

THE CITY OF SAN DIEGO

### **Report to the Planning Commission**

DATE ISSUED:	March 21, 2024	REPORT NO. PC-24-014
HEARING DATE:	March 28, 2024	
SUBJECT:	AT&T MIRAMAR ROAD SD0443. Process Four	Decision
PROJECT NUMBER:	PRJ-1098927	
OWNER/APPLICANT:	Bread of Life Christian Church in San Diego, C Permittee	Owner, and AT&T Mobility,

#### <u>SUMMARY</u>

<u>Issue(s)</u>: Should the Planning Commission approve a Planned Development Permit (PDP) for the continuation of the existing Wireless Communication Facility (WCF) located at <u>7084 Miramar Road</u> within the <u>Mira Mesa Community Planning Area</u>?

#### Staff Recommendations:

1. APPROVE PDP No. 3239317.

<u>Fiscal Considerations</u>: All costs associated with the processing of this project are paid by the applicant.

#### Code Enforcement Impact: None

<u>Housing Impact Statement</u>: This project application is for a wireless communication facility and is not associated with residential development.

<u>Community Planning Group Recommendation</u>: The Mira Mesa Community Planning Group voted to recommend approval of the project 13-0-0 on November 27, 2023, with no conditions (Attachment 9).

#### Environmental Review:

This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 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 December 8, 2023, and the opportunity to appeal that determination ended December 22,

#### 2023 (Attachment 7).

#### BACKGROUND

The project site is at 7084 Miramar Road in the Commercial Community (CC-4-2) zone, FAA Part 77 Noticing Area, of the Mira Mesa Community Planning area (Attachment 2). This WCF was initially approved to be installed at this location on September 28, 1999, with a 10-year expiration date. On July 26, 2012, a new permit was approved to modify the existing WCF, resulting in a new expiration date. Two integrated Fiberglass Reinforced Panels (FRP) were built to replace the existing unconcealed rooftop structures, which consisted of 12 antennas. The entire rooftop structure is currently concealed in the FRP. The existing use of the building is commercial use without dwelling units. To continue using the WCF, a new application was created on June 21, 2023.

#### DISCUSSION

#### Project Description:

The project proposes the continuation of the existing WCF. The previous permit allowing the WCF expired on November 26, 2022. There is no proposed work to be done in conjunction with this permit application. The existing WCF consists of 15 antennas and 19 remote radio units (RRUs) screened behind existing FRP structures, with two FRP structures on the roof containing 3 sectors. The existing equipment room is located on the third floor inside the building and will continue to operate without any exterior changes. The existing FRPs are maintained and are in good condition; no replacement FRPs are required. The existing FRPs are painted and textured to match adjacent building surfaces. These surfaces should be re-painted/re-textured to retain consistency. The existing FRP structure height of 65 feet, 6 inches exceeds the CC-4-2 height limit of 60 feet and requires a PDP for the height deviation of the zone's regulations pursuant to SDMC section 126.0602(b)(1).



This photo (to the left) shows the existing FRP structure on the roof looking east from a parking lot near Miramar Road. It is concealing six (6) antennas and five (5) RRUs. The photo shows roof mounted FRP structures. The other FRP structure located in the middle of the roof conceals nine (9) antennas and 14 RRUs cannot be seen from grade. The façade mounted FRP structure is for a different carrier and entitlement (Attachment 11).

Land uses surrounding the immediate site are commercial uses (Attachments 1,2,3). The project complies with the Wireless Communication Facility Guidelines as a Rooftop Concealment design (<u>WCF Design Guidelines</u>).

WCFs are permitted in all zones Citywide with the appropriate permit process. Council Policy 600-43

assigns preference location levels for where WCFs are located within different land uses, with Preference Location 1 being the most preferred and Preference Location 4 the least preferred. Preference 1 locations generally include non-residential land uses and zones and are permitted ministerially. Preference 4 locations include residential land uses in residential zones and require a Process Four Planning Commission approval. The Project is located in the CC-4-2 zone, a commercial zone, that does not contain residential development and is considered a Preference 1 Location. No significant changes have occurred on-site or in the surrounding neighborhood, and the location remains an appropriate site for wireless facilities. Therefore, continued use is appropriate at the existing location.

. Pursuant to SDMC Section <u>126.0604</u>, the Project requires a PDP, Process 4, when the project requires a deviation from the zoning regulations; see the below table.

Туре с	of Approval	SDMC Section
1.	Planned Development Permit	126.0604 – Deviation to Zone Regulations

Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions to minimize potential impacts. The intent of the regulations is, among other things, to camouflage facilities from public view. The existing building envelope and FRP will remain the same with no new modifications or visual changes. No alterations are proposed to the exterior, and rooftop antennas and associated equipment are all behind the existing FRP structure, concealed from view.

