



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: FEBRUARY 29, 2024 REPORT NO. PC-24-008

HEARING DATE: MARCH 7, 2024

SUBJECT: CHARTER COMMUNICATIONS EVENING CREEK DRIVE CABINETS
SITE DEVELOPMENT PERMIT (SDP), PROCESS FOUR
CEQA EXEMPT SECTION 15303

PROJECT NUMBER: [PRJ-1074628](#)

OWNER/APPLICANT: City of San Diego/Charter Communications

SUMMARY

Issue: Should the Planning Commission approve two (2) new above ground mounted cabinets within the City of San Diego public right-of-way (PROW) on the southeast corner near the 10905 block of Evening Creek Drive in the RS-1-14 Zone of the [Sabre Springs Community Planning Area](#)

Staff Recommendation: Approve Site Development Permit (SDP) No. 3190073.

Community Planning Group Recommendation: On February 8, 2023, the Carmel Mountain Ranch/Sabre Springs - Community Planning Group (CPG) voted 7-0-0 to recommend approval of the proposed project without conditions (Attachment 6).

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Section 15303 (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on January 11, 2024, and the opportunity to appeal that determination ended January 26, 2024.

Fiscal Impact Statement: None.

Code Enforcement Impact: None.

BACKGROUND

Charter Communications is proposing to provide up to 72 hours of backup power in communities identified as "[very high fire hazard severity zones](#)" during power outages. For this project, Charter Communication is focused on providing back up service to the residential and commercial uses in

the Sabre Springs community. Historically, the City's regulations incentivize using the smallest and least intrusive equipment when possible. The City would prefer to underground all utility equipment; however, there are certain challenges. While there are available technologies that can be undergrounded, there are durability and performance related issues when undergrounding. The City's undergrounding program highlights the need for above ground utility infrastructures for these same reasons as seen here: <https://www.sandiego.gov/undergrounding/process/construction>. For projects involving utility equipment that cannot be undergrounded, an SDP is required pursuant to Land Development Code (LDC) Section 126.0502(d)(6). The project site contains landscaping and existing communication equipment. The site was selected because the height and bulk of the cabinets can be accommodated on the site. In addition, the site was selected for proximity to the existing power supply and because the site can be served by public utilities. No viable underground solutions are available and other smaller equipment will be unable to accommodate the number of batteries the power supply is intended to serve. Therefore, Charter Communication submitted an SDP application to meet its intended coverage.

DISCUSSION

Project Description:

Charter Communications is proposing to install two (2) new ground mounted communication cabinets in the City of San Diego PROW on the southeast corner near the 10905 block of Evening Creek Drive in the RS-1-14 Zone of the Sabre Springs Community Planning area (Figure 1). The equipment cabinets measure 52 inches tall by 26 inches wide by 24 inches deep on a new 4-inch tall concrete pad and placed within the parkway in an existing grass area alongside other existing utility equipment.



Figure 1: Location of Charter Communication cabinets.

Both cabinets contain a total of 18 batteries capable of providing up to 72 hours of backup power. A new power supply will be installed within the existing cabinet. A conduit will connect batteries to the new power supply. The project site contains landscaping and existing communication equipment boxes. The backup power ensures communities within "[very high fire hazard severity zone](#)" can access landline and internet connections during power outages and other emergency events (Figure 2).

Community Plan Analysis:

The Sabre Springs Community Plan identifies this area for low density (5-10 dwelling units/acre) residential development. If power is lost to the main cabinet, the backup cabinet will provide power allowing users to access wired communications for up to 72 hours. This proposal is intended to provide reliable communication services to the surrounding residential and commercial uses. The cabinet size is the smallest capable of holding 18 batteries, cables, and future equipment. The

batteries are securely locked in a water-proofed utility cabinet for safety.

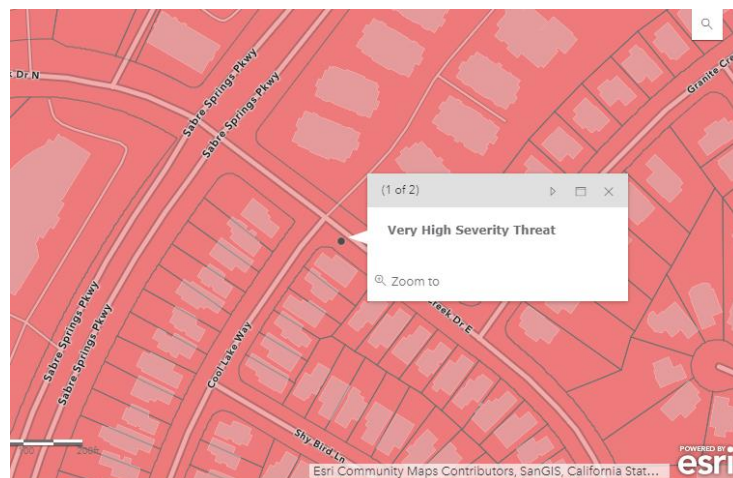


Figure 2: ESRI Map of the fire threat

The Sabre Springs Community Plan designates the site as Residential Use and is currently zoned RS-1-14. On page 61 of the Sabre Springs Community plan, the overall goal is to provide public facilities and services to the community. The provision of 72 hours of back up battery power to the surrounding residential and commercial uses complies with the public facility goal. The Sabre Springs Community Plan relies on the City's General Plan for Urban Design policies for utility systems within the PROW under UD-A.16. Under this policy, utilities projects shall "Minimize the visual and functional impact of utility systems and equipment on streets, sidewalks, and the public realm." Additionally, under subsection (b) of this policy, all applications shall, "Design and locate public and private utility infrastructure, such as phone, cable and communications boxes, transformers, meters, fuel ports, back-flow preventors, ventilation grilles, grease interceptors, irrigation valves, and any similar elements, to be integrated into adjacent development and as inconspicuous as possible. To minimize obstructions, elements in the sidewalk and PROW should be in below grade vaults or building recesses that do not encroach on the right of way (to the maximum extent permitted by codes). If located in a landscaped setback, they should be as far from the sidewalk as possible, clustered, and integrated into the landscape design, and screened from public view with plant and/or fence like elements." The proposed cabinets comply with all height and bulk regulations and is located on a site that can be served by public utilities (Figure 3). The cabinets meet the City's General Plan Policy for Urban Design UD-A.16 (b) by placing the cabinets in the landscaped setback to avoid impacting pedestrian access. The entire 4 foot and 6 inch wide sidewalk will continue to be available after the installation of the cabinet. This includes compliance with ADA access to ensure the path of travel will not be interrupted. Additionally, the residential zone use is common for utility equipment and integration is achieved by painting the equipment to match the nearby utility infrastructures. Based on the information above, the proposed development will not adversely affect the applicable land use plan.



Figure 3: Photo-simulation of proposed cabinets

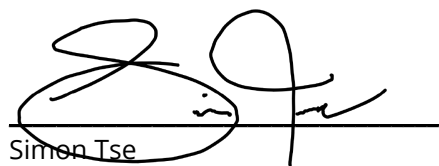
Conclusion:

The project complies with the San Diego Municipal Code Section 126.0502(d)(6) and the goals of the Community Plan. City staff has prepared draft findings in the affirmative to approve the project and recommends approval of Site Development Permit.

