

## Report to the Planning Commission

DATE ISSUED: December 4, 2025 REPORT NO. PC-25-052

HEARING DATE: December 18, 2025

SUBJECT: TIME WARNER CABLE-CARMEL MOUNTAIN ROAD CABINET

SITE DEVELOPMENT PERMIT NO. 3341941 AND PLANNED DEVELOPMENT

PERMIT NO. 3387286 PROCESS FOUR CEQA EXEMPT SECTIONS 15302 and 15303

PROJECT NUMBER: PRI-1132118

OWNER/APPLICANT: City of San Diego/Time Warner Cable

### **SUMMARY**

<u>Issue</u>: Should the Planning Commission approve the installation of one (1) new ground mounted communication cabinet in the City of San Diego PROW at 8701-1/3 Carmel Mountain Road in the RS-1-14 zone of the Rancho Penasquitos Plan.

<u>Staff Recommendation</u>: Approve Site Development Permit No. 3341941 and Planned Development Permit No. 3387286.

<u>Community Planning Group Recommendation</u>: On June 4, 2025, the Rancho Penasquitos - Community Planning Group (CPG) voted 14-0-0 to recommend approval of the proposed project without conditions (Attachment 7).

<u>Environmental Impact:</u> This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Sections 15303 (New Construction or Conversion of Small Structures) and 15302 (Replacement or Reconstruction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 7, 2025, and the opportunity to appeal that determination ended July 21, 2025.

<u>Fiscal Impact Statement:</u> None.

<u>Code Enforcement Impact:</u> None.

### **BACKGROUND**

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: Utilities Undergrounding Program. For projects involving utility equipment that cannot be undergrounded, and exceeds 36-inches above the finished grade and 48-inches in diameter in accordance with Land Development Code (LDC) within the San Diego Municipal Code Section 129.0710(b)(6) an SDP is required pursuant to Section 126.0502(d)(6). The 52" tall cabinet will exceed the 36" height limit by 16 inches. Deviations to the San Diego Municipal Code (SDMC) may be processed through a Planned Development Permit (PDP) in accordance with SDMC Sections 129.0710(b)(6). The project site contains 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, Time Warner Cable submitted an SDP and PDP application to meet its intended coverage.

### **DISCUSSION**

### **Project Description:**

Time Warner Cable is proposing to install one (1) new ground mounted communication cabinet in the City of San Diego PROW at 8701-1/3 Carmel Mountain Road in the RS-1-14 zone of the Rancho Penasquitos Plan (Figure 1). The equipment cabinet measures 52-inch tall x 26-inch wide x 24-inch deep on a new 4-inch tall concrete pad and placed in an existing right of way. (Figure 1).



**Figure 1: Location of Cabinets** 

The cabinet will contain a total of 6 new batteries capable of providing up to 72 hours of backup power. A conduit will connect batteries to the power supply. The backup power ensures the community can access landline and internet connections during power outages and other emergency events (Figure 1). After extensive evaluation and numerous attempts to comply with LDC Section 129.0710(b)(6), it became evident that reducing the height of the equipment cabinet was simply not feasible. The critical factor lies in the necessity to house enough batteries to ensure a 72-hour backup power supply. In the event of an emergency, particularly a fire, the larger equipment cabinet is not just a preference but a vital requirement. A smaller cabinet means that

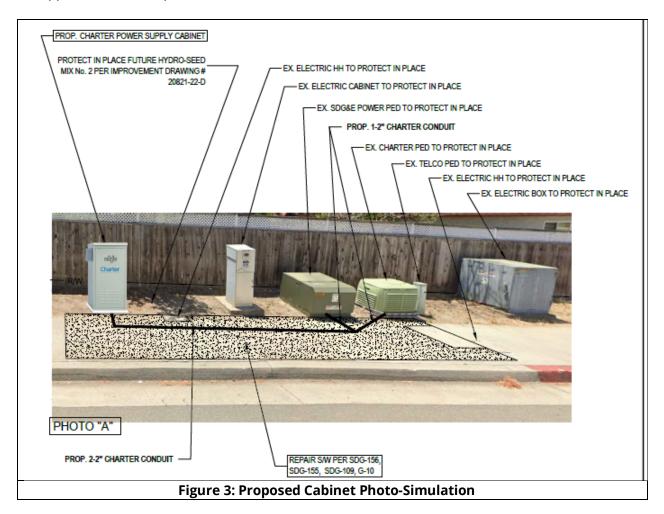
there would be less batteries and less backup power supply. The increased size accommodates the essential backup power infrastructure, which in turn guarantees uninterrupted communication for the surrounding community. During a fire emergency, reliable communication maybe the deciding safety factor. By ensuring that the larger cabinet is in place, we are providing the community with safety support. The requested deviation to allow the proposed utility cabinet to exceed the standard dimensional requirements is supported due to several site-specific and operational considerations. Operationally, the cabinet will not generate noise during normal use, and therefore will not create any nuisance conditions for nearby residents or businesses. The placement of the cabinet does not encroach into any required visibility triangles, ensuring that vehicular and pedestrian sightlines remain unobstructed. The facility also maintains an appropriate setback within the public right-of-way, consistent with applicable safety and accessibility standards. In addition, the cabinet is painted to visually integrate with surrounding utility equipment, minimizing its overall visual impact on the streetscape. It is imperative to understand that every possible measure to use a smaller cabinet has been thoroughly explored and ultimately deemed insufficient. The larger cabinet, as illustrated, is essential to meet the high safety standards required for the community during emergencies. Maintaining this extended backup capacity ensures reliable access to both internet and voice communication for first responders and community members when conventional power sources are unavailable.

### **Community Plan Analysis:**

The Rancho Penasquitos Plan identifies this area for single-family very low- density 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 uses. The cabinet size is the smallest capable of holding 6 batteries, cables, and future equipment. The batteries are securely locked in a water-proofed utility cabinet for safety. Time Warner Cable is proposing to provide up to 72 hours of backup power in communities during power outages (Figure 2). For this project, Time Warner Cable is focused on providing back up service to the residential community.

