

LA IOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900 http://www.LaJollaCPA.org Email: Info@LaJollaCPA.org Regular Meeting – 4 February 2010

Attention: Simon Tse, DPM, City of San Diego

- Project: Sprint Nextel/Clearwire Cliffridge Park 8311 Cliffridge Avenue PN 194434
- Motion: To accept the recommendation of the PRC Vote: 15-0-1 Committee: to approve the Sprint Nextel Clearwire Cliffridge Park application and forward the recommendation to the City.

Submitted by:

Joseph La Cava

4 February 2010

Joe LaCava, President La Jolla CPA Date

PRC Committee, Jan 2010 Sprint Nextel/Clearwire Cliffridge Park - Second Hearing

• PROJECT NUMBER: 194434

• TYPE OF STRUCTURE: Cell site

LOCATION: Cliffridge Park - 8311 Cliffridge Avenue

• PLANNER: Simon Tse PH 619-687-5984 e-mail: stse@sandiego.gov

• OWNERS REP: Debra D. Gardner 619-726-8110

• PROJECT DESCRIPTION: Conditional Use Permit for a Clearwire wireless communication facility inside two existing foul poles whose height will be increased by 6 feet (one dummy) concealed behind RF transparent materials with above ground equipment inside a chain-link fence with slats. [The project consists of new panel antennas and new directional antennas on two existing poles (left field line one is a dummy to match) with new RF raydomes. The associated equipment will be installed inside the existing chain-link fence enclosure.] (City) Further from applicant: add 4'x4' equipment area to existing equipment facility.

Motion

Based on the plans dated 1/21/10 and presented to the committee, findings can be made for a CUP for the proposed Sprint/Nextel/Clearwire development. Motion approved: 6-0-1



PO Box 889, La Jolla, CA 92038 http://www.LaJollaCPA.org Voicemail: 858.456.7900 info@LaJollaCPA.org President: Joe LaCava Vice President: Tony Crisafi Treasurer: Jim Fitzgerald Secretary: Nancy Manno

La Jolla Community Planning Association

Regular Meetings: 1"Thursday of the Month

Thursday, 4 February 2010

La Jolla Recreation Center, 615 Prospect Street

D R A F T MINUTES - REGULAR MEETING

<u>Present:</u> Michele Addington, Darcy Ashley, Tom Brady, Michael Costello, Dan Courtney, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Glen Rasmussen, Greg Salmon, Ray Weiss.

Absent: John Berol

1. Welcome and Call To Order: Joe LaCava, President @ 6:10 PM

2. Adopt the Agenda

Approved Motion: To adopt the Agenda, (Ashley/Addington 13/0/1).

In favor: Addington, Ashley, Brady, Costello, Fitzgerald, Little, Lucas, Manno, Merten, Rasmussen, Salmon, Weiss. Abstain: LaCava.

3. Meeting Minutes: Review and Approval: 07 January 2010

Approved Motion: To approve the Minutes of 07 January 2010, (Ashley/Salmon 11/0/3). In favor: Addington, Ashley, Brady, Costello, Fitzgerald, Little, Lucas, Manno, Merten, Rasmussen, Salmon. Abstain: Gabsch, LaCava, Weiss

4. Elected Official Reports – Information Only

A. Council District 2 – Councilmember Kevin Faulconer Rep: **Thyme Curtis**, 619.236.6622, <u>tcurtis@sandiego.gov</u> Not present.

President LaCava reported for Ms. Curtis: Medical Marijuana Task Force is continuing its work. San Diego City Council action re Medical Marijuana: in early January focused on questions of regulation of facilities: expected to go to Land Use and Housing in early March. Task Force primarily discussing operation and enforcement issues. **President LaCava** referred interested community members to San Diego City website for Medical Marijuana Task Force meeting Minutes and Agendas.

B. Council District 1 – Councilmember Sherri Lightner

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Present: Made report: Commented on the volume of telephone calls/e mails re the recent severe storm and the need for patience within the community while repairs are being made as rapidly as possible. Invited community members to attend the LJSPDO meeting to hear Director of Neighborhood Code Compliance, **Robert Vachhi** speak. **Trustee Weiss** questioned scheduling of Street Sweeping. **Ms. Demorest** referred Trustees and community members to Councilmember Lightner's District One web site for additional information on these and other community questions.

