

PLANNING COMMISSION  
RESOLUTION NO.  
CONDITIONAL USE PERMIT NO. 296127  
PLANNED DEVELOPMENT PERMIT NO. 453612  
**AMERICAN TOWER – 30<sup>TH</sup> PLACE**  
PROJECT NO. 92067

WHEREAS, Verizon Wireless (VAW) LLC dba Verizon Wireless, Owner and American Tower Corporation, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No.296127 and Planned Development Permit No. 453612, on portions of an .19 acre site;

WHEREAS, the project site is located at 797 1/3 30<sup>th</sup> Place in the MF-3000 zone of the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as Lot 2 of Hilltop Subdivision in the City of San Diego, according to map thereof No. 5357, filed in the Office of the County Recorder of San Diego County, March 6, 1964;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296127 and Planned Development Permit No. 453612, pursuant to 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 June 28, 2007.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a twenty year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Southeastern San Diego Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP/PDP.

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City imposed a ten year time limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest structure in and around the area in which it is located and as such, it has an incongruous effect on the community's landscape. It is situated prominently along Highway-94, which serves as a major east west transportation corridor and it poses an unsightly visual impact for commuters that utilize this corridor as well as for residents of the surrounding communities.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The 30<sup>th</sup> Place project does not conform to this code requirement. As it exists, it is a significant visual impact along Highway-94, which serves as a major transportation corridor through the city. Many commuters pass through this section of the city on a daily basis and are subjected to the unsightliness associated with this project.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

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

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate these types of facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration the surroundings and the proximity to Highway-94 would be more appropriately located on this property.

**Planned Development Permit - Section 126.0604**

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect, The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is. Neither the City of San Diego General Plan nor the Southeastern San Diego Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The monopole complies with all the development regulations of the MF-3000 zone except for the height limit of 30 feet. The monopole is 130 feet tall and is situated at a high point prominently alongside of Highway-94. Development in the area is low in scale and primarily residential in nature with commercial uses further away from the freeway. The existing tower exceeds the MF-3000 zone height limit by 100 feet. Deviations to the development regulations require a Planned Development Permit, which is a mechanism to encourage imaginative and innovative planning and to assure that the project achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.

This project was originally constructed in the mid-1980's when Pac Tel Mobile (now Verizon) was only one of two wireless carriers in San Diego. Their network was being established with tower structures and branched out to building collocations later. Typically, carriers initially built tall facilities, later filling in their networks with lower sights. Verizon signed the contract (CUP84-0469) acknowledging the 20 year time limit on the facility. In order to maintain a facility at this site, a new application in compliance with the current regulations and policies would be required.

**4. The proposed development, when considered as a whole, will be beneficial to the community; and**

The monopole serves Verizon subscribers in the surrounding communities, as well as commuters passing through the area and as such, is a beneficial service. Conversely, the significant visual impacts that the pole creates are detrimental to the surrounding communities as well as to the City of San Diego. The pole sits on a hill at an elevation of 170 feet. The pole is 130 feet tall. Just .24 miles to the west, the elevation drops 30 feet. Approximately .19 miles to the east, the elevation drops 30 feet and .29 miles to the southeast, the elevation drops a dramatic 95 feet. The monopole is a negative visual community landmark that can be seen from miles away. The original design of this tower was developed 20 years ago when the technology was at its infancy. The CUP was conditioned to expire in 20 years and the owner and operator of the facility, Verizon and American Tower Corporation had the responsibility of making preparations within their network to comply with any new regulations or policies in effect, which would have included a required reduction in height as well as adjustments to other existing facilities and development of new facilities.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) 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.**

The applicant, American Tower Corporation, is requesting to deviate from the RS-1-7 height limitation of 30 feet. The existing tower is 130 feet tall and can be viewed from miles away. It sits on an elevated hill within the Southeastern San Diego community, prominently along side of Highway-94 and is a significant visual impact within San Diego. The project, as it exists, does not result in a visually desirable project. If redesigned to comply with the 30 foot height limit, Verizon services to the community and passing commuters would be significantly reduced. However, Verizon has the responsibility of exploring available alternatives that would address legal requirements as well as reduce the negative impact on their existing network. Section 141.0405 of the Land Development Code requires telecommunication facilities to integrate into the landscape in which they are proposed. If this facility were to be redesigned to comply with this section of the Code, a reasonable height deviation may be considered. The existing tower does not result in an acceptable project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 296127 and Planned Development Permit No. 453612 is hereby DENIED by the Planning Commission.

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Karen Lynch-Ashcraft  
Development Project Manager  
Development Services

Adopted on: June 28, 2007

Job Order No. 42-5781

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CONDITIONAL USE PERMIT  
NO. 84-0469  
CITY COUNCIL.

This Conditional Use Permit is granted by the City Council of The City of San Diego to FACTEL MOBILE ACCESS, a Delaware Corporation, Owner/Permittee, under the conditions in Section 101.0507 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate a communication facility consisting of an equipment building and antenna tower located on the south side of State Highway 94 at 30th Place, more particularly described as Lot 2, Hilltop, Map 5357 and Lots 15 to 18, Block 97, E.W. Morse Subdivision, Map 547, in the CC and R-3000 Zones.
2. The facility shall consist of the following:
  - a. A 26-foot by 22-foot equipment building and a 145-foot-high antenna tower for frequency reception and transmission. The color of the pole shall be cool medium-light grey;
  - b. Off-street parking for service personnel; and
  - c. Accessory uses as may be determined incidental and approved by the Planning Director.
3. Not less than two off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.
4. No permit for construction of the expanded facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the amended permit to the Planning Department; and
  - b. The Conditional Use Permit is recorded in the office of the County Recorder.

PLANNING DEPARTMENT 66  
CITY OF SAN DIEGO  
RECEIVED  
12/21/05

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5. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.
6. Before issuance of any building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended. Specific plant species shall be identified on final landscaping plans and shall be subject to Planning Director approval.
7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located and not reflect onto adjacent properties.
8. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0506 and 101.0507 of the Municipal Code. Such extension of time shall be subject to all regulations in force at the time of the extension.
9. After establishment of the amended project, the property shall not be used for any other purposes unless:
- a. Authorized by the City Council; or
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
  - c. The permit has been revoked by the City.
10. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
11. This Conditional Use 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.

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12. This permit shall expire 20 years from the date of approval. If an extension is requested, the operation and conditions shall be reviewed at public hearings by the Planning Commission and City Council.

13. In the event that additional cellular mobile phone communication systems are needed in the future that would require a transmitting tower or towers in the vicinity of this approved facility, the permittee shall allow the installation of antennas on the tower authorized by this permit and the installation of necessary support equipment on the premises if the applicant for such additional antennae and support equipment shows that the operation thereof would not interfere with the operation of the permittee's antennae and support equipment and the co-location of such antennae and support equipment are otherwise technically feasible and compatible, and such additional antennae and support equipment are approved by The City of San Diego following a noticed public hearing on the matter.

14. The existing billboards shall be removed no later than October 1986 from the site.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON NOVEMBER 20, 1984.

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AUTHENTICATED BY:

*Roger Hedgecock*

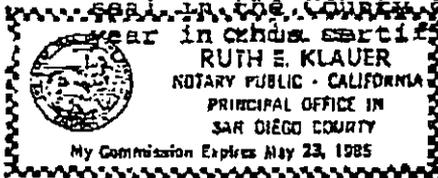
Roger Hedgecock  
Mayor of The City of San Diego

*Charles G. Abdelnour*  
City Clerk of The City of San Diego

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF SAN DIEGO )

On this <sup>4th</sup> 13 day of ~~December~~ <sup>February</sup> 1985, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in which certificate first above written.



*Ruth E. Klauer*  
Notary Public in and for the County  
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Conditional Use Permit and promises to perform each and every obligation of Permittee hereunder.

PACTEL MOBIL ACCESS, INC.  
a Delaware corporation

By *[Signature]*

NOTE: NOTARY ACKNOWLEDGEMENTS MUST BE ATTACHED PER CIVIL CODE, SEC. 1180 et seq.

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CORPORATE ACKNOWLEDGMENT

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NO. 28

State of California }  
County of Orange } ss.

On this the 31st day of January 19 85, before me,

Katherine A. Linn

the undersigned Notary Public, personally appeared

Donn A. Winslow

personally known to me

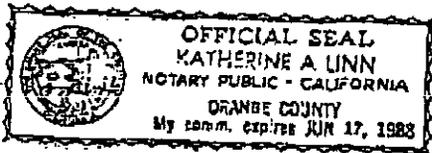
~~proved to me on the basis of satisfactory evidence~~  
to be the person(s) who executed the within instrument as

or on behalf of the corporation therein  
named, and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.

*Donn A. Winslow*

Notary's Signature



7120 122

Conditional Use Permit - 84-0469

NATIONAL NOTARY ASSOCIATION • 2002 Venture Blvd. • P.O. Box 4623 • Woodland Hills, CA 91364



000202

THE CITY OF SAN DIEGO

DATE OF NOTICE: June 14, 2007

# NOTICE OF PUBLIC HEARING PLANNING COMMISSION

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**DATE OF HEARING:** June 28, 2007  
**TIME OF HEARING:** 9:00 A.M.  
**LOCATION OF HEARING:** Council Chambers, 12th Floor, City Administration Building,  
202 C Street, San Diego, California 92101

**PROJECT TYPE:** Conditional Use Permit/Planned Development Permit  
**PROJECT NUMBER:** 92067  
**PROJECT NAME:** AMERICAN TOWER – 30<sup>TH</sup> PLACE  
**APPLICANT:** Jim Kelly, American Tower Corporation

**COMMUNITY PLAN AREA:** Southeastern San Diego  
**COUNCIL DISTRICT:** District 8

**CITY PROJECT MANAGER:** Karen Lynch-Ashcraft, Development Project Manager  
**PHONE NUMBER:** (619) 446-5351

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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 wireless communication facility consisting of an existing 130 foot high monopole and a 500 square foot equipment shelter, originally approved by CUP No. 84-0469, which expired on November 20, 2004. The facility is located at 797 1/3 30<sup>th</sup> Place between Highway-94 and G Street.

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. To file an appeal, contact the City Clerk at 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 on January 23, 2006 and the opportunity to appeal that determination ended February 7, 2006.

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 the Disability Services Program Coordinator at 236-5979 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

Job Order No. 42-5781

Revised 02/08/07/hmd



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 446-5000

# Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment  Other \_\_\_\_\_

Project Title Project No. For City Use Only

**EXISTING WIRELESS TELECOMMUNICATIONS FACILITY - 30TH PL.**

Project Address:

**700 30TH PL**

**APN 545-031-03 + 545-031-031**

**Part I - To be completed when property is held by individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Project Title: EXISTING WIRELESS TELECOM FACILITY - 30TH PL. Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation  Limited Liability -or-  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached  Yes  No

Corporate/Partnership Name (type or print): VERIZON WIRELESS (VAW) LLC  
 Owner  Tenant/Lessee  
15505 Sand Canyon Blvd / Reef Estate  
 Street Address:  
UNION, CA 92618  
 City/State/Zip:  
949/286 8716 949 286 8010  
 Phone No: Keith A. SURRATH Fax No:  
 Name of Corporate Officer/Partner (type or print):  
Wireless Area Vice President, Network  
 Title (type or print):  
Keith A. Surraht Date: 01/05/06  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print): aba Verizon Wireless  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
 Phone No: \_\_\_\_\_ Fax No:  
 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
 Phone No: \_\_\_\_\_ Fax No:  
 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
 Phone No: \_\_\_\_\_ Fax No:  
 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

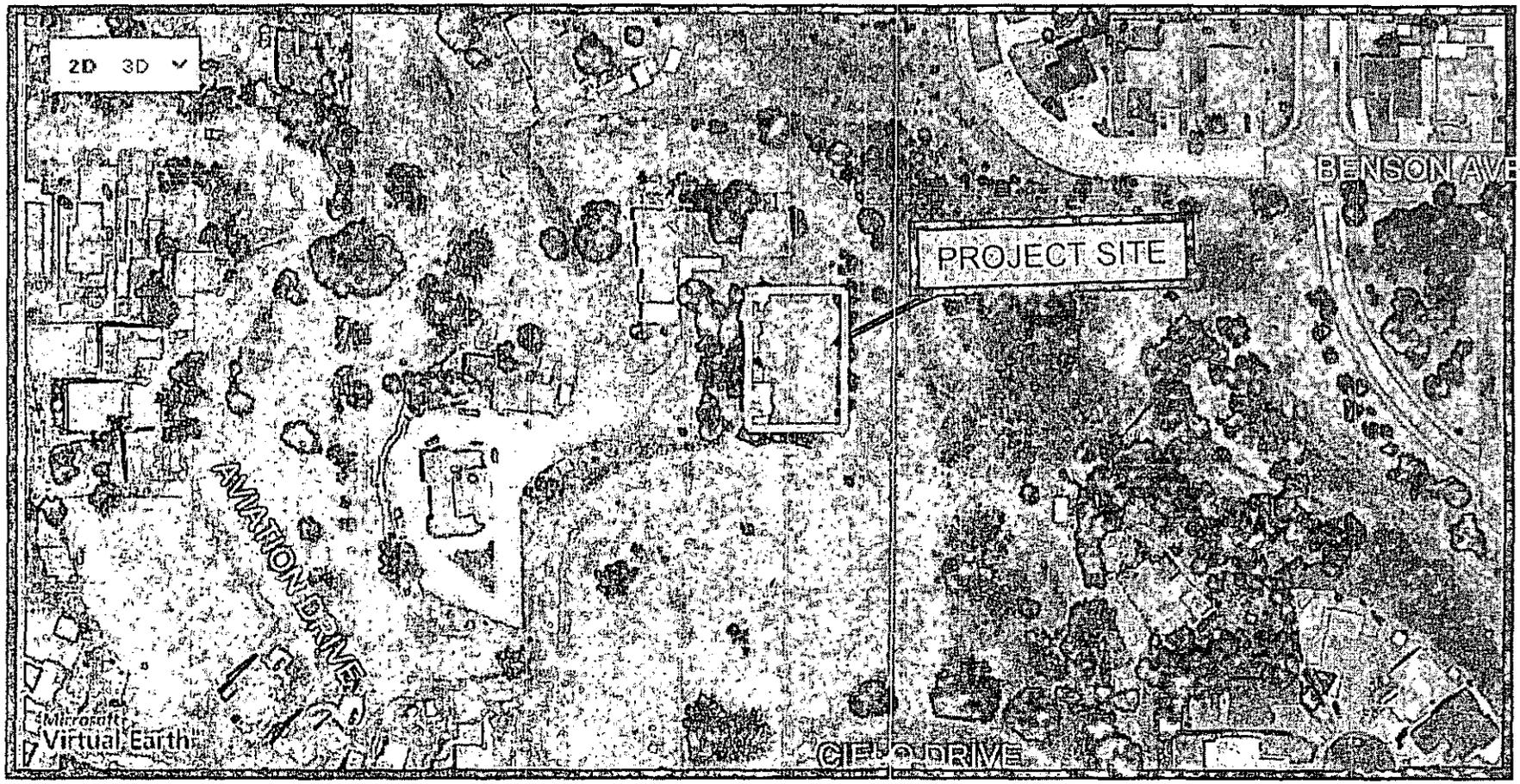
Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
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 Name of Corporate Officer/Partner (type or print):  
 Title (type or print):  
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Corporate/Partnership Name (type or print):  
 Owner  Tenant/Lessee  
 Street Address:  
 City/State/Zip:  
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 Title (type or print):  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

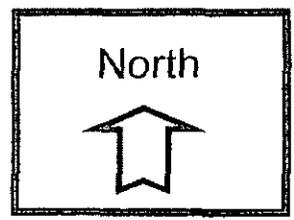
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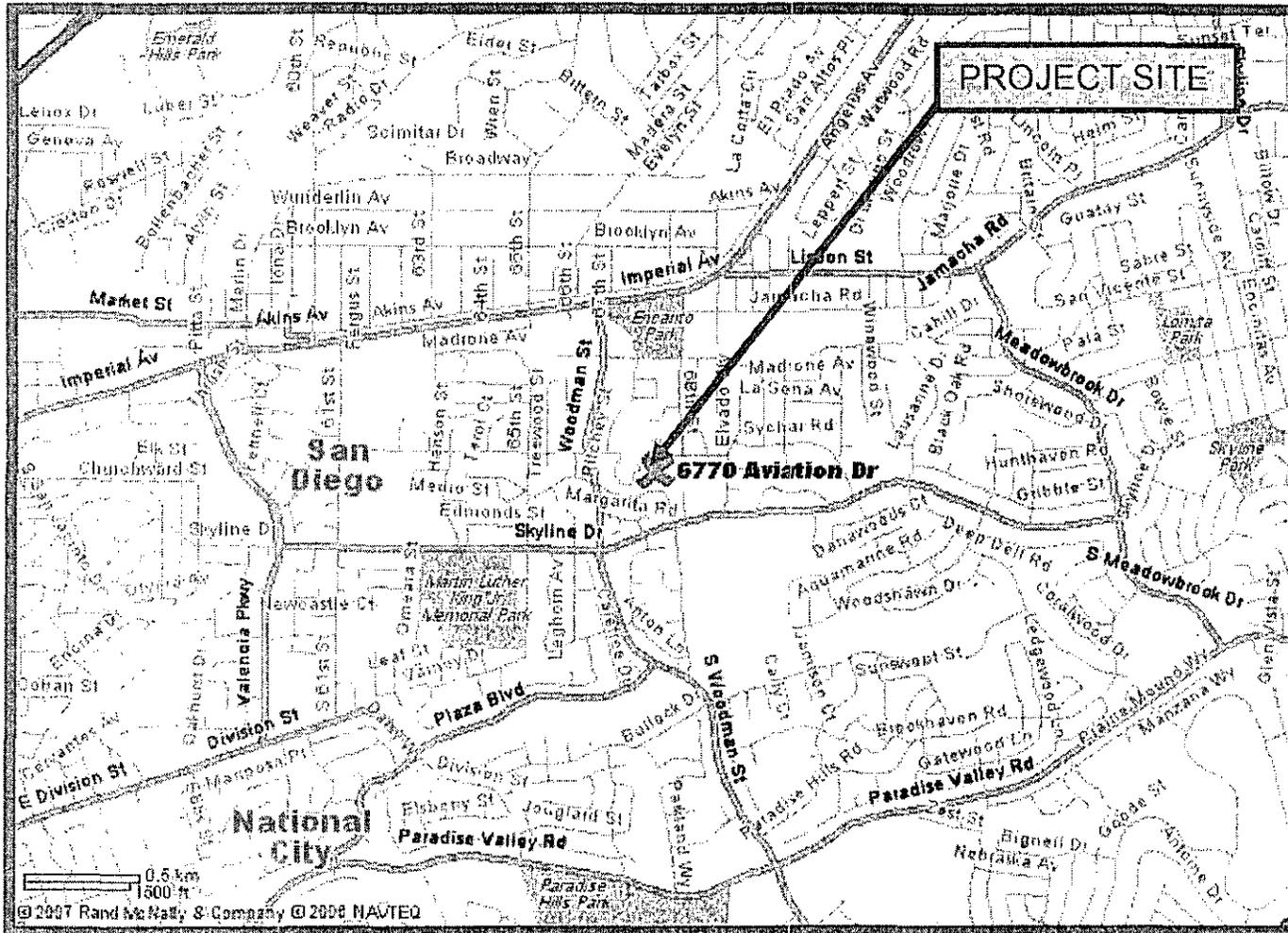
ATTACHMENT G

