



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 23, 2007 **REPORT NO. PC-07-115**

ATTENTION: Planning Commission, Agenda of August 30, 2007

SUBJECT: T-MOBILE – POINT LOMA NAZARENE UNIVERSITY - PROJECT NO. 90780. PROCESS 3 (APPEAL OF HEARING OFFICER DECISION)

REFERENCE: Hearing Officer Report HO 07-113 (Attachment 16)

**OWNER/
APPLICANT:** POINT LOMA NAZARENE UNIVERSITY/
OMNIPPOINT COMMUNICATIONS, INC. DBA T-MOBILE

SUMMARY

Issue(s): Should the Planning Commission approve the appeal of the Hearing Officer's decision to approve three new T-Mobile antennas, attached to an existing light standard supporting existing Sprint/Nextel antennas, and a new equipment enclosure adjacent to the light standards, on the northern portion of the Point Loma Nazarene University campus within the Peninsula community planning area?

Staff Recommendation: Deny the appeal and Approve Conditional Use Permit No. 447899 and Coastal Development Permit No. 435629.

Community Planning Group Recommendation: On October 19, 2006, the Community Planning Group heard T-Mobile representatives present this project and answer questions. The group voted 11-0-0 for T-Mobile to provide additional information prior to the group voting on an approval. (See Attachments 9 to 11 for more details.)

Environmental Review: This project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.

Fiscal Impact Statement: Omnipoint Communications, Inc. DBA T-Mobile is the financially responsible party for costs associated with processing this application.

Code Enforcement Impact: Not applicable.

Housing Impact Statement: Not applicable.

BACKGROUND

Point Loma Nazarene University (Attachment 3, Location Map) currently houses a wireless telecommunications facility operated by Nextel. The existing facility was approved September 14, 2000 with permit 94-0330-98. The facility consists of a 200 sq. ft. equipment enclosure and allows for four panel antennas, mounted to two 30' tall light standards. Attachment 1, an aerial photo, shows a view of the existing site.

T-Mobile submitted an application to collocate on the existing light standards. T-Mobile proposes to install three panel antennas, below the existing Nextel antennas. They also propose an equipment enclosure, adjacent to the existing equipment enclosure. The proposed equipment enclosure will be constructed out of slump blocks, include a metal trellis to screen views from above, and will be landscaped with native and naturalized planting. Attachment 14, Photosimulations, provides a graphic depiction of the proposed antenna installation and equipment enclosure.

This project was originally submitted December 8, 2005. At that time, the project required a Coastal Development Permit and a Neighborhood Use Permit. This is located in the Coastal Development Appealable Zone, so a Process 3, Hearing Officer decision is required. At the time the project was submitted, Wireless Communication Facilities were prohibited on sites that contained historic resources. Concurrently, revised Wireless Communication Facility Regulations were adopted by City Council. These regulations were approved by the California Coastal Commission April 11, 2007. The revised regulations allow wireless communication facilities on properties that contain historic structures.

Since this project utilizes the revised Wireless Communication Facility regulations, a Conditional Use Permit (instead of a Neighborhood Use Permit) and a Coastal Development Permit are required, still with a Process 3, Hearing Officer decision level.

The project site is immediately adjacent to a dormitory and is surrounded by education facilities, open space, and single-family residential development. The project is located in the RS-1-7 zone. This project is located in the Peninsula Community Plan area. As this facility is located within the Coastal Height Limit Overlay Zone, a 30' height limit is in effect.

As this project is proposed to collocate with an existing facility and is located in an educational/institutional setting, it is preferred to being located in a strictly residential area. Based on Council Policy 600-43, this facility is a Preference 3 location, because it is located on a premises with historic resources.

DISCUSSION

Project Description:

The project proposes three panel antennas by T-Mobile located below four existing panel antennas by Nextel, to be mounted on two existing 30' tall light standards. An equipment enclosure will be located adjacent to the light standards.

The goal of this T-Mobile wireless project is to provide wireless service for personal, business, and emergency purposes to nearby residential, government, and tourism uses in the Pt. Loma area.

Community Plan Analysis:

The Community Plan does not address Wireless Telecommunication Facilities specifically. However, the Peninsula Community Plan encourages undergrounding existing utility lines to, "reduce visual blight associated with above-ground distribution facilities in Peninsula." Screening wireless facilities and associated equipment cabinets is consistent with reducing visual blight and the Community Plan.

