



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: November 6, 2013 REPORT NO. HO 13-084
ATTENTION: Hearing Officer
SUBJECT: T-MOBILE – BARRIO LOGAN HEALTH CENTER
PTS PROJECT NUMBER: 283282
LOCATION: 1809 National Avenue
APPLICANT: Whitney Rugg, DePratti, Inc.

SUMMARY

Issue(s): Should the Hearing Officer approve a Wireless Communication Facility (WCF) at 1809 National Avenue within the Barrio Logan Community Planning area?

Staff Recommendation: APPROVE Conditional Use Permit No. 994390

Community Planning Group Recommendation – There is no recognized community planning group for Barrio Logan, therefore, no recommendation is available.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination (Attachment 13). The environmental exemption determination for this project was made on August 21, 2013 and the opportunity to appeal that determination ended September 5, 2013.

BACKGROUND

This project is an application for a Conditional Use Permit (CUP), Process 3, for a Wireless Communication Facility (WCF), which is required for WCFs located in residential zones containing non-residential uses under the Land Development code. The project is located at 1809 National Avenue. The project is located in the Barrio Logan Planned District (BLPD) - Redevelopment Subdistrict zone, residential land use category, within the Barrio Logan Community Plan area (Attachments 2, 3 and 5).

This project is existing, originally approved July 9, 2002 for a period of ten years. It consists of a total of twelve panel antennas, eight which are façade mounted and four which are pipe mounted on the roof top (Attachment 8). The associated equipment is located on the roof top

behind mechanical screens. The BLPD - Redevelopment Subdistrict, Residential category does not permit Utilities (within the Planned District, the definition of utilities includes cellular facilities). This exclusion could be deemed an effective prohibition under Section 332(c) of Section 704 of the Telecommunication Act of 1996 (TCA), which limits local authorities from prohibiting or having the effect of prohibiting the provision of personal wireless services. If the carrier demonstrates that (1) a significant gap in coverage exists absent the proposed WCF; and (2) this WCF is the least intrusive means of filling the gap, then denial of the proposed WCF would violate the TCA and is pre-empted. T-Mobile has provided coverage maps that illustrate network coverage for the specific area with and without the facility (Attachment 12). Coverage without the facility at this location would result in little to no coverage in buildings and for the most part be limited to those using their phones outdoors or to those traveling through the area in automobiles. T-Mobile has asserted that preventing a T-mobile WCF at Barrio Logan Health Center would effectively be a prohibition and result in a significant gap in their network coverage for the area. T-Mobile has also asserted that Section 332(c) of Section 704 of the TCA preempts local authorities from unreasonably discriminating among providers of functionally equivalent services. Cricket currently has a WCF at this location.

A BLPD Permit is required for all development proposed in the Redevelopment Subdistrict. This project does not propose any new development, but instead, proposes upgrades to the existing WCF installation, therefore requiring a Process 1 review by staff. Additionally, the project site is located within the Coastal Overlay Zone, Non- Appealable Area 2; however minor improvements to existing structures are exempt from the requirement for a CDP. The project is *not* located within the 30-foot Coastal Height Limit Overlay Zone.

Community Plan Analysis:

The Barrio Logan Community Plan Update as well as the revised Zoning Map was recently approved by the City Council (Attachment 4). It should be noted that the zoning on this property was changed to CN-1-4 (Attachment 11) with the repeal of the Barrio Logan Planned District Ordinance that occurred at the same time; however it will not become effective until the California Coastal Commission certifies the ordinance and resolutions associated with the Community Plan and Local Coastal Program Update. Under the new zoning, WCFs are permitted as a Limited Use in residential zones.

Under the new community plan, the project site would be designated Community Village. The current and updated Barrio Logan Community Plans do not specifically address WCFs, however the City's General Plan addresses WCFs in UD-A.15 as follows:

Minimize the visual impact of wireless facilities.

- a) Conceal wireless facilities in existing structures when possible, otherwise use camouflage and screening techniques to hide or blend them into the surrounding area.

- b) Design facilities to be aesthetically pleasing and respectful of the neighborhood context.
- c) Conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures.

The project complies with the General Plan recommendations by utilizing skirts and chin straps to conceal the mounting apparatus on the façade mounted antennas which will be painted and textured to match the building surface, providing an overall integrated appearance (Attachment 9). A third sector of antennas currently located on pipe mounts on the roof top will be relocated to the north elevation behind Fiberglass Reinforced Panels (FRP), which will be painted and textured to look like the existing building stucco (Attachment 9). The existing equipment will remain on the roof top behind mechanical penthouse screens. As designed, the upgrades will comply with the General Plan recommendations by integrating the antennas into the building façade and minimizing visual impacts commonly associated with WCF.

Conclusion:

Although the residential zoning on the property does not permit “Utilities,” which includes WCFs, by definition, T-Mobile has demonstrated that the removal of this facility would result in a significant gap in coverage. Additionally, they have demonstrated that no other non-residential sites within the search ring would be able to fill this gap in coverage to the extent that this site does. Furthermore, since Federal law does not permit local authorities from having the effect of prohibiting wireless communications, T-Mobile is proposing to upgrade the antenna mounting so that they are installed in the least intrusive means resulting in a cleaner appearance that integrates with the buildings architecture. This project complies with the applicable regulations of the Land Development Code and the City's General Plan and draft findings (Attachment X) have been made in the affirmative. Therefore, staff recommends approval of CUP No. 994390.

ALTERNATIVES:

1. Approve CUP No. 994390, with modifications.
2. Deny CUP No. 994390, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Karen Lynch, Development Project Manager

Attachments:

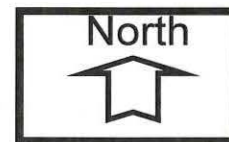
1. Aerial Photograph
2. Current Community Plan Land Use Map
3. Barrio Logan Redevelopment Plan Map
4. Project Location Map
5. Project Data Sheet
6. Draft Permit Resolution with Findings
7. Draft Permit with Conditions
8. Photos
9. Photosimulations
10. Adopted Revised Community Plan Land Use Map
11. Adopted Revised Zoning Map
12. Coverage Maps
13. Environmental Exemption
14. Ownership Disclosure Statement
15. Project Chronology
16. Notice Of Public Hearing
17. Project Plans