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." A Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report dated February 21, 2022, from OSC Engineering, was submitted to the City verifying that the proposed Project is in compliance with FCC regulations. The report will be stamped as Exhibit "A" and provided within the project file.

### Community Plan Analysis:

The Mira Mesa Community Plan does not address communication antennas. However, the City of San Diego's General Plan (<u>UD-A.15</u>) requires that the visual impact of wireless facilities be minimized by concealing them inside existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed aesthetically pleasing and respectful of the neighborhood context. Furthermore, the General Plan states that equipment associated with wireless facilities shall be concealed from view. The Project's rooftop antennas and associated equipment are screened within the existing FRP structure on the roof and facade, which are well-integrated with the existing architecture of the building. The Mira Mesa Community Plan designates the Project site as Heavy Commercial land use. The site is developed as a commercial property, and the existing FRP structures are aesthetically pleasing as they were designed to match the existing building, which integrates effectively with the neighborhood. As a result, the design of

the WCF will respect its neighborhood context and minimize any potential visual impacts.

### Project-Related Issues:

<u>Deviation</u>- The project is located in the Commercial Community (CC-4-2) zone, with a maximum building height of 60 feet. The existing FRP structures on the roof extend to 65 feet, 6 inches, and 5.5 feet over the zone's height limit. A PDP is decided in accordance with Process Four and is required for the deviation, provided that the findings in SDMC Section 126.0604 are made. The following Table 1 is a matrix of the proposed deviation, which is followed by the justifications for the deviations:

Deviations Summary Table 1						
Deviation Description	Deviation from SDMC	Allowed/Required	Proposed			
Maximum Height Limit	SDMC Section 131.0507(B)(4) and Table 131-05D (CC-4-2	60-feet	The existing FRP extension is at 65'-6"- feet; 5.5-foot deviation			
	regs)					

*Justification-* AT&T has had WCFs on the site since 1999. The previous entitlement allowed for a deviation to exceed the 60-foot height limit. There are no modifications to the existing WCF proposed with this permit application. The use of the building for the WCF is preferred as it allows the carriers the additional height to provide service over a larger area. The City of San Diego prefers carriers to use existing structures to reduce the amount of WCF structures on a site.

This site provides coverage for AT&T Wireless customers in the surrounding community and commercial uses along a section of Miramar Road. Continued operation of this site is necessary to maintain the existing levels of service in the area for AT&T Wireless. The site is an integral part of telecommunication networks, as the site's operation is closely coordinated with other sites in the area. Coverage maps demonstrate the existing coverage provided on the property and the predicted loss of coverage without the continuation of the WCF (Attachment 6). A degradation of the existing service could significantly impact adjacent customers and essential emergency communication services. The above deviation has been analyzed by staff and determined to be consistent with the goals and recommendations of the City of San Diego's General Plan (UD-A.15), Mira Mesa Community Plan, and the purpose and intent of the WCF Ordinance. The project has been designed to integrate into the surrounding community and would not adversely impact the public's health or safety.

### Conclusion:

The project's design effectively integrates with the architecture of the surrounding community, meeting the purpose and intent of the Wireless Communication Ordinance (SDMC 141.0420), the WCF Design Guidelines, and Council Policy 600-43. The WCF has existed at this location since 1999 and no modifications or construction is included in this project. City staff has prepared a draft permit with conditions of approval and draft findings in the affirmative to approve the project and

recommends approval of PDP No. 3239317 (Attachments 4 and 5).

#### **ALTERNATIVES**

- 1. Approve PDP No. 3239317 with modifications; or
- 2. Deny PDP No. 3239317 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Simon Tse

Supervising Development Project Manager Development Services Department

Tracy Harris

Tracy Harris Development Project Manager II Development Services Department

Attachments:

- 1. Aerial Photographs
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Draft Permit with Conditions
- 5. Draft Permit Resolution with Findings
- 6. Coverage Maps
- 7. Environmental Exemption
- 8. Ownership Disclosure From
- 9. Community Planning Group Recommendation
- 10. Photo Survey
- 11. Photo Simulations
- 12. Project Plans





### **Aerial Photograph**

AT&T Miramar Road Project No. 1098927 7084 Miramar Road







### Mira Mesa Community Land Use Map

AT&T Miramar Road Project No. 1098927 7084 Miramar Road







### **Project Location Map**

AT&T Miramar Road Project No. 1098927 7084 Miramar Road



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

INTERNAL ORDER NUMBER:11003679

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### PLANNED DEVELOPMENT PERMIT No. 3239317 AT&T MIRAMAR ROAD SD0443 PROJECT NO. 1098927 PLANNING COMMISSION

This Planned Development Permit No. 3239317 is granted by the Planning Commission of the City of San Diego to Bread of Life Christian Church in San Diego, Owner, and AT&T Mobility, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0602, 131.0507, and 141.0420. The site is located at 7084 Miramar Road in the CC-4-2 zone of the Mira Mesa Community Plan and the FAA Part 77 Noticing Area. This site is legally described as Parcel 1 of Parcel Map No. 14919, in the City of San Diego, County of San Diego, State of California, filed in the office of the county recorders of San Diego County on August 7, 1987.

