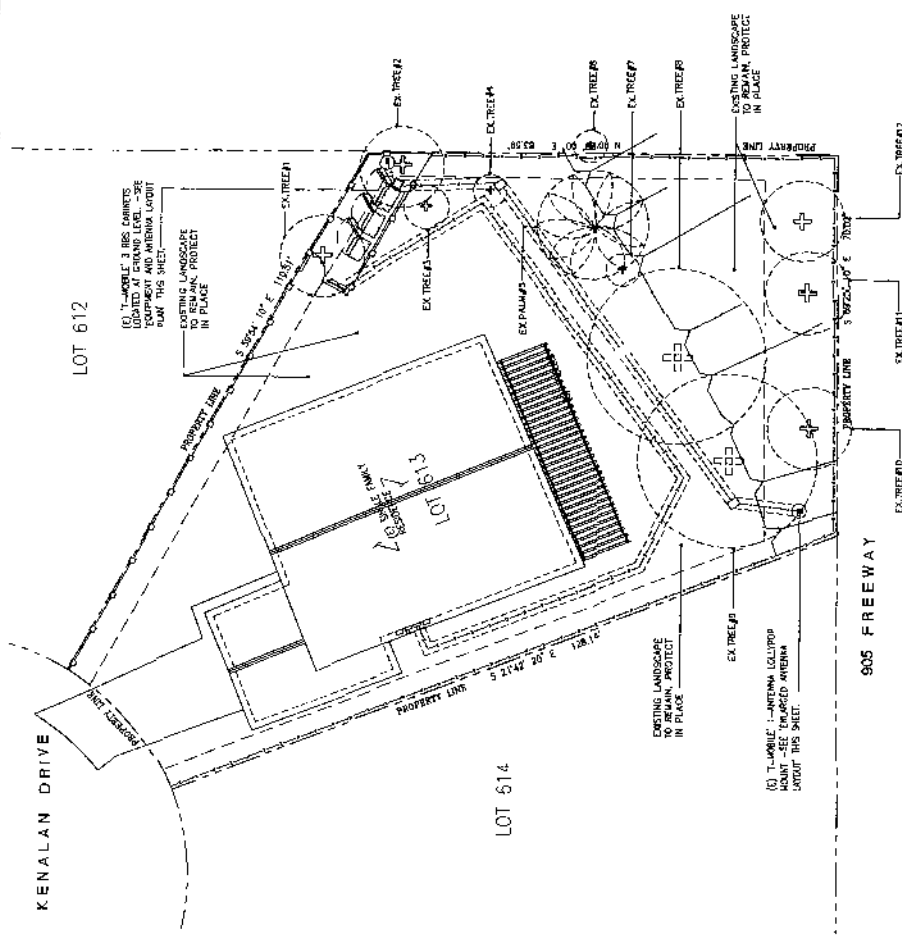
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 SHEET: DND
 DRAWN BY: JGD
 CHECKED BY: ROK
 ISSUE STATUS:
 NO. EXPANSION: 00
 02/27/09 2ND ISSUE
 04/07/09 3RD ISSUE
 04/29/09 4TH ISSUE
 06/17/09 5TH ISSUE
 07/21/09 6TH ISSUE

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PROJECT NAME: 905 FREEWAY
 PROJECT NUMBER: S000166A
 PROJECT ADDRESS: 1501 KENALAN DRIVE, SAN DIEGO, CA 92124
 SHEET TITLE: LANDSCAPE DEVELOPMENT PLAN
 SHEET NUMBER: LDP-1



EXISTING LANDSCAPE LEGEND:

SYMBOL	BOTANICAL NAME	SIZE (HEIGHT X SPREAD)	REMARKS
EX-TREE#1	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#2	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#3	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#4	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#5	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#6	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#7	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#8	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#9	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#10	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#11	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN
EX-TREE#12	CAHUY ISLAND PINE	25 TALL X 15 WIDE @ 4' CA	EXISTING TO REMAIN

PROJECT NOTES:

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY OF SAN DIEGO AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO MEET THE REQUIREMENTS OF THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- ALL GRASS, TURF, OR OTHER AREAS THAT WILL NOT BE PERMANENTLY PLANTED OR COVERED BY STRUCTURES SHALL BE PERMANENTLY REVEGETATED AND PROTECTED AS SHOWN IN TABLE 4.01 AND 4.1 ACCORDANCE WITH THE STANDARDS IN THE LAND DEVELOPMENT MANUAL (2004/11/16).
- IRRIGATION: ALL AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEMS SHALL BE PROVIDED AS REQUIRED BY THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- LANDSCAPE & IRRIGATION AREAS SHALL BE MAINTAINED BY EXISTING HOME OWNER. THE LANDSCAPE & IRRIGATION AREAS SHALL BE MAINTAINED BY HOME OWNER. LANDSCAPE & IRRIGATION AREAS SHALL BE MAINTAINED BY HOME OWNER. LANDSCAPE & IRRIGATION AREAS SHALL BE MAINTAINED BY HOME OWNER.
- 2 INCH (2") LAYER OF BARK MULCH AROUND ALL EXISTING TREES TO FEET (6') DIAMETER.

WATSON DESIGN ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 2514 MOUNTAIN VIEW DRIVE, SAN DIEGO, CA 92117
 PHONE (619) 541-7807 FAX (619) 541-7809
 8:00 AM - 5:00 PM



DATE: 07/21/09
 SHEET: DND
 DRAWN BY: JGD
 CHECKED BY: ROK
 ISSUE STATUS:
 NO. EXPANSION: 00
 02/27/09 2ND ISSUE
 04/07/09 3RD ISSUE
 04/29/09 4TH ISSUE
 06/17/09 5TH ISSUE
 07/21/09 6TH ISSUE

THIS PROJECT IS THE PROPERTY OF DCI PACIFIC AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF DCI PACIFIC. ALL RIGHTS ARE RESERVED.