ALTERNATIVES

1. Approve Site Development Permit No. 3190073, with modifications;
2. Deny Site Development Permit No. 3190073, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Simon Tse
Supervising Development Project Manager
Development Services Department

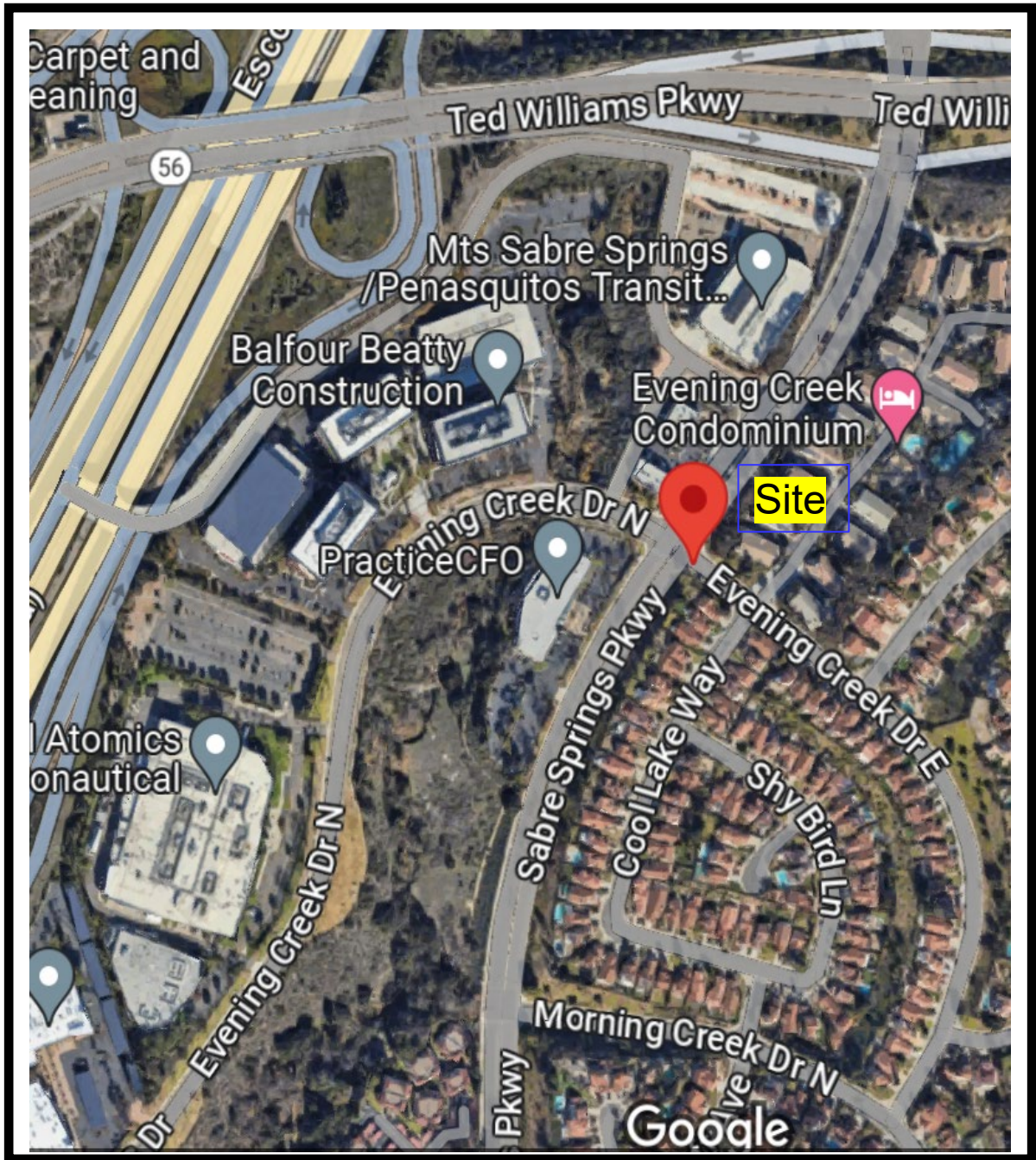


Karen Howard
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photographs
2. Community Plan Land Use Map
3. Draft Permit with Conditions
4. Draft Permit Resolution with Findings

5. Environmental Exemption
6. Project Plans
7. CPG Recommendation



The City of

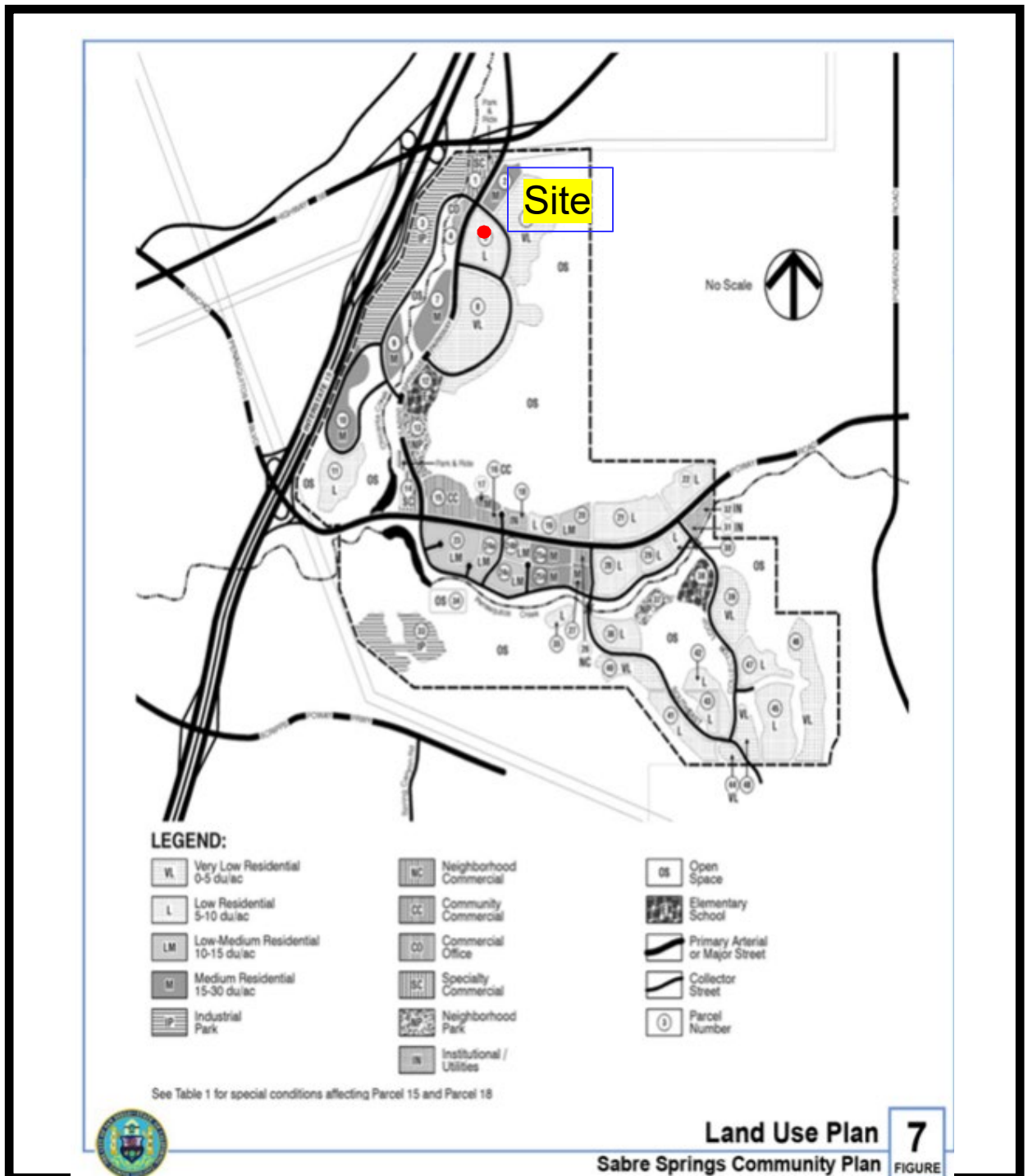


Aerial Photo

10903 1/3 Evening Creek Drive Charter Communications Cabinets
Project No. PRJ-1076428

