

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**

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JAN 20, 2012
DOCUMENT NUMBER 2012-0033707
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 12:01 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000315

**PLANNED DEVELOPMENT PERMIT NO. 916843
CONDITIONAL USE PERMIT NO. 916844
NEIGHBORHOOD USE PERMIT NO. 916845
AT&T MOBILITY – DOYLE COMMUNITY PARK NO. 195790
PLANNING COMMISSION**

This Planned Development Permit No. 916843; and Conditional Use Permit No. 916844 and Neighborhood Use Permit No. 916845 is granted by the Planning Commission of the City of San Diego to **CITY OF SAN DIEGO**, Owner, and **AT&T MOBILITY**, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0201, 126.0301, 126.0601, 141.0420. The site is located at 8175 Regents Road in the OP-1-1 zone of the University Community Planning area in The project site is legally described as Parcel 1, the south 20 acres of the east half of pueblo lot of 1301 of the pueblo lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to map thereof made by James Pascoe in 1870. A copy of which said map was filed in the office of the County Recorder of San Diego County and known as miscellaneous map 36, the northerly line of said southerly 20 acres being parallel with the southerly line of said pueblo lot 1301;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee for a Wireless Communication Facility as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 8, 2011, on file in the Development Services Department.

The project shall include:

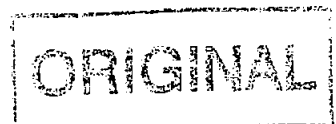
- a. Two new 70-foot tall ball field light standards supporting a total of six antennas installed per a pole;
- b. One 11-foot tall, 4-foot 2-inch diameter radome concealing twelve Tower Mounted Amplifiers located on one of the proposed light standards;

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- c. One 11-foot tall, 4-foot 2-inch-diameter radome concealing twelve Remote Radio Units located on the one of the proposed light standards;
- d. A 350-square foot equipment enclosure (coated with anti-graffiti paint) designed to match the existing park's comfort station with proposed landscaping;
- b. Landscaping (planting, irrigation and landscape related improvements; 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.

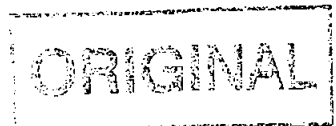
STANDARD REQUIREMENTS:

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 December 8, 2014.
2. This Planned Development Permit [PDP], Conditional Use Permit [CUP], and Neighborhood Use Permit [NUP] and corresponding use of this site shall expire on **December 8, 2021**. 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 date of this Planned Development Permit [PDP], Conditional Use Permit [CUP], and Neighborhood Use Permit [NUP] the Permittee may submit a new permit application to the Development Services Department for consideration with review and a decision by the appropriate decision makers at that time. Failure to submit prior to the deadline will be cause for enforcement, which may include penalties and fines.
4. Under no circumstances, does approval of this permit authorize Permittee 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/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
6. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
 7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
 8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
 9. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
 10. The 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" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.



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

ENGINEERING REQUIREMENTS:

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

15. Prior to the issuance of any construction permits, 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.

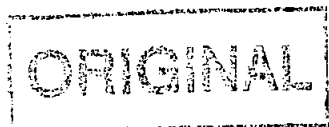
LANDSCAPE REQUIREMENTS:

16. All graded, disturbed or eroded areas that will not be permanently paved or covered by structures shall be permanently revegetated and irrigated as shown in Table 142-04F and in accordance with the standards in the Land Development Manual [142.0411(a)].

17. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.

18. Prior to issuance of any Certificate of Occupancy or activation of WCF, it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections.

19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.



20. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced by the Permittee 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 or a Final Landscape Inspection.

21. Landscape and/or hardscape areas disturbed during construction shall be repaired/replaced by the Permittee to the satisfaction of the Park & Recreation Dept./Development Services Dept., prior to the activation of WCF.

PARK & RECREATION REQUIREMENTS:

22. The developer shall ensure that prior to issuance of building permits, the construction plans shall be reviewed and approved by the Park & Recreation Dept.

23. The developer shall ensure that prior to issuance of building permits, the building materials used in the construction of the telecom equipment enclosure shall match the existing recreation center in color and texture.

24. The developer shall ensure that prior to issuance of building permits, all information regarding the footing and mounting hardware for the replaced light pole shall be reviewed and approved by the Park & Recreation Dept. Exposed bolts will not be accepted.

