

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED:	November 21, 2012	REPORT NO. PC-12-112
ATTENTION:	Planning Commission, Agenda of Novem	ber 29, 2012
SUBJECT:	SPRINT NEXTEL CHURCH ON THE MO PROCESS 4	VE; PROJECT NO. 257326;
OWNER/ APPLICANT:	The Universal Church, Inc./Sprint Nextel Co	orporation

SUMMARY

Issue: Should the Planning Commission approve an application for a Wireless Communication Facility located at 4481 Estrella Avenue within the Kensington-Talmadge Neighborhood of the Mid-City Communities Planning Area?

<u>Staff Recommendation</u>: Approve Conditional Use Permit No. 1048550 and Planned Development Permit No. 1048551.

<u>Community Planning Group Recommendation</u>: On October 10, 2012, the Kensington-Talmadge Planning Group voted 11-1-0 to recommend approval with the following conditions: 1) the signage currently applied to the tower must be removed as recommended by the City, and 2) all other City conditions must be met (Attachment 11). The applicant has agreed to the conditions and the requirement for removal of the signage has been made a condition within the permit.

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15301 (Existing Facilities), of the California Environmental Quality Act (CEQA) Guidelines. The environmental exemption determination for this project was made on October 11, 2012 and the opportunity to appeal that determination ended October 25, 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 4481 Estrella Avenue (Attachment 1), on the eastern side of Estrella Avenue and south of Monroe Avenue (Attachment 2). The site is located in the RM-1-2 Zone of the Central Urbanized Planned District (Attachment 3) within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan (Attachment 4). Additionally the following overlay zones apply: City Heights Redevelopment Project Area and the Transit Area Overlay Zone. The community plan designates the 0.72-acre site for Residential Use at 16-20 dwelling units per acre.

The site is currently developed with a church complex and contains an existing wireless communication facility (WCF). The existing sanctuary building was constructed prior to 1955 and City staff has determined that the structure is not historically or architecturally significant. On November 27, 2001, Conditional Use Permit (CUP)/Planned Development Permit (PDP) No. 41-0213-01 for a WCF on the existing sanctuary building was approved on an appeal to City Council pursuant to Resolution No. R-295796. The Nextel Communications permit approved a total of nine panel antennas behind a Fiberglass Reinforced Panel (FRP) enclosure around the existing steeple on the roof of the sanctuary building, four equipment cabinets and associated equipment within 210 square foot lease area within the church, and one GPS antenna. Sprint PCS and Nextel Communications were merged in 2004 and the company is now operating under the name Sprint Nextel.

DISCUSSION

Project Description:

Sprint Nextel is requesting a new permit to continue operating at this location with no modifications to what was previously approved. The existing church banners on the side of the FRP shall be removed. This requirement has been included as a condition within the permit. Under the current WCF regulations pursuant to Land Development Code (LDC) Section 141.0420(e)(1), WCF's on a premises containing a non-residential use within a Residential zone are permitted with a Process 3 CUP. The antennas are located approximately 69-feet from the closest residentially zoned property line.

The RM-1-2 Zone allows for a maximum 30-foot height limit. The WCF enclosure around the existing steeple on the roof was permitted at a height of 40-feet. Therefore, to maintain the overall building height, a Process 4 PDP for a deviation to exceed the 30-foot height limit allowed is required.

Staff supports the deviation based on the design of the enclosure around the existing steeple, which is architecturally integrated into the building and site, with negligible visual impacts from the public right-of-way and surrounding properties. Strict conformance with the development regulations would significantly impact existing Sprint Nextel customers and maintaining the WCF at this location is essential in the network operations and allowing the facility to remain when considered as a whole will be beneficial to the community.

A Radio Frequency report was submitted by Sprint Nextel demonstrating compliance with the Federal Communication Commission's regulations. The proposed facility would provide wireless communication services for Sprint Nextel customers in the community and the WCF at this location is essential to maintain network operations.

