REPORT TO THE HEARING OFFICER

HEARING DATE: May 28, 2014 REPORT NO. HO 14-031

ATTENTION: Hearing Officer

SUBJECT: T-Mobile – Avenida Venusto ROW
PTS PROJECT NUMBER: 333439

LOCATION: 16000 block of Avenida Venusto, in the public right-of-way, on the south side of Avenida Venusto, near Caminito Ryone

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 Rancho Bernardo Community Plan area?

Staff Recommendation: DENY Conditional Use Permit No. 1268019.

Community Planning Group Recommendation: The Rancho Bernardo Planning Board (RBPB) voted unanimously to deny the proposed modification on February 20, 2014. The RBPB and the surrounding sub-area Homeowner Associations are opposed to the modification due to concerns with the negative visual impacts to the surrounding neighborhood. The RBPB discussed potential issues with the City of San Diego General Plan and the Municipal Code requirements for Wireless Communication Facilities in their vote to oppose the T-Mobile modification (Attachment 8).

Environmental Review: This project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines sections 15301 (Existing Facility), 15302 (Replacement/Reconstruction), and 15303 (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 17, 2014, and the opportunity to appeal that determination ended May 2, 2014. (Attachment 7)

BACKGROUND & DISCUSSION

Wireless Communication Facilities (WCF) are permitted within the public Right-Of-Way (ROW) 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. In this case, a Conditional Use Permit, Process 3 review is required because the WCF is adjacent to a residential use with above-ground equipment.

T-Mobile and other wireless service providers have the objective 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 zone with above-ground equipment.

T-Mobile’s original WCF at this location was approved December 10, 2008 by the Hearing Officer with CUP No. 490498. The previous CUP allowed for one cylindrical antenna, located at the top of a new light standard, along with above-ground equipment cabinets. T-Mobile is now proposing to remove the single cylindrical antenna and instead install three panel antennas. The above-ground equipment cabinet is proposed to be replaced. Sheet 7 of the plan set (Attachment 13), provides a detail of the existing and proposed antennas.

The City has consistently required all WCFs to consider the overall neighborhood visual impacts in relation to the proposed modification especially when the site is next to an existing sensitive use. This WCF is located on a street defined as a two-lane collector street within the Rancho Bernardo Community Plan. This two-lane street serves to move traffic in local areas and carry it to major streets. Collector streets are also designed to provide direct access to abutting properties. Keep in mind, these smaller streets are located closer to residential uses and any WCF within the ROW must be designed to take this into consideration. The combination of replacing the current integrated cylindrical antenna design with three very visible larger antennas at a location that is immediately adjacent to residential uses would result in an undesirable visual impact and set a precedent for other obtrusive ROW designs near sensitive uses.

Throughout the process, staff requested T-Mobile to consider alternative designs that comply with the regulations as well as obtaining support from the Rancho Bernardo Planning Board. The City has supported a WCF at this location and will continue to do so only if the design is appropriately integrated into the neighborhood context. Consideration to install additional sites should be evaluated to reduce antenna size and count that would be more appropriate with the current setting.

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 does not comply with the General Plan recommendations after evaluating the proposed modification in relation to the adjacent sensitive use. In this instance, the proposed modification to replace a cylindrical antenna design with three façade mounted panel antennas is neither aesthetically pleasing, nor respectful of the neighborhood context based on the size and
location. This design can only be supported if the facility was located further away and set back from the residential use to help reduce the visual impacts, or if smaller antennas were mounted to the light standard. An alternative design that addresses both the General Plan and the Municipal Code’s requirement for WCF would be required if T-Mobile prefers to remain at their current location. At a certain point, T-Mobile’s coverage, capacity and technology needs may require a different location able to accommodate the antennas and equipment. One location to consider would be the City Water Tank facility located northeast of the current WCF location. This City water tank property is located at a higher elevation and should be properly evaluated as an alternative location. Unfortunately, no discussions or site justifications were submitted to staff indicating that this site was ever evaluated. Instead, the Justification Letter (Attachment 11) simply states that “this is an existing on-air facility in the Right of way. Alternative sites were not evaluated…”

Pursuant to Land Development Code Section 141.0420(g)(1) and 141.0420(g)(2), staff was not provided with any evidence throughout the review process that any alternative designs were considered despite repeated requests. Alternative designs in this instance may include but not be limited to a smaller antenna model, a different antenna design, and/or a reduced antenna count. The combination of the visual impacts and possibly setting a precedent for other obtrusive ROW designs would go against the purpose and intent of the General Plan’s objectives for WCF. As a result, staff supports the RBPB’s recommendation to deny the project and the findings for Conditional Use Permit 1268019 cannot be made in the affirmative.

ALTERNATIVES

1. Approve Conditional Use Permit No. 1268019, with modifications if the Hearing Officer makes written findings based on substantial evidence.

Respectfully submitted,

Simon Tse
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. Environmental Exemption
8. Community Planning Group Recommendation
9. Photo Simulations
10. Photo Survey
11. Site Justification/Coverage Maps
12. Hearing Officer Hearing Public Notice
13. Project Plans
14. Project Chronology
Aerial Photo
T-Mobile Avenida Venusto - Project No. 333439
Public Right-of-Way (Southwest corner of Caminito Ryone & Avenida Venusto)
San Diego, CA 92128
Community Land Use Map (Rancho Penasquitos)
T-Mobile Avenida Venusto - Project No. 333439
Public Right-of-Way (Southwest corner of Caminito Ryone & Avenida Venusto)
San Diego, CA 92128
Project Location Map
T-Mobile Avenida Venusto - Project No. 333439
Public Right-of-Way (Southwest corner of Caminito Ryone & Avenida Venusto)
San Diego, CA 92128
# PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>T-Mobile Avenida Venusto</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Conditional Use Permit to modify an existing Wireless communication facility that consists of three replacement antennas and one replacement ground mounted equipment.</td>
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<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Rancho Bernardo</td>
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<tr>
<td>DISCRETIONARY ACTIONS:</td>
<td>Conditional Use Permit</td>
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<tr>
<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

