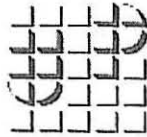


Uptown Community Planning Committee



UPTOWN PLANNERS

Uptown Community Planning Committee
February 2, 2010, Tuesday – Meeting Minutes

Present: Liddell, Lamb, Seidel, Dahl, Grinchuk, Gatzke, Hyde, Wilson (Chair), Bonn, Gottschalk, Edwards, Adler, Wendorf, Jaworski, Towne, O'Dea, Mellos (late). Also present was Marlon Pangllinan of CPCl.

Absent: None

Board Meeting: Parliamentary Items/ Reports:

Adoption of Agenda and Rules of Order

Three items moved to consent agenda: Request for Letters of Support for Race for Literacy and 20th AIDS Walk; and 2400 Sixth Avenue CUP: Bellefontaine ("AT&T SD0013 6TH AVE")

Motion to approve agenda passed by voice vote.

Approval of Minutes

Approval of the December 2009 minutes was deferred until the March meeting.

Treasurer's Report

Treasurer Dahl reported a bank balance of \$455.00.

Website Report

No report

Chair/ CPC Report

Chair Wilson reported that the CPC was scheduled to discuss with a representative of the City Attorney's Office the question of how the California Environmental Quality Act applied to the community planning process. A key question was whether a community planning group needed to review the environmental documents for a project prior to making its official advisory recommendation.

The City Council had requested that each of the city's community planning groups review the city's Medical Marijuana Task Force Report, and make recommendations regarding the regulation of medical marijuana dispensaries.

Public Communication – Non-Agenda Public Comment

Joyce Summers gave an update concerning the activities of CCDC.

Zach Schlagel, speaking on behalf of UCSD, discussed several proposed pedestrian/ traffic related improvements in the Medical Complex community of Uptown.

Jim Frost, a board member of Uptown Partnership and Bankers Hill/ Park West resident, presented a map of proposed traffic calming improvements, including stop signs and enhanced sidewalks, in the Fourth/Fifth and Sixth Avenue corridor in Bankers Hill-Park West.

Carol Schultz, the director of Uptown Partnership, provided an of her organization's latest activities.

Representatives of Elected Officials

Joe Kocurek updated the board on the activities of State Assemblymember Lori Saldana.

Courtney Thomson updated the board on the activities of Councilmember Gloria.

Brian Papin updated the board on the activities of Councilmember Faulconer.

Mike McLaughlin updated the board on the activities of Congresswoman Susan Davis.

Consent Agenda:

The following three items were placed on consent by the board at the time the agenda was adopted:

I. Action Items: Community Planning/ Special Events

1. **REQUEST FOR LETTER OF SUPPORT FOR RACE FOR LITERACY** – Event will take place on March 7, 2010.
2. **REQUEST FOR LETTER OF SUPPORT FOR THE 20th AIDS WALK**: Event will take place on May 31, 2010.

II. Action Items: Development Project Review, No. 3

2400 SIXTH AVENUE CUP: BELLEFONTAINE ("AT&T SD0013 6TH AVE")
 Process Four – Bankers Hill/Park West – Conditional Use Permit to extend the use of an existing wireless communication facility on an existing residential building at 2400 Sixth Avenue in the MR-800B Zone; Airport Approach Overlay Zone; Airport Influence Area; FAA Part 77

Dahl, seconded by Bonn, made a motion to approve the consent agenda; Motion passed 15,0,1. Chair Abstaining.

Board member Mellos arrived.

Information Items: Projects

1. **450 WEST WASHINGTON STREET ("VONS MISSION HILLS")** – Process Five – Hillcrest – Site Development Permit, Public Right of Way Vacation for adjacent alley and Sewer Easement Abandonment to demolish existing grocery store and construct a new grocery store on a 2.19 acre site at 450 West Washington Street in the CN-2A Zone; FAA Part 77; Transit Area.

Brian Braaten from Safeway Inc., Vons Division, made a slide presentation which described the proposed new grocery store project. Braaten indicated that, in response to comments regarding the original design of the project, the applicant was considering a redesign which would incorporate a more contemporary style of architecture. Any modification to the design had to be approved by the Safeway corporate office.

Public comment was made by Mark Feldman, President of the Mission Hills Town Council; Barry Hager, President of Mission Hills Heritage; Alex Sachs, Rusty Riley, Rick Wilson, Holly Saenc, Ann Garwood, Mike Singleton, Ian Epley and Scott Sandel. Board members then made comments regarding the project; Brian Braaten then replied to some of the comments and questions, and provided a summary.