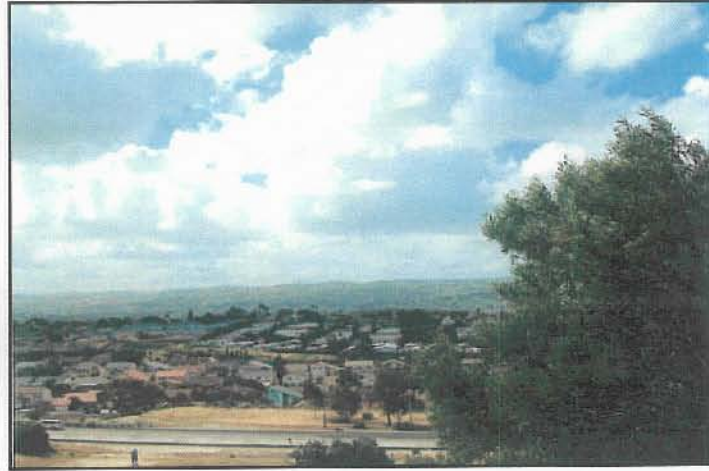
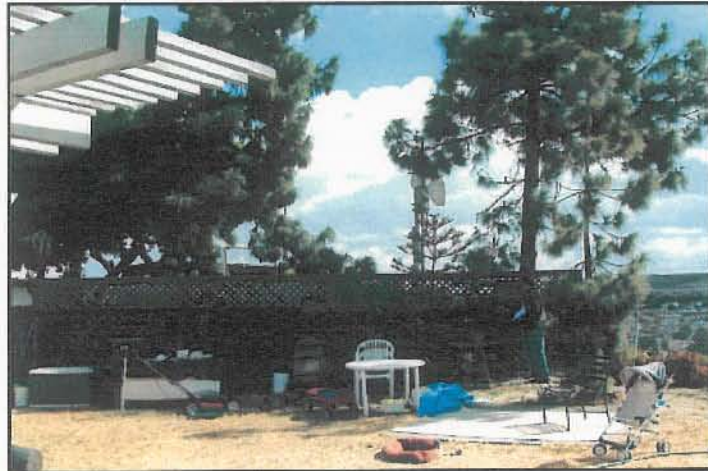


PROJECT NAME: 905 FREEWAY
 PROJECT NUMBER: S000166A
 PROJECT ADDRESS: 1501 KENALAN DRIVE, SAN DIEGO, CA 92124
 SHEET TITLE: LANDSCAPE DEVELOPMENT PLAN
 SHEET NUMBER: LDP-1