Subject to the terms and conditions outlined in this Permit, permission is granted to Bread of Life Christian Church and AT&T Wireless for a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 28, 2024, on file in the Development Services Department.

The project shall include:

- a. An existing WCF consisting of FRP structures on the roof concealing 15 panel antennas, 19 Remote Radio Units (RRUs), and the existing 596-sq ft equipment room on the 3<sup>rd</sup> floor of the building.
- b. 15-panel antennas, 19 Remote Radio Units (RRUs), and the existing 596-square-feet interior equipment room on the 3<sup>rd</sup> floor of the building;
- 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 April 11, 2027.

2. This Planned Development Permit [PDP] and corresponding use of this site shall expire on **March 28, 2034.** 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 approval, the Owner/Permittees may submit a new application to the Development Services Department for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will cause enforcement for noncompliance, which may include penalties and fines.

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

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

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

b. The permit is recorded in the San Diego County Recorder's Office.

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

7. This Permit is a covenant running with the subject property, and all the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

9. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State, or City laws, ordinances, regulations, or policies including,

but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

11. 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 the Owner/Permittee of any claim, action, or proceeding. If the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible for defending, 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 an election, the Owner/Permittee shall pay all the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the city and the 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 the Owner/Permittee.

### PLANNING/DESIGN REQUIREMENTS:

12. No overhead cabling is permitted.

13. Every aspect of this project is considered an event of concealment, including (but not limited to) the dimensions, build and scale, color, materials, and texture. Any future modifications to this permit/project must not defeat concealment.

14. For any future modifications, photo simulations shall be printed in color on the construction plans.

15. The Owner/Permittee shall install and maintain appropriate warning signage on the WCF as required by State and Federal regulations. The Owner/Permittee shall be responsible for complying with all State and Federal regulations.

16. Antennas and associated components, such as, but not limited to, remote radio units (RRUs), surge suppressors, etc., shall not exceed the height of any existing or proposed screen walls.

17. Use of or replacement of any building façade or mechanical screen with RF-transparent material for the purpose of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building. All RF-transparent material shall be painted and textured to match the original building and adjacent building surfaces. If necessary, these surfaces should be repainted/retextured/repaired to retain consistency.

18. Accuracy and validity of the RF Compliance Report, submitted by the Permittee, shall be assured while the WCF is in operation. If requested by the City, the Owner/Permittee shall provide an updated RF Compliance Report to address any issues associated with the emitting components of the WCF.

19. The FRP should not warp and should be replaced if it is warping, discolored or damaged.

20. All equipment, including transformers, emergency generators, and air conditioners belonging to the Owner/Permittee, shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. The vibration resonance of operating equipment in the equipment room shall be eliminated.

21. All facilities and related equipment shall be maintained in good working order. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

22. 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, in which case, the removal and restoration of this site to its original condition is required.

### **INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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.

• This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on March 28, 2024, and [Approved Resolution Number].

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### **ATTACHMENT 4**

PLANNED DEVELOPMENT PERMIT NO. 3239317 Date of Approval: March 28, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Tracy Harris Development Project Manager II

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.

Bread of Life Christian Church in San Diego Owner/Permittee

Ву \_\_\_\_

NAME TITLE

**AT&T Mobility, LLC** Owner/Permittee

Ву \_\_\_\_\_

NAME TITLE

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

#### DEVELOPMENT SERVICES DEPARTMENT PLANNED DEVELOPMENT PERMIT No, 3239317 AT&T MIRMAR ROAD - PROJECT NO. 1098927

WHEREAS, Bread of Life Christian Church in San Diego, Owner, and AT&T Wireless, Permittee, filed an application with the city of San Diego for the continued use of the existing WCF. The existing WCF project consists of two rooftop mounted Fiberglass Reinforced Panel (FRP) screen concealing 15 panel antennas and 19 Remote Radio Units (RRUs). Additionally, the existing WCF includes ancillary equipment for support to the Wireless Communications Facility. which is located in an existing 569-square-foot equipment enclosure inside the building on the third floor (As described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3239317).

WHEREAS the project site is located at 7084 Miramar Road in the CC-4-2 Zone of the Mira Mesa Community Plan area. Overlay zones include the FAA Part 77 Noticing Area.

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 14919, in the City of San Diego, County of San Diego, State of California, filed in the office of the County recorders of San Diego County on August 7, 1987.

WHEREAS, on March 28, 2024, 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. WHEREAS, on March 28, 2024, the Planning Commission of the City of San Diego considered

Planned Development Permit No. 3239317 pursuant to the Land Development Code of the City of

San Diego.

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the

following findings for Planned Development Permit No. 3239317.

#### A. <u>Planned Development Permit [SDMC}- Section 126.0605</u>

#### 1. <u>Findings for all Planned Development Permits</u>

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

The Mira Mesa Community Plan does not address wireless communication facilities (WCF) as a specific land use. However, the City of San Diego General Plan (UD-15) addresses these facilities, recommending that WCFs minimize the visual impact by concealing the wireless facilities in existing structures when possible, designing facilities to be aesthetically pleasing and respectful to the neighborhood context, and concealing mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. Furthermore, the General Plan states that equipment associated with wireless facilities shall be concealed from view. The General Plan, Section L. Information Infrastructure, Policy PF-L.5, indicates that the City should work with private telecommunication service providers to develop and maintain an integrated information infrastructure system. The design of the WCF is respectful of the neighborhood context and does not adversely affect the applicable land use plans. This project is existing and requires a Planned Development Permit (PDP) to continue its use. The project consists of existing FRP structures with antennas on the roof. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones Citywide with the appropriate permit process. Council Policy 600-43 assigns preference location levels for where WCFs are located within different land uses, with Preference Location 1 being the most preferred and Preference Location 4 the least preferred. Preference 1 Locations generally include non-residential land uses and zones and are permitted ministerially. Preference 4 Locations include residential land uses in residential zones and require a Process Four Planning Commission approval. The Project is located in the CC-4-2 zone, a commercial zone, that does not contain residential development and is considered a Preference 1 Location.

Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is, among other things, to camouflage facilities from public view. The existing building envelope and existing FRP will remain the same with no new modifications and no visual changes. No alterations are proposed, and rooftop antennas and associated equipment are all behind the existing FRP enclosure, concealed from view.

The existing building supports the continued use of the antennas with FRP boxes to minimize the look of the antennas. Each FRP box will be painted and textured to match the building on which they are located. The equipment enclosure will continue to operate on the 3<sup>rd</sup> floor. The continued use of the FRP box design is an opportunity to maintain a global cohesive solution for all the current carriers at this location. Consequently, the FRP box design also prevents a potential eyesore by eliminating various antenna dimensions that would otherwise be roof-mounted on the building. Therefore, the current solution of concealing the existing antennas would result in a design that is aesthetically neutral to the office building and the community. The proposed entitlement application date expiration date on the PDP is March 28, 2034.

The project's proposed continuation complies with the WCF Guidelines, LDC Section 141.0420, and the City's General Plan. As a result, the development would not adversely affect the Mira Mesa Community Plan or the City of San Diego General Plan. Therefore, the proposed development will not adversely affect the land use plan.

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

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities). There was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520. The project's approval conditions will require compliance with several operational constraints to ensure continued public health, safety, and welfare. The proposed project does not include any modifications at this time. All future modifications associated with the project will be reviewed before the issuance of construction permits and inspected during construction to ensure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing, and fire codes.

This site provides coverage for AT&T Wireless customers in the surrounding community and commercial uses along a section of Miramar Road. Continued operation of this site is necessary to maintain the existing levels of service in the area for AT&T Wireless. The site is an integral part of telecommunication networks, as the site's operation is closely coordinated with other sites in the area. Coverage maps demonstrate the existing coverage provided on the property and the predicted loss of coverage without the continuation of the WCF (Attachment 6). A degradation of the existing service could have a significant impact on adjacent customers and essential emergency communication services.

Additionally, the Federal Telecommunication Act of 1996 preempts local governments from regulating the placement, construction, and modification of wireless communication facilities based on 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. AT&T submitted an RF Report on February 21, 2022, from OSC Engineering to the City verifying that the proposed project is in compliance with FCC regulations. Therefore, the project would not result in any significant health or safety risks to the surrounding area. The proposed project will not harm public health, safety, and welfare.

### c. The proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The project requires a height limit deviation from the zone regulations outlined in the Land Development Code. Deviations to the SDMC may be processed through a PDP in accordance with SDMC section126.0601. The purpose of the PDP is to establish a review process for the development that allows an applicant to request greater flexibility from the strict application of the regulations to allow for a more desirable project. Expiration dates are imposed on WCFs to review and modify these facilities to comply with current design standards.

The maximum structure height in zone CC-4-2 is 60 feet. The existing FRP structures are measured at 65 feet, 6 inches. The existing building envelope and existing FRP will remain the same with no new modifications and no visual changes. No alterations are proposed to the exterior, and rooftop antennas and associated equipment are all behind the existing FRP enclosure, concealed from view.

The existing building that the WCF is on is one of the tallest structures in the area. If this project continuation is denied, a new standalone tower, whose height would far exceed the height of any existing structures in the area, would be the only other option to receive similar coverage. This would be far more intrusive than the proposed continuation of existing FRP structures on the building rooftop.