The contemporary design of the potential revised plans was generally well received; however, comments were made the architecture should be reflective of the historic architectural elements of the surrounding neighborhood. Questions were raised concerning the traffic impact of the larger store; as well as the historic status of the existing building that was designed by noted architect Hal Sadler. Concerns were also raised about the partially underground "podium" parking; many speakers felt parking should be lowered below the ground surface level.

2. **SEWER GROUP 682 UPDATE** – Bankers Hill/ Park West – The replacement project consisting of installation of approximately 11,600 Linear Feet of 8-inch and 10-inch sewer main, sewer manholes and sewer laterals. The location of the project is along 6th Avenue from Maple Street to Upas Street and within the limits of Laurel Street to the north, Hawthorne Street to the south, Union Street to the west and 5th Avenue to the east.

Project Engineer Ed Castaneda made a short presentation, and passed out a summary of the proposed project. There was no public comments. The board had several questions; but no serious concerns were expressed.

3. **FIVE POINTS COMMERCIAL NEIGHBORHOOD PARKING AND CIRCULATION DESIGN STUDY** – Middletown – The study area includes Washington Street from the trolley station west of Hancock Street to India Street, India Street from Vine Street to Washington Street, and San Diego Avenue from India Street to Washington Street. Also included in the study area are specific neighborhood roads near the commercial district, such as Andrews Street, Winder Street, and Columbia Street. The study addresses issues of traffic circulation, parking, and pedestrian safety.

The presentation was made by Janet Fairbanks, the project planner with Uptown Partnership. Public comment was made by Middletown business owners Jennifer Pesqueira and Jim Mellos, who is also a board member.

The circulation element and other aspects of the design study were well received. However, Mellos and Pesqueira objected to the formation of a maintenance assessment district to fund the maintenance of any improvements, and submitted a petition of Middletown commercial property owners opposing the formation of a MAD. Chair Wilson stated that the improvements, and any maintenance, should be paid for by the North Bay Redevelopment Agency, which had several million dollars in reserve.

Action Items: Development Project Review

1. **2155 FIRST AVENUE/ 121 IVY STREET ("GRUENBERG OFFICE")** – Process Three – Bankers Hill/Park West – Site Development Permit to demolish two existing cottages and construct a 3,914 sq. ft. office building with zero yard

setback on a 0.17 acre site with an existing designated historic building at 2155 First Avenue in the CV-4 Zone; FAA Part 77; Airport Influence Zone; AAQZ; Residential Tandem Parking; Transit Area.

Matt Winter, of Davis & Davis Architects, made the presentation on behalf of the applicant, who also was present and also spoke in favor of the project. There was no public comment. Board members engaged in an extended discussion of the project. A focus of the discussion was the parking exception being sought by the applicant.

Gatzke, seconded by Gottschalk, made a motion to approve the project as presented. Motion failed 3,13,1; Gatzke, Gottschalk and Seidel voted yes; Liddell, Lamb, Dahl, Grinchuk, Hyde, Bonn, Edwards, Adler, Wendorf, Mellos, Jaworski, Towne, O'Dea voted no. Chair Wilson abstained.

Wendorf, seconded by O'Dea, made a motion to oppose approval of the project, and recommended that: (1.) The project should be referred to the Historic Review Board to determine the historicity of the two cottages proposed for demolition, and (2.) that a parking deviation not be granted for the project, but instead the project should comply with existing code and continue to provide two off-site parking spaces. Motion passed 13,3,1; Liddell, Lamb, Dahl, Grinchuk, Hyde, Bonn, Edwards, Adler, Wendorf, Mellos, Jaworski, Towne, O'Dea voted yes; Gatzke, Gottschalk and Seidel voted no. Chair Wilson abstained.

- 2. 23634 SEVENTH AVENUE CUP/SDP ("FLO TV CORAL TREE PLAZA") – Process Four – Hillcrest – Conditional Use Permit/ Site Development Permit/ Mid-City Planned District Permit for a wireless communication facility on the roof of an existing multi family residential building at 3635 Seventh Avenue in the MR-800B & RS-1-2 Zone; FAA Part 77.**

Applicant's representative presented the project. There was no public comment.

Jaworski, seconded by Edwards, made a motion to approve the project as presented. Motion passed 16,0,1; Chair Wilson abstaining.

