



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 16, 2011                      **REPORT NO. PC-11-054**

**ATTENTION:**                      **Planning Commission, Agenda of June 23, 2011**

**SUBJECT:**                      TowerCo – Highway 54 – PROJECT NO. 212594  
PROCESS 4.

**OWNER/  
APPLICANT:**                      City of San Diego/  
TowerCo

### SUMMARY

**Issue(s):** Should the Planning Commission approve a Wireless Communication Facility at 7455 1/3 Tooma Street in Bay Terrace Park within the Skyline-Paradise Hills Community Planning Area?

**Staff Recommendation:** APPROVE Conditional Use Permit (CUP) No. 858584.

**Community Planning Group Recommendation:** The Skyline-Paradise Hills Community Planning Committee recommended approval at their November 9, 2010 meeting. The Recreation Council for Bay Terrace Park determined it was not necessary to review this project as there have not been problems with the existing facility. (Attachment 14)

**Environmental Review:** This project was found to be exempt per the Categorical Exemption for Existing Facilities, Section 15301, in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

**Fiscal Impact Statement:** TowerCo is the financially responsible party for this project and is responsible for costs associated with processing this project.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** Not applicable.

## **BACKGROUND**

Wireless Communication Facilities (WCF's) are permitted throughout the City as a Separately Regulated Use by the Wireless Communication Facility regulations, Land Development Code (LDC) section 141.0420. WCF's are permitted within Open Space zones with the processing of Conditional Use Permits.

## **DISCUSSION**

To provide wireless communications coverage and capacity in this area (Attachment 6), TowerCo is proposing to continue to operate and maintain a WCF at 7455 1/3 Tooma Street (Attachments 1 and 3) on a property owned by the City of San Diego (Attachment 10) and utilized as a park (Attachment 7) within the OP-1-1 zone. The WCF consists of a 35-foot tall park light standard capable of supporting 6 Sprint/Nextel panel antennas. Equipment associated with the antennas is located within an adjacent shelter which provides space for both park storage and Sprint/Nextel's equipment (Attachment 5).

Council Policy 600-43, "Communication Antennas," assigns preference levels to the locations of WCF's. This policy encourages these facilities be located away from residential uses. Typically, WCF's proposed in non-residential zones, such as commercial or industrial, are considered more preferable than those located in residential zones. To encourage carriers to locate in non-residential zones, projects proposed in those areas are permitted with a lower process level (such as a Limited Use or Neighborhood Use Permit). This facility is proposed in a location with a non-residential use in an Open Space zone, which is more preferable than if the facility was located on a residential zone with a residential use.

The antennas will be flush mounted to a park light standard. Such light standards are typical vertical elements found in parks and will allow this facility to blend in with the park context. Existing trees and vegetation adjacent to the WCF provide a backdrop of other vertical elements for the light standard to blend in with.

### **General Plan Analysis**

The City's General Plan requires that wireless facilities be minimally visible and be visually respectful and compatible with the community. The antennas associated with this facility are mounted on a park light standard. The antennas and other components will be painted to match the light standard. Cables will be minimized and covered where possible. Associated equipment is located within a building shared for both park use and the Sprint/Nextel equipment. Based on the project's design, it is compatible with the City's General Plan.

## **CONCLUSION**

Staff supports the design as proposed. The antennas are located on a park light standard, which is consistent with the park setting. Equipment will be concealed within a shared-use equipment building. This project complies with the City's Land Development Code, the Wireless Communication Facility regulations, and the applicable land use plans. Therefore, Staff recommends approval of this project.

**ALTERNATIVES**

1. **Approve** Conditional Use Permit (CUP) No. 858584, **with modifications.**
2. **Deny** Conditional Use Permit (CUP) No. 858584, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Alex Hempton, AICP  
Associate Planner  
Development Services Department

KB/AFH

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Photo Simulations
6. Site Justification & Coverage Maps
7. Site Photos
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Ownership Disclosure<sup>1</sup>
11. Project Chronology
12. Notice of Planning Commission Hearing
13. Plans
14. Community Planning Group Recommendation
15. Notice of Exemption (CEQA)

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<sup>1</sup> As project is located on City-owned property, an Ownership Disclosure Statement is not provided. However, a list of TowerCo executives has been provided.

Project Site



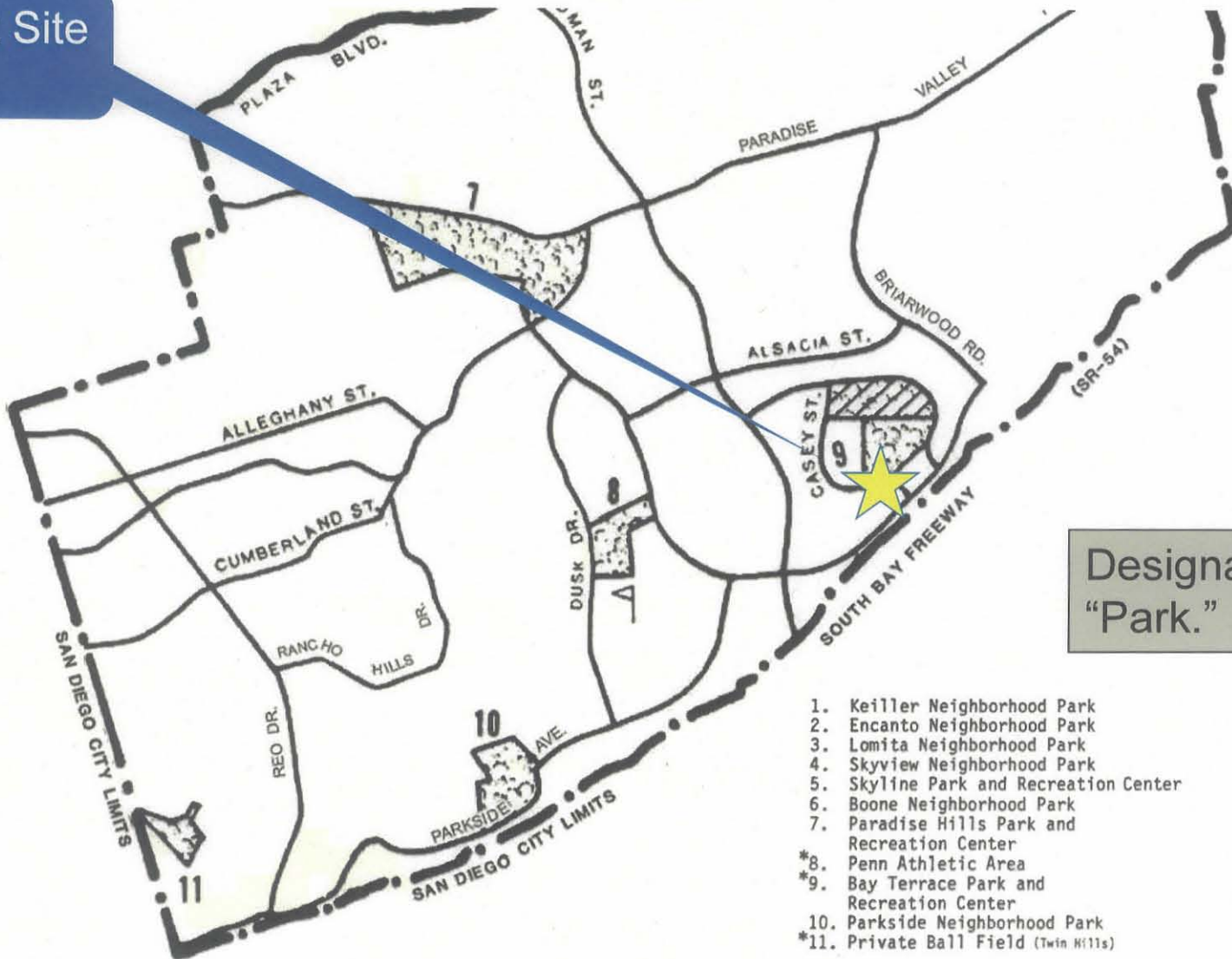
## Aerial Photo

TowerCo – Highway 54 – Project Number 212594

7455 1/3 Tooma St.



Project Site



Designated as "Park."

