CITY OF SAN DIEGO
MEMORANDUM

DATE: January 18, 2008

TO: Planning Commission Chair and Members of the Planning Commission

FROM: William Anderson, FAICP, Deputy Chief Operating Officer

SUBJECT: American Tower Corporation, Aviation - PTS No. 92076
Planning Commission Agenda of January 24, 2008

This project was continued from the September 20, 2007 Planning Commission hearing in order to allow staff additional time to consider a master plan solution that would minimize the visual blight of the project site. The issue of a master plan at this location is very complex considering the laws and obligations of both the city as a landlord and a tenant, and the other leaseholders on site.

The 0.54 acre site is generally flat and currently supports three monopoles (Attachments 1-3). American Tower Corporation (ATC) has a 130-foot monopole, built in 1984 that supports 28 panel antennas and seven microwave dishes. The associated equipment shelter is approximately 550 square feet in size. Verizon Wireless was the original and only tenant over the life of the Conditional Use Permit (CUP), which authorized the monopole to exist for a period of 20 years. Several years later in 1993, the City built a 115-foot monopole for purposes of public safety communications. The associated equipment shelter is approximately 288 square feet in size. In 1995, Sprint built a 90-foot monopole and a 200 square foot shelter. At the present time, the three monopoles and equipment shelters are the only structures on site and none of the facilities comply with the Communication Antenna regulations.

Sprint has submitted a proposal for a 50-foot, collocatable faux tree to replace the 90-foot monopole (attachment 4). Sprint is also proposing additional landscaping, which will address the Communication Antenna regulations requirement to design a facility that is minimally visible through the use of architecture, landscape architecture and siting solutions (Attachment 5). Staff is supporting the Sprint proposal.

That leaves two towers on the site; ATC's tower that is required to be removed pursuant to the November 20, 2004 expiration date, and the tower owned and operated by the City of San Diego. As pointed out by staff at the prior hearing, the City's tower is used for the primary purpose of public safety communications and has recently undergone major upgrades. Staff has also explained to the Commission that the city is immune from its

own regulations pursuant to previous case law and subsequent additions to the California Government Code. Additionally, the City is not in the financial position to bear the exorbitant cost estimates associated with modifying the City's tower. For these reasons, it is not likely that the City's tower will be replaced anytime in the near future. However, if and when the tower is replaced, if the budget allows, and public safety performance is not compromised, the Communications Division has indicated that they would comply with the regulations to the extent feasible.

The difference between the two remaining towers is that ATC and Verizon are realizing considerable revenue from their facility and the City's primary goal is to continue providing uninterrupted public safety communications. It is the City's preference to maintain their tower as an individual structure without any other tenants. Currently, T-Mobile is a tenant on the City's tower, but that lease is on holdover and discussions about the continuance of the facility will be taking place soon. ATC has argued that the city has an unfair advantage as a direct competitor for the same tenants. It is the City's view that ATC's references to unfair competition are irrelevant in this case. The primary purpose of the City's tower is for public safety communications. We acknowledge that we are in a highly competitive market and ATC's business plan is similar to the City's in that they are marketing their poles and roof tops to wireless carriers while the City is marketing some of their properties to those same clients.

At the suggestion of the Planning Commission, City staff met with representatives from ATC on November 1, 2007 to discuss the parameters of a master plan solution for the site. The meeting was attended by several ATC and Verizon representatives as well as City staff from the Mayor's Office, the City Attorney's Office, Real Estate Assets, Information and Technology, and Development Services. It is my understanding that at the meeting, ATC was still intent on keeping the single tower structure while City staff was stressing the fact that compliance with the regulations shall apply to all city leaseholders. Although a representative for Verizon indicated that replacement of the tower with a stealth facility was possible, statements made by ATC's attorney made it clear that getting to a resolution at the meeting would not be possible.

The primary issue at hand is that ATC/Verizon do not have a legal right to remain at this site without an approved CUP that complies with current regulations. As you know, ATC is not proposing any changes to their 130 foot, one-tenant tower. ATC/Verizon, just like all other carriers applying for wireless communication facilities, are obligated to comply with the regulations and standards currently in effect.

