Civic San Diego

DATE ISSUED:	August 8, 2013	REPORT NO. PC-03-097
ATTENTION:	Planning Commission, Agenda of August	15, 2013
SUBJECT:	SPRINT – PORTO VISTA PROJECT NO. 2013-06 – PROCESS FO	UR
OWNER/ APPLICANT:	1835 COLUMBIA STREET, L.P./SPRIN	Т

SUMMARY

Issue: Should the Planning Commission approve an expansion of an existing Wireless Communication Facility (WCF) at 1835 Columbia Street, within the Downtown Community Plan (DCP) area?

Staff Recommendation:

1. APPROVE Conditional Use Permit (CUP) No. 2013-06.

<u>Community Planning Group Recommendation</u>: On July 24, 2013, the Downtown Community Planning Council (DCPC) voted 22-0 that the Planning Commission grant CUP 2013-06 subject to the conditions in the draft permit.

Other Recommendations: None.

Environmental Review: This activity is covered under the Final Environmental Impact Report (FEIR) for the DCP, Centre City Planned District Ordinance (CCPDO) and Tenth Amendment to the Centre City Redevelopment Plan certified by the City Council and the Former Redevelopment Agency ("Former Agency") on March 14, 2006 (Resolution R-301265 and R-04001, respectively) and subsequent addenda to the FEIR, certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolutions R-04508 and R-04510), and August 3, 2010 (Former Agency Resolution R-04544). The FEIR is a "Program EIR" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The expansion of the existing wireless communication facility is within the scope of the development program described in the FEIR and the environmental impacts of the project were adequately addressed in the FEIR; therefore, no further environmental documentation is required under CEQA. Planning Commission Agenda of August 15, 2013 Page -2-

Fiscal Impact Statement: None.

Code Enforcement Impact: Not applicable.

Housing Impact Statement: Not applicable.

BACKGROUND

A WCF consists of antennas and associated equipment used to provide wireless communications, such as telephone, paging or wireless data transmission services. WCFs are reviewed by the local land use authority for conformance with development regulations that attempt to minimize the visual impacts of the facility. Radio Frequency (RF) emissions are regulated by the federal government pursuant to the 1996 Telecommunications Act, not by the local land use authority. However, the local land use authority requires carriers to submit a certified cumulative RF report demonstrating compliance with the Federal Communication Commissions' standards prior to the issuance of a building permit.

Applications for WCF's within the DCP area are processed in accordance with the regulations established by the City of San Diego ("City") as set forth in Chapter 14 (Separately Regulated Uses) of the Land Development Code (LDC). Under the LDC, applications for WCFs within a residential zone are required to obtain a CUP processed in accordance with Process 4 (Planning Commission approval).

Sprint originally located on the site in December 1995 when this type of facility was allowed by right and only required issuance of a building permit. The approval consisted of three sectors of three panels each for a total of nine (9) and a GPS antenna. In October 2006, the existing WCF was modified with a reduction of antennas to one per sector with a total of three antennas. Sprint is now seeking a modification to add one additional antenna, increase the size of the three existing antennas, add three remote radio units (RRU), and additional associated equipment to the roof. Under the LDC's previously conforming regulations, a WCF can continue to exist as long as it was established in compliance with the applicable regulations at the time of its development. Due to the modifications and additions being proposed by Sprint, they are subject to current regulations that require a CUP for the site.

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DISCUSSION

Project Description:

The project is located on a 32,770 square-foot lot at 1835 Columbia Street which is on the north half of the block bounded by Columbia, State, Elm and Fir streets. The site includes a mixed-use project with approximately 119 hotel rooms, 77 studio apartment units, and 2,600 square feet of commercial space. Uses on the block include a one-story single-family residence, a surface-parking lot, and a one-story office building. Surrounding uses include Titan Lofts, a residential building, to the north; Columbia Street Lofts, a residential building, to the west; Vantaggio Apartments to the south; and, Amici Park, Interstate 5, and the former Washington Elementary School site to the east.

Porto Vista is located within the Residential Emphasis (RE) Land Use District of the DCP area, which accommodates primarily residential development with small-scale businesses, offices, services and ground-floor active commercial uses, subject to size and area limitations. Within the RE District, at least 80 percent of the gross-floor area must be occupied by residential uses and no more than 20 percent dedicated to non-residential uses. The aerial photo, land use map, and project location map are included as Attachments 1, 2, and 3.

The existing Sprint WCF consists of three façade-mounted antennas and an equipment area located on the rooftop of the existing building. There is a three-sector—A (north), B (southeast), and C (southwest)—antenna array, with one antenna per sector, with two facing south and one facing north. The antennas are approximately four feet in length, one inch in width, and one inch in depth. The existing equipment area is approximately 160 square feet and is located on the rooftop. Sprint is the only carrier on the site. The photographic survey is included as Attachment 4.

Sprint is currently proposing to install one additional antenna of six feet in length; increase the size of the three existing antennas to four-foot six inches in length; add three RRUs; and, install three fiber-optic cables. The replacement antennas will be mounted at their existing locations while the additional antenna will be mounted on the east-facing parapet wall. The antennas will be painted and textured to match and are proposed to include side and bottom skirts. No changes are proposed to the equipment area. The plans and photograph simulations are included as Attachments 5 and 6.

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<u>CUP:</u>

As previously noted, the modifications and additions to the existing Sprint WCF require approval of a CUP. As part of the CUP review, the WCF is reviewed according to the design regulations found in Section 141.0420 of the LDC in conjunction with the City's WCFs Guidelines. The design regulations and guidelines attempt to minimize the visual impacts of WCFs. With different types of facilities, there are different kinds of design solutions.

Staff reviewed the existing WCF and explored design solutions to minimize visual impacts with the proposed changes. The new antennas are proposed to include a RF box screen that will be painted and textured to match the adjacent building and conceal any cables and conduit. The RRUs are proposed to be mounted behind the existing penthouses, thereby out of view. Staff has determined that the modifications and additions are consistent with WCF Guidelines; and therefore, is recommending approval of the CUP for the Sprint WCF. The draft CUP and resolution for the Sprint WCF are included as Attachment 7.

Staff has not received any public correspondence with regard to this permit application as of the date of this report.

<u>Findings</u> – Pursuant to Section 126.0305 of the San Diego Municipal Code, the following four findings must be made to approve a CUP:

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

Although the DCP does not specifically address WCFs, the City's General Plan does and it establishes that the visual impacts of these facilities be minimized; that the design be aesthetically pleasing; and that mechanical equipment be concealed underground or be within an unobtrusive structure. The Sprint CUP application will conceal the antennas with a screen that is painted and textured to match the building. The RRUs will be mounted behind the penthouse wall and the equipment is to remain concealed within an enclosure that is painted to match the existing building. Therefore, the proposed WCF will not adversely affect the applicable land use plan. Planning Commission Agenda of August 15, 2013 Page -5-

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

The WCF will be required to comply with city, state and federal regulations including complying with the RF emissions per the 1996 Telecommunications Act. Federal regulations set out explicit standards to ensure the WCF is not detrimental to the public health, safety and welfare. Assuming the CUP is approved, the applicant will be required to provide an RF emissions report showing that the RF power densities of the facility are within the federal standards.

3. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

The Sprint WCF will comply to the maximum extent feasible with the regulations for the proposed modifications and additions. The applicant has already applied for the required CUP and will be subject to conditions of approval that bring the facility into conformance with current standards in the CCPDO and LDC.

4. The proposed use is appropriate at the proposed location.

While the WCF Guidelines specify that a residentially zoned land with a residential use is one of the least preferred areas for siting WCF, carriers such as Sprint are allowed to provide coverage for their customers which necessitates placing these facilities in these locations. However, the site has been designed in a way that the facility will not disrupt the surrounding uses by screening the antennas, concealing the RRUs, and maintaining the equipment behind an enclosure all on the rooftop of the existing building. Therefore, the proposed use is appropriate at the proposed location.

Conclusion:

This project complies with the applicable regulations of the LDC and the CCPDO. Therefore, staff recommends approval of CUP No. 2013-06.

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ALTERNATIVES

- 1. Approve CUP No. 2013-06 with conditions.
- 2. Deny CUP No. 2013-06, 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,

Lorena Cordova Assistant Planner

Brad Richter Assistant Vice President, Planning Concurred by:

President

Attachments: 1 - Aerial Photo

- 2 Community Plan Land Use Map
- 3 Project Location Map
- 4 Photographic Survey
- 5 Photo Simulations
- 6 Project Plans
- 7 Draft Permit with Conditions and Resolution with Findings
- 8 Ownership Disclosure Statement

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SPRINT AT PORTO VISTA

AERIAL PHOTO OF SITE



ATTACHMENT 1



SPRINT AT PORTO VISTA

PROJECT LOCATION MAP



ATTACHMENT 3



Sprint – SD03XC001- South Italy 1835 Columbia Street San Diego CA 92101 APN: 533-241-12 Photo Survey





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RECORDING REQUESTED BY:

Civic San Diego 401 B Street, Suite 400 San Diego, CA 92101

AND WHEN RECORDED MAIL TO:

Civic San Diego 401 B Street, Suite 400 San Diego, CA 92101

THIS SPACE FOR RECORDER'S USE ONLY

NOTE: COUNTY RECORDER, PLEASE RECORD AS RESTRICTION ON USE OR DEVELOPMENT OF REAL PROPERTY AFFECTING THE TITLE TO OR POSSESSION THEREOF

CENTRE CITY PLANNED DISTRICT CONDITIONAL USE PERMIT NO. 2013-06 1835 COLUMBIA STREET [APN#533-241-12]

CENTRE CITY PLANNED DISTRICT CONDITIONAL USE PERMIT NO. 2013-06 1835 COLUMBIA STREET [APN#533-241-12]

This Conditional Use Permit No.2013-06 is granted by the Planning Commission of the City of San Diego to Maegan Murphy Steudler on behalf of Sprint, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0304, 126.0305, 141.0420 and 156.0308. The project site is legally described as Lots 2, 3, 4, 10, 11 and 12 in Block 37 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson on file in the Office of the County Clerk of San Diego County in the Little Italy District of the Downtown Community Plan Area.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct, operate, and maintain a Wireless Communication Facility described and identified by size, dimension, quantity, type and location as follows and on the approved exhibits dated March 18, 2013, on file in the Civic San Diego Planning Department.

The project shall include:

- a. Three panel antennas of four feet six inches and one six-foot panel antenna, all façademounted on the penthouses of the building near the southern property line;
- b. Three fiber optic cables;
- c. Three remote radio units mounted behind the existing penthouses; and,
- d. Existing equipment area of 160 square feet on the rooftop of the existing building.

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, this permit shall be void unless an Extension of Time has been granted.
- 2. The Sprint facilities on the site shall expire on August 15, 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 unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.
- 3. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new application 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.

CUP 2013-06 Sprint at Porto Vista

- 4. Under no circumstances, does approval of this permit authorize Sprint 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. All work authorized by this permit shall be in conformance with the description of work contained herein and as indicated on the plans submitted to the Building Safety Division and stamped with the CivicSD "APPROVED" stamp. All modifications to this structure or site not directly approved by this permit shall require further review by CivicSD.
- 6. No change, modifications, or alterations to the approved plans shall be made without a determination of substantial conformance by CivicSD or amendment of this Permit has been granted. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone which are in effect on the date of the submittal of the requested amendment.
- 7. At any time in which the facilities are no longer utilized as approved, 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.
- 8. This Permit may be revoked by CivicSD if there is a material breach or default in any of the conditions of this permit. If the business creates a nuisance to the surrounding neighborhood, based on a determination of the President of CivicSD, this permit may be revoked after the holding of a public hearing.
- 9. This Permit shall not become effective until:
 - a) The Permittee signs and returns the Permit to CivicSD; and
 - b) The Permit is recorded in the Office of the County Recorder.

c) This Permit must be used within 36 months after the date of approval or the Permit shall be void.

- 10. After establishment of the business, the Property shall not be used for other uses unless:
 - a) Authorized by CivicSD; or

b) The uses are consistent with all zoning and development regulations of the Centre City Planned District Ordinance; or

c) This permit has been revoked by CivicSD.

11. This Permit is a Covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

- 12. The owner or operator shall adhere to all Federal, State and local laws, ordinances and regulations at all times.
- 13. The owner or operator shall maintain the CUP and other business licenses in the establishment and shall make these documents available to anyone lawfully engaged in the inspections of the premises.

PLANNING/DESIGN REQUIREMENTS:

- 14. The panel antennas will be concealed within radio frequency screen boxes that are painted and textured to match the wall on which they are mounted.
- 15. The remote radio units will be mounted behind the existing rooftop penthouses.
- 16. All equipment including transformers, emergency generators and air conditioners shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.
- 17. Associated lighting for the communications equipment (not for the Sprint Building) shall be minimized and directed to shine on the equipment building only. Motion detectors should be implemented when practical.
- 18. Prior to the issuance of a Building Permit, the Permittee shall provide a certified cumulative radio frequency model study demonstrating compliance with the Federal Communications Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.
- 19. The Permittee shall secure all necessary building permits. The applicant is informed that to secure theses permits, modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law may be required.

Approved by the Planning Commission of the City of San Diego on August 15, 2013 by Resolution No. PC-XXXX.

AUTHENTICATED BY THE CIVIC SAN DIEGO

Note: Notary Acknowledgement must be attached per Civil Code Section 1189 et seq.

Lorena Cordova Assistant Planner Civic San Diego CUP 2013-06 Sprint at Porto Vista

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.

> 1835 COLUMBIA STREET, LP Owner

> By: _____

SPRINT Permittee

By: _____ Maegan Murphy Steudler

Note: Notary Acknowledgement must be attached per Civil Code Section 1189 et seq.

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PLANNING COMMISSION RESOLUTION NO. PC-XXXX CONDITIONAL USE PERMIT NO.2013-06 SPRINT - PORTO VISTA

WHEREAS, Maegan Murphy Steudler on behalf of Sprint, Owner/Permittee, filed an application with the City of San Diego for a permit to construct, operate and maintain a Wireless Communication Facility (WCF) as described in and by reference to the approved Exhibits A and corresponding conditions of approval associated permit no. 2013-06;

WHEREAS, the project site is located at 1835 Columbia Street in the Residential Emphasis Land Use District of the Downtown Community Plan Area;

WHEREAS, the project site is legally described as Lots 2, 3, 4, 10, 11 and 12 in Block 37 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson on file in the Office of the County Clerk of San Diego County;

WHEREAS, on August 15, 2013, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 2013-06 pursuant to the Centre City Planned District Ordinance and the Land Development Code of the City of San Diego;

NOW, THEREFORE, 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 August 15, 2013.

FINDINGS:

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

Although the DCP does not specifically address WCFs, the City's General Plan does and it establishes that the visual impacts of these facilities be minimized; that the design be aesthetically pleasing; and that mechanical equipment be concealed underground or be within an unobtrusive structure. The Sprint CUP application will conceal the antennas with a screen that is painted and textured to match the building. The RRUs will be mounted behind the penthouse wall and the equipment is to remain concealed within an enclosure that is painted to match the existing building. Therefore, the proposed WCF will not adversely affect the applicable land use plan.

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

The WCF will be required to comply with city, state and federal regulations including complying with the RF emissions per the 1996 Telecommunications Act. Federal regulations set out explicit standards to ensure the WCF is not detrimental to the public health, safety and welfare. Assuming the CUP is approved, the applicant will be required to provide an RF emissions report showing that the RF power densities of the facility are within the federal standards.

3. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

The Sprint WCF will comply to the maximum extent feasible with the regulations for the proposed modifications and additions. The applicant has already applied for the required CUP and will be subject to conditions of approval that bring the facility into conformance with current standards in the Centre City Planned District Ordinance and Land Development Code.

4. The proposed use is appropriate at the proposed location.

While the WCF Guidelines specify that a residentially zoned land with a residential use is one of the least preferred areas for siting WCF, carriers such as Sprint are allowed to provide coverage for their customers which necessitates placing these facilities in these locations. However, the site has been designed in a way that the facility will not disrupt the surrounding uses by screening the antennas, concealing the RRUs, and maintaining the equipment behind an enclosure all on the rooftop of the existing building. Therefore, the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, CONDITIONAL USE PERMIT NO. 2013-06 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. 2013-06, a copy of which is attached hereto and made a part hereof.

Lorena Cordova Assistant Planner Civic San Diego

Adopted on: August 15, 2013

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SD03XC001 SOUTH ITALY **1835 COLUMBIA STREET** SAN DIEGO, CA 92101

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Together with NEXTEL





ATTACHMENT 6



Together with NEXTEL

SD03XC001 SOUTH ITALY 1835 COLUMBIA STREET SAN DIEGO, CA 92101





VIEWPOINT 1





Together with NEXTEL

SD03XC001 SOUTH ITALY 1835 COLUMBIA STREET SAN DIEGO, CA 92101



VIEWPOINT 2



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Preside metical particle Medical Operation	THE OF CALIFORNIA, ACCORDING TO PARTITION MAP BY J.E. JACKSON, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY.	PARCEL NUMBER(S):	SDG&E PHONE (80	00) 336-7343
ALU SITE ACQUISITION: DATE:	PARCEL B	533-241-12	AT&T	COMPANY:
PLANNING CONSULTANT: DATE:	 LOTS 3, 4 AND 10 IN BLOCK 37 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP BY J.E. JACKSON, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY 	± 161 SQ. FT.	PHONE (88	88) 944-0447
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ATTACHMENT 7





THESE DRAWINGS WERE PRODUCED WITHOUT THE BENEFIT OF A CURRENT LAND SURVEY ALL PROPERTY LINES, EASEMENTS, AND SETBACKS SHALL BE VERIFIED PRIOR TO START OF CONSTRUCTION. TAIC DOES NOT GUARANTEE THE ACCURACY OF SAID PROPERTY LINES, EASEMENTS AND SETBACKS.





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