- 1. Keiller Neighborhood Park
- 2. Encanto Neighborhood Park
- 3. Lomita Neighborhood Park
- 4. Skyview Neighborhood Park
- 5. Skyline Park and Recreation Center
- 6. Boone Neighborhood Park
- 7. Paradise Hills Park and Recreation Center
- \*8. Penn Athletic Area
- \*9. Bay Terrace Park and Recreation Center
- 10. Parkside Neighborhood Park
- \*11. Private Ball Field (Twin Hills)



ATTACHMENT 2

Page 1 of 1

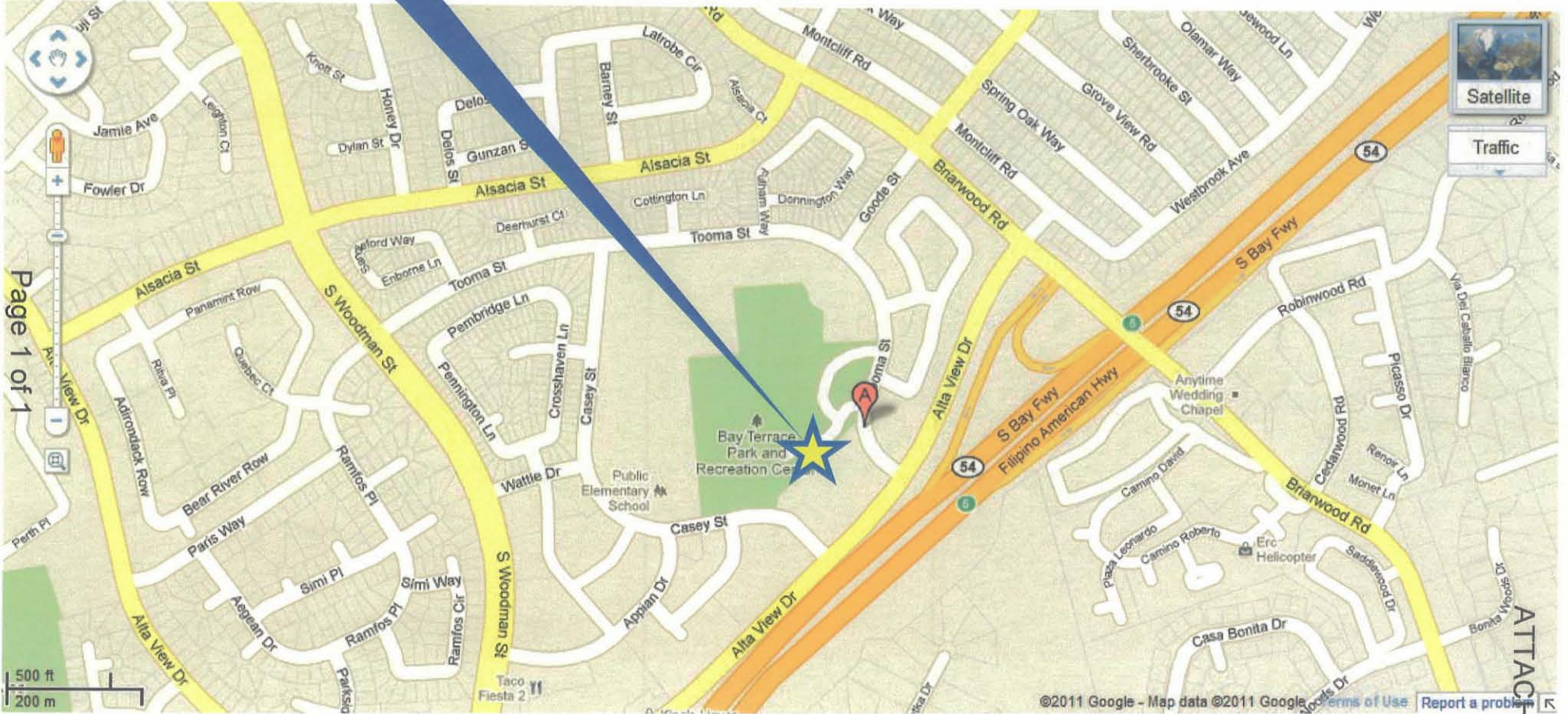


# Community Plan Land Use Designation

TowerCo – Highway 54 – Project Number 212594

7455 1/3 Tooma St.

Project Site



Page 1 of 1

ATTACHMENT 3



# Project Location Map

TowerCo – Highway 54 – Project Number 212594

7455 1/3 Tooma St.

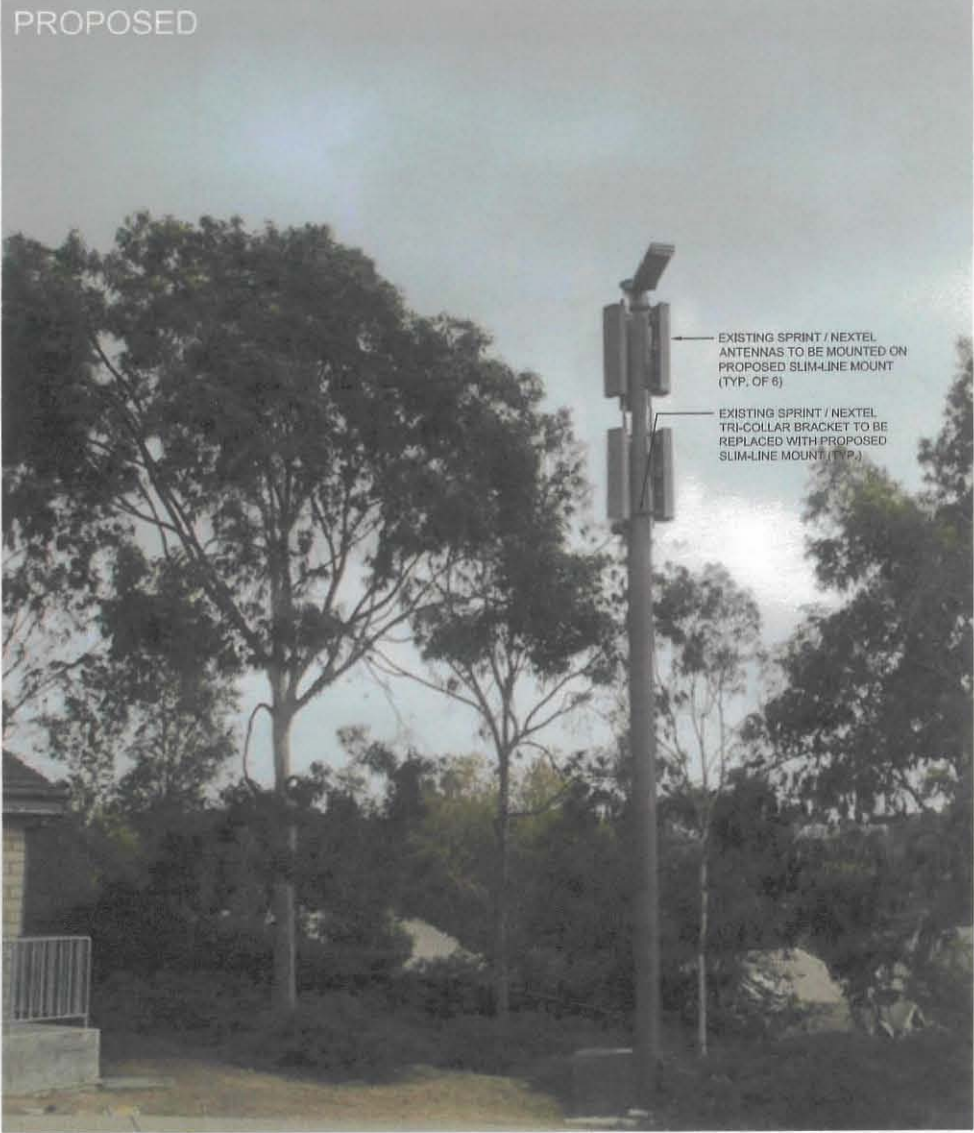
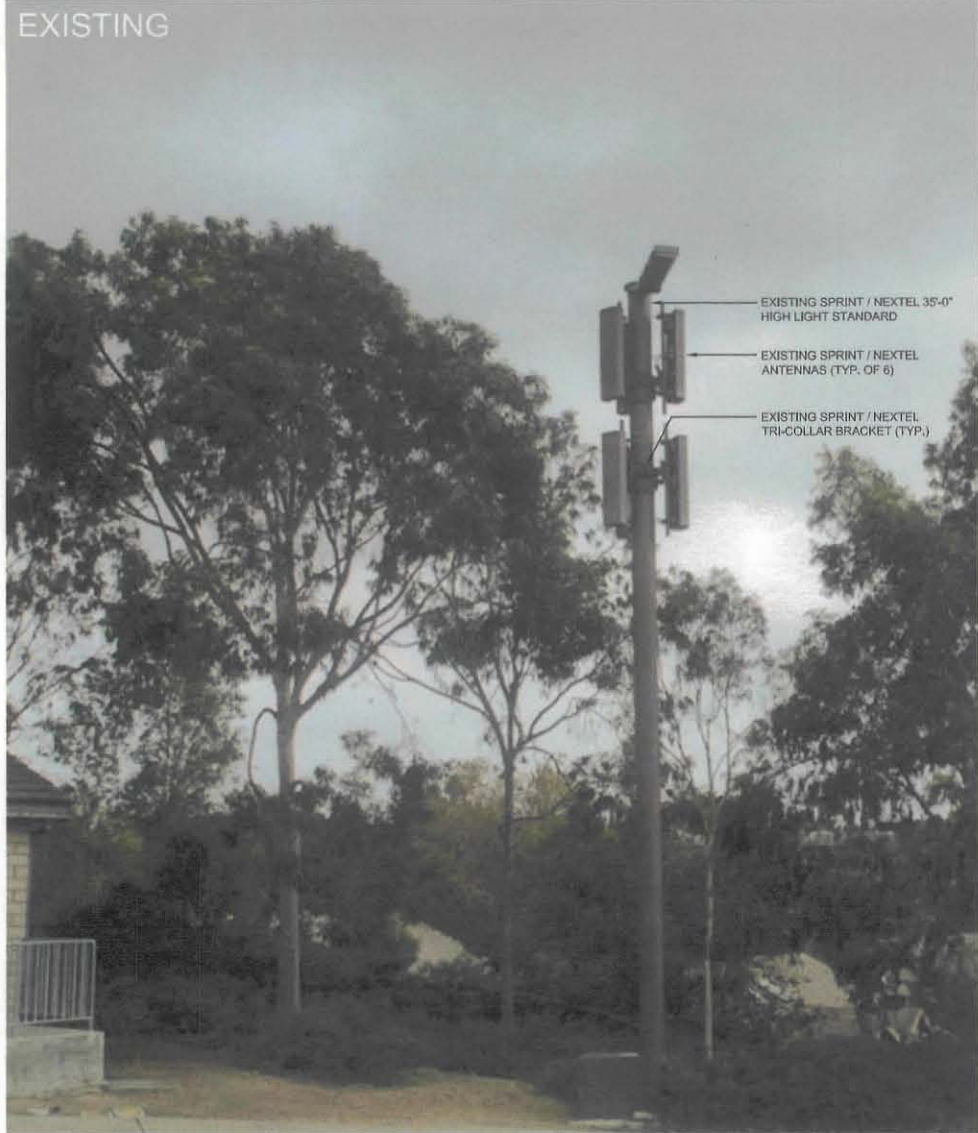