Appeal Issues:

1. "The hearing officer's decision is in conflict with the San Diego Municipal Code." Point Loma Nazarene University has an existing Conditional Use Permit, 87-0142. Wireless Communication Facilities are "separately regulated uses" and are decided with a separate permit. In this case, T-Mobile has applied for a Conditional Use Permit and a Coastal Development Permit.
 - a. The University's permit, condition 18 states, "All new or relocated power and telephone facilities and services shall be installed underground." At the time this condition was written, it was to address undergrounding of overhead utility lines, not wireless antennas. Wireless antennas cannot be located underground and were not intended to be prohibited by this condition.
 - b. Condition 17 of the University's permit restricts the height of buildings in certain areas of the campus. The light standards are existing and no additional height is being proposed. .

2. "The hearing officer's findings are not supported by the evidence presented." The antennas are proposed to be located underneath existing antennas on two existing light standards. The appeal states that the wireless facility mars public views of the ocean. The antennas are intended to integrate with the light standard. By locating the proposed antennas underneath existing antennas, it is reducing the need for additional light standards (with wireless antennas) and since the antennnas are located at a lower height on the pole, they pose less of a visual impact. If T-Mobile's antennas were not approved,

Sprint/Nextel would not be required to relocate the existing light standard and their antennas to a new location. If T-Mobile is not allowed to locate on the existing light standard, an additional light standard could be proposed elsewhere on the campus, which would result in additional structures.

3. “Factual inaccuracies exist in the Report to the Hearing Officer.” The Project Data Sheet (Attachment 4) has been revised to more clearly describe the adjacent land uses and land use designations. The University property is large, and the Wireless Communication Facility only occupies a small portion toward the north of the property. In order to accurately describe the land uses, the data sheet describes what is both immediately adjacent to the property line and to the facility.
4. “The hearing officer’s decision to approve the CDP and CUP is in conflict with the San Diego Municipal Code’s implementation of the Federal Communication Commission’s (FCC) regulations.” The Telecommunication Act of 1996 precludes local authorities from basing their decisions on the environmental effects of Radio Frequency (RF) emissions. The FCC publishes guidelines in which telecommunication carriers must comply. Any complaints or inquiries related to FCC regulations should be directed to the FCC. For public disclosure purposes, condition 27 of the draft permit states, “Prior to the issuance of a construction permit, the telecommunication provider shall provide a model study certifying that the cumulative measurements of radio frequency power densities for all antennas installed on the premises meet the federal standards.” This condition requires the provider to submit a radio frequency study, stamped by a radio frequency engineer.
5. “Applicant has failed to comply with notice requirements.” A Public Notice Package was submitted by the applicant to the City, representing the names and addresses of all property owners and occupants located within 300 feet of the exterior boundaries of the University’s parcel, number 532-510-21.

Community Planning Group:

On October 19, 2006, T-Mobile presented this project to the Peninsula Community Planning Board. T-Mobile included Dr. Jerrold Bushberg, M.D., who is also an environmental consultant in their presentation. Dr. Bushberg responded to the residents concerns about radio frequency. Anne and Eric Beste, residents, presented a position paper outlining their opposition to the installation of the T-Mobile antennas (Attachment 10). Reasons for their opposition include the following: 1) Point Loma Nazarene University contains historic resources and telecommunication facilities are not permitted where there are historic resources; 2) The project location contains a view corridor; 3) The project site contains ecological, archeological and paleontological resources; and 4) Cell sites should not be lower than 10 feet. The Peninsula Community Planning Board voted 11-0-0 to continue the project until T-Mobile could address each point of contention.

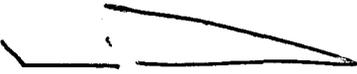
Conclusion:

Staff has reviewed the proposed project and has determined the project is consistent with the purpose and intent of the applicable development regulations of the San Diego Municipal Code, which includes the development regulations of the RS-1-7 zone, the Local Coastal Program, and the Wireless Communication Facility Regulations. The required findings have been made to support staff's recommendation (Attachment 7). Therefore, staff recommends the Planning Commission deny the appeal and approve Conditional Use Permit No. 447899 and Coastal Development Permit No. 435629.

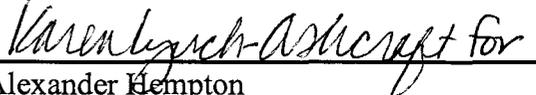
ALTERNATIVES

1. **Deny** the appeal and **Approve** Conditional Use Permit No. 447899 and Coastal Development Permit No. 435629.
2. **Approve** the appeal and **Deny** Conditional Use Permit No. 447899 and Coastal Development Permit No. 435629, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Alexander Hempton
Associate Planner
Development Services Department

ESCOBAR-ECK/AFH

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map

3. Project Location Map
4. Project Data Sheet
5. Enlarged Site Plan
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Copy of Appeal
9. Community Planning Committee Distribution Form
10. Peninsula Community Planning Board Minutes (10/19/06)
11. Response to Community Planning Group from Applicant
12. Ownership Disclosure Statement
13. Project Chronology
14. Photo Simulations
15. Site Photos