



10509 Vista Sorrento Pkwy Suite 206
San Diego, Ca 92121

August 8, 2014

Ms. Enza Charles
Real Estate Assets Department
The City of San Diego
1200 Third Avenue, Suite 1700
San Diego, California 92101

RE: Site Address: 11599 Spring Canyon Rd, San Diego (the "Property")
 Site Name: SD06598 Spruce Run
 Agreement: Lease Agreement, dated September 30, 2010 (the "Lease") between The City of San Diego ("City") and T-Mobile West Corporation, ("Lessee").

Dear Ms. Charles,

As part of the continuous effort to keep its network up to date, T-Mobile would like to perform the following modifications (changes) as described in the attached approved and stamped plans, to the site referenced above:

Antennas: Replace existing 3 antennas with 3 new Air antennas.

Equipment: Replace existing equipment cabinet with new equipment cabinet. The new cabinet will be placed in the same footprint as the existing/

Pursuant to Section 9.4, Improvements and Alterations of the Lease Agreement, "Lessee shall not construct any improvements, structures, or installations on the Premises; or make any alterations to the Premises (with the exception of equipment replacements or repairs) without City's prior written approval." In order to comply with such requirement, T-Mobile would like to request City's consent and approval to complete the items described above.

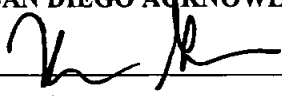
By signing this letter, City is providing its consent and approval to allow T-Mobile to perform the proposed modifications described herein. Upon signature, please return to my attention at:

Debra DePratti Gardner
DePratti Inc., Agent for T-Mobile
13948 Calle Bueno Ganar
Jamul, CA 91935

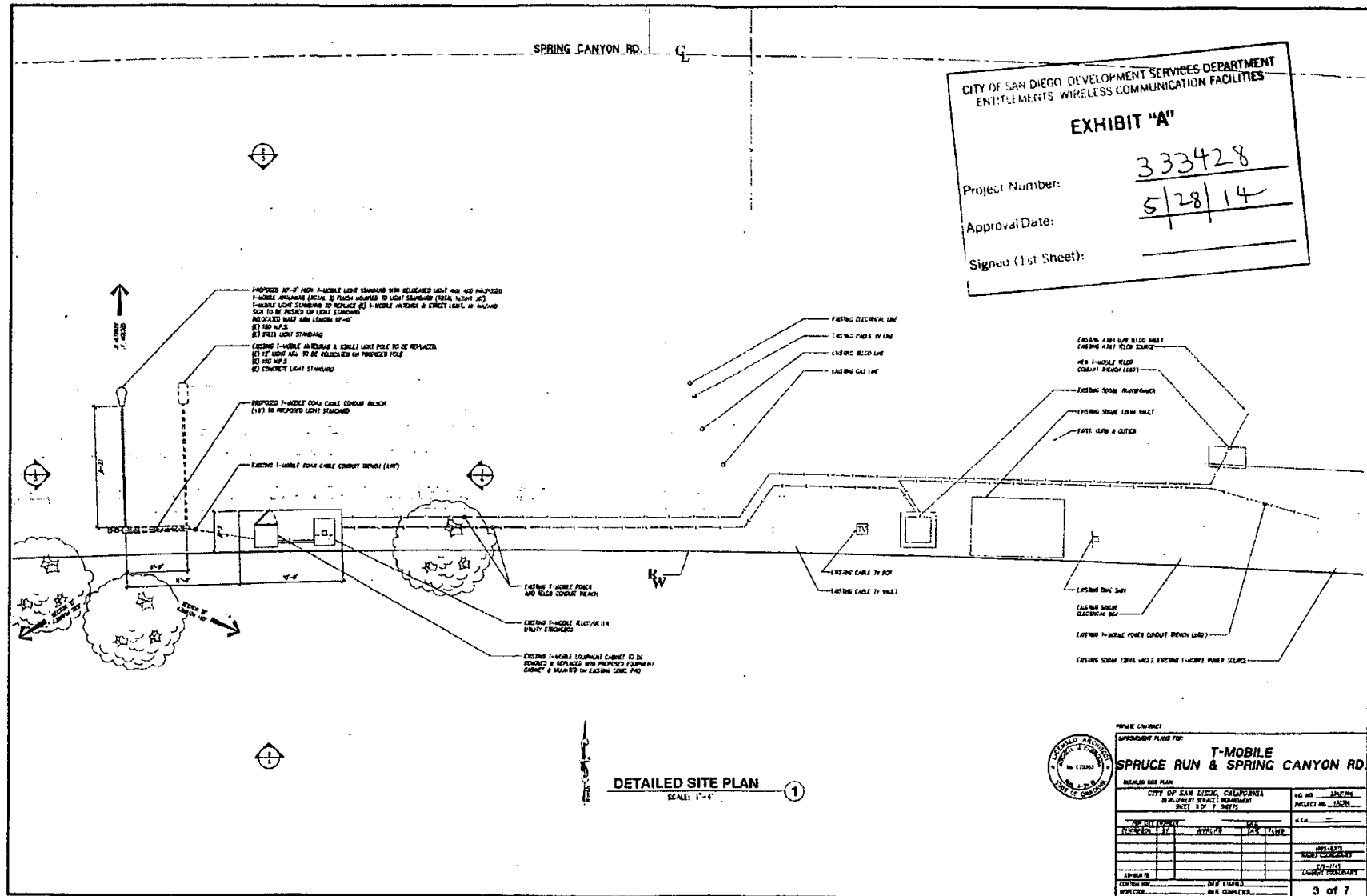
Sincerely,

Debra DePratti Gardner, *agent for T-Mobile*

CITY OF SAN DIEGO ACKNOWLEDGEMENT AND CONSENT

By: 
Name: Kristin Geitz
Title: Interim Director of Real Estate Assets Department
Date: 8/27/14

[illegible]



CITY OF SAN DIEGO-DEVELOPMENT SERVICES DEPARTMENT
ENTITLEMENTS-WIRELESS COMMUNICATION FACILITIES

Project Number: 333428
Approval Date: 5/28/14
Signed (1st Sheet): _____

APPLICANT: F-MORE 1684
WARD WELLES COUNTY, SUITE 211
1000 DOWEN CH. RD
OWNED: CITY OF SAN DIEGO
1000 BROAD AVENUE SUITE 100
SAN DIEGO, CA 92101
CHARLES CARROLL L. WARD
PHONE 336-6381

