



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 23, 2014 **REPORT NO. PC-14-005**

ATTENTION: Planning Commission, Agenda of January 30, 2014

SUBJECT: T-MOBILE BAY POINTE APARTMENT
PROJECT NO. 286694, PROCESS 4

OWNER: CONRAD PREBYS TRUST

APPLICANT: T-MOBILE USA

SUMMARY

Issue(s): Should the Planning Commission approve a modification to an existing Wireless Communication Facility (WCF) located at 3910 Ingraham Street within the Pacific Beach Community Planning Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1200840.

Community Planning Group Recommendation: On September 25, 2013 the Pacific Beach Planning Group voted 15-1-0 to recommend approval of this project (Attachment 11).

Environmental Review: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301, Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 11, 2013, and the opportunity to appeal that determination ended October 25, 2013.

Fiscal Impact Statement: None with this action. All cost associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

T-Mobile submitted an application to modify their existing Wireless Communication Facility (WCF) at 3910 Ingraham Street on top of an existing apartment complex. The project was originally approved on August 28, 2002 under Permit No. 95-0350-181 for a total of six façade mounted antennas and associated ground mounted equipment. A ten year expiration date was added as a condition of approval. On July 26, 2012, T-Mobile submitted a new application to modify this existing WCF. The project under the current regulations requires a Conditional Use Permit (CUP) Process Four, Planning Commission decision. The property is zoned RM-3-7 and is designated for multi-family residential use in the Pacific Beach Community Plan. The site is surrounded with multi-family residential uses.

DISCUSSION

Project Description – T-Mobile is currently located on three sectors of the building, façade mounted to the rooftop penthouse and stairwell. The proposed replacement model Air21 antennas will utilize the existing antenna locations with the implementation of side and bottom skirts. The skirts will appropriately conceal the mounting brackets and conduits from the public views. Both the proposed façade mounted antennas and skirts will be painted to match the existing building. The replacement antennas located on the stairwell will be concealed inside two Fiberglass Reinforced Panel (FRP) boxes. This design is consistent with the City of San Diego Municipal Code Section 141.0420(g)(8), which prohibits any antenna design from interrupting with the architectural lines of the façade. The equipment associated with this project is located inside a 144-square foot equipment enclosure on the west elevation, below the stairwell.

Wireless Communication Facility (WCF) Regulation – The WCF is located on a residential use and a CUP is required per Municipal Code Section 141.0420(f)(2).

Community Plan Analysis - The project location has been designated for multi-family residential use in the Pacific Beach Community Plan (Attachment 2). The Pacific Beach Community Plan does not contain specific policies on wireless communication facility development.

Council Policy 600-43 - The guidelines establish hierarchy from the most preferred location (Preference 1) to the least preferred location (Preference 4) for WCFs. The project is proposed in a Preference 4 location according to Council Policy 600-43, which categorizes WCF's according to land use in which they are located. The project is located on a residential use and requires a CUP, Process 4 level decision. The applicant is required to submit a site justification letter (Attachment 15) explaining why a Preference 4 level site was selected over any lower Preference Level sites. For this project, T-Mobile has elected to remain at its current location and improve the existing appearance. Also, according to the coverage map, the existing location served a crucial role in the network's performance along Ingraham Street and to the surrounding residential use. Both the height and design of the apartment complex provided the necessary features to maintain the coverage performance while camouflaging the antennas from public view.

General Plan - The General Plan, Section UD-A.15, states that WCFs should be concealed in

existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. The design of the facility is to be aesthetically pleasing and respectful of the neighborhood context. The proposed replacement antennas will also be façade mounted with the addition of side and bottom skirts. The skirts will provide the appropriate concealment to the exposed mounting apparatus and to the conduits from the antennas. Both the antennas and skirts will be painted to match the existing building to achieve a seamless transition. These antennas will continue to operate on the rooftop penthouse where it is currently screened by the existing mature landscaping resulting in minimum visual impact. The antennas located on the stairwell will be also redesigned and reinstalled inside two new FRP boxes as illustrated on the photosimulation (Attachment 9). This design was implemented to achieve consistency and to avoid any interruption with the architectural lines. Consistent with the WCF Guidelines and the General Plan, these proposed modifications would minimize visibility of the WCF from the right-of-way. Therefore, staff has determined that the proposed WCF has been designed to be integrated and respectful to the neighborhood context.

Conclusion - The project has been determined by staff to be consistent with the purpose and intent of the applicable development regulations of the San Diego Municipal Code, which includes the development regulations of the RM-3-7 zone and the Wireless Communication Facilities Regulations Section 141.0420. The proposed modification would result in a stealth WCF design and can be supported by staff. Therefore, staff recommends that the Planning Commission approved Conditional Use Permit No. 1200840.

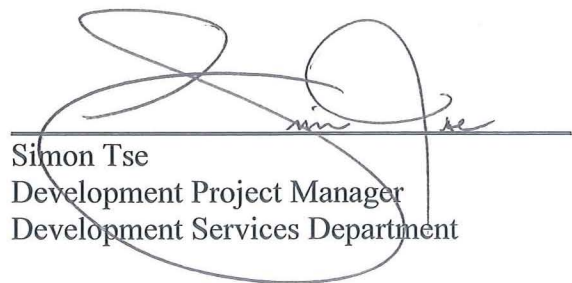
ALTERNATIVE

1. **Approve Conditional Use Permit No. 1200840, with modifications.**
2. **Deny Conditional Use Permit No. 1200840, if the Planning Commission makes written findings based on substantial evidence that the approval is not authorized by state or local zoning law.**

Respectfully submitted,



Mike Westlake
Acting Deputy Director
Development Services Department



Simon Tse
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map

4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Project Site Plans
9. Photosimulations
10. Photosurvey
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Public Notice of Planning Commission
14. Project Chronology
15. Site Justification Letter
16. Coverage Maps
17. Draft Findings (Prepared by the applicant)
18. Permit No. 95-0350-181



Aerial Photo

T-Mobile Bay Pointe Apartments - Project No. 286694
3910 Ingraham Street, San Diego, CA 92109



Project Site










Pacific Beach

Existing Conditions

Land Use

Legend

-  Single Family Residential
-  Multi-Family Residential
-  Group Quarters
-  Mobile Home Park
-  Commercial; Visitor Commercial
-  Industrial; Warehouse/Storage
-  Communication and Utilities; Transportation Related
-  Institutional
-  Schools
-  Park; Open Space; Beaches
-  Private Recreation
-  Undeveloped
-  Military Use



Community Land Use Map (Pacific Beach)

T-Mobile Bay Pointe Apartments - Project No. 286694

3910 Ingraham Street, San Diego, CA 92109





Project Location Map

T-Mobile Bay Pointe Apartments - Project No. 286694

3910 Ingraham Street, San Diego, CA 92109



PROJECT DATA SHEET

PROJECT NAME:	T-Mobile Bay Pointe Apartment	
PROJECT DESCRIPTION:	Wireless Communication Facility (WCF) consisting of six (6) antennas façade mounted to the apartment complex. The equipment associated with this project is a 144-square foot equipment room, painted and textured to match the existing building.	
COMMUNITY PLAN AREA:	Pacific Beach	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential	
<u>(RM-3-7) ZONING INFORMATION:</u>		
CURRENT HEIGHT LIMIT:	30-feet	PROPOSED HEIGHT LIMIT: No change
CURRENT FRONT SETBACK:	20-feet	PROPOSED FRONT SETBACK: No change
CURRENT SIDE SETBACK:	5-feet	PROPOSED SIDE SETBACK: No change
CURRENT REAR SETBACK:	10-feet	PROPOSED REAR SETBACK: No change
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential/RM-1-1	Residential
SOUTH:	Residential/RM-1-1	Residential
EAST:	Residential/RM-3-7	Residential
WEST:	Residential/RM-1-1	Residential
DEVIATIONS OR VARIANCES REQUESTED:	None.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On September 25, 2013 the Pacific Beach Planning Group voted to recommend approval of this project (Attachment 11).	

PLANNING COMMISSION RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 1200840
T-MOBILE – BAY POINTE APARTMENTS PROJECT NO. 286694

WHEREAS, **CONRAD PREBYS TRUST**, Owner, and **T-MOBILE USA**, Permittee, filed an application with the City of San Diego for a permit to modify a Wireless Communication Facility (WCF) on an existing apartment building. The proposed replacement model Air21 antennas will utilize the existing antenna locations with the implementation of side and bottom skirts. The skirts will appropriately conceal the mounting brackets and conduits from the public views. Both the proposed façade mounted antennas and skirts will be painted to match the existing building. The replacement antennas located on the stairwell will be concealed inside two Fiberglass Reinforced Panel (FRP) boxes. The equipment associated with this project will continue to operate inside the 144-square foot equipment room as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 1200840;

WHEREAS, the project site is located at 3910 Ingraham Street, San Diego, CA 92109 in the RM-3-7 zone within the Pacific Beach Community Plan;

WHEREAS, the project site is legally described as Parcel 1: Lot 2 of South Bay Club Apartments – Mission Bay, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 5935, filed in the Office of the County Recorder of San Diego County, August 10, 1967. Parcel 2: Lot 1 South Bay Apartments – Mission Bay, Resubdivision No. 1, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 6237, filed in the Office of the County Recorder of San Diego County, November 26, 1968.

WHEREAS, on January 30, 2014, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 1200840 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 11, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego as follows:

That the PLANNING COMMISSION adopts the following written Findings, dated January 30, 2014.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

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

Wireless Communication Facilities are separately regulated uses and permitted in all zones citywide with the appropriate permit process. Every WCF application is subject to limitation and requires compliance with conditions in order to minimize potential impacts. The intent of the regulations and the City of San Diego General Plan recommendation are to camouflage WCFs from public views by implementing screening techniques to hide and/or blend the facilities into the surrounding area. The design of facilities is to be aesthetically pleasing and respectful of the neighborhood context. The proposed modification to install side and bottom skirts for two sectors of antennas will appropriately conceal the exposed mounting apparatus and conduits from the public views. The last remaining sector of antenna will be effectively screened and concealed behind FRP boxes, designed to blend in with the existing stairwell columns for a seamless transition. These design elements will all be painted and textured to match the existing building. The equipment associated with this project will continue to operate without any changes inside a 144-square foot enclosure, below the stairwell on the west elevation. T-Mobile's modification to include side and bottom skirts and FRP boxes will comply with the General Plan's recommendation and will reduce the existing visual impacts. The Pacific Beach Community Plan does not address WCFs as a specific land use. As a whole, this project complies with the General Plan's requirements and will not adversely affect the applicable land use plan.

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

The project consists of replacement antennas utilizing side and bottom skirts. The skirts will appropriately conceal the mounting brackets and conduits from the public views. Both the proposed façade mounted antennas and skirts will be painted to match the existing building. The replacement antennas located on the stairwell will be concealed inside two Fiberglass Reinforced Panel (FRP) boxes. The equipment associated with this project will continue to operate inside the 144-square foot equipment room with no proposed changes. The project is located at 3910 Ingraham Street in the RM-3-7 zone within the Pacific Beach Community Plan

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facility). 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." T-Mobile submitted an RF Report, which concluded that the project complies with FCC RF Standards. 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 WCF has been designed to have minimal visual impacts to the surrounding uses and complies with Municipal Code Section 141.0420 and the RM-3-7 zone. The proposed modification to replace six antennas with the combination of side and bottom skirts and FRP boxes would result in an improvement to the existing WCF design. The side and bottom skirts will appropriately conceal the exposed mounting apparatus and conduits from the public views. Both the antennas and skirts for each sector will be painted and textured to match the apartment building to reduce any visual impacts from the public right-of-way. One sector of antenna will be concealed inside FRP boxes, designed to avoid any disruption to the architectural lines. The antennas will be strategically concealed inside the FRP boxes on the top of the stairwell and would appear as part of the building design. The antennas associated with this project comply with the City Guidelines and Standards. As designed, the proposed modifications to the WCF will comply with the regulations of the Land Development Code.

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

The WCF is located on an apartment building with the implementation of various camouflaging techniques such as side and bottom skirts and FRP projections. These camouflaging measures will help improve and enhance the existing design consistent with the WCF design regulations and design guidelines. The modification is also necessary to update T-Mobile's voice and data to 4G technology. The combination of updating the technology and maintaining the existing coverage footprint helps reduce dropped calls, poor call quality and spotty coverage. The network infrastructure must be continually upgraded due the increase of cellular and data devices and can be supported by staff when the WCF design complies with the regulations. All future design changes may include but not limited to the increase of antenna dimensions will be thoroughly evaluated to ensure compatibility with the building's design and compliance with the WCF regulations.

The surrounding area consists of residential uses with an exception to a small commercial property to the south. This property was determined to be infeasible by T-Mobile representative due to the height and location of the existing building resulting in an unacceptable coverage footprint. To address Council Policy 600-43, the applicant has provided coverage maps and a justification analysis in selecting this location. This Preference Level 4 site can be supported by staff since the surrounding area consists of residential uses and the proposed design was determined to be minimally visible. Preference Level Sites 1-3 were either unavailable or below the height required for the coverage objective. The site location can be supported by staff and the proposed camouflaging techniques to the WCF are consistent with the WCF regulations. Therefore the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1200840 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 1200840, a copy of which is attached hereto and made a part hereof.

Simon Tse
Development Project Manager
Development Services

Adopted on: January 30, 2014

Internal Order No. 24002925

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002925

CONDITIONAL USE PERMIT NO. 1200840
T-MOBILE – BAY POINTE APARTMENTS NO. 286694
 PLANNING COMMISSION

This Conditional Use Permit No. 1200840 is granted by the Planning Commission of the City of San Diego to **CONRAD PREBYS TRUST**, Owner, and **T-MOBILE USA**, Permittee, pursuant to San Diego Municipal Code [SDMC] section Chapter 12, Article 6, Division 3 and Land Development Code Section 141.0420. The project is located at 3910 Ingraham Street in the RM-3-7 zone of the Pacific Beach Community Plan. The project site is legally described as Parcel 1: Lot 2 of South Bay Club Apartments - Mission Bay, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 5935, filed in the Office of the County Recorder of San Diego County, August 10, 1967. Parcel 2: Lot 1 South Bay Apartments - Mission Bay, Resubdivision No. 1, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 6237, filed in the Office of the County Recorder of San Diego County, November 26, 1968.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner and Permittee for a Wireless Communication Facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 30, 2014, on file in the Development Services Department.

The project shall include:

- a. A modification to an existing Wireless Communication Facility (WCF) that consists of six (6) replacement Air21 model antennas. Four (4) antennas are façade mounted to the rooftop penthouse with side and bottom skirts, painted and textured to match. Two antennas are concealed inside separate Fiberglass Reinforced Panel (FRP) boxes located on the stairwell, painted and textured to match the existing building; and

- b. The equipment associated with this project will continue to operate inside a 144-square foot equipment room on grade, below the stairwell and on the west elevation; and
- 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 **February 13, 2017**.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on **January 30, 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. 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.
6. 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.

7. 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.
8. 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.
9. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
10. 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.).
11. 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.
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" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The 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. In the

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.

PLANNING/DESIGN REQUIREMENTS:

14. Owner/Permittee shall not cause or allow the antennas located on the WCF to be different sizes (length, width, or height) than as shown on the stamped approved plans and as listed here:

a. 56-inches by 12-inches by 7.9-inches.

15. Antennas shall be painted and textured to match the building to the satisfaction of the Development Services Department.

16. All conduits related to this project shall be concealed inside the proposed side and bottom skirts painted to match the surface to which they are attached to the satisfaction of the Development Services Department.

17. No exposed pipes or mounting apparatus absent antennas shall be present at any time. Mounting pipes shall not be longer than the antennas.

18. No overhead cabling is permitted.

19. The WCF shall conform to the stamped approved plans and approved photosimulations prior to final Telecom Planning Inspection approval.

20. Photosimulations in color for the WCF shall be printed (not stapled) on the construction plans. This helps ensure that the construction team building the project constructs the project in compliance with approved the Exhibit "A."

21. The Owner/Permittee shall place appropriate signage on the WCF as required by CAL-OSHA/FCC to the satisfaction of the Development Services Department. The Owner/Permittee shall be responsible for complying with all City, State and Federal regulations, as applicable.

22. Antennas shall not exceed the height of any existing or proposed FRP boxes.

23. Use of or replacement of any building façade or mechanical screen with FRP material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building. All FRP shall be painted and textured to match the original building surfaces.

24. 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.

25. All facilities and related equipment shall be maintained in good working order and 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.

26. 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.

27. 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.

INFORMATION ONLY:

- Please note that a **Telecom Planning Inspection Issue** will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans 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 facility. Please schedule this administrative inspection at least five working days ahead of the requested Final Inspection date.
- Per LDC §59.5.0404 Construction Noise (a), It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator.
- 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.
- 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.

APPROVED by the Planning Commission of the City of San Diego on January 30, 2014 and by Resolution No PENDING.

Conditional Use Permit No. 1200840
January 30, 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.**

CONRAD PREBYS TRUST
Owner

By _____
NAME
TITLE

T-MOBILE USA
Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

NOTICE OF EXEMPTION

(Check one or both)

TO: 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.: 286694

PROJECT TITLE: T-Mobile Bay Point Apartments

PROJECT LOCATION-SPECIFIC: 3910 Ingraham Street, San Diego, CA 92109 (Lot 2 of South Bay Club Apartments, Mission Bay, Map 5935 and Lot 1 of South Bay Club Apartments, Mission Bay Map 6237)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit application to modify an existing Wireless Communication Facility (WCF) located at 3910 Ingraham Street in the RM-1-1 zone of the Pacific Beach Community Planning area. The modification consists of six (6) replacement antennas with new side and bottom skirts. The equipment associated with this WCF is located inside an enclosure and would continue to operate without any changes.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Whitney Rugg
 P.O. Box 49 2801 B Street
 San Diego, CA, 92102
 619-316-8864

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: Section 15301 (b) – Existing Facilities, public or private utilities
 STATUTORY EXEMPTIONS:

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


LEAD AGENCY CONTACT PERSON: Lizzi

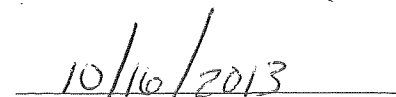
TELEPHONE: (619) 446-5159

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA


 SIGNATURE/TITLE


 DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

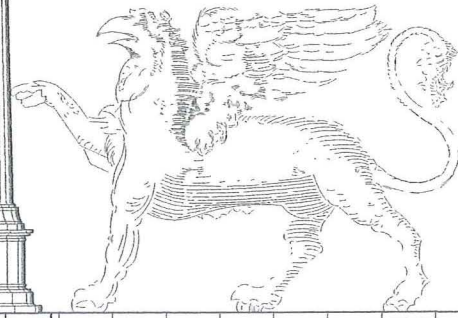
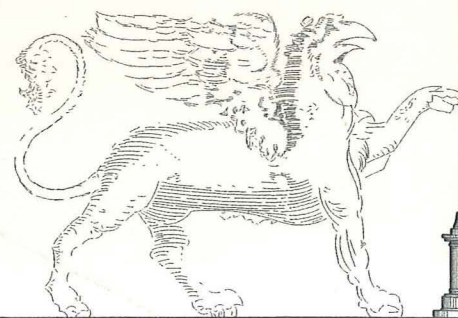
DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

COPY



T-Mobile

SD06471A BAY POINTE APARTMENTS 3910 INGRAHAM STREET, SAN DIEGO, CA 92109



No.	Revision / Issue	Date
A	90% ZD Review	05-10-12
B	Planning Comments	08-22-12
C	Client Comments	01-23-13
D	Client Comments	02-12-13
E	Client Comments	09-03-13

LEGAL DESCRIPTION:

PARCEL 1:
LOT 2 OF SOUTH BAY CLUB APARTMENTS- MISSION BAY, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5435, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 10, 1967.

PARCEL 2:
LOT 1 OF SOUTH BAY CLUB APARTMENTS- MISSION BAY, RESUBDIVISION NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 6237, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 26, 1968.

DIRECTIONS TO SITE

- FROM SAN DIEGO T-MOBILE OFFICE:
1. HEAD NORTHWEST ON VISTA SORRENTO PKWY TOWARD LUSK BLVD
 2. TURN LEFT ONTO SORRENTO VALLEY BLVD
 3. TURN RIGHT ONTO ROSELLE ST
 4. TURN LEFT TO MERGE ONTO I-5 S
 5. TAKE EXIT 23 TOWARD BALBOA AVE/GARNET AVE
 6. MERGE ONTO MISSION BAY DR
 7. TURN RIGHT ONTO GARNET AVE
 8. CONTINUE ONTO BALBOA AVE
 9. CONTINUE ONTO GRAND AVE
 10. TURN LEFT ONTO INGRAHAM ST
- DESTINATION WILL BE ON THE RIGHT
3910 INGRAHAM ST, SAN DIEGO, CA 92109



RF INITIALS: _____ DATE _____

ZONING/PLANNING INITIALS: _____ DATE _____

ARCHITECT INITIALS: _____ DATE _____

CONSTRUCTION INITIALS: _____ DATE _____

SITE ACQUISITION INITIALS: _____ DATE _____

LANDLORD INITIALS: _____ DATE _____

LEGAL DESCRIPTION

DIRECTIONS TO SITE

VICINITY MAP

CLIENT APPROVALS

APPLICABLE CODES

- ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES: INCLUDING BUT NOT LIMITED TO:
1. 2010 CALIFORNIA BUILDING CODE (CBC) / 2009 INTERNATIONAL BUILDING CODE (IBC)
 2. 2010 CALIFORNIA RESIDENTIAL CODE (CRC) / 2009 INTERNATIONAL RESIDENTIAL CODE (IRC)
 3. 2010 CALIFORNIA ELECTRICAL CODE (CEC) / 2008 NATIONAL ELECTRICAL CODE (NEC)
 4. 2010 CALIFORNIA MECHANICAL CODE (CMC) / 2009 UNIFORM MECHANICAL CODE (UMC)
 5. 2010 CALIFORNIA PLUMBING CODE (CPC) / 2009 UNIFORM PLUMBING CODE (UPC)
 6. 2010 CALIFORNIA FIRE CODE (CFC) / 2009 (IFC)
 7. 2010 CALIFORNIA GREEN BUILDINGS STANDARDS CODE
 8. 2008 BUILDING ENERGY EFFICIENCY STANDARDS

SITE NAME
BAY POINTE APARTMENTS

SITE NUMBER
SD06471A

SITE ADDRESS
3910 INGRAHAM STREET
SAN DIEGO, CA 92109

OWNER
CONRAD PREBYS TRUST
3566 INGRAHAM ST.
SAN DIEGO, CA 92109
(858) 273-0733

APPLICANT
T-MOBILE
10509 VISTA SORRENTO PARKWAY
SUITE 206
SAN DIEGO, CA 92121

CURRENT ZONING:
RM-3-7

TELECOMMUNICATION CARRIERS
NO OTHER W.C.F. LOCATED ON SITE.

ASSESSOR PARCEL NUMBER
423-423-09+11

EXISTING OCCUPANCY:
B

EXISTING TYPE OF CONSTRUCTION
V 1 HR - NON-SPRINKLERED

PROJECT DESCRIPTION:

- T-MOBILE PROPOSES TO UPGRADE IT'S EXISTING FACILITY:
- EXISTING ENTITLEMENT: (2) CABINETS, (6) ANTENNAS
 - EXISTING 8'-0" x 18'-0" EQUIPMENT SHELTER, LOCATED ON GRADE. NO PROPOSED CHANGES TO EXISTING CABINETS (4 TOTAL)
 - EXISTING T-MOBILE ANTENNAS TO BE REPLACED WITH PROPOSED REPLACEMENT ANTENNAS, (2) PER SECTOR, (6) ANTENNAS TOTAL.

OPERATING FREQUENCIES:
TX (GSM) - 1950 TO 1965 MHz
RX (GSM) - 1870 TO 1885 MHz
TX (WCDMA) - 2150 TO 2155 MHz
RX (WCDMA) - 1750 TO 1755 MHz

ARCHITECTS & ENGINEERS
MITCHELL J. ARCHITECTURE
4883 RONSON COURT, SUITE N
SAN DIEGO, CA 92111
TEL: (858) 650-3130
FAX: (858) 650-3140

CONTACT : ART BROWN (PROJECT MANAGER)

APPLICANT REPRESENTATIVE
DEPRATTI INC.

CONTACT: ANNE REGAN (SITE ACQUISITION SPECIALIST)
PHONE: 858-602-6522

Sheet List Table	
Sheet Number	Sheet Title
G-001	TITLE SHEET PROJECT INFORMATION & VICINITY MAP
A-101	SITE PLAN & NOTES
A-201	EXTERIOR ELEVATIONS
A-401	ANTENNA LAYOUT & EQUIPMENT AREA PLANS
D-501	ANTENNA ATTACHMENT DETAILS

LEGAL DESCRIPTION

APPLICABLE CODES

PROJECT SUMMARY

CONSULTANT TEAM

SHEET INDEX

Title Sheet, Project Information & Vicinity Map

BAY POINTE APARTMENTS
SD06471A
3910 INGRAHAM STREET
SAN DIEGO, CA 92109

MITCHELL J. ARCHITECTURE, INC.
10509 VISTA SORRENTO PARKWAY, SUITE 206
SAN DIEGO, CA 92121
TEL: (858) 650-3130 (ph) / (858) 650-3140 (fax)

architect



Project: _____
Date: 05-10-12
Drawn By: acb
Checked By: mjc
Scale: NO SCALE

Mitchell J. Architecture

G-001

GENERAL NOTES

1. THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING BUILDING FOOTPRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES.
2. NO EXISTING PARKING SPACE WILL BE USED OR REMOVED BY THIS PROJECT.
3. THIS IS A REPLACEMENT OF EXISTING EQUIPMENT ON AN EXISTING FACILITY AND NO GROUND DISTURBANCE OR TRENCHING IS PROPOSED BY THIS PROJECT.
4. THIS PROJECT PROPOSES NO WORK WITHIN THE PUBLIC RIGHT-OF-WAY.
5. 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.
6. 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.

SETBACKS:

FRONT: 10'-0"
 SIDE: 5'-0"
 STREET SIDE: 10'-0"
 REAR: 5'-0"

No.	Revision / Issue	Date
A	50% ZD Review	05-10-12
B	Planning Comments	08-22-12
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E	Client Comments	09-03-13

Lessee's Certificate
 Standard Wireless Facility Project
 for Post Construction BMP's

I/ we the undersigned as Lessee(s) of the property described as
2910 INGRAHAM ST., SAN DIEGO, CA 92109
 (Address or legal description)

understand that in accordance with the San Diego Municipal Code, Land Development Manual - Storm Water Standards, this project is required to "Identify Pollutants from the Project Area" and incorporate "Site Design" and "Source Control" BMP's.

