THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 31, 2008 **REPORT NO. PC-08-110**

ATTENTION: **Planning Commission, Agenda of August 7, 2008**

SUBJECT: **BLACK MOUNTAIN MIDDLE SCHOOL – WIRELESS COMMUNICATION FACILITIES**
· SPRINT NEXTEL – PROJECT NO. 16218
· AT&T – PROJECT NO. 10860
· T-MOBILE – PROJECT NO. 6749
APPEAL OF PROCESS 2 DECISION

OWNER/ APPLICANT: Poway Unified School District/ Sprint Nextel and AT&T, T-Mobile (See Attachment 17)

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Development Services Department's decision to approve Neighborhood Use Permits for three wireless communication facilities on the sports field of Black Mountain Middle School located at 9353 Oviedo Street within the Rancho Penasquitos Community Planning area?

Staff Recommendation:

1. **Certify** Negative Declaration No. 6749 (T-Mobile); and

2. **Certify** Negative Declaration No. 16218 (Sprint Nextel); and

3. **Certify** Negative Declaration No. 10860 (AT&T); and

4. **Deny** the appeal and **Uphold** the Development Services Department's decision to **Approve** Neighborhood Use Permit No. 520535 (T-Mobile – Project No. 6749); and

DIVERSITY

5. **Deny** the appeal and **Uphold** the Development Services Department's decision to **Approve** Neighborhood Use permit No. 520536 (Sprint Nextel – Project No. 16218); and

6. **Deny** the appeal and **Uphold** the Development Services Department's decision to **Approve** Neighborhood Use Permit No. 520534 (AT&T – Project No. 10860).

Community Planning Group Recommendation:

First Recommendation:

Sprint Nextel – (Reviewed originally as Sprint.) On October 1, 2003, the Rancho Penasquitos Planning Board voted 15-1-0 to recommend approval of the Sprint project, which included a collocation facility on the existing Verizon faux tree and an associated equipment enclosure. Conditions included modifying the existing Verizon tree to appear more realistic, planting six to ten pine trees to assist in blending, and providing revegetation of the trench associated with the Sprint and Verizon facilities.

AT&T Mobility– (Pre-Cingular and reviewed originally as AT&T) On August 6, 2003, the Rancho Penasquitos Planning Board voted 10-4 to recommend approval of the AT&T project, which included a new 35 foot high faux tree and an associated equipment enclosure. Conditions included requiring a realistic looking tree, allowing collocation on the tree and planting a sufficient number of pines around the faux tree to aid in blending the tree.

T-Mobile – (Submitted originally as Cingular.) On August 6, 2003, the Rancho Penasquitos Planning Board voted 11-3 to recommend approval of the T-Mobile project, which included a 35 foot high faux tree and an associated equipment enclosure. Conditions included requiring a realistic looking pine tree and additional landscape.

Second Recommendation:

Sprint Nextel – On May 3, 2006, the Rancho Penaquitos Planning Board voted 13-0-0 to rescind their original recommendation of approval and recommended denial of the revised project.

AT&T – On May 3, 2006, the Rancho Penasquitos Planning Board voted 13-0-0 to rescind their original recommendation of approval and recommended denial of the revised project.

T-Mobile – On May 3, 2006, the Rancho Penasquitos Planning Board voted 10-3-0 to rescind the original recommendation and voted 11-2-0 to recommend denial of the T-Mobile project. (This project was not legally docketed for review by the planning group.)

Environmental Review:

Sprint Nextel – Negative Declaration No. 16218 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

AT&T – Negative Declaration No. 10860 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

T-Mobile – Negative Declaration No. 6749 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

The Notices of Right to Appeal were posted on January 8, 2008 according to Land Development Code Section 112.0310. The Notices of Decision were filed with the County Recorder on February 1, 2008 and consequently the environmental documents may not be appealed.

Fiscal Impact Statement: All costs associated with the processing of this appeal will be paid from deposit accounts maintained by the applicants.

Code Enforcement Impact: None.

Housing Impact Statement: None.

BACKGROUND

This project includes three separate applications for Wireless Communication Facilities (WCF's) on the northwest corner of the sports field at Black Mountain Middle School (Attachment 1). Currently, there is one existing 44 foot high faux pine tree ("monopine") on the property that supports panel antennas for Verizon Wireless. Sprint Nextel is proposing to add panel antennas to the existing monopine. Sprint will install additional branches to enhance the appearance of the tree and better screen the antennas. An additional monopine, 35 feet tall, is being proposed by T-Mobile and will support their panel antennas as well as AT&T's. Three equipment enclosures are included in these applications ranging in size from 240 square feet to 466 square feet. (Attachments 5 and 6) Verizon's equipment enclosure is existing, previously permitted, and located on the lower field at Sunset Hills Elementary School below the monopine.