5. Non-Agenda Public Comment

Issues not on the agenda and within CPA jurisdiction, two (2) minutes or less.

Esther Viti, Chair, Beautification Streetscape Committee invited the community to participate in the "La Jolla Clean-up."

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability. *Time Certain simply means the item will not be heard any earlier than the listed time. Helen Boyden, Chair, LJS PDO, Permit Review Sub Committee announced an additional committee meeting in February.

Steve Haskins, Director, La Jolla Village Residents Association, (No Third Story). Announced a milestone in the lawsuit against the Bird Rock Station project. The Superior Court of California, County of San Diego, Judge Ronald S. Prager has ruled: San Diego City Council's approval of the "Negative Declaration" was incorrect. The project cannot proceed without a full EIR. **Mr. Haskins** suggested this ruling would essentially end these kinds of projects.

Joanne Pearson, Buckingham Drive, La Jolla, commented on community concern regarding a neighboring residential project, (1505 Buckingham Dr.): excessive size, no second notification re increased size of project. **President LaCava** commented/clarified DPR subcommittee approval and noted the Appeal period has not been exhausted.

Trustee Merten commented: The project is on a very large lot, and therefore the FAR is very low. **Barbara Hinton**, Buckingham Drive expressed opposition to this very large, massive project. **President LaCava** reiterated the Appeal period is still open.

David Katz spoke in opposition to the project; specifically expressed concern re ongoing water drainage problems in this area.

Trustees Gabsch, Weiss, Crisafi, Lucas, Ashley commented, with concern, on the Buckingham Drive project. **President LaCava** acknowledged the DPR and the LJCPA made administrative errors in summarizing the scope of this project in the LJCPA Consent Agenda.

Trustee Merten commented and then described this project, when it came before the DPR sub-committee: described the DPR sub-committee concerns relative to the project, and the applicant's modification of the project. **Trustee Merten** considered the DPR sub-committee vote to be well informed and noted, (referring to **President LaCava's** previous remarks), that if there are community/neighbor objections, an appeal of the decision to approve the project remains an option, to those parties in opposition to the project.

Ellen Shively spoke on behalf of the proposed Marine Mammal Park.

Trustee Ashley has made available to the community, copies of the La Jolla Shores Planned District Urban Design Manual.

Trustee Ashley reported: the Barkett Street vacation, expected to be heard at City Council in February, has been continued to March 02, 2010. **Trustee Ashley** appealed to the community to support the decision of the LJCPA to deny the street vacation, by appearing and speaking at the March 02, 2010 City Council meeting.

A. UCSD - Planner: **Anu Delouri**, <u>adelouri@ucsd.edu</u>, <u>http://commplan.ucsd.edu/</u> Please refer to Agenda Item #10.

6. President's Report – Action Items Where Indicated

A. Community Planners Committee – <u>http://www.sandiego.gov/planning/community/cpc/index.shtml</u> No specific actions taken in January 2010.

B. Rainbow Curbs – With success of Phase 1 (12 spaces), City moving forward on balance. This nearly one-year-old project will, at last, be completed this month, (February 2010). The community will have 45 new/additional on street parking spaces, at the cost of a few gallons of paint.

C. City's Wireless Task Force – Mtgs are 2nd and 4th Wednesday, 8am Community members interested in wireless issues were invited to participate in Task Force meetings by President LaCava, chair of this citywide task force.

D. Sustainable Buildings – Expansion of incentives being considered.

San Diego City briefly considered amending the incentive programs, before discarding the suggestions as inappropriate.

E. Rigoberto's (fka Taco Bell) – Code Compliance success story.

The proprietors of "Rigoberto's, unaware of La Jolla "rules," were appraised of the rules by Code Enforcement and are now in compliance.

F. Website Renewal – Domain and hosting for 2 years, \$116 (Trustees to ratify). Approved Motion: Motion to ratify expense of \$116.00 for website renewal. (Addington/Costello 15/0/1).

In favor: Addington, Ashley, Brady, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Rasmussen, Salmon, Weiss. Abstain: LaCava.

G. Expiring Memberships – Sent out 3 emails, tonight is last chance to renew in order to vote.
President LaCava noted: This is the last opportunity to become a member/renew a membership, enabling a vote in the March election.