Community Plan:

The project site is designated for Residential Use at 16-20 dwelling units per acre, in the Mid-City Communities 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 WCF enclosure on the roof has been designed to be architecturally integrated into the building and site, while camouflaging the antennas from public view. Therefore, the WCF is in conformance with the purpose and intent of the General Plan.

Council Policy 600-43:

The guidelines establish a hierarchy from the most preferred location (Preference 1) to the least preferred location (Preference 4) for WCFs. The project is proposed in a Preference 3 location according to Council Policy 600-43, which categorizes WCF's according to the land use in which it is located. Sprint Nextel is requesting a new permit to continue operating at this location with no modifications to what was previously approved. The project is located on a premise containing a non-residential use within a Residential zone and is permitted with a CUP. The antennas will be located approximately 69-feet from the closest residentially zoned property line. The applicant submitted a site justification letter explaining why a Preference 3 level site was selected over the lower Preference 1 level sites, and submitted existing and proposed wireless communication service coverage maps (Attachment 8)

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** Conditional Use Permit No. 1048550 and Planned Development Permit No. 1048551, with modifications.
- 2. **DENY** Conditional Use Permit No. 1048550 and Planned Development Permit No. 1048551, 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,

Jeffrey A. Peterson Development Project Manager

Development Services Department

Mike Westlake Assistant Deputy Director 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. Site Justification Letter and Service Coverage Maps
- 9. Draft Permit with Conditions
- 10. Draft Resolution with Findings
- 11. Community Planning Group Recommendation
- 12. Environmental Exemption Determination
- 13. Ownership Disclosure Statement.
- 14. Project Chronology

Internal Order No. 24002166





Location Map

<u>Sprint Nextel Church On The Move - Project No. 257326</u> 4481 Estrella Avenue







Aerial Photograph

Sprint Nextel Church On The Move - Project No. 257326

4481 Estrella Avenue







Zoning Map

Sprint Nextel Church On The Move - Project No. 257326

4481 Estrella Avenue





Sprint Nextel Church On The Move - Project No. 257326

North

ATTACHMENT 4

4481 Estrella Avenue

PROJECT DATA SHEET

PROJECT NAME:	Sprint Nextel Church On The Move-Project No. 257326
PROJECT DESCRIPTION:	Sprint Nextel is requesting a new permit to continue operating a WCF located at 4481 Estrella Avenue.
COMMUNITY PLAN AREA:	Kensington-Talmadge Neighborhood of the Mid-City Communities
DISCRETIONARY ACTIONS:	Conditional Use Permit and Planned Development Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Residential Use at 16-20 dwelling units per acre

ZONING INFORMATION

ZONE:	RM-1-2
HEIGHT LIMIT:	30'0"
LOT SIZE:	6,000 square feet minimum
FLOOR AREA RATIO:	0.90
LOT COVERAGE:	NA
FRONT SETBACK:	15'0" minimum and 20'0" standard
SIDE SETBACK:	5'0" minimum and 8'0" standard
STREETSIDE SETBACK:	10'0"
REAR SETBACK:	15'0"
PARKING:	NA for Wireless Communication Facility

	LAND USE	EXISTING LAND USE	
	DESIGNATION &		
ADJACENT PROPERTIES:	ZONE		
NORTH:	Residential / RS-1-7	Single-Family Residential	
SOUTH:	Residential / RM-1-2	Multi-Family Residential	
EAST:	Residential / RM-1-2	Multi-Family Residential	
WEST:	Residential / RM-1-2	Multi-Family Residential	
DEVIATIONS OR VARIANCES REQUESTED:	Deviation to exceed the 30-foot height allowed under the RM-1- 2 Zone to maintain the existing Fiberglass Reinforced Panel enclosure around the existing steeple on the roof of the sanctuary building at a height of 40-feet.		
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 10, 2012, the Kensington-Talmadge Planning Group voted 11-1-0 to recommend approval with conditions.		









