

# THE CITY OF SAN DIEGO REPORT TO THE PLANNING COMMISSION

DATE ISSUED:	July 19, 2012	REPORT NO. PC-12-069
ATTENTION:	Planning Commission, Agenda of Jul	y 26, 2012
SUBJECT:	VERIZON-SHOGUN KOBE; PROJEC PROCESS 4	CT NO. 263636;
OWNER/	ж	

# APPLICANT:

City of San Diego/Verizon Wireless

# SUMMARY

**Issue:** Should the Planning Commission approve an application for a new Wireless Communication Facility located at 9181 Kearny Villa Court within the Kearny Mesa Community Plan?

Staff Recommendation: APPROVE Planned Development Permit No. 927920.

<u>Community Planning Group Recommendation</u>: On March 21, 2012, the Kearny Mesa Planning Group voted 11-0-0 to recommend approval of the project, with the caveat that the site landscaping around the equipment shed is not deemed necessary (Attachment 11).

**Environmental Review:** This project is exempt from environmental review pursuant to Article 19, Section 15303 (New Construction), of the California Environmental Quality Act (CEQA). The environmental exemption determination for this project was made on May 24, 2012 and the opportunity to appeal that determination ended June 11, 2012 (Attachment 12). This project is not pending an appeal of the environmental determination.

**Fiscal Impact Statement:** All costs associated with processing of this project are recovered 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 9181 Kearny Villa Court (Attachment 1), east of Kearny Villa Road (Attachment 2). The site is located in the IL-2-1 zone (Attachment 3) within the Kearny Mesa Community Plan Area (Attachment 4). Additionally the following overlay zones apply: Airport Environs Overlay Zones (AEOZ) for the Airport Land Use Plan (ALUP) Noise Contours (CNEL) for Marine Corps Air Station (MCAS) Miramar, Airport Influence Areas (AIA)-Reviews (Area 2 for Montgomery Field and Area 1 for MCAS Miramar), Federal Aviation Administration (FAA) Part 77 Noticing Areas (Montgomery Field and MCAS Miramar), and the Overflight Notification Areas (Montgomery Field). The community plan designates the site for Industrial and Business Park, and the IL-2-1 zone allows for a mix of light industrial and office uses with limited commercial use.

The 0.85-acre site is owned by the City of San Diego and is currently developed with a Public Utilities Department parking lot for maintenance vehicles. The properties to the northwest, southwest, and southeast are owned by the City of San Diego and are occupied with city services. The property is surrounded by industrial, warehousing and distribution, and office buildings, all zoned IL-2-1 and designated as Industrial and Business Park within the community plan.

### DISCUSSION

#### **Project Description:**

Verizon is proposing a Wireless Communication Facility (WCF) consisting of a 50-foot monopine supporting twelve panel antennas, a two-foot microwave dish, and two GPS antennas, a 184-square foot prefabricated equipment building and a 312-square foot equipment enclosure containing the monopine and an emergency generator with a 150-gallon diesel tank. Under the current WCF regulations pursuant to Land Development Code (LDC) Section 141.0420(c)(1)(A)-Limited Use Regulations, WCFs are permitted as a limited use in an industrial zone. However, pursuant to the WCF design requirements, LDC Section 141.0420(g)(3), allows for a maximum 250-square foot equipment enclosure and or building. The proposed equipment building and enclosure is a total of 496-square feet; therefore, a Planned Development Permit (PDP) is required to deviate from the design requirements.

The proposed WCF will be located along the rear property line in an area that contains a mature pine tree, approximately 173-feet from the public right-of-way, and would abut an accessory building to the northwest and a parking lot to the southwest. The proposed WCF would remove four parking spaces and an area used for equipment storage for the maintenance vehicles. The existing parking lot does not contain any required parking spaces for the surrounding city facilities and the LDC does not contain a parking ratio for the existing use (parking lot); therefore, the removal of the parking spaces for the installation of the WCF would have no impacts based on the parking regulations.

In accordance with LDC Section 141.0420(g)(6), the proposed WCF includes three new live pine trees and associated landscaping to blend the facility into the surrounding area and mitigate any

possible visual impacts. Staff supports the deviation based on the integration of the facility into the site and the negligible view from the public right-of-way. Strict conformance with the development regulations would require the removal of the 312-square foot equipment enclosure walls surrounding the monopine and the emergency generator. The removal of the equipment enclosure walls would expose the equipment and may create a visual impact as viewed from the public right-of-way into the site. The proposed facility would provide wireless communication services for users of cell phones and other wireless devices and the WCF at this location is essential to network operations. Therefore, the proposed development when considered as a whole will be beneficial to the community.

#### Airport Land Use Compatibility Overlay Zone:

On January 26, 2012, the application was deemed complete and is subject to the Airport Land Use Compatibility Overlay Zone regulations (LDC Chapter 13, Article 2, Division 15) that became effective on January 1, 2012. The project site is located in Airport Environs Overlay Zones (AEOZ) for the Airport Land Use Plan (ALUP) 60-65 dB Noise Contours (CNEL) for Marine Corps Air Station (MCAS) Miramar, Airport Influence Areas (AIA)-Reviews (Area 2 for Montgomery Field and Area 1 for MCAS Miramar), Federal Aviation Administration (FAA) Part 77 Noticing Areas (Montgomery Field and MCAS Miramar), and the Overflight Notification Areas (Montgomery Field).

The proposed WCF is an unmanned facility and is a compatible use within the 60-65 dB CNEL, permitted use within AIA, and the site is not located within a Safety Zone. On November 28, 2011, the WCF received a FAA Determination of No Hazard to Air Navigation (Attachment 8); therefore, the facility is in compliance with the FAA Part 77 and Overflight Notification Areas requirements. No additional airport review or avigation easements are required for the project.

#### **Community Plan Analysis:**

The project site is designated for Industrial and Business Park in the Kearny Mesa Community Plan. The Community Plan does not contain specific policies on wireless communication facility development; therefore, there are no community plan land use issues associated with the location of the proposed project.

#### **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 facility is to be aesthetically pleasing and respectful of the neighborhood context. The monopine is located in the rear portion of the property in a setting of other pine trees, which helps to blend it in to the property and into the neighborhood context. Therefore, the WCF is in conformance with the purpose and intent of the General Plan.

## **Conclusion:**

With the approval of the PDP for the deviation, the project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, the purpose and intent of the design guidelines, and development standards in effect for this site per the WCF regulations, the LDC, and the General Plan. Staff recommends that the Planning Commission approve the project as presented.

#### **ALTERNATIVES**

- 1. **APPROVE** Planned Development Permit No. 927920, with modifications.
- 2. **DENY** Planned Development Permit No. 927920, if the Planning Commission makes written findings based on substantial evidence that the approval is not authorized by state or local zoning law.

Respectfully submitted,

Mike Westlake Program Manager Development Services Department

Jeffrey A. Peterson

Development Project Manager Development Services Department

WESTLAKE/JAP

Attachments:

- 1. Location Map
- 2. Aerial Photographs
- 3. Zoning Plan
- 4. Community Plan Land Use Map
- 5. Project Data Sheet
- 6. Project Plan
- 7. Photosimulations
- 8. FAA Determination of No Hazard to Air Navigation
- 9. Draft Permit with Conditions
- 10. Draft Resolution with Findings
- 11. Community Planning Group Recommendation
- 12. Environmental Exemption Determination
- 13. Project Chronology

Internal Order No. 24002325





**Location Map** 

<u>Verizon Shogun Kobe - Project No. 263636</u> 9181 Kearny Villa Court ATTACHMENT 1

North



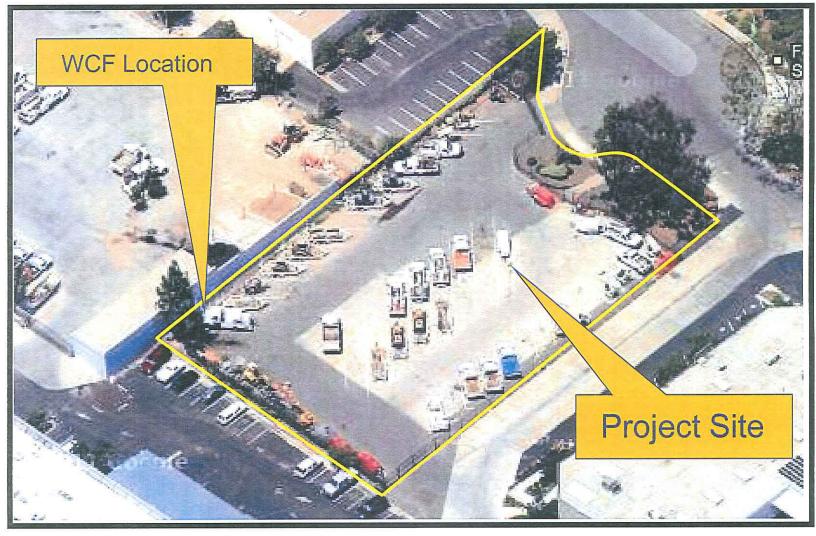


# Aerial Photograph

<u>Verizon Shogun Kobe - Project No. 263636</u> 9181 Kearny Villa Court





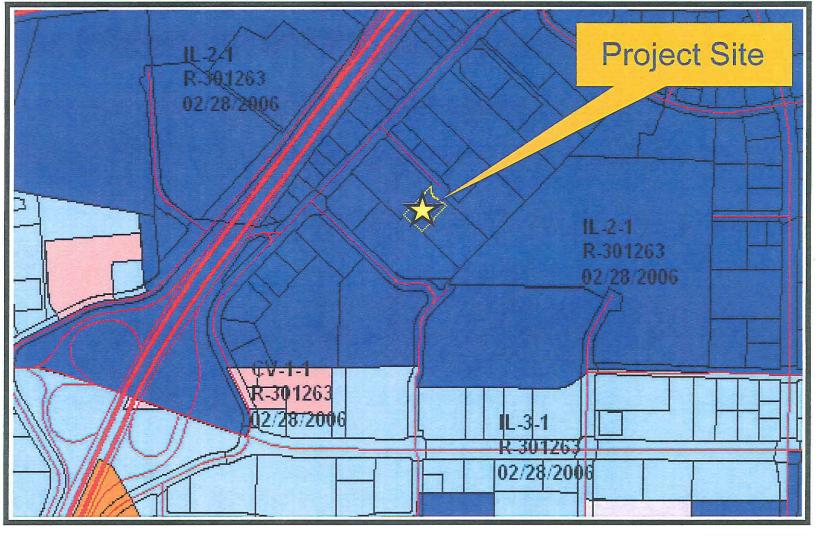




Aerial Photograph (Enlarged View)