H. Annual Member Meeting – Thursday, March 4, 2010, 6:00 PM shall be the Annual Meeting of the Members as provided for in the bylaws with the regular March meeting to immediately follow. (Trustees to ratify). **Approved Motion: Motion to ratify March 04, 2010 as annual Member meeting. (Gabsch/Fitzgerald**

15/0/1).

In favor: Addington, Ashley, Brady, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Rasmussen, Salmon, Weiss.

Abstain: LaCava.

I. Annual Elections – Thursday, March 4, 2010

President LaCava noted:

1. Voting will be from 3:00 pm to 7:00 pm, La Jolla Rec Center.

2. Neither Proxy votes nor electioneering within 90 feet is allowed per the bylaws.

3. Bring Proof of Identity per the bylaws.

4. Be nice to poll workers, they are volunteers serving the community.

Trustee Michelle Addington will chair the Election Committee and will appreciate volunteer assistance during the election.

7. Officer's Reports

A. Treasurer – Jim Fitzgerald

Beginning Balance: \$326.63 + Income \$195.04 - (Expenses \$64.48) = Ending Balance: \$457.19. Expenses: Printing, telephone.

Trustee Fitzgerald commented on the generosity of the Membership and reminded Trustees, Members and guests: LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. All donations must be in cash to preserve anonymity.

B. Secretary – Nancy Manno

Remarks, prepared by **John Berol**, read by **President LaCava**, for secretary **Nancy Manno**: If you want your attendance recorded today, please sign-in at the back of the room. You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become a Trustee. If you want your attendance recorded without signing-in at the back, then hand to me before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded. Eligible non-members wishing to join must have recorded attendance for one meeting and must submit an application, which is available at the membership table and on-line.

8. CONSENT AGENDA - Ratify or Reconsider Committee Action

.. **.

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for full discussion.

Items pulled from this Consent Agenda are trailed to the next CPA meeting.

PDO - Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR - Development Permit Review Committee, Chair Tony Crisafi, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

A. JORDON RESIDENCE

DPR - Findings can be made that the project meets requirements for the CDP, 10-0-0. 448 Coast Blvd. South - Coastal Development Permit for a 155 SF storage room addition and a 273 SF deck to an existing single-family residence in Zone 5 of the LJ Planned District.

B. MARCUS RESIDENCE Pulled by Trustee Lucas

PRC - Findings can be made, 5-2-1 (See minutes for full committee comment)

8551 Sugarman Drive - Demolition of existing house and construction of a new two story single-family house with a basement/garage and a pool. Lot Size: 11,585 sq. ft. Existing: 1676 sf; Proposed addition: 3072 SF (originally proposed 4537 SF). La Jolla Shores Planned District. Note: Applicant returned to PRC with a redesigned project.

C. SPRINT NEXTEL/CLEARWIRE CLIFFRIDGE PARK

PRC - Findings can be made for CUP, 6-0-1.

8311 Cliffridge Avenue (Cliffridge Park) - Conditional Use Permit for a Clearwire wireless communication facility inside two existing foul poles concealed behind RF transparent materials with a new above ground 4'x4' equipment inside a chain-link fence with slats. The project consists of new panel antennas and directional antennas on two exist pole with new RF ray domes. The associated equipment will be installed inside the existing chain-link fence enclosure.

D. AT&T GILMAN COURT

PRC – Findings can be made for CUP renewal, 6-0-1.

7660 Gilman Court - CUP renewal of existing AT&T Wireless site located just north of electric substation. NUP for an existing wireless communication facility at 7660 Gilman Court. Also seeking SDP for environmentally sensitive lands adjacent to site.

E. LA JOLLA HALF MARATHON

T&T – To approve the proposal, 6-0-0.

29th running of the event with no changes from previous years.

F. CHANGE SPEED LIMIT ON LA JOLLA BLVD (From 35mph to 30mph)

T&T – To deny the request, 5-1-0.

City found 85% is 37mph and thus stretch from Camino de la Costa to Gravilla is eligible for speed limit reduction.

G. "DO NOT BLOCK" SIGNS AND PAINTING INTERSECTION OF PEARL & FAY

T&T – To reject the proposal, 6-0-0.

H. CHANGE SPEED LIMIT ON TORREY PINES ROAD (From 45mph to 40mph) Pulled by Trustee Merten

T&T – To approve the proposal, 5-1-0.

City stated analysis would allow reduction from Pottery Park Driveway to North Torrey Pines Road.

Approved Motion: Motion to accept the recommendation of the DPR Committee: (A) Jordon Residence: Findings can be made that the project meets requirements for the CDP and forward the recommendation to the City. To accept the recommendation of the DPR Committee: (C) Sprint Nextel/Clearwire Cliffridge Park: Findings can be made for CUP and forward the recommendation to the City. To accept the recommendation of the PRC Committee (D) AT&T Gillman Court: Findings can be made for CUP renewal and forward the recommendation to the City. To accept the recommendation of the T&T Committee (E) La Jolla Half Marathon: to approve the Proposal and forward the recommendation to the City. To accept the recommendation of the T&T Committee (F) Change Speed Limit On La Jolla Blvd. (From 35mph to 30mph): To deny the request and forward the recommendation to the City. To accept the recommendation of the T&T Committee (G) "DO NOT BLOCK" Signs and Painting Intersection of Pearl & Fay: To reject the proposal and forward the recommendation to the City. (Ashley/Gabsch 15/0/1). Minutes of the La Jolla CPA, 4 February 2010 Page 5 of 6

In favor: Addington, Ashley, Brady, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Rasmussen, Salmon, Weiss. Abstain: LaCava.

9. REPORTS FROM OTHER ADVISORY COMMITTEES Information only unless otherwise noted

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD - Inactive

San Diego City has determined there is a retroactive conflict of interest re certain Board members.

B. COASTAL ACCESS AND PARKING BOARD - Meets 1st Tues, 4pm, Rec Center

No report/action this month.

10. UCSD/SIO - SEWER RELOCATION

SIO Campus, Biological Grade (North end) – Easement Vacation/Abandonment and Coastal Development Permit (Process 5) for existing City sewer main easements to be relocated from a parking lot into an existing private road. All to support realignment of a city sewer line that also services private residences on Allentown Road and La Jolla Shores Lane.

Explanatory presentation: President LaCava suggested the Trustees, in addition to either expressing approval or denial of the Project, may consider simply accepting the report, thereby assuring the City that the La Jolla CPA heard the Proposal.

Presentation: Anu Delouri, UCSD - Planner, Ms. Delouri described the Project and referred the Trustees to the UCSD web site for additional information. Trustee Costello had questions re parking lot. Trustee Crisafi questioned/ expressed surprise re lack of an EIR report. Ms. Delouri will provide follow-up information for Trustee Costello and Trustee Crisafi.

Approved Motion: Motion to accept the University's, (UCSD), report for the above-described project. (Merten/Costello 12/2/2)

In favor: Addington, Ashley, Brady, Costello, Courtney, Fitzgerald, Little, Manno, Merten, Rasmussen, Salmon. Opposed: Gabsch, Lucas

Abstain: LaCava, Weiss.

11. CANDIDATE FORUM

Opportunity for candidates in March election to present their qualifications and reasons for running (maximum 2 minutes each.)

Candidates: Devin Burstein, Michael Costello, Laura DuCharme Conboy, Timothy Lucas, Robison Whittemore, Ray Weiss introduced themselves and presented their qualifications for the Members consideration. Approved Motion; Motion to confirm the eligibility of the six declared Candidates. (Ashley/Gabsch 11/0/4).

In favor: Addington, Ashley, Brady, Courtney, Fitzgerald, Gabsch, Little, Manno, Merten, Rasmussen, Salmon. Abstain: Costello, LaCava, Lucas, Weiss.

12. **PROSPECT RESIDENTIAL CARE**

Continued from CPA meeting of January 7, 2010

484 Prospect Street - Conditional Use Permit (CUP) to change the use from office to a residential care facility in an existing 17,838 square foot building in Zone 5A of the La Jolla Planned District.

Note: Action may include waiving CPA Policy prohibiting Conditional Approvals.

Presentation: Ms. Diana Scheffler, James Alcorn & Associates for Applicant: 484 Prospect Senior Living. The Applicant's representatives, and the Applicant made an extensive presentation, focusing principally on the Operating Conditions that are to be made a part of their application for a CUP. Trustee Lucas asked for clarification re Courtyard area. Community member, Ms. Kim Basinger questioned the Applicants representative in regard to the Courtvard area and valet parking services.

President LaCava opened public discussion to those community members who wished to speak in support of the project, (there were none), and then to those community members who wished to express their concern regarding the negative impact of the project.

Presentation: Mr. Morris Nachtomi and Mr. Mathew Loonin: 464 Prospect Street Homeowners.

An extensive presentation, describing the negative impact of the project, was made by **Mr. Nachtomi** and **Mr. Loonin**, Resident Homeowners of 464 Prospect Street. **Mr. Nachtomi** and **Mr. Loonin** principally focused their remarks on the very severe negative impact this project will have on the individual residents of 464 Prospect, their quality of life, their privacy, and the extensive negative impact on the surrounding area. Resident, **Mr. Peter Clark** expressed concerns re density and institutionalization. Resident, **Mr. Will Newburn** expressed concerns re density, privacy and urged the Trustees to consider the long term effect the project will have on the residents of 464 Prospect, as well as the surrounding community. Resident, **Mr. Jack Florio**, expressed concerns re density and the lack of answers to questions he posed to the Applicant.

Trustees Addington, Ashley, Brady, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Rasmussen, Salmon, Weiss and President LaCava commented on the Applicants proposal and thoughtfully questioned the Applicants representatives. Trustees addressed the concerns of the Resident's of 464 Prospect and thoughtfully questioned those Residents who voiced their concerns regarding the project.

Failed Motion: Motion to deny: Findings cannot be made for CUP: the proposed use is inappropriate at the proposed location, due to the substantial increase in density and hours of use. (Addington/Fitzgerald 6/8/1).

In favor: Addington, Costello, Fitzgerald, Gabsch, Lucas, Manno. Opposed: Ashley, Brady, Courtney, Little, Merten, Rasmussen, Salmon, Weiss. Abstain: LaCava.

Failed Motion: Motion to approve the proposed use, (CUP), as presented, including the Operating Conditions, dated February 04, 2010, and include an Annual Review with representatives from 464 Prospect, 484 Prospect, the LJCPA and San Diego City as participants. (Courtney/Ashley 7/7/1) In favor: Ashley, Brady, Courtney, Little, Merten, Rasmussen, Salmon. Opposed: Addington, Costello, Fitzgerald, Gabsch, Lucas, Manno, Weiss. Abstain: LaCava.

Trustee Merten: Citing Robert's Rules of Order regarding the obligation of the chair to break a tie vote: requested the maker of the last motion to repeat his motion: **President LaCava** repeated **Trustee Courtney's** previous motion and the Trustees did vote, thereby allowing the Chair, (**President LaCava**), to break the tie vote.

Failed Motion: Motion to approve the proposed use, (CUP), as presented, including the Operating Conditions, dated February 04, 2010, and include an Annual Review with representatives from 464 Prospect, 484 Prospect, the LJCPA and San Diego City as participants. (Courtney/Ashley 7/8/0) In favor: Ashley, Brady, Courtney, Little, Merten, Rasmussen, Salmon.

Opposed: Addington, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Weiss.

13. ADJOURNMENT @ 9:10 PM

Next Regular Meeting: Thursday, 4 March 2010

- A. Annual Members Meeting
- B. Annual trustee elections (6 seats)
 - 1. Voting open from 3 pm to 7 pm, La Jolla Recreation Center
 - 2. Neither proxy voting nor electioneering within 90 feet is allowed.
 - 3. Bring Proof of Identity.
 - 4. Be nice to poll workers, they are volunteers serving the community.

