



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 25, 2014 **REPORT NO.** PC-14-048

ATTENTION: Planning Commission, Agenda of October 2, 2014

SUBJECT: T-MOBILE AVENIDA VENUSTO ROW; PROJECT NO. 333439
PROCESS 3

REFERENCE: Hearing Officer Docket May 28, 2014, Report No. HO-14-031
<http://www.sandiego.gov/development-services/pdf/hearingofficer/reports/2014/HO-14-031.pdf>

**OWNER/
APPLICANT:** CITY OF SAN DIEGO
T-MOBILE

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to deny a modification to an existing Wireless Communication Facility (WCF) located on the 16000 block of Avenida Venusto public right-of-way in the RS-1-14 zone of the Rancho Bernardo Community Plan?

Staff Recommendation(s): **DENY** the appeal and **UPHOLD** the Hearing Officer's decision to **DENY** Conditional Use Permit (CUP) No. 1268019.

Community Planning Group Recommendation: The Rancho Bernardo Planning Board (RBPB) voted unanimously to deny the proposed modification on February 20, 2014. The RBPB and the surrounding sub-area Homeowner Associations are opposed to the modification due to concerns with the negative visual impacts to the surrounding neighborhood. The RBPB discussed potential issues with the City of San Diego General Plan and the Municipal Code requirements for Wireless Communication Facilities in their vote to oppose the T-Mobile modification (Attachment 12).

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

Fiscal Impact Statement: None associated with this project.

Code Enforcement Impact: None associated with this project.

Housing Impact Statement: None associated with this project.

BACKGROUND:

T-Mobile's original WCF at this location was approved December 10, 2008 by the Hearing Officer with CUP No. 490498. The previous CUP allowed for one cylindrical antenna, located at the top of a new light standard, along with above-ground equipment cabinets. On July 26, 2013, T-Mobile applied for a permit to remove the single cylindrical antenna, install three exposed panel antennas, and replace the above-ground equipment cabinet. The Hearing Officer reviewed this project, considered public testimony and denied the project on May 28, 2014. T-Mobile filed an appeal on June 9, 2014.

DISCUSSION

Project Description: T-Mobile is proposing to replace the existing cylindrical antenna design with three exposed panel antennas on the uppermost portion of the light standard. The existing three antennas are concealed inside a raydome measuring 6-feet 2-inches in length with an 8-inch diameter; the replacement antennas are each 56-inches in length and 12-inches in width. The proposed antennas will not be concealed or screened. Instead, the antennas and the associated mounting brackets and conduits will be exposed (Attachment 9). A Conditional Use Permit, process 3 is required because the equipment associated with the WCF is located above-ground within the public-right-of-way (PROW) (Land Development Code [LDC] Section 141.0420(e)(3)). This is a more stringent level of review than when WCFs are proposed adjacent to a non-residential use, such as commercial or industrial, in which case the decision is made with a staff level, process 1. LDC Section 141.0420, Wireless Communication Facilities, was designed to encourage process 1 level projects, which is reflected in the preference levels outlined in Council Policy 600-43 (Attachment 14).

Community Plan Analysis: The following City rules and regulations guide staff analysis of WCF applications: General Plan; San Diego Municipal Code/ Land Development Code; and Council Policies. All of these rules and regulations, along with City practices, comply with state and federal law.

The City's General Plan addresses Wireless Facilities in Section UD-A.15. "The visual impact of WCF should be minimized by concealing WCF in existing structures, or utilizing camouflage and screening techniques to hide or blend them into the surrounding area. Facilities should be designed to be aesthetically pleasing and respectful of the neighborhood context. Equipment associated with the WCF should be located in underground vaults or unobtrusive structures." This project does not comply with the General Plan recommendations because the proposed modification to replace a cylindrical antenna design with three exposed panel antennas is neither aesthetically pleasing, nor respectful of the neighborhood context based on the size, added bulk, and the sensitive nature of the adjacent residential uses (Attachment 10).

LDC Section 141.0420 requires all WCF to utilize the smallest, least visually intrusive antennas, components and other necessary equipment. The proposed modifications would in fact result in the conversion of a fully stealth site into a visual impact by installing three exposed façade mounted antennas on top of a light pole. Additionally, the regulations require the applicant to use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions. The proposed modification would replace an existing integrated design to a larger light standard supporting three exposed panel antennas above the light source. This will result in a significant change to the overall silhouette and would create a more institutional appearance that does not integrate well into the residential neighborhood.

Council Policy 600-43 (Attachment 14), like the General Plan and LDC, requires WCF proposals to be analyzed based on a number of factors, including the nature of adjacent uses, integration with the existing structure or environment, visual impacts, and availability of other facilities. The Policy also requires applicants for Process 3/Preference 3 locations to demonstrate that sites within the Preference 1 and 2 locations were explored in good faith and found unacceptable. As discussed above, the project has negative visual impacts on the street and neighboring residences, and is not integrated with the existing lightpole or surrounding landscape. T-Mobile also failed to include a site justification as part of their project submittal or when requested by staff. T-Mobile's justification letter simply stated that "this is an existing on-air facility in the Right-of-way. Alternative sites were not evaluated" (Attachment 13).

City practice also prefers (though it does not require) community support for WCF projects. As noted above, the Rancho Bernardo Planning Board voted unanimously against the project because of its visual impacts.

The City previously supported a WCF at this location, and the proposed project could perhaps be supported if the project was similar to the existing facility, with antennas concealed inside a raydome measuring 8-inches in diameter and no taller than 6-feet 2-inches in height, or if the project was located further away and set back from the residential uses to help reduce the visual impacts. Similar PROW WCF projects immediately adjacent to residential uses have been relocated or redesigned during the project review in order to address visual impact concerns by the community and staff. An alternative design that addresses both the General Plan and the Municipal Code's integration requirement for this location would include concepts similar to a Distributed Antenna System (DAS) which consists of one 24-inch omni antenna. Alternative designs may also include but not be limited to a smaller antenna model, a different antenna design, and/or a reduced antenna count. Since T-Mobile is seeking approval of three antennas, an alternative location that may be able to accommodate an integrated design such as the City water tank (Attachment 10) located east of the current project location should be analyzed. Unfortunately, it was not addressed by T-Mobile nor was a site justification submitted indicating that the water tank site was evaluated.

Project-Related Issues: The City has consistently required all WCFs to consider the overall neighborhood visual impacts in relation to the proposed modification especially when the site is next to an existing sensitive use. This WCF is located on a street defined as a two-lane collector

street within the Rancho Bernardo Community Plan. The visual impact here is more noticeable compared to locating this project in a PROW with wider streets and additional lanes, adjacent to a non-residential use.

Replacing the current integrated cylindrical antenna design with three visible larger antennas would create an undesirable visual impact that negatively impacts the aesthetics of the right-of-way, as well as the aesthetics of the surrounding neighborhood (Attachment 9). The cylindrical antenna within the current configuration is a completely integrated design that replicates the existing light standards (in the area) size and dimension. The antenna is in scale with the rest of the pole and does not change the overall silhouette. More importantly, this PROW design results in little to no visual impacts since it is designed similarly to other surrounding light standards. The proposed replacement design would include three exposed panel antennas resulting in increased bulk at the top of the pole which would create a significant visual impact along the street. The larger profile pole compared to the other street light standards in the neighborhood would create a significant visual impact. Denial of the project falls in line with other decisions on similar WCF proposals, and makes it clear that similar proposals are unlikely to be approved in the future.

APPEAL

Pursuant to Section 112.0506 of the San Diego Municipal Code, Process 3 decision may be appealed for only four reasons: factual error; new information; findings not supported; and conflicts. T-Mobile appealed the Hearing Officer's decision on the grounds of "new information" and "findings not supported" (Attachment 11). The Commission must therefore determine whether T-Mobile provided new information that was not available through T-Mobile's reasonable efforts or due diligence at the time of the decision, and whether the Hearing Officer's findings of approval were not supported by the information provided to him.

Staff does not believe that T-Mobile has shown "new information" or "findings not supported." T-Mobile's appeal does not include any new information that was not before the Hearing Officer at the time of his decision. And the Hearing Officer's findings were supported by information presented at the time of the hearing. The project would adversely affect the General Plan by failing to be aesthetically pleasing or respectful of the neighborhood context. The project would also violate the LDC by not using all reasonable means to conceal or minimize the intrusive visual impacts through integration. These problems were identified during the completeness check process and remained outstanding throughout the process. Staff worked with T-Mobile cooperatively to try to find a design solution that would satisfy both T-Mobile and the WCF regulations, but T-Mobile's objected to exploring alternative designs and sites.

T-Mobile's appeal also alleges that the City's CUP process and regulations of small modifications for existing wireless telecommunications facilities is preempted by federal law and violates provisions of state and federal law. While both the City's general process for WCFs, and the specific process provided to T-Mobile at Avenida Venusto, complied with state and federal law, these issues are not before the Planning Commission. As noted above, the Commission need only determine whether T-Mobile presented new information or whether the Hearing Officer's findings were not supported

CONCLUSION

The combination of the visual impacts and lack of integration would contradict the purpose and intent of the General Plan's objectives for WCF, as well as the Land Development Code and Council Policy 600-43. Additionally, staff was not provided with any evidence throughout the review process that any alternative designs or locations were considered, despite repeated requests. As a result, on May 28, 2014, the Hearing Officer was unable to make the findings for Conditional Use Permit No. 1268019 that the project complied with the regulations of the General Plan and the Land Development Code.

ALTERNATIVE

1. **UPHOLD** the appeal and **APPROVE** Conditional Use Permit No. 1268019, **with modifications.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Simon Tse
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution of Denial with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Project Plans
9. Photosims
10. Photo Survey
11. Copy of Appeal
12. Community Planning Group Recommendation
13. Site Justification
14. Council Policy 600-43



Aerial Photo

T-Mobile Avenida Venusto - Project No. 333439

Public Right-of-Way (Southwest corner of Caminito Ryone & Avenida Venusto)
San Diego, CA 92128





Community Land Use Map (Rancho Bernardo)

T-Mobile Avenida Venusto - Project No. 333439

**Public Right-of-Way (Southwest corner of Caminito Ryone & Avenida Venusto)
San Diego, CA 92128**



ATTACHMENT 2



Project Location Map

T-Mobile Avenida Venusto - Project No. 333439

**Public Right-of-Way (Southwest corner of Caminito Ryone & Avenida Venusto)
San Diego, CA 92128**



PROJECT DATA SHEET

PROJECT NAME:	T-Mobile Avenida Venusto
PROJECT DESCRIPTION:	Conditional Use Permit to modify an existing Wireless communication facility that consists of three replacement antennas and one replacement ground mounted equipment.
COMMUNITY PLAN AREA:	Rancho Bernardo
DISCRETIONARY ACTIONS:	Conditional Use Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Residential

ZONING INFORMATION:

Zone:	RS-1-14
Height Limit:	35 feet
Front Setback:	15 feet
Side Setback:	4 feet
Streetside Setback:	10 feet
Rear Setback:	10 feet

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential RS-1-14	Residential
SOUTH:	Residential RS-1-14	Residential
EAST:	Residential RS-1-14	Open Space
WEST:	Residential RS-1-14	Residential
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Rancho Bernardo Planning Board (RBPB) voted unanimously to deny the proposed modification on February 20, 2014.	