DEVELOPMENT SUMMARY:
F-MORE 1684 PROJECT IS REQUESTED AND APPROVED AS UNIMPROVED, WELLES
COMMERCIAL ZONING AT THIS SITE.
EXISTING F-MORE COMPANY CORPOT TO BE REMOVED & REPLACED WITH
IMPROVED COMPANY CORPOT.
F-MORE 1684 OFFICIAL & UNIT STANDARDS ARE BE REQUESTED &
REPLACED WITH IMPROVED F-MORE OFFICIAL & UNIT STANDARDS

PROJECT ADDRESS: 1000 BROAD AVENUE SUITE 1000 CA 92101
SUNSHINE BLDG. #1
1000 BROAD AVENUE SUITE 1000
SAN DIEGO, CA 92101

EXISTING ZONING: MS-1-L3

TOTAL PROJECT AREA: 43 SQ FT

PROPOSED TIME OF CONSTRUCTION: TIME IS BEEN-ADDED UNIMPROVED

PROPOSED OCCUPANCY: 0

EXISTING CARRIERS: NONE

COORDINATES: 32° 56' 30" NORTH
117° 06' 30" WEST

SAC, PHOENIX/PERMUTING
F-MURKIN 854
WASH FIELD OFFICE, 9400 JIL
SAN DIEGO, CA 92121
REPHOTOGRAPHY
REPHOTOGRAPHY
REPHOTOGRAPHY

1. JUNE CALIFORNIA BEADLINE CODE (JNC) / JUNE INTERMEDIATE BEADLINE CODE (JIC)
2. JUNE CALIFORNIA ELECTRICAL CODE (JEC) / JUNE ADVANCED ELECTRICAL CODE (JAC)
3. JUNE CALIFORNIA MECHANICAL CODE (JMC) / JUNE LUMINOUS MECHANICAL CODE (JML)
4. JUNE CALIFORNIA FIRE CODE (JFC) / JUNE ()

THIS PROJECT IS AN UNCLASSIFIED UNLIMITED PDS RECOMMENDATION FACILITY AND ACCORDING TO WRITER INFORMATION FROM THE DISTRICT DEPARTMENT OF THE STATE ARCHIVES IS EXEMPT FROM DISCLOSED ACCESS REQUIREMENTS.

THE DRAWING SCALE SHOWN IN THESE PLANS REPRESENT THE CORRECT SCALE ONLY WHEN THE DRAWINGS ARE PLACED ON 24" x 36" PAPER. IF THIS PLANS IS NOT 24" x 36", THE SCALE IS NOT TO SCALE.



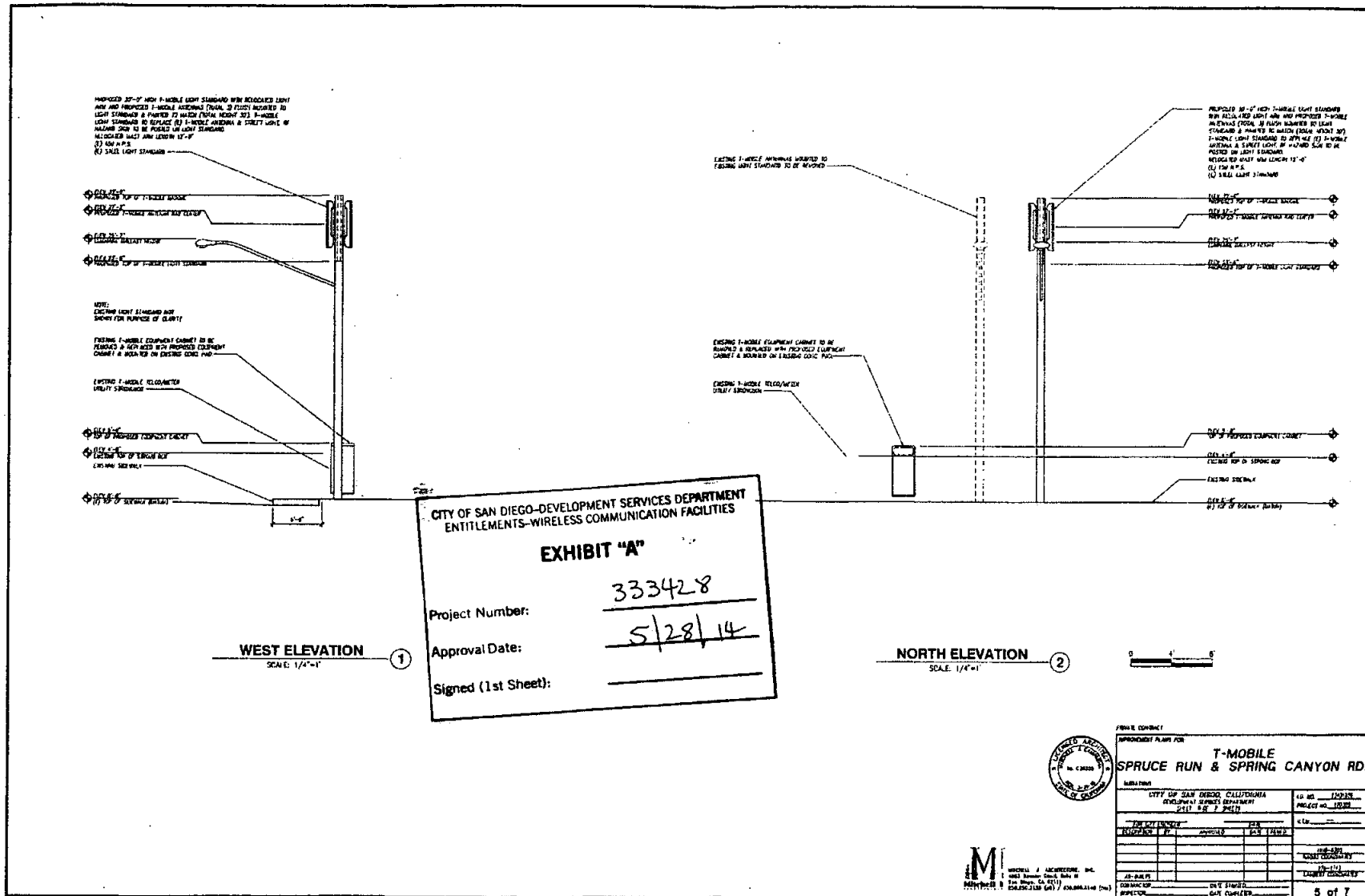
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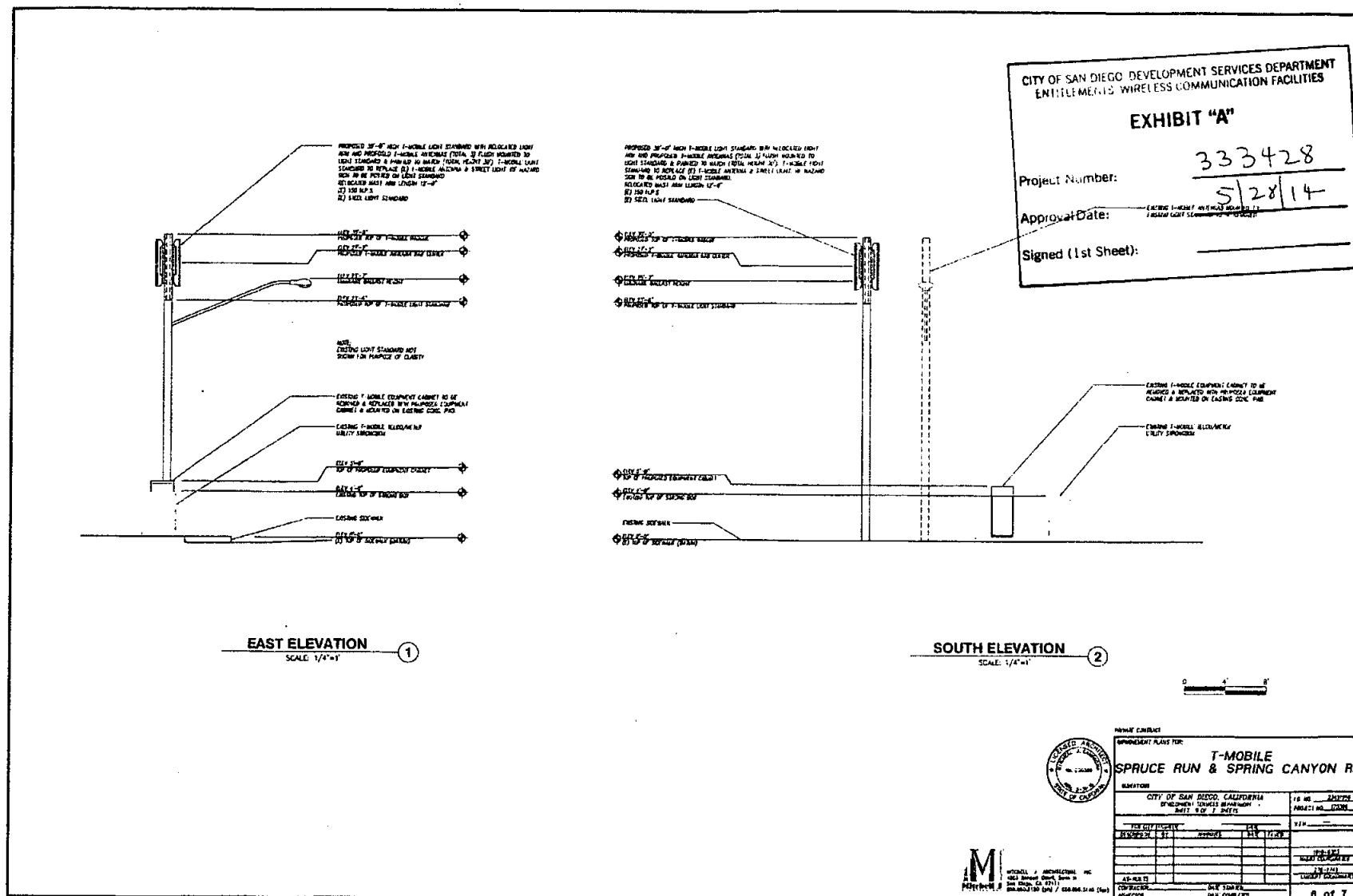
IMPROVED CLASS FOR

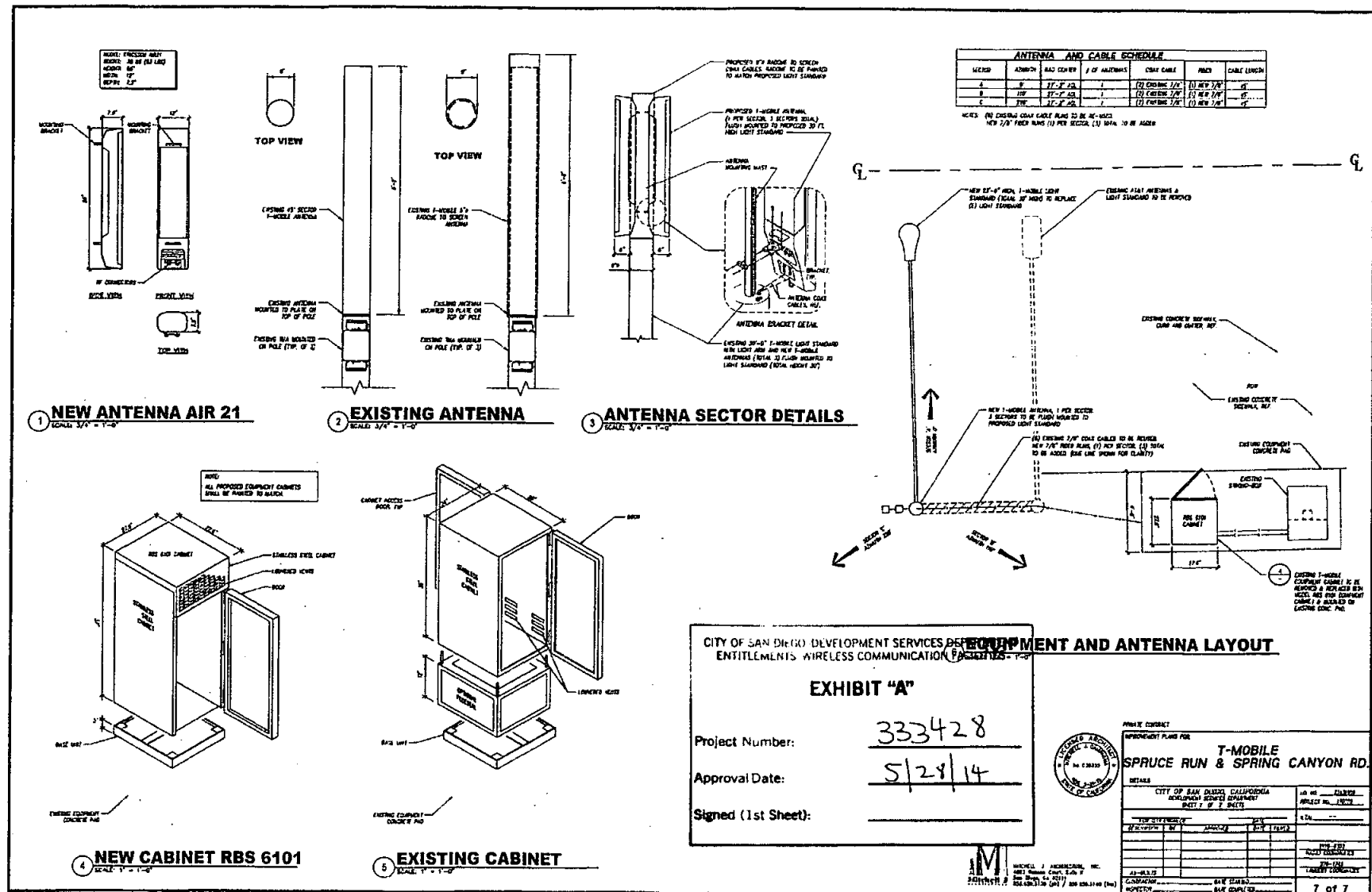
T-MOBILE
SPRUCE RUN & SPRING CANYON RD

CITY OF SAN DIEGO, CALIFORNIA REVENUE SERVICES DEPARTMENT SOL 406 2 REITS		LG NO. <u>134279</u> PROJECT NO. <u>134279</u>
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<u>TOP SECRET</u>						<u>SU</u>	CIV --
Z COMPANY	B-1	AUGUST 78	FAL	PAGE 0			
						(S-C)	
						HQZ TROOPER	
						(T-S)	
						LIGHT SQUAD	
ALL-BLUE TO							
COMBINATION OF SHARPENED							
NOTES FOR COMPLETION							
						4 of 7	









SD06598A SPRUCE RUN ROW

111159 SPRING CANYON ROAD SAN DIEGO CA 92131

ATTACHMENT 10A
ARTISTIC
engineering
AEsim.com
877.9AEsim

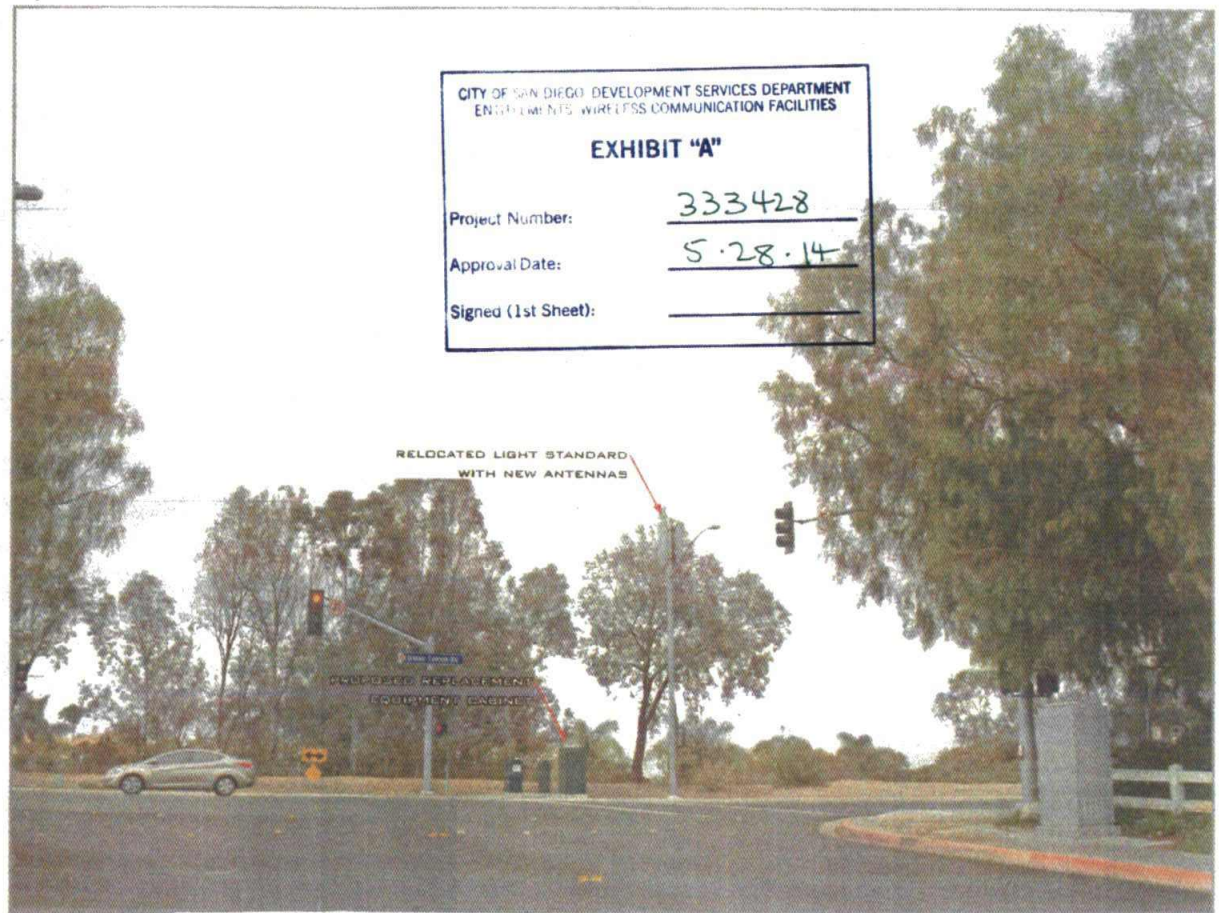


LOCATION

©2013 Google Maps



EXISTING





SD06598A SPRUCE RUN ROW

111159 SPRING CANYON ROAD SAN DIEGO CA 92131

ATTACHMENT 10A



AEsims.com
877.9AE.sims

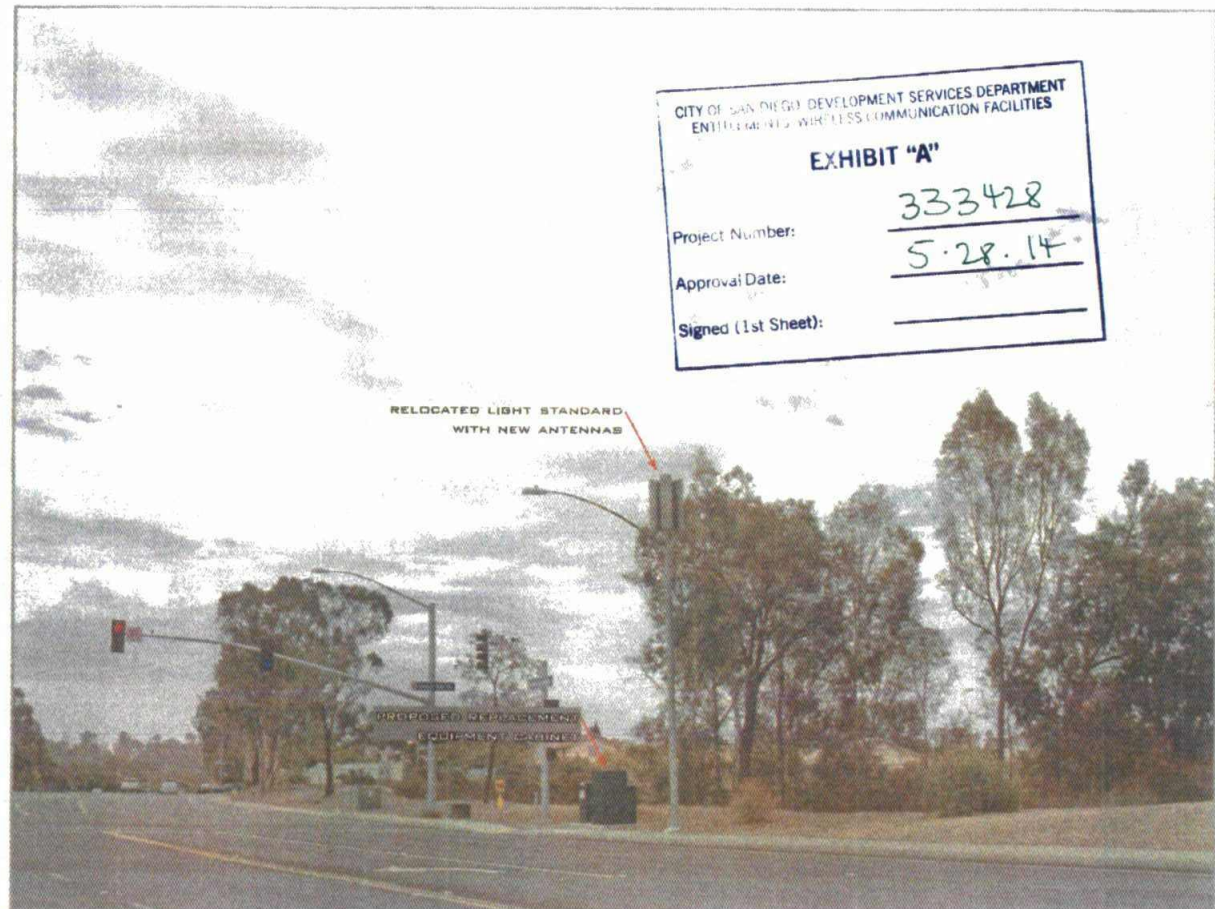


LOCATION

©2013 Google Maps



EXISTING



PROPOSED

LOOKING SOUTHEAST FROM SPRING CANYON ROAD

CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT
ENTERTAINMENT WIRELESS COMMUNICATION FACILITIES

EXHIBIT "A"

Project Number: 333428

Approval Date: 5.28.14

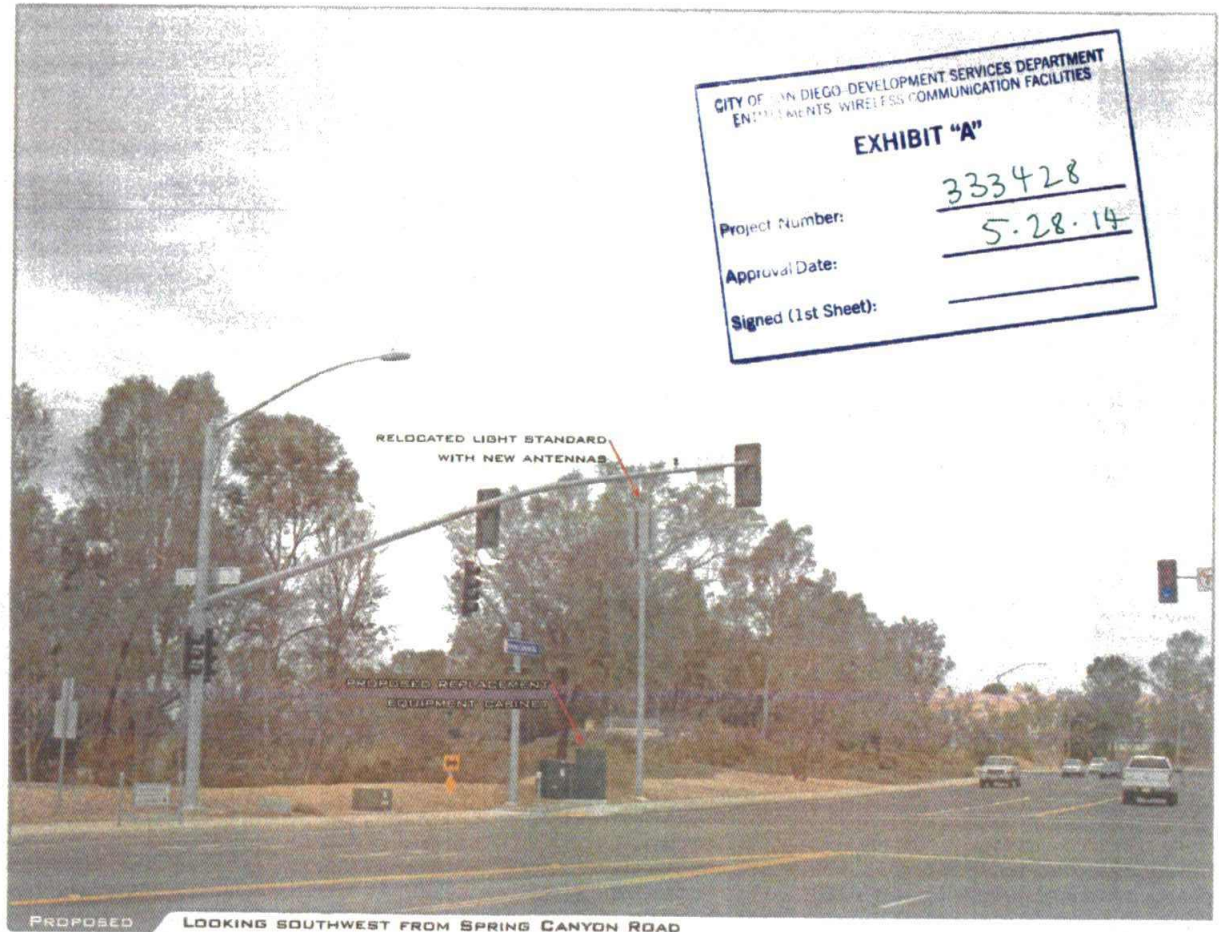
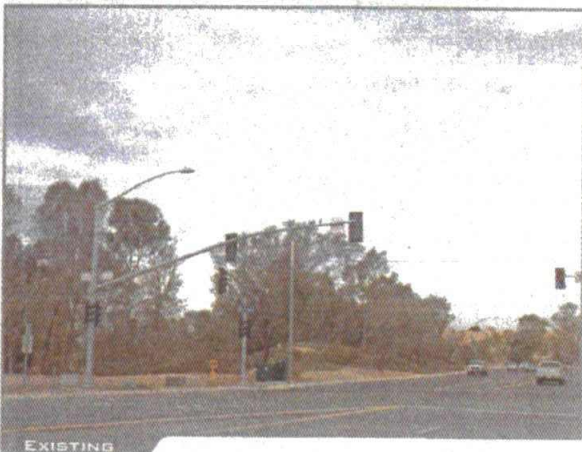
Signed (1st Sheet): _____



SD06598A SPRUCE RUN ROW

111159 SPRING CANYON ROAD SAN DIEGO CA 92131

ATTACHMENT 10A
ARTISTIC
engineering
AEsim.com
877.9AEsim



THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUL 09, 2014
DOCUMENT NUMBER 2014-0284687
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 10:34 AM

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

WHEN RECORDED MAIL TO
CITY CLERK

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003980

**NEIGHBORHOOD USE PERMIT (NUP) NO. 1263012
CONDITIONAL USE PERMIT (CUP) NO. 1263002
RESCIND CUP NO. 490989 and NUP NO. 603117
T-MOBILE SPRUCE RUN
PROJECT NO. 333428
HEARING OFFICER**

This NEIGHBORHOOD USE PERMIT NO. 1263012 and CONDITIONAL USE PERMIT NO. 1263002 is granted by the HEARING OFFICER of the City of San Diego to THE CITY OF SAN DIEGO, Owner, and T-MOBILE, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0420, 126.0205, and 126.0305. The site is located in the public right-of-way at 11532 1/3 Spring Canyon Road on the south side of Spring Canyon Road at Spruce Run Drive in the RS-1-14 zone of the Miramar Ranch North Community Plan area.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct, operate, and maintain a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 28, 2014, on file in the Development Services Department.

The project shall include:

- a. Three (3) panel antennas, with the following dimensions: 56.0" by 12.0" by 7.9", mounted to a street light standard, with two above-ground equipment cabinets located adjacent to the light standard;
- b. This light standard is for the primary purpose of street illumination, but may have the secondary purpose of accommodating Permittee's Operations on the Premises.

- 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 June 11, 2017.
2. This NUP and CUP and corresponding use of this site shall **expire on June 11, 2024**. 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 Owner/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 Owner/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.
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 Owner/Permittee shall secure all necessary building/right-of-way permits. The Owner/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 permit, the Permittee shall obtain a Nonexclusive Right-of-Way Use Agreement from the City of San Diego for the proposed work in the Spring Canyon Road right-of-way.

15. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Right-of-Way permit for the proposed work in the Spring Canyon Road right-of-way.

16. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

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.

TRANSPORTATION REQUIREMENTS:

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

21. The applicant 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.

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

23. The applicant shall provide a Public Improvement Plan, including a Traffic Control Plan, satisfactory to the City Engineer.

24. The applicant shall provide and maintain a telephone contact number available 24 hours/7 days a week clearly posted on the system to allow City staff to immediately contact the system provider, satisfactory to the City Engineer.
25. The applicant shall provide a switch to allow City staff to immediately turn off the system, satisfactory to the City Engineer.
26. City staff should contact the applicant as soon as possible with notification of the emergency shut-off of the system, satisfactory to the City Engineer.
27. The applicant shall install and maintain a separate power meter for the project, satisfactory to the City Engineer.
28. The applicant shall inform the City and the City agrees to inform the applicant in the event of a knock-over, satisfactory to the City Engineer.
29. The applicant 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.
30. Upon written request by the City of San Diego, the applicant shall remove or relocate the system, or any part of the system, within 45 days at the applicant's cost, satisfactory to the City Engineer.
31. The applicant 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.
32. Prior to any routine maintenance activity, the applicant shall notify the City a minimum of one work day in advance, satisfactory to the City Engineer.
33. A foundation analysis shall be required during the Public Improvement Plan Process, satisfactory to the City Engineer.
34. The material of the proposed street light standard shall match the appropriate material shown in City of San Diego Standard Drawing SDE-101 or the existing street light standard that is to be replaced, satisfactory to the City Engineer.
35. If the luminaire mounting height or length of mast arm of the new traffic signal standard does not match the appropriate State of California Department of Transportation Standard Plans drawing number ES-7C through ES-7H, a lighting study and a Deviation From Standards Form shall be provided during the Public Improvement Plan Process. If a lighting study is not required, the lamp type and wattage shall comply with The City of San Diego Street Design Manual, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

36. 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.

37. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

38. The Owner/Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition.

39. The photosimulation(s) for the proposed project shall be printed (not stapled) on the building plans. This is to ensure the construction team building the project is in compliance with approved the Exhibit "A."

40. No overhead cabling is allowed for this project.

41. Exposed mounting apparatus shall be removed and shall not remain on the light standard absent antennas. The mast shall be removed if no antennas are present.

42. The Owner/Permittee shall not cause or allow the antennas located on the light standard to be different sizes (length, width, or height) than as shown on the stamped approved plans and identified in this permit.

43. Prior to the issuance of a construction permit, the telecommunication provider 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.

44. 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.

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

46. All cables shall be routed internally within proposed light standard.

47. The antennas shall be painted and textured to match the light standard to the satisfaction of the Development Services Department.

INFORMATION ONLY:

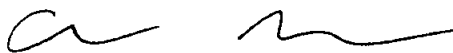
- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- A "Telecom Planning Inspection" will be required prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans, exhibits, and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 446-5349 to schedule an inspection of the completed WCF. Please request the telecom inspection at least five working days ahead of the requested 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 Hearing Officer of the City of San Diego on May 28, 2014 and HO-6714.

Permit Type/PTS Approval No.: NUP No. 1263012 and CUP No. 1263002

Date of Approval: 5/28/2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT



Alex Hempton, AICP
Development Project Manager

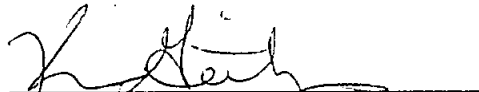
**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**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.**

**THE CITY OF SAN DIEGO –
REAL ESTATE ASSETS DEPT.**

Owner

By

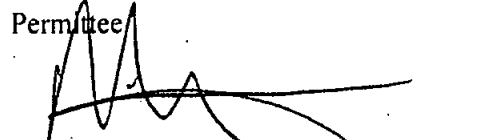


KRISTIN GEITZ
INTERIM DIRECTOR

T-MOBILE

Permittee

By



MICHAEL FULTON
NETWORK MANAGER

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California

County of San Diego

On June 24, 2014

Date

before me,

Stacie L. Maxwell, Notary Public

Name and Title of the Officer

personally appeared

Alex Hempton

Name(s) of Signer(s)



Place Notary Seal Above

PTS 333428

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: T-Mobile Service Plan

Document Date: May 28, 2014

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

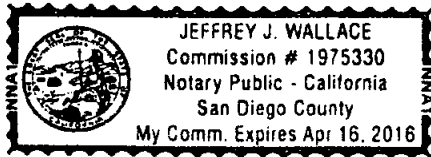
Signer Is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San DiegoOn 6/26/2014 before me, Jeffrey J. Wallace Notary Public
Date Here Insert Name and Title of the Officerpersonally appeared Kristin Geitz, Interim Director
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: Jeffrey J. Wallace

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 DocumentTitle or Type of Document: Neighborhood Use Permit (NUP) No. 1263012

Document Date: _____ 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

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

On June 18, 2014 before me, Anne Regan, Notary Public

personally appeared Michael Fulton

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

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: Use Permit

Document Date: May 28, 2014 Number of Pages: 8

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

ORIGINAL

**HEARING OFFICER
RESOLUTION NO. CM-6714
NEIGHBORHOOD USE PERMIT NO. 1263012
CONDITIONAL USE PERMIT NO. 1263002
T-MOBILE – SPRUCE RUN R.O.W.
PROJECT NO. 333428**

WHEREAS, THE CITY OF SAN DIEGO, Owner, and T-MOBILE, Permittee, filed an application with the City of San Diego for a permit to construct a Wireless Communication Facility consisting of three panel antennas mounted on a light standard with associated above-ground equipment located adjacent to the pole (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1263012 and 1263002);

WHEREAS, the project site is located in the public right-of-way on the south side of Spring Canyon Road near the intersection of Spruce Run Drive and Spring Canyon Road in the RS-1-13 zone of the Scripps Miramar Ranch Community Plan area;

WHEREAS, on February 14, 2014, 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 Sections 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on May 28, 2014, the Hearing Officer of the City of San Diego considered Neighborhood Use Permit No. 1263012 and Conditional Use Permit No. 1263002 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated May 28, 2014.

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 General Plan states that the visual impact of wireless facilities should be minimized. Wireless facilities should be concealed in existing structures when possible, or utilize camouflage and screening techniques to hide or blend them into the surrounding area. Facilities should be designed to be aesthetically pleasing and respectful of the neighborhood context. Mechanical and other equipment and devices should be concealed in underground vaults or other unobtrusive structures.

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In some cases, wireless carriers propose to locate their equipment associated with the antennas in underground, climate controlled vaults. With this particular project, T-Mobile is proposing to locate the equipment in two above-ground cabinets.

The City encourages carriers to locate their equipment underground by allowing such a facility adjacent to a residential use with the processing of a Neighborhood Use Permit (NUP), Process 2. In this case, the equipment is proposed above-ground, and a Conditional Use Permit, Process 3 is required. In addition, an NUP is also required, as the WCF is proposed in the right-of-way adjacent to a park open space use.

The Telecommunication Act of 1996 limits the authority of local jurisdictions to manage the public rights-of-way. Management of the rights-of-ways is limited to preserving the physical integrity, controlling the orderly flow of vehicles and pedestrians and managing utilities. Similarly, the California Public Utilities Code provides municipalities with the right to exercise reasonable control over the rights-of-ways with respect to time, place, and manner as it relates to wireless communication facility installations. These statutes address the traditional management of rights-of-ways, but do not provide for any type of aesthetic control.

For this project, T-Mobile's antennas have been incorporated into the design of a street light standard. In this way, a screening technique has been utilized to blend the antennas into the surrounding area utilizing an existing vertical element. The facility is designed to mimic the color, texture, and shape of City light standards. The three panel antennas will be mounted at the top of the light standard, painted and textured to match the light standard.

This project has been presented to the local community planning group for public review and comment. Council Policy 600-43 has been implemented in the processing of this project. The proposed location is a more preferable location, according to the Council Policy, than being located on a private residence, which would be a Process 4 (Preference 4), Conditional Use Permit. The ideal location for this project would be in the public right-of-way adjacent to a non-residential use. That location is considered a Process 1, Preference 1, Limited Use if the equipment was located underground. In this case, T-Mobile was not able to locate a Preference 1 site that met their coverage needs. However, the proposed location is not immediately adjacent to a residential use or an actively used recreation area, and therefore 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 project consists of three panel antennas mounted on a street light standard, along with above-ground equipment cabinets, located adjacent to the light standard. The project is located in the public right-of-way at 11532 1/3 Spring Canyon Road on the south side of Spring Canyon Road at Spruce Run Drive in the Miramar Ranch North community plan area.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures). The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be

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reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." A condition has been added to the permit to require a Radio Frequency Electromagnetic Fields Exposure Report demonstrating that the proposed project would be consistent with the FCC's regulations for wireless facilities. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

In conclusion, the proposed project will not be detrimental to the public health, safety and welfare.

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

The Land Development Code (LDC) permits Wireless Communication Facilities (WCF) in the public right-of-way, with above-ground equipment, with the processing of a Conditional Use Permit (CUP), Process 3. When the WCF is located in the public right-of-way adjacent to a park, a Neighborhood Use Permit (NUP), Process 2, is also required. WCFs are required to be minimally visible, through the use of architecture, landscape architecture, and siting solutions. In this case, T-Mobile proposes to locate the antennas on an existing light standard, at the top of the light standard. (In 2008, T-Mobile received approval for a WCF consisting of a single cylindrical antenna, mounted to the top of the light standard. This approval will remove the cylindrical antenna and replace it with three panel antennas.) Typically, the City's preference is for antennas to be located below the light source. In fact, the antennas would be required to be located below the light source if this project was located in a park. However, in this case, T-Mobile has indicated that they need the additional height in order to meet their coverage objective. Due to the project's location – on a street defined as "four-lane major urban," and is not immediately located adjacent to a residential use, staff can support T-Mobile's design as requested. Additionally, the proposed WCF is located adjacent to an open space area, which provides a buffer from residential uses. While the WCF would have a cleaner, less visible appearance if the antennas were mounted directly to the light standard, below the light source, Staff is able to support this project as designed based on the considerations listed above. This project complies with the applicable regulations of the Land Development Code (LDC), specifically the Wireless Communication Facility regulations, LDC section 141.0420.

Conditional Use Permit - Section 126.0305

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

The City of San Diego General Plan states that the visual impact of wireless facilities should be minimized. Wireless facilities should be concealed in existing structures when possible, or utilize camouflage and screening techniques to hide or blend them into the surrounding area. Facilities

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should be designed to be aesthetically pleasing and respectful of the neighborhood context. Mechanical and other equipment and devices should be concealed in underground vaults or other unobtrusive structures.

In some cases, wireless carriers propose to locate their equipment associated with the antennas in underground, climate controlled vaults. With this particular project, T-Mobile is proposing to locate the equipment in two above-ground cabinets.

The City encourages carriers to locate their equipment underground by allowing such a facility adjacent to a residential use with the processing of a Neighborhood Use Permit (NUP), Process 2. In this case, the equipment is proposed above-ground, and a Conditional Use Permit, Process 3 is required. In addition, an NUP is also required, as the WCF is proposed in the right-of-way adjacent to a park open space use.

The Telecommunication Act of 1996 limits the authority of local jurisdictions to manage the public rights-of-way. Management of the rights-of-ways is limited to preserving the physical integrity, controlling the orderly flow of vehicles and pedestrians and managing utilities. Similarly, the California Public Utilities Code provides municipalities with the right to exercise reasonable control over the rights-of-ways with respect to time, place, and manner as it relates to wireless communication facility installations. These statutes address the traditional management of rights-of-ways, but do not provide for any type of aesthetic control.

For this project, T-Mobile's antennas have been incorporated into the design of a street light standard. In this way, a screening technique has been utilized to blend the antennas into the surrounding area utilizing an existing vertical element. The facility is designed to mimic the color, texture, and shape of City light standards. The three panel antennas will be mounted at the top of the light standard, painted and textured to match the light standard.

This project has been presented to the local community planning group for public review and comment. Council Policy 600-43 has been implemented in the processing of this project. The proposed location is a more preferable location, according to the Council Policy, than being located on a private residence, which would be a Process 4 (Preference 4), Conditional Use Permit. The ideal location for this project would be in the public right-of-way adjacent to a non-residential use. That location is considered a Process 1, Preference 1, Limited Use if the equipment was located underground. In this case, T-Mobile was not able to locate a Preference 1 site that met their coverage needs. However, the proposed location is not immediately adjacent to a residential use or an actively used recreation area, and therefore will not adversely affect the applicable land use plan.

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

The project consists of three panel antennas mounted on a street light standard, along with above-ground equipment cabinets, located adjacent to the light standard. The project is located in the public right-of-way at 11532 1/3 Spring Canyon Road on the south side of Spring Canyon Road at Spruce Run Drive in the Miramar Ranch North community plan area.

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The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures). The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." A condition has been added to the permit to require a Radio Frequency Electromagnetic Fields Exposure Report demonstrating that the proposed project would be consistent with the FCC's regulations for wireless facilities. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

In conclusion, the proposed project will not be detrimental to the public health, safety and welfare.

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

The Land Development Code (LDC) permits Wireless Communication Facilities (WCF) in the public right-of-way, with above-ground equipment, with the processing of a Conditional Use Permit (CUP), Process 3. When the WCF is located in the public right-of-way adjacent to a park, a Neighborhood Use Permit (NUP), Process 2, is also required. WCFs are required to be minimally visible, through the use of architecture, landscape architecture, and siting solutions. In this case, T-Mobile proposes to locate the antennas on an existing light standard, at the top of the light standard. (In 2008, T-Mobile received approval for a WCF consisting of a single cylindrical antenna, mounted to the top of the light standard. This approval will remove the cylindrical antenna and replace it with three panel antennas.) Typically, the City's preference is for antennas to be located below the light source. In fact, the antennas would be required to be located below the light source if this project was located in a park. However, in this case, T-Mobile has indicated that they need the additional height in order to meet their coverage objective. Due to the project's location – on a street defined as "four-lane major urban," and is not immediately located adjacent to a residential use, staff can support T-Mobile's design as requested. Additionally, the proposed WCF is located adjacent to an open space area, which provides a buffer from residential uses. While the WCF would have a cleaner, less visible appearance if the antennas were mounted directly to the light standard, below the light source, Staff is able to support this project as designed based on the considerations listed above. No deviations are requested as part of this project. This project complies with the applicable regulations of the Land Development Code (LDC), specifically the Wireless Communication Facility regulations, LDC section 141.0420.

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

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WCF are permitted in the public right-of-way with a Conditional Use Permit, Process 3, when above-ground equipment is proposed. In this case, T-Mobile is proposing to mount three (3) panel antennas on a street light standard. The street light is located on Spring Canyon Road, which is classified as a four-lane major urban road, and there is a park-open space buffer between this project and residential uses. Since wireless coverage needs to be provided to this residential area, locating the WCF on a major road, effectively behind and buffered from the residential uses, is more preferable than locating the antennas on a local residential street in front of a residential use. Therefore, based on locating the antennas on a street light standard on a four-lane major urban road, the proposed WCF is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer Neighborhood Use Permit No. 1263012 and Conditional Use Permit No. 1263002 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1263012 and 1263002, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that, NUP No. 603117 and CUP No. 490989 are hereby rescinded.



Alex Hempton, AICP
Development Project Manager
Development Services

Adopted on: May 28, 2014

Internal Order No. 24003980

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