



August 1, 2012

Telecom/835

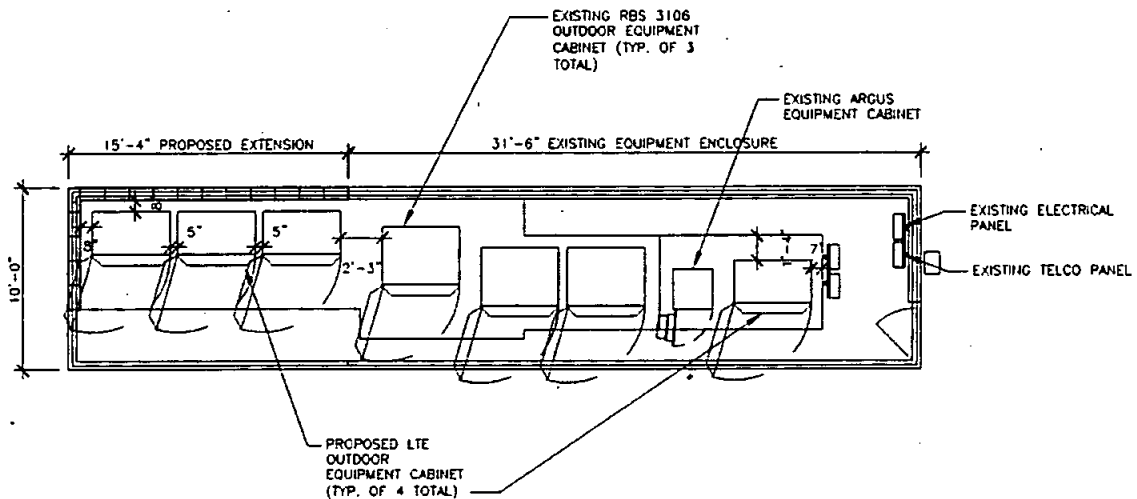
Ms. Carol Young
Real Estate Assets Department
City of San Diego
1200 Third Avenue, Suite 1700
San Diego, CA 92101

Re: Site Location: Nile Street, San Diego, CA 92104
Site Name: Montclair Park/The Twist
Lessee Site No./Name: SD0387/The Twist
City ID No.: R503RD/001/A00

Dear Carol:

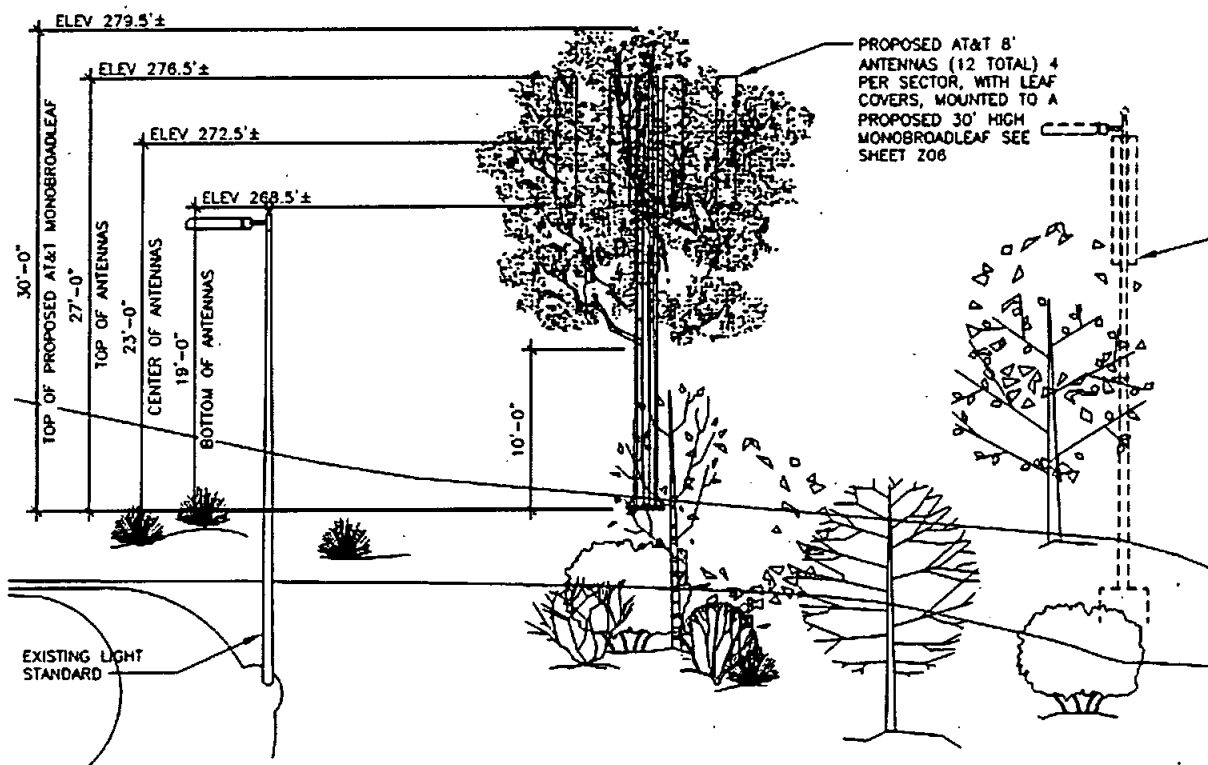
As part of AT&T's "4-G LTE" network upgrade, the following modifications to the existing wireless facility are proposed:

Base Station Equipment: The existing ground equipment area measures 31'6" x 10'. In order to accommodate additional base station equipment, AT&T proposes to extend the equipment area by 15'4" x 10'. This expansion will accommodate additional LTE equipment cabinets. Please see the below sketch.





Antennas/Ancillary Equipment: The existing antenna configuration consists of a telecom. light standard, carrying a total of three 6-ft. antennas. AT&T proposes to remove and replace the light standard with a faux broadleaf tree consisting of twelve (12) 8-ft. antennas. Additionally, AT&T proposes to install twelve (12) "Remote Radio Units" behind the antennas located within the faux tree, per the pictorial diagram below. The foliage of this tree will mask the telecommunications equipment and ensure that the site is integrated with the existing park environment.



Pursuant to Section 9.4 Improvements/Alterations of the Lease Agreement, "LESSEE shall not construct any improvements, structures, or installations on the Premises, or make any alterations to the Premises without CITY'S prior written approval. LESSEE shall not make major structural or architectural design alterations to approved improvements, structures, or installations on the Premises without CITY'S prior written approval, which may not be unreasonably withheld." In order to comply with such requirement, AT&T would like to request City's consent and approval to complete the items described above.



If all meets with your approval, please either (i) have an authorized City representative sign below, or (ii) provide an alternative "consent" as City deems appropriate. By signing this letter, City is providing its consent and approval to allow AT&T to perform the proposed modifications described herein. Upon signing, please return the letter attention to:

Technology Associates
ATTN: Maegan Murphy
5473 Kearny Villa Road, Suite 300
San Diego, CA 92123

Please call me at (619)985-6638 or email me at maegan.murphy@taec.net should you have any questions or require additional information. Thank you for your consideration.

Sincerely,

Maegan Murphy, *agent for AT&T Wireless*

ACKNOWLEDGEMENT & CONSENT
AT&T Facility at Nile Street/ SD0387 The Twist

By: David A. Sandoval

Name: _____

David A. Sandoval, CCIM

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

Date: 8/1/12

5758 PACIFIC CENTER BLVD
SAN DIEGO, CA 92121

THIS SUMMARY WAS COMPILED WITHOUT THE BENEFIT OF A BUREAU REPORT
PREPARED BY:
LARRY H. HILL.
END

101 20 IN BLOCK "B" OF MONTICARY TRACT AND TRAIL, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECLAMATION OF SAID COUNTY.