I/We certify to the best of my knowledge, pollutants anticipated by the proposed land use are as follows:

- Sediments
- Nutrients
- Trash & debris
- Oxygen Demanding Substance
- Oil & Grease
- Bacteria & Viruses
- Pesticides

I/We will incorporate the following into the site design -

- Maintain pre-development runoff characteristics
- Minimize impervious foot print by constructing walkways, patios and driveways with permeable surfaces.
- Conserve natural areas
- Use natural drainage systems as opposed to lined swales or underground drainage systems
- Drain roof tops, walkways, patios and driveways into adjacent landscaping prior to discharging to the public drainage system.
- Preserve existing native trees and shrubs
- Protect all slopes from erosion

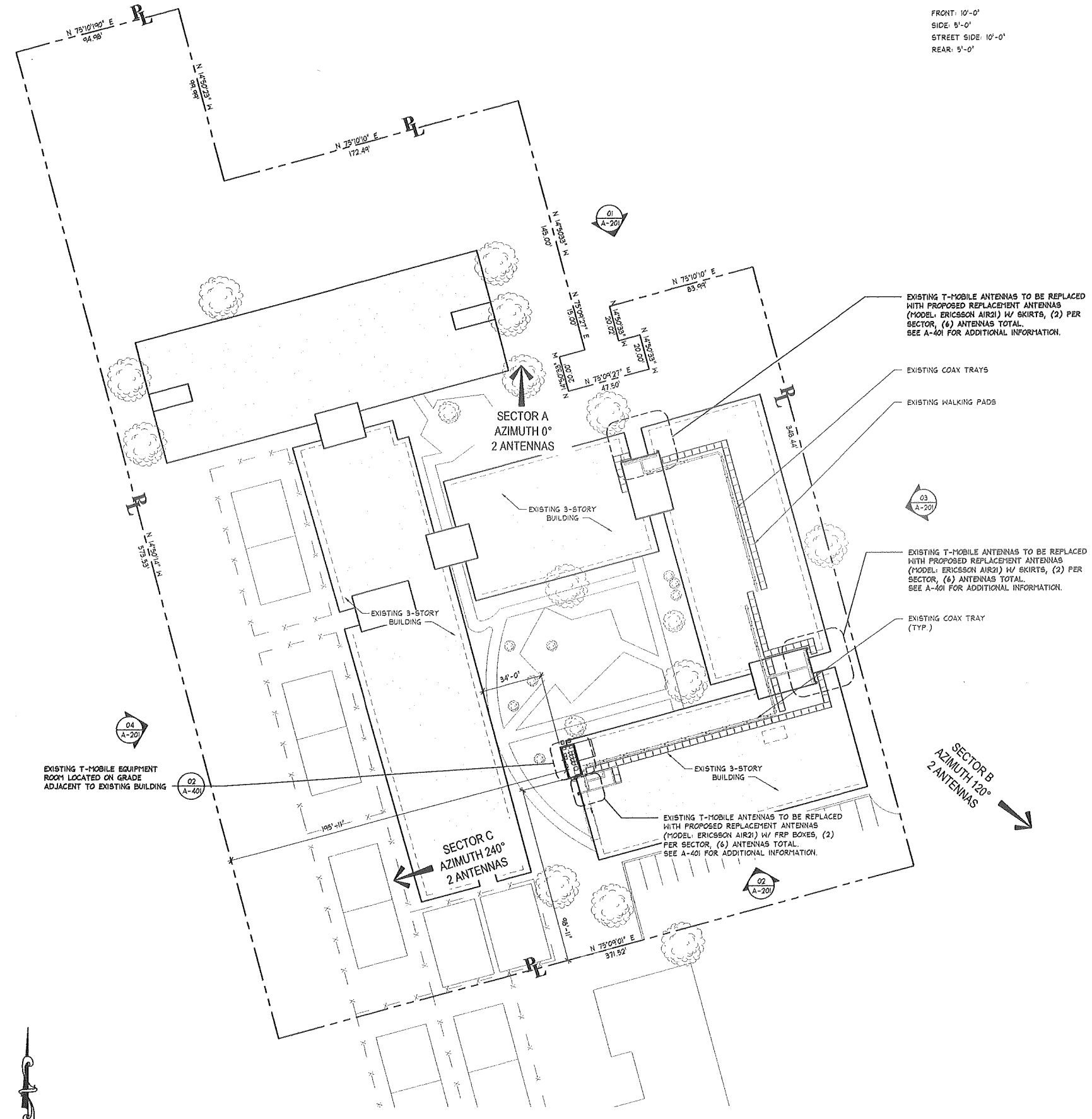
Additionally I/We will:

- Minimize the use of pesticides
- Use efficient irrigation systems and landscape design - incorporating rain shutoff devices and flow reducers

I/We will maintain the above Standard Permanent BMP's for the duration of the lease.

Lessee Kirt Patrock Company Name T-Mobile
 (print name)

Lessee [Signature] Date 02/04/13
 (signature)



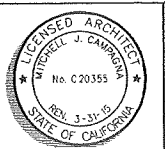
SITE PLAN AND NOTES

BAY POINTE APARTMENTS
 3910 INGRAHAM STREET
 SAN DIEGO, CA 92109

T-Mobile
 6509 VISTA SORRENTO
 PARKWAY SUITE 206
 SAN DIEGO, CA 92121

MITCHELL J. ARCHITECTURE, INC.
 4883 RONSON COURT, SUITE N
 SAN DIEGO, CA 92121 / 619.550.3140 (fax)
 619.550.3135 (ph) / 858.650.3140 (cell)

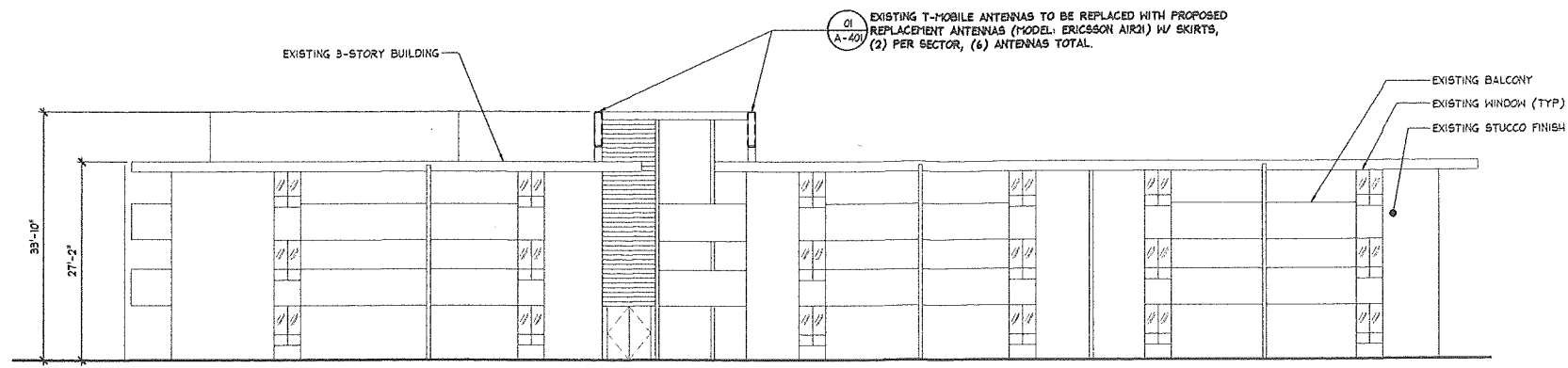
architect
Mitchell J. architect



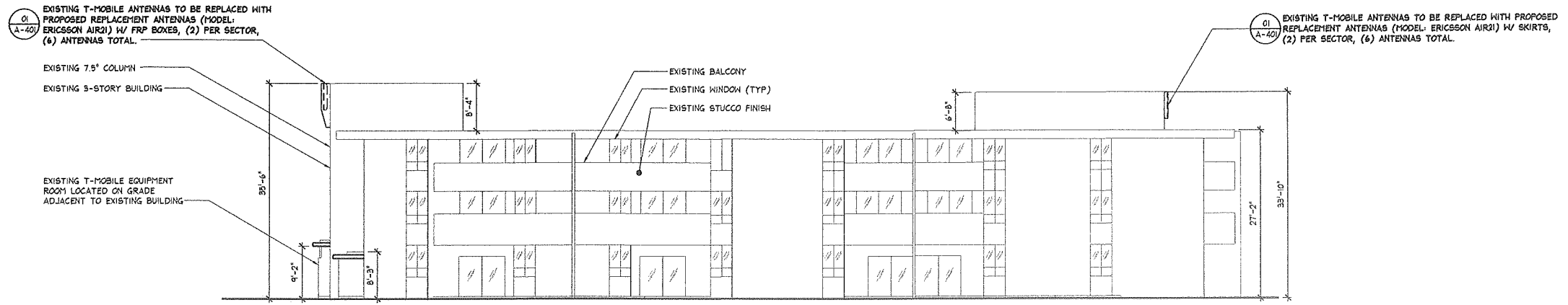
Project	
Date	05-10-12
Drawn By	acb
Checked By	mjc
Scale	1" = 30'-0"

Mitchell J. Architecture
A-101

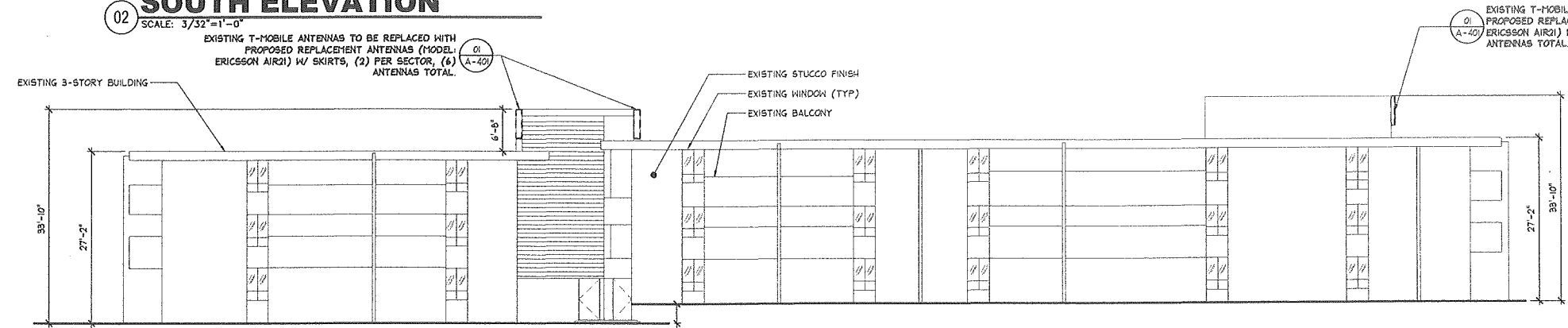
No.	Revision/Issue	Date
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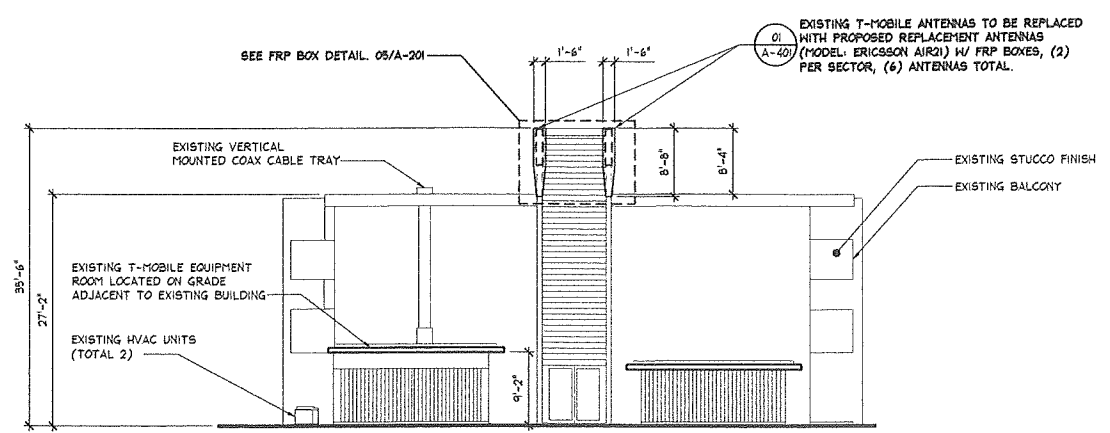
01 NORTH ELEVATION
SCALE: 3/32"=1'-0"



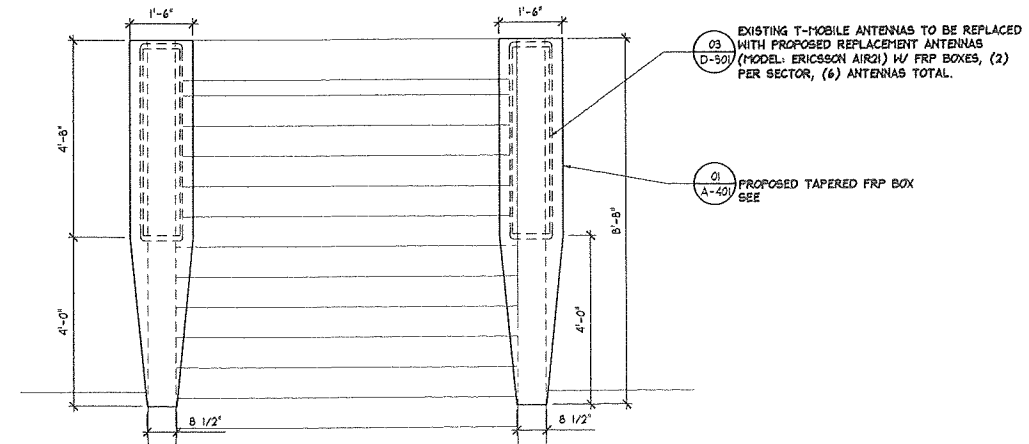
02 SOUTH ELEVATION
SCALE: 3/32"=1'-0"