<u>Verizon Shogun Kobe - Project No. 263636</u> 9181 Kearny Villa Court North

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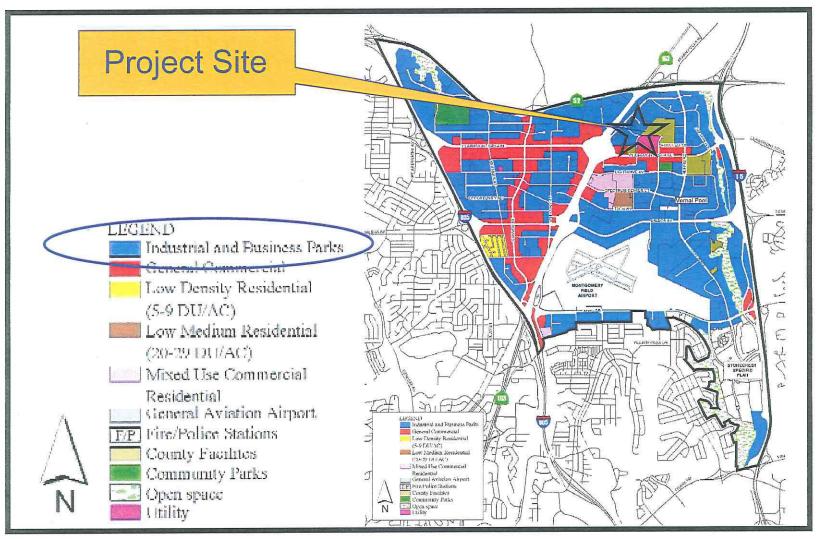




Zoning Map

<u>Verizon Shogun Kobe - Project No. 263636</u> 9181 Kearny Villa Court







Kearny Mesa Community Plan Land Use Map

<u>Verizon Shogun Kobe - Project No. 263636</u> 9181 Kearny Villa Court





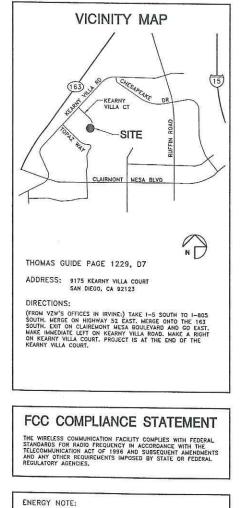
# **PROJECT DATA SHEET**

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PROJECT NAME:	Verizon-Shogun Kobe; Proje	et No. 263636
PROJECT DESCRIPTION:	supporting twelve panel anter GPS antennas, a 184-square	consisting of a 50-foot monopine nnas, a two-foot microwave dish, and two foot prefabricated equipment building and a nclosure containing the monopine and an .50-gallon diesel tank.
COMMUNITY PLAN AREA:	Kearny Mesa	
DISCRETIONARY ACTIONS:	Planned Development Permit	t
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial and Business Park	
<b>ZONE:</b> IL-2-1	ZONING INFORMATIC	<u>DN</u> :
SIDE SETBACK: 10 fee STREETSIDE SETBACK: NA	rcent t minimum and 20 feet standard	а.
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial and Business Park; IL-2-1	Industrial, Warehousing and Distribution
SOUTH:	Industrial and Business Park; IL-2-1	City Facilities (storage and work yards, and offices)
EAST:	Industrial and Business Park; IL-2-1	City Facilities (storage and work yards, and offices)
WEST:	Industrial and Business Park; IL-2-1	City Facilities (storage and work yards, and offices)
DEVIATIONS OR VARIANCES REQUESTED:		1.0420(g)(3), to exceed the maximum 250- sure and or building regulations.
COMMUNITY PLANNING GROUP RECOMMENDATION:	recommend approval of the p	rny Mesa Planning Group voted 11-0-0 to project, with the caveat that the site pment shed is not deemed necessary.





# SHOGUN KOBE 9181 KEARNY VILLA COURT SAN DIEGO, CA 92123



0% FROM ON-SITE RENEWABLE POWER SOURCE

#### CONSULTANT TEAM

ARCHITECT: BOOTH & SUAREZ ARCHITECTURE, INC. 325 CARLSBAD VILLAGE DRIVE, SUITE D2 CARLSBAD, CA 9200B (760) 434-8474 (760) 434-8596 (Fax)

SURVEYOR: JRN CIVIL ENGINEERS 232 AVENIDA FABRICANTE, SUITE 107 SAN CLEMENTE CA 92672 (949) 248-4685

LEASING/PLANNING: PLANCOM, INC. DUFFY DAUGHERTY 302 STATE PLACE ESCONDIDO, CA 92029 (925) 548-2050

#### OVERLAY ZONES:

IN REARNY MESA COMMUNITY PLAN AREA; AIRPORT ENVIRONS OVERLAY ZONES (AEOZ) ALUP NOISE CONTOURS (CNLL) FOR MCAS MIRAMAR, AIRPORT INFLUENCE AREAS (AIA)-PRIVEWS (AREA 2 FOR MONTGOMERY FIELD AND AREA 1 FOR MCAS MIRAMAR), FEDERAL AVILTION ADMINISTRATION (FAA) PART 77 NOTICING AREAS (MONTGOMERY FIELD AND MCAS MIRAMAR), OVERFLIGHT NOTIFICATION AREAS (MONTGOMERY FIELD); AND COUNCIL DISTRICT 6.

TYPE OF PERMIT REQUIRED:

 (PROCESS 1) LIMITED USE PERMIT/APPROVAL (LUP) PURSUANT TO LAND DEVELOPMENT CODE (LDC) SECTION 141.0420(c)(1)(A) AND A (PROCESS 4) PLANNED DEVELOPMENT PERMIT (PDP) FOR DEVIATIONS TO THE WCF DEVELOPMENT REGULATIONS.

SCALE

THE DRAWING SCALES SHOWN IN THIS SET REPRESENT THE CORRECT SCALE ONLY WHEN THESE DRAWINGS ARE PRINTED IN A  $24^{\prime\prime}$  x  $36^{\prime\prime}$  Format, if this drawing set is not 24" x 36", this set is not to scale.

#### PROJECT SUMMARY

APPLICANT: VERIZON WIRELESS 15505 SAND CANYON AVENUE IRVINE, CA 92618 CONTACT. DUFY OAUGHERTY PHONE: (925) 548-2050 OWNER: CITY OF SAN DIEGO 1200 THIRD AVE SAN DIEGO, CA 92101 CONTACT: CARDL YOUNG PHONE: (619) 236-6081

PROJECT DESCRIPTION:

 INSTALLATION OF VERIZON WIRELESS TELECOMMUNICATIONS EQUIPMENT RACKS INSIDE A NEW FIBREBOND PREFABRICATED SHELTER ON A CONCRETE PAD. INSTALLATION OF THREE (3) VERIZON WIRELESS ANTENNA SECTORS, OF FOUR ANTENNAS EACH (TOTAL OF 12 ANTENNAS) MOUNTED ON A NEW 50'-O" HIGH MONOPINE INSTALLATION OF (1) VERIZON WIRELESS 2'-0"# MICROWAVE DISH (FOR TELCO SERVICE FEED) MOUNTED TO PROPOSED 50'-0" HIGH MONOPINE INSTALLATION OF A 30KW ENCLOSED EMERGENCY GENERATOR WITH A 150 GALLON DIESEL TANK ON A CONCRETE PAD WITH A CONTAINMENT CURB. INSTALLATION OF VERIZON WIRELESS (2) E/911 GPS ANTENNAS INSTALLATION OF A NEW 200 AMP ELECTRICAL SERVICE INSTALLATION OF A NEW TELCO SERVICE CONNECTION MINOR LANDSCAPE OR IRRIGATION IS PLANNED FOR THIS PROJECT PROJECT ADDRESS: 9175 KEARNY VILLA CT SAN DIEGO, CA 92123 ASSESSORS PARCEL NUMBER: 369-004-019 EXISTING ZONING: IL-2-1 TOTAL SITE AREA: 37,178 SF 0.85 ACRES PROPOSED BUILDING CONCRETE BLOCK ENCLOSURE AREA: 312 S.F. PROPOSED BUILDING AREA: 184 S.F. TYPE OF CONSTRUCTION: TYPE VB PROPOSED OCCUPANCY: B

NOTE: THERE ARE NO EXISTING TELECOMMUNICATIONS FACILITIES ON SITE

#### SHEET SCHEDULE

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- T-1 TITLE SHEET & PROJECT DATA
- A-0 SITE PLAN A-0.0 WATER POLLUTION CONTROL PLANS
- A-1 ENLARGED AREA PLAN
- A-2 EQUIPMENT SHELTER ELEVATIONS
- A-3 EXTERIOR ELEVATIONS
- A-4 EXTERIOR ELEVATIONS
- A-5 MONOPINE ELEVATION, ANTENNA PLAN & DETAILS
- L-1 LANDSCAPE DEVELOPMENT PLAN C-1 TOPOGRAPHIC SURVEY
- C-2 TOPOGRAPHIC SURVEY

#### LEGAL DESCRIPTION

PARCEL A: PARCEL 10F PARCEL HAP NO. 19050, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON SEPTEMBER 12, 2002

PARCLE 8: PARCLE 4: OF PARCEL MAR 7992. IN THE CITY OF SAM DIEGO, COUNTY OF SAM DIEGO, STATE OF CAUPORNIA, ACCORDING TO MAR THEOREOF FILEO IN THE OFFICE OF THE COUNTY BECORDER 05 AND DIEGO COUNTY OCTOBER 10, 1978. FOR ADDITIONAL LEGAL DESCRIPTION INFORMATION SEE SMETT C-2