The Rancho Penasquitos Plan designates the site as Residential Use and is currently zoned RS-1-14 zone. The Rancho Penasquitos Plan relies on the City's General Plan for Urban Design policies for utility systems within the PROW under UD-A.17. 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). The site was selected because the height and bulk of the cabinets can be accommodated on the site and can be served by public utilities (Figure 1). The cabinets meet the City's General Plan Policy for Urban Design UD-A.17 (b) by placing the cabinets within the PROW to avoid impacting pedestrian access. The entire 4 foot 6 inch wide sidewalk will continue to be available after the installation of the cabinet. 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.



### **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 and Planned Development Permit No. 3387286.

### **ALTERNATIVES**

- 1. Approve Site Development Permit No. 3341941 and Planned Development Permit No. 3387286, with modifications;
- 2. Deny Site Development Permit No. 3341941and Planned Development Permit No. 3387286 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Simon Tse

Supervising Development Project Manager Development Services Department

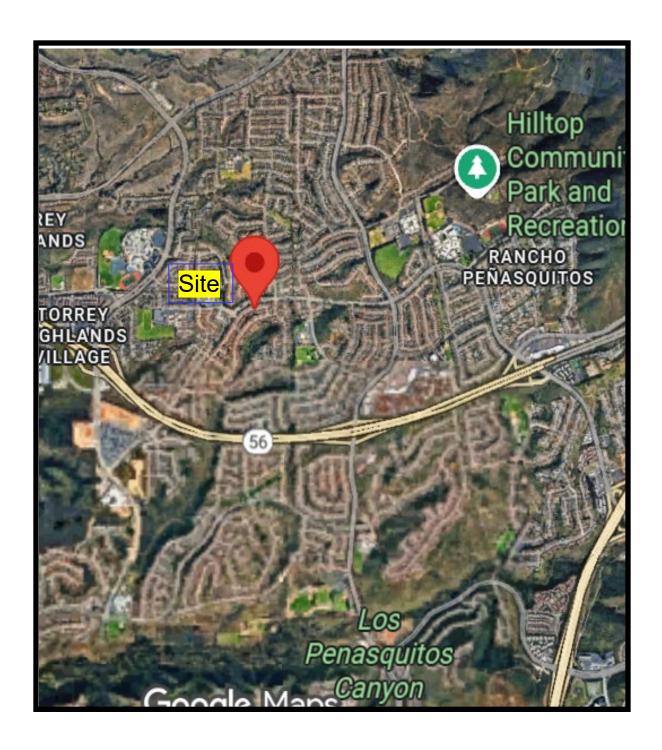
Karen Howard

Development Project Manager Development Services Department

Karen Howard

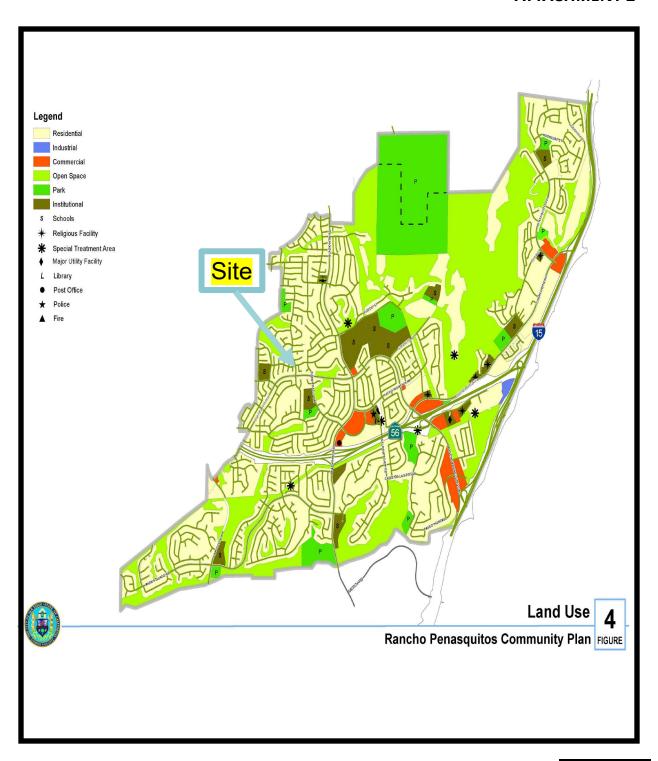
### Attachments:

- 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











## **Land Use Plan**

8703-1/3 Carmel Mtn Rd Communications Cabinets Project No. PRJ-1132118



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: 11003679 SPACE ABOVE THIS LINE FOR RECORDER'S USE

# SITE DEVELOPMENT PERMIT NO. 3341941 PLANNED DEVELOPMENT PERMIT NO. 3387286 TIME WARNER CABLE-CARMEL MOUNTAIN ROAD CABINET PROJECT NO. 1132118 PLANNING COMMISSION

This Site Development Permit Number 3341941 and Planned Development Permit No. 3387286 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, 129.0710(b)(6), and 131.0403. The site is located in the public right-of-way (PROW) at 8701-1/3 Carmel Mountain Road in the RS-1-14 zone of the Rancho Penasquitos Plan and Council District 5.

Subject to the terms and conditions set forth in this Permit, permission is granted to Time Warner Cables, Permittee to install one (1) new ground mounted cabinets: described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 18, 2025, on file in the Development Services Department. The project shall include:

- a. Install one (1) new communications cabinet 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 January 3, 2029.

- 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, by permit and bond, assure to reconstruct the portions of the sidewalk damaged by the installation of the proposed cabinet with current City Standard Sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp adjacent to the site, in accordance with Exhibit 'A', to the satisfaction of the City Engineer.
- 13. Prior to the issuance of any building permit, the Permittee shall, by permit and bond, assure to reconstruct the existing electrical handhole remove the tripping hazard, in accordance with Exhibit 'A', to the satisfaction of the City Engineer.
- 14. 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.
- 15. The applicant assumes all liability and responsibility for the proposed improvements (cabinet/vault/antenna, etc.), including maintenance.