**PLANNING COMMISSION
RESOLUTION NO. PC-XXXX
CONDITIONAL USE PERMIT NO. 1268019
T-MOBILE – AVENIDA VENUSTO ROW
PROJECT NO. 333439**

WHEREAS, THE CITY OF SAN DIEGO, Owner, and T-MOBILE, Permittee, filed an application with the City of San Diego for a permit to construct a Wireless Communication Facility consisting of three panel antennas mounted on a light standard with associated above-ground equipment located adjacent to the pole (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1268019);

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

WHEREAS, on April 17, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Sections 15301 (Existing Facility), 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on May 28, 2014, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1268019 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 9, 2014, an appeal of the Hearing Officer's decision to deny Conditional Use Permit No. 1268019 was filed by T-Mobile;

WHEREAS, on October 2, 2014, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 1268019 pursuant to the Land Development Code; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 28, 2014.

FINDINGS:

Conditional Use Permit - Section 126.0305

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

The City of San Diego General Plan states that the visual impact of wireless facilities should be minimized. Wireless facilities should be concealed in existing structures when possible, or utilize camouflage and screening techniques to hide or blend them into the surrounding area. Facilities should be designed to be aesthetically pleasing and respectful of the neighborhood context.

Mechanical and other equipment and devices should be concealed in underground vaults or other unobtrusive structures.

In some cases, wireless carriers propose to locate their equipment associated with the antennas in underground, climate controlled vaults. With this particular project, T-Mobile is proposing to locate the equipment in two above-ground cabinets.

The City encourages carriers to locate their equipment underground by allowing such a facility adjacent to a residential use with the processing of a Neighborhood Use Permit (NUP), Process 2. In this case, the equipment is proposed above-ground, and a Conditional Use Permit, Process 3 is required.

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

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

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

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

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to 15301 (Existing Facility), 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures). The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and

inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." A condition has been added to the permit to require a Radio Frequency Electromagnetic Fields Exposure Report demonstrating that the proposed project would be consistent with the FCC's regulations for wireless facilities. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

In conclusion, the proposed project will not be detrimental to the public health, safety and welfare.

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

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

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

WCF are permitted in the public right-of-way with a Conditional Use Permit, Process 3, when above-ground equipment is proposed. In this case, T-Mobile is proposing to mount three (3) panel antennas on a street light standard. The street light is located on Avenida Venusto, which is classified as a two-lane collector street designed to provide direct access to abutting properties. In this instance, the direct properties are residential uses. Other approved WCFs in the ROWs with this design are typically set back from residential uses. For this design, the visual impacts can only be reduced by relocating the pole back further away from residential uses. However, if the applicant would like to pursue the current location, the design must then be modified to address the General Plan's requirement and the LDC Regulations for these types of installations. Staff approved the original cylindrical antenna design for a WCF at this location after evaluating the existing coverage combined with a design that is appropriate for the neighborhood context. The visual impacts as a result of this modification adjacent to a residential use would set a precedent for other obtrusive ROW designs and therefore, staff cannot make this finding that the proposed use with the requested modification is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1268019 is hereby NOT GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1268019, a copy of which is attached hereto and made a part hereof.

Simon Tse
Development Project Manager
Development Services

Adopted on: October 2, 2014

Internal Order No. 24003977

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

WHEN RECORDED MAIL TO
CITY CLERK

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003977

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

This CONDITIONAL USE PERMIT NO. 1268019 is granted by the PLANNING COMMISSION of the City of San Diego to the CITY OF SAN DIEGO, Owner, and T-MOBILE, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0305, 131.0401 and 141.0420. The site is located in the public right-of-way on the 16000 block of Avenida Venusto Right-of-Way on the south side of Avenida Venusto, near Caminito Ryone in the RS-1-14 zone of the Rancho Bernardo Community Plan area.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct, operate, and maintain a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 2, 2014, on file in the Development Services Department.

The project shall include:

- a. Three (3) panel antennas, with the following dimensions: 56.0" by 12.0" by 7.9", mounted to a street light standard, with two above-ground equipment cabinets located adjacent to the light standard;
- b. This light standard is for the primary purpose of street illumination, but may have the secondary purpose of accommodating Permittee's Operations on the Premises.
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality

Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 2, 2017.
2. This CUP and corresponding use of this site shall expire on October 2, 2024. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.
4. Under no circumstances, does approval of this permit authorize the Owner/Permittee to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration date of this permit is prohibited.
5. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
6. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

9. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

10. The Owner/Permittee shall secure all necessary building/right-of-way permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

11. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

13. The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any construction permit, the Permittee shall obtain a Nonexclusive Right-of-Way Use Agreement from the City of San Diego for the proposed work in the Avenida Venusto Right-of-Way.
15. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Right-of-Way permit for the proposed work in the Avenida Venusto Right-of-Way.
16. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
17. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
19. Prior to the issuance of any construction permit the Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

GEOLOGY REQUIREMENTS:

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

TRANSPORTATION REQUIREMENTS:

21. The applicant shall obtain an "Encroachment Maintenance and Removal Agreement," satisfactory to the City Engineer.
22. The applicant shall obtain a "Public Right-of-Way Permit for Traffic Control" permit prior to any work within the public right-of-way, satisfactory to the City Engineer.
23. The applicant shall protect any City property removed as part of the project and return said property, satisfactory to the City Engineer.

24. The applicant shall provide a Public Improvement Plan including a Traffic Control Plan, satisfactory to the City Engineer.
25. The applicant shall provide and maintain a telephone contact number available 24 hours/7 days a week clearly posted on the pole at eye level to allow City staff to immediately contact the system provider, satisfactory to the City Engineer.
26. The applicant shall provide a switch to allow City staff to immediately turn off the system, satisfactory to the City Engineer.
27. City staff should contact the applicant as soon as possible with notification of the emergency shut-off of the system, satisfactory to the City Engineer.
28. The applicant shall install and maintain a separate power meter for the project, satisfactory to the City Engineer.
29. The applicant shall inform the City and the City agrees to inform the applicant in the event of a knock over, satisfactory to the City Engineer.
30. The applicant shall hold the City of San Diego harmless for interrupted signal transmission due to a signal pole knock over in the event of an accident, due to an electrical power failure, an emergency shut-off or as a result of any maintenance activity, satisfactory to the City Engineer.
31. Upon written request by the City of San Diego, the applicant shall remove or relocate the system, or any part of the system, within 45 days at the applicant's cost, satisfactory to the City Engineer.
32. The applicant shall shut down the system upon request of the City, and the City will notify the applicant in advance whenever possible of such request, satisfactory to the City Engineer.
33. Prior to any routine maintenance activity, the applicant shall notify the City a minimum of one work day in advance, satisfactory to the City Engineer.
34. A foundation analysis shall be required during the Public Improvement Plan Process, satisfactory to the City Engineer.
35. The material of the proposed street light standard shall match the appropriate material shown in City of San Diego Standard Drawing SDE-101 or the existing street light standard that is to be replaced, satisfactory to the City Engineer.
36. If the luminaire mounting height or length of mast arm of the proposed street light standard does not match City of San Diego Standard Drawing SDE-101 or the existing street light standard that is to be replaced, a lighting study and a Deviation From Standards Form shall be provided during the Public Improvement Plan Process. If a lighting study is not required, the lamp type and wattage shall comply with The City of San Diego Street Design Manual, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

37. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
38. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.
39. The Owner/Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition.
40. The photosimulation(s) for the proposed project shall be printed (not stapled) on the building plans. This is to ensure the construction team building the project is in compliance with approved the Exhibit "A."
41. No overhead cabling is allowed for this project.
42. Exposed mounting apparatus shall be removed and shall not remain on the light standard absent antennas. The mast shall be removed if no antennas are present.
43. The Owner/Permittee shall not cause or allow the antennas located on the light standard to be different sizes (length, width, or height) than as shown on the stamped approved plans and identified in this permit.
44. Prior to the issuance of a construction permit, the telecommunication provider shall provide a certified cumulative radio frequency model study demonstrating compliance with the Federal Communications Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.
45. All equipment, including transformers, emergency generators and air conditioners belonging to the Permittee shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.
46. The Permittee shall place appropriate signage on the WCF as required by CAL-OSHA/FCC to the satisfaction of the Development Services Department.
47. All cables shall be routed internally within proposed light standard.
48. The antennas shall be painted and textured to match the light standard to the satisfaction of the Development Services Department.

INFORMATION ONLY:

The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- A “Telecom Planning Inspection” will be required prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans, exhibits, and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 687-5984 to schedule an inspection of the completed WCF. Please request the telecom inspection at least five working days ahead of the requested Final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on October 2, 2014 and [Approved Resolution Number].

Permit Type/PTS Approval No.: CUP No. 1268019
Date of Approval: 10/2/2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Simon Tse
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**THE CITY OF SAN DIEGO –
REAL ESTATE ASSETS DEPT.**
Owner

By _____
KRISTIN GEITZ
INTERIM DIRECTOR

T-MOBILE
Permittee

By _____
MICHAEL FULTON
NETWORK MANAGER

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

NOTICE OF EXEMPTION

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

 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.: 333439

PROJECT TITLE: T-Mobile Avenida Venusto

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

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

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

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Debra DePratti, DePratti, Inc., 13948 Calle Bueno Ganar, Jamul, CA 92116; 619-222-3869.

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
 () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
 () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
 (✓) CATEGORICAL EXEMPTION: 15301 (Existing Facilities); 15302 (Replacement/Reconstruction); and 15303 (New Construction)

REASONS WHY PROJECT IS EXEMPT: Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use. Section 15302 allows for the replacement of existing facilities where the new facility will be located on the same site as the structure replaced and will have substantially the same capacity as the facility replaced. Section 15303 allows for the construction and location of limited numbers of new, small facilities. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project.

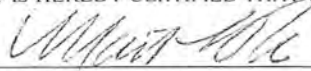
LEAD AGENCY CONTACT PERSON: M. Blake

TELEPHONE: (619) 446-5375

IF FILED BY APPLICANT:

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

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


 MARTHA BLAKE/SENIOR PLANNER

MAY 8, 2014
 DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
 () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

GENERAL NOTES

1. APPROVAL OF THESE PLANS BY THE CITY ENGINEER DOES NOT AUTHORIZE ANY WORK TO BE PERFORMED UNTIL A PERMIT HAS BEEN ISSUED.
2. UPON ISSUANCE OF A PERMIT, NO WORK WILL BE PERMITTED ON WEEKENDS OR HOLIDAYS WITHOUT PERMISSION FROM THE ENGINEERING DEPARTMENT.
3. THE APPROVAL OF THIS PLAN OR ISSUANCE OF A PERMIT BY THE CITY OF SAN DIEGO DOES NOT AUTHORIZE THE UTILITY COMPANY TO VIOLATE ANY FEDERAL, STATE OR CITY LAWS, ORDINANCES, REGULATIONS, OR POLICIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEY MONUMENTS AND/OR VERTICAL CONTROL BENCHMARKS WHICH ARE DISTURBED OR DESTROYED BY CONSTRUCTION. A LAND SURVEYOR MUST FIELD LOCATE, REFERENCE, AND/OR PRESERVE ALL HISTORICAL OR CONTROLLING MONUMENTS PRIOR TO ANY EARTHWORK. IF DESTROYED, SUCH MONUMENTS SHALL BE REPLACED WITH APPROPRIATE MONUMENTS BY A LAND SURVEYOR. A CORNER RECORD OR RECORD OF SURVEY, AS APPROPRIATE, SHALL BE FILED AS REQUIRED BY THE PROFESSIONAL LAND SURVEYORS ACT. IF ANY VERTICAL CONTROL IS TO BE DISTURBED OR DESTROYED, THE CITY OF SAN DIEGO FIELD SURVEY SECTION MUST BE NOTIFIED, IN WRITING, AT LEAST 3 DAYS PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPLACING ANY VERTICAL CONTROL BENCHMARKS DESTROYED BY THE CONSTRUCTION.
5. IMPORTANT NOTICE: SECTION 4216 OF THE GOVERNMENT CODE REQUIRES A DIG ALERT IDENTIFICATION NUMBER BE ISSUED BEFORE A "PERMIT TO EXCAVATE" WILL BE VALID. FOR YOUR DIG ALERT ID NUMBER, CALL UNDERGROUND SERVICE ALERT, TOLL FREE 1-800-422-4733, TWO DAYS BEFORE YOU DIG.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR THE POthOLE AND LOCATING OF ALL EXISTING UTILITIES THAT CROSS THE PROPOSED TRENCH LINE WHILE MAINTAINING A 1'-0" MINIMUM VERTICAL CLEARANCE.
7. CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUIT, AND LANE STRIPING DAMAGED DURING CONSTRUCTION.
8. CONTRACTOR SHALL NOTIFY CITY OF SAN DIEGO FIELD DIVISION AT (619) 627-1200 A MINIMUM OF 48 HOURS PRIOR TO COMMENCING WORK.
9. THIS PROJECT WILL BE INSPECTED BY ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, FIELD ENGINEERING DIVISION.
10. AS-BUILT DRAWINGS MUST BE SUBMITTED TO THE CITY RESIDENT ENGINEER PRIOR TO ACCEPTANCE OF THIS PROJECT.
11. "PUBLIC IMPROVEMENT SUBJECT TO DISRUPTION OR DAMAGE" IF REPAIR OR REPLACEMENT OF SUCH PUBLIC IMPROVEMENTS IS REQUIRED, THE UTILITY COMPANY SHALL OBTAIN THE REQUIRED PERMITS FOR WORK IN THE PUBLIC RIGHT-OF-WAY, SATISFACTORY TO THE PERMIT ISSUING AUTHORITY.
12. PRIOR TO ANY DISTURBANCE TO THE SITE, EXCLUDING UTILITY MARK-OUTS AND SURVEYING, THE CONTRACTOR SHALL MAKE ARRANGEMENTS FOR A PRE-CONSTRUCTION MEETING WITH THE CITY OF SAN DIEGO FIELD ENGINEERING DIVISION (619) 627-1200.
13. MANHOLES OR PULL BOX COVERS SHALL BE LABELED "T-MOBILE".
14. CONTRACTOR SHALL IMPLEMENT AN EROSION CONTROL PROGRAM DURING THE PROJECT CONSTRUCTION ACTIVITIES. THE PROGRAM SHALL MEET THE APPLICABLE REQUIREMENTS OF THE STATE WATER RESOURCE CONTROL BOARD.
15. THE CONTRACTOR SHALL HAVE EMERGENCY MATERIALS AND EQUIPMENT ON HAND FOR UNFORESEEN SITUATIONS, SUCH AS DAMAGE TO UNDERGROUND WATER, SEWER, AND STORM DRAIN FACILITIES WHEREBY FLOWS MAY GENERATE EROSION AND SEDIMENT POLLUTION.
16. SAN DIEGO MUNICIPAL CODE SECTION 142.007 REPAIR AND REPLACEMENT OF PUBLIC FACILITIES REQUIRES WHERE IN THE COURSE OF DEVELOPMENT OF PRIVATE PROPERTY, PUBLIC FACILITIES ARE DAMAGED OR REMOVED THE PROPERTY OWNER/PERMITEE SHALL, AT NO COST TO THE CITY, REPAIR OR REPLACE THE PUBLIC FACILITY TO THE SATISFACTION OF THE CITY ENGINEER.

TRAFFIC CONTROL NOTE

THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN (11"x17") FOR APPROVAL PRIOR TO STARTING WORK. THE PLAN SHOULD BE SUBMITTED TO THE TRAFFIC CONTROL PERMIT COUNTER, 3RD FLOOR, BOOTH 22, DEVELOPMENT SERVICES CENTER, 1232 FIRST AVENUE, SAN DIEGO, (619) 445-5150. CONTRACTOR SHALL OBTAIN A TRAFFIC CONTROL PERMIT A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO STARTING WORK, AND A MINIMUM OF FIVE (5) DAYS IF WORK WILL AFFECT A BUS STOP OR AN EXISTING TRAFFIC SIGNAL, OR IF WORK WILL REQUIRE A ROAD OR ALLEY CLOSURE.

STREET DATA TABLE				
STREET NAME	CLASSIFICATION	85TH PERCENTILE SPEED (MPH)	ADT (VEHICLES)	R/W (FT)
AVENIDA VENUSTO	COMMERCIAL LOCAL STREET	35 MPH	6,250	60

CONSTRUCTION CHANGE TABLE			
CHANGE	DATE	EFFECTED OR ADDED SHEET NUMBERS	APPROVAL NO.

M
MITCHELL J ARCHITECTURE, INC.
4885 RIVINGTON COURT, SUITE M
SAN DIEGO, CA 92111
619.450.5150 (PH) / 619.450.3143 (FAX)

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



VICINITY MAP

NOT TO SCALE

OWNER / APPLICANT

LEHARRI INC. (ON BEHALF OF T-MOBILE)
CONTACT: DEBRA LEHARRI (619) 724-2310

REFERENCE DRAWINGS

22430-7-02, VAP NO 11437

SITE LOCATION

SOUTHEAST CORNER OF DANIEL STREET AND AVENIDA VENUSTO, SAN DIEGO, CA 92111

SHEET INDEX

TITLE SHEET	SHEET 1
SITE PLAN	SHEET 2
DETAILED SITE PLAN	SHEET 3
T-MOBILE SITE SHEET	SHEET 4
ELEVATIONS	SHEETS 5-A-E
DETAILS	SHEET 7
LANDSCAPE PLAN	SHEET 8

WORK TO BE DONE:

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE SPECIFICATIONS AND STANDARD DRAWINGS OF THE CITY OF SAN DIEGO:

STANDARD SPECIFICATIONS:

- STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2008 EDITION (GREENBOOK), DOCUMENT NO. P155004000, FILED MAY 4, 2008, INCLUDING THE PERMITS AND CITY OF SAN DIEGO SUPPLEMENT, DOCUMENT NO. P155004002, FILED MAY 4, 2009.
- 1999 STANDARD SPECIAL PROVISIONS FOR SIGNALS, LIGHTING AND ELECTRICAL SYSTEMS OF THE CITY OF SAN DIEGO, DOCUMENT NO. 763842, FILED OCTOBER 27, 1999.
- CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMU-2003), 2003 EDITION, AS AMENDED FOR USE IN CALIFORNIA, DOCUMENT NO. A50123-004, FILED DECEMBER 31, 2006.
- STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS, DOCUMENT NO. A60035002, FILED SEPTEMBER 25, 2006.

STANDARD DRAWINGS:

- CITY OF SAN DIEGO STANDARD DRAWINGS, INCLUDING ALL REGIONAL STANDARD DRAWINGS, DOCUMENT NO. A60123-004, FILED DECEMBER 31, 2006.
- STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, STANDARD PLANS, DOCUMENT NO. A60035002, FILED SEPTEMBER 25, 2006.

LEGEND

PROPOSED IMPROVEMENTS

IMPROVEMENT	STANDARD DWS	SYMBOL
PBE HIGH CABINETS		
STREET LIGHTING WITH RADOME AND ANTENNAS		
(E) STREET LIGHTING TO BE REMOVED		
NEA COAX CABLE TRENCH		

EXISTING IMPROVEMENTS

ITEM	SYMBOL
UTILITY STRUTTING ON CONCRETE PAD	
RIGHT-OF-WAY	
SEWER MAIN	
LOT LINE	
EXISTING COAX CABLE TRENCH	
EXISTING TELLER TRENCH	
EXISTING ELECTRICAL	
EXISTING WATER MAIN	
EXISTING GAS	
EXISTING SEWER SERVICE	
EXISTING CABLE LINE	
AIR RELEASE VALVE	
WATER VALVE	
GAS VALVE	
SEWER MANHOLE	
FIRE HYDRANT	
WATER METER	
IRRIGATION VALVE	
BLOW-OFF PIPES	
TELECOM PEDIESTAL	
CABLE T-PEDESTAL	
SQUARE TRANSFORMER	

ENGINEERING PERMIT NO. _____ CONSTRUCTION SITE PRIORITY: LOW

PRIVATE CONTRACT

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

TITLE SHEET		NO. NO. 22430-7-02
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 8 SHEETS		PROJECT NO. 22430-7-02
FOR CITY ENGINEER		DATE
DESCRIPTION	BY	APPROVED
		DATE FILED
AS-BUILTS		
CONTRACTOR	DATE STARTED	
ENGINEER	DATE COMPLETED	
SHEET 1 OF 8		

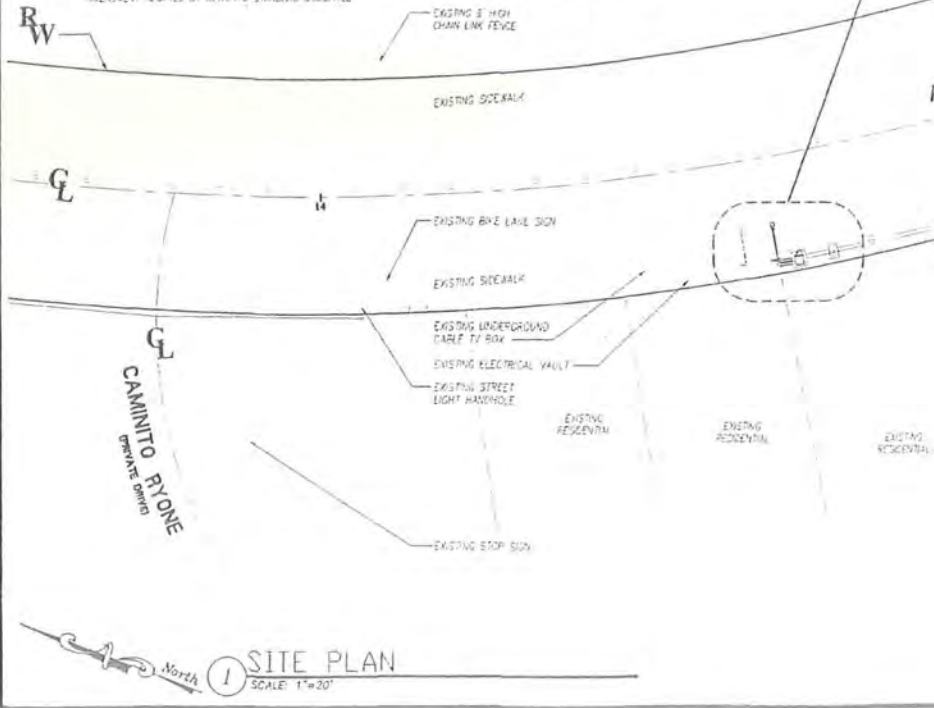
PROJECT NOTES:

- THIS IS A RENEWAL OF A PERMIT ON CITY OF SAN DIEGO STREETS AND NO GROUND OBTAINABLE OR TRENCHING IS PROPOSED BY THIS PROJECT.
- ALL CEMENT DRIVEWAYS WILL NOT OPEN UPON AND BLOCK THE PUBLIC SIDEWALK. A 4 FOOT MINIMUM CLEAR SIDEWALK IS MAINTAINED AT ALL TIMES.
- THE APPLICANT SHALL OBTAIN A NONEXCLUSIVE RIGHT-OF-WAY USE AGREEMENT FROM THE CITY OF SAN DIEGO FOR THE PROPOSED WORK ON THE AVENIDA VENUSTO RIGHT-OF-WAY.
- THE APPLICANT SHALL OBTAIN A PUBLIC RIGHT-OF-WAY PERMIT FOR THE PROPOSED WORK ON AVENIDA VENUSTO RIGHT-OF-WAY.
- SAN DIEGO MUNICIPAL CODE SECTION 142.001 REPAIRS AND REPLACEMENT OF PUBLIC FACILITIES REQUIRES WORK IN THE COURSE OF DEVELOPMENT OF PRIVATE PROPERTY, PUBLIC FACILITIES ARE DAMAGED OR REMOVED THE PROPERTY OWNER/PERMITTEE SHALL, AT NO COST TO THE CITY, REPAIR OR REPLACE THE PUBLIC FACILITY TO THE SATISFACTION OF THE CITY ENGINEER.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE DURING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE PERMITTEE SHALL INCORPORATE AND CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, SECTION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.
- THE APPLICANT SHALL PROTECT ANY CITY PROPERTY REMOVED AS PART OF THE PROJECT AND RETURN SAID PROPERTY SATISFACTORY TO THE CITY ENGINEER.
- THE APPLICANT SHALL PROVIDE A PUBLIC IMPROVEMENT PLAN INCLUDING A TRAFFIC CONTROL PLAN, SATISFACTORY TO THE CITY ENGINEER.
- THE APPLICANT SHALL PROVIDE AND MAINTAIN A TELEPHONE CONTACT NUMBER AVAILABLE 24 HOURS/7 DAYS A WEEK CLEARLY POSTED ON THE POLE AT EYE LEVEL TO ALLOW CITY STAFF TO IMMEDIATELY CONTACT THE SYSTEM PROVIDER.
- THE APPLICANT SHALL INSTALL AND MAINTAIN A SEPARATE POWER METER FOR THE PROJECT, SATISFACTORY TO THE CITY ENGINEER.
- THE APPLICANT SHALL INFORM THE CITY AND THE CITY AGREES TO INFORM THE APPLICANT IN THE EVENT OF KNOWLEDGE, SATISFACTORY TO THE CITY ENGINEER.
- A FOUNDATION ANALYSIS SHALL BE REQUIRED DURING THE PUBLIC IMPROVEMENT PLAN PROCESS, SATISFACTORY TO THE CITY ENGINEER.
- THE MATERIAL OF THE PROPOSED STREET LIGHT STANDARD SHALL MATCH THE APPROPRIATE MATERIAL SHOWN IN CITY OF SAN DIEGO STANDARD DRAWING SEE-101 OR THE EXISTING STREET LIGHT STANDARD THAT IS TO BE REPLACED, SATISFACTORY TO THE CITY ENGINEER.
- IF THE LIGHTING MOUNTING HEIGHT OR LENGTH OF WASH ARM OF THE PROPOSED STREET LIGHT STANDARD DOES NOT MATCH CITY OF SAN DIEGO STANDARD DRAWING SEE-101 OR THE EXISTING STREET LIGHT STANDARD THAT IS TO BE REPLACED, A LIGHTING STUDY AND A DEVIATION FROM STANDARDS FORM SHALL BE PROVIDED DURING THE PUBLIC IMPROVEMENT PLAN PROCESS. IF A LIGHTING STUDY IS NOT REQUIRED, THE LAMP TYPE AND MOUNTING SHALL COMPLY WITH THE CITY OF SAN DIEGO STREET DESIGN MANUAL, SATISFACTORY TO THE CITY ENGINEER.

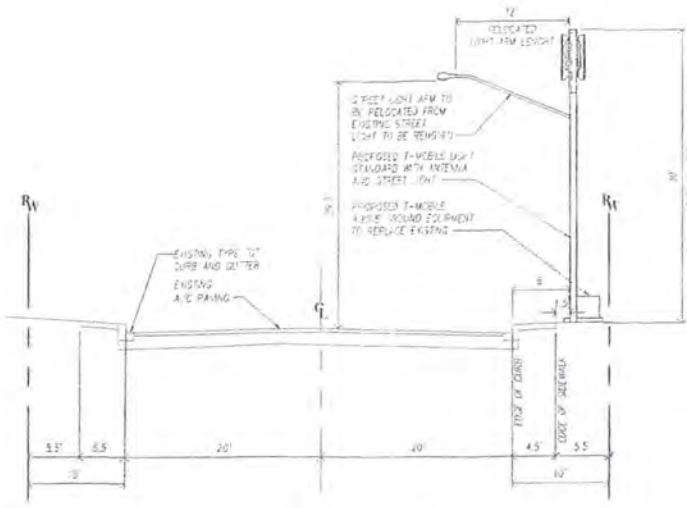
GRADING DATA TABLE			
SCOPE OF WORK	SOIL DISTURBANCE (CUBIC YARDS)	SOIL EXPORT QTY (CUBIC YARDS)	SOIL IMPORT QTY (CUBIC YARDS)
SHOULDER CONDUIT TRENCH (TOTAL) 12'-0" LENGTH x 3'-0" WIDTH x 4'-0" DEPTH	1.4818	0	0
LIGHT POLE FOOTING TRENCH (TOTAL) 3'-0" DIAMETER x 6'-0" DEPTH	5.50	0	0
TOTAL	6.9818	0	0

SOIL DISTURBANCE NOTES:

- EXISTING SOIL MAY BE UTILIZED FOR TRENCH BACKFILL PROVIDED IT IS FREE OF ORGANIC MATERIAL AND ROCKS OVER 3" IN DIMENSION.
- SOIL IS TO BE UNIFORMLY COMPACTED TO AT LEAST 90% RELATIVE COMPACTION BASED ON MAXIMUM DENSITY PERFORMED IN ACCORDANCE WITH ASTM D-1557.
- UPON COMPLETION, ROAD TO BE REPAIRED TO AS GOOD OR BETTER THAN CURRENT EXISTING CONDITIONS.
- LIMIT OF DISTURBANCE IS EDGE OF EXISTING ROAD.
- ALL EXCAVATED MATERIAL NOTED TO BE EXPORTED, SHALL BE EXPORTED TO A LEGAL DISPOSAL SITE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (THE "GREEN BOOK"), 2003 EDITION AND REGIONAL SUPPLEMENT, ADOPTED BY REGIONAL STANDARD COMMITTEE.

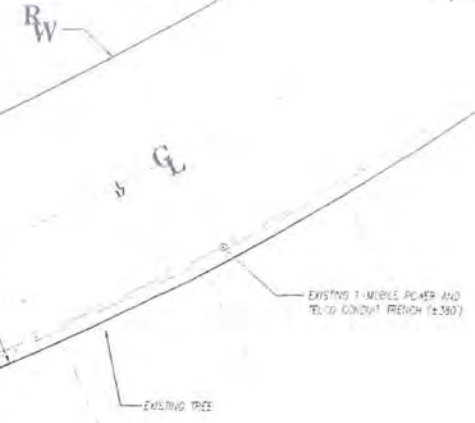


1 SITE PLAN
SCALE: 1"=20'



2 EXISTING AVENIDA VENUSTO
SCALE: 1"=20'

EXISTING T-MOBILE EQUIPMENT CABINET TO BE REPLACED WITH PROPOSED EQUIPMENT CABINET. EXISTING T-MOBILE ANTENNAS TO BE REPLACED WITH PROPOSED ANTENNAS. EXISTING LIGHT STANDARD TO BE REPLACED WITH PROPOSED LIGHT STANDARD. EXISTING AT&T STREET BOLT TO REMAIN.



PRIVATE CONTRACT			
IMPROVEMENT PLANS FOR:			
T-MOBILE			
AVENIDA VENUSTO TELECOMM. & LIGHT POLE			
SITE PLAN			
CITY OF SAN DIEGO, CALIFORNIA		SHEET NO. 2 OF 8	
DEVELOPMENT SERVICES DEPARTMENT		PROJECT NO. 2005-1	
SHEET 2 OF 8 SHEETS			
FOR CITY ENGINEER	DATE	BY	
DESIGNATION	APPROVED	DATE	PROJECT
AS-BUILT	DATE	BY	
CONSTRUCTION	DATE	PROJECT	
SHEET 2 OF 8			

T-Mobile

SD06593

AVE. VENUSTO TELECOMM. & LIGHT POLE SOUTHEAST CORNER OF CAMINITO RYONE AND AVENIDA VENUSTO 15990 AVENIDA VENUSTO, SAN DIEGO CA 92128

REQUIRED SPECIAL INSPECTIONS

THIS STATEMENT OF SPECIAL INSPECTIONS IS SUBMITTED IN FULFILLMENT OF THE REQUIREMENTS OF CBC SECTIONS 1704 AND 1705.

INCLUDED ARE:

- SCHEDULE OF SPECIAL INSPECTIONS AND TESTS APPLICABLE TO THIS PROJECT
- SPECIAL INSPECTIONS PER SECTIONS 1704 AND 1705
- SPECIAL INSPECTIONS FOR TESTING, REPAIRS, ETC.
- SPECIAL INSPECTIONS FOR WELD REPAIRS

SPECIAL INSPECTIONS AND TESTING WILL BE PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS. THIS STATEMENT AND CBC SECTIONS 1704, 1705, 1707, AND 1708.

THIS SCHEDULE OF SPECIAL INSPECTIONS IS A SUMMARY OF THE SPECIAL INSPECTIONS AND TESTS REQUIRED. SPECIAL INSPECTIONS WILL REFER TO THE APPROVED PLANS AND SPECIFICATIONS FOR DETAILED SPECIAL INSPECTION REQUIREMENTS. ANY ADDITIONAL TESTS AND INSPECTIONS REQUIRED BY THE APPROVED PLANS AND SPECIFICATIONS WILL ALSO BE PERFORMED. INTERIM REPORTS WILL BE SUBMITTED TO THE BUILDING OFFICIAL AND THE REGISTERED DESIGN PROFESSIONAL. A RESPONSIBLE CHANGE IN APPROPRIATE APPROPRIATE SECTION 1704.3.

A FINAL REPORT OF SPECIAL INSPECTIONS DOCUMENTING REQUIRED SPECIAL INSPECTIONS, TESTING AND CORRECTIONS OF ANY DISCREPANCIES NOTED IN THE INSPECTIONS SHALL BE SUBMITTED PRIOR TO RELEASE OF A CERTIFICATE OF USE AND OCCUPANCY (SECTION 1704.12). THE FINAL REPORT WILL OCCUR WHEN:

REQUIRED SPECIAL INSPECTIONS
CORRECTIONS OF DISCREPANCIES NOTED IN INSPECTIONS

THE OWNER RECOGNIZES HIS OR HER OBLIGATION TO ENSURE THAT THE CONSTRUCTION COMPLETES WITH THE APPROVED PERMIT DOCUMENTS AND TO MAINTAIN THIS PROGRAM OF SPECIAL INSPECTIONS. IN PARTIAL FULFILLMENT OF THESE OBLIGATIONS, THE OWNER WILL RETAIN AND DIRECTLY PAY FOR THE SPECIAL INSPECTIONS AS REQUIRED IN CBC SECTION 1704.1.

THIS PLAN HAS BEEN DEVELOPED WITH THE UNDERSTANDING THAT THE BUILDING OFFICIAL WILL:
REVIEW AND APPROVE THE QUALIFICATIONS OF THE SPECIAL INSPECTORS AND ALL PERSONNEL THE INSPECTORS
MONITOR SPECIAL INSPECTION ACTIVITIES ON THE JOB SITE TO ASSURE THAT THE SPECIAL INSPECTORS ARE QUALIFIED AND ARE PERFORMING THEIR DUTIES AS CALLED FOR IN THIS STATEMENT OF SPECIAL INSPECTIONS.

REVIEW SUBMITTED INSPECTION REPORTS. REPAIR INSPECTIONS AS REQUIRED BY THE LOCAL BUILDING CODE.

WORK REQUIRING SPECIAL INSPECTION		
ITEM	TYPE	TESTING

NOTE:

A PROPERTY OWNER'S FINAL REPORT FORM FOR WORK REQUIRED TO HAVE SPECIAL INSPECTIONS, TESTING AND STRUCTURAL CORRECTIONS MUST BE COMPLETED BY THE PROPERTY OWNER, PROPERTY OWNER'S AGENT OR RECORD ARCHITECT OF RECORD OR ENGINEER OF RECORD AND SUBMITTED TO THE INSPECTION SERVICES DIVISION.

SHOP WELDING NOTES

1. ALL OFF-SITE WELDING SHALL BE DONE IN A CITY OF SAN DIEGO APPROVED FABRICATION SHOP.
 2. AN APPLICATION FOR OFFSITE FABRICATION MUST BE SUBMITTED TO THE FIELD INSPECTION DIVISION PRIOR TO ERECTION OF FABRICATED COMPONENTS.
 3. A CERTIFICATE OF COMPLIANCE FOR OFFSITE FABRICATION MUST BE COMPLETED AND SUBMITTED TO THE FIELD INSPECTION DIVISION PRIOR TO ERECTION OF FABRICATED COMPONENTS.
 4. A CERTIFICATE OF SATISFACTORY COMPLETION OF WORK REQUIRING SPECIAL INSPECTIONS MUST BE COMPLETED AND SUBMITTED TO THE INSPECTION SERVICES DIVISION.
- WELDS IDENTIFIED AS REQUIRING CONTINUOUS OR PERIODIC SPECIAL INSPECTIONS NEED NOT HAVE SPECIAL INSPECTION WHEN THE WELDING IS IN A FABRICATOR'S SHOP APPROVED AND REGISTERED BY THE COUNTY OF SAN DIEGO. HOWEVER, THE APPROVED FABRICATOR MUST SUBMIT A CERTIFICATE OF COMPLIANCE IN ACCORDANCE WITH CBC SECTION 1707.7 WHEN WELDING IS DONE IN A SHOP. IF WELDING IS NOT IN AN APPROVED FABRICATOR, SPECIAL INSPECTION IS REQUIRED AND AN APPLICATION TO PERFORM OFF-SITE FABRICATION MUST BE SUBMITTED TO AND APPROVED BY THE FIELD INSPECTION.

PROJECT SUMMARY

SITE NAME:
RYONE LIGHT POLE

SITE NUMBER:
SD06593

SITE ADDRESS:
15990 AVENIDA VENUSTO
SAN DIEGO, CA 92128

OWNER:
CITY OF SAN DIEGO
1200 THIRD AVE., SUITE 1100
SAN DIEGO, CA 92101

OWNER CONTACT:
CAROL L. YOUNG
(619) 256-6561

APPLICANT:
T-MOBILE

EXISTING CARRIERS:
NONE

ASSESSOR'S PARCEL NUMBER:
R 0 0

CURRENT ZONING:
SD-1-10

(E) OCCUPANCY:
NA

(E) TYPE OF CONSTRUCTION:
NA

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CONSULTANT TEAM

ARCHITECT:
MITCHELL J. ARCHITECTURE
4055 RIVINGTON COURT, SUITE N
SAN DIEGO, CA 92111
TEL: (619) 550-3100
FAX: (619) 550-3100

CONTACT: ART BROWN (PROJECT MANAGER)

APPLICANT CONTACT:

CONTACT: NO

CONTACT: GERRA LEPAGE (619) 725-8110

ENGINEER:

ENGINEER: DARRINO DESIGN ASSOCIATES, INC.
1714 AVANT LA PLATTA DRIVE
SAN DIEGO, CA 92117
TEL: (619) 541-2007
FAX: (619) 541-2008

CONTACT: DARRINO CUNNINGHAM

APPLICABLE CODES

ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO:

1. 2016 CALIFORNIA BUILDING CODE (CBC) / 2009 INTERNATIONAL BUILDING CODE (IBC)
2. 2016 CALIFORNIA ELECTRICAL CODE (CEC) / 2009 NATIONAL ELECTRICAL CODE (NEC)
3. 2016 CALIFORNIA MECHANICAL CODE (CMC) / 2009 NATIONAL MECHANICAL CODE (NMC)
4. 2016 CALIFORNIA FIRE CODE (FC) / 2009 NFPA

ACCESSIBILITY DISCLAIMER

THIS PROJECT IS AN UNOCCUPIED ACCESS TELECOMMUNICATIONS FACILITY AND, ACCORDING TO WRITTEN INTERPRETATION FROM THE CALIFORNIA DEPARTMENT OF THE STATE ARCHITECT, IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS.



PRIVATE CONTRACT

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

T-MOBILE TITLE SHEET

CITY OF SAN DIEGO, CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SHEET 4 OF 8 SHEETS

DATE: 02/20/15

DATE: 02/20/15

DATE: 02/20/15

DATE: 02/20/15

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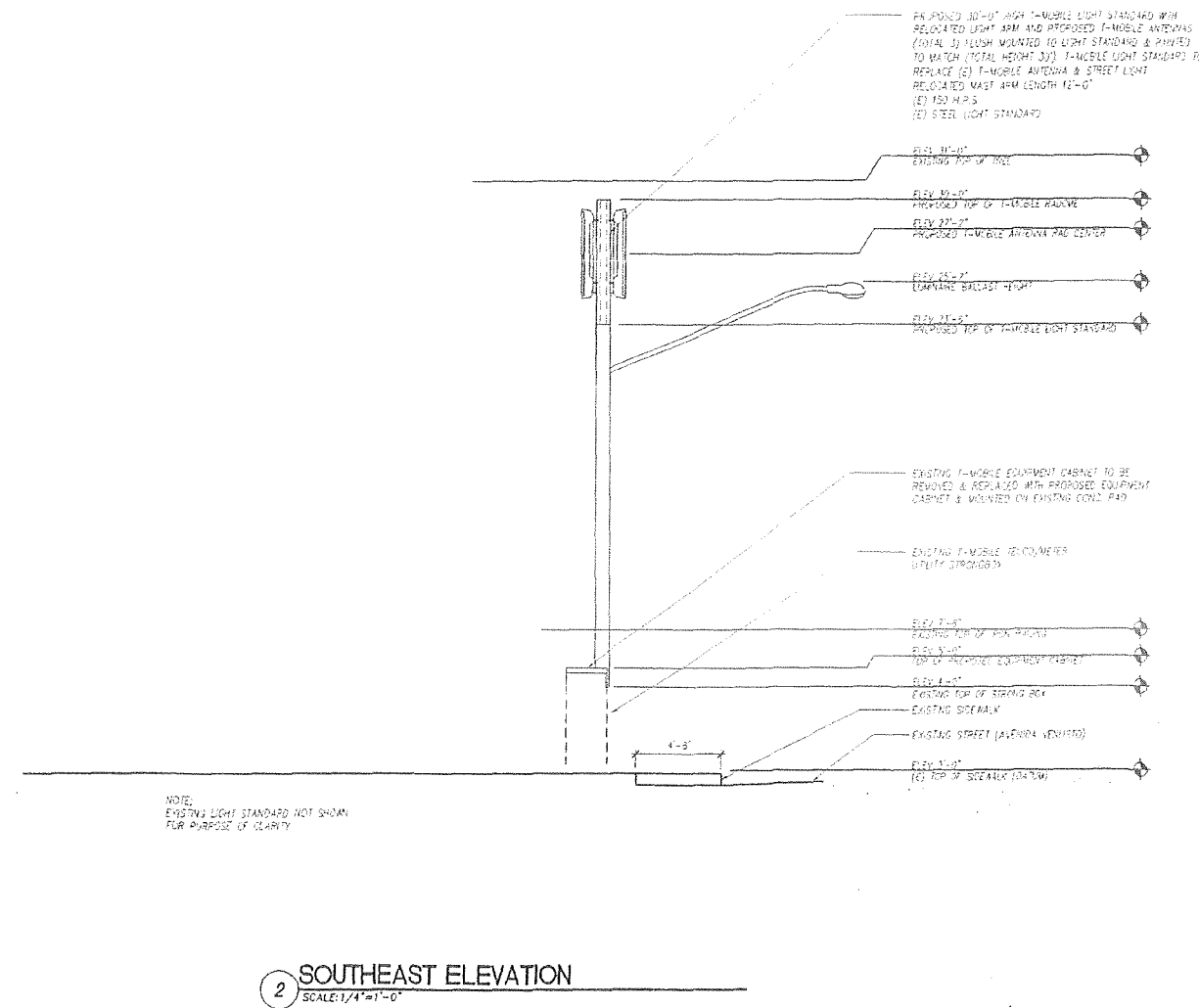
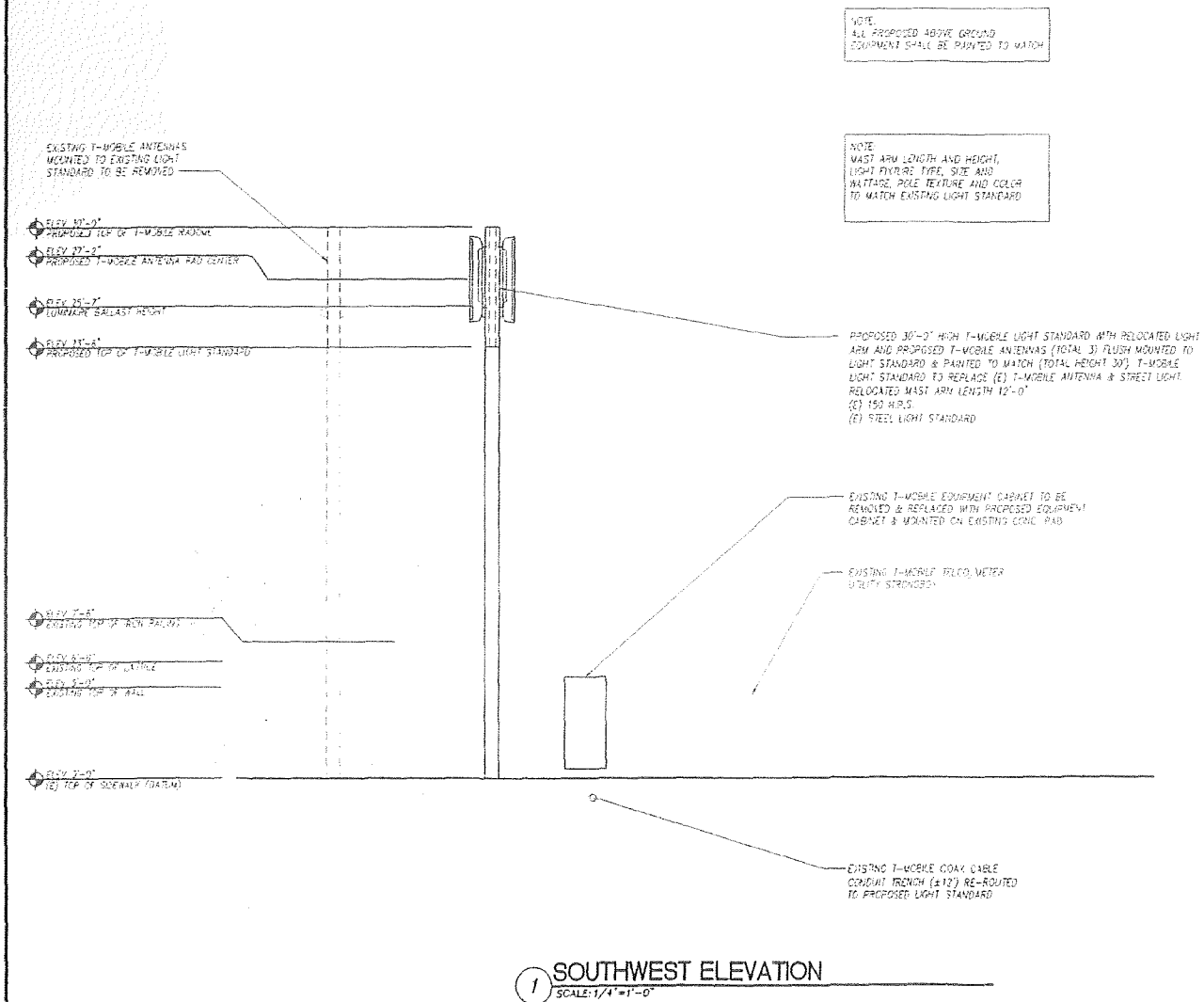
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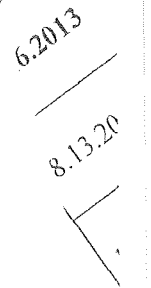
MITCHELL J. ARCHITECTURE, INC.
4055 RIVINGTON COURT, SUITE N
SAN DIEGO, CA 92111
TEL: (619) 550-3100 / FAX: (619) 550-3101



PRIVATE CONTRACT	
IMPROVEMENT PLANS FOR:	
T-MOBILE	
AVENIDA VENUSTO TELECOMM. & LIGHT POLE	
ELEVATIONS	
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET # 6 OF 8 SHEETS	I.D. NO. 24000004 PROJECT NO. 212551 N.E.W. _____ 1211-1215 N.A.S.P. COORDINATES 334-1745 LARGEST OCCUPANCIES
PERMITTED BY _____ DATE _____ DESIGNED BY _____ APPROVED DATE PLUMED AS-BUILT _____ DATE STARTED _____ SUPERVISOR _____ DATE COMPLETED _____	SHEET 6 OF 8



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IMPROVEMENT PLANS FOR:																																					
T-MOBILE																																					
AVENIDA VENUSTO TELECOMM. & LIGHT POLE																																					
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CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 7 OF 8 SHEETS																																					
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CONTRACTOR		DATE STARTED																																			
INSPECTOR		DATE COMPLETED																																			
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SHEET 7 OF 8																																					



EXISTING LANDSCAPE LEGEND:

- | SYMBOL | BOTANICAL NAME | COMMON NAME | SIZE/HEIGHT X SPREAD/DBA (CAL. REF.) | REMARKS |
|-----------|------------------------|---------------|--------------------------------------|--------------------|
| EX TREE#1 | MELALEUCA DUMOSUMERINA | CALPOT TREE | 15' TALL X 10" DBA @ 4' CAL | EXISTING TO REMAIN |
| EX TREE#2 | ETIMBOPIKA REFLEXA | BRONZE LOCUST | 20' TALL X 10" DBA @ 4' CAL | EXISTING TO REMAIN |
| EX TREE#3 | POUS ROBURNOSA | BRONZE LOCUST | 20' TALL X 10" DBA @ 4' CAL | EXISTING TO REMAIN |



PRIVATE CONTRACT

IMPROVEMENT PLANS FOR:

T-MOBILE

AVENIDA VENUSTO TELECOMM. & LIGHT POLE

SITE PLAN

CITY OF SAN DIEGO, CALIFORNIA					10 NO. 24000004
DEVELOPMENT SERVICES DEPARTMENT					PROJECT NO. 24000004
SHEET 0 OF 0 SHEETS					
TYPED AND DRAWN BY			DATE		DATE
DESCRIPTION	BY	APPROVED	DATE	PLUMED	
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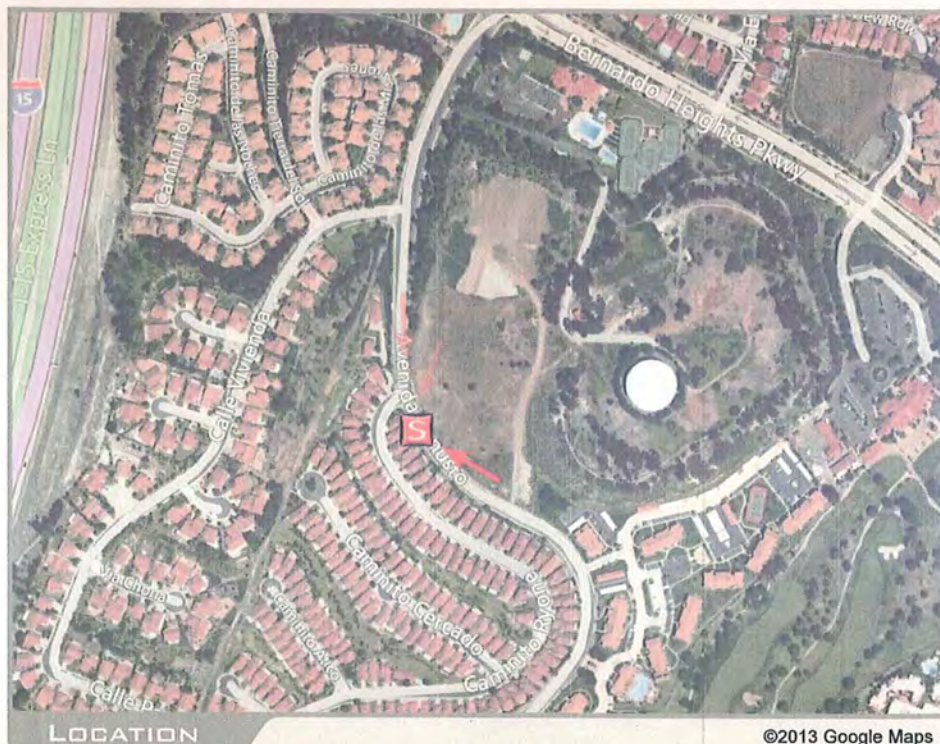
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T-Mobile

SD06593A

AVENIDA VENUSTO

15990 AVENIDA VENUSTO SAN DIEGO CA 92128



T-Mobile

SD06593A

AVENIDA VENUSTO

15990 AVENIDA VENUSTO SAN DIEGO CA 92128

ARTISTIC
engineering
AEsims.com
877.9AE.sims



T-Mobile

SD06593A

AVENIDA VENUSTO

15990 AVENIDA VENUSTO SAN DIEGO CA 92128

ARTISTIC
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Photo Survey



Looking South toward the WCF



Looking North toward the WCF

Photo Survey



Looking East toward the WCF

Photo Survey



Looking West toward the WCF

Photo Survey



Looking East from the WCF toward the City Water Tank



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101

THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
OCTOBER 2012

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☒ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name: T-Mobile E-mail Address: joseph.guiver2@t-mobile.com
 Address: 10509 Vista Sorrento Parkway #206 City: San Diego State: CA Zip Code: 92121 Telephone: (858) 334-6153

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

T-Mobile

4. Project Information

Permit/Environmental Determination & Permit/Document No.: Project # 333439, CUP#1268019	Date of Decision/Determination: May 28, 2014	City Project Manager: Simon Tse
--	---	------------------------------------

Decision (describe the permit/approval decision):

Hearing Officer denied CUP#1268019 T-Mobile Venusto

5. Grounds for Appeal (Please check all that apply)

- ☐ Factual Error
☐ Conflict with other matters
☒ Findings Not Supported
☒ New Information
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

The City's CUP process for small modifications of existing wireless telecommunications facilities is preempted by federal law.

The procedures and regulations that the City is attempting to enforce on T-Mobile's efforts to do small cell site swap outs

outs of antennas violate numerous provisions of state and federal law including the California Permit Streamlining Act, CPUC 7901, and are ultra vires actions under California law. In addition the procedures and regulations that the City is attempting to enforce violate Sections 253, 332 and 1455 of the Communications Act of 1934, as amended, including but not limited to, how the Communications Act has been interpreted by the Supreme Court of the United States in City of Arlington v. Federal Communications Commission. T-Mobile requests that approvals to allow T-Mobile to swap out antennas as these facilities be issued forthwith.

RECEIVED

JUN 09 PAID

DEVELOPMENT SERVICES

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: [Signature] Date: 09 June 2014

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Rancho Bernardo Community Planning Board

P.O. Box 270831, San Diego, CA 92198

www.rbplanningboard.com

May 15, 2014

Hearing Officer

City of San Diego, Development Service Department

Entitlements - Telecom Project Management

1222 First Avenue, MS 501

San Diego, CA 92101

RE: PTS 333439, T-Mobile Avenida Venusto Right-of-Way, San Diego 92128

Attention Hearing Officer:

On February 20, 2013, the Rancho Bernardo Community Planning Board considered a proposal by T-Mobile to install a 30-foot-high light standard with attached antennas along Avenida Venusto adjacent to a residential development in the Bernardo Heights neighborhood of Rancho Bernardo. The proposal included the installation of a bulky antenna mounted above the arm fixture of the light standard. Representatives from the surrounding homeowners associations, including Woodcrest Heights, Bernardo Village, and Vista de Bernardo, were present at the meeting and confirmed their Boards were opposed to the project.

After reviewing the design of the proposed facility, which would be very visible from the public right-of-way and from surrounding residences, and hearing from neighborhood representatives, the Planning Board unanimously passed a motion to recommend that the City deny the proposal due to: 1) the adverse effects to the visual and aesthetic quality of the area, 2) the opposition to the project by the three surrounding homeowners associations, and 3) the project design's lack of conformance with the Land Development Code and General Plan, which requirement that the design of cellular facilities be aesthetically pleasing and respectful of the neighborhood context and when mounted on light standards, the antenna be mounted below the arm fixture of the light.

At the Planning Board meeting of May 15, 2014, the Board approved (10-0-1) a motion to send this letter in advance of the project being presented for consideration by the City in order to reiterate our concerns regarding T-Mobile's current design. The approval of this design, a design that is inconsistent with the guidance provided by the Land Development Code and the General Plan, would open the door for similarly intrusive designs to be installed throughout the community, resulting in significant adverse visual and aesthetic impacts community wide.

We appreciate your consideration of our concerns.

Sincerely,

Original Letter signed 05/15/2014

Lou Dell'Angela, Chairman

Rancho Bernardo Community Planning Board

Rancho Bernardo Community Planning Board

PO Box 270831, San Diego, CA 92198

www.rbplanningboard.comFebruary 20, 2014 Minutes7:00 PM, @ RB Swim & Tennis Club Club 21 Room
16955 Bernardo Oaks Drive

<u>2013 RB PLANNING BOARD</u>									
P = present		A = absent				ARC = arrived after roll call			
John Cochran	A	Fred Gahm	P	Matt Stockton	P				
Wolfie Pores	P	Richard House	P	Vicki Touchstone	P				
Lou Dell'Angela	P	Robin Kaufman	P						
Teri Denlinger	P	Mike Lutz	P				Total Seated	12	
Joe Dirks	P	Roberta Mikles	P				Total in Attendance	11	

ITEM #1 CALL TO ORDER/ROLL CALL – REGULAR MEETING: The meeting was called to order by Richard House, chair, at 7:05 pm. A quorum was met with 11 out of 12 members present.

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

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

Assemblyman Brian Maienschein's Report: The Assemblyman commented on the following topics:

- deadline for bills is this Friday;
- background checks on all youth sports coaches passed;
- there's a bill that is heading towards the Senate pertaining to sexual offences against physically and mentally challenged individuals;

- homeless housing initiative;
- commented on the passing of Myrna Reese and Mark Brenner.

Councilmember Kersey's Representative – Lee Friedman: Lee commented on the following topics:

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

ITEM #4 CHAIR REMARKS: None.

ITEM #5 ADMINISTRATIVE ITEMS:

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

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

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

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

ITEM #6 T-MOBILE APPLICATION AT 15990 AVENIDA VENUSTO 92128 TO REMOVE AND REPLACE LIGHT STANDARDS: Install 30 foot high light standard with attached new antennas. The existing equipment cabinet is also proposed to be removed and a new cabinet installed near the new light standard. Ann Regan representing the project, presented the information. Ms. Regan commented that one resident in the extreme proximity of the project has signed off on it, with two other neighbors still reviewing the information. Resident George Leitner commented that surrounding sub-area HOAs are opposed of the project. Representatives from Woodcrest Height, Bernardo Village, and Vista de Bernardo HOAs were present and confirmed they were opposed to the project. Opposition has to do with potential issues with the general plans and municipal codes and that it would have a significant negative impact on neighboring properties. Motion made Lou Dell Angela/Fred Gahm to deny this project due to adverse aesthetics to the surrounding neighborhood, potential issues with the general plan as well as municipal codes, and that three surrounding sub-area HOAs oppose the project. **Motion passed unanimously.**

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

ITEM #8 VERIZON APPLICATION TO INSTALL 12 PANEL ANTENNAS AND A 4 FOOT MICROWAVE DISH: Located within an architectural tower element on the roof of a Commercial building in the Bernardo Plaza Shopping Center,

16771 Bernardo Center Drive. Application also includes construction of a 416 square foot enclosure containing a generator and associated equipment. Lou Dell Angela commented the Development Review Committee reviewed the project and is recommending to approve it. Motion made Lou Dell Angela/Roberta Mikles to approve the project. **Motion passed unanimously.**

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

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

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

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

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

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

voted against the motion because Richard House did not make the motion that we originally voted on (which included the speed change from 35 mph to 40 mph by Pomerado Court and the church).

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

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

ITEM #14 COMMITTEE REPORTS:

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

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

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

Traffic and Transportation: No meeting.

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

Publicity and Elections: Committee Chair Lou Dell Angela reported the following:

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

out.

-Roberta Mikles commented that three separate people at the Oaks North club commented to her that Richard House was at their club taking photos and telling Oaks North club members that the election committee was out of compliance with the rules and the procedures. Roberta was upset by the comments made to her.

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

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

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

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

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

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

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

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

ITEM #15 LIAISON REPORTS:

-Industrial: None.

-Commercial: None.

-Community Council: see attached document.

-CPC: Richard House reported there were amendments to the food truck ordinance and other codes. It will then go to City Council for final approval.

ITEM #16 Old Business: None.

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

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

Respectfully submitted by Robin Kaufman

RB Community Council Report
February, 2014

- The County reached out to the RB Community Council to host 'Love Your Heart' day in the community. The County wide event was a one-day event taking place on Valentine's Day throughout San Diego County by activating residents to take charge of their own heart health and '**know their numbers**' by providing **free blood pressure screenings** throughout the county. The RB Community Council gave all participants a reusable cloth shopping bag with various items in it. Over 100 attended the event.
- The Government Relations Committee in conjunction with the Public Safety committee drafted a letter to all our local, state and federal representatives, requesting that AEDs become mandatory in all public schools in our state. At this time, only 19 states require some of their schools to have AEDs and only Hawaii and Oregon mandate it in every public school. The letter has been well received.
- The Public Safety Committee dealt and resolved an issue in 7 Oaks.
- The Public Safety Committee had the city re-slurry parts of West Bernardo Drive due to safety issues.
- The Community Council was able to have a pile of debris along West Bernardo Drive removed after being there for more than a month.
- The Community Council is in the process of planning the fourth annual community wide sidewalk chalk event taking place the first Saturday in March. Over 800 people have participated in the event in the past three years.
- The Community Council begins its election process in March in conjunction with the Recreation Council.
- The Government Relations Committee is working in conjunction with various service dog organizations to enforce stricter rules/guidelines on what are real service dogs. The RB Community Council reached out to our Supervisor after discovering County animal control was giving people ID tags stating their dogs were service animals if people gave them certain documentation. The County has now stopped doing this since just about anyone can obtain the tags.

SD06593
TELECOM SITE JUSTIFICATION LETTER

1. Description of the location, type, capacity, field strength or power density, and calculated geographic service area of the proposed antenna or antenna array.

LOCATION AND TYPE

T-Mobile is requesting to modify the permit for the existing communications facility in the Right of Way at 15990 Avenida Venusto. The existing permit number is 140686/490498 approved on December 10, 2008. The project consists of 3 antennas mounted to a 29' 8" pole, one ground mounted 4'10" cabinet, and one utility strong box. T-Mobile proposes to replace the existing 3 antennas with 3 new Air antennas, and to swap the existing 4'10" cabinet with a 5' replacement cabinet. This proposed modification will upgrade the facility to 4G capability. This existing facility is unmanned, operating 24 hours a day. The only visits to the site will consist of any emergency calls as well as regular maintenance visits once every four to six weeks.

FREQUENCY AND POWER SPECIFICATIONS

The transmitting frequency for the T-Mobile system is 1950-1965 Megahertz. The receiving frequency is 1870-1885 Megahertz.

COVERAGE AND CAPACITY

This on-air site provides T-Mobile coverage within the residential area to the south, east, north and west. Please refer to the coverage map that illustrates the coverage that this site provides and the coverage gap that would be created if the site went off-air. In addition, the coverage maps are provided if the antennas were located below the mast arm. The reduction in RAD center with the antennas located below the mast arm creates a significant loss in coverage. This site modification is required to provide 4G coverage in this area. In addition, the new antennas/cabinet will enhance the existing coverage area.

2. Location of all existing, proposed and anticipated wireless communications facilities in the Applicant/Permittee's network located within a 1 mile radius from proposed site.

Please see refer to justification map and to coverage maps.

3. A description of how the proposed facility fits into, and is a necessary part of, the Applicant/Permittee's network.

This on-air site provides T-Mobile coverage within the residential area to the south, east, north and west. Please refer to the coverage map that illustrates the coverage that this site provides and the coverage gap that would be created if the site went off-air. In addition, the coverage maps are provided if the antennas were located below the mast arm. The reduction in RAD center with the antennas located below the mast arm

SD06593 Coverage Discussion

- T-Mobile is proposing to replace the existing antennas with Air at the same RAD center to maintain the existing coverage area. In addition, the Air antennas will expand and improve the strength of coverage, as well as provide LTE service to this community.
- If the new Air antennas were placed below the mast arm, the coverage would be reduced significantly in all directions, most significantly to the West and East. New sites would be required to fill these gaps in coverage.
- If the antennas are not replaced, this community will not have improved coverage or LTE service.

SD06593

Coverage Map

**RF Team San Diego Market
September 26, 2013**



T-Mobile

SD06593 Coverage with Existing Antennas



Legend: Coverage Level

- In Building
- In Car
- On Street

SD06593 with 3AIR at RAD of 27.2'

**Legend: Coverage Level**

● In Building ● In Car ● On Street

T-Mobile

SD06593 with 3AIR at RAD of 18'



Legend: Coverage Level

● In Building ● In Car ● On Street

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: CITY OF SAN DIEGO WIRELESS COMMUNICATION FACILITIES
POLICY
POLICY NO.: 600-43
EFFECTIVE DATE: March 1, 2005

BACKGROUND

The City of San Diego has received numerous requests for Wireless Communication Facilities over the past seventeen years both on public and private property. The application process needs more coordination and consistency among City Departments. In light of this, a policy is desirable to establish the criteria by which applications are evaluated, processed, approved and denied.

PURPOSE AND INTENT

The purpose of this policy is to provide comprehensive guidelines for the review and processing of applications for the placement and design of Wireless Communication Facilities in accordance with the City of San Diego land use regulations. These guidelines are intended to prescribe clear, reasonable, and predictable criteria to assess and process applications in a consistent and expeditious manner, while reducing visual and land use impacts associated with Wireless Communication Facilities. The guidelines presented in this policy promote the use of camouflage design techniques and preferred locations to minimize the visual impacts to the surrounding community and preserve land uses within the City of San Diego. At the same time, the guidelines allow for the orderly and efficient development of wireless networks consistent with the rules and regulations promulgated by the Federal Communications Commission [FCC] pursuant to the Telecommunication Act of 1996 [TCA].

APPLICATION OF THIS POLICY

This policy contains the development guidelines that the City applies to all applications for Wireless Communication Facilities within the City of San Diego, including new proposals and amendments to existing Wireless Communication Facilities in all zones, overlays, planned districts and community plans. These guidelines ensure minimal land use impacts on the surrounding community by encouraging preferred locations, providing design guidelines, and monitoring health and safety issues within the limits of the TCA.

For applicants seeking placement of a Wireless Communication Facility on city-owned land, this policy should be used in conjunction with applicable Council Policies and Land Development Code section 141.0420. To the extent Council Policies conflict, this Policy supersedes any existing Council Policy as it relates to Wireless Communication Facilities.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY**CURRENT**DEFINITIONS

1. **Antenna** means a device or system used for the transmission and/or reception of radio frequency signals for wireless communications. It may include an omni-directional (whip), directional (panel), dish, or GPS antenna. It does not include the support structure.
2. **Cellular** means analog, digital signal, personal communications services (PCS) technology, and similar systems which exist now or may be developed in the future and exhibit similar technological characteristics.
3. **City Parks** means land dedicated for park or recreation purposes under Charter section 55; land set aside for park or recreation purposes in accordance with Charter section 55; or land conveyed by grant deed for park or recreation purposes.
4. **Collocation** means the sharing of a single Wireless Communication Facility, site, or location by more than one provider or by the same p provider for more than one wireless technology; also referred to as "site sharing."
5. **Controlling Department** means the City Department primarily responsible for using and managing a specific city owned parcel of land or facility.
6. **Wireless Communication Facility [WCF]** means the apparatus that includes the Antennas, support structures, and associated equipment for personal wireless services and information services.

POLICY

A. General

The City is the regulatory agency responsible for issuing permits for the development of Wireless Communication Facilities in the City of San Diego. For projects on private property the City acts only in its regulatory role; for City-owned property, the City has dual roles as property owner and government regulator. The City's Development Services Department [DSD] is responsible for design review, regulatory compliance, zoning administration, and permit processing of applications for Wireless Communication Facilities. For Wireless Communication Facilities proposed on property owned by the City, the City's Real Estate Assets Department [READ] is responsible for the negotiation and administration of sales and leases, including property used and managed by the City's Park and Recreation Department [P&R], Water Department, or other Controlling Departments of the City.

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In considering applications to lease City-owned property, it is the policy of the City Council to maintain control over the design and siting process and to generate revenues for park and recreational uses, Water Department uses, and the General Fund.

B. Development Review Process

1. In general, DSD is the lead department responsible for processing applications for Wireless Communication Facilities on non-city owned sites. DSD is the primary point of contact and will also coordinate with the applicant and the public processing of projects through the development review process in an orderly and efficient manner. READ is responsible for processing proposed projects involving city owned land or facilities from application to final City Council lease approval. This includes coordinating review by the Controlling Department and shepherding the project through the development review process. As part of the development review process:
 - a. All departments involved in the review and approval of a Wireless Communication Facility should be included on the distribution list for the project.
 - b. A copy of any discretionary application for a proposed Wireless Communication Facility in that council district should be sent to the City Council office representing the area within which the subject property is located.
 - c. As part of the initial routing, the recognized community planning group should be provided a copy of all applicable ministerial applications for a proposed Wireless Communication Facility within its community plan area, for information purposes only. The community planning group should also be provided any pending discretionary applications for its community consistent with Council Policy 600-24. The recognized community planning group adjacent to a regional park should also receive a copy of any application for the siting of a Wireless Communication Facility within the regional park where the Park Advisory Body is not the planning group.
 - d. Environmental review in accordance with the California Environmental Quality Act should occur for all Wireless Communication Facility applications qualifying for discretionary review.
 - e. The DSD Project Manager or the Controlling Department's Project Manager should perform a final inspection of all Wireless Communication Facilities prior to receiving final approval clearance from the Building Inspector to ensure conformance with any discretionary permits.
 - f. Each approved application for a Wireless Communication Facility should be entered into a City database to track the location of Wireless Communication Facilities in the City. The information may be displayed on the City's Web site.

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2. The Information Technology and Communications [IT&C] Department is responsible for advising the City Manager and the City Council on issues related to technical oversight and evaluation of proposed and developed Wireless Communication Facilities in the City of San Diego, including the following:
 - a. Radio frequency [RF] radiation studies, propagation studies, tower loading studies, inter-modulation studies, RF interference studies, and licensing and frequency issues.
 - b. Review of equipment to be used at a proposed Wireless Communication Facility, including transmitters, receivers, antennas, cabling, power sources, etc.
 - c. Evaluation of compliance with FCC rules and regulations as it relates to interference with City of San Diego communication facilities for Wireless Communication Facilities.
 - d. Review and verify applicant's proposed Wireless Communication Facility for compliance with FCC regulations related to RF emissions;
 - e. Coordination of the technical aspects of installation and maintenance activities on City Property.
 - f. The applicant shall be charged for all reasonable costs associated with review by IT&C, the Controlling Department and DSD.

C. Processing of Applications for Wireless Communication Facilities on Non-City Property.

DSD is the central processing authority and primary point of contact for all Wireless Communication Facility applications on non-city owned sites. All applications for Wireless Communication Facilities on non-city owned sites should be submitted to DSD for processing and tracking throughout the review process.

D. Processing of Applications for Wireless Communication Facilities on City Property.

All applications for Wireless Communication Facilities on City Property should be submitted to the Real Estate Assets Department to be processed and tracked throughout the entire application process. The Property Agent assigned to the project should forward an advance copy of the application to DSD prior to submittal for development review processing. READ is the primary point of contact and is responsible for negotiating and executing an agreement with the applicant for lease of City-owned property for a Wireless Communication Facility. The Controlling Department for the proposed site is responsible for review of the application to ensure current and future operational compatibility and compliance with design standards.

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1. Prior to execution of any lease for a Wireless Communication Facility on City-owned property, READ should obtain the review and approval of the Controlling Department and DSD. In addition, the lease agreement should contain all of the following:
 - a. Provisions addressing maintenance of the Wireless Communication Facility, adequate security, adequate insurance coverage, abandonment or decommissioning of the Wireless Communication Facility.
 - b. A term limiting duration of the agreement to the shortest practical term, with an option to extend the term only by mutual consent.
 - c. Market-rate rent based on a current independent fee appraisal of comparable market rents for similar facilities in Southern California or other comparable market area.
 - d. One-time Site Access Fees should be charged for the installation of wireless facilities on all City-owned property. The amount of these fees should be consistent and regularly updated.
 - e. Reasonable compensation for the use of city utility poles to mount Antennas.
 - f. Where the lease authorizes subleasing, the city should receive 100% of the Site Access Fee and 50% of the lease revenue generated from the site.
 - g. A processing fee adequate to cover the costs of processing and reviewing applications for Wireless Communication Facilities.
 - h. Assurance that the proposed Wireless Communication Facility will not interfere with City operations or public use of City-owned property.
2. Site Access Fees should be deposited into a special fund to be used primarily to benefit the property or adjacent community where the wireless facility is located. The appropriate stakeholder groups may make recommendations for the expenditure of the special fund. The appropriate Controlling Department should work with the stakeholder groups to prioritize these requests.
3. Rental Revenue. One half of the ongoing rental revenue should be deposited into the general fund and one half deposited into a special fund for the appropriate department. All expenditures will require prior written approval by the City Manager or designee.
4. Processing of Applications for Wireless Communication Facilities in City Parks. The City may grant authorization on dedicated or designated parkland and open space if it is first determined by the Park and Recreation Department that the requested action would not only meet the criteria of this Policy, but would also be consistent with City Charter Section 55.

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- a. Design. Proposed wireless communication facilities must be disguised such that they do not detract from the recreational or natural character of the parkland or open space. Further, proposed wireless communication facilities must be integrated with existing park facilities, and must not disturb the environmental integrity of the parkland or open space.
- b. Site Visit. For applications seeking placement of a Wireless Communication Facility in a City Park, READ should, early in the review process, schedule a meeting at the proposed site to identify and view the requested location. READ should provide notice of this initial site visit to the following groups:
 - a representative from the officially recognized Community Planning Group under Council Policy 600-24 for that area;
 - the Park and Recreation Department's Project Manager;
 - the Park and Recreation Department's Area Manager;
 - the Development Services Department's Project Manager;
 - the Information, Technology and Communications Department; and
 - the Planning Department's Community Planner.
- c. P&R's Project Manager should present the project for review and recommendation to the appropriate Park and Recreation advisory boards and committees.

For any Wireless Communication Facility proposed within an area in a City Park that is covered by an existing lease, the project will also be presented to the existing lessee for review and, where necessary, consent.

For any Wireless Communication Facility proposed within an area in a City Park that contains an existing encroachment managed by another city department, that department should also have the opportunity to review the project as a Controlling Department.

- d. Following action on the proposed project by the required boards and councils, the P&R's Project Manager will notify the applicant, READ, and DSD of the final action by the Director of P&R.

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- e. The Director of the Park and Recreation Department may limit the number of Wireless Communication Facilities allowed in any City Park and should not allow any applicant to site more than one Wireless Communication Facility in any City Park. Further, each applicant should be allowed only one equipment enclosure per City Park. Exceptions may be made for Wireless Communication Facilities in large regional parks on a case-by-case basis.
 - 5. All applicants proposing Wireless Communication Facilities on City-owned property including City Parks and public rights-of-way are required to obtain City authorization for use of the property which should also be reviewed by applicable Controlling Departments.
- E. Guidelines for Placement of Wireless Communication Facilities

The following guidelines set forth four locational categories that correspond to the Process levels contained within the Wireless Communication Facilities regulations, Chapter 14, Division 1, Article 4 of the San Diego Municipal Code. These guidelines establish a hierarchy from most preferred location to least preferred location. Applications for sites in either Preference 2, 3 or 4 Locations should include additional information from the applicant substantiating why a Preference 1 Location was not utilized.

- 1. Preference 1 Locations. This category includes the most preferred locations for siting Wireless Communication Facilities. Applicants are strongly encouraged to site a facility in one of these zones or in the public right-of-way before pursuing a Preference 2 Location. These locations correspond to uses allowed as Limited Uses under the Wireless Communication Facilities regulations.
- 2. Preference 2 Locations. This category includes areas that may be considered for siting Wireless Communication Facilities as long as the applicant submits adequate information demonstrating that a Preference 1 Location could not be used to meet the technical requirements for the facility thereby supporting a Preference 2 Location. These locations correspond to uses allowed with a Neighborhood Use Permit under the Wireless Communication Facilities regulations. Applicants are encouraged to locate in these areas before pursuing a Preference 3 Location.
- 3. Preference 3 Locations. This category includes sensitive land uses and are less preferred for siting Wireless Communication Facilities. These locations correspond to uses allowed with a Conditional Use Permit, Process 3, under the Wireless Communication Facilities regulations. The applicant should demonstrate that sites within the Preference 1 and 2 Locations were explored in good faith and found unacceptable.

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4. Preference 4 Locations. This category includes highly sensitive land uses and is the least preferred for siting Wireless Communication Facilities. Applicants are discouraged from seeking placement of a Wireless Communication Facility in these areas. These locations correspond to uses allowed with a Conditional Use Permit, Process 4, under the Wireless Communication Facilities regulations. The applicant should demonstrate that sites within the Preference 1, 2, and 3 Locations were explored in good faith and found unacceptable.

F. Application Review By City Staff

The Development Services Department publishes an Information Bulletin which contains specific information on the submittal requirements for applicants proposing Wireless Communication Facilities. In reviewing and making recommendations on discretionary applications for Wireless Communication Facilities, staff should consider the following factors:

1. The nature of uses on adjacent and nearby premises;
2. Integration of the proposal with the existing building or environment;
3. Surrounding topography;
4. Existing landscaping;
5. Quality and compatibility of design and screening;
6. Impacts on public views and the visual quality of the surrounding area; and
7. Availability of other facilities and buildings for Collocation.

ATTACHMENTS:

1. Federal Communication Commission: A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance

HISTORY

Adopted by Resolution R-288406; 03/04/1997
Amended by Resolution R-29165; 05/24/1999
Amended by Resolution R-299512; 07/27/2004
Amended by Resolution R-300185, 03/01/2005