



THE CITY OF SAN DIEGO

## M E M O R A N D U M

**DATE:** March 21, 2013

**TO:** City of San Diego Planning Commission

**FROM:** Jeffrey A. Peterson, Development Project Manager

**SUBJECT:** Verizon-El Cajon and College; Project No. 265876; Planning Commission Report No. PC-12-075; Planning Commission Agenda for March 28, 2013

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On August 15, 2012, the applicant requested that the above referenced project be withdrawn from the August 23, 2012, Planning Commission docket, due to concerns with certain permit conditions. The project was formally withdrawn from the docket at the hearing and the project has been re-noticed for March 28, 2013.

Verizon's concern was with Condition No. 29 which stated: "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." Since this facility would be classified as a Complete Concealment Facility and as a result, the permit would not contain an expiration date, Verizon Wireless wanted the ability to change the antennas in the future, if needed, without having to go through the Substantial Conformance Review (SCR) process.

San Diego Municipal Code (SDMC) Section 141.0420(b)(1) requires all applications to include documentation, satisfactory to the City Manager:

(A) That the *wireless communication facility* complies with federal standards for radio frequency radiation in accordance with the Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies, and

(B) Describing the location type, capacity, field strength or power density and calculated geographic service of the *wireless communication facility*.

To comply with the regulations, all applicants are required to submit a Radio Frequency (RF) Report, which must conclude that the project complies with FCC RF Standards. This report is received and reviewed during plan check prior to making a decision on the project.

To address the applicant's concerns and remain in compliance with SDMC Section 141.0420(b)(1), the following proposed revision to Condition No. 29 has been proposed and accepted:

29. ~~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.~~ The approved antenna dimensions are 71.0" x 11.2" x 5.2" and 72.4" x 6.1" x 4.1" as illustrated on Exhibit A, dated March 28, 2013. Replacement of the antennas in the future may occur, subject to Verizon Wireless notifying the Development Services Department prior to the replacement of the antennas and subject to the provision of providing an updated Radio Frequency (RF) report demonstrating compliance with the Federal Communication Commission's regulations in accordance with SDMC Section 141.0420(b)(1)(A) to the satisfaction of the Development Services Department.



Jeffrey A. Peterson  
Development Project Manager  
Development Services Department

WESTLAKE/JAP

Attachment: Revised Draft Permit

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002378

PLANNED DEVELOPMENT PERMIT NO. 935633  
NEIGHBORHOOD USE PERMIT NO. 1011774  
**VERIZON EL CAJON AND COLLEGE - PROJECT NO. 265876**  
PLANNING COMMISSION

This Planned Development Permit No. 935633 and Neighborhood Use Permit No. 1011774 is granted by the Planning Commission of the City of San Diego to the COLLEGE AVENUE BAPTIST CHURCH OF SAN DIEGO, a California Non-Profit Corporation, Owner, and VERIZON WIRELESS, Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 141.0420, 126.0205, and 126.0604. The 9.01-acre site is located at 4747 College Avenue, in the RM-1-1, RS-1-7, and the CU-2-4 zones of Central Urbanized Planned District within the College Area Community Planning Area, the Crossroads Redevelopment Project Area, and Council District 9. Additionally the following overlay zones apply: Airport Land Use Compatibility Overlay Zone, Airport Influence Areas (AIA)-Reviews-Area 2 for Montgomery Field, and the Parking Impact Overlay Zone -Campus Impact. The project site is legally described as: All of Parcel Map No. 3096, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, on October 7, 1974, being a consolidation of Lot 1 of the College Avenue Baptist Church Subdivision, according to Map thereof No. 5751 and Lots 1-7 in Block 4 of El Retiro according to Map thereof No. 1996, both filed in the Office of the County Recorder of San Diego County. All that portion of Lot 10 of La Mesa Colony, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, March 8, 1887. Lot 13 in Block 4 of El Retiro according to Map thereof No. 1998, filed in the Office of the County Recorder of San Diego County, February 2, 1927.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 28, 2013, on file in the Development Services Department.

The project shall include:

- a. A Wireless Communication Facility consisting of twelve panel antennas behind Fiberglass Reinforced Panel screens within a new roof mounted cupola on the existing church classroom building; a new equipment building containing seven equipment cabinets, an emergency generator, and two GPS antennas;
- b. Deviation to SDMC Section 141.0420(g)(3) to allow for a maximum 525-square foot equipment building;
- c. Deviation to SDMC Section 131.0431(b) to allow for a building height of 56-feet 6-inches with a 4-foot cross on top where the zone allows a maximum height of 30 feet;
- d. Landscaping (planting, irrigation and landscape related improvements); and
- e. 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. The project complies with the Telecommunication Facility Guidelines as a Complete Concealment Facility and as a result, the permit will not contain an expiration date. It is the responsibility of the wireless carrier and owner(s) to maintain the appearance of the approved facility to condition set forth in this permit unless the site is removed and restored to its original condition. Code compliance shall be notified if the appearance or the scope of the project has changed without the approval of the Development Services Department.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. 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.

4. 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.

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

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

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial 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.

8. 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.

9. All of the conditions contained in this Permit have been considered and were determined-necessary 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" condition(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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, 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.

**AIRPORT REQUIREMENTS:**

11. Prior to issuance of any building permits, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

**ENGINEERING REQUIREMENTS:**

12. The project proposes to export 115 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

13. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

14. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

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

**LANDSCAPE REQUIREMENTS:**

17. Complete landscape and irrigation construction documents consistent with the Land Development Manual: 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, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

18. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A" Landscape Development Plan.
19. For existing landscaping, submit landscape and irrigation construction documents for Area of Work, consistent with, the Land Development Manual, Municipal Code, and Landscape Standards, to the Development Services Department for approval. Plans shall show connectivity to existing irrigation and include a rain sensor. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.
20. If trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the installation or operation of the wireless communication facility, then replacement trees of a similar size shall be planted to the satisfaction of the Development Services Department.
21. Any required planting that dies within three (3) years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.
22. Required shrubs or trees that die three (3) years or more after installation shall be replaced with container sizes and quantities as authorized by Development Services Department.

**PLANNING/DESIGN REQUIREMENTS:**

23. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
24. 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.
25. 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.
26. 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.
27. The photosimulation(s) for the proposed project shall be printed (not stapled) on the building plans. This is to ensure the construction team building the project is in compliance with approved the 'Exhibit A.'
28. No overhead cabling is allowed for this project.

29. The approved antenna dimensions are 71.0" x 11.2" x 5.2" and 72.4" x 6.1" x 4.1" as illustrated on Exhibit A, dated March 28, 2013. Replacement of the antennas in the future may occur, subject to Verizon Wireless notifying the Development Services Department prior to the replacement of the antennas and subject to the provision of providing an updated Radio Frequency (RF) report demonstrating compliance with the Federal Communication Commission's regulations in accordance with SDMC Section 141.0420(b)(1)(A) to the satisfaction of the Development Services Department.

30. The final product shall conform to the stamp approved plans and approved photosimulations prior to final inspection approval.

31. All equipment, including transformers, emergency generators and air conditioners belonging to Verizon Wireless 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.

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

33. Use of or replacement of any building façade or mechanical screen with 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 shall be painted and textured to match the original building.

#### **INFORMATION ONLY:**

- Please note that an Administrative Planning Hold will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 446-5237 to schedule an inspection of the completed facility. Please schedule this administrative inspection at least five working days ahead of the requested Final.
- 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 March 28, 2013, and  
[Approved Resolution Number].

Permit Type/PTS Approval No.: PDP No. 935633  
NUP No. 1011774  
Date of Approval: March 28, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Jeffrey A. Peterson  
Development Project Manager

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

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**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.**

COLLEGE AVENUE BAPTIST CHURCH OF SAN DIEGO,  
a California Non-Profit Corporation  
Owner

By \_\_\_\_\_  
NAME:  
TITLE:

VERIZON WIRELESS  
Permittee

By \_\_\_\_\_  
NAME:  
TITLE:

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