

THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 22, 2017

REPORT NO. PC-17-082

HEARING DATE: November 30, 2017

SUBJECT: SPRINT KEARNY VILLA. Process Four

PROJECT NUMBER: <u>428180</u>

OWNER/APPLICANT: City of San Diego/Sprint

<u>SUMMARY</u>

<u>Issue</u>: Should the Planning Commission approve a Wireless Communication Facility (WCF) located at 5571 Kearny Villa Road within the Kearny Mesa Community Planning area?

Staff Recommendation: Approve Planned Development Permit (PDP) No. 2012992.

<u>Community Planning Group Recommendation</u>: On August 16, 2017, the Kearny Mesa Planning Group voted 9-0-0 to approve the Sprint Kearny Villa project with no conditions.

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures). The environmental exemption determination for this project was made on August 31, 2017, and the opportunity to appeal that determination ended September 15, 2017.

Fiscal Impact Statement: Processing costs paid for by applicant deposit.

Code Enforcement Impact: None.

BACKGROUND

Sprint Kearny Villa is an application for a new permit for an existing, expired WCF at 5571 Kearny Villa Road. The 1.94-acre site is located in the IL-2-1 zone, which provides for light industrial and office uses with limited commercial (Attachments 1 and 3). The site is also located within the Airport Land Use Compatibility Zone, the Airport Influence Area and the Federal Aviation Administration (FAA) Part 77 Noticing Area for Marine Corp Air Station (MCAS) Miramar and Montgomery Field. The Kearny Mesa Community Plan designates the site for industrial and business parks (Attachment 2). Surrounding uses include commercial and office to the west, light industrial to the south, office to

the east and heavy commercial to the north (Attachment 1).

Sprint is proposing a 75-foot-tall lattice tower supporting up to 16 panel antennas, a 2-foot microwave dish and 32 Remote Radio Heads (RRHs) behind a grid pattern of high-density decorative mesh. Montgomery Field will be spelled out vertically on the edge of each side of the tower (Attachment 10). The lower 22 feet will be open, with no decorative mesh. The tower is proposed on the west side of a City of San Diego Public Utilities building set back from Kearny Villa Road and Topaz Way (Attachment 12).

In 1995, Nextel obtained a Conditional Use Permit (CUP) for a 120-foot tall monopole and a 200square-foot equipment shelter in this location. Sprint became a tenant on the monopole, and in 2005 Sprint and Nextel merged. The CUP expired in 2005. In 2007, American Tower Corporation (ATC), the new tower owner, submitted an application for a CUP to continue operating the WCF (with Sprint as the only tenant). The project was approved in 2007 with modifications to transform the monopole into a lattice tower by installing three vertical support legs and "wrapping" the new tower in artist panels. However, the conditions of this permit were not fulfilled, and it expired in 2010 without being utilized. The monopole was removed in 2013. Sprint, a tenant on the monopole, then installed a 120-foot-tall Cell-On-Wheels (COW) on site in order to maintain coverage in the area and submitted the current application to conceal their antennas and associated components. Sprint currently has outdoor equipment cabinets which are proposed to be relocated within the existing 200-square-foot Nextel equipment enclosure. The COW would be removed once Sprint obtains a final inspection for the lattice tower.

<u>Council Policy 600-43</u> assigns preference levels to WCFs in different land use categories. This project, a WCF on an industrially-zoned property, is in the Preference 1 category. Generally, Preference 1 locations are permitted as a Process One Limited Use and do not come before the Planning Commission. However, because lattice towers do not conform to the <u>WCF Guidelines</u>, and because the tower encroaches into the side yard setback, this project requires a Planned Development Permit (PDP) per San Diego Municipal Code (<u>SDMC) 126.0602(b)(1)</u> for deviations to the WCF Regulations (<u>SDMC 141.0420</u>). This PDP requires a Process Four Planning Commission decision.

DISCUSSION

Proposed Project:

The project consists of a new 75-foot-tall lattice tower concealing 16 panel antennas, a 2-foot microwave dish and 32 RRH's behind decorative high density mesh. Existing outdoor equipment will be relocated into an existing equipment enclosure previously approved at this location. To enhance the project's appearance, Sprint is proposing to add a grid pattern of decorative high density mesh screens around approximately the upper 70 percent of the tower. The lower 22 feet of the tower will be completely open and letters spelling out Montgomery Field will be placed on the corner edges (vertically) on each side of the tower (Attachment 10).