### LANDSCAPE REQUIREMENTS:

16. 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.

### **TELECOMMUNICATION AND UTILITY DEPARTMENT REQUIREMENTS:**

17. This permit shall expire on January 2, 2036 and a new permit for this use shall be required in Page 3 of 5

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.

18. The equipment and all associated mounting apparatus shall integrate with the surrounding landscaping and painted green to the satisfaction of the Development Services Department.

#### **INFORMATION ONLY:**

- 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 December 18, 2025, and Resolution Number PC-25-052.

### **ATTACHMENT 3**

SITE DEVELOPMENT PERMIT NO. 3341941 PLANNED DEVELOPMENT PERMIT NO. 3387286 Date of Approval: December 18, 2025

AUTHENTICATED BY THE CITY OF SAN	N DIEGO DEVELOPMENT SERVICES DEPARTMENT
Karen Howard	
Development Project Manager	
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.	
_	cution hereof, agrees to each and every condition of this Permit very obligation of Owner/Permittee hereunder.

TIME WARNER CABLES
Permittee
Ву
NAME
TITI F

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

## PLANNING COMMISSION RESOLUTION NO. <u>PC-25-052</u> SITE DEVELOPMENT PERMIT NO. 3341941 PLANNED DEVELOPMENT PERMIT NO. 3387286

### TIME WARNER CABLE-CARMEL MOUNTAIN ROAD CABINET-PROJECT NO. 1132118

WHEREAS, Time Warner Cable, Permittee, filed an application with the City of San Diego for a permit to install one (1) ground-mounted cabinet to provide backup power within the public right-of-way (PROW) as described in and by reference to the attached approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 3341941 and Planned Development Permit No. 3387286;

WHEREAS, the City of San Diego, as Lead Agency, through the Development Services

Department, made and issued an Environmental Determination that the above project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Categorical Exemption: Sections 15303 (New Construction or Conversion of Small Structures) and 15302 (Replacement or Reconstruction) 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 December 18, 2025, the Planning Commission of the City of San Diego considered Site Development Permit No. 3341941 and Planned Development Permit No. 3387286 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. 3341941 and Planned Development Permit No. 3387286.

### 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.

Time Warner Cable is proposing to install one (1) new ground mounted communication cabinet in the City of San Diego PROW at 8701-1/3 Carmel Mountain Road in the RS-1-14 zone of the Rancho Penasquitos Plan area. The equipment cabinet measures 52-inch-tall x 26-inch-wide x 24-inch deep on a new 4-inch-tall concrete pad and placed in an existing right of way. The cabinet will contain a total of 6 new batteries capable of providing up to 72 hours of backup power. Two new power supplies will be installed within the cabinet. A conduit will connect batteries to the power supply. The project site proposes landscaping. The backup power ensures communities can access landline and internet connections during power outages and other emergency events. The cabinet 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 uses. The cabinet size is the smallest capable of holding 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 Rancho Penasquitos Plan designates the site as Residential Use and is currently zoned RS-1-14. The zone allows cabinets. The Rancho Penasquitos Plan relies on the City's General Plan for Urban Design policies for utility systems within the PROW under UD-A.17. 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, UD-A.18 (b), states 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 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 site was selected because the height and bulk of the cabinet 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, Time Warner Cable applied for a Site Development (SDP) permit to meet its intended coverage. The cabinet meets the City's General Plan Policy for Urban Design UD-A.18 (b) by placing the cabinet in the setback to avoid impacting pedestrian access. The entire 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 cabinet measures 52-inch-tall x 26-inch-wide x 24 inch deep on a new 4inch-tall concrete pad and placed within the PROW alongside other existing utility equipment. The cabinet will contain a total of 6 (six) batteries capable of providing up to 72 hours of backup power. A power supply will be within the cabinet. A conduit will connect batteries to the new power supply. The project site contains existing communication equipment boxes. The backup power ensures communities can access landline and internet connections during power outages and other emergency events. The cabinet 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 Rancho Penasquitos Plan identifies this area for residential development. This proposal is intended to provide reliable communication services to the surrounding residential 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 (SDMC) sections 129.0710 (a-c) it must comply with all engineering standards which includes elements of public health, safety, and welfare. The entire 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 Time Warner Cable Cabinet project includes the installation of one (1) new above ground Alpha PN-4 power node system enclosure cabinet within the City of San Diego's PROW at 8701 -1/3 Carmel Mountain Road in the RS-1-14 zone of the Rancho Penasquitos Plan. The cabinet will contain a total of 6 (six) batteries capable of providing up to 72 hours of backup power. A power supply will be within the cabinet. A conduit will connect batteries to the new power supply. The project site contains existing communication equipment boxes. 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: <a href="https://www.sandiego.gov/undergrounding/process/construction">https://www.sandiego.gov/undergrounding/process/construction</a>. For projects involving utility equipment that cannot be undergrounded and exceeding 36-inches above the finished grade and 48-inches in diameter in accordance with Land Development Code (LDC) within the SDMC Section 129.0710(b)(6), an SDP is required pursuant to Section 126.0502(d)(6). The project site contains existing communication equipment. The site was selected because the height and bulk of the cabinet can be accommodated on the site.