## ADJACENT PROPERTIES:

<table>
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<tr>
<th>PROPERTY</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
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<td>NORTH</td>
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## DEVIATIONS OR VARIANCES REQUESTED:

None

## COMMUNITY PLANNING GROUP RECOMMENDATION:

The Rancho Bernardo Planning Board (RBPB) voted unanimously to deny the proposed modification on February 20, 2014.
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 mounted on a light standard with 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. 1268019);

WHEREAS, the project site is located in the public right-of-way, on the south side of the 16000 block of Avenida Venusto near the intersection of Caminito Ryone and Avenida Venusto in the RS-1-14 zone of Rancho Bernardo Community Plan area;

WHEREAS, on April 17, 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 Facility), 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 May 28, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1268019 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 May 28, 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.
In some cases, wireless carriers propose to locate their equipment associated with the antennas in underground, climate controlled vaults. With this particular project, T-Mobile is proposing to locate the equipment in two above-ground cabinets.

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 (NUP), Process 2. In this case, the equipment is proposed above-ground, and a Conditional Use Permit, Process 3 is required.

The Telecommunication Act of 1996 limits the authority of local jurisdictions to manage the public rights-of-way. Management of the rights-of-ways is limited to preserving the physical integrity, controlling the orderly flow of vehicles and pedestrians and managing utilities. Similarly, the California Public Utilities Code provides municipalities with the right to exercise reasonable control over the rights-of-ways with respect to time, place, and manner as it relates to wireless communication facility installations. These statutes address the traditional management of rights-of-ways, but do not provide for any type of aesthetic control.

For this project, T-Mobile’s antennas have been incorporated into the design of a street light standard similar to other approved facilities. However, the project is located immediately adjacent to residential uses creating a greater visual impact as a result when comparing this site to other similarly designed WCF. In other approved WCFs in the ROW with this design, they are typically set back from residential uses. The combination of replacing the current integrated cylindrical antenna design with three highly visible larger antennas at a location that is immediately adjacent to residential uses would result in an undesirable visual impact and set a precedent for other obtrusive ROW designs near sensitive uses. Additionally, staff was not provided with any evidence throughout the review process that any alternative designs were considered despite repeated requests. Alternative designs in this instance may include but not be limited to a smaller antenna model, a different antenna design, and/or a reduced antenna count. As a result, staff cannot make this finding since the project failed to meet the General Plan’s UD-A.15 which requires all WCFs to be aesthetically pleasing and respectful of the neighborhood context.

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

The project consists of three panel antennas mounted on a street light standard, along with above-ground equipment cabinets, located adjacent to the light standard. The project is located in the public right-of-way on the south side of the 16000 block of Avenida Venusto near the intersection of Caminito Ryone and Avenida Venusto in the Rancho Bernardo community plan area.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to 15301 (Existing Facility), 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 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

The Land Development Code (LDC) permits Wireless Communication Facilities (WCF) in the public right-of-way, with above-ground equipment, with the processing of a Conditional Use Permit (CUP), Process 3. WCFs are required to be minimally visible, through the use of architecture, landscape architecture, and siting solutions. In this case, T-Mobile proposes to locate the antennas on an existing light standard, at the top of the light standard. (In 2008, T-Mobile received approval for a WCF consisting of a single cylindrical antenna, mounted to the top of the light standard. This approval will remove the cylindrical antenna and replace it with three panel antennas.) Typically, the City’s preference is for antennas to be located below the light source. However, in this case, T-Mobile has indicated that they need the additional height in order to meet their coverage objective. Other approved WCFs in the ROW with this design are typically set back from residential uses. Due to the project’s design and the adjacent residential use, staff cannot support T-Mobile’s modification as requested. Pursuant to Land Development Code Section 141.0420(g)(1) and 141.0420(g)(2), staff was not provided with any evidence throughout the review process that any alternative designs were considered despite repeated requests. Alternative designs in this instance may include but not be limited to a smaller antenna model, a different antenna design, and/or a reduce antenna count. At a certain point, T-Mobile’s coverage, capacity and technology needs may require a different location able to accommodate the antennas and equipment. One location to consider would be the City Water Tank facility located north east of the current WCF location. This City Water Tank property is located at a higher elevation and should be properly evaluated as an alternative location. This project does not comply with the applicable regulations of the Land Development Code (LDC), specifically the Wireless Communication Facility regulations, LDC section 141.0420 which requires the applicant to utilize the smallest, least visually intrusive antennas; components and other necessary equipment. The LDC also requires all WCF to use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. The proposed modification application has failed to address the LDC Regulations for WCFs, and therefore, staff cannot make this finding that the proposed development will comply with the regulations of the Land Development Code.

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 a street light standard. The street light is located on Avenida Venusto, which is classified as a two-lane collector street designed to provide direct access to abutting properties. In this instance, the direct properties are residential uses. Other approved WCF's in the ROWs with this design are typically set back from residential uses. For this design, the visual impacts can only be reduced by relocating the pole back further away from residential uses. However, if the applicant would like to pursue the current location, the design must then be modified to address the General Plan’s requirement and the LDC Regulations for these types of installations.

Staff approved the original cylindrical antenna design for a WCF at this location after evaluating the existing coverage combined with a design that is appropriate for the neighborhood context. The visual impacts as a result of this modification adjacent to a residential use would set a precedent for other obtrusive ROW designs and therefore, staff cannot make this finding that the proposed use with the requested modification 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. 1268019 is hereby NOT GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1268019, a copy of which is attached hereto and made a part hereof.

Simon Tse
Development Project Manager
Development Services

Adopted on: May 28, 2014

Internal Order No. 24003977
INTERNAL ORDER NUMBER: 24003977

CONDITIONAL USE PERMIT (CUP) NO. 1268019
RESCIND CUP NO. 490498
T-MOBILE AVENIDA VENUSTO
PROJECT NO. 333439
HEARING OFFICER

This CONDITIONAL USE PERMIT NO. 1268019 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 126.0305, 131.0401 and 141.0420. The site is located in the public right-of-way on the 16000 block of Avenida Venusto Right-of-Way on the south side of Avenida Venusto, near Caminito Ryone in the RS-1-14 zone of the Rancho Bernardo Community Plan area.