Subcommittee Reports: Public Facilities Subcommittee

- 1. MEDICAL MARIJUANA TASK FORCE RECOMMENDATIONS – Request by the City Council of the City of San Diego for the city's community planning groups to review and make comments on the city task force recommendations/ medical marijuana dispensary issue:**

There was public comment from approximately 10 members of the public. The board then discussed the item:

Liddell, seconded by Dahl, made a motion, incorporating a portion of the Public Facilities Subcommittee recommendation, that the City of San Diego should establish a conditional use permit (CUP) process by which medical marijuana dispensaries may operate, which shall be reviewed under a Process Two procedure. Motion passed 16,0,1; Chair Wilson abstaining.

- 2. LETTER FROM BILL ANDERSON TO COUNCILMEMBER TODD GLORIA RE: DEVELOPMENT IMPACT FEES**

The board deferred discussion of the letters exchanged between Planning Director William Anderson and Councilmember Todd Gloria concerning DIF fees until the next meeting.

Rules/ Election Committee Report

Don Liddell, the chair of the Election Committee, presented a summary of the bylaws provisions for the March board elections. A notice of election had been included in the agenda for the February 2nd meeting. Chair Wilson read the names of all the individuals who had met the attendance requirement (attended three meetings in the last 12 months) and were therefore qualified to seek election to the board in March.

Adjournment

The board voted by voice vote to adjourn.

These minutes respectfully submitted by board secretary Andrew Towne

Ownership Disclosure Statement


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

Ownership Disclosure Statement

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

Project Title: _____ **Project No. For City Use Only:** 195665

Project Address:
3634 7th Avenue, San Diego, CA 92103 Parcel # 452-291-3101

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

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

Additional pages attached Yes No

Name of individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
Street Address: _____
City/State/Zip: _____
Phone No: _____ **Fax No:** _____
Signature: _____ **Date:** _____

Name of individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
Street Address: _____
City/State/Zip: _____
Phone No: _____ **Fax No:** _____
Signature: _____ **Date:** _____

Name of individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
Street Address: _____
City/State/Zip: _____
Phone No: _____ **Fax No:** _____
Signature: _____ **Date:** _____

Name of individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
Street Address: _____
City/State/Zip: _____
Phone No: _____ **Fax No:** _____
Signature: _____ **Date:** _____

Project Title: _____ Project No. (For City Use Only) _____

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

Legal Status (please check):

~~NON-~~ Corporation Limited Liability-or- General) What State? CA Corporate Identification No. 719888 / ?
 Partnership

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

Corporate/Partnership Name (type or print):
CORAL TREE PLAZA OWNERS ASSOCIATION
 Owner Tenant/Lessee
3114 - 3135 - 5TH AVENUE
 Street Address:
SAN DIEGO CA 92103
 City/State/Zip:
(619) 297-6004 (619) 297-6004
 Phone No: Fax No:
ROBERT CONKEY
 Name of Corporate Officer/Partner (type or print):
Treasurer
 Title (type or print):
 Signature: Robert Conkey Date: 9/21/09

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: Fax No:

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

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: Fax No:

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

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: Fax No:

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

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: Fax No:

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

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: Fax No:

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

 Title (type or print):

 Signature: _____ Date: _____



THE CITY OF SAN DIEGO

DATE OF NOTICE: May 1, 2010

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: May 13, 2010
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 AND SITE
DEVELOPMENT PERMIT
PROJECT NUMBER: PTS #195665
PROJECT NAME: FLOTV CORAL TREE PLAZA
APPLICANT: Janice Manley

COMMUNITY PLAN AREA: Uptown
COUNCIL DISTRICT: 3

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 one antenna and one equipment cabinet concealed inside an expanded rooftop penthouse addition behind Fiberglass Resistant Panel (FRP) screening painted to match at 3634 7th Avenue in the Mid City Communities Planned District MR800B zone of the Uptown Community Plan.

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 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 3, 2009 and the opportunity to appeal that determination ended December 17, 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 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.