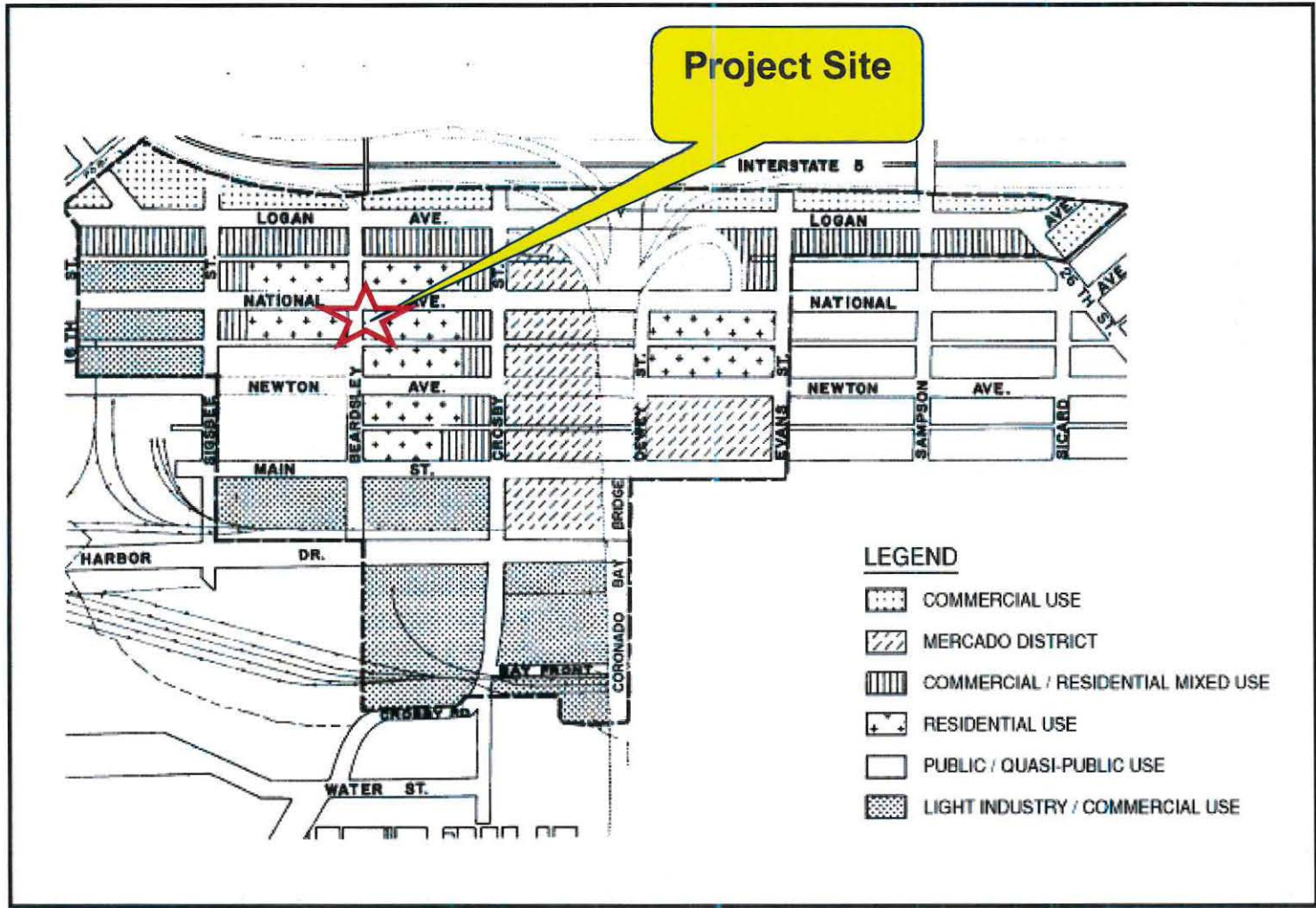
Rev 1/25/11 hmd



Aerial Photo

T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NUMBER 283282
1809 NATIONAL AVENUE