03 EAST ELEVATION
SCALE: 3/32"=1'-0"

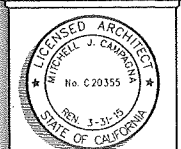


04 WEST ELEVATION
SCALE: 3/32"=1'-0"



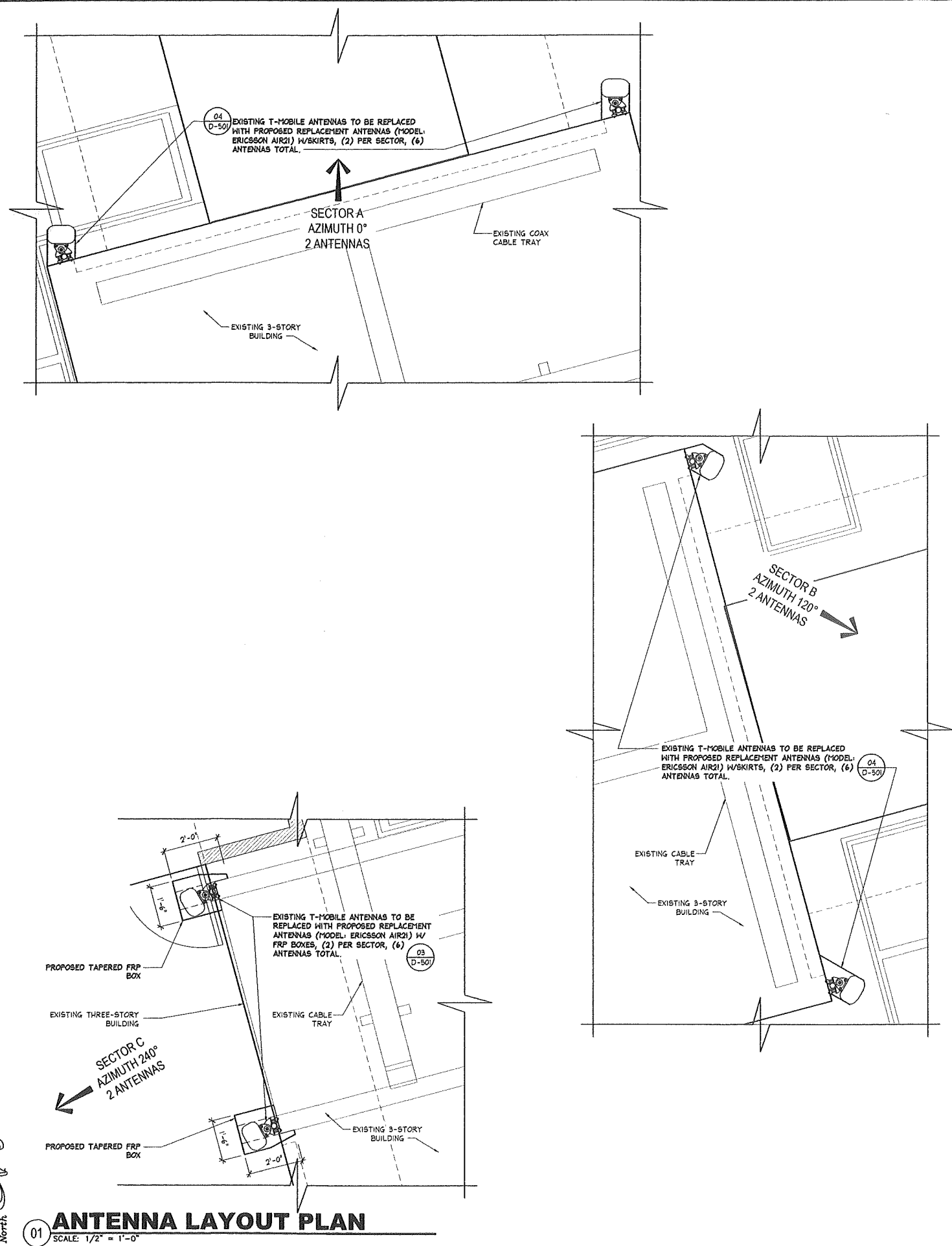
05 FRP BOX DETAIL
SCALE: 1/2"=1'-0"

EXTERIOR ELEVATIONS
Mobile
Bay Pointe Apartments
 10505 VISTA SORRENTO
 PARKWAY SUITE 206
 SAN DIEGO, CA 92121
MITCHELL J ARCHITECTURE
 architect

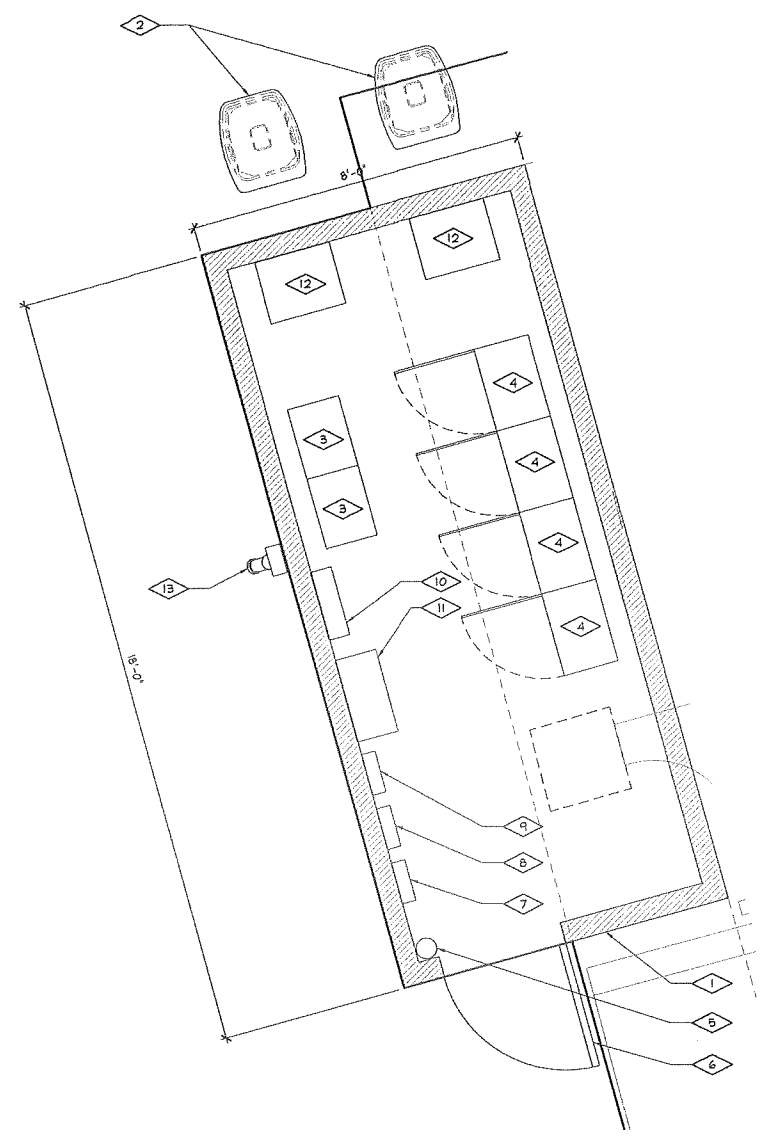


Project	
Date	05-10-12
Drawn By	pcb
Checked By	mjc
Scale	3/32" = 1'-0"

Mitchell J. Architecture
A-201



01 ANTENNA LAYOUT PLAN
SCALE: 1/2" = 1'-0"



- KEYED NOTES:**
- 1 EXISTING T-MOBILE EQUIPMENT ROOM LOCATED AT GRADE ADJACENT TO EXISTING BUILDING
 - 2 EXISTING CONDENSER UNITS (TOTAL 2)
 - 3 EXISTING BATTERY RACK (TOTAL 2)
 - 4 EXISTING T-MOBILE WIRELESS RBS EQUIPMENT UNIT (TOTAL 4)
 - 5 EXISTING FIRE EXTINGUISHER
 - 6 EXISTING (3'-0" X 7'-0") METAL DOOR
 - 7 EXISTING FIRST AID/ BATTERY SAFETY KIT AND PORTABLE EYEWASH KIT
 - 8 EXISTING ALARM PANEL
 - 9 EXISTING MANUAL TRANSFER SWITCH
 - 10 EXISTING ELECTRICAL PANEL
 - 11 EXISTING TELCO PANEL
 - 12 EXISTING AIR HANDLER UNITS.
 - 13 EXISTING GENERATOR RECEPTACLE

02 EQUIPMENT AREA PLAN
SCALE: 1/2" = 1'-0"

No.	Revision / Issue	Date
A	90% ZD Review	05-10-12
B	Planning Comments	08-22-12
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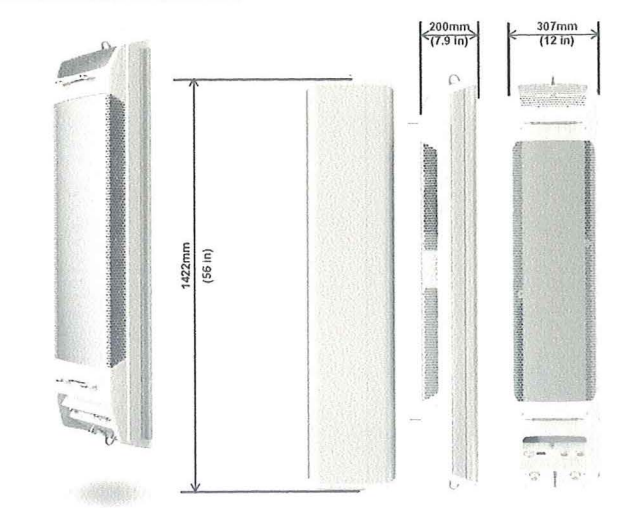
ANTENNA LAYOUT & EQUIPMENT AREA PLANS
Mobile
Bay Pointe Apartments
 10505 VISTA SORRENTO PARKWAY SUITE 206
 SAN DIEGO, CA 92121
MITCHELL J ARCHITECTURE, INC.
 8880 BOULEVARD, SUITE N
 SAN DIEGO, CA 92121
 619.550.3130 (PH) / 619.550.3140 (FAX)
 LICENSED ARCHITECT
 No. C20355
 REV. 3-11-15
 STATE OF CALIFORNIA
MITCHELL J ARCHITECTURE

ANDREW	TMBX-6516-R2M	DualPol [®] Teletilt [®]
<ul style="list-style-type: none"> Patented cross dipole and feed system Rugged, reliable design with excellent PIM suppression Includes factory installed AISG 2.0 RET actuator Fully compatible with Andrew Teletilt[®] remote control antenna system 		
ELECTRICAL		
Frequency Range (MHz):	1710-2155	
Characteristic Impedance (Ohms):	50	
Azimuth BW (Deg):	65 ± 5	
Elevation BW (Deg):	7.3 ± 1.1	
Gain (dB):	17.5 ± 0.7	
Polarization:	±45°	
Front-to-Back Ratio (dB):	18° 2' 4" 8" 10" 15"	
Copd. 180° ± 30°:	+25 -25 +25 -24 +24 -24	
Total Phase 180° ± 30°:	+24 -24 -24 +24 -24 -22	
Upper Side-lobe (dB):	8° 2' 4" 8" 10" 15"	
Main Beam to -20°:	+15 +15 +17 +17 +15 +12	
VSWR / Return Loss (dB):	1.35 / 1.65	
Port-to-Port Isolation (dB):	>30	
Electrical Tilt Range (Deg):	0-13	
Electrical Down-tilt Accuracy (Deg):	±1.6	
Cross-pol (dB):	8° 2' 4" 8" 10" 15"	
3 dB Beamwidth:	+15 -15 +15 -15 +15 -14	
Intermodulation Products (dBc):		
3rd Order 2 + 20 dBm:	150	
Max. Input Power (Watts):	250	
Lightning Protection:	DC Ground	
PERFORMANCE TRACKING		
Gain Variation (dB) (between UL and DL frequency pair):	1.3	
Electrical Tilt Accuracy (Deg) (between UL and DL frequency pair):	+0.5	
Azimuth IPEW (Deg) (between UL and DL frequency pair):	9	
MECHANICAL		
Net Weight (kg / lbs):	5.1 / 11.2	
Dimensions - LxWxD (with actuator):	1525 x 152 x 68 mm	
Length without actuator:	61 x 1.6 x 2.3 inch	
Max. Wind Area (m ² / ft ²):	1300 / 141	
Max. Wind Load (N / ft ²):	258 / 27.6	
Max. Wind Speed (km/h / mph):	241 / 150	
Hardware Material:	Hot Dip Galvanized	
Connector Type:	7-16 DIN, Female (2)	
Color:	GR/White	
Standard Mounting Hardware:	TMR005CA	

ANDREW	TMBXX-6516-R2M	Decibel [®] Base Station Antenna
<ul style="list-style-type: none"> Patented cross dipole and feed system Rugged, reliable design with excellent PIM suppression Includes factory installed AISG RET actuator Fully compatible with Andrew Teletilt[®] remote control antenna system 		
ELECTRICAL		
Frequency Range (MHz):	1710-2155	
Characteristic Impedance (Ohms):	50	
Azimuth BW (Deg):	65 ± 5	
Elevation BW (Deg):	7.3 ± 1.2	
Gain (dB):	17.5 ± 0.8	
Polarization:	±45°	
Front-to-Back Ratio (dB):	21° 4' 8" 10" 15"	
Copd. 180° ± 30°:	+24 -24 -24 +24 -24 -24	
Total Phase 180° ± 30°:	+24 -24 -24 +24 -24 -22	
Upper Side-lobe (dB):	8° 2' 4" 8" 10" 15"	
Main Beam to -20°:	+15 +15 +17 +17 +15 +12	
VSWR / Return Loss (dB):	1.35 / 1.65	
Port-to-Port Isolation (dB):	>30	
Electrical Tilt Range (Deg):	0-16	
Electrical Down-tilt Accuracy (Deg):	± 0.5	
Cross-pol (dB):	8° 2' 4" 8" 10" 15"	
3 dB Beamwidth:	+13 -13 +13 -13 +13 -12	
Intermodulation Products (dBc):		
3rd Order 2 + 20 dBm:	155	
Max. Input Power (Watts):	250	
Lightning Protection:	DC Ground	
PERFORMANCE TRACKING		
Gain Variation (dB) (between UL and DL frequency pair):	1.3	
Electrical Tilt Accuracy (Deg) (between UL and DL frequency pair):	+0.55	
Azimuth IPEW (Deg) (between UL and DL frequency pair):	11.5	
MECHANICAL		
Net Weight (kg / lbs):	11.7 / 25.8	
Dimensions - LxWxD (with actuator):	1825 x 302 x 160 mm	
Length without actuator:	89 x 11.9 x 6.3 inch	
Max. Wind Area (m ² / ft ²):	927 / 100	
Max. Wind Load (N / ft ²):	729 / 78.4	
Max. Wind Speed (km/h / mph):	241 / 150	
Hardware Material:	Hot Dip Galvanized	
Connector Type:	7-16 DIN, Female (2)	
Color:	GR/White	
Standard Mounting Hardware:	TMR005CA	