Site Photos

T-MOBILE DUFFER Project No. 180623
1550 Kenalan Drive, San Diego, CA 92154



Site Photos

T-MOBILE DUFFER Project No. 180623
1550 Kenalan Drive, San Diego, CA 92154



SDD6166A

DUFFER

1511 KENALAN DRIVE SAN DIEGO CA 92154



VIEW 1

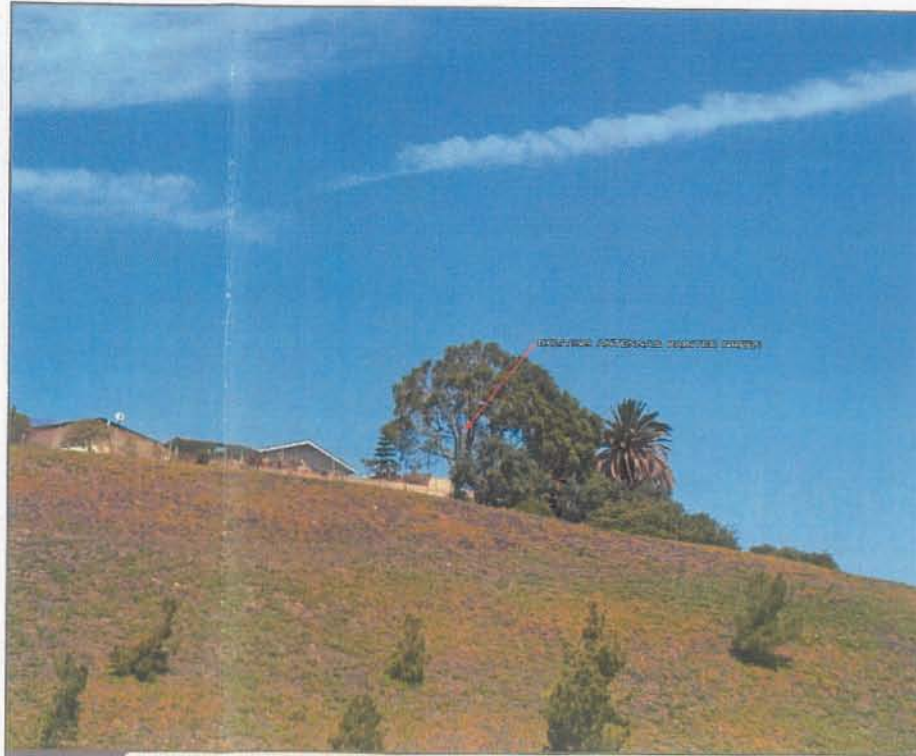


LOCATION

©2008 Google Maps



EXISTING



PROPOSED

LOOKING NORTHEAST FROM 905 FREEWAY

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



Photosimulation

T-MOBILE DUFFER Project No. 180623

1550 Kenalan Drive, San Diego, CA 92154



SD06166A

DUFFER

1511 KENALAN DRIVE SAN DIEGO CA 92154



VIEW 2

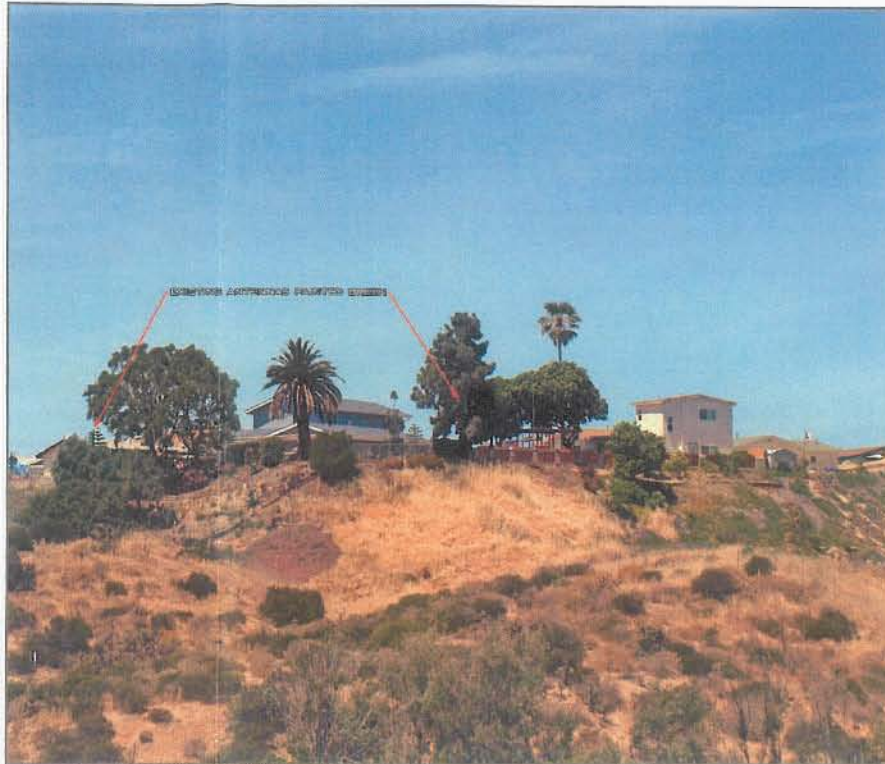


LOCATION

©2008 Google Maps



EXISTING



PROPOSED

LOOKING NORTHWEST FROM 905 FREEWAY



Photosimulation

T-MOBILE DUFFER Project No. 180623

1550 Kenalan Drive, San Diego, CA 92154

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: 43-2416

**PLANNED DEVELOPMENT PERMIT NO. 691115
CONDITIONAL USE PERMIT NO. 652813
T-MOBILE DUFFER
PROJECT NO. 180623
PLANNING COMMISSION**

This Planned Development Permit and Conditional Use Permit is granted by the Planning Commission of the City of San Diego to **DUFFER FAMILY TRUST**, Owner, and **T-MOBILE WEST CORPORATION**, Permittee, pursuant to San Diego Municipal Code [SDMC] section Chapter 12, Article 6, Division 2 and Section 141.0420. The site is located at 1550 Kenalan Drive, in the RS-1-7 zone of the Otay Mesa Nestor Community Planning Area. The project site is legally described as Lot 613 of Princess Del Sol Unit #8, in the City of San Diego, County of San Diego, State of California, according to the map thereof number 6376, filed in the Office of the County Recorder of San Diego County, May 28, 1969.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for 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 wireless communication facility consisting of an existing Wireless Communication Facility consisting of two panel antennas attached on a 12-foot high pole and one panel antenna attached on a 16-foot, 7-inch high pole for a total of three antennas at this location. The associated equipment is concealed behind a 6-foot high wooden fence on the west side of the property and;
- b. A deviation to continue the use of the existing Wireless Communication Facility within the side and rear yard required setbacks allowed in the RS-1-7 zone.

- 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. This permit must be utilized within thirty-six (36) 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 Planned Development Permit [PDP] and Conditional use Permit [CUP] 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.
3. No later than ninety (90) days prior to the expiration date of this Planned Development Permit [PDP] and Conditional use Permit [CUP], the Permittee may submit new permit applications to the Development Services Department for consideration with review and a decision by the appropriate decision makers 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 Permittee 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:
 - 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 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.

LANDSCAPING REQUIREMENTS:

14. 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.

15. All required landscape as shown on the Landscape Development Plan, Exhibit "A" 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.

16. Any required planting as shown on Exhibit "A" shall be replaced within 30 calendar days of plant death with 15 gallon size (shrubs) or 36-inch box size (trees) material. 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 36-inch box tree.

PLANNING/DESIGN REQUIREMENTS:

17. The existing pole, all mounting brackets, and panel antennas shall be painted to match the existing landscaping to the satisfaction of the Development Services Department.

18. 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 (619) 630-9373 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.

19. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

20. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or

variance from the regulations. Where condition (including exhibits) for this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

21. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and exhibits (including, but not limited to, elevations, and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

22. Any future requested amendments to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

23. No mechanical equipment, tank, duct, elevator, cooling tower, mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

24. T-Mobile shall be responsible to submit a Radio Frequency Report demonstrating compliance with the Federal Communication Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment shall be considered.

25. T-Mobile is responsible for notifying the city prior to the sale or takeover of this site to any other provider.

26. 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.

27. 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.

28. Per LDC Section §59.5.0404 Construction Noise (a), It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator.

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.

APPROVED by the Planning Commission the City of San Diego on December 17, 2009 by Resolution Number (Pending Hearing).

Date of Approval: December 17, 2009
PTS No. 180623; Job No. 43-2416
Planned Development Permit No. 691115
Conditional Use Permit No. 652813

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Simon Tse, Associate Planner
City of San Diego

**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.**

[DUFFER FAMILY TRUST]
Owner

By _____
PRINT NAME:
PRINT TITLE:

[T-MOBILE WEST CORPORATION]
Permittee

By _____
PRINT NAME:
PRINT TITLE:

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

PLANNING COMMISSION
RESOLUTION NO. PC-09-098
PLANNED DEVELOPMENT PERMIT APPROVAL NO. 691115
CONDITIONAL USE PERMIT APPROVAL NO. 652813
T-MOBILE DUFFER

WHEREAS, DUFFER FAMILY TRUST, Owner and T-MOBILE WEST CORPORATION, Permittee, filed an application with the City of San Diego for an existing Wireless Communication Facility consisting of two panel antennas attached on a 12-foot high pole and one panel antenna attached on a 16-foot, 7-inch high pole for a total of three antennas at this location. The associated equipment is concealed behind a 6-foot high wooden fence on the east side of the property as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 691115 and Conditional Use Permit No. 652813;

WHEREAS, the project site is located at 1550 Kenalan Drive, in the RS-1-7 zone, within Otay Mesa Nestor Community Plan.