Within the fabric of the San Diego landscape there are approximately 30 privately owned, revenue generating monopoles. Most of these are in prominent locations near major transportation corridors. Of the 30, approximately one-third do not have expiration dates, which most likely means they will remain as visual impacts within the San Diego landscape. These monopoles have previously conforming rights allowing the facilities to be maintained as is. CUP expiration dates was a debatable issue for a short time during

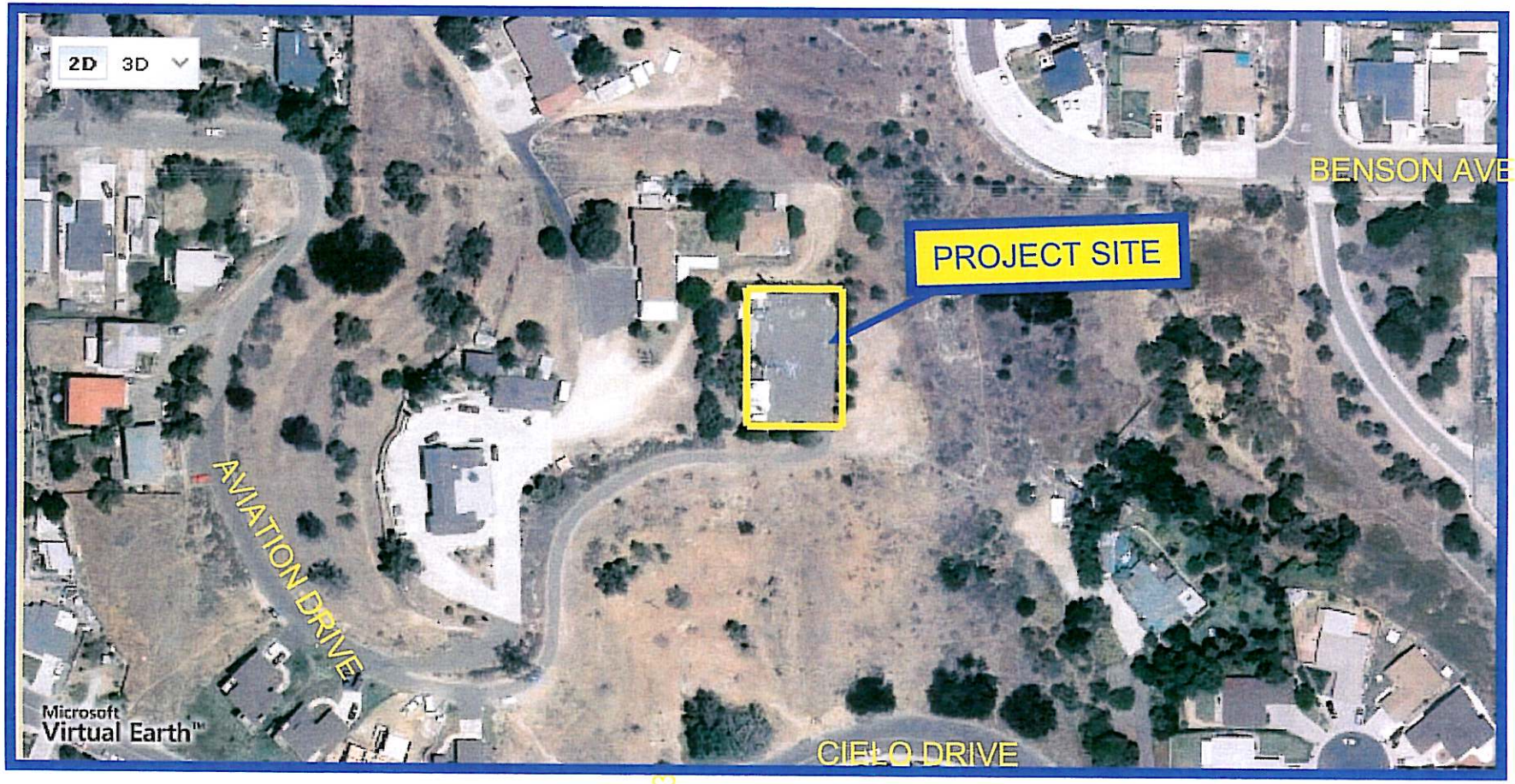
the early to mid-1990's and unfortunately, there were some monopoles that were approved without expiration dates. However, it has been one of the primary goals of the Telecommunication Issues Committee (TIC) to replace the existing monopoles within the city with stealth facilities. The City has approximately four monopoles that were built under the authority of previous case law and subsequent additions to the California Government Code, which provide immunity to local authorities when engaged in traditional governmental functions. Correspondingly, the City monopoles should be viewed as having previously conforming rights as well.