American Tower  
Corporation – Aviation  
(CUP/PDP)  
Verizon  
Project No. 92076



**Aerial Photo**  
**AMERICAN TOWER – AVIATION – PROJECT NUMBER 92076**  
**6770 AVIATION DRIVE**

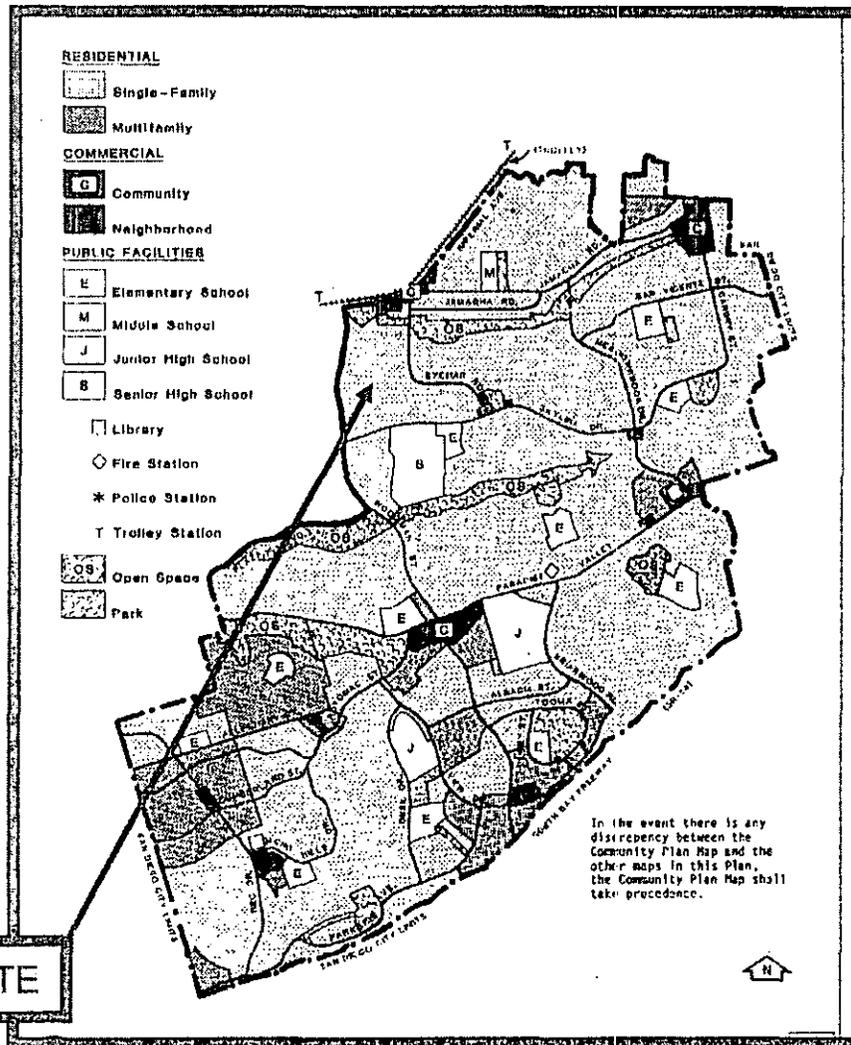




# Project Location Map

**AMERICAN TOWER – AVIATION – PROJECT NUMBER 92076  
6770 AVIATION DRIVE**





# SKYLINE PARADISE HILLS COMMUNITY PLAN MAP

**AMERICAN TOWER – AVIATION – PROJECT NUMBER 92076**

**6770 AVIATION DRIVE**



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	American Tower - Aviation	
<b>PROJECT DESCRIPTION:</b>	A wireless communication facility consisting of an existing 130 foot high monopole and a 550 square foot equipment shelter.	
<b>COMMUNITY PLAN AREA:</b>	Skyline Paradise Hills	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit; Planned Development Permit.	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Low Density Residential (Allows residential development up to 10 dwelling units per acre).	
<b><u>ZONING INFORMATION:</u></b> <b>ZONE:</b> RS-1-7: (A single-unit residential zone that permits 1 dwelling unit for each 5,000 square-feet of lot area) <b>HEIGHT LIMIT:</b> 30-Foot maximum height limit. <b>FRONT SETBACK:</b> 15 feet. <b>SIDE SETBACK:</b> 4 feet. <b>REAR SETBACK:</b> 13 feet.		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Low Density Residential; RS-1-7.	Single-Unit Residential
<b>SOUTH:</b>	Low Density Residential; RS-1-7.	Vacant
<b>EAST:</b>	Low Density Residential; RS-1-7.	Vacant, Single-Unit Residential
<b>WEST:</b>	Low Density Residential; RS-1-7.	Single-Unit Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	Deviation to exceed the maximum height limit of 30 feet.	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	This project has not yet been presented to the Skyline Paradise Hills Community Planning Committee.	



**SITE NAME: CA 0040 AVIATION / ATC 300621  
CUP APPLICATION**

DRAWING INDEX	REV.	DIRECTIONS	PROJECT INFORMATION												
T-1 TITLE SHEET A-1 SITE PLAN (PENDING) A-2 ENLARGED SITE PLAN A-3 EXTERIOR ELEVATIONS (PENDING) A-4 EXTERIOR ELEVATIONS (PENDING) L-1 LANDSCAPE PLAN (PENDING) S-1 SURVEY (PENDING)	A A A A A A A	1. Starting in IRVINE, CA on I-405 go toward ramp - go 0.8 mi 2. Take ramp toward JAMBOREE RD - go 0.4 mi 3. Turn Left on JAMBOREE RD - go 0.1 mi 4. Take ramp onto I-405 - go 0.9 mi 5. Take Left ramp onto I-5 - go 0.2 mi 6. Take ramp onto I-405 - go 16.7 mi 7. Take ramp toward IMPERIAL AVE - go 0.2 mi 8. Turn Left on IMPERIAL AVE - go 2.5 mi 9. Turn Right on WOODMAN ST - go 0.4 mi 10. Turn Left on BENSON AVE - go 0.2 mi 11. BENSON AVE becomes AVIATION DR - go 0.1 mi 12. Arrive at 6770 AVIATION DR, SAN DIEGO, on the Right	<p><b>SITE ADDRESS:</b> 6770 AVIATION DRIVE SAN DIEGO, CA 92114</p> <p><b>PROPERTY OWNER:</b> CITY OF SAN DIEGO - REAL ESTATE ASSETS 222 G STREET, 405-00 SAN DIEGO, CA 91121</p> <p><b>APPLICANT:</b> AMERICAN TOWER CORPORATION, INC. 2201 DUPONT Dr., # 340 IRVINE, CA 92612 Tel: (949)442-8400</p> <p><b>APPLICANT CONTACT:</b> DOUGLAS KEARNEY ZONING SPECIALIST PH: (949)442-8408</p> <p><b>ZONING:</b> RS-1.7 (SKYLING-PARADISE HILLS) <b>JURISDICTION:</b> CITY OF SAN DIEGO <b>OCCUPANCY:</b> U-1 <b>APN NUMBER:</b> 849-320-05 <b>CURRENT USE:</b> UNMANNED TELECOMMUNICATIONS FACILITY <b>PROPOSED USE:</b> UNMANNED TELECOMMUNICATIONS FACILITY</p>												
<p><b>LEGAL DESCRIPTION</b></p> <p>PORTION OF LOT 182, ENCLAVE DE SAN DIEGO MAP, MAP No. 15-46</p>	<p><b>VICINITY MAP</b> <span style="float: right;">N.T.S.</span></p>		<p><b>SITE QUALIFICATION PARTICIPANTS</b></p> <table border="1"> <thead> <tr> <th></th> <th>NAME</th> <th>COMPANY</th> <th>NUMBER</th> </tr> </thead> <tbody> <tr> <td>ARCHITECT</td> <td>JORGE BASILIO, AIA</td> <td>BASILIO ASSOCIATES, INC.</td> <td>(949) 727-4200</td> </tr> <tr> <td>ZONING</td> <td>DOUG KEARNEY</td> <td>AMERICAN TOWER CORPORATION</td> <td>(949)442-8402</td> </tr> </tbody> </table>		NAME	COMPANY	NUMBER	ARCHITECT	JORGE BASILIO, AIA	BASILIO ASSOCIATES, INC.	(949) 727-4200	ZONING	DOUG KEARNEY	AMERICAN TOWER CORPORATION	(949)442-8402
	NAME	COMPANY	NUMBER												
ARCHITECT	JORGE BASILIO, AIA	BASILIO ASSOCIATES, INC.	(949) 727-4200												
ZONING	DOUG KEARNEY	AMERICAN TOWER CORPORATION	(949)442-8402												
<p><b>DEVELOPMENT SUMMARY</b></p> <p>AMERICAN TOWER CORPORATION IS REQUESTING APPROVAL FOR THE FOLLOWING PROJECT: CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT PERMIT.</p>															



**Basilio Associates, Inc.**  
Architecture + Planning + Design  
12 J BRANCH, SUITE 100, SAN DIEGO, CA 92161  
PHONE 949.228.4600 FAX 949.228.4670

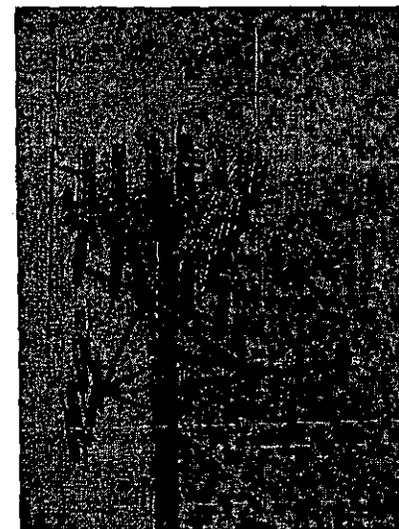
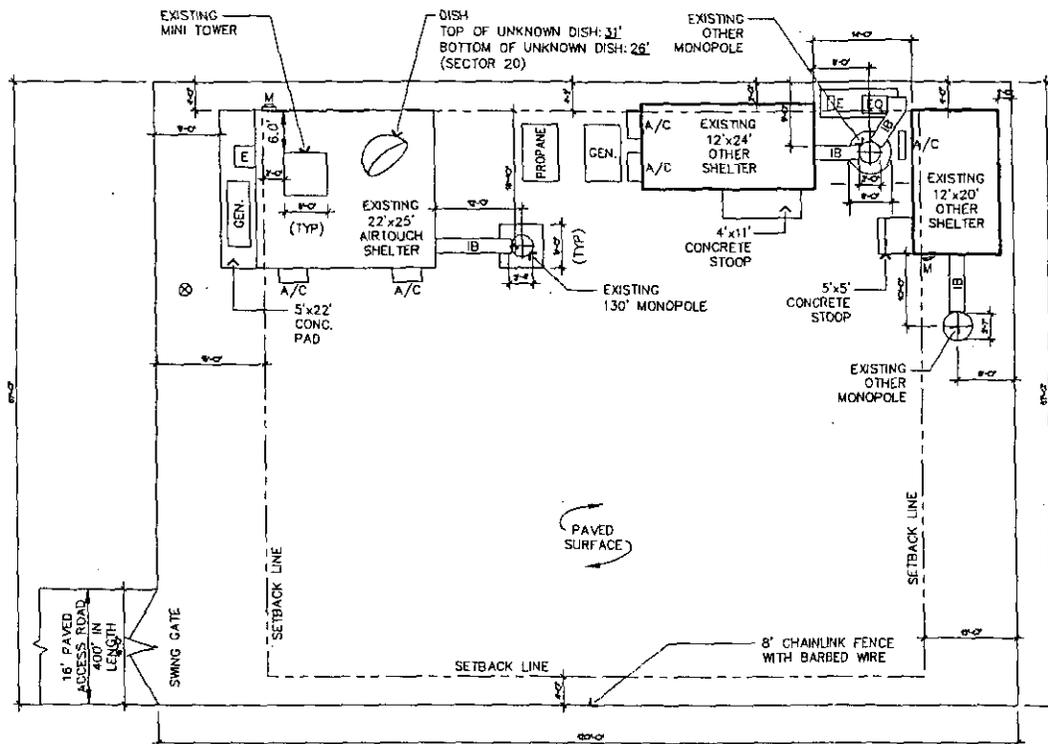
**SITE: ATC 300621  
ID: CA 0040 AVIATION  
6770 AVIATION DRIVE  
SAN DIEGO, CA 91914**

NO.	DATE	REVISIONS	BY	CHK.	APP'D.
1	12-19-05	ISSUED FOR CUP APPLICATION			

SCALE: AS SHOWN | DESIGNER: | DRAWER: |

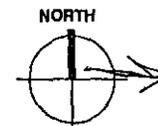
**TITLE SHEET**

PROJECT NUMBER: DRAWING NUMBER: **T-1**



(E) ANTENNAS DETAIL

SETBACK LINES:  
FRONT 15'-0"  
SIDES: 4'-0"  
REAR: 13'-0"



ENLARGED SITE PLAN



**Basilio Associates, Inc.**  
Architecture + Planning + Design  
13120 CRENSHAW BLVD. SUITE 100, VAN NUYS, CA 91411  
PHONE (818) 702-1888 FAX (818) 702-1878

**SITE: ATC 300621**  
**ID: CA 0040 AVIATION**  
6770 AVIATION DRIVE  
SAN DIEGO, CA 91914

NO.	DATE	REVISIONS	BY	CHK	APP'D

SCALE: AS SHOWN DESIGNED: - DRAWN: JB

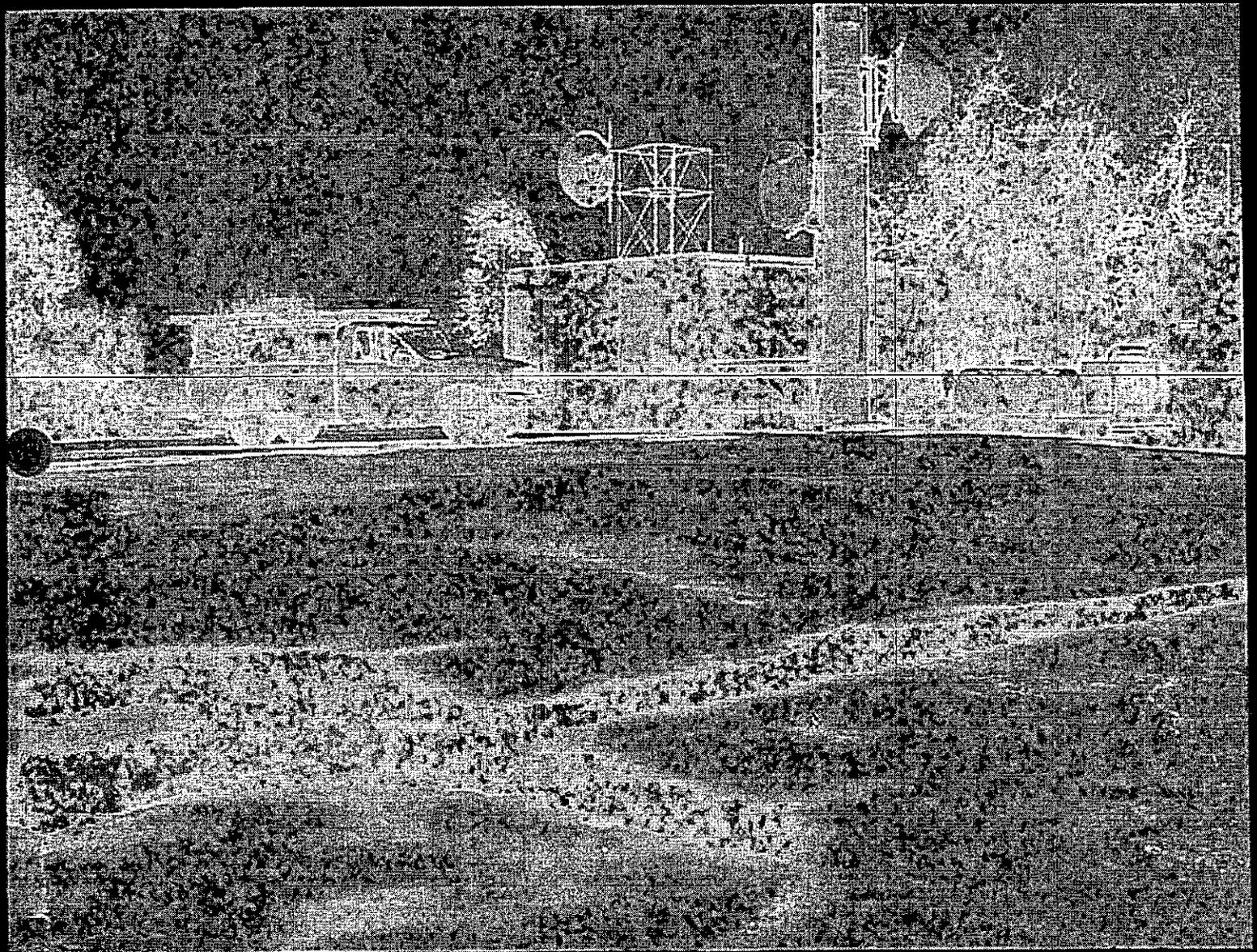


ENLARGED SITE PLAN

PROJECT NUMBER: \_\_\_\_\_ DRAWING NUMBER: **A-2**

000215

ATTACHMENT G-6



000216

ATTACHMENT G-6

AMERICAN TOWER  
(WASHINGTON)

NEXTEL

CITY

PLANNING COMMISSION  
RESOLUTION NO.  
CONDITIONAL USE PERMIT NO. 296155  
PLANNED DEVELOPMENT PERMIT NO. 296156  
**AMERICAN TOWER – AVIATION**  
PROJECT NO. 92076

WHEREAS, City of San Diego, Owner and American Tower Corporation, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No.296155 and Planned Development Permit No. 296156, on portions of a .51 acre site;

WHEREAS, the project site is located at 6770 Aviation Drive in the RS-1-7 zone of the Skyline Paradise Hills Community Plan;

WHEREAS, the project site is legally described as that portion of Lot 162, Encima De San Diego, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 1546, filed in the Office of the County Recorder of said County of San Diego;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156, pursuant to 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 June 28, 2007.

**FINDINGS:**

**Conditional Use Permit - Section 126.0305**

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a twenty year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Southeastern San Diego Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP/PDP.

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City imposed a ten year time limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest structure in and around the area in which it is located and as such, it has an incongruous effect on the community's landscape. It is situated prominently on a residential hill top within the community of Skyline. The tower poses an unsightly visual impact that can be seen from the surrounding residential communities and major thoroughfares.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Aviation project does not conform to this code requirement. As it exists, the tower is a significant visual impact to the surrounding residential communities.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

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

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate telecommunication facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration the surroundings including the prominent hilltop location and the proximity to the existing residential uses that exist around the facility would be more appropriately located on this property.

**Planned Development Permit - Section 126. 0604**

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect, The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Skyline Paradise Hills Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The monopole complies with all the development regulations of the RS-1-7 zone except for the height limit of 30 feet. The monopole is 90 feet tall on a residential hill top in the Skyline community. Development in the area is low in scale and is primarily residential. The existing tower exceeds the RS-1-7 zone height limit by 60 feet. Deviations to the development regulations require a Planned Development Permit, which is a mechanism to encourage imaginative and innovative planning and to assure that the project achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.

This project was originally constructed in the mid-1980's when Pac Tel Mobile (now Verizon) was only one of two wireless carriers in San Diego. Their network was being established with tower structures and branched out to building collocations later. Typically, carriers initially built tall facilities, later filling in their networks with lower sights. Verizon signed the contract (CUP84-0472) acknowledging the 20 year time limit on the facility. In order to maintain a facility at this site, a new application in compliance with the current regulations and policies would be required.

**4. The proposed development, when considered as a whole, will be beneficial to the community; and**

The monopole serves Verizon subscribers in the surrounding communities, as well as commuters passing through the area and as such, is a beneficial service. Conversely, the significant visual impacts that the pole creates are detrimental to the surrounding communities as well as to the City of San Diego. The pole sits on a hilltop at an approximate elevation of 480 feet. The pole is 130 feet tall. The surrounding community is developed at lower elevations on and around this hill top. There are three tower structures altogether at this site. Nextel is replacing their 90 foot tall pole with a faux tree and the other monopole belongs to the City. The City's 115 foot tall monopole will remain on this site as it is a part of the backbone of the City's emergency communications. The original design of this tower was developed 20 years ago when the technology was at its infancy. The CUP was conditioned to expire in 20 years and as the owner and operator of the facility, Verizon and American Tower Corporation had the responsibility of making preparations within their network to comply with any new regulations or policies in effect, which may have included a required reduction in height.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) 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.**

The applicant, American Tower Corporation, is requesting to deviate from the RS-1-7 height limitation of 30 feet. The existing tower is 130 feet tall and can be viewed from miles away. It sits on a residential hill top within the Skyline Paradise Hills community and is a significant visual impact within San Diego. The project, as it exists, does not result in a visually desirable project. If redesigned to comply with the 30 foot height limit, Verizon services to the community and passing commuters would be significantly reduced. Section 141.0405 of the Land Development Code requires telecommunication facilities to integrate into the landscape in which they are proposed. If this facility were to be redesigned to comply with this section of the Code, a reasonable height deviation may be considered. The existing tower does not result in an acceptable project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 is hereby DENIED by the Planning Commission.

---

Karen Lynch-Ashcraft  
Development Project Manager  
Development Services

Adopted on: June 28, 2007

Job Order No. 42-5782

000222

CONDITIONAL USE PERMIT  
NO. 84-0472  
CITY COUNCIL

This Conditional Use Permit is granted by the Planning Commission of The City of San Diego to PAC TEL MOBILE ACCESS, a Delaware Corporation, Owner/Permittee, under the conditions in Section 101.0507 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate a communication facility consisting of an equipment building and antenna tower located on the north side of Aviation Drive, south of Benson Avenue, described as a Portion of Lot 162, Encina de San Diego Addition No. 1, Map 1546, in the R1-5000 Zone.

2. The facility shall consist of the following:

- a. A 26-foot by 22-foot equipment building and a 145-foot high antenna tower for frequency reception and transmission. The color of the pole shall be cool, medium-light grey.;
- b. Accessory uses as may be determined incidental and approved by the Planning Director;
- c. Off-street parking for service personnel.

3. No fewer than two off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

000223

5. Before issuance of any building permits, complete plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

6. Before issuance of any building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended. Specific plant species shall be identified on final landscaping plans and shall be subject to Planning Director approval.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located and not reflect onto adjacent properties.

8. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0506 and 101.0507 of the Municipal Code. Such extension of time shall be subject to all regulations in force at the time of the extension.

9. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the City Council; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

10. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

11. This Conditional Use 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.

000224

12. This permit shall expire 20 years from the date of approval. If an extension is requested, the operation and conditions shall be reviewed at public hearings by the Planning Commission and City Council.

13. In the event that additional cellular mobile phone communication systems are needed in the future that would require a transmitting tower or towers in the vicinity of this approved facility, the permittee shall allow the installation of antennas on the tower authorized by this permit and the installation of necessary support equipment on the premises if the applicant for such additional antennae and support equipment shows that the operation thereof would not interfere with the operation of the permittee's antennae and support equipment and the co-location of such antennae and support equipment are otherwise technically feasible and compatible, and such additional antennae and support equipment are approved by The City of San Diego following a noticed public hearing on the matter.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON NOVEMBER 20, 1984.



000225

THE CITY OF SAN DIEGO

DATE OF NOTICE: June 14, 2007

# NOTICE OF PUBLIC HEARING PLANNING COMMISSION

---

**DATE OF HEARING:** June 28, 2007  
**TIME OF HEARING:** 9:00 A.M.  
**LOCATION OF HEARING:** Council Chambers, 12th Floor, City Administration Building,  
202 C Street, San Diego, California 92101

**PROJECT TYPE:** Conditional Use Permit/Planned Development Permit  
**PROJECT NUMBER:** 92076  
**PROJECT NAME:** AMERICAN TOWER - AVIATION  
**APPLICANT:** Jim Kelly, American Tower Corporation

**COMMUNITY PLAN AREA:** Skyline Paradise Hills  
**COUNCIL DISTRICT:** District 4

**CITY PROJECT MANAGER:** Karen Lynch-Ashcraft, Development Project Manager  
**PHONE NUMBER:** (619) 446-5351

---

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 wireless communication facility consisting of an existing 130 foot high monopole and a 550 square foot equipment shelter, originally approved by CUP No. 84-0472, which expired on November 20, 2004. The facility is located at 6770 Aviation Drive between Benson Avenue and Cielo Drive.

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. To file an appeal, contact the City Clerk at 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 on March 1, 2007 and the opportunity to appeal that determination ended March 15, 2007.

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 the Disability Services Program Coordinator at 236-5979 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

Job Order No. 42-5782

Revised 02/08/07/hmd



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 446-5000

# Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment  Other

Project Title Project No. For City Use Only

EXISTING WIRELESS TELECOMMUNICATIONS FACILITY - AVIATION DR.

Project Address:

CITY RESERVOIR - ENCANTO @ AVIATION DRIVE

APN 549-320-05

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager of least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

Name of Individual (type or print):  
City of San Diego READ

Owner  Tenant/Lessee  Redevelopment Agency

1200 Third Ave, Suite 1700

Street Address:  
San Diego, CA 92101

City/State/Zip:

Phone No: 619 236-6792 Fax No:

Signature: Beeth Mitchell Date: 12/5/05

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature: Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature: Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

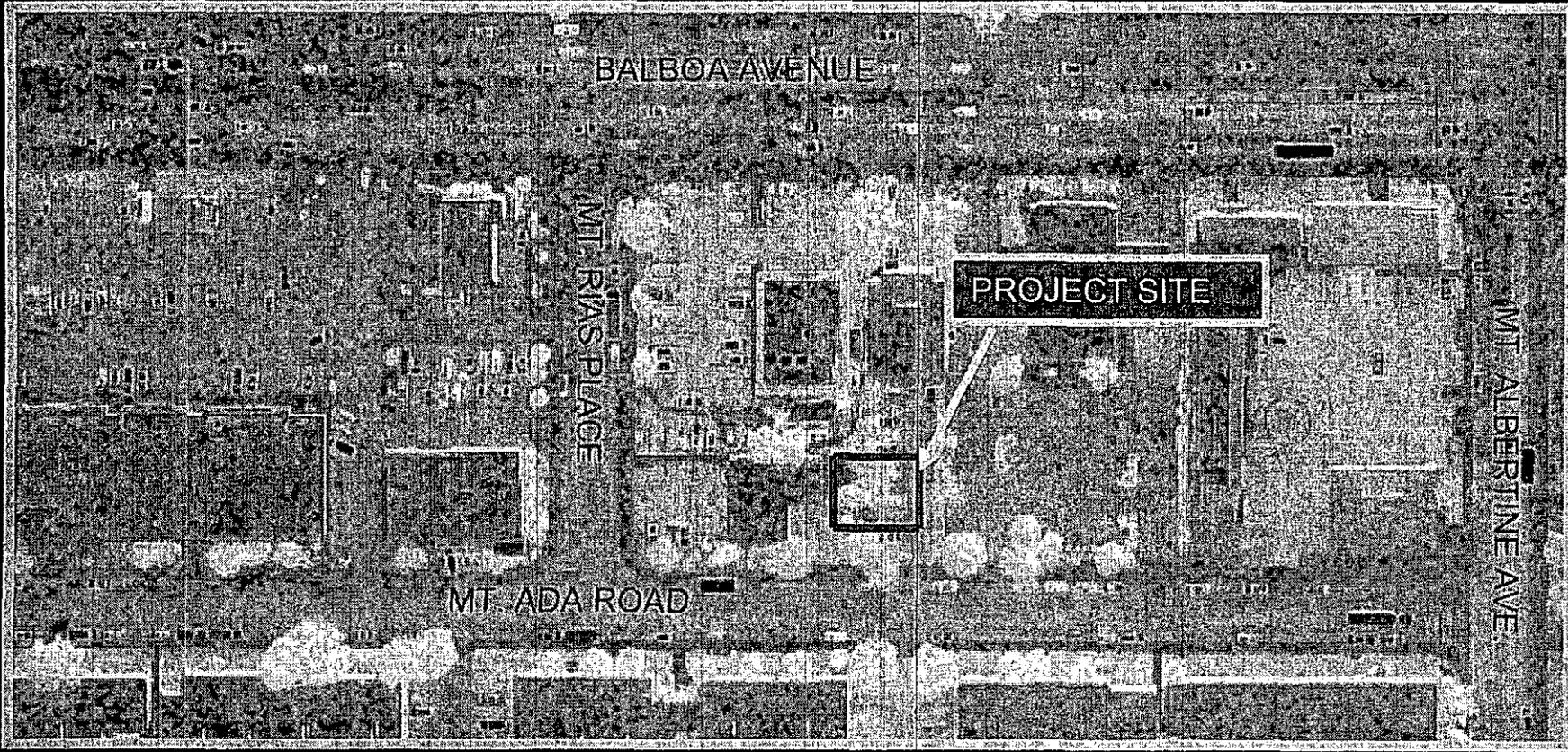
City/State/Zip:

Phone No: Fax No:

Signature: Date:

American Tower  
Corporation – Mt. Ada  
(CUP/SDP)  
Verizon  
Project No. 91178

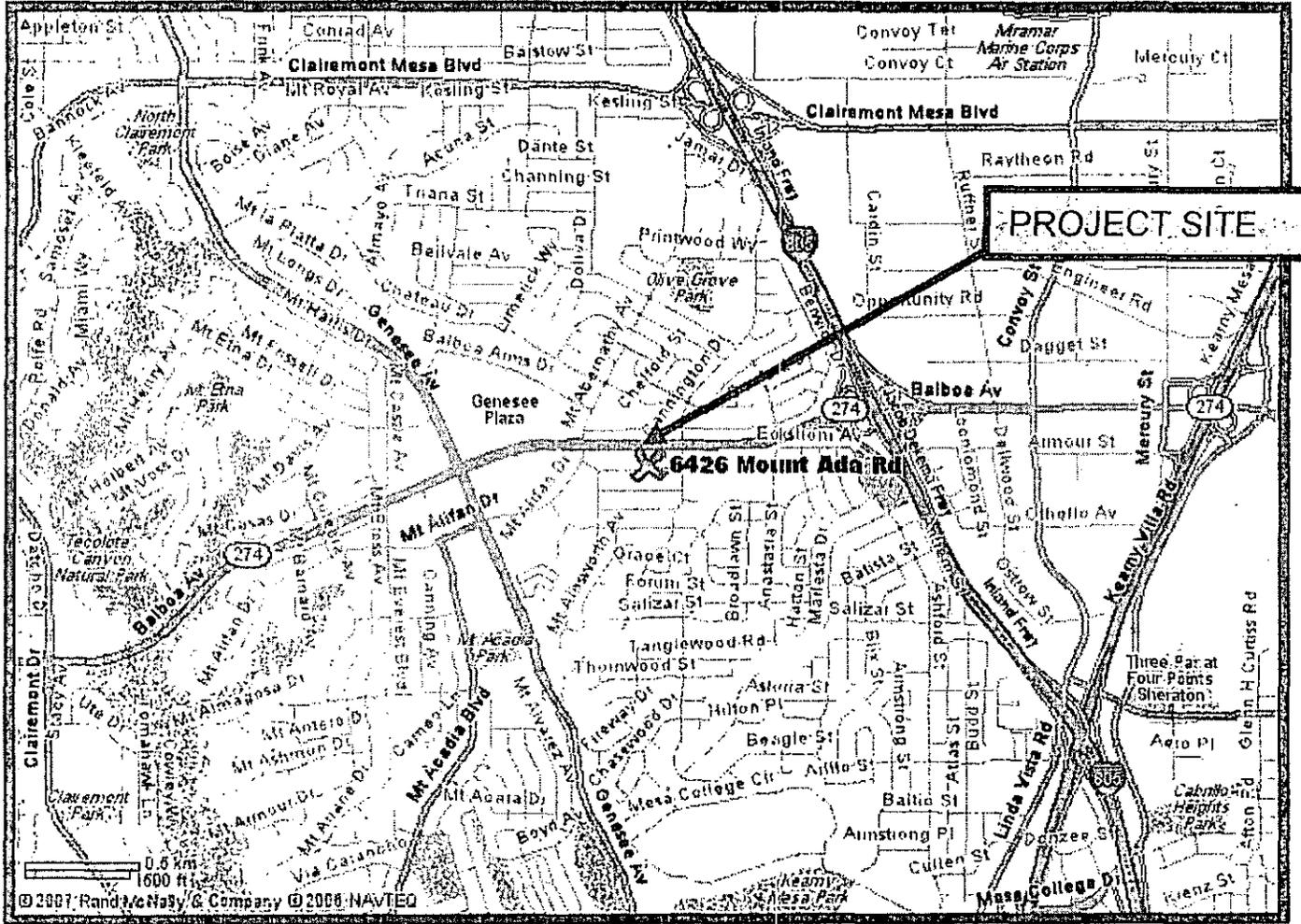
000231



**Aerial Photo**  
**AMERICAN TOWER – MT. ADA – PROJECT NUMBER 91178**  
**6426 MT. ADA ROAD**



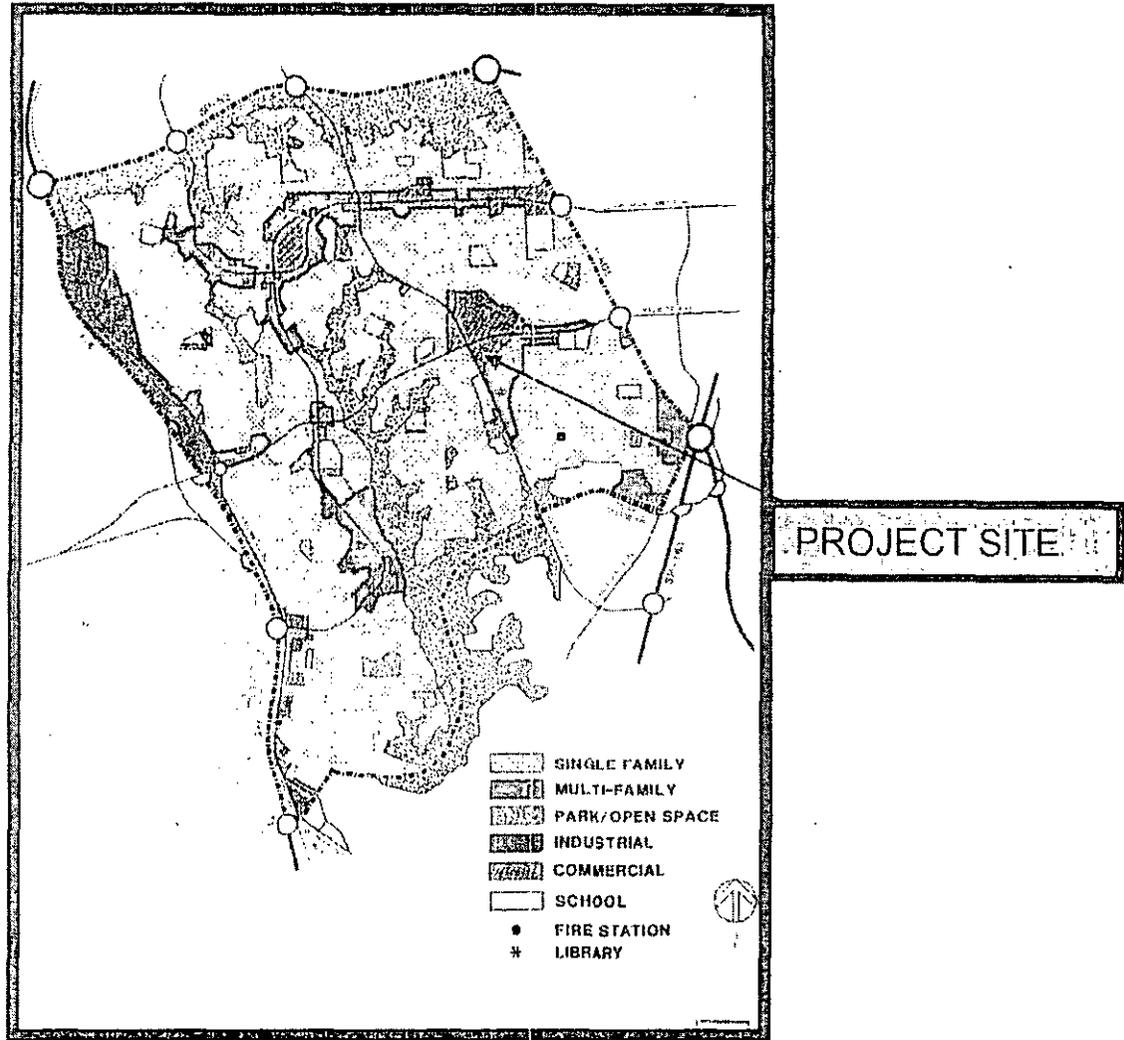
ATTACHMENT H-1



# Project Location Map

**AMERICAN TOWER – MT. ADA – PROJECT NUMBER 91178**  
**6426 MT. ADA ROAD**





# CLAIREMONT MESA COMMUNITY PLAN MAP

AMERICAN TOWER – MT. ADA – PROJECT NUMBER 91178

6426 MT. ADA



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	American Tower – Mt. Ada	
<b>PROJECT DESCRIPTION:</b>	A wireless communication facility consisting of an existing 145 foot high monopole and a 572 square foot equipment shelter.	
<b>COMMUNITY PLAN AREA:</b>	Clairemont Mesa	
<b>DISCRETIONARY ACTIONS:</b>	Conditional Use Permit; Site Development Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Commercial Community Core	
<b><u>ZONING INFORMATION:</u></b> <b>ZONE:</b> CC-1-3: (A auto oriented commercial zone) <b>HEIGHT LIMIT:</b> 30-Foot maximum height limit. <b>FRONT SETBACK:</b> - <b>SIDE SETBACK:</b> 10 feet or 0. <b>REAR SETBACK:</b> 10 feet or 0.		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Commercial Community Core; CC-1-3.	Commercial
<b>SOUTH:</b>	Multi-Unit Residential; RM-3-7.	Multi-Unit Residential
<b>EAST:</b>	Commercial Community Core; CO-1-2.	Commercial
<b>WEST:</b>	Commercial Community Core; CC-1-3.	Commercial
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	Request to deviate from the 30 foot Clairemont Mesa Height Limitation Overlay Zone	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On March 21, 2006, the Clairemont Mesa Planning Committee voted 14-0-0 to recommend denial of the Mt. Ada project.	

