

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: January 19, 2022 REPORT NO. HO-22-003

HEARING DATE: January 26, 2022

SUBJECT: AT&T CARDENO, Process Three Decision

PROJECT NUMBER: <u>684820</u>

REFERENCE: <u>HO-16-075</u>

OWNER/APPLICANT: LA JOLLA ALTA MASTER COUNCIL/ AT&T.

SUMMARY:

<u>Issue:</u> Should the Hearing Officer approve a Conditional Use Permit (CUP) for a Wireless Communication Facility (WCF) at 1570 Alta La Jolla Drive in the La Jolla Community Planning Area?

Staff Recommendation: APPROVE Conditional Use Permit (CUP) No. 2569821

<u>Community Planning Group Recommendation</u>: On October 10, 2021, the La Jolla Community Planning Association voted 16 - 1 to recommend approval of the project without conditions (Attachment 10).

<u>Environmental Review</u>: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). There is no pending appeal of the environmental determination. The environmental exemption determination for this project was made on December 22, 2021, and the opportunity to appeal that determination ended January 7, 2022 (Attachment 9).

BACKGROUND

The project proposes the continued use of an AT&T WCF located at 1570 Alta La Jolla Drive within the RS-1-4 zone, designated for Very Low Density Residential (0-5 du/acre) and Parks, Open Space (rear portion of the lot), within the La Jolla Community Plan. The project site is surrounded by residential uses (Attachments 1, 2 and 3). The existing WCF was previously approved on October 12, 2006 under Project No. 82328 with a 10-year expiration and again on November 30, 2016 under Project No. 492397 and included nine panel antennas, 18 remote radio units (RRUs) and 12 tower

mounted amplifiers concealed behind an existing FRP mechanical screen enclosure. Project No. 492397 complied with the WCF Guidelines as a Complete Concealment Facility and as a result, the permit did not contain an expiration date. However, condition No. 1 from Project No. 492397 (CUP No. 1812299, attachment 8) required a utilization period of 36-months which was never implemented, or extension of time granted. San Diego Municipal Code (SDMC) Section 126.0108 states if utilization does not occur within 36 months after the date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the development permit shall be void. Because Project No. 492397 was not utilized within 36 months, it is void and requires the processing of a new CUP in accordance with SDMC Section 142.0420 for the continued operation of the WCF and proposed modifications.

Council Policy 600-43 assigns preference levels to WCFs proposed on different land uses, with Preference 1 being the highest and Preference 4 the lowest. The most preferred locations, Preference 1, are generally non-residential uses/zones and are permitted ministerially. The least preferred locations, Preference 4, are residential uses in residential zones and require a CUP decided in accordance with Process Four. Various land uses and zones between those Preference levels dictate decision levels and required permits from a Neighborhood Use Permit, Process Two to a CUP, Process Three. This project is located in a residential zone, but the land use is non-residential which under SDMC Section 141.0420(c) may be permitted as a Preference 3, CUP, Process Three. This WCF has been in AT&T's network for approximately 15 years. The aerial maps provided with the application indicate that the surrounding area is primarily single-family residential and the Preference 3 category remains the appropriate locational category. There are no other non-residential or preferred locations within the neighborhood grid to allow the construction of another WCF as residential development surrounds the site. In accordance with the latest coverage maps, without the proposed modifications, there would be a significant gap in coverage since the AT&T sites are strategically placed and the network built around them.

DISCUSSION

The project proposes the removal of six of nine existing panel antennas and six of nine existing RRUs and installation of six new panel antennas and six new RRUs for a total of nine panel antennas and nine RRUs concealed behind an existing Fiberglass Reinforced Plastic (FRP) mechanical screen enclosure (Figure 1). An equipment room housing ancillary equipment will remain on the first floor of the clubhouse building. SDMC Section 141.0420(e) requires that applicants use all reasonable means to conceal or minimize the visual WCF impacts through integration, which includes the use of architecture, landscape and siting solutions. In 2008, AT&T built a seven-foot, two-inch mechanical screen wall to conceal nine panel antennas. The finish on the screen wall is white stucco capped with a single row of vertical bricks. The design, bulk and scale of the screen wall integrates into the existing clubhouse building and is respectful of the neighborhood context. No modifications are proposed to the screen wall with this project. Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The project meets all applicable regulations and policy documents.



Figure 1: Photosimulation

The Telecommunications Act of 1996 preempts local governments from regulating the "placement, construction and modification of WCFs 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 Safety Survey Report was prepared by EBI Consulting dated March 12, 2021 which concluded that the project is in compliance with FCC standards for RF Emissions but recommended that caution signs be posted at all roof access points. The project would not result in any significant health or safety risks to the surrounding area concerning matters within the City's jurisdiction.

Due to its topography, La Jolla presents a challenge for wireless communication carriers to provide coverage and capacity. When AT&T originally sought a WCF site in this neighborhood, the clubhouse was the only non-residential use available where a WCF could be well integrated and not result in any land use or visual impacts. As designed, the project qualifies as a "completely concealed and integrated facility" under the City of San Diego Land Development Manual WCF Guidelines and will not include an expiration date.

Community Plan:

The La Jolla Community Plan and Local Coastal Program Land Use Plan contains policies recommending that the City analyze visual impacts and ensure public review and comment for any WCF proposed in a residential area. The project is located on the Alta La Jolla clubhouse building located at 1570 Alta La Jolla Drive in the La Jolla Community Plan area. Additionally, the City of San Diego's General Plan Urban Design Element (Policy UD-A.15) recommends minimizing the visual impact of wireless facilities by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to

be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that mechanical equipment associated with wireless facilities be concealed from view. The bulk, scale and design of the mechanical screen integrates into the overall architecture of the building. The associated equipment is not visible from the public right-of-way or surrounding properties because it is located within the clubhouse building on the first floor. The proposed WCF will not adversely affect the applicable land use plan or the City's General Plan.

Conclusion:

The proposed design effectively integrates with the architecture of the existing recreation facility meeting the purpose and intent of the WCF Ordinance (<u>SDMC 141.0420</u>), the <u>WCF Guidelines</u> and <u>Council Policy 600-43</u>. Staff has prepared draft findings in the affirmative to approve the project and recommends approval of Conditional Use Permit No. 2565029 (Attachment 5).

ALTERNATIVES

- 1. Approve Conditional Use Permit (CUP) No. 2555672, with modifications.
- 2. Deny Conditional Use Permit (CUP) No. 2555672, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Karen Howard

Karen Howard, Development Project Manager

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. Coverage Maps
- 8. CUP No. 1812299
- 9. Environmental Exemption
- 10. Community Planning Group Recommendation
- 11. Ownership Form
- 12. Photosimulations
- 13. Project Plans

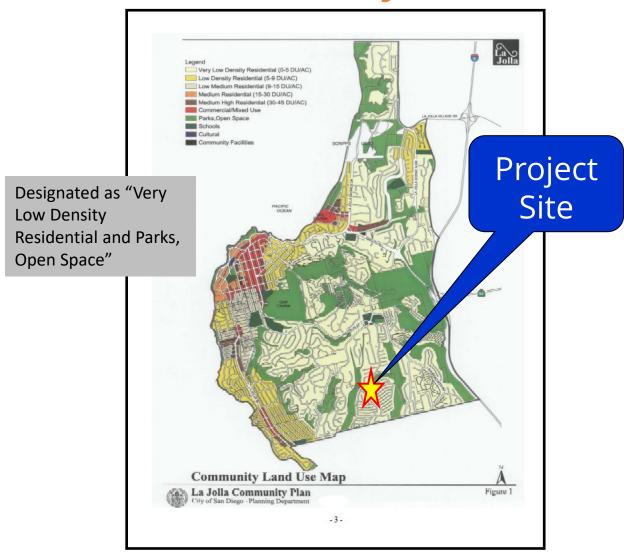
Aerial Photo





AT&T Cardeno & Alta La Jolla (La Jolla Community)
1570 Alta La Jolla Drive

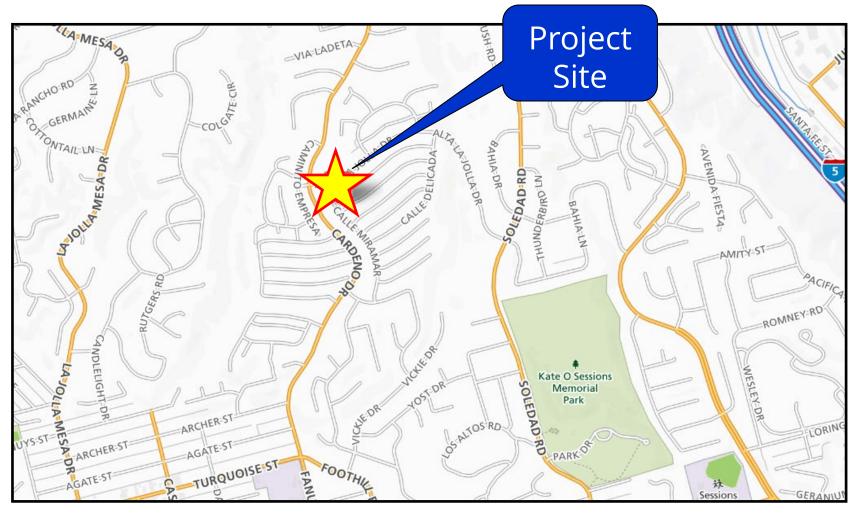
Community Plan

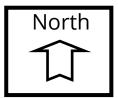


AT&T Cardeno & Alta La Jolla (La Jolla Community)
1570 Alta La Jolla Drive



Project Location Map





AT&T Cardeno & Alta La Jolla (La Jolla Community) 1570 Alta La Jolla Drive

ATTACHMENT 3

| PROJECT DATA SHEET | | | |
|---|---|-------------------------|--|
| PROJECT NAME: | AT&T Cardeno & Alta La Jolla | | |
| PROJECT DESCRIPTION: | An existing Wireless Communication Facility (WCF) consisting of 9 panel antennas, 18 radios and 12 amplifiers concealed behind a roof top mechanical screen with associated equipment located on the first floor of the Alta La Jolla clubhouse building. | | |
| COMMUNITY PLAN AREA: | La Jolla | | |
| DISCRETIONARY ACTIONS: | Conditional Use Permit | | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Very Low Density Residential/Parks, Open Space | | |
| | ZONING INFORMATION: | | |
| HEIGHT LIMIT: LOT SIZE: FLOOR AREA RATIO: FRONT SETBACK: SIDE SETBACK: STREETSIDE SETBACK: REAR SETBACK: PARKING: | N/A N/A 20 feet 15 feet N/A 20 feet | | |
| ADJACENT PROPERTIES: | LAND USE DESIGNATION & ZONE | EXISTING LAND USE | |
| NORTH: | Very Low Density Residential; RS-1-4/RS-1-2 | Single-Unit Residential | |
| SOUTH: | Very Low Density Residential; RS-1-4 | Single-Unit Residential | |
| EAST: | Very Low Density Residential; RS-1-4 | Single-Unit Residential | |
| WEST: | Very Low Density Residential; RS-1-4 | Multi-Unit Residential | |
| DEVIATION REQUESTED: | None | | |
| COMMUNITY PLANNING GROUP | On October 10, 2021, the La Jolla Community Planning Association voted on consent 16-0-1 Abstain to recommend approval of the project without | | |

RECOMMENDATION:

conditions.