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 May 28, 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 a street light standard, with two above-ground equipment cabinets located adjacent to the light standard;

b. This light standard is for the primary purpose of street illumination, but may have the secondary purpose of accommodating Permittee’s Operations on the Premises.

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 11, 2017.

2. This CUP and corresponding use of this site shall expire on June 11, 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 Avenida Venusto 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 Avenida Venusto Right-of-Way.

16. 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.

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. 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.

19. 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.

GEOLOGY REQUIREMENTS:

20. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

TRANSPORTATION REQUIREMENTS:

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

22. 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.

23. The applicant shall protect any City property removed as part of the project and return said property, satisfactory to the City Engineer.
24. The applicant shall provide a Public Improvement Plan including a Traffic Control Plan, satisfactory to the City Engineer.

25. The applicant shall provide and maintain a telephone contact number available 24 hours/7 days a week clearly posted on the pole at eye level to allow City staff to immediately contact the system provider, satisfactory to the City Engineer.

26. The applicant shall provide a switch to allow City staff to immediately turn off the system, satisfactory to the City Engineer.

27. 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.

28. The applicant shall install and maintain a separate power meter for the project, 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 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.

31. 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.

32. 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.

33. 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.

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

35. The material of the proposed street light standard shall match the appropriate material shown in City of San Diego Standard Drawing SDE-101 or the existing street light standard that is to be replaced, satisfactory to the City Engineer.

36. If the luminaire mounting height or length of mast arm of the proposed street light standard does not match City of San Diego Standard Drawing SDE-101 or the existing street light standard that is to be replaced, 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.
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 light standard absent antennas. The mast shall be removed if no antennas are present.

43. The Owner/Permittee shall not cause or allow the antennas located on the 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 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) 687-5984 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 May 28, 2014 and [Approved Resolution Number].
ATTACHMENT 6

Permit Type/PTS Approval No.: CUP No. 1268019
Date of Approval: 5/28/2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Simon Tse
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 – REAL ESTATE ASSETS DEPT.
Owner

By __________________________
KRISTIN GEITZ
INTERIM DIRECTOR

T-MOBILE
Permittee

By __________________________
MICHAEL FULTON
NETWORK MANAGER

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

TO: X RECORDER/COUNTY CLERK
    P.O. Box 1750, MS A-33
    1600 PACIFIC HWY, ROOM 260
    SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
      DEVELOPMENT SERVICES DEPARTMENT
      1222 FIRST AVENUE, MS 501
      SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
    1400 TENTH STREET, ROOM 121
    SACRAMENTO, CA 95814

PROJECT NO.: 333439
PROJECT TITLE: T-Mobile Avenida Venusto

PROJECT LOCATION-SPECIFIC: 15990 Avenida Venusto, San Diego, CA 92128
PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: CONDITIONAL USE PERMIT (CUP) for modifications to an existing wireless communication facility (WCF) located within the public right-of-way. The project consists of a replacement, 30-foot-tall light standard to which three panel antennas would be mounted, and one replacement ground-mounted equipment cabinet. The new light standard would be located several feet south/southeast of the existing standard. All of the existing coax cable will remain. The project site is zoned RS-1-14 and is within the Rancho Bernardo Community Plan area of Council District 5.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego


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))
(✓) CATEGORICAL EXEMPTION: 15301 (Existing Facilities); 15302 (Replacement/Reconstruction); and 15303 (New Construction)

REASONS WHY PROJECT IS EXEMPT: 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 of existing facilities where the new facility will be located on the same site as the structure replaced and will have substantially the same capacity as the facility replaced. Section 15303 allows for the construction and location of limited numbers of new, small facilities. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project.

LEAD AGENCY CONTACT PERSON: M. Blake
TELEPHONE: (619) 446-5375

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

MARTHA BLAKE/SENIOR PLANNER
MAY 8, 2014
DATE

CHECK ONE: (X) SIGNED BY LEAD AGENCY ( ) SIGNED BY APPLICANT
DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:
ITEM #1 CALL TO ORDER/ROLL CALL – REGULAR MEETING: The meeting was called to order by Richard House, chair, at 7:05 pm. A quorum was met with 11 out of 12 members present.

ITEM #2 NON-AGENDA PUBLIC COMMENT (3 minutes per speaker): None.

ITEM #3 MODIFICATIONS TO AGENDA / ADOPT DRAFT AGENDA: Richard House suggested adding an item referring to ‘doing business’ with the election committee, commenting there was no advertisement of the elections in the local paper the previous week, only this week. He commented there is some confusion on voting locations. He also commented a person submitted a declaration of candidacy to him, but the person was not on the ballot. Richard House/Joe Dirks made the motion to place his election concerns on the agenda, including adding Kathy Keehan to the ballot. Adding an agenda item requires 2/3 approval of the full board (eight people). During discussion, Election Committee Chair Lou Dell Angela commented that he never received Kathy Keehan’s declaration of candidacy form from Richard House and that all this information, along with other details, are going to be discussed under the election report later on in the agenda and that it is the Election Committee which makes election process decisions. Roberta Mikles commented she supports what Lou Dell Angela stated. Robin Kaufman commented she ran into Kathy Keehan the week prior to this meeting, asking Kathy why she was at the January meeting. Robin informed everyone that Kathy told her the Richard House had approached her, encouraging her to run and that she gave Richard her candidacy form. Robin commented she informed the Kathy the ballots were already out, minus her name and encouraged Kathy to contact Lou (giving Kathy Lou’s telephone number) if she still wanted to be on the ballot. Motion failed: 5-6-0 ... five in favor (Richard House, Mike Lutz, Vicki Touchstone, Matt Stockton, Fred Gahm; 6 not in favor (Joe Dirks, Teri Denlinger, Lou Dell Angela, Roberta Mikles, Wolfie Pores, Robin Kaufman). 

