REPORT TO THE HEARING OFFICER

HEARING DATE: June 12, 2013  REPORT NO. HO 13-045

ATTENTION: Hearing Officer

SUBJECT: T-MOBILE – SPRING CANYON
PTS PROJECT NUMBER: 290644

LOCATION: 12225 Spring Canyon Road

APPLICANT: Anne Regan, DePratti, Inc.

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) for a Wireless Communication Facility (WCF) located at 12225 Spring Canyon Road in the Scripps Miramar Ranch Community Planning area?

Staff Recommendation - Approve CUP No. 1131147.

Community Planning Group Recommendation – On February 7, 2013, the Scripps Ranch Planning Group voted 13-0-0 to recommend approval of the T-Mobile – Spring Canyon project.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(b), Existing Facilities, Public or Private Utilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 19, 2012 and the opportunity to appeal that determination ended January 4, 2013 (Attachment 10).

BACKGROUND

T-Mobile – Spring Canyon is an application for a Conditional Use Permit (CUP), Process 3, for a Wireless Communication Facility (WCF). The project consists of an upgrade to T-Mobile’s existing WCF project located on a City reservoir at 12225 Spring Canyon Road in the RS-1-8 zone of the Scripps Miramar Ranch Community plan area (Attachments 1, 2, and 3). The site is situated approximately 40-feet above the surrounding properties, which are single unit residential uses except to the northwest, where a canyon within the MHPA exists.
T-Mobile received an approval for the existing project on March 15, 2007. The approved project included six façade mounted panel antennas and two outdoor equipment cabinets. This application proposes to replace the existing six antennas (Attachments 8 and 13). The equipment would remain unchanged.

Wireless communication facilities (WCF’s) are permitted in residential zones containing non-residential uses with a Conditional Use Permit (CUP), Process 3.

DISCUSSION

The project site contains a 31-foot tall City water reservoir supporting a number of WCF’s. Sprint, Nextel, and AT&T have antennas mounted to the reservoir with their equipment enclosures located around the perimeter of the tank (Attachment 13). Cricket has a 35-foot tall faux Eucalyptus tree and an adjacent small equipment enclosure and most recently, Verizon received approval for a 48-foot tall faux eucalyptus to replace their two 45-foot monopoles.

T-Mobile proposes to replace six of their existing façade mounted panel antennas and add skirts and chin straps to conceal the coaxial cables from view and to present a cleaner appearance (Attachment 8). T-Mobile is not proposing any modifications to their existing two outdoor equipment cabinets.

Council Policy 600-43, “Wireless Communication Facilities,” assigns preference levels to the locations of WCF’s. This policy encourages these facilities to be located away from residential uses. Typically, WCF’s proposed in non-residential zones, such as commercial or industrial, are considered more preferable than those located in residential zones. To encourage carriers to locate in non-residential zones, projects proposed in those areas are permitted with a lower approval process level. Similarly, non-residential uses in residential zones are also preferable to locating on a residential use and the decision process level is lower. In this case, the location of the project is an ideal spot, on a City reservoir, elevated above the surrounding residential with a perimeter of mature trees lining the property.

General Plan Analysis:

The Scripps Miramar Ranch Community Plan does not specifically address WCF’s, however, the City of San Diego’s General Plan addresses Wireless Facilities 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.
This project, consisting of façade mounted antennas and outdoor equipment is minimally visible and is located on an elevated property above a residential neighborhood surrounded by mature eucalyptus trees complying with the recommendations in the General Plan to be respectful to the neighborhood context (Attachment 8).

**Conclusion:**

Staff has reviewed the project as submitted and has determined that it complies with the Wireless Communication Facility regulations, the General Plan and Council Policy 600-43. The project complies with the applicable regulations of the Land Development Code. The Scripps Ranch Planning Group unanimously recommended approval of the project and draft findings have been made in the affirmative. Therefore, staff recommends approval of CUP No. 1131137.

**ALTERNATIVES**

1. Approve CUP No. 1131147, with modifications.

2. Deny CUP No. 1131147, if the Hearing Officer makes written findings based on substantial evidence that the approval is not authorized by state or local zoning law.