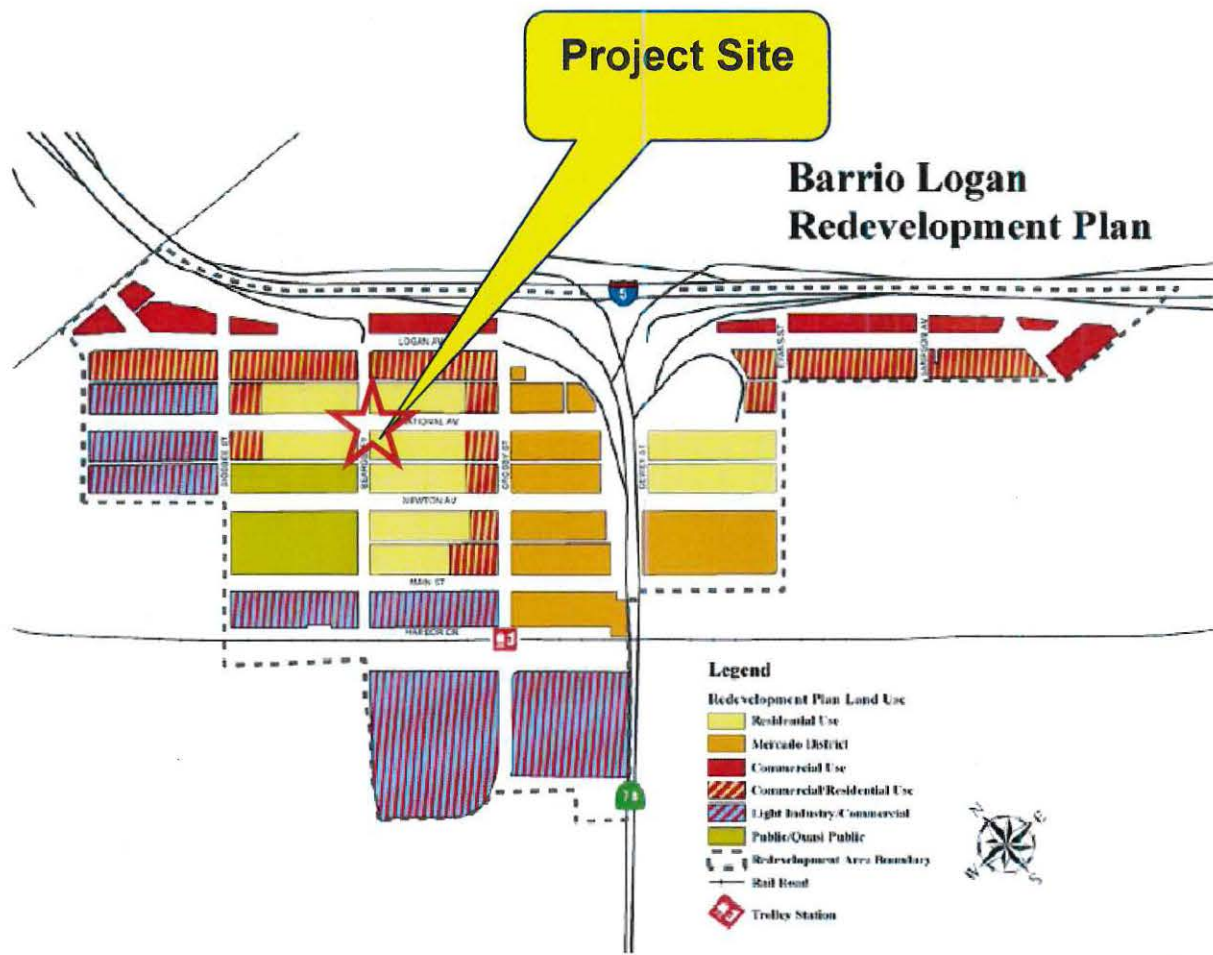
REDEVELOPMENT SUBDISTRICT - BARRIO LOGAN PLANNED DISTRICT

PERMITTED LAND USE CATEGORIES

FIGURE 2
OF SECTION
103.0956



T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NUMBER 283282
1809 NATIONAL AVENUE



**Barrio Logan
Harbor 101**

BARRIO LOGAN REDEVELOPMENT PLAN



T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NUMBER 283282
1809 NATIONAL AVENUE





Project Location Map
T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NUMBER 283282
1809 NATIONAL AVENUE



PROJECT DATA SHEET

PROJECT NAME:	T-Mobile – Barrio Logan Health Center	
PROJECT DESCRIPTION:	A wireless communication facility consisting of a total of 12 panel antennas and roof top equipment behind mechanical screens.	
COMMUNITY PLAN AREA:	Barrio Logan	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential	
<u>ZONING INFORMATION:</u>		
ZONE: Residential		
HEIGHT LIMIT: 50-feet		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential; BLPD-Redev-SubDistD.	Single Unit Residential/Commercial/Industrial
SOUTH:	Residential; BLPD-Redev-SubDistD.	Single and Multi Unit Residential
EAST:	Residential; BLPD-Redev-SubDistD.	Single Unit Residential/Vacant
WEST:	Residential; BLPD-Redev-SubDistD.	Commercial/Single Unit Residential
DEVIATIONS OR VARIANCES REQUESTED:	None.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	There is no officially recognized community planning group in Barrio Logan.	

HEARING OFFICER
RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 994390
T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NO. 283282
DRAFT

WHEREAS, Family Health Centers of San Diego, Owner and T-Mobile West, LLC, 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 Permit No.'s 994390 on portions of a 1.12-acre site;

WHEREAS, the project site is located at 1809 National Avenue in the BLPD-Redevelopment-Subdistrict D zone of the Barrio Logan Community Planning area;

WHEREAS, the project site is legally described as Lots 43-48 in Block 130 of Mannassee and Schiller's Subdivision of Pueblo Lot 1157, County of San Diego, State of California, according to the Map thereof No. 209, recorded in the Office of the County Recorder of Said San Diego County, July 11, 1870;

WHEREAS, on November 6, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 994390 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 21, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated November 6, 2013.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

While the Barrio Logan Community Plan does not specifically address Wireless Communication Facilities (WCFs), the City's General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. This is an existing wireless communication facility that was originally approved in 2002.

Two of the antenna sectors are façade mounted installations and the third sector included pipe mounted antennas on top of a mechanical screen on the roof top. This project proposes to upgrade the façade mounted antenna sectors to current standards so that all of the brackets and coaxial cables are concealed within skirts and chin straps and it proposes to relocate the roof top antennas to an existing cupola where the stucco will be replaced with fiberglass reinforced panels to completely conceal the antennas. Equipment associated with the facility is located on the roof top behind mechanical screens that are painted and textured to match the building. Based on the design of this project, the WCF will not adversely affect the applicable land use plans.

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

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities as concluded in the Radio Frequency Electromagnetic Fields Exposure Report, dated May 21, 2012. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within the jurisdiction of the City.

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

The existing wireless communication facility has existed at this site since 2002. The antennas, however, will be upgraded to current mounting practices. Two sectors of four antennas each are façade mounted and will include skirts and chin straps to conceal the mounting hardware and components with this proposal, giving the building a cleaner appearance. The third sector of antennas is currently located on top of the mechanical screen on the roof top, but will be relocated to a cupola on the north side of the building and concealed by fiberglass reinforced panels. The end result will have no noticeable difference from how the cupola appears currently. The existing equipment is located on the rooftop behind a mechanical screen.

The project site is located in the Barrio Logan Planned District – Redevelopment Subdistrict zone, residential land use category, which does not permit Utilities and by definition, WCFs are included. This exclusion could effectively be deemed a prohibition as outlined under Section 332 (c) of Section 704 of the Telecommunication Act of 1996 (TCA), which states that local government authorities "shall not prohibit or have the effect of prohibiting the provision of personal wireless services". Carriers have the ability to demonstrate that the inability to have a WCF at a particular location would result in a significant gap in coverage for their network operations. If the carrier demonstrates that (1) a significant gap in coverage exists absent the proposed WCF; and (2) this WCF is the least intrusive means of filling the gap, then denial of the proposed WCF would violate the TCA, and is pre-empted. T-Mobile has provided coverage maps illustrating that a significant gap in coverage would occur in the area of this facility if the WCF were to be removed. Coverage without the WCF would result in little to no coverage in buildings and for the most part be limited to those using wireless devices outdoors or traveling through the area in cars. The upgrade to the existing WCF includes utilization of current mounting techniques so that the antennas appear more integrated into the building architecture. One sector

of antennas currently mounted on poles on the roof top are being relocated to the north elevation of the building behind Fiberglass Reinforced Panels (FRP) so that the antennas are completely concealed. The proposed project will be an upgrade that results in the least intrusive design which complies with the WCF regulations and Design Guidelines as well as the development regulations of the Barrio Logan Planned District, to the extent possible due to the pre-emption by the TCA.