The project site is located at 9353 Oviedo Street in the Rancho Penasquitos Community Planning area (Attachments 1,2 and 3). This portion of the property is zoned RS-1-14 and is designated for school use in the community plan (Attachment 2). Surrounding land uses include single unit residential to the west across Black Mountain Road, Mt. Carmel High School to the east, Sunset Hills Elementary School to the north and single unit residential and commercial below to the south (Attachments 1 and 4). The portion of the sports field where the WCF's are proposed sits approximately 50 feet above the adjacent street level.

The overall scope of the project has changed over the years since each project was originally submitted in 2003 (Attachment 18), making these projects subject to the previous regulations – Section 141.0405 of the Land Development Code (LDC), Communication Antennas (Attachment 20). Company mergers and buyouts resulting in name changes have stimulated project modifications.

Original Project Scope:

AT&T (Pre-Cingular) originally proposed a new faux tree as well, supporting 12 antennas with associated equipment located in a 408 square foot enclosure. During the processing of the project, AT&T sold their network to Cingular who took over the processing of the application and eliminated the need for the tree by agreeing to collocate with T-Mobile on their proposed tree and increasing the size of their equipment enclosure to 466 square feet. Cingular has since changed their name to AT&T Mobility.

Prior to the Sprint Nextel merger, Nextel's application proposed to add 12 antennas to the Cingular (now T-Mobile) tree and construct a 460 square foot enclosure. Sprint originally proposed to locate six antennas on the Verizon tree and construct a 180 square foot enclosure. Sprint and Nextel merged in 2005 and as a result dropped the Nextel application in pursuit of a single Sprint Nextel application to collocate on the Verizon tree.

Cingular originally submitted an application for a 30 foot high faux tree supporting 12 antennas and an associated 466 square foot enclosure. During the processing of the project, Cingular sold their network to T-Mobile who took over the processing of the application. The T-Mobile tree is the only new faux tree being proposed as part of this project.

The original project scope consisted of two monopines in addition to the existing Verizon monopine all supporting a variety of antennas. A total of four new equipment enclosures (Sprint, Cingular, T-Mobile, and Nextel) would have supported the proposed antenna facilities.

New Project Scope:

The new project scope consists of one new monopine in addition to the existing Verizon monopine. A total of three equipment enclosures will be located at the northwest corner of the sports field adjacent to the monopines. The facilities are visible from the field and from Black Mountain Road, but with the additional landscape proposed on site and the adjacent slope, the facilities will be well integrated into the setting. Because these projects were submitted and deemed complete in 2003, they are subject to the previous Communication Antenna regulations (Section 141.0405), which require facilities to be minimally visible through the use of architecture, landscape architecture, and siting solutions.

Locating a wireless communication facility on a residentially zoned property that contains a non-residential use required a Neighborhood Use Permit (NUP) Process 2. The projects were reviewed and found to be consistent with the Communication Antenna regulations. On January

7, 2008, the Development Services Division approved the three NUP's. The appeal period ended at the close of business January 23, 2008. The permits were signed and recorded and the school district initiated improvement activities that were contingent on approval of the NUP's. On July 7, 2008, staff discovered that an appeal of the projects had actually been filed by Charles Sellers, Chair of the Rancho Penasquitos Planning Board. Due to a clerical error, the appeal had been misrouted and never came to the attention of the project manager.

DISCUSSION

Project Description:

The current project consists of the addition of one monopine located near the existing Verizon monopine on the northwest corner of the Black Mountain Middle School sports fields. Each monopine will support a total of 24 antennas, consisting of 12 per carrier.

- Sprint Nextel – collocate 12 antennas on to the existing Verizon monopine and add a 240 square foot equipment enclosure.
- AT&T – collocate 12 antennas on to the proposed T-Mobile monopine and add a 466 square foot enclosure.
- T-Mobile - 35 foot high monopine supporting 12 antennas and a 466 square foot equipment enclosure.

Not only are the facilities situated 50 feet above the street level, the actual location of the facilities is far removed from any residential structures and from the surrounding school classrooms.

Community Plan Analysis:

The Rancho Penasquitos Community Plan does not specifically address wireless communication facilities, however the Community Appearance and Design Element does recommend that new development be sensitive to the environment. Additionally, the City's General Plan requires that wireless facilities be minimally visible and be visually respectful and compatible with the community. Rancho Peñasquitos is a community physically characterized by a unique system of canyons, hillsides and ridges. As a consequence, most of the neighborhoods in the community possess substantial open space areas and views into canyons. A major issue in the community is the preservation of open space and significant environmental resources including major canyon systems, sensitive slopes and tree grove areas. One of most sensitive environmental resources in the community includes Black Mountain and its surrounding hillsides. The proposed project will be located at the foothill of Black Mountain.

The antennas associated with these facilities are proposed to be mounted on monopines located on the perimeter of a sports field. The addition of landscape material adjacent to the wireless facilities, as well as on the nearby slope, will serve to blend the monopines into the surroundings. Equipment associated with the monopines will be located within enclosures,

surrounded by block walls with trellis structures. The design of the enclosures will be consistent between the three carriers. Based on the project's design, it can be determined that the proposed wireless communication facilities are compatible with the City's General Plan and meets the intent of Community Appearance and Design section of the Rancho Penasquitos Community Plan.

Environmental Analysis:

Environmental Initial Studies, prepared in accordance with the California Environmental Quality Act (CEQA), were conducted for each of the proposed projects. Potential adverse impacts to biology, health and public safety and geology were identified and analyzed during the review process. Separate Negative Declarations were prepared for each of the projects in accordance with CEQA.

Appeal:

On January 15, 2008, Charles Sellers, Chair of the Rancho Penasquitos Planning Board appealed the Development Services Department decision to approve all three NUP's, siting that the decision was in direct conflict with the planning group's vote of May 3, 2006 recommending denial of all three projects (Attachment 21).

On May 3, 2006, the planning group reviewed the Cingular (now AT&T) and Sprint Nextel projects and voted to recommend denial of the projects based on the following:

1. The carriers did not provide alternate locations for situating their facilities.
2. The equipment should be located underground.
3. The location of equipment shelters should be modified.
4. If equipment is not vaulted underground, then locate all equipment in one building.
5. Use of soccer fields is being eliminated.
6. The carriers did not communicate with the community.

The planning group also voted to reconsider the original approval of the T-Mobile project. Contrary to Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups) the project was not published in the agenda for May 3, 2006 and therefore, the group's action is not considered to be a valid recommendation. They proceeded to vote to recommend denial of the facility stating that it was intermingled both physically and conceptually with the AT&T (Cingular) project, which had changed since the first vote and that the T-Mobile monopine could no longer stand on its own.

Staff Response:

Site justifications submitted by the carriers indicate that this site is the only one of four non-residential sites within the search ring area which meet the carrier's coverage objectives (Attachment 8). Three of the four sites are schools and one is commercial. The commercial

property sits approximately 20 feet below the proposed project site and coverage to Black Mountain Road and Highway 56 would be very limited due to the lower elevation. The proposed project site achieves the coverage objective for all three carriers. All other land uses within the search ring are residential. As an institutional use, the proposed project site is a Preference 2 location, which the City considers more preferable for these types of facilities over the other lower preference land uses. LDC Section 141.0405 (Communication Antennas, Attachment 20) also encourages collocation achieved by this application, which includes three additional carriers where one already exists. The addition of a variety of shrubs and trees will help to blend the facilities into the surroundings.

The Poway Unified School District has indicated that the impacts to the school and its everyday activities would be significant if the equipment were to be vaulted underground. The limits of construction would greatly increase in order to accommodate the area needed for a vault and that would affect timing and the duration of the activities as well as school operations. As it is, the enclosures would be minimally visible from the surrounding properties due to the elevation differences. The trellis structures above the enclosures and added landscape material will work to screen the facilities and enhance views of the project site. The equipment enclosures are proposed to be located on the northwest corner of the sports field away from the activities that occur on the field. The field is not currently being utilized by soccer clubs, but in the past when soccer tournaments have occurred on site, the fields have not been impacted by the existing Verizon monopine.

In terms of communication between the carriers and the community, the planning group has been involved in the review of these projects over the years. A wireless subcommittee was initiated as a result of community interest several years back. These projects have received two different recommendations from the group within a three-year span.

Conclusion:

Staff has reviewed the projects separately and has determined that each one not only complies with the development regulations for the RS-1-14 zone, but the overall project also complies with the Communication Antenna regulations and Council Policy 600-43. The facilities are proposed at a Preference 2 location on the perimeter of a sports field, which is at a higher elevation than the surrounding neighborhood. Additional landscape will enhance the project area and will allow the facilities to blend into the setting in which they are proposed. It should also be noted that the Telecommunication Act of 1996 precludes local jurisdictions from unreasonably discriminating among providers of functionally equivalent services. The fact that a Verizon facility exists at the site should highlight the fact that, as with any wireless project, it is imperative to make detailed and concrete findings. Staff recommends that the Planning Commission deny the appeal and uphold the Development Services Department's decision to approve the Neighborhood Use Permits.

ALTERNATIVE

1. **Approve** Neighborhood Use Permits **with modifications.**

2. **Deny** Neighborhood Use Permits, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Development Services Department

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BROUGHTON/kla

Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Location Map
4. Data Sheet
5. Enlarged Site Plan
6. Photo Sims
7. Coverage Maps
8. Site Justification
9. Site Photos
10. T-Mobile Permit
11. T-Mobile Resolution
12. AT&T Permit
13. AT&T Resolution
14. Sprint Nextel Permit
15. Sprint Nextel Resolution
16. Community Planning Group Recommendations
17. Ownership Disclosure Statement and Corporate Officers
18. Project Chronology
19. Planning Commission Notices
20. LDC 141.0405
21. Copy of Appeals
22. Plans