HEARING OFFICER
RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 2569821
AT&T CARDENO PROJECT NO. 684820

(AMENDMENT CONDITIONAL USE PERMIT NO. 1812299)

WHEREAS, LA JOLLA ALTA MASTER COUNCIL, Owner, and AT&T, Permittee, filed an application with the City of San Diego for a permit for a Wireless Communication Facility (WCF) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 492397), on portions of a 1.73-acre site;

WHEREAS, the project site is located at 1570 Alta La Jolla Drive in the RS-1-4 zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Lot 8 of La Jolla Alta PRD Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8251, filed in the Office of the County Recorder of said County on February 3, 1976;

WHEREAS, on December 22, 2021, 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 Guidelines Section 15301 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 January 26, 2022, the Hearing Officer of the City of San Diego considered Conditional Use Permit 2569821 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, that it adopts the following findings with respect to Conditional Use Permit No. 2569821;

A. <u>Conditional Use Permit [San Diego Municipal Code (SDMC) Section No.126.0305]</u>

1. <u>Findings for all Conditional Use Permits:</u>

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

The La Jolla Community Plan and Local Coastal Program Land Use Plan contain policies recommending that the City analyze visual impacts and ensure public review and comment for any WCF proposed in a residential area. The project is located on the Alta La Jolla clubhouse building located at 1570 Alta La Jolla Drive in the La Jolla Community Plan area. The project consists of six new panel antennas and nine Remote Radio Units, (RRU) concealed behind an existing fiberglass reinforced plastic (FRP) mechanical screen enclosure. The mechanical screen wall concealing the AT&T antennas and RRU is set back from the front of the clubhouse and is located in the center of the building, surrounded by sloping roof lines. Together with the architectural integration, this screen placement minimizes the presence of the WCF. Additionally, the City of San Diego's General Plan Urban Design Element (Policy UD-A.15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view.

The bulk, scale and design of the mechanical screen integrates into the overall architecture of the building. The associated ancillary equipment is not visible from the public right-of-way or surrounding properties because it is located within the clubhouse building on the first floor. The WCF was originally approved in 2006 and again in 2016.

The proposed WCF complies with the City's Land Development Code, Section 141.0420, Wireless Communication Facilities, as well as the requirements of the City's General Plan. The proposed WCF does not adversely affect the applicable land use plan or the City's General Plan.

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

The project is located on the Alta La Jolla clubhouse building located at 1570 Alta La Jolla Drive in the La Jolla Community Plan area. The proposed project would remove six of nine existing panel antennas and six of nine existing Remote Radio Units (RRU) and install six new panel antennas and six new Remote Radio Units (RRU) for a total of nine panel antennas and nine RRUs concealed behind existing fiberglass reinforced plastic (FRP) mechanical screen enclosure. Ancillary equipment associated with the antennas is located within the clubhouse building on the first floor.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). 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 ensure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

The Telecommunications 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 Safety Survey Report was prepared by EBI Consulting dated March 12, 2021 which concluded that the project is in compliance with FCC standards for RF emissions, but recommended that caution signs be posted at all roof access points. The project would not result in any significant health or safety risks to the surrounding area within matters under the City's jurisdiction. Therefore, the proposed project will not be detrimental to the 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

Land Development Code Section (LDC) 141.0420 permits WCFs on sites zoned RS-1-4 with a Process 3 CUP when a residential use is not on the same site. A WCF has existed on this site since 2006 and currently consists of nine panel antennas and associated electronic components concealed behind an existing rooftop mechanical screen. The proposed project would remove six of nine existing panel antennas and six of nine existing Remote Radio Units (RRU) and install six new panel antennas and six new Remote Radio Units (RRU) for a total of nine panel antennas and nine RRUs concealed behind existing fiberglass reinforced plastic (FRP) mechanical screen enclosure. The WCF regulations require that facilities be minimally visible through the use of architecture, landscape, and siting solutions. Associated ancillary equipment is located on the first floor of the clubhouse building. The WCF is integrated into the overall architecture of the clubhouse and presents no visual impacts. The project complies with the development regulations of the RS-1-4 zone and no deviations are proposed or required. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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

This WCF is located in a Preference Three location as outlined in Council Policy 600-43. The Policy sets forth locational categories that correspond to the process levels contained within Land Development Code Section 141.0420, WCF Regulations. These guidelines establish a hierarchy from the most preferred location (Preference 1) to the least preferred location (Preference 4). Applications for sites either in Preference 2, 3 or 4 locations should include additional information from the applicant substantiating why a more preferred location was not used.

The project site is a non-residential use within a residential zone that is surrounded by residential uses. WCFs in residential zones always require a CUP; however, if the use on site is non-residential, as this site is, a Process Three decision is required. The overall objective of the WCF regulations is to identify process levels and provide design requirements. The trend to eliminate land line phones and the resulting demand for wireless coverage in residential areas was recognized in the development of the WCF regulations by encouraging use of non-residential properties for WCFs. This is an existing WCF on a non-residential use surrounded by residential uses. In this situation, maintaining the WCF site on the clubhouse rooftop is preferable to pursuing a new location in a residential backyard or the creation of several public right-of-way sites, which compared to this project, would create visual impacts in this residential area. There are no other non-residential or preferred locations within the neighborhood grid to allow the construction of another WCF as residential development surrounds the site. In accordance with the latest coverage maps, without the proposed modifications, there would be a significant gap in coverage since the AT&T sites are strategically placed and the network build around them.

The design is consistent with the City's General Plan for wireless facilities, the WCF Ordinance (SDMC Chapter 14, Article 20, Division 4) and the Wireless Communication Guidelines. The WCF is designed appropriately and integrates well into the clubhouse building and the context of the neighborhood. Therefore, the use is appropriate at this location.

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 these findings adopted by the Hearing Officer, Conditional Use Permit No. 2569821 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. 2569821 a copy of which is attached hereto and made a part hereof.

ATTACHMENT 5

Karen Howard

Development Project Manager

Karen Howard

Development Services

Adopted on: January 26, 2022

IO#: 11004545

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: 11004545 SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 2569821

AT&T CARDENO PROJECT NO. 684820

(AMENDMENT CONDITIONAL USE PERMIT NO. 1812299)

HEARING OFFICER

This Conditional Use Permit No. 2569821 [amendment to Conditional Use Permit No. 1812299] is granted by the Hearing Officer of the City of San Diego to LA JOLLA ALTA MASTER COUNCIL, Owner, and AT&T, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420. The 1.73-acre site is located at 1570 Alta La Jolla Drive in the RS-1-4 zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as: Lot 8 of La Jolla Alta PRD Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8251, filed in the Office of the County Recorder of said County on February 3, 1976.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 26, 2022, on file in the Development Services Department. The project shall include:

- a. Nine panel antennas measuring $48" \times 20.7" \times 9.7"$; nine remote radio units and three tower mounted amplifiers concealed behind existing roof top fiberglass reinforced panel (FRP) screens;
- b. An equipment room located on the first floor of the clubhouse building housing ancillary equipment;
- 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 9, 2025.
- 2. The project complies with the Wireless Communication Facility Guidelines as a Complete Concealment Facility and as a result, the permit does not contain an expiration date. The Owner/Permittee shall maintain the appearance of the approved facility to the condition set forth in this permit unless the WCF that is the subject of this Permit is removed and the subject property restored to its original condition.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
- 7. 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.).
- 8. 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.
- 9. Construction plans shall be in substantial conformity to Exhibit "A" dated January 26, 2022, on file in the Development Services Department. Changes, modifications, or alterations to the

construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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:

- 12. Every aspect of this project is considered an element of concealment including but not limited to the dimensions, bulk and scale, color, materials and texture. Any future modifications to this permit must not defeat concealment.
- 13. No overhead cabling is permitted.
- 14. The WCF shall conform to the approved construction plans.
- 15. Photo simulations shall be printed in color on the construction plans.

- 16. The City may require the Owner/Permittee to provide a topographical survey conforming to the provisions of the SDMC if the City determines 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.
- 17. 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.
- 18. 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.
- 19. Use of or replacement of any building façade or mechanical screen with Radio Frequency (RF) transparent material for purposes 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.
- 20. The accuracy and validity of the Radio Frequency (RF) Compliance Report, submitted by the Permittee, shall be assured while the WCF is in operation. If requested by the City, Owner/Permittee shall provide an updated RF Compliance Report to address any issues associated with the emitting components of the WCF.
- 21. 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. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.
- 22. 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.
- 23. 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 the restoration of this site to its original condition is required.

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 Development Services Department Wireless
Communication Facilities staff listed on City webpage,
https://www.sandiego.gov/development-services/codes-regulations/wireless-communication-facilities, 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.

- The issuance of this development permit alone does not allow the immediate commencement
 or continued operation of the proposed use on site. The 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 Hearing Officer of the City of San Diego on January 26, 2022.