Ownership Disclosure Statement

City of San Diego Development Services		nership Disclosu
1222 First Ave., MS-302 San Dlego, CA 92101 (619) 446-5000	Ow	nership Disclosu Stateme
Тис СПУ ОГ Вая Влав		olaleme
Approval Type: Check appropriate box for type of approval (s) reques U Neighborhood Development Permit D Site Development Permit U F D Variance D Tentative Map U Vosting Tentative Map U Map Waive	Planned Development Permit	Conditional Use Permit
Projoct Title		Project No. For City Use Only
CLIFFRIDGE PARK		194454
Project Addross:]
8311 Cliffridge Avenue, La Jolla, CA 92037		
Part I - To be completed when property is held by Individual	s)	
above, will be filed with the City of Sen Diego on the subject property, wi ist below the owner(s) and tenant(s) (if applicable) of the above reference persons who have an interest in the property, recorded or otherwise, and he permit, all individuals who own the property). A signature is required aceded. A signature from the Assistant Executive Director of the San O vhich a Disposition and Development Agreement (DDA) has been appro- or notifying the Project Manager of any changes in ownership during the ownership are to be given to the Project Manager at least thirty days pric vurate and current ownership information could result in a delay in the he	ad property. The list must inc d state the type of property intr <u>of al least one of the property</u> lego Rodovelopment Agency s wed / executed by the City Co e time the application is being or to any public hearing on the	clude the names and addresses of all erest (e.g., tenants who will benefit fror <u>vowners</u> . Attach additional pages if shall be required for all project percels uncil. Note: The applicant is responsit processed or considered. Ghanges in
dditional pages attached 🖸 Yes 🗖 No		
Name or Individual (type or print):	Name of Individual (type	e or print):
Owner D Tenant/Lessee D Redevelopment Agancy	Owner O Tens	anVLessec 🛛 Redevelopment Age
Street Address:	Street Address:	
1200 3rd Avenue 17th Floor City/State/Zip:	City/State/Zip;	
Phone No: Fax No:	Phone No:	Fax No:
619-236-6722 Signature : Date:	Signature :	Date:
Name of Individual (type or print):	Name of Individual (type	a or print):
Owner D Tenant/Lessee D Redevelopment Agency	Owner D Tena	ant/Lessee
Street Addreas:	Streat Address:	territori de la companya de la comp
City/State/Zip;	City/State/Zip:	and the second
Phone No: Fax No:	Phone No:	Fax No:
Signature : Date:	Signature :	Date:

This information is available in alternative formals for persons with disabilities. Be sure to see us on the World Wide Web at www.sandlego.gov/development-services DS-318 (5-05)



THE CITY OF SAN DIEGO

DATE OF NOTICE: June 22, 2010

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: TIME OF HEARING: LOCATION OF HEARING: July 8, 2010 9:00 A.M. Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101

PROJECT TYPE: PROJECT NUMBER: PROJECT NAME: APPLICANT:

COMMUNITY PLAN AREA: COUNCIL DISTRICT:

CITY PROJECT MANAGER: PHONE NUMBER: CONDITIONAL USE PERMIT 194434 <u>SPRINT CLEARWIRE CLIFFRIDGE PARK</u> Debra Gardner

La Jolla 1

SIMON TSE, Development Project Manager (619) 687-5984

As a property owner, tenant or person who has requested notice, you should kn0ow that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application to modify an existing Wireless Communication Facility at 8311 Cliffridge Avenue, La Jolla, CA 92037. The modification consists of increasing the existing the height of the foul pole at Cliffridge Park by 6 feet (total of 26-ft above ground) with the Clearwire antennas concealed inside. Both foul poles will be increased in height for consistency. The equipment associated with this project shall be installed alongside the existing equipment behind a chain linked fence to match the existing wireless communication providers on site. The project requires a Conditional Use Permit, Process 4, Planning Commission decision.

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 <u>www.sandiego.gov/development-services</u> 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 March 17, 2010, and the opportunity to appeal that determination ended on May 3, 2010. 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.

Internal Order No. 24000232

ATTACHMENT 13

SPRINT CLEARWIRE CLIFFRIDGE PARK PROJECT CHRONOLOGY PTS #194434 INT #24000232

Date	Action	Description	City Review	Applicant Response
9/21/2009	First Submittal	Project Deemed Complete		
11/3/2009	First Assessment Letter		43 days	
1/28/2010	Second Submittal			86 days
2/4/2010	Community Planning Group Presentation			7 days
5/28/2010	All issues resolved by applicant	Pending RF Report		123 days
7/8/2010	Public Hearing – Planning Commission		41 days	
Tota	al Staff Time:	Does not include City Holidays and Furlough	84 days	
Total A	Applicant Time:	Does not include City Holidays and Furlough		216 days
Total Pro	ject Running Time:	From Deemed Complete to PC Hearing	300 days	