Internal Order No. 24000453

FLOTV CORAL TREE PLAZA
PROJECT CHRONOLOGY
 PTS #195665 INTERNAL ORDER #24000310

| Date | Action | Description | City Review | Applicant Response |
|------------------------------------|---------------------------------------|---------------------------------------------|-------------|--------------------|
| 10/12/2009 | First Submittal | Project Deemed Complete | | |
| 12/3/2009 | First Assessment Letter | | 52 days | |
| 2/2/2010 | Community Planning Group Presentation | | | 61 days |
| 2/24/2010 | Second Submittal | | | 22 days |
| 2/24/2010 | Justification Letter for review | | | |
| 4/8/2010 | All issues resolved by applicant | | 43 days | |
| 5/20/2010 | Public Hearing – Planning Commission | | 42 days | |
| Total Staff Time: | | Does not include City Holidays and Furlough | 137 days | |
| Total Applicant Time: | | Does not include City Holidays and Furlough | | 83 days |
| Total Project Running Time: | | From Deemed Complete to HO Hearing | 220 days | |

FLO TV - CORAL TREE PLAZA

SITE JUSTIFICATION REPORT

Following is the list of sites considered and rejected for this "search area". It should also be noted that the FLO TV technology requires that the radiating antenna must basically function as a single element. Thus, multiple antennas on different sides of a building (as often seen with conventional cellular antenna locations) can not be used to cover a 360 degree (or other very wide) angle unless the antenna is completely clear in all directions. Such an antenna would generally need to be mounted above all portions of a building and thus be fully visible. This type of design does lend itself to "stealthing" and was avoided for this site investigation in the Hillcrest area. In urban situations where the antenna needs to be fully integrated into an existing building design, the site generally needs to be placed at the edge of the intended coverage area, rather than in the middle of it.

Some of the sites considered have existing wireless telecommunication facilities. While these sites were given preference in the review, none represented a good fit for a "stealthy" site. In several cases, the existing facilities completely utilized the available space, and any additional facilities would be very impactful.

In response to the Cycle Letter dated December 3, 2009, General Plan Section, Issues # 23 and 24; FLO TV has designed this installation to meet with the requirements set forth by the City's General Plan as well as the Urban Design element contained within the City of San Diego General Plan.

SITES CONSIDERED (Numbered to correspond with the Map)

(1) *Mi Arbolito – 3415 Sixth Avenue San Diego, CA 92103* - This site was pursued until it became evident that there was no way for the Field Engineers to access this site 24/7, as there was no elevator to the top of the roof without going through one of the apartments. Emergency maintenance on the equipment is mandatory, and thus impossible to pursuing this candidate. This is a new building and had no existing installations.

(2) *The Del Prado – 666 Upas Street San Diego, CA 92103* - This site was considered, but on the Site Walk it was determined that there was no space on the rooftop for the equipment.

(3) *Scripps Mercy Hospital Complex – 4020 5th Ave San Diego, CA 92103* - The Management Company was not interested in pursuing a lease, as they would not return any calls. We pursued them for over a month, without receiving any response.

(4) *Century Plaza Towers – 3535 1st Ave San Diego, CA 92103* -This candidate was considered, but on a Site Walk it was determined that installing the equipment on this roof would be a public safety hazard, as there is a fitness center for the residents adjacent to the only location it would be feasible to install the antenna. Additionally, there was very little space for the equipment on the roof, due to the layout of the rooftop. This site has no wireless telecom installations presently.

(5) *UCSD Medical Center – 200 West Arbor Drive San Diego, CA 92103* -This site was considered, however the Landlord Contact was not interested in pursuing a lease. The Director of Real Estate for UCSD informed us that she was only willing to consider applications that would benefit their patients (such as medical services).

(6) *Alicante – 475 Redwood Street San Diego, CA 92103* - This site was considered, but a site walk determined that the site wasn't feasible from a Construction stand point. This is a newly built building, and currently there are no wireless telecom installations on the roof.

(7) *St. Paul's Manor – 328 Maple Street San Diego, CA 92103* -This site was considered, however the landlord was not interested in pursuing a lease with us. It is unclear as to if the rooftop had other installations.

(8) *Mr. A's – 2550 Fifth Ave San Diego, CA 92103 (NW Corner of 5th Ave & Laurel Ave)* This candidate was pursued until it became evident that it was not feasible from a construction stand point, as there wasn't enough room to run the

antenna coaxial cable.

