REPORT TO THE HEARING OFFICER

HEARING DATE: March 19, 2014 REPORT NO. HO 14-014

ATTENTION: Hearing Officer

SUBJECT: T-Mobile - Windy Ridge ROW
PTS PROJECT NUMBER: 333462

LOCATION: 7598 1/3 Calle Cristobal, in the public right-of-way, on the north-west corner of Windy Ridge Way and Calle Cristobal

APPLICANT: T-Mobile (Permittee)/
City of San Diego (Owner)

SUMMARY

Issue: Should the Hearing Officer approve a Conditional Use Permit (CUP) for a Wireless Communication Facility (WCF) in the Mira Mesa community plan area?

Staff Recommendation: APPROVE Conditional Use Permit (CUP) No. 1261279 and RESCIND CUP No. 490972.

Community Planning Group Recommendation: The Mira Mesa Community Planning Group voted 12-0-1 to approve this project at their January 21, 2014 meeting. (Attachment 8)

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines, Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction or Conversion of Small Structures). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 6, 2014, and the opportunity to appeal that determination ended February 25, 2014. (Attachment 7)

BACKGROUND & DISCUSSION

Wireless Communication Facilities (WCF) are permitted within the public right-of-way as a Separately Regulated Use per Land Development Code (LDC) section 141.0420. The preference mandated by Council Policy 600-43 and implemented by the LDC is for these facilities to be
located outside of residential areas whenever possible. When WCFs are proposed adjacent to a non-residential use, such as a commercial or industrial use, the decision is made with a Staff-level, Process 1 decision. When these facilities are proposed adjacent to a residential use or park a Process 2 Neighborhood Use Permit is required. In this case, these facilities propose above-ground equipment, which regardless of the adjacent use, a Conditional Use Permit, Process 3 is required.

T-Mobile and other wireless service providers are required to provide cellular coverage to all areas within their service area. This means that they attempt to fill areas with no coverage or limited capacity, called “coverage gaps,” with additional wireless facilities. While the City encourages that these facilities be located outside of residential areas and with below-grade equipment, in some cases T-Mobile’s technological constraints require the placement of antennas adjacent to a residential use.

T-Mobile’s original WCF at this location was approved December 10, 2008 by the Hearing Officer with CUP No. 490972. The previous CUP allowed for three panel antennas, mounted on an existing traffic signal light standard, along with above-ground equipment cabinets. T-Mobile is currently proposing to replace the existing antennas and one of the equipment cabinets. The existing antennas will be replaced with antennas of a similar size. The equipment cabinet will be one foot taller and wider. (See sheet 7 of the plans for details of the existing and new equipment and antennas.)

The City’s General Plan addresses Wireless Facilities in UD-A.15. The visual impact of WCF should be minimized by concealing WCF in existing structures, or utilizing camouflage and screening techniques to hide or blend them into the surrounding area. Facilities should be designed to be aesthetically pleasing and respectful of the neighborhood context. Equipment associated with the WCF should be located in underground vaults or unobtrusive structures. This project complies with the General Plan recommendations by locating the antennas on an existing vertical element. The traffic light standard, with a pole diameter larger than a typical light standard, is able to accommodate the panel antennas in a way that is not visually intrusive. The equipment cabinets are located adjacent to the traffic light standard, painted green, and surrounded by existing and proposed landscape material. The design of the WCF is respectful of the neighborhood context and does not adversely affect the applicable land use plans.

Based on the proposed design, the project complies with the WCF Regulations (LDC §141.0420). The project has received support from the community planning group, and draft findings have been made in the affirmative to approve the CUP. Therefore, Staff recommends approval of CUP No. 1261279.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1261279, with modifications.
2. Deny Conditional Use Permit No. 1261279, 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,

Alex Hempton, AICP
Development Project Manager

Attachments:
1. Aerial Photo
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. Notice of Right to Appeal Environmental Exemption
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement (ODS)
10. Photo Simulation
11. Photo Survey
12. Site Justification/Coverage Maps
13. Hearing Officer Hearing Public Notice
14. Project Plans
Aerial Photo

T-Mobile Windy Ridge R.O.W. – Project Number 333462

Public right-of-way near the north-west corner of Windy Ridge Way and Calle Cristobal
Community Plan Land Use Designation

T-Mobile Windy Ridge R.O.W. – Project Number 333462
Public right-of-way near the north-west corner of Windy Ridge Way and Calle Cristobal
Project Location Map

T-Mobile Windy Ridge R.O.W. – Project Number 333462
Public right-of-way near the north-west corner of Windy Ridge Way and Calle Cristobal
**PROJECT DATA SHEET**

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>T-Mobile – Windy Ridge R.O.W.</th>
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<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Wireless Communication Facility (WCF) consisting of three panel antennas mounted on a replacement traffic light standard with above-ground equipment.</td>
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<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Mira Mesa</td>
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<tr>
<td>DISCRETIONARY ACTIONS:</td>
<td>Conditional Use Permit (Process 3)</td>
</tr>
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<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Residential</td>
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**ZONING INFORMATION:**

ZONE: RS-1-14  
HEIGHT LIMIT: 35 feet  
FRONT SETBACK: 15 feet  
SIDE SETBACK: 4 feet  
STREETSIDE SETBACK: 10 feet  
REAR SETBACK: 10 feet

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<tr>
<th>ADJACENT PROPERTIES:</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
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<tr>
<td>NORTH:</td>
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<td>WEST:</td>
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<td>Residential</td>
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</tbody>
</table>

DEVIATIONS OR VARIANCES REQUESTED: None.

COMMUNITY PLANNING GROUP RECOMMENDATION:  
On January 21, 2014, the Mira Mesa Town Council recommended approval with a vote of 12-0-1.
WHEREAS, THE CITY OF SAN DIEGO, Owner, and T-MOBILE, Permittee, filed an application with the City of San Diego for a permit to construct a Wireless Communication Facility consisting of three panel antennas attached to a traffic light standard and associated above-ground equipment located adjacent to the pole (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1261279);

WHEREAS, the project site is located in the public right-of-way near the north-west corner of Windy Ridge Way and Calle Cristobal in the RS-1-14 zone of the Mira Mesa Community Plan;

WHEREAS, on February 6, 2014, 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 Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on March 19, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1261279 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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 March 19, 2014.

FINDINGS:

**Conditional Use Permit - Section 126.0305**

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

The City of San Diego General Plan states that the visual impact of wireless facilities should be minimized. Wireless facilities should be concealed in existing structures when possible, or utilize camouflage and screening techniques to hide or blend them into the surrounding area. Facilities should be designed to be aesthetically pleasing and respectful of the neighborhood context. Mechanical and other equipment and devices should be concealed in underground vaults or other unobtrusive structures.

The City encourages carriers to locate their equipment underground by allowing such a facility adjacent to a residential use with the processing of a Neighborhood Use Permit, Process 2. In this
case, the equipment is proposed above-ground, and a Conditional Use Permit, Process 3, is required.

Three (3) T-Mobile panel antennas are proposed to be mounted on a traffic signal light standard. The antennas will be painted and textured to match the traffic signal standard. By utilizing an existing vertical element, the antennas are able to be blended and integrated with the surrounding neighborhood. The ground-mounted equipment cabinet will be painted green and screened by existing and proposed landscape material.

Based on the design of the WCF, it 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 consists of three panel antennas mounted on an existing traffic light standard, along with above-ground equipment cabinets, located adjacent to the light standard. The project is located at 7598 1/3 Calle Cristobal, in the public right-of-way, on the north-west corner of Windy Ridge Way and Calle Cristobal, and is located in the Mira Mesa community plan area.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures). 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. 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.

Additionally, the federal 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) emission to the extent that such facilities comply with the Federal Communication Commission’s (FCC) standards for such emissions.” A condition has been added to the permit to require a Radio Frequency Electromagnetic Fields Exposure Report demonstrating that the proposed project would be consistent with the FCC’s regulations for wireless facilities. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

In conclusion, the proposed project 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 allowable deviations pursuant to the Land Development Code; and

WCF are permitted in the public right-of-way with the processing of a Conditional Use Permit, Process 3, when above-ground equipment is proposed. No deviations are proposed as part of this
project. Three (3) T-Mobile panel antennas are proposed to be mounted to an existing traffic signal standard. The antennas will be painted and textured to match the traffic signal standard and wiring associated with the antennas will be internally routed through the pole. Equipment associated with the antennas will be mounted in an equipment cabinet, with an additional utility connection box, painted green. Landscape material, both existing and proposed, will help to screen the above-ground equipment. Based on the design of the project, this project complies with the applicable regulations of the Land Development Code (LDC), specifically the Wireless Communication Facility regulations, LDC section 141.0420.

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

WCF are permitted in the public right-of-way with a Conditional Use Permit, Process 3, when above-ground equipment is proposed. In this case, T-Mobile is proposing to mount three (3) panel antennas on an existing traffic signal standard. In general, traffic signal standards have a larger diameter than a typical light standard (without traffic signals) and will be able to less noticeably accommodate the addition of three panel antennas. The traffic signal is located on Calle Cristobal, which is classified as a four-lane major road, and the rear property lines of adjacent residential uses face this road. Since wireless coverage needs to be provided to this residential area, locating the WCF on a major road, effectively behind the residential uses, is more preferable than locating the antennas on a local residential street in front of a residential use. Therefore, based on locating the antennas on an existing large diameter traffic light standard on a four-lane major road, the proposed WCF is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer Conditional Use Permit No. 1261279 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. 1261279, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that, CUP No. 490972 is hereby rescinded.

Alex Hempton, AICP
Development Project Manager
Development Services

Adopted on: March 19, 2014

Internal Order No. 24003982
INTERNAL ORDER NUMBER: 24003982

CONDITIONAL USE PERMIT (CUP) NO. 1261279
RESCIND CUP NO. 490972
T-MOBILE WINDY RIDGE R.O.W.
PROJECT NO. 333462
HEARING OFFICER

This CONDITIONAL USE PERMIT NO. 1261279 is granted by the HEARING OFFICER of the City of San Diego to THE CITY OF SAN DIEGO, Owner, and T-MOBILE, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0420 and 126.0305. The site is located at 7598 1/3 Calle Cristobal within the public right-of-way near the north-west corner of Windy Ridge Way and Calle Cristobal in the RS-1-14 zone of the Mira Mesa Community Plan.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct, operate, and maintain a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 19, 2014, on file in the Development Services Department.

The project shall include:

a. Three (3) panel antennas, with the following dimensions: 56.0" by 12.0" by 7.9", mounted to an existing traffic light standard, with two above-ground equipment cabinets located adjacent to the traffic light standard;

b. Landscaping (planting, irrigation and landscape related improvements);

c. This traffic light standard is for the primary purpose of traffic control and street illumination, but may have the secondary purpose of accommodating Permittee’s Operations on the Premises.
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 April 3, 2017.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on April 3, 2024. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

3. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.

4. Under no circumstances, does approval of this permit authorize the Owner/Permittee to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration date of this permit is prohibited.

5. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

   a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and

   b. The Permit is recorded in the Office of the San Diego County Recorder.

6. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

9. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

10. The Owner/Permittee shall secure all necessary building/right-of-way permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

11. Construction plans shall be in substantial conformity to Exhibit “A.” Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

12. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(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.

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any construction permit, the Permittee shall obtain a Nonexclusive Right-of-Way Use Agreement from the City of San Diego for the proposed work in the Windy Ridge Way and Calle Cristobal Right-of-Way.

15. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Right-of-Way permit for the proposed work in the Windy Ridge Way and Calle Cristobal Right-of-Way.

16. This BMP is for the proposed replacement of shrubs shown on improvement plan sheet 8. 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.

17. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

TRANSPORTATION REQUIREMENTS:

19. The applicant shall obtain an “Encroachment Maintenance and Removal Agreement,” satisfactory to the City Engineer.

20. The applicant shall obtain a “Public Right-of-Way Permit for Traffic Control” permit prior to any work within the public right-of-way, satisfactory to the City Engineer.

21. The applicant shall protect any City property removed as part of the project and return said property, satisfactory to the City Engineer.

22. The applicant shall provide a Public Improvement Plan including a Traffic Signal Plan and a Traffic Control Plan, satisfactory to the City Engineer.

23. The applicant shall provide and maintain a telephone contact number available 24 hours/7 days a week clearly posted on the system to allow City staff to immediately contact the system provider, satisfactory to the City Engineer.
24. The applicant shall provide a switch to allow City staff to immediately turn off the system, satisfactory to the City Engineer.

25. City staff should contact the applicant as soon as possible with notification of the emergency shut-off of the system, satisfactory to the City Engineer.

26. The applicant shall install and maintain a separate power meter for the project, satisfactory to the City Engineer.

27. The applicant shall hold the City of San Diego harmless for interrupted signal transmission due to a signal pole knock over in the event of an accident, due to an electrical power failure, an emergency shut-off or as a result of any maintenance activity, satisfactory to the City Engineer.

28. Upon written request by the City of San Diego, the applicant shall remove or relocate the system, or any part of the system, within 45 days at the applicant’s cost, satisfactory to the City Engineer.

29. The applicant shall inform the City and the City agrees to inform the applicant in the event of a knock over, satisfactory to the City Engineer.

30. The applicant shall shut down the system upon request of the City, and the City will notify the applicant in advance whenever possible of such request, satisfactory to the City Engineer.

31. Prior to any routine maintenance activity, the applicant shall notify the City a minimum of one work day in advance, satisfactory to the City Engineer.

32. A foundation analysis shall be required during the Public Improvement Plan Process, satisfactory to the City Engineer.

33. If the luminaire mounting height or length of mast arm of the new traffic signal standard does not match the appropriate State of California Department of Transportation Standard Plans drawing number ES-7C through ES-7H, a lighting study and a Deviation From Standards Form shall be provided during the Public Improvement Plan Process. If a lighting study is not required, the lamp type and wattage shall comply with The City of San Diego Street Design Manual, satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

34. Prior to issuance of construction permits for work in the public right-of-way, the Owner/Permittee shall submit complete landscape construction documents to the Development Services Department for approval. Plans shall be in substantial conformance to the approved Exhibit “A.”
35. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or “topping” of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

36. The Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

**PLANNING/DESIGN REQUIREMENTS:**

37. 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.

38. 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.

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

40. 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.”

41. No overhead cabling is allowed for this project.

42. Exposed mounting apparatus shall be removed and shall not remain on the traffic light standard absent antennas.

43. The Owner/Permittee shall not cause or allow the antennas located on the traffic light standard to be different sizes (length, width, or height) than as shown on the stamped approved plans and identified in this permit.

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

45. 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.

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

47. All cables shall be routed internally within proposed light standard.

48. The antennas shall be painted and textured to match the traffic light standard to the satisfaction of the Development Services Department.

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) 446-5349 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 March 19, 2014 and [Approved Resolution Number].
Permit Type/PTS Approval No.: CUP No. 1261279
Date of Approval: 3/19/2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Alex Hempton, AICP
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.

THE CITY OF SAN DIEGO
Owner

By ____________________________
SCOTT CHADWICK
CHIEF OPERATING OFFICER

T-MOBILE
Permittee

By ____________________________
MICHAEL FULTON
NETWORK MANAGER

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT
Internal Order 24003982

PROJECT NAME/NUMBER: T-Mobile Windy Ridge ROW/No. 333462
COMMUNITY PLAN AREA: Mira Mesa
COUNCIL DISTRICT: 6
LOCATION: 7598 1/3 Calle Cristobal, San Diego, CA 92126
(Northwest corner of the intersection of Calle Cristobal and Windy Ridge Way)

PROJECT DESCRIPTION: CONDITIONAL USE PERMIT (PROCESS 3) for the replacement of an existing Wireless Communication Facility (WCF) located within the right-of-way of Calle Cristobal. The project proposes the replacement of 3 existing panel antennas with 3 new panel antennas to be flush mounted to an existing 30' high 16” diameter traffic signal standard. In addition, existing equipment cabinet is proposed to be replaced with proposed equipment cabinet to be mounted on existing concrete pad. The project site is located in the RS-1-14 zone within the Mira Mesa Community Plan area, and Council District 6.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Development Services Department Hearing Officer (Process 3).

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Development Services Staff.

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The project has been determined to be exempt from CEQA pursuant to Sections 15301, 15302 and 15303. Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use. Section 15302 allows for the replacement or reconstruction of existing facilities where the new facility will be located on the same site as that replaced and will have substantially the same purpose and capacity as that being replaced. Section 15303 allows for the construction and location of limited numbers of new, small facilities and the installation of small, new equipment and facilities including, but not limited to, accessory structures. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project.

DEVELOPMENT PROJECT MANAGER: Alex Hempton, Project Manager
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA
On February 6, 2014 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 within 10 business days from the date of the posting of this Notice (February 25, 2014). The appeal application can 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.
Alex- SD07290 Windy Ridge was approved at the CPG last night 12-0-1.

Debra
ATTACHMENT 9

Note: No Ownership Disclosure Form is provided for this project as it is located in City of San Diego right-of-way.
SD07290
Windy Ridge
7594 Calle Cristobal San Diego CA 92126

PROPOSED REPLACEMENT ANTENNAS

PROPOSED REPLACEMENT EQUIPMENT CABINET

LOOKING NORTHEAST FROM CALLE CRISTOBAL

Page 1 of 3

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.
SD07290
Windy Ridge
7594 Calle Cristobal  San Diego  CA  92126

T Mobile

LOCATION

©2013 Google Maps

EXISTING

PROPOSED

Looking northwest from Calle Cristobal

PROPOSED REPLACEMENT ANTENNAS

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

LOOKING SOUTHWEST FROM WINDY RIDGE ROAD

ACCORDING TO PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.
T-Mobile – SD07290 Photo Survey
T-Mobile - SD07290 Photo Survey

1. View looking South @ North Elevation

2. View looking North from Site
T-Mobile – SD07290 Photo Survey

3. View looking West @ East Elevation

4. View looking East from Site
T-Mobile – SD07290 Photo Survey

5. View looking North @ South

6. View looking South from Site Elevation
7. View looking East @ West Elevation

8. View looking West from Site
1. Description of the location, type, capacity, field strength or power density, and calculated geographic service area of the proposed antenna or antenna array.

**LOCATION AND TYPE**

T-Mobile is requesting to modify the permit for the existing communications facility in in the Right of Way at N/W Corner of Calle Cristobal and Windy Ridge. The existing permit number is 490972 approved on December 10, 2008. The project consists of 3 antennas mounted to a 30' pole and two ground mounted 4'10" cabinets, one utility strong box and one microcell cabinet. T-Mobile proposes to replace the existing 3 antennas with 3 new Air antennas, and to swap the existing 4'10" microcell cabinet with a 5' replacement cabinet. This proposed medication will upgrade the facility to 4G capability. This existing facility is unmanned, operating 24 hours a day. The only visits to the site will consist of any emergency calls as well as regular maintenance visits once every four to six weeks.

**FREQUENCY AND POWER SPECIFICATIONS**

The transmitting frequency for the T-Mobile system is 1950-1965 Megahertz. The receiving frequency is 1870-1885 Megahertz.

**COVERAGE AND CAPACITY**

This on-air site provides T-Mobile coverage within the residential area to the south, east, north and west. Please refer to the coverage map that illustrates the coverage that this site provides and the coverage gap that would be created if the site went off-air. This site modification is required to provide 4G coverage in this area. In addition, the new antennas/cabinet will enhance the existing coverage area.

2. Location of all existing, proposed and anticipated wireless communications facilities in the Applicant/Permitee's network located within a 1 mile radius from proposed site.

Please see refer to justification map and to coverage maps.

3. **A description of how the proposed facility fits into, and is a necessary part of, the Applicant/Permitee’s network.**

This on-air site provides T-Mobile coverage within the residential area to the south, east, north and west. Please refer to the coverage map that illustrates the coverage that this site provides and the coverage gap that would be created if the site went off-air. This site is required to maintain coverage in this area.

4. If the proposal does not include co-location, written documentation of all efforts made to co-locate at another site, and a justification for the decision not to co-locate.
This facility is on-air. T-Mobile is requesting a renewal of the use permit for this facility. There will be no change to the existing facility.

5. **Discuss Alternative Sites and why they were not selected.**

This is an existing on-air facility located in the Right of way. Alternative sites were not evaluated. The search ring is entirely residential. The original site was selected because of its height above the coverage area and ability to fill the coverage gap and connect to surrounding sites. T-Mobile is requesting that the permit for this existing site be modified to allow 4G upgrade.

6. **Noise Information for sites located near residential**

This site is located adjacent to residential and there are no air conditioning units associated with this project.
Calle Cristobal, existing equipment is Micro equipment with low output power and also the existing equipment does not allow us to provide LTE technology.
The upgraded cabinet and antennas provide a greatly expanded coverage area for in-building and in-car coverage. It allows the site to provide LTE technology.
DATE OF NOTICE: March 5, 2014

NOTICE OF PUBLIC HEARING
HEARING OFFICER
DEVELOPMENT SERVICES DEPARTMENT

<table>
<thead>
<tr>
<th>DATE OF HEARING:</th>
<th>March 19, 2014</th>
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<tbody>
<tr>
<td>TIME OF HEARING:</td>
<td>8:30 A.M.</td>
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<tr>
<td>LOCATION OF HEARING:</td>
<td>Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101</td>
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<tr>
<td>PROJECT TYPE:</td>
<td>CONDITIONAL USE PERMIT, PROCESS 3</td>
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<tr>
<td>PROJECT NO:</td>
<td>333462</td>
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<td>PROJECT NAME:</td>
<td>T-MOBILE – WINDY RIDGE ROW</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>DEBRA GARDNER DEPRATTI, DEPRATTI, INC., AGENTS REPRESENTING T-MOBILE</td>
</tr>
<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>MIRA MESA</td>
</tr>
<tr>
<td>COUNCIL DISTRICT:</td>
<td>District 6</td>
</tr>
<tr>
<td>CITY PROJECT MANAGER:</td>
<td>Alex Hempton, Development Project Manager</td>
</tr>
<tr>
<td>PHONE NUMBER/E-MAIL:</td>
<td>(619) 446-5349 / <a href="mailto:ahempton@sandiego.gov">ahempton@sandiego.gov</a></td>
</tr>
</tbody>
</table>

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Wireless Communication Facility (WCF) consisting of three panel antennas mounted on a traffic light standard. Equipment cabinets associated with the antennas are located above-ground adjacent to the light standard. The project is located at 7598 1/3 Calle Cristobal, in the public right-of-way, at the northwest corner of Windy Ridge Way and Calle Cristobal.

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 2/6/2014 and the opportunity to appeal that determination ended 2/25/2014.

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: 24003982

Revised 04/08/10 HRD
**LANDSCAPING NOTES**

1. All landscaping and irrigation shall conform to the standards of the City of San Diego Land Development Manual, Landscape Section, and all other landscape-related City of San Diego standards.

2. Minimum root separation distance:
   - Irrigation system elements to street tree: 10 feet
   - Irrigation system elements to sidewalk: 6 feet
   - Irrigation system elements to property line: 3 feet
   - Underground utility lines: 3 feet (or for service)

3. Intersections of underground utility lines shall be postmarked with appropriate伽 utility marker at time of installation, in accordance with the standards in the City of San Diego Land Development Manual, Landscape Section.

4. Permanent: All aerial and underground utility lines shall be provided with permanent protective measures, such as a protective covering, in accordance with the standards in the City of San Diego Land Development Manual, Landscape Section.

5. Maintenance: All required landscape areas shall be maintained by the City of San Diego Parks and Recreation Department. Landscaping and irrigation areas in the public right-of-way shall be maintained by the City of San Diego Parks and Recreation Department. The landscape area shall be maintained free of weeds and brush, and all plant material shall be maintained in a healthy green condition. Annual deadheading and removal of dead plant material shall be performed as necessary.

6. Existing irrigation system to remain in place for proper irrigation, repair, and placement of new plant material. To ensure proper soil coverage for these areas.

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**LEGEND**

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<tr>
<td>Groundcover</td>
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<tr>
<td>Irrigation Lines</td>
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<td>Irrigation Lines</td>
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</table>

**LANDSCAPE DEVELOPMENT PLAN**

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**ATTACHMENT 14**

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**DEVELOPMENT PLAN**

**CALLE CRISTOBAL & WINDY RIDGE WAY**

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**THESE PLANS ARE NOT FOR CONSTRUCTION**

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**SHEET 8 OF 8**