ATTACHMENT

6













AERIAL MAP



COPYRIGHT: GOOGLE MAPS, 2012

EXISTING





SPRINT PANEL ANTENNAS INSIDE EXISTING CHURCH STEEPLE (NOT VISIBLE FROM EXTERIOR VIEW)

C. See

PROPOSED

AERIAL MAP



SD34XC782 – Talmadge 4481 Estrella Avenue, San Diego, CA 92115 TELECOM SITE JUSTIFICATION REPORT

1. Description of the location, type, capacity, field strength or power density, and calculated geographic service area of the proposed antenna or antenna array.

LOCATION AND TYPE

Sprint will continue the operation of an existing communications facility at Church on the Move, 4481 Estrella Avenue. The renewal consists of 9 panel antennas mounted at the base of an existing church steeple (completely enclosed). There are 3 antennas on 3 sectors. The existing cabinets are located within the existing church. This existing facility is unmanned, operating 24 hours a day. The only visits to the site will consist of any emergency calls as well as regular maintenance visits once every four to six weeks.

FREQUENCY AND POWER SPECIFICATIONS

The transmitting frequency for the Sprint system is 1990 - 1995 Megahertz. The receiving frequency is 1910 - 1915 Megahertz.

COVERAGE AND CAPACITY

The objective of the existing site is to continue Sprint coverage within the residential area to the north, east and south of the surrounding area. Please refer to the existing coverage map that illustrates the existing coverage gap. The site will provide coverage in a current gap and provide additional capacity, allowing more users to use the system simultaneously and will provide "off-load" capacity for adjacent sites currently operation within a 1-mile radius from this existing site (see attached map).

 Location of all existing, proposed and anticipated wireless communications facilities in the Applicant/Permitee's network located within a 1 mile radius from proposed site.

Please see refer to justification map and to coverage maps.

 A description of how the proposed facility fits into, and is a necessary part of, the Applicant/Permitee's network.

The objective of the existing site is to continue Sprint coverage within the residential area to the north, east and south of the surrounding area. Please refer to the existing coverage map that illustrates the existing coverage gap. The site will provide coverage in a current gap and provide additional capacity, allowing more users to use the system simultaneously and will provide "off-load" capacity for adjacent sites currently operation within a 1-mile radius from this existing site (see attached map).

SD34XC782 Talmadge

Telecom Site Justification

4. If the proposal does not include co-location, written documentation of all efforts made to co-locate at another site, and a justification for the decision not to co-locate.

Currently, Sprint Nextel is the only carrier at this facility.

5. Discuss Alternative Sites and why they were not selected.

This site is located on a residential – multiple unit use zone surrounded by residential and multiple dwelling units. This site is on-air and no alternatives were reviewed. The existing site was selected because of its height above the coverage area and ability to fill the coverage gap and connect to surrounding sites. There were no other non-residential alternatives reviewed.

6. Noise Information for sites located near residential

The existing equipment does not contain any HVAC units. Therefore, no noise disturbance will be generated for residential neighbors.



COVERAGE IN THE AREA WITHOUT SITE ON AIR SD34XC782



COVERAGE IN THE AREA WITH SITE ON AIR SD34XC782



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

INTERNAL ORDER NUMBER: 24002166

CONDITIONAL USE PERMIT NO. 1048550 PLANNED DEVELOPMENT PERMIT NO. 1048551

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPRINT NEXTEL CHURCH ON THE MOVE - PROJECT NO. 257326 PLANNING COMMISSION

This Conditional Use Permit No. 1048550 and Planned Development Permit No. 1048551 is granted by the Planning Commission of the City of San Diego to THE UNIVERSAL CHURCH, INC., Owner, and SPRINT NEXTEL CORPORATION, Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 141.0420, 126.0305, and 126.0604. The 0.72-acre site is located at 4481 Estrella Avenue, on the eastern side of Estrella Avenue, south of Monroe Avenue, in the RM-1-2 Zone of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan, and Council District 3 (future Council District 9). Additionally the following overlay zones apply: City Heights Redevelopment Project Area and the Transit Area Overlay Zone. The project site is legally described as: all of Lots 1 through 10, inclusive in Block C of Belmont, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1476, filed in the Office of the County Recorder of said San Diego County, on September 11, 1912.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to maintain a Wireless Communication Facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 29, 2012, on file in the Development Services Department.