Assessor's Parcel No.
431-822-32

685010
 685011

ACCESS LO
T 06 02 000002

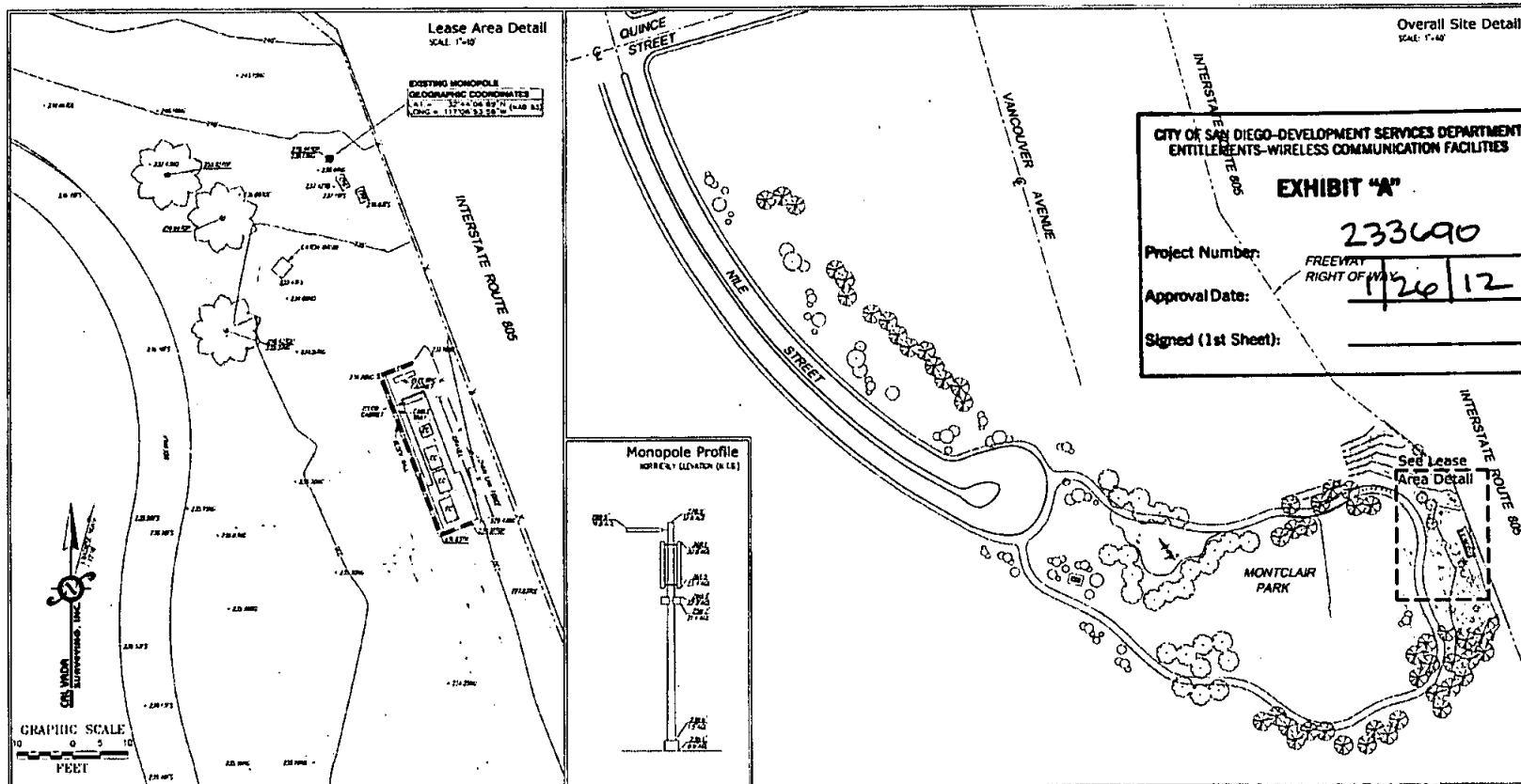
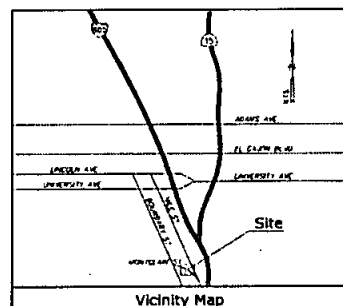
1963 DRYLAND LATITUDE 32° 44' 00" N LONGITUDE 117° 00' 33.30" W
(ELEVATION = 3387 FEET ABOVE MEAN SEA LEVEL)

(ELEVATION) THE LATITUDE AND LONGITUDE SHOWN ABOVE ARE NEARLY CORRECT TO WITHIN +/- 3 FEET HORIZONTALLY AND THAT THE ELEVATIONS SHOWN ABOVE ARE ACCURATE TO WITHIN +/- 3 FEET VERTICALLY. THE HORIZONTAL DATA (ELEVATIONS) (COORDINATES) IS IN REFERENCE TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND THE VERTICAL DATA IS IN FEET TO THE MEANS OF THE NATIONAL ELEVATION DATUM OF 1988 (NVD 88). THE VERTICAL DATA (ELEVATIONS) IS IN TERMS OF THE NATIONAL GEODETIC REFERENCE DATUM OF 1988 (NGVD 88) AND IS EXPRESSED IN THE MEANEST FORM OF A FOOT.