There are no other deviations from the development regulations or variances requested with this application. Based on these considerations, this project complies with all other permit and design requirements for WCFs as identified in the SDMC. Therefore, the proposed development will comply, with the approval of the PDP and its findings, with the regulations of the Land Development Code, including any proposed deviations pursuant to SDMC Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are

incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 3239317 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as outlined in Permit No 3239317 a copy of which is attached hereto and made a part hereof.

Tracy Harris Development Project Manager II Development Services

Adopted on: March 28, 2024

IO#: 11003679



**Existing Coverage** 



© 2019 AT&T Intellectual Property

# Existing coverage without SITE





**Existing Coverage** 



© 2019 AT&T Intellectual Property

# Single Site Coverage



#### NOTICE OF EXEMPTION

TO: Recorder/County Clerk P.O. Box 1750, MS A-33 1600 Pacific Hwy, Room 260 San Diego, CA 92101-2400

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 Title / Number: 7084 Miramar Road/ 1098927

State Clearinghouse No.: N/A

Project Location-Specific: 7084 Miramar Road, San Diego, CA 92121

Project Location-City/County: San Diego/ San Diego

**Description of nature and purpose of the Project:** Planned Development Permit (PDP) for the continual operation and modification of an existing Wireless Communication Facility (WCF). The WCF would consist of 15 new panel antennas and 19 Remote Radio Units (RRUs) at an existing WCF. Additionally, the project includes ancillary equipment to support the WCF. The WCF is located on a developed site on the rooftop of an existing office building at 7084 Miramar Road in the CC-4-2 Zone, Mira Mesa Community Plan area, FAA Part 77 and City Council District 6.

#### Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: MD7 LLC., 10592 West Ocean Air Drive Suite 250 San Diego, CA 92130. (858) 9521936

#### 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 (Existing Facilities).  $\boxtimes$

**Reasons why project is exempt:** The City of San Diego conducted an environmental review and determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities). Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), involving negligible or no expansion of use beyond that existing at the time of the determination. Since the project would only permit the continual operation of an existing WCF and would only change some equipment and would not expand the use, the exemption was deemed appropriate. The project is located on a developed site and no environmental impacts would occur and none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

#### Lead Agency Contact Person: Jeffrey Szymanski

**Telephone:** 619 446-5324

#### 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 the California Environmental Quality Act.

SENIOR PLANNER mond

<u>3/13/2024]</u> Date

Check One: ☑ Signed by Lead Agency ☑ Signed by Applicant

Date Received for Filing with County Clerk or OPR:

	City of Sa	n Diogo						FORM
SD	Developn 1222 First	<b>nent Service</b> : Ave., MS 302 ), CA 92101	2 2	Owne	rship		closure tement	DS-318
		5000						October 2017
Approval Type: Check of Provide the second	lopment Perm	nit 🖾 Site Develo	opment Pe	rmit 🖾 Planne	d Developm	ent Permit	Conditional Use P	ent Permit ermit 🖾 Variance
Project Title: ATT - 100	86168 - Entitlem	nent Renewal				Project No	. For City Use Only	9
Project Address: 7084						2		
Specify Form of Owne Corporation Limit Partnership Indivi	ted Liability -o	S <mark>tatus</mark> (please c r- 🛛 General – V	: <b>heck):</b> What State	<sub>?</sub> _(A	_Corporate	dentificatio	n No. <u>33 - 08</u>	34481
By signing the Ownersh with the City of San Di owner(s), applicant(s), a individual, firm, co-part with a financial interes individuals owning mor officers. (A separate pa ANY person serving a A signature is required notifying the Project M ownership are to be gin accurate and current or	iego on the s and other fina thership, joint t in the applic re than 10% c age may be at s an officer o l of at least o lanager of an ven to the Pro	ubject property ancially intereste t venture, associ- cation. If the ap- of the shares. If ttached if necess- or director of the one of the prope y changes in ow oject Manager at	with the i ed persons lation, soci plicant inc a publicly ary.) If an e nonproi erty owner wnership d t least thin	intent to record s of the above i ial club, fratern cludes a corpor -owned corpor y person is a no fit organizatio rs. Attach addi luring the time ty days prior to	d an encum referenced p al organizat ation or par ation, includ onprofit org, n or as trus tional pages the applicat o any public	brance agai property. A ton, corpora tnership, in e the name anization or tee or bene s if needed. tion is being hearing on t	nst the property. P financially Interested tion, estate, trust, r clude the names, tit s, titles, and address a trust, list the nam ficiary of the nonp Note: The applicar g processed or cons	lease list below the d party includes any eceiver or syndicate les, addresses of all ses of the corporate es and addresses of profit organization. It is responsible for idered. Changes in
Property Owner		· ···la						
Name of Individual:		2. Wang				Coner 🛛	Tenant/Lessee	Successor Agency
Street Address:	liramar Road							
City: San Diego	Do - ( 0 0	·					State:	Zip:
Phone No.: (858) Signature: ~~~	837448:	<u></u> Γ	Fax No.:			Email: m	5 martin w @ g	mail.com
Signature:	1 WC	2				Date: 6	11/23	
Additional pages Attach	ied: i	TYes C	D No					
Applicant	0 T M/i							
Name of Individual: _AT						Owner O	B Tenant/Lessee	Successor Agency
Street Address: 5855 Co	pley Drive							
City: San Diego							State: _CA	·
Phone No.: 858-964-740		F	Fax No.:				leckis@md7.com	
Signature:	Aller					Date:05/1	7/2023	
Additional pages Attach	ied: C	🗆 Yes 🛛 🖸	I No					
Other Financially Inte	rested Perso	ns						
Name of Individual:						Owner	Tenant/Lessee	Successor Agency
Street Address:								
City:							State:	Zip:
Phone No.:		F	ax No.:			Email:		
Signature:								
Additional pages Attach	ied: (	🛛 Yes 🛛	⊐ No					