ATTACHMENT 6

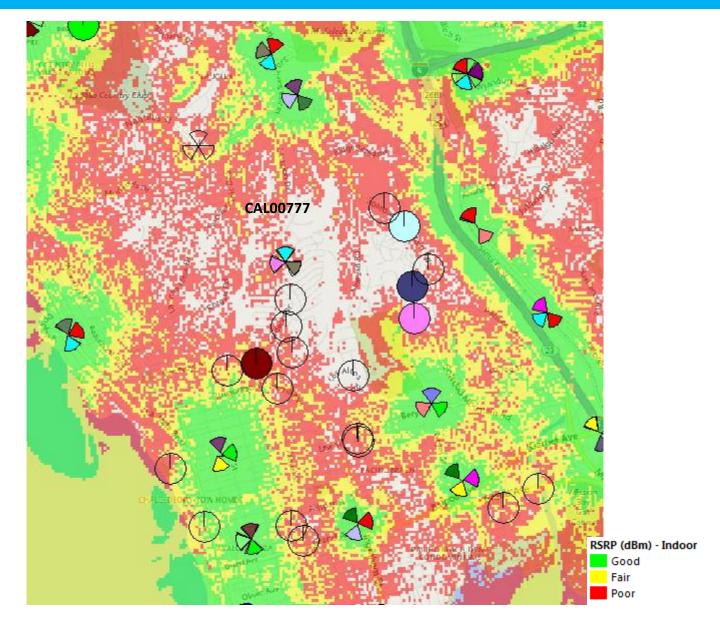
Conditional Use Permit No. 2569821 Date of Approval: January 26, 2022

| AUTHENTICATED BY THE CITY OF SAN DIEG | GO DEVELOPMENT SERVICES DEPARTMENT |
|--|---|
| Karen Howard | |
| Development Project Manager | |
| NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq. | |
| | xecution hereof, agrees to each and every condition of and every obligation of Owner/Permittee hereunder. |
| | La Jolla Alta Master Council Owner |
| | By NAME: TITLE: |
| | AT&T Permittee |
| | By |

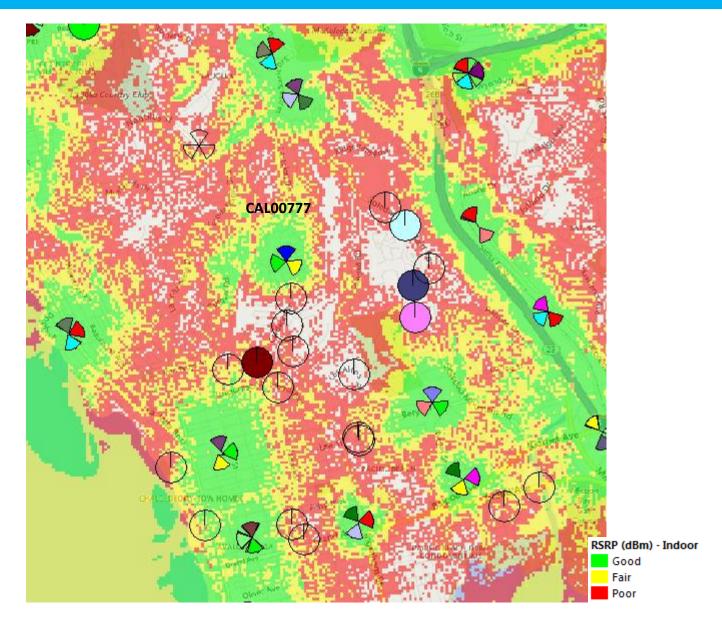
NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.

TITLE:

Coverage Without CAL00777



Coverage With CAL00777



ATTACHMENT 8
DOC# 2017-0038302

Jan 25, 2017 10:42 AM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$51.00

PAGES: 13

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: 24006742

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1812299 AT&T CARDENO AND ALTA LA JOLLA PROJECT NO. 492397 HEARING OFFICER

This Conditional Use Permit No. 1812299 is granted by the Hearing Officer of the City of San Diego to La Jolla Alta Master Council, Owner, and AT&T, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420. The 1.73-acre site is located at 1570 Alta La Jolla Drive in the RS-1-4 zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as: Lot 8 of La Jolla Alta PRD Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8251, filed in the Office of the County Recorder of said County on February 3, 1976.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 30, 2016, on file in the Development Services Department.

The project shall include:

- a. Nine panel antennas measuring 52" x 12" x 9.6"; 18 remote radio units and 12 tower mounted amplifiers concealed behind an existing roof top mechanical screen;
- b. An equipment room located on the first floor of the clubhouse 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.

Every aspect of this project is considered an element of concealment including but not limited to the dimensions, bulk and scale, color, materials and texture. Any future modifications to this permit must not defeat concealment.

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 December 14, 2019.
- 2. The project complies with the Wireless Communication Facility Guidelines as a Complete Concealment Facility and as a result, the permit does not contain an expiration date. The Owner/Permittee shall maintain the appearance of the approved facility to the condition set forth in this permit unless the WCF that is the subject of this Permit is removed and restored to its original condition.
- 3. Continued operation of this WCF as described herein shall be not 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.
- 4. While this Permit is in effect, the WCF that is the subject of 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 appropriate City decision maker.
- 5. 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.
- 6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
- 7. 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.).
- 8. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this



Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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:

- 10. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.
- 11. 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. If the WCF is no longer operational, the Owner/Permittee shall remove the WCF and restore the WCF site to its original condition.
- 12. The approved antenna dimensions are as illustrated on the Exhibit "A" dated November 30, 2016. Replacement of the antennas may occur in the future, subject to the Owner/Permittee notifying the Development Services Department prior to the replacement of the antennas and subject to the provision of an updated Radio Frequency (RF) report demonstrating compliance with the Federal Communication Commission's regulations in accordance with SDMC Section 141.0420(b)(1)(A) to the satisfaction of the Development Services Department.
- 13. Use of or replacement of any building façade or mechanical screen with RF-transparent material for purposes 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.



14. 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:

- 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 Hearing Officer of the City of San Diego on November 30, 2016 by Resolution No. HO-6978.



Permit Type/PTS Approval No.: Conditional Use Permit No. 1812299

Date of Approval: November 30, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Lynch

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.

La Jolla Alta Master Council

Owner

PLEASE SEE ATTACHED NOTARIZED FORM

NAME:

TITLE:

BRUCE

RESIDENT

AT&T Mobility

Permittee

Ву ___

NAME: Kevin Becker

TITLE: Senior Real Estate and Construction Manager

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

| A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. | | |
|--|---|--|
| State of California) County of San Diego) | | |
| On January 23, 2017 before me, Stac | ie L. Maxwell, Notary Public | |
| Date | Here Insert Name and Title of the Officer | |
| personally appeared | Karen Lynch | |
| | Name(s) of Signer(s) | |
| subscribed to the within instrument and acknowled | evidence to be the person(s) whose name(s) is/are- edged to me that he/she/they executed the same in s/her/their signature(s) on the instrument the person(s), ted, executed the instrument. | |
| STACIE L. MAXWELL Notary Public - California San Diego County Commission # 2165260 | certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. Signature Signature of Notary Public | |
| Place Notary Seal Above | TIONAL | |
| Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. | | |
| Description of Attached Document Title or Type of Document: AT&T Cardeno and Document Date: November 30, 2016 Signar(a) Other Than Named Above: | Number of Pages: <u>5</u> | |
| Signer(s) Other Than Named Above: | | |
| Capacity(ies) Claimed by Signer(s) Signer's Name: Corporate Officer — Title(s): Partner — Limited General Individual Attorney in Fact Trustee Guardian or Conservator Other: Signer Is Representing: | □ Partner — □ Limited □ General □ Individual □ Attorney in Fact □ Trustee □ Guardian or Conservator □ Other: | |
| | | |

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California All-Purpose Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California County of San Diego On 13.28, 20 16, before me, Ken M. Knara, Notary Public, personally appeared Beuce P. Dyen who 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. and the state of t I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct KEN M. KNARA WITNESS my hand and official seal. Commission # 2083185 Notary Public - California San Diego County My Comm. Expires Oct 21, 2018 **OPTIONAL Description of Attached Document** Title or Type of Document Conditional Peamit # 1813299

Document Date: 15.58.16 Number of Pages (including this one) 6 Additional Information Capacity(ies) Claimed by Signer Right Thumbprint of Individual Signer 1 ☐ Corporate Officer- Title(s) ☐ Partner: Limited General ☐ Attorney-in-Fact ☐ Trustee ☐ Guardian or Conservator □ Other Right Thumbprint of Signer is representing:

DRIGINAL

Permit Type/PTS Approval No.: Conditional Use Permit No. 1812299 Date of Approval: November 30, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Lynch 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.

La Jolla Alta Master Council

Owner

By_

NAME:

TITLE:

AT&T Mobility

Permittee

KCBS NAME: Kevin Becker aka: Kevin Christopher Becker

TITLE: Senior Real Estate and Construction Manager

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



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

| validity of that document. | |
|--|--------|
| State of California County of | |
| On DECEMBER 07, 2016 before me, ELEASA C. MARKS, NOTARY PUBLIC (insert name and title of the officer) | |
| (insert name and title of the officer) | |
| personally appeared KEVIN CHRISTOPHER BECKER | |
| who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the shis/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. | ame in |
| I certify under PENALTY OF PERJURY under the laws of the State of California that the fore paragraph is true and correct. | going |
| WITNESS my hand and official seal. Commission # 2110776 Notary Public - California San Diego County My Comm. Expires May 9, 2 | NNA |
| Signature (Seal) | |

HEARING OFFICER RESOLUTION NO. HO-6978 CONDITIONAL USE PERMIT NO. 1812299 AT&T CARDENO & ALTA LA JOLLA PROJECT NO. 492397

WHEREAS, LA JOLLA ALTA MASTER COUNCIL, Owner, and AT&T, Permittee filed an application with the City of San Diego for a permit for a Wireless Communication Facility(WCF) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 492397), on portions of a 1.73-acre site;

WHEREAS, the project site is located at 1570 Alta La Jolla Drive in the RS-1-4 zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan.;

WHEREAS, the project site is legally described as Lot 8 of La Jolla Alta PRD Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8251, filed in the Office of the County Recorder of said County on February 3, 1976;

WHEREAS, on November 30, 2016, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1812299, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on October 17, 2016, 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; 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 November 30, 2016.