WCF Regulations and Planned Development Permit Considerations:

Kearny Mesa is primarily zoned industrial and WCF's are permitted in industrial zones as a Limited Use. This project is requesting two deviations; one for the design as a lattice tower and the other for a side yard setback encroachment.

	Proposed Deviations	
SDMC Regulation No.	Code Requirement	Proposed
WCF Regulations (Sec. 141.0420(g)(2))	Integration. "Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions."	Lattice tower with decorative screens to conceal the antennas.
Side Yard Setback (Sec. 131.0631)	10 feet	Tower – 2 feet,9 inches Equipment – 5 feet

 WCF Integration: The WCF Regulations require that applicants "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." A lattice tower is not considered an integrated structure; therefore, a deviation from the WCF regulations is necessary to allow a proposed lattice tower with a PDP. The PDP process is intended to assure that the deviation would be preferable to what would be achieved by strict conformance with the regulations.

Justification: This area of Kearny Mesa consists of heavy commercial and light industrial uses, which are mostly low scale in nature. There are multiple existing lattice towers in the area, mostly serving government entities. The 75-foot tall tower is artfully designed with a semi-opaque grid pattern and Montgomery Field spelled out vertically. It will be visible to the surrounding area and can serve as a community reference point. Sprint requires the tower at the proposed height and location to effectively maintain existing levels of service because it has built its network around this site. Reducing the height of the tower would most likely result in a faux tree design and additional sites in and around the area. The WCF components are concealed and the new tower will serve as a landmark for the community.

2. Side Yard Setback: A deviation from SDMC Section 131.0631 to reduce the side yard setback. The required side yard setback is 10 feet.

Justification: The tower is proposed to be tucked into the southwest corner of the property on the west side of a City of San Diego Public Utilities building in an approximate 18-foot wide side yard area. Sprint proposes to use an existing equipment enclosure, which is located within this area and encroaches approximately 5 feet into the required 10-foot side yard setback. The proposed tower will encroach 7 feet, 2 inches into the setback, leaving 2 feet, 9 inches between the base of the tower and the property line. A row of mature trees lines the adjacent property boundary immediately adjacent to the proposed WCF. If the Sprint tower observed the 10-foot setback, it would have to be located further into the interior of the lot in a less desirable location that would impact parking and the drive areas.

The proposed deviations are appropriate for this location and would result in a more desirable project than would be achieved if designed in strict conformance with the WCF regulations and the development regulations of the IL-2-1 zone. It is staff's position that the project achieves the intent of the WCF regulations.

This site is important to Sprint's network. Coverage maps show that this installation is integral to service along State Route 163 and Clairemont Mesa Boulevard, both heavily traveled corridors. A deviation to allow the lattice tower would preclude the placement of multiple, replacement sites in the surrounding area. Although lattice towers generally represent an undesirable visual element, it is staff's opinion that the design of the lattice tower as a community place name will have minimal visual impact.

Airport Analysis:

The project location at 5571 Kearny Villa Road is located within the Airport Land Use Compatibility, the Airport Influence Area and the FAA Part 77 Noticing Area for MCAS Miramar and Montgomery Field.

The project is not a habitable structure; therefore, it does not require review by the San Diego County Regional Airport Authority for a determination of consistency. It is consistent with both the Montgomery Field Airport Land Use Compatibility Plan and the MCAS Miramar Land Use Compatibility Plan (ALUCP) for noise and safety compatibility guidelines, and the FAA issued a 'Determination of No Hazard to Air Navigation' for the Project.

Community Plan Analysis:

The Kearny Mesa Community Plan does not contemplate WCF's; however, the City's General Plan addresses WCFs in the <u>Urban Design Element</u> (UD-A.15). The visual impact of WCFs should be minimized by concealing them in existing structures, or using 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.

At 75 feet in height, the lattice tower will be visible to the surrounding community, however, the high density mesh grid pattern screens concealing the antennas and the vertical letters on each edge of the tower spelling out Montgomery Field will lend itself more to a community reference point rather than a WCF. When taken into the visual context of the surrounding area and the location tucked back into the side yard of an industrial building and set back from the street, the tower blends in to the extent feasible. The site placement, surrounding development, existing landscaping, and general neighborhood characteristics make this centrally-located, industrial site a superior

At 75 feet in height, the lattice tower will be visible to the surrounding community, however, the high density mesh grid pattern screens concealing the antennas and the vertical letters on each edge of the tower spelling out Montgomery Field will lend itself more to a community reference point rather than a WCF. When taken into the visual context of the surrounding area and the location tucked back into the side yard of an industrial building and set back from the street, the tower blends in to the extent feasible. The site placement, surrounding development, existing landscaping, and general neighborhood characteristics make this centrally-located, industrial site a superior alternative to locating several smaller facilities in and around the community. Therefore, this project meets the intent of UD-A.15 and the objectives of the General Plan.

Conclusion:

With the exception of the side yard setback encroachment, the project complies with the development regulations of the IL-2-1 zone. And although the design of the tower does not technically integrate into the project site or the immediate surrounding area, the proposed standalone design is imaginative and artistic and it conceals the WCF components while providing a new community landmark. The project as a whole will comply with the intent of the WCF Regulations (SDMC 141.0420). Staff has prepared draft findings in the affirmative to approve the project and recommends approval of Planned Development Permit (PDP) 2012992 (Attachment 6).

ALTERNATIVES

- 1. Approve Planned Development Permit 2012992, with modifications.
- 2. Deny Planned Development Permit 2012992 if the Planning Commission makes written findings based on substantial evidence that the approval is not authorized by state or local zoning law.

Respectfully submitted,

Elyse W. Lowe

Elyse W. Lowe Deputy Director Development Services Department

LOWE/KAL

Attachments:

Karen Lynch

Karen Lyrich Development Project Manager Development Services Department

1. Aerial Photographs

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

PROJECT DATA SHEET

PROJECT NAME:	Sprint Kearny Villa
PROJECT DESCRIPTION:	A Wireless Communication Facility (WCF) consisting of a 75-foot tall lattice tower concealing 16 panel antennas and a 2-foot diameter microwave dish with associated equipment located in an existing 200-square-foot enclosure.
COMMUNITY PLAN AREA:	Kearny Mesa
DISCRETIONARY ACTIONS:	Planned Development Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial and Business Parks

ZONING INFORMATION:

ZONE: IL-2-1

Regulation	
None	
15/20 feet	
10 feet	
0/15 feet	
N/A	

75 feet 400+ feet 2 feet, 9 inches 15 feet

Proposed

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial and Business Parks/IL-2-1	Heavy Commercial
SOUTH:	Industrial and Business Parks/IL-2-1	
EAST:	Industrial and Business Parks/IL-2-1	Office
WEST:	Industrial and Business Parks/IL-2-1	Commercial/Office
DEVIATIONS REQUESTED:	 Encroachment into required 10' side yard setback: lattice tower will encroach 7', 9" and equipment enclosure will encroach 5'; The lattice tower does not comply with the WCF regulation requiring integration through architecture, landscape and siting 	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On August 16, 2017, the Kearny Mesa Planning Group voted 9-0-0 to recommend approval of the Sprint Kearny Villa project with no conditions.	

PLANNING COMMISSION RESOLUTION NO. _____ PLANNED DEVELOPMENT PERMIT NO. 2012992 SPRINT KEARNY VILLA - PROJECT NO. 428180

WHEREAS, CITY OF SAN DIEGO, Owner and SPRINT, Permittee, filed an application with the City of San Diego for a permit for a Wireless Communication Facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2012992), on portions of a 1.94-acre site;

WHEREAS, the project site is located at 5571 Kearny Villa Road in the IL-2-1 zone of the Kearny Mesa Community Planning area;

WHEREAS, the project site is legally described as Lot 2 of Mesa Industrial Tract Unit No. 1 in the City of San Diego, County of San Diego, filed in the Office of the County Recorder of San Diego County, October 30, 1956;

WHEREAS, on August 31, 2017, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303 (New Construction or Conversion of Small Structures) 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 November 30, 2017, the Planning Commission of the City of San Diego considered Planned Development Permit No. 2012992, pursuant to the Land Development Code of the City of San Diego; 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 November 30, 2017.

PLANNED DEVELOPMENT PERMIT [SDMC Section 126.0604]

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

The adopted Kearny Mesa Community Plan does not contemplate Wireless Communication Facilities (WCFs), however, the City of San Diego's General Plan (UD-A.15) requires that "the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area." The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. The Sprint Kearny Villa project proposes a 75-foot-tall lattice tower that would conceal up to 16 panel antennas, one 2-foot diameter microwave dish and 32 Remote Radio Heads (RRHs). An existing 200-square-foot equipment enclosure will be used for Sprint's associated equipment.

The project site is zoned IL-2-1 and is designated Industrial and Business Park in the Kearny Mesa Community Plan. Pursuant to Land Development Code (LDC) Section 141.0420(c)(1)((A), a WCF in an industrial zone is allowed as a Limited Use, Process One; however, the project requires a Planned Development Permit (PDP) for two deviations. The first is a deviation from the IL-2-1 zone required side yard setback of 10 feet. The proposed location of the WCF is in an 18-foot wide side yard, which is set back from Kearny Villa Road and Topaz Way. The existing equipment enclosure Sprint intends to use is located in this side yard and encroaches 5 feet into the setback and the proposed tower, which will be located adjacent to the enclosure, will encroach 7 feet, 3 inches into the side yard setback.

The second deviation is from the WCF regulations (Land Development Code Section 141.0420(g)(2)), which require "integration with existing structures or among other existing uses through the use of architecture, landscape and siting solutions." The project site and the surrounding area is relatively low-scale in nature and the lattice tower, at 75 in height will be visible to the surrounding community. Sprint designed the tower to be aesthetically pleasing and respectful of the neighborhood context. All WCF components are concealed behind a high density mesh grid pattern with Montgomery Field spelled out vertically on the edge of each side of the tower. The tower will replace an existing 120-foot-tall Cell-On-Wheels (COW) currently on site, which provides Sprint with much-needed coverage. Every aspect of this project is considered an element of concealment including (but not limited to) the dimensions, build and scale, color, materials and texture. Additionally, the new lattice tower affords an opportunity to become a pleasant community landmark, which will not adversely affect the applicable land use plan or the City's General Plan.

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

The project is located at 5571 Kearny Villa Road in the Kearny Mesa Community Plan area. It proposes to remove an existing 120-foot-tall cell-on-wheels (COW) and replace it with a 75-foot tall lattice tower that would conceal up to 16 panel antennas, one 2-foot-diameter microwave dish and 32 Remote Radio Heads. An existing 200-square-foot equipment enclosure will be used for Sprint's associated equipment.

The project was determined to be exempt from CEQA pursuant to Section 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.

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 Radiofrequency Electromagnetic Fields Exposure Report was prepared by Dtech, which concluded that the project will be in compliance with FCC standards for RF emissions. Therefore, the project will not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

This project is located in the IL-2-1 zone of the Kearny Mesa Community Plan. WCFs are permitted in industrial zones as a Limited Use, Process One pursuant to Land Development Code (LDC) Section 141.0420(c)(1)(A). However, the project requires a PDP for two deviations.

The purpose of a PDP is to "to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations."

The first deviation is from the IL-2-1 zone required side yard setback of 10 feet. The proposed location of the WCF is in an 18-foot-wide side yard adjacent to a City of San Diego Public Utilities building. The existing equipment enclosure Sprint intends to use is located in this side yard and encroaches 5 feet into the setback. The proposed tower, which will be located adjacent to the enclosure, will encroach 7 feet, 3 inches into the side yard setback. A row of mature trees lines the adjacent property boundary immediately adjacent to the proposed WCF. The setback deviation allows the project to be located in an unused area of the lot that would not interfere with business operations on site and it maintains distance from both Kearny Villa Road (approximately 350 feet) and Topaz Way (approximately 170 feet). If the tower observed the required 10-foot setback, it would have to be located further into the interior of the lot in a less desirable location that would impact parking and the drive areas.

The second deviation is from the WCF regulations, LDC Section 141.0420(g)(2), which requires integration with existing structures or among other existing uses through the use of architecture, landscape and siting solutions. The project site and the surrounding area is relatively low scale in nature and the lattice tower, at 75 in height will be visible to the surrounding community. Sprint proposed a tech design consisting of high density mesh grid pattern screens mounted between the structural members and include Montgomery Field spelled out vertically on the edge of each side of the tower. Sprint designed the tower to conceal the WCF components and provide a community marker for Kearny Mesa.

The tower will replace an existing 120-foot-tall cell-on-wheels (COW) currently on site, which provides Sprint with much-needed coverage.

The requested deviations allow the tower to be set back from adjacent streets without interference to on-site operations while providing wireless coverage in a high traffic area and provides a design that will complement the surrounding community character. With the exception of the two deviations, the Sprint Kearny Villa project will comply with the regulations of the Land Development Code and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the IL-2-1 zone and any allowable deviations that are otherwise authorized pursuant to the LDC.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, PDP No. 2012992 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2012992, a copy of which is attached hereto and made a part hereof.

Karen Lynch Development Project Manager Development Services

Adopted on: November 30, 2017

IO # 24005949

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24005949

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 2012992 SPRINT KEARNY VILLA PROJECT NO. 428180 PLANNING COMMISSION

This Planned Development Permit (PDP) No. 2012992 is granted by the Planning Commission of the City of San Diego to City of San Diego, Owner, and Sprint, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0420 and 126.0602. The 1.94-acre site is located at 5571 Kearny Villa Road in the IL-2-1 zone of the Kearny Mesa Community Plan. The project site is legally described as: Lot 2 of Mesa Industrial Tract Unit No. 1 in the City of San Diego, County of San Diego, filed in the Office of the County Recorder of San Diego County, October 30, 1956.

Subject to the terms and conditions set forth in this Permit, permission is granted to Permittee for a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 30, 2017, on file in the Development Services Department.

The project shall include:

a. A 75-foot-tall lattice tower concealing up to 16 panel antennas, one 2-foot diameter microwave dish and 32 Remote Radio Heads;

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

- b. Use of an existing 200-square-foot equipment enclosure;
- c. Removal of the existing Cell-On-Wheels (COW) and associated outdoor equipment and platform shall be removed within 10 days of final inspection sign off; and
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 14, 2020.

2. This permit and corresponding use of this site shall expire on **December 14, 2027.** Upon expiration of this approval, 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 unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.

3. No later than ninety (90) days prior to the expiration of this approval, the Permittee may submit a new application to the Development Services Department for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.

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

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

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the 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 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 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 Permittee shall secure all necessary building permits. The 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 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 Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and 13. 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.

AIRPORT REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

15. The project proposes to export 14.5 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

16. 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.

17. 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.

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.

PLANNING/DESIGN REQUIREMENTS:

19. No exposed cabling is permitted.

- 20. The WCF shall conform to the approved construction plans.
- 21. Photo simulations shall be scanned on the construction plans.

22. The Cell-On-Wheels (COW) and all associated outdoor equipment and platform shall be removed within 10 days of final inspection sign off.

23. The City may require the Permittee to provide a topographical survey conforming to the provisions of the SDMC may be required if the City determines during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

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

25. Antennas and associated components, such as, but not limited to, Remote Radio Heads (RRHs), surge suppressors, etc., shall not exceed the height of any existing or proposed screen walls.

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

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

28. 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.

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

30. The Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational, in which case, the removal and the restoration of this site to its original condition is required.

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

INFORMATION ONLY:

- Please note that a Telecom Planning Inspection Issue will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 446-5351 to schedule an inspection of the completed facility. Please schedule this administrative inspection at least five working days ahead of the requested Final Inspection date.
- The issuance of this development permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

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

APPROVED by the Planning Commission of the City of San Diego on November 30, 2017 by Resolution No._____.

Permit Type/PTS Approval No.: PDP No. 2012992 Date of Approval: November 30, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Lynch Development Project Manager

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

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

City of San Diego Owner

By_

Cybele L. Thompson Real Estate Assets Director

Sprint Permittee

By_

NAME: TITLE:

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

NOTICE OF EXEMPTION

(Check one or both)

TO:

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

> Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814

Project Name: Sprint Kearny Villa Four

FROM: City of San Diego Development Services Department 1222 First Avenue, MS 501 San Diego, CA 92101

1 11 1

Project No.: 428180

Project Location-Specific: 5571 Kearny Villa Road, San Diego, CA 92123

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

Description of nature and purpose of the Project: The project proposes a Planned Development Permit (PDP) to allow for the installation of a Wireless Communication Facility (WCF) consisting of a new 75-foot-tall lattice tower concealing 16 antennas and 32 Remote Radio Heads. Existing Sprint equipment will be relocated to an equipment shelter on site. The existing Cell-on-Wheels (C.O.W.) will remain on site until the new site is built. The existing Sprint outdoor platform would also be removed. The project is designated for industrial use by the Kearny Mesa Community plan and is subject to the IL-2-1 zone.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: M&M Telecom, Inc. 6886 Mimosa Drive Carlsbad, CA 92011 (510) 508-9392

Exempt Status: (CHECK ONE)

- () Ministerial (Sec. 21080(b)(1); 15268);
- () Declared Emergency (Sec. 21080(b)(3); 15269(a));
- () Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- (X) Categorical Exemption: CEQA Section 15303 (New Construction or Conversion of Small Structures)

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project, as described in the Project Description section of this notice, meets the criteria set forth in CEQA Section 15303 which addresses the construction and location of limited numbers of new, small facilities or structures. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

Lead Agency Contact Person: Anna L. McPherson AICP

Telephone: (619) 446-5276

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 Revised May 2016

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

MCPherson Senior Planner

Signature/Title

September 18, 2017

Date

Check One: (X) Signed By Lead Agency () Signed by Applicant

Date Received for Filing with County Clerk or OPR:

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2.5LTE Coverage SD03XC048 by itself

Current Coverage 2.5LTE with SD03XC048



2.5LTE Coverage (Cluster minus SD03XC048)



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Sprint





Looking towards subject property

Looking away from subject property

SD03XC048 KEARNY VILLA FOUR













SD03XC048 KEARNY VILLA FOUR





SD03XC048 KEARNY VILLA FOUR



06/15/17

EXISTING

SD03XC048 Kearny Villa Four 5571 Kearny Villa Road San Diego, CA 92123





PROPOSED

PROPOSED SPRINT LATTICE TOWER WITH ANTENNAS AND RRH'S MOUNTED BEHIND FRP SCREENING

#1 LOOKING WEST TOWARD SITE FROM TOPAZ WAY (OPTION 2)









#5 LOOKING NORTHEAST TOWARD SITE FROM SEVILLE PLAZA PARKING LOT (OPTION 2)



THE CITY OF SAN DIEGO

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name:		Proj	ect Number:	Distribution Date:
orint- Kearny Villa Four		428180		3/20/2017
Project Scope/Location:			lag da k	
KEARNY MESA: Completness review for a PDP, I concealing (16) antennas, (32)RRHs, (1) growth o cabintes. Sprint equipement will be relocated to e	cabinet, (1) ent	itleme	nt cabinet and (1) new top hat on eisting BTS
Applicant Name:			Applicant l	Phone Number:
Sprint			858 720 01	66
Project Manager:	Phone Numbe	er:	Fax Number:	E-mail Address:
Karen Lynch	(619) 446-535	51	(619) 321-3200	KLynch@sandiego.gov
Committee Recommendations (To be completed for Vote to Approve	Mennher		Members No	Members Abstain
Vote to Approve	9	0 1 00	0	Ö
Vote to Approve With Conditions Listed Below	Member	s Yes	Members No	Members Abstain
Vote to Approve With Non-Binding Recommendations Listed Bel	Member ow	s Yes	Members No	Members Abstain
Vote to Deny	Member	s Yes	Members No	Members Abstain
D No Action (Please specify, e.g., Need further info quorum, etc.)	ormation, Split	vote, I	Lack of	Continued
NAME: JEFFREY SAILEN				
NAME: JEFFREY SAILEN	de la post		TITLE:	haild KMPG
SIGNATURE:			DATE:	3.16.17
Attach Additional Pages of Necessary.	City of San	inagem Diego nt Serv Avenue		



THE CITY OF SAN DIEGO

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

Community Planning Committee Distribution Form Part 1

and the second	Project Number:	Distribution Date:
Sprint- Kearny Villa Four		3/20/2017
and the second second		
growth cabinet, (1)	entitlement cabinet a	nd (1) new top hat on eisting BTS
	Applicant Phon	e Number:
	858 720 0166	
Phone Number:	Fax Number:	E-mail Address:
(619) 446-5351	(619) 321-3200	KLynch@sandiego.gov
Project City of 1	Management Division San Dicgo	
	Phone Number: (619) 446-5351 unity Planning Comm	Phone Number: Fax Number:



SD03XC048 KEARNY VILLA FOUR 5571 KEARNY VILLA RD. SAN DIEGO, CA 92123

VICINITY MAP
CITY OF SAN DIEGO KEARNY VILLA RD TOPAZ WAY SITE CLAREMONT MISA
THOMAS GUIDE PAGE: MAP: 1229 GRID: C7 - C7
ADDRESS: 5571 KEARNY VILLA ROAD SAN DIEGO, CA 62123
DIRECTIONS: FROM SAN DIEGO INTERNATIONAL AIRPORT, CA HEAD SOUTH ON N HARBOR DRWE. TURN LEFT ONTO W GRAPE STREET. TAKE I-5 S (SAN DIEGO FWT). TAKE CA-185 N TOWARD ESCONDIDO TAKE EATT B TOWARD CLAIREWONT MESA BLVD / KEARNY VILLA. ROAD ONTO VEARMY VILLA ROAD. ARRIVE AT KEARMY VILLA ROAD, DESTINATION IS ON THE RIGHT.
DRAWING NOTE THE BASE OF THESE DRAWINGS WERE TAKEN FROM "AS-BUILT" DRAWINGS PROVIDED BY SPRINT. THE ACCURACY OF THE AS-BUILT DRAWINGS WERE ASSULTED TO BE CORRECT AND WERE NOT THOROLIGHLY REVIEWED FOR ACCURACY.

ARCHITECT:
NOTH & SUAREZ ARCHITECTURE INC.
283 EAST WAIN STREET, SUITE 200 CL CAJON, CA 92021
618) 749-1305 819) 748-1391 (FAX)
619) /48-1391 (FAX)
SURVEYOR:
LOYD SURVEYING
18936 OLD TOWN FRONT ST, SUITE 203 Temecula. Ca 92590
951) 954-8847
PERMITS REQUIRED
LECAL DECODIDION
LEGAL DESCRIPTION
OT 2 OF MESA INDUSTRIAL TRACT UNIT NO. I IN THE CITY OF AN DIEGO, COUNTY OF SAN DIEGO, FILED IN THE OFFICE OF THE
COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 30, 1956.
SCALE

THE DRAWING SCALES SHOWN IN THIS SET REPRESENT THE CORRECT SCALE ONLY WHEN THESE DRAWINGS ARE PRINTED IN A 24" X 38" FORMAT. IF THIS DRAWING SET IS NOT 24" X 36", THIS SET IS NOT TO SCALE.

CONSULTANT TEAM

PROJECT SUMMARY

APPLICANT: SPRINT 9191 TOWNE CENTER DRIVE, SUITE 15D SAN DEGO, CALIFORNIA 92122 CONTACT: MARGAN MURPHY, PROJECT MANAGER (619) 985-8638

OWNER: CITY OF SAN DIEGO 1222 FIRST STREET SAN DIEGO, CA 92101

PROJECT DESCRIPTION:

• EXISTING SPRENT CELL-ON WHEELS (C.O.W) TO REMAIN UNTIL NEW SITE IS BUILT

© EXISTING (3) SPRINT ANTENNAS AND SUPPORTS ON TELESCOPING ANTENNA TOWER (1 ANTENNA PER SECTOR, 3 SECTORS TOTAL) TO BE REMOVED ONCE SITE IS BUILT

●INSTALL (1) NEW 78'-0" HIGH TOWER. ●INSTALL (16) NEW PANEL ANTENNAS MOUNTED TO PROPOSED LATTICE TOWER.

 INSTALL (32) NEW RRH'S MOUNTED BEHIND PROPOSED ANTENNAS.

• INSTALL (1) NEW GROWTN CABINET INSIDE EXISTING EQUIPMENT ENCLOSURE.

● INSTALL (1) NEW TOP HAT ON EXISTING STS CABINET. ● INSTALL (1) SPRINT 2'-0"# MICROWAVE DISH PIPE MOUNTED BEHIMD RF SCREENS ON NEW 75'-0" HICH TOWER

© EXISTING SPRINT EQUIPMENT WILL BE RELOCATED TO EXISTING PREFABRICATED SHELTER

. EXISTING SPRINT OUTDOOR PLATFORM TO BE REMOVED

JURISDICTION:	CITY OF SAN DIEGO 1222 FIRST STREET SAN DIEGO, CA 92101
ASSESSORS PARCEL NUMBER:	369-040-14
EXISTING ZONING:	IL-2-1
TOTAL SITE AREA:	84,395 SOFT (1.94 ACRES)
TYPE OF CONSTRUCTION (EXISTING):	II- A
OCCUPANCY OF EXISTING:	¥18
LEASE AREA:	
EXISTING EQUIPMENT COMPOUND:	±725 S.F.
NEW EQUIPMENT COMPOUND:	±765 S.F.
OCCUPANCY OF EXISTING: LEASE AREA: EXISTING EQUIPMENT COMPOUND:	₩~18 ±725 S.F.

SHEET SCHEDULE

 T-1
 TITLE SHEET & PROJECT DATA

 A-0
 SITE PLAN

 A-1
 ENLARGED SITE PLANS

 A-2
 EQUIPMENT PLANS

 A-3
 EXTERIOR ELEVATIONS

A-4 EXTERIOR ELEVATIONS

151

A-5 ANTENNA PLAN & TOWER ELEVATIONS D-1 DETAILS

DETAILS SITE SURVEY GENERAL INFORMATION

LS2 SITE SURVEY GENERAL INFORMATION

APPLICABLE CODE

ALL WORK SHALL COMPLY WITH THE FOLLOWING APP CALIFORNIA STATE BUILDING CODE, TITLE 24, 2016 I CALIFORNIA FLUMBING CODE, 2016 EDITION CALIFORNIA MECHANICAL CODE, 2016 EDITION CALIFORNIA ELECTRICAL CODE, 2016 EDITION CALIFORNIA FIRE CODE, 2016 EDITION CALIFORNIA ENERGY CODE, 2016 EDITION

IN THE EVENT OF CONFLICT, THE WOST RESTRICTIVE Shall prevail

ACCESSIBILITY DISCLA

THIS PROJECT IS AN UNOCCUPIED WIRELESS PCS TELECOMMUNICATIONS FACILITY AND, ACCORDING TD INTERPRETATION FROM THE CALIFORMIA DEPARTMENT ARCHITECT. IS EXEMPT FROM DISABLED ACCESS REQU

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TOP OF PROPOSED TOWER

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EXISTING BUILDING

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22'-2' AGL EXISTING SPRINT SHELTER 0'-0" AGL EQUIPMENT SHELTER

TOP OF PROPOSED SPRINT ANTENNAS

TOP OF PROPOSED TOWER



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5571 KEARNY VILLA RD. SAN DIEGO, CA 92123 CITY OF SAN DIEGO DRAWING DATES 05/01/15 90X ZD (em) 05/14/15 100X ZD (em) 05/14/15 100X ZD REVISION 1 (em) 05/14/15 100X ZD REVISION 2 (em) 03/16/15 100X ZD REVISION 3 (em) 03/17/15 90X ZD REVISION 4 (em) 03/16/15 100X ZD REVISION 4 (em) 03/16/17 100X ZD REVISION 5 (em) 03/16/17 100X ZD REVISION 6 (em)			
SAN DIEGO, CA 92123 CITY OF SAN DIEGO DRAWING DATES 05/01/15 00X ZD (ge) 03/12/15 100X ZD (ge) 03/12/15 100X ZD (RVISION 1 (ge) 03/12/15 100X ZD RVISION 2 (ge) 03/12/15 100X ZD RVISION 3 (ic) 03/12/15 100X ZD RVISION 3 (ic) 03/12/15 100X ZD RVISION 4 (ic) 03/22/16 100X ZD RVISION 5 (ic) 03/22/16 100X ZD RVISION 5 (ic) 03/02/16 100X ZD REVISION 5 (ic) 03/02/16 100X ZD REVISION 6 (ic) 02/17/17 100X ZD REVISION 6 (ic) 02/10/17 100X ZD REVISION 6 (ic) 03/10/17 100X ZD REVISION 6 (ic)			
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DETAILS			
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ENSION OR "TOP HAT" LBS (PULLY LOADED) AF AR AGGREGATION ROUTER						
ACHED TO EQUITING BITS NG MANUFACIURES MOUNTING IKET EACH SIDE WITH (2) M12 WASHERS, AND FLAT WASHER).						
2	- - 1	5. 1.22				
	TOP VIEW					
CAB EXTENSION)	SCALE N.T.S.	5				
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