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

The project is located in the Barrio Logan Planned District - Redevelopment Subdistrict, residential land use category. Utilities, which include by definition, WCFs, are not permitted. The building on which the WCF is proposed is used as a community health center and as such can be considered a commercial or institutional use. The neighborhood consists of various mixed uses and the Barrio Logan Health Center is the tallest structure in the area providing the height necessary to afford coverage for T-Mobile subscribers in the area and for those traveling throughout the neighborhood. Although the WCF is not permitted in the residential zone, the TCA does not permit local government authorities from prohibiting or having the effect of prohibiting personal wireless services. T-Mobile has demonstrated that removal of their existing WCF at this location would result in a significant gap in coverage and has therefore designed their proposed upgrade to be the least intrusive method of locating antennas on the health center building. Façade mounted antennas will be upgraded to include skirts and chin straps to conceal coaxial cables and mounting brackets and the existing roof top antennas will be removed and relocated behind FRP material on the north elevation so that the antennas will be completely concealed. The building is the tallest building in the area and the antennas and associated equipment are located on the upper portion of the building out of direct view of the public.

Although the property is located in a residential use category, the use of the building is comparable to a commercial or institutional use. The new Barrio Logan Local Community Plan and associated Local Coastal Plan Update have this property slated for a commercial zone. Although the effective date will not occur until after the California Coastal Commission certifies the documents, the T-Mobile WCF will ultimately be located appropriately at this location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 994390 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 994390, a copy of which is attached hereto and made a part hereof.

Karen Lynch
Development Project Manager
Development Services

Adopted on: November 6, 2013

Job Order No. 24002758

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002758

CONDITIONAL USE PERMIT NO. 994390
T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NO. 283282
HEARING OFFICER
DRAFT

This Conditional Use Permit No. 994390 is granted by the Hearing Officer of the City of San Diego to Family Health Centers of San Diego, Inc., Owner, and T-Mobile West, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0420, Chapter 12, Article 6, Division 5 and Chapter 15, Article 2, Division 1. The 1.12-acre site is located at 1809 National Avenue in the BLPD-Redevelopment- Subdistrict D zone of the Barrio Logan Community Planning area. The project site is legally described as: Lots 43-48 in Block 130 of Mannassee and Schiller's Subdivision of Pueblo Lot 1157, County of San Diego, State of California, according to the Map thereof No. 209, recorded in the Office of the County Recorder of Said San Diego County, July 11, 1870.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a wireless communication facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 6, 2013, on file in the Development Services Department.

The project shall include:

- a. A total of twelve panel antennas measuring 56" x 12" x 7.9". The east and south sectors will remain façade mounted, but will be upgraded with skirts and chin straps and the antennas currently on the building rooftop will be relocated to the north side of the building behind Fiberglass Reinforced Panels (FRP). The associated equipment is located on the building roof top behind mechanical screening;

- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by November 21, 2016.
2. This Conditional Use Permit (CUP) and corresponding use of this site shall **expire on November 21, 2023**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No later than ninety (90) days prior to the expiration of this permit, the 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 enforcement for noncompliance, which may include penalties and fines.
4. Under no circumstances, does approval of this permit authorize Permittee to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration date of this permit is prohibited.
5. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
6. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
9. Issuance of this Permit by the City of San Diego does not authorize the 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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
11. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
12. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to

control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

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

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

PLANNING/DESIGN REQUIREMENTS:

16. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

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.

18. All facilities and related equipment shall be maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

19. The Owner/Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition.

20. The photosimulation(s) for the proposed project shall be printed (not stapled) on the building plans. This is to ensure the construction team building the project is in compliance with approved the Exhibit "A."

21. No overhead cabling is allowed for this project.

22. Exposed mounting apparatus shall be removed and shall not remain on a façade absent antennas at any time.

23. The Owner/Permittee shall not cause or allow the antennas located on the building to be different sizes (length, width, or height) than as shown on the stamped approved plans.

24. The WCF shall conform to Exhibit "A" (consisting of the stamped approved plans and approved photosimulations) prior to receiving final inspection approval.

25. All equipment, including transformers, emergency generators and air conditioners belonging to the Permittee shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

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

27. Use of or replacement of any building façade or mechanical screen with FRP material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building. All FRP shall be painted and textured to match the original building.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- A "Telecom Planning Inspection" will be required prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans, exhibits, and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 446-5351 to schedule an inspection of the completed WCF. Please request the telecom inspection at least five working days ahead of the requested Final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on November 6, 2013 by Resolution No. XXXXXXXX.

Permit Type/PTS Approval No.: CUP No. 994390
Date of Approval: November 6, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Karen Lynch
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.**

T-Mobile West, LLC
Permittee

By _____
Michael Fulton
General Manager

Family Health Centers of San Diego, Inc.
Owner

By _____
NAME:
TITLE:

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

SD06804 Barrio Logan Health Clinic Photo Survey



1. View looking south at 1809 National Avenue.
2. View looking north at 1809 National Avenue.



SD06804 Barrio Logan Health Clinic Photo Survey



- 3. View looking west at 1809 National Avenue.
- 4. View looking east at 1809 National Avenue.



SD06804 Barrio Logan Health Clinic Photo Survey



- 5. View looking north from 1809 National Avenue.
- 6. View looking east from 1809 National Avenue.



SD06804 Barrio Logan Health Clinic Photo Survey



- 7. View looking southeast from 1809 National Avenue.
- 8. View looking northwest from 1809 National Avenue.