WHEREAS, the project site is legally described as Lot 613 of Princess Del Sol Unit #8, in the City of San Diego, County of San Diego, State of California, according to the map thereof number 6376, filed in the Office of the County Recorder of San Diego County, May 28, 1969.

WHEREAS, on December 17, 2009, the Planning Commission of the City of San Diego considered Planned Development Permit No. 691115 and Conditional Use Permit No. 652813 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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:

Planned Development Permit - Section 126.0604

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

The Otay Mesa Nestor Community Plan does not address wireless communication facilities as a specific land use. However, the City of San Diego General Plan addresses these facilities, recommending that they minimize visual impacts by concealing the wireless facilities in existing structures when possible, designing facilities to be aesthetically pleasing and respectful to the neighborhood context and concealing mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. 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. The three (3) panel antennas on two 4-inch diameter poles are screened by the existing landscaping. Painting the mounting brackets and antennas will help effectively camouflage the facility from the public right-of-way, primarily travelers on Highway 905. The associated equipment will remain concealed behind the existing 6-foot high wooden fence, with minimal visual impact. This project is located in a

residential zone containing residential use which requires a Conditional Use Permit. However, due to the fact that the project encroaches into the required side and rear yard setback, a Planned Development Permit is required. The proposed development would not adversely affect the Otay Mesa Nestor Community Plan or 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 requiring T-Mobile to provide an RF study within 30 days of the Planning Commission Hearing. 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 of the Land Development Code, with the exception of the side and rear yard setbacks. The existing antennas and equipment are located within the required side and rear yard setback for the RS-1-7 zone. The project is located on a residentially zoned property containing residential use. Such projects require a Conditional Use Permit, Process 4 decision however; due to the request for the setback deviations, a Planned Development Permit is required and processed as a consolidated Process 4 level decision. As designed, the project does comply with Land Development Code Section 141.0420 Wireless Communication Regulations. This section of the Code requires all applicants to conceal or minimize the visual impacts of the Wireless Communication Facilities through integration. Such integration includes the use of architecture, landscaping and creative siting solutions. The equipment is located behind a 6-foot high wooden fence, not visible to the public. The panel antennas are screened by the existing landscaping. Additionally, the mounting brackets and antennas will be painted to match the existing landscaping, effectively camouflaging the WCF from the public right-of-way, primarily travelers on Highway 905, and therefore complies with LDC Section 141.0420.

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

The wireless communication facility is set back to the rear of the property with existing landscaping reducing any significant visual impact to the neighboring residents and surrounding community. The proposed modification to paint the mounting brackets and antennas will help effectively camouflage the WCF from the public right-of-way, primarily travelers Highway 905 resulting in a more compatible design while still providing the necessary coverage, and when considered as a whole, 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.**

T-Mobile's panel antennas on the 4-inch diameter poles are set back to the rear of the property. The antennas are surrounded by existing mature landscaping, and will be painted to match, effectively camouflaging the site from the public right-of-way. Additionally, the associated equipment is concealed behind an existing 6-foot high wooden fence. While the antennas and equipment are located within the required side and rear yard setbacks, both have been designed and located to reduce any visual impacts to the surrounding neighbors. If the poles were to be relocated to comply with the required setbacks, significant height increase may be requested to maintain the same coverage level. Additional landscaping may also be required to be removed and replaced. More importantly, the combination of the potential height increase to the poles and the uncertainty to the new landscape screening may result in a less desirable site if designed in strict conformance with the applicable development zoning setback regulations.

Conditional Use Permit - Section 126.0305

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

The Otay Mesa Nestor Community Plan does not address wireless communication facilities as specific land use. However, the City of San Diego General Plan addresses these facilities, recommending that they minimize visual impacts by concealing the wireless facilities in existing structures when possible, designing facilities to be aesthetically pleasing and respectful to the neighborhood context and concealing mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. 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. The three (3) panel antennas on two 4-inch diameter poles are screened by the existing landscaping. Modifications to paint the mounting brackets and antennas will help effectively camouflage the facility from the public right-of-way, primarily travelers on Highway 905. The associated equipment will remain concealed behind the existing 6-foot high wooden fence, with minimal visual impact. This project is located in a residential zone with residential use which requires a Conditional Use Permit. However, due to the fact that the project is within the required side and rear yard setback, a Planned Development Permit is required. The proposed development would not adversely affect the Otay Mesa Nestor Community Plan or 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 requiring T-Mobile to provide an RF study within 30 days of the Planning Commission Hearing. 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 of the Land Development Code and the City of San Diego Communication Antenna Regulations (Land Development Code Section 141.0420) except for the setback requirements. The project complies with LDC Section 141.0420, Wireless Antennas regulations. This section of the code requires telecommunication facilities to be minimally visible through the use of architecture, landscape architecture and siting solutions. The existing wireless communication facility containing three antennas on two 4-inch diameter poles are screened by the existing landscaping. The proposed modification to paint the mounting brackets and antennas will help effectively camouflage the antennas from the public right-of-way. The equipment will remain unchanged and concealed behind the existing 6-foot high wooden fence on the east side of the property. The project is located on a residentially zoned property containing residential use and as such, a Conditional Use Permit is required. T-Mobile is also requesting setback deviations to continue to operate their wireless communication facility within the side and rear yard setbacks in the RS-1-7. The deviation requires a Planned Development Permit, and will be processed as a consolidated Process 4, Planning Commission decision, with appeal rights to City Council.