#### APPLICABLE CODES

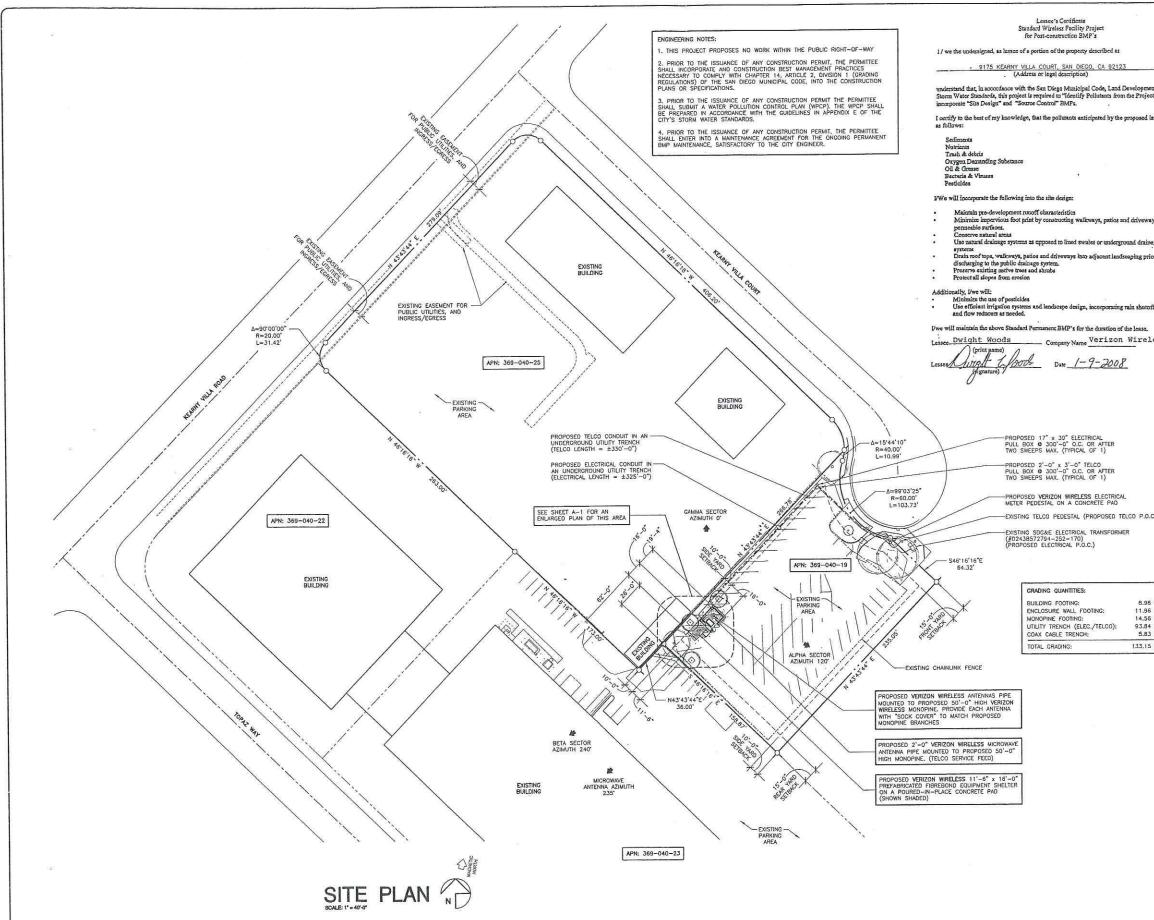
ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES CALIFORNIA STATE BUILDING CODE, TITLE 24, 2010 EDITION CALIFORNIA PLUMBING CODE, 2010 EDITION CALIFORNIA MECHANICAL CODE, 2010 EDITION CALIFORNIA ELECTRICAL CODE, 2010 EDITION CALIFORNIA ENERGY CODE, 2010 EDITION IN THE EVENT OF CONFLICT. THE MOST RESTRICTIVE CODE SHALL PREVAIL

### ACCESSIBILITY DISCLAIMER

THIS PROJECT IS AN UNOCCUPIED WIRELESS PCS TELECOMMUNICATIONS FACILITY AND, ACCORDING TO WRITTEN INTERPRETATION FROM THE CALIFORNIA DEPARTMENT OF THE STATE ARCHITECT, IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS.

# ATTACHMENT 6

ARCHITECTU 325 CANLSBAD	
CARLSOAD. CA 92	
	REPARED FOR
P.( IRVINE, (9)	D. BOX 19707 CA 92623-9707 49) 222-7000
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A. Site Management Requirement

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There are four primary purposes of the self-inspections conducted by owners and

contractors. To ensure that the owners/contractors take full responsibility for managing storm water pollution caused by their activities, To ensure that storm water EMPs are properly documented and implemented and are functioning effectively.

To idenlify maintenance (e.g., sediment removal) and repair needs. To ensure that the project proponents implement their storm water managemen

A self-inspection checklist, noting date, time, conditions and inspection date, must be kept on-alle and made available for inspection, if requested (note: the State General Construction Partin thas additional inspection regularencis that must be met to comply with the parmit). Self-inspections must be performed by a Qualified Confact Person society of the following schedule:

Daily forecasting at all times
 At 24-hour Intervals during extended rainfail events
 Daily evaluations as earth moving/grading its being conducted during the wet season
 Weekly (every 7 days) in the dry season as earth moving/grading is progressing

Weekly (every 7 days) in the dry season as earth moving/grading is progressing Storm water pollution prevention site management requirements include: A qualified person who is trained and completent in the use of RMPs shall be on site despited to atom water scalarly full time, to evaluate the conditions of the site with represent the octivated/ owner ontom water insult united on the site of the start of the start of the start of the start of the site of the site of represent the octivated/ owner ontom water insult united on the start of represent the octivated/ owner ontom water insult united on the start of and sediment control and other waste management regulations. The qualified person is responsible for maintoring the wasther and implementations of any semigrancy plans as needed. The weather shall be monitored on a 5-day or greater drance of rain. The qualified person is responsible for overticeling any site grading and operations and sediment control and dynamics of the site in compliance. The qualified person is responsible for orthorizing the BAPs routinely the BMPs as necessary to keep the dryamics of the BMPs. The BAPs routinely for maintenance and documenting the BMPs being implemented.



NOTES 1-7 BELOW REPRESENT KEY MINIMUM REQUIREMENTS FOR CONSTRUCTION BMPS.

1. THIS PROJECT SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATE PERMIT; CALIFORMIA REGIONAL WATER QUALITY CONTROL BOARD AND THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE.

2. SUFFICIENT BMPS MUST BE INSTALLED TO PREVENT SILT, MUD OR OTHER CONSTRUCTION DEBRIS FROM BEING TRACKED INTO THE ADJACENT STREET(S) OR STORM WATER CONVEYANCE SYSTEMS DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING ANY SUCH DEBRIS THAT MAY BE IN THE STREET AT THE END OF EACH WORK DAY OR AFTER A STORM EVENT THAT CAUSES A BREECH IN THE INSTALLED CONSTRUCTION BMPS.

3. ALL STOCK PILES OF UNCOMPACTED SOIL AND/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT UNPROTECTED FOR A PERIOD GREATER THAN SEVEN CALENDAR DAYS ARE TO BE PROVIDED WITH EROSION AND SEDIMENT CONTROLS, SUCH SOIL MUST BE PROTECTED EACH DAY WHEN THE PROBABILITY OF RAIN IS 40% OR GREATER.

A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS WHICH PROPOSE THE CONSTRUCTION OF ANY CONCRETE.

5. ALL EROSION/SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED IN WORKING ORDER AT ALL TIMES.

6. ALL SLOPES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.

7. THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.



BACTERIA & VIRUSES - N/A PESTICIDES - POTENTIAL

STANDARD LID BMPs:

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MINIMIZE IMPERVIOUS FOOTPRINT SOURCE\_CONTROL\_BMPs:

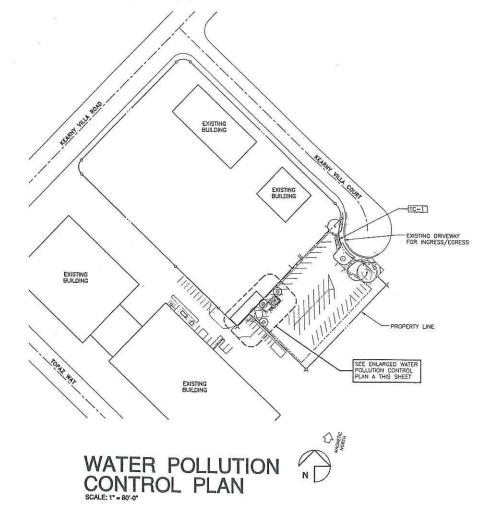
NOT APPLICABLE CONSTRUCTION STORMWATER BMPs:

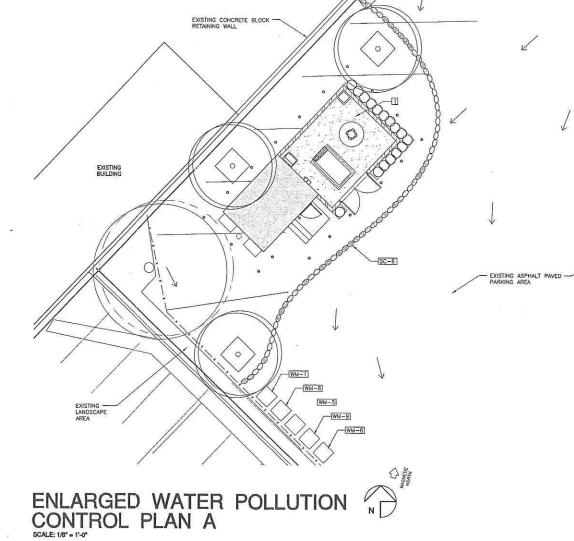
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TC-1 STABILIZED CONSTRUCTION ENTRANCE WM-1 MATERIAL DELIVERY & STORAGE WM-8 CONCRETE WASTE MANAGEMENT WM-5 SOLID WASTE MANAGEMENT