PLANNING/DESIGN REQUIREMENTS:

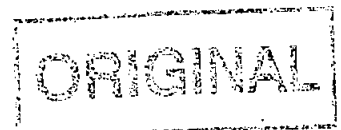
25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall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

26. Permittee shall not cause or allow the antennas located on the WCF to be different sizes (length, width, or height) than as shown on the stamped approved plans and as listed here.

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

28. 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 approved the Exhibit "A."

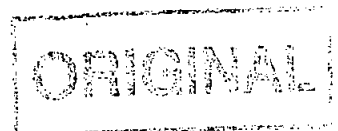
29. The Permittee shall place appropriate signage on the WCF as required by CAL-OSHA/FCC to the satisfaction of the Development Services Department. The Permittee shall be responsible for complying with all State and Federal regulations, as applicable.



30. Prior to the issuance of a construction permit, 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.
31. 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.
32. All facilities and related equipment shall be maintained in good working order and free from trash, debris, graffiti and designed to discourage vandalism by Permittee. Any damaged equipment shall be repaired or replaced by Permittee within thirty (30) calendar days of notification by the City of San Diego.
33. Antennas shall be painted and textured to match the light pole to the satisfaction of the Development Services Department.
34. All antennas shall include bottom chin covers, painted to match the light pole to the satisfaction of the Development Services Department.
35. No exposed pipes or mounting apparatus absent antennas shall be present at any time. Mounting pipes shall not be longer than the antennas.
36. The antennas may extend a maximum of 18-inches from the face of the pole.
37. All conduits are to be routed directly underneath the pole without the use of a "doghouse".
38. AT&T and T-Mobile will split all associated cost to install the fourth ball field light (90-foot tall) located on the left field.
39. The Permittee shall be financially responsible and shall assume all costs associated with the construction and maintenance of all four (4) new ball field lights if T-Mobile withdraws their project from this location.
40. 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:

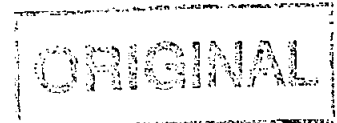
- Please note that a **Telecom Planning Inspection Issue** will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans and associated conditions. Prior to calling for your Final Inspection from your building inspection official, 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.

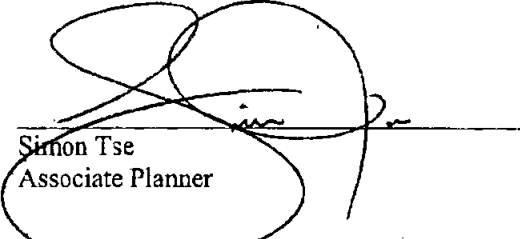
- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all 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 December 8, 2011 and Resolution No. 4750-PC.



Planned Development Permit No. 916843
Conditional Use Permit No. 916844
Neighborhood Use Permit No. 916845
Date of Approval: December 8, 2011

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

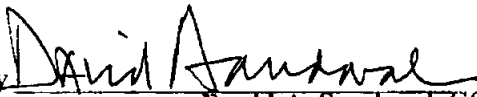

Simon Tse
Associate Planner

**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.

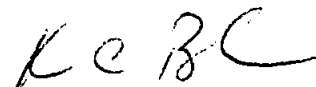
CITY OF SAN DIEGO

Owner

By 
NAME David A. Sandoval, CCIM
TITLE Deputy Director, Real Estate Asset

AT&T MOBILITY

Permittee

By 
NAME Kevin Becker
TITLE AT&T Mobility

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

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ACKNOWLEDGMENT

State of California
County of San Diego

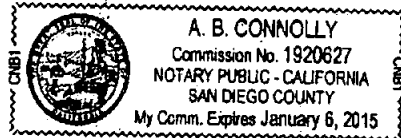
On 1/12/12 before me, A.B. Connolly, Notary Public
(insert name and title of the officer)

personally appeared Kevin C. Becker
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 A.B. Connolly (Seal)



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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

On January 18, 2012 before me, Teresa Dolores Morse, Notary Public

personally appeared David A. Sandoval



who proved to me on the basis of satisfactory evidence to be the person ~~whose name is~~ 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 ~~on~~ the instrument the person ~~acted~~, or the entity upon behalf of which the person ~~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

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: POP# 916843

Document Date: 12/08/11

Number of Pages: 1

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: _____

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OF SIGNER

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

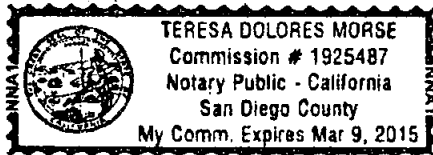
State of California

County of San Diego

On January 18, 2012 before me,

personally appeared Simon Ise

Teresa Dolores Morse, Notary Public
Here Insert Name and Title of the Officer
Simon Ise
Name of Signer



who proved to me on the basis of satisfactory evidence to be the person ~~or~~ whose name ~~is~~ 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 ~~or~~, or the entity upon behalf of which the person ~~or~~ 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

Place Notary Seal Above

OPTIONAL

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**PLANNING COMMISSION
RESOLUTION NO. 4750-PC
PLANNED DEVELOPMENT PERMIT NO. 916843
CONDITIONAL USE PERMIT NO. 916844
NEIGHBORHOOD USE PERMIT NO. 916845
AT&T MOBILITY – DOYLE COMMUNITY PARK
PROJECT NO. 195790**

WHEREAS, CITY OF SAN DIEGO, Owner and AT&T MOBILITY, Permittee, filed an application with the City of San Diego for a permit for a Wireless Communication Facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 916843, 916844, and 916845).

WHEREAS, the project site is located at 8175 Regents Road in the OP-1-1 zone of the University Community Planning area;

WHEREAS, the project site is legally described as Parcel 1, the south 20 acres of the east half of pueblo lot of 1301 of the pueblo lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to map thereof made by James Pascoe in 1870. A copy of which said map was filed in the office of the County Recorder of San Diego County and known as miscellaneous map 36, the northerly line of said southerly 20 acres being parallel with the southerly line of said pueblo lot 1301;

WHEREAS, on December 8, 2011, the Planning Commission of the City of San Diego considered Planned Development Permit No. 916843; and Conditional Use Permit No. 916844 and Neighborhood Use Permit No. 916845 (AT&T Project No. 195790) pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 22, 2010, 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 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 Planning Commission of the City of San Diego as follows:

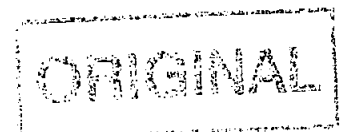
That the Planning Commission adopts the following written Findings, dated December 8, 2011.

FINDINGS:

Planned Development Permit - Section 126.0604

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

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or



otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In this particular case, the proposed ball field lights (two new ball field lights) are compatible with the existing park use. As a result, one additional ball field would be illuminated for future night time park recreational use.

The proposed ball field light supporting the antennas complies with the WCF regulations. The antennas will extend a maximum of 18-inches from the face of the pole and the associated conduits will be concealed inside antenna chin covers and routed directly into the pole to prevent any exposed conduits. The proposed Tower Mounted Amplifiers and the Remote Radio Units will be concealed behind a new 11-foot long and 4-foot 2-inch diameter radome. Both the antennas and the radomes will be painted to match the ball field light. The proposed WCF design as a whole is considered to be camouflage as a ball field light with appropriate screening. The design is also consistent with Land Development Code Section 141.0420(i)(1)(A).

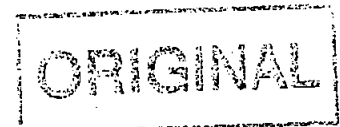
The University Community Plan does not address WCF's as a specific land use. However, the General Plan also states that facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context" The equipment enclosure has been designed to match the existing comfort station and is located on the southern end of the parking lot with additional proposed landscaping. 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 condition has been included with the project to require the applicant to submit an RF report to the City of San Diego demonstrating compliance with the FCC standards for wireless facilities. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply with the regulations of the Land Development Code;

The proposed WCF has been designed to comply with the regulations of the OP-1-1 zone and the Wireless Communication Facility Regulation Section 141.0420 with the exception of the 250-square foot equipment size limitation. Due to the size of the proposed 320-square foot equipment enclosure, the project requires a deviation to exceed the equipment limitation of 250-square feet per Land Development Code section 141.0420(g)(3). A certain amount of space is required to enclose the equipment and to ensure compliance with CALOSHA access requirements. The proposed enclosure has been designed to match the existing park comfort station and is located by the south end of the parking lot with added landscaping. Access to and from the park will not be affected by the proposed enclosure.



Per Land Development Code section 141.0420(i)(1)(B), Equipment enclosures shall be placed underground. Due to concerns with potential impacts related to park activities, staff can support the proposed deviation to place an above ground enclosure. The overall 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 reduce access to at least one side of 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.

The proposed ball field light supporting the antennas complies with the WCF regulations. The antennas will extend a maximum of 18-inches from the face of the pole and the associated conduits will be concealed inside antenna chin covers and routed directly into the pole to prevent any exposed conduits. The proposed Tower Mounted Amplifiers and the Remote Radio Units will be concealed behind a new 11-foot long and 4-foot 2-inch diameter radome. Both the antennas and the radomes will be painted to match the ball field light.

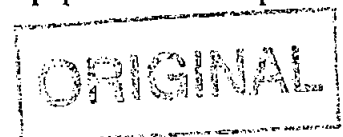
4. The proposed development, when considered as a whole, will be beneficial to the community; and

The project will be beneficial to the community to provide improved services to the surrounding residential use. The facility would also help provide reliable 911 services. This location was pursued by AT&T and T-Mobile because of the growing users in the surrounding area and the need to update current and future capacity to support the growth. The project design is also beneficial to the community; the proposed lights would support the use of another ball field and other park related recreational uses. Therefore, this project will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) 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.

The proposed deviation to exceed the 250-square foot required per Land Development Code 141.0420(g)(3) can be supported because of the proposed location of the enclosure and because the overall WCF design is beneficial to the community. Reducing the overall equipment enclosure size to 250-square feet or below to comply with the regulation would reduce the coverage footprint and capacity needed for this area. Eventually, AT&T would be required to expand the enclosure size to accommodate and support the coverage area. While the enclosure exceeds the 250-square feet limitation, this deviation can be supported because the enclosure would accommodate current and projected growth to the network and reduce any potential construction impacts to the park in the future. The enclosure as illustrated in the photosimulations is located behind proposed landscaping with minimal visibility. Since the equipment is located away from park use, access to the park will not be affected.

Per Land Development Code section 141.0420(i)(1)(B), Equipment enclosures shall be placed underground. Due to concerns with potential impacts related to park activities, staff can support the proposed deviation to place an above ground enclosure. The overall 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 reduce access to at least one side of 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.

AT&T will also provide additional screening with proposed landscaping to reduce all visual impacts. Consideration was also given to the overall WCF design and the fact that the proposed additional lights would provide other park related recreational use opportunities. Based on the written findings above, the deviations to exceed the maximum equipment size limitation of 250-square feet and to construct an above ground equipment enclosure would result in a more desirable project than would be achieved if designed in strict conformance with the Wireless Communication Facilities Regulation.

Conditional Use Permit - Section §126.0305

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

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In this particular case, the proposed ball field lights (two new ball field lights) are compatible with the existing park use. As a result, one additional ball field would be illuminated for future night time park recreational use.

The proposed ball field light supporting the antennas complies with the WCF regulations. The antennas will extend a maximum of 18-inches from the face of the pole and the associated conduits will be concealed inside antenna chin covers and routed directly into the pole to prevent any exposed conduits. The proposed Tower Mounted Amplifiers and the Remote Radio Units will be concealed behind a new 11-foot long and 4-foot 2-inch diameter radome. Both the antennas and the radomes will be painted to match the ball field light. The proposed WCF design as a whole is considered to be camouflage as a ball field light with appropriate screening. The design is also consistent with Land Development Code Section 141.0420(i)(1)(A).

The University Community Plan does not address WCF's as a specific land use. However, the General Plan also states that facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context" The equipment enclosure has been designed to match the existing comfort station and is located on the southern end of the parking lot with additional proposed landscaping. 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 condition has been included with the project to require the applicant to submit an RF report to the City of San Diego demonstrating compliance with the FCC standards for wireless facilities. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

The proposed WCF has been designed to comply with the regulations of the OP-1-1 zone and the Wireless Communication Facility Regulation Section 141.0420 with the exception of the 250-square foot equipment size limitation. Due to the size of the proposed 320-square foot equipment enclosure, the project requires a deviation to exceed the equipment limitation of 250-square feet per Land Development Code section 141.0420(g)(3). A certain amount of space is required to enclose the equipment and to ensure compliance with CALOSHA access requirements. The proposed enclosure has been designed to match the existing park comfort station and is located by the south end of the parking lot with added landscaping. Access to and from the park will not be affected by the proposed enclosure.

Per Land Development Code section 141.0420(i)(1)(B), Equipment enclosures shall be placed underground. Due to concerns with potential impacts related to park activities, staff can support the proposed deviation to place an above ground enclosure. The overall 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 reduce access to at least one side of 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.

The proposed ball field light supporting the antennas complies with the WCF regulations. The antennas will extend a maximum of 18-inches from the face of the pole and the associated conduits will be concealed inside antenna chin covers and routed directly into the pole to prevent any exposed conduits. The proposed Tower Mounted Amplifiers and the Remote Radio Units will be concealed behind a new 11-foot long and 4-foot 2-inch diameter radome. Both the antennas and the radomes will be painted to match the ball field light.

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

The proposed ball field lights would fulfill a need for the park and provide a vertical element for both AT&T and T-Mobile to install their antennas. The proposed ball field light is an ideal design that not only provides the park with future park related night time recreational uses such as softball games and soccer games; but it also serves the community by providing more reliable wireless coverage for the residents and visitors of the surrounding area. The height of the ball field lights is per MUSCO's (the light manufacturer) recommendation in an effort to provide required lighting for softball games. These vertical elements would allow AT&T and T-Mobile to install their antennas at an optimal height further assisting both carriers' coverage objectives. Therefore, the proposed WCFs are appropriate at the proposed park location.



Neighborhood Use Permit - Section 126.0205

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

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In this particular case, the proposed ball field lights (two new ball field lights) are compatible with the existing park use. As a result, one additional ball field would be illuminated for future night time park recreational use.

The proposed ball field light supporting the antennas complies with the WCF regulations. The antennas will extend a maximum of 18-inches from the face of the pole and the associated conduits will be concealed inside antenna chin covers and routed directly into the pole to prevent any exposed conduits. The proposed Tower Mounted Amplifiers and the Remote Radio Units will be concealed behind a new 11-foot long and 4-foot 2-inch diameter radome. Both the antennas and the radomes will be painted to match the ball field light. The proposed WCF design as a whole is considered to be camouflage as a ball field light with appropriate screening. The design is also consistent with Land Development Code Section 141.0420(i)(1)(A).

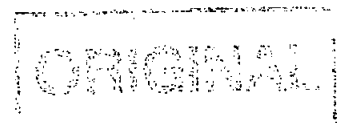
The University Community Plan does not address WCF's as a specific land use. However, the General Plan also states that facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context" The equipment enclosure has been designed to match the existing comfort station and is located on the southern end of the parking lot with additional proposed landscaping. 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 condition has been included with the project to require the applicant to submit an RF report to the City of San Diego demonstrating compliance with the FCC standards for wireless facilities. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed WCF has been designed to comply with the regulations of the OP-1-1 zone and the Wireless Communication Facility Regulation Section 141.0420 with the exception of the 250-square foot equipment size limitation. Due to the size of the proposed 320-square foot equipment

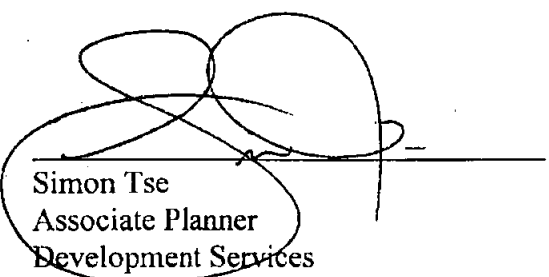


enclosure, the project requires a deviation to exceed the equipment limitation of 250-square feet per Land Development Code section 141.0420(g)(3). A certain amount of space is required to enclose the equipment and to ensure compliance with CALOSHA access requirements. The proposed enclosure has been designed to match the existing park comfort station and is located by the south end of the parking lot with added landscaping. Access to and from the park will not be affected by the proposed enclosure.

Per Land Development Code section 141.0420(i)(1)(B), Equipment enclosures shall be placed underground. Due to concerns with potential impacts related to park activities, staff can support the proposed deviation to place an above ground enclosure. The overall 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 reduce access to at least one side of 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.

The proposed ball field light supporting the antennas complies with the WCF regulations. The antennas will extend a maximum of 18-inches from the face of the pole and the associated conduits will be concealed inside antenna chin covers and routed directly into the pole to prevent any exposed conduits. The proposed Tower Mounted Amplifiers and the Remote Radio Units will be concealed behind a new 11-foot long and 4-foot 2-inch diameter radome. Both the antennas and the radomes will be painted to match the ball field light.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 916843; and Conditional Use Permit No. 916844 and Neighborhood Use Permit No. 916845 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. 916843; and Conditional Use Permit No. 916844 and Neighborhood Use Permit No. 916845, a copy of which is attached hereto and made a part hereof.



Simon Tse
Associate Planner
Development Services

Adopted on: December 8, 2011

Internal Order No. 24000315