000235



**SITE NAME: 300647 CA 0066 MT. ADA  
CUP AND PDP APPLICATION**

DRAWING INDEX	REV.	DIRECTIONS	PROJECT INFORMATION												
T-1 TITLE SHEET A-1 SITE PLAN A-2 ENLARGED SITE PLAN A-3 EXTERIOR ELEVATIONS A-4 EXTERIOR ELEVATIONS L-1 LANDSCAPE DRAWING S-1 SURVEY FOR REFERENCE ONLY	A A A A A A A	FROM AIC IRVINE OFFICE, TAKE FWY 5 SOUTH TOWARD SAN DIEGO. Take Left fork onto I-805 SOUTH - go 0.8 mi Take the BALBOA AVE exit - go 0.3 mi Turn Right on BALBOA AVE - go 0.4 mi Turn Left on MT ALBERTINE AVE - go 0.1 mi Turn Right on MT ADA RD - go 0.1 mi Arrive at 6426 MOUNT ADA RD, SAN DIEGO, on the Right	SITE ADDRESS: 6426 MT. ADA RD. SAN DIEGO, CA 92111  PROPERTY OWNER: BUCKLE TRUST 10313 BOULDER CREEK RD. DESIGANSO, CA 91918  APPLICANT: AMERICAN TOWER CORPORATION, INC. 2201 DUPONT Dr., # 340 IRVINE, CA 92612 Tel: (949)442-8408  APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949)442-8408												
<b>LEGAL DESCRIPTION</b>	<b>VICINITY MAP</b> <span style="float: right;">N.T.S.</span>														
PORTION OF PARCEL B, PARCEL MAP 227															
<b>DEVELOPMENT SUMMARY</b>	LATITUDE: 32° 49' 11.17" LONGITUDE: 117° 10' 22.12" ZONING: CC-1-3 JURISDICTION: CITY OF SAN DIEGO OCCUPANCY: U-1 APN NUMBER: 419-120-87-00  CURRENT USE: UNMANNED TELECOMMUNICATIONS FACILITY PROPOSED USE: UNMANNED TELECOMMUNICATIONS FACILITY  <div style="text-align: center;"> <span style="font-size: 2em; font-family: cursive;">CUP/PDP</span> <span style="font-size: 4em; border: 1px solid black; border-radius: 50%; display: inline-block; vertical-align: middle; margin-left: 20px;">1</span> </div>														
American Tower Corporation is requesting approval for the following project: Conditional Use Permit application and Planned Development Permit. The Project requires the renewal of CUP No. 83-0829, issued by the City of San Diego for a Wireless Telecommunications Facility. The existing monopole is a 132 feet tall and includes 15 Verizon antennas mounted at 130', and a second set of 15 Verizon antennas mounted at 98 feet. Three microwave dishes are located at 80 feet, 71 feet and 69 feet. One 25'x25' equipment building is located on the north side of the pole, and one generator unit is located on the south side of pole. American Tower is requesting the CUP extension and PD in order to allow wireless providers uninterrupted wireless telephone service.	<b>PROJECT TEAM</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>NAME</th> <th>COMPANY</th> <th>NUMBER</th> </tr> </thead> <tbody> <tr> <td>ARCHITECT</td> <td>JORGE BASILIO, AIA</td> <td>BASILIO ASSOCIATES, INC.</td> <td>(949) 727-4200</td> </tr> <tr> <td>ZONING:</td> <td>DOUG KEARNEY</td> <td>AMERICAN TOWER CORPORATION</td> <td>(949)-442-8402</td> </tr> </tbody> </table>				NAME	COMPANY	NUMBER	ARCHITECT	JORGE BASILIO, AIA	BASILIO ASSOCIATES, INC.	(949) 727-4200	ZONING:	DOUG KEARNEY	AMERICAN TOWER CORPORATION	(949)-442-8402
	NAME	COMPANY	NUMBER												
ARCHITECT	JORGE BASILIO, AIA	BASILIO ASSOCIATES, INC.	(949) 727-4200												
ZONING:	DOUG KEARNEY	AMERICAN TOWER CORPORATION	(949)-442-8402												



**Basilio Associates, Inc.**  
 Architecture + Planning + Design  
 112 BRANCH V. DRIVE 100, IRVINE, CA 92618  
 PHONE (949) 442-8400 FAX (949) 442-8406

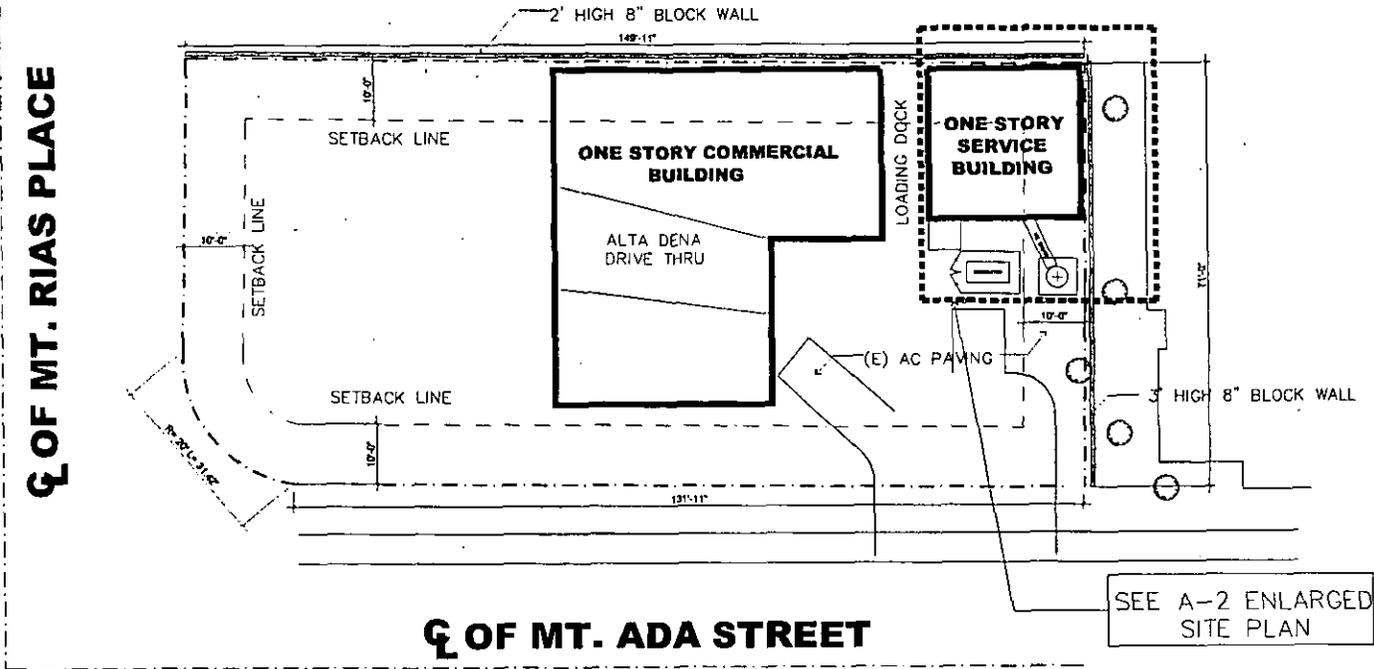
**SITE No.: 300647  
 ID: CA 0066 MOUNT ADA  
 6426 MT. ADA RD.  
 SAN DIEGO, CA 92111**

NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN DESIGNED - DRAWN: JB					

**TITLE SHEET**

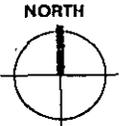
PROJECT NUMBER: \_\_\_\_\_ DRAWING NUMBER: **T-1**

000236



SEE A-2 ENLARGED SITE PLAN

SETBACK LINES:  
 FRONT: 10'-0"  
 SIDES: 10'-0"  
 REAR: 10'-0"



SITE PLAN

SCALE: 1" = 10'-0" 1



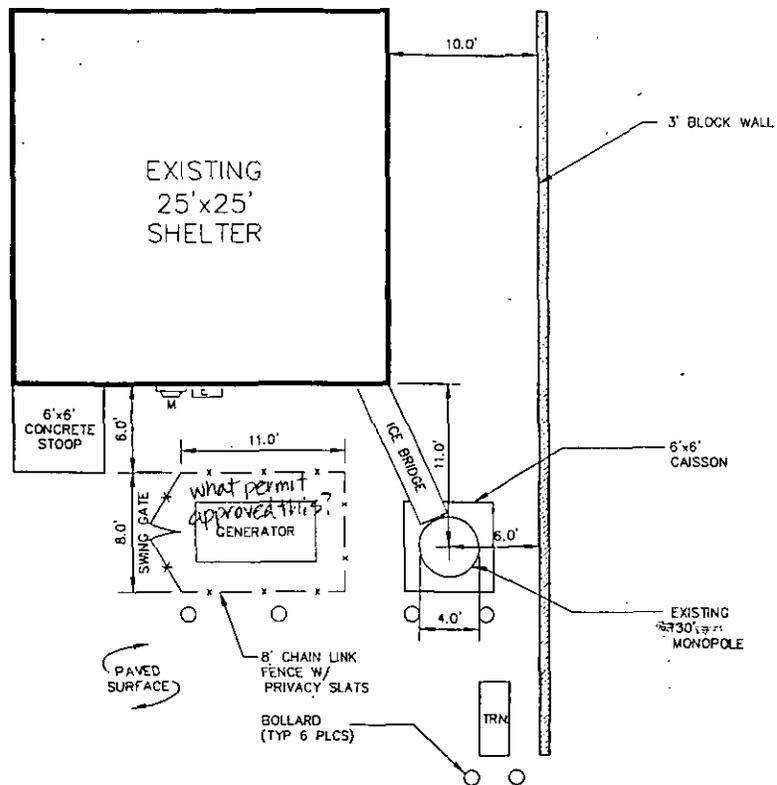
**Basilio Associates, Inc.**  
 Architecture + Planning + Design  
 1330 AVENUE C, SUITE 100, SAN DIEGO, CA 92108  
 PHONE: 619.594.7200 FAX: 619.594.7201

SITE No.: 300647  
 ID: CA 0066 MOUNT ADA  
 6426 MT. ADA RD.  
 SAN DIEGO, CA 92111

NO.	DATE	REVISIONS	BY	CHK	APP'D
A	12-08-08	ISSUED FOR CLIP APPLICATION			
SCALE: AS SHOWN DESIGNED: - DRAWN: JB					

SITE PLAN	
PROJECT NUMBER	DRAWING NUMBER
	A-1

000237



ENLARGED SITE PLAN



**Basilio Associates, Inc.**  
 ARCHITECTURE + PLANNING + DESIGN  
 12 HANCOCK BLVD., SUITE 200, SAN DIEGO, CA 92103  
 PHONE (619) 737-0200 • FAX (619) 737-0210

**SITE No.:300647**  
**ID: CA 0066 MOUNT ADA**  
 6426 MT. ADA RD.  
 SAN DIEGO, CA 92111

NO.	DATE	REVISIONS	BY	CHK.	APPRD.

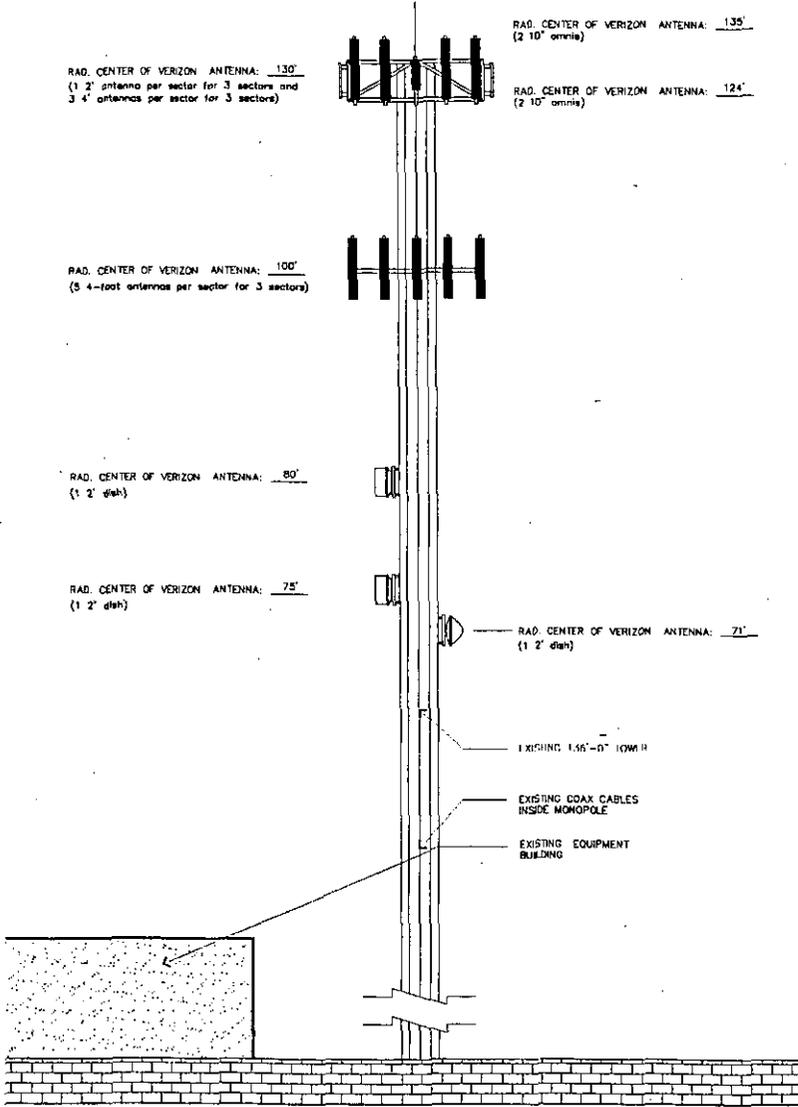
SCALE: AS SHOWN | DESIGNED: - | DRAWN: JB

**ENLARGED SITE PLAN**

PROJECT NUMBER: \_\_\_\_\_ DRAWING NUMBER: **A-2**

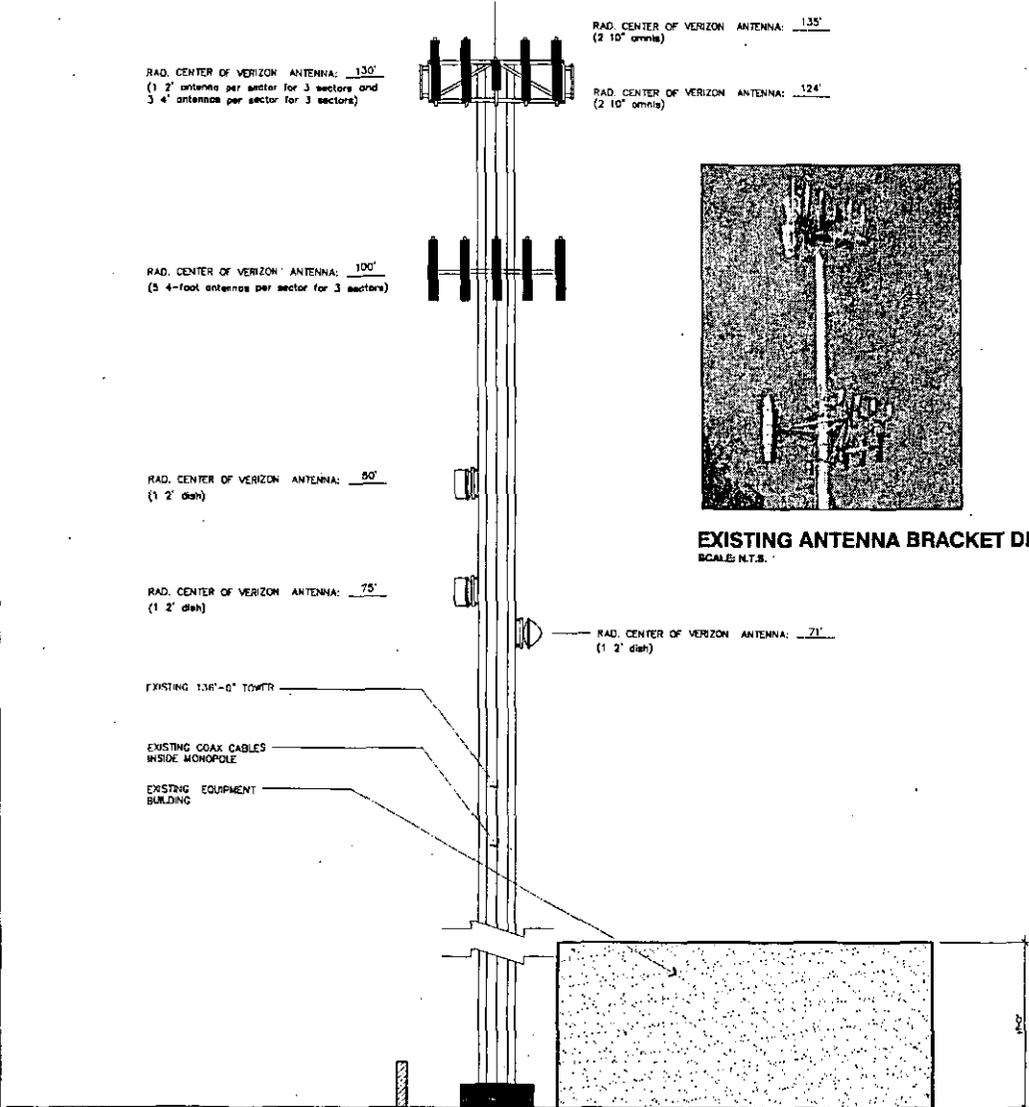


000239



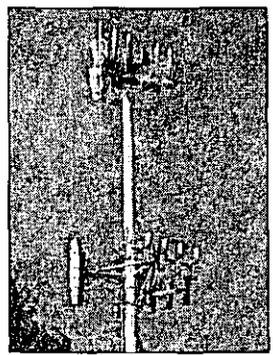
WEST ELEVATION

SCALE: 1/4" = 1'-0" 2



NORTH ELEVATION

SCALE: 1/4" = 1'-0" 1



EXISTING ANTENNA BRACKET DETAIL  
SCALE: N.T.S.