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

T-Mobile's wireless communication facility is located on residentially zoned property containing a residential use. The three panel antennas on two 4-inch diameter poles are screened by the existing landscaping. The project modification to paint the mounting brackets and antennas will help effectively camouflage the facility from the public right-of-way, primarily travelers on Highway 905. The associated equipment will remain concealed behind the existing 6-foot high wooden fence, with minimal visual impact. As a condition, T-Mobile is required to submit a Radio Frequency Study demonstrating compliance with Federal Communication Commissions standards. This project has been designed to comply with Section 141.0420 and the Wireless Communication Facility Guidelines. Additionally, this site will continue to provide E911 services as well as, address T-Mobile limited network coverage to the roadways, homes, and business located in the area. Thus, the propose use is appropriate for this site.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 691115 and Conditional Use Permit No. 652813 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 691115 and Conditional Use Permit No. 652813 copy of which is attached hereto and made a part hereof.

Simon Tse - Associate Planner -Development Services

Adopted on: December 17, 2009

Job Order No. 43-2416



THE CITY OF SAN DIEGO

DATE OF NOTICE: November 17, 2009

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: December 17, 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: PLANNED DEVELOPMENT PERMIT &
CONDITIONAL USE PERMIT
PROJECT NUMBER: PTS #180623
PROJECT NAME: T-MOBILE DUFFER
APPLICANT: DEBRA GARDNER

COMMUNITY PLAN AREA: OTAY MESA NESTOR
COUNCIL DISTRICT: 8

CITY PROJECT MANAGER: Simon Tse, Development Project Manager
PHONE NUMBER: (619) 687-5984

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 three (3) existing wireless communication antennas mounted on two 4-inch diameter poles, painted to match the existing landscaping. As designed, the existing antennas and the existing equipment cabinets are located within the required setback for the RS-1-7 zone, and a Planned Development Permit required. Per Land Development Code Section 141.0420, a Conditional Use Permit will be process as a consolidated Process 4. The project site is located at 1551 Kenalan Drive, San Diego, CA 92154.

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 is exempt from environmental review pursuant to Article 19, Section 15301(b), Existing facilities, of the California Environmental Quality Act (CEQA). The environmental exemption determination for this project was made on June 16, 2009. This project is not pending an appeal of the environmental determination.

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 the Disability Services Program Coordinator at 236-5979 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

Job Order No. 43-2416

Ownership Disclosure Statement



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 448-5000

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: 5506166A Duffer Project No. For City Use Only: 180623

Project Address: 1551 Kenalan Dr, San Diego CA 92154

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

<p>Name of Individual (type or print): <u>Dolores Duffer/Duffer Family Trust</u></p> <p><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address: <u>1551 Kenalan Dr.</u></p> <p>City/State/Zip: <u>San Diego CA 92154</u></p> <p>Phone No: <u>619-640-9586</u> Fax No:</p> <p>Signature: <u>Dolores Duffer</u> Date: <u>April 13, 09</u></p>	<p>Name of Individual (type or print):</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address:</p> <p>City/State/Zip:</p> <p>Phone No: Fax No:</p> <p>Signature: Date:</p>
<p>Name of Individual (type or print):</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address:</p> <p>City/State/Zip:</p> <p>Phone No: Fax No:</p> <p>Signature: Date:</p>	<p>Name of Individual (type or print):</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <input type="checkbox"/> Redevelopment Agency</p> <p>Street Address:</p> <p>City/State/Zip:</p> <p>Phone No: Fax No:</p> <p>Signature: Date:</p>

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**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP
MEETING MINUTES
8 July 2009**

Members Present:

Dist. 1 John Swanson
Dist. 2 Sam Mendoza
Dist. 3 Ed Abraham
Dist. 4 Diane Porter
Dist. 5 Diego Padilla
Dist. 6 Maria Mendoza

Dist. 7 Ira Briggs
Dist. 9 Vinnie Thoms
Dist. 10 Bob Mikloski
Dist. 12 Carlos Sanchez
Dist. 14 Wayne Dickey
Dist. 15 Walt Zumstein
Dist. 16 Steve Schroeder

Members Excused Absent:

Dist. 8 Myrna Briggs
Dist. 11 Marie Johnson
Dist. 13 Daniel Wagner

Guests Present:

Nick Inzunza, resident
Amenda Caniya, Resident
Kurt Farrington, Resident
Jacki Farrington, Resident
Laura Nolan, Resident
Joan Schneider, Resident
Brian Longmore, Guest

Tom Drake, Resident
Julianne Wright, Residnet
Peter Mizhinton, Guest
Joann Dandevalcova, Resident
Bobby Hicks, Resident
Floyd Briley, Resident
Cherie Tedde, Resident

Michael Bush, Resident
Debbie Bush, Resident
Marcanta Sanchez, Guest
Whitney Benzian, Guest
Yvonne Decarlo, Resident

1. 6:30 p.m. Meeting called to order by Vinnie Thoms, Vice-Chair, at the Otay Mesa Branch Library. She welcomed all Board members and the Community to the meeting.
2. Approval of April 8, 2009 minutes – Motion by Bob Mikloski to approve the minutes as corrected. Motion passed 13-0-0.
3. Non-Agenda Public Comments: Nick Inzunza, Bob Hicks, Jackie Farrington.
4. Council District 8 Report: Whitney Benzian. He informed the group that a vacant and abandoned house at 27th Street and Iris Avenue will be demolished soon. Also, he reported that a large cleanup project had been completed with the removal of over 7,000 tires from the Tijuana River Valley. He also reported that sidewalks and streets will be repaired in the Nestor area, using Stimulus funds and Proposition 1a funds. He said the City of San Diego has a policy to form a criteria list to schedule which the sidewalks and streets will be repaired, and citizens can call the District 8 office for more info. His office will report on the replacement Parks & Recreation staff member at the next Planning Group meeting.
5. SDPD Community Relations Officer Bertha introduced Carol Westfall as the new prosecutor for the Southern Division. Ms. Westfall said that she handles quality of life issues in this area, such as graffiti, gang activity, and transients, etc.
6. **Action Item:** T-Mobile - Duffer Residence, Project No. 180623, application to continue the use of a wireless communication facility consisting of 3 antennas concealed inside domes on a residential parcel. Debra Depraty-Gardner of T-Mobile presented the project, which consists of 3 existing antennas on the rear slope of this lot. If approved, T-Mobile will be issued a 10 year permit. She said that the directional cellular antennas are pointed away from the residence, and comply with FCC safety standards. Diane Porter moved to approve the antennae if they are painted green, as requested by the City of San Diego staff. The motion passed 9-1-1. Diego Padilla abstained; he said he does not like radiation.

