

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, SEPTEMBER 10, 2025**

MINUTE ORDER NO. 5

**SUBJECT: CONTINUED ITEM FROM JUNE 25, 2025 (10):
APPEAL OF PARADISE VALLEY ROAD WIRELESS
TELECOMMUNICATION FACILITY MAJOR USE PERMIT AND CEQA
EXEMPTION (DISTRICT: 1)**

OVERVIEW

On June 25, 2025 (10) the Board of Supervisors continued the item to September 10, 2025.

This is a request for the Board of Supervisors (Board) to consider an appeal submitted by a resident on behalf of Sweetwater Hills Townhomes (Appellant) of the Planning Commission's approval of the Major Use Permit (MUP) and associated environmental findings for the proposed Paradise Valley Road Wireless Telecommunication Facility project (Project). The Project is a request submitted by AT&T (Applicant) to construct, maintain, and operate a new wireless telecommunication facility on an approximately three-acre property located at 8555 Paradise Valley Road in the Spring Valley Community Plan Area, leased from the San Diego County Water Authority.

The proposed wireless facility would include 12 panel antennas mounted to a new 35-foot-tall faux mono-eucalyptus tree and supporting equipment located within the adjacent equipment enclosure. The Project will enhance telecommunications infrastructure in the Spring Valley community, improving network coverage and supporting increasing connectivity demands. The facility's design, including a 35-foot-tall mono-eucalyptus, integrates with the surrounding landscape to minimize visual impacts and maintain community character. The Project complies with all applicable County setbacks and zoning requirements and aligns with the General Plan and the Spring Valley Community Plan. The Project meets all County regulations and environmental standards, and complies with the California Environmental Quality Act (CEQA) as no significant environmental impacts were identified.

On April 19, 2024, the Planning Commission denied the original application due to a lack of quorum, as it failed to secure the required minimum of four votes for approval. During the 10-day appeal period, the applicant submitted an appeal application on April 29, 2024, with intentions to submit a revised plot plan to address community concerns. The revised plot plan, submitted October 24, 2024, relocated the wireless telecommunications tower 11.5 feet to the east within the same project site in response to community feedback regarding the facility's proximity to neighboring residences (Attachment I). Under Section 7366(b) of the County Zoning Ordinance, the appeal process to the Board was terminated, and the revised application was referred back to the Planning Commission for a decision.

The Project was then approved by the Planning Commission on February 28, 2025. A decision of the Planning Commission is appealable to the Board, and a formal appeal must be submitted within 10 calendar days of the Planning Commission decision. The Planning Commission's approval of the Project has been appealed by a resident on behalf of Sweetwater Hills Townhomes (Attachment A) and the appeal application was submitted on March 10, 2025. The appeal cites four main concerns, and staff's responses to each point are included in this Board letter. The appellant claims:

1. Improper CEQA Exemption
2. Lack of Justification for Coverage Needs

3. Inconsistent Setback Policies
4. Precedents in Other Communities

Staff has analyzed all points of appeal and has determined that they have been addressed through the MUP findings made for the Project and consistency findings with the San Diego County General Plan and Spring Valley Community Plan. The Project has been reviewed for compliance with CEQA and it is determined that the proposed project qualifies for a categorical exemption under CEQA Section 15303. Staff also determined that the Project meets the intent and specific standards and criteria established in the County of San Diego's (County) Zoning Ordinance.

The Board can: (1) deny the appeal and sustain the Planning Commission's decision to approve the MUP, (2) grant the appeal and deny the MUP, or (3) continue the appeal and send the MUP back to staff for additional environmental analysis and/or reconsideration, including any additional direction from the Board, and return to the Board within a specified time period. If any motion does not get three votes, then the appeal is deemed denied, unless reconsideration is requested by one of the Board members after the hearing.

RECOMMENDATION(S)

PLANNING COMMISSION

On February 28, 2025, the Planning Commission considered the Paradise Valley Road Wireless Telecommunication Facility project and made the following decisions:

1. Adopted the Environmental Findings, which includes a finding that the Project is exempt from the California Environmental Quality Act (CEQA) (CEQA) pursuant to State CEQA Guidelines section 15303 (Attachments B and H, on file with the Clerk of the Board).
2. Granted Major Use Permit PDS2022-MUP-22-012, made the findings, and included the requirements and conditions as set forth in the Form of Decision (Attachment C).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the decision of the Planning Commission and recommends the Board of Supervisors (Board):

1. Deny the appeal for the reasons discussed in this Board Letter.
2. Adopt the Environmental Findings, which includes a finding that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15303 (Attachment B).
3. Sustain the Planning Commission's decision to Grant Major Use Permit PDS2022-MUP-22-012, make the findings, and include the requirements and conditions as set forth in the Form of Decision (Attachment C).
4. Require MD7, LLC, as agent for AT&T Mobility, to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require MD7, LLC, as agent for AT&T Mobility, to provide security in the amount of \$500,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 10 days of litigation being filed (Attachment D).

EQUITY IMPACT STATEMENT

The appeal process allows the community to participate in decisions that impact their community. The appellants view the proposed wireless facility as inequitable, arguing it unfairly impacts their community with unnecessary risks, despite independent data showing adequate coverage. The Applicant provided an Alternative Site Analysis (ASA) in accordance with county standards, which illustrates existing coverage gaps within the area. The Applicant demonstrated in the ASA that the facility would close a gap in area coverage. The proposed wireless telecommunication facility would enhance critical infrastructure by improving network connectivity, supporting public safety, and ensuring reliable communication services. Strengthening telecommunication access contributes to digital equity, particularly in underserved areas with network coverage gaps. The Project aligns with the County's infrastructure goals by enhancing service reliability while adhering to zoning regulations and environmental requirements. Additionally, construction and ongoing maintenance of the facility would generate local employment opportunities, supporting economic growth within the region.

SUSTAINABILITY IMPACT STATEMENT

The Project incorporates multiple sustainability considerations, including the strategic placement of the wireless facility to minimize visual and environmental impacts while improving telecommunications infrastructure for public benefit. The design of the facility integrates a camouflaged mono-eucalyptus structure to blend with the natural landscape, reducing aesthetic disruption. The equipment enclosure is constructed with durable materials that align with existing site structures, ensuring longevity and reduced maintenance needs. Additionally, the Project supports regional sustainability by enhancing emergency response capabilities and public safety through improved network coverage. The site selection process prioritized minimizing land disturbance by utilizing an existing developed property, thereby avoiding impacts to undisturbed natural habitats. Additionally, the Project aligns with the County's environmental policies by adhering to CEQA guidelines, maintaining compliance with zoning regulations, and aligning with the General Plan.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the recommendations for the Paradise Valley Road Wireless Telecommunication Facility Project, as the Project is privately initiated and is leased on a San Diego County Water Authority property. Any costs incurred will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION 5.1:

ON MOTION of Supervisor Lawson-Remer, seconded by Supervisor Montgomery Steppe, the Board of Supervisors continued the item to be heard after item 6.

AYES: Aguirre, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

ACTION 5.2:

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors took the following actions:

1. Denied the appeal for the reasons discussed in this Board Letter.

2. Adopted the Environmental Findings, which includes a finding that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15303 (Attachment B).
3. Sustained the Planning Commission's decision to Grant Major Use Permit PDS2022-MUP-22-012, make the findings, and include the requirements and conditions as set forth in the Form of Decision (Attachment C).
4. Required MD7, LLC, as agent for AT&T Mobility, to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on the Project, require MD7, LLC, as agent for AT&T Mobility, to provide security in the amount of \$500,000 in the form of an irrevocable letter of credit or bond (whichever is acceptable to County Counsel) within 10 days of litigation being filed (Attachment D).

AYES: Anderson, Lawson-Remer, Desmond

NOES: Aguirre, Montgomery Steppe

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