The current configuration of the Aviation site, which includes three monopoles and three equipment shelters, will soon be renovated so that the Sprint monopole will be replaced with a 50-foot faux tree and the addition of landscaping will help to incorporate the new facility with the setting. The Sprint project is docketed for the February 21, 2008 Planning Commission hearing. A replacement facility for ATC, in compliance with the Communication Antenna regulations, would have a compellingly positive effect on the property. With the replacement of two of the towers with stealth facilities and the addition of a diversity of landscape material in size and type, the current visual impact of the site would be reduced significantly.

I am very concerned that approving this CUP to allow the monopole to remain could undermine all the efforts that TIC has achieved over the past years. Therefore, staff stands by its original recommendation to deny this CUP/PDP.

William Anderson, FAICP, Deputy Chief Operating Officer
City Planning & Development

Attachments:
1. Aerial
2. Existing Site Plan
3. Photos of Existing Site
4. Sprint Nextel Site Plan
5. Photo Simulation of Site with Sprint Nextel Tree



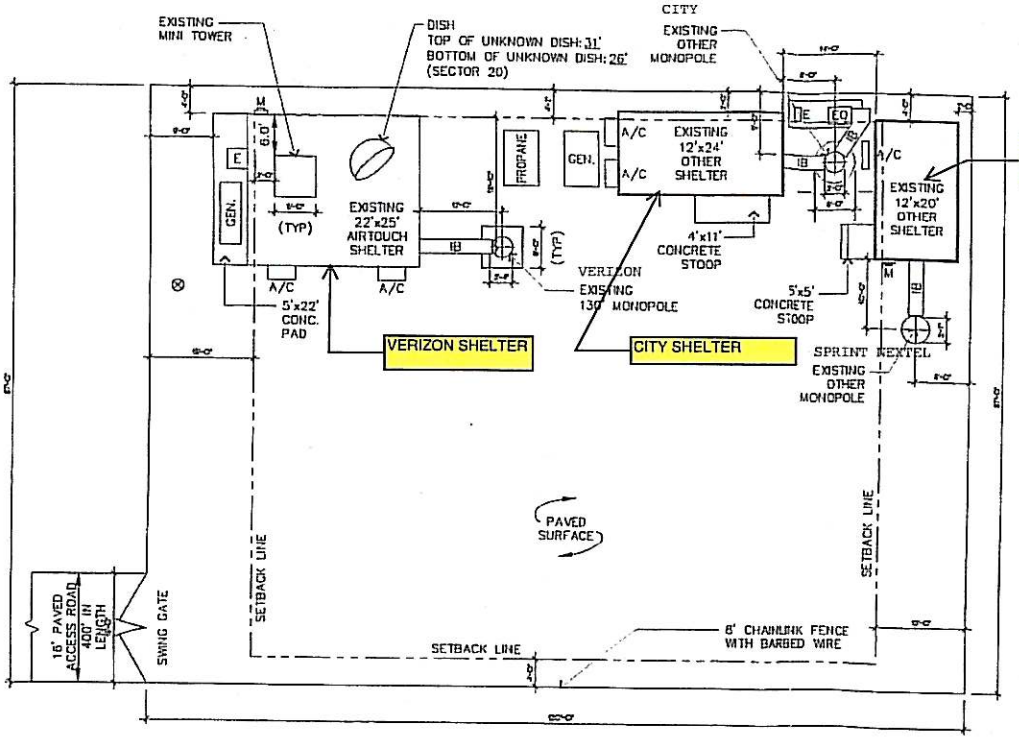
Aerial Photo

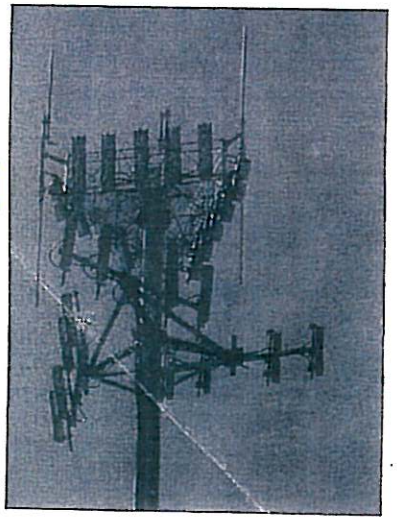
AMERICAN TOWER – AVIATION – PROJECT NUMBER 92076

6770 AVIATION DRIVE

North

ATTACHMENT 1





(E) ANTENNAS DETAIL

SETBACK LINES:
FRONT 15'-0"
SIDES: 4'-0"
REAR: 13'-0"