WM-9 SANITARY WASTE MANAGEMENT

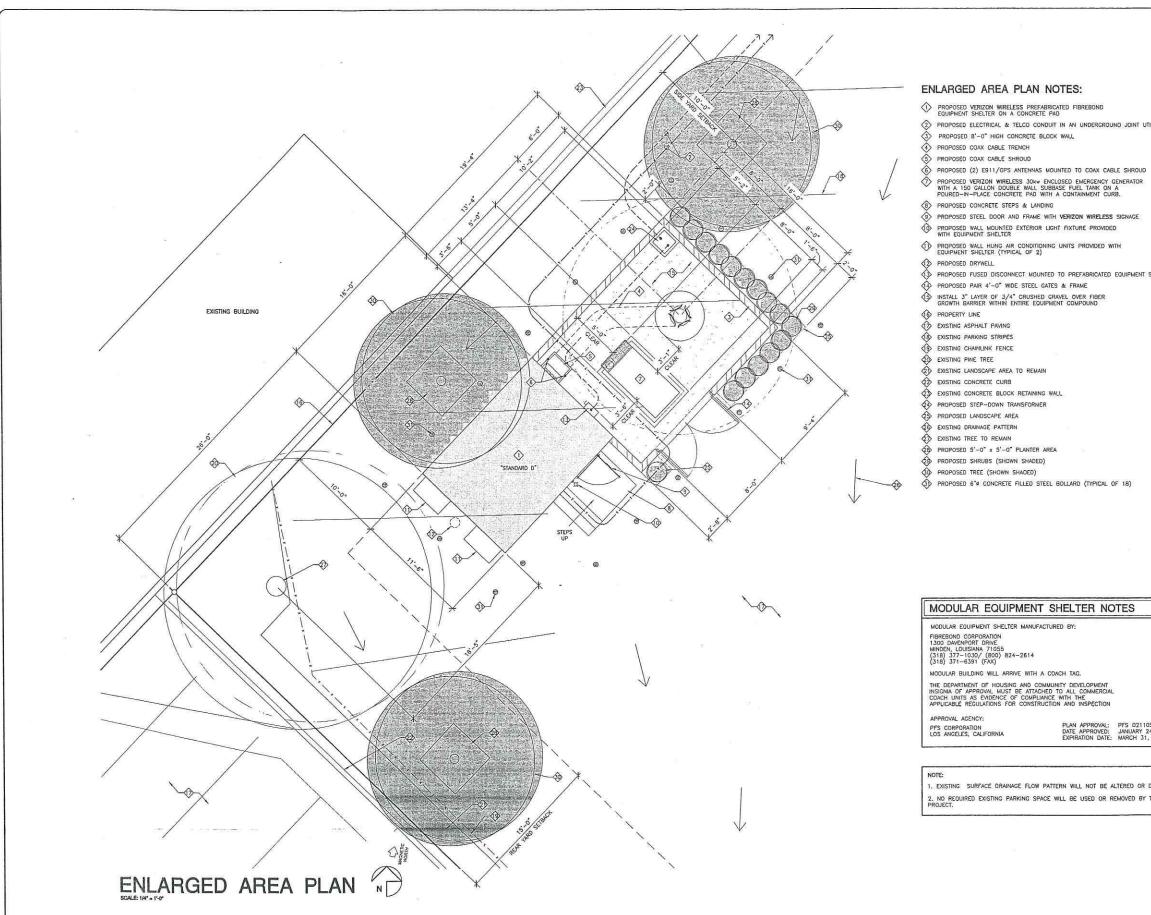
WM-6 HAZARDOUS WASTE MANAGEMENT





# **ATTACHMENT 6**

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PREPARED FOR Verizon wireless P.O. BOX 19707 IRVINE, CA 92623-9707 (949) 222-7000
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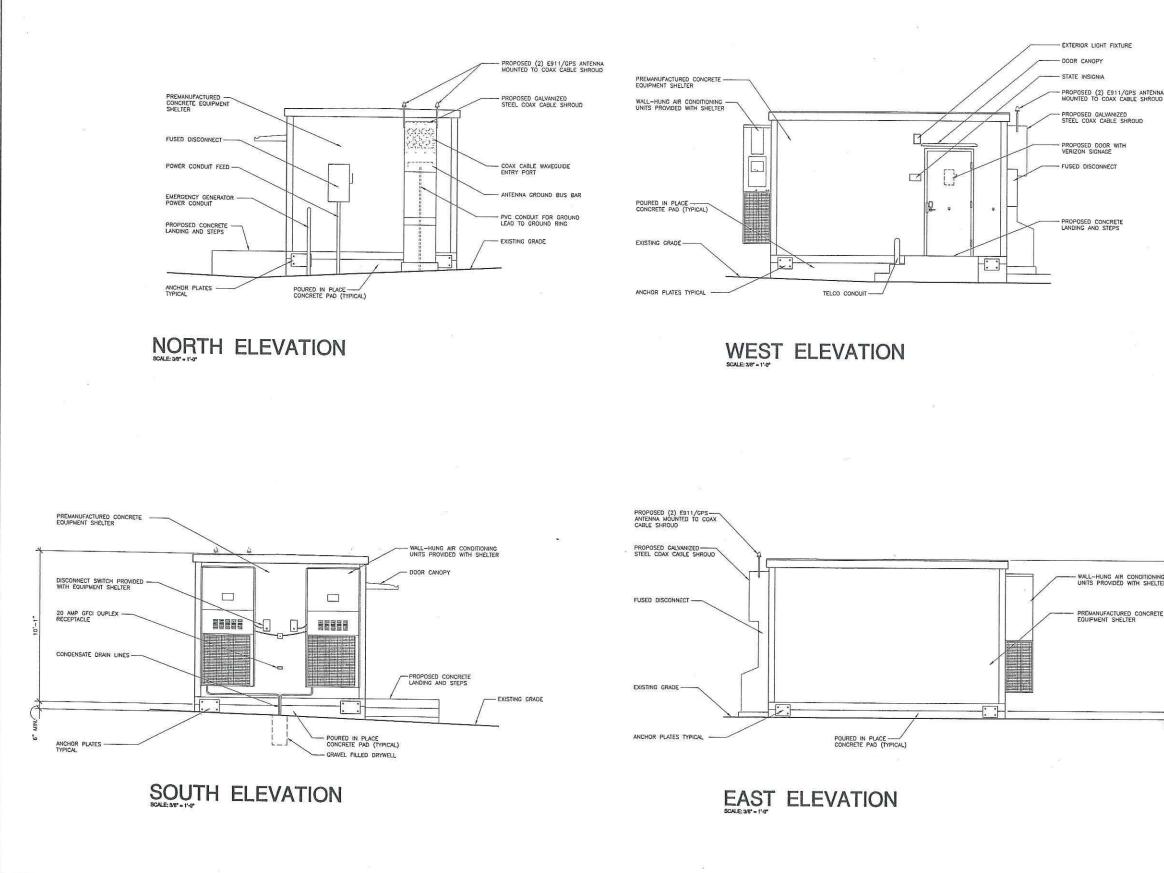


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# ATTACHMENT 6

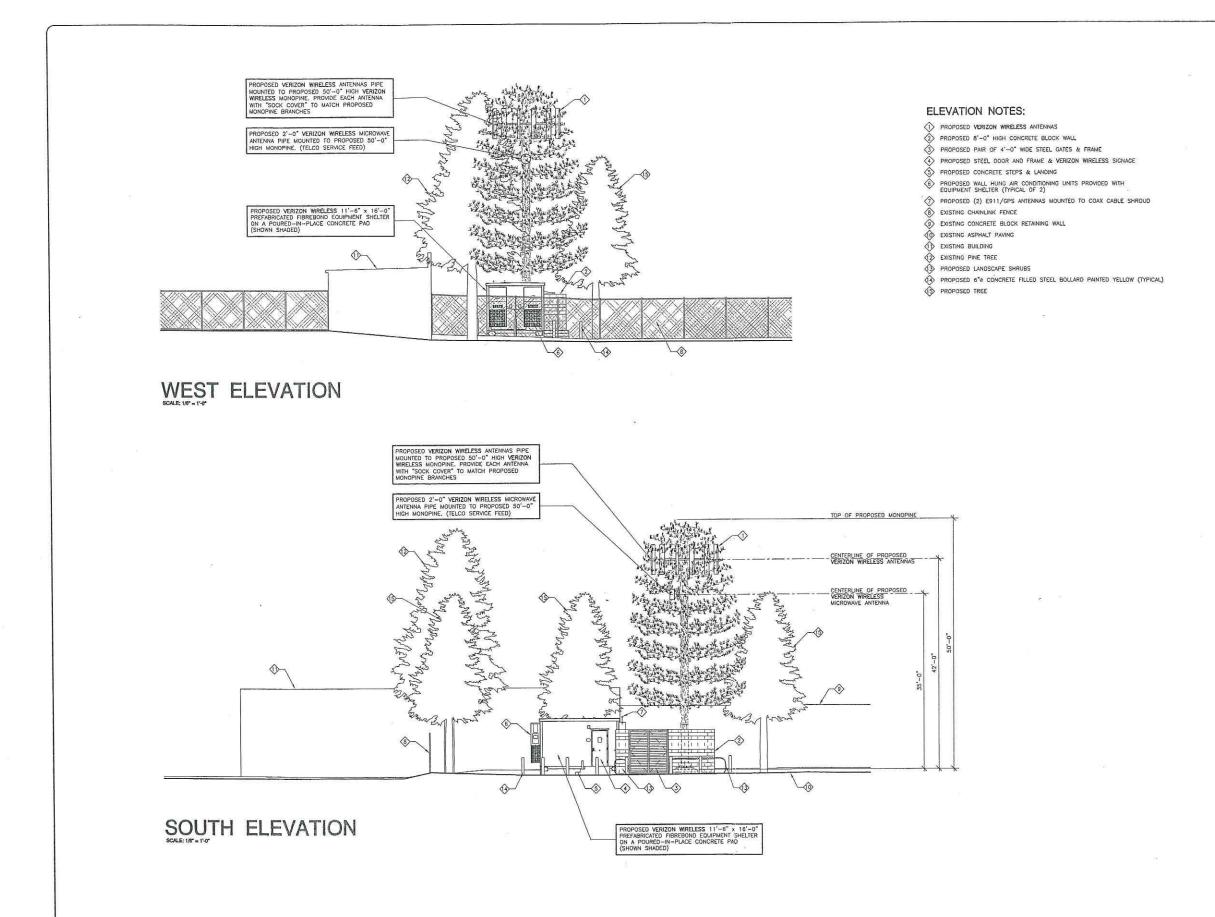
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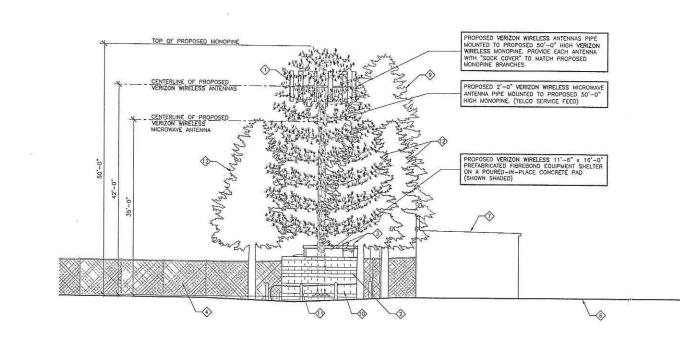




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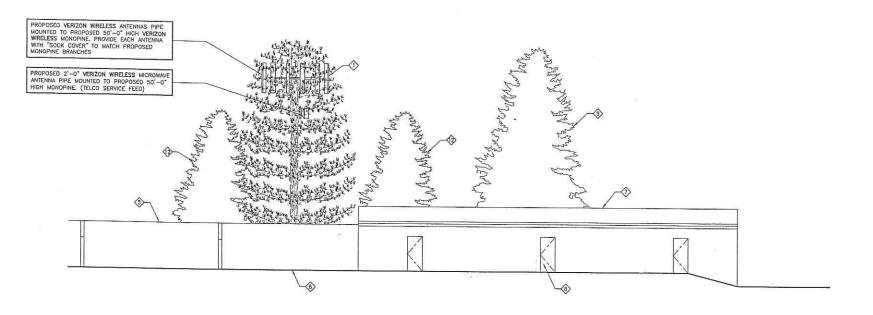
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#### ELEVATION NOTES:

- PROPOSED VERIZON WIRELESS ANTENNAS
- PROPOSED 8'-0" HIGH CONCRETE BLOCK WALL
- 3 PROPOSED (2) E911/GPS ANTENNAS MOUNTED TO COAX CABLE SHROUD
- EXISTING CHAINLINK FENCE
- S EXISTING CONCRETE BLOCK RETAINING WALL
- C EXISTING ASPHALT PAVING
- EXISTING BUILDING
- B EXISTING DOOR
- EXISTING PINE TREE
- PROPOSED LANDSCAPE SHRUBS
- PROPOSED 6" CONCRETE FILLED STEEL BOLLARD PAINTED YELLOW (TYPICAL)
- PROPOSED TREE

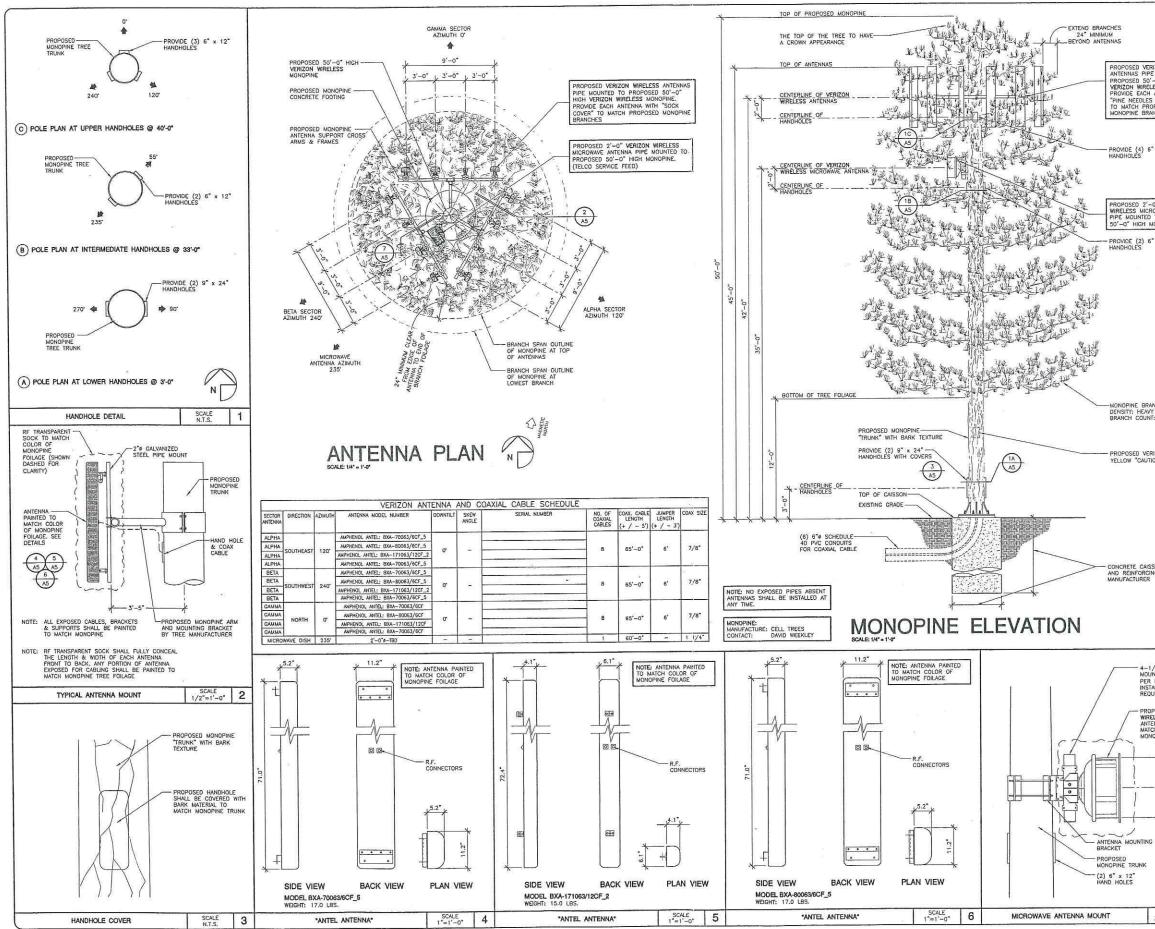
EAST ELEVATION



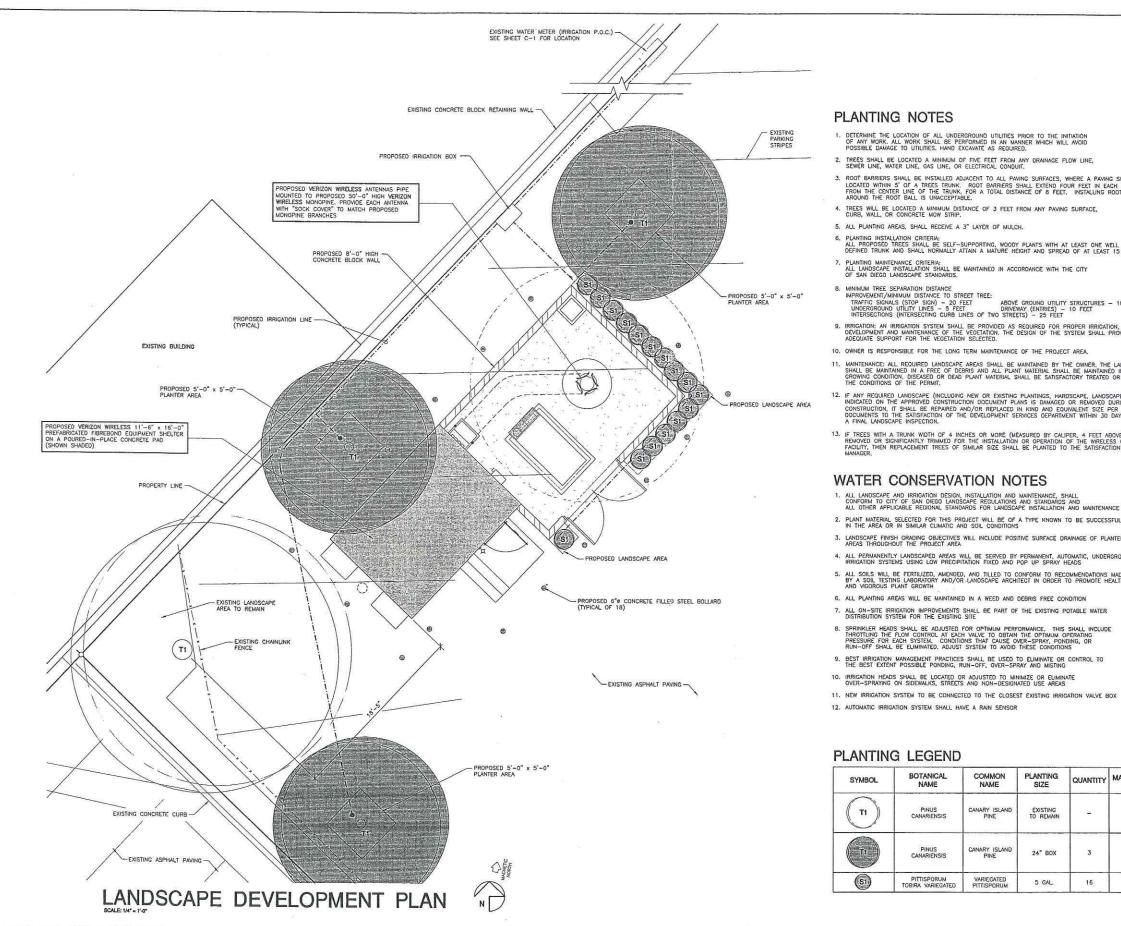
NORTH ELEVATION

# ATTACHMENT 6

325 CARLSDAD VILLAGE DRIVE	NCORPORATED SUITE DE
	(760) 434-5474
PREPARED F	wireless
P.O. BOX 19 IRVINE, CA 9262 (949) 222-7	707 3-9707 000
APPROVAL	s
A&C	DATE
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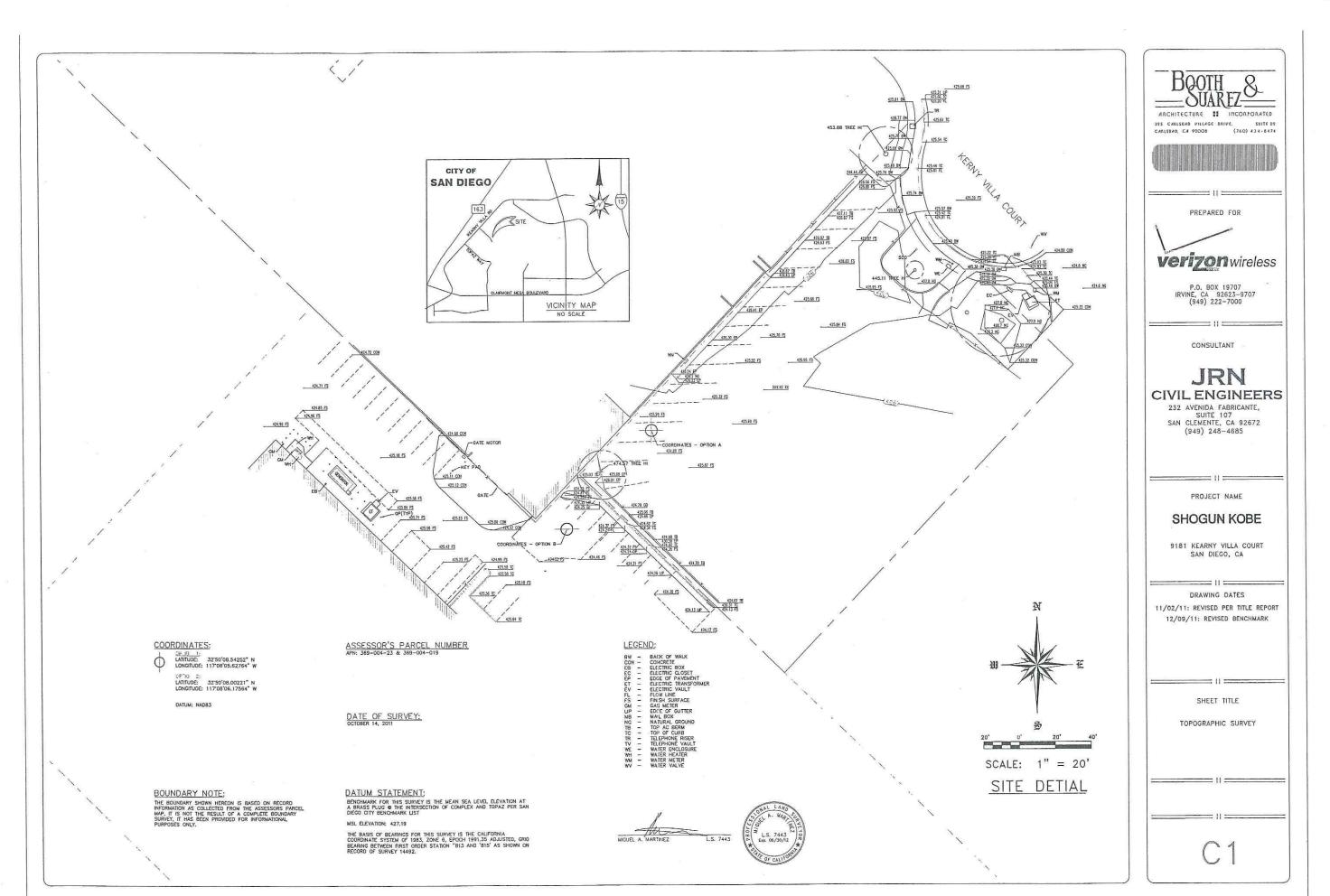