SD06804

BARRIO LOGAN HEALTH CENTER

1809 NATIONAL AVENUE SAN DIEGO CA 92113



LOCATION

©2012 Google Maps



EXISTING



PROPOSED

LOOKING SOUTH FROM BEARDSLEY STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



SD06804

BARRIO LOGAN HEALTH CENTER

1809 NATIONAL AVENUE SAN DIEGO CA 92113



2



LOCATION

©2012 Google Maps



EXISTING



PROPOSED ANTENNAS WITH SKIRTS

PROPOSED

LOOKING NORTHEAST FROM BEARDSLEY STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



SD06804

BARRIO LOGAN HEALTH CENTER

1809 NATIONAL AVENUE SAN DIEGO CA 92113

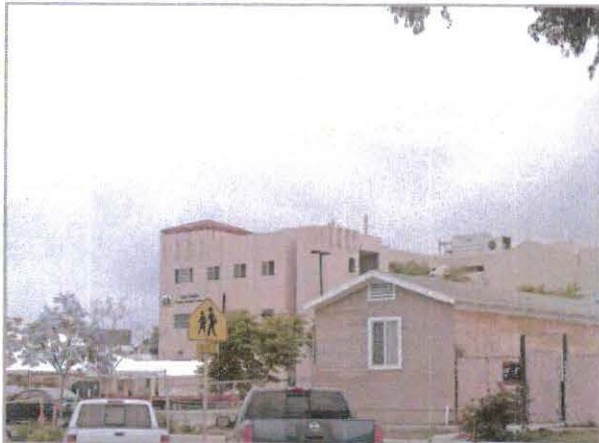


3



LOCATION

©2012 Google Maps



EXISTING



PROPOSED SCREEN EXTENSION BEYOND
PROPOSED REPLACEMENT
ANTENNAS WITH SKIRTS

PROPOSED REPLACEMENT
ANTENNAS WITH SKIRTS

PROPOSED

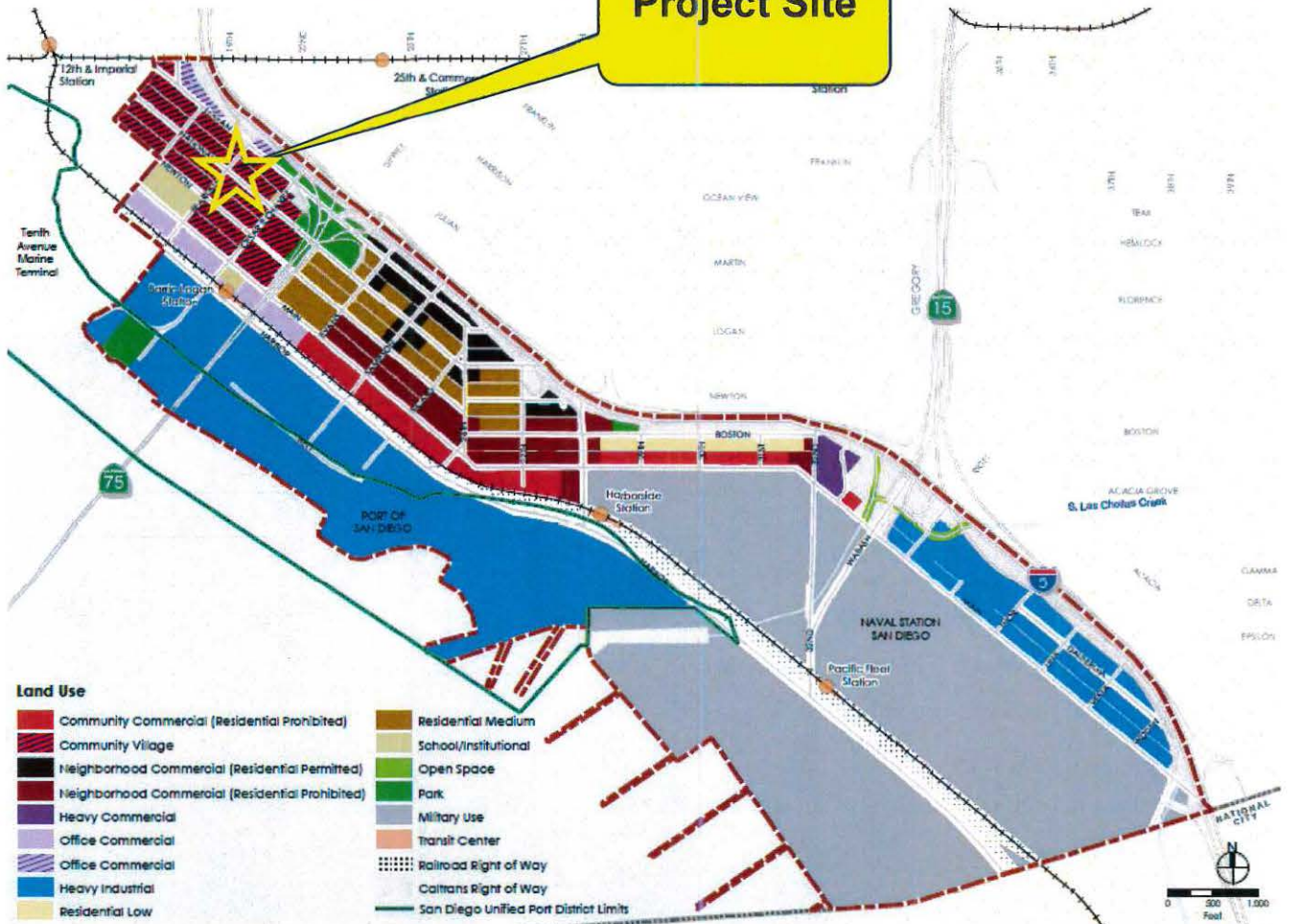
LOOKING NORTH FROM NEWTON AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

