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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24001231

NEIGHBORHOOD USE PERMIT NO. 802433
NEXTG – SCRIPPS RANCH AND MIRO, PROJECT NO. 222613
DEVELOPMENT SERVICES DEPARTMENT

This NEIGHBORHOOD USE PERMIT (NUP) NO. 802433 is granted by the DEVELOPMENT SERVICES DEPARTMENT of the City of San Diego to THE CITY OF SAN DIEGO, Owner, and NEXTG NETWORKS OF CALIFORNIA, INC., Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0420 and 126.0205. The project is located at 11324 1/3 Scripps Ranch Boulevard, within the public right-of-way on the north side of Scripps Ranch Boulevard at the intersection of Scripps Ranch Boulevard and Miro Circle (STA 100 + 46, Latitude 32.92026, Longitude -117.10419), adjacent to the RS-1-13 zone of the Miramar Ranch North community planning area.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Permittee to construct, operate, and maintain a Wireless Communication Facility (WCF) consisting of two panel antennas located on an existing traffic light standard described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 24, 2012, on file in the Development Services Department.

The project shall include:

a. Installation of two panel antennas on an existing traffic light standard;

b. 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.

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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.

2. This Neighborhood Use Permit [NUP] and corresponding use of this site shall expire on January 24, 2022. 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.

3. No later than ninety (90) days prior to the expiration of this permit, the Permittee may submit a new permit 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 compliance, which may include penalties and fines.

4. Under no circumstances, does approval of this permit authorize the Permittee or their tenants to utilize this site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective 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 and Permittee signs and returns the Permit to the Development Services Department; and

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

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

7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Permittee and any successor(s) in interest.

8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

9. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including,

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but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

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

TRANSPORTATION REQUIREMENTS:

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14. The Permittee shall obtain an "Encroachment Maintenance and Removal Agreement," satisfactory to the City Engineer.

15. The Permittee shall obtain a "Public Right-of-Way Permit for Traffic Control" permit prior to any work within the public right-of-way, satisfactory to the City Engineer.

16. The Permittee shall protect any City property removed as part of the project and return said property, satisfactory to the City Engineer.

17. The Permittee shall provide a Public Improvement Plan including a Traffic Signal Plan and a Traffic Control Plan, satisfactory to the City Engineer.

18. The Permittee shall provide and maintain a telephone contact number available 24 hours/7 days a week clearly posted on the pole at eye level to allow City staff to immediately contact the system provider, satisfactory to the City Engineer.

19. The Permittee shall provide a switch to allow City staff to immediately turn off the system, satisfactory to the City Engineer.

20. City staff should contact the Permittee as soon as possible with notification of the emergency shut-off of the system, satisfactory to the City Engineer.

21. The Permittee shall install and maintain a separate power meter for the project, satisfactory to the City Engineer.

22. The Permittee shall hold the City of San Diego harmless for interrupted signal transmission due to a signal pole knock over in the event of an accident, due to an electrical power failure, an emergency shut-off or as a result of any maintenance activity, satisfactory to the City Engineer.

23. Upon written request by the City of San Diego, the Permittee shall remove or relocate the system, or any part of the system, within 45 days at the Permittee's cost, satisfactory to the City Engineer.

24. The Permittee shall inform the City and the City agrees to inform the applicant in the event of a knock over, satisfactory to the City Engineer.

25. The Permittee shall shut down the system upon request of the City, and the City will notify the applicant in advance whenever possible of such request, satisfactory to the City Engineer.

26. Prior to any routine maintenance activity, the Permittee shall notify the City a minimum of one work day in advance, satisfactory to the City Engineer.

27. A foundation analysis shall be required during the Public Improvement Plan Process, satisfactory to the City Engineer.

ENGINEERING REQUIREMENTS:

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28. 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 Scripps Ranch Boulevard Right-of-Way.

29. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Right-of-Way permit for the proposed work in the Scripps Ranch Boulevard Right-of-Way.

30. 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.

31. 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.

PLANNING/DESIGN REQUIREMENTS:

32. The Permittee shall install and maintain signage to notify anyone working on the traffic light standard that a hazard exists and the location of the hazard. The Permittee shall assess the level and location of the hazard and place the appropriate signs per CAL-OSHA and FCC requirements.

33. 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.

34. Prior to Public Improvement plan issuance, the Permittee shall provide a cumulative model radio-frequency electromagnetic energy report to demonstrate compliance with FCC regulations.

35. The Permittee is responsible for notifying the city prior to the sale or takeover of this site to any other provider.

36. This WCF shall be removed or replaced if it is determined that the facility or components of the facility are obsolete.

37. All cables shall be concealed within the traffic light standard. Connections from the antenna to the pole shall be covered. All antenna components, attachments, etc. shall be painted to match.

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38. Within 180 days of permit approval, no later than July 24, 2012, the Permittee shall submit the appropriate construction documents to the Development Services Department for review and approval and shall relocate the antennas as per the approved Exhibit "A".

INFORMATION ONLY:

- 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 Development Services Department of the City of San Diego on January 24, 2012 and 6215-CM.

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Permit Type/PTS Approval No.: NUP 802433
Date of Approval: January 24, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Alex Hempton, AICP
Associate Planner

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
REAL ESTATE ASSETS DEPT.
Owner

By _____
David Sandoval
Deputy Director

NEXTG NETWORKS OF CALIFORNIA, INC.
Permittee

By _____
Joe Milone
Director of Government Relations

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

ACKNOWLEDGMENT

State of California
County of ORANGE)

On MAY 15, 2017 before me, Brian M. Meurs, Notary Public
(insert name and title of the officer)

personally appeared JOE MILONE,
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 Brian M. Meurs (Seal)

BRIAN M. MEURS
COMM. # 1861219
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
MY COMM. EXP. AUG. 15, 2018

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of San Diego

On May 18, 2012 (Date) before me, Georgette Ocariza Manela, Notary Public (Here Insert Name and Title of the Officer),

personally appeared --------- Alex Hempton---------- (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: G Manela (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: NextG – Scripps Ranch and Miro – PTS#: 222613

Document Date: January 24, 2012 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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of San Diego

On May 22, 2012 (Date) before me, Teresa Dolores Morse, Notary Public (Here Insert Name and Title of the Officer),
personally appeared David A. Sandoval (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: NUP# 802433/Next G Scripps Ranch & Mixed
Document Date: January 24, 2012 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

DEVELOPMENT SERVICES DEPARTMENT RESOLUTION NO. CM-6215
NEIGHBORHOOD USE PERMIT NO. 802433
NEXTG – SCRIPPS RANCH AND MIRO, PROJECT NO. 222613

WHEREAS, THE CITY OF SAN DIEGO, Owner, and NEXTG NETWORKS OF CALIFORNIA, INC., Permittee, filed an application with the City of San Diego for a permit to construct, operate, and maintain a Wireless Communication Facility (WCF) consisting of two panel antennas located on an existing traffic light standard (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 802433);

WHEREAS, the project is located at 11324 1/3 Scripps Ranch Boulevard, within the public right-of-way on the north side of Scripps Ranch Boulevard at the intersection of Scripps Ranch Boulevard and Miro Circle (STA 100 + 46, Latitude 32.92026, Longitude -117.10419), adjacent to the RS-1-13 zone of the Miramar Ranch North community planning area;

WHEREAS, on January 24, 2012, the DEVELOPMENT SERVICES DEPARTMENT of the City of San Diego considered NEIGHBORHOOD USE PERMIT No. 802433 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 17, 2011 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;

BE IT RESOLVED by the DEVELOPMENT SERVICES DEPARTMENT of the City of San Diego as follows:

That the DEVELOPMENT SERVICES DEPARTMENT adopts the following written Findings, dated January 24, 2012.

FINDINGS:

Neighborhood Use Permit - Section 126.0205

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

The City of San Diego's General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. This project consists of the removal of an existing City light standard with a replacement light standard able to support a cylindrical antenna at the top of the light standard pole within a radome (antenna cover). The height of the proposed light standard will match the height of the existing light standard. The antenna cover will match the diameter of the light standard pole.

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Cables attached to the antennas will be routed inside the pole. Equipment associated with the antennas will be located in an above-ground equipment cabinet enclosure with a utility strongbox. Based on the design of this facility and its siting, this Wireless Communication Facility will not adversely affect the applicable land use plan.

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." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that T-Mobile West Corporation perform a cumulative model RF test and submit the finding in a report to the City of San Diego prior to the issuance of a building permit. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within the jurisdiction of the city.

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

The Wireless Communication Facility (WCF) Regulations, Land Development Code Section 141.0420, require that WCF's utilize the smallest, least visually intrusive antennas, components, and other necessary equipment. The applicant is required to use all reasonable means to conceal or minimize the visual impact of the WCF through integration utilizing architecture, landscape, and siting. In this case, the project consists of the removal of an existing City light standard with a replacement light standard able to support an antenna. The height of the proposed light standard will match the height of the existing light standard. The antenna will be mounted to the pole within a cylindrical radome, painted and textured to match the pole, and the same diameter as the pole. Cables attached to the antennas will be routed inside the pole. Equipment associated with the antennas will be located in an above-ground equipment cabinet enclosure with a utility strongbox. Therefore, the project complies to the maximum extent feasible with the regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Neighborhood Use Permit No. 802433 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 802433, a copy of which is attached hereto and made a part hereof.

Alex Hempton, AICP
Associate Planner
Development Services

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Adopted on: January 24, 2012

Internal Order No. 24001231

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