THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 17, 2008 **REPORT NO. PC-08-092**

ATTENTION: **Planning Commission, Agenda of July 24, 2008.**

SUBJECT: SPRINT NEXTEL – 939 COAST BLVD
PROJECT NO. 140684, PROCESS 4

OWNER/ APPLICANT: Nine Three Nine Coast Management (See Attachment 11)
Sprint Nextel Corporation

SUMMARY

Issue(s): Should the Planning Commission approve a wireless communication facility consisting of four (4) antennas and associated equipment concealed within existing rooftop appurtenances located in a condominium complex at 939 Coast Blvd within the La Jolla Planned District Area?

Staff Recommendation: **Approve** Conditional Use Permit 490936.

Community Planning Group Recommendation: On April 3, 2008, the La Jolla Community Planning Association voted 13-2-1 to recommend approval of this project (Attachment 10).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project is paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

DIVERSITY BRINGS US ALL TOGETHER

BACKGROUND

The existing 183 foot tall condominium building was approved and constructed prior to the adoption of Proposition D in 1972. The Coastal Height Limitation Overlay Zone became effective in 2000 with the adoption of the Land Development Code. This overlay prohibits structures from exceeding 30 feet in height. The City Attorney's office issued a Memorandum of Law (MOL) in 2006 which opined that the City of San Diego is prohibited by Proposition D from approving wireless communication facilities that exceeds the 30'-0" height limit in the Coastal Overlay Zone unless the placement of the wireless communication facility is located on previously conforming structures that exceed the 30'-0", and the installation is within the structural envelope of the existing structure (Attachment 14). In addition to conforming to the MOL, it has also been determined that Sprint's proposed design complies with Land Development Code Section 132.0501, Coastal Height Limit Overlay Zone.

The project site is zoned LJPD-5 and is designated for residential use in the La Jolla Community Plan (Attachments 2). The site is adjacent to multi-family units to the north, south and east of the property and Ellen Scripps Browning Park to the west (Attachment 1).

The Wireless Communication Facilities regulations identify this proposal as a Process 4, Conditional Use Permit due to the fact that it is located on a residential use within a residential zone. The project complies with the Wireless Communication Facilities Regulations which require a facility to use all reasonable means to conceal and minimize the visual impacts through architectural integration, landscape and siting solutions. The proposed antennas and equipment will be completely concealed inside the existing stairwell and penthouse and will not be visible to the public (Attachment 7).

DISCUSSION

Project Description:

Sprint Nextel proposes to install two (2) wireless communication antennas inside an existing stairwell and two (2) wireless communication antennas inside an existing penthouse for a total of four (4) antennas. The associated Sprint Nextel equipment is located inside the rooftop penthouse, not visible to the public.

Community Plan Analysis:

The proposed wireless communication facility is located in a residentially designated property within the La Jolla Community Plan. The La Jolla Community Plan recommends that all telecommunication facilities be reviewed and analyzed by the City of San Diego for visual impact. It recommends that all cellular facilities adhere to the Telecommunication Policy.

The proposed wireless communication facility will be completely concealed and camouflaged from the surrounding residential and commercial areas, therefore this facility is consistent with the recommendations contained within the La Jolla Community Plan.

Project-Related Issues:

The project proposes to install wireless communication facility inside an existing rooftop stairwell inside an existing rooftop penthouse. The addition of the proposed wireless communication facility would allow Sprint Nextel to meet their current coverage and capacity demands in the La Jolla Community area. The proposed project would also include three (3) BTS equipment cabinets inside an existing rooftop penthouse and therefore it will not create any additional visual impact at the site.

The project is located within the Coastal Height Limitation Overlay Zone, which has a maximum allowable height of 30 feet. However, this is a previously conforming structure and the proposed wireless communication facility will be completely recessed within the structural envelope. As a result, the project will not be violating the Coastal Height Limit Overlay Zone as discussed in the Memorandum of Law dated March 6, 2006 (Attachment 14).

Per Land Development Code Section 141.0420(f), wireless communication facilities located on a residential use within residential zone requires a Conditional Use Permit, Process 4, Planning Commission decision. The project is within a Preference 4 location according to Council Policy 600-43, however, the applicant has demonstrated to staff that the proposed project will be fully integrated with the existing building.

The wireless communication antenna regulations require project applicants to integrate their wireless projects into the architecture of the existing buildings or environment. Wireless communication technology is dependent on clear lines of site and the height where the antennas are proposed is needed to provide coverage to the surrounding area. Staff supports the proposed design as it has been determined that it will not cause any visual impacts to the surrounding community.

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 LJPD-5 zone and the Wireless Communication Antennas Regulations. The required findings have can be made (Attachment 8) to support staff's recommendation. Therefore, staff recommends approval of Conditional Use Permit No. 490936 (Attachment 9).

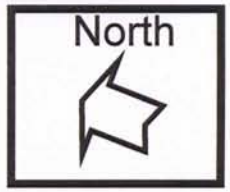
ALTERNATIVES

1. **APPROVE** Conditional Use Permit No. 490936**, with modifications.**

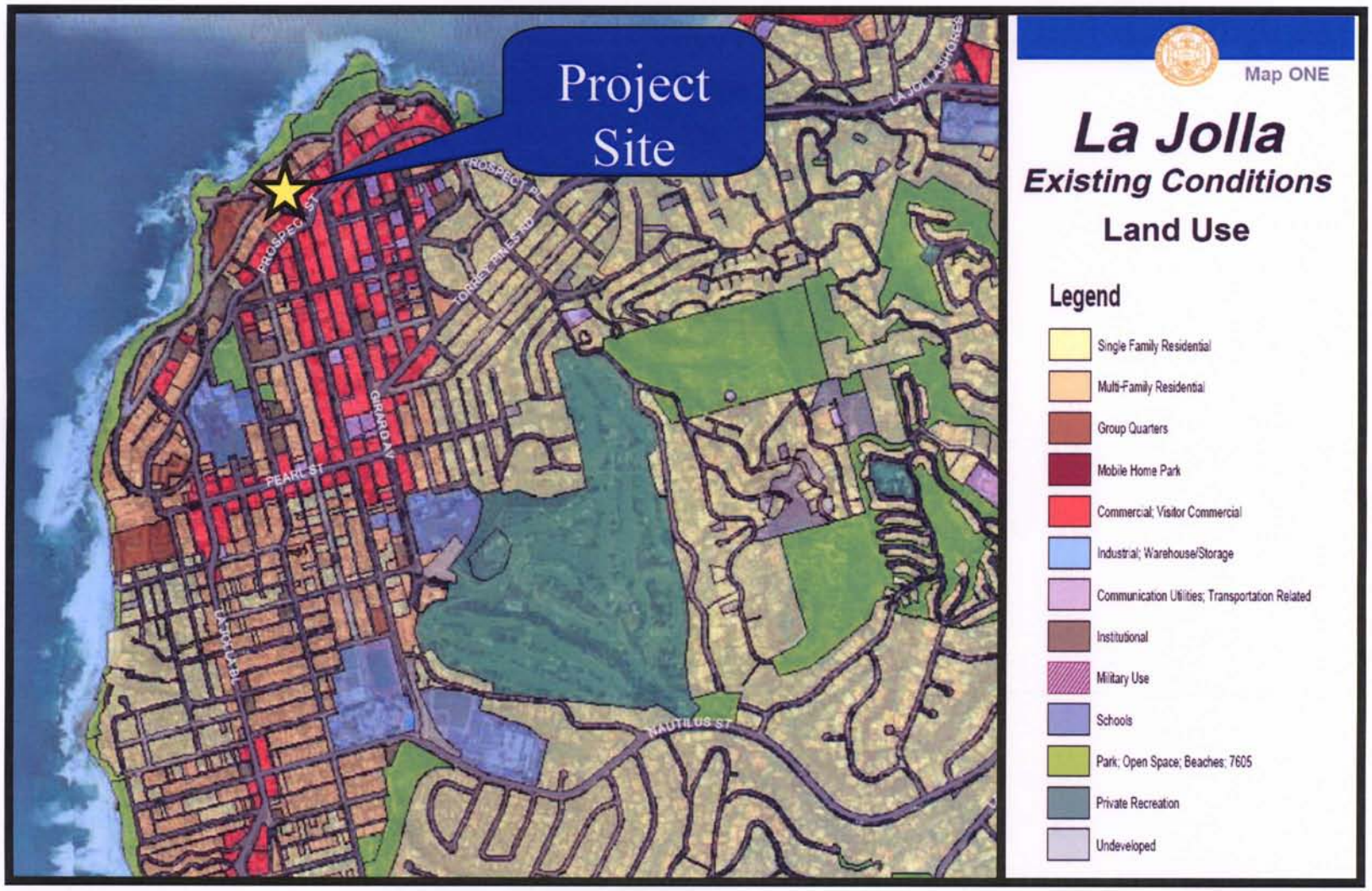
2. **DENY** Conditional Use Permit No. 490936**, if the findings required to approve the project cannot be affirmed.**

Aerial Photo

SPRINT NEXTEL – 939 COAST BLVD – PROJECT NO. 140684
939 COAST BLVD, LA JOLLA, CA 92037



ATTACHMENT 1



Community Land Use Map (LA JOLLA)

SPRINT NEXTEL – 939 COAST BLVD – PROJECT NO. 140684

939 COAST BLVD, LA JOLLA, CA 92037

North

ATTACHMENT 2

Project Location Map

SPRINT NEXTEL – 939 COAST BLVD – PROJECT NO. 140684

939 COAST BLVD, LA JOLLA, CA 92037

North

ATTACHMENT 3

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Simon Tse
Associate Planner
Development Services Department

WESTLAKE/ST

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan(s)
6. Project Site Photos
7. Project Photosimulation
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Notice of Hearing
13. Project Chronology
14. Memorandum of Law

PROJECT DATA SHEET

PROJECT NAME:	Sprint Nextel 939 Coast Blvd.
PROJECT DESCRIPTION:	A wireless communication facility consisting of two (2) antennas concealed inside an existing stairwell and two (2) antennas concealed inside an existing penthouse for a total of four (4) antennas. The associated equipment will also be concealed within an existing penthouse.
COMMUNITY PLAN AREA:	La Jolla
DISCRETIONARY ACTIONS:	Conditional Use Permit
COMMUNITY PLAN LAND USE DESIGNATION:	La Jolla Planned District Zone 5

ZONING INFORMATION:

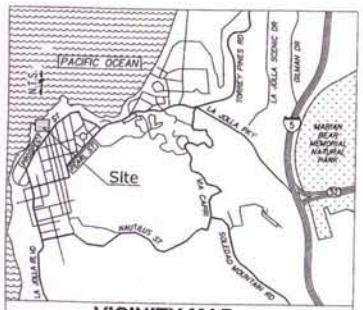
	Required	Proposed
Zone:	**LJPD-5**	**LJPD-5**
Height Limit:	**30 feet**	**181 feet**
Front Setback:	**15 feet**	**15 feet**
Interior Side Setback:	**7 feet**	**7 feet**
Street Side Setback:	**10 feet**	**10 feet**
Rear Setback:	**0 feet**	**0 feet**

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	La Jolla Planned District Zone 5	Multi-Family Housing
SOUTH:	La Jolla Planned District Zone 5	Multi-Family Housing
EAST:	RM-5-12	Multi-Family Housing
WEST:	La Jolla Planned District Zone 5	Park
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 3, 2008, the La Jolla Community Planning Association voted 13-2-1 to recommend approval of this project. (Attachment 10)	

Sprint®

Sprint PCS SM

COAST BLVD.
CA-5116
939 COAST BLVD.
LA JOLLA, CA 92037



VICINITY MAP

DIRECTIONS FROM SAN DIEGO INTERNATIONAL AIRPORT:

START OUT GOING WEST ON N HARBOR DR TOWARD LANING RD. TURN RIGHT ON NIMITZ BLVD. TURN RIGHT ON ROSECRANS ST/CA-209 N. CA-209 N BECOMES CAMINO DEL RIO W. MERGE ONTO I-5 NORTH. MERGE ONTO LA JOLLA PKWY VIA EXIT 26A. LA JOLLA PKWY BECOMES ARDATH RD. ARDATH RD. BECOMES TORREY PINES RD. TURN RIGHT ONTO PROSPECT PL. TURN RIGHT ONTO COAST BLVD S. TURN RIGHT ONTO COAST BLVD. ARRIVE AT 939 COAST BLVD. LA JOLLA, CA 92037.

DRIVING DIRECTIONS

1. THIS IS AN UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF BTS EQUIPMENT AND PANEL ANTENNAS.

2. RADIO FREQUENCY POWER & SIGNAL FROM THE ANTENNA SHALL NOT INTERFERE WITH ANY EXISTING COMMUNICATION SITE. ALL ITEMS SHOWN HEREON ARE EXISTING UNLESS OTHERWISE NOTED.

3. THIS IS AN UNMANNED FACILITY – NO SOLID WASTE. THE SITE WILL CREATE NO TRASH. THUS REQUIRES NO DUMPSTERS.

4. DEVELOPMENT AND USE OF THE SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINAZES.

5. EMERGENCY POWER SUPPLY IS A GEL PACK BATTERY SOURCE AND NOT A FLAMMABLE LIQUID SOURCE.

PROJECT DESCRIPTION

APPLICANT/LESSEE

SPRINT PCS
2650 CAMINO DEL RIO NORTH, SUITE 100
SAN DIEGO, CA 92108
IMPLEMENTATION ENGINEER: JEFFERY TAXON
PHONE: (858)650-4261

NET OPS: RICK NAPUTI
PHONE: (619) 785-5747

RF ENGINEER: JUANITO "JAY" CARRASCO
PHONE: (760) 250-3675

PROPERTY SPECIALIST: JEFFERY TAXON
PHONE: (858)650-4261

ZONING CONSULTANT

ALCOA WIRELESS SERVICES, INC.
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
CONTACT: TOM HANNA
PHONE: (951) 257-4018

PROPERTY INFORMATION

OWNER:
ADDRESS

CONTACT:
PHONE:

AREA OF CONSTRUCTION:	195 SQ. FT.
PRESENT OCCUPANCY TYPE:	FACADE MOUNTED
PROPOSED OCCUPANCY TYPE:	S2
CURRENT ZONING:	BP-BUSINESS PARK
A.P.N. :	350-021-25
HANDICAP REQUIREMENTS:	HANDICAPPED ACCESS NOT REQUIRED, THIS IS AN UNMANNED TELECOMMUNICATION FACILITY

PROJECT SUMMARY

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

1. CALIFORNIA ADMINISTRATIVE CODE (INCL TITLES 24 & 25)
2. UNIFORM BUILDING CODE
3. BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
4. UNIFORM MECHANICAL CODE
5. ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
6. UNIFORM PLUMBING CODE
7. NATIONAL ELECTRIC CODE
8. LOCAL BUILDING CODE
9. CITY/COUNTY ORDINANCES

CODE COMPLIANCE

SURVEYOR:

CALVADA
108 BUSINESS CENTER DR.
CORONA, CA 92880

PHONE: (951) 280-9960 FAX: (951) 280-9768

CIVIL ENGINEER:

ALCOA WIRELESS SERVICES, INC.
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
CONTACT: WILL TATE
PHONE: (619) 846-8302 FAX: (858) 552-0184

STRUCTURAL ENGINEER:

SAC WIRELESS
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
CONTACT: WILL TATE
PHONE: (619) 846-8302 FAX: (858) 552-0184

UTILITY CONSULTANT:

SAC WIRELESS
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
CONTACT: AKLI BOUZIDA
PHONE: (619) 802-5012 FAX: (858) 552-0184