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<b>PROJECT DATA SHEET</b>		
<b>PROJECT NAME:</b>	TowerCo – Highway 54	
<b>PROJECT DESCRIPTION:</b>	Wireless Communication Facility (WCF) consisting of six panel antennas mounted to a 35-foot tall 12-inch diameter light standard located within a park. Equipment is located within a portion of an existing park storage building.	
<b>COMMUNITY PLAN AREA:</b>	Skyline-Paradise Hills	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Park	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> OP-1-1 <b>HEIGHT LIMIT:</b> - <b>FRONT SETBACK:</b> - <b>SIDE SETBACK:</b> - <b>STREETSIDE SETBACK:</b> - <b>REAR SETBACK:</b> -		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	RM-2-5	School
<b>SOUTH:</b>	RM-2-5	Residential
<b>EAST:</b>	RM-2-5	Residential
<b>WEST:</b>	RM-2-5	School
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None.	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	<ul style="list-style-type: none"> <li>• The Skyline-Paradise Hills Community Planning Committee recommended approval at their November 9, 2010 meeting.</li> <li>• The Recreation Council for Bay Terrace Park determined it was not necessary to review this project as there have not been problems with the existing facility.</li> </ul>	

## PHOTOSIMULATION





**Site Justification Report  
CA2565 TowerCo Hwy 54  
7373 Tooma Street (Bay Terrace Community Park)**

**Project Description**

The subject property is owned by the City of San Diego ("City") and is developed as a public park with ball fields, playgrounds and a parking lot. The property is bounded by residential development on the south, east and west and a school to the north.

The existing wireless telecommunications facility ("WCF") consists of six panel antennas flush mounted at 30 feet on a 35-foot light pole and an equipment building that also includes a storage room for use by the Department of Parks and Recreation. The City of San Diego originally approved the WCF on July 27, 2000, under permit number 94-0330-89.

On January 8, 2007, the City and Nextel/Sprint PCS entered into a Telecom Master Lease Agreement (the "Lease") to allow for the installation and operation of a WCF on the subject property. On September 23, 2008, Sprint/Nextel assigned all its rights, title, and interest under the Lease to TowerCo Assets LLC ("TowerCo") and Sprint/Nextel remains as their tenant

The existing WCF is designed to blend with the existing light poles in the park. The equipment building has a brick façade and pitched roof. TowerCo respectfully requests approval of a new permit to allow for the continued use of their WCF. No new construction or expansion of the facility is proposed as part of this application.

**Backup Candidates**

The area north of the highway is predominately zoned for residential uses. The WCF in the park has existed and been on-air for almost 10-years and is an integral part of the Sprint/Nextel network. This facility provides coverage to customers residing north of Highway 54. Maps showing the existing coverage and coverage if this facility were to be removed are included with the application package.

The attached Site Justification Map shows that there are no Preference 1, 2 or 3 locations suitable for development with a WCF that would meet the coverage objective. There is a small neighborhood shopping center approximately one-half mile west of the existing WCF. However that property is at a lower elevation than the existing location and antennas installed at 30 feet, or significantly higher, would not provide comparable coverage as the existing WCF.

Site Justification Map  
CA2565 TowerCo Hwy 54  
7373 Tooma Street (Bay Terrace Community Park)

Legend

- CC-2-3
- OP-1-1
- RM -1-1
- RM-2-5
- RS-1-7



\* EXISTING 30-FOOT WCF





+



# ***CUP Renewal Plots***

***Welcome to Now. Population: 49 million.***

*Right now, the tools, skills and knowledge of over 30,000 more people are available to the Now Network™.*

*Sprint has added Ericsson to its service team, making our best-ever network even better for getting what you want in real time.*

**Network Advantage**



*America's most dependable 3G network\**

\*Dependable\* based on independent, third-party drive tests for 3G data connection success, session reliability, and signal strength for the top 50 most populous markets, January 2008 to February 2009





Sprint/Ericsson Network Advantage  
6691 Sprint Parkway  
KSOPHT0101-72630  
Overland Park, KS 66251  
(800) 357-7641

May 13, 2010

RE: **Sprint Site ID:** CA6970  
**Site Address:** Tooma Street, San Diego, CA

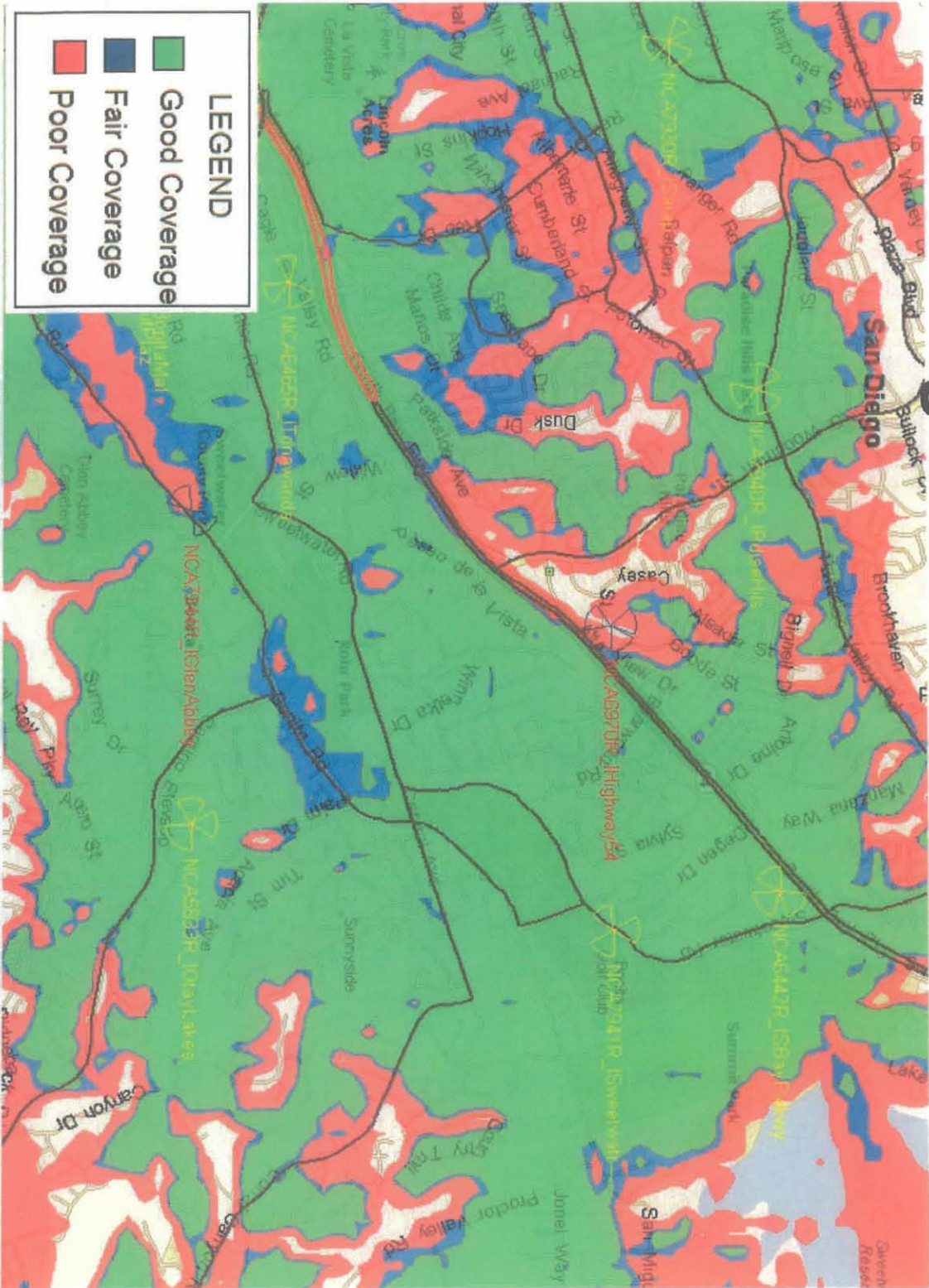
To Whom It May Concern:

Site CA6970 is important due to the fact that this site is located to the north of Hwy54 - major freeway and Alta View drive major street in South San Diego, loss of this site, reduction in Rad center or change in antenna type will create a service hole or degradation in service to our customers in the area and the effectiveness of the site will be greatly compromised.