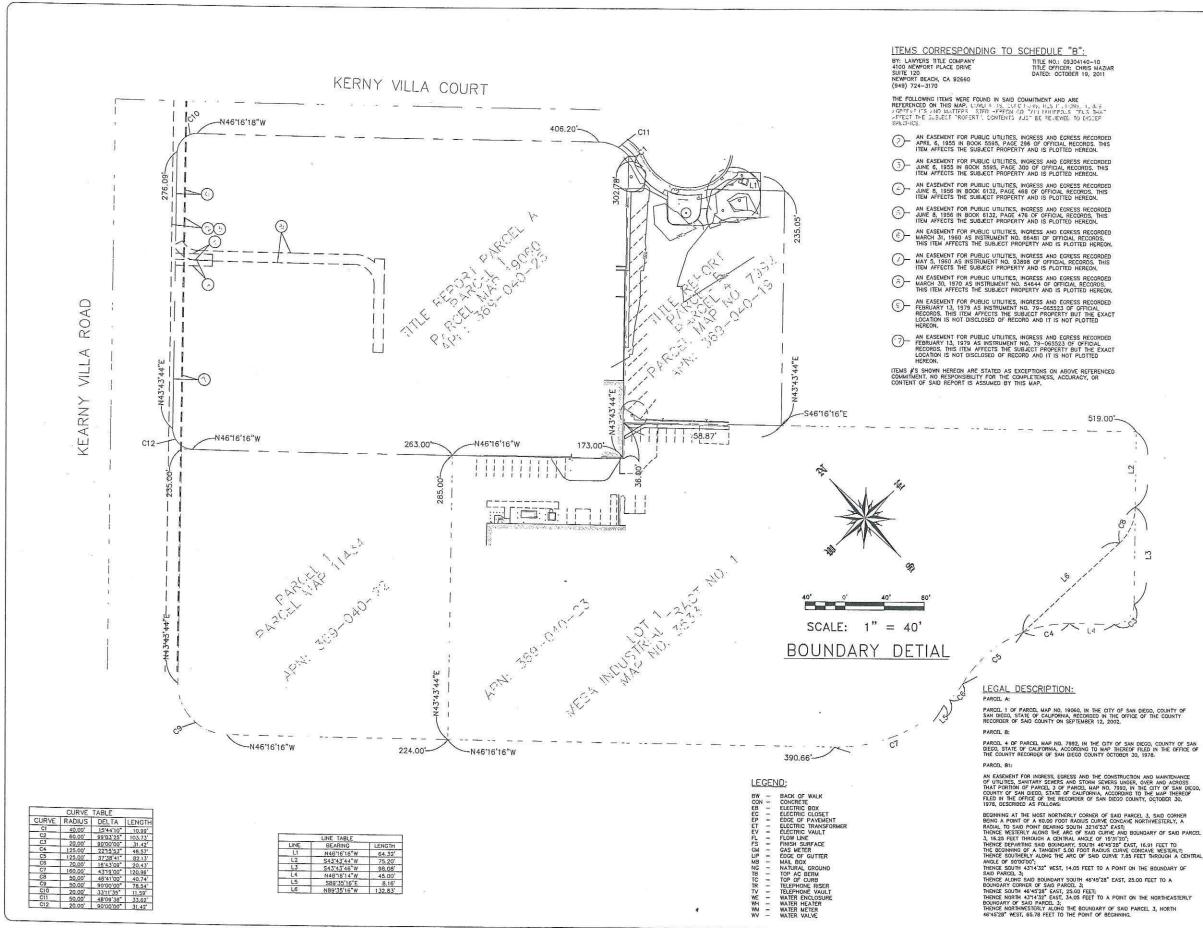
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	MONOPINE ELEVATION, ANTENNA PLAN & DETAILS	
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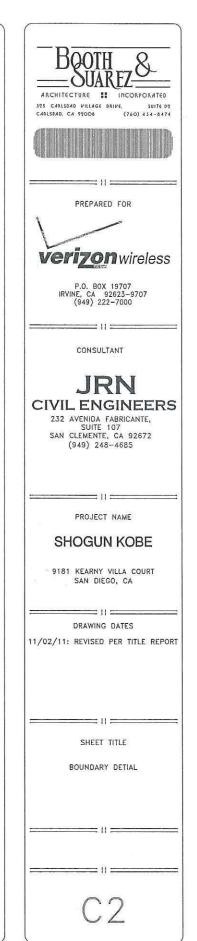


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PREPARED FOR
P.O. BOX 19707 IRVINE, CA 92623-9707 (949) 222-7000
APPROVALS
A&C DATE
RE DATE
RF DATE
EE/IN DATE
OPS DATE
EE/OUT DATE
PROJECT NAME
SHOGUN KOBE
9181 KEARNY VILLA COURT SAN DIEGO, CA 92123 SAN DIEGO COUNTY
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LANDSCAPE DEVELOPMENT PLAN
PROJECTS\Verizon\11113zd
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ATTACHMENT 5

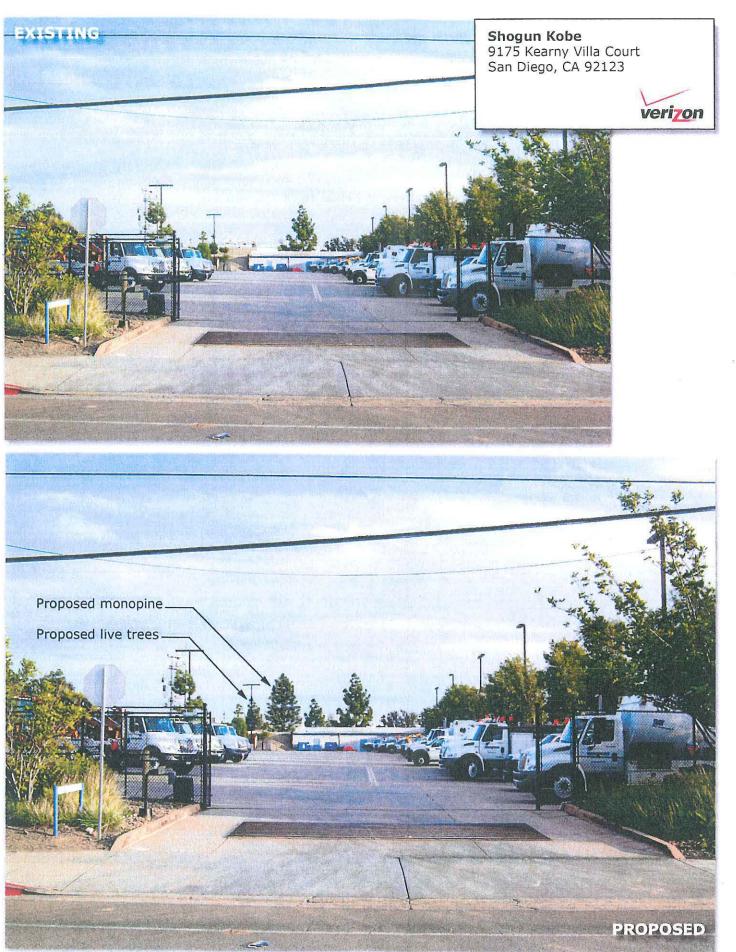
2





4/9/2012

Photosimulation of proposed telecommunications site: South elevation



4/9/2012 hotosimulation of proposed telecommunications site: North elevation from Kearny Villa Rd.

# ATTACHMENT 7



Aeronautical Study No. 2011-AWP-7481-OE



Mail Processing Center Federal Aviation Administration Southwest Regional Office Obstruction Evaluation Group 2601 Meacham Boulevard Fort Worth, TX 76137

Issued Date: 11/28/2011

James Alderman Verizon Wireless (VAW) LLC 1120 Sanctuary Parkway Alpharetta, GA 30009

#### **\*\* 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:Monopole Shogun KobeLocation:San Diego, CALatitude:32-50-08.54N NAD 83Longitude:117-08-05.63WHeights:425 feet site elevation (SE)50 feet above ground level (AGL)475 feet above mean sea level (AMSL)

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

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

\_\_\_\_ At least 10 days prior to start of construction (7460-2, Part I)

X Within 5 days after the construction reaches its greatest height (7460-2, Part II)

#### 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.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 05/28/2013 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

(DNE)

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

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 2011-AWP-7481-OE.

Signature Control No: 153636362-154232155 Karen McDonald Specialist

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

cc: FCC

# Additional information for ASN 2011-AWP-7481-OE

At a distance of 6600 feet from transmitter site spurious emissions signal levels from proposed transmitters must be less than -104 dBm in the 108-137, 225-400 MHz frequency bands.