The project shall include:

a. A Wireless Communication Facility consisting of nine panel antennas behind a Fiberglass Reinforced Panel enclosure around the existing steeple on the roof of the sanctuary building, four equipment cabinets and associated equipment within a 210-square foot lease area within the church, and one GPS antenna;

- Deviation to exceed the 30-foot height allowed under the RM-1-2 Zone to maintain the existing Fiberglass Reinforced Panel enclosure around the existing steeple on the roof of the sanctuary building at a height of 40-feet;
- 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 **December 13, 2015**.

2. This Permit and corresponding use of this site shall expire on November 29, 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 Sprint Nextel Corporation 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 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. Changes, modifications, or alterations to the approved plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

13. The existing signage on the Fiberglass Reinforced Panel enclosure around the existing steeple on the roof of the sanctuary building shall be removed within thirty (30) calendar days from the date of the recordation of this Permit. The Owner/Permittee shall submit photograph documentation within thirty (30) calendar days from the removal of the signage for verification to the satisfaction of the Development Services Department.

14. 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.

15. 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.

16. 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.

17. The Owner/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.

18. No overhead cabling is allowed for this project.

19. The Owner/Permittee shall not cause or allow the antennas located on the building to be different sizes (length, width, or height) than as shown on the stamped approved plans.

20. 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.

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

22. Use of or replacement of any building façade or mechanical screen with FRP material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building. All FRP shall be painted and textured to match the original building.

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 November 29, 2012, and [Approved Resolution Number].

Permit Type/PTS Approval No.: CUP No. 1048550 PDP No. 1048551 Date of Approval: November 29, 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.

THE UNIVERSAL CHURCH, INC. Owner

By_____ NAME: TITLE:

SPRINT NEXTEL CORPORATION Permittee

By_____ NAME: TITLE:

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

PLANNING COMMISSION RESOLUTION NO. xxxx-PC CONDITIONAL USE PERMIT NO. 1048550 PLANNED DEVELOPMENT PERMIT NO. 1048551 SPRINT NEXTEL CHURCH ON THE MOVE - PROJECT NO. 257326

WHEREAS, THE UNIVERSAL CHURCH, INC., Owner, and SPRINT NEXTEL CORPORATION, Permittee, filed an application with the City of San Diego for a Conditional Use Permit and Planned Development Permit for a Wireless Communication Facility (WCF). The WCF consists of nine panel antennas behind a Fiberglass Reinforced Panel enclosure around the existing steeple on the roof of the sanctuary building, four equipment cabinets and associated equipment within 210 square foot lease area within the church, and one GPS antenna (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1048550 and Planned Development Permit No. 1048551);

WHEREAS, the 0.72-acre site is located at 4481 Estrella Avenue, on the eastern side of Estrella Avenue, south of Monroe Avenue, in the RM-1-2 Zone of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan, and Council District 3 (future Council District 9). Additionally the following overlay zones apply: City Heights Redevelopment Project Area and the Transit Area Overlay Zone.

WHEREAS, the project site is legally described as all of Lots 1 through 10, inclusive in Block C of Belmont, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1476, filed in the Office of the County Recorder of said San Diego County, on September 11, 1912;

WHEREAS, on November 29, 2012, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 1048550 and Planned Development Permit No. 1048551 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 11, 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 15301, Existing Facilities, 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 November 29, 2012.

FINDINGS:

I. <u>Conditional Use Permit – Section 126.0305</u>

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

The project site is located at 4481 Estrella Avenue, on the eastern side of Estrella Avenue, south of Monroe Avenue, in the RM-1-2 Zone of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan. On November 27, 2001, Nextel Communications was approved for a wireless communication facility (WCF) on the sanctuary building pursuant to Conditional Use Permit (CUP)/Planned Development Permit (PDP) No. 41-0213-01, which expired on November 27, 2011. This WCF request is to continue operating at this location with no modifications to what was previously approved. The WCF consists of nine panel antennas behind a Fiberglass Reinforced Panel (FRP) enclosure around the existing steeple on the roof of the sanctuary building, four equipment cabinets and associated equipment within a 210-square foot lease area within the church, and one GPS antenna.