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Page 3	City of San Diego · Information Bulletin 620 Augu				
SD	<b>City of San Die</b> <b>Development S</b> 1222 First Ave., San Diego, CA 9	Services CO MS-302		ity Planning Distribution Form	
Project Name: Wireless Comm	unication Facility	Pri 109	oject Number: 98927		
Community: M	lira Mesa				
<ul> <li>Vote to Appr</li> <li>Vote to Appr</li> <li>Vote to Appr</li> </ul>	h for Project Status" rove rove with Conditions rove with Non-Bindi	and input the Pro		Date of Vote: November 27,	
Vote to Den # of Members Y	-	of Members No 0	# of N	lembers Abstain 0	
N/A	ecommendations: e.g., Need further inform	nation, Split vote, Lack	of quorum, etc.)		
NAME: Chris Ca	ate				
TITLE: Chair			DATE:	December 04, 2023	
			(maximum 3 attach	nments).	

Visit our web site at <u>www.sandlego.gov/development-services</u>. Upon request, this information is available in alternative formats for persons with disabilities. DS-5620 (08-18) ONLINE FORM

7084 Miramar Rd., San Diego, CA 92145



LOCATION

### Attachment 10







































7084 Miramar Rd., San Diego, CA 92145



LOCATION

### Attachment 11



©2023 Google Maps









7084 Miramar Rd., San Diego, CA 92145



EXISTING



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





PROJECT TEAM		
APPLICANT AGENT: AT&T WIRELESS 5855 COPLEY DRIVE SAN DIEGO, CA 92111 CONTACT: ROBERT POLITO PHONE: (858) 291-115 EMAIL: rpolito@md7.com SITE ACQUISITION AGENT: MD7, LLC. 10590 WEST OCEAN AIR DRIVE SUITE 250 SAN DIEGO, CA 92130 CONTACT: ROBERTO POLITO PHONE: (858) 291-1915 EMAIL: rpolito@md7.com RF ENGINEER: AT&T WIRELESS 5855 COPLEY DRIVE SAN DIEGO, CA 92111 CONTACT: JORGE MELCHOR EMAIL: jm934p@att.com	ARCHITECT: MD7 ARCHITECTURE SERVICES, INC 10590 WEST OCEAN AIR DRIVE SUITE 250 SAN DIEGO, CA 92130 CONTACT: JUSTIN CAUSEY PHONE: (858) 291-1869 EMAIL: jcausey@md7.com <u>ZONING</u> MD7, LLC. 10590 WEST OCEAN AIR DRIVE SUITE 250 SAN DIEGO, CA 92130 CONTACT: ROBERTO POLITO PHONE: (858) 291-1915 EMAIL: rpolito@md7.com	Harrian Fresh Harrian Fresh Ness Bin Climbing Buss SORRENTO VALLEY Buss
GENERAL NOTES		
	ROUTINE MAINTENANCE. THE PROJECT DISTURBANCE OR EFFECT ON DRAINAGE; E WATER, OR TRASH DISPOSAL IS	2022 CALIFORNIA BUILDING CODE 2022 CALIFORNIA RESIDENTIAL CODE 2022 CALIFORNIA TITLE 24 2022 CALIFORNIA FIRE CODE 2022 CALIFORNIA ENERGY CODE 2022 CALIFORNIA PLUMBING CODE
DRAWING SYMBOLS		TO OE UNDERG
ELEVATION NUMBER SHEET NUMBER FOR ELEVATION X A-X DETAIL NUMBER SHEET NUMBER FOR DETAIL	REFER: ELECTRICAL FOR ADDITIONAL SYMBOLS	Know what's below.
	··-	Call before you dig.