ATTACHMENT 9

Project Site

LU-4



DRAFT

BARRIO LOGAN COMMUNITY PLAN

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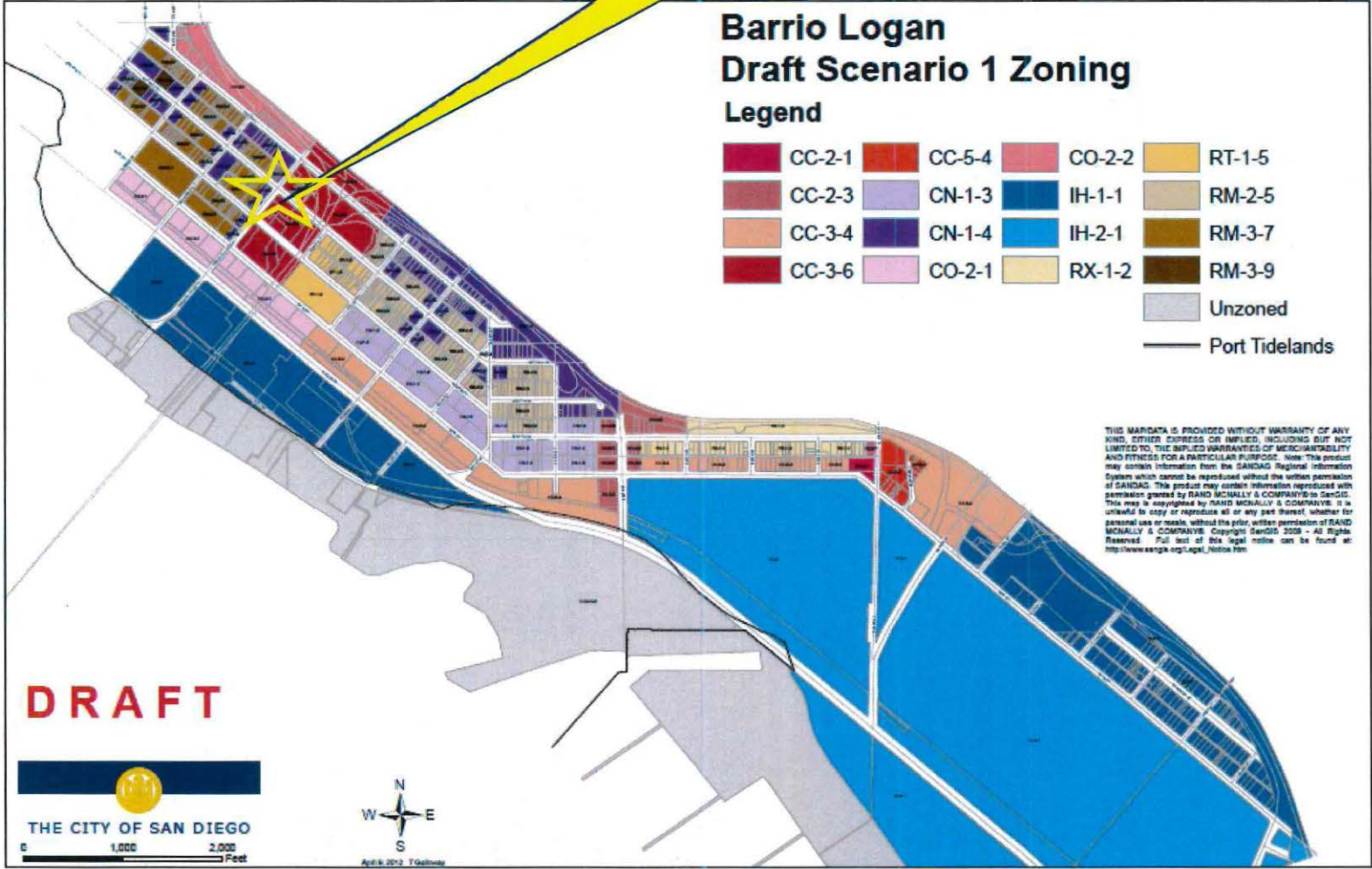
BARRIO LOGAN DRAFT LAND USE PLAN



T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NUMBER 283282
1809 NATIONAL AVENUE



