

# THE CITY OF SAN DIEGO REPORT TO THE PLANNING COMMISSION

DATE ISSUED:	March 21, 2013	REPORT NO. PC-13-029		
ATTENTION:	Planning Commission, Agenda of March 28, 2013			
SUBJECT:	SPRINT MOUNTAIN VIEW COMMU PROJECT NO. 283354: PROCESS FO			
OWNER/ APPLICANT:	CITY OF SAN DIEGO SPRINT NEXTEL CORPORATION	Į		

### SUMMARY

**Issue(s):** Should the Planning Commission approve a Wireless Communication Facility (WCF) at 641 South Boundary Street in the Southeastern Community Plan?

### Staff Recommendation:

- 1. Approve Planned Development Permit (PDP) No. 1074240; and
- 2. Approve Neighborhood Use Permit (NUP) No. 1074241.

<u>Community Planning Group Recommendation</u>: On February 13, 2013, the Southeastern San Diego Community Planning Group voted to support the Sprint WCF with a vote of 9-1 with the following conditions (Attachment 11):

- 1. Address all Development Services Department issues related to the project; and
- 2. Implement San Diego Police Department's Recommendation; and
- 3. Provide a Radio Frequency (RF) Report to the associated Park and Recreation Department; and
- 4. Allocate all funds from the lease to the Park and Recreation Department.

**Environmental Review:** This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 17, 2012 and the opportunity to appeal that determination ended January 10, 2013 (Attachment 7).

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



Code Enforcement Impact: None with this action.

Housing Impact Statement: Not applicable.

### BACKGROUND

The project site is located on the Mountain View Community Center at 641 South Boundary Street in the Southeastern San Diego Planned District (SESDPD) SF-5000 zone of the Southeastern Community Planning area. The proposed site was selected because of its height above the coverage area allowing Sprint to fill the coverage gap and other connecting sites nearby with a stealth solution (Attachment 14). The project site is surrounded by residential uses to the north, south and the east. The Baker Elementary school is located southwest of the site and the Mountain View Neighborhood Park is located west of the project site (Attachment 10).

#### DISCUSSION

**Project Description**: This WCF consists of a total of sixteen (16) antennas and eight (8) RRHs concealed inside two rooftop cupolas designed to match the existing architecture of the building. The proposed cupolas will extend no higher than 8-feet from the top of the roof with an overall height of 50'-8" above grade. The rooftop cupolas are 11'-0" by 17'-0" and will completely conceal the antennas behind Fiberglass Reinforced Panel (FRP) materials (Attachment 9). The equipment associated with this project is located inside a 210-square foot equipment enclosure. The enclosure will house up to a total of seven cabinets and is located next to an existing park generator.

The property is zoned SESDPD-SF-5000 and the antenna associated with this WCF is located more than 100-feet from the nearest residential and elementary and middle school uses, therefore requiring an NUP, pursuant to the City of San Diego Land Development Code Section 141.0420(d)(2) and 141.0420(d)(4). However, the project proposes deviations to LDC Section 141.0420(i)(1)(B) and Section 141.0420(i)(1)(C), which requires all WCF equipment to be undergrounded in City dedicated park. Additionally, a height deviation for the proposed cupolas to exceed the 30-foot height limit pursuant to LDC Section 1519.0302 would also be required. Therefore, a PDP shall be processed with the NUP as a consolidated Process 4, Planning Commission decision.

<u>Community Plan Analysis</u>: The project location has been designated for institutional use in the current Southeastern Community Land Use Plan (Attachment 2). The Southeastern Community Plan does not contain specific policies on wireless communication facility development.

**General Plan:** The General Plan, Section UD-A.15, states that WCF's should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. The design of the facility is to be aesthetically pleasing and respectful of the neighborhood context. The proposed WCF completely conceals the proposed antennas and the associated RRHs inside two new rooftop cupolas, painted and textured to match the existing building. The equipment associated with this project is located inside a 210-square foot CMU enclosure. Based on this, staff has determined that the proposed WCF design is respectful to the park and compatible with the existing park development.

**Conclusion:** The proposed WCF has been determined by staff to be consistent with the purpose and intent of the applicable development regulations of the San Diego Municipal Code. This includes the development regulations from the Wireless Communication Facilities Regulations Section 141.0420 and Southeastern San Diego Planned District (SESDPD) SF-5000 zone Section 1519.0302. However, deviations are being proposed to exceed the required height limit of 30-feet and to install an above ground equipment enclosure within a City of San Diego dedicated park. These deviations can be supported by staff since the antennas are completely hidden inside rooftop cupolas designed to match the building; and the equipment enclosure location was determined to be in an area with minimal visual impact. As designed, the WCF has been determined to be consistent with the General Plan and the Southeastern San Diego Community Plan. Staff recommends that the Planning Commission approve PDP No. 1074240 and NUP No. 1074241.

# ALTERNATIVE

- 1. Approve Planned Development Permit (PDP) No. 1074240 and Neighborhood Use Permit (NUP) No. 1074241, with modifications.
- 2. Deny Planned Development Permit (PDP) No. 1074240 and Neighborhood Use Permit (NUP) No. 1074241, 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

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Environmental Exemption
- 8. Project Plans
- 9. Photosimulations
- 10. Photo Survey
- 11. Community Planning Group Recommendation
- 12. Project Chronology
- 13. Telecom Justification Letter

MART Simon Tse Development Project Manager **Development Services Department** 

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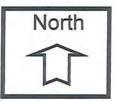
- 14.
- Telecom Coverage Map Public Notice of Planning Commission Hearing 15.





# **Aerial Photo**

Sprint Mountain View Community Center- Project No. 283354 641 South Boundary Street, San Diego, CA 92113



ATTACHMENT 1







Sprint Mountain View Community Center- Project No. 283354 641 South Boundary Street, San Diego, CA 92113

North

ATTACHMENT 2





Sprint Mountain View Community Center- Project No. 283354

641 South Boundary Street, San Diego, CA 92113

ATTACHMENT 3



	PROJECT DATA SHEET			
PROJECT NAME:	Sprint Mountain V	Sprint Mountain View Community Center		
PROJECT DESCRIPTION:	Street in the Southeastern San Diego P Southeastern San Diego Community P (16) antennas and eight (8) Remote Ra rooftop cupolas, painted and textured t equipment associated with this project enclosure. As designed, the project red	A new Wireless Communication Facility (WCF) located at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Planning area. The project consists of sixteen (16) antennas and eight (8) Remote Radio Heads (RRHs) concealed inside two rooftop cupolas, painted and textured to match the existing community center. The equipment associated with this project is located inside a189-square foot CMU enclosure. As designed, the project requires a Planned Development Permit (PDP) and a Neighborhood Use Permit (NUP), consolidated Process 4, Planning Commission decision.		
COMMUNITY PLAN AREA:	Southeas	Southeastern San Diego		
DISCRETIONARY ACTIONS	Planned Development Perm	Planned Development Permit and Neighborhood Use Permit		
COMMUNITY PLAN LAND U DESIGNATION:	JSE Ins	Institutional		
	ZONE: SESDPD SF-5000 R = Required; P = Proposed			
Requirements: (R) HEIGHT LIMIT: 30' (R) MIN FRONT SETBACK: (R) MIN STREET SIDE SETB (R) MIN INTERIOR SIDE SET (R) MIN REAR SETBACK: 5	ACK: 10' (P) OPTIONA FBACK: 5' (P) MIN INTER	IMIT: 50'-8" TBACK: No change L SIDE SETBACK: No change RIOR SIDE SETBACK : No Change L REAR SETBACK: No change		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
NORTH:	Residential – SESDPD-SF-5000	Single Family Residence		
SOUTH:	Residential – SESDPD-SF-5000	Single Family Residence		
EAST:	Residential – SESDPD-SF-5000	Single Family Residence		
NORTHWEST SOUTHWEST	Park - SESDPD-SF-5000 School – SESDPD-SF-5000	Park Elementary School		
DEVIATIONS OR VARIANCES REQUESTED:	<ul> <li>Sprint is requesting the following deviations:</li> <li>1. Exceed the SESDPD-SF-5000 zone height limit of 30-feet; and</li> <li>2. An above ground equipment enclosure within City of San Diego dedicated park.</li> </ul>			
COMMUNITY PLANNING GROUP RECOMMENDATION:	<ul> <li>support the Sprint WCF with a vote of 19-1 w 11).</li> <li>1. Address all Development Services D</li> <li>2. Implement San Diego Police Depart</li> <li>3. Provide a Radio Frequency (RF) Rep</li> <li>Department; and</li> </ul>	<ol> <li>Address all Development Services Department issues related to the project; and</li> <li>Implement San Diego Police Department's Recommendation; and</li> <li>Provide a Radio Frequency (RF) Report to the associated Park and Recreation Department; and</li> </ol>		



### PLANNING COMMISSION RESOLUTION NO. PENDING PLANNED DEVELOPMENT PERMIT NO. 1074240 NEIGHBORHOOD USE PERMIT NO. 1074241 SPRINT MOUNTAIN VIEW COMMUNITY CENTER PTS NO. 283354

WHEREAS, CITY OF SAN DIEGO, Owner and SPRINT NEXTEL CORPORATION, Permittee, filed an application with the City of San Diego for a permit to install a Wireless Communication Facility (WCF) that consists of sixteen (16) antennas and eight (8) Remote Radio Heads (RRHs) inside two rooftop cupolas, painted and textured to match the existing building. The equipment associated with this project is located inside a 210-square foot CMU equipment enclosure (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241).

WHEREAS, the project site is located at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as the land referred to herein is situated in the State of California, County of San Diego and is described as that portion of lots 14 through it inclusive in book 38 carriers there addition in the City of San Diego, County of San Diego, State of California according to map thereof no. 1557 filed in the Office of San Diego County recorders, April 8, 1915;

WHEREAS, on March 28, 2013, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 17, 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 15303 (New Construction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

BÉ IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated March 28, 2013.

FINDINGS:

### **Findings for Planned Development Permit - Section 126.0604**

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

The project site is located on the Mountain View Community Center at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan. The property is zoned for institutional use in the Southeastern San Diego Community Plan and is surrounded by residential uses to the north, to the east and to the south. The Mountain View Neighborhood Park is located northwest of the project site and Bakers Elementary School is located southwest of the project site

The proposed antennas and RRHs are completely concealed inside the two proposed 8-foot tall cupolas on the roof of the existing community center. The existing height of the community center is 42'-8". The overall height as a result of the proposed cupolas would be 50'-8". Fiberglass Reinforced Panel (FRP) materials are used to allow the antennas to operate without any interference while effectively camouflaging the antennas from the public view. As illustrated on the photosimulation, the cupolas were designed to match the existing rooftop features and colors. The equipment is located on the ground inside a 210-square foot CMU enclosure.

The Southeastern San Diego Community Plan does not address WCF's as a specific land use, however, the General Plan states that the facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." The equipment enclosure has been designed to match the adjacent generator enclosure and is located on the northern portion of the community center. Access to and from the park would not be affected by the new enclosure. As a result, the proposed WCF design would be compatible with the existing park use and respectful to the neighborhood context.

### 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 statement has been included on the plans indicating that the WCF complies with federal standards for radio frequency in accordance with Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies. The Permittee submitted a Radio Frequency Study concluding that the FCC standards are being met.

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.

The WCF is located on the Mountain View Community Center inside two cupolas designed to match the existing rooftop features and colors. As designed, the project complies with Land Development Code Section 141.0420 with the exception of the above ground equipment enclosure pursuant to LDC Sections 141.0420(i)(1)(B) and 141.0420(i)(1)(C). Due to concerns with potential impacts related to park activities, staff can support the proposed deviation for an above ground enclosure. The excavation required for an enclosure of this size would eliminate significant landscaping as opposed to the current enclosure design. In terms of park activity-related concerns, undergrounding the equipment would require heavy machinery and possibly impact access to the park for an extended period of time. This inconvenience can be avoided with an above ground enclosure, which would preserve park activities with minimal impacts, resulting in a more desirable project.

Additionally, the proposed rooftop cupolas exceed the SESDPD-SF-5000 height limit of 30-feet, resulting in a height deviation. The proposed height can also be supported by staff due to the overall design to conceal the antennas and RRHs inside a stealth solution. To achieve a similar coverage objective, multiple vertical structures would be required which may impact useable park space and would not be supported by staff. As illustrated in the photosimulations, both the equipment enclosure and the rooftop cupolas have been designed to blend in with the existing community center's features and colors to minimize all potential visual impacts, and would result in a more desirable project than would be achieved if designed in strict conformance with the Wireless Communication Facilities Regulation and the SESDPD-SF-5000 zone.

#### Findings for Neighborhood Use Permit – Section 126.0205

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

The project site is located on the Mountain View Community Center at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan. The property is zoned for institutional use in the Southeastern San Diego Community Plan and is surrounded by residential uses to the north, to the east and to the south. The Mountain View Neighborhood Park is located northwest of the project site and Bakers Elementary School is located southwest of the project site

The proposed antennas and RRHs are completely concealed inside the two proposed 8-foot tall cupolas on the roof of the existing community center. The existing height of the community center is 42'-8". The overall height as a result of the proposed cupolas would be 50'-8". Fiberglass Reinforced Panel (FRP) materials are used to allow the antennas to operate without any interference while effectively camouflaging the antennas from the public view. As illustrated on the photosimulation, the cupolas were designed to match the existing rooftop features and colors. The equipment is located on the ground inside a 210-square foot CMU enclosure.

The Southeastern San Diego Community Plan does not address WCF's as a specific land use, however, the General Plan states that the facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." The equipment enclosure has been designed to match the adjacent generator enclosure and is located on the northern portion of the community center. Access to and from the park would not be affected by the new enclosure. As a result, the proposed WCF design would be compatible with the existing park use and respectful to the neighborhood context.

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

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 statement has been included on the plans indicating that the WCF complies with federal standards for radio frequency in accordance with Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies. The Permittee submitted a Radio Frequency Study concluding that the FCC standards are being met.

# 3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed WCF has been designed to comply with the SESDPD-SF-5000 zone and the Wireless Communication Facility Regulation Section 141.0420 with exception to the 30-foot height limit and the requirement to underground equipment enclosures within City parks. The proposed 8-foot tall cupolas are located on the roof of the existing community center with an overall height of 50'-8" above grade. The cupolas were designed to incorporate the existing roof features and colors as directed by the Park & Recreation Department. Pursuant to LDC Section 1519.0302, developments within the SESDPD-SF-5000 zone contain a 30-foot height limit. The proposed height deviation can also be supported by staff due to the overall design to conceal the antennas and RRHs with a stealth solution.

Additionally, per Land Development Code sections 141.0420(i)(1)(B) and 141.0420(i)(1)(C), equipment enclosures shall be placed underground. Due to concerns with potential impacts to park activities, staff can support the proposed deviation for an above ground enclosure. The excavation required for an enclosure of this size would eliminate significant landscaping as opposed to the current enclosure design. In terms of park activity-related concerns, undergrounding the equipment would require heavy machinery and possibly impact access to the park for an extended period of time. This inconvenience can be avoided with an above ground enclosure, which would preserve park activities with minimal impacts.

Overall, the WCF design complies with LDC Sections 141.0420(g)(1), 141.0420(g)(2) and 141.0420(g)(3), which states the following, "Wireless communication facilities shall utilize the smallest least visually intrusive antennas, components and other necessary equipment." "The applicant shall use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions." "The wireless communication facility's equipment shall be located within an existing building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet."

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 a copy of which is attached hereto and made a part hereof.

Simon Tse Development Project Manager Development Services

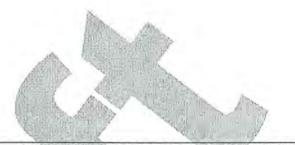
Adopted on: March 28, 2013

Internal Order No. 24002766

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: 24002766

# PLANNED DEVELOPMENT PERMIT NO. 1074240 NEIGHBORHOOD USE PERMIT NO. 1074241 SPRINT MOUNTAIN VIEW COMMUNITY CENTER PTS 283354 PLANNING COMMISSION

This Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 is granted by the Planning Commission of the City of San Diego to **CITY OF SAN DIEGO**, Owner, and **SPRINT NEXTEL CORPORATION**, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0201, 126.0601, 141.0420, and 1519.0302. The site is located at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan. The site is legally described as the land referred to herein is situated in the State of California, County of San Diego and is described as that portion of lots 14 through it inclusive in book 38 carriers there addition in the City of San Diego, County of San Diego, State of California according to map thereof no. 1557 filed in the Office of San Diego County recorders, April 8, 1915.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility (WCF), 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 deviation to allow a WCF that consists of sixteen (16) antennas and eight (8) Remote Radio Heads (RRHs) concealed inside two cupolas on the roof of the existing community center, painted and textured to match the existing building above the Southeastern San Diego Planned District SF-5000 height limit of 30-feet; and
- b. A deviation to allow for an above ground 210-square foot equipment enclosure in City Park; and

- c. Building mounted cable tray, painted and textured as illustrated on the approved photosimulation; and
- 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 April 11, 2016.

2. This Planned Development Permit [PDP] and Neighborhood Use Permit [NUP] corresponding use of this site shall **expire on March 28, 2023**. 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 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 the Permittee 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 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 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 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.

12. 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.

13. The 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 Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the 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,

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 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 Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

### **ENGINEERING REQUIREMENTS:**

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

15. Prior to the issuance of any construction permit, the Permittee shall obtain a Nonexclusive Right-of-Way Use Agreement from the City of San Diego for the proposed work in the Boundary Street Right-of-Way.

16. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Rightof-Way permit for the proposed work in the Boundary Street Right-of-Way.

17. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

19. 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.

20. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

# PARK AND RECREATION REQUIREMENTS:

21. The Permittee/Provider shall ensure that the Park & Recreation Department review and approve construction plans prior to building permit issuance.

### PLANNING/DESIGN REQUIREMENTS:

22. The WCF shall conform to the stamped approved plans and approved photosimulations prior to final Telecom Planning Inspection approval.

23. Photosimulations for the WCF shall be printed (not stapled) on the construction plans. This helps ensure that the construction team building the project constructs the project in compliance with the approved Exhibit "A."

24. Landscape and/or hardscape areas disturbed during the construction shall be repaired/replaced by the Permittee to the satisfaction of the Park & Recreation Department and the Development Services Department prior to final planning inspection.

25. 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.

26. The approved antenna dimensions are listed here: 72" by 11.8" by 7.9" and illustrated on the Exhibit "A" dated March 28, 2013. The Owner/Permittee shall not cause or allow the antennas located on the WCF to be different sizes than as listed here and as shown on Exhibit "A." Replacement of the antennas may occur in the future, subject to the Permittee 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.

27. 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/adjacent building surfaces.

28. 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 Permittee.

29. 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.

# **INFORMATION ONLY:**

 Please note that a Telecom Planning Inspection Issue 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. <u>Prior to calling for your Final Inspection from</u> your building inspection official, please contact the Project Manager listed below at (619) 687-5984 to schedule an inspection of the completed facility. Please schedule this administrative inspection at least five working days ahead of the requested Final Inspection date.

- 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.

Planned Development Permit No. 1074240 Neighborhood Use Permit No. 1074241 Date: March 28, 2013

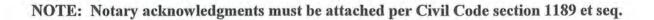
### AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Simon Tse 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.

CITY OF SAN	Diego Dwner	142 D 428	
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### ATTACHMENT 7

DEVELOPMENT SERVICES DEPARTMENT

1222 FIRST AVENUE, MS 501

SAN DIEGO, CA 92101

### NOTICE OF EXEMPTION

(Check one or both)

X

TO:

RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422

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

PROJECT NO.: 283354

PROJECT TITLE: Sprint Mountain View Community Center

FROM: CITY OF SAN DIEGO

PROJECT LOCATION-SPECIFIC: 641 Boundary Street, San Diego, CA 92102 (A portion of lot 14 Block 38 Map No. 1557)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A Planned Development Permit (PDP) and a Neighborhood Use Permit (NUP) for a new Sprint Wireless Communication Facility (WCF) located at 641 Boundary Street in the SESDPD-SF-5000 zone. The project consists of sixteen (16) antennas concealed inside two new rooftop cupolas and a 210-square foot equipment enclosure within the Southeastern Community Plan Area of Council District 9 of the City of San Diego.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Bernard Dunham

7990 New Salem Street San Diego, CA, 92126 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: This project is exempt pursuant to the California Environmental Quality Act Section 15303 New Construction
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: This project would be an addition to an existing building which is not historic and would not be seen once completed. No grading is proposed and no other impacts would occur. Therefore the project is exempt because it meets the criteria set forth in CEQA section 15303– New Construction – and where the exceptions listed in CEQA section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Lizzi IF FILED BY APPLICANT: TELEPHONE: (619) 446-5159

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

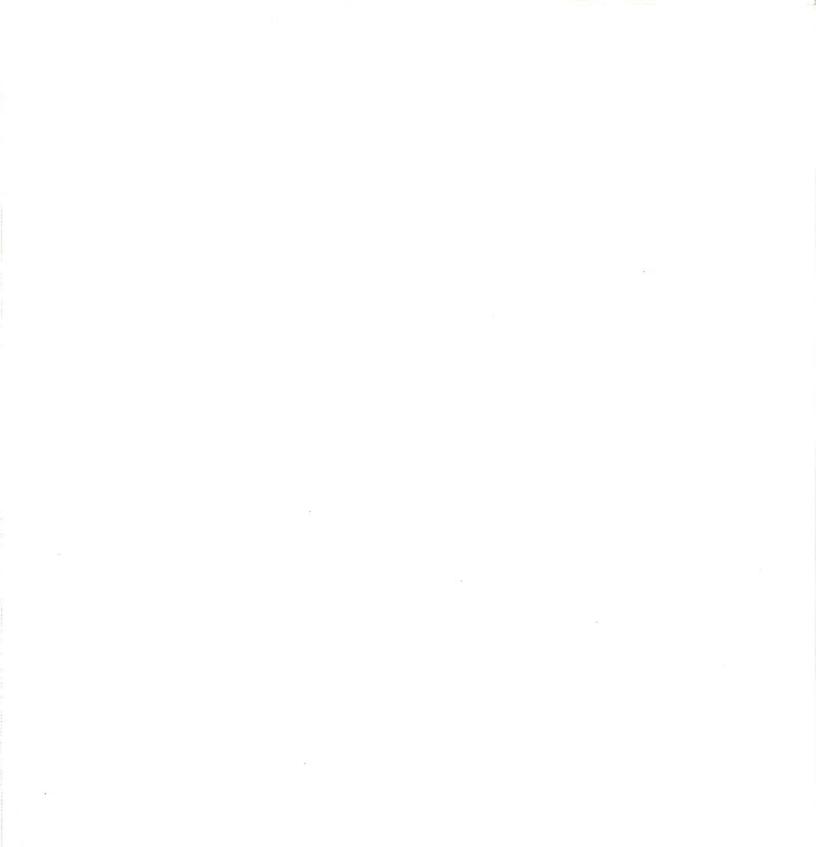
IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

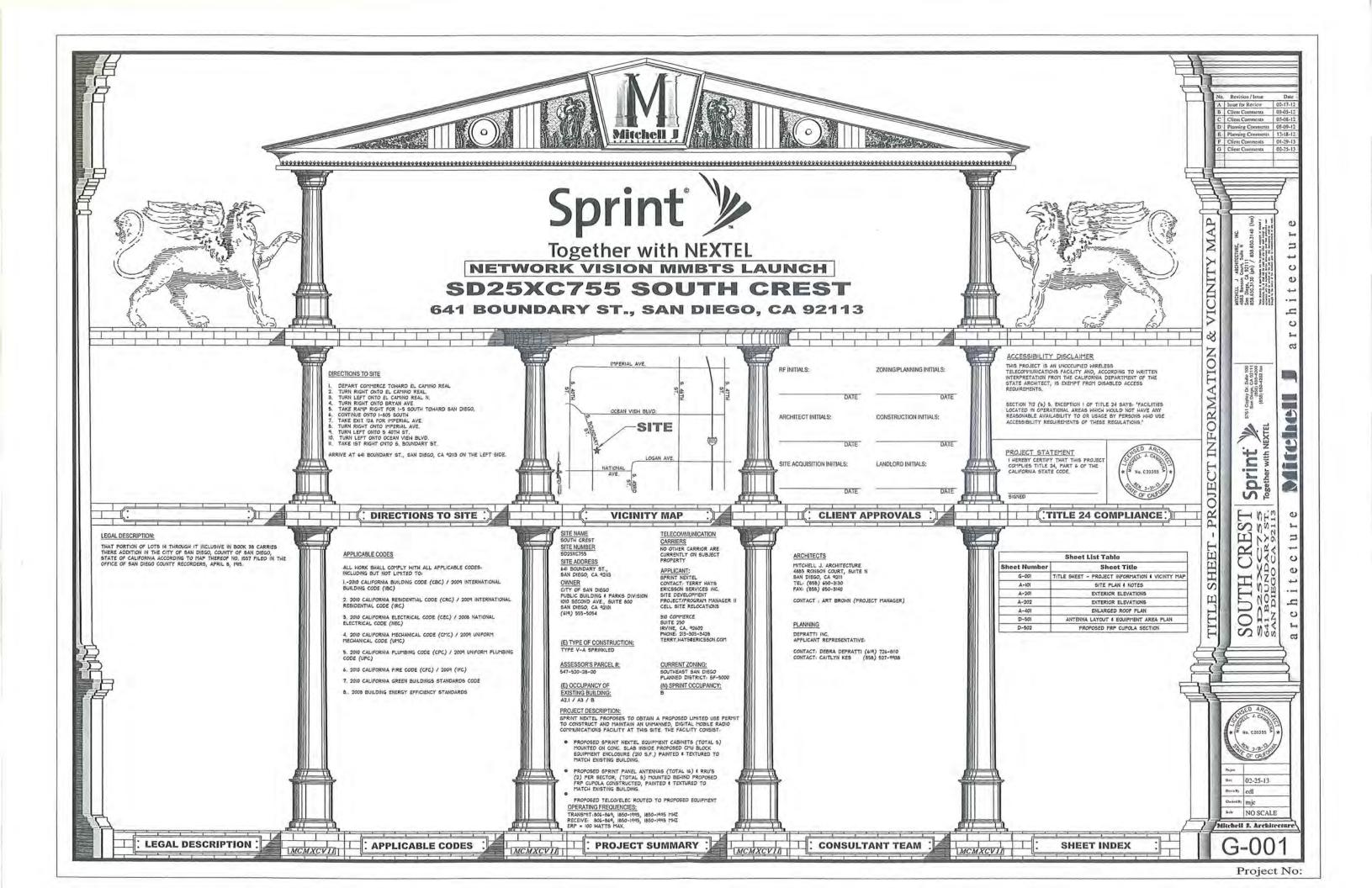
wann Deurs Mann SIGNA'

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

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

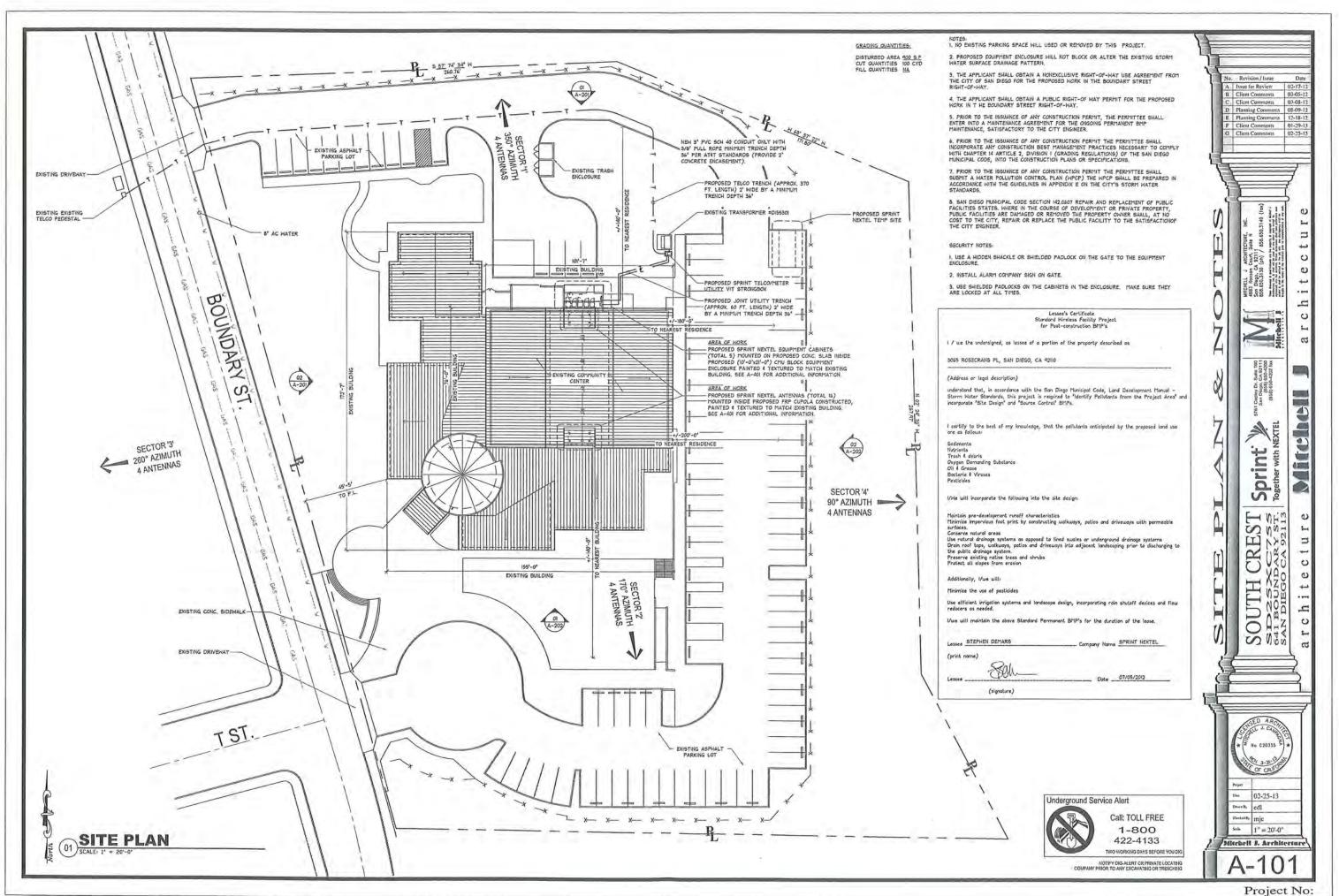
Revised 010410mjh



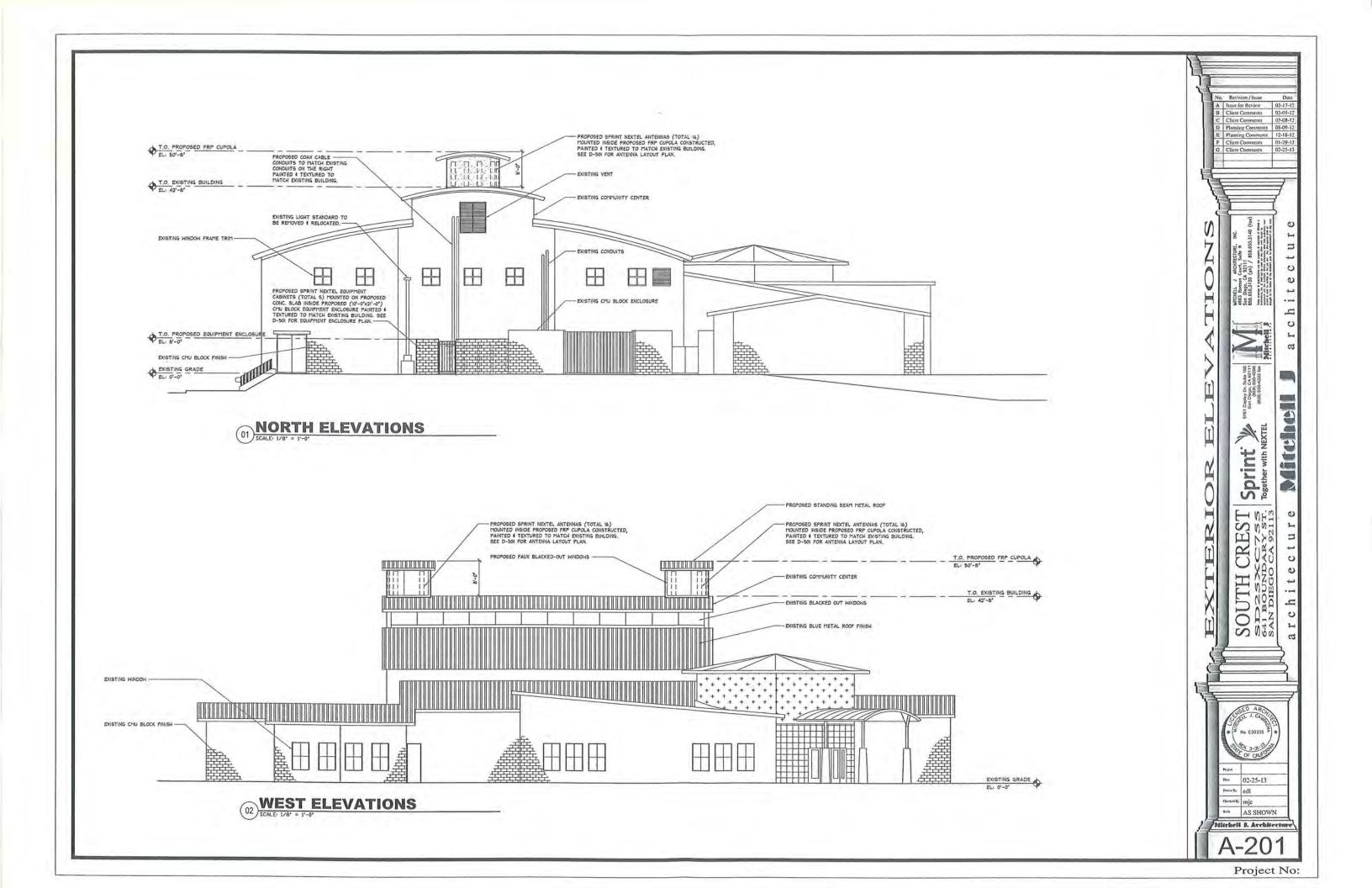




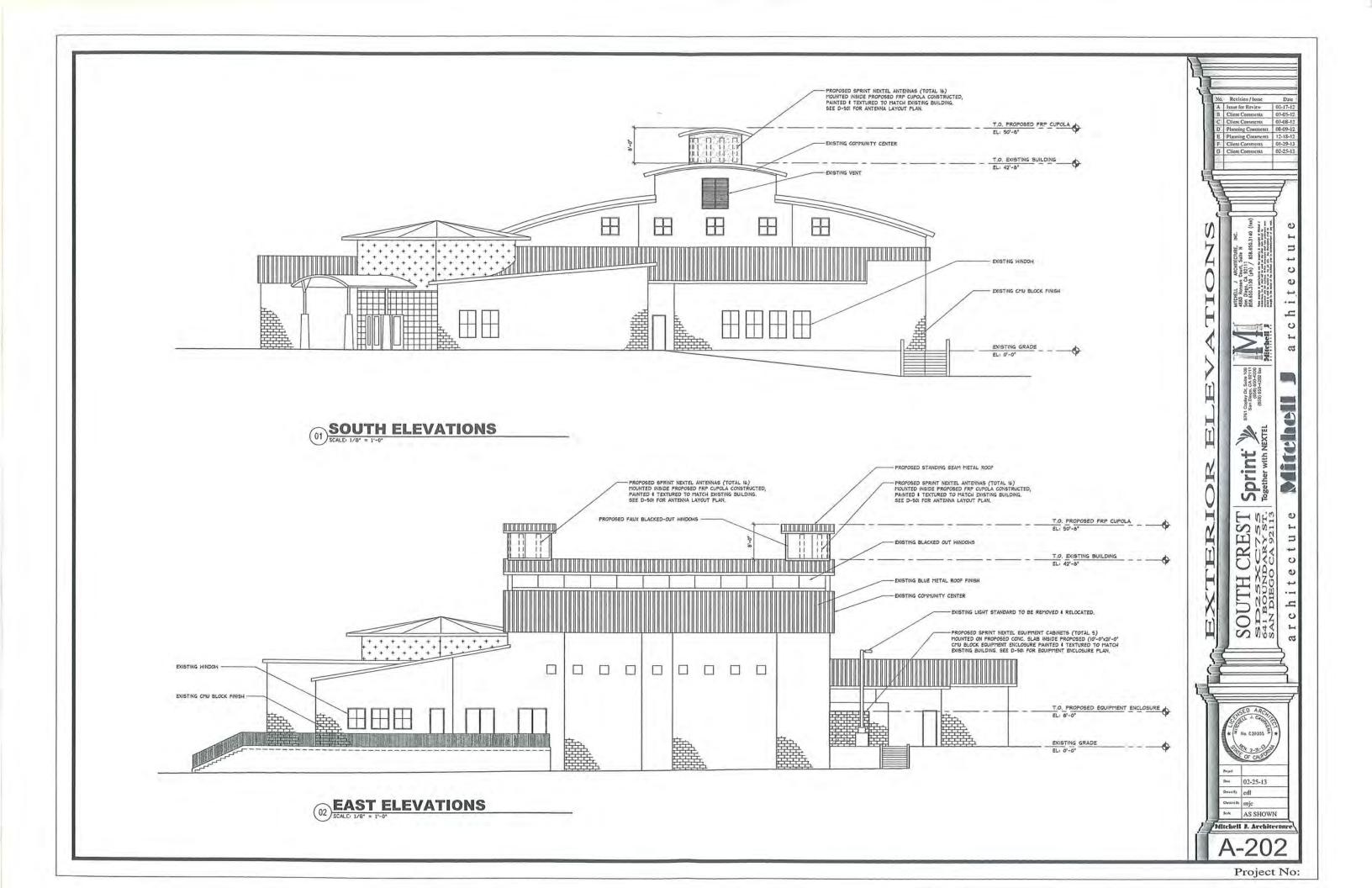




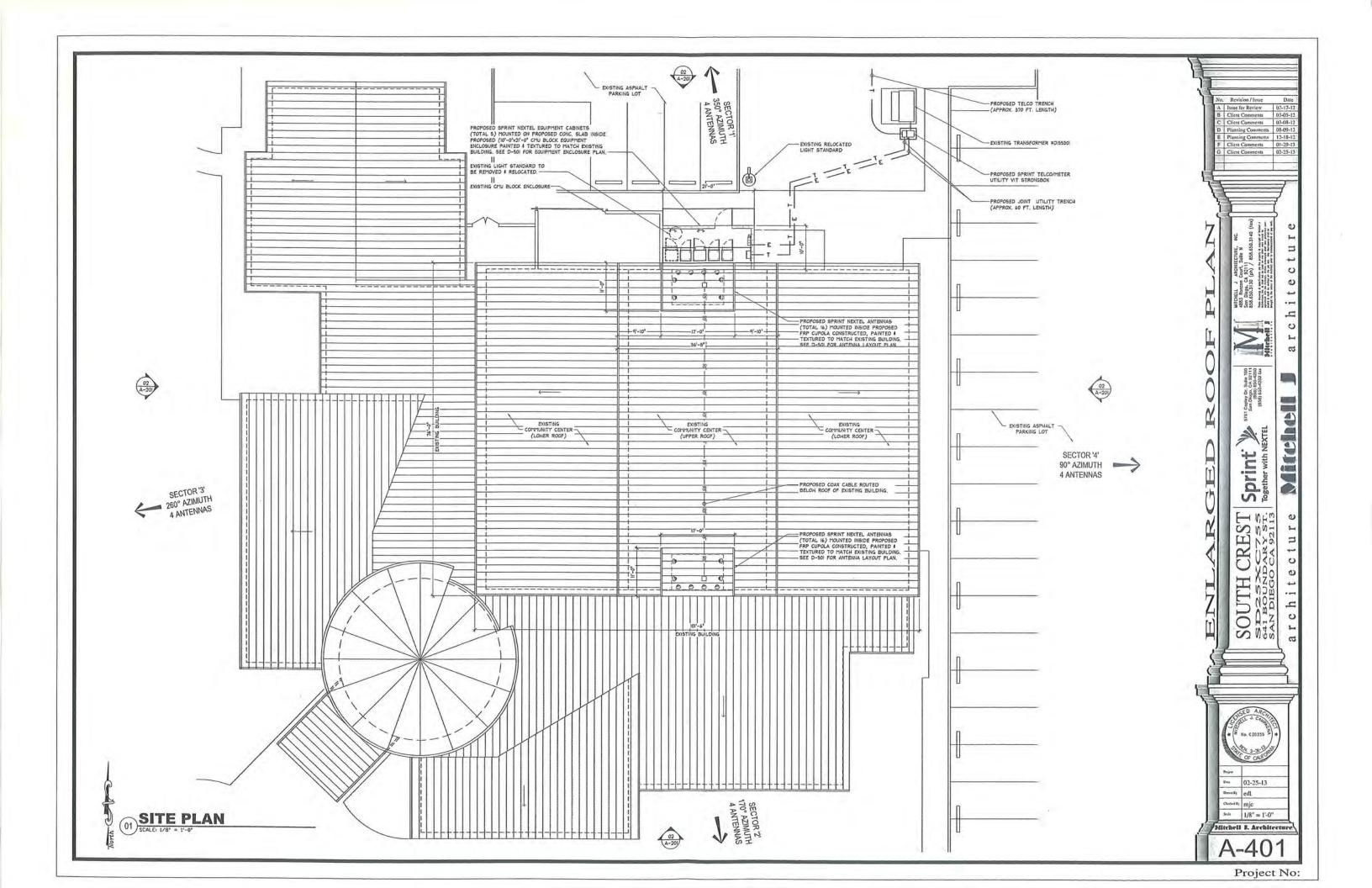






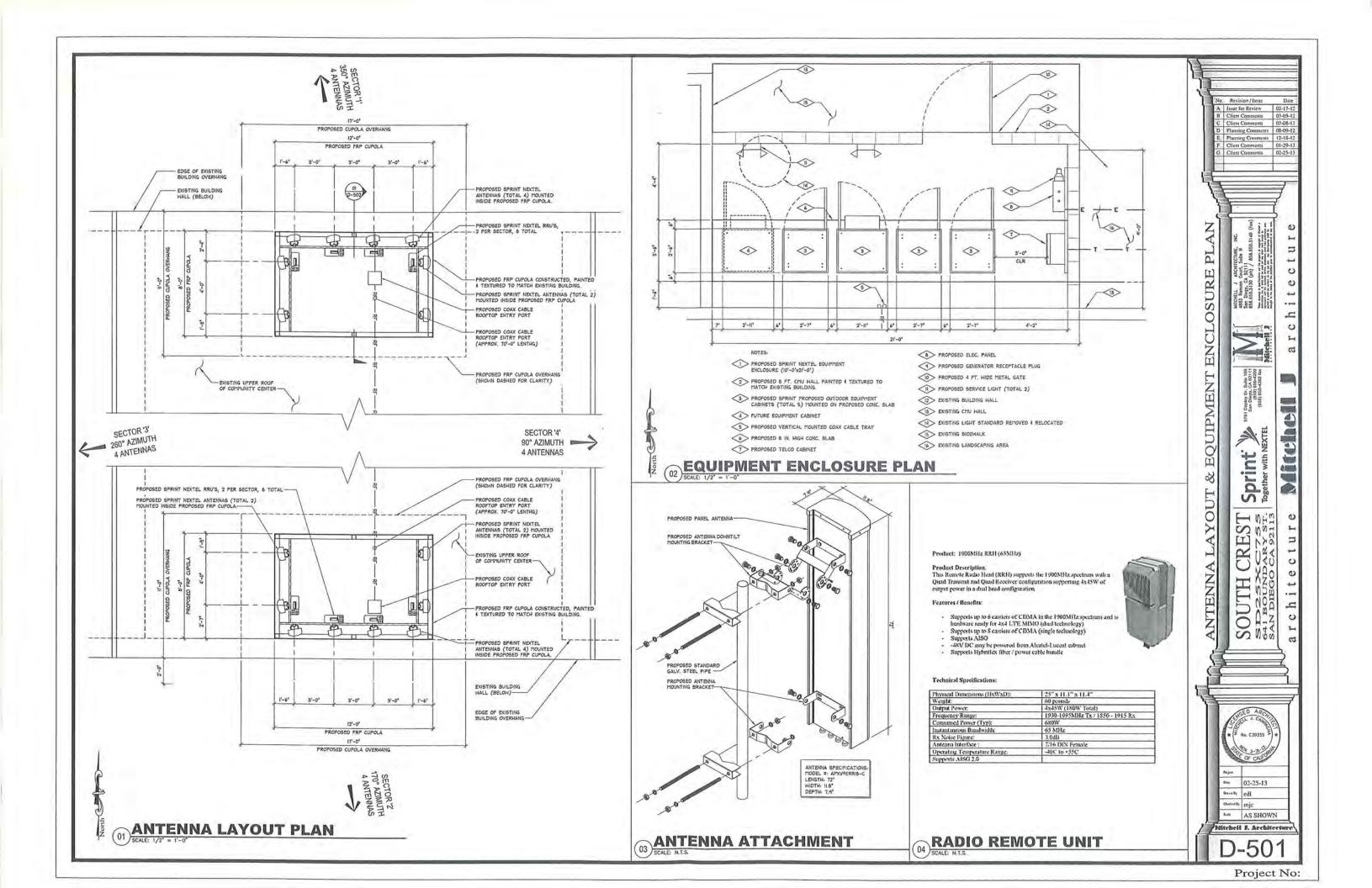






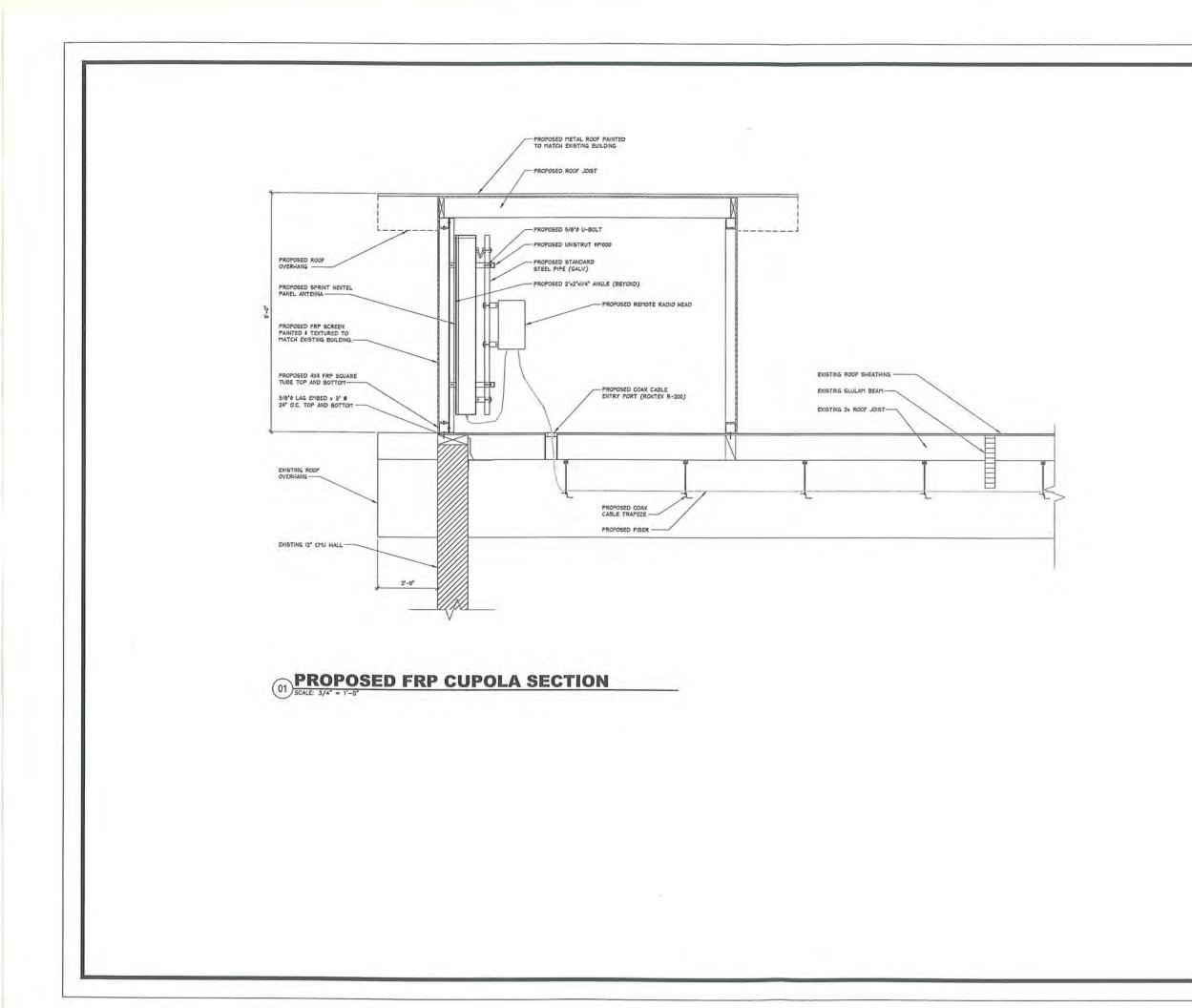








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# SOUTH CREST SITE ID #SD25XC755

# Sprint

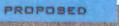


LOCATION

641 BOUNDARY ST., SAN DIEGO, CA 92113









Together with NEXTEL



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# SOUTH CREST SITE ID #SD25XC755

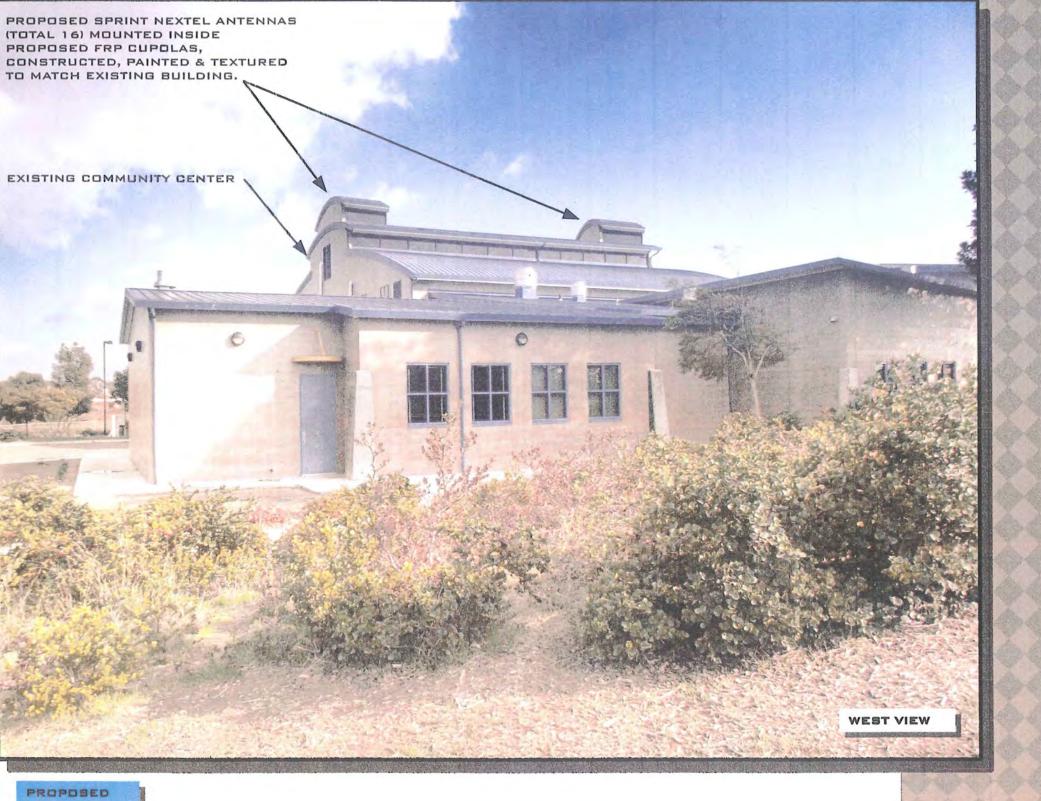
# Sprint



LOCATION

## 641 BOUNDARY ST., SAN DIEGO, CA 92113









Together with NEXTEL

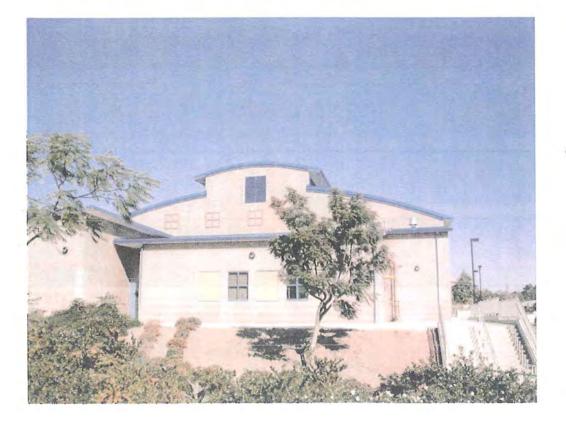


## Sprint Nextel SD25XC755 – South Crest/Mt. View Com Center Photo Survey Key Map





- 1. View of North Elevation of site.
- 2. View of South Elevation of site.





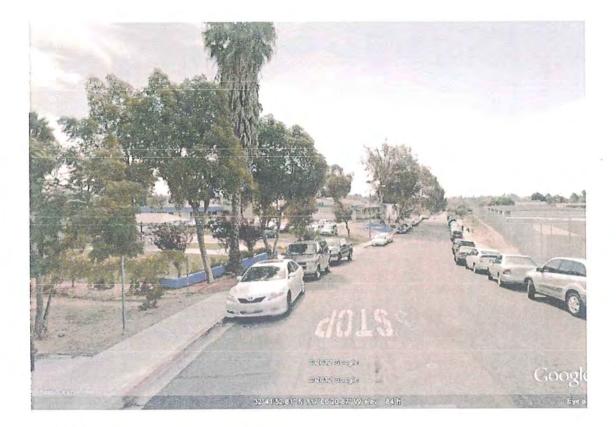
- 3. View of East of site.
- 4. View of West Elevation of site.



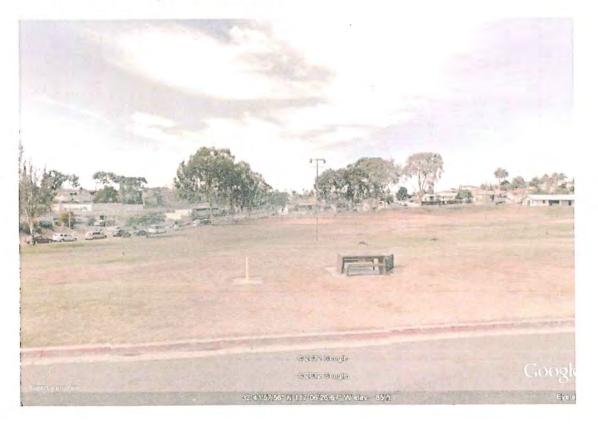


- 5. View looking North from site.
- 6. View looking East from site.





- 7. View looking South from site.
- 8. View looking West from site.







THE CITY OF SAN DIEGO

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

### **Community Planning Committee Distribution Form Part 1**

Project Name:	Pro	ject Number:	<b>Distribution Date:</b>		
Sprint Mountain View Community	Center	283354	2/13/2013		
Project Scope/Location:					
A new Sprint Wireless Communica of the Southeastern Community Pl new rooftop cupolas and a 210-sq Permit and a Neighborhood Use P	anning area. The project consisuare foot equipment enclosure.	ts of sixteen (16) The project requi	antennas concealed inside two ires a Planned Development		
Applicant Name:		Applicant Phon	e Number:		
Caitlyn Kes		858-527-9938			
Project Manager:	Phone Number:	Fax Number:	E-mail Address:		
Simon Tse	(619) 687-5984	(619) 321-3200	Stse@sandiego.gov		
r roject issues (10 be completed by	Community Framming Committee	e tor mitial review			
Project Issues (To be completed by Attach Additional Pages If Necessar	y. Please retur				



City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

## **Community Planning Committee Distribution Form Part 2**

Project Name:	Pro	<b>Project Number:</b>		Distribution Date:	
Sprint Mountain View Community Center		283354		2/13/2013	
Project Scope/Location:					
A new Sprint Wireless Communication Facility (WC of the Southeastern Community Planning area. The new rooftop cupolas and a 210-square foot equipm Permit and a Neighborhood Use Permit, Process 4,	e project consists o ent enclosure. The	of sixte proje	een (16) ant ect requires	ennas concealed inside two a Planned Development	
Applicant Name:			Applicant I	Phone Number:	
Caitlyn Kes		_	858-527	-9938	
Project Manager:	Phone Number:	Fax	Number:	E-mail Address:	
Simon Tse (	(619) 687-5984	687-5984 (619) 321-3200		Stse@sandiego.gov	
Committee Recommendations (To be completed for l	Initial Review):				
Vote to Approve	Members Yes	M	embers No	Members Abstain	
Vote to Approve With Conditions Listed Below	Members Yes	i M	embers No	Members Abstain	
Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes w 9	M	embers No 1	<b>Members Abstain</b> O	
Vote to Deny	Members Yes	M	embers No	Members Abstain	
No Action (Please specify, e.g., Need further infor quorum, etc.)				Continued	
CONDITIONS: 1. Clear PTS, 2. Impl report on EMF radiati Park & Rec Department	on, and fund				
NAME: Maria Riveroll, EA			TITLE: Chair		
SIGNATURE:		DATE: 02/13/13			
Attach Additional Pages If Necessary.	Please return to: Project Manager City of San Dieg Development Ser 1222 First Aven San Diego, CA	nent D o rvices l te, MS	livision Department		
Printed on recycled paper. Visit our Upon request, this information is avail					

### ATTACHMENT 12

### Sprint Mountain View Community Center PROJECT CHRONOLOGY PTS #283354 INT #24002766

Date	Action	Description		Applicant Response
5.25.2012	First Submittal	Project Deemed Complete		
6.20.2012	First Assessment Letter		26 days	
11.5.12	Second Submittal			138 days
12.12.2012	Second Assessment Letter		37 days	
02.13.2013		Community Planning Group Voted to support the project 9-1		63 days
02.13.2013	All issues Resolved			
3.28.2013	Scheduled for Planning Commission	-	43 days	
Tota	l Staff Time:	Including City Holidays and Furlough	106 days	
Total A	pplicant Time:	Including City Holidays and Furlough		201 days
Total Proje	ect Running Time:	From Deemed Complete to PC Hearing	307	days



#### Sprint Nextel – Mountain View Com Center/South Crest 641 South Boundary Street. San Diego, CA 92113 TELECOM SITE TECHNICAL ANALYSIS / REPORTS

1. Description of the location, type, capacity, field strength or power density, and calculated geographic service area of the proposed antenna or antenna array.

#### LOCATION AND TYPE

Sprint Nextel proposes to install a communications facility on a 43 feet high building within a community center, which is off of South Boundary Street. The parcel number is 547-520-26-00. The project consists of a sixteen (16) panel antennas inside a proposed FRP cupola and five (5) equipment cabinets mounted on concrete slab inside a CMU block equipment enclosure, approximately 210 square feet. This proposed facility is unmanned, operating 24 hours a day. The only visits to the site will consist of any emergency calls as well as regular maintenance visits once every four to six weeks.

#### FREQUENCY AND POWER SPECIFICATIONS

The transmitting frequency for the system is 1710 - 2170 Megahertz. The receiving frequency is 1710 - 2170 Megahertz. Please see attached KMW Communications spec sheet for more details and/or RF Report attached.

#### COVERAGE AND CAPACITY

The objective of this proposed site is to provide Sprint Nextel coverage within the residential area to the north, east, south and west, and to connect to surrounding sites. Please refer to the existing coverage maps that illustrate the existing coverage gap. The site will provide coverage in a current gap and will be connecting to surrounding sites.

2. Location of all existing, proposed and anticipated wireless communications facilities in the Applicant/Permitee's network located within a 1 mile radius from proposed site.

Please see refer to justification maps and to coverage maps.

· 3. A description of how the proposed facility fits into, and is a necessary part of, the Applicant/Permitee's network.

The objective of this proposed site is to provide Sprint Nextel coverage within the residential area to the north, east, south and west, and to connect to surrounding sites. Please refer to the existing coverage maps that illustrate the existing coverage gap. The site will provide coverage in a current gap and will be connecting to surrounding sites.

SD25XC755 South Crest/Inountain View Com Center **Telecom Site Justification** 

4. If the proposal does not include co-location, written documentation of all efforts made to colocate at another site, and a justification for the decision not to co-locate.

> There were no other existing telecommunication facilities in the area for any co-location opportunities.

5. Discuss Alternative Sites and why they were not selected.

> This site is located within the Mountain View Community Center of South Boundary Street. It is surrounded by residential zones all around: north, east, south and west. Please refer to justification maps, zoning map.

The proposed site was selected because of its height above the coverage area and ability to fill the coverage gap and connect to surrounding sites.

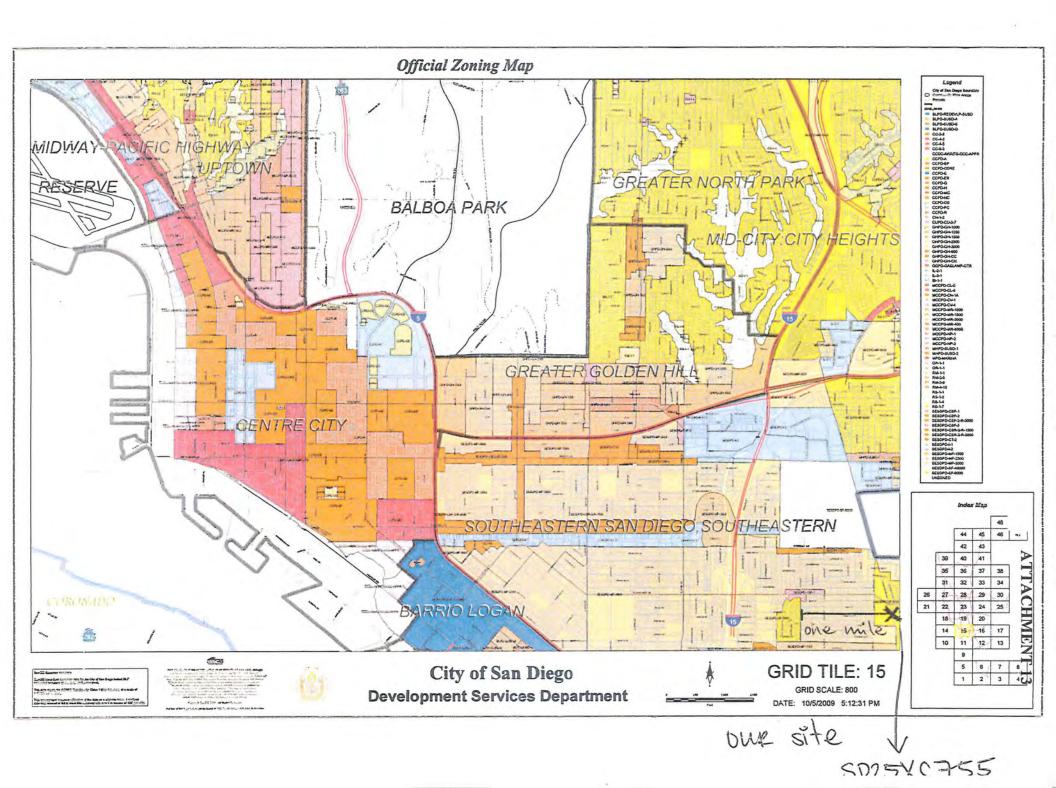
Alternative sites were explored. They too would be complete new site builds just like this proposal. Alternative sites might impede more so into the residential zones or be more of an obstruction in the park area.

Noise Information for sites located near residential 6.

> Please see the attached noise information for the cabinets. The noise falls to below residential noise standards within 35 feet. A in-depth report could be generated if necessary.

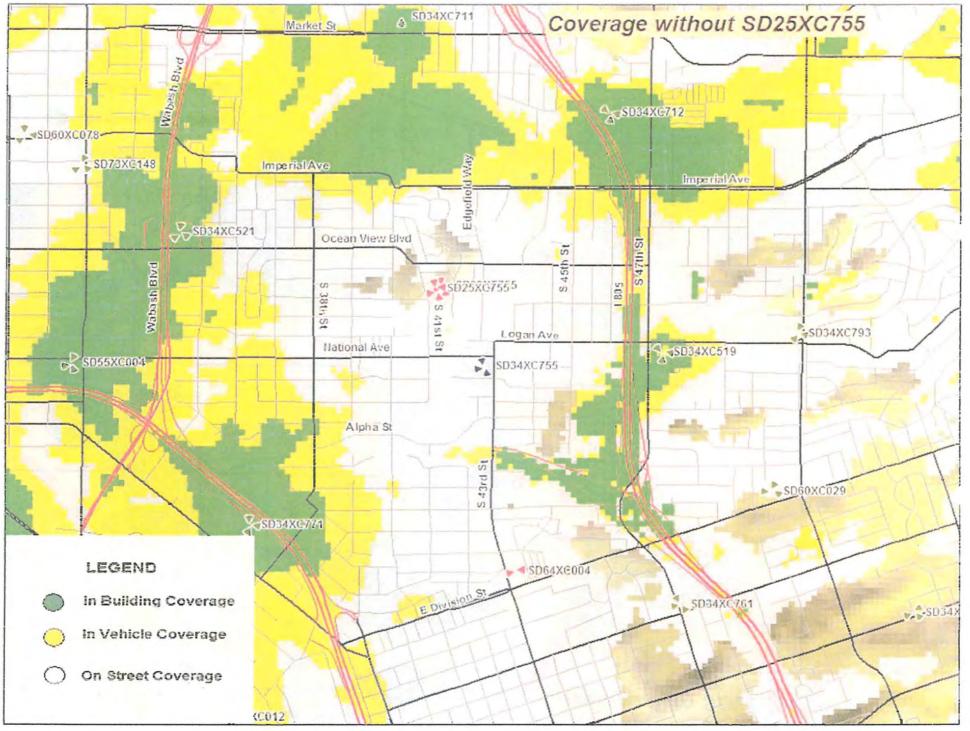
Lucent Modcell 3.0	Primary	Cabine	et and C	one Ass	ociated	WNG24	BC Bat	tery Cab	inet
Octave Band Center Frequency (Hz)	63	125	250	500	1K.	2K	4K	8K	L <sub>SQ</sub>
Noise Level at 3 feet (dB)	68.9	67.0	71.3	68.6	61.8	56.7	48.8	44.5	68.9 dBA

		. Calculated Noi ulpment Cabine		and the second sec		
Noise Source	Receiver	Location	Average Distance from Source (ft.)	Calculated Noise Level <sup>1</sup> (dBA)	Cadna Model Noise Level <sup>2</sup> (dBA)	Difference (dB)
	R1	Northern Property Line	128.3	36.3	20.8	15.5
One Sprint Cabinet System	R2	Southern Property Line	540.4	23.8	4.6	19.2
(68.9 dBA Measured @ 3 ft.)			67.0	41.9	27.7	14.2
	R4	Western Property Line	274.9	29.7	15.9	13.8

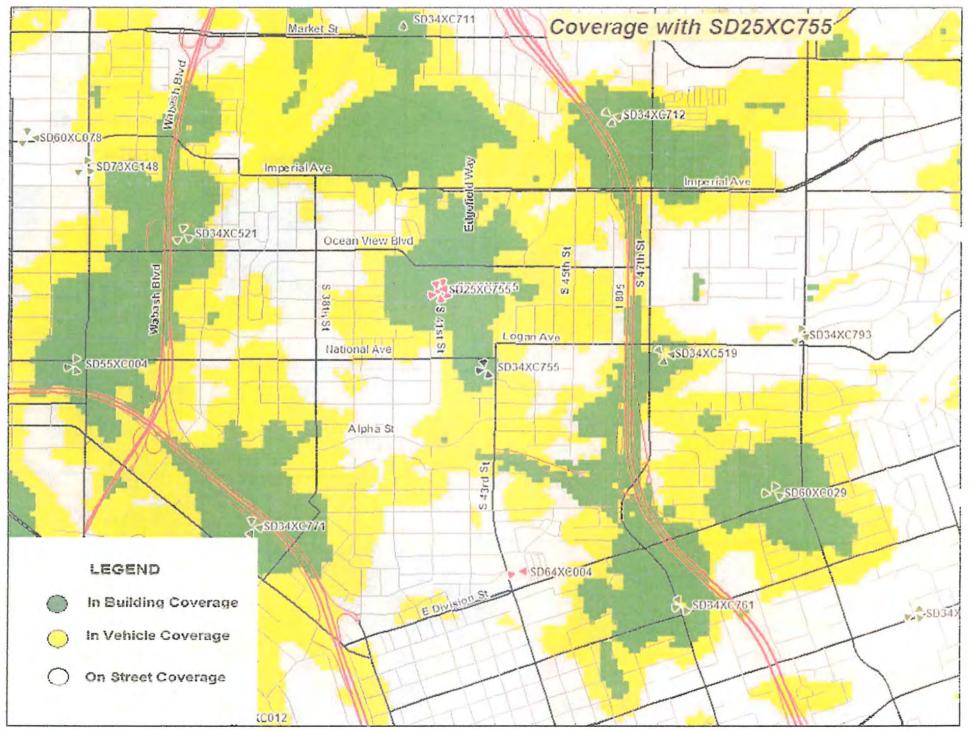














THE CITY OF SAN DIEGO

#### DATE OF NOTICE: March 14, 2013

# NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: TIME OF HEARING:	March 28, 2013 9:00 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	PLANNED DEVELOPMENT PERMIT &
	<b>NEIGHBORHOOD USE PERMIT/</b>
	ENVIRONMENTAL EXEMPTION
	PROCESS FOUR
<b>PROJECT NUMBER:</b>	283354
PROJECT NAME:	SPRINT MOUNTAI N VIEW COMMUNITY CENTER
APPLICANT:	CAITLYN KES
COMMUNITY PLAN AREA:	SOUTHEASTERN SAN DIEGO
<b>COUNCIL DISTRICT:</b>	District 9
CITY PROJECT MANAGER:	SIMON TSE, Development Project Manager
PHONE NUMBER:	(619) 687-5984

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application for a new Wireless Communication Facility (WCF) at the Mountain View Community Center. The property is located at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan. This project consists of sixteen (16) antennas and twelve (12) Remote Radio Heads (RRHs) concealed inside two cupolas on the roof of the existing community center, painted and textured to match The equipment associated with this project is located inside a 189-square foot CMU enclosure, adjacent to the park's generator enclosure. As designed, the project requires a Planned Development Permit (PDP) and a Neighborhood Use Permit (NUP), consolidated 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 was determined to be categorically exempt from the California Environmental Quality Act.

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 <u>Support</u> <u>Services at (619) 321-3208</u> at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order No. 24002766

Revised 12/5/08 RH