NOTICE OF EXEMPTION

TO: <u>X</u> RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422 FROM: CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH 1400 TENTH STREET, ROOM 121 SACRAMENTO, CA 95814

PROJECT AND SAP Nos.: 194434 / 24000232

PROJECT TITLE: SPRINT- CLIFFRIDGE PARK

PROJECT LOCATION-SPECIFIC: APN No. 346-340-0800, City baseball field west of 8311 Cliffridge Avenue, La Jolla, CA 92037

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit for a Wireless Communication Facility (WCF) in Cliffridge Park in the OP-1-1 Zone within the La Jolla Community Plan Area. The project consists of new panel antennas and new directional antennas on two existing poles with new RF raydomes. The associated equipment will be installed to the west, abutting the existing chain link fence enclosure. The project is located in the Coastal Height Limit Overlay Zone, Airport Influence Area and Council District 1.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Bernard Dunham, DePratti Inc. - Agent, 13948 Calle Bueno Ganar, Jamul CA, 91935, (619) 944-9564.

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- (X) CATEGORICAL EXEMPTION: NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, SECTION 15303

REASONS WHY PROJECT IS EXEMPT: THE PROPOSED PROJECT WOULD NOT HAVE THE POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE PHYSICAL ENVIRONMENT AS THE NEW ADDITION WOULD ABUT THE EXISTING FACILITIES AND BE A MAXIMUM OF 25 SQUARE FEET IN SIZE.

LEAD AGENCY CONTACT PERSON: Holly Smit-Kicklighter

TELEPHONE: (619) 446-5378

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT? (X)YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

SIGNATURE/TITLE

3/17/2010

CHECK ONE: (X) SIGNED BY LEAD AGENCY () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

JUL 10, 2003 11:35 AM

RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT OFFICIAL RECORDS SAN DIEGO COUNTY RECORDER'S OFFICE GREGORY J. SMITH, COUNTY RECORDER FEES: 25.00

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WHEN RECORDED MAIL TO PERMIT INTAKE MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 41-0289

SITE DEVELOPMENT PERMIT NO. 14366 PROJECT NO. 6295 SPRINT PCS: LA JOLLA SCENIC / CLIFFRIDGE HEARING OFFICER

This Site Development Permit No. 14366 is granted by the HEARING OFFICER of the City of San Diego to THE CITY OF SAN DIEGO, Owner and SPRINT PCS, Permittee pursuant to Chapter 12, Article 6, Divisions 3 and 5, and Chapter 14, Article 1, Division 4 of the Municipal Code of the City of San Diego. The 10.90-acre site is located at 8311 Cliffridge Avenue in the PP (Public Park Area) zone of La Jolla Shores Planned District, in La Jolla Community Plan area. The project site is legally described as portions of Pueblo Lots 1279, 1280, 1296, and 1297 of the Pueblo Lands of San Diego, Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to install and operate an existing wireless communication facility described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated June 25, 2003, on file in the Office of the Development Services Department. The facility shall include:

- a. Two panel antennas inside a 20-foot tall foul pole along the right field line, a 20-foot foul pole along the left field line, and associated equipment cabinets inside an approximately 48-square-foot enclosure; and
- b. Accessory improvements determined by the City Manager 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 Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect 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:

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- The Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. 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 City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the 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 utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

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

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated June 25, 2003, on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall 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 discretionary 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 special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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 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.

10. This Site Development Permit and corresponding use of this site <u>shall expire on June 25</u>, <u>2013</u>. Upon expiration of this permit, the facilities and improvements described herein shall be

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removed from this site and the property shall be restored to its original condition preceding approval of this permit.

11. Prior to the expiration date of this Site Development Permit, the Permittee may submit a new permit application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

12. 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 condition of approval of this permit. Where there is a conflict between a condition (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) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

13. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the 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.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

15. The subject property shall be maintained in a neat and orderly fashion at all times.

16. Construction activities for the proposed facility shall be coordinated with and through the City's Park and Recreation Department to ensure that the construction activities do not conflict with youth activities at the park. Prior to the issuance of the building permit, the applicant shall demonstrate City Park and Recreation Department approval of the construction schedule.