North





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: 11004545 SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 3190073
CHARTER COMMUNICATIONS EVENING CREEK DRIVE CABINETS-PROJECT NO. 1074628
PLANNING COMMISSION

This Site Development Permit Number 3190073 is granted by the Planning Commission of the City of San Diego, pursuant to San Diego Municipal Code [SDMC] sections 126.0502(d)(6), 126.0505, 131.0403 and 141.420. The site is located in the public right-of-way (PROW) on the southeast corner near the 10905 block of Evening Creek Drive in the RS-1-14 zone of the Sabre Springs Community Plan and Council District 5.

Subject to the terms and conditions set forth in this Permit, permission is granted to Charter Communications, Permittee to install two (2) ground mounted cabinets: described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 7, 2024, on file in the Development Services Department.

The project shall include:

- a. Install two (2) new communications cabinets within the City of San Diego's PROW, in the parkway, painted green to match nearby cabinets; and
- b. 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 March 21, 2027.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. 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.
4. 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 Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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.).
7. The Permittee shall secure all necessary right-of-way permits pursuant to SDMC 129.0701. The 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.
8. Right of Way 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.
9. All of the conditions contained in this Permit have been considered and were determined necessary 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.
10. If any condition of this Permit, on a legal challenge by the 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.

11. 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 Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any building permit, the Permittee shall obtain a Right-of-Way Agreement, from the City Engineer.

13. 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 Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

14. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed, the Permittee shall repair and/or replace in kind and equivalent size to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

TRANSPORTATION UTILITY DEPARTMENT REQUIREMENTS:

15. This permit shall expire on March 7, 2034 and a new permit for this use shall be required in accordance with the regulations at the time of submittal. A ten-year expiration date is deemed necessary to allow the City of San Diego to evaluate technology and design improvements including but not limited to future undergrounding opportunities and/or a reduction/removal of cabinet.

INFORMATION ONLY:

ATTACHMENT 3

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 March 7, 2024, and Resolution Number XXXXX.

ATTACHMENT 3

SITE DEVELOPMENT PERMIT NO. 3190073

Date of Approval: March 7, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Howard
Development Project Manager

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

The undersigned 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.

CHARTER COMMUNICATIONS

Permittee

By _____
NAME
TITLE

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

**PLANNING COMMISSION
RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 3190073
CHARTER COMMUNICATIONS EVENING CREEK DRIVE CABINETS-PROJECT NO. 1074628**

WHEREAS, City Of San Diego, Owner and Charter Communications, Permittee, filed an application with the City of San Diego for a permit to install two (2) ground mounted cabinets to provide backup power in high fire severity zones within the public right-of-way (PROW) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3190073);

WHEREAS, the project site is located in the PROW on the southeast corner near the 10905 block of Evening Creek Drive. The project is located in the RS-1-14 zone of the Sabre Springs Community Plan;

WHEREAS, on January 11, 2024, 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 Categorical Exemption: 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;

WHEREAS, on March 7, 2023, the Planning Commission of the City of San Diego considered Site Development Permit No. 3190073 pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 3190073:

A. SITE DEVELOPMENT PERMIT [SDMC SECTION 126.0505]

1. Findings for all Site Development Permits:

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

Charter Communications is proposing to install two (2) new ground mounted communication cabinets in the City of San Diego PROW on the southeast corner near the 10905 block of Evening Creek Drive in the RS-1-14 Zone of the Sabre Springs Community Planning area. The equipment cabinets measure 52 inches tall by 26 inches wide by 24 inches deep on a new 4-inch tall concrete pad and placed within the parkway in an existing grass area alongside other existing utility equipment. Both cabinets contain a total of 18 batteries capable of providing up to 72 hours of backup power. A new power supply will be installed within the existing cabinet. A conduit will connect batteries to the new power supply. The project site contains landscaping and existing communication equipment boxes. The backup power ensures communities within "very high fire hazard severity zone" can access landline and internet connections during power outages and other emergency events. The cabinets will be placed adjacent to the street within the right of way to avoid impacting sidewalk access and the cabinet shall be painted green to match nearby above ground utility boxes.

If power is lost to the main cabinet, the backup cabinet will provide power allowing users to access wired communications for up to 72 hours. This proposal is intended to provide reliable communication services to the surrounding residential and commercial uses. The cabinet size is the smallest capable of holding 18 batteries, cables, and future equipment. It houses its own environmental controls, backup battery power to the surrounding uses. The batteries are securely locked in a waterproofed utility cabinet for safety.

The Sabre Springs Community Plan designates the site as Residential Use and is currently zoned RS-1-14. The Sabre Springs Community Plan identifies this area for low density (5-10 dwelling units/acre) residential development. On page 61 of the plan, the overall goal is to provide public facilities and services to the community. The provision of 72 hours of back up battery power to the surrounding residential and commercial uses complies with the public facility goal. The Sabre Springs Community Plan relies on the City's General Plan for Urban Design policies for utility systems within the PROW under UD-A.16. Under this policy, utilities projects shall "Minimize the visual and functional impact of utility systems and equipment on streets, sidewalks, and the public realm." Additionally, under subsection (b) of this policy, all applications shall, "Design and locate public and private utility infrastructure, such as phone, cable and communications boxes, transformers, meters, fuel ports, back-flow preventors, ventilation grilles, grease interceptors, irrigation valves, and any similar elements, to be integrated into adjacent development and as inconspicuous as possible. To minimize obstructions, elements in the sidewalk and PROW should be in below grade vaults or building recesses that do not encroach on the right of way (to the maximum extent permitted by codes). If located in a landscaped setback, they should be as far from the sidewalk as possible, clustered, and integrated into the landscape design, and screened from public view with plant and/or fence like elements." The proposed cabinets comply with all height and bulk regulations and is located on a site that can be served by public utilities. The cabinets meet the City's General Plan Policy for Urban Design UD-A.16 (b) by placing the cabinets in the landscaped setback to avoid impacting pedestrian access.

The entire 4 foot and 6 inch-foot wide sidewalk will continue to be available after the installation of the cabinet. This includes compliance with ADA access to ensure the path of travel will not be interrupted. Additionally, the residential zone use is common for utility equipment and integration is achieved by painting the equipment to match the nearby utility infrastructures. Based on the information above, the proposed development will not adversely affect the applicable land use plan.