Sincerely,

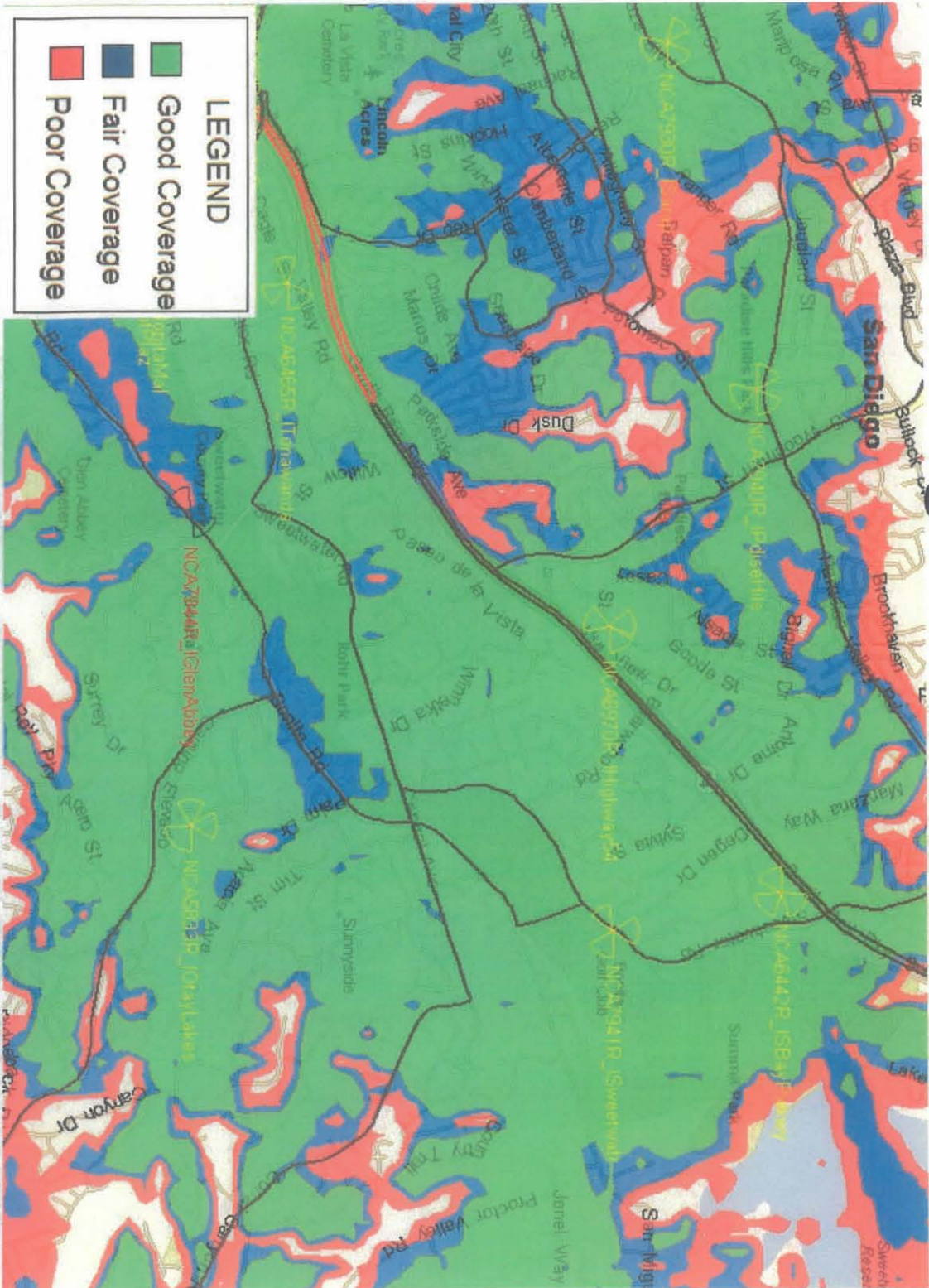
Mayur Desai  
RF Engineer

# Coverage Without CA6970





# Coverage With CA6970



Sprint  + ERICSSON 

TAKING YOU FORWARD

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**TowerCo CA2565 HWY 54  
7373 Tooma Street (Bay Terrace Community Park)**



Existing/Proposed Radio Equipment and Parks and  
Recreation Equipment Building

**Aerial and Photographic Survey  
CA2565 TowerCo Hwy 54  
7373 Tooma Street (Bay Terrace Community Park)**



**TowerCo CA2565 HWY 54  
7373 Tooma Street (Bay Terrace Community Park)**



1. Looking East towards Wireless Communications Facility



**TowerCo CA2565 HWY 54  
7373 Tooma Street (Bay Terrace Community Park)**



2. Looking South towards Wireless Communications Facility

**TowerCo CA2565 HWY 54  
7373 Tooma Street (Bay Terrace Community Park)**



3. Looking North towards Wireless Communications Facility from Casey Street



**TowerCo CA2565 HWY 54  
7373 Tooma Street (Bay Terrace Community Park)**



4. Looking South from Wireless Communications Facility

**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

INTERNAL ORDER NUMBER: 24000936

**CONDITIONAL USE PERMIT NO. 858584**  
**TOWERCO – HIGHWAY 54**  
**PLANNING COMMISSION**  
**PROJECT NUMBER 212594**  
**DRAFT**

This **CONDITIONAL USE PERMIT (CUP) NO. 858584** is granted by the **Planning Commission** of the City of San Diego to the **CITY OF SAN DIEGO**, Owner, and **TOWERCO**, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420 and 126.0305. The site is located at 7373 1/3 Tooma Street in the OP-1-1 zone of the Skyline-Paradise Hills Community Plan. The project site is legally described as Parcel 2 of Parcel Map No. 4946.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate and maintain a Wireless Communication Facility (WCF), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 23, 2011, on file in the Development Services Department.

The project shall include:

- a. Six (6) panel antennas mounted on a 35-foot tall park light standard. Equipment associated with the antennas will be located within an adjacent building which also houses park equipment;
- b. 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 effect at the time the extension is considered by the appropriate decision maker.
2. 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.
3. 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.
4. 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.
5. This CUP and corresponding use of this site shall **expire on June 23, 2021**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.
6. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new CUP application to the Development Services Department for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for compliance actions, which may include penalties and fines.
7. Under no circumstances, does approval of this permit authorize TowerCo or their tenants to utilize this site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective date of this permit is prohibited.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
9. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

10. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

11. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

12. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

**PLANNING/DESIGN REQUIREMENTS:**



14. Appropriate signs shall be installed to notify people working on the light standard that hazards exist and the location of the hazard. The carrier shall assess the level and location of the hazard and place the appropriate signs per CAL-OSHA requirements and FCC regulations.

15. No later than 90 days from permit recordation, the Permittee shall provide certification providing evidence that the measurements of radio frequency power densities for all antennas installed on the premises and adjacent property comply with federal standards.

16. All equipment, including transformers, emergency generators and air conditioners shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

17. No later than 180 days from permit recordation, the Permittee shall adjust antennas on pole as shown on Exhibit "A" and paint light standard to match others in park, if determined necessary by the Development Services Department.

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

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

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Planning Commission of the City of San Diego on June 23, 2011 by Resolution No. XXXX-PC.

ATTACHMENT 8

Permit Type/PTS Approval No.: CUP/858584  
Date of Approval: 6/23/2011

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Alexander Hempton, AICP  
Associate Planner

**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.**

**CITY OF SAN DIEGO  
REAL ESTATE ASSETS DEPT.  
Owner**

By \_\_\_\_\_  
David Sandoval  
Deputy Director

**TOWERCO  
Permittee**

By \_\_\_\_\_

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



PLANNING COMMISSION  
RESOLUTION NO. XXXX-PC  
CONDITIONAL USE PERMIT NO. 858584  
**TOWERCO – HIGHWAY 54**  
**PROJECT NUMBER 212594**

WHEREAS, the CITY OF SAN DIEGO, Owner, and TOWERCO, Permittee, filed an application with the City of San Diego for a permit to operate and maintain a Wireless Communication Facility (WCF) (as described in and by reference to the approved Exhibits “A” and corresponding conditions of approval for the associated Permit No. 858584);

WHEREAS, the project site is located at 7373 1/3 Tooma Street in the OP-1-1 zone of the Skyline-Paradise Hills community planning area;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 4946;

WHEREAS, on June 23, 2011, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 858584 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 June 23, 2011.

FINDINGS:

**Conditional Use Permit - Section 126.0305**

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

The City of San Diego’s General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. The antennas associated with this facility are proposed to be located on a park light standard. The antennas will be mounted closely to the light standard and will be painted to match the light standard. Cables associated with the antennas will be covered or concealed within the pole. The antennas will be located on a vertical element often found in parks and is appropriate in this situation. Equipment associated with the antennas will be located within a building also used to house park equipment. Existing vertical landscape material acts to blend the light pole and antennas in with the surroundings. Therefore, based on the project characteristics at this location, this WCF will not adversely affect the applicable land use plans.

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

The Telecommunication Act of 1996 preempts local governments from regulating the “placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission’s (FCC) standards for such emissions.” The proposed project would be consistent with the FCC’s regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that TowerCo/Sprint-Nextel perform a model RF test and submit the finding in a report to the City of San Diego prior to the issuance of a building permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within the jurisdiction of the City.