PROJECT TEAM

SHEET	DESCRIPTION
T1	TITLE SHEET, SITE INFORMATION, & VICINITY MAP
LS1	SITE SURVEY
A1	SITE PLAN
A2	ENLARGED SITE PLAN
A3	NORTH ELEVATIONS
A4	WEST ELEVATIONS
A5	SOUTH ELEVATION
A6	EAST ELEVATION
A7	EQUIPMENT ELEVATIONS & DETAILS

SHEET INDEX

ISSUED FOR: ZONING

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE CIVIL ENGINEERS IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

GENERAL CONTRACTOR NOTES

Sprint.
Sprint PCS℠
2650 CAMINO DEL RIO NORTH
SUITE 100 SAN DIEGO, CA 92108

PROJECT INFORMATION:
COAST BLVD.
CA5116
939 COAST BLVD.
LA JOLLA, CA 92037
SAN DIEGO COUNTY

CURRENT ISSUE DATE: 09/17/07

ISSUED FOR: ZONING

REV.	DATE	DESCRIPTION	BY
1	09/17/07	ISSUED FOR 100% ZONING	ES
0	08/07/07	ISSUED FOR 90% ZONING	AC

PLANS PREPARED BY:
SAC Wireless, Inc.
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
Office (858) 552-9398
Fax (858) 552-0184

CONSULTANT:

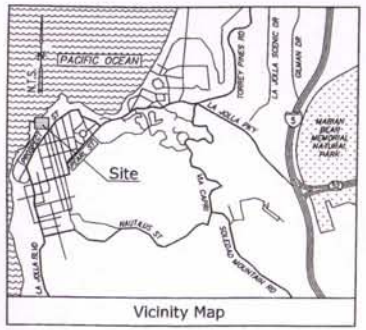
DRAWN BY:	CHK.:	APV.:
AC	WT	JJO

LICENSURE:

SHEET TITLE: TITLE SHEET

SHEET NUMBER: T1 REVISION: 1

CA5116



Vicinity Map

Title Report

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
PERFORMED BY:
EFFECTIVE DATE:
ORDER NO.:

Legal Description

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF 939 COAST CONDOMINIUM BEING A SUBDIVISION OF LOTS 19 TO 23 INCLUSIVE AND LOTS 32 TO 36 INCLUSIVE OF TERRACE SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 800, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 7, 1885, DESCRIBED IN PARCELS A2 AND B2 AS FOLLOWS:

PARCEL A2:
AN UNDIVIDED .15860 INTEREST IN AND TO LOTS 19 TO 23, INCLUSIVE AND LOTS 32 TO 36 INCLUSIVE OF TERRACE SUBDIVISION, ACCORDING TO MAP THEREOF NO. 800, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 7, 1885, EXCEPT UNITS 34, TO 314, INCLUSIVE, AS SHOWN ON THE DIAGRAMMATICAL MAP ATTACHED TO AND MADE A PART OF THE AMENDED CONDOMINIUM PLAN AND CERTIFICATE RECORDED IN COMPLIANCE WITH SECTION 1351 OF THE CALIFORNIA CIVIL CODE, ON MAY 7, 1969 SERIES 10, BOOK 1969 AS FILE NO. 79165 OF OFFICIAL RECORDS OF SAID COUNTY.

PARCEL B2:
UNIT 313 AS SHOWN ON SAID DIAGRAMMATICAL MAP REFERRED TO ABOVE IN PARCEL A.

Assessor's Parcel No.:

350-021-25

Easements

NOT AVAILABLE

Lease Area

TO BE DETERMINED

Geographic Coordinates at Center of Penthouse

(NAD 83) LATITUDE 32° 50' 52.12" LONGITUDE 117° 16' 33.74"

Date of Survey

JULY 26, 2007

Basis of Bearings

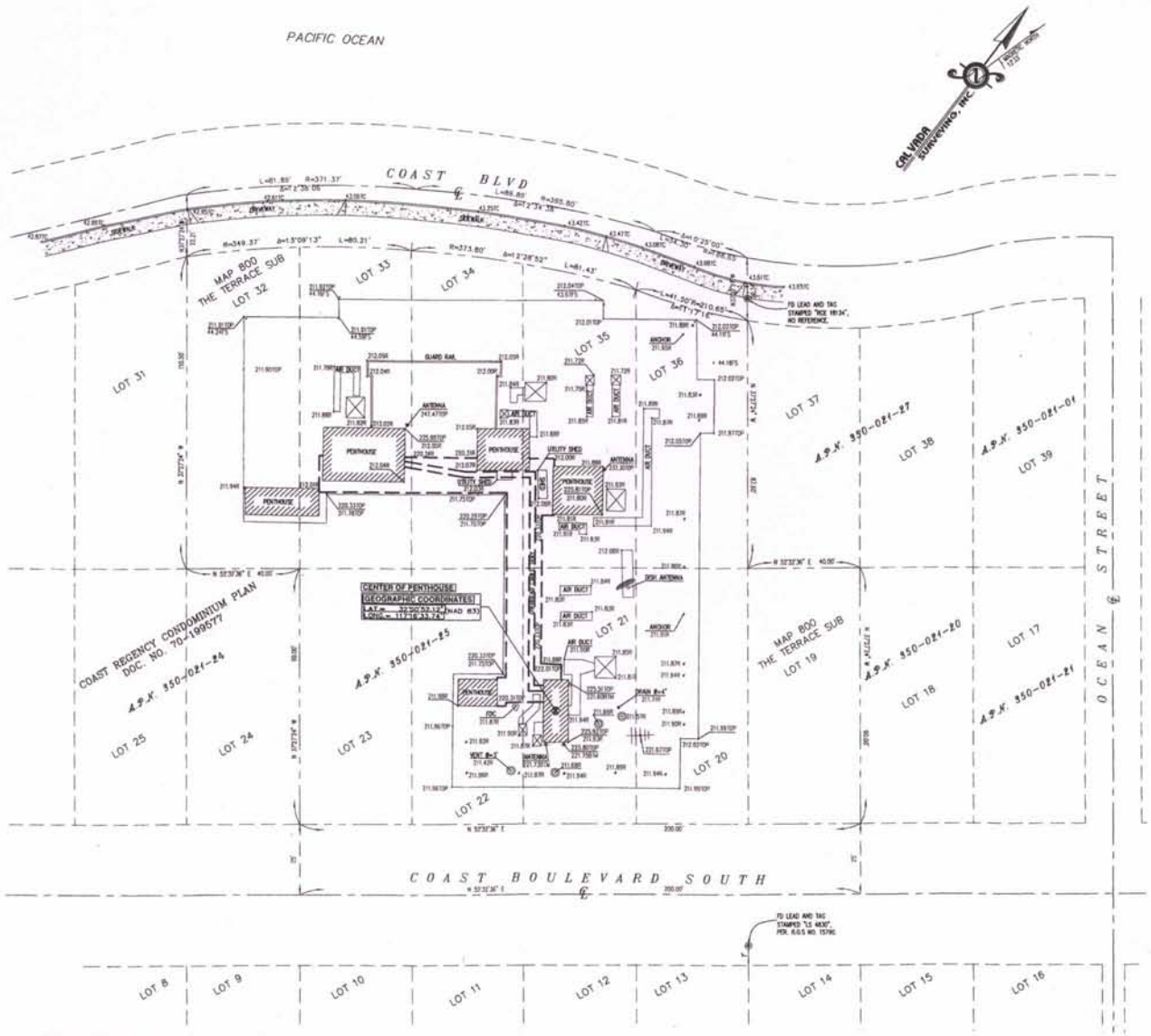
THE STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83), CALIFORNIA ZONE 6.

Bench Mark

THE NGS GPS MONUMENT NO. P472, ELEVATION = 566.66 FEET (NAVD 88).

Legend

FS	FINISH SURFACE		STEEL FENCE	•	SET BRASS TAG IN EPOXY
NG	NATURAL GROUND		CHAIN LINK FENCE		
	POWER POLE		GATE	●	FD MONUMENT
(1)	SEWER MANHOLE	GV	WATER METER		CELLULAR ARRAY
	RETAINING/BLOCK WALL	(T)	TELEPHONE MANHOLE		ANTENNA
⊕	SURVEY CONTROL POINT		STREET LIGHT		WHIP ANTENNA
	CONCRETE PAVEMENT		PARKING LOT LIGHTING		MICROWAVE ANTENNA
	EDGE OF PAVEMENT	EB	ELECTRIC BOX		TELECOMMUNICATIONS MONOPOLE
	PALM TREE	EV	ELECTRIC VAULT		
	TREE	GM	GAS METER		DISH ANTENNA
FL	FLOWLINE	GV	GAS VAULT	FF	FINISH FLOOR
TC	TOP OF CURB	SD	STORM DRAIN	⊕	GEODETIC COORDINATES
	RAILROAD TRACKS	TV	TELEPHONE VAULT	ELP	ELECTRIC PANEL
CB	CATCH BASIN	TOM	TOP OF WALL	CU	AIR CONDITIONING UNIT
TOS	TOP OF SLOPE	WV	WATER VALVE		
TOE	TOE OF SLOPE	TOP	TOP OF PARAPET		
	PROPERTY LINE	R	ROOF	TP	TOP OF POLE
TR	ELECTRIC TRANSFORMER	LID	TOP OF STRUCTURE		
	TELEVISION ANTENNA	TE	TRASH ENCLOSURE		
	FIRE HYDRANT/FIRE				



Sprint
Together with NEXTEL
5761 COPLEY DRIVE
SAN DIEGO, CA 92111

PROJECT INFORMATION:
LA JOLLA
CA5116
939 COAST BLVD.
LA JOLLA, CA 92037
SAN DIEGO COUNTY

CURRENT ISSUE DATE:
08/07/07

ISSUED FOR:
DESIGN

REV.:	DATE:	ISSUED FOR:	BY:
	08/06/07	PRELIMINARY	YD/AL

PLANS PREPARED BY:
SAC Wireless
11300 SORRENTO VALLEY RD., SUITE 230
SAN DIEGO, CA 92111
Office (858) 552-9398
Fax (858) 552-0184

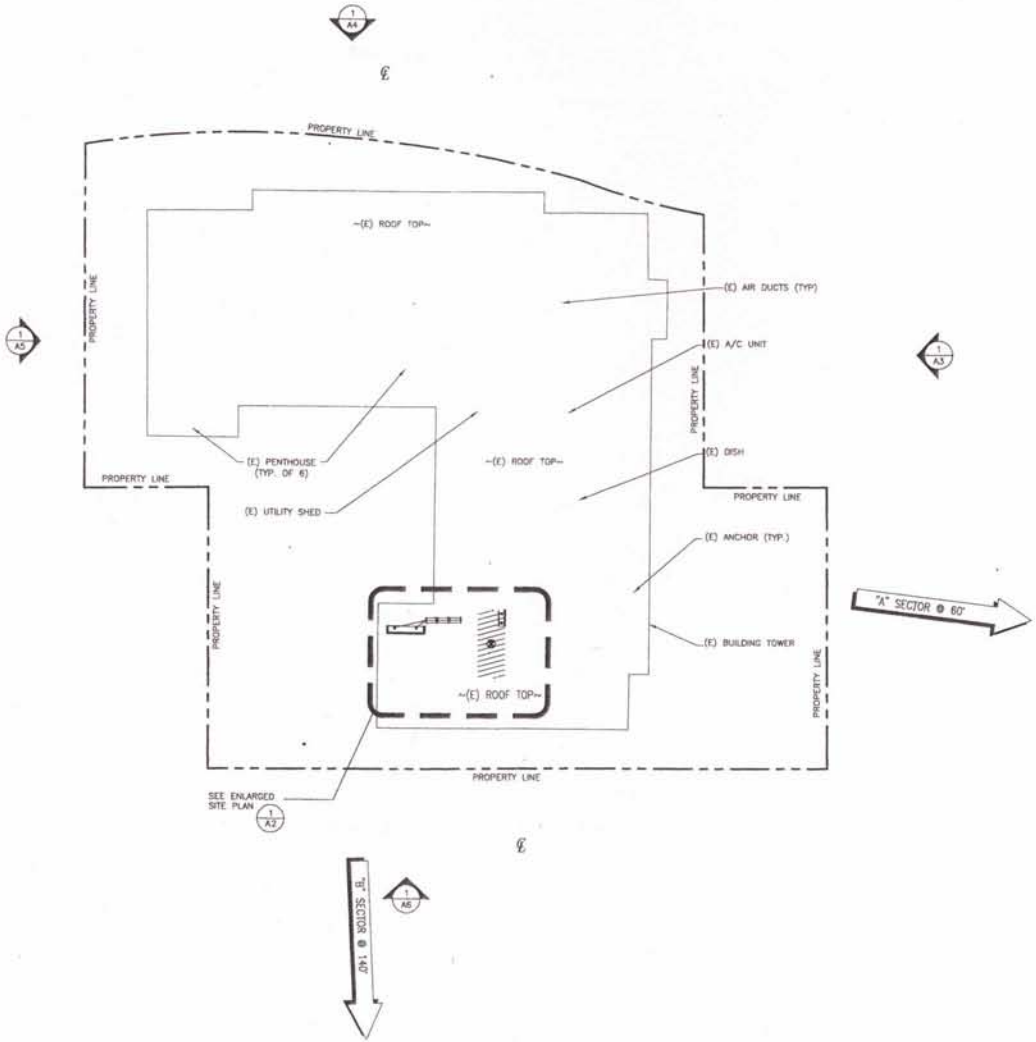
CONSULTANT:
CAL VADA SURVEYING, INC.
411 Jenks Cir., Suite 205, Corona, CA 92880
Phone: 951-280-0960 Fax: 951-280-9746
Toll Free: 800-CALVADA www.calvada.com
JOB NO. 07537

DRAWN BY:	CHK.:	APV.:
DRAWN BY: AL	RG	ADD

LICENSURE:

SHEET TITLE:
ROOF SURVEY

SHEET NUMBER: REVISION:
LS1
SHEET 1 OF 1



SITE PLAN

20' 0 10' 20' SCALE: 1" = 20'-0" (24x36) (OR) 1/2" = 20'-0" (11x17) 1

Sprint.
Sprint PCS℠
2650 CAMINO DEL RIO NORTH
SUITE 100 SAN DIEGO, CA 92108

PROJECT INFORMATION:
COAST BLVD.
CA5116
939 COAST BLVD.
LA JOLLA, CA 92037
SAN DIEGO COUNTY

CURRENT ISSUE DATE:
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ISSUED FOR:
ZONING

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Office (858) 552-8388
Fax (858) 552-0184