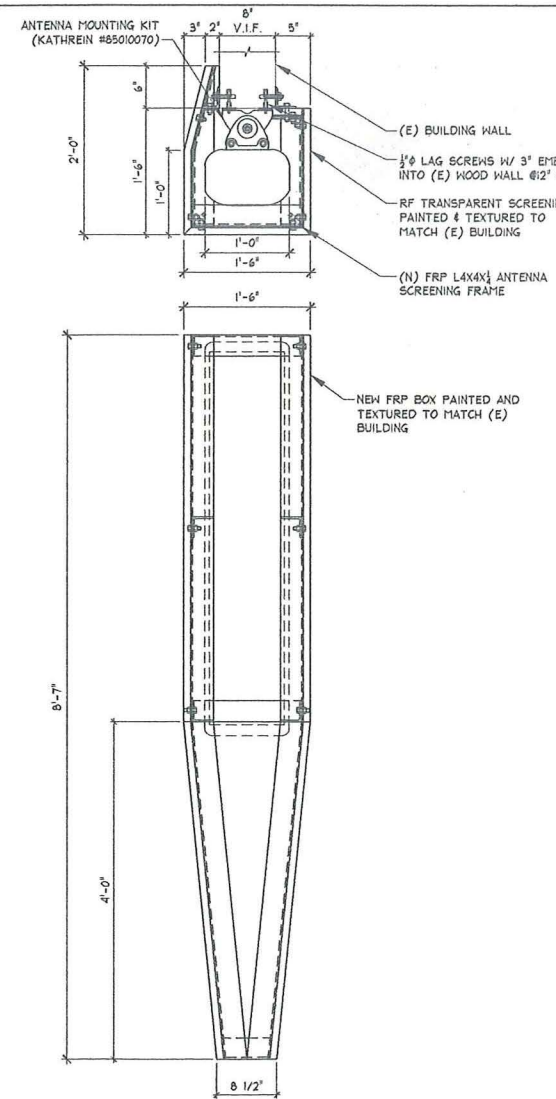
AIR 21 - Key Data

- Radio:**
 - Frequency bands: 1900 MHz (B2) and 1700/2100 MHz (B4)
 - One active antenna/radio, supporting e.g. 2x2 MIMO, 2 Tx + 4 Rx
 - 8 Carriers (4 carriers per radio)
 - IBW = 20 MHz per radio
- Antenna:**
 - One best in class 65° passive antenna: 17.2 to 17.8 dBi gain
 - Two integrated RETs, one per frequency band, -2° - 12° tilt
 - Vertical beam width: 6.5° - 7.1°
 - Dual column for UL beam-forming / 4-way RX Diversity
- Interfaces:**
 - Two optical fiber ports (CPRI) for active antenna/radio
 - One power connector, -48 V DC
 - Two 7/16 female connectors for passive antenna, with RET support
 - Two N female connectors for LMU (RX sharing ports) on 1900 MHz variant
- Physical Characteristics and Environment:**
 - H x W x D = 1422 x 307 x 200 mm (56" x 12" x 7.9")
 - 41.5 kg (91 lbs). Two mounting brackets - add 2.1 kg (5 lbs).
 - <750 N Wind load (worst direction, static @ 150 km/h)
 - Operating temperature range: -40°C to +55°C (-40°F to +131°F)
 - Heat dissipation 300 W



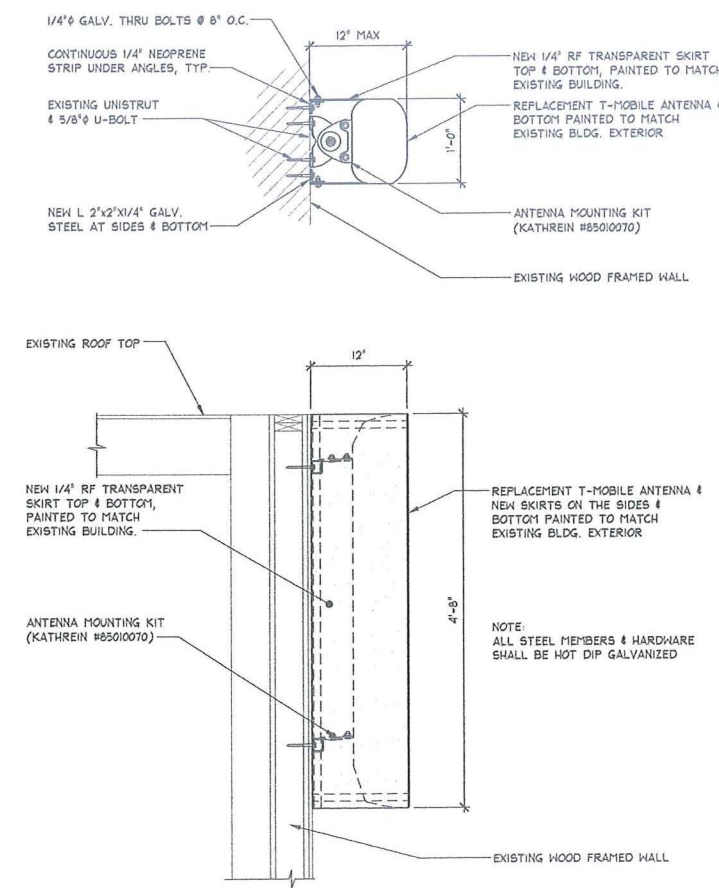
01 EXISTING ANTENNA

SCALE: N.T.S.



02 REPLACEMENT ANTENNA

SCALE: N.T.S.



03 REPLACEMENT ANTENNA (SECTOR C)

SCALE: 1" = 1'-0"



04 REPLACEMENT ANTENNA (SECTOR A & B)

SCALE: 1" = 1'-0"



ANTENNA MOUNTING DETAILS

BAY POINTE APARTMENTS
SD 0647
3910 GRAHAM STREET
SAN DIEGO, CA 92109

T-Mobile
10509 VISTA SORRENTO
PARKWAY SUITE 206
SAN DIEGO, CA 92121

architect Mitchell J architecture

M
MITCHELL J. ARCHITECTURE, INC.
505 BROADWAY, SUITE 100
SAN DIEGO, CA 92101
TEL: 619.594.1111
FAX: 619.594.1112
WWW.MITCHELLJ.ARCHITECTURE.COM

LICENSED ARCHITECT
MITCHELL J. CAMERON
No. C20355
EXPIRES 3-31-16
STATE OF CALIFORNIA

No.	Revision / Issue	Date
A	90% ZD Review	05-10-12
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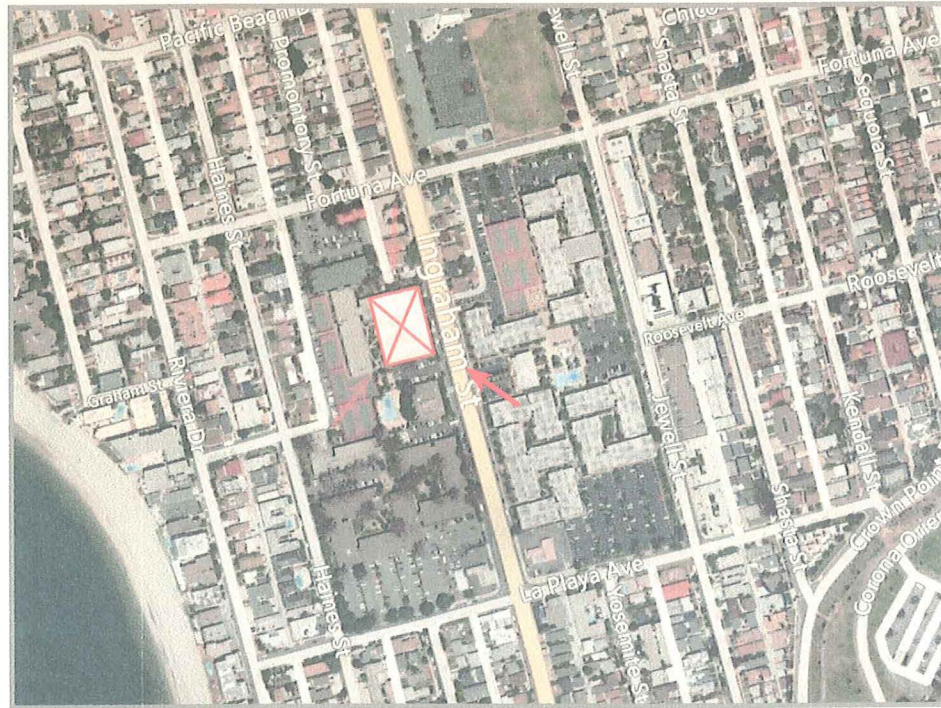
Project: _____
Date: 05-10-12
Drawn By: acb
Checked By: mjc
Scale: AS SHOWN