After extensive evaluation and numerous attempts to comply with Section 129.0710(b)(6), it became evident that reducing the height of the equipment cabinet was simply not feasible. The critical factor lies in the necessity to house enough batteries to ensure a 72-hour backup power supply. In the event of an emergency, particularly a fire, the larger equipment cabinet is not just a preference but a vital requirement. The increased size accommodates the essential backup power infrastructure, which in turn guarantees uninterrupted communication for the surrounding community. During a fire emergency, reliable communication maybe the deciding safety factor. By ensuring that the larger cabinet is in place, we are providing the community with safety support. It is imperative to understand that every possible measure to use a smaller cabinet has been thoroughly explored and ultimately deemed insufficient. The larger cabinet, as illustrated, is essential to meet the high safety standards required for the community during emergencies. 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, Time Warner Cable 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 cabinet 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 Rancho Penasquitos Plan identifies this area for residential development. This proposal is intended to provide reliable communication services to the surrounding residential uses. The Rancho Penasquitos Plan designates the site as Residential Use and is currently zoned RS-1-14 zone. 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 Rancho Penasquitos Plan relies on the City's General Plan for Urban Design policies for utility system within the PROW under UD-A.17. 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 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 cabinet meets the City's General Plan Policy for Urban Design UD-A.17 (b) by placing the cabinet in the in the planted area to avoid any pedestrian access. The entire 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. Lastly, the proposed equipment is clustered with other utilities and setback from the sidewalk appropriately. The project complies with the development regulations baring the height deviation. Therefore the proposed development will comply with the regulations of the Land Development Code.

- 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 cabinet benefits the public purpose in two main ways: 1) providing up to 72 hours of backup power; and 2) ensures there is 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 cabinet.

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

The proposed cabinet 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 cabinet are placed on the parkway within the planted 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-ofway 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 cabinet 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 cabinet measure 52-inch-tall x 26-inch-wide x 24 inch deep on a new 4-inch tall concrete pad and placed alongside the 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 cabinet as designed will be painted to match the nearby utility cabinet 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 cabinet comply with all height and bulk regulations and is located on a site that can be served by public utilities. The cabinet meet the City's General Plan Policy for Urban Design UD-A.17 (b) and UD-A.18(b) by placing the cabinet in the setback to avoid impacting pedestrian access. The entire 4-foot 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. 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 at 8701-1/3 Carmel Mountain Road in the RS-1-14 zone of the Rancho Penasquitos Plan. Therefore, the project does not need a Coastal Development Permit (CDP).

### Planned Development Permit [SDMC Section 126.0605]

- 1. Findings for all Planned Development Permits:
  - a. The proposed development will not adversely affect the applicable land use plan.

As outlined in Site Development Permit Finding A.1.a herein incorporated by reference, 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 Page 6 of 9

### welfare.

As outlined in Site Development Permit Finding A.1.b herein incorporated by reference, the proposed development will not adversely affect the public health, safety, and welfare.

c. 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 Time Warner Cable Cabinet project includes the installation of one (1) new above ground Alpha PN-4 power node system enclosure cabinet within the City of San Diego's PROW at 8701 -1/3 Carmel Mountain Road in the RS-1-14 zone of the Rancho Penasquitos Plan. The cabinet will contain a total of 6 (six) batteries capable of providing up to 72 hours of backup power. A power supply will be within the cabinet. A conduit will connect batteries to the new power supply. The project site contains existing communication equipment boxes. Per Section 129.0710 (a)(9) above ground equipment in the public right of way shall not exceed 36 inches or 3 feet in height and 48 inches or 4 feet in diameter. The equipment cabinet measure 52-inch-tall x 26-inchwide x 24 inch deep on a new 4-inch tall concrete pad. The 52" tall cabinet will exceed the 36" height limit by 16 inches. Deviations to the San Diego Municipal Code (SDMC) may be processed through a Planned Development Permit (PDP) in accordance with SDMC Sections 129.0710(b)(6). The purpose of the PDP is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations. Expiration dates are imposed on WCFs to review and modify these facilities to comply with current design standards. The WCF regulations require that visual impacts associated with WCFs be minimized or concealed through integration. Integration is to be accomplished with architecture, landscape and siting solutions.

The requested deviation to allow the proposed utility cabinet to exceed the standard dimensional requirements is supported due to several site-specific and operational considerations. The placement of the cabinet does not encroach into any required visibility triangles, ensuring that vehicular and pedestrian sightlines remain unobstructed. The facility also maintains an appropriate setback within the public right-of-way, consistent with applicable safety and accessibility standards. In addition, the cabinet is painted to visually integrate with surrounding utility equipment, minimizing its overall visual impact on the streetscape.

Operationally, the cabinet will not generate noise during normal use, and therefore will not create any nuisance conditions for nearby residents or businesses. Approval of the

deviation is also essential to accommodate the necessary backup power equipment designed to sustain critical communication services for up to 72 hours during emergency conditions. Maintaining this extended backup capacity ensures reliable access to both internet and voice communication for first responders and community members when conventional power sources are unavailable.

Designing the facility to fully comply with dimensional limits would require reducing the number of batteries installed, directly limiting the system's ability to meet the 72-hour emergency power criterion. Such a reduction would jeopardize the reliability of communication networks and could impair emergency response operations, which rely on continuous and stable communication capabilities during outages or disaster events.

For these reasons, staff finds the requested deviation justified, operationally necessary, and in the public interest. The requested deviation to allow the proposed utility cabinet to exceed the standard dimensional requirements is supported due to several site-specific and operational considerations. The placement of the cabinet does not encroach into any required visibility triangles, ensuring that vehicular and pedestrian sightlines remain unobstructed. The facility also maintains an appropriate setback within the public right-of-way, consistent with applicable safety and accessibility standards. In addition, the cabinet is painted to visually integrate with surrounding utility equipment, minimizing its overall visual impact on the streetscape.

Operationally, the cabinet will not generate noise during normal use, and therefore will not create any nuisance conditions for nearby residents or businesses. Approval of the deviation is also essential to accommodate the necessary backup power equipment designed to sustain critical communication services for up to 72 hours during emergency conditions. Maintaining this extended backup capacity ensures reliable access to both internet and voice communication for first responders and community members when conventional power sources are unavailable.

Designing the facility to fully comply with dimensional limits would require reducing the number of batteries installed, directly limiting the system's ability to meet the 72-hour emergency power criterion. Such a reduction would jeopardize the reliability of communication networks and could impair emergency response operations, which rely on continuous and stable communication capabilities during outages or disaster events.