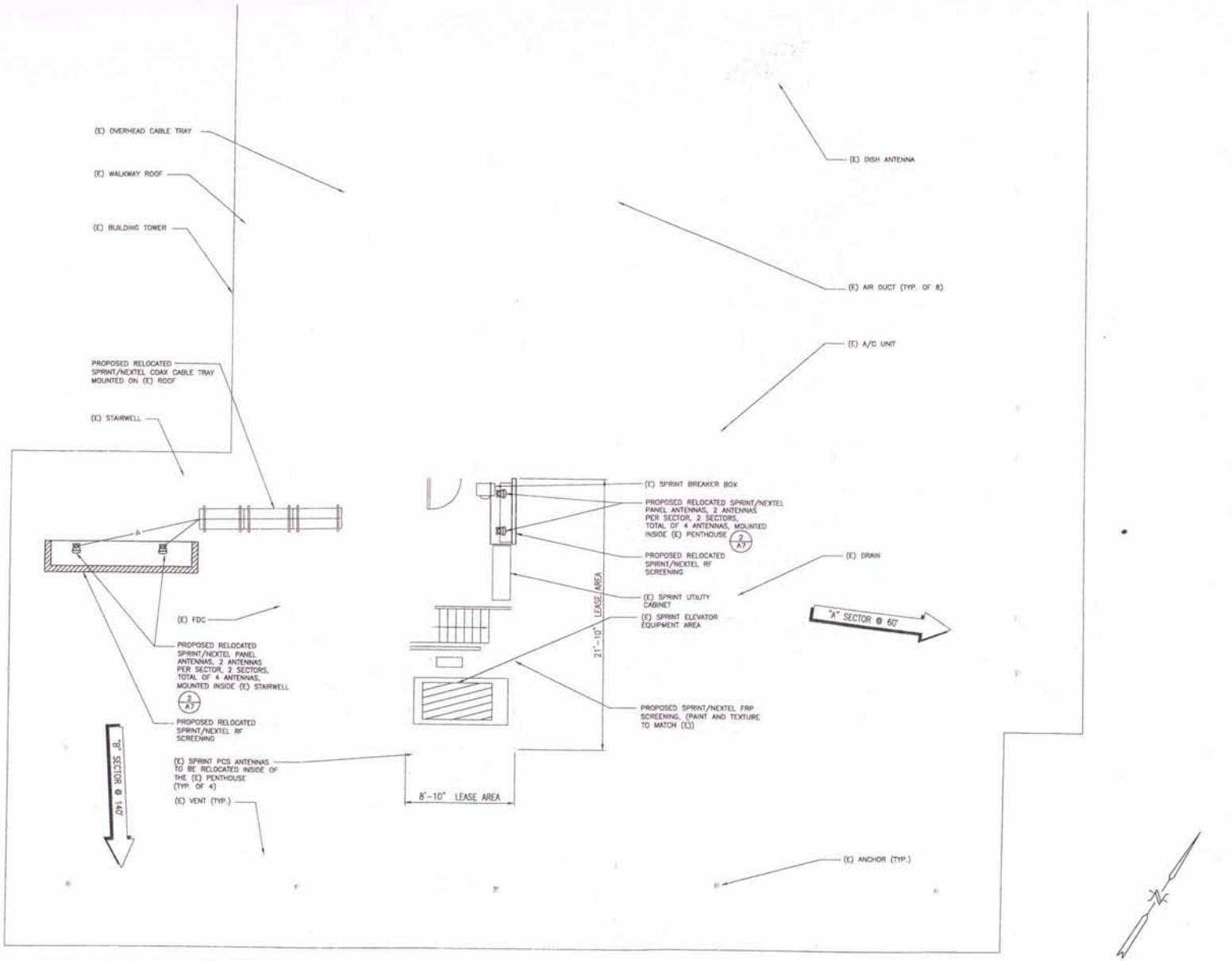
CONSULTANT:

DRAWN BY:	CHK.:	APV.:
AC	WT	JJO

LICENSURE:

SHEET TITLE:
SITE PLAN

SHEET NUMBER: A1
REVISION: 1
CA5116



ENLARGED SITE PLAN

0 1' 2' 4' SCALE: 1/4" = 1'-0" (24x36) (OR) 1/8" = 1'-0" (11x17) 1

Sprint.
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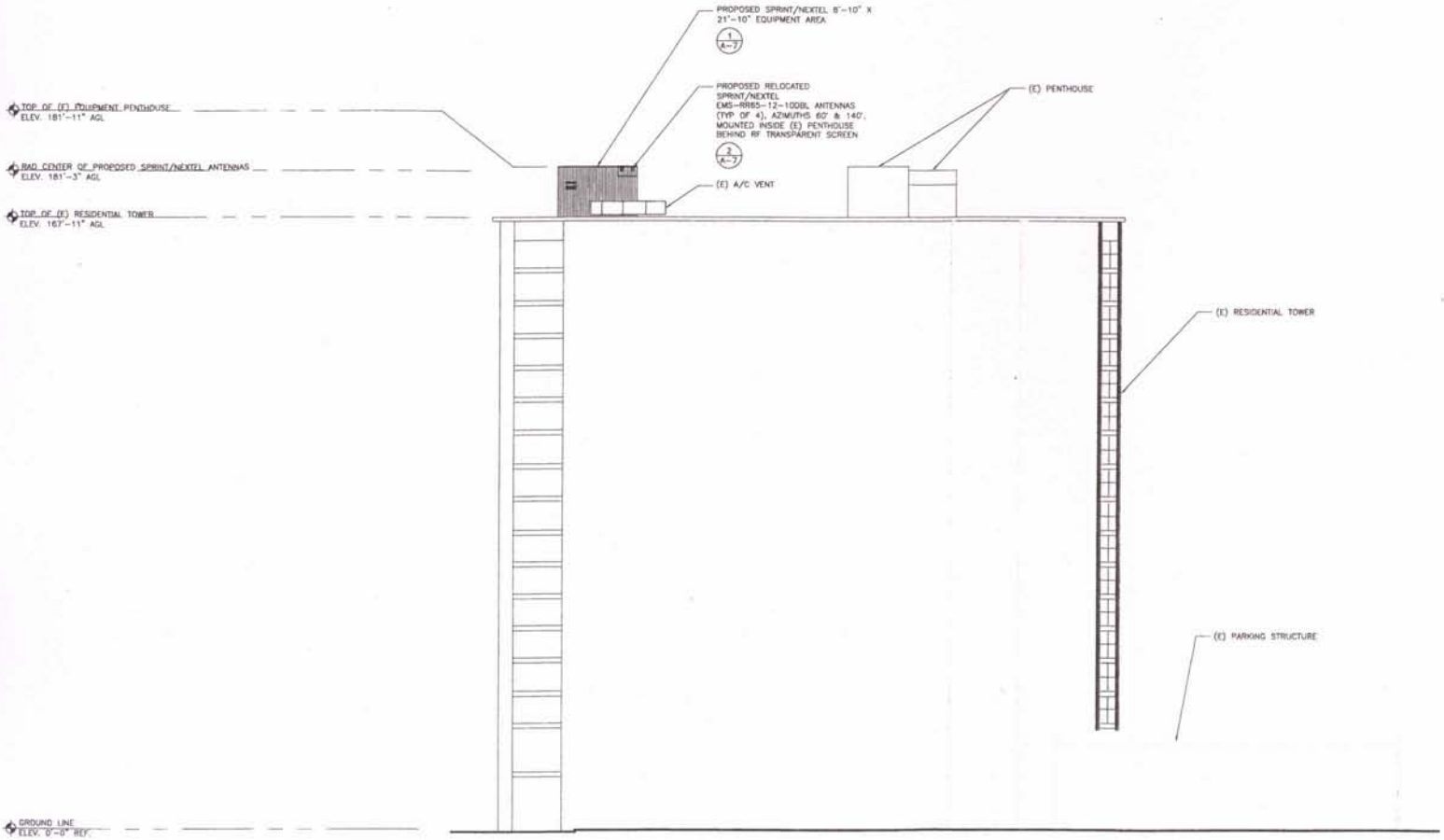
CONSULTANT:

DRAWN BY:	CHK.:	APV.:
AC	WT	JJO

LICENSURE:

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER: A2
REVISION: 1
CA5116



NORTH ELEVATION

0 4' 8' 16' SCALE: 1/16" = 1'-0" (24x36) (OR) 1/64" = 1'-0" (11x17) 1

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Sprint PCS℠
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SUITE 100 SAN DIEGO, CA 92108

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SAN DIEGO, CA 92121
Office (858) 552-9388
Fax (858) 552-0184

CONSULTANT:

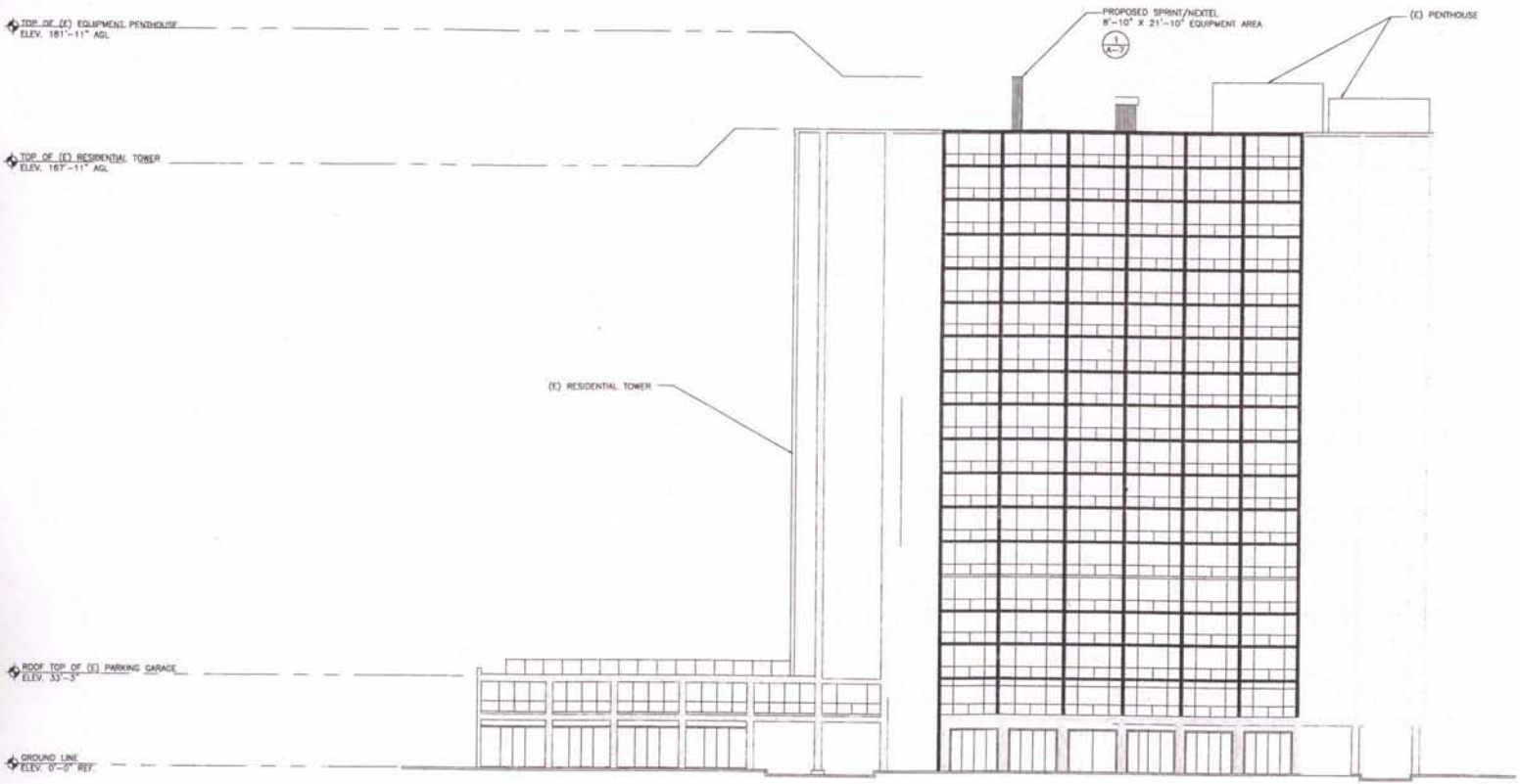
DRAWN BY:	CHK.	APV.
AC	WT	JJO

LICENSURE:

SHEET TITLE:
NORTH ELEVATIONS

SHEET NUMBER: A3
REVISION: 1
CA5116

ATTACHMENT 5



WEST ELEVATION

0 4' 8' 16' SCALE: 1/16" = 1'-0" (24x36) (OR) 1/64" = 1'-0" (11x17) 1

Sprint.
Sprint PCS℠

2650 CAMINO DEL RIO NORTH
SUITE 100 SAN DIEGO, CA 92108

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Office (858) 552-9388
Fax (858) 552-0184

CONSULTANT:

DRAWN BY:	CHK.:	APV.:
AC	WT	JJO

LICENSURE:

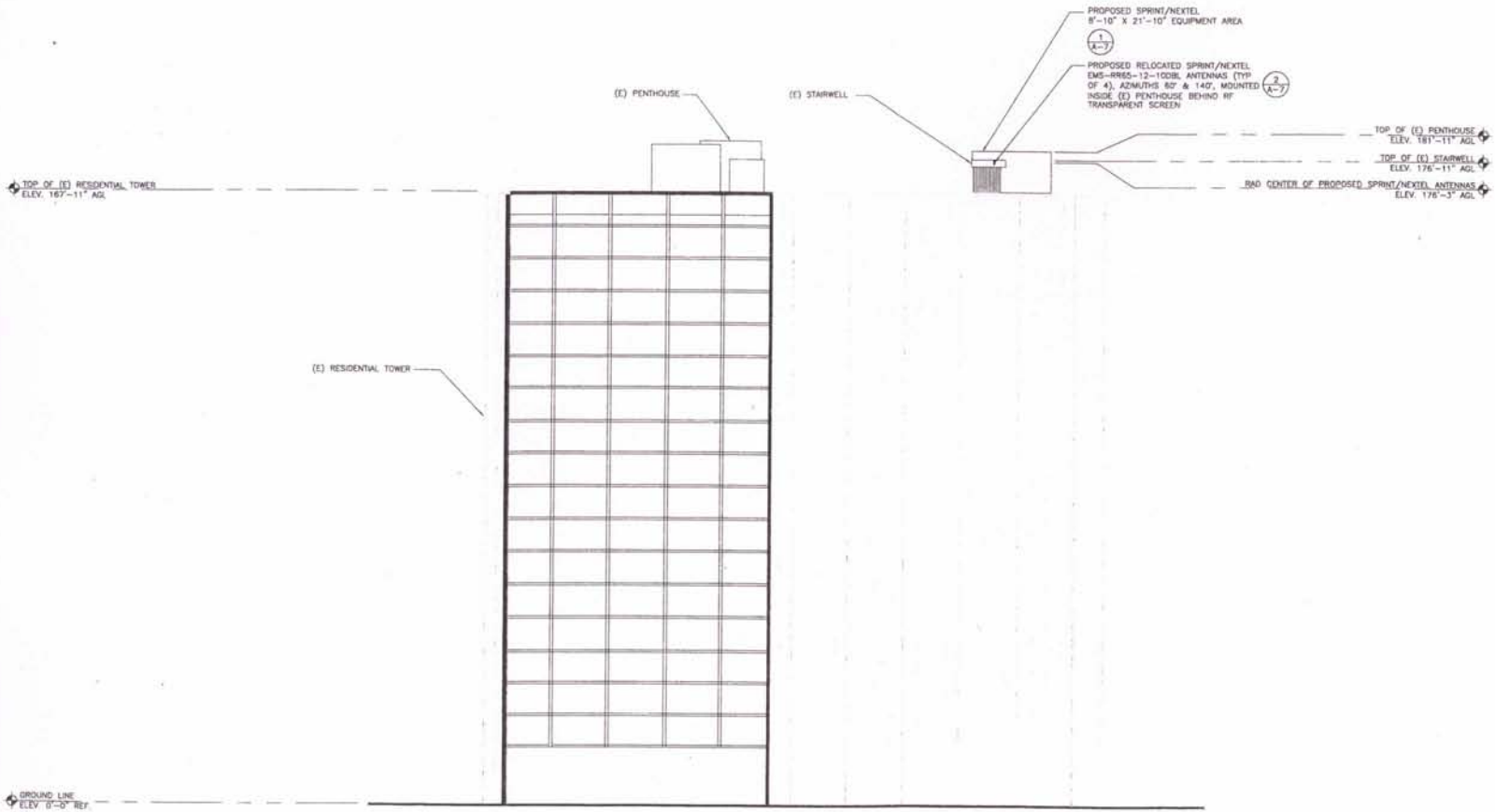
SHEET TITLE:

WEST ELEVATIONS

SHEET NUMBER: A4

REVISION: 1

CA5116



SOUTH ELEVATION

0 4' 8' 16'

SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/64" = 1'-0" (11x17)

1

Sprint.
Sprint PCS℠
2650 CAMINO DEL RIO NORTH
SUITE 100 SAN DIEGO, CA 92108

PROJECT INFORMATION:

COAST BLVD.
CA5116
939 COAST BLVD.
LA JOLLA, CA 92037
SAN DIEGO COUNTY

CURRENT ISSUE DATE:

09/17/07

ISSUED FOR:

ZONING

REV.:	DATE:	DESCRIPTION:	BY:
1	09/17/07	ISSUED FOR 100% ZONING	ES
0	08/07/07	ISSUED FOR 90% ZONING	AC

PLANS PREPARED BY:

SAC Wireless, Inc.
11300 SORRENTO VALLEY RD. SUITE 330
SAN DIEGO, CA 92121
Office (858) 552-9398
Fax (858) 552-0184

CONSULTANT:

DRAWN BY:	CHK.:	APV.:
AC	WT	JJO

LICENSURE:

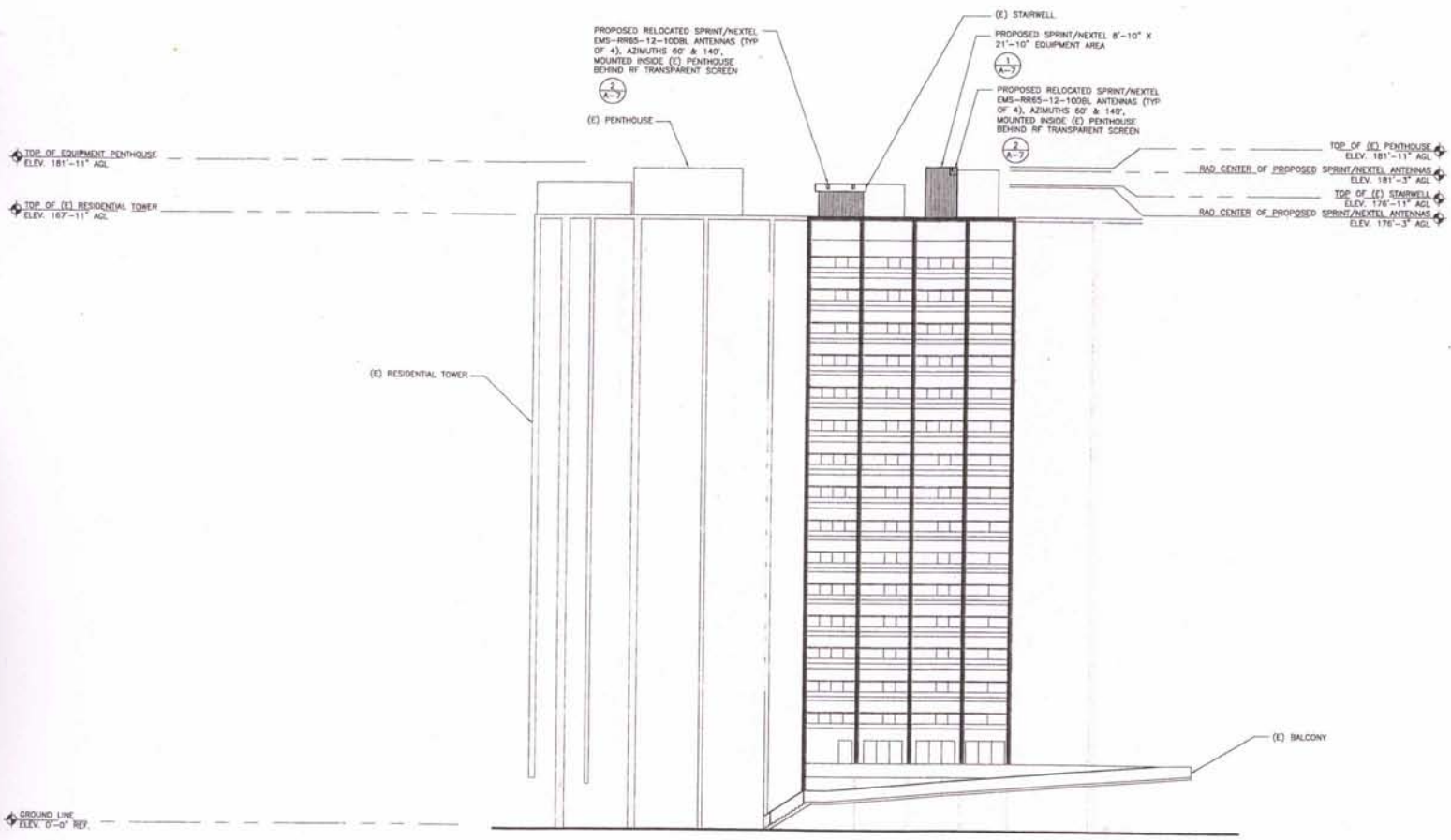
SHEET TITLE:

SOUTH ELEVATIONS

SHEET NUMBER: A5

REVISION: 1

CA5116



EAST ELEVATION

0 4' 8' 16' SCALE: 1/16" = 1'-0" (24x36) (OR) 1/64" = 1'-0" (11x17) 1

Sprint.
Sprint PCS℠

2650 CAMINO DEL RIO NORTH
SUITE 100 SAN DIEGO, CA 92108

PROJECT INFORMATION:

COAST BLVD.
CA5116
939 COAST BLVD.
LA JOLLA, CA 92037
SAN DIEGO COUNTY

CURRENT ISSUE DATE:
09/17/07

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
1	09/17/07	ISSUED FOR 100% ZONING	ES
0	08/07/07	ISSUED FOR 90% ZONING	AC

PLANS PREPARED BY:

SAC Wireless, Inc.
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
Office (858) 552-9388
Fax (858) 552-0184

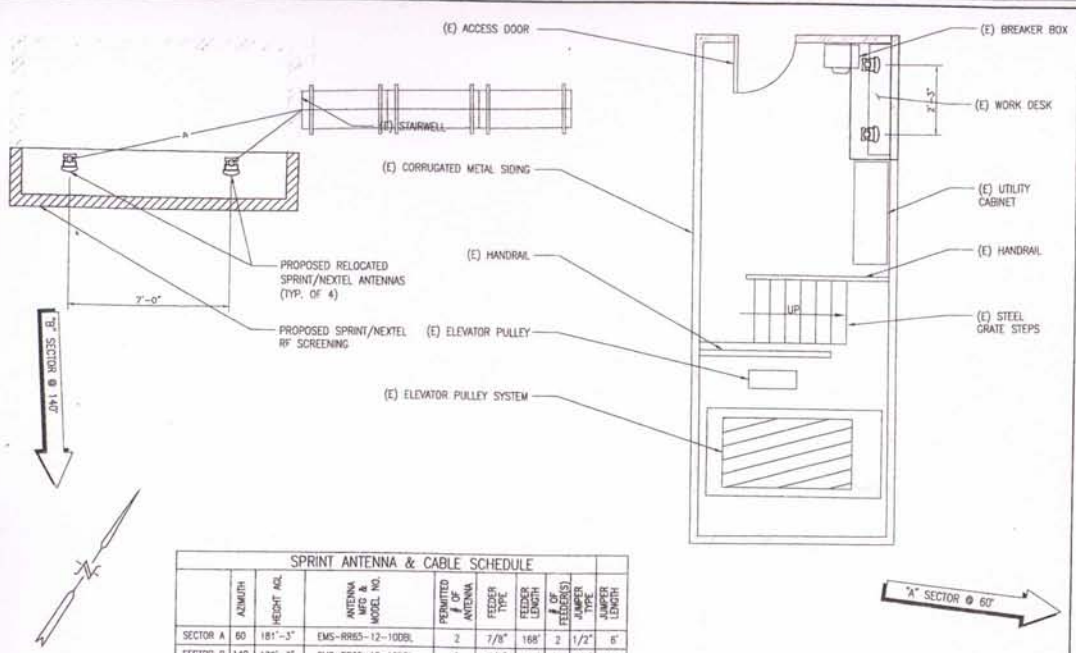
CONSULTANT:

DRAWN BY:	CHK.:	APV.:
AC	WT	JJO

LICENSURE:

SHEET TITLE:
EAST ELEVATIONS

SHEET NUMBER: A6
REVISION: 1
CA5116

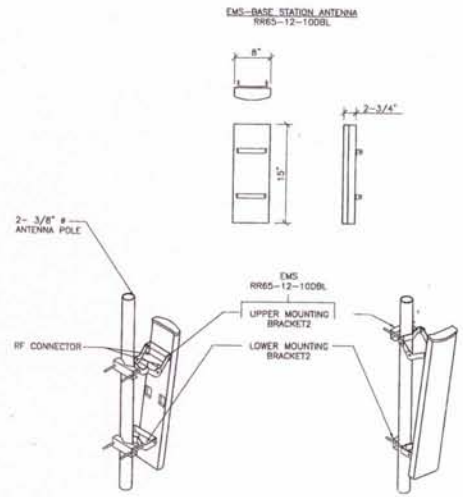


SPRINT ANTENNA & CABLE SCHEDULE

	AZIMUTH	HEIGHT AGL	ANTENNA MFG & MODEL NO.	PERMITTED # OF ANTENNA	FEEDER TYPE	FEEDER LENGTH	# OF FEEDER(S)	JUMPER TYPE	JUMPER LENGTH
SECTOR A	60	181'-3"	EMS-RR65-12-10DBL	2	7/8"	168'	2	1/2"	6'
SECTOR B	140	176'-3"	EMS-RR65-12-10DBL	2	7/8"	168'	2	1/2"	6'

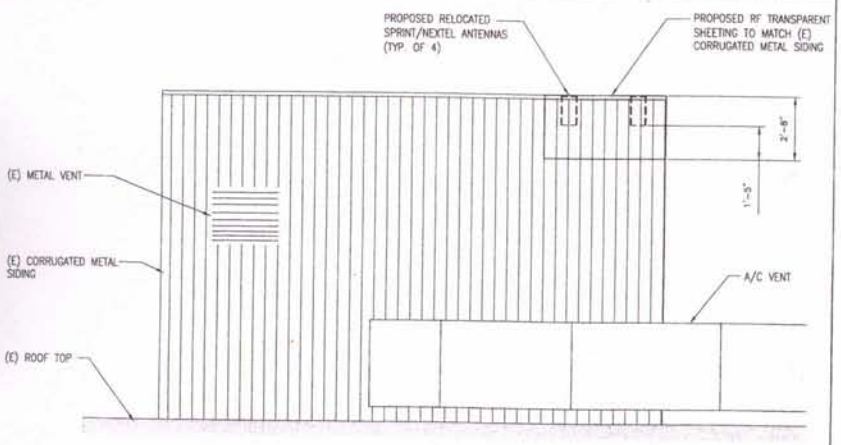
ANTENNA & EQUIPMENT LAYOUT

0 1' 2' 3' SCALE: 3/8" = 1'-0" (24x36) (OR) 3/16" = 1'-0" (11x17) 1



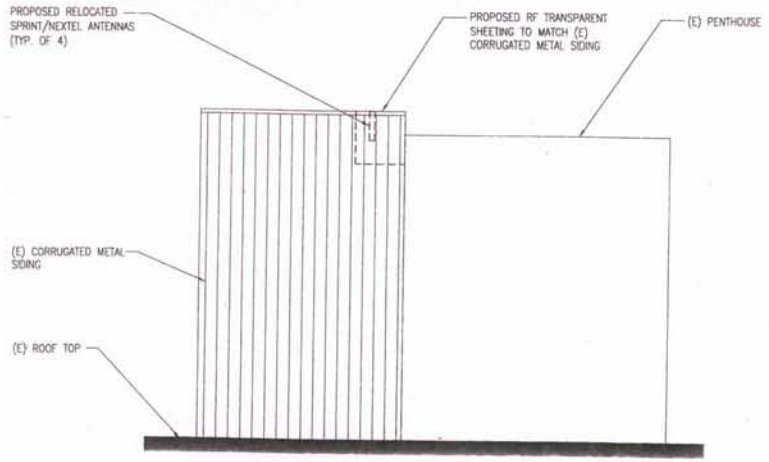
ANTENNA MOUNTING DETAIL

SCALE: NONE 2



NORTH ANTENNA ELEVATIONS

0 1' 2' 3' SCALE: 3/8" = 1'-0" (24x36) (OR) 3/16" = 1'-0" (11x17) 3



EAST ANTENNA ELEVATIONS

0 1' 2' 3' SCALE: 3/8" = 1'-0" (24x36) (OR) 3/16" = 1'-0" (11x17) 4

Sprint
Sprint PCS™
2650 CAMINO DEL RIO NORTH
SUITE 100 SAN DIEGO, CA 92108

PROJECT INFORMATION:

COAST BLVD.
CA5116
939 COAST BLVD.
LA JOLLA, CA 92037
SAN DIEGO COUNTY

CURRENT ISSUE DATE: 09/17/07

ISSUED FOR: ZONING

REV.	DATE:	DESCRIPTION:	BY:
1	09/17/07	ISSUED FOR 100% ZONING	ES
0	08/07/07	ISSUED FOR 90% ZONING	AC

PLANS PREPARED BY:

SAC Wireless, Inc.
11300 SORRENTO VALLEY RD. SUITE 230
SAN DIEGO, CA 92121
Office (858) 552-9398
Fax (858) 552-0184

CONSULTANT:

DRAWN BY:	CHK.:	APV.:
AC	WT	JJO

LICENSURE:

SHEET TITLE: EQUIPMENT ELEVATIONS & DETAILS

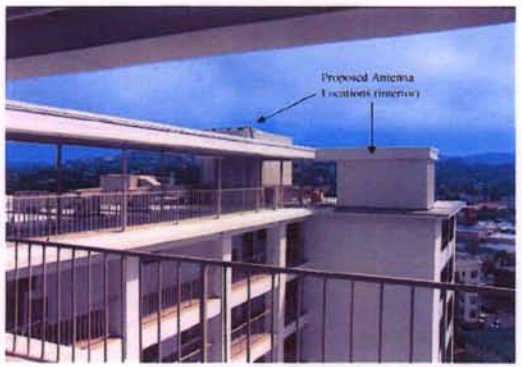
SHEET NUMBER: A7 REVISION: 1

CA5116

1. Looking Southwest From Coast Boulevard

2. Looking Northeast From Coast Boulevard

3. Looking Northwest From Prospect & Jenner Street



Looking East/Proposed Antenna Location

Site Photos

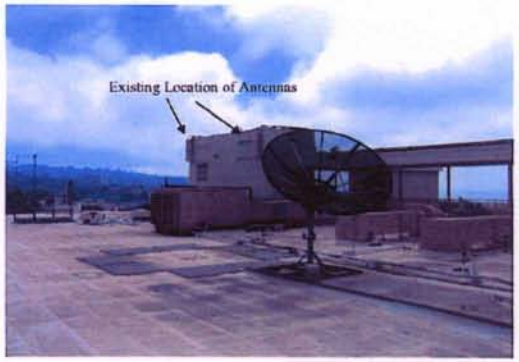
SPRINT NEXTEL – 939 COAST BLVD – PROJECT NO. 140684

939 COAST BLVD, LA JOLLA, CA 92037

ATTACHMENT 6

Existing Telecommunications (not Sprint-owned)

Looking North



Looking East

Looking South

Site Photos

SPRINT NEXTEL – 939 COAST BLVD – PROJECT NO. 140684

939 COAST BLVD, LA JOLLA, CA 92037

ATTACHMENT 6

Looking Northwest

Example (1 of 3) Topographical

Example (2 of 3)

Example (3 of 3)

Site Photos

SPRINT NEXTEL – 939 COAST BLVD – PROJECT NO. 140684

939 COAST BLVD, LA JOLLA, CA 92037

ATTACHMENT 6

Photosimulations

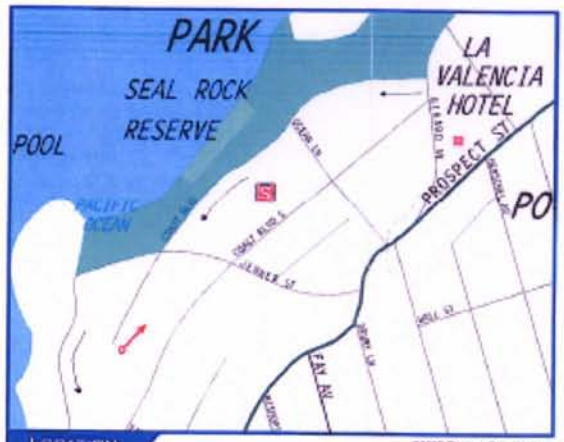
Royal Street
Communications
California, L.L.C.