# Case Description for ASN 2011-AWP-7481-OE

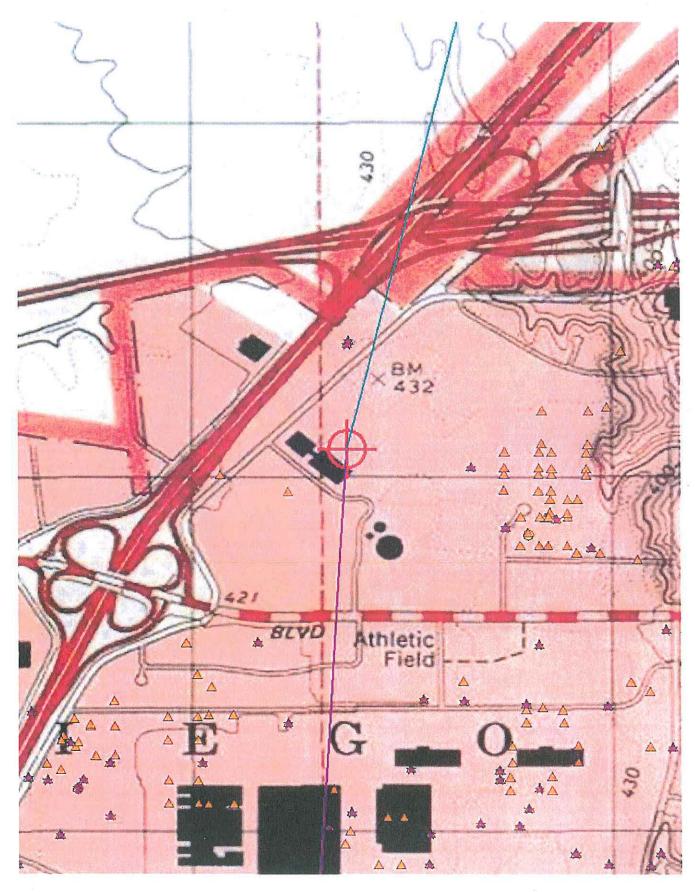
New Construction of 50' monopole NB with no appurtenaces.

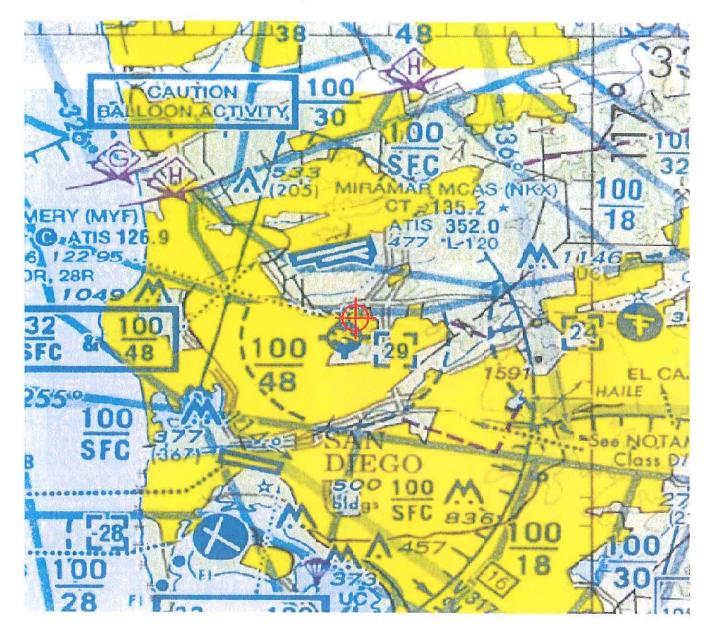
<b>Frequency</b>	Data for	ASN	2011-AWP-7481-	OE
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LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
Indetter	TheQUEITET	UIII	EKI	UNII
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

# Verified Map for ASN 2011-AWP-7481-OE

# ATTACHMENT 8





# Sectional Map for ASN 2011-AWP-7481-OE

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: 24002325

# PLANNED DEVELOPMENT PERMIT NO. 927920 VERIZON-SHOGUN KOBE PROJECT NO. 263636 PLANNING COMMISSION

This Planned Development Permit No. 927920 is granted by the Planning Commission of the City of San Diego to CITY OF SAN DIEGO, Owner, and VERIZON WIRELESS, Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 141.0420 and 126.0604. The 0.85-acre site is located at 9181 Kearny Villa Court in the IL-2-1 zone within the Kearny Mesa Community Plan Area, and the following overlay zones: Airport Environs Overlay Zones (AEOZ) for the Airport Land Use Plan (ALUP) Noise Contours (CNEL) for Marine Corps Air Station (MCAS) Miramar, Airport Influence Areas (AIA)-Reviews (Area 2 for Montgomery Field and Area 1 for MCAS Miramar), Federal Aviation Administration (FAA) Part 77 Noticing Areas (Montgomery Field and MCAS Miramar), the Overflight Notification Areas (Montgomery Field), and Council District 6. The project site is legally described as: Parcel 4 of Parcel Map No. 7992, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County, on October 30, 1978.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 26, 2012, on file in the Development Services Department.

The project shall include:

a. Wireless Communication Facility (WCF) consisting of a 50-foot monopine supporting twelve panel antennas, a two-foot microwave dish, and two GPS antennas, a 184-square foot prefabricated equipment building and a 312-square foot equipment enclosure containing the monopine and an emergency generator with a 150-gallon diesel tank;

- b. Deviation to SDMC Section 141.0420(g)(3) to allow for a 496-square foot equipment enclosure;
- c. Landscaping (planting, irrigation and landscape related improvements); and
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

#### **STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void 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. **This permit must be utilized by August 9, 2015**.

2. This Planned Development Permit [PDP] and corresponding use of this site **shall expire on July 26, 2022**. 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 of this permit, the Owner/Permittee may submit a new application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.

4. Under no circumstances, does approval of this permit authorize Verizon Wireless to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration 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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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 Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

11. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determinednecessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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 Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The 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 Permittee of any claim, action, or proceeding and, if the City

should fail to cooperate fully in the defense, the 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, 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 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.

# AIRPORT REQUIREMENTS:

14. Prior to the issuance of any construction permit, the Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

# **ENGINEERING REQUIREMENTS:**

15. The project proposes to export 147 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

16. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

17. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

# **LANDSCAPE REQUIREMENTS:**

20. 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.

21. Prior to issuance of any construction permits, complete landscape and irrigation construction documents shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

22. Prior to building permit final inspection, it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections.

23. If any required landscape is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Building Permit Inspection.

24. Any landscaping required by this Permit that dies within three years of installation shall be replaced in-kind within 30 calendar days.

#### PLANNING/DESIGN REQUIREMENTS:

25. 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.

26. All proposed hand-holes shall be covered with bark material to match the monopine trunk to the satisfaction of the Development Services Department.

27. All coaxial conduits shall be routed up through the caisson and into the tree to the satisfaction of the Development Services Department. Doghouses are not permitted.

28. Branches shall extend a minimum of 24-inches beyond the proposed antennas to the satisfaction of the Development Services Department.

29. Starting branch height shall be no lower than 10-feet, as illustrated on the stamped, approved Exhibit "A."

30. All exposed cables, brackets and supports shall be painted to match the faux tree foliage to the satisfaction of the Development Services Department.

31. RF socks fully covering the front and back of the antennas (and any other components) shall be used.

32. 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.

33. The applicant is required to provide color samples of the monopine prior to Building Permit issuance. This is to ensure that the proposed monopine integrates with the surrounding

landscape. Staff will pre-approve the color sample prior to Building Permit issuance. The exact monopine color exhibit will be used during the FINAL INSPECTION. The color approved by Planning Staff must be identical to the as-built monopine.

34. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

35. The Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition.

36. The photosimulation(s) for the proposed project shall be printed (not stapled) on the building plans. This is to ensure the construction team building the project is in compliance with approved the Exhibit "A."

37. No overhead cabling is allowed for this project.

38. The final product shall conform to the stamp approved plans and approved photosimulations prior to final inspection approval.

39. Please note that an Administrative Planning Hold will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 446-5237 to schedule an inspection of the completed facility. Please schedule this administrative inspection at least five working days ahead of the requested Final.

40. All equipment, including transformers, emergency generators and air conditioners belonging to Verizon Wireless 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.

41. The Permittee shall place appropriate signage on the WCF as required by CAL-OSHA to the satisfaction of the Development Services Department.

# **INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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-section 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 July 26, 2012 and [Approved Resolution Number].

# Permit Type/PTS Approval No.: PDP No. 927920 Date of Approval: July 26, 2012

# AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A. Peterson Development Project Manager

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

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

CITY OF SAN DIEGO Owner

By		
Name:		
Title:		

VERIZON WIRELESS Permittee

By	
Name:	
Title:	

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

# PLANNING COMMISSION RESOLUTION NO. XXX-PC PLANNED DEVELOPMENT PERMIT NO. 927920 VERIZON-SHOGUN KOBE PROJECT NO. 263636

WHEREAS, CITY OF SAN DIEGO, Owner, and VERIZON WIRELESS, Permittee, filed an application with the City of San Diego for a Planned Development Permit for a Wireless Communication Facility (WCF). The WCF consists of a 50-foot monopine supporting twelve panel antennas, a two-foot microwave dish, and two GPS antennas, a 184-square foot prefabricated equipment building and a 312-square foot equipment enclosure containing the monopine and an emergency generator with a 150-gallon diesel tank (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 927920);

WHEREAS, the project site is located at 9181 Kearny Villa Court in the IL-2-1 zone within the Kearny Mesa Community Plan Area, and the following overlay zones: Airport Environs Overlay Zones (AEOZ) for the Airport Land Use Plan (ALUP) Noise Contours (CNEL) for Marine Corps Air Station (MCAS) Miramar, Airport Influence Areas (AIA)-Reviews (Area 2 for Montgomery Field and Area 1 for MCAS Miramar), Federal Aviation Administration (FAA) Part 77 Noticing Areas (Montgomery Field and MCAS Miramar), the Overflight Notification Areas (Montgomery Field), and Council District 6;

WHEREAS, the project site is legally described as Parcel 4 of Parcel Map No. 7992, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County, on October 30, 1978;

WHEREAS, on July 26, 2012, the Planning Commission of the City of San Diego considered Planned Development Permit No. 927920 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 24, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section [15303 New Construction] and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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

That the Planning Commission adopts the following written Findings, dated July 26, 2012.

FINDINGS:

# Planned Development Permit - Section 126.0604 (a)

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

The project site is located at 9181 Kearny Villa Court, east of Kearny Villa Road, in the IL-2-1 zone (Industrial-Light Zone) within the Kearny Mesa Community Plan Area. Wireless Communication Facilities (WCFs) are allowed as a limited use in an industrial zone pursuant to Land Development Code (LDC) Section 141.0420(c)(1)(A).

The community plan designates the site for Industrial and Business Park and does not contain specific policies on WCF development. The IL-2-1 zone allows for a mix of light industrial and office uses with limited commercial use, and WCF are allowed as a limited use. In addition, the City of San Diego General Plan recommends that all 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 monopine is located in the rear portion of the property in a setting of pine trees, which helps to blend it in to the property. The WCF has been designed to be aesthetically pleasing and respectful of the neighborhood context.