REF STATE PLANT EXPENDITURE SYSTEM (PES) (NAD 83) (ALPINE) (PES 1)

THE CITY OF SAN ANTONIO BEHOLD WARE LOCATED ON THE NORTHEAST CORNER OF THE
INTERSECTION OF CLAYCE STREET AND WALF STREET (2004 INDEX 17334)
ELEVATION = 880.81 FEET (NGVD 29)

DATE OF SUBMISSION: 11/11/2011

[illegible]

PROJECT NO:	1053
DRAWN BY:	W
CHECKED BY:	AD

1	2/25/11	CLAN'S COMMENTS
	11/12/10	PRELIMINARY
REV.	DATE	DESCRIPTION

CALVADA
SURVEYING, INC.
475 Jolly Dr., Suite 200, Concord, CA 94520
Phone: (916) 456-1800 Fax: (916) 456-4700
Web Page: www.calsurvey.com
A. J. M. M. M.

IT IS A VIOLATION OF LAW FOR ANY PERSON
UNLESS THEY ARE ACTING UNDER THE DIRECTION
OF A LICENSED PROFESSIONAL ENGINEER,
TO KEEP THIS DOCUMENT

SD0387/THE TWIST LITE
MONTCLAIR PARK &
NILE STREET
SAN DIEGO, CA 92104
SAN DIEGO COUNTY

SHEET TITLE
TOPOGRAPHIC
SURVEY

SHEET NUMBER
LS-1

FAA SELF-CERTIFICATION

I, ALLEN D. DONATO JR., DO HEREBY CERTIFY THAT THE STRUCTURE(S) OR MODIFICATION TO EXISTING STRUCTURE(S) SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION ADMINISTRATION NOTIFICATION BECAUSE, PER SECTION 77.15 (A) OF TITLE 14 OF THE CODE OF FEDERAL REGULATIONS CFR PART 77, NOTIFICATION IS NOT REQUIRED.

(SIGNATURE)

Licensee's Certificate
Standard Wireless Facility Project
For Part 15 operation on 93.5MHz

I / we the undersigned as Licensee(s) of the property described as:
1111 NILE STREET, SAN DIEGO, CA 92104
(Address or legal description)

understand that in accordance with the San Diego Municipal Code, Land Development Manual: Storm Water Standards, this project is required to "Minimize Pollution from the Project Area" and incorporate "Site Design" and "Stormwater Control" BMPs.

I/we certify to the best of my knowledge, pollutants anticipated by the proposed land use are as follows:

Sediment
Nutrients
Toxic & odorous
Organic Dissolving Solvents
Oil & Grease
Reactive & Volatile
Pesticides

I/we will incorporate the following into the site design:

- Maintain pre-development runoff characteristics
- Minimize impervious area prior to constructing roadways, patios and driveways with permeable surfaces.
- Construct stormwater detention
- Use natural drainage systems as opposed to hard swales or underground drainage systems
- Ditch and traps, silt traps, pipes and downspouts shall be designed to prevent discharging to the public drainage system.
- Preserve existing on-site trees and shrubs
- Protect all slopes from erosion

Additionally I/we will:

- Minimize the use of pesticides
- Use efficient irrigation systems and landscape design - manage using rain barrels devices and flow reducers

I/we will maintain the above Standard Performance BMPs for the duration of the term.

Licensee: Elizabeth Ramirez Company Name: AT&T
(Print Name)

I signed: Edith Ramirez Date: 4/11/11
(Licensee)

AT&T
SAN DIEGO-DEVELOPMENT SERVICES DEPARTMENT
ENTITLEMENTS-WIRELESS COMMUNICATION FACILITIES

EXHIBIT "A"

PROPOSED AT&T 6' ANTENNAS (12 TOTAL) 4 PER SECTOR MOUNTED TO A PROPOSED 30' HIGH MONOPHORE SEE SHEET 208

EXISTING 30' LIGHT STANDARD AND EXISTING 12' ANTENNAS (3 TOTAL) TO BE REMOVED

Project Number:

Approval Date:

Signed (List Sheet):

EXISTING 12' WIRELESS OUTDOOR EQUIPMENT ENCLOSURE TO BE EXTENDED 15'-4"; SEE SHEET 205

EXISTING CHAIN LINK FENCE

EXISTING LANDSCAPE, TYP.

GRADING DATA TABLE:

CUT AT SHELTER EXTENSION: 5.68 CU YDS
CUT AT CABLE TRENCHING: 17.50 CU YDS
CUT AT CAISSON: 12.40 CU YDS
TOTAL: 35.58 CU YDS OF CUT

SECTOR	# OF ANTENNA	COAX LENGTH	COAX SIZE
A	4	185'	1 5/8"
B	4	185'	1 5/8"
C	4	185'	1 5/8"

GENERAL NOTES:

1. NO KNOWN EASEMENTS ON PROPERTY.
2. NO EXISTING PARKING SPACE WILL BE USED OR REMOVED BY THIS PROJECT.
3. THIS PROJECT PROPOSES NO WORK WITHIN THE PUBLIC RIGHT-OF-WAY.
4. THE APPLICANT SHALL OBTAIN A PUBLIC RIGHT-OF-WAY PERMIT FOR ANY PROPOSED WORK IN THE NILE STREET RIGHT-OF-WAY.
5. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE PERMITEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
6. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE PERMITEE 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.
7. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE PERMITEE 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.