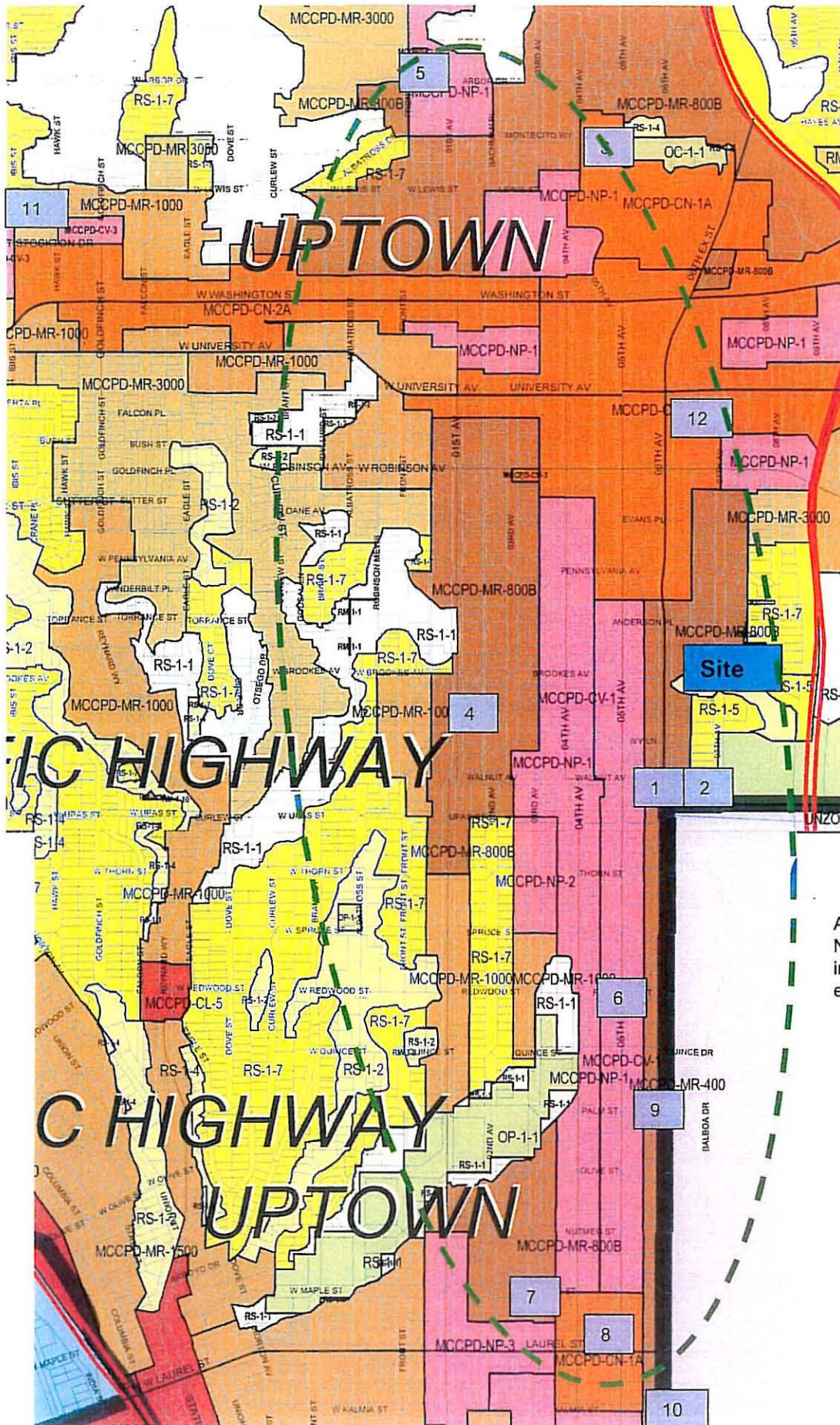
(9) *2860 Sixth Avenue San Diego, CA 92103* – This Candidate was looked at, but the building management company did not return our phone calls. Furthermore, it was determined that the building was not tall enough to provide sufficient coverage.

(10) *The Bellefontaine Condominium – 2400 Sixth Avenue San Diego, CA 92103*
This site was looked at, however it was determined that the building was too short to provide sufficient coverage. Additionally, the management refused to return our calls.

(11) *Green Manor – 4041 Ibis Street San Diego, CA 92103* - This Candidate was considered, but the Landlord was not interested in pursuing a lease as their rooftop is currently full with other installations.