For these reasons, staff finds the requested deviation justified, operationally necessary, and in the public interest.

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. 3341941 and Planned Development Permit No. 3387286 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. 3341941 and Planned Development Permit No. 3387286 a copy of which is attached hereto and made a part hereof.

Karen Howard Development Project Manager Development Services

Adopted on: December 18, 2025

IO#: 11003679

### **NOTICE OF EXEMPTION**

TO:

Recorder/County Clerk P.O. Box 1750, MS A-33 1600 Pacific Hwy, Room 260 San Diego, CA 92101-2400 From: City of San Diego

Development Services Department 7650 Mission Valley Road, MS DSD-1A

San Diego, CA 92108

Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814

Project Title / Number: Carmel Mountain Road Wireless Communication Facility (WCF) / PRJ-1132118

**State Clearinghouse No.:** Not Applicable

Project Location-Specific: 8701 1/3 Carmel Mountain Road, San Diego, CA 92129

Project Location-City/County: San Diego/San Diego

**Description of nature and purpose of the Project:** Site Development Permit (SDP) to install one (1) N Alpha PN-4 power node system enclosure two (2) N Alpha XM-3 power supplies, six (6) new 12V batteries and one precast concrete pad. The project would also include the removal and replacement of the existing power supply and all associated electric wires and conduits to connect power node cabinet to alpha cabinet. The property is located within the public right-of-way (PROW) at 8701 1/3 Carmel Mountain Road in the RS-1-14 residential zone, Airport Land Use Compatibility Overlay Zone (MCAS Miramar), and the Airport Influence Area (MCAS Miramar-Review Area 2) of the Rancho Penasquitos Community Planning area, and Council District 5.

Name of Public Agency Approving Project: City of San Diego

**Name of Person or Agency Carrying Out Project:** Karla Hernandez, Time Warner Cable 8949 Ware Court San Diego, CA (951) 901-5526

Exen	npt Status:	(CHECK	ONE)	
	Ministerial	/000 21	000/61/41	150601

Ш	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: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction and Conversion of Small Structures) and Section 15402 (Replacement and

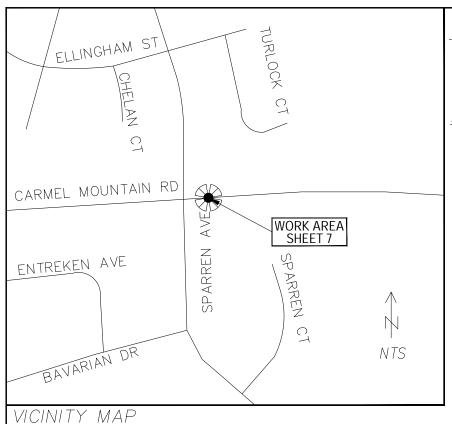
Reconstruction).

Reasons why project is exempt: The City of San Diego conducted an environmental review and determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15303 (New Construction). Section 15303 allows for the installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Since the project would only install small new equipment in small structures to provide a backup generator for an existing WCF the exemption was deemed appropriate. The project would also qualify pursuant to Section 15302 (Replacement or Reconstruction). Section 15302 allows for the replacement of existing structures and facilities where the new structure or facility is located on the same site as the structure or facility being replaced and will substantially serve the same purpose of the structure/facility being replaced. Since the project will be replacing an existing power supply and all associated electric wires and conduits the exemption was deemed appropriate. The project is located in the PROW and no environmental impacts would occur and none of the exceptions described in CEQA Guidelines Section 15300.2 Revised May 2018

ATTACHMENT 5

apply. The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.

Lead Agency Contact Person: Kelli Rasmus	Telephone: (619) 557-7990						
<ul> <li>If filed by applicant:</li> <li>1. Attach certified document of exemption finding.</li> <li>2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No</li> </ul>							
It is hereby certified that the City of San Diego has determi	ned the above activity to be exempt from CEQA.						
Signature Title Senior Planner	September 17, 2025 Date						
Check One:  ☑ Signed By Lead Agency ☐ Signed by Applicant	Date Received for Filing with County Clerk or OPR:						



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:

DOCUMENT NO. **DESCRIPTION** 

STANDARD SPECIFICATIONS FOR PUBLIC WORKS ECPI010122-01 CONSTRUCTION (GREENBOOK), 2021 EDITION

CITY OF SAN DIEGO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (WHITEBOOK), ECP1010122-02

2021 EDITION

CITYWIDE COMPUŢER AIDED DESIGN AND PWPI010119-04 DRAFTING (CADD) STANDARDS, 2018 EDITION

CALIFORNIA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES REVISION 8(CA MUTCD REV8), ECPD032324-07

2014 EDITION

CALIFORNIA DEPARTMENT OF TRANSPORTATION ECPD092023-05 U.S CUSTOMARY STANDARD SPECIFICATIONS,

2023 EDITION

<u>STANDARD DRAWINGS:</u>

DOCUMENT NO. DESCRIPTION

ECPI010122-03 CITY OF SAN DIEGO STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION, 2021 EDITION

CALIFORNIA DEPARTMENT OF TRANSPORTATION U.S CUSTOMARY STANDARD PLANS, 2023 EDITION ECPD092023-06

LEGEND

<u>DESCRIPTION</u> STANDARD DRAWING <u>SYMBOL</u>

POWER SUPPLY CABINET PS *M*−21, SDM−109, SDM−111

SIDEWALK SDG-155, SDG-156, (REMOVE/REPLACE SDG-109, G-10

JOIN ID NO.:

PREPARED FOR:

PREPARED BY:

PHONE: (951)-901-5526

DISCIPLINE CODE (DC)