BENCHMARK:

THE CITY OF SAN DIEGO BENCH MARK LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF QUINCE STREET AND NILE STREET (2084 INDEX 17.334). ELEVATION = 285.81 FEET (NGVD 29).

SITE PLAN

1"=100'-0"

ARCHITECT



PROJECT NAME

SD0387
THE TWIST LTE OPTIMAL
SHEET 201
DATE: 4/11/11

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	4/11/11
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	
11	REVISIONS	
12	REVISIONS	
13	REVISIONS	
14	REVISIONS	
15	REVISIONS	
16	REVISIONS	
17	REVISIONS	
18	REVISIONS	
19	REVISIONS	
20	REVISIONS	

SHEET INFORMATION

BY: ARCHITECT
DATE: 4/11/11

Z01
SITE PLAN

SCALE: 1"=100'-0"

THE CITY OF SAN DIEGO BENCH MARK LOCATED ON THE
NORTHEAST CORNER OF THE INTERSECTION OF GURNE
STREET AND NILE STREET (2084 INDEX 17334).
ELEVATION = 285.81 FEET (NGVD 29).

DDA
DEBATE ASSOCIATES
CONSTITUTION • GROUPS

PROJECT NAME:

SD0387 THE TWIST LITE OPTIMAL
CONTACTS ARE: 550 1/3 MILS THICK 550 0000. ON 51104

EXHIBIT "A"

23369 vj&t

1240	12
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1951

1983042 MAY 1983

DATE	FL	TYPE	LOCATION
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06-24-19	425	PAK	NO. 1000
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2. BASIC INFORMATION