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

The equipment cabinets measure 52 inches tall by 26 inches wide by 24 inches deep on a new 4-inch tall concrete pad and placed within the parkway in an existing grass area alongside other existing utility equipment. Both cabinets contain a total of 18 batteries capable of providing up to 72 hours of backup power. A new power supply will be installed within the existing cabinet. A conduit will connect batteries to the new power supply. The project site contains landscaping and existing communication equipment boxes. The backup power ensures communities within “very high fire hazard severity zone” can access landline and internet connections during power outages and other emergency events. The cabinets will be placed adjacent to the street within the right of way to avoid impacting sidewalk access and the cabinet shall be painted green to match nearby above ground utility boxes. The Sabre Springs Community Plan identifies this area for low density (5-10 dwelling units/acre) residential development. This proposal is intended to provide reliable communication services to the surrounding residential and commercial uses in the event of a power outage. The batteries are securely locked in a waterproofed utility cabinet for safety. The project requires a right-of-way permit, because it is in the PROW and pursuant to San Diego Municipal Code section 129.0710 (a-c) it must comply with all engineering standards which includes elements of public health, safety, and welfare. As designed, the equipment will be placed in the grass area to avoid any pedestrian access. The entire 4'-6"-wide sidewalk will continue to be available after the installation of the cabinet. This includes compliance with Americans with Disabilities Act (ADA) access to ensure the path of travel will not be interrupted. Additionally, the residential zone use is common for utility equipment and integration is achieved by painting the equipment to match the nearby utility infrastructures. Lastly, the proposed equipment is cluster with other utilities and setback from the sidewalk appropriately. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The Charter Communications Cabinet project includes the installation of two (2) new above ground Alpha PN-4 powernode system enclosure cabinets within the City of San Diego's PROW on the southeast corner near the 10905 block of Evening Creek Drive in the RS-1-14 Zone of the Sabre Springs Community Planning area. The cabinets measure 52-inch-tall by 26 inch wide by 24 inch deep mounted to a new 4-inch tall concrete pad. Both cabinets contain a total of 18 batteries capable of providing up to 72 hours of

backup power. A new power supply will be installed within an existing cabinet. A conduit will connect the new batteries to the power supply. The City's regulations incentivize using the smallest and least intrusive equipment when possible. The City would prefer to underground all utility equipment; however, there are certain challenges. While there are available technologies that can be undergrounded, there are durability and performance related issues when undergrounding. The City's undergrounding program highlights the need for above ground utility infrastructures for these same reasons as seen here:

<https://www.sandiego.gov/undergrounding/process/construction> . For projects involving utility equipment that cannot be undergrounded, an SDP is required pursuant to Land Development Code (LDC) Section 126.0502(d)(6). The project site contains landscaping and existing communication equipment. The site was selected because the height and bulk of the cabinets can be accommodated on the site. In addition, the site was selected for proximity to the existing power supply and because the site can be served by public utilities. No viable underground solutions are available and other smaller equipment will be unable to accommodate the number of batteries the power supply is intended to serve. Therefore, Charter Communication submitted an SDP application to meet its intended coverage. The backup power ensures communities in high fire severity zones can access landline and internet connections during power outages. The project site contains landscaping and existing communication equipment. The cabinets will be placed adjacent to the street within the right of way to avoid impacting sidewalk access and the cabinet shall be painted green to match nearby above ground utility boxes.

The Sabre Springs Community Plan identifies this area for residential development. This proposal is intended to provide reliable communication services to the surrounding residential and commercial uses. The Sabre Springs Community Plan designates the site as Low Density Residential Use and is currently zoned RS-1-14. Additionally, the residential zone use is common for utility equipment and integration is achieved by painting the equipment to match the nearby utility infrastructures. The Sabre Springs Community Plan relies on the City's General Plan for Urban Design policies for utility system within the PROW under UD-A.16.

Under this policy, utilities projects shall "Minimize the visual and functional impact of utility systems and equipment on streets, sidewalks, and the public realm." Additionally, under subsection (b) of this policy , all application is to, "Design and locate public and private utility infrastructure, such as phone, cable and communications boxes, transformers, meters, fuel ports, back-flow preventors, ventilation grilles, grease interceptors, irrigation valves, and any similar elements, to be integrated into adjacent development and as inconspicuous as possible. To minimize obstructions, elements in the sidewalk and PROW should be in below grade vaults or building recesses that do not encroach on the right of way (to the maximum extent permitted by codes). If located in a landscaped setback, they should be as far from the sidewalk as possible, clustered, and integrated into the landscape design, and screened from public view with plant and/or fence like elements."

The cabinets meet the City's General Plan Policy for Urban Design UD-A.16 (b) by placing the cabinets in the in the grass area to avoid any pedestrian access. The entire 4 foot 6 inch wide sidewalk will continue to be available after the installation of the cabinets. This includes compliance with ADA access to ensure the path of travel will not be interrupted. Additionally, the residential zone use is common for utility equipment and integration is achieved by painting the equipment to match the nearby utility infrastructures. Lastly, the proposed equipment is cluster with other utilities and setback from the sidewalk appropriately. Based on the information above, the project is not proposing any deviations and have been designed to comply with the Land Development Code Regulations.

2. Supplemental Findings – Public Right-of-Way Encroachments pursuant to San Diego Municipal Code section 126.0505(m).

a. The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant written permission to maintain the encroachment on their property.

The proposed cabinets benefits a public purpose in two main ways: 1) providing up to 72 hours of backup power 2) ensures high fire severity zones can access landline and internet connections during power outages. The City of San Diego is the underlying owner, so no additional property owners are affected by the placement of the cabinets.

b. The proposed encroachment does not interfere with the free and unobstructed use of the public right-of-way for public travel.

The proposed cabinets encroachment is located in an unused portion of public right-of-way and does not obstruct the use of the existing road or sidewalk. The cabinets are placed on the parkway within the grass area to avoid any sidewalk access and will not interfere with the free and unobstructed use of the public right-of-way for public travel.

c. The proposed encroachment will not adversely affect the aesthetic character of the community.

The proposed encroachment is located in an unused portion of public right-of-way and does not obstruct the use of the existing road or sidewalk. The project site contains landscaping and existing communication equipment. The site was selected because the height and bulk of the cabinets can be accommodated on the site. In addition, the site was selected for proximity to the existing power supply and because the site can be served by public utilities. The equipment cabinets measure 52 inches tall by 26 inches wide by 24 inches deep on a new 4-inch tall concrete pad and placed within the parkway in an existing grass area alongside other existing utility equipment. No viable underground solutions are available and other smaller equipment will be unable to accommodate the number of batteries the power

supply is intended to serve. The cabinets as designed will be painted to match the nearby utility cabinets consistent with the City's General Plan Urban Design requirement for infrastructures within the PROW and does not adversely affect the aesthetic character of the community.

d. The proposed encroachment does not violate any other Municipal Code provisions or other local, state, or federal law.