7. **Action Item:** 76 Gas Station, 4360 Palm Ave, Project No. 176464, Application for an Alcohol License at the existing mini-mart in the 76 Gas Station. Applicant: Brian Longmore (858) 603-9478. The mini-mart wants to add beer and wine sales. They will follow ABC regulations, and stop sales at midnight. They said that need to amend the CUP for this commercial center, and will seek ABC approval if they receive an amended CUP from the City of San Diego. Diego Padilla said that no alcohol sales are allowed within 1000 feet of a park or school. This question will be researched by the applicant. Joan Schneider, audience member, said that this original Permit came before the OMNCPG before, and at that time, they agreed to only sell snacks there, and not apply for a liquor license. John Swanson moved to continue item for 30 days, until these issues are researched, the motion passed 11-1-1. Diego Padilla abstained; he said the board must first consider that the applicant was previously told any expansion would not be approved.
8. **Action Item:** Palm Ave Carwash, 1440 Palm Ave., Project No. 155821, Project recommendation postponed by OMNCPG for 30 days until this meeting, to re-consider an Application for a Coastal Development Permit to construct a convenience store and carwash at 1440 Palm Ave in the CC-4-2 Zone. Applicant: Mark Kravis (858) 353-0499. The applicant returned to the Planning Group to answer questions raised by the Group and the community, and the following information was presented: 24 parking spaces will be provided, 46,000 cars pass by daily on Palm Avenue, 200 cars would be using this facility/daily, there is a drainage swale for runoff, project will meet City required noise abatement levels, developer will ask the City for red curbs on 13th Street as a condition of approval, water is 80% plus reclaimed by onsite machinery, developer will raise wall 2 feet higher on Bayside Villas property line, 70% of customer cars will exit carwash on 13th Street; neighbors would like a stop sign at this exit, employees park on and off site, Bayside Villas HOA Board of Directors have not approved or disapproved this project. Diane Porter moved to approve the car wash with a red zone on the curb along 13th Street, Wayne Dickey seconded, motion carries by one vote, 7/6/0.
9. **Chair's Report:** The San Diego Housing Commission will consider the purchase of the Hollister property for apartments at a meeting on June 10, 2009. Information on the time and place of the meeting was offered to anyone interested in attending this meeting.
10. **Long Range City Planner's Report:** None
11. **Other Business/Announcements:** None
12. **Adjournment:** 8:04 p.m.

Respectively submitted by John C. Swanson, Secretary

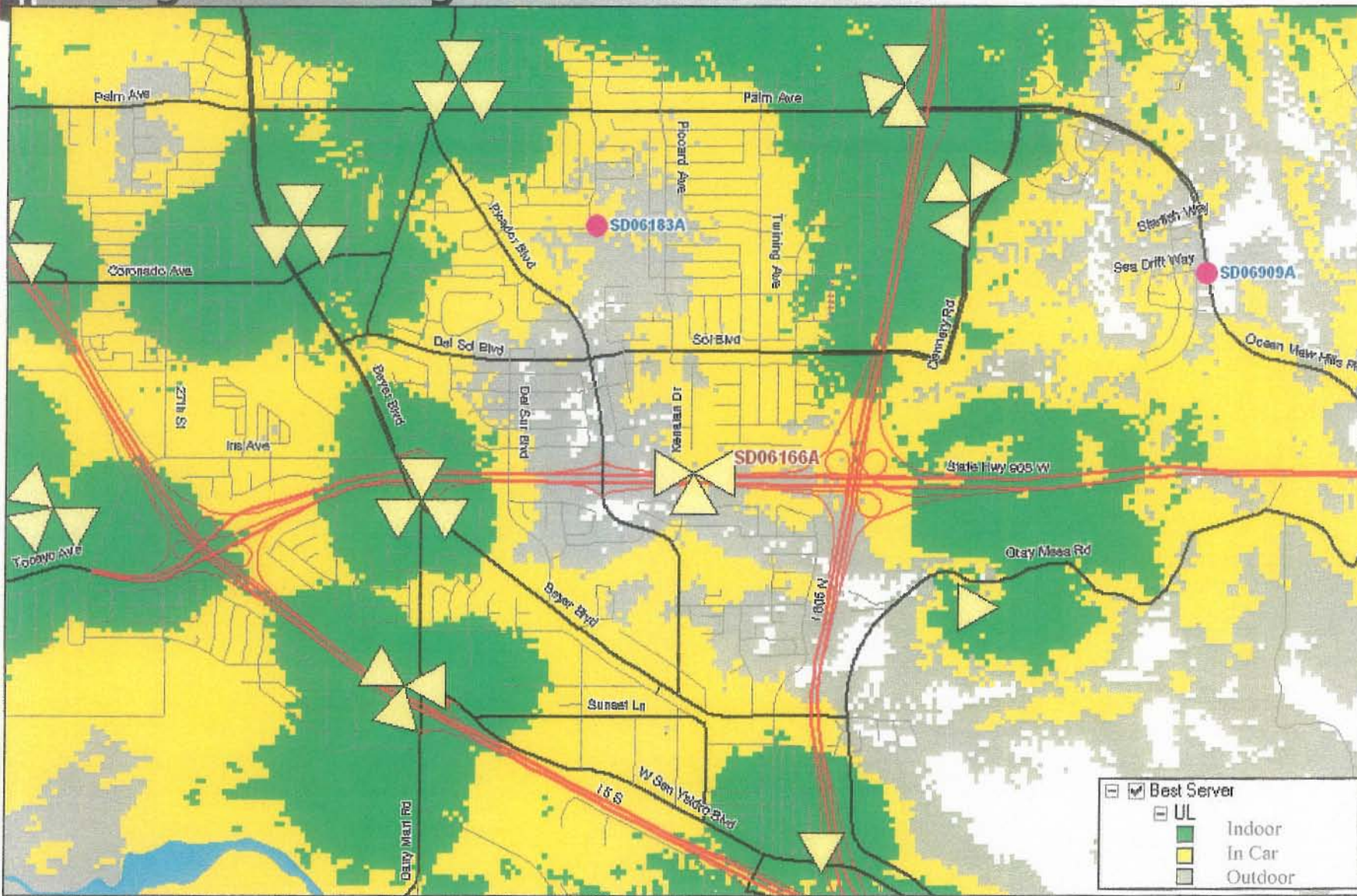
Next meeting is August 12, 2009 at 6:30 p.m. at the Otay Mesa Branch Library.