With the approval of the PDP, the project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, the purpose and intent of the design guidelines, and development standards in effect for this site per the WCF regulations, the LDC, and the General Plan. Therefore, the proposed development would not adversely affect the applicable land use plan.

# 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 RF emissions to the extent that such facilities comply with the FCC standards for such emissions." Verizon submitted a Radio Frequency (RF) Report, which concluded that the project complies with FCC RF Standards. 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 with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that 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; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The project site is located at 9181 Kearny Villa Court, east of Kearny Villa Road, in the IL-2-1 zone (Industrial-Light Zone) within the Kearny Mesa Community Plan Area. WCFs are allowed as a limited use in an industrial zone pursuant to LDC Section 141.0420(c)(1)(A). The community plan designates the site for Industrial and Business Park and does not contain specific policies on WCF development.

The proposal is for a new WCF consisting of a 50-foot monopine supporting twelve panel antennas, a two-foot microwave dish, and two GPS antennas, a 184-square foot prefabricated equipment building and a 312-square foot equipment enclosure containing the monopine and an emergency generator with a 150-gallon diesel tank. The WCF design requirements, LDC Section 141.0420(g)(3), allows for a maximum 250-square foot equipment enclosure. The proposed equipment building and enclosure totals of 496-square feet; therefore, a Planned Development Permit (PDP) is required to deviate from the design requirements.

The 0.85-acre site is owned by the City of San Diego and is currently developed with a Public Utilities Department parking lot for maintenance vehicles. The proposed 50-foot monopine will be located along the rear property line in an area that contains a mature pine tree, approximately 173-feet from the public right-of-way, and would abut an accessory building to the northwest and a parking lot to the southwest. The proposed WCF would remove four parking spaces and an area used for equipment storage for the maintenance vehicles. The existing parking lot does not contain any required parking spaces for the surrounding city facilities and the LDC does not contain a parking ratio for the existing use (parking lot); therefore, the removal of the parking spaces for the installation of the WCF would have no impacts based on the parking regulations.

In accordance with LDC Section 141.0420(g)(6), the proposed WCF includes three new live pine trees and associated landscaping to blend the facility into the surrounding area and mitigate any possible visual impacts. The proposed facility would provide wireless communication services for users of cell phones and other wireless devices and the WCF at this location is essential to network operations. The proposed deviation for the equipment building and enclosure can be supported based on the integration of the facility into the site and the negligible view from the public right-of-way. Strict conformance with the development regulations would require the removal of the 312-square foot equipment enclosure walls surrounding the monopine and the emergency generator. The removal of the equipment enclosure walls would expose the equipment and may create a visual impact as viewed from the public right-of-way into the site.

The site is located within the Airport Environs Overlay Zones (AEOZ) for the Airport Land Use Plan (ALUP) Noise Contours (CNEL) for Marine Corps Air Station (MCAS) Miramar, Airport Influence Areas (AIA)-Reviews (Area 2 for Montgomery Field and Area 1 for MCAS Miramar), Federal Aviation Administration (FAA) Part 77 Noticing Areas (Montgomery Field and MCAS Miramar), and the Overflight Notification Areas (Montgomery Field). The proposed WCF is an unmanned facility and is a compatible use within the 60-65 dB CNEL, permitted use within the AIA, and the site is not located within a Safety Zone. On November 28, 2011, the WCF received a FAA Determination of No Hazard to Air Navigation; therefore, the facility is in compliance with the FAA Part 77 and Overflight Notification Areas requirements.

Therefore, with the approval of the PDP for the deviation, the project meets all applicable regulations and policy documents, and the project is consistent with the recommended land use, the purpose and intent of the design guidelines, and development standards in effect for this site per the WCF regulations, the LDC, and the General Plan.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 927920 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. 927920, a copy of which is attached hereto and made a part hereof.

Jeffrey A. Peterson Development Project Manager Development Services Department

Adopted on: July 26, 2012

Internal Order No. 24002325

ATTACHMENT 11

# Kearny Mesa Planning Group

C/O Gibbs Flying Service, Inc. 8906 Aero Drive, San Diego, CA 92123 858-277-0162 FAX 858-277-0854 www.kearnymesaplanninggroup.org

March 23, 2012

Jeffrey Peterson, Project Manager Development Services City of San Diego 1222 First Street, MS-302 San Diego, CA 92101

Re: Verizon Shogun Kobe Project No 263636 9181 Kearny Villa Court, San Diego, CA 92123

Dear Mr. Peterson,

At the regularly scheduled meeting of the Kearny Mesa Planning Group on March 21, 2012 the planning group heard a presentation on the above referenced project by the project consultant, Kerrigan Diehl, representing Verizon. Ms. Diehl described the wireless communication facility that is proposed as a new facility utilizing a 50' "tree" to hide the antennas and a utility shed that is slightly larger than the earlier designs, The recent electrical blackout was more lengthy than current facilities are designed for so new facilities will have greater standby electrical power generation capacity. Thus requiring a slightly larger equipment size.

During the presentation and discussion it was noted that this facility will be constructed in a City utility yard where City equipment, materials and trucks are stored. Visibility from the public right of way is only of the mid part of the tree and up. All the equipment and the equipment shed are not visible due to the street landscaping, fencing and stored equipment and materials. The plans detail a standard landscaping element surrounding the facility but because is not really visible, it seems unnecessary. After the discussion, a motion was made, seconded and unanimously approved, 11-0-0, to recommend approval of the wireless communications facility as proposed except that the site landscaping around the equipment shed is not deemed necessary.

Please give me a call if you need any additional information.

Sincerely, Buzz Gibbs,

201



#### NOTICE OF EXEMPTION

(Check one or both)

TO: <u>X</u> 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.: 263636

PROJECT TITLE: Verizon Shogun Kobe

PROJECT LOCATION-SPECIFIC: 9181 Kearny Villa Court, San Diego, CA 92123 (Parcel of Parcel Map 19060 and Parcel 4 of Parcel Map 7992)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Planned Development Permit (PDP) for a Wireless Communication Facility (WCF) on City property. The WCF would include a 50-foot tall monopine, 12 antennas, 1 microwave dish, 2 GPS antennas, 1840 square-foot prefabricated equipment building and a 312 square-foot equipment enclosure with an emergency generator located at 9181 Kearny Villa Court, in the IL-2-1 Zone, Airport Environs Overlay Zone (AEOZ) Airport Land Use Plan (ALUP) Noise Contours Community Noise Equivalent Level (CNEL) for Marine Corps Air Station (MCAS) Miramar, and Federal Aviation Administration (FAA) Part 77 Noticing Areas (Montgomery Field & MCAS Miramar), Overflight Notification Area (Montgomery Field); in the Kearny Mesa Community Planning Area in Council District 6 of the City of San Diego.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Kerrigan Diehl 302 State Place Second Floor Escondido, CA 92029 760-587-3003

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)) -
- (X) CATEGORICAL EXEMPTION: 15303 New Construction
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT This project is exempt because it is located in a parking lot of an industrial area which would not be adversely affected and no sensitive resources exist on or around the site, it would result in no adverse visual effects and minimal grading would occur. In addition the project meets the criteria set forth in CEQA section 15303 – new construction and the exceptions listed in CEQA section 15300.2 would not apply. Therefore, no adverse impacts would occur.

LEAD AGENCY CONTACT PERSON: Lizzi

TELEPHONE: (619) 619-446-5159

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

14550CLATE PLANNIER DURE/TITLE) CHECK ONE:

(X) SIGNED BY LEAD AGENCY
( ) SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



THE CITY OF SAN DIEGO

# Date of Notice: May 25, 2012 NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT Internal Order or WBS No. 24002325

PROJECT NAME/NUMBER: Verizon Shogun Kobe / 263636
COMMUNITY PLAN AREA: Kearny Mesa
COUNCIL DISTRICT: 6
LOCATION: 9181 Kearny Villa Court, San Diego, CA 92123 (Parcel of Parcel Map 19060 and Parcel 4 of Parcel Map 7992)

**PROJECT DESCRIPTION:** Planned Development Permit (PDP) for a Wireless Communication Facility (WCF) on City property. The WCF would include a 50-foot tall monopine, 12 antennas, 1 microwave dish, 2 GPS antennas, 1840 square-foot prefabricated equipment building and a 312square-foot equipment enclosure with an emergency generator located at 9181 Kearny Villa Court, in the IL-2-1 Zone, Airport Environs Overlay Zone (AEOZ) Airport Land Use Plan (ALUP) Noise Contours Community Noise Equivalent Level (CNEL) for Marine Corps Air Station (MCAS) Miramar, and Federal Aviation Administration (FAA) Part 77 Noticing Areas (Montgomery Field & MCAS Miramar), Overflight Notification Area (Montgomery Field); in the Kearny Mesa Community Planning Area in Council District 6 of the City of San Diego.

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego City Planning Commission

**ENVIRONMENTAL DETERMINATION:** This project is exempt pursuant to the California Environmental Quality Act Section 15303 – new construction.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** This project is exempt because it is located in a parking lot of an industrial area which would not be adversely affected and no sensitive resources exist on or around the site, it would result in no adverse visual effects and minimal grading would occur. In addition the project meets the criteria set forth in CEQA section 15303 – new construction and the exceptions listed in CEQA section 15300.2 would not apply. Therefore, no adverse impacts would occur.

### DEVELOPMENT PROJECT MANAGER: MAILING ADDRESS:

Jeffrey Peterson 1222 1<sup>st</sup> Avenue San Diego CA 92101 MS 501 619-446-5237

### **PHONE NUMBER:**

On May 24, 2012 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 Council. If you have any questions about this determination, contact the City Development Project Manager listed 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. 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. 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.

ATTACHMENT 13

# DEVELOPMENT SERVICES DEPARTMENT PROJECT CHRONOLOGY VERIZON SHOGUN KOBE-PROJECT NO. 263636

Date	Action	Description	City Review Time (Working Days)	Applicant Response
1/26/2012	First Submittal	Project Deemed Complete	-	-
3/12/2012	First Assessment Letter		31 days	
4/16/2012	Second Submittal		14	24 days
5/17/2012	Second Review Completed	All review issues resolved	23 days	
5/24/2012	Environmental Exemption	Notice of Right to Appeal (NORA) posted	5 days	
7/26/2012	Public Hearing	First available date	43 days	
TOTAL ST.	AFF TIME	(Does not include City Holidays or Furlough)	102 days	
TOTAL AP	PLICANT TIME	(Does not include City Holidays or Furlough)		24 days
TOTAL PR TIME	OJECT RUNNING	From Deemed Complete to Hearing	<b>126 working days</b> (182 calendar days)	