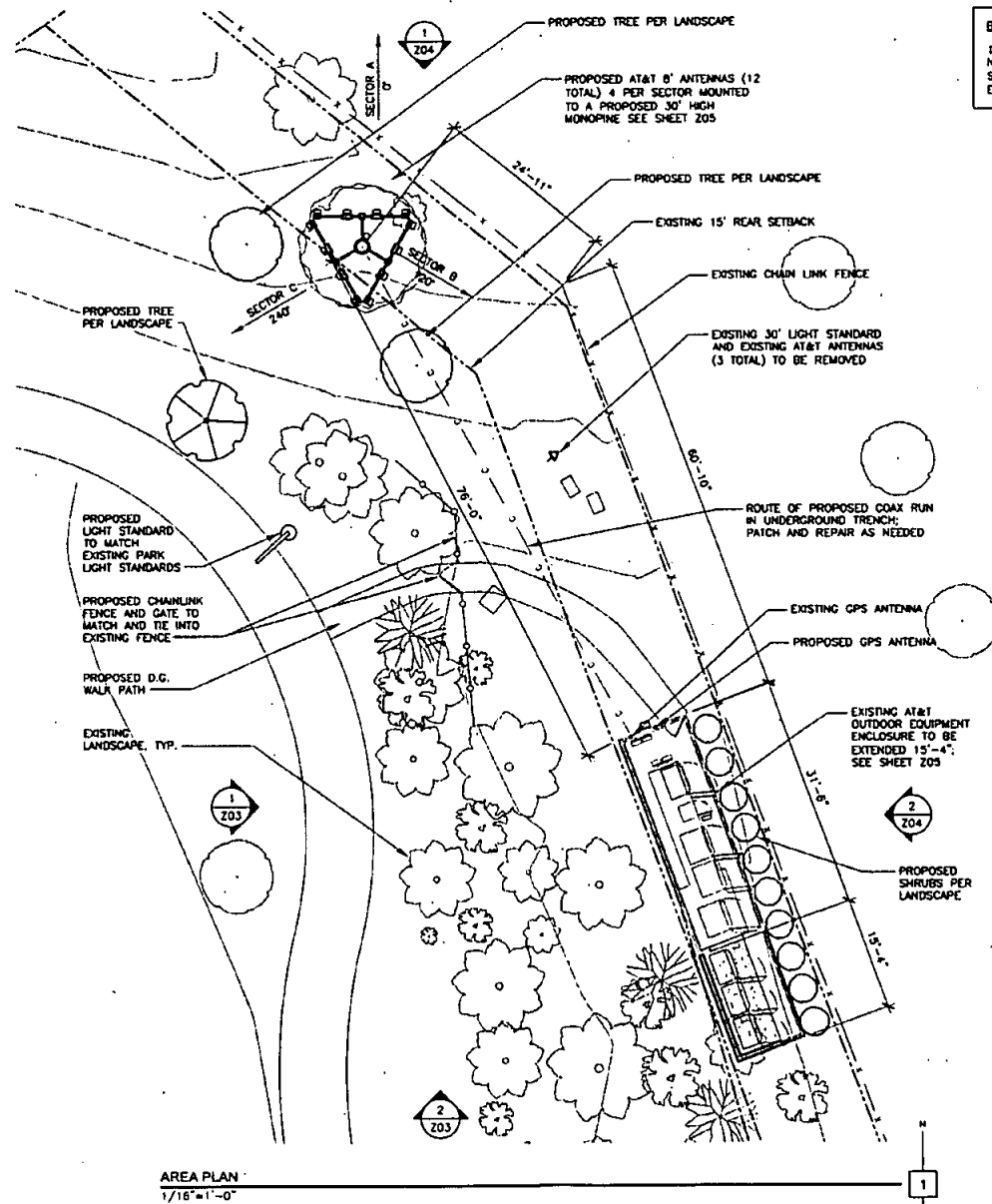
AN INDEPENDENT ASSOCIATION

Z02

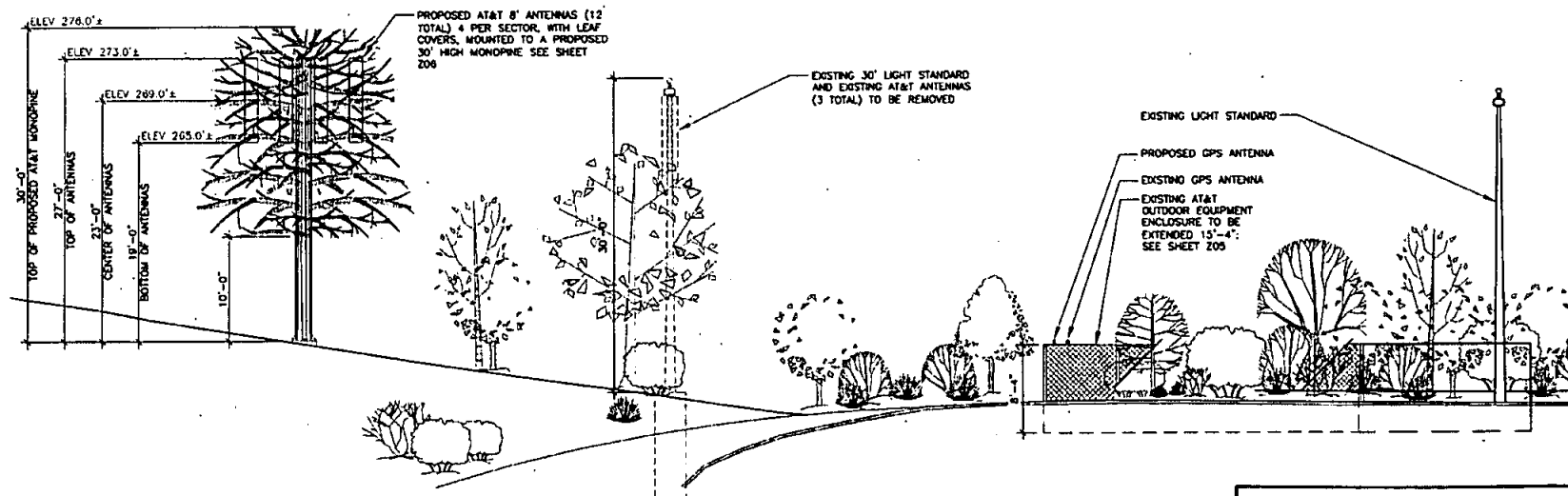
AREA PLAN

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1029 24

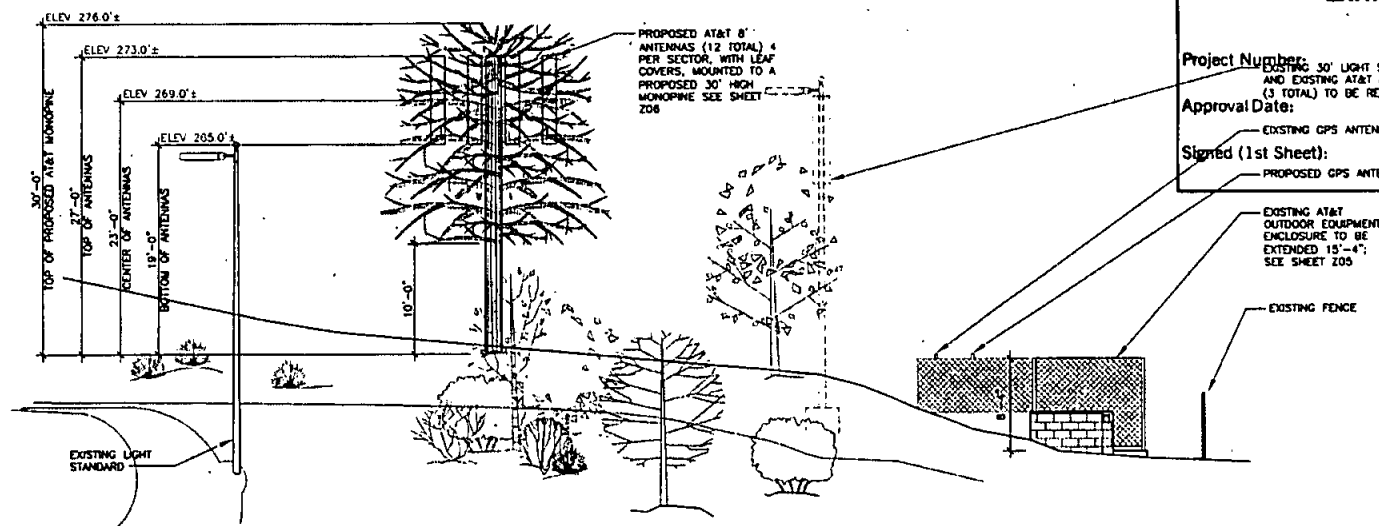


Page 4 of 9



WEST ELEVATION
3/32"=1'-0"

1



SOUTH ELEVATION
3/32"=1'-0"

2

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

EXHIBIT "A"

Project Number: 233696

Approval Date: 1/26/12

Signed (1st Sheet): _____

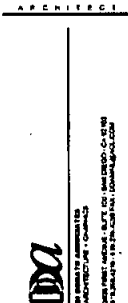
EXISTING 30' LIGHT STANDARD AND EXISTING AT&T ANTENNAS (3 TOTAL) TO BE REMOVED

EXISTING GPS ANTENNA

PROPOSED GPS ANTENNA

EXISTING AT&T OUTDOOR EQUIPMENT ENCLOSURE TO BE EXTENDED 15'-4"; SEE SHEET Z06

EXISTING FENCE



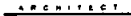
PROJECT NAME

SD0387
THE TWIST LTE OPTIMAL
ENCLOSURE PER: 3850 1/2 MILE STREET SAN DIEGO, CA 92104

NO.	DATE	REVISIONS
1	1/26/12	ISSUED FOR PERMITTING
2	1/26/12	ISSUED FOR PERMITTING
3	1/26/12	ISSUED FOR PERMITTING
4	1/26/12	ISSUED FOR PERMITTING
5	1/26/12	ISSUED FOR PERMITTING
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9	1/26/12	ISSUED FOR PERMITTING
10	1/26/12	ISSUED FOR PERMITTING
11	1/26/12	ISSUED FOR PERMITTING
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18	1/26/12	ISSUED FOR PERMITTING
19	1/26/12	ISSUED FOR PERMITTING
20	1/26/12	ISSUED FOR PERMITTING

SHEET INFORMATION
BY: HONNIGER ASSOCIATES
ARCHITECTURE & ENGINEERING
Z03
ELEVATIONS

PLOT SCALE: 1/8"=1'-0" (PAPER SIZE)