NORTH

ENLARGED SITE PLAN

AMERICAN TOWER

Basilio Associates, Inc.
Architecture + Planning + Design

SITE: ATC 300621
ID: CA 0040 AVIATION
6770 AVIATION DRIVE
SAN DIEGO, CA 91914

NO	DATE	REVISIONS	BY	CHK	APP'D
A	12-16-05	ISSUED FOR CUP APPLICATION	x	x	x

SCALE: AS SHOWN DESIGNED: - DRAWN: JB

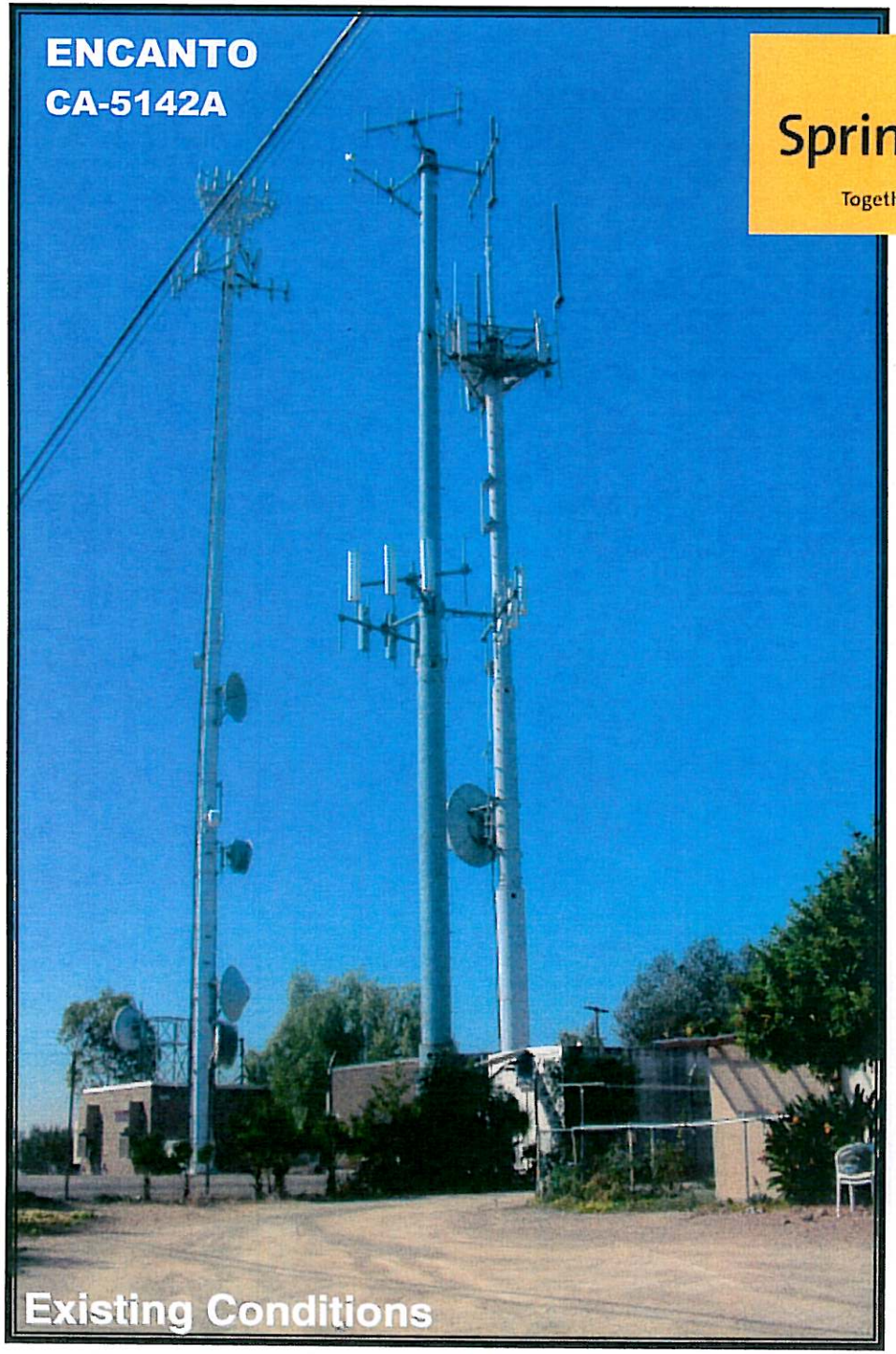
1

ENLARGED SITE PLAN

A-2

ATTACHMENT 2

ATTACHMENT 3



ATTACHMENT 5