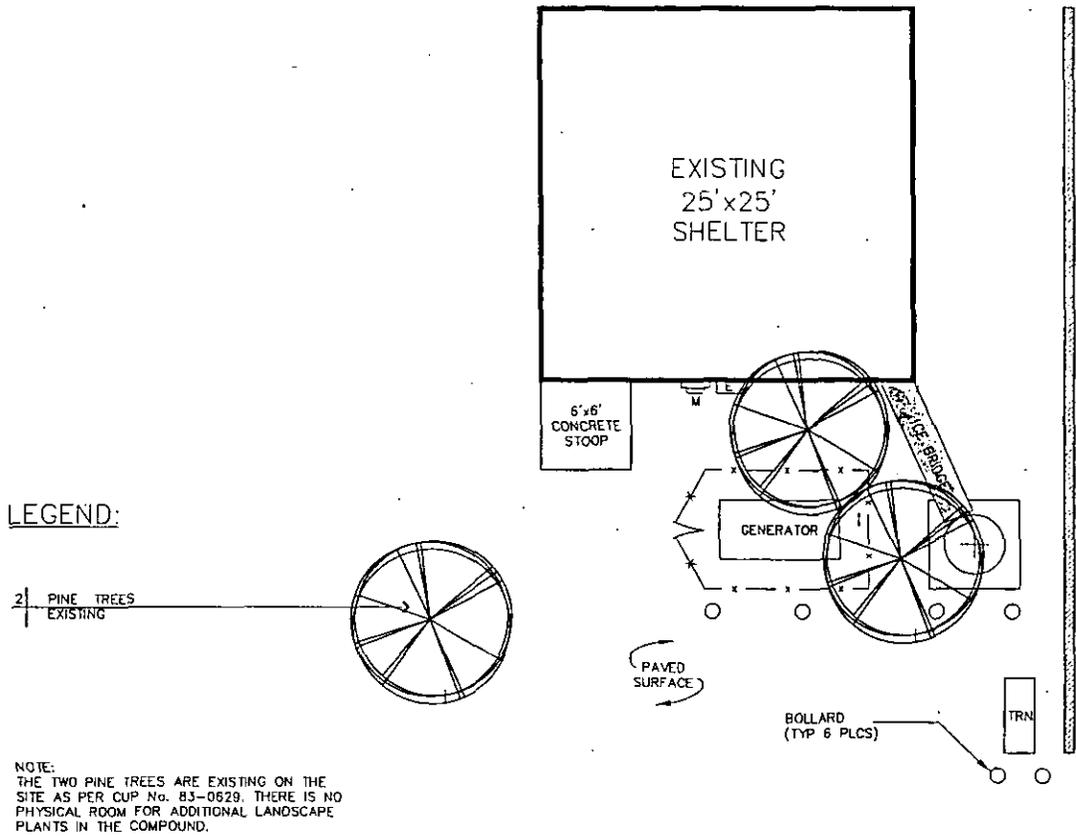
**Basilio Associates, Inc.**  
Architecture + Planning + Design  
12 J BALDWIN, SUITE 100, IRVINE, CA 92614  
PHONE (949) 757-4200 FAX (949) 757-4218

SITE No.: 300647  
ID: CA 0066 MOUNT ADA  
6428 MT. ADA RD.  
SAN DIEGO, CA 92111

NO.	DATE	REVISIONS	BY	CHK	APP'D

EXTERIOR ELEVATIONS

PROJECT NUMBER: \_\_\_\_\_ DRAWING NUMBER: A-A



EXISTING LANDSCAPE PLAN

SCALE:  
(1" = 10' - 0")



1



**Basilio Associates, Inc.**  
Architecture + Planning + Design  
12 HANCOCK BLVD, SUITE 300, IRVINE, CA 92614  
PHONE 949-757-4339 • FAX 949-757-4314

SITE No.:300647  
ID: CA 0066 MOUNT ADA  
6426 MT. ADA RD.  
SAN DIEGO, CA 92111

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	12-08-08	ISSUED FOR CUP APPLICATION			

LANDSCAPE PLAN

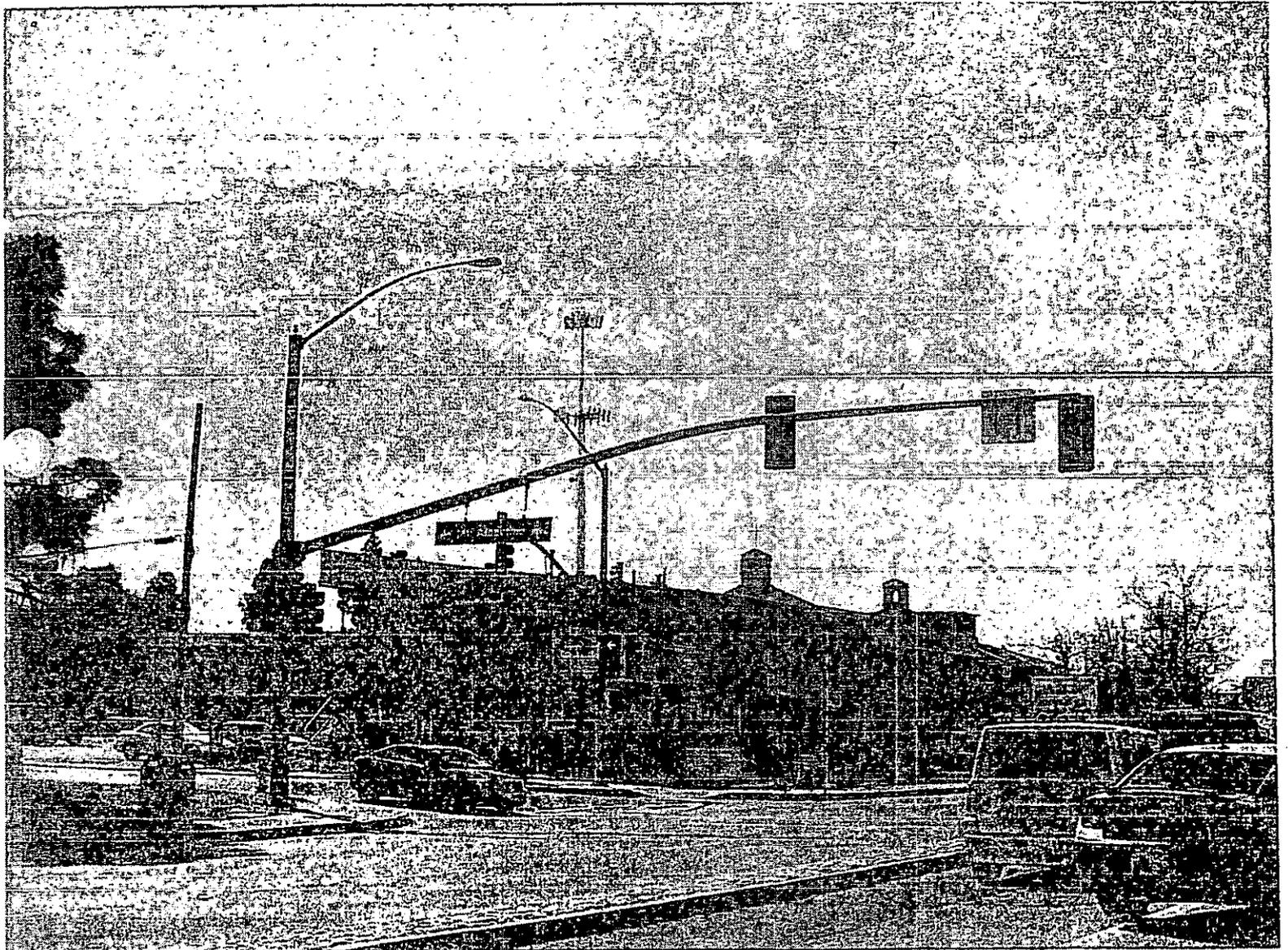
PROJECT NUMBER: 1 DRAWING NUMBER:





000243

ATTACHMENT H-6

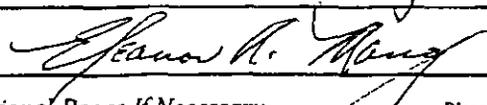


000244



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 446-5210

## Community Planning Committee Distribution Form Part 2

Project Name: Verizon Mount Ada		Project Number 91178	Distribution Date 12/14/05
Project Scope : CLAIREMONT MESA.. JO # 42-5718 CUP/PDP for a telecommunication facility consisting of a new CUP to allow an existing 136' tall monopole supporting 30 antennas and an adjacent equipment shelter located at 6426 Mt. Ada Road. Old CUP 83-0629. CC-1-3 Height deviation. CD:6 Post 2 notice cards. Old CUP # 83-0629			
Project Location 6426 Mt Ada Rd			
Related Projects			
Project Manager Karen Lynch-Ashcraft		Phone Number 446-5351	Fax Number (619) 446-5245
		E-mail Address KLynchAshcraft@sandiego.gov	
Community Plan: <b>Clairemont Mesa</b>		Council District	
Existing Zone	Proposed Zone	Building Height	Number of Stories
			FAR
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve		Members Yes	Members No
			Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below		Members Yes	Members No
			Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes	Members No
			Members Abstain
<input checked="" type="checkbox"/> Vote to Deny		Members Yes <b>14</b>	Members No <b>0</b>
			Members Abstain <b>0</b>
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME <b>Eleanor A. Mang</b>		TITLE <b>Chair, CMPC</b>	
SIGNATURE 		DATE <b>3/21/06</b>	
<p>Attach Additional Pages If Necessary. <span style="float: right;">Please Return Within 30 Days of Distribution of Project Plans To:</span>  Project Management Division  City Of San Diego  Development Services Department  1222 First Avenue, MS 302  San Diego, CA 92101</p>			

Printed on recycled paper. This information is available in alternative formats for persons with disabilities.

To request this document in alternative format, call (619) 446-5446 or (800) 735-2929 (TT).

Be sure to see us on the WorldWide Web at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services)

PLANNING COMMISSION  
RESOLUTION NO.  
CONDITIONAL USE PERMIT NO. 292627  
SITE DEVELOPMENT PERMIT NO. 450714  
**AMERICAN TOWER – MT. ADA**  
PROJECT NO. 91178

WHEREAS, Buckel Trust, Owner and American Tower Corporation, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No.292627 and Site Development Permit No. 450714, on portions of a .19 acre site;

WHEREAS, the project site is located at 6426 Mt. Ada Road in the CC-1-3 zone of the Clairemont Mesa Community Plan;

WHEREAS, the project site is legally described as a portion of Parcel "B" of Parcel Map No. 227, in the City of San Diego, County of San Diego, State of California, filed April 7, 1970 in the Office of the County Recorder of San Diego, California;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 292627 and Site Development Permit No. 450714, pursuant to 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 June 28, 2007.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a twenty year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Clairemont Mesa Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission’s (FCC) standards for such emissions.” If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP/SDP.

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City imposed a ten year time limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest structure in and around the area in which it is located and as such, it has an incongruous effect on the community’s landscape. It is situated on the edge of a commercial area directly across the street from multi-unit residential with a large single unit residential subdivision beyond. Additionally, the tower is located in a commercial core area of the community, adjacent to a major east west thoroughfare. The tower poses an unsightly visual impact that can be seen from the surrounding residential communities and major thoroughfares.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Mt. Ada project does not conform to this code requirement. As it exists, the tower is a significant visual impact to the community of Clairemont.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

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

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate telecommunication facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration the surroundings including the proximity to the large nearby residential community as well as the commuters driving through this part of Clairemont would be more appropriately located on this property.

**Site Development Permit - Section 126.0504**

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect, The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Clairemont Mesa Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP/SDP.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The monopole complies with all the development regulations of the CC-1-3 zone, but does not comply with the Clairemont Mesa Height Limitation Overlay Zone of 30 feet. The monopole is 145 feet tall and is extremely visible to the Balboa Avenue corridor and the surrounding residential community. Development in the area is low in scale. The tower is located in a commercial zone that is immediately adjacent to a multi-unit residential complex.. The existing tower exceeds the height limit by 115 feet. Deviations to the Clairemont Mesa Height Limitation Overlay Zone require a Site Development Permit.

This project was originally constructed in the mid-1980's when Pac Tel Mobile (now Verizon) was only one of two wireless carriers in San Diego. Their network was being established with tower structures and later branched out to building collocations. Initially, carriers built tall facilities, later filling in their networks with lower sights. Verizon signed the contract (CUP 83-0629) acknowledging the 20 year time limit on the facility. In order to maintain a facility at this site, a new application in compliance with the current regulations and policies would be required.

**Supplemental Site Development Findings – Section 126.0504(j)**

- 1. The granting of an exception will not significantly interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area; and**

The Mt. Ada project is not located near Mission Bay or the surrounding areas and as a result, it will not interfere with public views to these areas. It is located east of Mission Bay in the Balboa Genesee commercial corridor and it creates a significant visual impact to the community surrounding this area.

- 2. The granting of an exception is appropriate because there are existing structures over 30 feet in height and the proposed development will be compatible with surrounding one, two, or three-story structures; or the granting of an exception is appropriate because there are topographic constraints peculiar to the land; or the granting of the exception is needed to permit roofline and facade variations, accents, tower elements, and other similar elements and the elements will not increase the floor area of the structure.**

The topography is flat along the Balboa Genesee commercial corridor and the majority of structures in the area are low scale and do not exceed the 30 foot height limit. This tower is 115 feet above the 30 foot height limit and as such, poses a significant visual impact to the surrounding community. It stands out against the existing landscape and is therefore incompatible with the surrounding development. The only other structure of this stature is a 10 story building approximately .62 miles to the west of this site with a roof top full of antennas managed by American Tower Corporation. Therefore, granting an exception to the Clairemont Mesa Height Limitation Overlay Zone is inappropriate.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 292627 and Site Development Permit No. 450714 is hereby DENIED by the Planning Commission.

---

Karen Lynch-Ashcraft  
Development Project Manager  
Development Services

Adopted on: June 28, 2007  
Job Order No. 42-5718

SDI - A.C.  
CONDITIONAL USE PERMIT  
NO. 83-0629  
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to PACTEL MOBILE ACCESS, a Delaware Corporation, Owner/Permittee, under the conditions in Section 101.0507 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct and operate a communication facility consisting of an equipment building and antenna tower located on the north side of Mt. Ada Road between Mt. Rias Place and Mt. Albertine Avenue, more particularly described a Portion of Parcel B, Parcel Map 227, in the CA Zone.

2. The facility shall consist of the following:

- a. A 26-foot by 22-foot equipment building and a 145-foot-high antenna tower for frequency reception and transmission. The color of the pole shall be cool medium-light grey;
- b. Off-street parking for service personnel; and
- c. Accessory uses as may be determined incidental and approved by the Planning Director.

3. Not less than two off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked:

4. No permit for construction of the expanded facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the amended permit to the Planning Department; and
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

LANDSCAPE  
PLAN HAS BEEN  
IMPLEMENTED  
+ THERE IS  
NO PROBLEM  
FOR NEW  
LANDSCAPING

6. Before issuance of any building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated October 25, 1984, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended. Specific plant species shall be identified on final landscaping plans and shall be subject to Planning Director approval.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located and not reflect onto adjacent properties.

8. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0506 and 101.0507 of the Municipal Code. Such extension of time shall be subject to all regulations in force at the time of the extension.

9. After establishment of the amended project, the property shall not be used for any other purposes unless:

- a. Authorized by the City Council; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

10 This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

11 This Conditional Use 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.

12. This permit shall expire 20 years from the date of approval. If an extension is requested, the operation and conditions shall be reviewed at public hearings by the Planning Commission and City Council. 11/20/04

13. In the event that additional cellular mobile phone communication systems are needed in the future that would require a transmitting tower or towers in the vicinity of this approved facility, the permittee shall allow the installation of antennas on the tower authorized by this permit and the installation of necessary support equipment on the premises if the applicant for such additional antennae and support equipment shows that the operation thereof would not interfere with the operation of the permittee's antennae and support equipment and the co-location of such antennae and support equipment are otherwise technically feasible and compatible, and such additional antennae and support equipment are approved by The City of San Diego following a noticed public hearing on the matter.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO THIS 20TH DAY OF NOVEMBER, 1984.

Passed and adopted by the Council of The City of San Diego on

November 20, 1984 by the following votes:

YEAS: Mitchell, McColl, Jones, Struiksma, Gotch, Hedgecock.

NAYS: None.

NOT PRESENT: Cleator, Murphy, Martinez.

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By BARBARA BAXTER

Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. R- 262003 passed and adopted by the Council of The City of San Diego, California, on November 20, 1984.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By *Barbara Baxter*

Deputy

(Rev. 5/83)

bb

AUTHENTICATED BY:

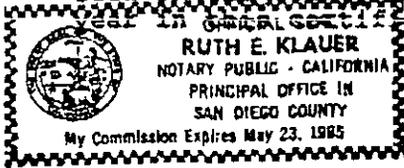
*Roger Hedgecock*  
 Roger Hedgecock  
 Mayor of The City of San Diego

*Charles G. Abdelnour*  
 City Clerk of The City of San Diego

STATE OF CALIFORNIA )  
 )  
 COUNTY OF SAN DIEGO )

On this 13<sup>th</sup> day of February, 1985, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in ~~the~~ <sup>the</sup> certificate first above written.



*Ruth E. Klauer*  
 Notary Public in and for the County of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Conditional Use Permit and promises to perform each and every obligation of Permittee hereunder.

PACTEL MOBILE ACCESS, INC.  
 a Delaware corporation

By *[Signature]*

NOTE: NOTARY ACKNOWLEDGEMENTS MUST BE ATTACHED PER CIVIL CODE, SEC. 1180 et seq.

CORPORATE ACKNOWLEDGMENT

NO. 202

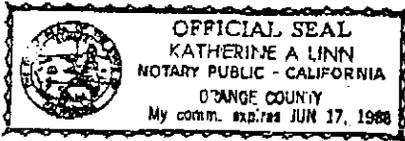
State of California  
County of Orange } ss.

On this the 31st day of January 19 85, before me,

Katherine A. Linn

the undersigned Notary Public, personally appeared

Donn A. Winslow



personally known to me  
 ~~proved to the public to be the person(s) who executed the within instrument as~~  
to be the person(s) who executed the within instrument as  
let on behalf of the corporation therein  
named, and acknowledged to me that the corporation executed it.  
WITNESS my hand and official seal.