Respectfully submitted,

Karen Lynch, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Photo Survey
8. Photosimulations
9. Coverage Maps
10. Environmental Exemption
11. Project Chronology
12. Notice of Public Hearing
13. Project Plans

Rev 1/25/11 lmd
INTERNAL ORDER NUMBER: 24003090

CONDITIONAL USE PERMIT NO. 1131147
T-MOBILE – SPRING CANYON
PROJECT NO. 290644
HEARING OFFICER
DRAFT

This Conditional Use Permit (CUP) No. 1131147 is granted by the Hearing Officer of the City of San Diego to City of San Diego, owner and T-Mobile West, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420 and Chapter 12, Article 6, Division 3. The 1.67-acre site is located at 12225 Spring Canyon Road in the RS-1-8 zone of the Scripps Miramar Ranch Community Plan area. The project site is legally described as Lot 891 of Scripps Ranch Unit No. 11 according to Map thereof No. 8223 in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a wireless communication facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 12, 2013, on file in the Development Services Department.

The project shall include:

a. A total of six panel antennas with skirts and chin straps, mounted to the existing reservoir. The antenna dimensions are 51" x 15.8" x 5.2";

b. Two outdoor equipment cabinets within a chain link enclosure on the southeast side of the reservoir. No modifications are proposed to the facility;

c. 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...
9. Issuance of this Permit by the City of San Diego does not authorize the 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 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.

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 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.

13. The 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.
Communications Commission’s Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.

26. 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.

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

**WATER REQUIREMENTS:**

28. The Public Utilities Department, Water and Sewer Development Division shall review the construction documents. Only after their approval of the construction documents may the Building Permits be issued.

**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 June 12, 2013 and approved by Resolution No. ________________.
Aerial Photo

T-MOBILE – SPRING CANYON PROJECT NUMBER 290644

12225 SPRING CANYON ROAD
## PROJECT DATA SHEET

<table>
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<tr>
<th><strong>PROJECT NAME:</strong></th>
<th>T-Mobile – Spring Canyon</th>
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<tr>
<td><strong>PROJECT DESCRIPTION:</strong></td>
<td>An upgrade to an existing wireless communication facility consisting of six façade mounted panel antennas and two outdoor equipment cabinets.</td>
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<tr>
<td><strong>COMMUNITY PLAN AREA:</strong></td>
<td>Scripps Miramar Ranch</td>
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<td><strong>DISCRETIONARY ACTIONS:</strong></td>
<td>Conditional Use Permit.</td>
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<tr>
<td><strong>COMMUNITY PLAN LAND USE DESIGNATION:</strong></td>
<td>Open Space.</td>
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### ZONING INFORMATION:
- **ZONE:** RS-1-8
- **HEIGHT LIMIT:** 35-Foot maximum height limit.
- **FRONT SETBACK:** 25 feet.
- **SIDE SETBACK:** 10 feet.
- **REAR SETBACK:** 10 feet.

### ADJACENT PROPERTIES:

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<th><strong>NORTH:</strong></th>
<th><strong>LAND USE DESIGNATION &amp; ZONE</strong></th>
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<td>Single-Family Residential</td>
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### DEVIATIONS OR VARIANCES REQUESTED:
- None.

### COMMUNITY PLANNING GROUP RECOMMENDATION:
- On February 7, 2013, the Scripps Miramar Ranch Planning Group voted 13-0-0 to approve this project, with no conditions.
WHEREAS, CITY 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. 1131147, on portions of a 1.67-acre site;

WHEREAS, the project site is located at 12225 Spring Canyon Road in the RS-1-8 zone of the Scripps Miramar Ranch Community Plan;

WHEREAS, the project site is legally described as Lot 89 of Scripps Ranch Unit No. 11 according to Map thereof No. 8223 in the City of San Diego, County of San Diego, State of California;

WHEREAS, on June 12, 2013, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1131147, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 12, 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(b), Existing Facilities: Public or Private Facilities and 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 June 12, 2013.

FINDINGS:

Findings for Conditional Use Permit Approval – Section §126.0305

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

   Section A.15 of the Urban Design section of the City of San Diego’s General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In this particular case, T-Mobile currently has six antennas on the City-owned reservoir and they want to replace the antennas and add skirts and chinstraps to conceal the mounting components and update the look with a cleaner appearance. The antennas and components will be painted to match the reservoir.
The General Plan also states that facilities should be designed to be “aesthetically pleasing and respectful to the neighborhood context.” There is an approximate elevational difference between the reservoir site and the surrounding residential area of 40 feet and the entire reservoir site is surrounded by mature Eucalyptus trees, which provides screening for the antennas.

The Scripps Miramar Ranch Community Plan does not address WCF’s as a specific land use. The goal of the WCF regulations is to integrate facilities into the setting in which they are proposed. Utilizing an existing vertical element that is part of the neighborhood landscape is highly recommended especially when there is such a great topographical difference and existing mature trees surround the site as they do in this situation. 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 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 Fields Exposure Report was prepared for the proposed project which concludes that the project will be consistent with the FCC’s regulations for wireless facilities. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within matters of the City’s jurisdiction.

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

T-Mobile currently has six antennas on the reservoir that were approved in 2000. The permit expired on August 24, 2010. This project proposes to replace the six antennas and to add skirts and chinsprings in order to hide the mounting components and create a cleaner appearance. The water tank is elevated above the surrounding neighborhood and the property has mature Eucalyptus tree around the perimeter providing additional screening of the WCF. The project complies with all development regulations for the RS-1-8 zone and it complies with the Wireless Communication Facility regulations, LDC Section 141.0420, which requires WCF’s to be minimally visible through the use of architecture, landscape architecture and siting solutions.

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

Council Policy 600-43 outlines preference levels for Wireless Communication Facilities where residential properties are the least preferred and non-residential properties are more preferred. This project is considered a Preference 2 Location, which is more preferable when carriers need to provide coverage in areas that are entirely residential. The preference then would be to utilize non-residential uses such as a reservoir. In this case, the elevation of the reservoir is approximately 40 feet higher than surrounding properties and the entire perimeter of the property is lined with mature Eucalyptus trees. Façade mounted antennas on the reservoir will be well screened by the trees and because the project site is much higher than the surrounding properties, therefore, the visual impact is minimized. Therefore, the T-Mobile project is appropriate at this location.
BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1131147 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. 1131147, a copy of which is attached hereto and made a part hereof.

Karen Lynch
Development Project Manager
Development Services

Adopted on: June 12, 2013

Job Order No. 24003090
This Conditional Use Permit (CUP) No. 1131147 is granted by the Hearing Officer of the City of San Diego to City of San Diego, owner and T-Mobile West, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420 and Chapter 12, Article 6, Division 3. The 1.67-acre site is located at 12225 Spring Canyon Road in the RS-1-8 zone of the Scripps Miramar Ranch Community Plan area. The project site is legally described as: Lot 891 of Scripps Ranch Unit No. 11 according to Map thereof No. 8223 in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a wireless communication facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 12, 2013, on file in the Development Services Department.

The project shall include:

a. A total of six panel antennas with skirts and chin straps, mounted to the existing reservoir. The antenna dimensions are 51" x 15.8" x 5.2";

b. Two outdoor equipment cabinets within a chain link enclosure on the southeast side of the reservoir. No modifications are proposed to the facility;

c. 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 June 27, 2016.

2. This Conditional Use Permit (CUP) and corresponding use of this site shall expire on June 27, 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 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 the 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 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 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.

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 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" conditions(s) back to the discretion of the 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 discretion of the body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The 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.
Communications Commission’s Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.

26. 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.

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

WATER REQUIREMENTS:

28. The Public Utilities Department, Water and Sewer Development Division shall review the construction documents. Only after their approval of the construction documents may the Building Permits be issued.

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 June 12, 2013 and approved by Resolution No. ____________.
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.

16. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

PLANNING/DESIGN REQUIREMENTS:

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 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 the reservoir façade absent antennas.

23. The Permittee shall not cause or allow the antennas located on the reservoir 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. Prior to the issuance of a construction permit, the telecommunication provider shall provide a certified cumulative radio frequency model study demonstrating compliance with the Federal
Permit Type/PTS Approval No.: CUP No. 1131147
Date of Approval: June 12, 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.

City of San Diego
Owner

By ____________________________
Scott Chadwick,
Interim Chief Operating Officer

T-Mobile
Permittee

By ____________________________
Michael Fulton
General Manager

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
NOTICE OF EXEMPTION

(Check one or both)

TO:  X 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.: 290644  PROJECT TITLE: T-Mobile Spring Canyon Road

PROJECT LOCATION-SPECIFIC: 12226 Spring Canyon Road, San Diego, CA 92131 (Lot 89 of Scripps Ranch No. 11)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) for an existing Wireless Communication Facility (WCF). The project would include the removal of 8 existing façade mounted panel antennas and installation of 12 new façade mounted panel antennas on the existing water tank. The equipment is located in an existing equipment enclosure with no proposed changes. The project site is located at 12225 Spring Canyon Road in the RS-1-18 zone.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Bernard Dunham
     7990 New Salem Street
     San Diego, CA, 92126
     619-944-9564

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))
( X ) CATEGORICAL EXEMPTION: Section 15301(b) existing facilities, public or private utilities
( ) STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: This project is exempt because minimal changes are required to remove and replace antennas with a minimal expansion of use and would allow an existing WCF to continue operation. In addition the project is exempt because it meets the criteria set forth in CEQA section 15301(b) – existing facilities, public or private utilities and where the exceptions listed in CEQA section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Lizzi
     TELEPHONE: (619) 446-5159

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

SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

CHECK ONE:
( X ) SIGNED BY LEAD AGENCY
( ) SIGNED BY APPLICANT

DATE
## PROJECT CHRONOLOGY
### T-MOBILE – Spring Canyon
PTS NO. 290644

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>City Review Time</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/2/12</td>
<td>Submittal for Completeness Check</td>
<td></td>
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<tr>
<td>8/28/12</td>
<td>Completeness Review Assessment</td>
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<td>26 days</td>
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<tr>
<td>11/8/12</td>
<td>First Full Submittal</td>
<td>Deemed Complete</td>
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<td>2 months, 11 days</td>
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<tr>
<td>1/23/13</td>
<td>First Assessment</td>
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<td>2 months, 15 days</td>
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<tr>
<td>3/12/13</td>
<td>Second Submittal</td>
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<td></td>
<td>1 month, 17 days</td>
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<tr>
<td>4/11/13</td>
<td>Second Assessment- All Issues Resolved</td>
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<td>30 days</td>
<td></td>
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<tr>
<td>6/12/13</td>
<td>Hearing Officer Hearing</td>
<td></td>
<td>2 months, 1 day</td>
<td></td>
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</tbody>
</table>

**TOTAL STAFF TIME**

**TOTAL APPLICANT TIME**

**TOTAL PROJECT RUNNING TIME**

**Based on 30 days equals to one month.**
DATE OF NOTICE: May 29, 2013

NOTICE OF PUBLIC HEARING
HEARING OFFICER
DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING: June 12, 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, Exempt from CEQA, Process 3
PROJECT NO: 290644
PROJECT NAME: T-MOBILE – SPRING CANYON
APPLICANT: Anne W. Regan, DePratti, Inc.
COMMUNITY PLAN AREA: Scripps Miramar Ranch
COUNCIL DISTRICT: 5
CITY PROJECT MANAGER: Karen Lynch, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5351 / kllynch@sandiego.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 an existing wireless communication facility. The permit is expired and T-Mobile is seeking a new permit to continue operations including the replacement of the six façade mounted panel antennas on the City water tank. Two outdoor equipment cabinets will remain in a fenced enclosure with no proposed changes. The facility is located at 12225 Spring Canyon Road.

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 December 19, 2012 and the opportunity to appeal that determination ended January 4, 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: 24003090.

Revised 04/08/10 HRD
Attachment 13