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

The project complies with the intent of all applicable development regulations of the Land Development Code and the City of San Diego Wireless Communication Facility (WCF) Regulations (Land Development Code Section 141.0420). This section of the code requires that WCF’s be minimally visible through a variety of design techniques. In this case, the antennas are proposed to be mounted on a park light standard. The antennas will be painted to match the coloring of the light standards and cables will be covered or enclosed within the light standards. Equipment associated with the antennas will be located in a building which also contains park equipment. WCF’s are permitted in Open Space zones with the processing of a Process 4, Conditional Use Permit. This project complies with the applicable regulations of the Land Development Code.

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

Typically, the City of San Diego’s first preference is that WCF’s be located on property containing a non-residential use in a non-residential zone. In this case, the WCF is proposed on a property containing a non-residential use in an Open Space zone. This is more preferable than if the facility was proposed on a property with a residential use. The mounting of antennas to a vertical element, in this case a park light standard, is appropriate for this location. In addition, the location of the equipment does not impact usable park space. Based on the project’s design, this facility is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, CONDITIONAL USE PERMIT NO. 858584 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 858584, a copy of which is attached hereto and made a part hereof.

Associate Planner  
Development Services

Adopted on: June 23, 2011

Internal Order No. 24000936



**TowerCo's Executive Team:**

Richard J. Byrne - Chief Executive Officer  
Scot Lloyd - Chief Operating Officer  
Dan Hunt - Chief Financial Officer  
Todd Boyer - Vice President of Sales  
Matt Massarelli - Corporate Counsel.

DEVELOPMENT SERVICES  
**Project Chronology**  
 TowerCo – Highway 54 – Project No. 212594

Date	Action	Description	City Review Time	Applicant Response
9/23/2010	First Submittal	Project Deemed Complete		
10/29/2010	First Assessment Letter		36	
3/23/2011	Second Submittal			145
5/13/2011	All Issues Resolved		51	
6/23/2011	Public Hearing – Planning Commission		41	
<b>TOTAL STAFF TIME</b>			128	
<b>TOTAL APPLICANT TIME</b>				145
<b>TOTAL PROJECT RUNNING TIME</b>		From Deemed Complete to Planning Commission Hearing	273 (in calendar days)  (9.1 months)	



THE CITY OF SAN DIEGO

DATE OF NOTICE: June 9, 2011

# NOTICE OF PUBLIC HEARING PLANNING COMMISSION

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**DATE OF HEARING:** June 23, 2011  
**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, PROCESS 4  
**PROJECT NUMBER:** 212594  
**PROJECT NAME:** TOWERCO – HIGHWAY 54  
**APPLICANT:** Kathleen Hill, Alston & Bird, LLP, agents representing  
TowerCo

**COMMUNITY PLAN AREA:** Skyline-Paradise Hills  
**COUNCIL DISTRICT:** District 4

**CITY PROJECT MANAGER:** Alex Hempton  
**PHONE NUMBER/E-MAIL:** (619) 446-5349 / [ahempton@sandiego.gov](mailto:ahempton@sandiego.gov)

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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 Conditional Use Permit (CUP), Process 4, for a Wireless Communication Facility (WCF). The project consists of a 35-foot tall, 12-inch diameter light standard which supports 6 panel antennas. Equipment associated with the antennas is located within an equipment enclosure which is part of a larger park storage building. The project is located at 7455 1/3 Tooma St. in the OP-1-1 zone within Bay Terrace Park.

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. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services) or in person at the office of the City Clerk, 202 "C" Street,



## ATTACHMENT 12

Second Floor. The appeal must be made within 10 working days of the Planning Commission decision. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on April 22, 2011 and the opportunity to appeal that determination ended May 13, 2011.

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 Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24000936

Revised 12/5/08 RH

# TowerCo

HIGHWAY 54  
 CA-2565  
 7373 TOOMA STREET  
 SAN DIEGO, CA 92139

**TowerCo** 

5000 VALLEYSTONE DRIVE  
 CARY, NC 27519

PROJECT INFORMATION:

HIGHWAY 54  
 CA-2565  
 7373 TOOMA ST.  
 SAN DIEGO, CA 92139

CURRENT ISSUE DATE:

8/27/10

ISSUED FOR:

ZONING

REV.: DATE: ISSUED FOR: BY:

REV.	DATE	ISSUED FOR	BY
3	03/02/11	ANTENNA MOUNT CITY COMMENTS	RL
2	8/27/10	100% ZONING CITY COMMENTS	DB
1	5/25/10	100% ZONING	RSV
0	11/20/09	90% ZONING	RSV

PLANS PREPARED BY:



11300 SORRENTO VALLEY RD., SUITE 230  
 SAN DIEGO, CA 92121  
 OFFICE (951) 229-6828  
 FAX (951) 552-0184

CONSULTANT:

DRAWN BY: \_\_\_\_\_ CHK.: \_\_\_\_\_ APV.: \_\_\_\_\_

DRAWN BY: RSV MM MM

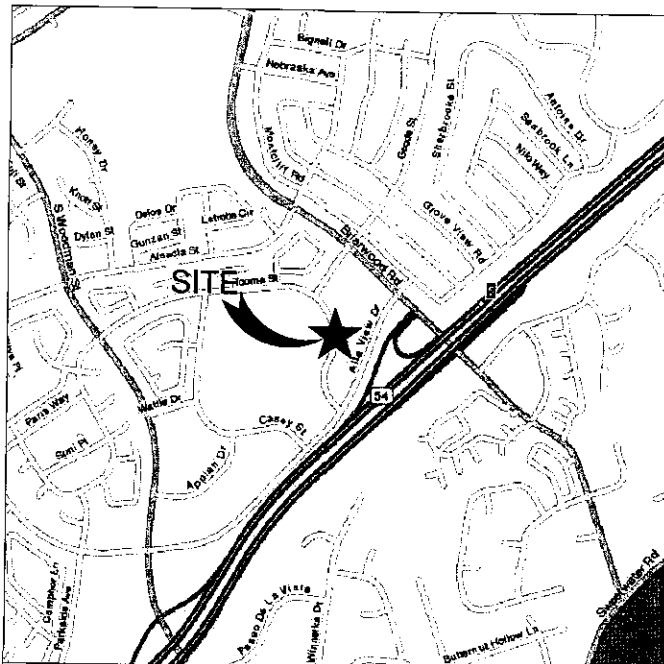
LICENSURE:

SHEET TITLE:

TITLE SHEET

SHEET NUMBER: \_\_\_\_\_ REVISION: \_\_\_\_\_

**T1** 3



VICINITY MAP

DIRECTIONS FROM SAN DIEGO INTERNATIONAL AIRPORT:

START OUT GOING EAST TOWARD N HARBOR DR. (0.6 MI). TURN LEFT ONTO N HARBOR DR. (1.4 MI). TURN LEFT ONTO W GRAPE ST. (0.4 MI). MERGE ONTO I-5 S. (7.2 MI). MERGE ONTO CA-54 E VIA EXIT 9. (5.1 MI). TAKE THE BRIARWOOD RD EXIT. (0.2 MI). TURN LEFT ONTO BRIARWOOD RD. (0.3 MI). TURN LEFT ONTO GOODE ST. (0.1 MI). TURN LEFT ONTO TOOMA ST. (0.1 MI). 7373 TOOMA ST IS ON THE RIGHT.

DRIVING DIRECTIONS

THE PROJECT CONSISTS OF RENEWING USE PERMIT FOR (6) EXISTING ANTENNAS, TO REPLACE A TRI-COLLAR BRACKET WITH A SLIM-LINE MOUNT ON AN EXISTING 35'-0" HIGH LIGHT STANDARD AND EXISTING EQUIPMENT INSIDE AN EXISTING SHELTER.

PROJECT DESCRIPTION

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLES 24 & 25)
- CALIFORNIA BUILDING CODE
- BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
- UNIFORM MECHANICAL CODE
- ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
- UNIFORM PLUMBING CODE
- NATIONAL ELECTRIC CODE
- LOCAL BUILDING CODE
- COUNTY ORDINANCES

CODE COMPLIANCE

SHEET	DESCRIPTION	REV
T1	TITLE SHEET	3
A1	SITE PLAN	3
A2	ENLARGED SITE PLAN, ANTENNA & SHELTER LAYOUT	3
A3	SOUTH & WEST ELEVATIONS	3
A4	NORTH & EAST ELEVATIONS	3
A5	DETAILS	3

SHEET INDEX

ISSUED FOR: ZONING

APPLICANT/LESSEE

TOWERCO  
 5000 VALLEYSTONE DRIVE  
 CARY, NC 27519

PROPERTY INFORMATION

OWNER: CITY OF SAN DIEGO  
 PARK AND RECREATION DEPT.  
 ADDRESS: SAN DIEGO, CA 92139  
 CONTACT: -  
 PHONE: -  
 AREA OF CONSTRUCTION: N/A  
 NO. STORIES: ONE  
 CURRENT ZONING: OP-1-1  
 A.P.N.: 589-020-32 & 33  
 LATITUDE: 32° 40' 76.79"  
 LONGITUDE: 117° 02' 08.57"  
 HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.