[Signature]  
Notary's Signature



000255

THE CITY OF SAN DIEGO

Date of Notice: June 14, 2007

# NOTICE OF PUBLIC HEARING PLANNING COMMISSION RECOMMENDATION

---

**DATE OF HEARING:** June 28, 2007  
**TIME OF HEARING:** 9:00 A.M.  
**LOCATION OF HEARING:** Council Chambers, 12th Floor, City Administration Building,  
202 C Street, San Diego, California

**PROJECT TYPE:** Conditional Use Permit/Site Development Permit  
**PROJECT NUMBER:** 91178  
**PROJECT NAME:** AMERICAN TOWER – MT. ADA  
**APPLICANT:** Jim Kelly, American Tower Corporation

**COMMUNITY PLAN AREA:** Clairemont Mesa

**COUNCIL DISTRICT:** District 6

**CITY PROJECT MANAGER:** Karen Lynch-Ashcraft, Development Project Manager  
**PHONE NUMBER:** (619) 446-5351

---

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to **recommend** approval, conditional approval, or denial to the City Council for a wireless communication facility consisting of an existing, expired 145 foot high monopole and a 625 square foot equipment shelter, originally approved by CUP No. 83-0629, which expired on November 20, 2004 . The facility is located at 6426 Mt. Ada Road between Mt. Rias Place and Mt. Albertine Avenue.

The decision to approve, conditionally approve, modify or deny the wireless communication facility will be made by the City Council at a future public hearing. You will also receive a notice of the City Council public hearing.

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 the Disability Services

000256

ATTACHMENT H-10

Program Coordinator at (619) 236-5979 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

Job Order No. 42-5718

Revised 11/02/04 dcj  
document1



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 446-5000

# Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment •  Other \_\_\_\_\_

Project Title \_\_\_\_\_ Project No. For City Use Only \_\_\_\_\_

EXISTING WIRELESS TELECOMMUNICATIONS FACILITY

Project Address:

6426 MT ADA RD / APN 419-120-67-00

### Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached  Yes  No

Name of Individual (type or print):

HARRY R. BUCKEL TRUSTEE

Owner  Tenant/Lessee  Redevelopment Agency

10313 Boulder Creek Rd

Street Address:

DESCANSO Calif. 91916

City/State/Zip:

619-445 2238

Phone No:

Fax No:

Harry R. Buckel Trustee 11/25/05

Signature :

Date:

for The Buckel Trust

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

JOAN D BUCKEL, TRUSTEE

Owner  Tenant/Lessee  Redevelopment Agency

10313 Boulder Creek Rd

Street Address:

DESCANSO Calif 91916

City/State/Zip:

619-445 2238

Phone No:

Fax No:

Joan D. Buckel Trustee 11/25/05

Signature :

Date:

for The Buckel Trust

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

**San Diego Municipal Code Chapter 14: General Regulations**  
(12-2001)

**§141.0405 Communication Antennas**

- (a) Section 141.0405 regulates the following communication antennas. Amateur (HAM) radio facilities or temporary telecommunication facilities necessitated by natural or man-made disasters are not regulated as communication antennas. Section 141.0405 does not apply to single dish antennas smaller than 24 inches in diameter or to remote panel antennas less than 24 inches in length and in width, except when associated with another telecommunication facility.
- (1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that comply with all development regulations of the underlying zone and overlay(s) and that meet the criteria in Section 141.0405(e)(1) or (2).
  - (2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0405(e)(1) or (2).
  - (3) Satellite antennas: Antennas capable of transmitting or receiving signals to or from a transmitter or a transmitter relay located in a planetary orbit. Satellite antennas include satellite earth stations, television-reception-only satellite antennas, and satellite microwave antennas.
- (b) General Rules for Telecommunication Facilities  
All telecommunication facilities must comply with the following requirements:
- (1) All approved telecommunication facilities must comply with the Federal standards for RF radiation in accordance with the Telecommunication Act of 1996 or any subsequent amendment to the Act pertaining to RF radiation. Documentation shall be submitted to the City providing evidence that the cumulative field measurements of radiofrequency power densities for all antennas installed on the *premises* are below the Federal standards.
  - (2) Except in the event of an emergency, routine maintenance and inspection of telecommunication facilities located on residentially zoned *premises*, including all of the system components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.

- (3) Antenna facilities or associated equipment proposed for installation in the *public right-of-way* are subject to the following regulations:
- (A) Antennas or associated equipment located in *public right-of way* which is adjacent to a residentially zoned *premises* may be permitted with a Neighborhood Use Permit.
  - (B) Antennas and associated equipment located in the *public right of way* adjacent to non-residentially zoned *premises* are subject to review and approval by the City Manager.
  - (C) All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).
  - (D) A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.
- (4) Antennas and associated equipment located in the *public right-of-way* may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.
- (c) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.
- (d) All telecommunication facilities that are required to obtain encroachment authorization to locate on city-owned dedicated or designated parkland or open space areas shall comply with the following:
- (1) The City Manager shall determine that the proposed facility would not be detrimental to the City's property interest; would not preclude other appropriate uses; would not change or interfere with the use or purpose of the parkland or open space; and would not violate any deed restrictions related to City property, map requirements or other land use regulations.
  - (2) The proposed facility shall be integrated with existing park facilities or open space; shall not disturb the environmental integrity of the parkland or open space; and shall be disguised such that it does not

detract from the recreational or natural character of the parkland or open space.

- (3) The proposed facility shall be consistent with The City of San Diego Progress Guide and General Plan.

(e) Minor Telecommunication Facilities

Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) An antenna facility will be considered a minor telecommunication facility if the facility, including equipment and *structures*, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, or *accessory use structures*.
- (2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:
  - (A) Additions or modifications to telecommunication facilities that do not increase the area occupied by the antennas or the existing antenna enclosure by more than 100 percent of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility.
  - (B) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.
  - (C) Whip antennas if the number of antennas that are visible from the *public right-of-way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.
- (3) Minor telecommunication facilities are not permitted in the following locations:

- (A) On *premises* that are developed with residential uses in residential zones;
  - (B) On vacant *premises* zoned for residential development;
  - (C) On *premises* that have been designated as *historical resources*;
  - (D) On *premises* that have been designated or mapped as containing sensitive resources;
  - (E) On *premises* within the *MHPA*; or
  - (F) On *premises* that are leased for billboard use.
- (4) The installation of a minor telecommunication facility shall not result in the elimination of required parking spaces.
  - (5) Minor telecommunication facilities that terminate operation shall be removed by the operator within 90 calendar days of termination.
- (f) Major Telecommunication Facilities

Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities on dedicated or designated parkland and open space may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Major telecommunication facilities are not permitted in the following locations:
  - (A) On *premises* containing designated *historical resources*;
  - (B) Within viewsheds of designated and recommended State Scenic Highways and City Scenic Routes; or
  - (C) Within ½ mile of another major telecommunication facility, unless the proposed facility will be concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, and *accessory use structures*.
  - (D) Within the Coastal Overlay Zone, on *premises* within the

MHPA and/or containing *steep hillsides* with *sensitive biological resources*, or within public view corridors or view sheds identified in applicable *land use plans*.

- (2) Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.
- (3) Major telecommunication facilities shall use the smallest and least visually intrusive antennas and components that meet the requirements of the facility.

(g) Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(g)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(g)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(g)(4).

- (1) Exemption. Satellite antennas that are 5 feet in diameter or smaller are permitted in all zones and are exempt from this section.
- (2) Limited Use Regulations. Satellite antennas that exceed 5 feet in diameter are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
  - (A) Satellite antennas are not permitted within the *MHPA*.
  - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
  - (C) Satellite antennas shall not exceed 10 feet in diameter.
  - (D) Ground-mounted satellite antennas shall not exceed 15 feet in *structure height*.
  - (E) Ground-mounted satellite antennas shall not be located in the *street yard, front yard, or street side yard* of a *premises*.
  - (F) Satellite antennas shall not be light-reflective.
  - (G) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
  - (H) Ground-, roof-, and pole-mounted satellite antennas shall be

*screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent *premises* and adjacent *public rights-of-way*.

- (3) Neighborhood Use Permit Regulations. Proposed satellite antennas that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
  - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
  - (C) Satellite antennas shall not exceed 10 feet in diameter.
  - (D) Satellite antennas shall not be light-reflective.
  - (E) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
  - (F) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.
- (4) Conditional Use Permit Regulations. Except for proposed satellite antennas which are *accessory uses* in industrial zones, proposed satellite antennas that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
  - (B) Satellite antennas are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.
  - (C) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.  
(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

**§ 101.0506.1 Requirements for Processing Conditional Use Permits and Reclamation Plans for Natural Resources Development**

*(Renumbered to Sec. 101.0511 on 6-23-86 by O-16671 N.S.)*

**§ 101.0506.3 Conditional Use Permits for Companion Units**

*(Renumbered to Sec. 101.0512 on 6-23-86 by O-16671 N.S.)*

**§ 101.0506.5 Exclusion of Companion Units**

*(Repealed (incorporated into Sec. 101.0512) 6-23-86 by O-16671 N.S.)*

**§ 101.0506.7 Conditional Use Permit for Treatment and Counseling Offices for Sex Offenders**

*(Renumbered to Sec. 101.0513 on 6-23-86 by O-16671 N.S.)*

**§ 101.0506.8 Moved Buildings Defined**

*(Repealed (incorporated into Sec. 101.0514) 6-23-86 by O-16671 N.S.)*

**§ 101.0506.9 Conditional Use Permit For Moved Buildings**

*(Renumbered to Sec. 101.0514 on 6-23-86 by O-16671 N.S.)*

**§ 101.0507 Conditional Use Permit Granted by City Council**

*(Repealed (incorporated into Sec. 101.0510 with amendments) 6-23-86 by O-16671 N.S.)*

**§ 101.0507.1 Appeal to the City Council from Decision of the Board of Zoning Appeals**

*(Added 6-8-65 by O-9236 N.S.; amended 4-25-67 by O-9618 N.S.; repealed (now Sec. 101.0505) 2-4-71 by O-10494 N.S.)*

**§ 101.0508 Failure to Utilize Zone Variance or Conditional Use Permit or Failure to Conform to or Comply with Conditions**

*(Repealed (incorporated into Sec. 101.0510 with amendments) 6-23-86 by O-16671 N.S.)*

**§ 101.0509 Cancellation of a Conditional Use Permit**

*(Repealed (incorporated into Sec. 101.0510 with amendments) 6-23-86 by O-16671 N.S.)*

**§ 101.0510 Conditional Use Permit**

**A. PURPOSE AND INTENT**

Certain classes of land use are not permitted by right in some or all zones of the City, but are nevertheless recognized as being desirable to the full function of the City under appropriate circumstances. It is the purpose of the Conditional Use Permit regula-

tions to provide a means whereby proposals for such land uses may be examined on a case by case basis to determine whether, and under what conditions, these uses may be approved at a given site.

It is intended that when these classes of land use are approved, each proposal will be developed so as to fully protect the health, safety, and general welfare of all persons who live or work in the area. It is further intended that proposals developed under a Conditional Use Permit will incorporate the highest standards in site planning, architecture, environmental protection, and sensitivity to the neighborhood character.

It is intended that in exchange for the development and land use privileges extended under a Conditional Use Permit, the permittee will agree to abide by all conditions which the City may require. It is intended that both these privileges and conditions shall constitute a covenant which runs with the lands, and in addition to binding the permittee shall likewise bind each successor in interest.

This section identifies those classes of land use for which a Conditional Use Permit may be granted and establishes the legal framework for the administration of permits.

**B. DECISION MAKER**

Conditional Use Permits may be granted by the following Decisionmakers: "Hearing Officer", Development Services Director, Planning Commission, and City Council. In addition, Conditional Use Permits may be granted by the following Appeal Bodies, acting as provided herein as appellate Decisionmakers: Board of Zoning Appeals, Planning Commission, and City Council.

**C. USES WHICH MAY BE CONSIDERED**

1. "Hearing Officer" as Decisionmaker With Appeal to either the "Board of Zoning Appeals" or the "Planning Commission."

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C) (1), in any zone, including interim zones, may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three." The "Hearing Officer's" decision may be appealed to either the "Board of Zoning Appeals" or the "Planning Commission" in accordance with Section 111.0506.

a. Churches, temples or buildings of a permanent nature, used primarily for religious purposes, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

b. Commercial uses associated with agriculture in the Future Urbanizing area including, but not limited to: agricultural sales and services, animal sales and service (including hay, feed and tack), equestrian-related sales and services, and nursery sales and services.

c. Community identification signs (the permit may be granted by the Sign Code Administrator).

d. Electric distribution, gas regulating, and communications switching stations not involving aerial transmissions, which serve the immediate area, pro-

vided all equipment is located within a building.

e. Except as provided in paragraph 2.a. hereof, establishments which dispense, for sale or other consideration, alcoholic beverages, including beer, wine, and distilled spirits within the area shown on Map C-721, on file in the office of the City Clerk as Document No. OO-16715, subject to the requirements of SEC. 101.0515.

f. Guest quarters in any single-family residential zone.

g. Impound storage yards, provided they are located in the CA-RR or any less restrictive commercial zone.

h. Lights for illuminating tennis courts and similar lighting, except in the Future Urbanizing area.

i. Mobile homes for use by watchmen in any zone.

j. Moved buildings pursuant to SEC. 101.0514.

k. Elementary schools, and child care facilities serving children, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing Area. Child care centers in all residential zones subject to the standards of Section 101.0580 (Child Care Facilities), subsection E. Requests for deviations from the requirements of subsection E.5. of Section 101.0580 shall be evaluated based upon a Health Risk Assessment Study submitted by the applicant.

l. Outdoor storage and display of new, unregistered motor vehicles, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

m. Parking facilities, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area. (Note: See Subparagraph 3., Planning Commission as Decisionmaker.)

n. Private clubs, lodges and fraternal organizations except fraternities and sororities. Private clubs, lodges, and fraternal organizations shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area. The prohibition against lodges and lodging facilities within the Future Urbanizing area in Section 101.0510 C.1.n. and Section 101.0510 C.3.o. of the Municipal Code shall not be applicable to any application which was submitted to the City prior to December 10, 1990, for a Conditional Use Permit to implement nonprofit lodges in that portion of the Future Urbanizing area located outside of the City's Local Coastal Program nor to any application for a Conditional Use Permit for nonprofit lodge(s) in connection with proposed development of a golf course in Subarea 1A of North City Future Urbanizing Area Framework Plan.

o. Residential care facilities, as defined in Section 101.0101.96 for not more than twelve persons in any zone which otherwise permits residential use, subject to the development standards and locational criteria of Section 101.0581, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

p. Rotating and revolving signs pursuant to SEC. 101.1117.1, except in the Future Urbanizing area

(the permit may be granted by the Sign Code Administrator).

q. Solar systems for individual or joint use where otherwise not permitted.

r. Tandem parking for assigned employee parking spaces or valet parking associated with restaurant use, pursuant to SEC. 101.0821.

s. Teaching of the fine arts including, but not limited to music, drawing, painting, sculpture, drama and dancing, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

t. Theater marquee signs pursuant to Section 101.1118.1, except in the Future Urbanizing area (the permit may be granted by the Sign Code Administrator).

u. Veterinary clinics and veterinary hospitals in any commercial industrial or agricultural zone, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area.

2. "Hearing Officer" as Decisionmaker with appeal to the Planning Commission.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C) (2), in any zone, including interim zones, may be approved, conditionally approved, or denied, by a "Hearing Officer" in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Planning Commission in accordance with Section 111.0506.

a. Automobile service stations in any zone except the R-1 Zones, the A-1 zoned areas of the Coastal Zone, or in the Future Urbanizing area, subject to the locational criteria and developmental and operational standards contained within the document entitled "Guidelines for Automobile Service Stations", as adopted by resolution of the City Council and, if alcoholic beverages including beer, wine and distilled spirits are offered for sale or other consideration within the area portrayed on Map C-721, Section 101.0515 shall be considered by a "Hearing Officer".

b. Housing for the elderly and/or the handicapped in any residential or commercial zone, subject to the standards contained within the document entitled "Locational Criteria Design and Development Standards and Guidelines for Senior Citizen Housing Projects," as adopted by resolution of the City Council.

c. Living units, subject to the requirements of Section 101.0518.

d. Boarding kennels for dogs or cats in any agricultural, industrial or commercial zone.

e. Buildings, structures, and uses operated by a public utility or by a public body having the power of eminent domain.

f. Companion units in R-1 Zones, subject to the requirements of Section 101.0512 and when not located within the Coastal Zone.

g. Fraternity houses, sorority houses and student dormitories provided that such use is within an area

designated for such use in the applicable community plan or, if no such area is designated, is within one mile of the exterior boundaries of the campus of a major institution of higher learning and is in the R-1000, R-600, R-400 or R-200 Zones.

h. Research, development and testing laboratories and facilities, except in A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area; however, a permit may be granted for the continued operation of existing uses and facilities in the Future urbanizing area.

i. Newspaper publishing plants, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

j. Educational institutions, other than child care facilities and elementary schools, except in the Future Urbanizing Area. Permanent buildings or fill shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

3. Planning Commission as Decisionmaker with appeal to the City Council.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C) (3), in any zone, including interim zones, may be approved, conditionally approved or denied by the Planning Commission in accordance with "Process Four". The Planning Commission's decision may be appealed to the City Council in accordance with Section 111.0509.

a. Establishments or enterprises involving large assemblages of people or automobiles, including, but not limited to:

- (1) Open air theaters.
- (2) Recreational facilities privately operated.
- (3) Theaters, nightclubs or bars, with or without

live entertainment, and/or any combination thereof which exceeds five thousand (5,000) square feet in gross floor area. A Conditional Use Permit will be considered only if the zone in which the property is located permits similar uses under five thousand (5,000) square feet and provided that off-street parking is provided as follows: one (1) parking space for each three (3) fixed seats or one (1) parking space for each twenty-one (21) square feet of floor area where there are no fixed seats.

The above uses shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone or in the Future Urbanizing area. This provision shall not apply to youth sports facilities proposed on an interim basis, which provide recreational facilities open to the public and primarily for youth under 18 years of age at the 27-acre site located at the southeast corner of El Camino Real and Via de la Valle within the Future Urbanizing Area. Nor shall this provision apply to the reconstruction of an existing privately owned recreational facility destroyed by fire, flood or other natural disaster, provided such reconstruction does not require new (i.e., non-replacement) permanent buildings and or fill.

b. Facilities for the wrecking and dismantling of automobiles and other similar vehicles, junk yards, and all establishments engaged in the salvaging or processing of scrap metal, in any agricultural or industrial zone except in the Coastal Zone or in the Future Urbanizing area.

c. Hospital, intermediate care facilities and nursing homes, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing area.

d. Nonprofit institutions whose primary purpose is the promotion of public health and welfare, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing area.

e. Residential care facilities, as defined in Section 101.0101.96 for more than twelve persons in any zone which otherwise permits residential use, subject to the development standards and locational criteria of Section 101.0581, except in the Future Urbanizing area.

f. Treatment and counseling offices for sex offenders in the R-1000 through R-200 Zones, commercial zones, and the M-1B Zone.

g. Within the Coastal Zone only, marine-related uses (including boat building, maintenance, servicing, repair, and storage; diving, salvage, and underwater maintenance; marine carpentry and woodworking; sailmaking and repair) in any commercial zone except the CO and CN Zones.

h. Parking facilities in the A-1 zoned areas of the Coastal Zone, except in the Future Urbanizing area.

i. A Correctional Placement Center in any zone except residential, neighborhood commercial (CN), A-1 areas and Beach Impact Area (BIA) of the Coastal Zone, or in the Future Urbanizing Area, subject to the locational, operational and development requirements contained within the document entitled "Correctional Placement Center" Requirements as adopted by the Council of The City of San Diego, on file in the office of the City Clerk as Document No. RR-279736.