FINDINGS:

Conditional Use Permit §126.0305

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

The La Jolla Community Plan and Local Coastal Program Land Use Plan contains policies recommending that the City analyze visual impacts and ensure public review and comment for any WCF proposed in a residential area. The project is located on the Alta La Jolla clubhouse building located at 1570 Alta La Jolla Drive in the La Jolla Community Plan area. The project consists of nine existing panel antennas, 18 Remote Radio Units, (RRU) and 12 Tower Mounted Amplifiers (TMA) concealed behind an existing mechanical screen enclosure. The mechanical screen wall concealing the AT&T antennas is set back from the front of the clubhouse and is located in the center of the building, surrounded by sloping roof lines. Together with the architectural integration, this minimizes the presence of the WCF. Additionally, the City of San Diego's General Plan Urban Design



Element (Policy UD-A.15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view.

This project consists of nine panel antennas, 18 Remote Radio Units (RRUs) and 12 Tower Mounted Amplifiers (TMAs) all concealed behind an existing rooftop mechanical screen. The bulk, scale and design of the mechanical screen integrates into the overall architecture of the building. The associated equipment is not visible from the public right-of-way or surrounding properties because it is located within the clubhouse building on the first floor. The original permit for this project was approved in 2006 and has since expired. AT&T is seeking a new permit to maintain its facility on site.

The proposed WCF complies with the City's Land Development Code, Section 141.0420, Wireless Communication Facilities, as well as the requirements of the City's General Plan. The proposed WCF does not adversely affect the applicable land use plan or the City's General Plan.

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

The project is located on the Alta La Jolla clubhouse building located at 1570 Alta La Jolla Drive in the La Jolla Community Plan area. The project consists of nine existing panel antennas, 18 RRUs and 12 TMAs concealed behind an existing mechanical screen enclosure. Equipment associated with the antennas is located within the clubhouse building on the first floor.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities). 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 ensure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

The Telecommunications 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." An Electromagnetic Energy Exposure Report was prepared by OSC Engineering, Inc. which concluded that the project is in compliance with FCC standards for RF emissions, but recommended that caution signs be posted at all roof access points. 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

Land Development Code Section 141.0420 permits WCFs on sites zoned RS-1-4 with a CUP. The project is existing and consists of nine panel antennas and associated electronic components concealed behind an existing rooftop mechanical screen. The WCF regulations require that facilities be minimally visible through the use of architecture, landscape, and siting solutions. Associated equipment is located on the first floor of the clubhouse building. The WCF is integrated into the overall architecture of the clubhouse and presents no visual impacts. The project complies with the development regulations of the RS-1-4 zone and no deviations are proposed. AT&T constructed the existing mechanical screen approximately ten years ago. The original permit was issued at that time and the site became a collocation when Verizon also added their antennas behind the screen. No modifications are proposed with this project.

The project has been designed to comply with the regulations of the Land Development Code and there are no deviations proposed.

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

This WCF is located in a Preference Three location as outlined in Council Policy 600-43. The Policy sets forth locational categories that correspond to the process levels contained within LDC Section 141.0420, WCF Regulations. These guidelines establish a hierarchy from the most preferred location (Preference 1) to the least preferred location (Preference 4). Applications for sites either in Preference 2, 3 or 4 locations should include additional information from the applicant substantiating why a lower preference location was not used.

The project site is a non-residential use within a residential zone that is surrounded by residential uses. WCFs in residential zones always require a CUP; however, if the use on site is non-residential, as this site is, the decision is a Process Three. The overall objective of the WCF regulations is to identify process levels and provide design requirements. The trend to eliminate land line phones and the resulting demand for wireless coverage in residential areas was recognized in the development of the WCF regulations by encouraging use of non-residential properties. This is an existing WCF on a non-residential use surrounded by residential uses. In this situation, maintaining the site on the clubhouse rooftop is more preferable than pursuing a new location in a residential backyard or the creation of several public right-of-way sites, which compared to this project, would create visual impacts in this residential area.

Therefore, the use is appropriate at this location because it is designed appropriately and integrates well into the clubhouse building and the context of the neighborhood.



BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1812299 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. 1812299, a copy of which is attached hereto and made a part hereof.

Karen Lynch

Development Project Manager

Development Services

Adopted on: November 30, 2016

IO#: 24006742

3-3-16

NOTICE OF EXEMPTION

| (Check | one or k | poth) | | |
|--------|----------|--|-------|---|
| TO: | X | RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422 OFFICE OF PLANNING AND RESEARCH 1400 TENTH STREET, ROOM 121 SACRAMENTO, CA 95814 | FROM: | CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101 |
| | | | | |

Project No.: 684820 Project Title: AT&T Cardeno

PROJECT LOCATION-SPECIFIC: The project is located at 1570 Alta La Jolla, CA

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) for the continued operation of an existing Wireless Communication Facility (WCF). The WCF consists of nine (9) panel antennas and 12 Remote Radio Units (RRUs) mounted behind an existing Fiberglass Reinforced Plastic (FRP) rooftop mechanical screen. Additionally, the project includes modifications to ancillary equipment including a new baseboard and a power converter for support to the WCF and the facility has been designed to integrate with the existing development at the site. Pursuant to SDMC 141.0420(c)(A)(i), the project application is being processed as a CUP because of its location within a residential zone on a premise that does not contain residential development. The project is located at 1570 Alta La Jolla Drive, in the RS-1-4 zone, within the Coastal Height Limitation Overlay Zone in the La Jolla Community Plan area

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Justin Causey- 10590 West Ocean Air Drive Suite 300, San Diego CA 92130. (858) 291-1869.

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)...
- (X) CATEGORICAL EXEMPTION: 15301 (Existing Facilities)
- () STATUTORY EXEMPTION:

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 the exemption was deemed appropriate. The project is located on a developed site and no environmental impacts would occur and the exceptions described in CEQA Guidelines Section 15300.2 do not apply.

<u>TELEPHONE:</u> 619 446-5324

| <u>IF FILED I</u> 1. 2. | HAS A NOTICE OF | D DOCUMENT OF EXEMPTION FINDING. EXEMPTION BEEN FILED BY THE PUBLIC AGE NO | ENCY APPROVING THE PROJECT? |
|-------------------------------|--------------------|---|---|
| IT IS HER | EBY CERTIFIED THAT | THE CITY OF SAN DIEGO HAS DETERMINED | THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA |
| SI DATU | MI/TITLE | /SENIOR PLANNER | <u>1/10/2022</u> DATE |
| CHECK C | ONE: | | |

DATE RECEIVED FOR FILING WITH COUNTY

LEAD AGENCY CONTACT PERSON: Jeffrey Szymanski

(X) SIGNED BY LEAD AGENCY

CLERK OR OPR:



To Whom It May Concern:

At the September 1 2016 Regular Meeting of the La Jolla Community Planning Association, the following project was approved on the Consent calendar:

AT&T CARDENO & ALTA LA JOLLA DRIVE 1570 Alta La Jolla Drive CDP **CONSENT CALENDAR**La Jolla (Process 2) Amendment to a Site Development Permit, Coastal Development Permit,
Neighborhood Development Permit and Neighborhood Use Permit applications for an existing
Wireless Communication Facility. The property site is located at 1570 La Jolla Alta Drive in the RS-1-4
zone of the La Jolla Community Planning area. Note: This is a different provider but the same
location as Project 394454, which was heard by this committee on August 11, 2015. DPR
RECOMMENDATION The limited actions by the members of the DPR Committee August 9, 2016 in
receiving information on Project 488493 are ratified August 16, 2016. Upon convening in today's
meeting, this project has been reviewed de novo to orient the members who were absent the
previous meeting. Findings CAN be made that the proposed project conforms to the La Jolla
Community Plan for an Amendment to a Site Development Permit, Coastal Development Permit,
Neighborhood Development Permit and Neighborhood Use Permit applications for an existing
Wireless Communication Facility at 1570 La Jolla Alta Drive. 8-0-0
LJCPA Recommendation on Consent: Motion to Approve Consent Agenda (Donovan/Steck) In favor:

LJCPA Recommendation on Consent: Motion to Approve Consent Agenda (Donovan/Steck) In favor Ahern, Boyden, Brady, Collins, Courtney, Donovan, Emerson, Little, Rasmussen, Shannon, Steck, Weiss, Will. Abstain: Greatrex (Chair). Motion carries 13-0-1.

AT&T VIA CASA ALTA 2122 Via Casa Alta SDP CDP ACTION ITEM

La Jolla (Process 2) – Amendment to a Site Development Permit, Coastal Development Permit, Neighborhood Development Permit and Neighborhood Use Permit applications for an existing Wireless Communication Facility. The property site is located at 2122 Via Casa Alta in the RS-1-2 zone of the La Jolla Community Planning area at the site at the top of Mount Soledad that has a number of other antennas. The subject project is on a building and a 174-foot tower owned by KGTV, and the antennae locations range from 14 feet to 32 feet above ground level. The project proposes replacement of 5 antennae that are more suited for voice transmissions GSM) with the same number of antennae that are more suited for voice and data transmissions (LT), also suitable for 4G level of service. The new equipment will be at the same power levels and operating frequencies as the existing. Service areas were indicated in a level-of-service map, showing existing and proposed conditions.

DPR RECOMMENDATION The limited actions by the members of the DPR Committee August 9, 2016 in receiving information on Project 488493 are ratified on August 16, 2016. Upon convening in today's meeting, this project has been reviewed de novo to orient the members who were absent the previous meeting. Findings CAN be made that the proposed project conforms to the La Jolla Community Plan for a Site Development Permit, Coastal Development Permit, Neighborhood Development Permit and Neighborhood Use Permit applications for an existing Wireless Communication Facility at 2122 Via Casa Alta. 6-0-2.

Project addressed by Jamo Stevenson of AT&T, representing a colleague who could not attend. Public comment on ownership of equipment. Trustee Rasmussen questions size and shape of antennas. Additional Trustee comment from Trustee Boyden on coverage map and signal strength. Trustee Little inquires on coverage area and heights of antennas in relation to coastal height limits, and it is noted that the mounts have not changed and the height is the same size as it was. Trustee Emerson inquires on comparison between existing site and coverage map. Discussion on power outputs and radiation. Antennas are within FDA regulations.

Motion to Approve Amendment to a Site Development Permit, Coastal Development Permit, Neighborhood Development Permit and Neighborhood Use Permit applications for an existing Wireless Communication Facility (Little/Will 13-1-1). Motion Carries

Thank you,

Cindy Greatrex Chair



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

Ownership Disclosure Statement

FORM

DS-318

October 2017

| Approval Type: Check appropriate box for type of ap □ Neighborhood Development Permit □ Site Deve □ Tentative Map □ Vesting Tentative Map □ Map | elopment Permit 🚨 Planned Developme | ent Permit 🗷 | Conditional Use Pe | |
|--|--|--|---|--|
| Project Title: Cardeno Dr and Alta La Jolla Drive | | Project No. | For City Use Only: | |
| Project Address: 1570 Alta La Jolla Drive | | | | |
| La Jolla, CA 92037 | | | | 1 |
| Specify Form of Ownership/Legal Status (please | check): | | | |
| \Box Corporation \Box Limited Liability -or- \Box General - | - What State?Corporate I | dentification | No | |
| ☐ Partnership ☐ Individual | | | | |
| By signing the Ownership Disclosure Statement, the with the City of San Diego on the subject propertion owner(s), applicant(s), and other financially interest individual, firm, co-partnership, joint venture, asso with a financial interest in the application. If the sindividuals owning more than 10% of the shares. officers. (A separate page may be attached if necestance ANY person serving as an officer or director of A signature is required of at least one of the pronotifying the Project Manager of any changes in cownership are to be given to the Project Manager accurate and current ownership information could | ty with the intent to record an encumb sted persons of the above referenced p ociation, social club, fraternal organizati applicant includes a corporation or par If a publicly-owned corporation, includ sssary.) If any person is a nonprofit orgathe the nonprofit organization or as trus perty owners. Attach additional pages ownership during the time the applicat at least thirty days prior to any public | orance agair roperty. A fion, corporat thership, ince the names anization or tee or bene if needed. Lion is being the aring on t | nst the property. Pinancially interested interested into the same of the same | lease list below the disparty includes any eceiver or syndicate les, addresses of all less of the corporate es and addresses of rofit organization. It is responsible for idered. Changes in |
| Property Owner | | | | |
| Name of Individual: La Jolla Alta Master Council | | Owner | ☐ Tenant/Lessee | ☐ Successor Agency |
| Street Address: 1570 Alta La Jolla Drive | | | * | |
| City: La Jolla | 1 | | State: CA | Zip: |
| Phone No.: 858-459-6903 | Fax No.: | Email: club | manager@ljamc.com | |
| Signature: | | Date: | 12-25 | 21 |
| Additional pages Attached: | ⊠ No | | | |
| Applicant | | | | |
| Name of Individual: Tara Carmichael, MD7 LLC, obo AT | &T Wireless | ☐ Owner | ☑ Tenant/Lessee | ☐ Successor Agency |
| Street Address: _7337 Trade Street | | | | |
| City: _San Diego | | | State: CA | Zip: _92121 |
| Phone No.: _858-952-1936 | Fax No.: | Email: tcar | michael@md7.com | |
| Signature: Tara Carmichael Signature: Date: 12/8/2021 | | | | |
| Additional pages Attached: | ⊠ No | | | |
| Other Financially Interested Persons | | | | |
| Name of Individual: | | ☐ Owner | ☐ Tenant/Lessee | ☐ Successor Agency |
| Street Address: | | | | |
| City: | | | State: | Zip: |
| Phone No.: | Fax No.: | Email: | | |
| Signature: | | | | |
| Additional pages Attached: | □ No | | | |

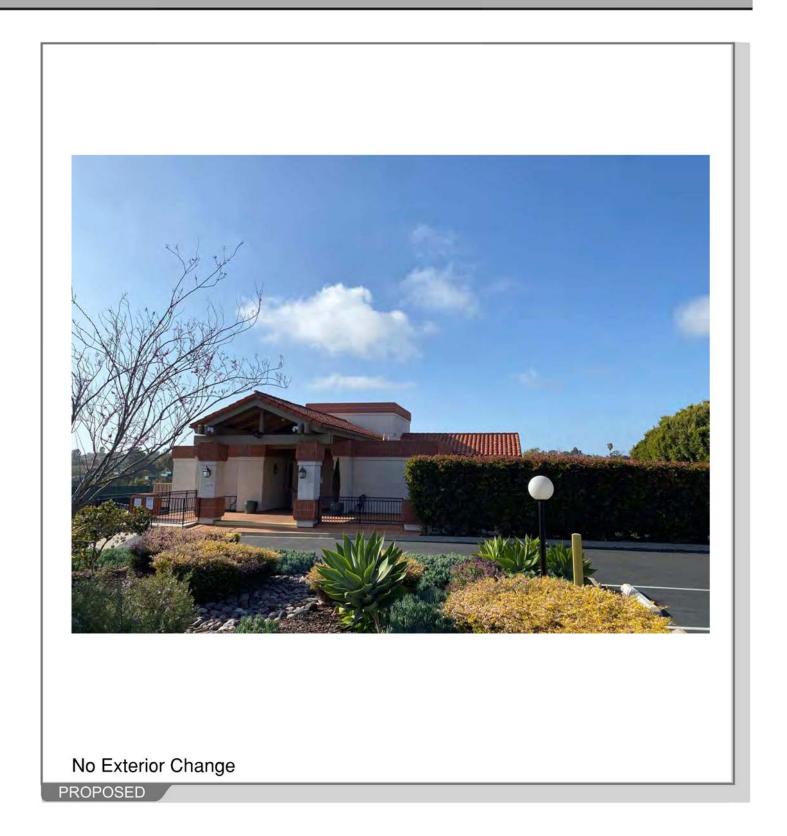
SD0777 - 10099930 - Alta La Jolla

MD7

1570 Alta La Jolla Drive, La Jolla, CA 92037

VIEW





SD0777 - 10099930 - Alta La Jolla

MD7

1570 Alta La Jolla Drive, La Jolla, CA 92037

VIEW 2





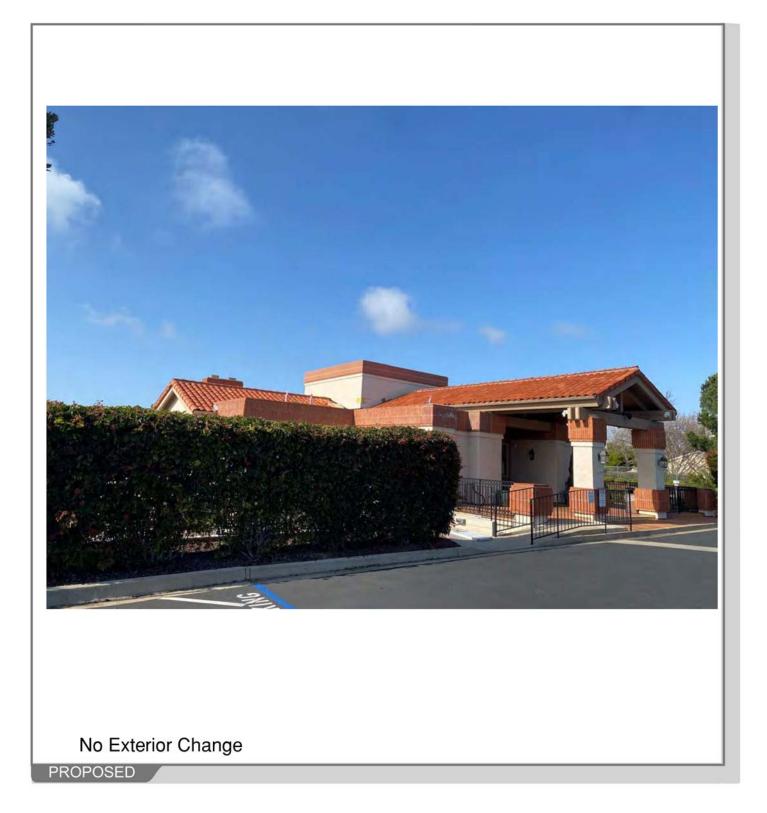
SD0777 - 10099930 - Alta La Jolla



1570 Alta La Jolla Drive, La Jolla, CA 92037

VIEW 3







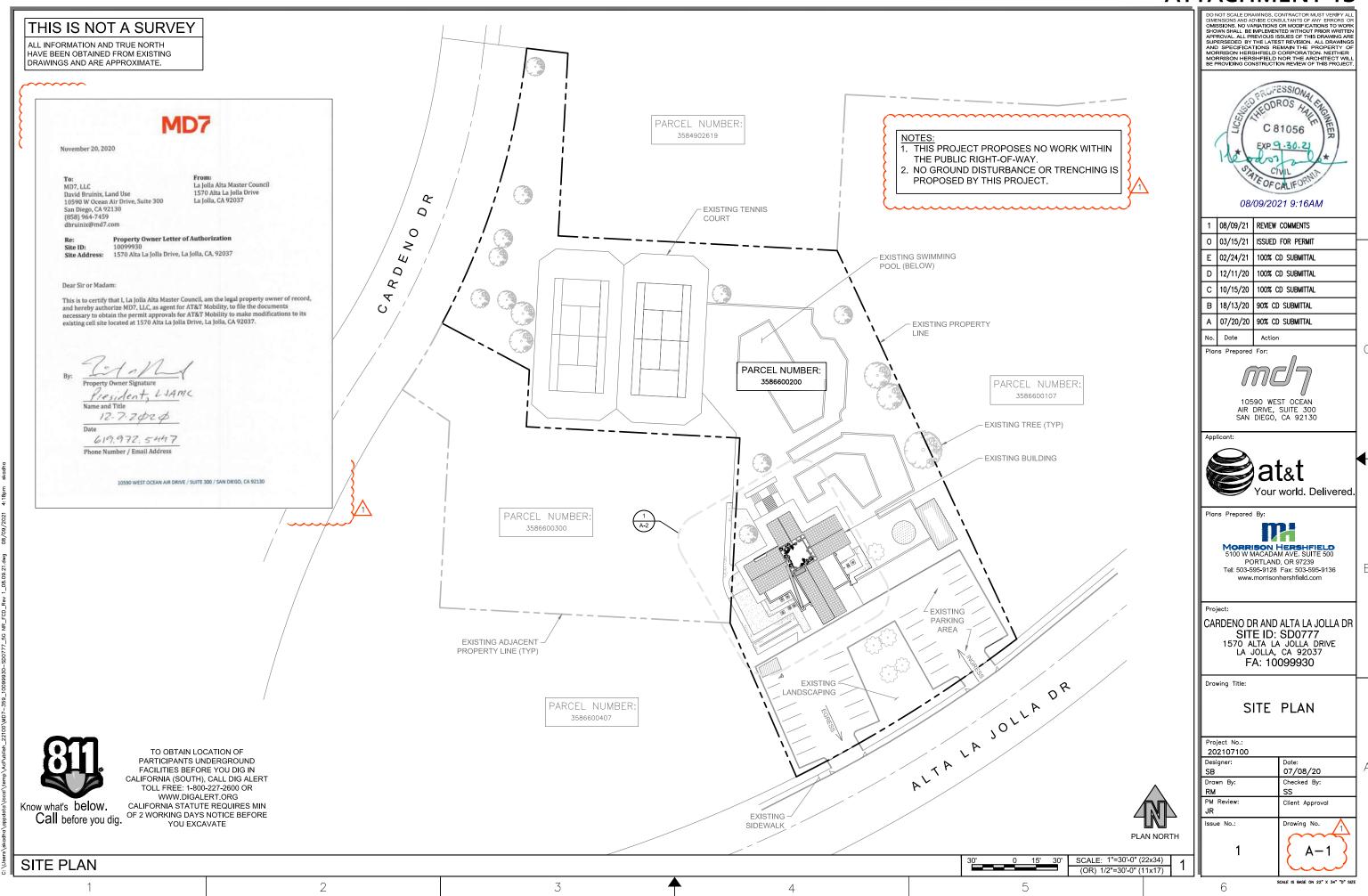


Photographic Survey

1570 Alta La Jolla Drive La Jolla, CA 92037

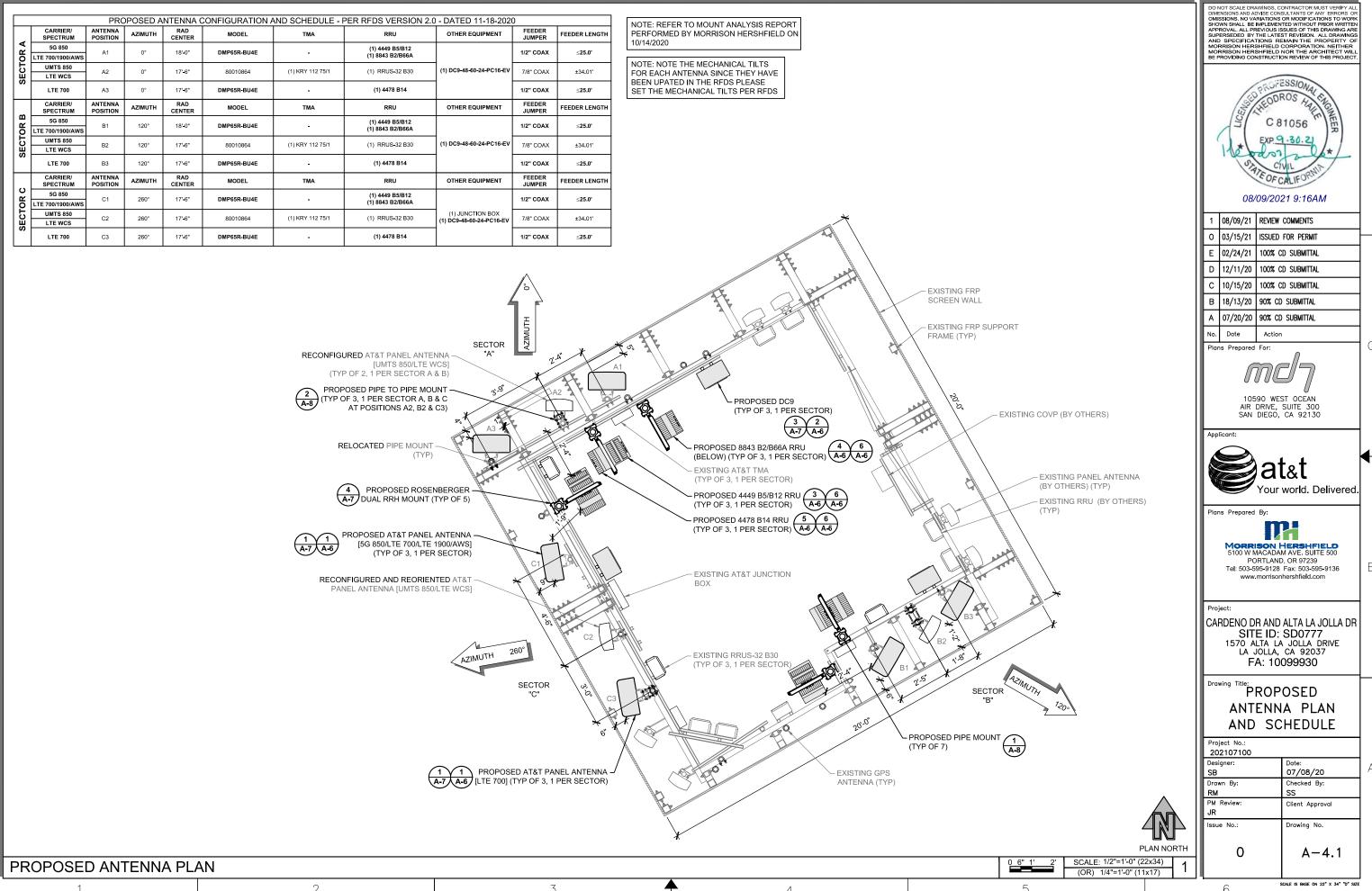
APN: 358-660-0200

First Elevation





| Date: 07/08/20 | F |
|-------------------|---|
| Checked By: SS | |
| Client Approval | |
| Drawing No. | |
| A-2 | |
| | 07/08/20 Checked By: SS Client Approval Drawing No. |



DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OI
OMISSIONS. NO VARIATIONS OF MODIFICATIONS TO WORS
SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEL
APPROVAL ALL PREVIOUS ISSUES OF THIS DRAWING AR
SUPERSEDED BY THE LATEST REVISION. ALL DRAWING:
AND SPECIFICATIONS REMAIN THE PROPERTY OI
MORRISON HERSHFIELD CORPORATION. NEITHER
MORRISON HERSHFIELD NORT THE ARCHITECT WILL
BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT



08/09/2021 9:16AM

| 1 | 08/09/21 | REVIEW COMMENTS |
|-----|----------|-------------------|
| 0 | 03/15/21 | ISSUED FOR PERMIT |
| Е | 02/24/21 | 100% CD SUBMITTAL |
| D | 12/11/20 | 100% CD SUBMITTAL |
| С | 10/15/20 | 100% CD SUBMITTAL |
| В | 18/13/20 | 90% CD SUBMITTAL |
| Α | 07/20/20 | 90% CD SUBMITTAL |
| No. | Date | Action |

Plans Prepared For:



10590 WEST OCEAN AIR DRIVE, SUITE 300 SAN DIEGO, CA 92130

SCALE: 3/16"=1'-0" (22x34)

SCALE: 3/16"=1'-0" (22x34)

(OR) 3/32"=1'-0" (11x17)



Plans Prepared By:



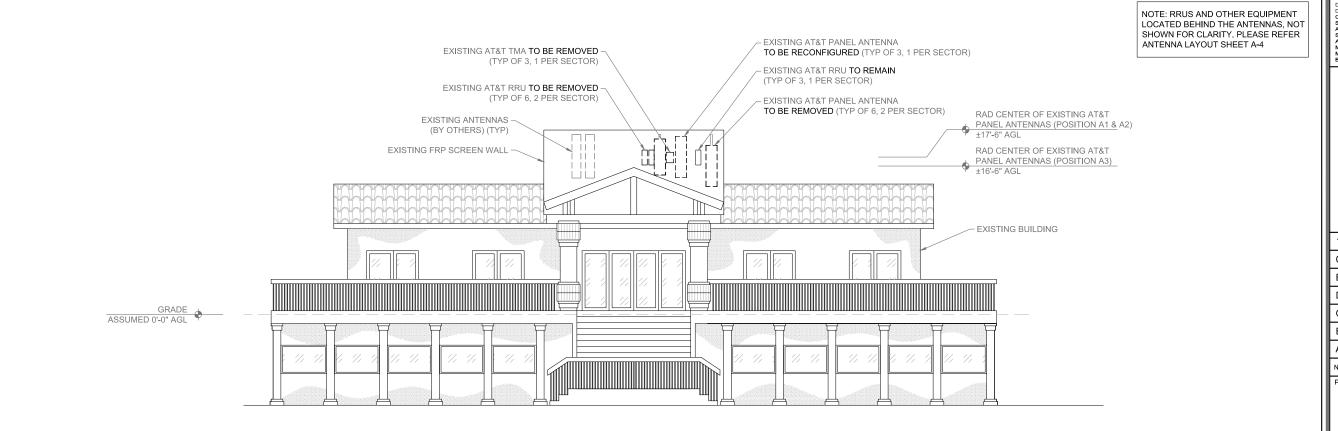
Tel: 503-595-9128 Fax: 503-595-9136 www.morrisonhershfield.com

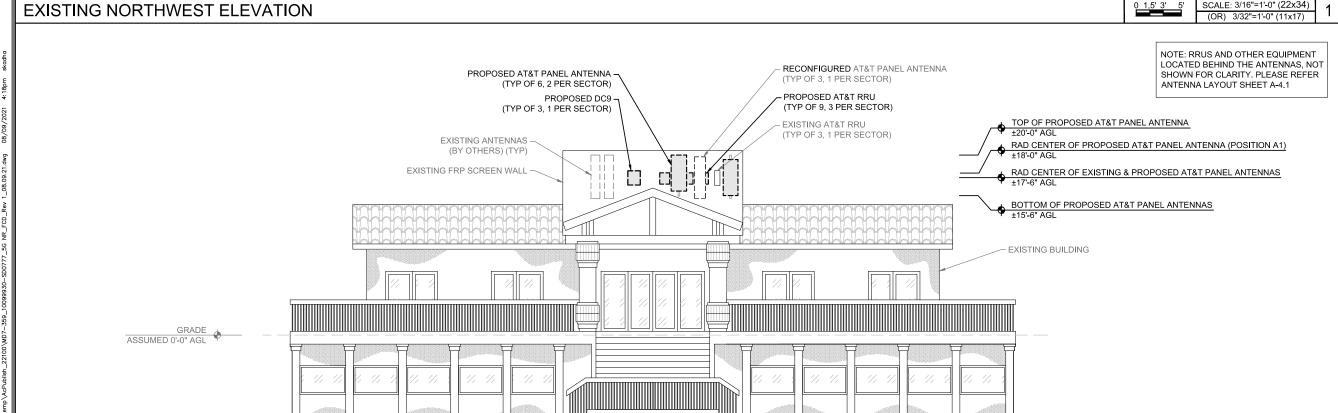
CARDENO DR AND ALTA LA JOLLA DR SITE ID: SD0777 1570 ALTA LA JOLLA DRIVE LA JOLLA, CA 92037 FA: 10099930

Drawing Title:

NORTHWEST **ELEVATIONS**

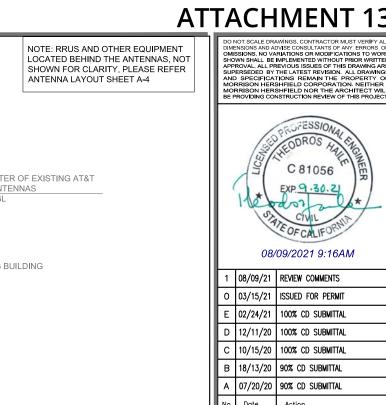
| Project No.: 202107100 | | |
|-------------------------------------|-------------------|--|
| Designer: SB | Date: 07/08/20 | |
| Drawn By: | Checked By: | |
| PM Review: JR | Client Approval | |
| Issue No.: | Drawing No. | |
| 0 | A-5 | |
| SCALE IS BASE ON 22" X 34" "D" SIZE | | |





PROPOSED NORTHWEST ELEVATION

4



(OR) 3/32"=1'-0" (11x17)



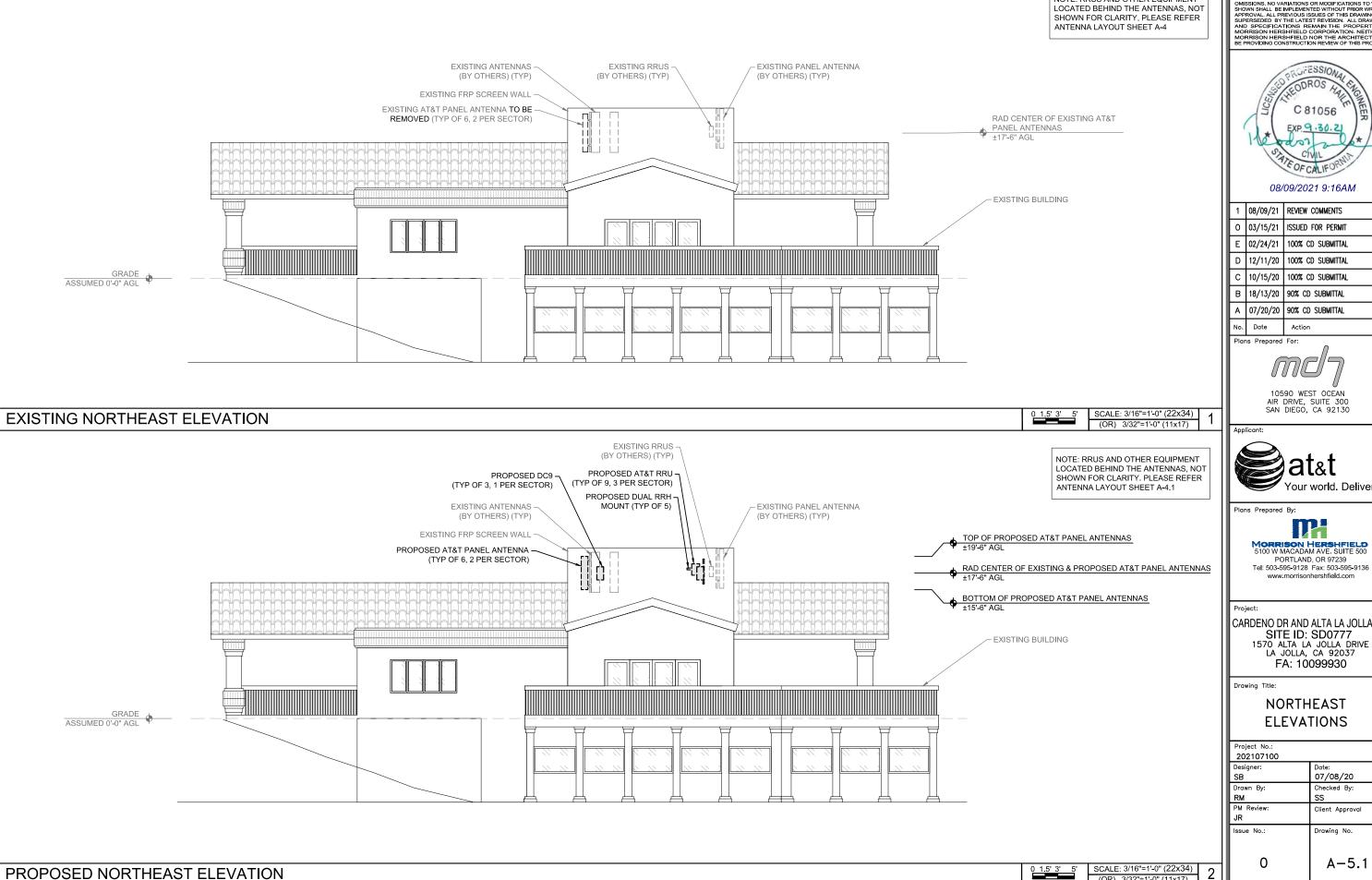


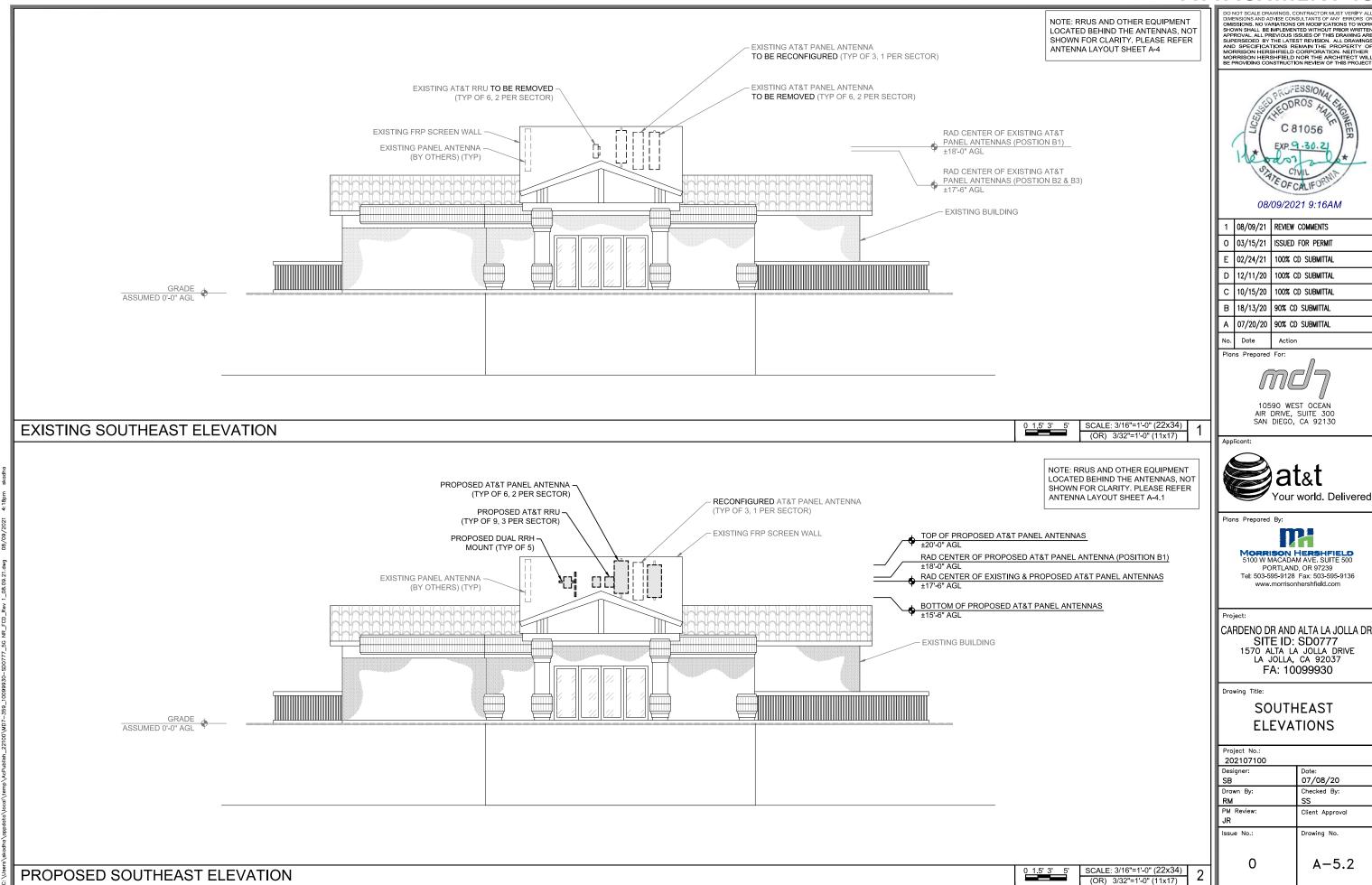
MORRISON HERSHFIELD 5100 W MACADAM AVE. SUITE 500 PORTLAND, OR 97239

CARDENO DR AND ALTA LA JOLLA DR SITE ID: SD0777 1570 ALTA LA JOLLA DRIVE LA JOLLA, CA 92037

NORTHEAST **ELEVATIONS**

| Project No.: | |
|--------------|-------------------------------------|
| 202107100 | |
| Designer: | Date: |
| SB | 07/08/20 |
| Drawn By: | Checked By: |
| RM | SS |
| PM Review: | Client Approval |
| JR | |
| Issue No.: | Drawing No. |
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| | |
| 6 | SCALE IS BASE ON 22" X 34" "D" SIZE |
| O | |





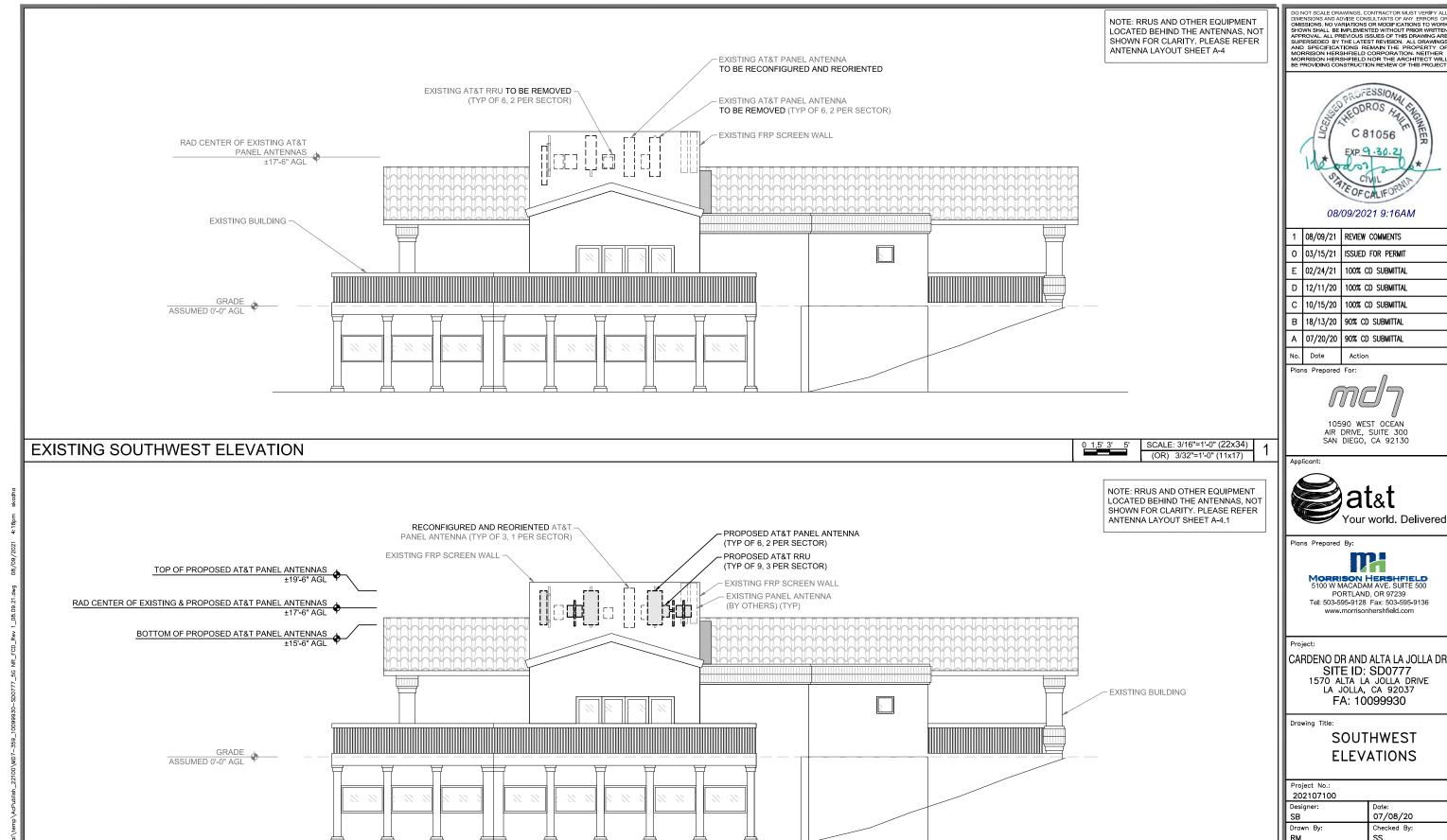


| | 1 | 08/09/21 | REVIEW COMMENTS |
|--|-----|----------|-------------------|
| | 0 | 03/15/21 | ISSUED FOR PERMIT |
| | Е | 02/24/21 | 100% CD SUBMITTAL |
| | D | 12/11/20 | 100% CD SUBMITTAL |
| | С | 10/15/20 | 100% CD SUBMITTAL |
| | В | 18/13/20 | 90% CD SUBMITTAL |
| | Α | 07/20/20 | 90% CD SUBMITTAL |
| | No. | Date | Action |



| Project No.: 202107100 | | |
|-------------------------------------|-------------------|--|
| Designer: SB | Date: 07/08/20 | |
| Drawn By: RM | Checked By: SS | |
| PM Review: JR | Client Approval | |
| Issue No.: | Drawing No. | |
| 0 | A-5.2 | |
| SCALE IS BASE ON 22" X 34" "D" SIZE | | |

6



PROPOSED SOUTHWEST ELEVATION

SCALE IS BASE ON 22" X 34" "D" SIZE

Client Approval

Drawing No.

A - 5.3

PM Review:

6

SCALE: 3/16"=1'-0" (22x34)

(OR) 3/32"=1'-0" (11x17)

0

В

Site Name: Cardno Dr and Alta La Jolla Dr Site FA: 10099930

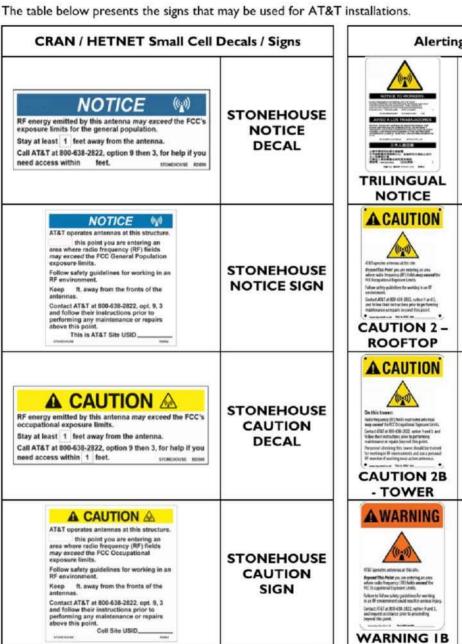
Site USID: 50627 19

Appendix C: AT&T SIGNAGE AND MITIGATION

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- · Be readily visible; and
- Make the reader <u>aware</u> of the potential risks <u>prior</u> to entering the affected area.

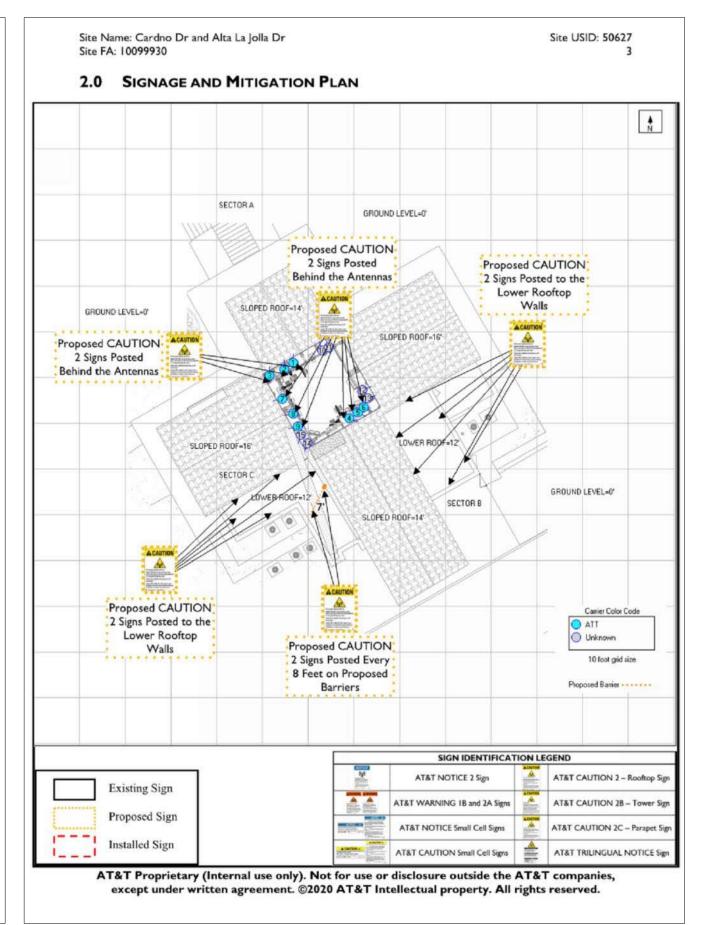
The table below presents the signs that may be used for AT&T installations.





WARNING 2A

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OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO V SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WR APPROVAL ALL PREVIOUS ISSUES OF THIS DRAWING SUPERSEDED BY THE LATEST REVISION. ALL DRAW



08/09/2021 9:16AM

1 08/09/21 REVIEW COMMENTS O 03/15/21 ISSUED FOR PERMIT E 02/24/21 100% CD SUBMITTAL D 12/11/20 100% CD SUBMITTAL C 10/15/20 100% CD SUBMITTAL B | 18/13/20 | 90% CD SUBMITTAL A 07/20/20 90% CD SUBMITTAL Date



AIR DRIVE, SUITE 300 SAN DIEGO, CA 92130



Plans Prepared By:

MORRISON HERSHFIELD 5100 W MACADAM AVE. SUITE 500 PORTLAND, OR 97239

Tel: 503-595-9128 Fax: 503-595-9136

www.morrisonhershfield.com

CARDENO DR AND ALTA LA JOLLA DR SITE ID: SD0777 1570 ALTA LA JOLLA DRIVE LA JOLLA, CA 92037 FA: 10099930

Drawing Title:

RF SIGN LOCATION PLAN

| Project No.: 202107100 | |
|---------------------------|-------------------------------------|
| Designer: | Date: 07/08/20 |
| Orawn By: RM | Checked By: SS |
| PM Review: JR | Client Approval |
| ssue No.: | Drawing No. |
| 0 | RF-1 |
| | SCALE IS BASE ON 22" X 34" "D" SIZE |

4