REPORT TO THE HEARING OFFICER

HEARING DATE: August 20, 2014
REPORT NO. HO 14-047

ATTENTION: Hearing Officer

SUBJECT: Verizon – Kenemar
PTS PROJECT NUMBER: 348562

LOCATION: 7756 Trade St.

APPLICANT: Verizon Wireless (Permittee)/Trepte Industrial Park, Ltd. (Owner)

SUMMARY

Issue: Should the Hearing Officer approve a Site Development Permit (SDP) and Neighborhood Development Permit (NDP) for a Wireless Communication Facility (WCF) in the Mira Mesa Community Plan Area?

Staff Recommendation: APPROVE SDP No. 1335673 and NDP No. 1335672.

Community Planning Group Recommendation: The Mira Mesa Community Planning Group voted 13-0-0 to recommend approval of this project at their March 17, 2014 meeting. (Attachment 8)

Environmental Review: This project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 25, 2014, and the opportunity to appeal that determination ended July 10, 2014. (Attachment 7)

BACKGROUND & DISCUSSION

Verizon – Kenemar proposes a Wireless Communication Facility (WCF), consisting of 12 panel and 1 microwave dish antenna mounted to a new 50-foot tall monoeucalyptus tree. Equipment associated with the antennas, including an emergency generator, will be located adjacent to the monoeucalyptus. The project is located at 7756 Trade Street. The property is zoned IL-2-1 and is located in the Mira Mesa Community Plan Area. (Attachments 1, 2, 3, and 4)
WCFs are permitted in industrial zones as a Process 1, Limited Use approval, pursuant to Land Development Code (LDC) section 141.0420(c). As the project is located adjacent to Environmentally Sensitive Lands (ESL) consisting of Sensitive Biological Resources and Steep Slopes, an SDP is required. In addition, the equipment enclosure exceeds 250 square-feet, which requires the processing of an NDP. No deviations to the regulations are being requested as part of this project.

The WCF Regulations require that applicants use all reasonable means to conceal or minimize the visual impacts of WCFs through integration, which includes the use of architecture, landscape, and siting solutions. This project has been designed to integrate with the existing eucalyptus trees on site. WCFs designed as faux landscape are permitted when there are existing or proposed live trees of a similar size and species present as part of the project. With this project, a number of eucalyptus trees are present adjacent to the proposed monocarlyptus, and additional trees are being proposed to further integrate the faux tree with the surroundings.

The City's General Plan addresses Wireless Facilities in UD-A.15. The visual impact of WCFs should be minimized by concealing WCFs 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 a monocarlyptus tree, which is designed to camouflage the antennas from view. Existing and proposed trees near the monocarlyptus will help to integrate the faux tree, and screen views of the equipment shelter and emergency generator. Further, the proposed location of the WCF is located at the rear of the property, with a stand of eucalyptus trees between the WCF and the nearest public right-of-way, which helps to minimize views of the WCF. 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 SDP and NDP. Therefore, Staff recommends approval of SDP No. 1335673 and NDP No. 1335672.

ALTERNATIVES

1. Approve SDP No. 1335673 and NDP No. 1335672, with modifications.

2. Deny SDP No. 1335673 and NDP No. 1335672, 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, AlCP
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 Simulations
11. Photo Survey
12. Site Justification/Coverage Maps
13. Hearing Officer Hearing Public Notice
14. Project Plans
Recommended Industrial Land Use
Mira Mesa Community Plan

Community Plan Land Use Designation
Verizon Kenemer - Project Number 348562
7753 Trade Street

Designated as Light Industrial
# PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>Verizon - Kenemar</th>
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<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Wireless Communication Facility (WCF) consisting of 12 panel antennas and 1 microwave dish antenna, mounted on a new 50-foot tall monoeucalyptus tree, with an adjacent equipment area and emergency generator.</td>
</tr>
<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Mira Mesa</td>
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<tr>
<td>DISCRETIONARY ACTIONS:</td>
<td>Site Development Permit (SDP) and Neighborhood Development Permit (NDP) [Process 3]</td>
</tr>
<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Light Industrial</td>
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## ZONING INFORMATION:

<table>
<thead>
<tr>
<th>ZONE: IL-2-1</th>
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<tbody>
<tr>
<td>HEIGHT LIMIT: -</td>
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<tr>
<td>FRONT SETBACK: 15'/20'</td>
</tr>
<tr>
<td>SIDE SETBACK: 10'</td>
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<tr>
<td>REAR SETBACK: 0'/15'</td>
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<tr>
<td>FAR: 2.0</td>
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## ADJACENT PROPERTIES:

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<thead>
<tr>
<th>NORTH: Light Industrial, IL-2-1</th>
<th>Open Space and Light Industrial/Office Park</th>
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<tbody>
<tr>
<td>SOUTH: Light Industrial, IL-2-1</td>
<td>Light Industrial/Office Park</td>
</tr>
<tr>
<td>EAST: Light Industrial, IL-2-1</td>
<td>Light Industrial/Office Park</td>
</tr>
<tr>
<td>WEST: Light Industrial, IL-2-1</td>
<td>Light Industrial/Office Park</td>
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</table>

## DEVIATIONS OR VARIANCES REQUESTED:

None

## COMMUNITY PLANNING GROUP RECOMMENDATION:

The Mira Mesa Community Planning Group approved this project 13-0-0 at their 3/17/14 meeting.
WHEREAS, TREPTE INDUSTRIAL PARK, LTD., Owner, and VERIZON WIRELESS, Permittee, filed an application with the City of San Diego for a permit to construct, operate, and maintain a Wireless Communication Facility (WCF) consisting of 12 panel antennas and 1 microwave dish antenna, mounted on a new 50-foot tall monoeucalyptus tree, with an equipment building and an emergency generator enclosure located adjacent to the monoeucalyptus (as described in and by reference to the approved Exhibits “A” and corresponding conditions of approval for the associated Permit Nos. 1335672 and 1335673);

WHEREAS, the project site is located at 7756 Trade Street in the IL-2-1 zone of the Mira Mesa Community Plan Area;

WHEREAS, the project site is legally described as: all that certain real property situated in the County of San Diego, State of California, described as: Lot 3 of Trepte Industrial Park Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 8649, filed in the Office of the County Recorder of San Diego County;

WHEREAS, on June 25, 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 Section 15303 (New Construction) 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 August 20, 2014, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1335673 and Neighborhood Development Permit No. 1335672 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 August 20, 2014.

FINDINGS:

Neighborhood Development Permit - Section 126.0404

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

While the Mira Mesa Community Plan does not specifically address WCFs, the City of San Diego’s General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be
aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view.

This project consists of the installation of a new 50-foot tall mono-eucalyptus tree, able to support and camouflage 12 panel antennas and 1 microwave dish antenna. Equipment associated with the antennas will be located in an equipment building adjacent to the mono-eucalyptus. An emergency generator, surrounded by a block wall enclosure, is also proposed. The project is surrounded by a series of mature eucalyptus trees. These, along with additional trees proposed as part of this project, will work to screen and integrate the faux tree with the surrounding development.

Based on this analysis, this project will not adversely affect the applicable land use plans.

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

The project consists of 12 panel antennas and 1 microwave dish antenna, mounted on a new 50-foot tall mono-eucalyptus tree, and associated equipment (including an emergency generator), located adjacent to the faux tree. The project is located at 7756 Trade Street, 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 Section 15303 (New Construction). 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 applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

This project complies with the requirements of the WCF Regulations, Land Development Code Section 141.0420, and with the zone development regulations of the IL-2-1 zone. WCFs are permitted in industrial zones as a limited use approval. As this project is located adjacent to Environmentally Sensitive Lands, a Site Development Permit, Process 3 is required. Additionally, since the equipment enclosure exceeds 250 square feet, a Neighborhood Development Permit is
also required. No deviations are proposed as part of this project. The WCF Regulations permit WCF designed as faux landscape when there are existing (or proposed) trees that are of a similar species and will reach a similar size as the faux tree. In this case, a number of mature eucalyptus trees are located adjacent to the monoeucalyptus. Two additional Brisbane box trees will be provided to further screen and integrate the monoeucalyptus. Typically eucalyptus trees would be proposed to integrate the faux eucalyptus tree, but due to community concerns with eucalyptus trees, Brisbane box trees are proposed instead – which are similar to eucalyptus trees. Based on the design of the project, the development complies with the applicable regulations of the Land Development Code.

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

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

While the Mira Mesa Community Plan does not specifically address WCFs, the City of San Diego’s General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view.

This project consists of the installation of a new 50-foot tall monoeucalyptus tree, able to support and camouflage 12 panel antennas and 1 microwave dish antenna. Equipment associated with the antennas will be located in an equipment building adjacent to the monoeucalyptus. An emergency generator, surrounded by a block wall enclosure, is also proposed. The project is surrounded by a series of mature eucalyptus trees. These, along with additional trees proposed as part of this project, will work to screen and integrate the faux tree with the surrounding development.