A biannual monitoring fee to administer, audit and enforce the permit conditions and City regulations for correctional placement centers shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk. An annual fee as established by the Chief of Police shall be due and payable to The City of San Diego for background checks on each employee and applicant.

j. Temporary Workers Camps subject to requirements contained within Municipal Code section 101.0582 in the A-1 (agricultural) zones of the Future Urbanizing Area as designated in the City of San Diego Process Guide and General Plan, provided such camps are not located within the Coastal Zone, the adopted Hillside Review, Floodway and Floodplain Fringe Overlay Zones, within Miramar Naval Air Station or land within the San Pasqual Valley and that portion of the San Dieguito River Basin located within the San Pasqual Valley as shown on

the map entitled Phased Development Areas, dated December 1987, located at page 36 of the Progress Guide and General Plan of The City of San Diego.

k. Cemeteries, mausoleums and crematories, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing area.

l. Major stationary facilities for the aerial transmission or relay of electromagnetic communications signals, including, but not limited to, radio or television transmission stations and broadcasting studios, microwave relay stations, paging broadcast facilities, and cellular mobile telephone transmitting facilities.

m. Camping parks, together with incidental facilities limited to serving the needs and convenience of occupants only, in the following zones:

(1) Any commercial zone;

(2) Any industrial zone, except the SR (Scientific Research) Zone;

(3) Any agricultural zone, provided that permanent buildings or fill shall not be permitted in areas of the Coastal Zone or the Future Urbanizing area subject to the FPF (Floodplain Fringe) Overlay Zone.

n. Any facility, activity, or use of property in any agricultural or manufacturing zone which is required by federal law to obtain a Research, Development and Demonstration Permit for Hazardous Waste Treatment from the Environmental Protection Agency or any other agency of the United States Government pursuant to the Federal Resource Conservation and Recovery Act.

o. Golf courses, golf practice driving tees or ranges, pitch-and-putt golf courses, and miniature golf courses. Within the Future Urbanizing area lodging facilities shall not be permitted as accompanying or accessory uses; clubhouse, food service, and other customary incidental uses shall not constitute an irrevocable use of the land, and shall be limited in use, size, and capacity to serve the needs and convenience of the users of the golf facility only; and reclaimed water shall be required to be used for irrigation of all landscaped areas.

p. Natural resources development and utilization including, but not limited to:

(1) Extracting, processing, storing, selling and distributing of sand, gravel, rock, clay, decomposed granite, and soil; and

(2) Manufacturing, producing, processing, storing, selling and distributing of asphaltic concrete, Portland cement concrete, concrete products, and clay products.

Those activities defined in Section 2735 of the California Surface Mining and Reclamation Act of 1975 as surface mining operations, shall comply with the requirements of Section 101.0511, including a requirement for a reclamation plan for activities conducted subsequent to January 1, 1976 and the phased implementation of an approved restoration and reclamation plan.

4. City Council as Decisionmaker.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for

the uses listed in Section 101.0510(C) (4), in any zone including interim zones, may be approved, conditionally approved or denied by the City Council in accordance with "Process Five".

a. Airports and permanent helicopter facilities, subject to the standards contained within the document entitled "Locational Criteria and Development Standards for Helicopter Facilities," as adopted by resolution of the City Council, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

b. Amusement parks, except in the A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing area.

c. Fairgrounds, except in the Future Urbanizing area, provided that permanent buildings and/or fill shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) Overlay Zone.

d. Race tracks, except in the A-1 zoned areas of the Coastal Zone or in the Future Urbanizing area.

e. Any hazardous waste facility project, as defined in Section 101.0516, in any manufacturing or agricultural zone; subject to the additional provisions in Section 101.0516.

f. Residential, commercial, industrial, or institutional uses in and on historical sites, except that only residential uses may be permitted in the Future Urbanizing area.

5. In addition to the land uses specified in this paragraph, various other land uses may be authorized within planned districts only under Conditional Use Permit. For a list of such uses refer to the individual planned district regulations, as set forth in Chapter X, Article 3, Division 1, et seq., of this Municipal Code.

6. Conditional uses permitted in the FW Zone shall be limited to those uses identified in Section 101.0403.

#### D. APPLICATION—FORM AND CONTENTS

Application for any Conditional Use Permit referred to in Section 101.0510 shall be filed with the Development Services Department in accordance with Section 111.0202. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans, a legal description of the property involved, and a detailed description of the proposed use.

#### E. ACTION OF THE DECISIONMAKER

1. After the public hearing, the decisionmaker may, approve or conditionally approve a Conditional Use Permit, if, after considering the facts presented in the application and at the hearing, it is found that:

a. The proposed use will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

b. The proposed use will comply with all the relevant regulations in this Code.

2. If the decisionmaker, after considering the facts presented on the application and at the hearing, is unable to make the two findings set forth in Section 101.0510(E) (1), it shall, deny the permit.

3. The decision to approve, conditionally approve or deny the Conditional Use Permit shall be in writing and include a finding of facts showing whether the conditional use fulfills or fails to fulfill the requirements set forth in Section 101.0510(E) (1). The written decision shall be filed with the City Clerk, the Development Services Department and the County Recorder of San Diego County. A copy of the decision shall be mailed to the applicant. The written decision shall not be filed with the County Recorder if the Conditional Use Permit is denied.

4. In granting a Conditional Use Permit, the Decisionmaker may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which property is situated including, but not limited to, signs, fences, walls, maximum building heights, density, minimum yards, maximum building coverage, floor area ratio and off-street parking may be increased or decreased, except that density may not be increased within the Future Urbanizing area. If deemed appropriate the Decisionmaker may assign an expiration date to the permit.

#### F. AMENDMENT TO PERMIT

1. An amendment or modification may be made to a valid Conditional Use Permit in accordance with Section 111.1125.

#### G. TIME LIMIT ON INITIATION OF CONDITIONAL USE

Unless otherwise provided by the terms of an approved Conditional Use Permit, a Conditional Use Permit shall expire and become void thirty-six (36) months after the "Date of Final Action" of the permit, if the Conditional Use Permit is not utilized in one of the following ways:

1. Where no construction is required: occupancy of structures and conduct of activities in conformance with activities authorized by the Conditional Use Permit;

2. Where construction is required without subdivision of land: twenty percent or more completion of the total footings, foundations, or similar supporting structures authorized by the Conditional Use Permit; or

3. Where subdivision of land is required: recordation of the final or parcel map.

4. The Conditional Use Permit may expressly authorize two or more phases of implementation, in which instance the time limits set forth in Section 101.0510(G) may be determined separately for each phase or as determined in the permit.

#### H. EXTENSION OF TIME

The expiration date of a valid Conditional Use Permit may be extended as provided in Section

111.1122.

#### I. RESCISSION OF PERMIT BY APPLICANT PRIOR TO INITIATION OF USE

1. A valid Conditional Use Permit granted by the City of San Diego may be rescinded by the owner of the subject property at any time prior to the initiation of usage set forth in Section 101.0510(G).

2. Such rescission shall be initiated upon receipt by the Development Services Department of a written communication from the owner of the subject property to the Development Services Director.

3. Upon receipt of the request the Development Services Director shall cause preparation of a written declaration rescinding the Conditional Use Permit. The declaration shall be filed with the City Clerk, the Development Services Director and the County Recorder of San Diego County. A copy of the declaration shall be mailed to the owner of the subject property. The permit shall become void when the declaration is recorded by the County Recorder or 120 calendar days after the Development Services Department receives the written request, whichever occurs later.

#### J. OPERATIONAL PARAMETERS

1. Following the initiation of a use authorized by the Conditional Use Permit, the subject property shall not be used for any purpose. Unless expressly authorized by the conditional use permit, preexisting uses and structures shall be terminated or removed, respectively. Any change in use requires a new or amended Conditional Use Permit to be obtained.

2. Neither construction nor any activity authorized by the Conditional Use Permit shall be undertaken on the premises until:

a. The permittee and property owner, if the owner is not the permittee, shall sign and return a copy of the permit to the Development Services Department and

b. The Conditional Use Permit is recorded in the office of the County Recorder of San Diego County.

By signing the permit, the permittee/ owner shall acknowledge that he/she has read, understands, and agrees to all provisions and conditions of the permit.

#### K. REVOCATION OF PERMIT

A Hearing Officer may revoke or modify a Conditional Use Permit in accordance with the provisions of Chapter XI, Article 1, Division 6, if any one or more of the following findings can be made:

1. That the permit approval was obtained by fraud;

2. That the uses and privileges authorized by the permit have not been initiated within the thirty-six (36) months specified in Section 101.0510(G) and no extension of time has been granted;

3. The permit is being or has been exercised contrary to the conditions of said permit, or in violation of any applicable licenses, permits, regulations or laws;

4. The use for which the permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance; or

5. The property or any structure thereon subject to the permit has been abandoned or the use authorized by the permit has ceased for a period exceeding twelve (12) months and no amendment has been granted for a longer time.

#### L. RESCISSION OF PERMIT BY APPLICANT FOLLOWING ESTABLISHMENT OF USE

1. Following the establishment of uses authorized by a valid Conditional Use Permit, the owner of the subject property may request the rescission of the permit.

2. The rescission shall be initiated upon receipt by the Development Services Department of a written communication from the owner of the subject property to the Development Services Director.

3. Upon receipt of the request for rescission the Development Services Director or the administrator of the planned district in which the subject property is located, shall initiate an investigation and determine in what ways, if any, the premises fail to conform to the provisions of the zone or planned district in which the premises are located. If the premises fail in any way to conform with the zone or district, the Development Services Director or district administrator shall prepare a list of particulars. A copy of the list shall be provided to the permittee, together with a statement that after the permit becomes void, nonconformance with the provisions of the zone or district constitutes a public nuisance subject to the provisions of Section 101.0213, Zoning Violation Abatement Program.

4. Once the Development Services Director or planned district administrator has provided the permittee with the list of nonconformities the Development Services Director shall cause the preparation and filing of a declaration rescinding the permit. Upon recordation of the declaration with the County Recorder, the permit shall be void. If appropriate, the City shall actively pursue any zoning or planned district nonconformance.

#### M. COASTAL ZONE REGULATIONS

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of the section.

Uses Which May be Considered (see Section 101.0510(C)): Any use included in Section 101.0510(C) provided that where such uses are proposed to be located within the SCR Overlay Zone, the HR Overlay Zone, the FW Zone or the FPF Overlay Zone, such uses shall be consistent with the uses permitted under such zones and shall be subject to all applicable regulations and restrictions.

(Amended 5-28-96 by O-18303 N.S.)

### § 101.0511 Requirements for Processing Conditional Use Permits and Reclamation

#### Plans for Natural Resources Development

##### A. PURPOSE AND INTENT

1. These requirements are adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code ("California Surface Mining and Reclamation Act of 1975").

2. The City hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

3. The City further finds that the reclamation of mined lands, as provided in this ordinance, will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

4. The City further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications therefor may vary accordingly.

##### B. DEFINITIONS

1. "Exploration" or "prospecting"— the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling or any surface or underground works needed to determine the type, extent or quantity of minerals present.

2. "Mined Lands"— includes the surface, sub-surface and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations.

3. "Minerals"— any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

4. "Mining Waste"— includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

5. "Operator"— any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

6. "Overburden"— soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by

## EXPIRATION CONDITIONS

### Quick Glance

This condition applies to **Verus Street** (PTS No. 90455) and **Yolanda** (PTS No. 90475):

“This Conditional Use Permit will expire ten years from the effective date of the approved permit, unless a new application for a Conditional Use Permit is submitted to the Development Services Department, DEP Division, 90 days in advance of the expiration date as stated herein:

- a. Should the new permit application be denied by the Development Services department Director/Planning Commission, this permit will automatically expire 90 days from the date of action by the approving authority; and
- b. The permittee shall cease and desist all activity on the site within 90 days from the date of action by the approving authority;
- c. The permittee shall return the site to its original condition within 90 days from the date of action by the approving authority.”

This condition applies to **Kearny Villa** (PTS No. 90486):

“This Conditional Use Permit shall be valid for a period not to exceed 10 years. Prior to the expiration date, the property owner/permittee may:

- a. Submit a complete application for a new Conditional Use Permit to operate on this site, complying with all regulations and guidelines for communication facilities in effect at the time; or
- b. Cease all operations/activities on the site, and remove the monopole, equipment of the facility from the property.”

And;

“The 10 (ten) year period shall commence on the date that the CUP is approved by action of the Planning Commission or the City Council, if appealed.”

This condition applies to **Federal** (PTS No. 91175):

“This permit shall expire on February 2, 2005, the communication facilities described herein shall be removed from this site and the property shall be restored to its original condition.”

And;

“Prior to the expiration date of this permit on February 2, 2005, the applicant may submit to the Development Services Department for an Extension of Time, to be considered by the Planning Commission, to allow the cellular communications facilities described herein to continue on this site. Additional conditions or restrictions relevant to existing and proposed improvements or uses on this site may be recommended by the Development Services Department and/or correspondingly applied by the Planning Commission to any request(s) for an Extension of Time on this permit.”

This condition applies to **Mini Storage** (PTS No. 107501):

“This Conditional Use Permit is granted for a period of ten (10) years from February 1, 1996, at which time it will become null and void unless a new application for a Conditional Use Permit is applied for and approved under the procedures in effect at that time. At such time as the Conditional Use Permit expires or ceases to be utilized, all antennas and equipment will be removed from the site by the last owner/permittee of the use.”

This condition applies to **30<sup>th</sup> Place** (PTS No. 92067), **Aviation** (PTS No. 92076), and **Mt. Ada** (PTS No. 91178):

“This permit shall expire 20 years from the date of approval. If an extension is requested, the operation and conditions shall be reviewed at public hearings by the Planning Commission and City Council.”

American Tower Corporation  
Corporate Officers

James Taiclet  
Chief Executive Officer

Brad Singer  
Chief Financial Officer and Treasurer

Steven Moskowitz  
President, U.S. Tower Division

Hal Hess  
Executive Vice President, General Counsel  
Chief Financial Officer, International

Jean A. Bua  
Executive Vice President, Finance  
Corporate Controller

Verizon  
Corporate Officers

Lowell C. McAdam  
President and CEO

Jack Plating  
Executive Vice President & Chief Operating Officer

Mike Lanman  
Vice President & Chief Marketing Officer  
Affairs

Richard J. Lynch  
Executive Vice President & Chief Technical Officer  
Communications

John Townsend  
Vice President & Chief Financial Officer

John Hinshaw  
Vice President & Chief Information Officer

Jim McGean  
President – South Area

Martha Delehanty  
Vice President – Human Resources

Margaret P. Feldman  
Vice President – Business Development

Steven E. Zipperstein  
Vice President – Legal & External

Jim Gerace  
Vice President – Corporate

Richard Conrad  
President – Northeast Area

Marni Walden  
President – Midwest Area

Roger Gurnani  
President – West Area

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Board of Directors

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V. Janet Hill  
Irvine O. Hockaday, Jr.  
Linda Koch Lorimer  
William H. Swanson

K-L  
Ashwood



San Diego City Planning Commission

# IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 7 ✓ Date 1-24-08

Subject American Tower - Aviation

Estimate of your presentation time 5 min

NAME Robert Jystad

100 Ocean gate Long Beach  
Address: Number Street City

CA 90802 310-209-8575  
State ZIP Telephone

Representing American Tower

Are you part of an organized presentation?  Yes  No

If yes, list speakers in order of presentation:

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.

000275



San Diego City Planning Commission

# IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 7 Date May 8, 2008

Subject American Tower Corporation - Aviation PTS No. 92076

Estimate of your presentation time 20 minutes

NAME Robert Jystad, Channel Law Group

100 Ocean gate Suite 1400 Long Beach  
Address: Number Street City

CA 90802 310-209-8575  
State ZIP Telephone

Representing American Tower Corporation

Are you part of an organized presentation?  Yes  No

If yes, list speakers in order of presentation:

ROBERT JYSTAD,  
NINA KARAVASILIS, LISA SCHIRMER

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

# IN FAVOR OF PROJECT

# 11

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 11 Date 9/11/08  
Subject American Tower - Aviation

Estimate of your presentation time 5 min  
NAME Robert Jystad  
100 Ocean gate Long Beach  
Address: Number Street City  
CA  
State ZIP Telephone

Representing American Tower

Are you part of an organized presentation?  Yes  No

If yes, list speakers in order of presentation: \_\_\_\_\_

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

# IN FAVOR OF PROJECT

000276

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 17 Date 10/9/08  
Subject American Tower - Aviation - No 92076

Estimate of your presentation time 5 min  
NAME ROBERT JYSTAD  
100 Ocean gate Long Beach  
Address: Number Street City  
CA 90802  
State ZIP Telephone

Representing American Tower

Are you part of an organized presentation?  Yes  No

If yes, list speakers in order of presentation: \_\_\_\_\_

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.

000277

AMERICAN TOWER AND VERIZON AVIATION DRIVE MONOPOLE (new CUP request for existing pole)

- ATC and Verizon believes the City's lack of a CUP renewal policy for established, legacy "backbone" cell towers and its current wireless ordinance are too restrictive and may be in violation of the 1996 Federal Telecommunications Act;
- In good faith and after meeting with City staff (including their communications division), ATC proposed a SINGLE multi-carrier & city communications tower and the removal of all 3 present towers. After review City staff could not support the proposal due to the single tower height (180 ft);
- Upon being requested by the Planning Commission to come up with a creative master plan for the towers at this location, ATC hired prominent local artists who came up with several unique concepts in the pole's design including concepts involving public art, nature statement and modern design;
- Upon presenting these artist concepts to the CPG, the concepts were rejected in favor of a monopine replacement;
- ATC is concerned over the 10 or 20 year permit lifespan and the investment of a pole replacement to be replaced in 10 or 20 years;
- ATC is concerned over the seriousness of the City's commitment to replacing their own pole and /or acting as a competitor to tower companies due to TMO's presence on the pole.

As a result of ATC meeting 3 times this summer with the CPG , ATC understands the community's concern over other un-tested stealth treatments and AGREES to a pole change-out to a monopine with 3 Conditions:

1. The City must first remove and replace their pole with a faux-tree. Upon which ATC will commence within 1 year of the City's pole swap-out with the removal of the original ATC/Verizon pole with a 150 ft monopine.
2. The permit for the monopine must not have an expiration date.
3. The antennas must be able to remain at their present height.