CA5116
COAST BOULEVARD

939 COAST BOULEVARD LA JOLLA, CA 92037

ARTISTIC ENGINEERING
AEsims.com
(877)9AE.SIMS

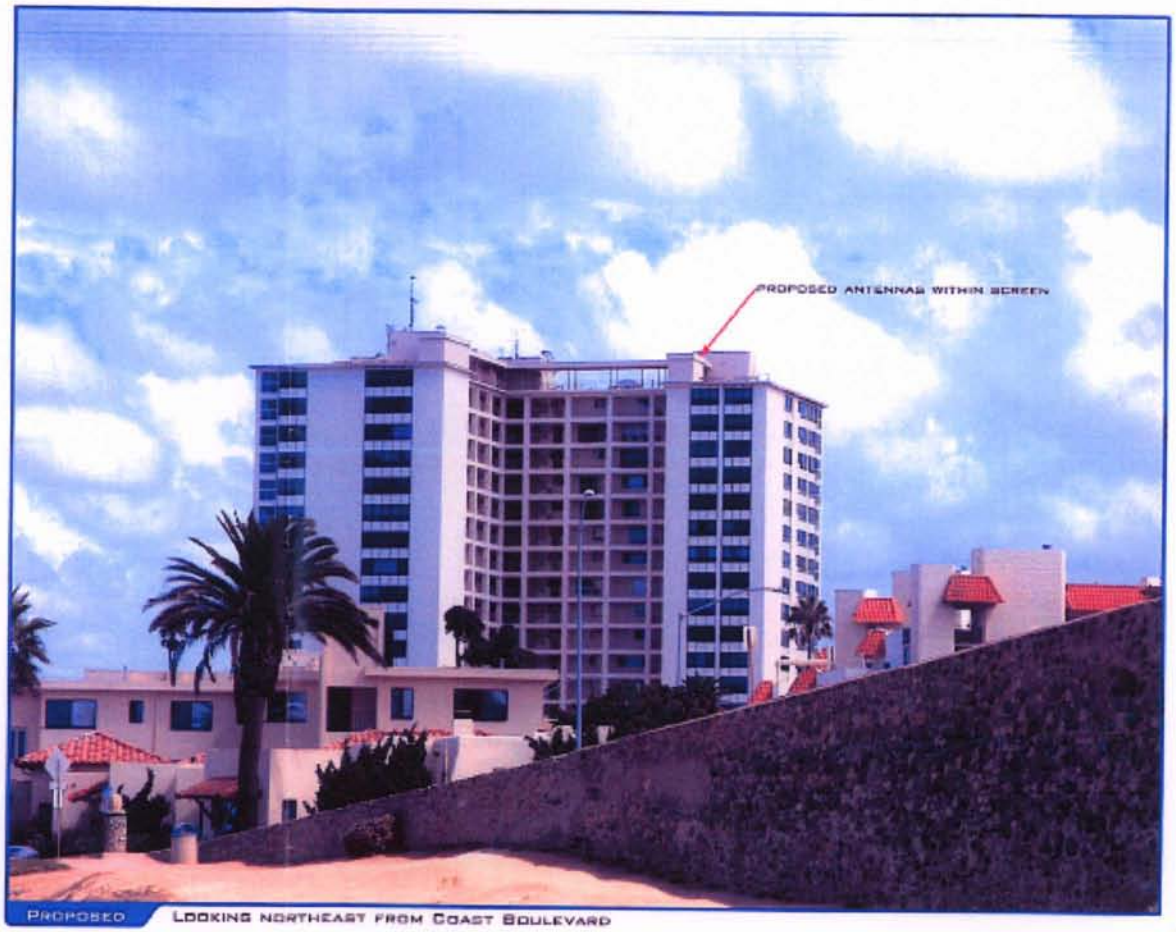
VIEW 2



LOCATION

©2007 Thomas Bros. Maps

EXISTING



PROPOSED LOOKING NORTHEAST FROM COAST BOULEVARD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Photosimulations

Royal Street
Communications
California, L.L.C.

CA5116
COAST BOULEVARD

939 COAST BOULEVARD LA JOLLA, CA 92037

AEsims.com
(877)9AE.SIMS

VIEW 3

LOCATION

©2007 Thomas Bros. Maps

EXISTING

PROPOSED

LOOKING NORTHWEST FROM PROSPECT STREET & JENNER STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Photosimulations

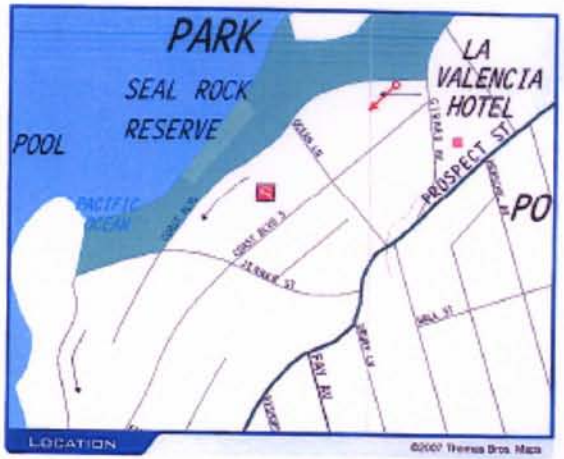
Royal Street
Communications
California, L.L.C.

CA5116
COAST BOULEVARD

939 COAST BOULEVARD LA JOLLA, CA 92037

ARTISTIC ENGINEERING
AEsims.com
(877)9AE SIMS

VIEW 1



LOCATION

EXISTING

PROPOSED LOOKING SOUTHWEST FROM COAST BOULEVARD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-8640

CONDITIONAL USE PERMIT NO. 490936
SPRINT NEXTEL – 939 COAST BLVD
PROJECT NO. 140684
PLANNING COMMISSION

This Conditional Use Permit is granted by the Planning Commission, of the City of San Diego to **NINE THREE NINE COAST MANAGEMENT ASSOCIATION**, Owner, and **SPRINT NEXTEL CORPORATION**, Permittee, pursuant to San Diego Municipal Code [SDMC] section Chapter 12, Article 6, Division 2 and Section 141.0420. The site is located at 939 Coast Boulevard in the La Jolla Planned District 5 zone of the La Jolla Community Plan. The project site is legally described as an undivided .15860 interest in and to lots 19 to 23, inclusive and lots 32 to 36 inclusive of Terrace Subdivision. According to map thereof No. 800, filed in the Office of the County Recorder of San Diego County, May 7, 1895. Except units 3A to 21J, inclusive, as shown on the diagrammatical map attached to and made a part of the amended condominium plan and certificate recoded in compliance with Section 1351 of the California Civil Code, on May 7, 1969 Series 10, Book 1969 as file No. 79165 of official records of said county.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a wireless communication facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 24, 2008, on file in the Development Services Department.

The project shall include:

a. A wireless communication facility consisting of two (2) antennas concealed inside the existing stairwell and two (2) antennas concealed inside the existing penthouse for a total of four (4) antennas. The antennas are located behind RF transparent materials painted and textured to match the existing structures. The associated equipment is also located inside an existing penthouse; and

b. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and

private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.

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 Owner/Permittee signs and returns the Permit to the Development Services Department; and

b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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 Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent

of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

10. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The proposed design complies with the Telecommunication Facility Guidelines as a Complete Concealment Facility and as a result, the permit will not contain an expiration date. It is the responsibility of the wireless carrier and owner(s) to maintain the appearance of the approved facility to the conditions set forth in this permit unless the site is removed and restored to its original condition. Code compliance shall be notified if the appearance or the scope of the project has changed without the approval of the City Manager.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

13. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

14. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) for this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

15. The building materials and paint used for the RF transparent screen shall not result in any noticeable lines or edges in the transition as illustrated in the approved Exhibit "A".

16. A total of four (4) BTS equipment cabinets shall be located inside an existing penthouse, completely concealed from the public as illustrated in the approved Exhibit "A".

17. All cables and conduits shall be concealed inside the cable tray to the satisfactory of the City Manager.

18. The photosimulation(s) for the proposed project must be printed (not stapled) on the building plans. This is to ensure the construction team building the project is aware of what the completed design was approved to look like.

19. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and exhibits (including, but not limited to, elevations, and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

20. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

21. Any future requested amendments to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

22. No mechanical equipment, tank, duct, elevator, cooling tower, mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

23. Prior to the issuance of a construction permit, the telecommunication provider shall provide a certified cumulative radio frequency model study demonstrating compliance with the Federal Communications Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.

24. Prior to obtaining a Construction Permit the following items must be illustrated on the construction drawings; coax cable tray, meters, telco, A/C units, generator receptacles, cable runs, bridges, dog houses and external ports. These appurtenances must be minimized visually so as to avoid the effect of changing the outward appearance of the project from what was approved on the exhibits.

25. Sprint Nextel is responsible for notifying the city prior to the sale or takeover of this site to any other provider.

INFORMATION ONLY:

This project is not within the FAA Part 77 Noticing Area.

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020..

APPROVED by the Planning Commission of the City of San Diego on July 24, 2008
Conditional Use Permit/PTS Approval No. 490936 Date of Approval: July 24, 2008

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

_____

Simon Tse, Associate Planner
City of San Diego

NOTE: Notary acknowledgment must be attached per Civil Code section 1180 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

[NINE THREE NINE MANAGEMENT ASSOCIATION]
Owner

By _____

PRINTED NAME: _____

PRINTED TITLE: _____

[SPRINT NEXTEL CORPORATION]
Permittee

By _____

PRINTED NAME: _____

PRINTED TITLE: _____

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.

PLANNING COMMISSION
RESOLUTION NO.
CONDITIONAL USE PERMIT APPROVAL NO. 490936
SPRINT 939 COAST BLVD

WHEREAS, NINE THREE NINE COAST MANAGEMENT, Owner, & SRINT NEXTEL CORPORATION, Permittee, filed an application with the City of San Diego for a permit to install two (2) antennas concealed inside the existing stairwell and two (2) antennas concealed inside the existing penthouse for a total of four (4) antennas. The antennas are located behind RF transparent materials painted and textured to match the existing structures. The associated equipment is also located inside an existing penthouse as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 490936;

WHEREAS, the project site is located at 939 Coast Blvd, within the La Jolla Planned District Zone 5 within the La Jolla Community Plan.

WHEREAS, the project site is legally described as an undivided .15860 interest in and to lots 19 to 23, inclusive and lots 32 to 36 inclusive of Terrace Subdivision. According to map thereof No. 800, filed in the Office of the County Recorder of San Diego County, May 7, 1895. Except units 3A to 21J, inclusive, as shown on the diagrammatical map attached to and made a part of the amended condominium plan and certificate recoded in compliance with Section 1351 of the California Civil Code, on May 7, 1969 Series 10, Book 1969 as file No. 79165 of official records of said county;

WHEREAS, on July 24, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 490936 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 as follows:

That the Planning Commission adopts the following written Findings, dated July 24, 2008.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

   Both the City of San Diego General Plan and the La Jolla Community Plan addresses wireless communication facilities with specific recommendations. The City of San Diego General Plan recommends minimizing visual impacts by concealing wireless facilities in existing structures when possible. It also recommends that facilities be aesthetically pleasing and respectful to the neighborhood context and to conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. The La Jolla Community Plan recommends that all telecommunication facilities be reviewed and analyzed by the City of San

Diego for visual impact. It recommends that all cellular facilities adhere to the Citywide Telecommunication Policy.

Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permit process. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. The four (4) antennas and the equipment are concealed inside the existing stairwell and penthouse. As a result, the proposed development is consistent with the recommendations identified and would not adversely affect the La Jolla Community Plan or the City of San Diego General Plan and Progress Guide.

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

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require Sprint Nextel to perform RF testing and submit the finding in a report to the City of San Diego prior to the issuance of a building permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

The project complies with all applicable development regulations of the Land Development Code and the City of San Diego Communication Antenna Regulations (Land Development Code Section 141.0420). This section of the code requires telecommunication facilities to be minimally visible through the use of architecture, landscape architecture and siting solutions. The antennas are concealed inside the existing stairwell and penthouse. The associated equipment is also concealed inside an existing penthouse. The existing use of the property is residential and as such, requires a Conditional Use Permit. There are no deviations from the development regulations or variances requested with this application. Therefore, Sprint Nextel's project is in full compliance with the applicable regulations of the Land Development Code.

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

Typically, the City of San Diego encourages wireless carriers to locate on non-residential properties. In this case, the search ring identifies non-residential properties, but due to the height of the existing building Sprint Nextel was able to cover a larger objective area with one site. All four (4) antennas are concealed inside the existing stairwell and penthouse. Additionally, Sprint Nextel is required to submit a Radio Frequency Report study demonstrating compliance with Federal Communication Commissions standards. This project has been designed to comply with Section 141.0420 and the Wireless Communication Facility Guidelines. Additionally, this site will address

Sprint Nextel's limited network coverage to the roadways, homes, and business located in the area. Thus, the proposed use is appropriate for this site.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit 490936 is hereby GRANTED by the Conditional Use Permit 490936 to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 490936 copy of which is attached hereto and made a part hereof.

_____

Simon Tse
Associate Planner
Development Services

Adopted on: July 24, 2008

Job Order No. 42-8640

La Jolla Community Planning Association

La Jolla Community Planning Association
President: Tim Golba Vice President: Lance Peto Secretary: Darcy Ashley

Regular Meeting April 3, 2008

Final Minutes

Present: Darcy Ashley, John Berol, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Tim Golba, Joe LaCava, Sherri Lightner, Dave Little, Tim Lucas, Phil McConkey, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Glen Rasmussen, Ray Weiss
Absent: Dave Abrams

1. Welcome and Call To Order:
   Tim Golba, acting President called the meeting to order at 6:10pm

2. Request for Agenda modifications- request to move items #13- LJ Music Society presentation & #14- La Jolla Shore life guard station time extension after #6. Modification deemed approved since there were no objections.