Project Site



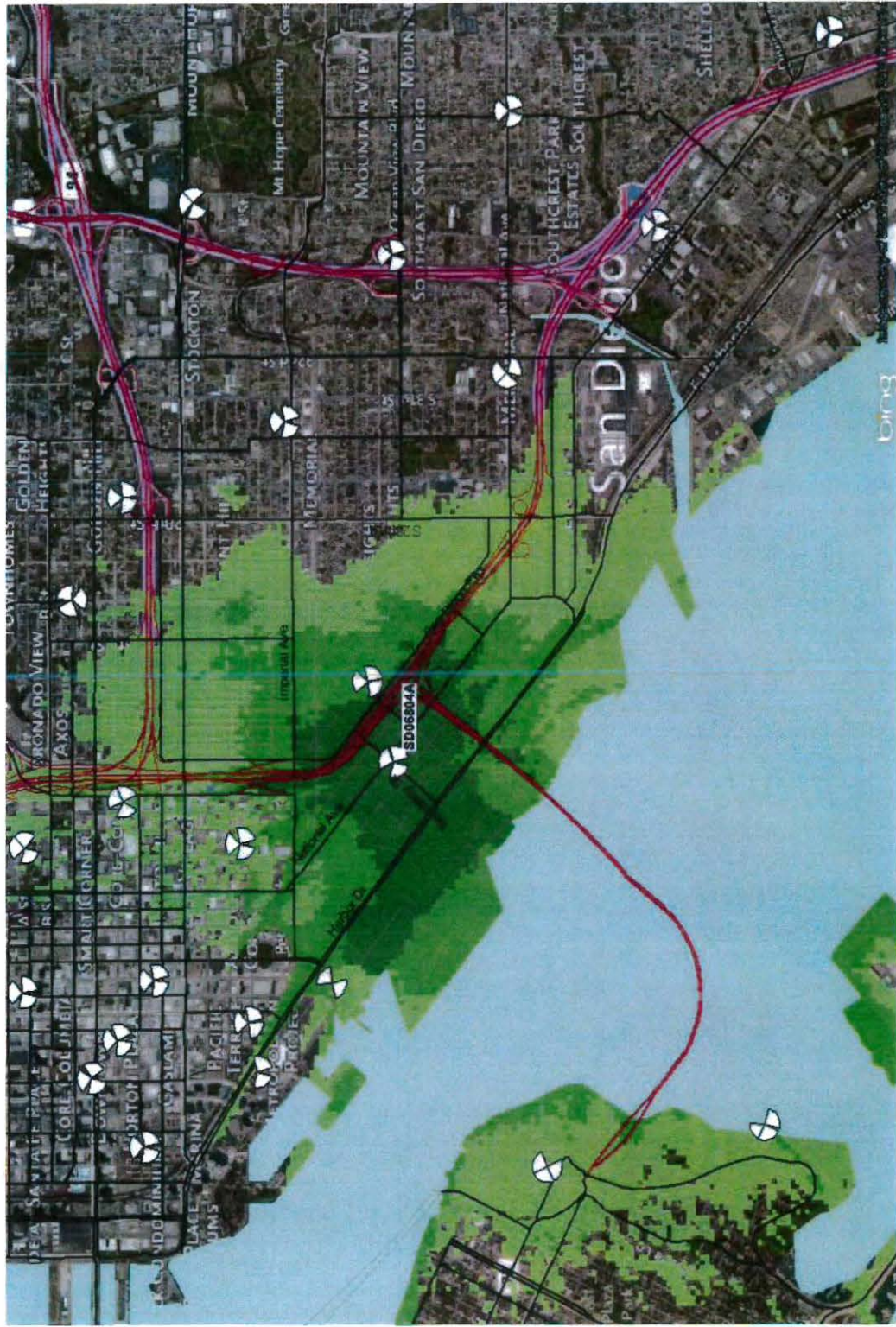
Barrio Logan Draft Zoning Map

T-MOBILE – BARRIO LOGAN HEALTH CENTER
PROJECT NUMBER 283282
1809 NATIONAL AVENUE





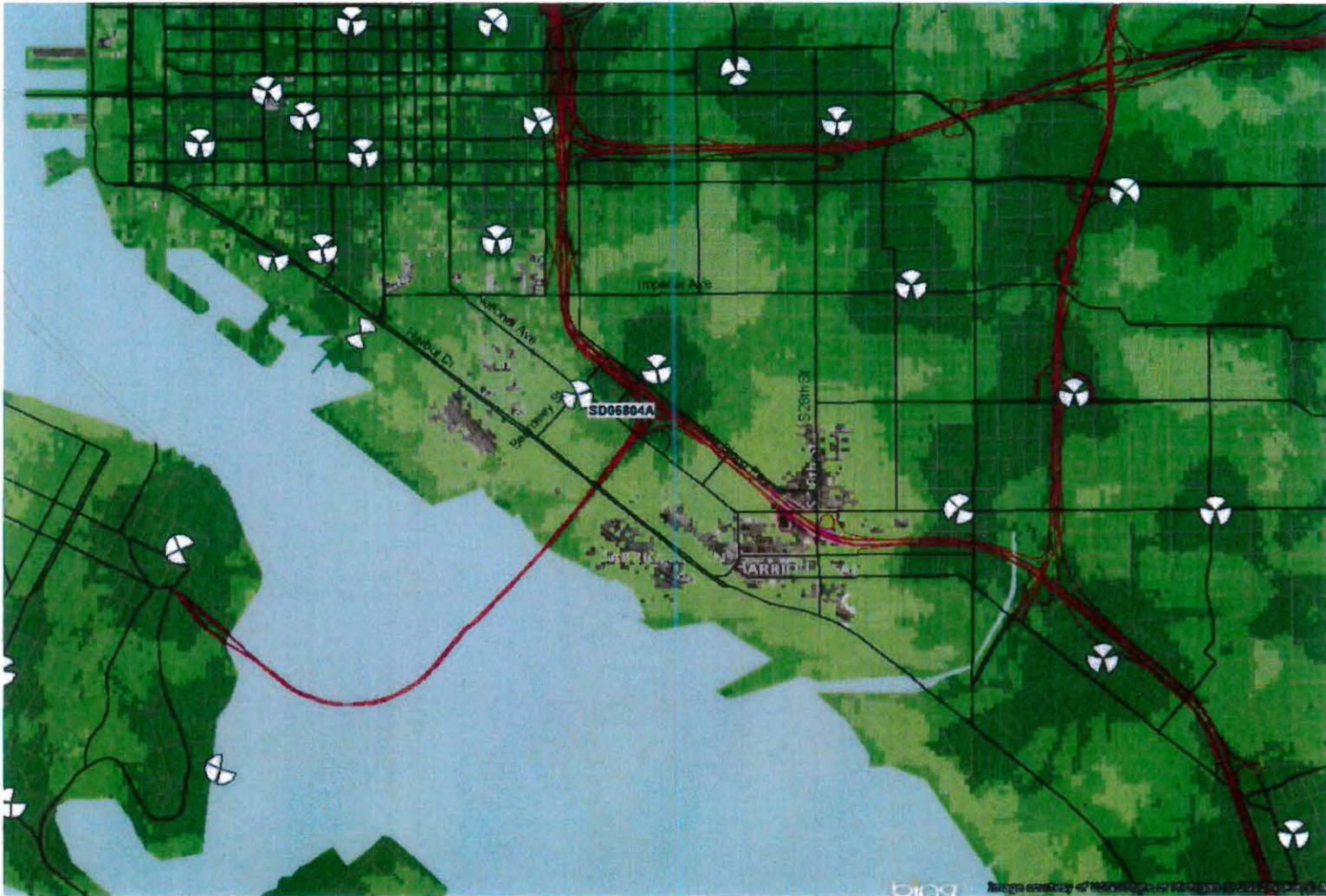
SD06804 Coverage



Legend: Coverage Level

- In Building
- In Car
- On Street



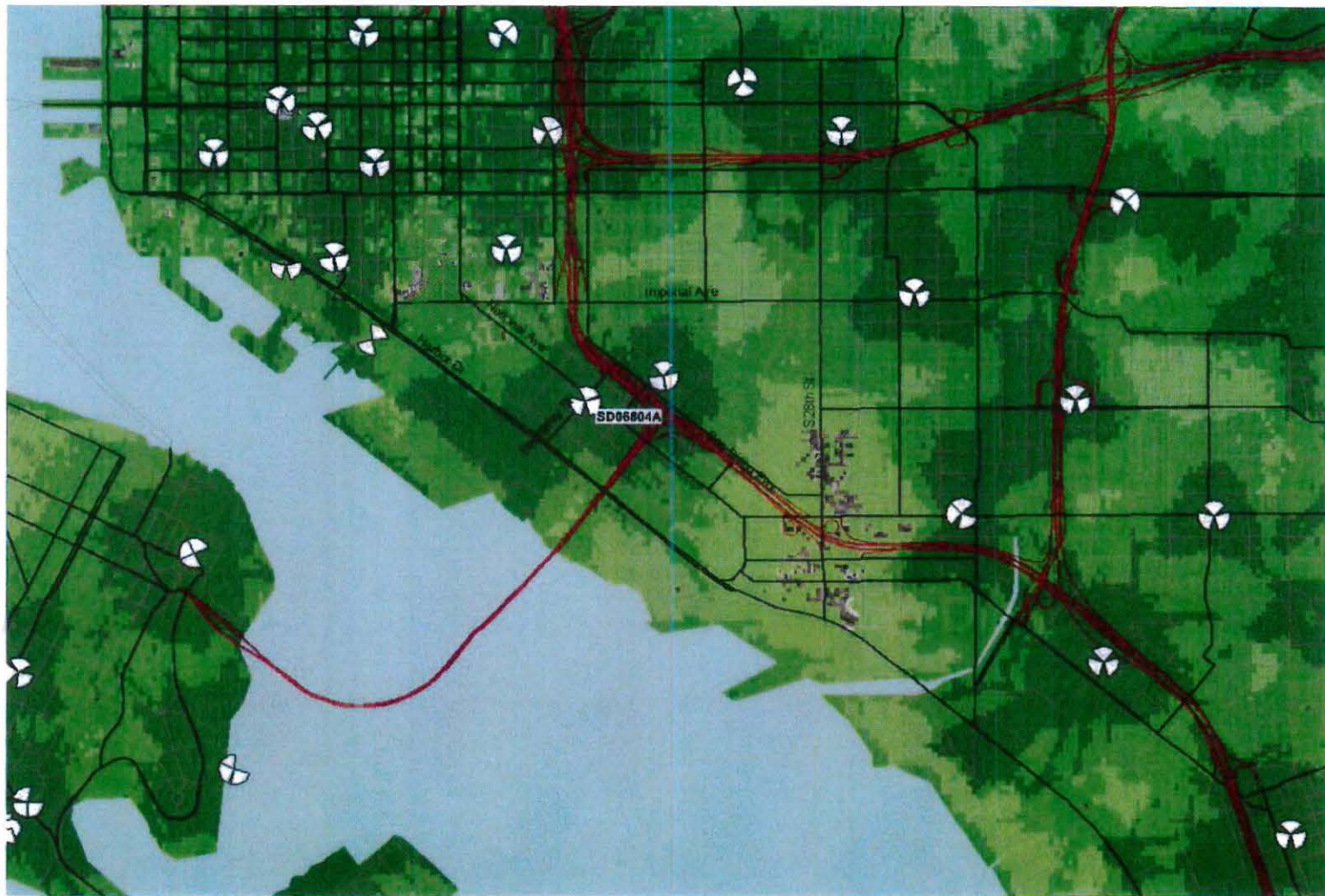


2

Legend: Coverage Level

- In Building
- In Car
- On Street





3

Legend: Coverage Level
● In Building ● In Car ● On Street



NOTICE OF EXEMPTION

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

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

FROM: CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE, MS 501
 SAN DIEGO, CA 92101

PROJECT NO.: 283282

PROJECT TITLE: T-MOBILE BARRIO LOGAN HEALTH

PROJECT LOCATION-SPECIFIC: 1809 National Avenue, San Diego, California 92113

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) and Site Development Permit (SDP) to allow for a wireless communication facility (WCF) consisting of the replacement of 12 panel antennas on the Barrio Logan Health building. Currently, T-Mobile has two sectors of antennas, one on the south side and one on the east side which are proposed to be replaced and upgraded with skirts and chin straps. The existing sector on the north would be removed from the rooftop mechanical screen and relocated to the northern side of the building behind new Fiberglass Reinforced Panels (FRP) that would be painted and textured to match the building. Associated equipment cabinets are located on the roof top behind a mechanical screen.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: John Harrison (Agent), Sprint (Firm), 6220 Sprint Parkway
 Overland Park, Kansas 66251, (913) 735-1500

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
 CATEGORICAL EXEMPTION: CEQA EXEMPTION 15301-(EXISTING FACILITIES)
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The proposed project is exempt from CEQA pursuant to Section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. The proposed project, a CUP, and SDP, to allow a WCF consisting of replacement of 12 panel antennas on an existing facility, and associated existing equipment cabinets is not an expansion of use. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

LEAD AGENCY CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

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

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

 SENIOR PLANNER/AICP
 SIGNATURE/TITLE

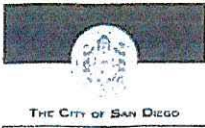
AUGUST 21, 2013

DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



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**
283282
 SD06804 T-Mobile Barrio Logan Health Center

Project Address:
 1809 National Avenue, San Diego, CA 92113

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):
FRAN BUTLER-COHEN
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