Based on this analysis, this project will not adversely affect the applicable land use plans.

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

The project consists of 12 panel antennas and 1 microwave dish antenna, mounted on a new 50-foot tall monoeucalyptus tree, and associated equipment (including an emergency generator), located adjacent to the faux tree. The project is located at 7756 Trade Street, 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 Section 15303 (New Construction). 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 applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

This project complies with the requirements of the WCF Regulations, Land Development Code Section 141.0420, and with the zone development regulations of the IL-2-1 zone. WCFs are permitted in industrial zones as a limited use approval. As this project is located adjacent to Environmentally Sensitive Lands, a Site Development Permit, Process 3 is required. Additionally, since the equipment enclosure exceeds 250 square feet, a Neighborhood Development Permit is also required. No deviations are proposed as part of this project. The WCF Regulations permit WCF designed as faux landscape when there are existing (or proposed) trees that are of a similar species and will reach a similar size as the faux tree. In this case, a number of mature eucalyptus trees are located adjacent to the mono-eucalyptus. Two additional Brisbane box trees will be provided to further screen and integrate the mono-eucalyptus. Typically eucalyptus trees would be proposed to integrate the faux eucalyptus tree, but due to community concerns with eucalyptus trees, Brisbane box trees are proposed instead – which are similar to eucalyptus trees. Based on the design of the project, the development complies with the applicable regulations of the Land Development Code.

B. Findings – Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

The project – consisting of a 50-foot tall mono-eucalyptus tree concealing antennas, an emergency generator enclosure, and an equipment building – have been situated adjacent to an existing office park development in a way that results in minimum disturbance to adjacent environmentally sensitive lands. A Biological Resource Letter Report, dated February 7, 2014, prepared by Merkel & Associates, Inc., identifies that the project does not encroach into environmentally sensitive lands. A condition has been added to the permit to ensure compliance with the Federal Migratory Bird Treaty Act (MBTA). The project has been reviewed for compliance with the City’s WCF Regulations (LDC section 141.0420) and it has been determined to be in compliance with the WCF Design Requirements, which allow WCF designed as faux landscape, when existing trees of a similar size and species are present or proposed, and the WCF is designed to be minimally visible and integrated with the surroundings. Based on this analysis, the site has been determined to be physically suitable for the design and siting of this WCF and the development will result in a minimum disturbance to environmentally sensitive lands.
2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

The project is located adjacent to an existing office park, which was previously graded and developed. The proposed monoeucalyptus and associated equipment building and emergency generator enclosure are located on a previously graded portion of the property and do not encroach into environmentally sensitive lands. Therefore, the project will minimize the alteration of natural land forms. Per a permit condition, during the building permit review, Development Services' Geology Section will review a Geotechnical Investigation Report or an Update Letter to determine that the project will not result in undue risk from geologic and erosional forces. In addition, during the building permit review, a variety of review disciplines will review the building permit application materials to ensure that the development will comply with the applicable building codes which will ensure that the project does not result in undue risk from flood or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;

A Biological Resource Letter Report, dated February 7, 2014, prepared by Merkel & Associates, Inc. indicates that this project will not result in any adverse impacts on any adjacent environmentally sensitive lands, consisting of sensitive biological resources and steep slopes. The project is located adjacent to a steep slope, however permanent structures associated with the project do not encroach into the steep slope. No plant species proposed are considered to be invasive and the project will not impact any sensitive biological resources.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

The Biological Resource Letter Report, dated February 7, 2014, prepared by Merkel & Associates, Inc., indicates that this project site does not support regionally sensitive vegetation, has been designed to avoid impacts to regionally sensitive biological resources including migratory birds, and thus would not result in cumulatively considerable impacts to the MSCP Subarea Plan. While the project does not impact the adjacent steep slopes, the project is not far enough away to be exempt from the requirements to obtain an SDP. The project will be consistent with the MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

This project is not located near a public beach and will not contribute to the erosion of public beaches nor will the project adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.
No mitigation measures were required by the Biological Resource Letter Report, dated February 7, 2014, prepared by Merkel & Associates, Inc. However, a condition was added to the permit to ensure consistency with the Federal Migratory Bird Treaty Act (MBTA).

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer Site Development Permit No. 1335673 and Neighborhood Development Permit No. 1335672 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1335673 and 1335672, a copy of which is attached hereto and made a part hereof.

Alex Hempton, AICP
Development Project Manager
Development Services

Adopted on: August 20, 2014

Internal Order No. 24004228
This Neighborhood Development Permit (NDP) No. 1335672 and Site Development Permit (SDP) No. 1335673 is granted by the Hearing Officer of the City of San Diego to TRIPLETE INDUSTRIAL PARK, LTD., Owner, and VERIZON WIRELESS, Permittee, pursuant to San Diego Municipal Code (SDMC) sections 141.0420, 126.0501, and 126.0401. The site is located at 7756 Trade Street in the IL-2-1 zone of the Mira Mesa Community Plan Area. The project site is legally described as: Lot 7, Triplete Industrial Park Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 8649, filed in the Office of the County Recorder of San Diego County.

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 August 20, 2014, on file in the Development Services Department.

The project shall include:

a. Twelve (12) panel antennas, with the following dimensions: 78" by 15" by 9.5", and one (1) 4'-0" diameter microwave dish antenna mounted on a new 50-foot tall monocacyptus tree;

b. A 253 square-foot equipment building and a 152 square-foot block wall enclosure housing an emergency generator;
c. Landscaping (planting, irrigation and landscape related improvements);

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 September 4, 2017.

2. This NDP and SDP and corresponding use of this site shall expire on August 20, 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 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 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 Owner/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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/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.
event of such election, Owner/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 Owner/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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

AIRPORT REQUIREMENTS:

14. Prior to issuance of a building permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING REQUIREMENTS:

15. 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 Trade Place Right-of-Way.

16. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Right-of-Way permit for the proposed work in the Trade Place Right-of-Way.

17. The project proposes to export 65 cubic yards of material from the project site. All excavated material listed to be exported shall be exported to a 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.

18. 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.

19. 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.

20. 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.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the
Development Services Department. Construction plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of notification of damage.

GEOLoGY REQUIREMENTS:

24. 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.

PLANNING/DESIGN REQUIREMENTS:

25. 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 on this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. All proposed hand-holes shall be covered with bark material to match the monotoeucalyptus trunk to the satisfaction of the Development Services Department.

27. All coaxial conduits shall be routed up through the caisson and into the tree to the satisfaction of the Development Services Department. Cable enclosures (referred to as "doghouses") are not permitted.

28. Branches shall extend a minimum of 24-inches beyond the face of the proposed antennas to the satisfaction of the Development Services Department.

29. Starting branch height shall be no higher than 10-feet, as illustrated on the stamped, approved Exhibit "A."

30. All exposed cables, brackets and supports shall be painted to match the faux tree foliage to the satisfaction of the Development Services Department.
31. Radio-frequency transparent “socks” fully covering the front and back of the antennas (and any other components) shall be installed.

32. The applicant is required to provide color samples of the faux tree prior to Building Permit issuance. This is to ensure that the proposed faux tree integrates with the surrounding landscape. Staff will pre-approve the color sample prior to Building Permit issuance. The exact faux tree color exhibit will be used during the FINAL INSPECTION. The color approved by Planning Staff must be identical to the as-built faux tree.

33. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

34. 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.

35. 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.

36. 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”.

37. No overhead cabling is allowed for this project.

38. Exposed mounting apparatus, such as pipe mounts, shall be removed and shall not remain on the monopole type absent antennas.

39. The Owner/Permittee shall not cause or allow the antennas located on the building to be different size (length, width, or height) than as shown on the stamped approved plans.

40. The WCF shall conform to Exhibit “A” (consisting of the stamped approved plans and approved photosimulations) prior to receiving final inspection approval.

41. 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.

42. 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.
43. The Permittee shall place appropriate signage on the WCF as required by CAL-Osha/FCC to the satisfaction of the Development Services Department.

44. If construction of the proposed project is expected to occur during the migratory bird breeding season (generally defined as January 15-September 15), a pre-construction survey for active migratory bird nests shall be conducted within approximately 48 hours prior to the start of construction. The results of the survey shall be submitted to the City in the form of a written report, and will include the following information: a) date(s) of the survey, b) total field time of survey efforts, c) name(s) of investigator(s), and d) if any active nests were found. If an active migratory bird nest is found, then all construction activities undertaken for the project shall comply with regulatory requirements of the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Codes sections 3503 and 3513.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow for 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 municipal 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 619-440-5349 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 filling 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 August 20, 2014 and HO-XXXX.
Permit Type/PTS Approval No.: NDP No. 1335672/SDP No. 1335673
Date of Approval: 8/20/2014

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.

TREPTE INDUSTRIAL PARK, LTD.
Owner
By
NAME
TITLE

VERIZON WIRELESS
Permittee
By
NAME
TITLE

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 No. 24004228

PROJECT NAME/NUMBER: Verizon Kenemar/Project No. 348562
COMMUNITY PLAN AREA: Mira Mesa
COUNCIL DISTRICT: 6
LOCATION: 7756 Trade Street, San Diego, CA 92121

PROJECT DESCRIPTION: SITE DEVELOPMENT PERMIT (SDP) and NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) for a new wireless communication facility consisting of a 50-foot tall faux eucalyptus tree with 12 panel antennas, 12 RRU units, and one 4-foot diameter microwave dish mounted to the tree, and a 405 square-foot equipment and generator building. The project is located within the IL-2-1 zone.

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

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA Guidelines, Section 15303 (New Construction or Conversion of Small Structures).

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

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The project has been determined to be exempt from CEQA pursuant to Section 15303. Section 15303 allows the construction and location of limited numbers of new, small facilities or structures. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore this exemption is applicable to the proposed project.

CITY CONTACT: Alex Hempton, Development Project Manager
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER: (619) 446-5349

On June 25, 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 of San Diego City Council. If you have any questions about this determination, contact the
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 (July 10, 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.
Thanks Alex,  
MMC PG took action on this project last night and unanimously approved the project as proposed. I believe the vote was 13-0-0. We will review these last couple items and resubmit.

Thanks,
kd

Kerrigan Diehl

PlanCom, Inc.
Telecommunications Project Management
302 State Place, Escondido CA 92029
Direct: 760-587-3903
Fax: 760-736-4313
Email: kerrigan.diehl@plancominc.com
# Ownership Disclosure Statement

**City of San Diego**
**Development Services**
1222 First Ave, MS-902
San Diego, CA 92101
(858) 444-5300

---

## Approval Type
- Neighborhood Use Permit
- Coastal Development Permit
- Neighborhood Environmental Permit
- Site Development Permit
- Planned Development Permit
- Conditional Use Permit
- Variance
- Tentative Map
- Vesting Tentative Map
- Map Waiver
- Land Use Plan Amendment
- Other

**Project Title**
- VZ: "Kenmar"

**Project Address**
7756 Trade Street, San Diego, CA 92121

---

**Part I - To be completed when property is held by individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on this property, with the intent to secure or acquire an easement against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved by City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached**

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**Printed on recycled paper, visit our web site at www.sandiego.gov/cio/development**
**DS-381 (5-98)**

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Page 1 of 3
### Part II - To be completed when property is held by a corporation or partnership

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By signing this Corporate Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an assignment against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached: [ ] Yes [ ] No

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Page 2 of 3
Verizon Corporate Executives

» Lowell McAdam, CEO
» Roy H. Chestnutt
» Nancy B. Clark
» James J. Gerace
» Roger Gurnani
» Daniel S. Meed
» Anthony J. Melone
» Randal S. Milch
» Marc C. Reed
» Francis J. Shammo
» John G. Stratton
» Marni M. Walden
These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings.

5/14/2014

Photosimulation of proposed telecommunications site
These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings.
These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings.
PHOTO STUDY & KEY MAP

PROPOSAL TO ESTABLISH AND OPERATE A NEW DIGITAL PCS COMMUNICATIONS FACILITY

Verizon Wireless
"Kenemar"
7756 Trade Street
San Diego, CA 92121

Prepared for:
City of San Diego
Development Services Department
1222 First Avenue
San Diego, CA 92101

Prepared by:
PlanCom, Inc.
Contractor Representatives for Verizon Wireless
302 State Place
Escondido, CA 92029
Contact: Kerrigan Diehl, Planning Consultant
(619) 223-1357

November 15, 2013
Looking Northeast

North Elevation (Looking S at Site)
Northeast Elevation (Looking SW at Site)

South Elevation (Looking N at Site)
Equipment Area Location

Aerial View of Subject Site & Surroundings
SITE JUSTIFICATION
Verizon "Kennon"
7756 Trade Street
San Diego, CA 92121

PROJECT DESCRIPTION

The project proposes to install a WCP for Verizon Wireless located at 7756 Trade Street in the Mira Mesa community planning area. The project will consist of the installation of (12) panel antennas, (12) Remote Radio Units and a MW dish mounted to a new 50' stealth designed mono-eucalyptus. Associated equipment including emergency back-up generator will be located at grade within a custom 400 sf enclosure designed to match the existing building. Additionally, the site location and existing mature landscape on and off site lends itself to the faux eucalyptus whereby the site would be naturally screened while blending with surroundings.

The property is completely developed with a industrial warehouse building and is zoned, IL-2-1 within the larger Mira Mesa industrial park.

SITE DESIGN

More specifically, the monument will be configured with 3 sectors of 4 antennas and 4 RRUs at each sector. Geographically the site is located at the site’s northeast corner. The associated equipment necessary to operate the facility including an emergency back-up generator will be located at grade directly adjacent to the mono-eucalyptus location inside a 400 sf equipment enclosure designed to match the existing industrial building. The project has been designed to integrate with the existing building materials and architectural features while also blending into the natural landscape on site so that visual integration is achieved.

PREFERENCE 1 LOCATION:

The project is a Preference 1 location the proposed facility is located on an industrially zoned property. A Process 2 - Neighborhood Development Permit is necessary to exceed the 250 sf equipment footprint requirement.

We believe that the facility as designed is consistent with all relevant regulations and will be well integrated from vantage points or surrounding properties.

CO-LOCATION OF WIRELESS FACILITIES

There are no known carriers on site.
Existing coverage

Coverage Levels:
- Excellent
- Good/Variable
- Poor

Proposed coverage
Kenemar
7756 Trade St.
San Diego, CA 92121

Legend
- Search Ring
- Selected Site
- Existing sites within 1 mile radius:
  1. Miramar Empire

Alternative Sites:
1. 7835 Trade St
   San Diego, CA 92121
2. 7710-7750 Formula Pl.
   San Diego, CA 92121
DATE OF NOTICE: August 6, 2014

NOTICE OF PUBLIC HEARING

HEARING OFFICER
DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING: August 20, 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: Site Development Permit (SDP) and Neighborhood Development Permit (NDP), Process 3
PROJECT NO: 348562
PROJECT NAME: VERIZON - KENEMAR
APPLICANT: Kerrigan Diehl, PlanCom, Inc., agents representing Verizon Wireless
COMMUNITY PLAN AREA: Mira Mesa
COUNCIL DISTRICT: District 6
CITY PROJECT MANAGER: Alex Hempton, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5349 / ahempton@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Wireless Communication Facility (WCF) consisting of a new 50-foot tall faux eucalyptus tree (monoeucalyptus) supporting 12 panel antennas and one microwave dish antenna, and an equipment enclosure with an emergency generator. The project is located at 7756 Trade Street.

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 June 25, 2014 and the opportunity to appeal that determination ended July 10, 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: 24004228

Revised 04/08/10 HBD
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NOTES:
- All existing improved space shall be used or started at this project.
- The applicant will comply with California Code of Regulations, Title 14, Division 4.5, Chapter 1, Section 14000, and all other applicable laws and regulations.
- For the purposes of this plan, the applicant will accept the responsibilities and liabilities as set forth in Section 14000 of the California Code of Regulations.
- The applicant will provide all necessary permits and approvals for the construction of the proposed structure.
- The applicant will comply with all local, state, and federal regulations.
- The applicant will comply with all applicable codes and standards.
- The applicant will provide all necessary permits and approvals for the construction of the proposed structure.

MIGRATORY BIRD IMPACT REQUIREMENTS:

- The proposed project is located in an area that may be of migratory bird significance. Therefore, the applicant shall comply with all applicable laws and regulations.
- The applicant shall provide all necessary permits and approvals for the construction of the proposed structure.
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EQUIPMENT FLOOR PLAN NOTES:

1. Proposed Verizon Building 1 is communicating at 27377/030 84 MHz.  A new outside antenna will be installed at roof level.
ELEVATION NOTES:
1. Protects both trees from sun damage.
2. Designates an average tree size.
3. Requires a living area free of obstructions.
4. Provides an entrance to the tree.
5. Includes a tree care program.
6. Highlights the need for tree maintenance.
7. Emphasizes the importance of environmental considerations.
8. Suggests the inclusion of tree species information.
9. Encourages the use of local tree species.
10. Highlights the need for ongoing monitoring.

EAST ELEVATION

WEST ELEVATION