The proposed cabinets comply with all height and bulk regulations and is located on a site that can be served by public utilities. The cabinets meet the City's General Plan Policy for Urban Design UD-A.16 (b) by placing the cabinets in the landscaped setback to avoid impacting pedestrian access. The entire 4 foot 6 inch wide sidewalk will continue to be available after the installation of the cabinet. This includes compliance with ADA access to ensure the path of travel will not be interrupted. Additionally, the residential zone use is common for utility equipment and integration is achieved by painting the equipment to match the nearby utility infrastructures. The proposed cabinet design complies with the applicable regulations of the Municipal Code and would be permitted with the approval of a Site Development Permit and will not violate any other Municipal Code provisions or other local, state, or federal law.

e. For coastal development in the coastal overlay zone, the encroachment is consistent with Section 132.0403 (Supplemental Use Regulations of the Coastal Overlay Zone).

The project is not located within the Coastal Overlay Zone. This project is located within the City of San Diego PROW on the southeast corner near the 10905 block of Evening Creek Drive in the RS-1-14 Zone of the [Sabre Springs Community Planning Area](#). Therefore, the project does not need a Coastal Development Permit (CDP)

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the PLANNING COMMISSION, SITE DEVELOPMENT PERMIT NO. 3190073 is hereby GRANTED by the PLANNING COMMISSION to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 3190073 a copy of which is attached hereto and made a part hereof.

Karen Howard
Development Project Manager
Development Services

Adopted on: March 7, 2023

IO#: 11004545

rm 1.23.24

DRAFT

NOTICE OF EXEMPTION

ATTACHMENT 5

(Check one or both)

TO: ☒ RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422
☐ OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

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

Project No.: 1074628

Project Title: SDP-4 Sabre Springs

PROJECT LOCATION-SPECIFIC: The project is located within Public Right of Way, in front of the 13942 Cool Lake Way within Sabre Springs Community planning area.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The project consists of the installation of a fifty-eight-inch high by fifty-six-inch-wide back-up generator at an existing communication facility. The project is located within Public Right of Way, in front of the 13942 Cool Lake Way within Sabre Springs Community planning area. The project site is fully developed and contains landscaping and existing communication equipment. The proposed generator complies with all height and bulk regulations and is located on a site that can be served by public utilities.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Karla Hernandez, 7337 Central Avenue, Riverside, CA, 92504. (951) 901-5526.

EXEMPT STATUS: (CHECK ONE)

- ☐ MINISTERIAL (SEC. 21080(b)(1); 15268);
- ☐ DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- ☐ EMERGENCY PROJECT (SEC. 21080(b)(4); 15269(b)(c)).
- ☒ CATEGORICAL EXEMPTION: 15303 (New Construction)
- ☐ STATUTORY EXEMPTION:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review and determined that the project would qualify to be exempt from CEQA pursuant to CEQA Section 15303 (New Construction). Section 15303 applies to projects that consist of the construction of a limited number of new small facilities or structures, including the construction of up to three single family units. Since the project would construct one back-up generator on a previously developed site it was determined that the CEQA exemption was appropriate and the exceptions listed in CEQA Section 15300.2 would not apply.


LEAD AGENCY CONTACT PERSON: Jeffrey Szymanski

TELEPHONE: 619 446-5324

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

 /SENIOR PLANNER
SIGNATURE/TITLE

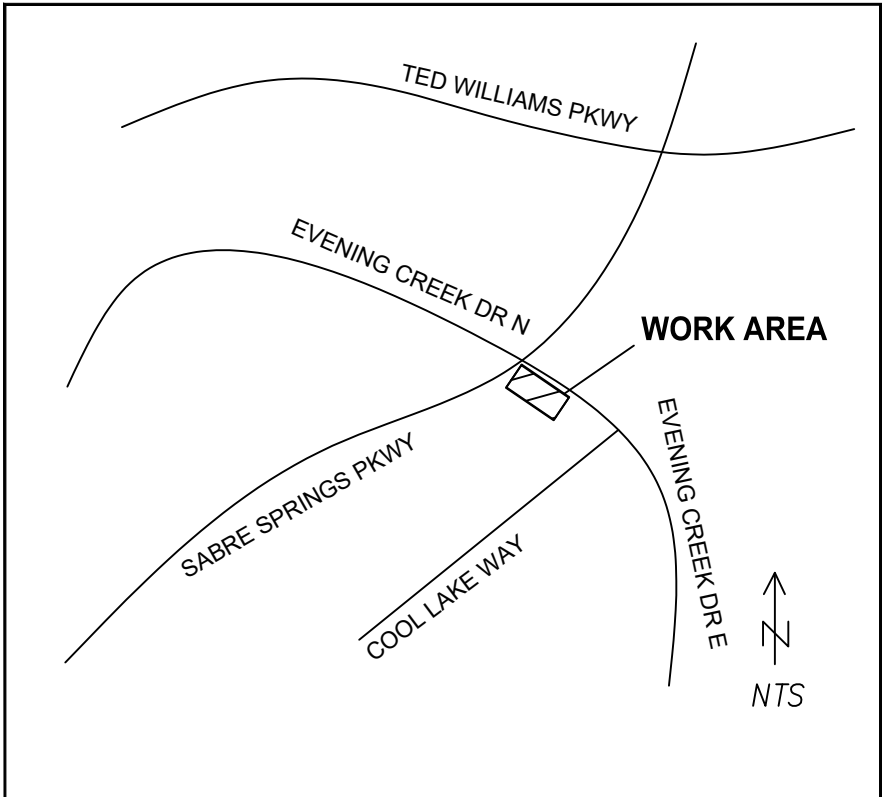
January 29, 2023
DATE

CHECK ONE:

(X) SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY

CLERK OR OPR:



VICINITY MAP

PREPARED FOR & NAME OF COMPANY:
PREPARED FOR: CHARTER CPUC PROJECT
NAME OF COMPANY: CHARTER COMMUNICATIONS
ADDRESS: 7337 CENTRAL AVE, RIVERSIDE CA 92504
NAME AND TITLE: KARLA HERNANDEZ / REGIONAL CONST COORDINATOR II
PHONE: (951) 406-1778
EMAIL: KARLA.HERNANDEZ@CHARTER.COM

PREPARED BY:
NAME OF COMPANY: INLAND ENGINEERING SERVICES, INC.
ADDRESS: 1373 OLD TEMESCAL RD, CORONA, CA 92881
NAME AND TITLE: ANTHONY BAEZA / PERMITTING COORDINATOR
PHONE: (951) 277-0800
EMAIL: ABAEZA@INLAND-ENGINEERING.COM

SITE ADDRESS:
10903¹/₂ EVENING CREEK DR,
SAN DIEGO, CA

JOIN ID NO.: N/A

DISCIPLINE CODE (DC)

GENERAL G
CIVIL C
LANDSCAPE L
TRAFFIC T


SHEET INDEX

<u>SHEET</u>	<u>DC</u>	<u>DESCRIPTION</u>
1	G01	COVER SHEET
2	G02	GENERAL NOTES
3	G03	MONUMENT PRESERVATION CERT.
4-6	C01-C03	IMPROVEMENT PLAN
7-8	C04-C05	ELEVATIONS
9-11	C06-C08	DETAILS

SITE ID# PW072_PW072A

CONSTRUCTION CHANGE TABLE			
CHANGE	AFFECTED SHEETS/NEW SHEETS	DATE	PMT NO.

The City of

SAN DIEGO

DEVELOPMENT SERVICES DEP.
1222 1ST AVE
SAN DIEGO, CA 92101-4155
619-446-5000

PRJ NO:

PMT NO:

SHEET 1 OF 11

G01

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE SPECIFICATIONS AND STANDARD DRAWINGS OF THE CITY OF SAN DIEGO.