MIRAMAR ROAD

# SD0443 ENTITLEMENT RENEWAL FA: 10086168 7084 MIRAMAR ROAD SAN DIEGO,CA 92145

	PROJECT SUMMARY	
Alesmin Brewing Concerning Miramar Coon & Carry Miramar Coon &	NO PROPOSED WORK, ZONING DRAWINGS MEANT FOR OBTAINING ENTITLEMENTS <u>AT ANTENNA LEVEL:</u> (4) EXISTING PANEL ANTENNAS (78.9" X 20" X 6.9") (2) EXISTING PANEL ANTENNAS (72.87" X 11.85" X 7.09") (3) EXISTING PANEL ANTENNAS (49.9" X 28.5" X 9.7") (3) EXISTING PANEL ANTENNAS (30.63" X 15.87" X 10.55") (3) EXISTING PANEL ANTENNAS (28.0" X 15.7" X 6.7") (19) EXISTING RAUS (6) SURGE PROTECTORS (15) EXISTING WCS FILTERS (THE 596 SQ. FT. EQUIPMENT AREA IS LOCATED ON THE 3RD FLOOR OF EXISTING BUILDING): <u>AT EQUIPMENT LEVEL:</u> (15) BATTERY PACKS (1) POWER PLANT (3) TELCO RACK (2) GSM CABINETS (13) RRUS	T-1.0 TITLE SHEET T-2.0 RF SIGNAGE T-3.0 RF LOCATIO A-1.0 OVERALL SI A-1.1 ENLARGED S A-2.0 EQUIPMENT A-3.0 NORTHWES A-4.0 SOUTHEAST A-5.0 DETAILS A-6.0 DETAILS <b>SITE INFOR</b> PROPERTY OWNER:
NORTH		STRUCTURE HEIGHT:
		PARCEL NUMBER:
2022 CALIFORNIA MECHANICAL CODE		LATITUDE (NAD 83):
2022 CALIFORNIA ELECTRICAL CODE TIA-222 CODE		LONGITUDE (NAD 83):
IN THE EVENT OF CONFLICT, THE MOST		ZONING JURISDICTION:
RESTRICTIVE CODE SHALL PREVAIL		ZONING DISTRICT:
BTAIN LOCATION OF PARTICIPANTS ROUND FACILITIES BEFORE YOU DIG NEVADA, CALL USA NORTH 811		OTHER WIRELESS FACI
OLL FREE: 1-800-227-2600 OR www.usanorth811.org	CONFIDENTIAL AND PROPRIETARY	1
EVADA STATUTE REQUIRES MIN OF 2 WORKING DAYS NOTICE BEFORE YOU EXCAVATE	NOT FOR DISCLOSURE OUTSIDE TELECOMMUNICATION CLIENT WITHOUT WRITTEN PERMISSION.	

					5001 EXECUTIVE PARKWAY, SAN RAMICA 94583	
			MD7, LLC 10590 West Ocean Air Dr. Suite 250 San Diego, CA 92130 858·964·7439			
			AHJ APPROVAL			
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RMATIC	<b>N</b>				OF THE STATE OF CALIFORNIA	`
	BANKERS 4REAL ESTATE LLC 7084 MIRAMAR RD. SUITE 100, LEMON GROVE, CA 91945				RAMAR ROAD SD0443	
	65'-6"			7001	10086168	
	343-111-42-00				MIRAMAR ROAI DIEGO,CA 9214	
	32° 52' 46.2936"	[ L				-
	-117° 9' 46.5588"				SHEET TITLE	
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CILITIES:	CC-4-2 NONE			Т	ITLE SHEET	
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INF	ORMA	<b>FION</b>
	ANTENNAS ARE MO	
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BEHIND	THIS PANEL	
ON THIS	STRUCTURE	
STAY BAG	CK A MINIMUM OF 3 FEE ANTENNAS	ET FROM THESE
their instruction or repairs close	Mobility at ons prior to performing ser than 3 feet from the a MOBILITY site	
Sign 2	www.radhaz.com	ATAT Mobility





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AHJ APPROVAL

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2	10/31/2023	REVISED 100% ZDs	RA			

"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISIO AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

SITE INFORMATION

MIRAMAR ROAD SD0443 10086168 7084 MIRAMAR ROAD SAN DIEGO,CA 92145

SHEET TITLE

**RF SIGNAGE** 

DETAILS

SHEET NUMBER

T-2.0

# RECOMMENDATIONS

### AT&T Sector A

To be installed: a 12' physical barrier with Caution 2 sign every 8' on all approaches to the physical barrier If the parapet is less than 36" in height: Barriers must be built a minimum of 6 feet away from the roof edge to comply with AT&T safety standards

## • AT&T Sector B

To be installed: a 13' x 30' and a 10' x 30' physical barrier with Caution 2 sign every 8' on all approaches to the physical barrier If the parapet is less than 36" in height: Barriers must be built a minimum of 6 feet away from the roof edge to comply with AT&T safety standards

## • AT&T Sector C

To be installed: a 20' x 17' and a 15' x 28' physical barrier with Caution 2 sign every 8' on all approaches to the physical barrier If the parapet is less than 36" in height: Barriers must be built a minimum of 6 feet away from the roof edge to comply with AT&T safety standards







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AHJ APPROVAL

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SITE INFORMATION

MIRAMAR ROAD SD0443 10086168 7084 MIRAMAR ROAD SAN DIEGO,CA 92145

SHEET TITLE

**RF LOCATION** PLAN

SHEET NUMBER

T-3.0

	EXISTING BUILDING
	EXISTING BUILDING
	PROPERTY LINE
NOTE: LOCATION & DIMENSIONS ON RIGHTS-OF-WAY AND	
PROPERTY LINES ARE ASSUMED TO BE ACCURATE BUT ARE PREPARED WITHOUT BENEFIT OF RECORD-OF-SURVEY OR CURRENT SURVEY.	







MD7, LLC 10590 West Ocean Air Dr. Suite 250 San Diego, CA 92130 858·964·7439

AHJ APPROVAL

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"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

SITE INFORMATION

MIRAMAR ROAD SD0443 10086168 7084 MIRAMAR ROAD SAN DIEGO,CA 92145

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

A-1.0

				NO	RTH
00'	0'	50'	100'	SCALE: 1"=100'-0" (22x34)	1
				(OR) 1"=200'-0" (11x17)	



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E LINES IN TH	E FRP OR BETWE	R WARPING. THERE EN THE FRP AND THE COLOR AND TEXTUR			Soon EXECUTIVE PARKWAY, SAN RAMO	
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	/				MIRAMAR ROAD DIEGO,CA 92145	
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					SHEET NUMBER	
		7	NORTH		A-1.1	
	0 1' 2' 4'	SCALE: 1/4"=1'-0" (22) (OR) 1/8"=1'-0" (11x			<b>∽</b> -1.1	







AIN, (3) PER SECTOR, TOTAL OF (9). TOR "A"  TOP OF EXISTING SCREEN WALL  PER SECTOR, TOTAL OF (6)  EXISTING AT&T PANEL ANTENNA;		
8' <u>SCALE: 1/8''=1'-0'' (22x34)</u> (OR) 1/16''=1'-0'' (11x17) 2 SOUTHWEST ELEVATION	4' 8' SCALE: 1/8"=1'-0" (22x34)	ANTERNAS MOUNTE OR EXISTING SCREEN WALL TOP OF EXISTING ANTENNAS ELEV. 169'-9" AGL TOP OF EXISTING ANTENNAS ELEV. 169'-0" AGL TOP OF EXISTING ANTENNAS ELEV. 169'-0" AGL TOP OF GRADE ELEV. 10'-0" AGL





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EXISTING AT&T PANEL ANTENNA TO	2 10/31/2023 REVISED 100 % 2DS 104
REMAIN, (3) PER SECTOR, TOTAL OF (9), SECTOR "B/D" & "C"	
EXISTING AT&T PANEL	
ANTENNA; SECTOR "A"	
	"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"
	SITE INFORMATION
	MIRAMAR ROAD SD0443
	10086168
	7084 MIRAMAR ROAD SAN DIEGO,CA 92145
	SHEET TITLE SOUTHEAST & NORTHEAST ELEVATIONS
	SHEET NUMBER
0 2' 4' 8' SCALE: 1/8"=1'-0" (22x34)	A-4.0
(OR) 1/16"=1'-0" (11x17)	



-K .9"x28.5"x9.7" 75.0 lbs			<b>atst</b> Soot executive parkway, san ramon, ca 94583
	PLAN		MD7, LLC ND7, LLC 10590 West Ocean Air Dr. Suite 250 San Diego, CA 92130 858·964·7439
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			THE LAWS OF THE STATE OF CALIFORNIA"
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			SHEET TITLE
			DETAILS
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		ERICSSON RRU	<u>S-32</u>
		DIMENSIONS, H×WxD: TOTAL WEIGHT: TEMPERATURE:	27" x 12" 50.7 LBS -40° TO -
ERICSSON 4478 (B14) SIZE AND WEIGHT TABLE WIDTH DEPTH HEIGHT WO CABLE WEIGHT 13.40° 7.70° 16.50° 59.90 LBS NOTE: DIMENSIONS DO NOT INCLUDE MOUNTING BRACKET AND SOLAR SHIELD.	<u>V</u>		
SPECIFICATIONS	SCALE N.T.S. 4	RRU SPECIFICAT	IONS
SED	SCALE 3	NOT USED	

SCALE<br/>N.T.S.3NOT USED