-Motion made Vicki Touchstone/Mike Lutz to approve agenda – motion passed unanimously.

Assemblyman Brian Maienschein’s Report: The Assemblyman commented on the following topics:
- deadline for bills is this Friday;
- background checks on all youth sports coaches passed;
- there’s a bill that is heading towards the Senate pertaining to sexual offences against physically and mentally challenged individuals;
- homeless housing initiative;
- commented on the passing of Myrna Reese and Mark Brenner.

**Councilmember Kersey's Representative – Lee Friedman:** Lee commented on the following topics:
- discussed the Mayoral elections and Interim Mayor;
- the pile of sand and utility box poles along West Bernardo Drive are being addressed;
- code enforcement is working with the issue of advertising trucks parked in the community;
- route 880 (public transportation) in RB no longer exists. MTS will be working on an alternative route for one year;
- City council is working on E-cigarette regulations;
- AEDs have been placed in some police patrol vehicles;
- the regulation on RVs, etc., parking on the streets has passed but there has yet to be funding for it.

**ITEM #4 CHAIR REMARKS:** None.

**ITEM #5 ADMINISTRATIVE ITEMS:**

**RBPB candidate Scott Hall left at 7:45 pm**

- Review and approve January 16, 2013 minutes: Richard House requested that the word ‘Sharp Reese’ be removed from item #9 and replaced with ‘a medical facility’. Motion made Vicki Touchstone/Robin Kaufman to accept with modification. Motion passed 7-0-4. Those who approved minutes: Joe Dirks, Fred Gahm, Richard House, Robin Kaufman, Mike Lutz, Roberta Mikles, Vicki Touchstone. Four abstained as they were not present in January: Teri Denlinger, Lou Dell Angela, Wolfie Pores, Matt Stockton.

- Approve to spend the remaining $75 grant money towards election costs, the remaining election costs will come from the general fund: Motion made Joe Dirks/Vicki Touchstone to approve the spending of the remaining grant funds and to approve $120 for the elections this year (with the $75 being part of the funds). Motion passed unanimously.

- Review and approve February 2014 Treasurer's report: Fred reported we presently have $404.34 in the bank, making $1.36 interest. Motion made Joe Dirks/Vicki Touchstone to approve treasurer's report. Motion passed unanimously.

**ITEM #6 T-MOBILE APPLICATION AT 15890 AVENIDA VENUSTO 92128 TO REMOVE AND REPLACE LIGHT STANDARDS:** Install 30 foot high light standard with attached new antennas. The existing equipment cabinet is also proposed to be removed and a new cabinet installed near the new light standard. Ann Regan representing the project, presented the information. Ms. Regan commented that one resident in the extreme proximately of the project has signed off on it, with two other neighbors still reviewing the information. Resident George Leitner commented that surrounding sub-area HOAs are opposed of the project. Representatives from Woodcrest Height, Bernardo Village, and Vista de Bernardo HOAs were present and confirmed they were opposed to the project. Opposition has to do with potential issues with the general plans and municipal codes and that it would have a significant negative impact on neighboring properties. Motion made Lou Dell Angela/Fred Gahm to deny this project due to adverse aesthetics to the surrounding neighborhood, potential issues with the general plan as well as municipal codes, and that three surrounding sub-area HOAs oppose the project. Motion passed unanimously.

**ITEM #7 T-MOBILE APPLICATION TO REPLACE 3 EXISTING ANTENNAS WITH REPLACEMENT ANTENNAS:** Will also install 3 additional antennas (6 total) on a light pole located along the south side of RB High School football/sports stadium. Property is located at 13010 Paseo Lucido. Lou Dell Angela reported the Development Review Committee reviewed the project and is recommending to approve it. Ann Regan presented the project. Mike Lutz commented there may be some excessive noise coming from the box. Ann said she would look into the matter. Motion made Lou Dell Angela/Wolfie Pores to approve the project. Motion passed unanimously.

**ITEM #8 VERIZON APPLICATION TO INSTALL 12 PANEL ANTENNAS AND A 4 FOOT MICROWAVE DISH:** Located within an architectural tower element on the roof of a Commercial building in the Bernardo Plaza Shopping Center,
16771 Bernardo Center Drive. Application also includes construction of a 416 square foot enclosure containing a generator and associated equipment. Lou Dell Angela commented the Development Review Committee reviewed the project and is recommending to approve it. Motion made Lou Dell Angela/Roberta Mikles to approve the project. Motion passed unanimously.

**RBPB candidate Kathy Tuttle left at 8:27 pm

**ITEM #9 SAN DIEGUITO RIVER PARK JPA AGREEMENT RENEWAL:** The San Diego City Council is likely to consider this amended Joint Exercise of Powers Agreement late February. This new document amends and replaces, in its entirety, the Joint Exercise of Powers Agreement between the County of San Diego and the cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. Vicki Touchstone presented the information and recommended a letter be sent (which she will draft) to include the following: Having reviewed the Amended Joint Exercise of Powers Agreement for the San Dieguito River Valley Regional Open Space Park Joint Powers Authority at our February meeting, the Rancho Bernardo Community Planning Board passed a motion unanimously to support the approval of the amended Agreement with the assumption that the term of the agreement will be consistent with the City Charter. Specifically, the Planning Board voted to recommend to the Mayor and City Council that the JPA Agreement be approved by the City of San Diego, and further that the City Council reaffirm its support of the San Dieguito River Park JPA, recognizing the great benefits the San Dieguito River Park has and will continue to provide to the citizens of San Diego.

**RBP resident John Kowalski left at 8:31 pm.

**RBPB candidate Julie Prosin left at 8:35 pm.

**ITEM #10 HATS OFF TO VOLUNTEER EVENT:** Designate an honoree for this year’s Hats Off to Volunteer Event. Richard House/Vicki Touchstone made a motion to have Mike Lutz be the Hats Off to Volunteers recipient this year. Motion passed unanimously. Vicki Touchstone suggested we also request a table/booth at the event. Richard House said he will call Jane Radatz tomorrow with the information and also that we would like a table/booth at the event.

**ITEM #11 SPEED LIMIT CHANGES ON POMERADO RD:** Richard House reported he met with Gary Pence and his staff from the traffic department three weeks ago. It was suggested the residents in that area be informed they should sign a petition regarding the speed limit change. Any changes back to original speed limits will not be enforceable. Robin Kaufman, traffic committee chair commented she informed residents at the October, 2013 traffic committee meeting of the state mandated 85 percentile rule and that speeds would not be enforceable if they were lowered back to the original speeds. Robin Kaufman noted this information is in the October, 2013 traffic committee minutes as well as the November, 2013 full board minutes. Richard House commented in his conversations with the city he was informed they will not do another survey as requested in the letter sent by the planning board in December, 2013. The planning board requested a response in writing instead of verbal communication relayed via Richard House. Richard House commented the City will not accept the motion in our previous minutes as they want clarification that the surrounding community is aware that the speed limits will not be enforceable if brought down to the original speed limits. Motion made Richard House/Wolfie Pores that we as a board act on the community’s request to reduce the speed limit from 50 mph back down to 45 mph with the stipulation the residents understand it will not be enforceable. In discussion, Robin Kaufman read the January, 2013 motion which included the request of a new survey and the reduction of 40 mph to 35 mph by Pomerado Court and the church. Richard House said the city needed minutes that only have information on the 45 mph to 50 mph, which did not include the speed survey since they do not plan on doing another survey. Vicki Touchstone was concerned that the traffic department will only accept what is in minutes as opposed to letters sent to them. She also voiced concerns that copies of all our letters to anyone in the city should be sent to our council office. Robin commented that Tony Kempton, our City Planner, has also requested copies of all letters. The minutes in January did stipulate copies to be sent to our Assemblyman and Councilman. Vicki also asked for clarification of locations since the letters and minutes reflected two locations – the 45 mph to 50 mph as well as the 35 mph to 40 mph by the church and Pomerado Court. Richard commented the 35 mph to 40 mph has nothing to do with the issue at hand. Motion failed 5-4-2. 5 in favor wer Wolfie Pores, Matt Stockton, Fred Gahm, Richard House, Mike Lutz, 4 not in favor were Joe Dirks, Vicki Touchstone, Roberta Mikles, Robin Kaufman; 2 who abstained were Lou Dell Angela and Teri Denlinger abstained as they was not clear on the matter. Vicki Touchstone and others commented afterwards that they wanted explanation in the records that they
voted against the motion because Richard House did not make the motion that we originally voted on (which included the speed change from 35 mph to 40 mph by Pomerado Court and the church).

**ITEM #12 MARCH BOARD MEETING PROCEDURE:** Richard House commented that in past years (excluding last year) that we had two portions of the March meeting. First half to take care of any old business, then we would adjourn and bring forward the new board. Lou Dell Angelo, Election/Nominating Committee Chair, commented those procedures are incorrect as according to Council Policy and the bylaws, new members are seated during the April meeting as well as the election of new officers. Lou then proposed Richard House run the March meeting and that the Election/Nominating Committee Chair run the April meeting until such time as the new Chair is elected. Robin Kaufman quoted the bylaws, Article 5, Section 4 stating the members are announced at the end of the March meeting, with the board voting on it and then new members are seated at the April meeting. A motion was made Robin Kaufman/Joe Dirks that we have Richard run the March meeting, with the Election/Nominating Chair, Lou Dell Angela, running the April meeting, seating the new members at that time. Once the new Chair is elected, that person will then take charge of the April meeting. **Motion passed unanimously.**

**ITEM #13 MARCH BOARD OFFICER PROCEDURE:** Richard House announced it was already agreed upon in the previous item that the Election/Nominating Chair, Lou Dell Angela, will call the April meeting to order, seat the new members and conduct the election of the new board chair. At that time, the new board chair will preside over the meeting.

**ITEM #14 COMMITTEE REPORTS:**

- **Bylaws:** Richard House reported he’s writing up the new bylaws from committee notes and prefers to wait until the April meeting when new members are seated and CPC may be done making their recommendations on any updates. Lou Dell Angela addressed concerns that he was not aware the election procedures had been addressed by the bylaws adhoc committee.

- **Development Review:** Nothing more as the items from the last subcommittee meeting were addressed this evening.

- **Regional Issues:** No meeting in March. Draft minutes were sent to committee members.

- **Traffic and Transportation:** No meeting.

**Fred Gahm left meeting at 9:33 pm**

**Publicity and Elections:** Committee Chair Lou Dell Angela reported the following:
- Lou passed out a copy of the ballot
- the ballot addressed all candidates
- announced there are two contested races (districts A & B)
- Casa de las Campanas has one ballot box, Westwood has one ballot box, Eastview has one ballot box. Those are the areas which have contested races.
- Lou spoke to Tony Kempton, city planner, regarding all the procedures.
- four seats are still vacant.
- all candidates require one vote.
- all candidates received election procedures, including rules on electioneering.
- the election committee chose not to use the 2 envelopes, just one.
- a yellow sign in sheet is being used.
- issues have been that bylaws are inconsistent: ie: can submit 10 days prior, but then says deadline is January 31.
- suggested election procedures start much earlier next year, as opposed to waiting until January. He commented the committee was handed the task under a short time period due to the previous committee chair, Eugenia Contratto, stepping down from the planning board. New people had to be appointed to the committee and that they were doing the best they could under the circumstance.
- Meeting clarification is needed on whether a candidate attends partial or full board meeting. The board unanimously approved on January 23, 2013 to require candidates to attend a full board meeting. Lou commented Tony Kempton was made aware of this and reported Tony commenting if the board voted on that procedure, then the board needs to follow it, whether or not it is presently in the bylaws.
  - Richard House asked who was in attendance at the last election committee meeting. Lou mentioned all people in attendance. Richard asked if Lou could send a copy of the minutes
- Roberta Mikles commented that three separate people at the Oaks North club commented to her that Richard House was at their club taking photos and telling Oaks North club members that the election committee was out of compliance with the rules and the procedures. Roberta was upset by the comments made to her.