PROJECT SUMMARY

ARCHITECT:

SAC WIRELESS  
 11300 SORRENTO VALLEY RD., SUITE 230  
 SAN DIEGO, CA 92121  
 CONTACT: MICHAEL MONTELLO  
 PHONE: (619) 997-4012  
 FAX: (658) 552-0184  
 EMAIL: MICHAEL.MONTELLO@SACW.COM

PLANNING CONSULTANT:

ALSTON+BIRD, LLP  
 333 SOUTH HOPE STREET, 16TH FLOOR  
 LOS ANGELES, CA 90071  
 CONTACT: KATHLEEN A. HILL  
 PHONE: (213) 576-1056  
 FAX: (213) 576-1100

PROJECT TEAM



5000 VALLEYSTONE DRIVE  
CARY, NC 27519

PROJECT INFORMATION:

HIGHWAY 54  
CA-2565  
7373 TOOMA ST.  
SAN DIEGO, CA 92139

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8/27/10

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0	11/20/09	90% ZONING	RSV

PLANS PREPARED BY:



11300 SORRENTO VALLEY RD, SUITE 230  
SAN DIEGO, CA 92121  
OFFICE (858) 229-6628  
FAX (858) 552-0184

CONSULTANT:

DRAWN BY: CHK.: APV.:

DRAWN BY: RSV MM MM

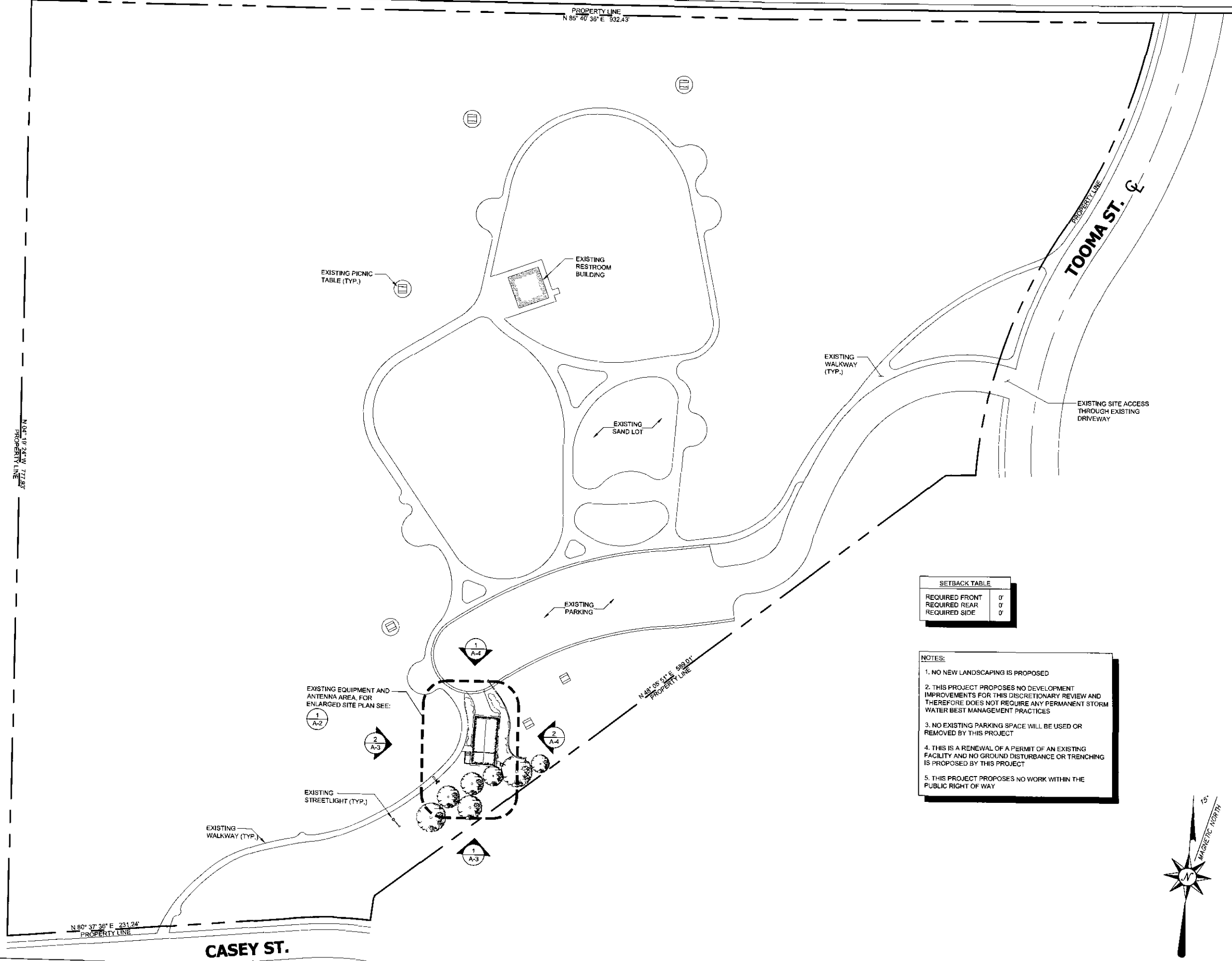
LICENSURE:

SHEET TITLE:

SITE PLAN

SHEET NUMBER: REVISION:

**A1** 3



**SETBACK TABLE**

REQUIRED FRONT	0'
REQUIRED REAR	0'
REQUIRED SIDE	0'

- NOTES:**
- NO NEW LANDSCAPING IS PROPOSED
  - THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES
  - NO EXISTING PARKING SPACE WILL BE USED OR REMOVED BY THIS PROJECT
  - THIS IS A RENEWAL OF A PERMIT OF AN EXISTING FACILITY AND NO GROUND DISTURBANCE OR TRENCHING IS PROPOSED BY THIS PROJECT
  - THIS PROJECT PROPOSES NO WORK WITHIN THE PUBLIC RIGHT OF WAY







5000 VALLEYSTONE DRIVE  
CARY, NC 27519

PROJECT INFORMATION:

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7373 TOOMA ST.  
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PLANS PREPARED BY:



11300 SORRENTO VALLEY RD, SUITE 230  
SAN DIEGO, CA 92121  
OFFICE (858) 229-6828  
FAX (858) 552-0184

CONSULTANT:

DRAWN BY: CHK.: APV.:

DRAWN BY: RSV MM MM

LICENSURE:

SHEET TITLE:

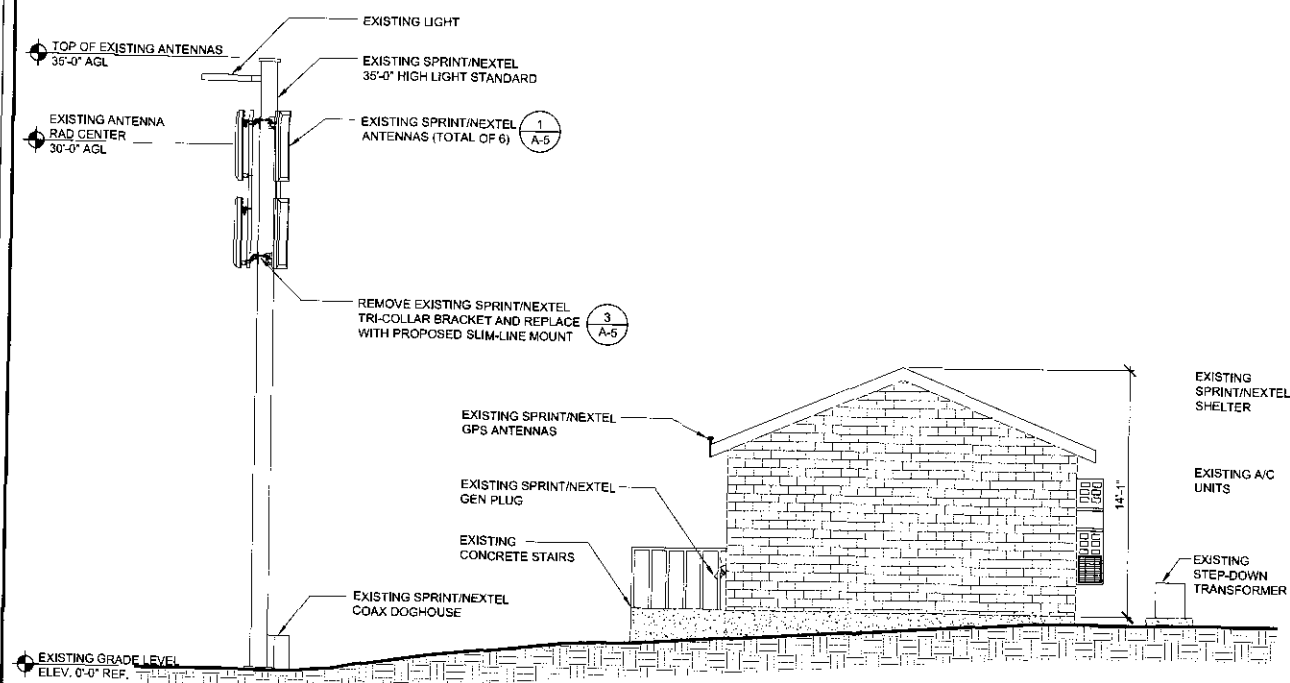
SOUTH & WEST  
ELEVATIONS

SHEET NUMBER: REVISION:

**A3** 3

NOTE: TREES NOT SHOWN FOR CLARITY

NOTE: TREES NOT SHOWN FOR CLARITY



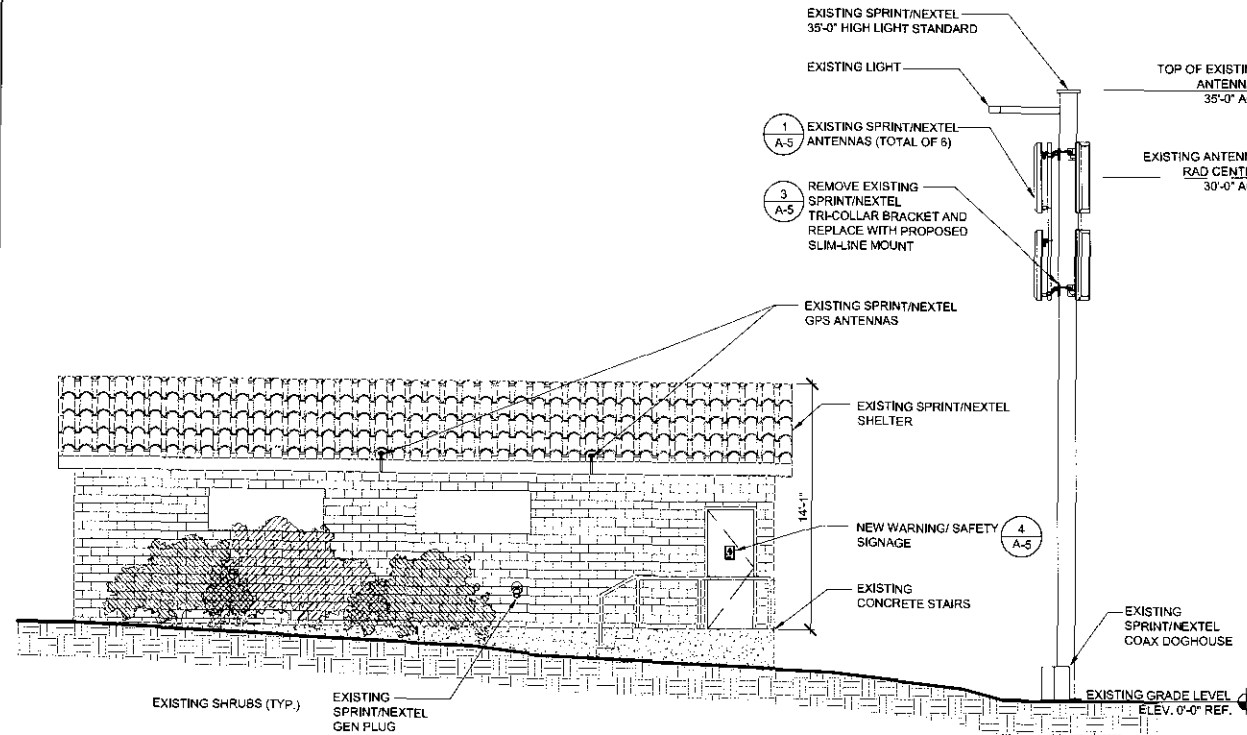
SOUTH ELEVATION

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

1

WEST ELEVATION

Page 4 of 6

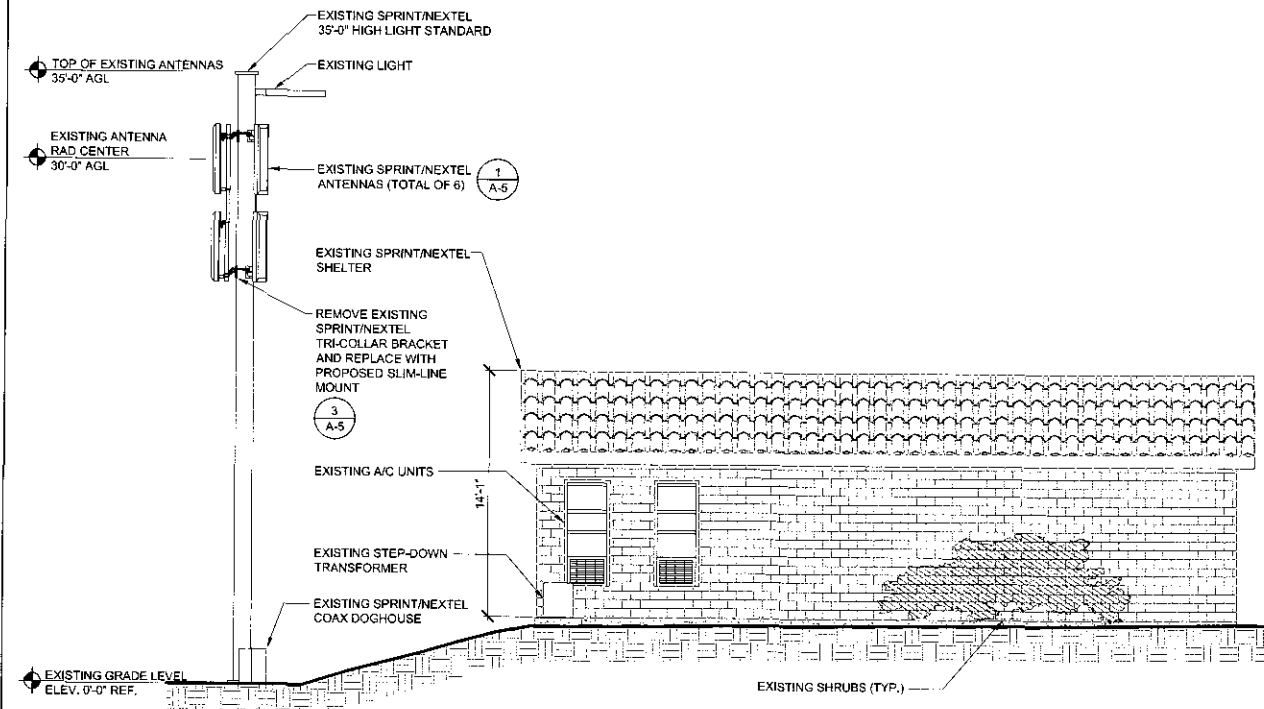
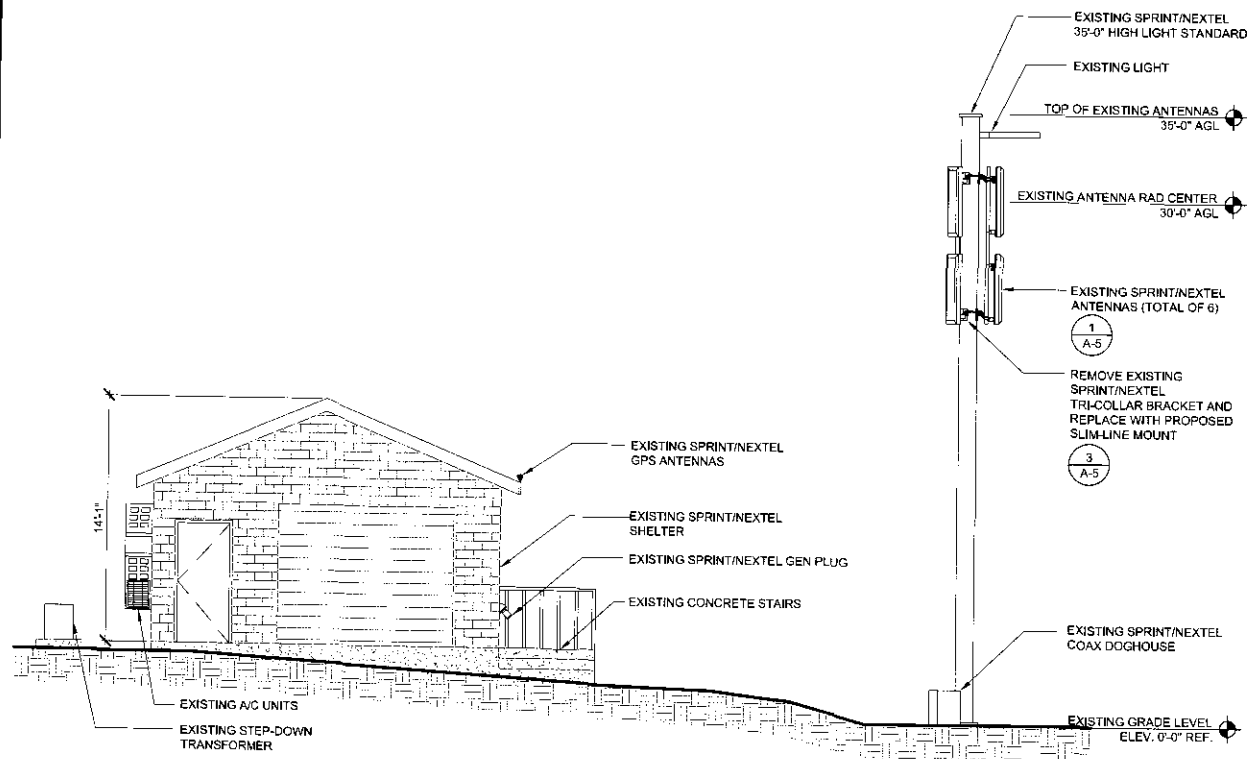


0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

2

NOTE: TREES NOT SHOWN FOR CLARITY

NOTE: TREES NOT SHOWN FOR CLARITY



**NORTH ELEVATION**

**EAST ELEVATION**

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

1

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

2



5000 VALLEYSTONE DRIVE  
CARY, NC 27519

PROJECT INFORMATION:

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CA-2565  
7373 TOOMA ST.  
SAN DIEGO, CA 92139

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PLANS PREPARED BY:



11300 SORRENTO VALLEY RD, SUITE 230  
SAN DIEGO, CA 92121  
OFFICE (858) 229-6528  
FAX (858) 532-0184

CONSULTANT:

DRAWN BY: CHK.: APV.:

DRAWN BY: RSV MM MM

LICENSURE:

SHEET TITLE:

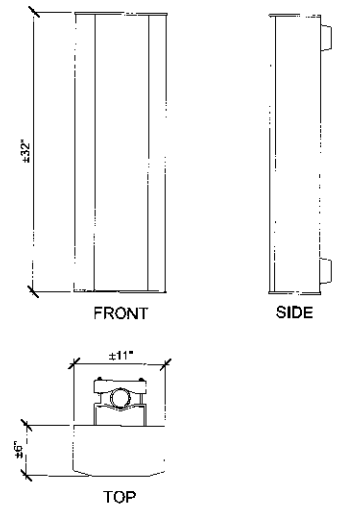
NORTH & EAST  
ELEVATIONS

SHEET NUMBER: REVISION:

**A4**

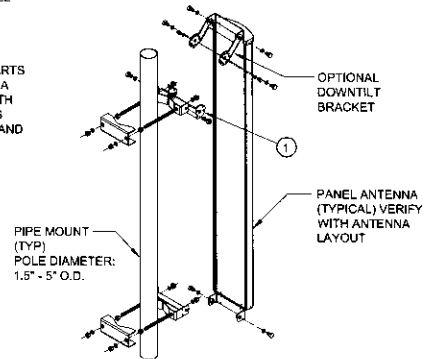
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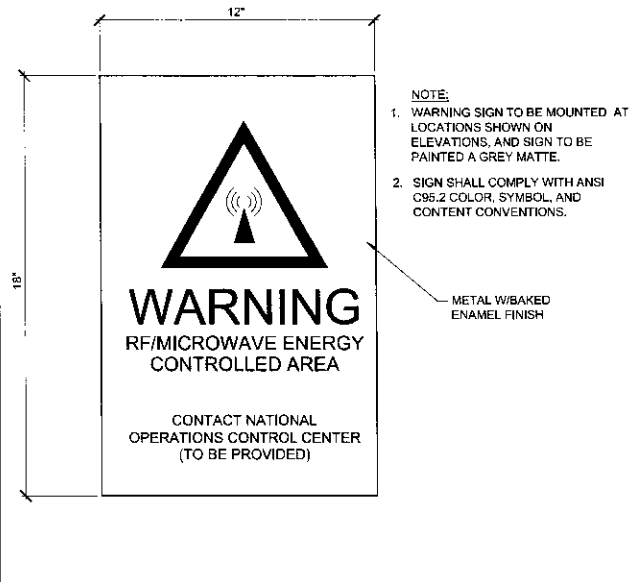
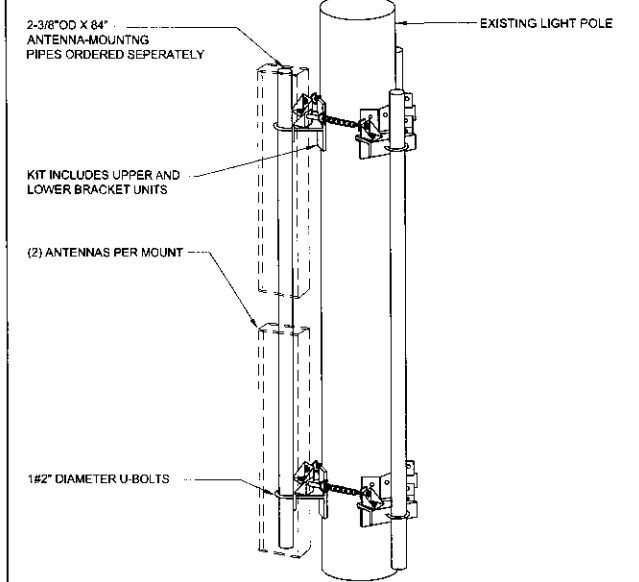
**NOTES:**

1. THE NUMBER OF CONNECTORS WILL VARY BASED ON ANTENNA TYPE.
2. CONTRACTOR TO VERIFY EXACT PARTS LIST AND ANTENNA INSTALLATION WITH MANUFACTURERS SPECIFICATIONS AND CONSTRUCTION MANAGER.



**PARTS:**

ITEM	QTY	DESCRIPTION
①	1	EMS MTG-D15-20 FOR 15" DOWNTILT



- NOTE:**
1. WARNING SIGN TO BE MOUNTED AT LOCATIONS SHOWN ON ELEVATIONS, AND SIGN TO BE PAINTED A GREY MATTE.
  2. SIGN SHALL COMPLY WITH ANSI C95.2 COLOR, SYMBOL, AND CONTENT CONVENTIONS.

**TowerCo**  
 5000 VALLEYSTONE DRIVE  
 CARY, NC 27519

**PROJECT INFORMATION:**  
 HIGHWAY 54  
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**PLANS PREPARED BY:**

**SAC WIRELESS**  
 11300 SORRENTO VALLEY RD. SUITE 230  
 SAN DIEGO, CA 92121  
 OFFICE (858) 229-6828  
 FAX (858) 552-0184

**CONSULTANT:**

**DRAWN BY:** RSV **CHK:** MM **APV:** MM

**LICENSURE:**

**SHEET TITLE:**  
 DETAILS

**SHEET NUMBER:** A5 **REVISION:** 3

EXISTING ANTENNA	SCALE N.T.S.	1	ANT. MOUNT BRACKET	SCALE N.T.S.	2	SLIM-LINE MOUNT	SCALE N.T.S.	3	WARNING SIGN	SCALE N.T.S.	4
NOT USED	SCALE N.T.S.	5	NOT USED	SCALE N.T.S.	6	NOT USED	SCALE N.T.S.	7	NOT USED	SCALE N.T.S.	8
NOT USED	SCALE N.T.S.	9	NOT USED	SCALE N.T.S.	10	NOT USED	SCALE N.T.S.	11	NOT USED	SCALE N.T.S.	12

**Hempton, Alexander**

---

**From:** Hill, Kathleen [Kathleen.Hill@alston.com]  
**Sent:** Friday, November 19, 2010 2:42 PM  
**To:** Hempton, Alexander  
**Subject:** RE: 212594 - TowerCo Highway 54, 1st Review Assessment Letter

Hi Alex

At their 11/9 meeting, the Skyline-Paradise Hills Community Planning Committee recommended approval of the project as is without any changes.

**Hempton, Alexander**

---

**From:** Harkness, Jeff  
**Sent:** Tuesday, November 02, 2010 2:20 PM  
**To:** Hempton, Alexander  
**Subject:** FW: Bay Terrace Cell Tower Renewal

FYI

Thanks.

Jeff

Jeffrey C. Harkness RLA No. 2308  
Park Designer - Park Planning Section/Liaison to Development Services Dept.  
Urban Form Division  
City Planning & Community Investment Department  
City of San Diego  
202 C Street, MS 5A  
San Diego, CA 92101-3860  
Phone: 619.533-6595  
Fax: 619.236.6478

[jharkness@sandiego.gov](mailto:jharkness@sandiego.gov)  
[www.sandiego.gov/cpci](http://www.sandiego.gov/cpci)

Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties

Please consider the environment before printing this e-mail.

**From:** Stern, Marilyn  
**Sent:** Wednesday, October 20, 2010 10:19 AM  
**To:** Winter, Jim; Harkness, Jeff  
**Cc:** Palmer-Thodile, CaSandra; Monroe, David  
**Subject:** Bay Terrace Cell Tower Renewal

Hi Jim and Jeff,

I spoke to Kathleen from TowerCo this morning who wanted to be put on the Rec Council agenda. I told her it wasn't necessary and that since there have been no problems with this tower the renewal was going forward. She thanked me and she is not going to the Rec Council meeting.

Marilyn

*Marilyn Stern*

District Manager  
Community Parks II Division  
Park and Recreation Department  
City of San Diego  
(619) 525-8286

NOTICE OF EXEMPTION

TO:  X  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.: 212594 PROJECT TITLE: TowerCo Highway 54

PROJECT LOCATION-SPECIFIC: 7373 Tooma Street, San Diego, CA 92139

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: CONDITIONAL USE PERMIT for an existing Wireless Communication Facility (WCF). The facility consists of a light standard with antennas and an equipment shelter located within a City of San Diego park (Bay Terraces Park). Minor modifications to the existing equipment are proposed to make the antennas sit more closely to the pole. The project site is located in the OP-1-1 zone of Council District 4.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Kathleen Hill  
Alston & Bird, LLP  
333 S. Hope #1600  
Los Angeles, CA 90071  
213-576-1056

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: 15301: EXISTING FACILITIES

REASONS WHY PROJECT IS EXEMPT: Section 15301 allows for the operation, permitting, leasing, or minor alterations to an existing public or private facility involving negligible or no expansion of use beyond that existing at the time of CEQA determination. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore this exemption is applicable to the proposed project.

LEAD AGENCY CONTACT PERSON: M. Blake

TELEPHONE: (619) 446-5375

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.

Matt Allen / Senior Planner  
SIGNATURE/TITLE

4/22/11  
DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR: