



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: June 13, 2024 REPORT NO. PC-24-029

HEARING DATE: June 27, 2024

SUBJECT: American Tower Corporation (ATC)/AT&T Mobility Oaks North  
Process Four Decision

PROJECT NUMBER: [PRJ-1095646](#)

OWNER/APPLICANT: Oaks North Community Center/ATC & AT&T

### SUMMARY

Issue(s): "Should the Planning Commission approve a modification to an existing Wireless Communication Facility (WCF) located at [12578 Oaks North Drive](#) in the [Rancho Bernardo Community Planning Area](#)?"

#### Staff Recommendation(s):

1. APPROVE Neighborhood Use Permit (NUP) No. 3238839, and
2. APPROVE Neighborhood Development Permit (NDP) No. 3292192; and
3. APPROVE Planned Development Permit (PDP) No. 3238840.

Community Planning Group Recommendation: On March 21, 2024, the Rancho Bernardo Community Planning Group voted to recommend approval of the project 7-0-0 with no conditions (Attachment 9).

Environmental Review: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 29, 2024, and the opportunity to appeal that determination ended May 13, 2024 (Attachment 6).

#### Fiscal Impact Statement:

All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement:

This project application is for a wireless communication facility and is not associated with residential development.

BACKGROUND

The site has an existing WCF located at 12578 Oaks North Drive, in the Residential-Single Unit (RS-1-14) zone of Rancho Bernardo Community Plan (Attachment 1-3). The current site is developed with the Recreation Building, which serves the local community.

The original permit for this WCF was approved in 1996 and the previous permit (No. 232366 NUP/PDP) was approved by the Planning Commission on January 26, 2012. The project was approved for relocating 12 antennas from the roof of the existing building to the 45-foot faux monopine. A ten-year expiration date was added as permit condition to allow the City to evaluate this facility for future technology improvements and design modifications in accordance with the regulations at the time of the submittal.

Figure 1 Existing and proposed west views



DISCUSSION

Project Description:

ATC and AT&T Mobility are requesting a new use permit to continue operating an existing WCF at this location. The project consists of maintaining the twelve (12) antennas and six (6) Remote Radio

Units (RRUs) and modifying the 45-foot-tall monopine with new replacement branches.

The site is surrounded by Oaks North Golf Course to the north, south, and east and Oaks North shopping center to the west.

Rebranching the tree will allow the branches to properly conceal the antennas and mounting apparatus, resulting in a much more aesthetically pleasing product for the surrounding area. The equipment will continue operating at its current location without any changes, and the existing cabinets will remain unchanged. The equipment cabinets are inside a 377-square-foot wood panel enclosure adjacent to the Recreation Building. The Project complies with the Wireless Communication Facility Guidelines concerning the use of Faux Natural Elements, specifically the Faux Monopine, as specified in the Telecom Guidelines.

WCFs are allowed in the residential zone within nonresidential use with the approval of an NUP, pursuant to San Diego Municipal Code (SDMC) section [141.0420\(b\)\(2\)\(C\)](#), which is a process two decision.

Pursuant to SDMC section [126.0402 \(m\)](#), an NDP is required for a WCF with an equipment enclosure that exceeds 250 square feet in size. The proposed equipment is 377-square feet in size and approval of this NDP satisfies this requirement. The deviation proposed to the development standards (height) is allowed through approval of a PDP, pursuant to SDMC section [126.0602\(b\)\(1\)](#), a process four decision.

Required Permits	Basis
Neighborhood Use Permit	WCF in a residential zone within a nonresidential use SDMC section <a href="#">141.0420(b)(2)(C)</a>
Neighborhood Development Permit	Maximum equipment allowed 250 Square-foot SDMC sections <a href="#">126.0402(m)</a> , 141.0420 (e)(3)
Planned Development Permit	Maximum Zone Height is 35-feet, proposed monopine height is 45-feet. SDMC section <a href="#">126.0602(b)(1)</a>

Community Plan Analysis:

The Rancho Bernardo Community Plan does not address WCFs as a specific land use. However, the City of San Diego General Plan (General Plan) (UD-A.15) requires that the visual impact of wireless facilities to be minimized by concealing them inside 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 aesthetically pleasing and respectful of the neighborhood context. Furthermore, the General Plan states that equipment associated with wireless facilities shall be concealed from view. WCFs are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is, among other things, to camouflage facilities from public view. The existing site is designed to conceal the antennas within the 45-foot-tall faux mono-pine tree to blend the WCF with the surrounding landscape in order to minimize visual impact. ATC and AT&T Mobility are proposing to rebranch the existing monopine to

establish appropriate concealment of the antennas as required by the City's WCF Design Guidelines (Design Guidelines). This WCF design technique will blend the site with the surrounding environment. Therefore, staff has determined that the proposed WCF design complies with the General Plan requirements for concealment of the WCFs.

The Rancho Bernardo Community Planning Group voted 7-0-0 on March 21, 2024, to approval the project without conditions. (Attachment 9)

WCFs are permitted in all zones Citywide with the appropriate permit process. Council Policy [600-43](#) guidelines establish a hierarchy from the most preferred location (Preference 1) to the least preferred location (Preference 4) for WCFs. The project is proposed within a Preference 2 location according to Council Policy 600-43, which categorizes WCFs according to the land use in which they are located. The applicant must submit a site justification explaining why a Preference 2 site was selected over any lower Preference level sites. For this project, ATC and AT&T has indicated that the site has been in this location for more than 25 years and is part of an established network, which is necessary to provide service to the surrounding residential areas (Attachment 12).

#### Environmental Review:

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guideline section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 29, 2024, and the opportunity to appeal that determination ended May 13, 2024 (Attachment 6).

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." A Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report dated October 18, 2022, from Tower Engineering Professional was submitted to the City verifying that the proposed Project is in compliance with FCC regulations upon implementation of the proposed changes. The report will be stamped as Exhibit "A" and provided within the Project file.

#### Project- Related Issues:

##### Height Deviation:

ATC and AT&T Mobility are requesting two deviations from the applicable development regulations- (structure height) as allowed with approval of a PDP and size of equipment with the approval of a NDP. This site is zoned Resident-Single Unit (RS-1-14) residential with a 35-foot maximum height limit and the existing WCF was approved for a deviation of 10-feet for the existing faux monopine 45-feet in 2012 by the Planning Commission. A deviation of the allowed height through a PDP is

required to continue the existing use.

<b>DEVIATIONS SUMMARY</b>			
<b>Table 1</b>			
<b>Deviation Description</b>	<b>Deviation from SDMC</b>	<b>Allowed/Required</b>	<b>Proposed</b>
<b>Maximum Equipment size</b>	SDMC sections 126.0402 (m), 141.0420 (e)(3)	250 square-feet	377 square-feet
<b>Max Structure Height</b>	SDMC section 131.0431, Table 131-04D	35-feet	45-feet

*Justification* - The SDMC section [126.0602\(b\)\(1\)](#) allows for a deviation for relief from strict development standards through processing of a PDP. The intent is to encourage imaginative and innovative planning and to assure that the development 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. The existing height deviation was approved in 2012. The project in its current location is necessary to maintain the existing level of service to the area for AT&T customers. The coverage map indicates that the loss of the existing coverage footprint could result in significant impact to those within the area (Attachment 12). A degradation of the existing service could have a significant impact on customers and essential emergency communication services. Additionally, the monopine has been designed for collocation and if a future carrier pursues this search ring, the site will allow for one additional carrier. The collocation opportunity, along with the rebranching and the existing mature landscaping nearby, are reasons why city staff was able to make the necessary justification to support this deviation.

#### Equipment Size Deviation

*Justification* - Pursuant to SDMC [section 141.0420\(e\)\(3\)](#) which indicates that if the equipment associated with WCF exceeds the maximum 250-square feet, processing of an NDP is required.

The purpose of these procedures is to establish a review process for proposed development that may be desirable but may have some limited physical impacts on the surrounding properties. The intent of these procedures is to determine if the proposed development complies with the development regulations of the applicable zone, as well as supplemental regulations for the type of development proposed, and to apply limited conditions if necessary to achieve conformance with these regulations.

The equipment associated with this WCF is 377-square feet and exceeds the maximum amount. The additional size increase of the equipment is a necessary and integral part of the supporting elements of the WCF and would also allow for future growth in addition to another future carrier. Lastly, the enclosure is located away from public right-of-way and screened from public view by the existing landscaping.

Staff supports the proposed use of the WCF with the deviations in the tree height and the maximum size allowed for the equipment at this location. The existing natural landscape, including mature trees, helps blend the WCF with its surroundings. Staff has prepared findings to support the

recommendation in the resolution (Attachment 5). The proposed development, overall, will benefit the community, as maintaining the existing use with the proposed modification will continue to provide service to the neighborhood.

Conclusion:

The project has been determined by staff to be consistent with the purpose and intent of the applicable development regulations of the San Diego Municipal Code sections 126.0203, 126.0402, 126.0601, and 141.0420, the [Wireless Communication Facilities Design Guidelines](#) and [Council Policy 600-43](#), which includes the development regulations and the Wireless Communication Facilities Regulations. Therefore, staff recommends Planning Commission approve NUP No. 3238839, NDP No. 3292192 and PDP No. 3238840.

ALTERNATIVES

1. APPROVE NUP No. 3238839, NDP No. 3292192 and PDP No. 3238840, with modifications.
2. Deny NUP No. 3238839, NDP No. 3292192 and PDP No. 3238840, if the Planning Commission makes written findings based on substantial evidence that the approval is not authorized by state or local zoning law.

Respectfully submitted,



Simon Tse  
Supervising Development Project Manager  
Development Services Department



Nilia Safi  
Development Project Manager  
Development Services Department

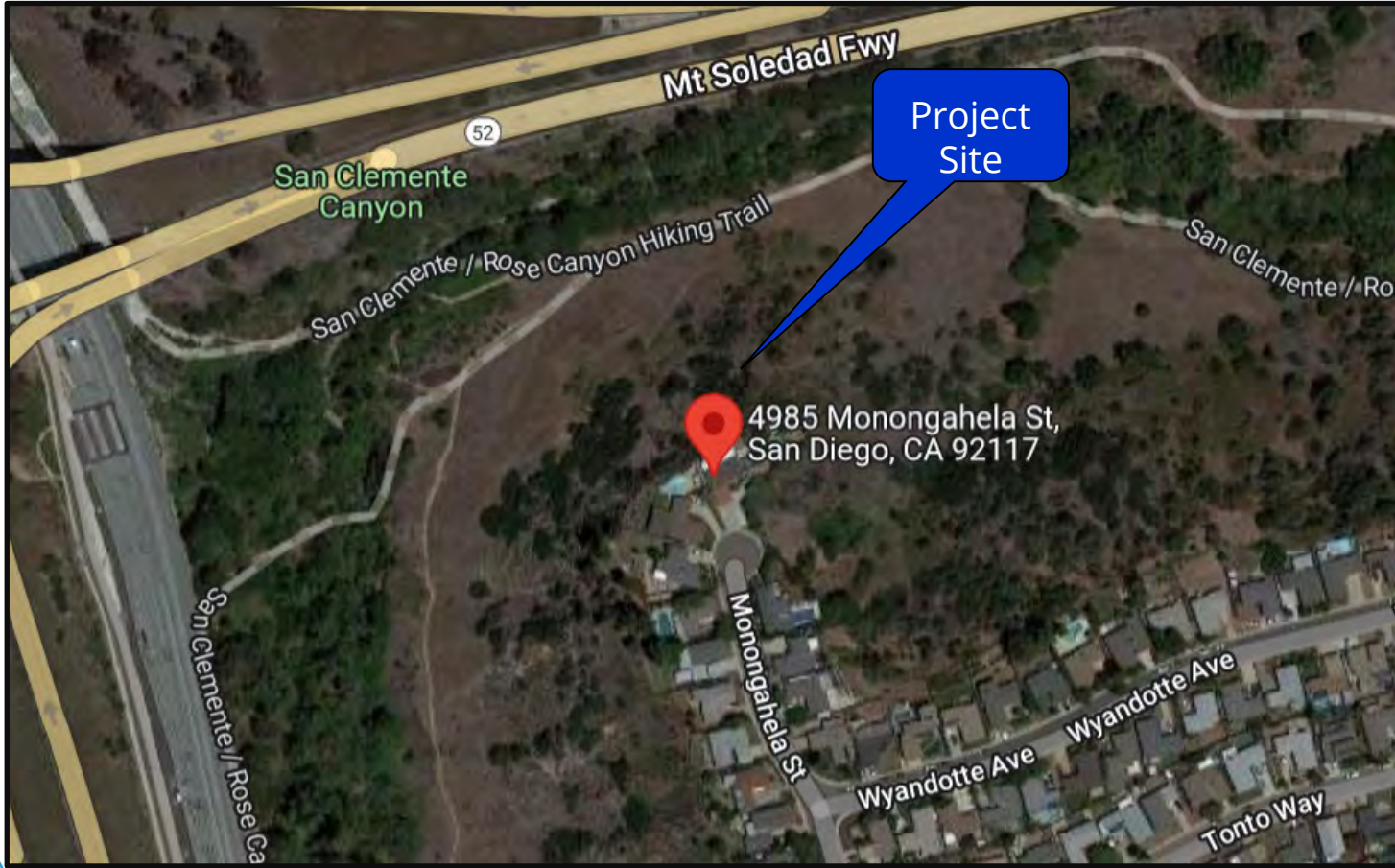
Attachments:

1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Photo Simulations

8. Photo Survey
9. Community Planning Group Recommendation
10. Project Plans
11. Ownership Disclosure Statement
12. Site Justification/Coverage Map



# Aerial Photograph

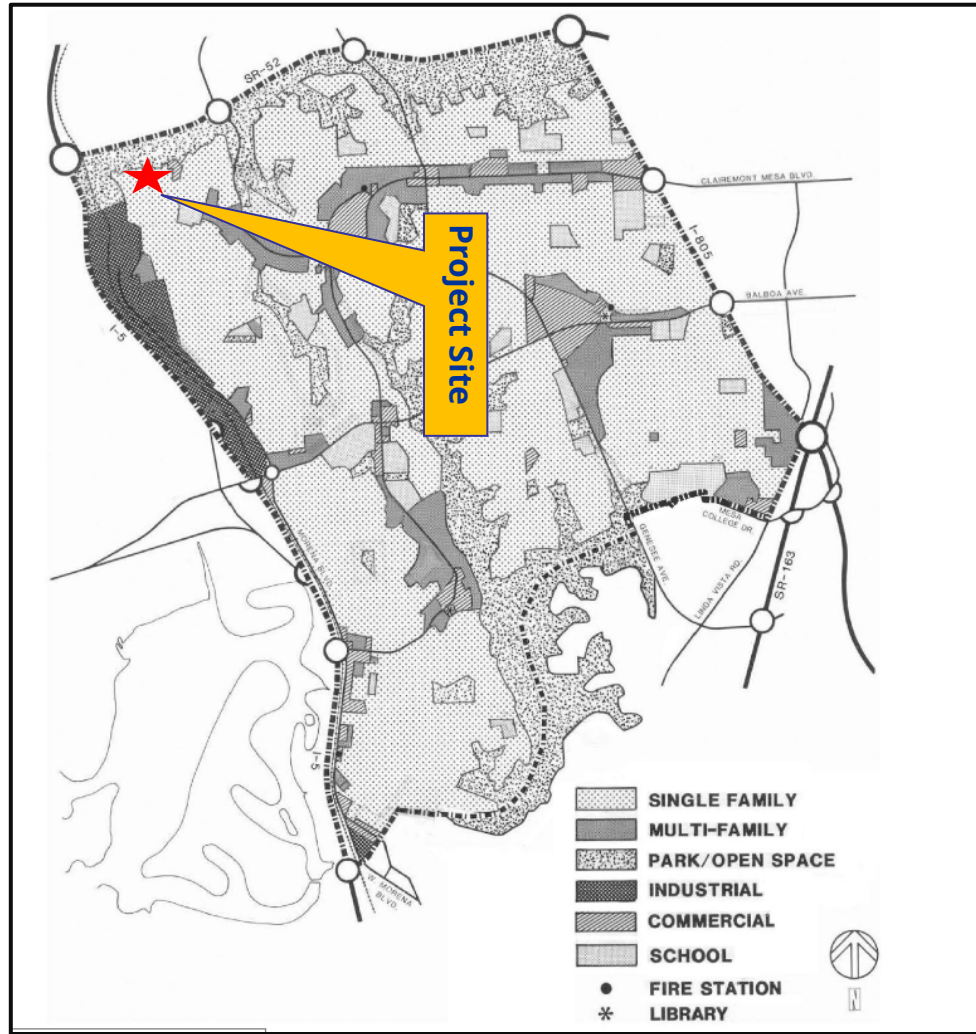


**T-Mobile Monogahela Project No. 674122**  
**4985 Monogahela Street**

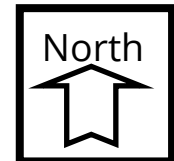




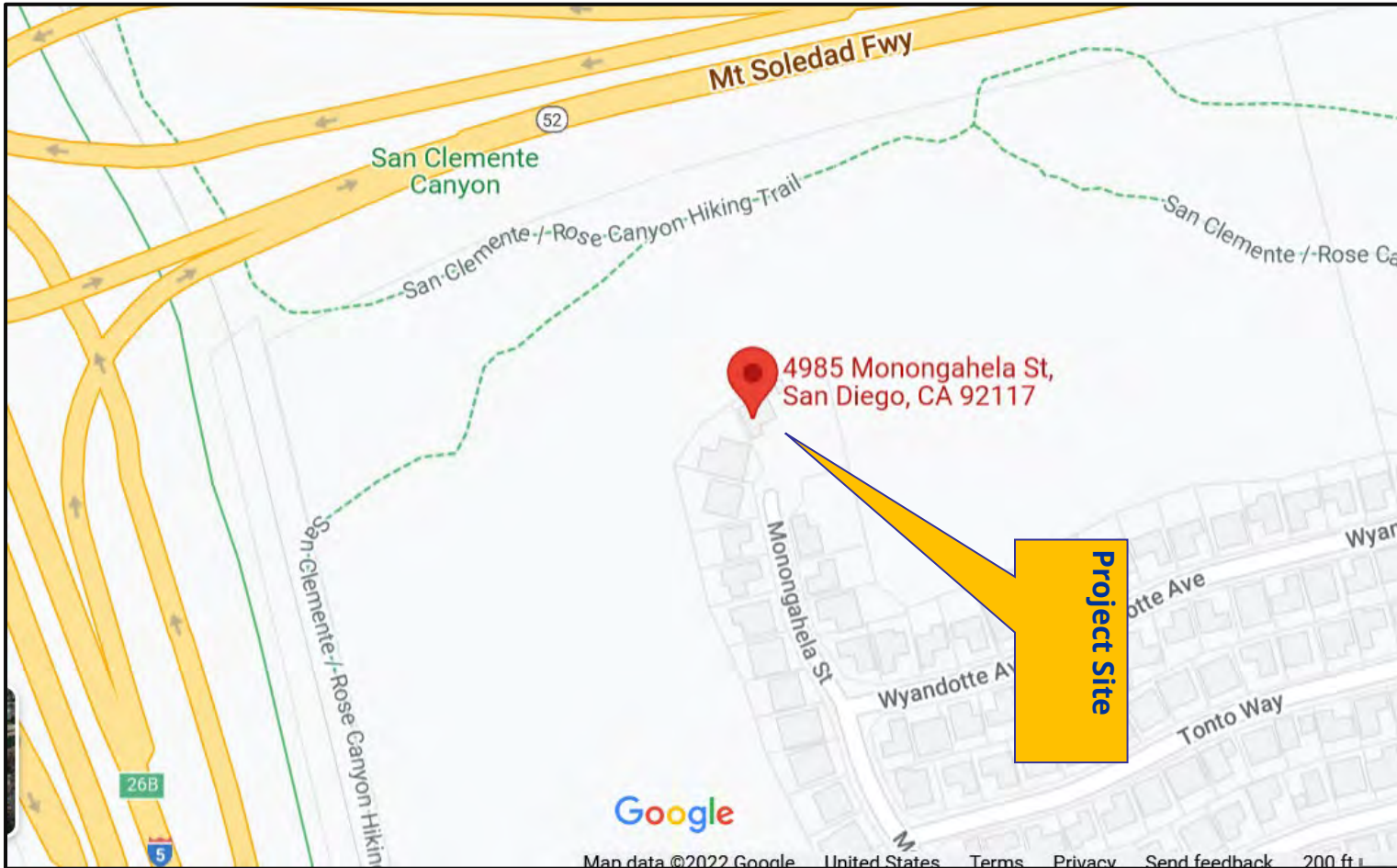
# Clairemont Mesa Land Use Map



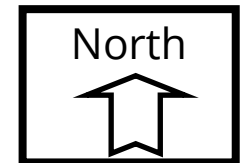
**T-Mobile Monogahela PTS 674122**  
**4985 Monogahela Street**



# Project Location Map



**T-Mobile Monogahela Project 674122**  
**4985 Monogahela Street**



PLANNING COMMISSION RESOLUTION NO. XXXX  
NEIGHBORHOOD USE PERMIT NO. 3238839  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 3292192  
PLANNED DEVELOPMENT PERMIT NO. 3238840

**AMERICAN TOWER CORPORATION (ATC) AT&T MOBILITY OAKS NORTH - PROJECT NO. 1095646**

WHEREAS, Oaks North Community Center, Owners, American Tower Corporation (ATC) & AT&T Mobility, Permittees, filed an application with the City of San Diego for a permit for a modification to an existing Wireless Communication Facility (WCF) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Neighborhood Use Permit (NUP) No. 3238839, Neighborhood Development Permit (NDP) No. 3292192 and Planned Development Permit (PDP) No. 3238840; and

WHEREAS, the project site is located at 12578 Oaks North Drive in the RS-1-14 zone of the Rancho Bernardo Community Plan area; and

WHEREAS, the project site is legally described Parcel 3, in the City of San Diego, County of San Diego, State of California, as shown at page 1955 of Parcel Maps filed in the County Records of San Diego County, October 1, 1973; and

WHEREAS, on April 29 2024, 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, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

WHEREAS, on June 27, 2024, the Planning Commission of the City of San Diego considered NUP No. 3238839, NDP No. 3292192 and PDP No. 3238840 pursuant to the Land Development Code of the City of San Diego; and

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to NUP No. 3238839, NDP No. 3292192 and PDP No. 3238840.

**Findings for a Neighborhood Use Permit [SDMC Section 126.0205]**

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

The project proposes maintaining twelve (12) antennas and six (6) Remote Radios Units (RRUs) on an existing 45-foot tall faux monopine and rebranching of the tree, with equipment to remain inside a 377 square-foot equipment enclosure. The site is located in a Residential Single-unit (RS-1-14) zone of Rancho Bernardo Community Plan.

WCFs are allowed in the residential zone within a non-residential use with approval of a NUP, pursuant to SDMC section [141.0420 \(b\)\(2\)\(C\)](#), which is a process two decision.

The Rancho Bernardo Community Plan defers all WCFs to the City of San Diego WCF Design Guidelines (WCF Design Guidelines), regulations, and the City of San Diego's General Plan (General Plan). The General Plan requires all wireless facilities to minimize visual impacts under Policy [UD-A.15.a](#). It also includes the following provisions: 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 monopine integrates all antennas within its branches and screens them from any potential visual impact.

Rebranching of the monopine will address concealment concerns and the proposed new replacement branches will effectively camouflage the antennas and mounting apparatus from view, resulting in a much more aesthetically pleasing product to the surrounding area. Furthermore, the proposed increase in the density of the branching will also improve the overall appearance. Combined with the existing mature landscaping, the continuation of this monopine will be consistent with the character of the surrounding and in scale as required by the WCF Design Guidelines. The equipment will continue to operate at its current location without any changes. The equipment will remain outdoors inside a 377 square-foot wood enclosure and would therefore not require any air conditioning units. In addition, the existing landscape provide a natural screening and blends the site with the surrounding.

This ATC and AT&T Mobility site was approved in 2012, by Planning Commission and has been providing critical voice and now data services to the area. This updated integrated design of the WCF will not adversely affect the applicable land use and is compatible with the General Plan for WCFs. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes maintaining twelve (12) antennas and six (6) remote RRUs on an existing 45-foot tall faux monopine and rebranching of the tree, with equipment to remain inside a 377-square foot equipment enclosure. The site is located in a residential single-unit RS-1-14 zone of Rancho Bernardo Community Plan.

The project was determined to be exempt from CEQA Guidelines section 15301 (Existing Facilities). The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. The conditions of approval for the project will require compliance with several operational constraints and developments controls intended to assure the continued public health, safety and welfare including but not limited to concealment requirement, setback limitations and electromagnetic field controls. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

The WCF provides a critical voice and data service throughout the surrounding area. Continued operation of this site is necessary to maintain the existing levels of service to the area for ATC and AT&T Mobility. The site is an integral part of telecommunication networks, as the site's operation is closely coordinated with other sites in the area. Coverage maps demonstrate the existing coverage provided on the property and the predicted loss of coverage without the continuation of the WCF (Attachment 6). A degradation of the existing service could have a significant impact on customers and essential emergency communication services.

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. AT&T has submitted an RF Report dated October 18, 2022 to staff demonstrating compliance with the required FCC regulations.

Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within matters of City's jurisdiction and will not be detrimental to the public health, safety, and welfare.

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

The project proposes maintaining twelve (12) antennas and six (6) remote RRUs on an existing 45-foot tall faux monopine and rebranching of the tree, with equipment to remain inside a 377-square-foot equipment enclosure. The site is located in a residential single-unit RS-1-14 zone of Rancho Bernardo Community Plan.

WCFs are allowed in the residential zone within a non-residential use with approval of a NUP, pursuant to SDMC section 141.0420 (b)(2)(C), which is a process two decision.

The Rancho Bernardo Community Plan defers all WCFs to the WCF Design Guidelines, regulations, and the General Plan. The General Plan requires all wireless facilities to minimize visual impacts under UD-A.15.a. It also includes the following provisions: 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 monopine integrates all antennas within its branches and screens them from any potential visual impact.

Consistent with the City adopted WCF Design Guidelines, and SDMC section 141.0420, the WCF development is appropriately designed and integrated with the existing use of the site. To comply, ATC and AT&T Mobility will replace all branches which will continue to conceal the antennas and mounting apparatus from view which will result in a much more aesthetically pleasing product to the surrounding area.

The applicant is requesting two deviations from the applicable development regulations. One deviation is for the structure height as allowed with approval of a PDP and the second one is for the size of equipment with the approval of an NDP.

The deviation proposed to the development standards (height) is allowed through processing and approval of a PDP, pursuant to SDMC section 126.0602(b)(1). The purpose of the PDP procedures is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure that the development 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.

The height deviation is requested to allow for a maximum of 45-feet for the height of monopine while the underlying RS-1-14 Zone allows for a maximum of 35-feet. The existing height deviation was approved in 2012. The project in its current location is necessary to maintain the existing level of service to the area for AT&T Mobility customers. The coverage map indicates that the loss of the existing coverage footprint could result in a significant impact on those within the area. A degradation of the existing service could have a significant impact on customers and essential emergency communication services. Therefore, a height deviation through a PDP is required to keep the existing monopine height.

The deviation proposed to the development standard size of equipment is allowed through approval of an NDP. Pursuant to SDMC section 141.0420(e)(3) which indicates that if the equipment associated with WCF exceeds the maximum 250-square feet, processing of an NDP is required.



The purpose of these procedures is to establish a review process for proposed development that may be desirable but may have some limited physical impacts on the surrounding properties. The intent of these procedures is to determine if the proposed development complies with the development regulations of the applicable zone, as well as supplemental regulations for the type of development proposed, and to apply limited conditions if necessary to achieve conformance with these regulations.

The equipment associated with this WCF is 377-square feet and exceeds the maximum amount. The additional size increase of the equipment is a necessary and integral part of the supporting elements of the WCF and would also allow for future growth in addition to another future carrier. Lastly, the enclosure is located away from public right-of-way and screened from public view by the existing landscaping.

Rebranching of the monopine will address concealment concerns and the proposed new replacement branches will effectively camouflage the antennas and mounting apparatus from view, resulting in a much more aesthetically pleasing product to the surrounding area. Furthermore, the proposed increase in the density of the branching will also improve the overall appearance. Combined with the existing mature landscaping, the continuation of this monopine will be consistent with the character of the surrounding and in scale as required by the WCF Design Guidelines.

Equally important, the monopine has been designed for collocation and if a future carrier pursues this search ring, the site will allow for one additional carrier. The collocation opportunity, along with the rebranching and the existing mature landscaping nearby, are reasons why city staff was able to make the necessary justification to support the deviations. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

**Findings for Neighborhood Development Permit [SDMC section 126.0404]**

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

As outlined in NUP Finding No. 1. listed above, the proposed development will not adversely affect the applicable land use plan.

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

As outlined in NUP Finding 2. listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The project proposes maintaining twelve (12) antennas and six (6) remote RRUs on an existing 45-foot tall faux monopine and rebranching of the tree, with equipment to remain inside a 377-square feet equipment enclosure. The site is located in the RS-1-14 zone of Rancho Bernardo Community Plan.

Pursuant to SDMC section 141.0420(e)(3) which indicates that if the equipment associated with WCF exceeds the maximum 250-square feet, processing of an NDP is required. The equipment associated with this WCF is 377-square feet and exceeds the maximum amount. The additional size increase of the equipment is a necessary and integral part of the supporting elements of the WCF and would also allow for future growth in addition to another future carrier. Lastly, the enclosure is located away from public right-of-way and screened from public view by the existing landscaping. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

**Findings for Planned Development Permit [SDMC Section 126.0604]**

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

As outlined in NUP/NDP Finding No. 1 listed above, the proposed development will not adversely affect the applicable land use plan.

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

As outlined in NUP Finding 1.b. listed above, the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.**

The project proposes maintaining twelve (12) antennas and six (6) remote RRUs on an existing 45-foot tall faux monopine and rebranching of the tree, with equipment to remain inside a 377-square-foot equipment enclosure. The site is located in a residential single-unit RS-1-14 zone of Rancho Bernardo Community Plan.

The SDMC section [126.0602\(b\)\(1\)](#) allows a deviation for relief from strict development standards through processing of a PDP. The intent is to encourage imaginative and innovative planning and to assure that the development 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.

The height deviation is requested to allow for a maximum of 45-feet for the height of monopine while the underlying RS-1-14 Zone allows for a maximum of 35-feet. The existing height deviation was approved in 2012. The project in its current location is necessary to maintain the existing level of service to the area for AT&T Mobility customers. The coverage map indicates that the loss of the existing coverage footprint could result in a significant impact on those within the area. A degradation of the existing service could have a significant impact on customers and essential emergency communication services. Therefore, a height deviation through a PDP is required to keep the existing monopine height. If the project is designed with the strict regulations of the SDMC, it will lose the appropriate height to support the proposed use of the WCF to serve the community. The 10-foot height increase is camouflaged by the branches that are similar in color and blend the antennas with the surrounding and reduce any visual impacts.

The deviation proposed to the development standard size of equipment is allowed through approval of an NDP. Pursuant to SDMC section 141.0420(e)(3) which indicates that if the equipment associated with WCF exceeds the maximum 250-square feet, processing of an NDP is required.

The purpose of these procedures is to establish a review process for proposed development that may be desirable but may have some limited physical impacts on the surrounding properties. The intent of these procedures is to determine if the proposed development complies with the development regulations of the applicable zone, as well as supplemental regulations for the type of development proposed, and to apply limited conditions if necessary to achieve conformance with these regulations.

The equipment associated with this WCF is 377-square feet and exceeds the maximum amount. The additional size increase of the equipment is a necessary and integral part of the supporting elements of the WCF and would also allow for future growth in addition to another future carrier. Lastly, the enclosure is located away from public right-of-way and screened from public view by the existing landscaping.

Rebranching of the monopine will address concealment concerns and the proposed new replacement branches will effectively camouflage the antennas and mounting apparatus from view, resulting in a much more aesthetically pleasing product to the surrounding area. Furthermore, the proposed increase in the density of the branching will also improve the overall appearance. Combined with the existing mature landscaping, the continuation of this monopine will be consistent with the character of the surrounding and in scale as required by the WCF Design Guidelines.

Equally important, the monopine has been designed for collocation and if a future carrier pursues this search ring, the site will allow for one additional carrier. The collocation opportunity, along with the rebranching and the existing mature landscaping nearby, are reasons why city staff was able to make the necessary justification to support the deviations.

The proposed height and equipment size deviations can be supported due to the design, coverage, and integration. The proposed height of the monopine will blend with the surrounding landscape, trees similar in height, and will continue to remain concealed from

view which will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The additional size increase of the equipment is a necessary and integral part of the supporting elements of the WCF and would also allow for future growth in addition to another future carrier, which will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. Lastly, the enclosure is located away from public right-of-way and screened from public view by the existing landscaping.

The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to SDMC section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, NUP No. 3238839, NDP No. 3292192 and PDP No. 3238840, are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in NUP No. 3238839, NDP No. 3292192 and PDP No. 3238840, a copy of which is attached hereto and made a part hereof.

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Nilia Safi  
Development Project Manager  
Development Services

Adopted on: June 27, 2024

IO#: 11003679

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

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

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INTERNAL ORDER NUMBER: 11003679

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD USE PERMIT NO. 3238839  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 3292192  
PLANNED DEVELOPMENT PERMIT NO. 3238840  
**AMERICAN TOWER CORPORATION (ATC) & AT&T MOBILITY OAKS NORTH**  
PLANNING COMMISSION

This Neighborhood Use Permit (NUP) No. 3238839, Neighborhood Development Permit No. 3292192 and Planned Development Permit (PDP) No. 3238840, is granted by the Planning Commission of the City of San Diego to Oaks North Community Center, Owner, and AT&T Mobility, Permittee, pursuant to San Diego Municipal Code [SDMC] sections [126.0203](#), [126.0402](#), [126.0601](#) and [141.0420](#). The site is located at 12578 Oaks North Drive in the RS-1-14 zone of the Rancho Bernardo Community Plan area.

The project site is legally described as Parcel 3, in the City of San Diego, County of San Diego, State of California, as shown at page 1955 of Parcel Maps filed in the County Recorders of San Diego County, October 1, 1973.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility (WCF), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 27, 2024, on file in the Development Services Department.

The project shall include:

- a. Continuance an existing WCF consisting of maintaining twelve (12) antennas and six (6) remote Radios Units (RRUs) on an existing 45-foot tall faux monopine and rebranching of the tree (removal of old branches and replacing it with new).
- b. A 377 Square-foot equipment enclosure on the ground
- c. Landscaping (planting, irrigation and landscape related improvements); and

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

**STANDARD REQUIREMENTS:**

1. This Permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 11, 2027.
2. This NUP and PDP corresponding use of this site shall **expire on June 27, 2034**. Upon expiration of this approval, 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 approval, the Owner/Permittee may submit a new application to the Development Services Department for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.
4. Under no circumstances does approval of this Permit authorize the Owner/Permittee to utilize this site for WCF purposes beyond the permit expiration date. Use of this Permit approval beyond the expiration date of this permit is prohibited.
5. Any future modifications to the antennas must be approved by Development Services. Antennas deviating up to the approved size (length, width, or height), must include screening designed to create the appearance of uniformity among the antennas to the satisfaction of the Development Services Department. The Permittee shall provide evidence demonstrating compliance with Federal standards for radio frequency emissions in accordance with the Telecommunications Act of 1996 and any subsequent amendments.
6. 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 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.



## ATTACHMENT 5

7. 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.
8. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Permittee and any successor(s) in interest.
9. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
10. 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.).
11. The Owner/Permittee shall secure all necessary building permits. The Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
12. 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.
13. 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 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.

14. 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 Permittee of any claim, action, or proceeding and, if the City should fail to cooperate

fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

**TELECOM DESIGN REQUIREMENTS:**

15. Every aspect of this project is considered an element of concealment including but not limited to the dimensions, bulk and scale, color, materials and texture. Any future modifications to this permit must not defeat concealment.
16. The WCF shall conform to the approved construction plans.
17. Photo simulations shall be printed on the construction plans.
18. 3D tree simulation showing the replacement branches and antenna configuration shall be printed on the construction plans.
19. The Permittee shall install and maintain appropriate warning signage on the WCF as required by State and Federal regulations. The Owner/Permittee shall be responsible for complying with all State and Federal regulations.
20. 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.
21. The accuracy and validity of the RF Compliance Report, submitted by the Permittee, shall be assured while the WCF is in operation. If requested by the City, Owner/Permittee shall provide an updated RF Compliance Report to address any issues associated with the emitting components of the WCF.
22. All equipment, including transformers, emergency generators and air conditioners belonging to the Owner/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.
23. All facilities and related equipment shall be maintained in good working order. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

24. 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, in which case, the removal and the restoration of this site to its original condition is required.

25. 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.

**FAUX TREE REQUIREMENTS**

26. All proposed hand-holes shall be covered with bark material to match the monopine tree to the satisfaction of the Development Services Department.

27. All coaxial conduits shall be routed up through the caisson and into the tree to the satisfaction of the Development Services Department. "Doghouse" cable housings are not permitted.

28. All branches at the antenna level shall extend a minimum of 24-inches beyond the entire vertical face of the proposed antennas to the satisfaction of the Development Services Department.

29. All exposed cables, brackets and supports shall be painted to match the mono-pine foliage to the satisfaction of the Development Services Department.

30. Mono-pine RF socks fully covering all sides of the antennas (and any other components) shall be used.

31. Only "premium" branches with the maximum number of pine needles to ensure a high density of leaves on branches.

32. The Owner/Permittee shall provide color samples of the mono-pine branches and bark prior to Building Permit issuance. This is to ensure that the proposed components integrate with the surrounding landscape. Staff will pre-approve the color sample prior to Building Permit issuance. The exact samples shall be used during the FINAL INSPECTION. The color approved by Planning Staff must be identical to the as-built mono-pine.

**LANDSCAPING REQUIREMENTS:**

33. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6. (no new landscaping proposed – all still existing from prior entitlements).

34. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved in writing by the Development

Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

### **INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 27, 2024, and Approved Resolution Number XXXX.

**ATTACHMENT 5**

NUP No. 3238839

NDP No. 3292192

PDP No. 3238840

Date of Approval: June 27, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Nilia Safi  
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.

**Oaks North Community Center**

Owner

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**AT&T Mobility**

Permittee

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**American Tower Corporation**

Permittee

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

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



THE CITY OF SAN DIEGO

Date of Notice: April 29, 2024

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION DEVELOPMENT SERVICES DEPARTMENT

SAP or I.O. No. 24009276

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**PROJECT NAME / NUMBER:** American Tower/AT&T Oaks North/ 1095646

**COMMUNITY PLAN AREA:** Rancho Bernardo

**COUNCIL DISTRICT:** 5

**LOCATION:** 12578 Oaks North San Diego, CA 92128

**PROJECT DESCRIPTION:** Neighborhood Use Permit (NUP) and Planned Development Permit (PDP) for the continual operation of an existing wireless communication facility (WCF). The WCF would retain 12 antennas, 9 RRUS, 4 equipment cabinets, 1 fiber box and one panel. The project would include the antennas on an existing 45-foot tall monopine with some rebranching. Existing equipment would be retained at ground level. The project is located at 12578 Oaks North Dr. in the Rancho Bernardo Community Planning, RS-1-14 base zone, Council District 5.

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Planning Commission

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities).

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego, Development Services Department

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego conducted an environmental review and determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities). Section 15301 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. Since the project would only permit the continual use of an existing WCF, with only minor modifications the exemption was deemed appropriate. The project is located on a developed site and no environmental impacts would occur and none of the exceptions described in CEQA Guidelines Section 15300.2 apply.



**DEVELOPMENT PROJECT MANAGER:** Nilia Safi  
**MAILING ADDRESS:** 1222 First Avenue, MS 501, San Diego, CA 92101-4153  
**PHONE NUMBER / EMAIL:** (619) 446-5236 / [nsafi@sandiego.gov](mailto:nsafi@sandiego.gov)

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On April 29, 2024, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within 10 business days from the date of the posting of this Notice (May 13, 2024– end of appeal period date). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) **Appeals filed via E-mail:** The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to [Hearings1@sandiego.gov](mailto:Hearings1@sandiego.gov) by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) **Appeals filed in person:** Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building—Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

The appeal application can also be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.