3. Report from Election Committee on March Elections including recommendation for action on seating Trustees or calling for a new election due to Bylaw violations. Motion from election committee: "After careful review of the election challenges the election committee upholds the election March 6th and rejects the 2 challenges. (Ashley/Fulks 4-0-0) Affirmative votes: Ashley, Fulks, Peto, Thorsen

Approved Motion:To accept the recommendation from the Election Committee to uphold the March 6th LJCPA election and to reject the 2 challenges. (6-0-8)
The motion was approved by the majority vote of trustees not elected at the March election. Those abstaining were recently elected.
Affirmative votes: Ashley, McConkey, Metcalf, Morton, Peto, Weiss
Abstain: Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Little, Lucas, Rasmussen

4. Approval of March 6th, 2008 Meeting Minutes for review and approval
   Information was provided to the LJCPA to confirm the correct spelling of Mabel Bells' name.

Approved motion: Approve the minutes of the March 6th meeting with the amendment that on item #12 the spelling of the name is changed to "Mabel Lane."
(Little/Fitzgerald 10-0-5)
Affirmative votes: Ashley, Berol, Fitzgerald, LaCava, Little, Lucas, Metcalf, Morton, Perricone, Rasmussen
Abstained: Crisafi, Gabsch, McConkey, Peto, Weiss

5. President's Report

   a. Election of Officers for 2008- Nominations were sought. Since there was no situation where there was more than one candidate for a position, the individuals were elected by acclamation.
      President- Tim Golba
      Vice President- Joe LaCava
      Secretary- Darcy Ashley
      Treasurer- Jim Fitzgerald

b. Renewal of Web Site hosting

Approved motion: To approve the two year web-hosting renewal and fee. (Peto/Morton15-0-0)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen, Weiss

c. Bylaws to City Council Timeline and process- information will be distributed when a date is set.
d. Announcement that the LJCPA is seeking volunteers for committees. Interested parties should email Tim Golba.
e. Secretaries report- Darcy Ashley
According to the bylaws Article III, Section 1,F2: if a member is no longer eligible (because they have not attended a meeting in the last year), the member is to be notified and given the chance to present evidence of eligibility. There are 76 people that this applies to. A list of people will be on the website. The trustees will be voting to confirm this at the May meeting. Any person who this applies to can attend another meeting &fill out a new application to become a member again.

6. Treasurer's Report: Tim Golba (acting Treasurer)
Previous ending balance was $809.95. Collected at the March meeting $63. Expenses: $20. Ending balance is $852.95.

7. Public Comment:
*A. Sheila Harden CCDC- Coffee with Nancy Graham at Balboa Theater, Urban Design meeting April 17th, Re-development bus tour. More information on all events at: www.ccdc.com
*B. Mary Coakley- They will be breaking ground on the map project in the morning.
*C. Anne Cleveland- support of the lifeguards
*D. Darcy Ashley- Candidate Forums at La Jolla High School as follows:
CD1- Tuesday, April 22 6pm
Mayor- Friday, May 9 6:30pm
City Attorney- Tuesday, May 13 6pm
*E. Orrin Gabsch- asked for clarification at the next LJCPA meeting of the relationship of the Parking Board to the LJCPA. Also asked for clarification of the relationship of the Parking Board to Promote La Jolla, since that organization is ratifying the Parking Board's minutes. Keely Sweeney suggested that it be referred to Melisa Tintacolis.
*F. Ray Weiss asked for consideration of the need to reconfigure the membership of the Parking Board.

- COMPACT- Delegate: VACANT
4th Wednesday-6:30 P.M. – 202 C Street 12th floor

- Bird Rock Community Council- Representative: JOE LaCAVA
Taste of Bird Rock is July 17th. Please support the local merchants during construction.

- UCSD Campus Community Planner: ANU DELOURI
  Update on the University House, Venter Institute will be at Coastal Commission shortly. There will be a scoping meeting for the San Diego Consortium for Medicine on April 21. More information on these meetings or issues is available on UCSD's website under the Community Planning tabs.

8. LESLEY HENEGAR -CITY OF SAN DIEGO PLANNING DEPARTMENT-
   Not present- no report.

9. KEELY SWEENEY– Representative for District 1 Councilman Scott Peters
   There will be a hearing on the Mills Act, April 18.
   The General Plan passed at City Council. The General Plan update generally triggers community plan updates. However, the La Jolla Community Plan update will likely not come up for several years, due to the backlog of updates at the City.

10. THYME CURTIS – Representative for District 2 Councilman Kevin Faulconer
    Not present- no report.

11. COMMITTEE REPORTS & CONSENT ITEMS:

A.) Planned District Ordinance (PDO)
Chairperson: JOE LACAVA

1. March 3rd Minutes (No meeting Mar 17) – For CPA Information Only

2. Final Review – For CPA Approval on Consent

   A. 1002 Torrey Pines Road, Zone 1, presented by Camille Towey
   MOTION: Colors appear to meet the PDO (Marengo/Gabsch, 9-0-0)

   B. Manchester Financial Bank, 7825 Fay Avenue, Zone 3, presented by Curt Bauer.
   MOTION: Move approval of proposed signage (Collins/Underwood, 8-0-0-1, Gabsch recuse)

3. Recommendations to CDP Committee – None

Approved motion: To accept the recommendation of the PDO committee to approve item 11.A.2.A 1002 Torrey Pines Road and forward the recommendation to the City. (Fitzgerald/Rasmussen 16-0-0)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Lightner, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen, Weiss

Approved motion: To accept the recommendation of the PDO committee to approve item 11.A.2.B Manchester Financial Bank and forward the recommendation to the City. (Fitzgerald/Rasmussen 15-0-0-1)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, LaCava, Lightner, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen, Weiss

Recused: Gabsch

B.) Coastal Development Permit (CDP) Review Committee
Chairperson: C A MARENGO

1. MENDIOLA RESIDENCE APPROVED 7-0-1 (March, 2008 action item)
1745 Castellana Road – new 4,968 single family Residence

2. HAMMOND RESIDENCE APPROVED 6-0-2 (March 2008 action item)
911 Skylark Drive – new 7,263 square foot single family Residence

3. SPRINT COAST BOULEVARD MOTION TO SEND TO FULL CPA 5-0-1
(March 2008 action item) 939 Coast Boulevard – new wireless communication installation

4. BISHOPS SCHOOL APPROVED 7-0-1 (March 2008 action item)
7607 La Jolla Boulevard – modification to increase student count

5. T-MOBILE LA JOLLA BOULEVARD MOTION TO SEND TO FULL CPA 6-0-1
(March 2008 action item) 5410 La Jolla Blvd. – new wireless comm. installation

6. KELLY RESIDENCE DENIED 5-0-1 (March 2008 action item)
961 La Jolla Rancho Road – new 6,281 single family Residence

Approved motion: To accept the recommendation of the CDP committee to approve Items 11.B.1, 2 and 4 Mendiola, Hammond and Bishops School and forward the recommendation to the City. (Ashley/McConkey 16-0-0)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Lightner, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen, Weiss

Approved motion: To accept the recommendation of the CDP committee to deny Item 11.B.6 Kelly and forward the recommendation to the City. (Ashley/Perricone 15-0-1)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Lightner, Little, Lucas, McConkey, Metcalf, Perricone, Peto, Rasmussen, Weiss
Abstain: Morton

C.) La Jolla Shores Permit Review Committee (LJPRC)
Chairperson: TONY ESPINOZA

1. NO MEETING DUE TO LACK OF A QUORUM

D.) Traffic and Transportation (T&T)
Chairperson: MARK BROIDO

1. NO MEETING

11.) SPRINT COAST BOULEVARD - 939 Coast Boulevard – new wireless communication installation (Daneen Wilder to present) CDP Sub-Committee voted to send this item directly to the full CPA to hear.

Approved motion: The findings can be made to approve this proposal. (Peto/McConkey 13-2-1)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Lucas, McConkey, Metcalf, Perricone, Peto, Rasmussen, Weiss
No votes: Lightner, Little
Abstained: Morton- is working on this building.

12.) T-MOBILE LA JOLLA BOULEVARD – 5410 La Jolla Blvd. – new wireless comm. installation CDP Sub-Committee voted to send this item directly to the full CPA to hear. Jim Kennedy presented. Brian Becker, who is on the Board of Dirctors of the Seahaus HOA presented 58 petitions signed by Seahaus homeowners opposed to the approval of this item. Esther Kogus who lives in the Capri-Aire Condominiums, handed in two pages of petition signatures opposed to the approval of this item.
Public comment on this item by: Brian Becker, Josh Kenefler, Sherri Lightner, Osama Alkasarbi, Esther Kogus

Mr. LaCava noted that based on T-mobile's before and after coverage maps it seems the facility could be located anywhere along the La Jolla Blvd/Turquoise corridor from Midway to La Jolla Mesa. They should seek an installation in commercial areas. Also, this location is a vulnerable location in the Colima roundabout, the light pole has been hit numerous times. The landscaped area is a special benefit area of the Bird Rock Maintenance Assessment District and the loss of 71 square feet of landscaping to a vault is significant. Last, the proposed landscape screening could limit sight lines through the roundabout.

Approved motion: To call the question. (Morton/Rasmussen 15-0-1)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Lightner, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen
Abstained: Weiss- has Tmobile service.

Approved motion: The applicant has not exhausted other viable locations for the facility and has not addressed the traffic safety concerns, therefore, the findings cannot be made to approve this project. (LaCava/Ashley 15-0-1)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Lightner, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen
Abstained: Weiss- has Tmobile service.

13.) LA JOLLA MUSIC SOCIETY – Information presentation on a three week music and dance festival called SummerFest (Hannes Kling Presenting)

Approved motion: To endorse the La Jolla Music Society proposal for a free classical music concert at the Ellen Browning Scripps Park on Thursday, August 14, 2008. (Metcalf/McConkey 15-0-0)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, Gabsch, LaCava, Little, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen, Weiss

14.) LA JOLLA SHORES LIFEGUARD STATION EOT (February 26th, 2008 action item) 8200 Camino del Oro – Request for time extension on Coastal Development Permit and SDP – Approved 3-0-0. Presentation by Jihad Slieman from the City of San Diego in support of the extention of time. Presentation opposed to the extention of time by resident, Simon Andrews.
Trustee comment/questions from: Lucas, Weiss, Berol, Crisafi, Fitzgerald, Gabsch, Peto, LaCava.
Comments from the public by: John Greenhouse, Kathryn Douglas, Mark Lufkowitz, Mary Coakley, Karen Boger, Anne Heineman, Ed Harris

Approved motion: To call the question. (Peto/Fitzgerald 10-3-1)
Affirmative votes: Ashley, Crisafi, Fitzgerald, LaCava, Lucas, McConkey, Metcalf, Morton, Peto, Rasmussen
No vote: Berol, Gabsch, Weiss
Abstained: Perricone

Approved motion: The findings can be made for the extention of time on the La Jolla Shores Lifeguard station. The applicant is requested to include archeological monitoring and suggest the review of the exterior building materials to be more compatible with buildings in the vicinity. (Peto/Metcalf 12-1-1)
Affirmative votes: Ashley, Berol, Crisafi, Fitzgerald, LaCava, Lucas, McConkey, Metcalf, Morton, Perricone, Peto, Rasmussen
No votes: Gabsch
Abstained: Weiss- not enough information

Adjourned to next meeting May 1st, 2008

Respectfully submitted, Darcy Ashley 4/9/08

Ownership Disclosure Statement

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit ☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit ☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project No. For City Use Only

Project Title
WIRELESS TELECOM FACILITY

Project Address:
939 COAST BOULEVARD
LA JOLLA, CA 92037

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print): DANEEN WILDER FOR SPRINT PCS
☐ Owner ☒ Tenant/Lessee ☐ Redevelopment Agency
Street Address: SAC WIRELESS - 23456 South POINTE Dr. #101
City/State/Zip: Laguna Hills, CA. 92653
Phone No: 714/412-4986 Fax No: 949/544-7302
Signature: Daneen Wilder Date:

Name of Individual (type or print): KENNETH C. HARUH
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: 939 Coast Blvd
City/State/Zip: SAN DIEGO CA 92037
Phone No: 858-454-0312 Fax No: 858.454.4704
Signature: HOA PRESIDENT Date: 1-11-08

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature: Date:

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature: Date:

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (5-05)

ATTACHMENT 11

939 COAST MANAGEMENT ASSOCIATION

OWNER ADDRESS REPORT
ID ORDER

RUN DATE: 01/14/2008
RUN TIME: 13:04
ALL OWNERS

OWNER ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	
000001-02	NICHTING	JOSEPH J.	939 COAST BLVD L-A	LA JOLLA CA 92037
000002-02	MILLER TRUST	WILLIAM D.	939 COAST BLVD L-B	LA JOLLA CA 92037
000003-02	NORTON	LYNN E & DAWN V	939 COAST BLVD L-C	LA JOLLA CA 92037
000004-02	FREEMAN	ROGER	939 COAST BLVD L-D	LA JOLLA CA 92037
000005-02	DAS	PANKAJ & VIRGINIA	939 COAST BLVD L-E	LA JOLLA CA 92037
000006-03	STANIFORD	GEOFFREY & UM KHATHARY	939 COAST BLVD A-4C	LA JOLLA CA 92037
000008-02	FAMILY TRUST	MYERS	939 COAST BLVD 4A	LA JOLLA CA 92037
000009-02	FAMILY TRUST	MAZZEI	939 COAST BLVD 4B	LA JOLLA CA 92037
000010-01	REVOCABLE TRUST	JANICE I. VEGHTE	939 COAST BLVD 4C	LA JOLLA CA 92037
000011-04	FABIANI	MARK D	939 COAST BLVD 4D	LA JOLLA CA 92037
000012-04	EBERT	HENRY & ESTELL	939 COAST BLVD 4E	LA JOLLA CA 92037
000013-04	BOSDET	DIANA	939 COAST BLVD 4F	LA JOLLA CA 92037
000014-06	KONTILAI	VERONICA	939 COAST BLVD 4G	LA JOLLA CA 92037
000015-01	DERRICK	DR JOHN	939 COAST BLVD 4H	LA JOLLA CA 92037
000016-01	TRUST	MARY M BRYAN	939 COAST BLVD 4J	LA JOLLA CA 92037
000017-01	NICHTING	JOSEPH J	939 COAST BLVD 4K	LA JOLLA CA 92037
000018-04	BULFER	GARY	939 COAST BLVD 4L	LA JOLLA CA 92037
000019-02	GLINSKII	DR GUENNADI V. & ANNA	939 COAST BLVD 4M	LA JOLLA CA 92037
000021-01	SAMPSON TRUST	SCOTT S	939 COAST BLVD 5A	LA JOLLA CA 92037
000022-01	REVOCABLE TRUST	UDELF	939 COAST BLVD 5B	LA JOLLA CA 92037
000023-02	TRUSTEE	SUZANNE B. CONLON,	939 COAST BLVD 5C	LA JOLLA CA 92037
000024-02	HAGGERTY	DOROTHY M	939 COAST BLVD 5D	LA JOLLA CA 92037
000025-01	PARZEN TRUST	JUDITH	939 COAST BLVD 5E	LA JOLLA CA 92037
000026-01	COMPANY LTD	LOBLUM HOLDING	939 COAST BLVD 5F	LA JOLLA CA 92037
000027-01	EINHORN TRUST	DANIEL & EMILY F	939 COAST BLVD 5G	LA JOLLA CA 92037
000028-01	FAMILY TRUST	PHYLLIS & MORRIS GOLD	939 COAST BLVD 5H	LA JOLLA CA 92037
000029-06	OSWALT	SALADA JOY	939 COAST BLVD 5J	LA JOLLA CA 92037
000030-03	HOLDINGS LTD	JAQUAR	939 COAST BLVD 6A	LA JOLLA CA 92037
000032-02	REVOCABLE TRUST	DOTTIE MAE HAGGERTY	939 COAST BLVD 6BC	LA JOLLA CA 92037
000033-02	BELL	STANLEY J & RITA FOEGA	939 COAST BLVD 6D	LA JOLLA CA 92037
000034-01	MESTRE	MARCO A & CECILIA S.	939 COAST BLVD 6E	LA JOLLA CA 92037
000035-02	LIMITED	BELTRABOND	939 COAST BLVD 6F	LA JOLLA CA 92037
000036-01	REVOCABLE TRUST	DR YUEH E RAHMAN	939 COAST BLVD 6G	LA JOLLA CA 92037
000037-01	COAST CORP	LA JOLLA	939 COAST BLVD 6H	LA JOLLA CA 92037
000038-01	BROOKS	MRS ANNE M	939 COAST BLVD 6J	LA JOLLA CA 92037
000039-02	FAMILY TRUST	HABER FAMILY MARITAL/	939 COAST BLVD 7A	LA JOLLA CA 92037
000040-03	WINKELMAN	DANE V & PENCHITT	939 COAST BLVD 7B	LA JOLLA CA 92037
000041-03	SANDOVAL	ANNA DELORES	939 COAST BLVD 7C	LA JOLLA CA 92037
000042-01	GLASSMEYER	PENELOPE M	939 COAST BLVD 7D	LA JOLLA CA 92037
000043-01	WESTER	PETER C	939 COAST BLVD 7E	LA JOLLA CA 92037
000044-01	REVOCABLE TRUST	JEANETTE F SIAS	939 COAST BLVD 7F	LA JOLLA CA 92037
000045-01	LYMAN TRUST	MARY KEOUGH	939 COAST BLVD 7G	LA JOLLA CA 92037
000046-01	MASON	JEROME HERMAN & EILEEN	939 COAST BLVD 7H	LA JOLLA CA 92037
000047-04	WENDT	RICHARD E	939 COAST BLVD 7J	LA JOLLA CA 92037
000048-03	FAMILY TRUST	ALAN G KALMANSON 2000	939 COAST BLVD 8A	LA JOLLA CA 92037
000049-04	MINOCHERHOMJEE	ARDA	939 COAST BLVD 8B	LA JOLLA CA 92037
000050-01	PER. RES. TRUST	CARL A AUERBACH 2000 Q	939 COAST BLVD 8C	LA JOLLA CA 92037
000051-02	DIAZ	ANTONIO & MARIA A	939 COAST BLVD 8D	LA JOLLA CA 92037
000052-02	VALENTINI	PETER A & ALBERTA M	939 COAST BLVD 8E	LA JOLLA CA 92037
000053-01	MAKI TRUST	SULO & AILEEN	939 COAST BLVD 8F	LA JOLLA CA 92037
000054-02	GORBACH	SHERWOOD & JUDITH	939 COAST BLVD 8G	LA JOLLA CA 92037
000055-01	TRUST	LYNNE	939 COAST BLVD 8H	LA JOLLA CA 92037
000056-04	ANDERTON	ELIZABETH MINTER & KAT	939 COAST BLVD 8J	LA JOLLA CA 92037
000057-01	DWINNELL TRUST	PATRICIAC	939 COAST BLVD 9A	LA JOLLA CA 92037
000058-01	ALVY	LIDIA	939 COAST BLVD 9B	LA JOLLA CA 92037
000059-03	LANCE	COLLEEN	939 COAST BLVD 9C	LA JOLLA CA 92037
000060-01	FARRAND TRUST	STEPHAN & NANCY	939 COAST BLVD 9D	LA JOLLA CA 92037
000061-04	SWERDLOW TRUST	ADRIENNE	939 COAST BLVD 9E	LA JOLLA CA 92037
000062-02	FAMILY TRUST	KASSAR	939 COAST BLVD 9F	LA JOLLA CA 92037
000063-02	THOMAS	GREG & KAREN	939 COAST BLVD 9G	LA JOLLA CA 92037
000064-02	BLAISDELL TRUST	RAPP FAMILY TRUST / BR	939 COAST BLVD 9H	LA JOLLA CA 92037
000065-02	SMITH	DAVID K	939 COAST BLVD 9J	LA JOLLA CA 92037
000066-01	COOPER TRUST	HARRY G	939 COAST BLVD 10AF	LA JOLLA CA 92037
000067-03	LLC	TORREY VILLAS	939 COAST BLVD 10B	LA JOLLA CA 92037
000068-01	PODELL	BERNARD B & NORMA R	939 COAST BLVD 10C	LA JOLLA CA 92037
000069-01	SUSAN MOUNT	SANFORD H ELLIOT TRUST	939 COAST BLVD 10D	LA JOLLA CA 92037
000070-01	GARNER TRUST	LILLIAN	939 COAST BLVD 10E	LA JOLLA CA 92037
000072-03	MACKLER	BRUCE & IRENE	939 COAST BLVD 10G	LA JOLLA CA 92037
000073-02	ITTLESON	ALVIN & ELIZABETH P	939 COAST BLVD 10H	LA JOLLA CA 92037
000074-02	RUMBAUGH JR	MAX E.	939 COAST BLVD 10J	LA JOLLA CA 92037
000075-01	PACIFIC	NORTHVIEW AV	939 COAST BLVD 11A	LA JOLLA CA 92037
000076-01	FAMILY TRUST	SULLIVAN	939 COAST BLVD 11B	LA JOLLA CA 92037
000077-01	FAMILY TRUST	SULLIVAN	939 COAST BLVD 11C	LA JOLLA CA 92037
000078-01	MILLER TRUST	ROBERT F	939 COAST BLVD 11D	LA JOLLA CA 92037
000079-02	ZEISLER	KARL & JOAN C	939 COAST BLVD 11E	LA JOLLA CA 92037
000080-01	PESIN TRUST	BETTY	939 COAST BLVD 11F	LA JOLLA CA 92037
000081-01	TRUST	DONNA LOCHTEFELD	939 COAST BLVD 11G	LA JOLLA CA 92037
000082-03	INVESTMENTS	COAST BOULEVARD	939 COAST BLVD 11H	LA JOLLA CA 92037
000083-01	CHADWICK	ANDREA H	939 COAST BLVD 11J	LA JOLLA CA 92037
000084-01	TRUST	GRACIELA BEJA IRREVOCA	939 COAST BLVD 12A	LA JOLLA CA 92037
000085-04	HOUKOM	ALEXANDRA E PAGE & JOH	939 COAST BLVD 12B	LA JOLLA CA 92037
000086-03	MAMORSKY TRUST	CHARLOTTE	939 COAST BLVD 12C	LA JOLLA CA 92037
000087-01	PROPERTY TRUST	MURIAL ALPREN SEPERATE	939 COAST BLVD 12D	LA JOLLA CA 92037
000088-01	FAMILY TRUST	FORMICA	939 COAST BLVD 12E	LA JOLLA CA 92037
089-01	COMPANY LTD	LOBLUM HOLDING	939 COAST BLVD 12F	LA JOLLA CA 92037
J090-02	CRUMLEY	JEANNE	939 COAST BLVD 12G	LA JOLLA CA 92037
000091-01	LIZT	NORMAN	939 COAST BLVD 12H	LA JOLLA CA 92037
000092-01	LIZT	NORMAN	939 COAST BLVD 12J	LA JOLLA CA 92037

939 COAST MANAGEMENT ASSOCIATION

RUN DATE: 01/14/2008
RUN TIME: 13:04
ALL OWNERS

OWNER ADDRESS REPORT
ID ORDER

OWNER ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	
000093-01	STERN TRUST	MICKEY	939 COAST BLVD 14A	LA JOLLA CA 92037
000094-01	TRUST	HAMBLETON	939 COAST BLVD 14B	LA JOLLA CA 92037
00095-01	HURD	STACY S.	939 COAST BLVD 14C	LA JOLLA CA 92037
00096-02	2000 TRUST	GERSON	939 COAST BLVD 14D	LA JOLLA CA 92037
000097-01	LANDEROS	RETRUST NV / NATALIE	939 COAST BLVD 14E	LA JOLLA CA 92037
000098-01	FAMILY TRUST	HARRY & RENEE RUTTENBE	939 COAST BLVD 14F	LA JOLLA CA 92037
000099-02	INC	HAPPYVIEW OVERSEAS	939 COAST BLVD 14G	LA JOLLA CA 92037
000100-03	JONATHAN SHIFF	ANDREW SHAWN WOOLF &	939 COAST BLVD 14H	LA JOLLA CA 92037
000101-02	BIDERMANN	WILLIAM & KIM	939 COAST BLVD 14J	LA JOLLA CA 92037
000102-03	SOLOMON	WILLIAM T & GAY F	939 COAST BLVD 15A	LA JOLLA CA 92037
000103-02	SHEINBEIN	STANLEY J & RUTH L	939 COAST BLVD 15B	LA JOLLA CA 92037
000104-04	SHEINBEIN	STANLEY J & RUTH L	939 COAST BLVD 15BC	LA JOLLA CA 92037
000105-03	B REVOC TRUST	LEVI NEJATOLAH & SARA	939 COAST BLVD 15D	LA JOLLA CA 92037
000106-01	FAMILY TRUST	SHEDD	939 COAST BLVD 15E	LA JOLLA CA 92037
000107-01	WOLK	DR GLORIA	939 COAST BLVD 15F	LA JOLLA CA 92037
000108-04	BARRIE	DOUGLAS S. & MARYANN T	939 COAST BLVD 15G	LA JOLLA CA 92037
000109-01	CHARITABLE TRST	PAUL & NAOKO NOBLE	939 COAST BLVD 15HJ	LA JOLLA CA 92037
000111-01	CHENG	GEORGE Y KUNG & JEAN	939 COAST BLVD 16A	LA JOLLA CA 92037
000112-01	SMALL	CAROL, KEVIN, JAMES M	939 COAST BLVD 16B	LA JOLLA CA 92037
000113-01	CORP	JOSE FAINSILBER / TOPA	939 COAST BLVD 16C	LA JOLLA CA 92037
000114-02	STEWART	GEORGE E.B. & NORMA J	939 COAST BLVD 16D	LA JOLLA CA 92037
000115-02	FAMILY TRUST	SAWAN	939 COAST BLVD 16E	LA JOLLA CA 92037
000116-02	BIRO TRUST	IRENE	939 COAST BLVD 16F	LA JOLLA CA 92037
000117-02	WARREN	JOHN & KARIN	939 COAST BLVD 16G	LA JOLLA CA 92037
000118-02	ARNOLD	WILLIAM & JOAN	939 COAST BLVD 16H	LA JOLLA CA 92037
000119-02	CHEN	CATHERINE	939 COAST BLVD #16J	LA JOLLA CA 92037
000120-02	FORMICA	VITO & SHIRLEY	939 COAST BLVD 17A	LA JOLLA CA 92037
000121-01	FISHER	LEONARD	939 COAST BLVD 17B	LA JOLLA CA 92037
000122-01	SALAME TRUST	ROGER M	939 COAST BLVD 17C	LA JOLLA CA 92037
000123-01	GELMAN TRUST	WEBSTER	939 COAST BLVD 17D	LA JOLLA CA 92037
000124-01	FAMILY TRUST	SAKURAI	939 COAST BLVD 17E	LA JOLLA CA 92037
000125-02	FAMILY TRUST	GRAHAM	939 COAST BLVD 17F	LA JOLLA CA 92037
000126-01	FAMILY TRUST	GRAHAM	939 COAST BLVD 17FGJ	LA JOLLA CA 92037
000127-01	TRUST	HAMBLETON	939 COAST BLVD 17H	LA JOLLA CA 92037
000129-01	FAMILY TRUST	PETERSEN	939 COAST BLVD 18A	LA JOLLA CA 92037
000130-01	TELEVISION INC	MRS A MEYER / MISWEST	939 COAST BLVD 18B	LA JOLLA CA 92037
000131-01	KARATZ	WILLIAM W	939 COAST BLVD 18C	LA JOLLA CA 92037
000132-01	BLOCK	DANIEL S	939 COAST BLVD 18D	LA JOLLA CA 92037
000133-01	FAMILY TRUST	KATZ	939 COAST BLVD 18E	LA JOLLA CA 92037
000134-02	FAMILY TRUST	UNRUH	939 COAST BLVD 18FG	LA JOLLA CA 92037
000136-02	FAMILY TRUST	SHIFRIN	939 COAST BLVD 18HJ	LA JOLLA CA 92037
000138-01	MAISEL	GENEVA	939 COAST BLVD 19A	LA JOLLA CA 92037
000139-03	KASSEL	ADEVA HOLDINGS INC/JAV	939 COAST BLVD 19B	LA JOLLA CA 92037
0140-04	GAINES TRUST	IRA J	939 COAST BLVD 19C	LA JOLLA CA 92037
0141-02	TAYEBI TRUST	SEAN K	939 COAST BLVD 19DE	LA JOLLA CA 92037
000143-02	CIELAK	DAVID	939 COAST BLVD 19F	LA JOLLA CA 92037
000144-01	COLEMAN TRUST	ALICIA K	939 COAST BLVD 19G	LA JOLLA CA 92037
000145-02	PARTNER LTD	TERRAVISTA	939 COAST BLVD 19HJ	LA JOLLA CA 92037
000147-01	DAVID	CLIVE	939 COAST BLVD 20A	LA JOLLA CA 92037
000148-05	FEDER	DAN	939 COAST BLVD 20B	LA JOLLA CA 92037
000149-01	TRUST	WEINTRAUB	939 COAST BLVD 20C	LA JOLLA CA 92037
000150-01	CORP	PINALO	939 COAST BLVD 20D	LA JOLLA CA 92037
000151-01	O'BRIEN TRUST	DR JAMES A	939 COAST BLVD 20E	LA JOLLA CA 92037
000152-01	CREELMAN	MARY ELLEN	939 COAST BLVD 20F	LA JOLLA CA 92037
000153-01	NORWICH TRUST	BETTY JEAN	939 COAST BLVD 20GJ	LA JOLLA CA 92037
000154-02	ASHER	CHARLES & BARBARA	939 COAST BLVD 20H	LA JOLLA CA 92037
000156-02	FAMILY TRUST	FREDERICK	939 COAST BLVD 21AB	LA JOLLA CA 92037
000158-01	/USD	JOAN BOWES-GILMORE TRU	939 COAST BLVD 21C	LA JOLLA CA 92037
000159-04	GROUP LLC	DAVID SPENCER	939 COAST BLVD 21DE	LA JOLLA CA 92037
000161-02	LESLIE	ROBERT J & ELIZABETH	939 COAST BLVD 21F	LA JOLLA CA 92037
000162-02	WALKER	HARRIET LAZER & JAMES	939 COAST BLVD 21G	LA JOLLA CA 92037
000163-04	TRUSTEED TRUST	LEE M & JOAN SELT	939 COAST BLVD 21H	LA JOLLA CA 92037
000164-03	TRUSTEED TRUST	LEE M & JOAN SELT	939 COAST BLVD 21J	LA JOLLA CA 92037

THE CITY OF SAN DIEGO

ATTACHMENT 12

DATE OF NOTICE: July 11, 2008

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING:	**July 24, 2008**
TIME OF HEARING:	**9:00 A.M.**
LOCATION OF HEARING:	**Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101**
PROJECT TYPE:	**CONDITIONAL USE PERMIT**
PROJECT NUMBER:	**PTS #140684**
PROJECT NAME:	**SPRINT NEXTEL 939 COAST BLVD**
APPLICANT:	**Daneen Wilder**
COMMUNITY PLAN AREA:	**La Jolla**
COUNCIL DISTRICT:	**1**
CITY PROJECT MANAGER:	**SIMON TSE, Development Project Manager**
PHONE NUMBER:	**(619) 687-5984**

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application for a wireless communication facility consisting of four (4) wireless communication antennas and (3) BTS equipment cabinets, all concealed inside a stairwell and a penthouse behind RF transparent materials located at 939 Coast Blvd within the La Jolla Community Planning Area.

The decision of the Planning Commission is final unless the project is appealed to the City Council. In order to appeal the decision of the Planning Commission you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Planning Commission before the close of the public hearing. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the office of the City Clerk, 202 "C" Street, Second Floor. The appeal must be made within 10 working days of the Planning Commission decision. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public

hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project is exempt from environmental review pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA). The environmental exemption determination for this project was made on October 26, 2007, and the opportunity to appeal that determination ended on November 16, 2007. This project is not pending an appeal of the environmental determination.

If you have any questions after reviewing this information, you can contact the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5979 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

Job Order No. 42-8640

ATTACHMENT 13

SPRINT 939 COAST BLVD
PROJECT CHRONOLOGY
PTS #140684 JO #42-8640

Date	Action	Description	City Review	Applicant Response
9/28/2007	**First Submittal**	**Project Deemed Complete**		
11/5/2007	First Assessment Letter		**38 days**	
2/19/2008	Second Submittal			**106 days**
3/17/2008	Second Assessment Letter		**27 days**	
4/3/2008	Community Planning Group Presentation			**21 days**
4/4/2008	Justification Letter for review		**1 day**	
5/20/2008	All issues resolved by applicant			**46 days**
7/24/2008	Public Hearing – Planning Commission		**65 days**	
Total Staff Time:		Does not include City Holidays and Furlough	**131 days**	
Total Applicant Time:		Does not include City Holidays and Furlough		**173 days**
Total Project Running Time:		From Deemed Complete to HO Hearing	**304 days**	

Memorandum of Law

SHANNON THOMAS
Deputy City Attorney

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO
Michael J. Aguirre
CITY ATTORNEY

1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 236-6220
FAX (619) 236-7215

MEMORANDUM OF LAW

DATE: March 6, 2006

TO: Kelly Broughton, Deputy Director, Development Services Department

FROM: City Attorney

SUBJECT: Wireless Antenna Placement within the Coastal Height Limit Overlay Zone

INTRODUCTION

On November 7, 1971, the voters approved Proposition D. This proposition limits the height of buildings within the Coastal Zone to no more than 30 feet, except in the downtown area. The Coastal Zone is essentially the area from the US-Mexico border to the northern border of the City of San Diego, and from the Pacific Ocean to Interstate 5. The Proposition became effective on December 7, 1972. The Proposition is codified at section 132.0505 of the San Diego Municipal Code, and has been amended three times by the voters to allow for the historic restoration of the chimney and rooftop of the Mission Brewery building, as well as development at Sea World and at the International Gateway of the Americas. The passage of the federal Telecommunications Act of 1996 [Act], which limits the City's ability to regulate placement of wireless antennas, and the development of wireless technology since the passage of Proposition D, has created the need to further define what height limits are applicable for wireless antennas within the Coastal Zone.

QUESTIONS PRESENTED

May wireless communication antennas be installed within the Coastal Zone to the façade of existing buildings above 30 feet and may equipment associated with the antennas be installed on the roof tops of those buildings when neither exceeds the height of the existing structure, without violating Proposition D?

SHORT ANSWERS

Yes. Wireless antennas that fit within the structural envelope of a pre-existing building may be installed without violating Proposition D. However, compliance with the federal Telecommunications Act of 1996 may require the placement of antenna or equipment that exceeds the 30-foot limit in some circumstances.

BACKGROUND

To provide coverage within the coastal area, providers of wireless communications desire to install antennas on existing buildings over 30 feet high in the Coastal Zone. Over the years, City approvals for antenna installation in the Coastal Zone have been given for both flush mounted antennas and recessed antennas. The antennas that were approved as flush mounted have, in some cases, not been installed flush with the building, and may extend as much as 18-24" from the building. The antennas transmit on a line of sight basis between the communication facilities and the mobile users. Antenna height becomes a critical issue in areas with hills or other physical obstructions.

ANALYSIS

The City must find a way to comply with the voters' directive as set forth in Proposition D, and still permit wireless antennas to the extent required by federal law. As recently characterized by one court that was attempting to reconcile the Act with local zoning, this type of conflict is indicative of "the ongoing struggle between federal regulatory power and local administrative prerogatives--the kind of political collision that our federal system seems to invite with inescapable regularity." *MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 718 (9th Cir. 2005).

I

Local Regulation

Proposition D, with three excepted areas, prohibits the construction of a building or an addition to a building in excess of 30 feet within the Coastal Zone. The ballot argument in favor of Proposition D stated that the measure "preserves the unique and beautiful character of the coastal zone of San Diego." The proper method of measurement, per Proposition D, is in accordance with the Uniform Building Code of 1970. This office has previously opined that for the purposes of complying with Proposition D, measurements should be from the finished grade of a site, rather than the pre-existing grade. City Att'y MOL No. 2004-13 (August 12, 2004). The height of the building is then measured vertically to the uppermost point of the structure. SDMC § 113.0270(a)(3).

The Coastal Zone contains some structures that are over 30 feet in height and were built before the passage of Proposition D. These are "previously conforming" structures. "Previously conforming" is defined as meaning:

> the circumstances where a use, *structure*, or *premises* complied with all applicable state and local laws when it was first built or came into existence, but because of a subsequent change in zone or development regulations, is not in conformance with the current zone or all development regulations applicable to that zone.

Regulations regarding previously conforming structures do not allow the granting of any deviation from the height limit regulations in the Coastal Zone, meaning no new development can exceed the 30-foot limit. SDMC § 127.0102(f). Section 127.0103 and the corresponding tables, 127-01A through 127-01C, set forth what type of permit must be obtained for various development proposals. For example, maintenance, repair or alteration that is less than 50% of the market value of the entire structure or improvement, which does not expand the structural envelope, is permitted with the issuance of a construction permit and a Process 1 review. "Structural envelope" means the three-dimensional space enclosed by the exterior surfaces of a building or structure. SDMC § 113.0103.

In addition to the above regulations limiting structure height in the Coastal Zone, the City regulates communication antennas City-wide as a separately regulated use in Chapter 14, Article 1, Division 4 of the San Diego Municipal Code. The City of San Diego's stated purpose for separately regulating land uses is to provide "regulations for specific uses that may be desirable and appropriate in a particular zone if limitations or conditions are placed on the development of those uses to minimize detrimental effects to neighboring properties or incompatibility with the permitted uses of the base zone." SDMC § 141.0101.

A wireless antenna used for telephone, paging or similar services that complies with all development regulations and overlays, and that meets the criteria in section 141.0405(e)(1) or (2) is considered a minor communication facility. SDMC § 141.0405(a). Section 141.0405(e) allows minor communication facilities as a limited use or through the issuance of a Neighborhood Use Permit in certain zones, if the facility is concealed from public view or integrated into the architecture or environment through architectural enhancement, unique design solutions, or accessory use structures.

In an effort to encourage collocation and in recognition of the fact that some telecommunication facilities are minimally visible, the Municipal Code also recognizes as minor telecommunication facilities the following:

(A) Additions or modifications that do not increase the area occupied by the antennas or the antenna enclosure by more than 100% of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility;

(B) Panel-shaped antennas that are flush-mounted to an existing building façade on at least one edge, extend a maximum of 18 inches from the building façade at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building; or

(C) Whip antennas if the number of antennas that are visible from the public right of way does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.

SDMC § 141.0405(e)(2)(A)-(C).

The City's regulations regarding height limits in the Coastal Zone, as well as those regulating the placement of wireless antenna are clearly designed to limit visual and aesthetic

impacts. Zoning regulations to preserve aesthetics are valid, and in fact the preservation of aesthetics is a traditional basis for zoning regulations. *MetroPCS*, 400 F.3d at 727.

II

Federal Regulation

The purpose of the Federal Telecommunication Act of 1996 is "to promote competition and higher quality in American telecommunications services and to 'encourage the rapid deployment of new telecommunications technologies.'" *City of Rancho Palos Verdes v. Abrams*, 544 US 113, ___, 125 S.Ct. 1453, 1455, 161 L.Ed. 2d 316 (2005) (quoting the Act). A general overview of the Act was previously provided by this office. 2001 City Att'y MOL 307. The Act reserves for the states and local governments the right to make decisions regarding the placement, construction, and modification of personal wireless service facilities. 47 USC § 332(c)(7)(A). However, the regulations may not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 USC § 332(c)(7)(B).

The Ninth Circuit recently ruled for the first time on several of the standards set forth in the Act, most of which are the subject of split rulings by other circuit courts. In *MetroPCS*, the Board of Supervisors for the City and County of San Francisco denied an application by MetroPCS for a conditional use permit [CUP], allowing the installation of a wireless telecommunications antenna atop a public parking garage. The CUP was denied based on findings that: 1) the facility was not necessary to MetroPCS's ability to service that area; 2) the facility was not necessary for the community, because there was already adequate wireless service in the neighborhood; 3) the proposed facility would constitute a visual and industrial blight and would be detrimental to the character of the neighborhood; and 4) the proposed antenna facility was not in conformance with and would not further the policies of the City's General Plan. The Board stated that the CUP denial did not constitute unreasonable discrimination against MetroPCS, did not limit or prohibit access to wireless services, and did not limit or prohibit the filling of a significant gap in MetroPCS's coverage. The Board also stated that the proposed facility was not the least intrusive means to provide wireless coverage in the area.

A provider making a claim of unreasonable discrimination must show that they have been treated differently than other providers with facilities that are similarly situated in terms of the structure, placement or cumulative impact of the proposed facilities. *MetroPCS*, 400 F.3d at 727. In concluding that local zoning regulations may properly discriminate between facilities that have different effects on aesthetics, the court considered the House Conference Report on the Act, which stated that the Act would "provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements even if those facilities provide functionally equivalent services." HR Conf. Rep. No. 104-458, at 208 (1996). Ultimately, in *MetroPCS*, the court found that the record was insufficient to make a determination on this issue, because there was no systematic comparison of the proposed site with other approved facilities in that neighborhood.

Regulations that prohibit or have the effect of prohibiting the provision of personal wireless services are those that constitute either a complete prohibition against wireless service or those

regulations that have the effect of preventing a provider from closing a significant gap in its own service coverage, along with a showing that there are no feasible alternative facilities or sites. *MetroPCS*, 400 F.3d at 731. A significant gap in service coverage is extremely fact specific and an inquiry may include information such as the physical size of the gap and the number of users affected; however, the gap must be more than individual dead spots within a service area. Id.; *Second Generation Properties, LP v. Town of Pelham*, 313 F.3d 620 (1st Cir. 2002). In *MetroPCS*, the record contained numerous directly conflicting accounts as to whether the site was needed to prevent a significant gap in coverage, and so the court did not rule on the merits of that claim. The Act does not require 100% coverage, and federal regulations recognize the existence of "dead spots," defined as "small areas within a service area where the field strength is lower than the minimum level for reliable service." 47 CFR § 22.99; 360° *Communications Company of Charlottesville v. Board of Supervisors of Albemare County*, 211 F.3d 79 (4th Cir. 2000). Cellular geographic service areas licensed to providers of cellular service by the Federal Communications Commission include "dead spots." 47 CFR § 22.911(b).

Once the provider has demonstrated a significant gap in coverage, it must then show that the manner in which it proposes to fill the gap in service is the least intrusive on the values that the denial sought to serve. *MetroPCS*, 400 F.3d at 734. In *APT Pittsburgh Limited Partnership v. Penn Township Butler County of Pennsylvania*, 196 F.3d 469 (3rd Cir.1999), the court found that APT only submitted evidence that it had been unable to install the system it desired in the locations it desired at a price it desired. The evidence in the record demonstrated that ample other opportunities existed for the plaintiff to install the towers. Some alternatives that the court suggested were choosing a less sensitive site, reducing the tower height, using a preexisting structure or camouflaging the tower and/or antenna. Id. at 479, (citing *Sprint Spectrum, LP v. Willoth*, 176 F.3d 630, 643 (2nd Cir. 1999)).

The Act requires that any decision to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. 47 USC § 332(c)(7)(B)(iii). These standards were also addressed by the court in *MetroPCS*. The requirement that the decision be in writing means that the written denial, issued separately from the written record, must contain "'a sufficient explanation of the reasons for the . . . denial to allow a reviewing court to evaluate the evidence in the record supporting those reasons.'" *MetroPCS*, 400 F.3d at 722 (quoting *Southwestern Bell Mobile Systems, Inc. v. Todd*, 244 F.3d 51, 60 (1st Cir. 2001)).

In *MetroPCS*, the court found sufficient a five page decision by the Board of Supervisors which contained a summary of the facts and the proceedings, articulated the reasons for the denial, and included the evidence that supported the ruling. "Substantial evidence" in the context of the Act has been held to mean such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *MetroPCS*, 400 F.3d at 725. It is a reasonable amount of evidence; more than a scintilla, but not necessarily a preponderance. *Id.* In finding that the Board's decision to deny the application by MetroPCS was supported by substantial evidence, the court first noted that San Francisco's zoning ordinances allowed for the consideration of whether the antenna was necessary or desirable for, and compatible with, the neighborhood or community. The court went on to hold that the record clearly established that the neighborhood was already served by at least five other providers, and therefore did not need the proposed facility. Although MetroPCS challenged the ability of the City and County of San Francisco to base a decision on need, arguing that the Act preempted the local regulations on this issue, the

court noted that the Act was "agnostic" on the issue of the substantive content of local zoning regulations and that a decision on aesthetics could prevent the addition of more antennas, which would have the same result of disadvantaging new entrants to the market. Id. at 730 n. 6. The City of San Diego regulations do not allow for an analysis of the needs of the community, only the aesthetics.

Therefore, a provider applying to install an antenna or equipment that violates the City's regulations must show that the installation is necessary to prevent a significant gap in service, of a nature greater than "dead spots" in coverage. Once the provider sufficiently demonstrates that the installation is needed, it must then show that its proposed installation is the least obtrusive method available, in light of the City's concerns regarding height and aesthetics. Any decision by the City to deny a permit must be accompanied by a written decision, supported by substantial evidence in the record.

CONCLUSION

The City of San Diego is prohibited by Proposition D from approving wireless antenna or equipment that exceeds 30 feet in the Coastal Zone, unless the placement of antenna or equipment is on previously conforming structures that exceed 30 feet, and the installation is within the structural envelope of that existing structure. However, compliance with the Federal Telecommunication Act of 1996 may require the placement of antenna or equipment that exceeds the 30 foot height limit. In that case, any placement of antenna or equipment that exceeds the structural envelope of a preexisting structure in excess of 30 feet in height should only be permitted when the applicant has demonstrated that the installation is necessary to prevent a significant gap in service and there is no less obtrusive alternative available. Any denial of an application to install wireless facilities must be accompanied by a written record of the decision, supported by substantial evidence in the record.

MICHAEL J. AGUIRRE, City Attorney

By

Shannon Thomas
Deputy City Attorney

SMT:als
ML-2006-5