823 GATEWAY CENTER WAY
 City/State/Zip:
SAN DIEGO, CA 92102
 Phone No: **(619) 515-2300** Fax No: **(619) 237-1856**
 Signature: *[Signature]* Date: **10/28/13**

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 Chronology
T-Mobile – Barrio Logan Health Center
PTS No. 283282

Date	Action	Description	City Review Time	Applicant Response
5/25/12	Submittal for Completeness Check			
7/13/12	Completeness Review Assessment		1 month, 18 days	
10/24/12	2 nd Submittal for Completeness Check			3 months, 11 days
12/20/12	2 nd Review for Completeness Check		1 month, 26 days	
2/20/13	First Full Submittal	Deemed Complete		2 months
5/30/13	First Assessment		3 months, 10 days	
7/11/13	Second Submittal			1 month, 11 days
8/23/13	Second Assessment		1 month, 12 days	
8/26/13	Notice of Right to Appeal		3 days	
10/16/13	Planning Commission	Continued due to LDC technicality	1 month, 23 days	
11/6/13	Planning Commission		21 days	
TOTAL STAFF TIME**			10 months 23 days	
TOTAL APPLICANT TIME**				6 months, 22 days
TOTAL PROJECT RUNNING TIME**			1 year, 5 months, 12 days	

**Based on 30 days equals to one month.



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 3, 2013

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	October 16, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	Conditional Use Permit/Site Development Permit, Exempt from CEQA, Process 3
PROJECT NO:	<u>283282</u>
PROJECT NAME:	<u>T-MOBILE – BARRIO LOGAN HEALTH CENTER</u>
APPLICANT:	Whitney Rugg, DePratti, Inc., representing T-Mobile
COMMUNITY PLAN AREA:	Barrio Logan
COUNCIL DISTRICT:	8
CITY PROJECT MANAGER:	Karen Lynch, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5351 / klynchash@saniego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a wireless communication facility consisting of the replacement of 12 panel antennas on the Barrio Logan Health Center building. Currently, T-Mobile has two sectors of antennas, one on the south side and one on the east side which are proposed to be replaced and upgraded with skirts and chin straps. The existing sector on the north would be removed from the rooftop mechanical screen and relocated to the northern side of the building behind new Fiberglass Reinforced Panels (FRP) that would be painted and textured to match the building. Associated equipment cabinets are located on the roof top behind a mechanical screen. The project is located at 1809 National Avenue.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they

will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on August 21, 2013 and the opportunity to appeal that determination ended September 5, 2013.

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. If you have any questions after reviewing this notice, you can call 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 Support Services at

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

Internal Order Number: 24002758