T-MOBILE DUFFER
PROJECT CHRONOLOGY
PTS #180623 JO #43-2698

Date	Action	Description	City Review	Applicant Response
5/8/2009	Completeness Check	Project Deemed Complete		
5/19/2009	First Submittal			
6/17/2009	First Assessment Letter		21 (Business days)	
9/9/2009	Second Submittal			60 (Business days)
9/30/2009	Engineering Comments		15 (Business days)	
10/15/2009	All comments cleared			11 (Business days)
12/17/2009		Planning Commission Hearing	45 (Business days)	
Total Staff Time:		Does not include City Holidays and Furlough	81 (Business days)	
Total Applicant Time:		Does not include City Holidays and Furlough		71 (Business days)
Total Project Running Time:		From Deemed Complete to HO Hearing	152 (Business days)	



Signal Coverage without SD06166A



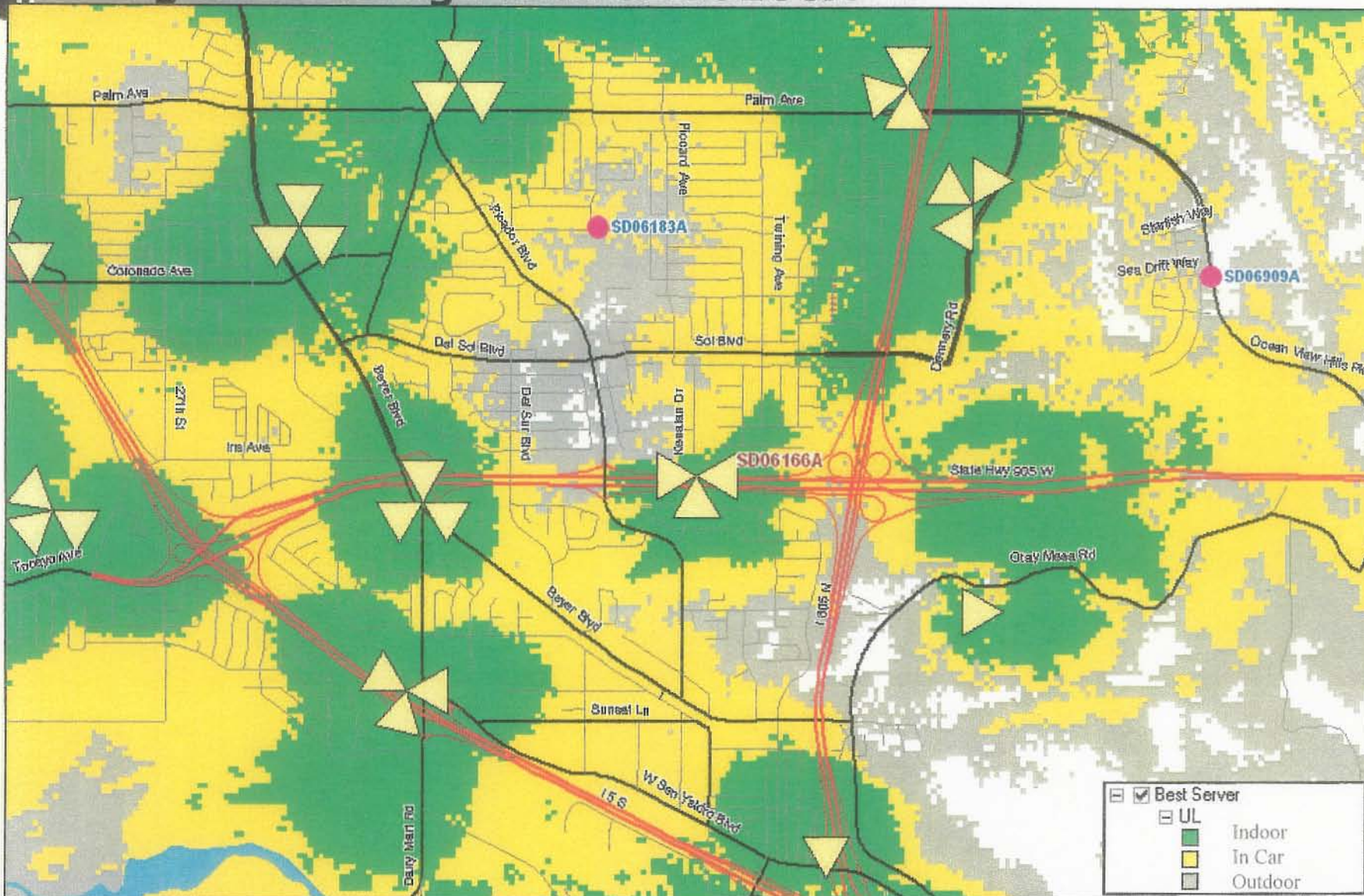
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ROCKSOLID
COVERAGE

T-Mobile



Signal Coverage with SD06166A



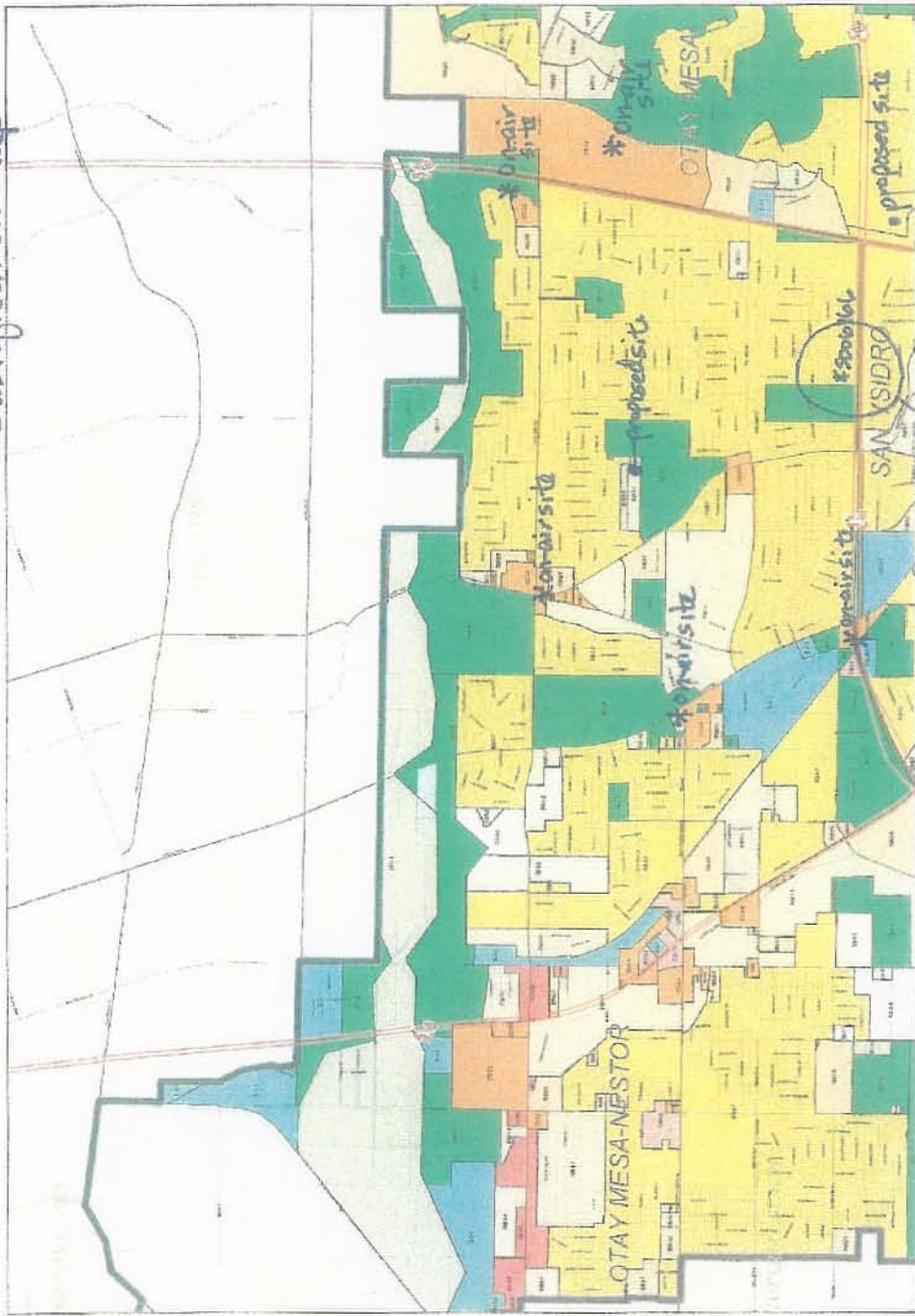
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ROCKSOLID
COVERAGE

T-Mobile

SD06166A Duffer
Justification Map

Official Zoning Map



Legend

City of San Diego Boundary
Community Plan Area
Precinct
Zoning

Zone Name

AG-1	AG-2	AG-3	AG-4	AG-5	AG-6	AG-7	AG-8	AG-9	AG-10	AG-11	AG-12	AG-13	AG-14	AG-15	AG-16	AG-17	AG-18	AG-19	AG-20	AG-21	AG-22	AG-23	AG-24	AG-25	AG-26	AG-27	AG-28	AG-29	AG-30	AG-31	AG-32	AG-33	AG-34	AG-35	AG-36	AG-37	AG-38	AG-39	AG-40	AG-41	AG-42	AG-43	AG-44	AG-45	AG-46	AG-47	AG-48	AG-49	AG-50	AG-51	AG-52	AG-53	AG-54	AG-55	AG-56	AG-57	AG-58	AG-59	AG-60	AG-61	AG-62	AG-63	AG-64	AG-65	AG-66	AG-67	AG-68	AG-69	AG-70	AG-71	AG-72	AG-73	AG-74	AG-75	AG-76	AG-77	AG-78	AG-79	AG-80	AG-81	AG-82	AG-83	AG-84	AG-85	AG-86	AG-87	AG-88	AG-89	AG-90	AG-91	AG-92	AG-93	AG-94	AG-95	AG-96	AG-97	AG-98	AG-99	AG-100
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GRID TILE: 6
GRID SCALE: 800
DATE: 11/22/00

City of San Diego
Development Services Department



Official Zoning Map
City of San Diego
Development Services Department
11/22/00