The community plan designates the site for Residential Use at 16-20 dwelling units per acre (DU/AC) and does not contain specific policies on WCF development. The City of San Diego General Plan recommends that all WCFs 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 panel antennas are located behind a FRP enclosure on the roof of the existing sanctuary building. The enclosure has been designed to be architecturally integrated into the building and provides the necessary features to maintain wireless coverage and performance while camouflaging the antennas from public view while being respectful of the neighborhood context.

The project requires a CUP due to its location in the RM-1-2 Zone and a PDP for a deviation to exceed the 30-foot height allowed under the RM-1-2 Zone to maintain the existing FRP enclosure at a height of 40-feet. 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 Land Development Code (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." Sprint Nextel 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 allowable deviations pursuant to the Land Development Code

The WCF consists of nine panel antennas behind a FRP enclosure around the existing steeple on the roof of the sanctuary building, four equipment cabinets and associated equipment within a 210-square foot lease area within the church, and one GPS antenna. Under the current WCF regulations pursuant to LDC Section 141.0420(e)(1)- WCFs on a premise containing a non-residential use within a Residential zone are permitted with a Process 3 CUP. The antennas are located approximately 69-feet from the closest residential zoned property line.

A PDP is included in the application for a deviation to exceed the 30-foot height allowed under the RM-1-2 Zone to maintain the existing FRP enclosure around the existing steeple on the roof of the sanctuary building at a height of 40-feet. The proposed deviations can be supported based on the architectural integration of the facility into the building and site, and the negligible visual impacts from the public right-of-way and surrounding properties. Strict conformance with the development regulations would require the removal of the WCF. The facility provides wireless communication services for Sprint Nextel customers in the community and the WCF at this location is essential to maintain network operations. Therefore, the proposed development when considered as a whole will be beneficial to the community.

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

The City of San Diego encourages wireless carriers to locate on non-residential properties. As designed, the project is located on a non-residential use within a Residential Zone and as such, requires a CUP pursuant to LDC Section 141.0420(e)(1). The proposal is to maintain a WCF on the existing church at this location with no modifications to what was previously approved. The property is currently zoned RM-1-2 in the Central Urbanized Planned District, which contains a maximum 30-foot height limit. The WCF enclosure around the existing steeple on the roof was permitted at a height of 40-feet. Therefore, to maintain the overall building height of 40-feet would require a Process 4 PDP for a deviation to exceed the 30-foot height limit allowed under the RM-1-2 Zone.

The proposed deviations can be supported based on the architectural integration of the facility into the building and site, and the negligible visual impacts from the public right-of-way and surrounding properties. Strict conformance with the development regulations would require the removal of the WCF. The facility provides wireless communication services for Sprint Nextel customers in the community and the WCF at this location is essential to maintain network operations. Therefore, the proposed development when considered as a whole will be beneficial to the community and is appropriate for this site.

II. 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 4481 Estrella Avenue, on the eastern side of Estrella Avenue, south of Monroe Avenue, in the RM-1-2 Zone of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan. On November 27, 2001, Nextel Communications was approved for a WCF on the sanctuary building pursuant to CUP/ PDP No. 41-0213-01, which expired on November 27, 2011. This WCF request is to continue operating at this location with no modifications to what was previously approved. The WCF consists of nine panel antennas behind a FRP enclosure around the existing steeple on the roof of the sanctuary building, four equipment cabinets and associated equipment within a 210-square foot lease area within the church, and one GPS antenna.

