

THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED:	November 21, 2012	REPORT NO. PC-12-110
ATTENTION:	Planning Commission, A	Agenda of November 29, 2012
SUBJECT:	SPRINT – MUELLER LI PROCESS 4	EWIS - PROJECT NO. 261266
OWNER/ APPLICANT:	4345 MCR Partnership Sprint PCS	

SUMMARY

Issue(s): Should the Planning Commission approve a wireless communication facility (WCF) located at 4345 Murphy Canyon Road in the Kearny Mesa Community Plan area?

Staff Recommendation: Approve Planned Development Permit (PDP) No. 920233.

<u>Community Planning Group Recommendation</u>: On June 20, 2012, the Kearny Mesa Planning Group voted 8-0-0 to recommend approval of the Sprint – Mueller Lewis project on the condition that all permit requirements are complied with in a reasonable timeframe (Attachment 9).

Environmental Review: This project is not pending an appeal of the environmental determination. This project is exempt from environmental review pursuant to Article 19, Section 15301, Existing Facilities. The environmental exemption determination for this project was made on October 10, 2012, and the opportunity to appeal that determination ended October 24, 2012 (Attachment 7).

Fiscal Impact Statement: All project related costs associated with processing this permit are paid out of a deposit account maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: Not applicable.



BACKGROUND

Sprint maintains an existing facility at this location consisting of nine panel antennas installed behind Fiberglass Reinforced Panels (FRP) designed as a parapet. The equipment is located in a 311-square foot outdoor enclosure on the south side of the building. Sprint is proposing to replace one antenna in each of three sectors and add six Remote Radio Heads (RRH's are used to amplify the signal), also behind the FRP screen. The project site is located at 4345 Murphy Canyon Road in the IL-2-1 zone in the Kearny Mesa Community Planning area (Attachments 1, 2, and 3). Sprint first received approval for this facility on September 25, 2001 and the permit included a ten-year expiration.

WCF's are permitted in commercial and industrial zones as a Limited Use; however, a Planned Development Permit (PDP) is required because the project does not comply with the 250-square foot maximum equipment enclosure size allowed in the Wireless Communication Facility regulations, Land Development Code (LDC) Section 141.0420.

DISCUSSION

Project Description:

This project consists of three sectors of three panel antennas each for a total of nine antennas. Sprint's Network Vision project includes replacing one antenna in each sector that will support their Long Term Evolution (LTE) technology upgrade. Additionally, Sprint proposes to add six RRH's, two behind each of the three replacement antennas. All of these components will be located behind the existing FRP parapet screen. No changes are proposed to the existing equipment, which is located within a 311-square foot enclosure on the south side of the building behind a six-foot wooden fence (Attachment 12).

The location of the equipment enclosure with the original project required Sprint to close the driveway immediately south of the building and install a new driveway approximately 36-feet to the south. The new driveway was constructed, but the original driveway was never removed and restored. A condition has been included in this permit that requires Sprint to ensure by permit and bond that the original driveway will be removed and the curb and gutter restored (Attachment 12).

Council Policy 600-43, "Wireless Communication Facilities," assigns preference levels to the locations of WCF. This policy encourages these facilities to be located away from residential uses. WCF's proposed in commercial or industrial zones are considered more preferable than those located in residential zones. To encourage carriers to locate in non-residential zones, projects proposed in those areas are permitted with a lower approval process level, such as a Limited Use. However, in this case, the equipment enclosure exceeds the 250-square foot maximum allowed in the WCF regulations, but the enclosure is located behind a six-foot tall fence and will not be visible from the public right-of-way.

General Plan:

The Kearny Mesa Community Plan is silent on wireless communication facilities; however, the City of San Diego's General Plan addresses Wireless Facilities in UD-A.15 as follows:

Minimize the visual impact of wireless facilities.

a. Conceal wireless facilities in existing structures when possible, otherwise use camouflage and screening techniques to hide or blend them into the surrounding area.b. Design facilities to be aesthetically pleasing and respectful of the neighborhood context.

c. Conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures.

The antennas and associated components are located behind the existing building parapet and the equipment is within an outdoor enclosure that is situated behind a 6-foot tall fence. This design complies with the recommendations in the General Plan to be respectful to the neighborhood context.

Conclusion:

There are no visible changes to this WCF. The antennas and RRH's will be located behind the building parapet, which is architecturally integrated into the building. No changes are proposed to the equipment which is located in a chain link enclosure behind a six-foot wooden fence. From the public right-of-way, the Sprint WCF complies with the wireless regulations, which require all reasonable means to be used to minimize or conceal the visual impacts by integrating the facility into the setting in which it is located. Other than the size of the equipment enclosure, which is located behind a fence, the project complies with the City's Land Development Code, the Wireless Communication Facility regulations, and the General Plan. Staff has provided draft findings to support approval of the project (Attachment 5), and draft conditions of approval (Attachment 6). Staff is recommending that the Planning Commission approve the project as proposed.

ALTERNATIVES

- 1. Approve PDP No. 920233, with modifications.
- 2. Deny PDP No. 920233, if the Planning Commission makes written findings based on substantial evidence that the approval is not authorized by state or local zoning law.

Respectfully submitted,

Mike Westlake Assistant Deputy Director Development Services Department

Inhaha

Karen Lynch-Ashcraft Project Manager Development Services Department

KGB/KLA

Attachments:

- 1.
- Aerial Photograph Community Plan Land Use Map 2.
- 3. Project Location Map
- Project Data Sheet 4.
- Draft Permit Resolution with Findings 5.
- Draft Permit with Conditions 6.
- 7. Environmental Exemption
- Photographs 8.
- Community Planning Group Recommendation 9.
- Ownership Disclosure Statement 10.
- Project Chronology 11.
- Project Plans 12.

Rev 01-06/11 hmd



Aerial Photo

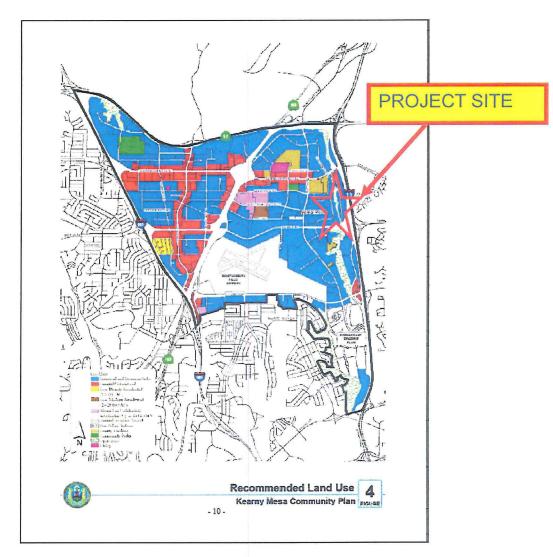
SPRINT-MUELLER LEWIS PROJECT NUMBER 261266





4345 MURPHY CANYON ROAD

ATTACHMENT 1

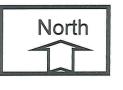


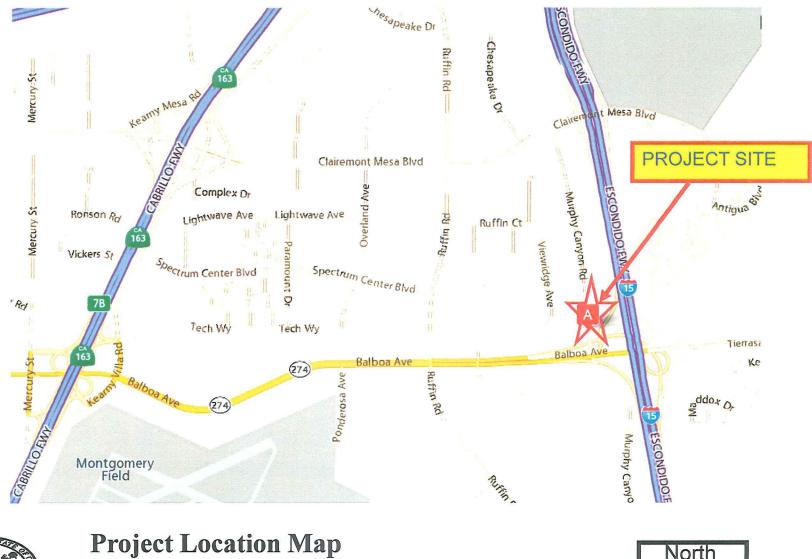
KEARNY MESA COMMUNITY PLAN MAP



SPRINT-MUELLER LEWIS PROJECT NUMBER 261266

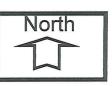
4345 MURPHY CANYON ROAD







Project Location Map <u>SPRINT-LOGAN'S RUN MUELLER LEWIS PROJECT NUMBER 261266</u> 4345 MURPHY CANYON ROAD



PROJECT DATA SHEET					
PROJECT NAME:	Sprint – Mueller Lewis				
PROJECT DESCRIPTION:	A wireless communication facility consisting of nine panel antennas mounted behind a parapet and a 311-square foot equipment enclosure.				
COMMUNITY PLAN AREA:	Kearny Mesa				
DISCRETIONARY ACTIONS:	Conditional Use Permit				
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial and Business Park				
2	ZONING INFORMATIO	<u>N</u> :			
ZONE: IL-2-1 HEIGHT LIMIT: None FRONT SETBACK: 20 feet. SIDE SETBACK: 10 feet. REAR SETBACK: 0 or 15 feet. PARKING: 18 parking spaces required.					
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE			
NORTH:	Industrial and Business Park; IL-2-1.	Industrial			
SOUTH:	Public Right-of-Way	Balboa Avenue			
EAST:	Caltrans Right-of-Way	Interstate-15 Off ramp			
WEST:	Industrial and Business Park; IL-2-1.	Commercial/Industrial			
DEVIATIONS OR VARIANCES REQUESTED:	Deviation to allow a 311- square foot equipment enclosure where 250-square feet is permitted.				
COMMUNITY PLANNING GROUP RECOMMENDATION:	On June 20, 2012, the Kearny Mesa Community Planning Group voted unanimously (8-0-0) to approve this project, with the condition that all permit conditions be complied with in a reasonable timeframe.				

PLANNING COMMISSION RESOLUTION NO. PLANNED DEVELOPMENT PERMIT NO. 920233 SPRINT –MUELLER LEWIS PROJECT NO. 261266 DRAFT

WHEREAS, 4345 MCR PARTNERSHIP, Owner and SPRINT PCS, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 920233) on portions of a .76 acre site;

WHEREAS, the project site is located at 4345 Murphy Canyon Road in the IL-2-1 zone of the Kearny Mesa Community Planning area;

WHEREAS, the project site is legally described as: Parcel 5 in the City of San Diego, County of San Diego, State of California, as shown on Parcel Map No.14209, filed in the Office of the County Recorder of San Diego of San Diego County, February 27, 1986;

WHEREAS, on November 29, 2012, the Planning Commission of the City of San Diego considered Planned Development Permit No. 920233, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 10, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 November 29, 2012.

FINDINGS:

Planned Development Permit - Section 126.0604

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

The Kearny Mesa Community Plan is silent on wireless communication facilities; however, Section A.15 of the Urban Design section the City of San Diego's General Plan addresses wireless facilities. Specifically, the City's General Plan requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore,

the plan states that equipment associated with wireless facilities be concealed from view in underground vaults or unobtrusive structures. In this case, the project consists of existing antennas located behind Fiberglass Reinforced Panels (FRP) designed to match the building parapet. The current proposal is to replace three of the existing nine antennas with antennas capable of providing Long Term Evolution (LTE) technology, enabling Sprint to provide more coverage at faster speeds. The existing equipment is located in a 311-square foot outdoor enclosure behind a six-foot tall wooden fence. No additional modifications are proposed to the equipment. Based on the design of this project, the improvements proposed to the wireless communication facility (WCF) will not adversely affect the applicable land use plans.

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." A Radio Frequency Electromagnetic Fields Exposure Report, prepared by Dtech was prepared for the project, concluding that the site is in compliance with the FCC standards. Therefore, the project would not result in any significant health or safety risks to the surrounding area within the jurisdiction of the City.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

This project complies with the regulations of the Land Development Code, specifically the IL-2-1 zone development regulations. WCF's are permitted in industrial zones with industrial uses as a limited use, process 1. However, the project deviates from WCF regulations which allow a maximum 250-square foot equipment enclosure. In this case, the project proposes a 311-square foot equipment enclosure, which requires a Planned Development Permit to allow this deviation. The equipment enclosure is existing and was originally approved in 2001, prior to the adoption of the Wireless Communication Facility regulations. The enclosure is located behind a six-foot tall wooden fence which connects the Mueller Lewis building to a small PacBell equipment building to the south, concealing all of the equipment from the public right-of-way. The WCF regulations require wireless projects to use all reasonable means to conceal or minimize visual impacts through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape, and siting solutions. The deviation is appropriate for this location because if the enclosure were reduced in size by 61-square feet, it would impact the level of service that Sprint customers currently enjoy. As it is located and designed, it cannot be seen from any vantage point other than from the rear portion (parking area) of the building on which the WCF is located. Allowing Sprint to maintain their current level of service is more desirable for the wireless subscribers in the area especially when the WCF is not visible to the general public. Based on the design of the facility, the project complies with the applicable regulations of the Land Development Code, including the allowed deviation being processed with the PDP.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 920233 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 920233, a copy of which is attached hereto and made a part hereof.

Karen Lynch-Ashcraft Development Project Manager Development Services

Adopted on: November 29, 2012

Job Order No. 24002289

RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002289

Planned Development Permit No. 920233 Sprint – Mueller Lewis PROJECT NO. 261266 Planning Commission Draft

This Planned Development Permit is granted by the Planning Commission of the City of San Diego to 4345 MCR Partnership, Owner, and Sprint PCS, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420 and Chapter 14, Article 3, Division 4. The .76-acre site is located at 4345 Murphy Canyon Road in the IL-2-1 zone of the Kearny Mesa Community Plan. The project site is legally described as: Parcel 5 in the City of San Diego, County of San Diego, State of California, as shown on Parcel Map No.14209, filed in the Office of the County Recorder of San Diego of San Diego County, February 27, 1986.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a wireless communication facility [WCF] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 29, 2012, on file in the Development Services Department.

The project shall include:

- a. A total of nine panel antennas (not to exceed 54.8" x 13.8" x 4.3") and six Remote Radio Heads (RRH's) located behind an existing six-foot tall building parapet;
- b. An existing 311-square foot equipment enclosure;
- c. Closure of the existing middle driveway and restoration to the original condition, including curb, sidewalk and gutter as well as planting, irrigation and landscape related improvements;

d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 13, 2015.

2. This Planned Development Permit (PDP) and corresponding use of this site shall expire on **November 29, 2022**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

3. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.

4. Under no circumstances, does approval of this permit authorize **Sprint PCS or its successors** to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration date of this permit is prohibited.

5. 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.

6. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

9. 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.).

10. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

11. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, 12. officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

13. All of the conditions contained in this Permit have been considered and were determinednecessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

ENGINEERING REQUIREMENT:

14. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the curb with City standard curb and gutter, adjacent to the site on Murphy Canyon Road, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

15. Prior to building permit issuance, the Permittee shall obtain an engineering permit for closure of the driveway proximal to the equipment closure pursuant to SDMC 142.0560(j)(10).

16. Prior to issuance of any construction permits, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan. Construction plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees pursuant to SDMC 142.0403.

17. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

18. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

19. The Owner/Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition.

20. The Owner/Permittee shall not cause or allow the antennas located on the building to be different sizes (length, width, or height) than as shown on the stamped approved plans.

21. The final product shall conform to the stamped, approved plans and approved photosimulations prior to final inspection approval.

22. All equipment, including transformers, emergency generators and air conditioners belonging to **Sprint PCS** 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.

23. The Permittee shall place appropriate signage on the WCF as required by CAL-OSHA to the satisfaction of the Development Services Department.

24. Use of or replacement of any building façade or mechanical screen with Fiberglass Reinforced Panel [FRP] material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building. All FRP's shall be painted and textured to match the original building.

25. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

26. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

27. The Owner/Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on November 29, 2012 by Resolution No. ______.

Permit Type/PTS Approval No.: <u>PDPP No. 920233/PTS No. 261266</u> Date of Approval: <u>November 29, 2012</u>

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Lynch-Ashcraft Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 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.

Sprint PCS Permittee

By

NAME: TITLE:

4345 MCR Partnership Owner

By

NAME: TITLE:

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.

NOTICE OF EXEMPTION

ATTACHMENT 7

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 NO.: 261266 PROJECT TITLE: SPRINT NEXTEL MUELLER LEWIS

PROJECT LOCATION-SPECIFIC: 4345 MURPHY CANYON ROAD, SAN DIEGO, CA 92123 PROJECT LOCATION-CITY/COUNTY: SAN DIEGO/SAN DIEGO

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: PLANNED DEVELOPMENT PERMIT (PDP) for the continued operation of an existing wireless communications facility (WCF). The facility includes nine (9) panel antennas (mounted behind a parapet screen) attached to a commercial building and one (1) equipment enclosure located on the ground level at the southwestern corner of the building. The project site is located at 4345 Murphy Canyon Road in the IL-2-1 zone within the Kearny Mesa Community Plan area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: CITY OF SAN DIEGO

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: ANNE WULFTANGE REGAN, DEPRATTI, INC., 10183 AVENIDA MAGNIFICA, SAN DIEGO, CA 92131; 858-602-6522

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 : SECTIONS 15301 (EXISTING FACILITIES)

REASONS WHY PROJECT IS EXEMPT: Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore this exemption is applicable to the proposed project.

LEAD AGENCY CONTACT PERSON: M.BLAKE

TELEPHONE: (619) 446-5375

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

MARTHA BLAKE/SENIOR PLANNER

OCTOBER 10, 2012 DATE

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

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



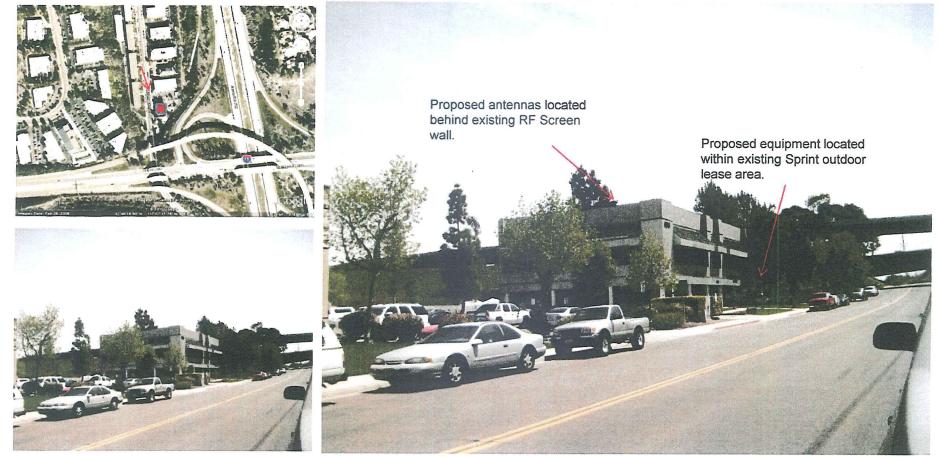


Together with NEXTEL

SD40XC314

Mueller Lewis 4345 Murphy Canyon Rd, San Diego, CA 92123

View 1



Existing

Proposed

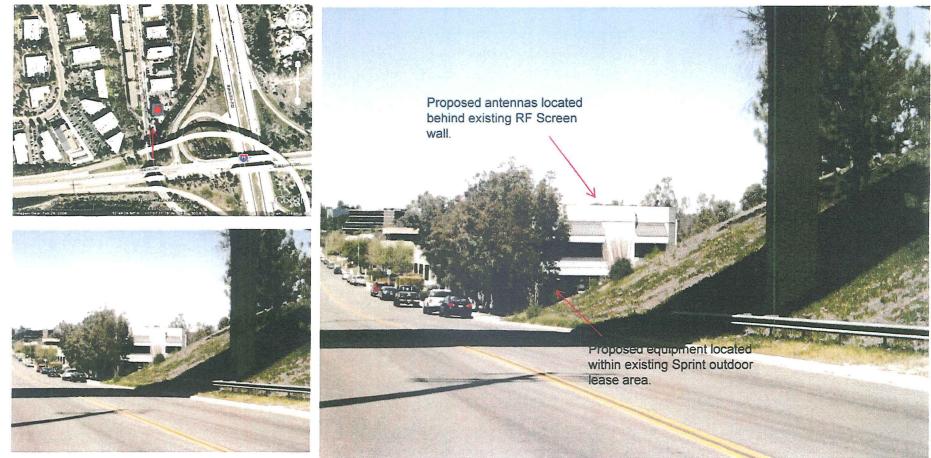


Together with NEXTEL

SD40XC314

View 2

Mueller Lewis 4345 Murphy Canyon Rd, San Diego, CA 92123



Existing

Proposed

Kearny Mesa Planning Group

C/O Gibbs Flying Service, Inc. 8906 Aero Drive, San Diego, CA 92123 858-277-0162 FAX 858-277-0854 www.kearnymesaplanninggroup.org

July 9, 2012

Karen Lynch-Ashcraft Development Services Dept City of San Diego 1222 First Avenue, MS 501 San Diego, CA 92101

Re: Sprint - Mueller Lewis PDP Project NO 261266 4345 Murphy Canyon Road

Dear Karen,

At our regularly scheduled meeting on June 20, 2012 the planning group reviewed the above referenced Planned Development Permit for an existing wireless communication facility. The project was presented by Anne Regan representing Sprint. Anne provided detailed handouts of the existing facility including photos and drawings of the proposed project. She commented on the uncompleted items that were required in the earlier CUP and how those would be accomplished. There were some questions and comments from members. The main items were that this seems use compatible with the surroundings and the equipment is not visible from the right of way. It sentiment was that an applicant should be sure that all requirements are complied with in a reasonable time frame.

A motion was made and seconded to recommend approval of the project as presented. That motion was unanimously adopted, 8-0-0.

Please give me a call if you need any further information.

Sincerely,

Buzz Gibbs

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 Keighborhood Development Permit Variance Tentative Map Vesting Tentative Map Map Waiv	
Project Title	Project No. For City Use Only
Sprint Mueller Lewis (SD40XC314) Project Address:	
4345 Murphy Canyon Road, San Diego, CA 92123	
Dout L. To be completed when preparity is hold by Individual/a)	
Part I - To be completed when property is held by Individual(s)	
By signing the Ownership Disclosure Statement, the owner(s) acknowledge above, will be filed with the City of San Diego on the subject property, wi below the owner(s) and tenant(s) (if applicable) of the above referenced p who have an interest in the property, recorded or otherwise, and state the ti individuals who own the property). A signature is required of at least one from the Assistant Executive Director of the San Diego Redevelopment Ag Development Agreement (DDA) has been approved / executed by the C Manager of any changes in ownership during the time the application is but the Project Manager at least thirty days prior to any public hearing on the information could result in a delay in the hearing process.	th the intent to record an encumbrance against the property. Please list property. The list must include the names and addresses of all persons type of property interest (e.g., tenants who will benefit from the permit, all <u>of the property owners</u> . Attach additional pages if needed. A signature gency shall be required for all project parcels for which a Disposition and ity Council. Note: The applicant is responsible for notifying the Project eing processed or considered. Changes in ownership are to be given to
Additional pages attached 💢 Yes 🦳 No	
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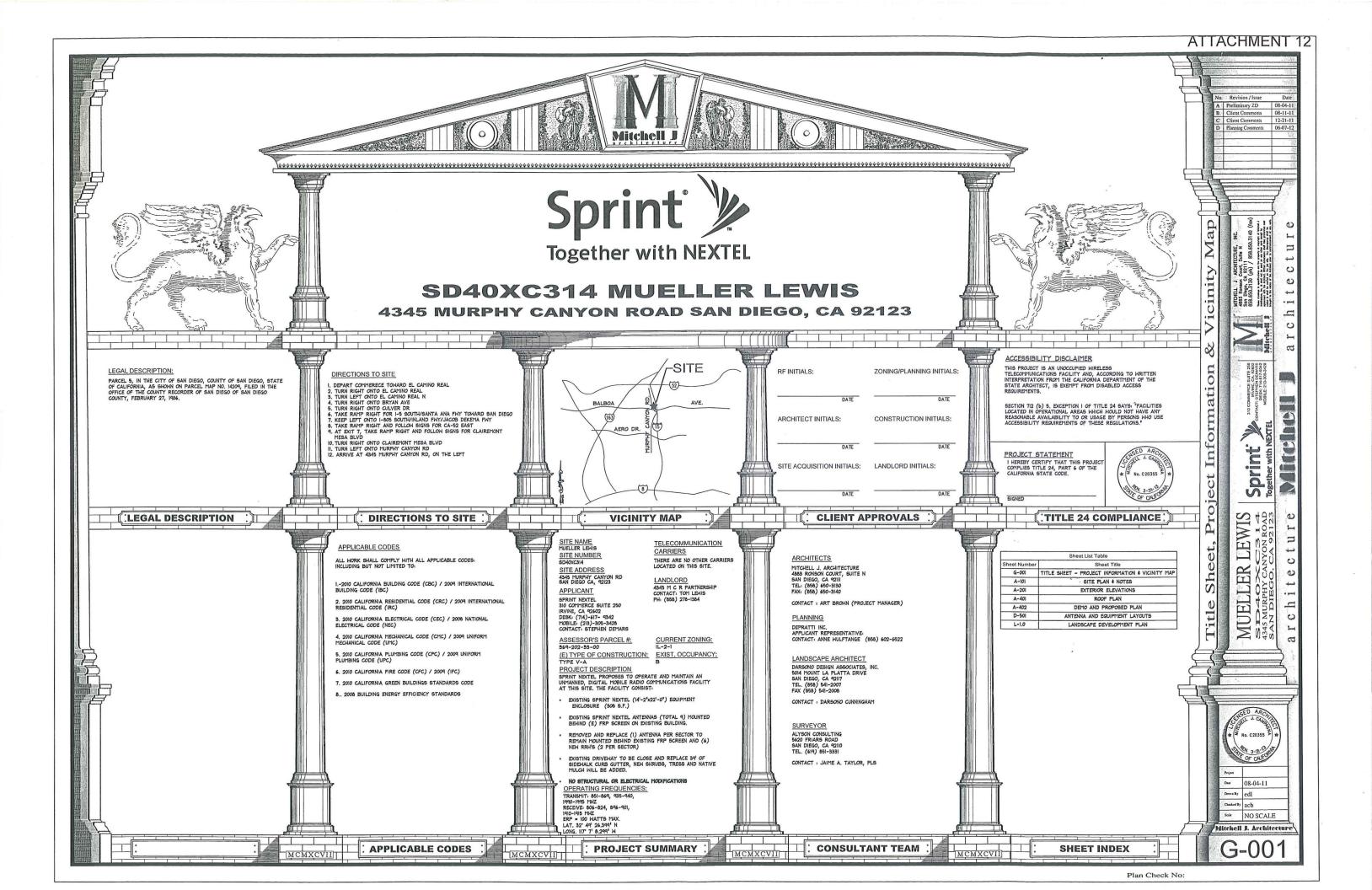
Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

Sprint Mueller Lewis (SU40XCS14) Part II - To be completed when property is held by a corporation or partnership Legal Status (Disease check): Corporation Limited Liability-or Generali What State? Corporate Identification No. Bay Identified above, will be filed with the City of San Diago on the subject property with the litent to accord on notcurrentee against the ownership and contrasts who will benefit from the permit, and contrast who will benefit from the permit processed or constant subject on contrast who will benefit from the permit processed or constant subject on permits. Corporate/Partnership Name (type or print): Corporate/Partnership Name (type or print): Gonder Ternant/Lessee Street Address: Street Address: Street Address: Corporate/Partnership Name (type or print): Corporate/Partnership Name (type or print): Ternant/Lessee Fax No: Price No Fax No: Price No: Fax No: Price No: Fax	Project Title:		Project No. (For City Use Only)		
Legal Status (please check): Corporate Identification No	Sprint Mueller Lewis (SD40XC314)				
Corporation Limited Liability-or- General) What State?		ld by a corporation or partnership			
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as identified above, will be filed with the City of San Diego on the subject property with the interful to record an encumbrance against the property. Please list below the names, tiles and addresses of all persons who have an interest in the property is conded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate offices; on patterns who will benefit from the permit, all corporates offices; and all partners in ownership during the time the application is being processes of considered. Changes in ownership part to be given to the Project Manager at least third days prior to any public hearing process. Additional pages attached [neral) What State? Corporate Identific	eation No.		
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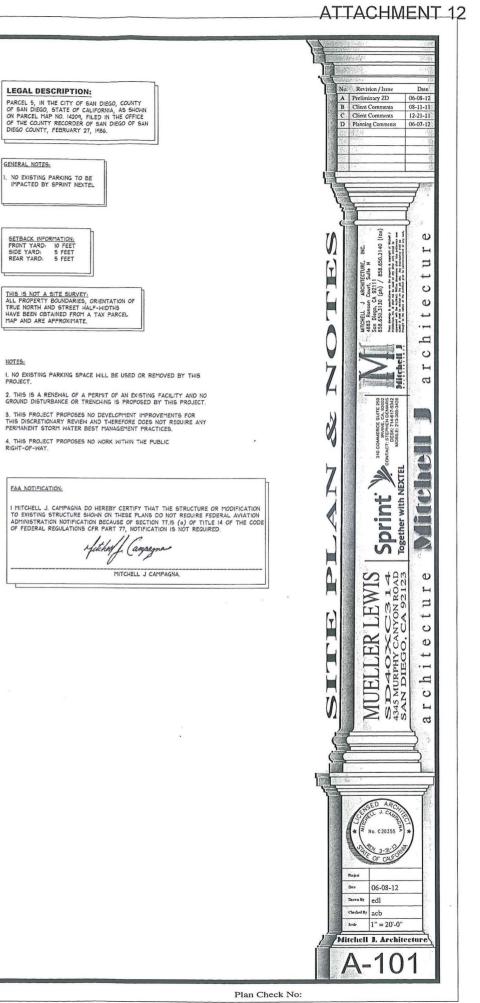
Project Chronology Sprint – Mueller Lewis PTS No. 261266

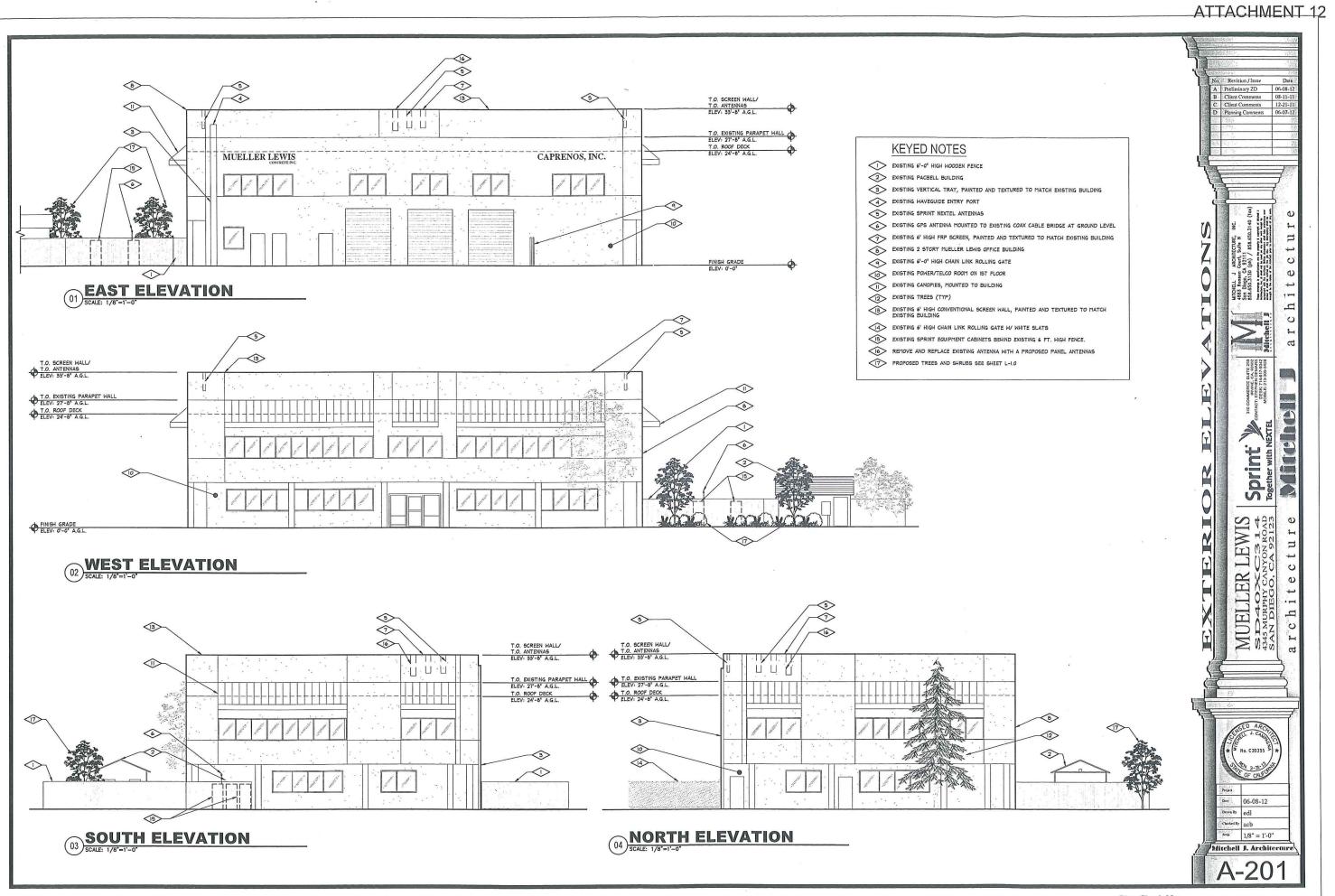
Date	Action	Description	City Review Time	Applicant Response
10/27/11	Submittal for Completeness Check			
12/8/11	Completeness Review Assessment		1 month, 11 days	
1/26/12	First Full Submittal	Deemed Complete		1 month, 18 days
3/1/12	First Assessment		1 month, 4 days	
6/21/12	Second Submittal	×		3 months, 20 days
7/20/12	Second Assessment		1 month, 19 days	
10/18/12	Third Submittal			2 months, 28 days
10/18/12	All Issues Resolved		0 days	, x
11/29/12	Planning Commission Hearing		1 month, 11 days	
TOTAL STAFF TIME**			5 months 15 days	
TOTAL APPLICANT TIME**				8 months, 6 days
TOTAL PROJECT RUNNING TIME**			1 year, 1 month, 2 days	

**Based on 30 days equals to one month.

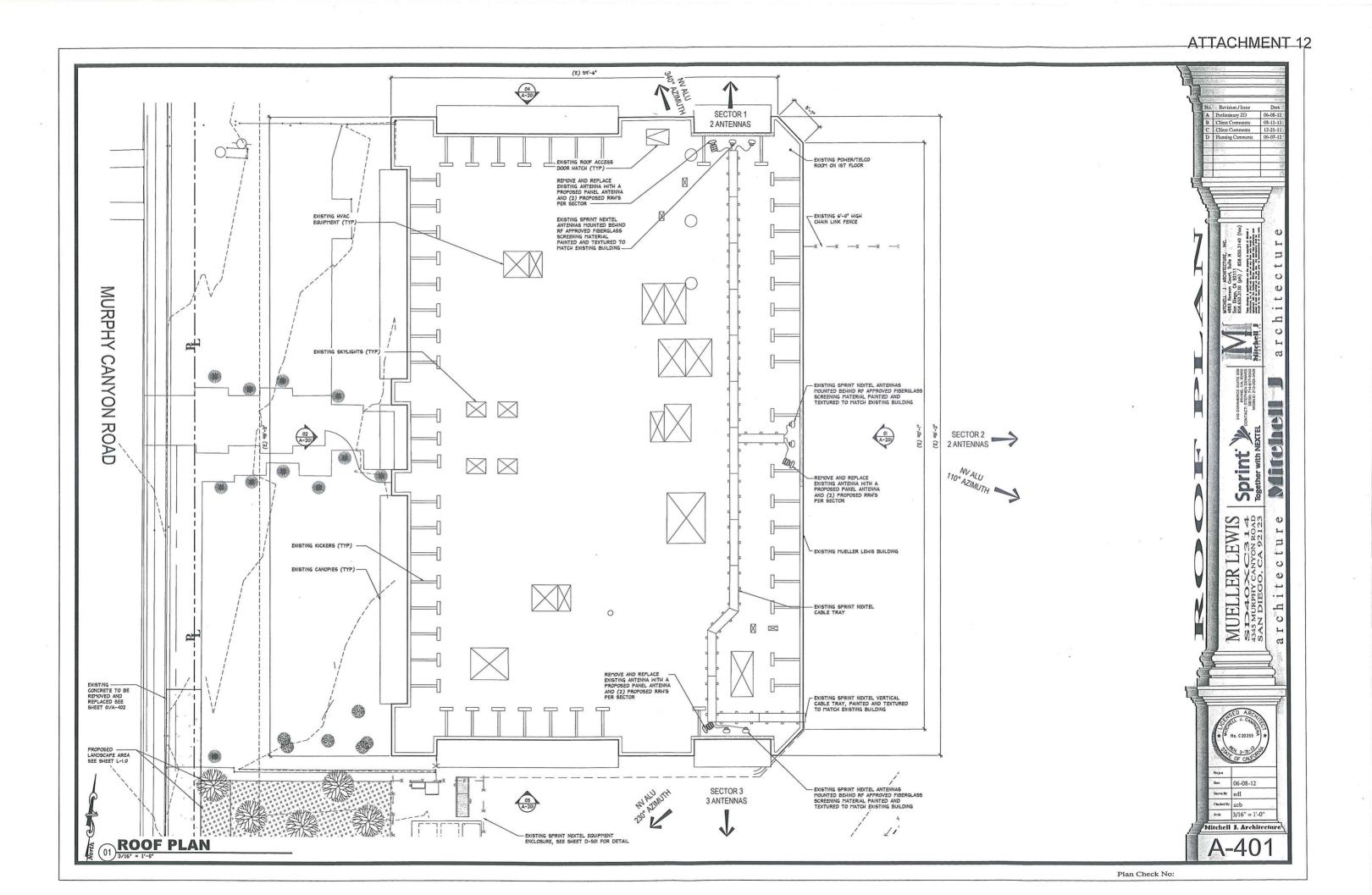


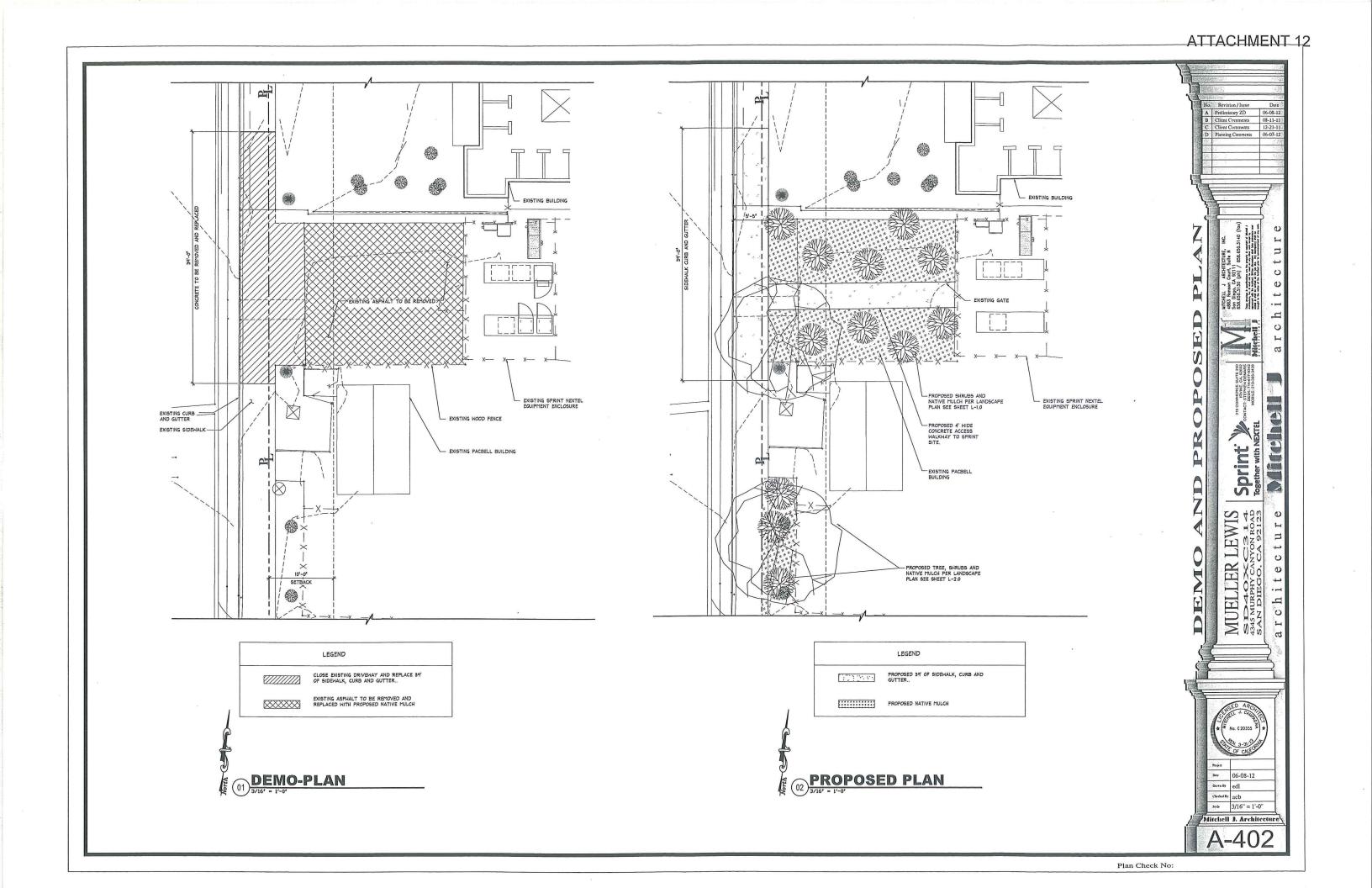
LEGAL DESCRIPTION: PARCEL 5, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIECO, STATE OF CALIFORNIA, AS SHOWN ON PARCEL HAP NO. 14209, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO OF SAN DIEGO COUNTY, FEBRUARY 27, 1986. GENERAL NOTES: 40° Z \otimes 04 A-201 NO EXISTING PARKING TO BE EXISTING BUILDING B SECTOR 1 2 ANTENNA SETBACK INFORMATION: FRONT YARD: 10 FEET SIDE YARD: 5 FEET REAR YARD: 5 FEET B A × B B A 71A EXISTING THIS IS NOT A SITE SURVEY: ALL PROPERTY BOUNDARIES, ORIENTATION OF TRUE NORTH AND STREET HALF-WIDTHS HAVE BEEN OBTAINED FROM A TAX PARCEL MAP AND ARE APPROXIMATE. - EXISTING ASPHALT PARKING LOT -B EXISTING ACCESS (E) 63'-5" (E) 30'-0" B XU B MURPHY TO P.L Roll H 111111 -EXISTING ROLLING ACCESS GATE NOTES: è Lx 1_x1 . 0 7777 TITT - EXISTING ANTENNAS MOUNTED TO EXISTING SPRINT MOUNTING PIPE BEHIND EXISTING SCREEN WALL (TYP) OF EACH SECTOR; SEE D-501 FOR MORE INFORMATION (E) 10'-0" \boxtimes XX XX 17 CANYON SECTOR 2 X 2 ANTENNAS e 4. THIS PROJECT PROPOSES NO WORK WITHIN THE PUBLIC RIGHT-OF-WAY. 01 A-201 Si TITTT. X To of I 02 4 FAA NOTIFICATION: 5 4.15. Pallip TITT \boxtimes XD-B H ROAD NH \boxtimes RE NVALU 110° AZIMUTH ITITI 1000 B 10 03 A-201 8 CLOSE DRIVEWAY AND REPLACE 39' OF SIDEWALK, CURB AND GUTTER. SEE SHEET A-402 - EXISTING SPRINT OUTDOOR-RATED EQUIPMENT CABINETS, MOUNTED ON EXISTING CONCRETE SLAB WITHIN FENCED EQUIPMENT AREA AT GRADE; SEE D-SOI FOR MORE INFORMATION - PROPOSED LANDSCAPE AREA. SEE SHEET L-1.0 SECTOR 3 2 ANTENNA KUL 1 4.75 PAMPO (P) 4' WIDE CONCRETE ACCESS WALKWAY TO SPRINT SITE. SECT EXISTING PAC XU EXISTING ASPHALT TO / HALWUTH F K EXISTING LANDSCAPE AREA. EXISTING ACCESS DRIVEWAY ENTRY B EXISTING ACCESS GATES 10 B B 1-15 RAMP (01) SITE PLAN

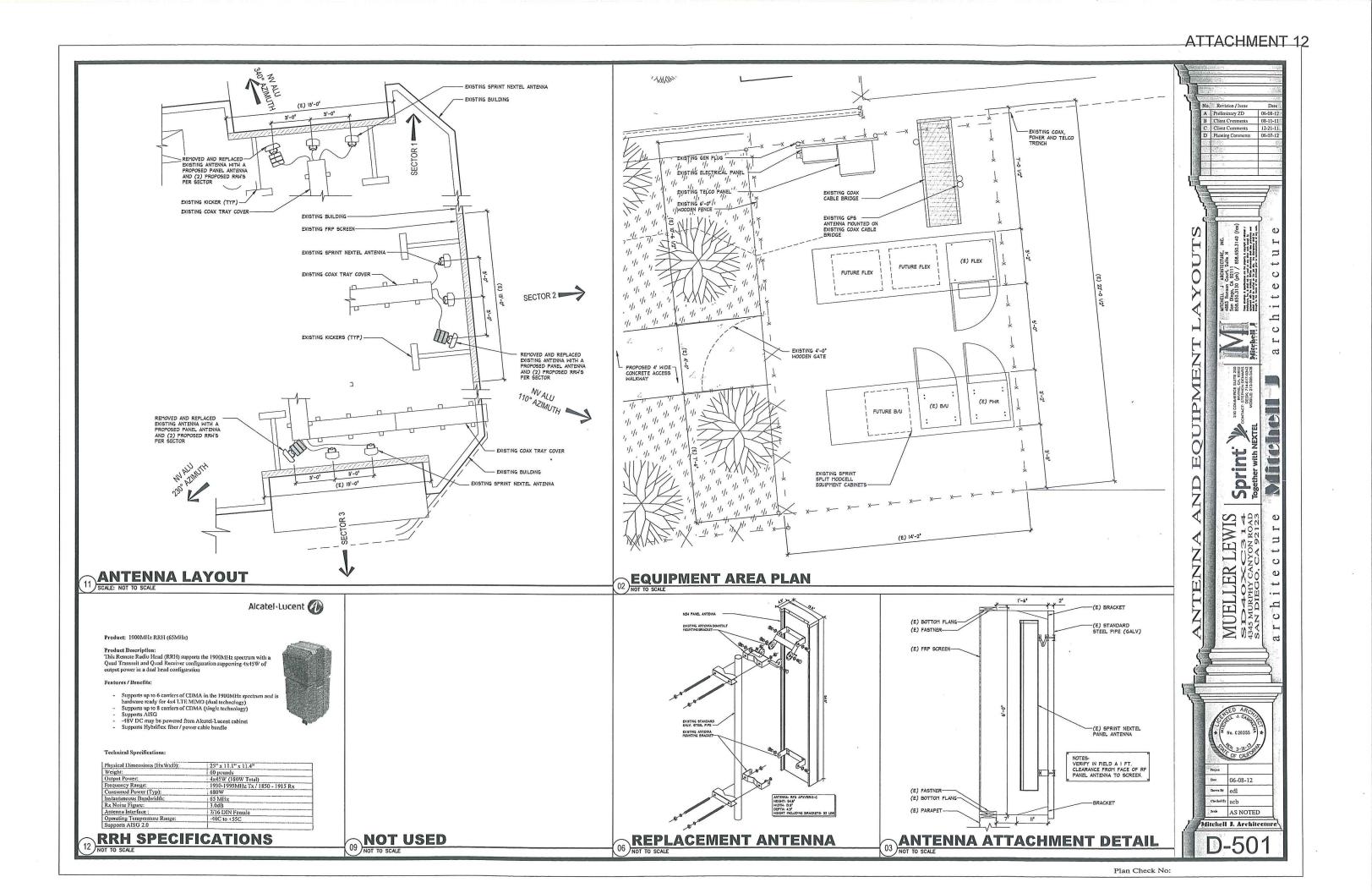


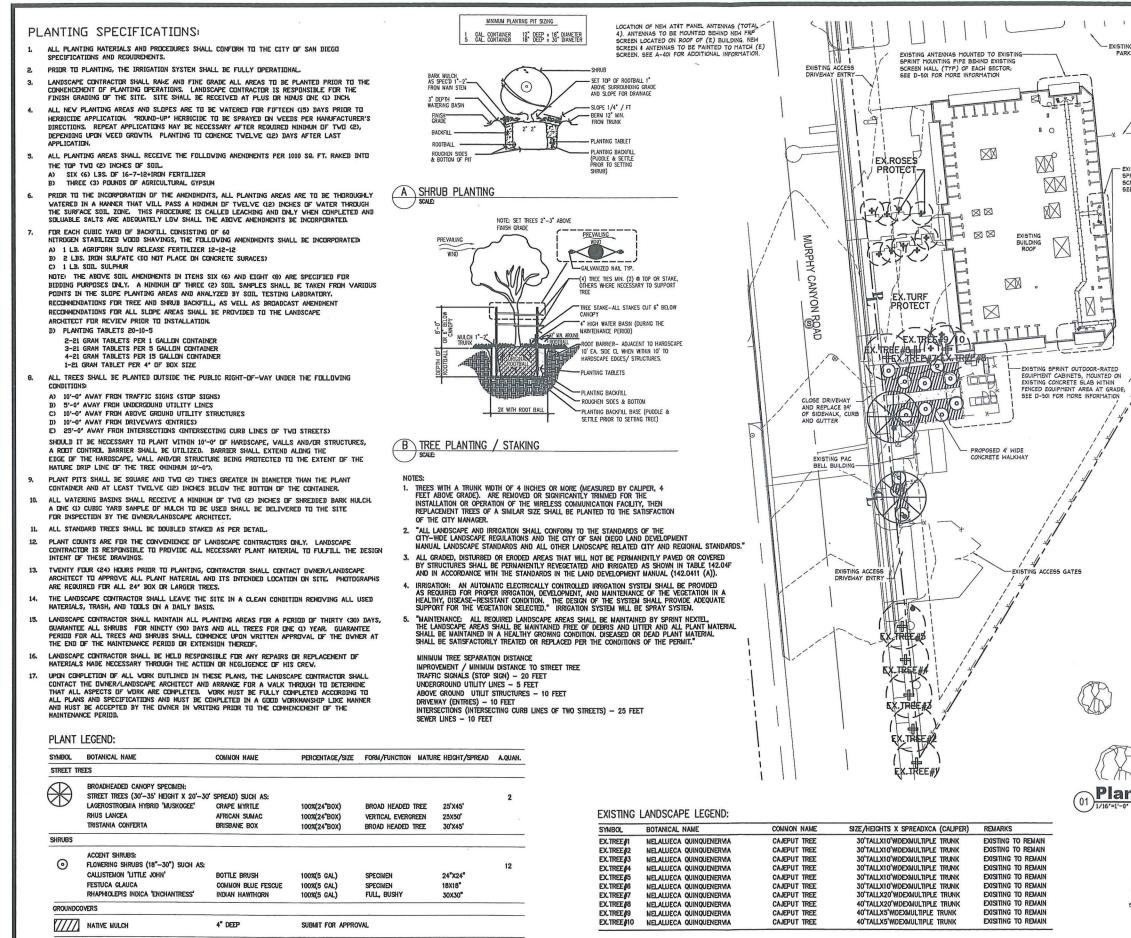


Plan Check No:









ATTACHMENT 12 - EXISTING ASPHALT PARKING LOT -Revision / Issu Date Preliminary ZD 08-04-1 Client Comments Client Comments 12-21-Planning Comments EXISTING ROLLING ACCESS GATE v-1x-x EXISTING ANTENNAS MOUNTED TO EXISTING SPRINT MOUNTING PIPE BEHIND EXISTING SCREEN WALL (TYP) OF EACH SECTOR; SEE D-501 FOR MORE INFORMATION 5 1 0 921 0 -4 4883 Son 858. . ---4 0 d Company 2 E 250 2002 MRS 9342 DAMAERCE SU IRVINE, C STEPHEN C DESK: 714-4 OBILE: 213-3 1 1 Ker print S S 0 LEWI D 0 ER 0 d) + MUELLI ic Δ 0 RAMF d 5 1 d) North Planting Plan RLA 2418 08-04-11 Dura by darsono Checked By d.d.a. Darsono Design Associates. Inc. sak 1/16"=1'-0" LANDSCAPE ARCHITECTURE PLANNING 5014 MOUNT LA PLATTA DRIVE SAN DIEGO, CA 92117 PHONE (858) 541-2007 FAX (858) 541-2008 ditchell J. Architecture 1.C -Plan Check No: