

Technology  Associates



February 7, 2013

City of San Diego (Landlord)
1200 Third Avenue, Suite 1700
San Diego CA 92101

RE: The PCS Site Agreement between Cox PCS (Tenant) and City of San Diego dated March 25, 2002 (Site Agreement), with respect to the real property located at 1405 Diamond Street San Diego CA 92109 (Site), Cascade No. SD36XC279

Dear Sir or Madam:

This letter is to advise you that it will be necessary within the near future for Sprint Nextel to make certain physical modifications to equipment within Tenant's premises at the Site. These improvements are being undertaken in order to ensure the continued technical and economic feasibility of Tenant's facility, and are needed for Tenant to make optimal use of the Site for the purposes intended by the Site Agreement. As described below, these modifications should have no significant impact on Landlord's property or operations. However, in accordance with the Site Agreement, Tenant requests that Landlord acknowledge notice of, and consent to, the following modifications:

Swap out of obsolete electronics cabinets, antenna and other equipment at the site. This may include replacement of cabling and mounting apparatus and the temporary redundancy of equipment within the leased area necessary for testing of the new equipment for up to 12 months.

Landlord's acknowledgement of notice and consent will not increase the size or amount of space being used by Tenant under the Site Agreement unless specifically stated above.

Please indicate your acknowledgement and consent by signing below and returning one copy of this letter to me at the address set forth above.

Thank you in advance for your prompt attention to this matter.

Regards,

Technology Associates

By: 

Maegan Murphy, an authorized representative of Sprint Nextel

ACKNOWLEDGED AND AGREED TO:

City of San Diego



Printed Name: **David A. Sandoval, CCIM**

Title: **Deputy Director, Real Estate Assets**

Date: Feb. 11, 2013
(Date must be completed)

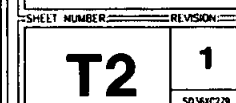
5473 Kearny Villa Rd., Ste. 300
San Diego, CA 92123
Mobile Phone: (619) 985-6638
Email: maegan.murphy@taec.net
www.taic.net

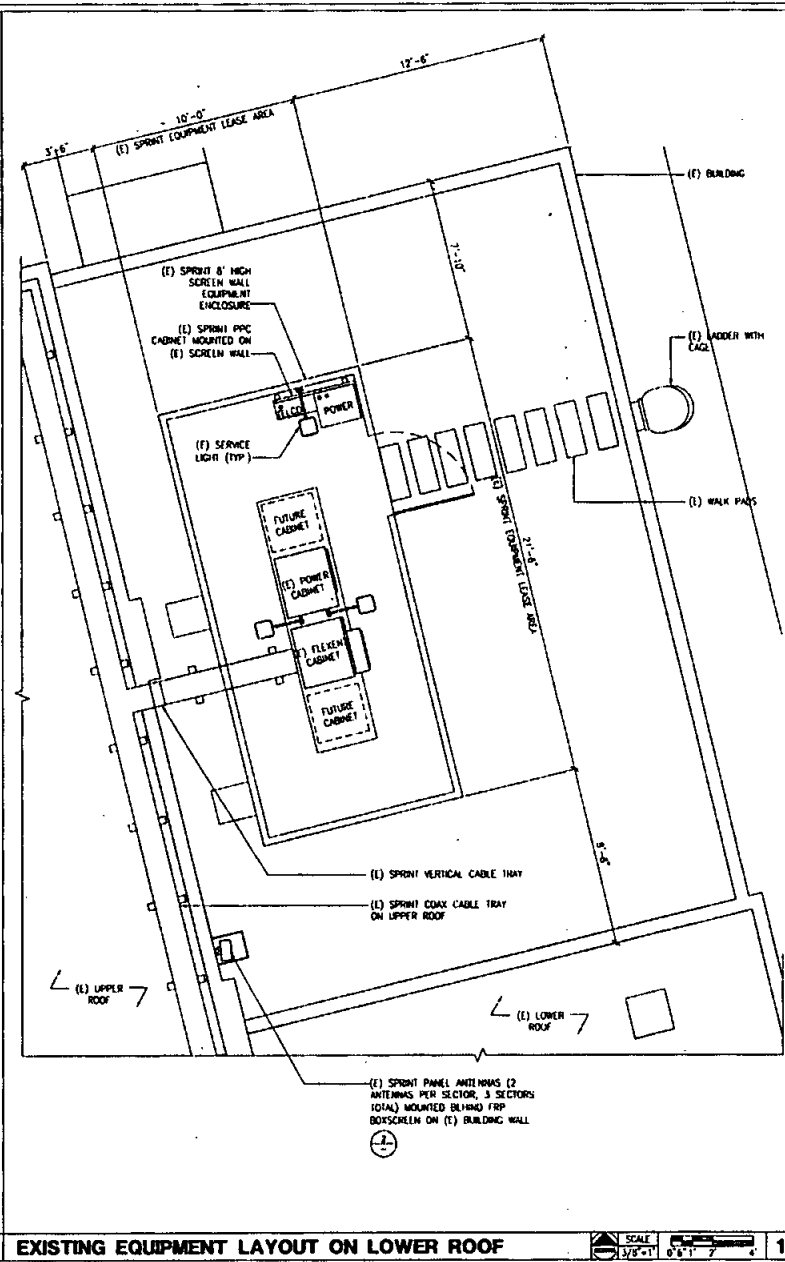
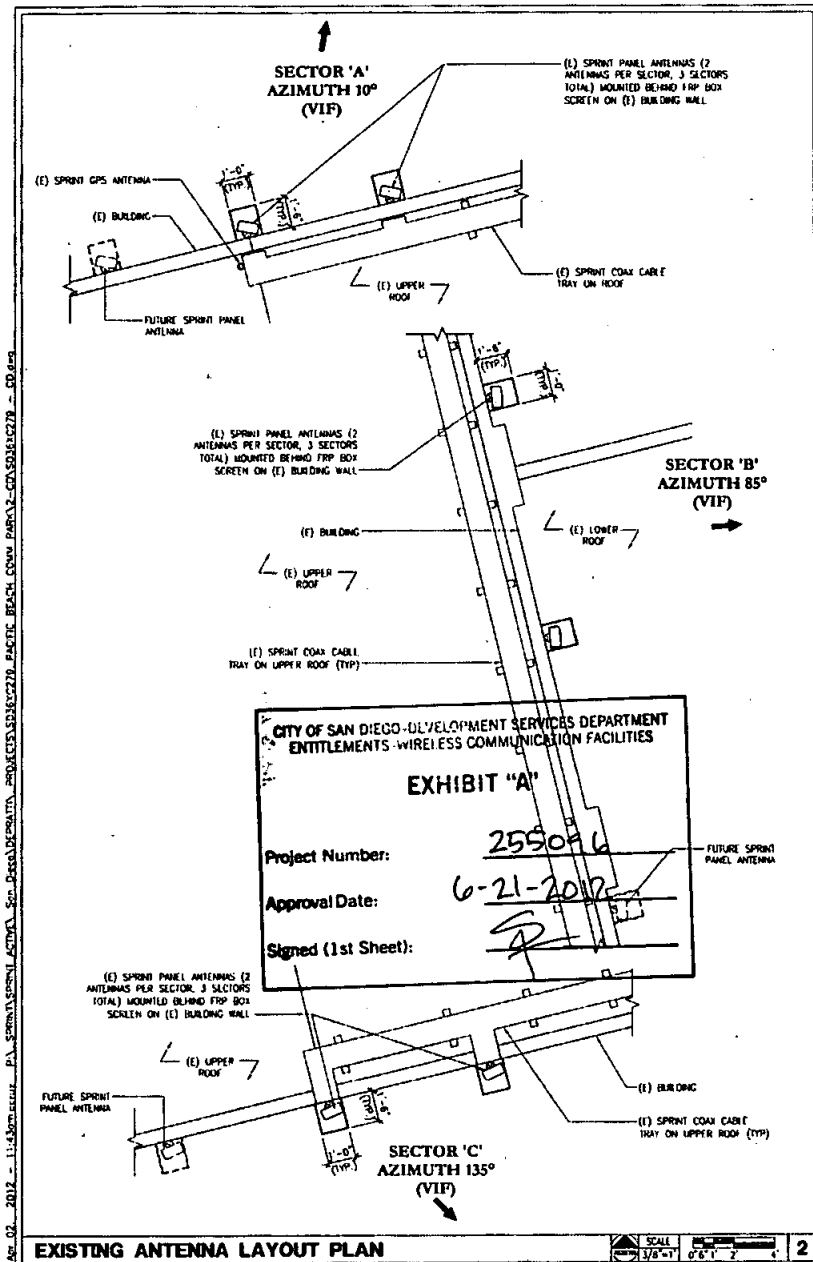
4 LEGENDS

2

3	GENERAL CONSTRUCTION NOTES
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T





 TOGETHER WITH NEXTEL 310 COMMERCIE BLVD. #200 OLYMPIA, CA 92050 POCBOMB (714) 817-6040 FAX: (714) 288-3981		
PROJECT INFORMATION:		
PACIFIC BEACH COMMUNITY PARK SD36XC279 1405 DIAMOND ST. SAN DIEGO, CALIFORNIA 92109 SAN DIEGO COUNTY		
CURRENT ISSUE DATE:		
04-02-12		
ISSUED FOR:		
PLAN CHECK		
REV.:	DATE: DESCRIPTION: CITY:	
	04-02-12 REVISED CD PER COUNTY FITNESS REVIEW	ARC
	02-14-12 90% CDS FOR REVIEW	ARC
PLANS PREPARED BY:		
 Architecture & Planning 3194 Airport Loop Drive, Suite C1 Costa Mesa, California 92626 949.251.1177 fax: 949.251.1120 Equal Opportunity Employer San Diego San Francisco		
CONSULTANT:		
DRAWN BY: CHK: APPR:		
JG	MJS	MJS
LICENSE:URE:		
SHEET TITLE:		
EQUIPMENT AND ANTENNA LAYOUT PLANS		
SHEET NUMBER: REVISION:		
A2	1	
SD36XC279		

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

EXHIBIT "A"

Project Number:

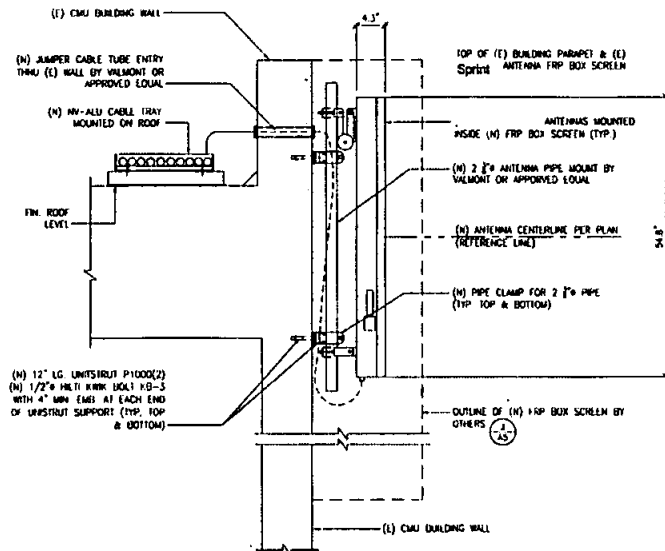
252016

Approval Date:

6-21-2012

Signed (1st Sheet):

[Signature]



NOT USED

SCALE
NTS

4 (N) NV-ALU PANEL ANTENNA MOUNTING DETAIL

SCALE
NTS

1

Product: 1900M2 (or 822) cellular.

Product Description:
This RRU (Radio Remote Unit) supports the 1900M2 in operation with a Quad Band and Quad Band configuration supporting 4x1T or 4x1R in a dual band configuration.

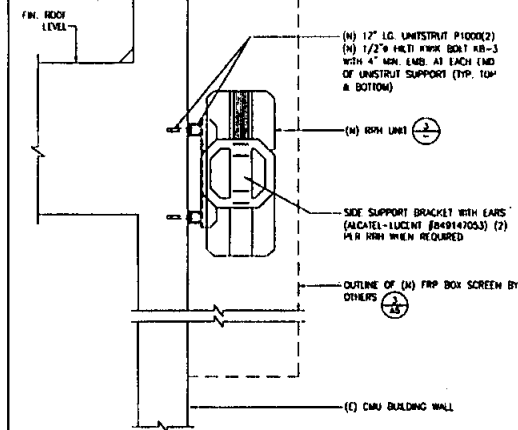
Features / Benefits:

- Supports up to 4 carriers of 1.25MHz in the 1900M2 spectrum and in bandwidth mode for 4x1T (or 4x1R) dual band configuration.
- Supports up to 4 carriers of 1.25MHz (single band mode).
- Supports 4x1T.
- 4x1T T1/T2 can be provided from Alcatel-Lucent cabinet.
- Supports 10/100/1000 Ethernet / power cable bundle.

Technical Specifications:

Physical Dimensions (HxWxD)	22" x 11" x 11"
Weight	44 pounds
Power Power	40W (100W Peak)
Frequency Range	1710-1930MHz (1.25/1.25/1.25/1.25)
Connection Port Type	4x1T/4x1R
Interference Rejection	40 dB
AC Input Power	100W
AC Input Voltage	100-240V AC
Operating Temperature Range	-40° to +70°
Storage Temp	-40° to +70°

Alcatel-Lucent



NOT USED

SCALE
NTS

5 (N) NV-ALU RRU UNIT SPECIFICATIONS

SCALE
NTS

3 RRU UNIT MOUNTING DETAIL

SCALE
NTS

2

Sprint
TOGETHER WITH NEXTEL
318 COMMERCIAL BLVD. 2ND
IRVINE, CA 92614
PHONE: (714) 917-6842
FAX: (714) 917-6842

PROJECT INFORMATION:
**PACIFIC BEACH
COMMUNITY PARK**
SD38XC279
1405 DIAMOND ST.
SAN DIEGO, CALIFORNIA 92109
SAN DIEGO COUNTY

CURRENT ISSUE DATE:
04 - 02 - 12

ISSUED FOR:
PLAN CHECK

REV.	DATE	DESCRIPTION	BY
1	04-02-12	REVISED TO PER COMPLETENESS REVIEW	ARC
2	02-14-12	90% CDS FOR REVIEW	ARC

PLANS PREPARED BY:
MSA
Architecture & Planning
3104 Airport Lane, Suite C1
Carlsbad, California 92008
949.211.1177 fax: 949.211.1180
San Diego • San Diego • San Francisco

CONSULTANT:
CHK
JG MJS MJS

DRAWN BY:

LICENSURE:

SHEET TITLE:
DETAILS

SHEET NUMBER: **A6** REVISION: **1**

5036/C279

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 AUG 17, 2012
DOCUMENT NUMBER 2012-0491625
Ernest J. Dronenburg, Jr. COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 9:48 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002112

**NEIGHBORHOOD USE PERMIT NO. 898190
SPRINT PB COMMUNITY PARK PROJECT NO. 255096
DEVELOPMENT SERVICES DEPARTMENT**

This Neighborhood Use Permit No. 898190 is granted by the Development Services Department of the City of San Diego to the City of San Diego, Owner, and Sprint Nextel, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0201, 131.0401 and 141.0420. The site is located at 1405 Diamond Street, San Diego, CA 92109 in the RM-2-5 zone of the Pacific Beach Community Plan. The project site is legally described as: Lots 1 through 10, inclusive and lots 31 through 40, inclusive, in block 162, subdivision of acre lots 67, 68 77, 80 and 81, Pacific Beach, together with the vacated alley and the northerly one half, excepting the southerly 23.5 feet of Emerald Street (Closed) adjoining lots 31 through 40 southerly in the City of San Diego, County of San Diego, State of California, according to map thereof no. 946, filed in the Office of the County Recorder of San Diego County, April 17, 1905.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to for an existing Wireless Communication Facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 21, 2012, on file in the Development Services Department.

The project shall include:

- a. A modification to an existing Wireless Communication Facility (WCF) consisting of the removal of nine (9) Fiberglass Reinforced Panel (FRP) boxes and the installation of four (4) new FRP boxes concealing a total of nine (9) antennas, painted and textured to match the existing building.
- b. An existing rooftop equipment enclosure.
- c. Permit No. 99-0271-53 shall be null and void.

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- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 9, 2015.
2. This Neighborhood Use Permit [NUP] and corresponding use of this site shall expire on June 21, 2022. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. 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.
4. 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.
5. 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.
6. 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.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

8. 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.).

9. 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.

10. 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.

11. 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.

12. 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.

PLANNING/DESIGN REQUIREMENTS:

13. 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:

-Three (3) antennas with the following dimensions: 51.2" by 7.9" by 1.6"

-Six (6) antennas with the following dimensions: 25.6" by 7.9" by 1.6"

14. The proposed FRP boxes shall be painted and textured to match the existing building to the satisfaction of the Development Services Department.

15. The existing FRP boxes shall be removed and the area shall be restored (repainted and/or repaired) back to its original condition to the satisfaction of the Development Services Department.

16. The existing cable tray connected to the rooftop equipment enclosure shall be lowered and painted to match the existing building to the satisfaction of the Development Services Department.

17. The proposed cable tray shall be installed behind the rooftop parapet, not visible to the public. The WCF shall conform to the stamped approved plans and approved photosimulations prior to final Telecom Planning Inspection approval.

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

19. 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.

20. Use of or replacement of any building façade or mechanical screen with FRP material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building.

21. All FRP shall be painted and textured to match the original building/adjacent building surfaces.

22. 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.

23. All facilities and related equipment shall be maintained in good working order and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall

be repaired or replaced by the Permittee within thirty (30) calendar days of notification by the City of San Diego.

24. The 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.

25. 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.

26. Within 180 days from this approval, the Permittee shall complete the changes authorized as part of this approval and shall receive a final Telecom Planning Inspection approval.

INFORMATION ONLY:

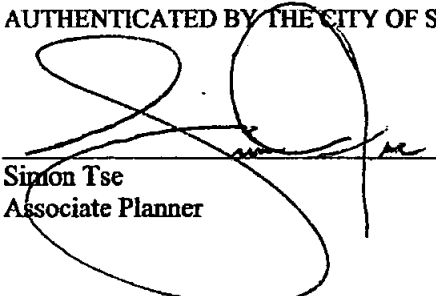
- Please note that a **Telecom Planning Inspection Issue** will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans and associated conditions. Prior to calling for your Final Inspection from your building inspection official, 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 Development Services Department of the City of San Diego on
June 21, 2012 and Resolution Number CM-6259.



Neighborhood Use Permit No. 898190
Date of Approval: June 22, 2012

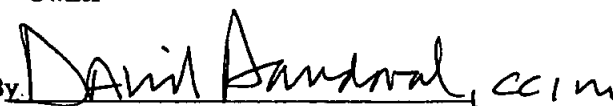
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT


Simon Tse
Associate Planner

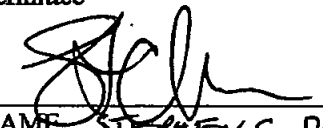
**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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 Assets

[Sprint Nextel]
Permittee

By 
NAME STEPHEN C. DEMARS
TITLE POST PROJECT MANAGER

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



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

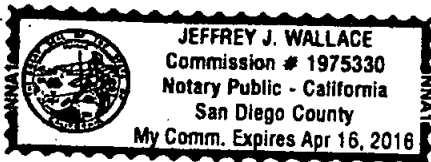
CIVIL CODE § 1189

State of California

County of San Diego

On 8/10/2012 before me, Jeffrey J Wallace, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared David A. Sandoval
Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature: [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Permit No 898190

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

☐ Corporate Officer — Title(s): _____ ☐ Corporate Officer — Title(s): _____

☐ Individual ☐ Individual

☐ Partner — ☐ Limited ☐ General ☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact ☐ Attorney in Fact

☐ Trustee ☐ Trustee

☐ Guardian or Conservator ☐ Guardian or Conservator

☐ Other: _____ ☐ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

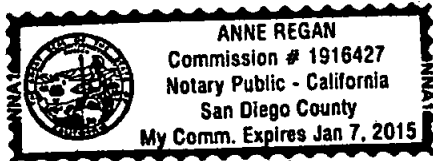
ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On July 24, 2012 before me, Anne Regan, Notary Public
personally appeared Stephen DeMars



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

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

WITNESS my hand and official seal.

Signature: Anne Regan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: NUP No. 898190

Document Date: June 22, 2012 Number of Pages: 6

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
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

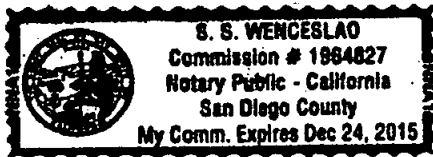
County of San Diego

On August 13, 2012 before me, S. S. Wenceslao, Notary Public

Date Here Insert Name and Title of the Officer

personally appeared Simon Tse

Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature: [Signature]

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Sprint-PB Community Park - PTS #255096

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

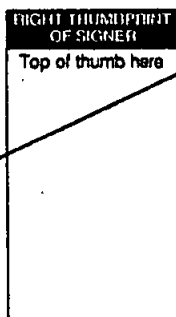
☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____



Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

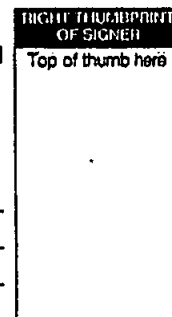
☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____



ORIGINAL

DEVELOPMENT SERVICES DEPARTMENT
RESOLUTION NO. CM-6259
NEIGHBORHOOD USE PERMIT NO. 898190
SPRINT PB COMMUNITY PARK PROJECT NO. 255096

WHEREAS, City of San Diego, Owner and Sprint Nextel, Permittee, filed an application with the City of San Diego for a permit to modify an existing Wireless Communication Facility (WCF) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Neighborhood Use Permit No. 898190);

WHEREAS, the project site is located at 1405 Diamond Street, San Diego, CA 92105 in the RM-2-5 zone of the Pacific Beach Community Plan;

WHEREAS, the project site is legally described as Lots 1 through 10, inclusive and lots 31 through 40, inclusive, in block 162, subdivision of acre lots 67, 68 77, 80 and 81, Pacific Beach, together with the vacated alley and the northerly one half, excepting the southerly 23.5 feet of Emerald Street (Closed) adjoining lots 31 through 40 southerly in the City of San Diego, County of San Diego, State of California, according to map thereof no. 946, filed in the Office of the County Recorder of San Diego County, April 17, 1905;

WHEREAS, on June 21, 2012, the Development Services Department of the City of San Diego considered Neighborhood Use Permit No. 898190 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 1, 2011, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Development Services Department of the City of San Diego as follows:

That the Development Services Department adopts the following written Findings, dated June 21, 2012.

FINDINGS:

Neighborhood Use Permit - Section 126.0205

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

The Pacific Beach Community Plan does not address WCF's as a specific land use. However, the City of San Diego General Plan recommends that all Wireless Communication Facilities (WCFs) minimize visual impacts by concealing WCF's in existing structures when possible. It also recommends that these facilities be aesthetically pleasing and respectful of the neighborhood context and to conceal mechanical equipment and devices associated with the wireless facilities in underground vaults or unobtrusive

structures. Sprint's modification would result in the relocation of nine (9) existing antennas inside four (4) FRP boxes. These proposed FRP boxes are located on the corners of the building and will be painted and textured to match. The equipment associated with this project will continue to operate on the roof with proposed improvements to the existing cable tray. Pursuant to the San Diego Land Development Code, WCFs are permitted in all zones with the appropriate permit process. WCF's are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. As designed, the existing WCF would not adversely affect the Pacific Beach Community Plan or the City of San Diego General Plan and Progress Guide.

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

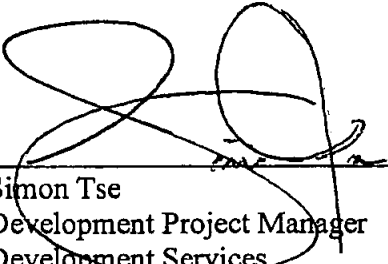
The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. Sprint has submitted an RF Report to staff demonstrating compliance with the FCC standards. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

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

The project complies with all applicable development regulations including the RM-2-5 development regulations of the Land Development Code and the City of San Diego Wireless Communication Facility Regulations (Land Development Code Section 141.0420). This Section of the regulations requires projects to use all reasonable means to conceal or minimize the visual impacts of the Wireless Communication Facilities through integration. Such integration includes the use of architecture, landscaping, and creative siting solutions. The antennas associated with the project will be relocated inside four FRP boxes, painted and textured to match the existing building. The rooftop cable tray will be removed along with the existing FRP boxes. The previous antenna locations will be to the original condition. As a result of the modification, the building's appearance would be significantly improved and the design will comply with the Wireless Communication Facility Design Guidelines. The proposed WCF is located on a non-residential property and on a City of San Diego dedicated park, which requires a Neighborhood Use Permit per City of San Diego Municipal Code Section 141.0420(d)(2) and 141.0420(d)(4). There are no deviations from the development regulations or variances requested with this application. Therefore, the project is in full compliance with the applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Neighborhood Use Permit No. 898190 is hereby GRANTED by the Development

Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Neighborhood Use Permit No. 898190 a copy of which is attached hereto and made a part hereof.



Simon Tse
Development Project Manager
Development Services

Adopted on: June 21, 2012

Internal Order No. 24002112

ORIGINAL