The community plan designates the site for Residential Use at 16-20 DU/AC and does not contain specific policies on WCF development. The City of San Diego General Plan recommends that all WCFs 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 panel antennas are located behind a FRP enclosure on the roof of the existing sanctuary building. The enclosure has been designed to be architecturally integrated into the building and provides the necessary features to maintain wireless coverage and performance while camouflaging the antennas from public view while being respectful of the neighborhood context.

The project requires a CUP due to its location in the RM-1-2 Zone and a PDP for a deviation to exceed the 30-foot height allowed under the RM-1-2 Zone to maintain the existing FRP enclosure at a height of 40-feet. 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." Sprint Nextel submitted a 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 WCF consists of nine panel antennas behind a FRP enclosure around the existing steeple on the roof of the sanctuary building, four equipment cabinets and associated equipment within a 210-square foot lease area within the church, and one GPS antenna. Under the current WCF regulations pursuant to LDC Section 141.0420(e)(1)- WCFs on a premise containing a non-residential use within a Residential zone are permitted with a Process 3 CUP. The antennas are located approximately 69-feet from the closest residential zoned property line.

A PDP is included in the application for a deviation to exceed the 30-foot height allowed under the RM-1-2 Zone to maintain the existing FRP enclosure around the existing steeple on the roof of the sanctuary building at a height of 40-feet. The proposed deviations can be supported based on the architectural integration of the facility into the building and site, and the negligible visual impacts from the public right-of-way and surrounding properties. Strict conformance with the development regulations would require the removal of the WCF. The facility provides wireless communication services for Sprint Nextel customers in the community and the WCF at this location is essential to maintain network operations. Therefore, the proposed development when considered as a whole will be beneficial to the community and the deviation is appropriate for this location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1048550 and Planned Development Permit No. 1048551 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1048550 and No. 1048551, a copy of which is attached hereto and made a part hereof.

Jeffrey A. Peterson Development Project Manager Development Services Department

Adopted on: November 29, 2012

Internal Order No. 24002166

Peterson, Jeff

From: Sent: To: Cc: Subject: David Moty [kentalpc@yahoo.com] Friday, October 12, 2012 4:36 PM Peterson, Jeff Lynch-Ashcraft, Karen RE: Project #257326 4481 Estrella Avenue Church Steeple WCF

Jeff,

The project was approved with conditions. The city will be pleased with the conditions. Everyone else will have a harder time.

The following is the wording of the motion:

Recommend approval of a Process 3 with Conditional Use Permit and a possible Process 4 for Planned Development Permit (deviation for height) for a wireless communications facility at 4481 Estrella Avenue (Project #257326) subject to the following conditions:

1) the signage currently applied to the tower must be removed as recommended by the City, and 2) all other City conditions must be met.

You see, sometimes us folks out in the community are your biggest cheering section!

Regards, David Moty Chair, Kensington Talmadge Planning Group

From: David Moty [mailto:kentalpc@yahoo.com]
Sent: Thursday, October 11, 2012 11:32 PM
To: Lynch-Ashcraft, Karen
Cc: Ann Pease
Subject: Project #257326 4481 Estrella Avenue Church Steeple WCF

Karen,

At last nights meeting the planning group approved this project (11-1). Would you like our approval for this on an electronic version of the standard form, (if so, please send), as a letter emailed or hard copy mailed from me, or in the form of the approved minutes, (some time in November)?

Regards, David Moty Chair, Kensington Talmadge Planning Group

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.: 257326 PROJECT TITLE: SPRINT NEXTEL CHURCH ON THE MOVE

PROJECT LOCATION-SPECIFIC: 4481 ESTRELLA AVENUE, SAN DIEGO, CA 92115 PROJECT LOCATION-CITY/COUNTY: SAN DIEGO/SAN DIEGO

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: PLANNED DEVELOPMENT PERMIT (PDP) and CONDITIONAL USE PERMIT (CUP) for an existing Wireless Communication Facility (WCF). The project would allow for the continued installation and operation of nine (9) antennas and one (1) GPS antenna concealed within an existing church steeple. The project would also allow the continued operation of an existing, 210-square-foot equipment room (located inside the church). The project site is located in the RM-1-2 Zone of the Central Urbanized Planned District within Kensington-Talmadge Neighborhood of the Mid-City Communities Planning Area, and the City Heights Redevelopment Project Area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: CITY OF SAN DIEGO

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: ANNE WULFTANGE REGAN, DEPRATTI, INC., 13948 CALLE BUENO GANAR, JAMUL, CA 91935; 858-602-6522

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 : SECTIONS 15301 (EXISTING FACILITIES)

REASONS WHY PROJECT IS EXEMPT: Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use. 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.
- HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT? (X)YES
 NO

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

MARTHA BLAKE/SENIOR PLANNER

OCTOBER 11, 2012 DATE

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: October 11, 2012 NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

Internal Order 24002166

PROJECT NAME/NUMBER: Sprint Nextel - Church on Move/Project No. 257326
 COMMUNITY PLAN AREA: Mid-City: Kensington-Talmadge
 COUNCIL DISTRICT: 3
 LOCATION: 4481 Estrella Avenue, San Diego, CA 92115

PROJECT DESCRIPTION: PLANNED DEVELOPMENT PERMIT (PDP) and CONDITIONAL USE PERMIT (CUP) for an existing Wireless Communication Facility (WCF). The project would allow for the continued installation and operation of nine (9) antennas and one (1) GPS antenna concealed within an existing church steeple. The project would also allow the continued operation of an existing, 210-square-foot equipment room (located inside the church). The project site is located in the RM-1-2 Zone of the Central Urbanized Planned District within Kensington-Talmadge Neighborhood of the Mid-City Communities Planning Area, and the City Heights Redevelopment Project Area.

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

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities).

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

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The project has been determined to be exempt from CEQA pursuant to Section 15301. Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project.

DEVELOPMENT PROJECT MANAGER:	Jeffrey A. Peterson
MAILING ADDRESS:	1222 First Avenue, MS 501,
	San Diego, CA 92101-4153
PHONE NUMBER:	619-446-5237

On October 11, 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. 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.

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Project Title			Project No. For City Use Only
SPRINT CH	ured on the	MOVE	25/326
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Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities. DS-318 (5-05)

Project Title: SD34XC782 Church on th	e Move		Project No. (For City Use Only)
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City/State/Zip: San Diego, CA 92115		City/State/Zip:	
Phone No: 619-267-7112	Fax No:	Phone No:	Fax No:
Name of Corporate Officer/Pa	artner (type or print):	Name of Corporate Officer/Pa	rtner (type or print):
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Project Title:		Project No. (For City Use Only)
Part II - To be completed wh	en property is held by a corpo	pration or partnership
Legal Status (please check):	4	
Corporation Limited Li	ability -or- 🗌 General) What S	State? KS Corporate Identification No.
as identified above, will be filed the property. Please list below otherwise, and state the type of in a partnership who own the p property. Attach additional pag ownership during the time the Manager at least thirty days pr	d with the City of San Diego on the names, titles and addresses of property interest (e.g., tenants property). A signature is require es if needed. Note: The application is being processed of the statement of t	acknowledge that an application for a permit, map or other matter, the subject property with the intent to record an encumbrance against as of all persons who have an interest in the property, recorded or a who will benefit from the permit, all corporate officers, and all partners ad of at least one of the corporate officers or partners who own the ant is responsible for notifying the Project Manager of any changes in or considered. Changes in ownership are to be given to the Project subject property. Failure to provide accurate and current ownership dditional pages attached
Corporate/Partnership Name Sprint PCS	e (type or print):	Corporate/Partnership Name (type or print):
Owner X Tenant/Le	SSEE	Owner Tenant/Lessee
Street Address: 8323 Ruelle Court		Street Address:
City/State/Zip: Santee / CA / 92071		City/State/Zip:
Phone No: (858)650-4249	Fax No: 619 847-2275	Phone No: Fax No:
Name of Corporate Officer/Partr Stephen De Mars	ner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print): Post On Air Project Manage	er	Title (type or print):
Signature:	Date: Jun 9, 2011	Signature : Date:
Corporate Pactilership Name	(type or print):	Corporate/Partnership Name (type or print):
OwnerTenant/Le	ssee	Owner Tenant/Lessee
Street Address:		Street Address:
City/State/Zip:		City/State/Zip:
Phone No:	Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partr	er (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):		Title (type or print):
Signature :	Date:	Signature : Date:
Corporate/Partnership Name	(type or print):	Corporate/Partnership Name (type or print):
Cowner Canant/Le	SSEE	Owner Tenant/Lessee
Street Address:		Street Address:
City/State/Zip:		City/State/Zip:
Phone No:	Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partr	er (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):		Title (type or print):
Signature :	Date:	Signature : Date:



Sprint – Network Supplier Performance Management Mailstop: KSOPHD0204 - 2D579 6220 Sprint Parkway Overland Park, KS 66251

RE: Sprint Ericsson Management Association

To Whom It May Concern:

In September of 2009 Sprint Nextel (Sprint) entered into a contractual arrangement with Ericsson Services, Inc (Ericsson) to perform certain management functions pertaining to the acquisition of new sites and installation of new facilities for its wireless telecommunications network. Pursuant to that agreement, Sprint has authorized Ericsson's site development managers to act as a representative of Sprint in the performance of all field activities in this regard, including the authority sign site lease agreements, amendments and other documents necessary to complete these real estate development projects.

Please be advised that Ericsson has contractually agreed to adhere to all the applicable Sprint and customer security policies and confidentially commitments, and that Ericsson is committed to, and maintains high confidentiality standards of its own. We can, therefore, assure you that the services provided in these matters will be delivered with the same level of care and professionalism as though Sprint were performing these functions through its own employees.

Thank you very much for your acceptance of Sprint's representative, Ericsson Services Inc.

Sincerely,

Hay Usr

on behalf of U John Harrison, Vice President Network Performance Management

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Executive Team

Welcome

Executive Team

Corporate Governance

Corporate Social Responsibility

Inclusion & Diversity

Partnerships

History

Awards & Recognition

Sprint Experience



<u>Dan Hesse</u>
 Chief Executive Officer
 Sprint Nextel Corporation
 <u>Recent Speeches</u>



Joseph J. Euteneuer Chief Financial Officer



Danny Bowman President, Integrated Solutions Group



<u>Paget L. Alves</u> President, Business Markets Group



<u>Matt Carter</u> President, Global Wholesale Solutions



Keith Cowan President, Strategy and Corporate Initiatives



<u>Steve Elfman</u> President, Network Operations and Wholesale



Bob Johnson Chief Service Officer

http://newsroom.sprint.com/executive-team/

6/13/2011

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Robert H. Johnson

President, Consumer Business Unit

Senio

William Morgan

Senior Vice President, Corporate Marketing



<u>Sandra J. Price</u> Senior Vice President, Human Resources



Bill White

Senior Vice President, Corporate Communications and Corporate Social Responsi

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Charles Wunsch

General Counsel and Corporate Secretary

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DEVELOPMENT SERVICES DEPARTMENT PROJECT CHRONOLOGY SPRINT NEXTEL CHURCH ON THE MOVE - PROJECT NO. 257326

Date	Action	Description	City Review Time (Working Days)	Applicant Response
7/20/2012	Full Submittal	Project Deemed Complete	~	-
8/23/2012	First Assessment Letter		24 days	
9/27/2012	Second Submittal			24 days
10/11/2012	Second Review Completed	All issues resolved	10 days	
10/11/2012	Environmental Determination	Environmental Exemption	0 days	
10/25/2012	Environmental Appeal Period	Appeal period ended on October 25, 2012		10 days
11/29/2012	Public Hearing	First available date	22 days	
TOTAL STAFF TIME		(Does not include City Holidays or City Furlough)	56 days	-
TOTAL APPLICANT TIME		(Does not include City Holidays or City Furlough)		34 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing	90 working days (132 calendar days)	