

RESOLUTION NUMBER R- 315425

DATE OF FINAL PASSAGE MAR 12 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE AMERICAN TOWER/AT&T TECOLOTE RELO PROJECT (PROJECT NO. 1071544) IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15302 (REPLACEMENT OR RECONSTRUCTION) OF THE CEQA GUIDELINES.

WHEREAS, on September 16, 2022, Sorrento Tower Housing Partners, L.P., Owner, and American Tower Corporation and AT&T Mobility, Permittees filed an application with the City of San Diego for a Conditional Use Permit and Site Development Permit for a wireless communication facility (WCF) known as the American Tower/AT&T Tecolote Relo project (Project), located at 2875 Cowley Way, and legally described as Lot 6 of Forest Park Plaza, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 7522, filed in the Office of the County Recorder of San Diego County, January 5, 1973. The Project is located within the RM-3-7 zone, FAA Part 77 Noticing Area, ALUCP- Montgomery Field Review Area 2, Clairemont Mesa Height Limit Overlay Zone, and the Clairemont Mesa Community Plan area; and

WHEREAS, the Project proposes the continued use of a WCF on the roof of an existing apartment building behind Fiber Glass Reinforced Panels and modifying the WCF to remove six (6) antennas, install nine (9) antennas, and upgrade the equipment inside a mechanical room on the 14th floor; and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) shall list those classes of projects

which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Development Services Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15302 (Replacement or Reconstruction) and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Council of the City of San Diego (City Council) has considered the potential environmental effects of the Project; and

WHEREAS, on March 12, 2024, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the Project will not have a significant effect on the environment and meets the criteria set forth in CEQA Guidelines section 15302 (Replacement or Reconstruction); and

WHEREAS, CEQA Guidelines section 15302 (Replacement or Reconstruction) allows for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced. The proposed Project would replace existing WCF equipment with new equipment and would not expand the use of the WCF. Since the Project is proposed on the same

developed site as the existing WCF, no environmental impacts would occur and none of the exceptions described in CEQA Guidelines Section 15300.2 apply; and

WHEREAS, under Charter section 280(a)(2) this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

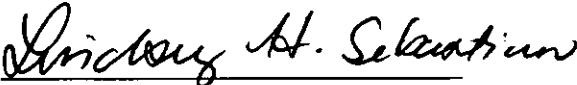
WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that the information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15302 (Replacement or Reconstruction).

BE IT FURTHER RESOLVED, that the Council of the City of San Diego determines that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

BE IT FURTHER RESOLVED, that the City Clerk, or designee, is directed to file a Notice of Exemption in accordance with CEQA with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Planning and Research regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
01/29/2024
Or. Dept: DSD
Doc. No. 3543125

Passed by the Council of The City of San Diego on MAR 12 2024 by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 12 2024.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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