

**County of San Diego
Valle De Oro Community Planning Group
P.O. Box 936
La Mesa, CA 91944-0936**

REGULAR MEETING MINUTES: January 15, 2013

LOCATION: Otay Water District Headquarters
Training Room, Lower Terrace
2554 Sweetwater Springs Blvd.
Spring Valley, California 91978-2004

1. CALL TO ORDER: 7:01 PM Jack L. Phillips, Presiding Chair

Members present: Brownlee, Feathers, Fitchett, Forthun, Manning, Mitrovich, Myers, Phillips, Schuppert, Tierney

Absent: Henderson, Hyatt, Nichols, Reith, Wollitz

2. FINALIZE AGENDA: As shown

3. OPEN FORUM: None

4. APPROVAL OF MINUTES: December 4, 2013 **VOTE: 9-0-0 to approve.**
(Manning late).

5. LAND USE

a. ZAP02-008W1: Proposed enlargement of Sprint telecommunications (cell) site located in front of 1666-1670 Grove Rd. Height of cabinets to increase by up to 30 inches (65%) over original approved design; site to be expanded 7 feet (58%) to the west; unenclosed equipment to be added; and a 6-1/2 foot high block wall to be added to the east, west, and north sides (back side) of the site. Removal of the requirement for landscape screening is also requested.

SCHUPPERT described the location of proposed project on the north side of Grove Road.

Mark Berlin from Sprint presented. They propose to modify the existing site by removing and replacing the existing cabinets and constructing a new wall to screen the larger cabinets. Sprint will consider a trellis top and lattice doors to screen cabinets and add drought resistant landscaping. He stated that this is an equipment modification. They are not doing anything to the pole or antennas.

Shelia Macleod of 1690 Grove Road spoke against the project. She believes that the grossly enlarged cell site is ignoring current cell site ordinances and that future changes should meet new code standards. Code does not allow the 20' slab as described in the

proposed project. Sprint has not lived up to past agreements with the County or these residents. They planted landscaping but did not water and maintain it. There are 2 different color green cabinets. Grove Road is 18' wide. If 2 cars try to pass in opposite directions at the same time they are limited by the Sprint equipment. There is also a blind curve there. 2 accidents have occurred in the area of the cell site. Noise levels will also continue to be a problem. The fan for the cell site can be heard at 1661 Grove Road, an adjacent resident. Grove Road has just been paved and the residents don't want it to be dug up.

Tom Clark of 1695 Grove Road stated that a 6.5' tall wall is too high for the neighborhood. It is also invites graffiti. He recommends to not approve the project.

SCHUPPERT visited the site and researched the background. The original project was approved and constructed with a Minor Use Permit in 2002. Many members of the community and the Valle de Oro Planning Group opposed the project. The Planning Commission was deadlocked. The project was therefore decided by the Zoning Administrator who found that the project was exempt from CEQA requirements and was approved. At that time, the project could not be appealed. Soon afterwards, other similar projects were proposed but a change in state law allowed for appeal of an Environmental Determination.

Subsequent to the new law in 2003, the county adopted a specific zoning ordinance that addresses the new requirements for potential cell sites. This zoning ordinance is in effect today and requires a Major Use Permit with a public review and CEQA approval. This request is to modify the existing Minor Use Permit to allow an enlarged equipment footprint, an increased number of equipment pieces, an increase to the equipment's height, and the construction of a surrounding enclosure and to waive the previously required landscape condition.

The Applicant's provided photo simulation of the "Site After Installation" is grossly inaccurate and misleading. The following points support this assertion:

- The increased width or length of the concrete pad are not shown.
- The smaller existing cabinets are shown as if they are the larger proposed cabinets.
- The proposed retaining wall indicates a height of only 4'3" but it should be 6'6". Note the wall is only slightly above the existing 52" cabinet (4'3").
- The slump blocks are only about 4.5" from mortar-to-mortar suggesting the wall shown is less than four feet high. Nine additional rows of blocks would be required to reach 6.5'.
- The overall impact of the photo simulation makes the proposed expansion to appear much smaller in scale than it actually will be.

The Project approved, according to page 6 of Administrator Findings, included a landscape requirement, two Omni antennas and GPS antenna, a 4' x 12' concrete slab pad, 19"W x 39"D x 55"H Power Distribution Cabinet (East), 36"W x 32"D x 46"H Micro Hut and a 2.5' high retaining wall.

The proposed project according to Sprint Plans dated 11/21/12 included a waiver of landscape requirements, no changes to antennas, an enlarged concrete slab width although the width is not reported (T5-C). It looks to range from about 1' wide to 5' wide. The proposed slab length increases by either 16, 18 or 19 feet depending on which exhibit is referenced (18' on T5-C; 19' in narrative description on T5-D (12'+7'); and 16' (4'+12') on Supplemental Application). Additionally, two cabinets are proposed in place of the previously approved "Micro Hut". The new cabinet heights are proposed to increase from 46" to 60" & 76". Two new pieces are proposed to be connected to a new "H" Frame on the west portion of the expanded slab. A new Remote Radio Head (RRH) and New Junction Box will be elevated on the "H" frame to about 58". The total area of the four new pieces of equipment will equate to about 20 SF versus the 5 SF that was originally approved (page 6 of MUP). The Retaining Wall is proposed to increase from 2.5' to 6.5' in height.

This project is further complicated when considering what was approved by the Minor Use Permit in 2002, what the plans show is existing today, what actually exists today and what is proposed in the current modification request.

Findings:

1. The submitted plans are riddled with inconsistencies and errors that make the exact proposal difficult to understand.
2. The existing improvements appear to have already been modified as the cabinets are already larger than approved. No prior MUP Modification documents are available.
3. The photo simulation is grossly inaccurate and misleading.
4. The increased concrete pad area, equipment footprints, equipment heights, and wall height effectively result in a new project that should not be decided by a Minor Use Permit modification as the scope of the changes are beyond the intent of this process. The proposed changes are significant and should meet current zoning requirements and should not bypass CEQA requirements.
5. The retaining wall is effectively a screening wall that is 3' above the maximum front yard fence height allowed by zoning (42"). A variance of this degree is inconsistent with the character of this rural residential community and conformance to zoning standards should not be waived.
6. The enlarged equipment and three sided retaining wall may materially increase the directional noise level which will be directed toward the front door of the home that is situated directly across the street. If this project is approved, it will effectively constitute an environmental waiver which would be detrimental to the well-being of the residents and perhaps even their property value. Increasing the project to this scope without an Environmental Determination would be unjust.
7. Part of this request is a waiver to the landscaping requirements of the minor use permit. These requirements have not been met and should not be waived.

Recommendations:

The requested modifications will result in significantly larger, bulkier, and potentially louder equipment than that which was originally approved by the Minor Use Permit. The

existing improvements already appear to have been enlarged beyond that which was approved and no prior Modification Permit is apparent. Besides the many errors and deficiencies of the applicant's proposal, the magnitude of the intended changes effectively makes this project materially different than originally approved and should therefore meet the current zoning guidelines for which a Discretionary Modification Permit is not believed to be appropriate.

SCHUPPERT **moves** to recommend denial of the Minor Use Permit ZAP 02-008W1 and its processing as a Use Permit modification (Myers seconds).

Mark Berlin of Sprint says the wall will extend to 18' not 19'. He can provide better visuals and specifications. He can determine the actual proposed width of the pad. Safety issues Sprint has addressed include providing 2 bollards. He can provide noise info, if requested; will work with site's neighbors; and remove the proposed landscape deletion.

Resident Jeff McLeod of 1690 Grove Road says plans are inconsistent and didn't honor previous landscaping requirements.

This is a modification of a Minor Use Permit. PHILLIPS photographed this site a year after it was built and now the existing is almost twice as big as approved size. PHILLIPS spoke in support of the motion. The project did not meet required findings. He **amends motion to state that any modifications should take this project back to the originally approved size. VOTE: 10-0-0 to approve** amended motion.

b. ZAP01-094W1: Proposed enlargement of Sprint telecommunications (cell) site located in front of 10614 Fuerte Dr. (west of Butterfly Ln.) Height of cabinets to increase by up to 30 inches (65%) over original approved design; site to be expanded 7 feet (58%) to the west; unenclosed equipment to be added; and a 6-1/2 foot high block wall to be added to the east, west, and north sides (back side) of the site. Removal of the requirement for landscape screening is also requested.

Mark Berlin from Sprint stated that existing cabinets are hard to see since there is vegetation around them. He suggested they can change the color of the existing cabinets but the County told him that they prefer the green cabinets.

The existing equipment is on the north and the antenna is on the south side of Fuerte Drive. Sprint proposes to replace the existing cabinets with taller ones and to add a CMU wall that is 6.5' high.

Paul Burkhardt of 10620 Fuerte Drive owns property where the project is located. He denies the applicant's assertion that the site is hidden by vegetation. He says the site is very visible. He researched and found a County MUP in 2007 to modify the original installation to its present configuration. Fuerte Drive has been classified as a scenic drive. Sprint's proposal is not a minor modification. A new zoning ordinance prohibits this type of project. The corner of Fuerte and Grandview is already hazardous and enlarging the existing site would present an even greater hazard. He can hear the loud humming and

rattling from the cell site equipment. Sprint never tended to the landscaping and the plants died. He urges the CPG not to approve further modifications.

Arden Honrud of 10602 Fuerte Drive states that the existing equipment is 12' from their driveway. He said the electrical system would increase from 50 to 100 amps as well as increasing the battery size which would increase the electrical hazard. The data has been misleading. The site area shown on the plans is about 2 blocks away from where it actually is. There are inconsistencies in the plans. The plans show the pad expansion in 2 different directions. Photo simulation is wrong, perhaps intentionally. They already added a 3rd equipment box and you can see the splice in concrete pad. They promised landscaping when they installed the first box but they only planted 4 plants. They saw a truck water them once.

Brian Stoddard, Honrud's son, believes the photo simulation is a total misrepresentation. It is a very hazardous curve on Fuerte and if they add a wall it will make it even worse. It also presents a potential graffiti problem.

SCHUPPERT discussed the project. The project was approved and constructed in 2002 by means of a Minor Use Permit. VDO opposed the project on various grounds, but the application was approved.

This Minor Use Permit Modification is intended to fall outside the purview of the current zoning guidelines and CEQA requirements and if approved will allow for an enlarged equipment footprint, an increased number of equipment pieces, increased height of the equipment cabinets, and the construction of a surrounding enclosure.

The original proposal was for 4' x 10' slab and the existing is actually 4' x 12'. The proposed project will increase it to 4' x 19'. Two power cabinets were initially approved and another one was added. This project also proposes a radio box. This represents an over 100 % increase from the original project. The proposed height increase is 58%. This will be out of character with the neighborhood and the scenic corridor of Fuerte Drive.

The Applicant provided a photo simulation of "Site After Installation" which is inaccurate and misleading. The following items support the preceding conclusion:

- The existing cabinets are shown in place of the larger proposed cabinets.
- The proposed 6'6" retaining wall is shown as being only slightly above the existing 4'3" cabinet.
- The 7' pad expansion is not accurately depicted giving the false sense of a smaller scale.

The Project approved, according to page 6 of Administrator Findings and sheets 7-16, included a landscape requirement, two Omni antennas and GPS antenna, a 40' square foot slab pad (roughly 4' x 10'), 19"W x 39"D x 55"H Power Distribution Cabinet (PBMD), 30"W x 32"D x 48"H DBS Panel.

The proposed project according to Sprint Plans dated 11/21/12 included a waiver of landscape requirements, no changes to antennas but an enlarged concrete slab. The proposed concrete slab is to be increased to 19 feet which is 9 feet beyond what was previously approved and 7 feet beyond what exists today (12 feet). We are not aware of a prior modification permit and don't know why the existing improvements are 2' different than what was originally approved by the MUP. The proposed BBU and BTS cabinet footprints will increase by 30% and the height will increase up to 38". When including the existing power distribution box that was not part of the original approval along with the proposed Remote Radio Head (RRH) and New Junction Box, the equipment foot print will increase by 75%. The height of the equipment boxes will increase to 76" and reflect an increase by more than 50%. The proposed RRH and J-Box will be elevated on the "H" frame to about 58". There is no Retaining Wall, but a new one is proposed that will be 78" (6'6") above the slab on three sides (T6).

The proposed wall will direct the noise from the equipment towards the nearest residence. The proposed project will be larger, bulkier and louder than originally approved project and should meet current guidelines. This project will affect the neighborhood in both scale and non-compatible use.

As the Modification to the Minor Use Permit will bypass compliance to zoning and CEQA, the two primary benchmarks should be that which was originally approved verses that which is proposed.

- The concrete pad is requested to be increased by 90%.
- The equipment footprints are requested to be increased by nearly 117%
- The equipment height is requested to be increased by 58%
- The retaining wall is proposed where none exists and be 6.5' high

Findings:

1. The photo simulation is inaccurate and misleading.
2. The retaining wall is effectively a 6'6" screening wall and 2.5' above what is allowed by the homeowners. A variance of this degree is inconsistent with the character of this rural residential community and would be adversely impact this dedicated scenic corridor.
3. The enlarged equipment and three sided retaining wall may materially increase the existing noise level. The retaining wall will also serve to steer the noise toward the bedroom sides of the home located across Fuerte Drive. An environmental categorical exemption and Minor Use Permit Modification process are not appropriate due to this impact alone.
4. Fuerte Drive is a designated as a Scenic Corridor that should be protected. An environmental categorical exemption and Minor Use Permit Modification process are not appropriate for this project.
5. Part of this request is a waiver to the landscaping requirements of the minor use permit. These prior requirements have not been met and should not be waived.

Recommendations:

The proposed project will be significantly larger, bulkier, and potentially louder than that which was originally approved by the Minor Use Permit. Besides the many errors and deficiencies of the applicant's proposal, the magnitude of the intended changes effectively makes this project materially different than originally approved and should meet the current zoning guidelines for which a Discretionary Modification Permit is not believed to be appropriate. SCHUPPERT **moves** to deny the permit and its processing as a Minor Use Permit Modification (Brownlee seconds).

PHILLIPS supports SCHUPPERT's motion. They are proposing a 6.5' masonry wall 18 – 20' long in a resident's front yard setback in a scenic corridor. The project should never have been approved in the first place. **VOTE: 10-0-0** to approve motion.

c. ZAP98-020W1: Proposed modification of Sprint telecommunications site located on Otay water tank site at 12118 Campo Road (APN 506-021-06), north side above Steele Canyon High School. Proposal to replace existing and add 3 new antennas mounted on large water tank.

PHILLIPS presented the project. Sprint will color the proposed antennas the same color as the tank and probably will not be noticed. PHILLIPS **moves** to approve (Tierney seconds). **VOTE: 10-0-0 to approve.**

6. NEW BUSINESS

a. Chase Ave Slope Repair: Failing right-of-way slope on south side of Chase Ave at 1885 East Chase Ave to be stabilized by constructing a 12' - 14' high concrete retaining wall with brush finish and brown color.

Nial and Mario from the County of San Diego presented the project. The slope began to fail during the December 2010 storms. The County protected the slope. The slope is 20' high and 100' long. The slope above the retaining wall will have a 2:1 slope since it is easier to maintain. The retaining wall will be 14' high with a railing and a brow ditch. During construction, they will use a K-rail around the construction work and hope to keep traffic open both ways. It will be approximately a 6 week project. They will notify residents ahead of time. The bike lane will be temporarily closed during construction. They will add a concrete curb at the existing edge of pavement. They will use colored concrete with a brush finish to match the surroundings (brown). They will apply an anti-graffiti coating on the wall. They will apply erosion control with native seed mix above the wall. They should begin construction in March. It is an emergency contract and they are using an on-call contractor.

Steve and Robert Kincaid of 1885 East Chase in El Cajon, the residents above the failing slope, were present and said they are happy with the project.

FITCHETT is very satisfied with the manner in which the County addressed this issue and with the project plans. He **moves** to support the project. (PHILLIPS seconds) **VOTE: 10-0-0 to approve.**

b. Conversion of Traditional Billboards to Digital LED Billboards: County Staff is proposing 6 options for the use of digital LED billboards throughout the unincorporated County.

The project was presented by PHILLIPS. In Casa De Oro there are 12 billboards. In our community plan under community design, existing billboards shall not be modified or transferred and shall be eliminated at earliest possible time.

PHILLIPS states it would be in conflict with our community plan to modify existing billboards which he considers to be visual blight and **moves** to oppose the conversion of traditional billboards. (Mitrovich seconds) **VOTE: 10-0-0.**

7. CHAIRMAN'S REPORT – None

8. ELECTION OF OFFICERS: Chair, Vice Chair, Secretary
MYERS moves to re-elect the current slate of officers, PHILLIPS as Chair, FITCHETT as Vice Chair and FEATHERS as Secretary. (Forthrun seconds).
VOTE: 10-0-0 to approve.

9. ADJOURNMENT at 9:11 PM

Submitted by: Jösan Feathers