(12) *AT&T – 650 Robinson Ave. San Diego, CA 92103* - This site was considered, however the Landlord was not interested as they reserve their rooftop for their (AT&T) equipment only

Site Justification Map (Alternative and Existing Sites as Described in Site Justification Report)



Alternative Sites as Numbered and Described in Report (some represent existing sites as described)

Approximate Search Area

NOTICE OF EXEMPTION

(Check one or both)

TO: RECORDER/COUNTY CLERK
 P.O. BOX 1750, MS A-33
 1600 PACIFIC HWY, ROOM 260
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE, MS 501
 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
 1400 TENTH STREET, ROOM 121
 SACRAMENTO, CA 95814

PROJECT No.: 195665

PROJECT TITLE: FLOTV CORAL TREE PLAZA

PROJECT LOCATION-SPECIFIC: 3634 7th Avenue, San Diego, CA 92103 (APN 452-291-30 & 452-291

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: A request for a Conditional Use Permit and a Site Development Permit for a new Wireless Communication Facility (WCF) located on the rooftop on an existing multi-family condominium. The WCF consists of one panel antenna and one equipment cabinet concealed inside an expanded rooftop penthouse. The expansion will be approximately 225 square feet, partially constructed using radio frequency transparent materials, painted and textured to match the existing penthouse. The project site is located in the Mid Cities Community Plan District MR-800B zone within the Uptown Community Planning Area and Part 77 Noticing Area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: FloTv (Attention: Michael Sloop)
 6170 Cornerstone Court East Suite #200
 San Diego, CA 92121
 (858) 226-2236

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
 CATEGORICAL EXEMPTION: *NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES [15303]*
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The proposed project would not have the potential for causing a significant effect on the environment. The project proposes an addition to an existing building rooftop.

LEAD AGENCY CONTACT PERSON: Simon Tse

TELEPHONE: (619) 687-5984

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA



 SIGNATURE/TITLE

 DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



THE CITY OF SAN DIEGO

Date of Notice: December 3, 2009

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

Job Order No. 43-2846

PROJECT NAME/NUMBER: FloTv Coral Tree Plaza/Project No. 195665
COMMUNITY PLAN AREA: Uptown
COUNCIL DISTRICT: 3
LOCATION: 3634 7th Avenue, San Diego, CA 92103

PROJECT DESCRIPTION: A Conditional Use Permit and a Site Development Permit for a new Wireless Communication Facility (WCF) located on the rooftop on an existing multi-family condominium. The WCF consists of one panel antenna and one equipment cabinet concealed inside an expanded rooftop penthouse. The expansion will be approximately 225 square feet, partially constructed using radio frequency transparent materials, painted and textured to match the existing penthouse. The project site is located in the Mid Cities Community Plan District MR-800B zone within the Uptown Community Planning Area and Part 77 Noticing Area.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Planning Commission (Process 4).

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New construction or conversion of small structures).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Development Services Staff.

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The proposed project would not have the potential for causing a significant effect on the environment.

CITY CONTACT: Simon Tse, Project Manager
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER: (619) 687-5984

On December 3, 2009, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City of San Diego Planning Commission. If you have any questions about this determination, contact the Project Manager above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice **OR** 15 business days from the date of the environmental determination, whichever occurs earlier. Applications to appeal CEQA determinations made by the Planning Commission from a Process Two or Three Appeal under SDMC section 112.0506 must be filed in the Office of the City Clerk within 10 business days from the date of the Planning Commission's decision. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Issued Date: 02/01/2010

Michael Sloop
WFI
6170 Cornerstone Ct., East, Suite 200
San Diego, CA 92121

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| | |
|------------|---------------------------------------------------------------------------|
| Structure: | Coral Tree Plaza |
| Location: | San Diego, CA |
| Latitude: | 32-44-38.10N NAD 83 |
| Longitude: | 117-09-32.00W |
| Heights: | 151 feet above ground level (AGL) 435 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure should continue to be marked and/or lighted utilizing red lights.

See attachment for additional condition(s) or information.

To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact SEE ADDITIONAL INFORMATION PAGE.

Any height exceeding 151 feet above ground level (435 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2009-AWP-6417-OE.

Signature Control No: 671305-122368519

(EBO)

Karen McDonald
Specialist

Attachment(s)
Additional Information
Case Description
Frequency Data
Map(s)

cc: FCC

cc: NACO w/map

Note to NACO: This is an existing structure, probably built prior to 1973.

The proposed transmitter must provide at least 90 dB of spurious emissions attenuation (30 dB greater than the FCC required 60 dB) in the 108-137, 225-400 MHz frequency bands.

Radio antenna and equipment to be placed inside a new 9 foot wide side extension to the existing roof-top penthouse (no added height to existing penthouse).

Frequency Data for ASN 2009-AWP-6417-OE ATTACHMENT 16

| LOW FREQUENCY | HIGH FREQUENCY | FREQUENCY UNIT | ERP | ERP UNIT |
|------------------|-------------------|-------------------|-------|-------------|
| 716 | 722 | MHz | 10000 | W |

