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

WHEN RECORDED MAIL TO

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002766

PLANNED DEVELOPMENT PERMIT NO. 1074240
NEIGHBORHOOD USE PERMIT NO. 1074241
SPRINT MOUNTAIN VIEW COMMUNITY CENTER PTS 283354
PLANNING COMMISSION

This Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 is granted by the Planning Commission of the City of San Diego to **CITY OF SAN DIEGO**, Owner, and **SPRINT NEXTEL CORPORATION**, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0201, 126.0601, 141.0420, and 1519.0302. The site is located at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan. The site is legally described as the land referred to herein is situated in the State of California, County of San Diego and is described as that portion of lots 14 through it inclusive in book 38 carriers there addition in the City of San Diego, County of San Diego, State of California according to map thereof no. 1557 filed in the Office of San Diego County recorders, April 8, 1915.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility (WCF), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 28, 2013, on file in the Development Services Department.

The project shall include:

a. A deviation to allow a WCF that consists of sixteen (16) antennas and eight (8) Remote Radio Heads (RRHs) concealed inside two cupolas on the roof of the existing community center, painted and textured to match the existing building above the Southeastern San Diego Planned District SF-5000 height limit of 30-feet; and

b. A deviation to allow for an above ground 210-square foot equipment enclosure in City Park; and

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c. Building mounted cable tray, painted and textured as illustrated on the approved photosimulation; 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 April 11, 2016.

2. This Planned Development Permit [PDP] and Neighborhood Use Permit [NUP] corresponding use of this site shall **expire on March 28, 2023**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.

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

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

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

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

b. The Permit is recorded in the Office of the San Diego County Recorder.

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

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

13. The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election,

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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 Owner/Permittee.

ENGINEERING REQUIREMENTS:

14. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

15. Prior to the issuance of any construction permit, the Permittee shall obtain a Nonexclusive Right-of-Way Use Agreement from the City of San Diego for the proposed work in the Boundary Street Right-of-Way.

16. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Right-of-Way permit for the proposed work in the Boundary Street Right-of-Way.

17. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit the Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

20. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

PARK AND RECREATION REQUIREMENTS:

21. The Permittee/Provider shall ensure that the Park & Recreation Department review and approve construction plans prior to building permit issuance.

PLANNING/DESIGN REQUIREMENTS:

22. The WCF shall conform to the stamped approved plans and approved photosimulations prior to final Telecom Planning Inspection approval.

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23. Photosimulations for the WCF shall be printed (not stapled) on the construction plans. This helps ensure that the construction team building the project constructs the project in compliance with the approved Exhibit "A."

24. Landscape and/or hardscape areas disturbed during the construction shall be repaired/replaced by the Permittee to the satisfaction of the Park & Recreation Department and the Development Services Department prior to final planning inspection.

25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. The approved antenna dimensions are listed here: 72" by 11.8" by 7.9" and illustrated on the Exhibit "A" dated March 28, 2013. The Owner/Permittee shall not cause or allow the antennas located on the WCF to be different sizes than as listed here and as shown on Exhibit "A." Replacement of the antennas may occur in the future, subject to the Permittee notifying the Development Services Department prior to the replacement of the antennas and subject to the provision of providing an updated Radio Frequency (RF) report demonstrating compliance with the Federal Communication Commission's regulations in accordance with SDMC Section 141.0420(b)(1)(A) to the satisfaction of the Development Services Department.

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

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

29. 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) 687-5984** 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.

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

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

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

APPROVED by the Planning Commission of the City of San Diego on March 28, 2013 and Resolution No. 4889-PC.

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AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Simon Tse
Development Project Manager

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

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

CITY OF SAN DIEGO
Owner

By _____
Name: SCOTT CHADWICK
Title: INTERIM CEO

SPRINT NEXTEL CORPORATION
Permittee

By _____
Name: CONSTRUCTION PROJECT MANAGER
Title: STEFANO DEMARI

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

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

On April 10, 2013 (Date) before me, Georgette Ocariza Manela, Notary Public (Here Insert Name and Title of the Officer),

personally appeared -------- Simon Tse ---------- (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

GEORGETTE OCARIZA MANELA
Commission # 1964791
Notary Public - California
San Diego County
My Comm. Expires Dec 24, 2015

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Sprint Mountain View – PTS#: 283354

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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Item #5907

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of San Diego

On April 8, 2013 (Date) before me, Anne Regan, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Stephen DeMars (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Anne Regan (Signature of Notary Public)

ANNE REGAN
Commission # 1916427
Notary Public - California
San Diego County
My Comm. Expires Jan 7, 2015

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Planned Development Permit No. 1074240

Document Date: March 28, 2013 Number of Pages: 7

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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Item #5907

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of San Diego

On April 23, 2013 (Date) before me, Teresa Dolores Morse, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Scott Christopher Chadwick (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Teresa Dolores Morse (Signature of Notary Public)

TERESA DOLORES MORSE
Commission # 1925487
Notary Public - California
San Diego County
My Comm. Expires Mar 9, 2015

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: PLOP# 1074240; NOP# 1074241 (Sprint Nextel)

Document Date: March 28, 2013 Number of Pages: —

Signer(s) Other Than Named Above: —

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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Item #5907

PLANNING COMMISSION
RESOLUTION NO. 4889-PC
PLANNED DEVELOPMENT PERMIT NO. 1074240
NEIGHBORHOOD USE PERMIT NO. 1074241
SPRINT MOUNTAIN VIEW COMMUNITY CENTER PTS NO. 283354

WHEREAS, CITY OF SAN DIEGO, Owner and SPRINT NEXTEL CORPORATION, Permittee, filed an application with the City of San Diego for a permit to install a Wireless Communication Facility (WCF) that consists of sixteen (16) antennas and eight (8) Remote Radio Heads (RRHs) inside two rooftop cupolas, painted and textured to match the existing building. The equipment associated with this project is located inside a 210-square foot CMU equipment enclosure (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241).

WHEREAS, the project site is located at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as the land referred to herein is situated in the State of California, County of San Diego and is described as that portion of lots 14 through it inclusive in book 38 carriers there addition in the City of San Diego, County of San Diego, State of California according to map thereof no. 1557 filed in the Office of San Diego County recorders, April 8, 1915;

WHEREAS, on March 28, 2013, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 17, 2012, 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) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

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

That the Planning Commission adopts the following written Findings, dated March 28, 2013.

FINDINGS:

Findings for Planned Development Permit - Section 126.0604

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

The project site is located on the Mountain View Community Center at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan. The property is zoned for institutional use in the Southeastern San Diego Community Plan and is surrounded by residential uses to the north, to the east and to the south.

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The Mountain View Neighborhood Park is located northwest of the project site and Bakers Elementary School is located southwest of the project site

The proposed antennas and RRHs are completely concealed inside the two proposed 8-foot tall cupolas on the roof of the existing community center. The existing height of the community center is 42'-8". The overall height as a result of the proposed cupolas would be 50'-8". Fiberglass Reinforced Panel (FRP) materials are used to allow the antennas to operate without any interference while effectively camouflaging the antennas from the public view. As illustrated on the photosimulation, the cupolas were designed to match the existing rooftop features and colors. The equipment is located on the ground inside a 210-square foot CMU enclosure.

The Southeastern San Diego Community Plan does not address WCF's as a specific land use, however, the General Plan states that the facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." The equipment enclosure has been designed to match the adjacent generator enclosure and is located on the northern portion of the community center. Access to and from the park would not be affected by the new enclosure. As a result, the proposed WCF design would be compatible with the existing park use and respectful to the neighborhood context.

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

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 statement has been included on the plans indicating that the WCF complies with federal standards for radio frequency in accordance with Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies. The Permittee submitted a Radio Frequency Study concluding that the FCC standards are being met.

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.**

The WCF is located on the Mountain View Community Center inside two cupolas designed to match the existing rooftop features and colors. As designed, the project complies with Land Development Code Section 141.0420 with the exception of the above ground equipment enclosure pursuant to LDC Sections 141.0420(i)(1)(B) and 141.0420(i)(1)(C). Due to concerns with potential impacts related to park activities, staff can support the proposed deviation for an above ground enclosure. The excavation required for an enclosure of this size would eliminate significant landscaping as opposed to the current enclosure design. In terms of park activity-related concerns, undergrounding the equipment would require heavy machinery and possibly impact access to the park for an extended period of time. This inconvenience can be avoided with an above ground enclosure, which would preserve park activities with minimal impacts, resulting in a more desirable project.

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Additionally, the proposed rooftop cupolas exceed the SESDPD-SF-5000 height limit of 30-feet, resulting in a height deviation. The proposed height can also be supported by staff due to the overall design to conceal the antennas and RRHs inside a stealth solution. To achieve a similar coverage objective, multiple vertical structures would be required which may impact useable park space and would not be supported by staff. As illustrated in the photosimulations, both the equipment enclosure and the rooftop cupolas have been designed to blend in with the existing community center's features and colors to minimize all potential visual impacts, and would result in a more desirable project than would be achieved if designed in strict conformance with the Wireless Communication Facilities Regulation and the SESDPD-SF-5000 zone.

Findings for Neighborhood Use Permit – Section 126.0205

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

The project site is located on the Mountain View Community Center at 614 South Boundary Street in the Southeastern San Diego Planned District SF-5000 zone of the Southeastern San Diego Community Plan. The property is zoned for institutional use in the Southeastern San Diego Community Plan and is surrounded by residential uses to the north, to the east and to the south. The Mountain View Neighborhood Park is located northwest of the project site and Bakers Elementary School is located southwest of the project site

The proposed antennas and RRHs are completely concealed inside the two proposed 8-foot tall cupolas on the roof of the existing community center. The existing height of the community center is 42'-8". The overall height as a result of the proposed cupolas would be 50'-8". Fiberglass Reinforced Panel (FRP) materials are used to allow the antennas to operate without any interference while effectively camouflaging the antennas from the public view. As illustrated on the photosimulation, the cupolas were designed to match the existing rooftop features and colors. The equipment is located on the ground inside a 210-square foot CMU enclosure.

The Southeastern San Diego Community Plan does not address WCF's as a specific land use, however, the General Plan states that the facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." The equipment enclosure has been designed to match the adjacent generator enclosure and is located on the northern portion of the community center. Access to and from the park would not be affected by the new enclosure. As a result, the proposed WCF design would be compatible with the existing park use and respectful to the neighborhood context.

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

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 statement has been included on the plans indicating that the WCF complies with federal standards for radio frequency in accordance with Telecommunication Act of 1996 and subsequent amendments and any other requirements imposed by state or federal regulatory agencies. The Permittee submitted a Radio Frequency Study concluding that the FCC standards are being met.

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

The proposed WCF has been designed to comply with the SESDPD-SF-5000 zone and the Wireless Communication Facility Regulation Section 141.0420 with exception to the 30-foot height limit and the requirement to underground equipment enclosures within City parks. The proposed 8-foot tall cupolas are located on the roof of the existing community center with an overall height of 50'-8" above grade. The cupolas were designed to incorporate the existing roof features and colors as directed by the Park & Recreation Department. Pursuant to LDC Section 1519.0302, developments within the SESDPD-SF-5000 zone contain a 30-foot height limit. The proposed height deviation can also be supported by staff due to the overall design to conceal the antennas and RRHs with a stealth solution.

Additionally, per Land Development Code sections 141.0420(i)(1)(B) and 141.0420(i)(1)(C), equipment enclosures shall be placed underground. Due to concerns with potential impacts to park activities, staff can support the proposed deviation for an above ground enclosure. The excavation required for an enclosure of this size would eliminate significant landscaping as opposed to the current enclosure design. In terms of park activity-related concerns, undergrounding the equipment would require heavy machinery and possibly impact access to the park for an extended period of time. This inconvenience can be avoided with an above ground enclosure, which would preserve park activities with minimal impacts.

Overall, the WCF design complies with LDC Sections 141.0420(g)(1), 141.0420(g)(2) and 141.0420(g)(3), which states the following, "Wireless communication facilities shall utilize the smallest least visually intrusive antennas, components and other necessary equipment." "The applicant shall use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions." "The wireless communication facility's equipment shall be located within an existing building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet."

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 1074240 and Neighborhood Use Permit No. 1074241 a copy of which is attached hereto and made a part hereof.

Simon Tse
Development Project Manager
Development Services

Adopted on: March 28, 2013

Internal Order No. 24002766

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THE CITY OF SAN DIEGO

December 23, 2011

DEVELOPMENT SERVICES ACTION:

It has been determined by Development Services that this proposal complies with Section 141.0420, Wireless Communication Facilities, of the City of San Diego's Land Development Code. This proposal has been determined to be exempt per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (the activity is not a project as defined in Section 15378).

Development Services grants **APPROVAL** of your application subject to the following:

Approval Type:	Temporary Use Permit
Approval No.	933217
Project Name:	Sprint Nextel 641 Boundary Temp Use Permit
Project No.:	265203
Site Address:	641 Boundary Street, San Diego, CA 92113
Internal Order No.:	n/a
Expiration Date:	**June 29, 2012** (180 days from 12/23/2011)

1. The facility shall be constructed in accordance with the approved Exhibit "A," dated December 23, 2011. No modification or alteration shall be permitted to the approved Exhibit "A" unless revised plans are submitted and approved by Development Services.

2. This approval permits a temporary antenna installation consisting of six (6) antennas located a 30-foot tall Cell On Wheel (COW) with associated equipment. The temp WCF shall surrounded by a 6-foot tall chain link fence with green cloth (lease area 20-feet by 25-feet). No more than one existing parking space shall be affected. All cables to and from the temp. WCF shall be concealed inside a cable guard cover. A new meter pedestal shall also be installed next to the existing transformer (See stamp exhibits).

3. No overhead cabling is allowed for this project.

4. No exposed pipes or mounting apparatus absent antennas shall be installed at any time. Mounting pipes shall not be longer than the antennas.

5. The Permittee shall place appropriate signage on the WCF as required by CAL-OSHA to the satisfaction of the Development Services Department.

6. No later than January 31, 2012, the Permittee shall provide a certified cumulative radio frequency model study demonstrating compliance with the Federal Communications Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in the radio frequency model study.

7. 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.

8. All facilities and related equipment shall be maintained in good working order and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days.

9. This approval and corresponding use of this site shall **expire on June 30, 2012.** 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 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.

   LDC Section 123.0404(b) requires:

   The approval of the proposed use would result in no more than two Temporary Use Permits for the same use at the same location in any 365-day period.

   LDC Section 123.0406 states:

   The expiration date shall not exceed 180 days after the effective date for wireless communication facilities.

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

INFORMATION ITEM ONLY:
Please note that an **Administrative Planning Hold** 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) 687-5984** 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.

Simon Tse
Associate Planner