- Lou asked Richard why he didn't approach Lou about any concerns with the election procedures.

- Teri Denlinger commented her club (Eastview) contacted her with similar concerns.

- Richard House commented he was told by the city we were to notice all the community centers about the elections because according to Richard, it was not in the paper last week, only this week.

- Roberta Mikles asked Richard if he let the election committee know this. Richard gave no response.

- Lou Dell Angela asked Richard if he was trying to undermine the whole election procedures. Richard said no.

- Lou Dell Angela commented Richard was not playing fair and that he was undermining the entire board with his actions.

- Richard House changed the subject by asking what we should do about Kathy Keehan. Richard House said he gave Lou Dell Angela Kathy's Declaration of Candidacy. Lou insisted he never received her form.

Robin Kaufman explained she attended a meeting in the community on Feb. 13 and asked Kathy about her attendance at the January board meeting. She said she was there at the request of Richard as he wanted her to run for a position on the board. Robin informed Kathy that the ballot had been out for a week and she was not on the ballot. Robin explained she informed Kathy to contact Lou about it as he is the committee chair. Kathy commented it was okay, but Robin gave Kathy Lou's telephone number. Robin asked Lou a few days later if Kathy ever contacted Lou. Lou said he did not hear from her. Robin explained she emailed Kathy about it. Kathy informed Robin that she contacted Richard about it right after the meeting the evening of Feb. 13th. Richard waited a full week after being notified by Kathy (tonight's meeting) to bring the information to the attention of the election committee.

ITEM #15 LIAISON REPORTS:

- Industrial: None.
- Commercial: None.
- Community Council: see attached document.
- CPC: Richard House reported there were amendments to the food truck ordinance and other codes. It will then go to City Council for final approval.

ITEM #16 Old Business: None.

ITEM #17 New Business: Richard House commented he has a document from the city in regard to the issue of 2/3 majority vs a simple majority present. He commented he would send that out to everyone so we can all be on the same page on the subject.

ADJOURNMENT: Motion made Richard House/Lou Dell Angela to adjourn at 9:45 pm. Motion passed unanimously.

Respectfully submitted by Robin Kaufman
- The County reached out to the RB Community Council to host ‘Love Your Heart’ day in the community. The County wide event was a one-day event taking place on Valentine’s Day throughout San Diego County by activating residents to take charge of their own heart health and ‘know their numbers’ by providing free blood pressure screenings throughout the county. The RB Community Council gave all participants a reusable cloth shopping bag with various items in it. Over 100 attended the event.

- The Government Relations Committee in conjunction with the Public Safety committee drafted a letter to all our local, state and federal representatives, requesting that AEDs become mandatory in all public schools in our state. At this time, only 19 states require some of their schools to have AEDs and only Hawaii and Oregon mandate it in every public school. The letter has been well received.

- The Public Safety Committee dealt and resolved an issue in 7 Oaks.

- The Public Safety Committee had the city re-slurry parts of West Bernardo Drive due to safety issues.

- The Community Council was able to have a pile of debris along West Bernardo Drive removed after being there for more than a month.

- The Community Council is in the process of planning the fourth annual community wide sidewalk chalk event taking place the first Saturday in March. Over 800 people have participated in the event in the past three years.

- The Community Council begins its election process in March in conjunction with the Recreation Council.

- The Government Relations Committee is working in conjunction with various service dog organizations to enforce stricter rules/guidelines on what are real service dogs. The RB Community Council reached out to our Supervisor after discovering County animal control was giving people ID tags stating their dogs were service animals if people gave them certain documentation. The County has now stopped doing this since just about anyone can obtain the tags.
SD06593A
Avenida Venusto
15990 Avenida Venusto San Diego CA 92128

PROPOSED REPLACEMENT ANTENNAS

Accuracy of photo simulation based upon information provided by project applicant.
ATTACHMENT 9

SDO6593A
Avenida Venustido
15990 Avenida Venustido San Diego CA 92128

Looking Southwest from Avenida Venustido

Accuracy of photo simulation based upon information provided by project applicant.
SD06593A
Avenida Venusto
15990 Avenida Venusto San Diego CA 92128

Accuracy of photo simulation based upon information provided by project applicant.
Looking South toward the WCF
Looking North toward the WCF
Looking East toward the WCF
Looking West toward the WCF
Looking East from the WCF toward the City Water Tank
SD06593
TELECOM SITE JUSTIFICATION LETTER

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 the Right of Way at 15990 Avenida Venusto. The existing permit number is 140686/490498 approved on December 10, 2008. The project consists of 3 antennas mounted to a 29' 8" pole, one ground mounted 4'10" cabinet, and one utility strong box. T-Mobile proposes to replace the existing 3 antennas with 3 new Air antennas, and to swap the existing 4'10" cabinet with a 5' replacement cabinet. This proposed modification 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. In addition, the coverage maps are provided if the antennas were located below the mast arm. The reduction in RAD center with the antennas located below the mast arm creates a significant loss in coverage. 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/Permittee’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/Permittee’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. In addition, the coverage maps are provided if the antennas were located below the mast arm. The reduction in RAD center with the antennas located below the mast arm...
Telecom Site Justification

creates a significant loss in coverage. This site modification is required to provide 4G coverage in this area. In addition, the new antennas/cabinet will enhance the existing coverage 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 modification of the use permit for this 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.
SD06593 Coverage Discussion

• T-Mobile is proposing to replace the existing antennas with Air at the same RAD center to maintain the existing coverage area. In addition, the Air antennas will expand and improve the strength of coverage, as well as provide LTE service to this community.

• If the new Air antennas were placed below the mast arm, the coverage would be reduced significantly in all directions, most significantly to the West and East. New sites would be required to fill these gaps in coverage.

• If the antennas are not replaced, this community will not have improved coverage or LTE service.
RF Team San Diego Market
September 26, 2013

Coverage Map
SD06593

T-Mobile
Legend: Coverage Level
- In Building
- In Car
- On Street
Legend: Coverage Level
- In Building
- In Car
- On Street

SD06593 with 3AIR at RAD of 27.2'
Legend: Coverage Level
- In Building  - In Car  - On Street
NOTICE OF PUBLIC HEARING
HEARING OFFICER
DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING: May 28, 2014
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
ENVIROMENTAL EXEMPTION AND PROCESS THREE
PROJECT NO: 333439
PROJECT NAME: T-MOBILE AVENIDA VENUSTO ROW
APPLICANT: DEBRA GARDNER
COMMUNITY PLAN AREA: RANCHO BERNARDO
COUNCIL DISTRICT: District 5
CITY PROJECT MANAGER: SIMON TSE, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 687-5984, stse@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 to modify an existing Wireless Communication Facility (WCF) that consists of three new panel antennas above a replacement light standard and one replacement ground mounted equipment cabinet. The project is located within the right-of-way on the 16000 block of Avenida Venusto in the RS-1-14 zone within the Avenida Venusto Right-of-Way of the Rancho Bernardo Community Plan and Council District 5. This application was filed on October 22, 2013.

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 April 17, 2014 and the opportunity to appeal that determination ended May 2, 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: 24003977

Revised 04/08/10 HRD
GENERAL NOTES
1. Approval of these plans by the City Engineer does not authorize and work to be performed unless in writing by the City Engineer.
2. Plan drawing at a reduced scale will be evaluated on a sheet of appropriate format from the length of the drawing.
3. An approval of these plans by the City Engineer does not authorize and work to be performed unless in writing by the City Engineer.
4. The Contractor shall be responsible for the accuracy of all work originating on an official survey. Surveyors shall attest to the accuracy of the survey on the face of the original drawing.
5. The Contractor shall be responsible for the accuracy of all work originating on an official survey. Surveyors shall attest to the accuracy of the survey on the face of the original drawing.
6. All plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
7. All plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
8. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
9. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
10. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
11. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
12. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
13. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
14. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
15. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
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18. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
19. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.
20. Plans shall be returned to the City Engineer for his inspection prior to the issuance of a permit.

TRAFFIC CONTROL NOTE
Refer to city traffic plans attached.

CONSTRUCTION CHANGE TABLE

STREET DATA TABLE

STREET NAME | CLASSIFICATION | STREET Width | AREA (ACRES) | NO. OF LANE(S) |
--- | --- | --- | --- | --- |
Avenida | 100 | 20 | 0.6 | 4

LEGEND

IMPROVEMENT PLANS FOR:
T-MOBILE
AVENIDA VENUSTO
TELECOMM. & LIGHT POLE

OWNER / APPLICANT

REFERENCE DRAWINGS

SITE LOCATION

SHEET INDEX

WORK TO BE DONE:

The improvements shown on the following plans are to be done according to the provisions of the California Public Works Code, Section 67900 et seq., and the City of San Diego Construction Code, Title 15, Division 41, Section 15-41.01 et seq., and the General Conditions of the contract.

1. Engineering plans for public works construction (California Public Works Code, Section 67900 et seq.) and the City of San Diego Construction Code, Title 15, Division 41, Section 15-41.01 et seq., at the construction site shall be in accordance with the requirements of the City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract.

2. The City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract shall be in accordance with the requirements of the City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract.

3. The City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract shall be in accordance with the requirements of the City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract.

4. The City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract shall be in accordance with the requirements of the City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract.

5. The City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract shall be in accordance with the requirements of the City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract.

6. The City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract shall be in accordance with the requirements of the City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract.

7. The City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract shall be in accordance with the requirements of the City of San Diego, Division 41, Title 15, Section 15-41.01 et seq., and the general conditions of the contract.

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16. IF THE LUMINAIRE MOUNTING HEIGHT OR LENGTH OF MAST ARM AT THE PROPOSED LOCATION IS MORE THAN 10 FEET FROM THE CURB, THE APPLICANT SHALL INSTALL A PAINTED LIGHT POLE BARRIER AT LEAST 1.5 FEET HIGH TO ENHANCE VISIBLE DISTANCE AND REDUCE COLLISION RISK.

15. THE APPLICANT SHALL INSTALL AND MAINTAIN A SEPARATE POWER METER FOR THE PROJECT, SATISFACTORY TO THE CITY ENGINEER.

14. ALL PROPOSED STREET LIGHTING MASTS, INCLUDING THE PROPOSED LIGHT POLE MAST, SHALL BE CLEANED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF SAN DIEGO MUNICIPAL CODE, SECTION 142.0607, PERMANENT MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.

13. THE APPLICANT SHALL INSTALL AND MAINTAIN A SEPARATE POWER METER FOR THE PROJECT, SATISFACTORY TO THE CITY ENGINEER.

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1. THE APPLICANT SHALL INSTALL AND MAINTAIN A SEPARATE POWER METER FOR THE PROJECT, SATISFACTORY TO THE CITY ENGINEER.
NOT£: NOT£: ALL EXTERIOR MOUNTED EQUIPMENT SHALL BE PAINTED TO MATCH.

DATE: DIRT AREAS DISTURBED 2-INCH MINIMUM TO CONSTRUCTION.

A NA: NON-IRRIGATED MULCH MAY BE USED.

APPROVED: SEAFLOOR MIX OR EXISTING GUTTER.

EXISTING T-MOBILE EQUIPMENT TO BE PLACED ON EXISTING CONCRETE WALL.

EXISTING T-MOBILE CONDUIT TO BE RE ROUTED AND VACUUMED.

EXISTING 1-MOBILE EQUIPMENT TO BE BURIED & COVERED IN EXISTING CONCRETE WALL.

DATE: T-MOBILE TELECOMM. & LIGHT POLE

AVENIDA VENUSTO
SHOP WELDING NOTES

1. All arc welding must be done by a City of San Diego approved熜er.
2. A qualified arc welding inspector must be present at all times and qualified according to the provisions of Section 1704.1.2 of the 2009 International Building Code.
3. A certificate of qualification for each qualified arc welder must be submitted to the City of San Diego Department of Public Works prior to the start of welding.
4. A qualified arc welding inspector must be present at all times when welding is being performed.
5. A copy of the completed inspection report must be submitted to the City of San Diego Department of Public Works prior to the completion of welding.

CAL-OOSA NOTES

1. All welding operations must comply with the Occupational Safety and Health Administration (OSHA) regulations.
ATTACHMENT 13

NEW ANTENNA AIR 21

EXISTING ANTENNA

ANTENNA SECTOR DETAILS

NEW CABINET RBS 6101

EXISTING CABINET

EQUIPMENT AND ANTENNA LAYOUT

ANTENNA AND CABLE SCHEDULE

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>LOCATION</th>
<th>ALTITUDE</th>
<th>NUMBER OF ANTENNAS</th>
<th>CABLE LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>C</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

GENERAL SPECIFICATIONS:
- Antenna: Dual Polarization Tri-Sector
- Mechanical Specifications:
  - Radome Material: Fiberglass, UV Resistant
  - Load, Mechanical: 358.0 N (80.5 lbf) at 150 km/h
  - Wind Speed: Maximum 149.8 mph
  - Dimensions: 1989.0 mm (78.3 inches)

NOTES:
- New antenna, 1 per sector, 3 sectors total, to be flush mounted to light standard
- New 23'-6" high, T-Mobile light standard (total 1"")
- Proposed 9" radome to screen coax cables, radome to be painted to match proposed light standard
- Proposed T-Mobile antennas, 1 per sector, 3 sectors total, to be flush mounted to proposed light standard
- Existing coax cables to be reused, new 7/8" fiber runs, 1 per sector, 3 total to be added
- Sector details shown for clarity
- New light standard to replace existing light standard

EQUIPMENT AND ANTENNA LAYOUT

IMPROVEMENT PLANS FOR:
- T-Mobile Antenna
  - Antenna Location: Avenue Venusto
  - Light Pole
  - City of San Diego, California
  - Development Services Department

SHEET 7 OF 8
PROJECT NOTES:

1. ALL LANDSCAPE DESIGNER SHALL SUBMIT TO THE CITY OF SAN DIEGO LANDSCAPE REGULATION THE PROPOSED LANDSCAPE LAYOUTS AND ALL OTHER LANDSCAPE ASSOCIATED WITH THE PROPOSED DEVELOPMENT.

2. MINIMUM TREE SEPARATION DISTANCE FOR THIS AREA SHALL BE 10 FEET INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS)

"IRRIGATION:

FOR PROPER IRRIGATION, DEVELOPMENT, SOAKER HOSE TRAFFIC SIGNALS (STOP CITY AND HY CONDITION, DISEASED OR

LAND REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY CITY OF SAN DIEGO DEPARTMENT OF PARKS AND RECREATION, THE CITY OF SAN DIEGO DEVELOPMENT MANUAL AND LANDSCAPE STANDARDS.

EXISTING LANDSCAPE LEGEND:

EXISTING HANDHOLE UPLIST STREETS

EXISTING STREET LIGHTS

EXISTING 6" DRAINAGE

EXISTING 12" DRAINAGE

EXISTING 18" DRAINAGE

EXISTING 24" DRAINAGE

EXISTING 30" DRAINAGE

EXISTING 36" DRAINAGE

EXISTING 42" DRAINAGE

EXISTING 48" DRAINAGE

EXISTING 54" DRAINAGE

EXISTING 60" DRAINAGE

EXISTING 66" DRAINAGE

EXISTING 72" DRAINAGE

EXISTING 78" DRAINAGE

EXISTING 84" DRAINAGE

EXISTING 90" DRAINAGE

EXISTING 96" DRAINAGE

EXISTING 102" DRAINAGE

EXISTING 108" DRAINAGE

EXISTING 114" DRAINAGE

EXISTING 120" DRAINAGE

EXISTING 126" DRAINAGE

EXISTING 132" DRAINAGE

EXISTING 138" DRAINAGE

EXISTING 144" DRAINAGE
# T-Mobile Avenida Venusto Project

## Project Chronology

**PTS #333439 IO #24003977**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>City Review</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.26.2013</td>
<td>First Submittal</td>
<td>Project Deemed Complete</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.13.2013</td>
<td>First Assessment Letter</td>
<td>-Included concerns with the proposed visual impacts and requested alternative designs.</td>
<td>28 days</td>
<td></td>
</tr>
<tr>
<td>10.22.2013</td>
<td>Second Submittal</td>
<td>-Maintain proposed design without any changes.</td>
<td>70 days</td>
<td></td>
</tr>
<tr>
<td>12.2.2013</td>
<td>Second Assessment Letter</td>
<td>-Reiterated staff’s concerns in reference to the General Plan’s requirement and the LDC Regulations for WCF</td>
<td>41 days</td>
<td></td>
</tr>
<tr>
<td>1.6.2014</td>
<td>Third Submittal</td>
<td>-Prefers to go with the proposed design and without staff support. Preparing to present project to the RB Planning Board.</td>
<td>35 days</td>
<td></td>
</tr>
<tr>
<td>2.11.2014</td>
<td>Third Assessment Letter</td>
<td></td>
<td>36 days</td>
<td></td>
</tr>
<tr>
<td>2.26.2014</td>
<td>Fourth Submittal</td>
<td></td>
<td>15 days</td>
<td></td>
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<tr>
<td>4.17.2014</td>
<td>CPG Recommendation</td>
<td>-RBPB voted to deny the proposed modification</td>
<td>50 days</td>
<td></td>
</tr>
<tr>
<td>5.28.2014</td>
<td></td>
<td>-Hearing Officer Scheduled</td>
<td>41 days</td>
<td></td>
</tr>
</tbody>
</table>

**Total Staff Time:** Does not include City Holidays and Furlough | 146 days |

**Total Applicant Time:** Does not include City Holidays and Furlough | 170 days |

**Total Project Running Time:** From Deemed Complete to HO Hearing | 316 days |