STANDARD SPECIFICATIONS:

<u>DOCUMENT NO.</u>	<u>DESCRIPTION</u>
PWPI010119-01	STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREENBOOK), 2021 EDITION
PWPI010119-02	CITY OF SAN DIEGO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (WHITEBOOK), 2021 EDITION
PWPI010119-04	CITYWIDE COMPUTER AIDED DESIGN AND DRAFTING (CADD) STANDARDS, 2018 EDITION
PWPI060121-10	CALIFORNIA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES REVISION 6(CA MUTCD REV6), 2014 EDITION
PWPI030119-05	CALIFORNIA DEPARTMENT OF TRANSPORTATION U.S CUSTOMARY STANDARD SPECIFICATIONS, 2018 EDITION

STANDARD DRAWINGS:

<u>DOCUMENT NO.</u>	<u>DESCRIPTION</u>
PWPI010119-03	CITY OF SAN DIEGO STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION, 2021 EDITION
PWPI030119-06	CALIFORNIA DEPARTMENT OF TRANSPORTATION U.S CUSTOMARY STANDARD PLANS, 2018 EDITION

LEGEND

<u>DESCRIPTION</u>	<u>STANDARD DRAWING</u>	<u>SYMBOL</u>
PROPOSED CATV PEDESTAL (MODEL# PN-4)	(SDM-109, M-21)	
EXISTING CATV PEDESTAL (MODEL# UPE-M3)	(SDM-109, M-21)	

LOCATION MAP



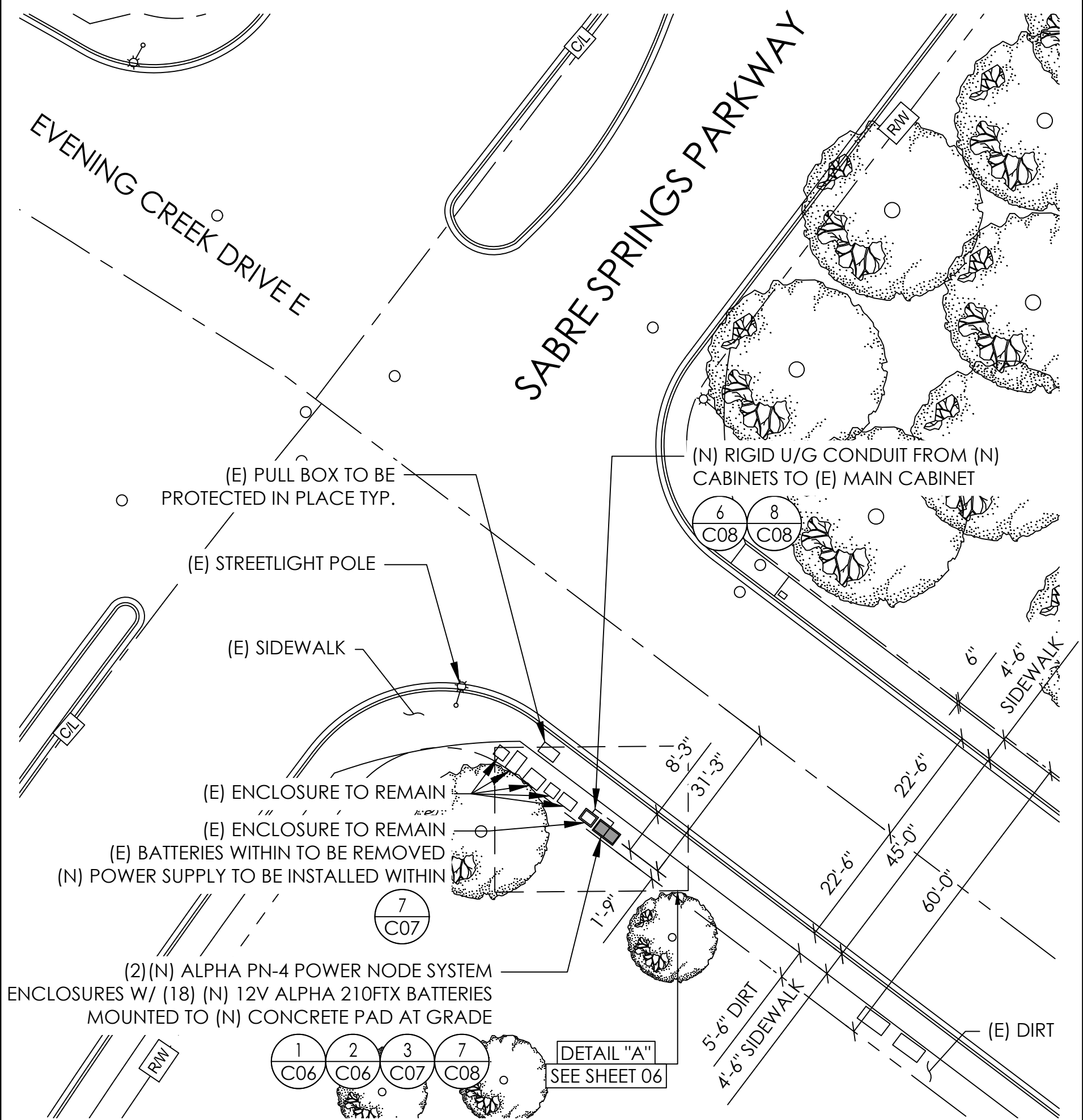
EXISTING SITE PHOTO



2B SCOPE OF WORK

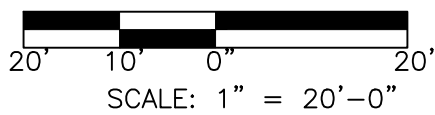
THIS PROJECT MODIFICATION OF EXISTING CONSISTS OF:

- INSTALLATION OF (2) (N) ALPHA PN-4 POWERNODE SYSTEM ENCLOSURES
- INSTALLATION OF (18) (N) 12V ALPHA 210FTX BATTERIES
- INSTALLATION OF (1) (N) PRECAST CONCRETE PAD
- REMOVAL & REPLACEMENT OF (E) POWER SUPPLY
- ALL ASSOCIATED ELECTRIC WIRES AND CONDUITS TO CONNECT POWERNODE CABINET TO EXISTING ALPHA CABINET

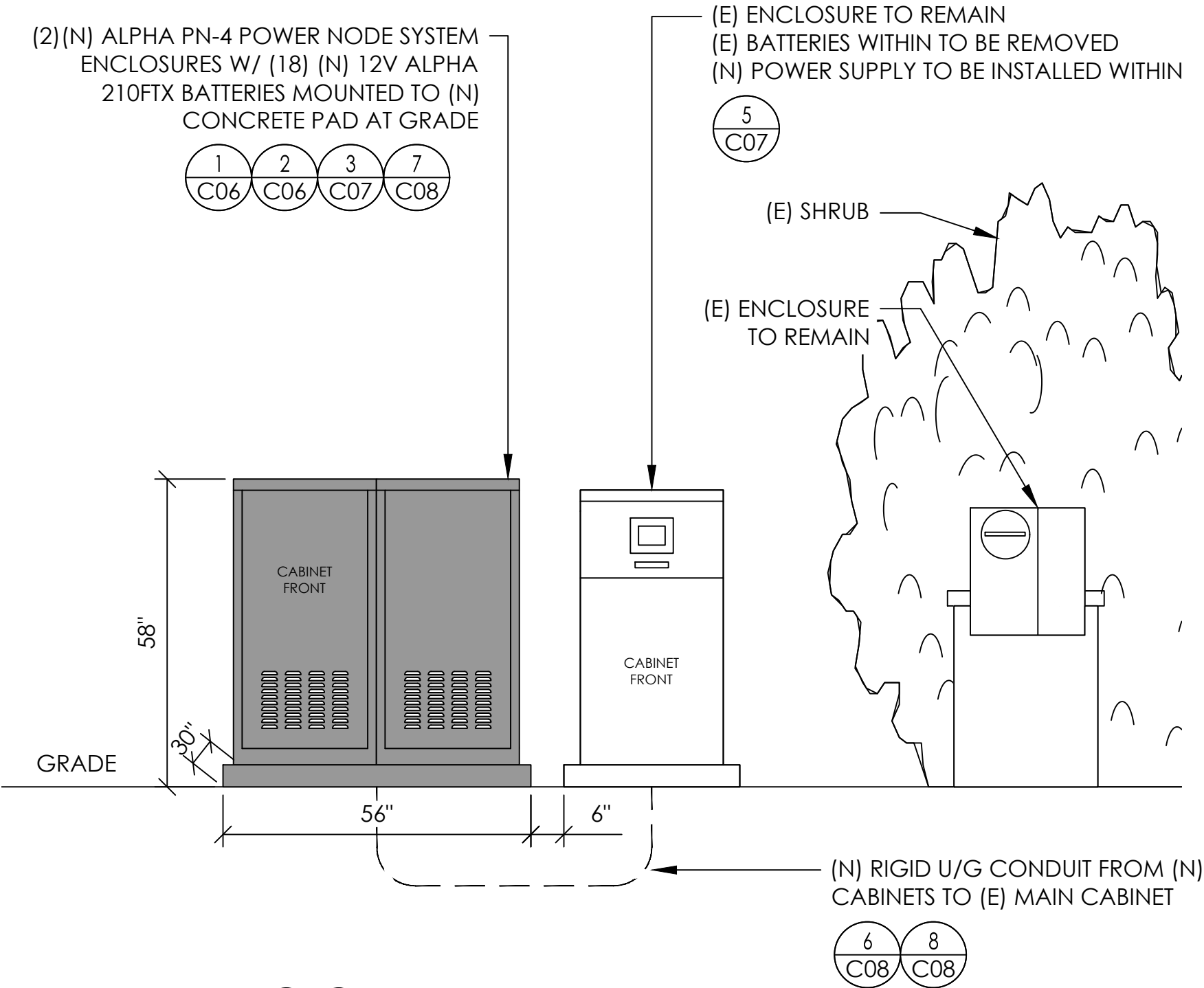


NOTES:

1. LANDSCAPE TO BE REPLACED IN KIND
2. ALL WORK MUST BE SATISFACTORY TO RESIDENT ENGINEER



PROPOSED ELEVATION



EVENING CREEK DRIVE E

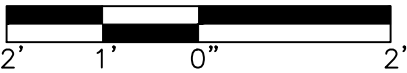
NOTES:

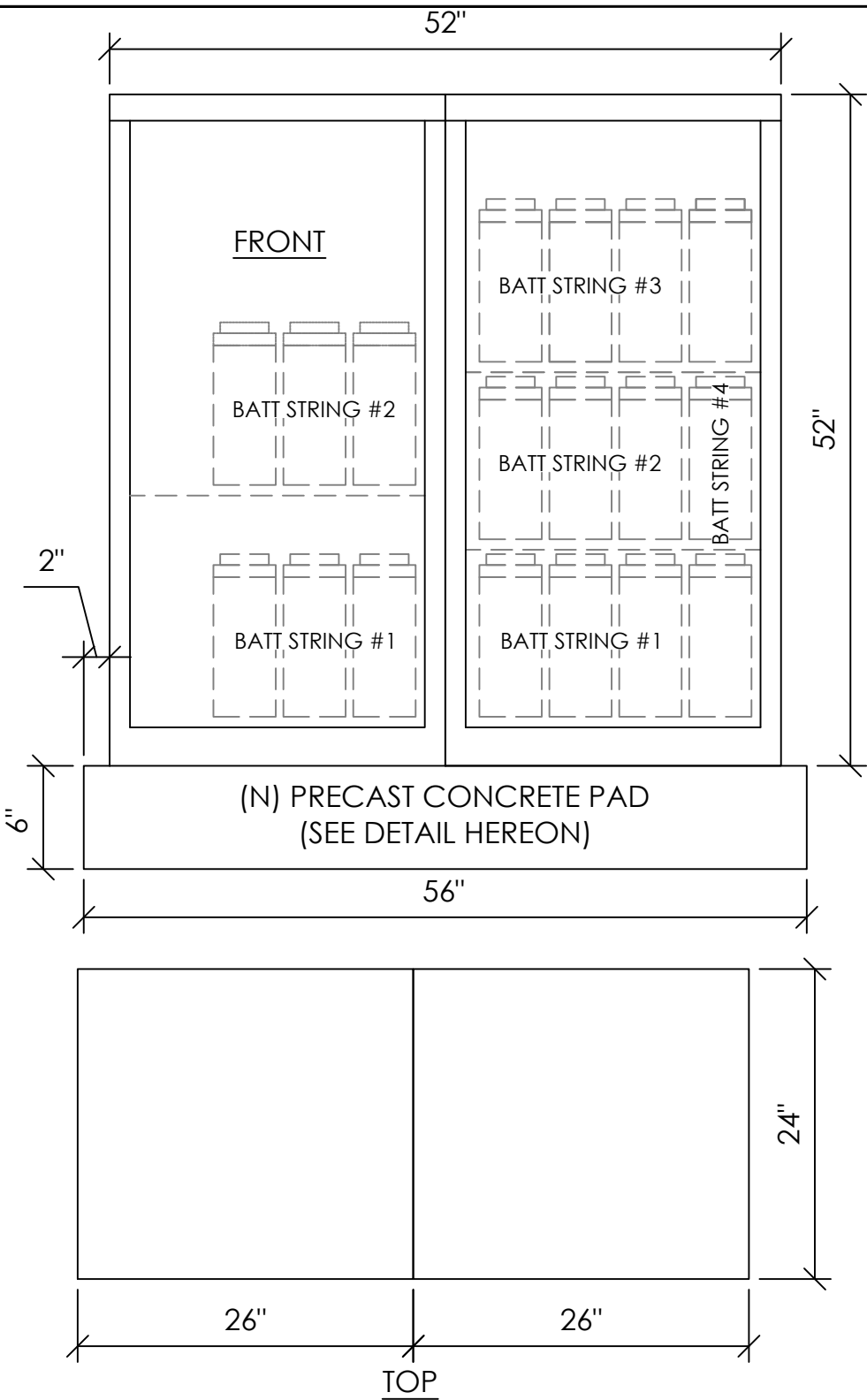
- 1. CONTRACTOR TO COMPLY WITH ALL APPLICABLE/REQUIRED INSPECTIONS PER LOCAL JX GUIDELINES.
- 2. CONTRACTOR SHALL BE AWARE OF (E) PEDESTRIAN AND VEHICLE ACCESS. CONTRACTOR SHALL NOT BLOCK WALKWAYS, DRIVEWAYS AND/OR OTHER FORMS OF ACCESS. CONTRACTOR SHALL REACH OUT TO ENGINEER IF REVISIONS TO DESIGN HEREON ARE REQUIRED.

CONDUIT ROUTING NOTE:

- 1. GC TO ROUTE (N) 1-1/2" RIGID U/G CONDUIT FROM (N) CABINET TO (E) MAIN CABINET FOR (N) BATTERY & INTERFACE ASSOCIATED CABLING. SEE TRENCHING DETAIL ON SHEET D1.

11"x17" SCALE: 1/2" = 1'-0"



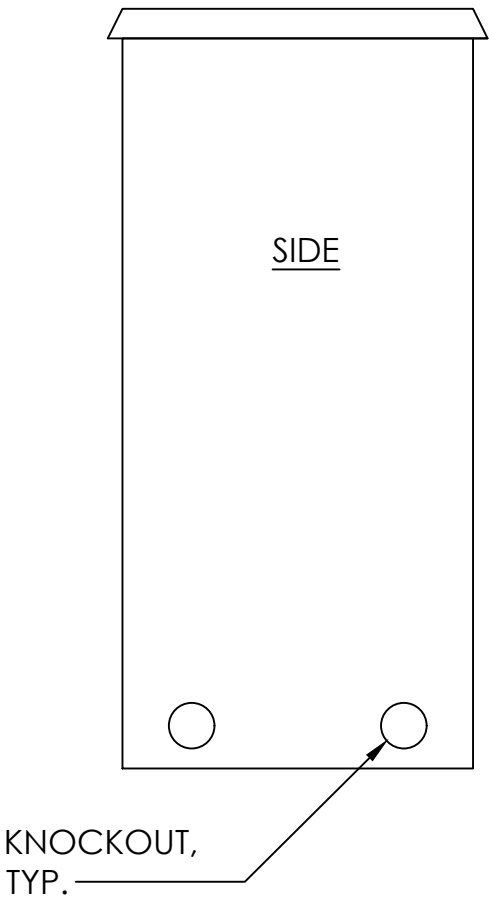


CABINET SPECIFICATIONS

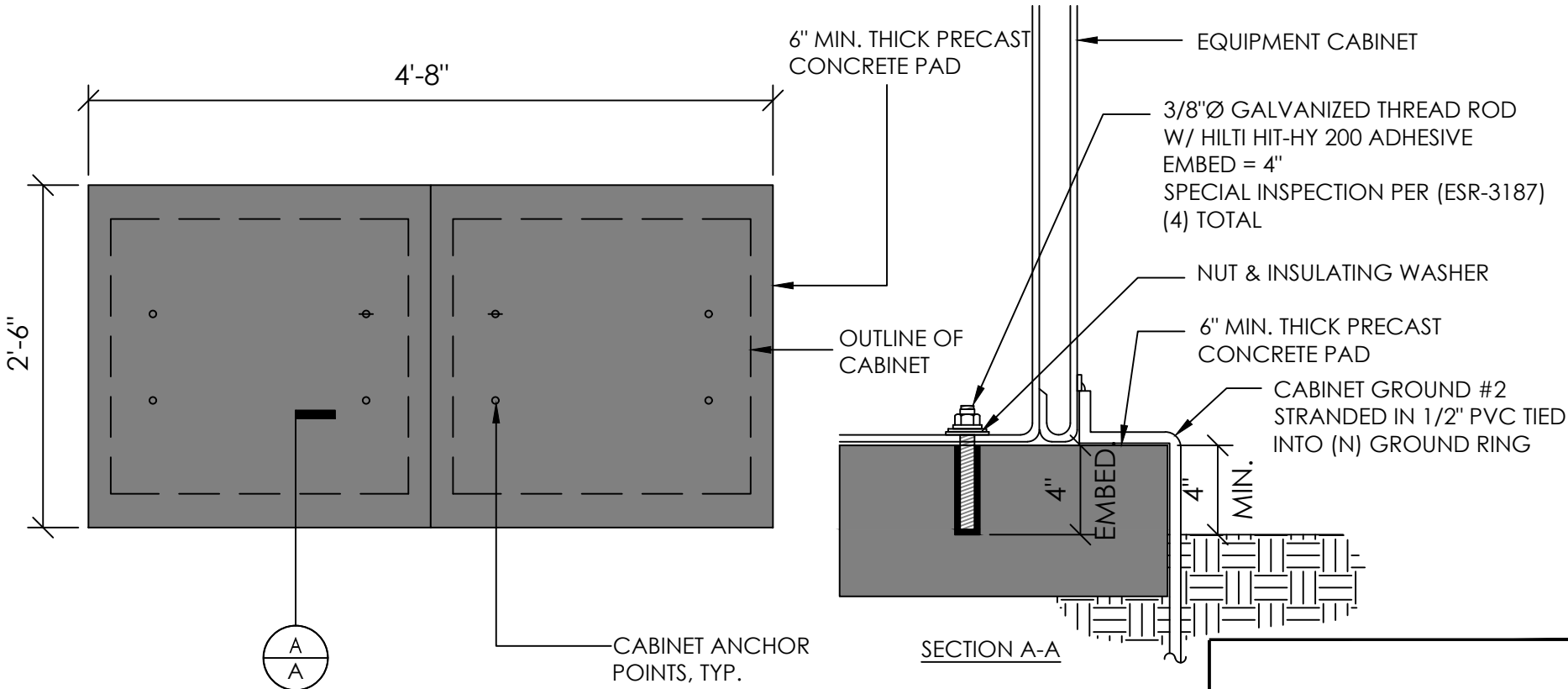
MANUFACTURER: ALPHA
MODEL: PN-4
HEIGHT: 52"
WIDTH: 26"
DEPTH: 24"
WEIGHT (EMPTY): 360 LBS.
WEIGHT (W/ BATTERIES): 2,736 LBS.

MATERIAL: ALUMINUM


BATTERY CONFIGURATION:
CABINET #1: (4) BATTERY STRINGS
CABINET #2: (2) BATTERY STRINGS



1 EQUIPMENT CABINET DETAIL
N.T.S.



2 CONCRETE PAD & ANCHORAGE DETAIL
N.T.S.

Page 3	City of San Diego · Information Bulletin 620	August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	<h1 style="margin: 0;">Community Planning Committee Distribution Form</h1>
Project Name: 10905 1/3 Evening Creek Dr Charter Communications 11460 Hadar Dr		Project Number: PRJ-1074628
Community: Sabre Springs/Carmel Mountain Ranch		
For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO . Select "Search for Project Status" and input the Project Number to access project information.		
<input checked="" type="radio"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny		Date of Vote: 2/8/2023
# of Members Yes <div style="text-align: center;">7</div>	# of Members No <div style="text-align: center;">0</div>	# of Members Abstain <div style="text-align: center;">0</div>
Conditions or Recommendations:		
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		
NAME: Eric Edelman 		
TITLE: Chair - CMR/Sabre Springs CPG		DATE: 2/23/2023
<i>Attach additional pages if necessary (maximum 3 attachments).</i>		

Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM