

Report to the Planning Commission

DATE ISSUED: July 13, 2023 REPORT NO. PC-23-028

HEARING DATE: July 20, 2023

SUBJECT: CROWN CASTLE AT&T ARDATH ROAD, Process Four Decision

PROJECT NUMBER: <u>1070777</u>

OWNER/APPLICANT: FRESH START VENTURES, LLC, Owner, and AT&T MOBILITY /CROWN CASTLE,

Permittees

SUMMARY

<u>Issue</u>: Should the Planning Commission approve a Conditional Use Permit (CUP) and Site Development Permit (SDP) for the continued use of an existing Wireless Communication Facility (WCF) located at 7990 Via Capri in the La Jolla Community Plan Area?

Staff Recommendations:

- 1. **Approve** CUP No. 3182418, and
- *2.* **Approve** SDP No. 3225133.

<u>Community Planning Group Recommendation</u>: The applicant has elected to appear before the Planning Commission without presenting the Project to the La Jolla Community Planning Group. The applicant had tried multiple times to get on their schedule and did not receive any communications from them.

Environmental Review:

This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Existing Facilities). The project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 30, 2023, and the opportunity to appeal that determination ended June 13, 2023 (Attachment 7).

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

<u>Code Enforcement Impact</u>: None.

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

BACKGROUND and DISCUSSION

The Crown Castle AT&T Ardath Road (Project) proposes the continued use of a AT&T Wireless Communication Facility (WCF) at this location in the backyard of a single-family development. The project consists of an existing 20-foot faux shrub (monoshrub) located at 7990 Via Capri within the LJSPD-SF Zone and the Coastal Overlay Zone (Non-Appealable 1) of the La Jolla Community Plan. The La Jolla Community Plan designates the property as Very Low Density Residential. Surrounding uses include single-unit residential development to the north and west. Open space is located to the south and east. La Jolla Parkway (previously Ardath Road) is at the base of the hillside to the northeast (Attachments 1-3). The previous approval of a Site Development Permit (SDP) No. 955851, Conditional Use Permit (CUP) No. 875407, and Coastal Development Permit (CDP) No. 875408 expired on November 29, 2022 with a 10-year term. The previous permit allowed eight (8) antennas and 16 Remote Radio Units (RRUs). The Project currently has six (6) antennas and eight (8) RRUs and the auxiliary equipment is located near the WCF further up the slope. All equipment is concealed by the faux shrubs and adjacent real trees and shrubs. The Project as proposed requires a CUP and an SDP per SDMC 141.0420(c)(1)(A)(i) and SDMC 126.0502(a), respectively. The Project does not include any modifications to the existing WCF. For this reason, a CDP that is typically required in a Coastal Overlay Zone under San Diego Municipal Code (SDMC) section 126. 0704(a) is not required.

The WCF is on the eastern part of the parcel in the setback, which allows the WCF to be located away from the existing residential use on site (Figures 1 and 2). The project complies with the Wireless Communication Facility Guidelines as a Faux Natural Elements monoshrub.



Figure 1 East view of existing WCF monoshrub from La Jolla Parkway



Figure 2: Southerly view of existing WCF monoshrub from La Jolla Parkway

WCFs are permitted in all zones Citywide with the appropriate permit process. Council Policy 600-43 assigns preference levels to WCFs proposed on different land uses, with Preference 1 being the highest and Preference 4 the lowest. The most preferred locations being Preference 1 which are generally non-residential uses/zones and are permitted ministerially and the least preferred locations are residential uses in residential zones and are Preference 4, requiring a Process Four, CUP. This Project is located in a single-family zone which is a Preference 4 according to the Council Policy.

This WCF has been in AT&T's network since 1995. The permits for this WCF expired on November 29, 2022. The purpose and intent of an expiration date is to allow the City to analyze the WCF design with the current surrounding development in addition to upgrading the WCFs to address any advancements in designs and innovations. To continue use of the WCF, this new application was created on September 8, 2022. The Project's permit will include a 10-year expiration date. In reviewing the aerial maps provided with the application, it is evident that the area is surrounded by residential uses at location and this Preference 4 location is the most viable option in the area (Attachment 1). The project site provides service to AT&T Mobility customers traveling in and around the La Jolla Parkway area as well as portions of Interstate 5 and Highway 52. The existing WCF provides critical voice and data service throughout the surrounding area. Continued operation of this site is necessary to maintain the existing levels of service to the area for AT&T. The site is an integral part of telecommunication networks, as the site's operation is closely coordinated with other sites in the area. Coverage maps demonstrate the existing coverage provided on the property and the predicted loss of coverage without the continuing of the WCF (Attachment 6). A degradation of the existing service could have a significant impact on customers and essential emergency communication services.

Pursuant to San Diego Municipal Code (SDMC) section 141.0420(c)(1)(A)(i) the Project requires a CUP when a WCF is located in a residential zone. The Project parcel is located in the Coastal Overlay Zone (Non-Appealable 1), however the project is existing and does not contain any modifications, so a new CDP is not required. Additionally, pursuant to SDMC section 126.0502(a), a SDP is required when a development is located on a parcel with environmentally sensitive lands such as steep hillsides.

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." A Radio Frequency – Electromagnetic Energy (RFE-EME) Compliance Report dated August 18, 2022 from Waterford was submitted to the City verifying that the proposed project meets or exceeds the requirements of the FCC. The report will be stamped as Exhibit "A" and provided within the project file.

Community Plan Analysis:

The La Jolla Community Plan and Local Coastal Program Land Use Plan states that telecommunication structures should be analyzed for visual impact in addition to ensuring public review and comment for those facilities located in residential area. It also recommends that the Citywide Telecommunications Policy be adhered to. The City of San Diego's General Plan (UD-A.15) requires that the visual impact of wireless facilities be minimized by concealing them inside existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities shall be concealed from view. Pursuant to the San Diego Land Development Code, communication antennas are permitted in all zones citywide with the appropriate permit process. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is, among other things, to camouflage facilities from public view.

In this case, the antennas are mounted near the top of the monoshrub. The WCF is integrated and screened by mature trees and shrubs that surround the WCF (Attachment 11). Any branches that are discolored or damaged will be replaced with new branches. Branches will project 24-inches past the antenna and the antenna socks. Antenna socks are designed to help supplement conceal the antennas within the leaves. The design of the WCF is respectful of the neighborhood context and does not adversely affect the applicable land use plans.

Conclusion:

The Project's design effectively integrates with the architecture of the surrounding community, meeting the purpose and intent of the Wireless Communication Ordinance (<u>SDMC 141.0420</u>), the <u>Wireless Design Guidelines</u> and <u>Council Policy 600-43</u>. City staff has prepared draft findings in the affirmative to approve the Project and recommends approval of CUP No. 3182418 and SDP No. 3225133 (Attachment 5).

ALTERNATIVES

- 1. Approve CUP No. 3182418 and SDP No. 3225133, with modifications; or
- 2. Deny CUP No. 3182418 and SDP No. 3225133, 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,

Simon Tse

Supervising Development Project Manager Development Services Department

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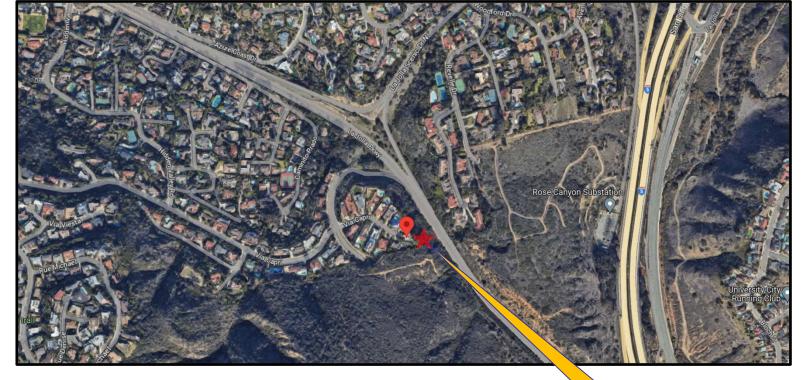
Development Project Manager Development Services Department

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Attachments:

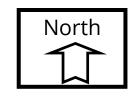
- 1. Aerial Photographs
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Draft Permit Resolution with Findings
- 5. Draft Permit with Conditions
- 6. Coverage Maps
- 7. Environmental Exemption
- 8. Ownership Disclosure Form
- 9. Photo Survey
- 10. Photo Simulations
- 11. Project Plans





Aerial Photograph

CROWN CASTLE AT&T ARDATH ROAD Project No. 1070777
7990 Via Capri

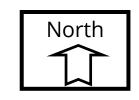




La Jolla Land Use Map

CROWN CASTLE AT&T ARDATH ROAD Project No. 1070777
7990 Via Capri





PLANNING COMMISSION RESOLUTION NO. XXX CONDITIONAL USE PERMIT NO. 3182418 SITE DEVELOPMENT PERMIT NO. 3225133

CROWN CASTLE AT&T ARDATH ROAD PROJECT NO. 1070777

WHEREAS, FRESH START VENTURES, LLC, Owner, and CROWN CASTLE AND AT&T MOBILITY,
Permittees, 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 Nos. 3182418 and No. 3225133);

WHEREAS, the project site is located at 7990 Via Capri within the LJSPD-SF Zone of the La Jolla Community Plan area, Coastal Overlay Zone (Non-Appealable 1), and Environmentally Sensitive Lands (Steep hillsides);

WHEREAS, the project site is legally described as Lot 36 of Azure Coast Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6662, filed in the Office of the County Recorder of San Diego County, June 11, 1970;

WHEREAS, on May 30, 2023, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on July 20, 2023, the Planning Commission of the City of San Diego considered Conditional Use Permit (CUP) No. 3182418 and Site Development Permit (SDP) No. 3225133 pursuant to the Land Development Code of the City of San Diego;

following findings with respect to CUP No. 3182418 and SDP No. 3225133:

A. <u>CONDITIONAL USE PERMIT [SDMC Section 126.0305]</u>

- 1. Findings for all Conditional Use Permits:
 - a. The proposed development will not adversely affect the applicable land use plan.

The Crown Castle AT&T Ardath Road (Project) proposes the continued use of an AT&T Wireless Communication Facilities (WCF). The existing WCF consists of an existing 20-foot faux shrub (monoshrub) with six (6) panel antennas and eight (8) Remote Radio Units (RRUs). The Project does not propose any change to the WCF and associated equipment. The associated 52.25-square-foot existing equipment will continue to be located adjacent to the WCF with four (4) cabinets. The equipment enclosure will remain concealed among existing vegetation.

The La Jolla Community Plan and Local Coastal Program Land Use Plan states that telecommunication structures should be analyzed for visual impact in addition to ensuring public review and comment for those facilities located in residential area. It also recommends that the Citywide Telecommunications Policy be adhered to. The City of San Diego's General Plan (UD-A.15) requires that the visual impact of wireless facilities be minimized by concealing them inside existing structures or using screening techniques to hide or blend them into the surrounding area. The plan 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 shall be concealed from view. The project is located in the backyard of a hillside home. The facility is screened through use of the monoshrub and existing surrounding mature trees and shrubs. The General Plan was updated to include Section L. Information Infrastructure, Policy PF-L.5 that indicates the City should work with private telecommunication service providers to develop and maintain an integrated information infrastructure system. Lastly, the City will continue to pursue and encourage the proper planning and provision of information infrastructure. Unlike planning for traditional infrastructure such as water and sewer lines, planning for high-tech infrastructure has materialized in the new century in the wake of rapidly evolving technologies. The continuous evolution and coalescence of data, telephones, cellular telephones, televisions, video, satellites, personal digital assistants, internet, personal computers, and other technical devices has created a new era of unlimited interactive communications possibilities. Planning, providing, and supporting communication and information infrastructure will provide a vital framework for economic growth, educational opportunities, integrated development patterns, and quality of life issues in San Diego.

Pursuant to the San Diego Land Development Code, communication antennas are permitted in all zones citywide with the appropriate permit process. Wireless

communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is, among other things, to camouflage facilities from public view.

Any branches that are discolored or damaged will be replaced with new branches. Branches will project 24-inches past the antenna and the antenna socks. Antenna socks are designed to help conceal the antennas within the leaves. The design of the WCF is respectful of the neighborhood context and does not adversely affect the applicable land use plans. As designed, the Project complies with the WCF regulations, by integrating the Project into the surrounding community, thereby reducing any potential visual impacts. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The Project proposes the continued use of a WCF. The existing WCF consists of an existing 20-foot, faux shrub (monoshrub) with six (6) panel antennas and eight (8) Remote Radio Units (RRUs). The Project does not propose any change to the WCF and associated equipment. The associated 52.25-square-foot existing equipment will continue to be located adjacent to the WCF with four (4) cabinets. The equipment enclosure will remain concealed among existing vegetation.

The Project is determined to be exempt from CEQA section 15301 (Existing Facilities). The conditions of approval for the Project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. These include, but not limited to concealment requirements, setback limitations and electromagnetic fields controls. 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.

This existing WCF has been active on this site since 1995. The WCF provides critical voice and data service throughout the surrounding area. Continued operation of this site is necessary to maintain the existing levels of service to the area for AT&T. The site is an integral part of telecommunication networks, as the site's operation is closely coordinated with other sites in the area. Coverage maps demonstrate the existing coverage provided on the property and the predicted loss of coverage without the continuation of the WCF. A degradation of the existing service could have a significant impact on customers and essential emergency communication services.

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." A Radio Frequency – Electromagnetic Energy

(RFE-EME) Compliance Report (Report) dated August 18, 2022 from Waterford was submitted to the City verifying that the proposed Project meets or exceeds the requirements of the FCC. The Report will be stamped as Exhibit "A" and provided within the Project file. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

Project proposes the continued use of a WCF. The existing WCF consists of an existing 20-foot faux shrub (monoshrub) with six (6) panel antennas and eight (8) Remote Radio Units (RRUs). The Project does not propose any change to the WCF and associated equipment. The associated 52.25-square-foot existing equipment will continue to be located adjacent to the WCF with four (4) cabinets. The equipment enclosure will remain concealed among existing vegetation.

This Project complies with the regulations of the Land Development Code, specifically the WCF Regulations, San Diego Municipal Code (SDMC) section 141.0420. WCFs are permitted in residential zones with a residential use with the processing of a Conditional Use Permit. No deviations are proposed as part of this project.

The WCF Design Requirements (SDMC 141.0420(e)(1)) state that WCFs shall utilize the smallest, least visually intrusive antennas, components, and other necessary equipment. Furthermore, the applicant shall use reasonable means to conceal or minimize the visual impacts of the WCF through integration. Integration with existing structures of among other existing uses shall be accomplished through the use of architecture, landscape, and siting solutions. In this case, the existing panel antennas are located on an existing monoshrub screening structure. Surrounding vegetation, including mature trees and shrubs, will act to improve the appearance of the WCF as seen from the public right-of-way and adjacent properties. Based on the design of the WCF, the Project complies with the applicable regulations of the Land Development Code.

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

The Project proposes the continued use of a WCF. The existing WCF consists of an existing 20-foot faux shrub (monoshrub) with six (6) panel antennas and eight (8) Remote Radio Units (RRUs). The Project does not propose any change to the WCF and associated equipment. The associated 52.25-square-foot existing equipment will continue to be located adjacent to the WCF with four (4) cabinets. The equipment enclosure will remain concealed among existing vegetation.

The existing WCF was previously approved on November 12, 2012 with a 10-year term. The City of San Diego encourages wireless carriers to locate on non-residential properties but does allow locations on residential properties as set forth in the Council policy. The existing WCF provides critical voice and data service throughout the surrounding area. Continued operation of this site is necessary to maintain the existing levels of service to the area for AT&T. The site is an integral part of telecommunication networks, as the site's operation is closely coordinated with other sites in the area. Coverage maps demonstrate the existing coverage provided on the property and the predicted loss of coverage without the project. A degradation of the existing service could have a significant impact on customers and essential emergency communication services. The location is preferred because it allows the existing faux shrub and equipment to remain in the same location and will not need to construct another WCF on a different parcel to maintain service. The relocation of an existing WCF could have negative impacts on the overall performance of the network in the area, resulting in possible coverage gaps between sites. For these reasons, the existing site is preferred, and no other properties are suitable candidates. The WCF is located on the eastern part of the parcel, and as such, the WCF will reduce impacts to the property site by being located as far from the residences as possible and being located near the existing mature vegetation in the surrounding area. The location of the WCF, located on the slope in the backyard of a residential development adjacent to La Jolla Parkway, is compatible with the existing residential development and nearby open space areas. Therefore, the proposed use is appropriate at the proposed location.

B. <u>SITE DEVELOPMENT PERMIT [SDMC Section 126.05054</u>

- 1. Findings for all Site Development Permits:
 - a. The proposed development will not adversely affect the applicable land use plan.

As outlined in CUP Finding No. A.1.a. listed above, the proposed development will not adversely affect the applicable land use plan.

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

As outlined in CUP Finding No. A.1.b. listed above, the proposed development will not adversely affect the applicable land use plan.

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

As outlined in CUP Finding No. A.1.c. listed above, the proposed development will not adversely affect the applicable land use plan.

2. <u>Supplemental Findings - Environmentally Sensitive Lands</u>

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

The Project site is located on the rear portion of a single-family development. The home and backyard are relatively flat, but beyond the pad area the lot slopes steeply down to La Jolla Parkway where the majority of the property is considered steep slopes. A Site Development Permit is required in order to ensure the development proposed for this project complies with the Environmentally Sensitive Lands regulations. No work is associated with the Project as the WCF requires zoning approval to continue the use. The Project complies with the regulations contained within the San Diego Land Development Code.

 The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

The Project does not contain any modifications or grading. All portions of the Project are existing, including the faux shrub and surrounding vegetation.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;

The Project is located on the rear portion of a single-family development on a steeply sloping embankment. There are two bench cuts running horizontally across the entire embankment. The majority of the project is proposed on the upper bench cut. The Project does not contain any modifications or grading. All portions of the Project are existing, including the faux shrub and surrounding vegetation. When the Project was initially constructed, minimal excavation and trenching were required for the conduit and the post for the faux shrub structure. All of these areas were restored to the original condition and revegetated as appropriate.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP);

The Project site is not located in the MHPA nor is it located immediately adjacent to

it.

e. The proposed development will not contribute to the erosion of public beaches

or adversely impact local shoreline sand supply; and

The Project site is located approximately one and a half miles east of the Pacific

Ocean; therefore, it will not contribute to the erosion of public beaches or adversely

impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is

reasonably related to, and calculated to alleviate, negative impacts created by

the proposed development.

No negative impacts occur as a result of this Project proposal and no mitigation is

required. However, there are permit conditions added to alleviate impacts such as integrating and concealing the project into the site. This will include having antenna

socks covering the shrub's equipment, branch density, and the shrub's equipment will have branches extending 24 inches past the equipment to help conceal into the

shrub.

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, CUP No. 3182418 and SDP No. 3225133 is hereby GRANTED by the Planning

Commission to the referenced Owner/Permittees, in the form, exhibits, terms and conditions as set

forth in Permit Nos. 3182418 and 3225133, a copy of which is attached hereto and made a part

hereof.

lan Heacox

Development Project Manager

Jan Heacox

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Development Services

Adopted on: July 20, 2023

IO#: 11003679

RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 11003679

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 3182418
SITE DEVELOPMENT PERMIT NO. 3225133
CROWN CASTLE AT&T ARDATH ROAD PROJECT NO. 1070777
PLANNING COMMISSION

This Conditional Use Permit (CUP) No. 3182418 and Site Development Permit (SDP) No. 3225133 is granted by the Planning Commission of the City of San Diego to FRESH START VENTURES, LLC, Owner, and CROWN CASTLE AND AT&T MOBILITY, Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0302, 126.0502, 141.0420 and 1510.0301. The site is located at 7990 Via Capri within the LJSPD-SF Zone and the Coastal Overlay Zone (Non-Appealable 1) of the La Jolla Community Plan area. The project site is legally described as Lot 36 of Azure Coast Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6662, filed in the Office of the County Recorder of San Diego County, June 11, 1970;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittees for a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 20, 2023, on file in the Development Services Department.

The project shall include:

- a. A WCF consisting of (1) AT&T 20'-0" tall existing faux shrub supporting six (6) panel antennas measuring 59" \times 19" \times 7.7" and 38" \times 20.6" \times 8.6" and eight (8) Remote Radio Units with antenna socks installed; and
- b. Associated 52.25-square-foot equipment enclosure with four (4) cabinets; and
- c. Public and private accessory improvements determined by the Development Services
 Department to be consistent with the land use and development standards for this site in
 accordance with the adopted community plan, the California Environmental Quality Act

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

STANDARD REQUIREMENTS:

- 1. This Permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by August 3, 2026.
- 2. No later than ninety (90) days prior to the expiration of this approval, the Permittees may submit a new application to the Development Services Department for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.
- 3. This Conditional Use Permit and corresponding use of this site shall expire on **July 20, 2033**. 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.
- 4. Under no circumstances, does approval of this permit authorize the Owner/Permittees to utilize this site for WCF purposes beyond the permit expiration date. Use of this permit approval beyond the expiration date of this permit is prohibited.
- 5. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittees 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/Permittees 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/Permittees 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/Permittees shall secure all necessary building permits. The Owner/Permittees 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/Permittees 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/Permittees 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.

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

matter. However, the Owner/Permittees shall not be required to pay or perform any settlement unless such settlement is approved by the Owner/Permittee.

LANDSCAPE REQUIREMENTS:

- 14. The Owner/Permittees shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
- 15. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittees shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

WCF-TELECOM REQUIREMENTS:

- 16. Every aspect of this project is considered an element of concealment including but not limited to the dimensions, bulk and scale, color, materials, and texture. Any future modifications to this permit must not defeat concealment.
- 17. No overhead cabling is permitted.
- 18. The WCF shall conform to the approved construction plans.
- 19. Photo simulations shall be printed in color on the construction plans.
- 20. The City may require the Owner/Permittees 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 Owner/Permittees.
- 21. The Owner/Permittees shall install and maintain appropriate warning signage and barriers on the WCF as required by State and Federal regulations. The Owner/Permittees shall be responsible for complying with all State and Federal regulations.
- 22. Antennas and associated components, such as, but not limited to, remote radio units (RRUs), surge suppressors, etc., shall be concealed by branches at all times and shall not negatively affect the appearance of the tree.
- 23. The accuracy and validity of the RF Compliance Report, submitted by the Permittees, shall be assured while the WCF is in operation. If requested by the City, the Owner/Permittees shall provide

an updated RF Compliance Report to address any issues associated with the emitting components of the WCF.

- 24. All equipment, including transformers, emergency generators and air conditioners belonging to the Owner/Permittees shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.
- 25. All facilities and related equipment shall be maintained in good working order. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.
- 26. The Owner/Permittees 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.
- 27. All proposed hand-holes shall be covered with bark material to match the mono-shrub trunk to the satisfaction of the Development Services Department.
- 28. All coaxial conduits shall be routed up through the caisson and into the tree to the satisfaction of the Development Services Department. "Doghouse" cable housings are not permitted.
- 29. All branches at the antenna level shall extend a minimum of 24-inches beyond the entire vertical face of each antenna to the satisfaction of the Development Services Department.
- 30. All exposed cables, brackets and supports shall be painted to match the faux tree foliage to the satisfaction of the Development Services Department.
- 31. Antenna socks fully covering the front and back of the antennas (and any other components) shall be used.
- 32. 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 Development Services Department Wireless
Communication Facilities staff listed on City webpage,
https://www.sandiego.gov/development-services/codes-regulations/wireless-communication-facilities, to schedule an inspection of the completed facility. Please schedule this
administrative inspection at least five working days ahead of the requested Final Inspection
date.

- The issuance of this development permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on July 20, 2023.

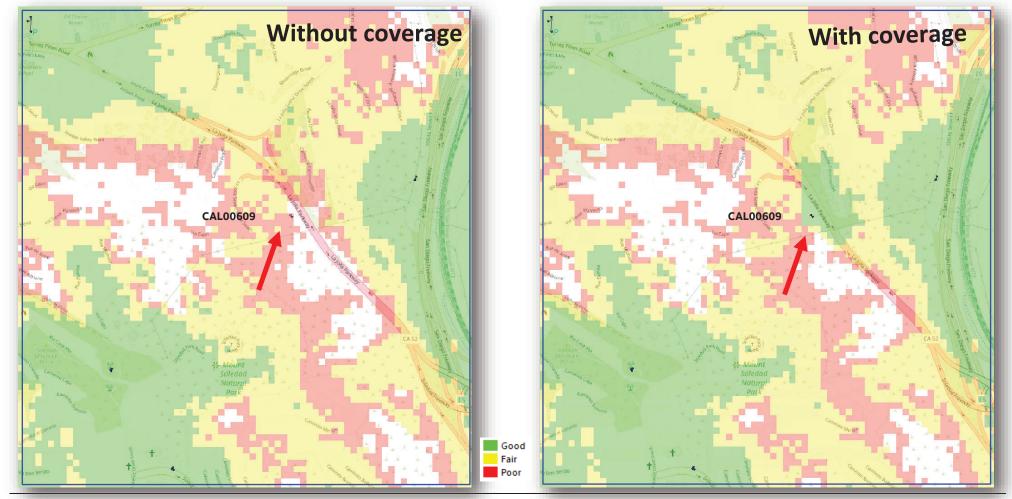
Conditional Use Permit No. 3182418 Site Development Permit No. 3225133 July 20, 2023

ALITHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

AUTHENTICATED BY THE CITY OF SAN DIEGO	DEVELOPMENT SERVICES DEPARTMENT
lan Heacox	
Development Project Manager	
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.	
	xecution hereof, agrees to each and every condition of nd every obligation of Owner/Permittees hereunder.
	FRESH START VENTURES, LLC
	Owner
	Ву
	NAME:
	TITLE:
	AT&T MOBILITY
	Permittee
	By
	NAME:
	TITLE:
	Crown Castle
	Permittee
	Dv
	By <i>NAME:</i>
	TITLE:

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

CAL00609





NOTICE OF EXEMPTION

(Check	one or b	oth)		
то:		Recorder/County Clerk P.O. Box 1750, MS A-33 1600 Pacific Hwy, Room 260 San Diego, CA 92101-2400	From:	City of San Diego Development Services Department 1222 First Avenue, MS 501 San Diego, CA 92101
		Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814		
Proje	ect Nar	me/Number: CROWN CASTLE AT&T ARDATH RO	OAD /1070	777
SCH	No.: N	ot Applicable		
Proje	ect Loc	ation-Specific: 7990 Via Capri San Diego, CA 92	037	
Proje	ect Loc	ation-City/County: San Diego/San Diego		
(SDP) 52-sq locate) to con quare-fo ed at 7	of nature and purpose of the Project: Conditional time the operation of an existing WCF with no coot monoshrub enclosure housing (12) antennas 1990 Via Capri in the Coastal Zone (non-appealabine WCF is unmanned and is not for human habit	changes. Tl s and (6) ra le), the La	he existing project consists of an at grade, adio remote units (RRU)'s. The property is
Nam	e of Pu	ublic Agency Approving Project: City of San Die	ego	
		erson or Agency Carrying Out Project: Shelly k 519) 208-4685.	(ilbourn, P	lanCom, Inc., 302 State Place, Escondido,
Exem	Minist Declar Emerg Catego	erial (Sec. 21080(b)(1); 15268) red Emergency (Sec. 21080(b)(3); 15269(a)) gency Project (Sec. 21080(b)(4); 15269 (b)(c)) orical Exemption: CEQA Section 15301 (Existing ory Exemptions:	Facilities)	
that that the Facility mino existing was contacted to the facility of the faci	the pro ties). So r altera ing at tl deemed	ny project is exempt: The City of San Diego corject would qualify to be categorically exempt fro ection 15301 Section allows for the operation, restion of existing facilities (public or private), involue time of the determination. Since the project per dispropriate, and no environmental impacts we belines Section 15300.2 apply.	m CEQA p pair, main ving neglig proposes n	ursuant to Section 15301 (Existing tenance, permitting, leasing, licensing, or gible or no expansion of use beyond that o expansion of the existing, the exemption
Lead	Agend	zy Contact Person: Jeff Szymanski		Telephone: (619) 446-5324
	Attach	pplicant: I certified document of exemption finding. I notice of exemption been filed by the public age	ency appro	ving the project? ☐ Yes ☐ No

Revised May 2018

Augue, Senior Plann	<u>6/30/2023</u>
Signature/Title	Date
Check One: ☑ Signed By Lead Agency ☐ Signed by Applicant	Date Received for Filing with County Clerk or OPR:

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

PHOTO STUDY & KEY MAP

Crown Castle
"Ardath"

7990 Via Capri La Jolla, CA 92037

Prepared for:

City of San Diego Development Services Department

> 1222 First Avenue San Diego, CA 92101

> > Prepared by:

PlanCom, Inc.
Contractor Representatives for
Crown Castle

302 State Place Escondido, CA 92029 Contact: Shelly Kilbourn, Planning Consultant (619) 208-4685

September 8, 2022



North and East Elevations – Photo 1



North and East Elevations close up



South and West Elevations Close up



South and West Elevations



Equipment Location



View East



View North and West



View South



Aerial Key Map

PHOTO STUDY & KEY MAP

Crown Castle "Ardath"

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Equipment Location



View East



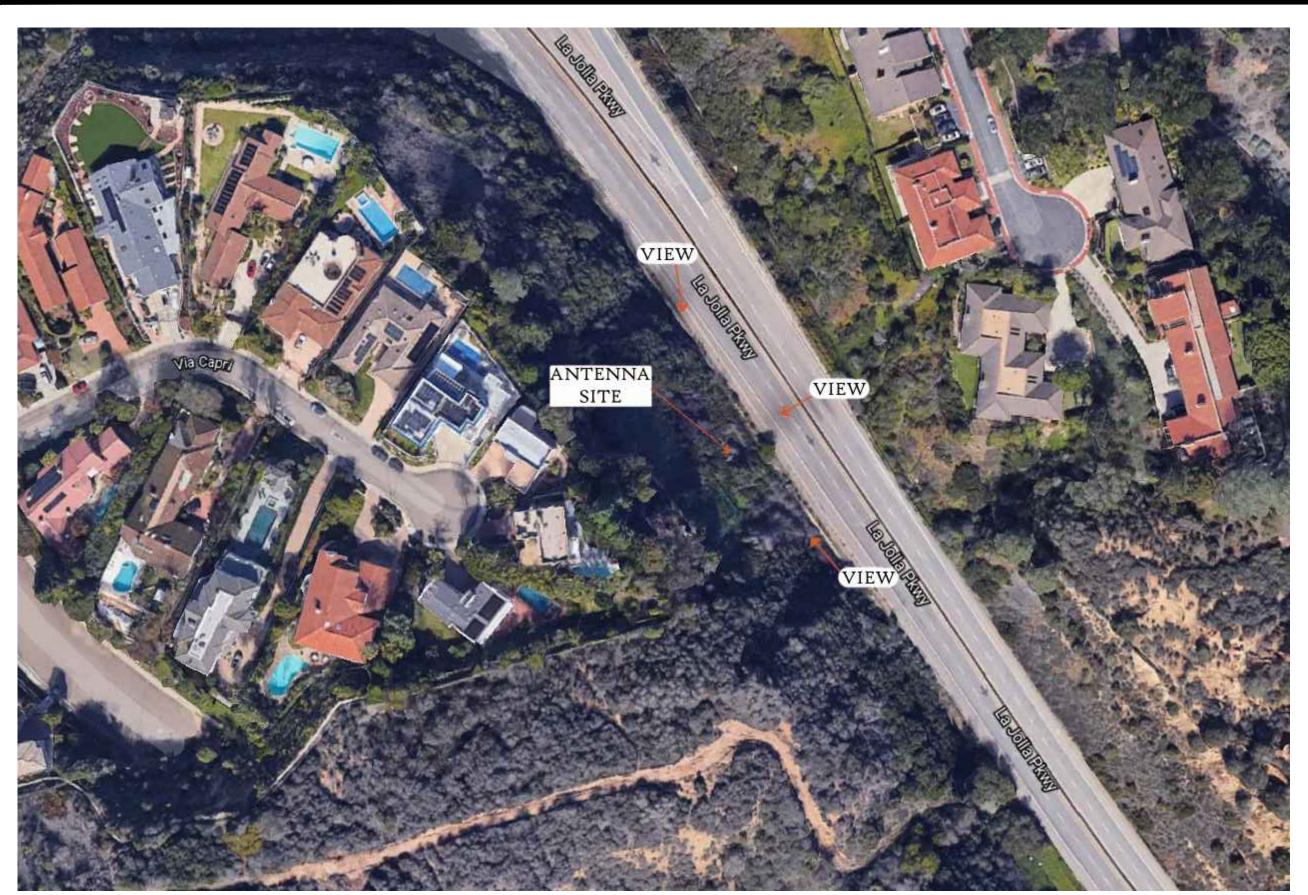
View North and West



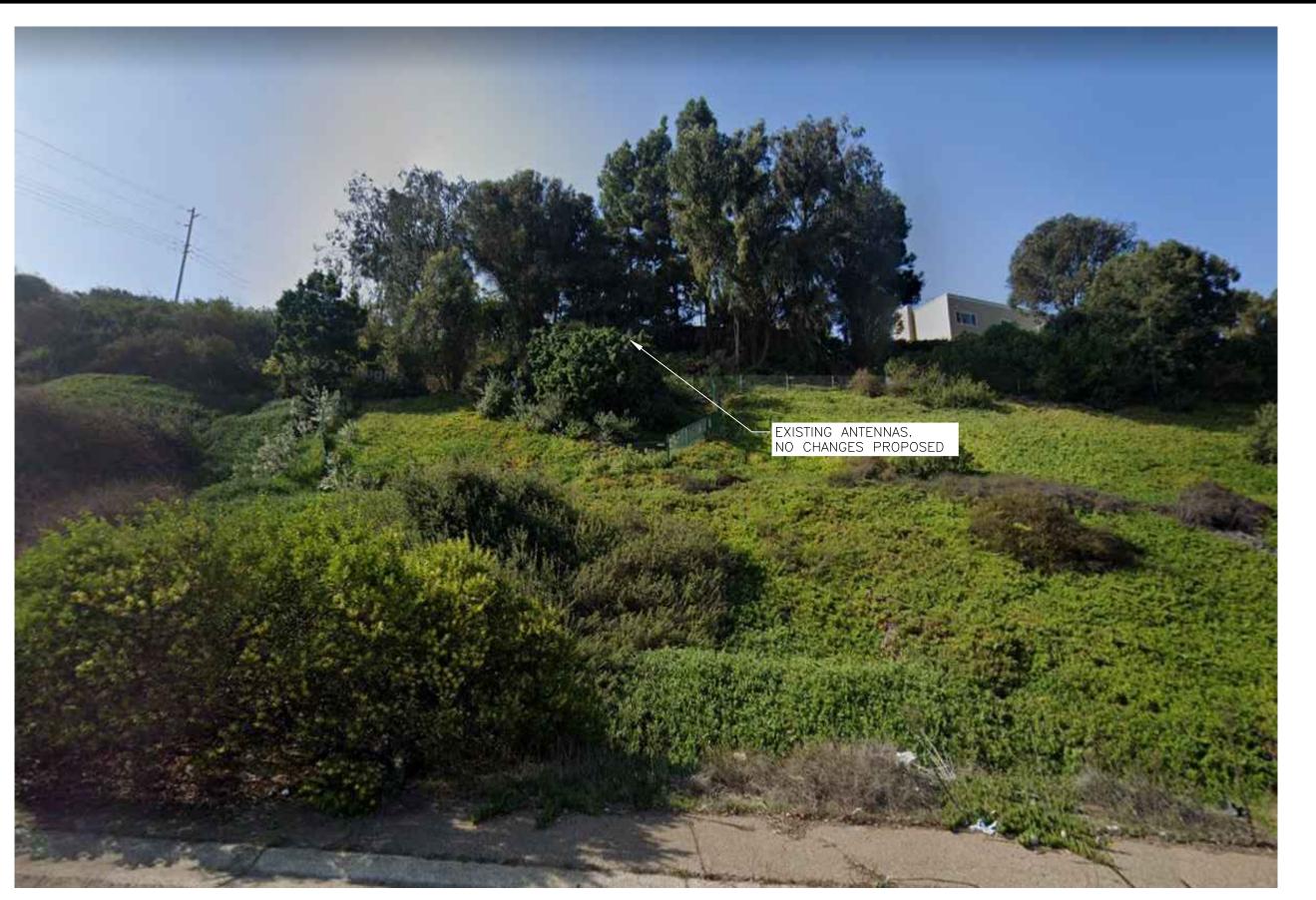
View South



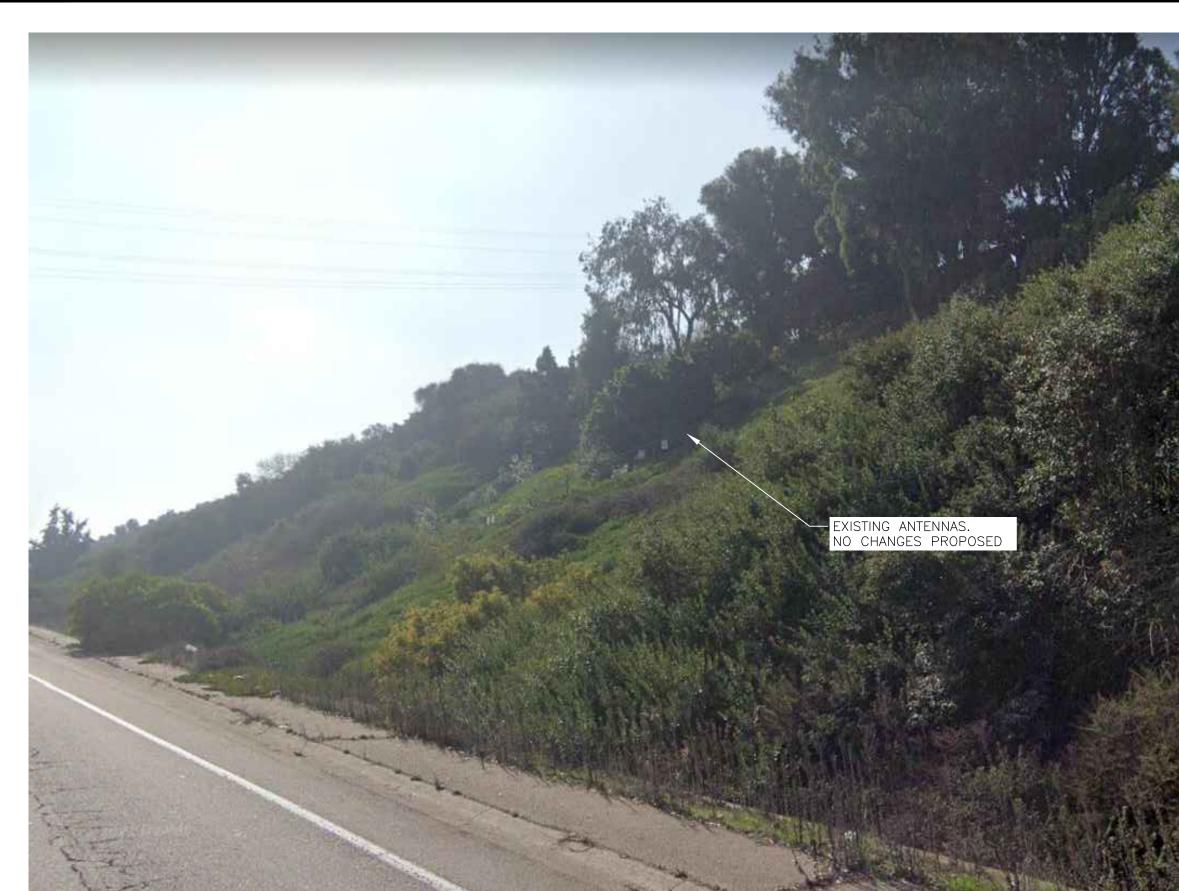
Aerial Key Map



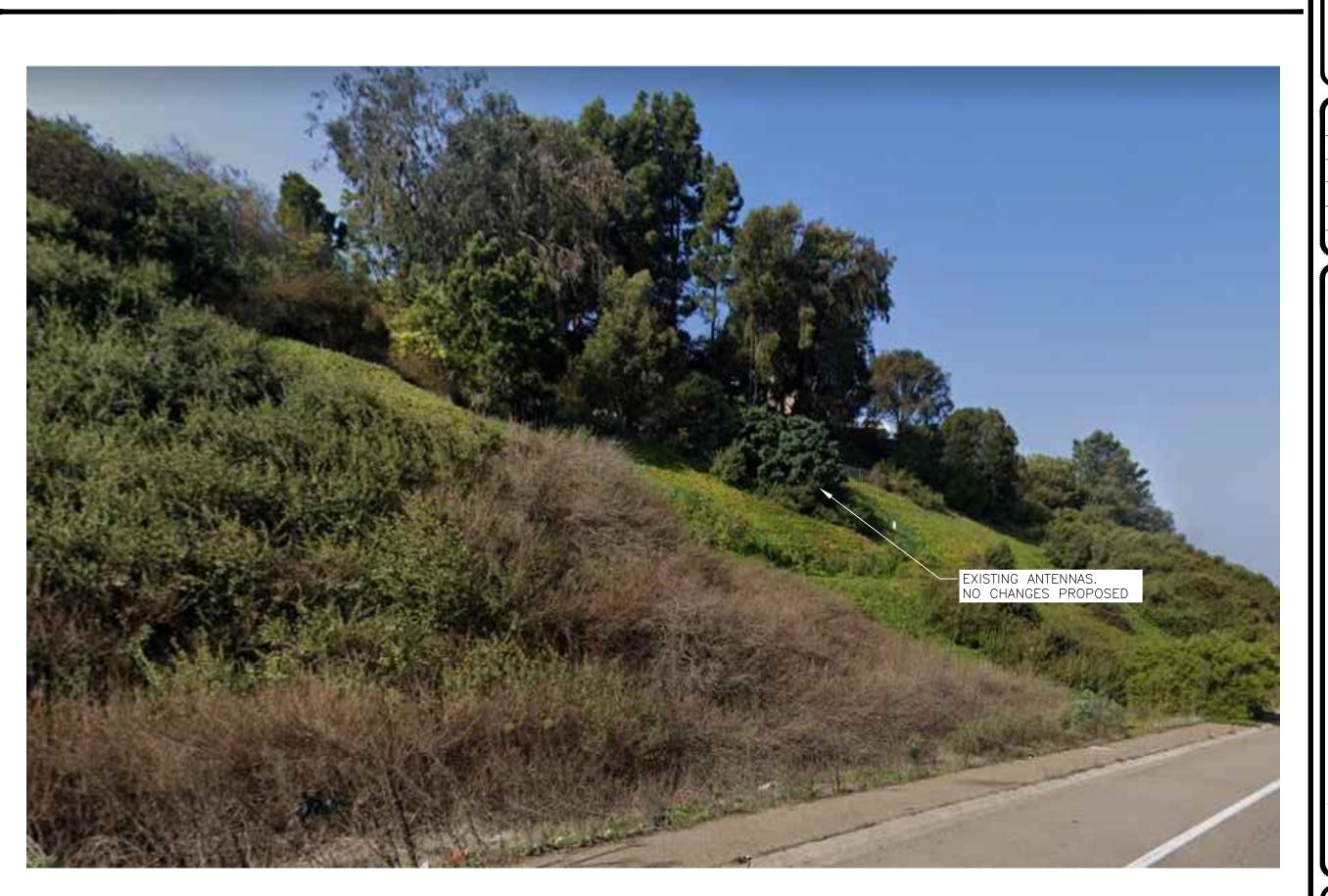
PHOTOSIM MAP
SCALE: NOT TO SCALE



(E) PHOTOSIM EAST
SCALE: NOT TO SCALE



(E)PHOTOSIM NORTH
SCALE: NOT TO SCALE



(E) PHOTOSIM SOUTHEAST SCALE: NOT TO SCALE

JURISDICTIONAL APPROVAL:

CROWN CASTLE 1505 WESTLAKE AVENUE NORTH, SUITE 800 SEATTLE, WA 98109



BU #: **814070 ARDATH ROAD** 7990 VIA CAPRI

SAN DIEGO, CA 92037 EXISTING 11'-0" SINGEL USE TOWER

ISSUED FOR:									
REV	DATE	DRWN	DESCRIPTION	DES./QA					
0	09/07/22	MM	CUP RENEWAL	JD					

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET NUMBER:

CROWN CASTLE

Hmg Insurance Services

Arbeiten Wald

SITE NAME:

ARDATH ROAD

SITE TYPE: SINGLE USE TOWER

11'-0" /9'-0" TOWER HEIGHT:

PROJECT: **CUP RENEWAL** **BUSINESS UNIT #: 814070**

7990 VIA CAPRI SITE ADDRESS: SAN DIEGO, CA 92037

SAN DIEGO **COUNTY:**

LOCATION MAP

CITY OF SAN DIEGO JURISDICTION:

CROWN CASTLE 505 WESTLAKE AVENUE NORTH, SUITE 800

SEATTLE, WA 98109

JURISDICTIONAL APPROVAL:



BU #: **814070** ARDATH ROAD 7990 VIA CAPRI SAN DIEGO, CA 92037 EXISTING 11'-0" SINGLE USE TOWER

Barkla St

	ISSUED FOR:										
REV	DATE	DRWN	DESCRIPTION	DES./QA							
0	09/07/22	MM	CUP RENEWAL	JD							

SITE INFORMATION

CROWN CASTLE USA INC. SITE NAME:

ARDATH ROAD

353-170-1600

SITE ADDRESS:

COUNTY:

7990 VIA CAPRI SAN DIEGO, CA 92037 SAN DIEGO

MAP/PARCEL #: AREA OF CONSTRUCTION:

EXISTING LATITUDE: 32°50'39.8004" N (32.8443890) LONGITUDE: 117°14'31.7004" W (-117.2421390)

LAT/LONG TYPE: GROUND ELEVATION: 347'-0" **CURRENT ZONING:** LJSPD-SF

JURISDICTION: CITY OF SAN DIEGO OCCUPANCY CLASSIFICATION: U

FACILITY IS UNMANNED AND NOT FOR

200 SPECTRUM CENTER DR, SUITE 1700 & 1800

PROJECT TEAM

3450 N HIGLEY RD, SUITE 102

CAMPBELLAZ1@EARTHLINK.NET

CWOLFE@TELCYTE.COM

MICHAEL J CAMPBELL

MESA, AZ 85215

IRVINE, CA 92618

602-616-8396

TELCYTE INFRASTRUCTURE SERVICES

200 SPECTRUM CENTER DRIVE, SUITE 1700 & 1800

CAMPBELL A&Z, LLC - ENTITLEMENT CONSULTANT

ELECTRIC PROVIDER: SAN DIEGO GAS & ELECTRIC

800-611-7343

DRAWING INDEX

SHEET#	SHEET DESCRIPTION
T-1	TITLE SHEET
C-1.1	OVERALL SITE PLAN
C-1.2	SITE PLAN
C-2	EXISTING ELEVATION
C-3	EXISTING ANTENNA PLAN & SCHEDULE
C-4	EXISTING ANTENNA PLAN & SCHEDULE
	•

ALL DRAWINGS CONTAINED HEREIN ARE FORMATTED FOR FROM SAN DIEGO INT 22X34. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING LANING RD 0.5 MI. TURN RIGHT ONTO ROSECRANS ST 1.7 MI. CONTINUE STRAIGHT ONTO CAMINO DEL RIO W 0.4 MI. SLIGHT RIGHT TO MERGE ONTO I-5 N DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL TOWARD LOS ANGELES 5.8 MI. TAKE EXIT 26A FOR W LA JOLLA PKWY 0.7 MI. CONTINUE ONTO LA JOLLA PKWY 1.1 MI. USE THE LEFT 2 LANES TO TURN LEFT ONTO HIDDEN VALLEY RD 243 FT. TURN LEFT ONTO ARDATH RD 394 FT. SLIGHT LEFT TOWARD LA JOLLA PKWY 135 FT. SLIGHT RIGHT ONTO LA JOLLA PKWY. DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR DESTINATION WILL BE ON THE RIGHT BE RESPONSIBLE FOR SAME.

PROJECT DESCRIPTION

THE PROJECT PROPOSES TO CONTINUE OPERATION OF AN EXISTING WIRELESS COMMUNICATION FACILITY. NO CHANGES ARE PROPOSED AS PART OF THIS PROJECT. TOTAL ANTENNAS: 9 TOTAL RRUS: 9

EQUIPMENT AREA: 52.25 SQ.FT.

APPLICABLE CODES/REFERENCE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

CODE TYPE BUILDING **MECHANICAL**

PRIOR TO ACCESSING/ENTERING THE SITE YOU MUST CONTACT THE CROWN NOC AT (800) 788-7011 & CROWN CONSTRUCTION MANAGER

DOCUMENTS

2019 CBC (2018 IBC W/AMMENDMENTS) 2019 CMC (2018 IMC W/AMMENDMENTS) ELECTRICAL 2019 CEC (2017 NEC W/AMMENDMENTS) 2019 CFC (2018 IFC W/AMMENDMENTS)

CALL CALIFORNIA ONE CALL
(800) 227-2600
CALL 3 WORKING DAYS

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SHEET NUMBER:

REVISION:

TYPE OF CONSTRUCTION: A.D.A. COMPLIANCE: **HUMAN HABITATION** PROPERTY OWNER: FRESH START VENTURES. LLC 165 6TH AVE., UNIT 2302 SAN DIEGO, CA 92101 TOWER OWNER/APPLICANT: CROWN CASTLE

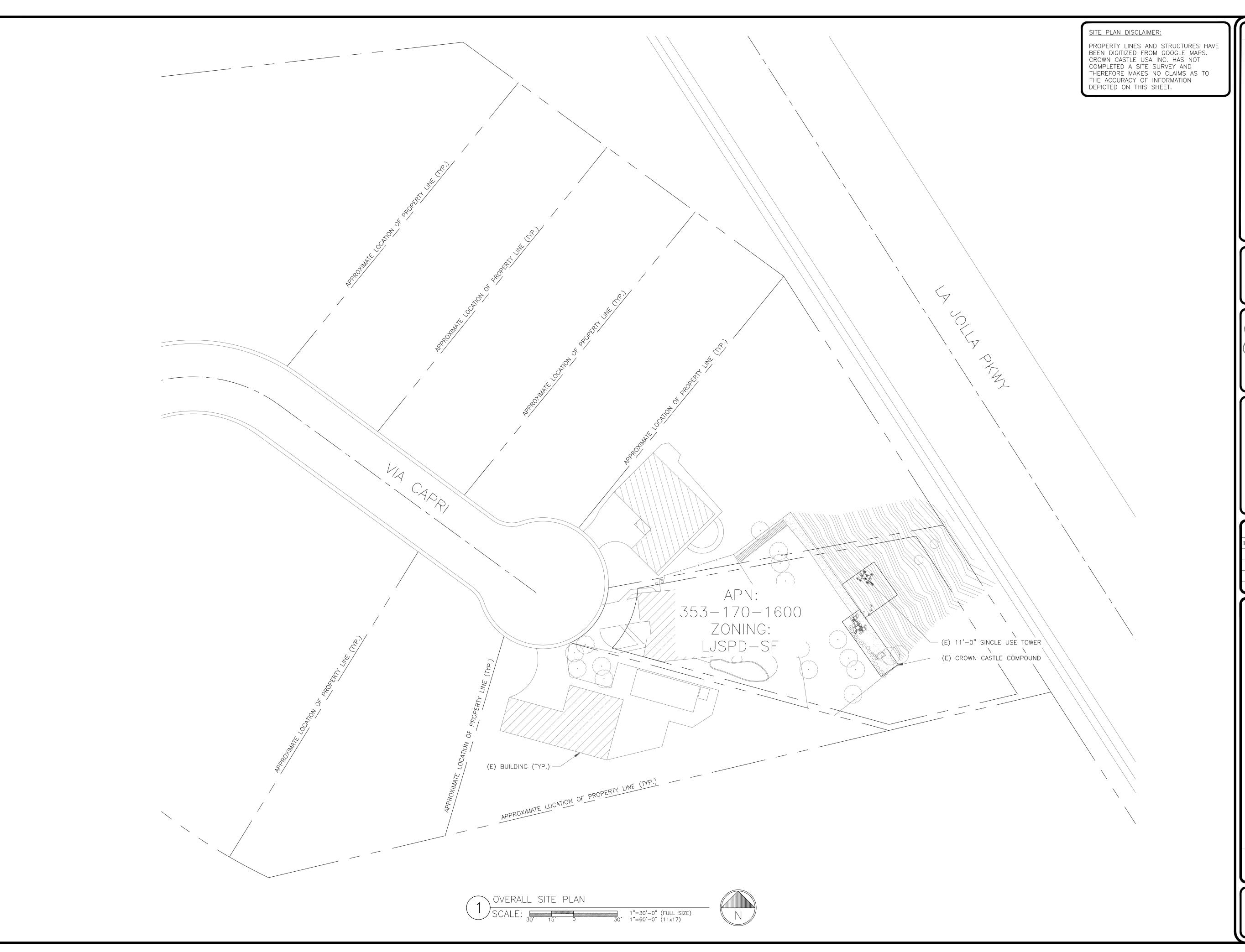
TELCO PROVIDER: ATT 611

A&E FIRM:

CROWN CASTLE

CONTACTS:

USA INC. DISTRIC



JURISDICTIONAL APPROVAL:

CROWN CASTLE 1505 WESTLAKE AVENUE NORTH, SUITE 800 SEATTLE, WA 98109

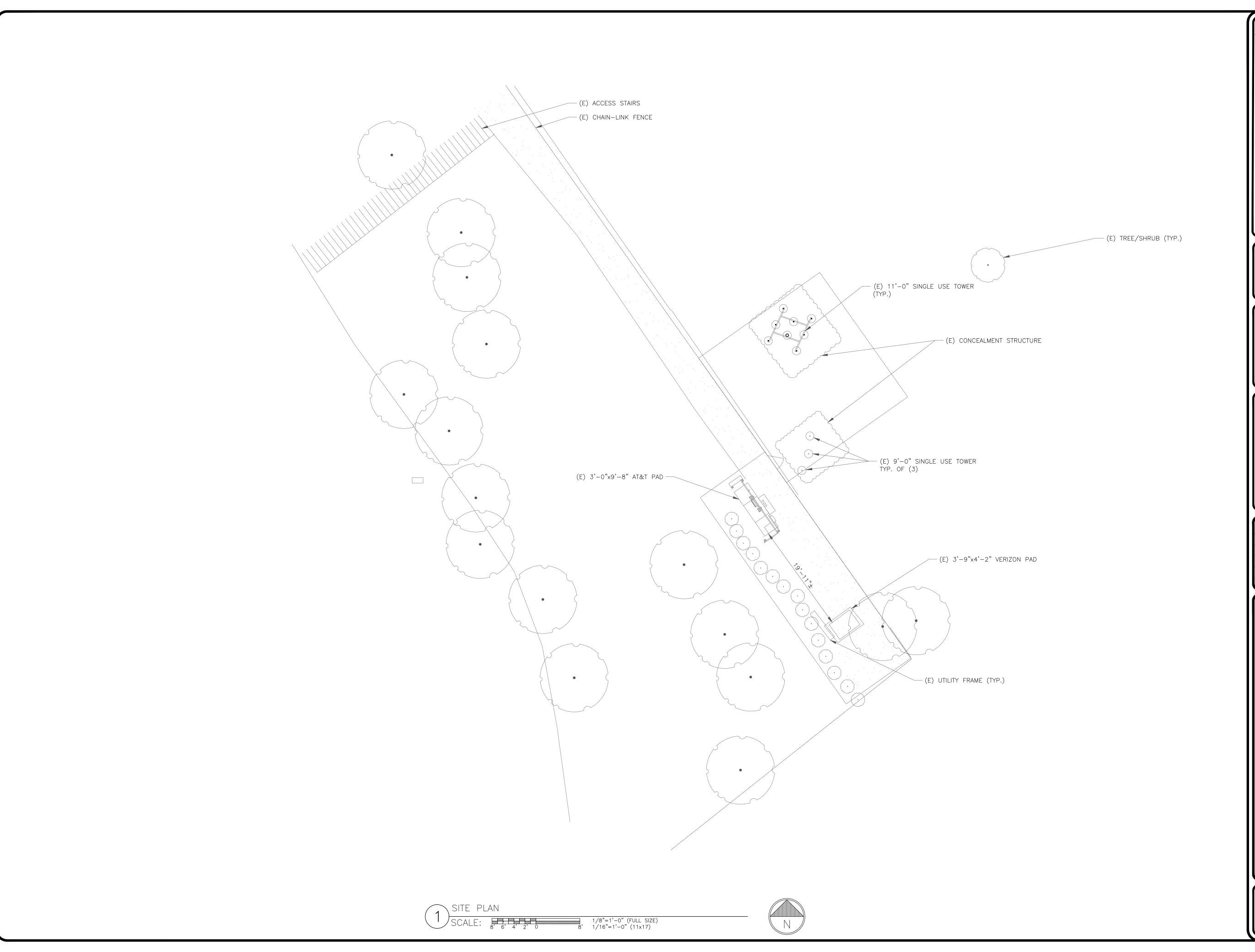


BU #: **814070 ARDATH ROAD**7990 VIA CAPRI
SAN DIEGO, CA 92037
EXISTING 11'-0" SINGLE USE
TOWER

	ISSUED FOR:									
REV	DATE	DRWN	DESCRIPTION	DES./QA						
0	09/07/22	MM	CUP RENEWAL	JD						

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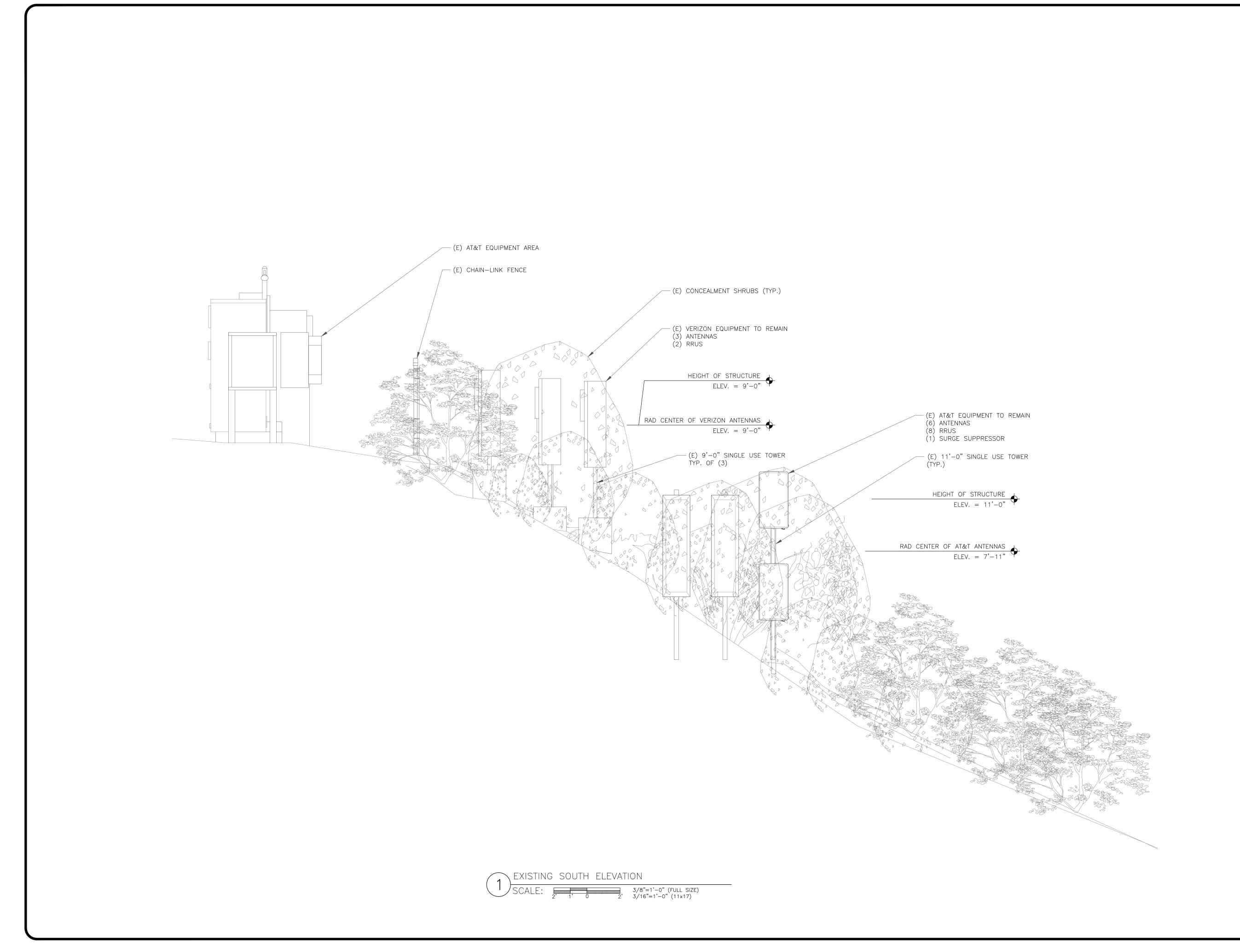
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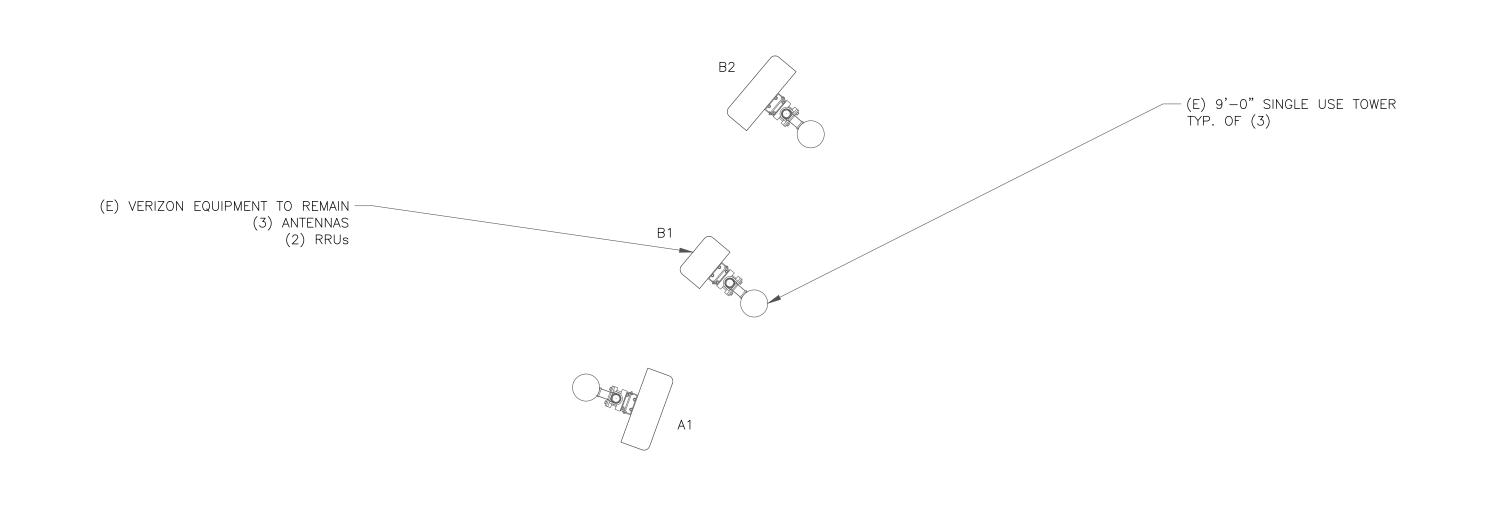
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SHEET NUMBER:

C-2

ALPHA	EQUIPMENT SCHEDULE														
		ANTENNA				RADIO			TMA		SURGE PROTECTION		CABLE	ES	
POSITION	CARRIER	STATUS/MANUFACTURER MODEL	AZIMUTH	RAD CENTER	QTY.	STATUS/MODEL	LOCATION	QTY.	STATUS	QTY.	STATUS/MODEL	QTY.	STATUS/TYPE	SIZE	LENGTH
A1	VERIZON	(E) DECIBEL DB844G45ZAXY	110°	9'-0"	_	_	_	_	_	_	_	1	COAX	7/8"	_
BETA	SETA														
B1	VERIZON	(E) ALLGON 7144.23.05.00	310°	9'-0"	-	-	_	_	_		-	1	COAX	7/8"	_
B2	VERIZON	(E) DECIBEL DB844G45ZAXY	310°	9'-0"	2	(E) ERICSSON RRU22 40W	TOWER	_	_	_	_	1	COAX	7/8"	_









BU #: **814070 ARDATH ROAD**7990 VIA CAPRI
SAN DIEGO, CA 92037
EXISTING 11'-0" SINGLE USE

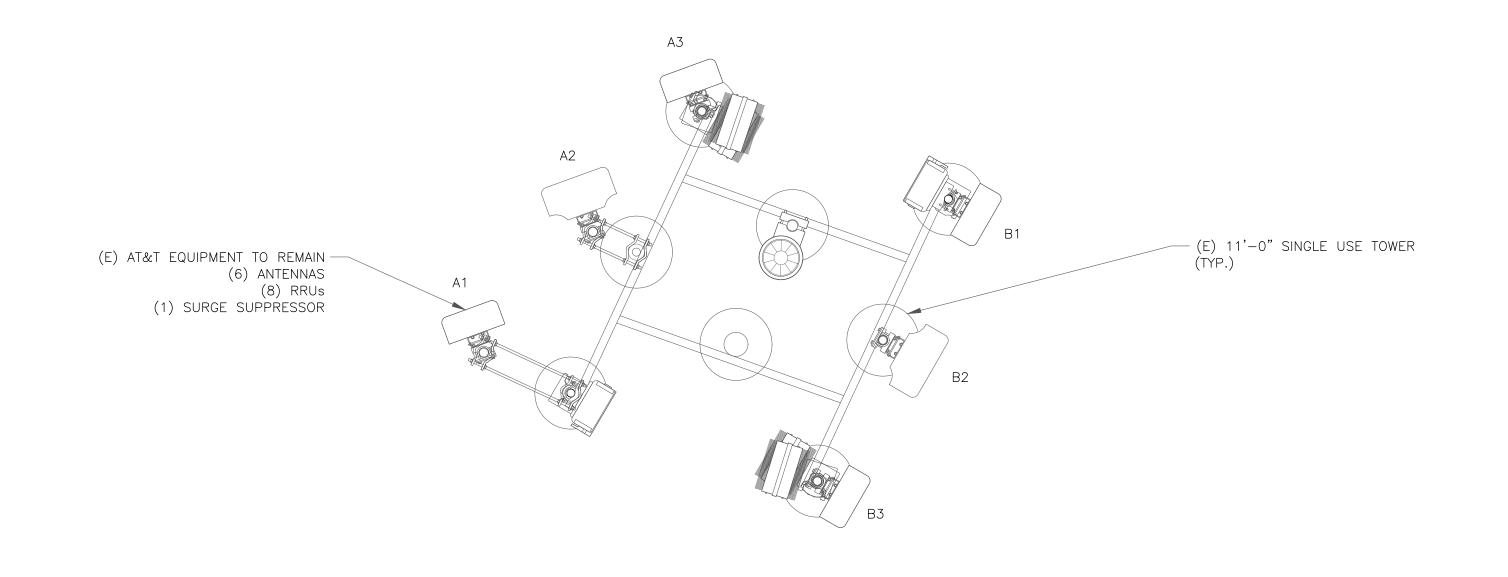
TOWER

ISSUED FOR:										
REV	DATE	DRWN	DESCRIPTION	DES./QA						
0	09/07/22	MM	CUP RENEWAL	JD						

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SHEET NUMBER:

EQUIPMENT SCHEDULE															
ALPHA															
	ANTENNA				RADIO			TMA		SURGE PROTECTION		CABLES			
POSITION	CARRIER	STATUS/MANUFACTURER MODEL	AZIMUTH	RAD CENTER	QTY.	STATUS/MODEL LOC	CATION	QTY.	STATUS	QTY.	STATUS/MODEL	QTY.	STATUS/TYPE	SIZE	LENGTH
A1	AT&T	(E) COMMSCOPE NNH4-65A-R6H4	340°	7'-11"	1 1	(E) 4449 B5/B12 (E) 8843 B2/B66A	OWER	_	-	-	_	2	COAX	7/8"	_
A2	AT&T	(E) ERICSSON AIR6449 N77D+AIR6419 N77G STACKED	340°	7'-11"	_	-	_	-	-	-	_	1 2	FIBER POWER	3/8" 3/4"	_
A3	AT&T	(E) COMMSCOPE NNH4-65A-R6H4	340°	7'-11"	1	(E) RRUS-32-B30 (E) 4478 B14	OWER	-	_	1	RAYCAP DC9-48-60-24-8C-EV	1 2	FIBER POWER	3/8" 3/4"	-
ВЕТА															
B1	АТ&Т	(E) COMMSCOPE NNH4-65A-R6H4	120°	7'-11"	1 1	(E) RRUS-32-B30 (E) 4478 B14	OWER	-	-	_	_	1 2	FIBER POWER	3/8" 3/4"	_
B2	AT&T	(E) ERICSSON AIR6449 N77D+AIR6419 N77G STACKED	120°	7'-11"	_	_	_	-	_	-	_	1 2	FIBER POWER	3/8" 3/4"	-
B3	AT&T	(E) COMMSCOPE NNH4-65A-R6H4	120°	7'-11"	1 1	(E) 4449 B5/B12 (E) 8843 B2/B66A	OWER	-	-	_	_	2	COAX	7/8"	_









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