ATC is requesting tonight that the CPG vote in **FAVOR** of ATC's proposal, which adds teeth to a future pole change out of the City's pole to a faux-tree and allows the CPG's voice to be heard to the Planning Commission that the community wants all 3 towers to become trees in the near future.

Thank you for your concern over your community's aesthetics and your input during these last 3 meetings. We hope this can provide an acceptable outcome for you and the residents.

000279

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210</p>	<p>RECEIVED</p> <p>08 OCT 21 AM 10:41</p>	<p><b>Development Permit/ Environmental Determination Appeal Application</b></p>	<p>FORM <b>DS-3031</b> MARCH 2007</p>
	<p>THE CITY OF SAN DIEGO</p>		

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one  Applicant  Officially recognized Planning Committee  "Interested Person" (Per M.C. Sec. 113.0103)

Name  
Robert Jystad, Channel Law Group on behalf of American Tower Corporation

Address City State Zip Code Telephone  
100 Oceangate, Suite 1400 Long Beach CA 90802 (310) 209-8515

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Douglas Kearney or James Kelly for American Tower Corporation

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
CUP No. 296155/PDP No. 296156 (PTS No. 92076)	October 9, 2008	Karen Lynch-Ashcraft

Decision (describe the permit/approval decision):

Deny Conditional Use Permit No. 296155

5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
- Conflict with other matters (Process Three and Four decisions only)
- Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

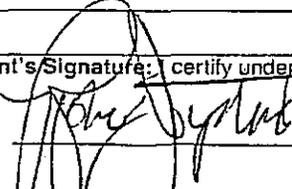
Planning Commission adopted motion to deny CUP and PDP on grounds that the Commission could not accept Applicant's conditions on the replacement of this facility with a monopine. Moreover, Applicant disputes Commission's contention that it could not make findings required for approval despite Applicant's extensive efforts to present feasible alternative designs to the community planning group and the Commission.

Applicant also disputes the application of the standard for minor telecommunications facilities under Section 141.0405 to this project and contends that Applicant has satisfied the requirements for major telecommunications facilities to minimize the visibility of the facility.

Applicant also disputes the City's refusal to replace its own monopole with a designed structure on grounds of unfair competition and discrimination.

Applicant reserves the right to supplement these grounds for appeal.

6. Appellant's Signature: certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: October 20, 2008

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

000281

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)
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TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Development Services Department	DATE: 12/04/2008
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SUBJECT: American Tower Corporation - Aviation CUP/PDP

PRIMARY CONTACT (NAME, PHONE): Karen Lynch-Ashcraft, (619) 446-5351	SECONDARY CONTACT (NAME, PHONE): Alexander Hempton, (619) 446-5349
--	---

**COMPLETE FOR ACCOUNTING PURPOSES**

FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00

[REDACTED SECTION]

FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00

**COST SUMMARY (IF APPLICABLE):**

**ROUTING AND APPROVALS**

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
	ORIG DEPT.	Broughton, Kelly	1/15/2009
	CFO		
	DEPUTY CHIEF	Goldstone, Jay	1/21/2009
	COO		
	CITY ATTORNEY		
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF:     RESOLUTIONS     ORDINANCE(S)     AGREEMENT(S)     DEED(S)

Resolution of Denial of Conditional Use Permit No. 296155 and Planned Development Permit No. 296156.

**STAFF RECOMMENDATIONS:**  
Approve Requested Action.

**SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)**

COUNCIL DISTRICT(S):    4

COMMUNITY AREA(S):    Skyline Paradise Hills

ENVIRONMENTAL IMPACT:    This project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301.

CITY CLERK INSTRUCTIONS:

000283

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 12/04/2008

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: American Tower Corporation - Aviation CUP/PDP

COUNCIL DISTRICT(S): 4

CONTACT/PHONE NUMBER: Karen Lynch-Ashcraft/(619) 446-5351

**REQUESTED ACTION:**

Deny the appeal and Deny Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 for an existing 130 foot high monopole and a 550 square foot equipment building.

**STAFF RECOMMENDATION:**

Approve Requested Action.

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

On November 20, 1984, the City Council approved a CUP for a 130 foot high monopole and a 550 square foot equipment building located on a hilltop at the end of Aviation Drive. Since the wireless industry was in its infancy at that time, the Council imposed a 20 year limit on the life of the CUP. This allowed the facility to be constructed, the technology to be implemented and a review to occur in the future, which would allow an evaluation of technology and/or regulation changes. The Land Development Code does not have provisions to extend expired CUP's. Section 141.0405 of the Land Development Code (Communication Antennas) requires wireless facilities to be integrated into the landscape or camouflaged from public view.

The project site is located in the RS-1-7 zone, which has a 30 foot maximum height limit. The facility is considered a major telecommunication facility and as it exists, complies with the development regulations for the zone with the exception of the 30 foot height limit, thus the requirement for the PDP. The intent of a PDP is to encourage imaginative and innovative planning and that it would be preferable to what would be achieved by strict conformance with the regulations. This monopole is a significant visual impact on the horizon of the community. Neither the findings for the CUP nor the findings for the PDP could be made by staff in the affirmative; therefore, staff recommended denial of the permits to the Planning Commission.

The 130 foot tall monopole is situated prominently on a hilltop surrounded by single unit residential homes. The site supported a city water tank at one time, but now is home to three monopoles, including the American Tower facility. The City currently has a 105 foot high monopole supporting City communication antennas, including T-Mobile as a tenant. The third monopole belongs to Sprint Nextel and it is 90 feet high. That pole expired June 1, 2005 and Sprint Nextel recently went through the discretionary review process to switch the monopole out for a 50 foot high faux tree. The Planning Commission approved the project on February 21, 2008. The monopole has not yet been replaced with the faux tree.

The Planning Commission reviewed this project at several hearings over the past 18 months and the primary concern expressed at those hearings focused on the visual impacts created by the three monopoles. Various American Tower generated designs were evaluated and a master plan

**000284**

was discussed as well, however, the applicant has declined to reduce the height of their facility, which, staff believes defeats the purpose of the regulations to integrate the facility into the landscape. Further, the idea of a master plan would not be warranted because the City has no plans to modify their tower and Sprint Nextel already has approval to replace their tower with a shorter, more integrated design: a faux tree. That leaves the non-compliant American Tower monopole.

It is important to make a critical distinction between the City's tower and the American Tower facility and that is the City's tower is non-profit used for the purposes of public safety communications and American Tower and Verizon, their tenant, are realizing considerable revenue from their commercially used tower. Please see City of San Diego Memorandum to the Planning Commission, dated January 18, 2008 for further discussion of these issues.

The Land Development Code requires telecommunication facilities to be minimally visible through the use of architecture, landscape architecture and siting solutions. Staff believes, maintaining the height of this facility would directly conflict with this requirement. The original CUP has been expired for over four years and in order to justify the findings for a new CUP, the project must comply with the regulations and policies in effect today. American Tower has not provided any acceptable solutions. On October 9, 2008, the Planning Commission unanimously denied CUP No. 296155 and PDP No. 296156.

Broughton, Kelly  
Originating Department

Goldstone, Jay  
Deputy Chief/Chief Operating Officer

000285

PLANNING COMMISSION  
RESOLUTION NO. 4400-PC  
CONDITIONAL USE PERMIT NO. 296155  
PLANNED DEVELOPMENT PERMIT NO. 296156  
**AMERICAN TOWER – AVIATION**  
PROJECT NO. 92076

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WHEREAS, City of San Diego, Owner and American Tower Corporation, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the Exhibits "A") for the associated Conditional Use Permit No. 296155 and Planned Development Permit No. 296156, on portions of a .51 acre site;

WHEREAS, the project site is located at 6770 Aviation Drive in the RS-1-7 zone of the Skyline Paradise Hills Community Plan;

WHEREAS, the project site is legally described as that portion of Lot 162, Encima De San Diego, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 1546, filed in the Office of the County Recorder of said County of San Diego;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 and continued the project until August 9, 2007 to obtain additional information; NOW, THEREFORE,

WHEREAS, on August 9, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 and continued the project until September 20, 2007 to obtain additional information; NOW, THEREFORE,

WHEREAS, on September 20, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 and continued the project until January 24, 2008 in order to allow time for development of a master plan that would minimize visual blight; NOW, THEREFORE,

WHEREAS, on January 24, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 and continued the project until May 8, 2008 in order to give American Tower an opportunity to redesign the project in compliance with the regulations; NOW, THEREFORE,

WHEREAS, on May 8, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 and continued the project until July 10, 2008 in order to allow time for American Tower to redesign the project and route the revised design through the community planning group; NOW, THEREFORE,

WHEREAS, on July 10, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 and continued the project until September 11, 2008 in order to allow time for proposed redesigns to be reviewed by the Skyline-Paradise Hills Community Planning Group; NOW, THEREFORE,

WHEREAS, on September 11, 2008, the Planning Commission of the City of San Diego adjourned the meeting due to a Brown Act violation and the American Tower Aviation project was re-noticed for the October 9, 2008 Planning Commission agenda; NOW, THEREFORE,

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 296155 and Planned Development Permit No. 296156, pursuant to 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 October 9, 2008.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a twenty year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Southeastern San Diego Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP/PDP.

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City imposed a ten year time limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The

effect. The project exists as it did after initial construction and American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

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Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest structure in and around the area in which it is located and as such, it has an incongruous effect on the community's landscape. It is situated prominently on a residential hill top within the community of Skyline. The tower poses an unsightly visual impact that can be seen from the surrounding residential communities and major thoroughfares.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Aviation project does not conform to this code requirement. As it exists, the tower is a significant visual impact to the surrounding residential communities.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

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

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate telecommunication facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration the surroundings including the prominent hilltop location and the proximity to the existing residential uses that exist around the facility would be more appropriately located on this property.

**Planned Development Permit - Section 126. 0604**

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

This facility was originally approved by the City Council on November 20, 1984. The Conditional Use Permit (CUP) included a 20 year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the City Council imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect, The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Skyline Paradise Hills Community Plan addresses wireless communication facilities as a specific land use.

**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) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The monopole complies with all the development regulations of the RS-1-7 zone except for the height limit of 30 feet. The monopole is 90 feet tall on a residential hill top in the Skyline community. Development in the area is low in scale and is primarily residential. The existing tower exceeds the RS-1-7 zone height limit by 60 feet. Deviations to the development regulations require a Planned Development Permit, which is a mechanism to encourage imaginative and innovative planning and to assure that the project achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.

This project was originally constructed in the mid-1980's when Pac Tel Mobile (now Verizon) was only one of two wireless carriers in San Diego. Their network was being established with tower structures and branched out to building collocations later. Typically, carriers initially built tall facilities, later filling in their networks with lower sights. Verizon signed the contract (CUP84-0472) acknowledging the 20 year time limit on the facility. In order to maintain a facility at this site, a new application in compliance with the current regulations and policies would be required.

**4. The proposed development, when considered as a whole, will be beneficial to the community; and**

The monopole serves Verizon subscribers in the surrounding communities, as well as commuters passing through the area and as such, is a beneficial service. Conversely, the significant visual impacts that the pole creates are detrimental to the surrounding communities as well as to the City of San Diego. The pole sits on a hilltop at an approximate elevation of 480 feet. The pole is 130 feet tall. The surrounding community is developed at lower elevations on and around this hill top. There are three tower structures altogether at this site. Nextel is replacing their 90 foot tall pole with a faux tree and the other monopole belongs to the City. The City's 15 foot tall monopole will remain on this site as it is a part of the backbone of the City's emergency communications. The original design of this tower was developed 20 years ago when the technology was at its infancy. The CUP was conditioned to expire in 20 years and as the owner and operator of the facility, Verizon and American Tower Corporation had the responsibility of making preparations within

within their network to comply with any new regulations or policies in effect, which may have included a required reduction in height.

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**5. Any proposed deviations pursuant to Section 126.0602(b)(1) 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.**

The applicant, American Tower Corporation, is requesting to deviate from the RS-1-7 height limitation of 30 feet. The existing tower is 130 feet tall and can be viewed from miles away. It sits on a residential hill top within the Skyline Paradise Hills community and is a significant visual impact within San Diego. The project, as it exists, does not result in a visually desirable project. If redesigned to comply with the 30 foot height limit, Verizon services to the community and passing commuters would be significantly reduced. Section 141.0405 of the Land Development Code requires telecommunication facilities to integrate into the landscape in which they are proposed. If this facility were to be redesigned to comply with this section of the Code, a reasonable height deviation may be considered. The existing tower does not result in an acceptable project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 is hereby DENIED by the Planning Commission.

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Karen Lynch-Ashcraft  
Development Project Manager  
Development Services

Adopted on: October 9, 2008

Job Order No. 42-5782

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

**WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5782

**CONDITIONAL USE PERMIT NO. 296155**  
**PLANNED DEVELOPMENT PERMIT NO. 296156**  
**AMERICAN TOWER – AVIATION**  
**PROJECT NO. 92076**  
**CITY COUNCIL**  
**DRAFT**

This Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 is granted by the City Council of the City of San Diego to the City of San Diego, Owner, and American Tower Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0405. The .51 acre site is located at 6770 Aviation Drive in the RS-1-7 zone of the Skyline Paradise Hills Community Plan. The project site is legally described as that portion of Lot 162, Encima De San Diego, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 1546, filed in the Office of the County Recorder of said County of San Diego.

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

The project shall include:

- a. An existing 130 foot high monopole supporting four omni directional antennas, 15 dipole antennas, nine panel antennas, and seven microwave dish antennas. The associated equipment is located within a 550 square foot prefabricated building;
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and

private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

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**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit 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.
2. This Conditional Use Permit and corresponding use of this site shall expire on XXXXX. 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 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 compliance, which may include penalties and fines.
4. Under no circumstances, does approval of this permit authorize (insert applicant name) or their tenants to utilize this site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective date of this permit is prohibited.
5. The validity of this permit is dependent upon:
  - a. The Owner/Permittee signing and returning the Permit to the Development Services Department; and
  - b. The Permit being recorded in the Office of the San Diego County Recorder.
6. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
7. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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

10. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

11. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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.

13. The applicant 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

**PLANNING/DESIGN REQUIREMENTS:**

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14. The applicant of record is responsible for notifying the city prior to the sale or takeover of this site to any other provider.
15. This wireless communication facility shall be removed or replaced if it is determined that the facility or components of the facility are obsolete.
16. Within ninety (90) days of issuance of this permit, the telecommunication provider shall provide certification describing evidence that the cumulative field measurements of radio frequency power densities for all antennas installed on the premises are below the federal standards.
17. 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:**

- 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 ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on XXXXX, by Resolution No. XXXXX.

000295

Permit Type/PTS Approval No.: CUP No. 296155/PDP No. 296156  
Date of Approval: \_\_\_\_\_

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Karen Lynch-Ashcraft  
TITLE: 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**  
Owner

By \_\_\_\_\_  
David Sandoval, CCIM  
Deputy Director, Real Estate Assets

**American Tower Corporation**  
Permittee

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

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

000297

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF REGULAR SCHEDULED MEETING OF  
OCTOBER 9, 2008  
IN CITY COUNCIL CHAMBERS - 12<sup>TH</sup> FLOOR  
CITY ADMINISTRATION BUILDING**

Item no: 17

**CHRONOLOGY OF THE MEETING:**

Chairperson Schultz called the meeting to order at 9:16 a.m. Chairperson Schultz adjourned the meeting at 7:00 p.m.

**ATTENDANCE DURING THE MEETING:**

Chairperson Barry Schultz –present (left @ 6:00pm)  
Vice-Chairperson - Eric Naslund –present  
Commissioner Robert Griswold – present  
Commissioner Gil Ontai –present  
Commissioner Dennis Otsuji – present  
Commissioner Mike Smiley – not present  
Commissioner Tim Golba - Present

Staff

Shirley Edwards, City Attorney - present  
Mary Wright, Planning Department – present  
Mike Westlake, Development Services Department – present  
Brenda Clark, Legislative Recorder - present  
Elisa Contreras, Recorder – present

- 3) ALL HEAVY EQUIPMENT AND MATERIALS WILL BE OFF-LOADED FROM TORRANCE AVE OR DOVE COURT AND THEN TRANSPORTED IN SMALLER BATCHES, 1 TON OR LESS, BY WAY OF A RUBBER TIRED FORKLIFT OR SMALLER TRUCK, NOT IN EXCESS OF 12,000 LBS GVW, TO THE CONSTRUCTION SITE. THE ONLY EXCEPTION SHALL BE FOR AWKWARD SIZED LOADS SUCH AS LUMBER OR STEEL WHICH MAY BE TRANSPORTED ON A LIMITED BASIS BY TRUCKS NOT EXCEEDING 45,000LBS. GVW.
- 4) ALL WET CONCRETE WILL BE OFF-LOADED AND PUMPED DOWN THE HILL FROM THE END OF DOVE COURT, NOT WALNUT AVENUE OR BEAR DRIVE.
- 5) EARTH MOVING EQUIPMENT AND DIRT HAULING TRUCKS SHALL BE OF THE SMALLEST AND LIGHTEST VARIETY PRACTICALLY USEFUL AND LOCALLY AVAILABLE FOR THE JOB REQUIRED BUT SHALL NOT EXCEED 55,000LBS. GVW UNDER ANY CIRCUMSTANCES.
- 6) AT NO TIME SHALL ANY CONSTRUCTION VEHICLE LOADS EXCEED THE SAFE WEIGHT LIMIT FOR ANY STREET AS MAY BE DETERMINED AND NOTIFIED OR POSTED BY THE CITY ENGINEER.

IT IS HEREBY AGREED THAT THE ABOVE MITIGATION MEASURES SHALL BE FOLLOWED DURING CONSTRUCTION AT ALL TIMES. THESE MEASURES SHALL BE A PART OF THE DEVELOPMENT PERMIT AND SHALL ENDURE TO AND BE ENFORCEABLE UPON THE APPLICANT AND ANY FUTURE OWNER OR BUILDER OF THE IMPROVEMENTS AS REFERENCED ABOVE."

✓ ITEM-17: *Continued from June 28, August 9, and September 20, 2007,  
Continued from May 8, 2008 and July 10, 2008 and September 11, 2008:*

**AMERICAN TOWER - AVIATION – PROJECT NO. 92076**  
City Council District: 4; Plan Area: Skyline Paradise Hills

Staff: Karen Lynch-Ashcraft

Speaker slip submitted in favor of project by Robert Jystad.

No speaker slip submitted opposed to project.

**COMMISSION ACTION:**

MOTION BY COMMISSIONER NASLUND TO DENY CONDITIONAL USE PERMIT 296155 AND PLANNED DEVELOPMENT 296156 AS PRESENTED IN REPORT NO. PC-07-079. Second by Commissioner Ontai. Passed by a vote of 4-0-3 with Commissioner's Griswold, Golba recusing and Commissioner Smiley not present. Resolution No 4400-PC.