NAME OF COMPANY: TIME WARNER CABLE

EMAIL: KARLA.HERNANDEZ@CHARTER.COM

NAME AND TITLE: NANCY DELGADO PHONE: (714)-897-6300

EMAIL: <u>VVD\_PERMITTING@VVDCOMM.NET</u>

ADDRESS: 8949 WARE COURT, SAN DIEGO, CA 92121

NAME AND TITLE: KARLA HERNANDEZ/CONST. COORDINATOR

NAME OF COMPANY: VIDEO VOICE DATA COMMUNICATIONS ADDRESS: 7391 LINCOLN WAY, GARDEN GROVE, CA 92841

G GENERAL

SITE ADDRESS: 8701 1/3 CARMEL MOUNTAIN RD

SAN DIEGO, CA 92129

CIVIL  $\mathcal{C}$  2" CONDUIT

MIN. 4" THICKNESS)

WARNING TAPE SDM-105

SHEET INDEX

CHANGE

<u>SHEET</u> <u>DC</u> DESCRIPTION

COVER SHEET G01 1 2 - 3G02-G03 GENERAL NOTES

MONUMENT PRESERVATION CERT. 4 G04

AFFECTED SHEETS/NEW SHEETS

G10 5 BMP GENERAL NOTES IMPROVEMENT PLAN 6-10 CO1-CO5 11-14 C06-C09 POWER SUPPLY DETAIL THE PLAN IS PREPARED BASED ON THE 2023 SPO AND THE UPDATED STANDARD DRAWINGS

	SQUARE FOOTAGE	-
CONCRETE	0'	
ASPHALT	0'	
DIRT	27	,
BORE	0'	
REMOVE &	REPLACE 110	SQFT

STREET NAME	CLASSIFICATION	SPEED (MPH)	ADT (VEHICLES)	
CARMEL MOUNTAIN RD	COLLECTOR	35	6230	

STREET DATA TABLE

DIGALERT CONTACT 811 AT LEAST TWO DAYS BEFORE YOU DIG JNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA TICKET#

CC#

DATE

CONSTRUCTION CHANGE TABLE

The City of SAN DIEGO

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

PRJ NO: 1132118

PMT NO:

SHEET 1 OF 14

G01

### **LOCATION MAP**

(NOT TO SCALE)



ADDRESS: 8701 1/3 CARMEL MOUNTAIN RD SAN DIEGO, CA 92129

### **EXISTING SITE PHOTO**

(NOT TO SCALE)



### **SCOPE OF WORK**

THIS PROJECT MODIFICATION OF EXISTING CONSISTS OF:

- INSTALLATION OF (1) NEW ALPHA PN-4 POWER NODE SYSTEM ENCLOSURE
- INSTALLATION OF (2) NEW ALPHA XM-3 POWER SUPPLIES
- INSTALLATION OF (6) NEW 12V ALPHA 4.0HP BATTERIES
- INSTALLATION OF (1) NEW PRECAST CONCRETE PAD
- ALL ASSOCIATED CONDUITS AND CABLES FOR COMMERCIAL POWER (SDG&E) AND CONNECTION TO EXISTING CHARTER PEDESTAL



Ľ	IONE I#									
Г	EXISTIN	NG ST	RUCTURES			MISC.				
	SYMBOL/LINETYPE	ABBRV.	DESCRIPTION	SYMBOL/LINETYPE	DESCRIPTION	SYMBOL/LINETYPE	ABBRV.	DESCRIPTION	ABBRV.	DESCRIPTION
		POLE MH HH PED F/H VLV TS SL MTR	UTILITY POLE MANHOLE HAND HOLE PEDESTAL FIRE HYDRANT VALVE TRAFFIC SIGNAL STREET LIGHT VENT METER TREE	SLC E	STREET LIGHT CONDUIT ELECTRIC TELEPHONE GAS STORM DRAIN SANITARY SEWER WATER OIL / PETROLEUM FIBER OPTIC CATV BACKFLOW PARKING METER	— Q — RW — EOP — FOC — CURB FACE GUTTER LIP /	C/L R/W EOP FOC C&G R/R	CENTER LINE RIGHT OF WAY EDGE OF PAVEMENT FRONT OF CURB CURB & GUTTER RAILROAD SIDEWALK DRAIN ADA RAMP	BCF FCF CONC PROP EX U/G S/W D/W CSW	BEHIND CURB FACE FROM CURB FACE CONCRETE PROPOSED EXISTING UNDERGROUND SIDEWALK DRIVEWAY CONC. SIDEWALK
L			POLE ANCHOR	ō	STREET SIGN	-0-0-0-0-0-0-0-0-		FENCE		



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

PRJ NO: 1132118

PMT NO:

SHEET 6 OF 14

C01

NOTE:

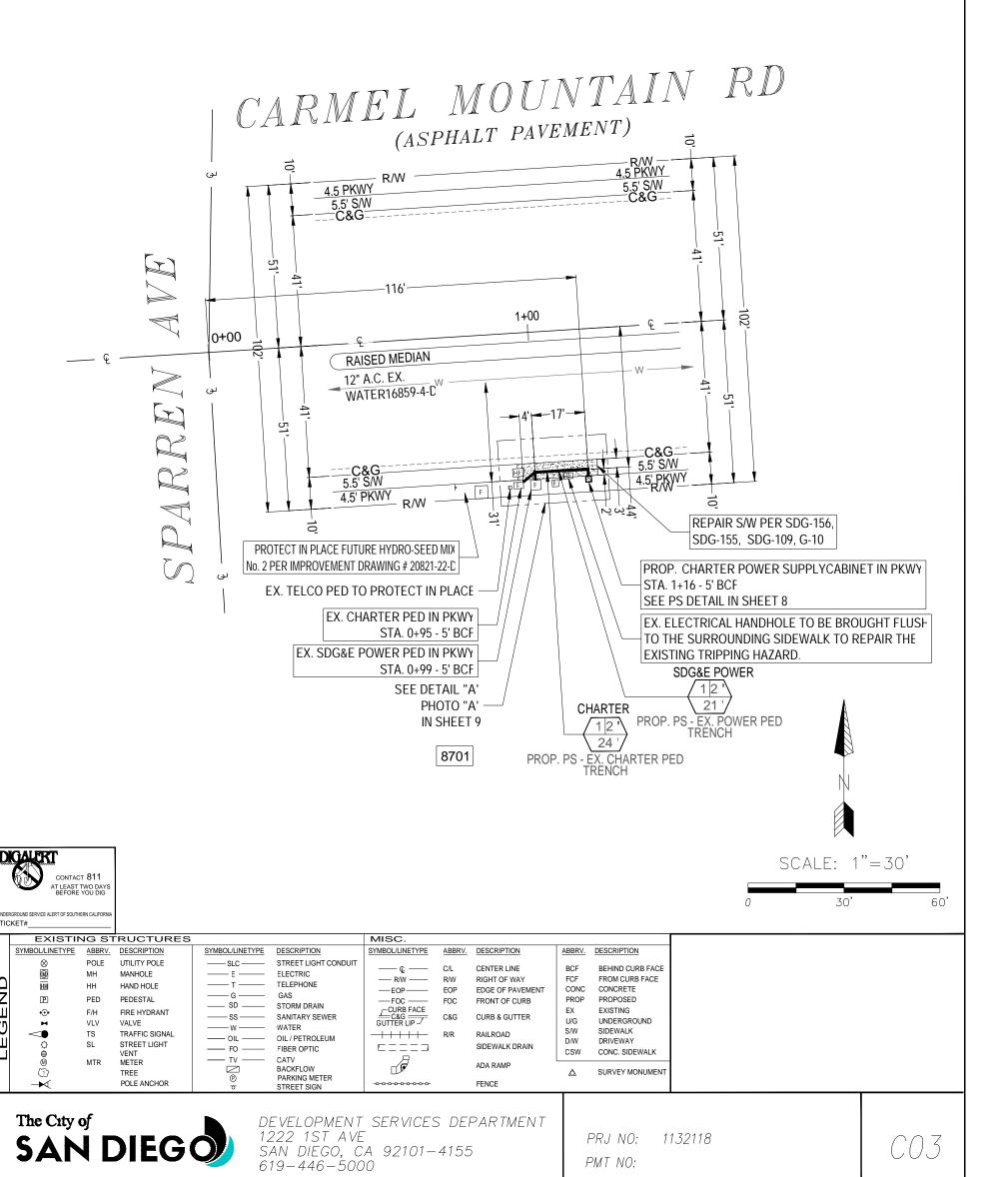
LANDSCAPE TO BE REMOVED AND REPLACE TO MATCH EXISTING CONDITIONS.

AS-BUILT REFERENCE: 16859-4-D

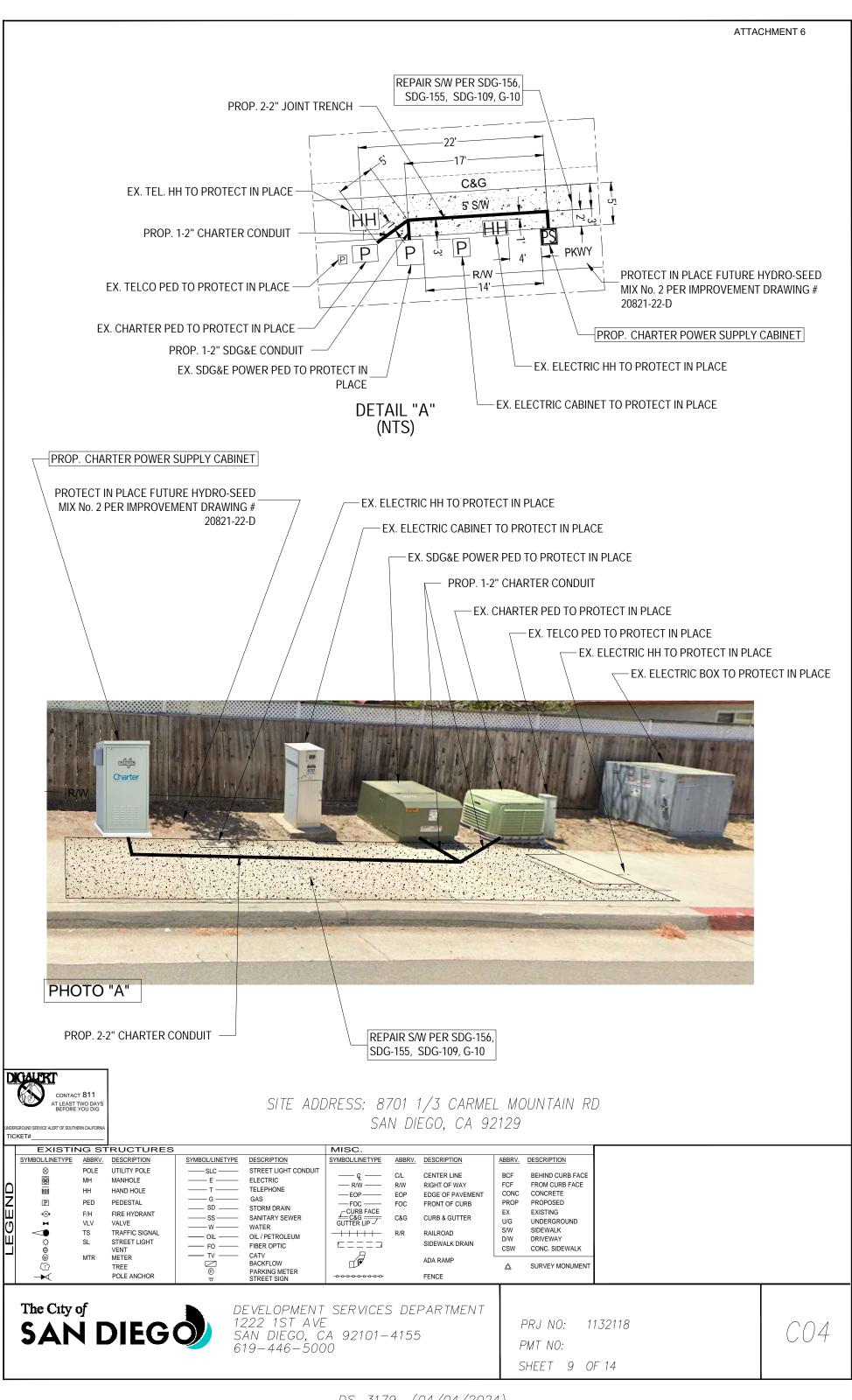
NOTE:

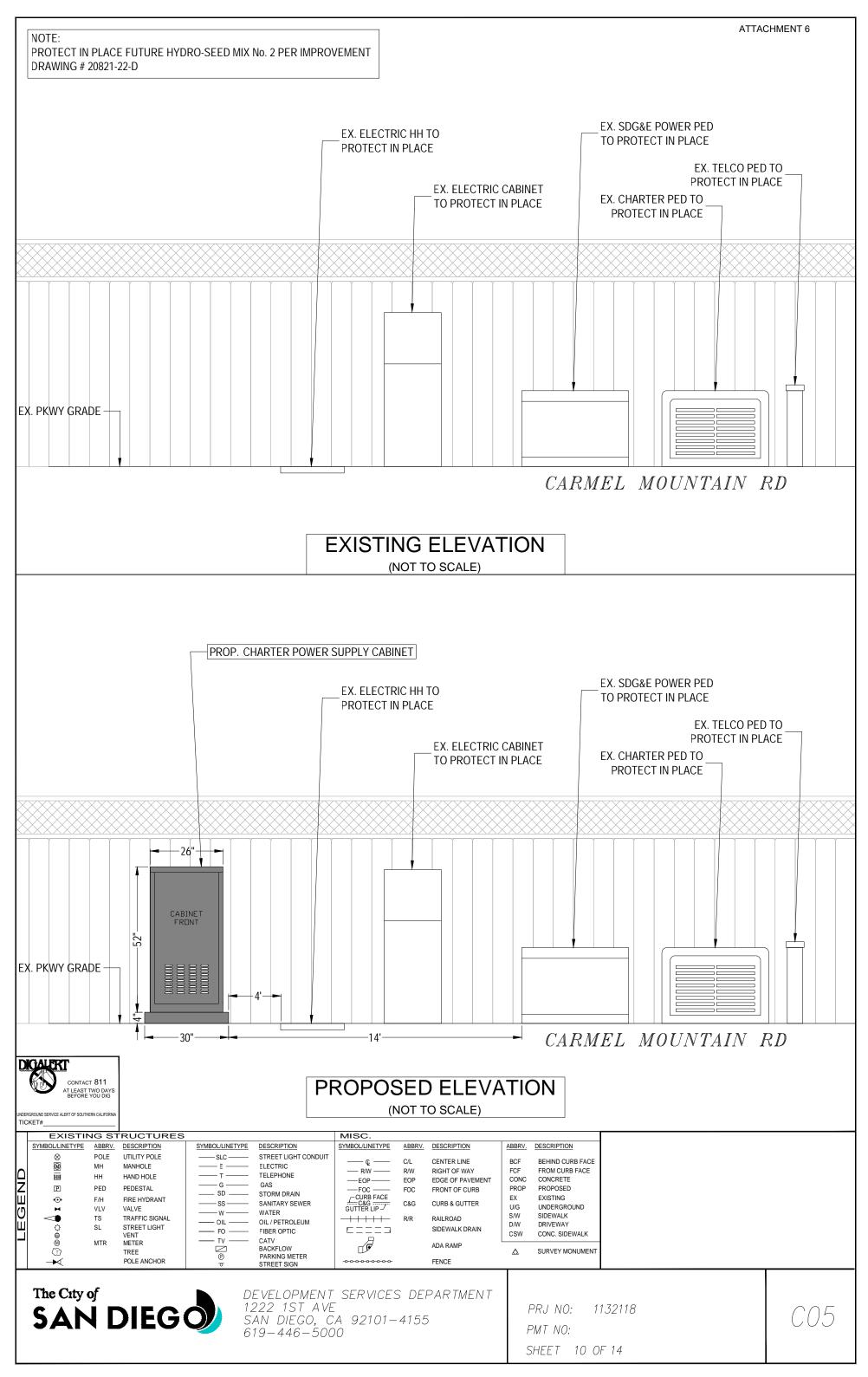
ATTACHMENT 6

- 1. ALL WORK MUST BE SATISFACTORY TO THE RESIDENT ENGINEER.
- 2. ANY WORK IN GAS EASEMENT SHALL BE PER SDG&E PERMISSION.
- 3. ALL EXISTING STRUCTURES & SURVEY MONUMENTS TO BE PROTECTED IN PLACE.
- 4. RESTORE LANDSCAPING & IRRIGATION IN KIND.
- 5. BEFORE STARTING ANY WORK OR CONSTRUCTION ACTIVITIES THAT WOULD INTERFERE WITH PRIVATE PROPERTY, THE APPLICANT/CONTRACTOR MUST COORDINATE WITH THE OWNER AND OBTAIN THEIR PERMISSION.



SHEET 8 OF 14





Page 3

### City of San Diego · Information Bulletin 620

August 2018



City of San Diego Development Services 1222 First Ave., MS-302

## Community Planning Committee Distribution Form

200	1222 First Av San Diego, C				Form			
Project Name: Spectrum / Charter - Power Supply Cabinet Project Number: PRJ-1132118								
Community: Ran	Community: Rancho Penasquitos							
For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a> .  Select "Search for Project Status" and input the Project Number to access project information.								
Vote to Approv	⁄e				Date of Vote:			
☐ Vote to Approv				alau.	June 04, 2025			
☐ Vote to Approv	e with Non-Bi	nding Recommer	idations Listed B	eiow				
# of Members Yes		# of Members N	lo	# of Me	embers Abstain			
14		0			0			
Conditions or Recommendations: None								
No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)								
NAME: Brian Reschke								
TITLE: Chair				DATE:	June 11, 2025			