Mitchell J. Architecture
D-501

SD06471A

BAY POINTE APARTMENTS

3910 INGRAHAM STREET SAN DIEGO CA 92109



LOCATION

©2013 Google Maps



EXISTING



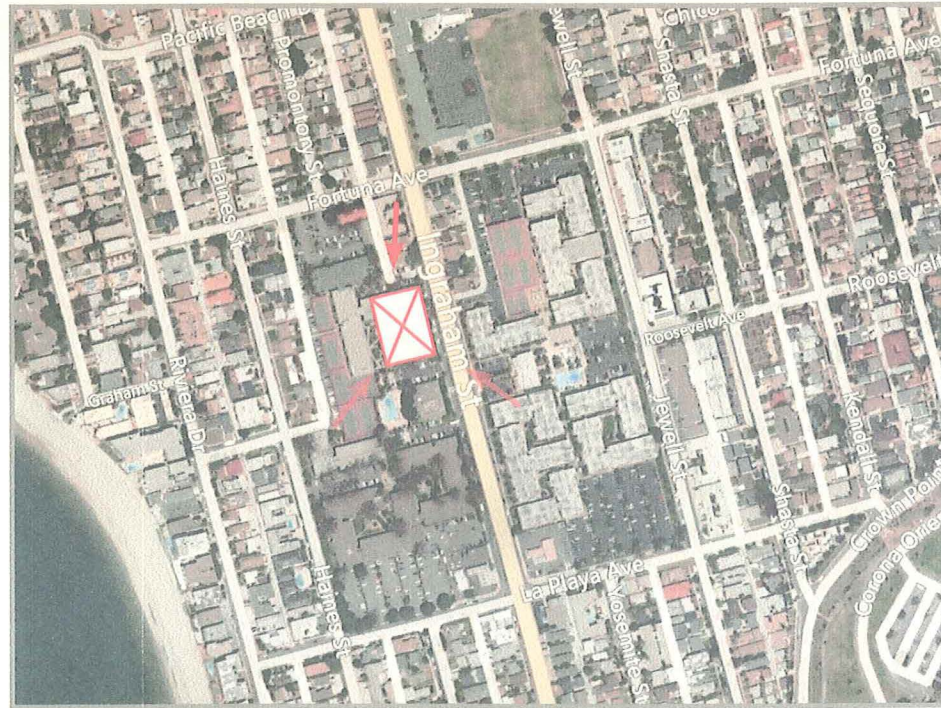
PROPOSED

LOOKING NORTHWEST FROM INGRAHAM STREET

SD06471A

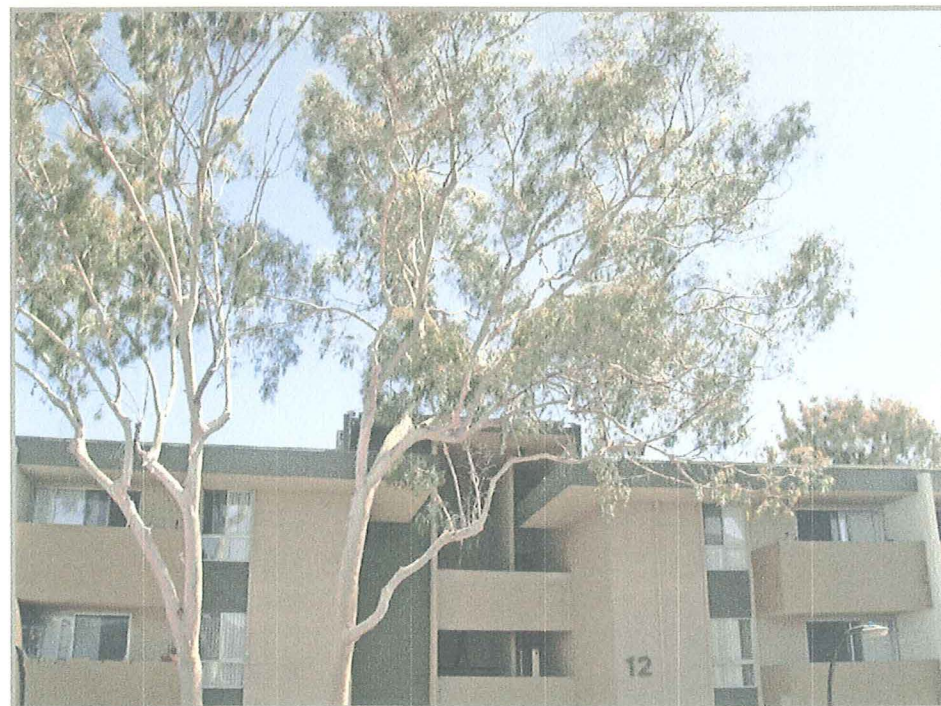
BAY POINTE APARTMENTS

3910 INGRAHAM STREET SAN DIEGO CA 92109



LOCATION

©2013 Google Maps



EXISTING



PROPOSED REPLACEMENT ANTENNA WITH SKIRTING

PROPOSED REPLACEMENT ANTENNA WITH SKIRTING

PROPOSED

LOOKING SOUTH FROM ALLEY



SD06471A

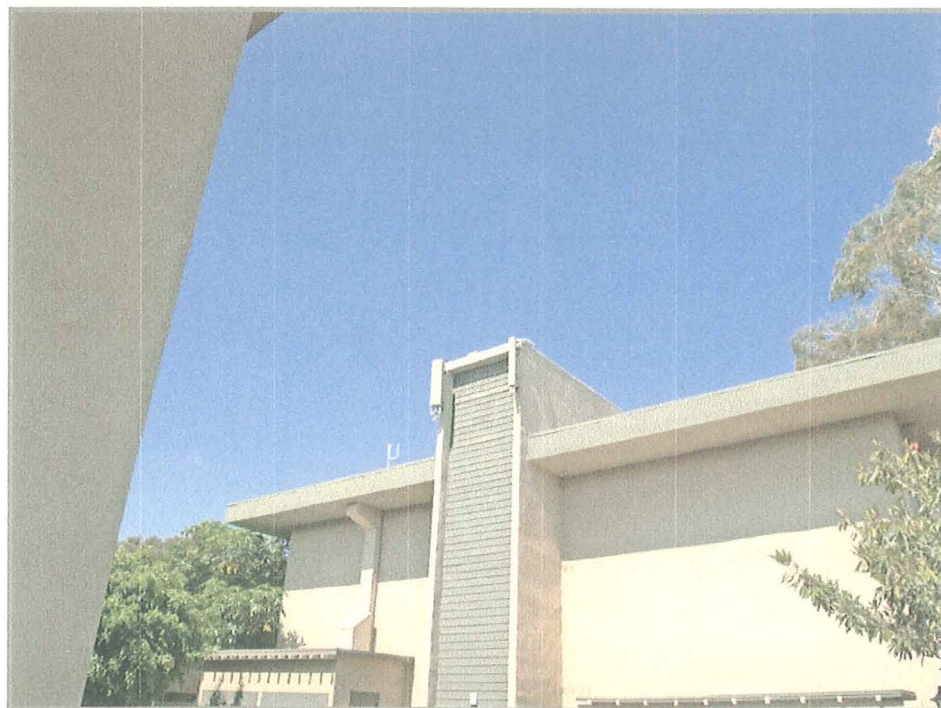
BAY POINTE APARTMENTS

3910 INGRAHAM STREET SAN DIEGO CA 92109

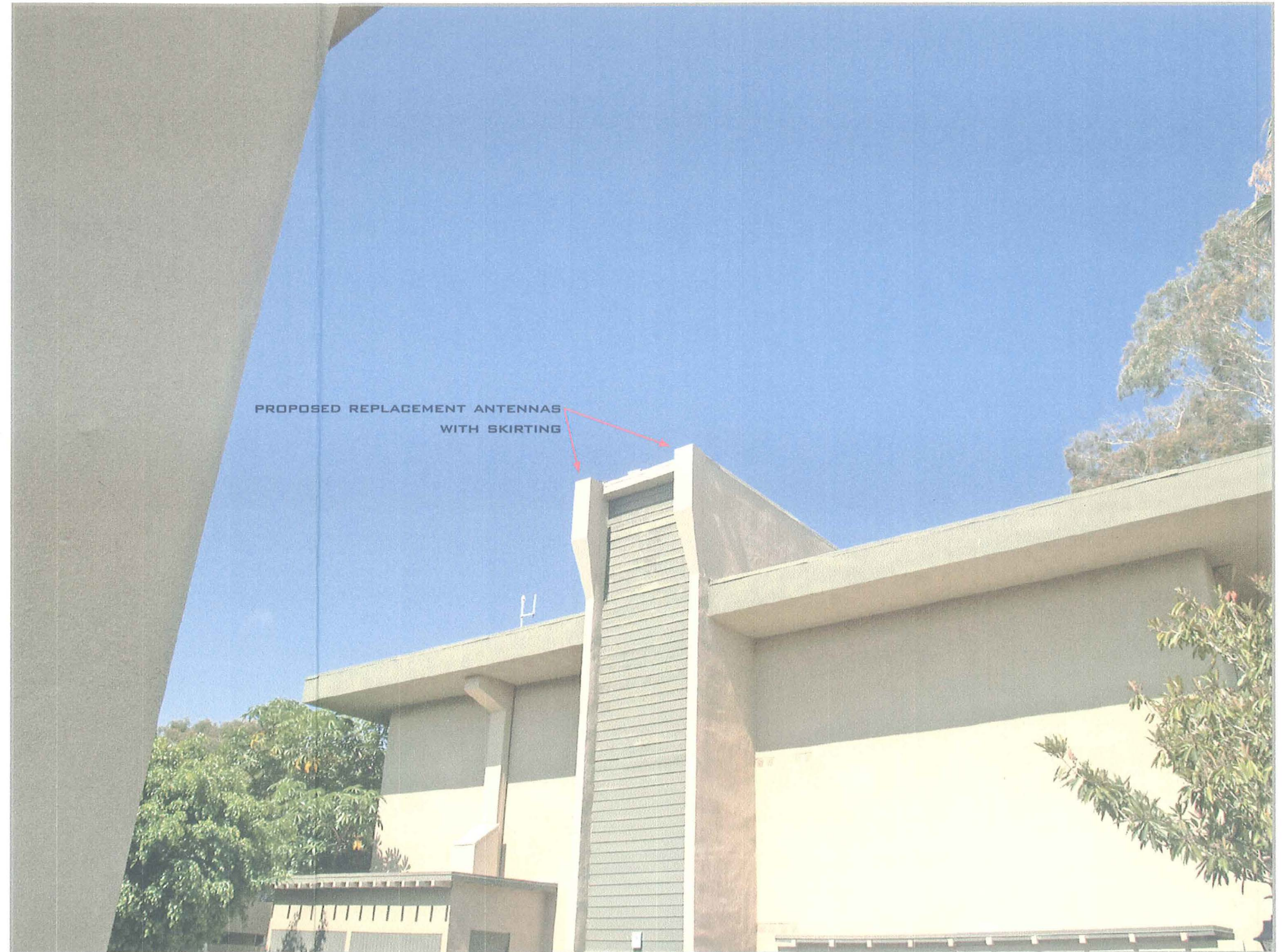


LOCATION

©2013 Google Maps



EXISTING



PROPOSED

LOOKING NORTHEAST FROM APARTMENT COMPLEX

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

PHOTOGRAPHIC SURVEY: KEY MAP
T-Mobile SD06471 Bay Pointe Apartments



PHOTOGRAPHIC SURVEY

T-MOBILE SD06471A, BAY POINTE APARTMENTS

- **VIEW OF THE SUBJECT PROPERTY**



(1) View of the subject property looking north.



(2) View of the subject property looking west.



(3) View of the subject property looking south.



(4) View of the subject property looking east.

• VIEW FROM THE SUBJECT PROPERTY



(5) View from the subject property looking north.



(6) View from the subject property looking west.



(7) View from the subject property looking south.



(8) View from the subject property looking east.





Pacific Beach Planning Group

www.pbplanning.org

Minutes – September 25, 2013

1. 6:33pm meeting called to order, quorum established. Attendees: Brian Curry, Curtis Patterson, Hilary Lowe, Michael Beltran, Scott Chipman, Kathy Combs, Deborah Conca, Larry Emlaw, Paul Falcone, Tricia Fox, Don Gross, Ryan Murphy, Chris Olson, John Shannon, John Skober, Baylor Triplett, and Joe Wilding.

Members not present: Eve Anderson, Imelda McClendon, William Ramirez

2. Current Agenda – Modification & Approval:

Modifications: none

John Skober made a motion to approve the agenda. Deborah Conca seconded,

Motion Passed 14-0-0.

3. August 28, 2013 Minutes - Modifications and Approval:

Modifications: none

John Skober made a motion to approve August minutes as amended. Paul Falcone seconded,

Motion Passed 14-0-0.

4. Chair's Remarks

-Plastic Bag Ordinance

-Move November & December Meeting Scheduling

Scott Chipman made a motion to move the November Board meeting to Dec 4, Joe Wilding seconded,

Motion Passed 13-1-0.

Against: Michael Beltran because he will be out of town.

5. Non-Agenda Public Comments (Note: 2 minutes maximum per speaker)

-Larry Emlaw: Elections Subcommittee

-Fran Humphrey: Mission Bay High School Athletic Field – Conversion to artificial turf field & Prop. S

-Chris Olson: PBPG needs to prioritize time for planning rather than simply residential projects

-Michael McQuary: Rotary Club of Mission Beach every Monday at noon at the Catamaran Hotel, Bocce Ball Tournament on October 26, 12-5pm at Vacation Island east

-Joe Wilding: Paesan, Beach Clean-Up Crown Point

-Michael Beltran: Beachfest 10/5/2013

6. Government Office Report: (Informational Item)

City Council District 2-Ian Clampett was absent.

7. Commercial and Residential Projects - Curtis Patterson (9 Action Items)

1. Sprint – Pacific Beach 4655 Cass Street
Presenter: Maegan Murphey Steudler

Chris made a motion to approve changes to the cell phone towers with the following conditions:

1. All formerly Nextel (now Sprint) equipment, cabling, electric boxes, casing, antennae, and enclosed room in the basement will be removed and all conditions on the roof, sides of the building, and basement will be restored to their original conditions. The decommissioning of the former Nextel site will begin at the “end of October” per the attached letter from Ms. Glori James-Suarez, the Sprint Market Manager, and we agreed would be completed no later than November 24th, 2013 (Thanksgiving).
2. The current existing Sprint coax casing will be replaced and/or repaired as necessary. The coax itself will be replaced with fiber optics.
3. Currently the Sprint lease allows for up to three (3) antennae at each of the three (3) sectors. If Sprint is not using all three antennae, the coax or cabling and attached pipe casing will be removed from the roof and the side of the building.
4. The three radio heads, one for each antennae sector, will be placed on a “sled” attached to the existing cable casing, per the drawing (Sheet #A-4, Revision 3).
5. Mounting and relocating the antennae will comply with the requests / requirements of the City of San Diego

Scott Chipman seconded,

Motion Passed 14-1-1.

John Shannon opposed.

Curtis Patterson abstained.

2. AT&T Mobility Crown Pointe 3866 Ingraham Street
Presenter: Tim Henion

Curtis Patterson made a motion to approve the project. Paul Falcone seconded,

Motion Passed 15-1-0.

John Shannon opposes

7. T-Mobile Pointe Apartments 3910 Ingraham Street
Presenter: Anne Regan

Curtis Patterson made a motion to approve the project. John Skober seconded,

Motion Passed 15-1-0.

John Shannon opposed.

8. Grand Avenue Senior Assisted Living 973 Grand Avenue
Presenter: Jacob Schwartz

Not Heard

9. Sprint Wesley Palms 2404 Loring Street
Presenter: Sam Gudino

Curtis Patterson made a motion to approve the project with the condition that the ownership disclosure statement is signed by the owner. Chris Olson seconded,
Motion Passed 14-2-0.

6. Riviera Drive Remodel 3521 Riviera Drive
Presenter: Rob Balentine

Curtis Patterson made a motion to approve the project as presented. Deborah Conca seconded,

Motion Did Not Pass 7-8-0.

Board was split over parking issues and whether the tandem spaces proposed are sufficient for the number of bedrooms.

Curtis Patterson made a motion to move items 3, 4, 5 to end of the meeting time permitting and the presented shows up, seconded

Motion Passed 10-6-0

8. Capital Improvement Projects (CIP) Subcommittee – Chris Olson

Motion: Approve list of Pacific Beach CIP projects to submit to City. **(Action Item)**

Chris Olson made a motion to approve Bluffside Drive improvements as one of the Pacific Beach CIP projects to be submitted to the City, Michael Beltran seconded,
Motion Passed 16-0-0

Chris Olson made a motion to approve sidewalk improvements as one of the Pacific Beach CIP projects to be submitted to the City, Larry Emlaw seconded,
Motion Passed 16-0-0

Chris Olson made a motion to approve streetlights on Garnet from Ingraham to Lamont and on Hornblend from Mission to Fanuel as one of the Pacific Beach CIP projects to be submitted to the City, Paul Falcone seconded,
Motion Passed 15-1-0

Hilary Lowe opposed due to light pollution issues and preference to focus on other projects.

Chris Olson made a motion to present lighted pedestrian crossings as one of the Pacific Beach CIP projects to be submitted to the City, Scott Chipman seconded,
Motion Passed 13-3-0

Scott Chipman opposed because he does not feel there is evidence that the lighted crosswalks work.

9. Traffic & Parking Subcommittee – Paul Falcone

1. Motion: Send a letter of appreciation to the City for the work on the Graham intersection. **(Action Item)**

Paul Falcone made the motion, Don Gross seconded,
Motion Passed 16-0-0

2. Informational Items:

10. Other Reports to PBPG (Time Permitting)

Communications Subcommittee – John Shannon

-John Shannon resigned as Chair. Baylor Triplett will be taking the position of Chair.

- Add CIP info to website
- Need Agendas and Minutes on website
- Need social media

Code Compliance – Joe Wilding

- Focusing on Garnet and PROW program
- Deborah has been educating businesses about PROW program
- Party buses are cleaned up
- Pacifico sign at McDonalds removed

Special Events Committee – Deborah Conca

- No meeting last month

Beautiful PB / PB Parks – Chris Olson

- Booth at Beachfest
- Eco District Meeting upcoming

Mission Bay Gateway Project – Scott Chipman

- No news

Remaining Commercial and Residential Projects - Curtis Patterson

3. Felspar Townhomes 1135-1141 Felspar Street
 Presenter: Dan Linn

Curtis Patterson made a motion to approve the project. John Skober seconded,
Motion Did Not Pass 5-11-0.

There was a concern that the proposed “dens” would be converted or used as bedrooms and the proposed parking would not be sufficient to meet the new demand.

Joe Wilding motion to extend the meeting 20 minutes, Scott Chipman seconded,
Motion Passed 12-4-0

4. Missouri Residences CDP 1066 Missouri Street
 Presenter: Dan Linn

Curtis Patterson made a motion to approve the project, Tricia Fox seconded,

Motion Passed 12-4-0.

5. Thomas Avenue Residences CDP 1328 & 1330 Thomas Avenue
Presenter: Dan Linn

Curtis Patterson made a motion to approve the project as presented, John Skober
seconded,

Motion Passed 12-4-0.

11. Adjournment

Meeting Adjourned at 8:47pm.

SD06471



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development 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 Project No. For City Use Only
 T-Mobile Bay Pointe Apartments

Project Address:
 3910 Ingraham St., San Diego, CA 92109

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 the subject property, with the intent to record an encumbrance 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 / executed by the 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 Yes No

Name of Individual (type or print):
 Conrad Prebys, Trustee
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 3866 INGRAHAM ST.
 City/State/Zip:
 SAN DIEGO, CA. 92109
 Phone No: 619-273-0733-121 Fax No: _____
 Signature: *Conrad Prebys* Date: 8/7/2012

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____



THE CITY OF SAN DIEGO

DATE OF NOTICE: January 14, 2014

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: January 30, 2014
TIME OF HEARING: 9:00 A.M.
LOCATION OF HEARING: Council Chambers, 12th Floor, City Administration Building,
202 C Street, San Diego, California 92101

PROJECT TYPE: CONDITIONAL USE PERMIT
ENVIRONMENTAL EXEMPTION/PROCESS 4

PROJECT NUMBER: 286694
PROJECT NAME: T-MOBILE BAY POINTE APARTMENT
APPLICANT: Whitney Rugg

COMMUNITY PLAN AREA: Pacific Beach
COUNCIL DISTRICT: 2

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, you should know that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application to modify an existing Wireless Communication Facility (WCF) located at 3910 Ingraham Street, in the RM-3-7 zone within the Pacific Beach Community Planning area, Council District 2. This WCF consists of six replacement antennas façade mounted to the apartment complex and associated equipment inside an existing 144-square foot equipment room. The project requires a Conditional Use Permit, Process 4, Planning Commission decision.

The decision of the Planning Commission is final unless the project is appealed to the City Council. In order to appeal the decision of the Planning Commission you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Planning Commission before the close of the public hearing. 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 office of the City Clerk, 202 "C" Street,

Second Floor. The appeal must be made within 10 working days of the Planning Commission decision. 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.

This project was determined to be categorically exempt from the California Environmental Quality Act on October 16, 2013 and the opportunity to appeal that determination ended October 30, 2013.

If you have any questions after reviewing this information, you can contact 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: 24002925

Revised 10-4-12 HMD-



THE CITY OF SAN DIEGO

Simon Tse / Project No.286694
Development Services
1222 First Ave., MS 501 • San Diego, California 92101-3864

Return Service Requested

T-Mobile Bay Point Apartments
PROJECT CHRONOLOGY
PTS #286694 INT #24002925

Date	Action	Description	City Review	Applicant Response
6.26.2012	First Submittal	Project Deemed Complete		
7.17.2012	First Assessment Letter		21 days	
8.23.2012	Second Submittal			37 days
9.24.2012	Second Assessment Letter		32 days	
3.25.2013	Third Submittal			182 days
4.25.2013	Third Assessment Letter		31 days	
8.7.2013	Fourth Submittal			104 days
8.22.2013	Fourth Assessment Letter		15 days	
9.6.2013	Fifth Submittal			15 days
10.10.2013	All issues resolved		24 days	
1.30.2014	Planning Commission Hearing		77 days	
Total Staff Time:		Including City Holidays and Furlough	235 days	
Total Applicant Time:		Including City Holidays and Furlough		338 days
Total Project Running Time:		From Deemed Complete to PC Hearing	573 days	



BOARD
MEMBERS

March 25, 2013

Mitchell J.
Campagna, RA
CEO

Bodie C. Campagna
CFO

TO: City of San Diego
Development Services Department
1222 First Avenue, MS 301
San Diego, CA 92101-5154

FROM: Lynnea Barrett
Site Acquisition Specialist
Mitchell J Architecture
4883 Ronson Court, Suite N
San Diego, CA 92111

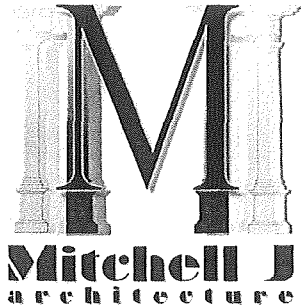
RE: **Site Justification Report**
T-Mobile Site SD06471A Bay Pointe Apartments
APN: 423-423-09 & 11

The existing T-Mobile wireless communication facility located at 3910 Ingraham Street, San Diego, CA 92109 (the "Subject Property") is needed for following reasons:

As depicted on the following coverage maps, the existing wireless communication facility located at the Subject Property provides essential communication and improved service to the surrounding area. The facility ensures uninterrupted wireless service in the area. Without the facility at the current location, there would be a significant gap in coverage that would negatively impact the surrounding community. Replacement antennas are needed in order to keep pace with increasing consumer demand and prevent dropped calls, poor call clarity, and spotty coverage. With continuous growth in cell phone use and capabilities, providing reliable coverage requires the network infrastructure be continually upgraded.

The first map illustrates the coverage provided by the site alone. The green and yellow areas represent indoor coverage provided by the site and the gray area represents coverage provided to vehicles travelling in the area. As shown on the map, this site provides indoor coverage to the Crown Point area. The site also provides coverage to vehicles traveling along Ingraham Street.

The second map illustrates the coverage without the site on air. Without the site, there is no indoor coverage for a majority of the Crown Point area, particularly between Moorland Drive and Pacific Beach Drive.



Page Two

The third map illustrates the coverage provided by the site in combination with coverage provided by neighboring T-Mobile sites in the area. The areas covered by these sites overlap so a call can pass seamlessly from one cell site to another as a caller moves around. As depicted on the map, coverage is greatly improved for residents in the Crown Point area and for people traveling on Ingraham Street.

The visual impact to the surrounding community is minimized because T-Mobile proposes to remove façade mounted antennas and relocate them behind two (2) new proposed rooftop screens. The new screens are to be painted to match the exterior of the building and designed to integrate into the building's rooftop. The associated equipment is located inside an existing equipment shelter adjacent to the building.

This is an existing site located in a residential zone with residential use. This area is surrounded by residential zones and residential uses so any other nearby location would similarly be in a Preference 4 location. There is a small area south of the site that is zoned commercial CN-1-2. However, the buildings in that area are only one story tall and do not provide the height necessary for coverage needed.

If you have any additional questions, I can be reached by phone at (858) 650-3130 or by e-mail at lynnea.barrett@mitchellj.com.

Sincerely,

A handwritten signature in cursive script that reads 'Lynnea Barrett'.

Lynnea Barrett

SD06471

Coverage Map

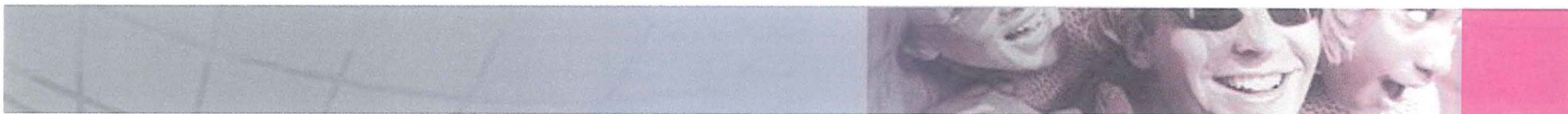
RF Team San Diego Market
July 30, 2012

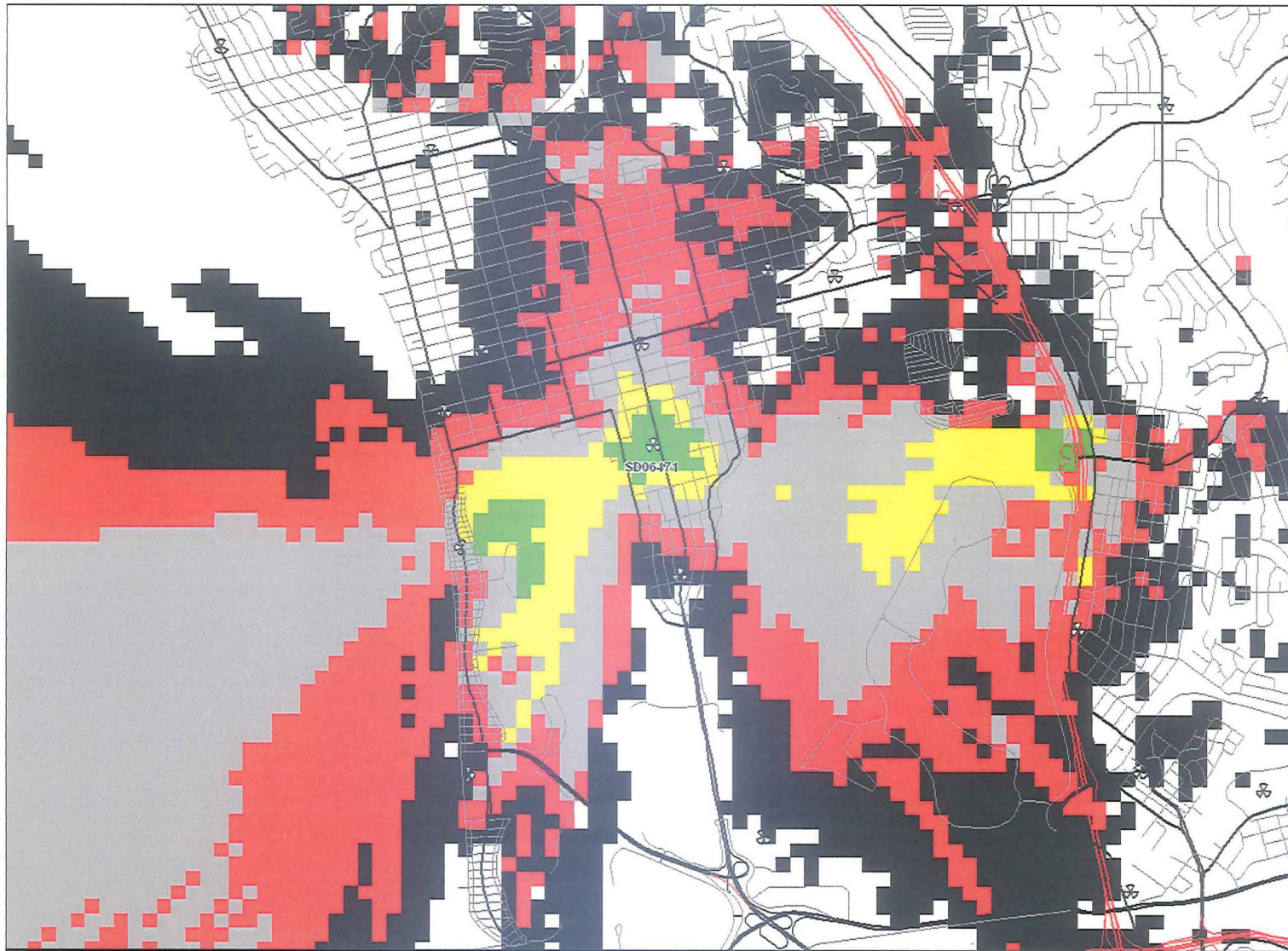


Contents:

Plots:

- SD06471 coverage
- SD06471 On-Air neighbor sites coverage
- SD06471 with On-Air neighbor sites coverage

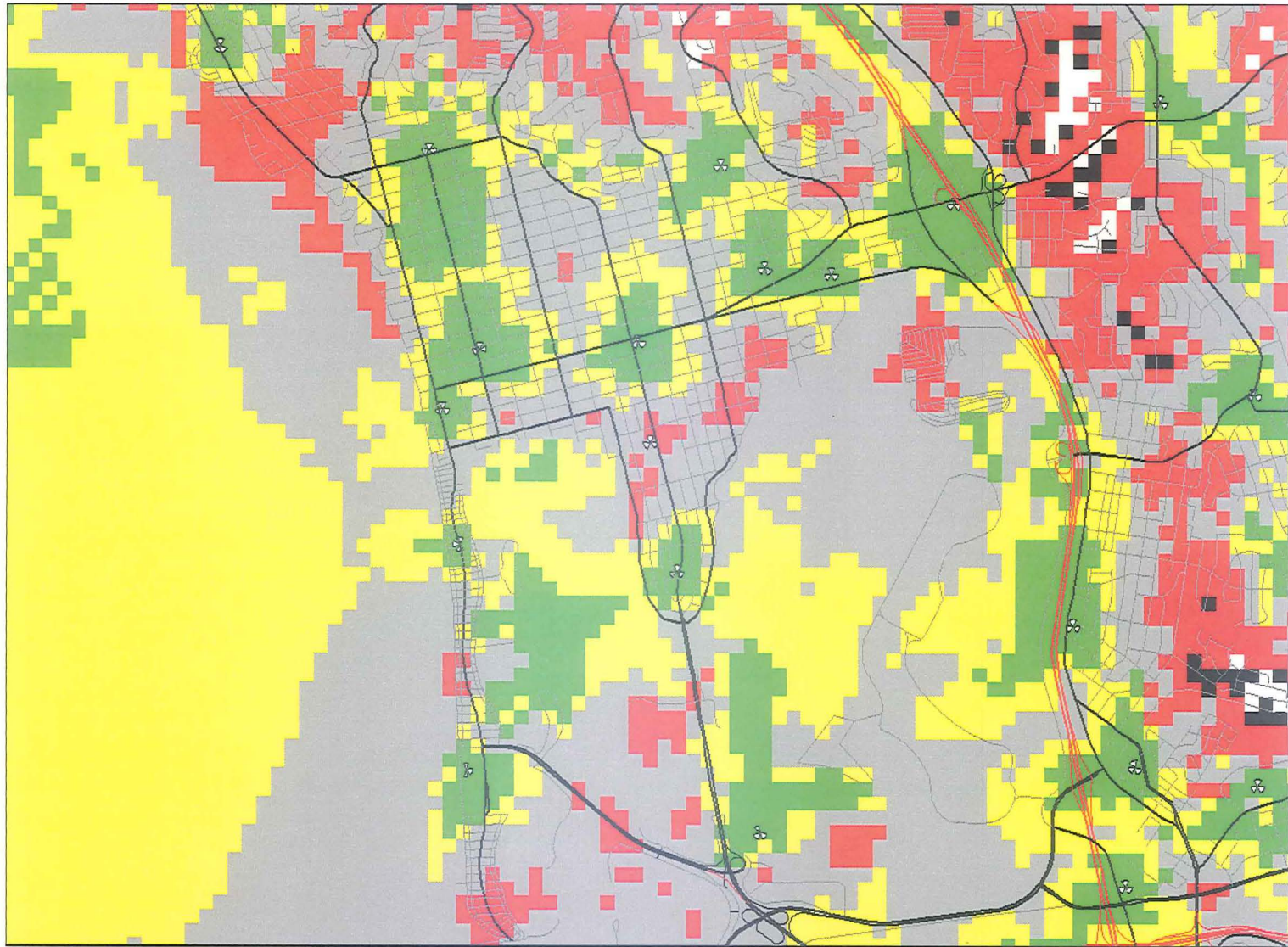




Legend: Coverage Level

- In Building Commercial
- In Building Residential
- In Car
- Outdoor
- Poor to No Signal
- No Coverage





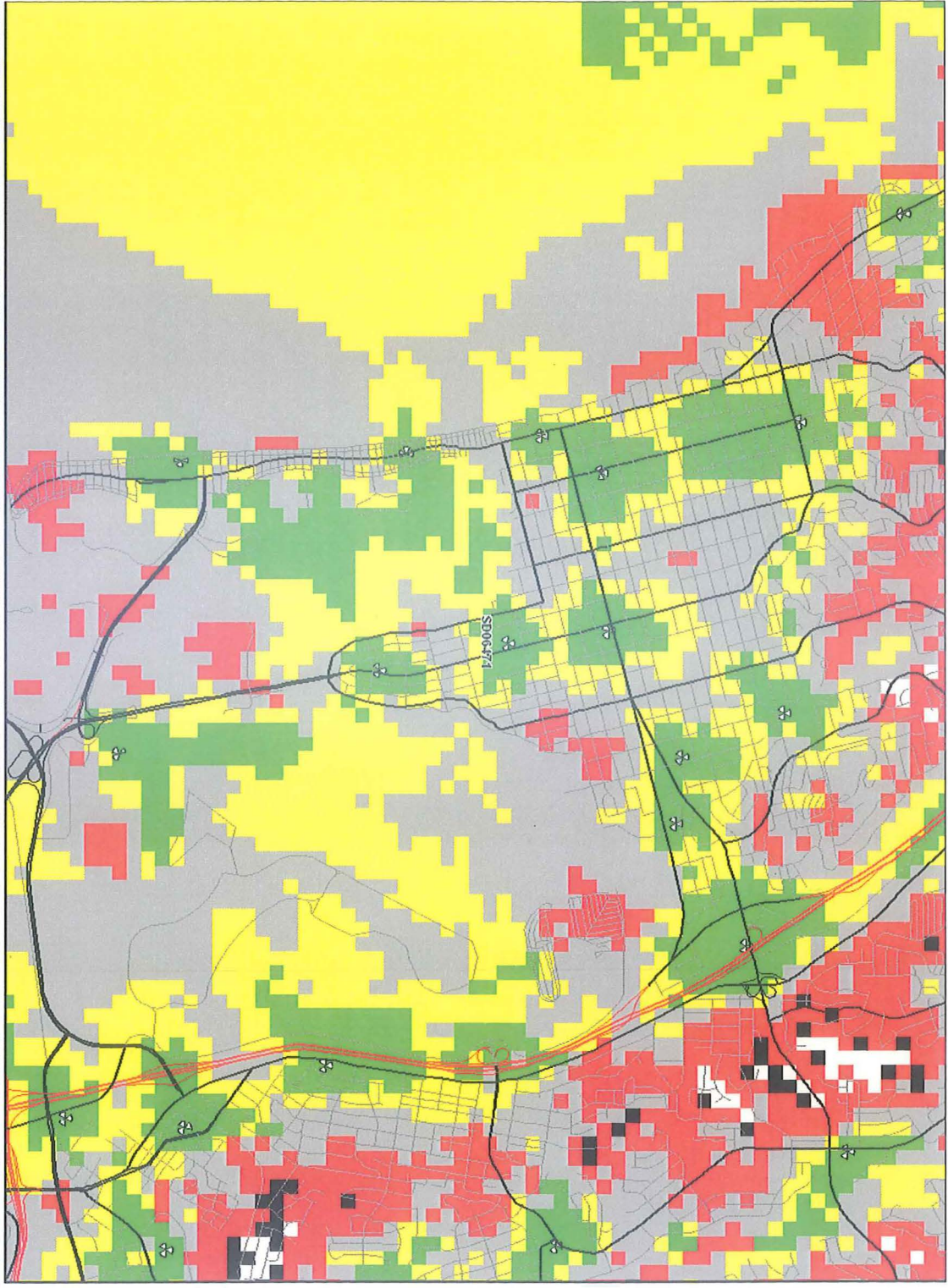
Legend: Coverage Level

- In Building Commercial
- In Building Residential
- In Car
- Outdoor
- Poor to No Signal
- No Coverage





SD06471 with On Air neighbor sites coverage



- Legend: Coverage Level**
- In Building Commercial
 - In Building Residential
 - In Car
 - Outdoor
 - Poor to No Signal
 - No Coverage



DRAFT FINDINGS

T-Mobile SD06471A Bay Pointe Apartments
Project 286694

March 21, 2013

Conditional Use Permit (Land Development Code (LDC) Section 126.0305)

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

The existing site is located in the Pacific Beach Community Planning Area. The Pacific Beach Community Plan does not specifically address wireless communication facilities. However, the City of San Diego General Plan does address them and recommends that they have minimal visual impact to the community. The intent of these regulations is to camouflage the facilities from view.

T-Mobile proposes to remove six (6) existing antennas from the building's façade and relocate them behind two (2) new proposed RF screens on the building rooftop. No new antennas are proposed. The new RF transparent screens will be painted to match the building and will be integrated into the building's rooftop. The visual impact to the surrounding community is minimized because the equipment is located in an existing equipment shelter adjacent to the building.

Therefore, this site will not adversely affect the applicable land use plan.

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

This site provides essential communication and improved wireless communication service to the surrounding area. The facility ensures uninterrupted wireless service in the area and prevents significant gaps in coverage.

A report demonstrating the site complies with the Federal Communications Commission ("FCC") Radio Frequency ("RF") Safety Guidelines was submitted. Appropriate signage is installed per FCC policy.

Therefore, this site will not be detrimental to public health, safety, and welfare.

3. The proposed development will comply with regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and

The existing site is located in the RM-3-7 zone of the Pacific Beach Community Plan area and within the Coastal Overlay Height Limit Overlay Zone (CHLOZ). San Diego Land Development Code ("LDC") section 141.0420(f)(2) permits wireless communication facilities in residential zones such as RM-3-7.

This site complies with the design requirements in LDC section 141.020(g). Per LDC section 141.020(g)(2), all reasonable means have been used to conceal or minimize the visual impact of the site through architectural integration. T-Mobile proposes to screen all antennas behind two (2) new rooftop screens. The new screens will be painted to match the exterior of the building and will be designed to integrate into the building's rooftop.

This site is within the Coastal Overlay Height Limit Overlay Zone which requires that antennas or equipment do not exceed 30 feet in height. Because the proposed screens do not expand the structural envelope of the building, the antennas are permitted to exceed the maximum allowable coastal height limit. The proposed screens will not be higher than the top of the building.

The associated equipment is concealed in an existing equipment room adjacent to the building. The equipment room matches other adjacent buildings on site.

Therefore, this site will comply with the applicable regulations of the Land Development Code.

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

This is an existing wireless communication facility in use. As noted above, the Land Development Code permits wireless communication facilities in residential zones. In this case, the site is located in a residential zone with a residential use. All antennas are proposed to be relocated to the rooftop of the three (3) story apartment building. The site is appropriate because surrounding areas close by are residential and nearby buildings do not provide the height necessary for coverage needed. The site is also on the rooftop of the building.

This site provides wireless communication coverage to area residents and visitors to the Pacific Beach and Crown Point area. It is close to highly traveled areas such as Ingraham Street and Grand Avenue. No other location would provide the same kind of coverage provided by this site.

Therefore, the proposed use is appropriate at the proposed location.

010733

DOC 2002-0844083

ATTACHMENT 18

OCT 01, 2002 8:58 AM

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 29.00



2002-0844083

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 95-0350-181

*FB
8P
100*

Conditional Use Permit
Bay Pointe Apartments
95-0350-181
Hearing Officer

This Permit, CUP 95-0350-181, is granted by the Hearing Officer of the City of San Diego to CONRAD PREBYS, TRUSTEE, Owner and CINGULAR WIRELESS, Permittee pursuant to section 141.0405 of the Land Development Code of the City of San Diego. The 7.39 acre site is located at 3910 Ingraham Street in the RM-1-1 zone of the Pacific Beach Community Planning area. The project site is legally described as Lot 2 of South Bay Club Apartments-Mission Bay, Map No. 5935.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and/or Permittee to install and operate a wireless telecommunication facility described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A" dated August 28, 2002 on file in the Office of the Development Services Department. The facility shall include:

- a. A maximum of six panel antennas facade mounted to the north, east and west elevations of the existing building and painted to match. Antenna screening will be provided at the sides of the antennas to hide the mounting brackets and equipment. The 144 square foot equipment enclosure designed to match the building exterior will be located on the western side of the building and painted to match;
- b. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Land Development Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

ORIGINAL

2. 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 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.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 28, 2002, on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that 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 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.

10. This Conditional Use Permit and corresponding use of this site shall expire on August 28, 2012. 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.

11. Prior to the expiration date of this Conditional Use Permit, the Permittee may submit a new Conditional Use Permit application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

PLANNING/DESIGN REQUIREMENTS:

12. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

13. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

14. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

16. Routine maintenance and calibration of the facility shall be limited to the normal business hours between 8:00 AM and 5:00 PM, Monday through Friday so as to avoid disturbance of the surrounding residential complex.

17. Prior to final inspection, the wireless provider shall furnish documentation describing evidence that the cumulative field measurements of radio frequency power densities for all antennas installed on the premises are below the federal standards.

APPROVED by the Hearing Officer of the City of San Diego on August 28, 2002.

C:\MyFiles\Cingular\Approval Bay Pointe Apartments.wpd
revised 6/12/02wct

ALL-PURPOSE CERTIFICATE

ATTACHMENT 18
010735

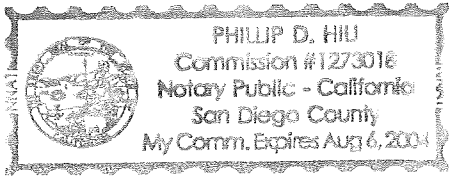
Conditional Use Permit # 95-0350-181
Date of Approval August 28, 2002

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Nilia Koering
Nilia Koering, Project Manager

On Sept. 19, 2002 before me, Phillip D. Hill, (Notary Public), personally appeared **Nilia Koering**, Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal
Signature Phillip D. Hill
Phillip D. Hill



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed Conrad Prebys Signed Agnes V. Thompson
Typed Name Conrad Prebys Typed Name Cingular Wireless
Trustee

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On Sept. 20, 2002 before me, MICHELLE Klein (Name of Notary Public) personally appeared Agnes V. Thompson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
Signature Michelle Klein



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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of SAN DIEGO } ss.

On SEPT 20, 2002, before me, LAURIE ANNE VICTORIA
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared CONRAD PREBY
Name(s) of Signer(s)

- personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Laurie Anne Victoria
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer

Signer's Name:

- Individual
Corporate Officer — Title(s):
Partner — Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Hearing Officer
RESOLUTION NO. (04063)
Conditional Use Permit No. 95-0350-181
Bay Pointe Apartments

WHEREAS, CONRAD PREBYS, Owner and CINGULAR WIRELESS Permittee, filed an application with the City of San Diego for a permit to install and operate a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 95-0350-181), on portions of a 7.39 acre site and;

WHEREAS, the project site is located at 3910 Ingraham Street in the RM-1-1 zone of the Pacific Beach Community Plan Area and;

WHEREAS, the project site is legally described as lot 2 of South Bay Club Apartments- Mission Bay, map No. 5935, and;

WHEREAS, on August 28, 2002, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 95-0350-181 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 28, 2002.

FINDINGS:

- (a) **THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY EFFECT THE APPLICABLE LAND USE PLAN;**

The Pacific Beach Community Plan does not specifically address communication antennas in the land use element; however the City of San Diego Communication Antenna Regulations of the Municipal Code allow communication facilities within all zones with the appropriate permit process. The proposed Cingular project is well integrated into the existing building and visually compatible with the surrounding areas. Therefore the proposed projects will not effect the land use plan.

- (b) **THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TOT HE PUBLIC HEALTH, SAFETY, AND WELL FARE;**

The proposed installation has been designed to integrate with the architecture of the existing building. The antennas will be facade mounted and painted to match the existing building to minimize any potential visual impact to the building or surrounding properties. The proposed equipment cabinets will be located in an

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enclosure that will be architecturally integrated with building as well as radio frequency emission and the facility will comply with those standards. Section 704 of the Telecommunication Act of 1996 states: "No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the commission regulations concerning such omissions."

Cingular is required to comply with the Federal Communication Commission (FCC) standards for radio frequency (RF) emissions. These standards were developed by the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI) and approved by the federal government. Cingular's licensing requirements mandates that all sites comply with these standards. Based on the preceding detrimental impacts to public health, safety and welfare by this use are not anticipated.

To ensure that the FCC standards are being met, conditions are added to the permit to require Cingular to perform radio frequency testing and to submit the findings in a report to the City of San Diego prior to final inspection.

(C) **THE PROPOSED DEVELOPMENT WILL COMPLY TO THE
MAXIMUM EXTENT FEASIBLE WITH THE REGULATIONS OF THE
LAND DEVELOPMENT CODE**

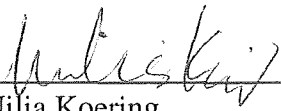
The proposed antenna installation is consistent with the Communication Antenna regulations and the development regulations of the underlying zone. The site has been designed to minimize visual impact as required by the Communication Antenna regulations.

(D) **THE PROPOSED USE IS APPROPRIATE AT THE PROPOSED
LOCATION**

The antenna installation has been designed to blend with the existing structure on site, to minimize impacts to the surrounding properties and to maintain views across the site. The antenna installation will also provide improved and continuous wireless telephone service to the community.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 95-0350-181 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 95-0350-181, a copy of which is attached hereto and made a part hereof.

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Nilia Koering
Project Manager
Development Services Department

Adopted on: August 28, 2002

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