17. The equipment enclosure shall include security fencing on the top of the enclosure. Prior to the issuance of the building permit, the required fencing shall be identified on construction plans.

18. Any existing landscaping damaged due to construction activity shall be replaced in kind.

19. Prior to issuance of a Building Permit, the telecommunication provider shall provide documentation describing evidence that the cumulative field measurements of radio frequency power densities for all antennas installed on the premises are below the federal standards. Radio Frequency measurements shall be taken from each property line, at various lengths, and from within the premises at various locations.

20. All equipment, including transformers, emergency generators and air conditioners shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

21. Routine maintenance and caliberation of the system and all of the associated equipment shall be limited to normal business hours between 8:00 AM and 5:00 PM, Monday through Friday.

APPROVED by the Hearing Officer of the City of San Diego on June 25, 2003.

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ALL-PURPOSE CERTIFICATE

STATE OF CALIFORNIA COUNTY OF SAN DIEGO

Type/Permit # Site Development Permit 14366 Date of Approval June 25, 2003

Firouzeh Tirandazi, Project Manager

On Just 26,2003 before me, Phillip D. Hill (Notary Public), personally appeared Firouzeh Tirandazi, Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he she they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal Signature Phillip D. Hil



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed Sulla acuma Signed
Typed Name STELLA ACUNA- Typed Name Sprint PCS
STATE OF CALIBRANIA
COUNTY OF Jun Diego
On July 2, 2003 before me, Linda Di Sciullo (Name of Notary Public)
personally appeared 5/2/1a acuna, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same

proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

cel Ola Signature

LINDA DI SCIULLO COMM. #1393361 Notary Public-California SAN DIEGO COUNTY My Comm. Exp. Jan 12, 2007

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Plan, La Jolla Shores Precise 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 service 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 ensure that the FCC standards are being met, conditions have been added to the permit to require Sprint PCS 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 with the applicable regulations of the Land Development Code.

The proposed project has been designed to integrate well, and in harmony, with the existing neighborhood park. The project conforms to the City of San Diego Communication Antenna Regulations for a minor unmanned wireless communication facility in a non-residential zone (Municipal Code sections 141.0405), the La Jolla Shores Planned District Ordinance (Chapter 10, Article 3, Division 3), and the Environmentally Sensitive Lands regulations (Chapter 14, Article 3, Division 1) of the Municipal Code.

4. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The 10.90-acre site contains sensitive biological habitat and steep hillsides, however, the proposed improvements would not encroach into these resources. A biological letter report dated April 28, 2003 has been prepared for the project. According to the report, the project site is located approximately 100 feet from the edge of a bluff. The bluff is disturbed and has been cleared of most vegetation to create a dirt road that runs along the baseball field to the edge of the bluff. Fill dirt and grass clippings have been deposited at the edge of the bluff. The report concludes vegetation within the project site consists of ornamental vegetation (ice plant). Adjacent and downslope from the proposed project area, sensitive upland coastal sage scrub vegetation exists. All proposed improvements will occur in an area that has been previously disturbed and contains only ornamental vegetation and therefore no impact to environmentally sensitive lands will occur.

5. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

According to the City of San Diego Seismic Safety Study, the site is mapped within Geologic Hazard Category 26, which represents Ardath with a neutral or favorable geologic structure. The site is currently developed as a park. The project does not propose any grading or alteration of natural land forms, and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.



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6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The 10.90-acre site contains sensitive biological habitat and steep hillsides, however, the proposed improvements would not encroach into these resources. Vegetation within the project site consists of ornamental vegetation (ice plant). Adjacent and downslope from the proposed project area, sensitive upland coastal sage scrub vegetation exists. All proposed improvements will occur in a previously disturbed flat area that contains only ornamental vegetation. Therefore no impact to environmentally sensitive lands will occur.

7. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

The proposed project is not within or adjacent to the Multiple Habitat Planning Area (MHPA) and therefore is consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

8. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The project site is not located adjacent to public beaches and therefore will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

9. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

Based on an Environmental Initial Study, it has been determined that the project will not have a significant effect on the environment and therefore no mitigation is required. A Negative Declaration has been prepared for the project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 14336 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 14366, a copy of which is attached hereto and made a part hereof.

FIROUZEEF TIRANDAZI Project Manager Development Services

Adopted on: June 25, 2003