FORWARDED BY MAIL TO: THE NATIONAL ASSOCIATION
OF REALTORS, 1300 K STREET, N.W., WASHINGTON, D.C. 20004

PROJECT NAME

— EXISTING LUG

233690

1	26	12
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SECRET

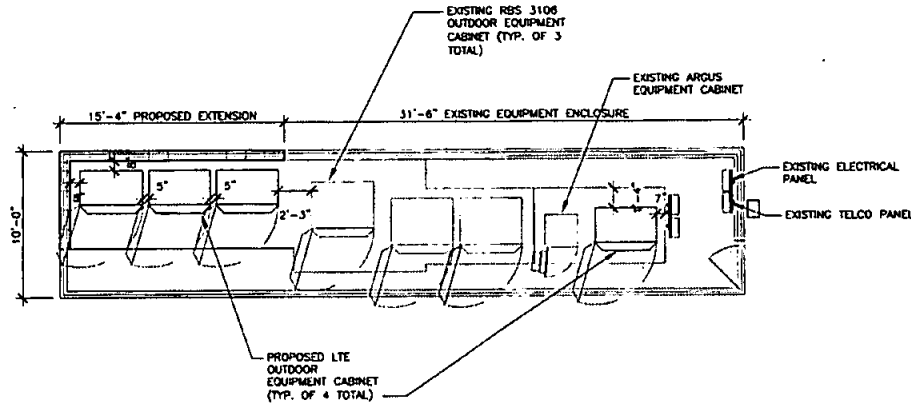
ELEV 273.0' ±

121034 ADVISORY

SHEET INFORMATIONDE BONO ASSOCIATES
ARCHITECTURE • CHAIRS • BENCHES

Z04
ELEVATIONS

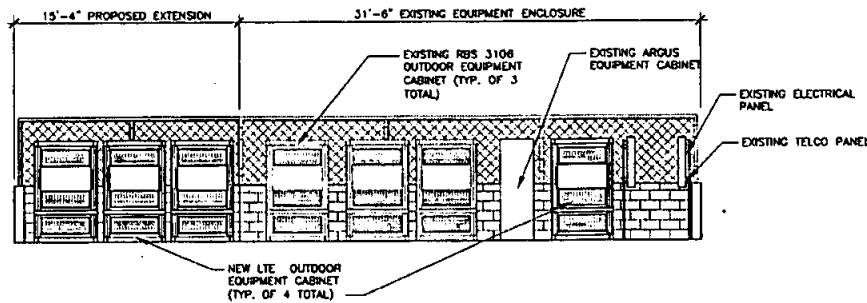
1429.24
PLOT SCALE 1: 111117 1429.24 01



EQUIPMENT LAYOUT
1/8"=1'-0"

OUTDOOR EQUIPMENT

1



EQUIPMENT ELEVATION
1/8"=1'-0"

2

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

EXHIBIT "A"

Project Number:

233690

Approval Date:

1/26/12

Signed (1st Sheet):

ARCHITECT
SDA ASSOCIATES
ARCHITECTURE + GRAPHICS
3800 LA JOLLA VILLAGE DRIVE, SUITE 100
SAN DIEGO, CA 92131
TEL: 619.594.1100 FAX: 619.594.1101
WWW.SDA-ARCHITECTS.COM

PROJECT NAME

SD0387
THE TWIST LTE OPTIMAL
ANTHONY TRAIL, SECT 1/2 N.E. CORNER SAN DIEGO, CA 92161

STUDY REVISIONS

NO.	DATE	DESCRIPTION
1	01-25-11	ISSUED FOR PERMIT
2	01-25-11	ISSUED FOR PERMIT
3	01-25-11	ISSUED FOR PERMIT
4	01-25-11	ISSUED FOR PERMIT
5	01-25-11	ISSUED FOR PERMIT
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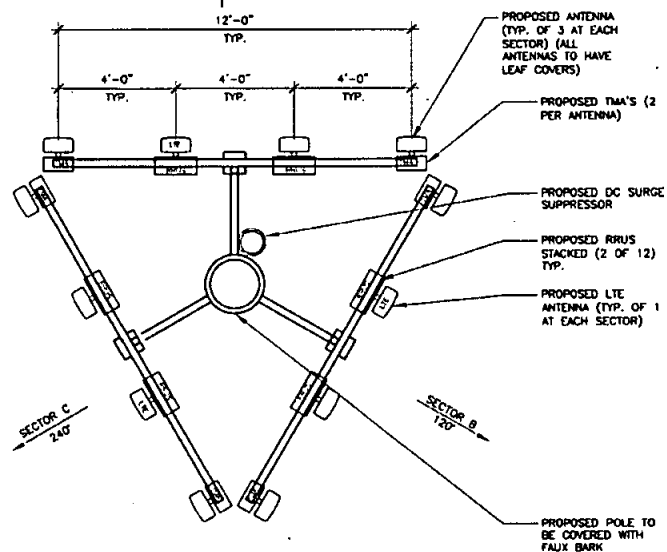
SHEET INFORMATION

SDA ASSOCIATES
ARCHITECTURE + GRAPHICS
Z05
EQUIPMENT LAYOUT
AND ELEVATION

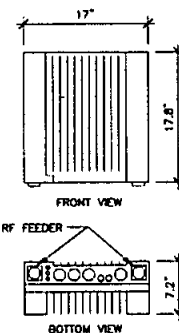
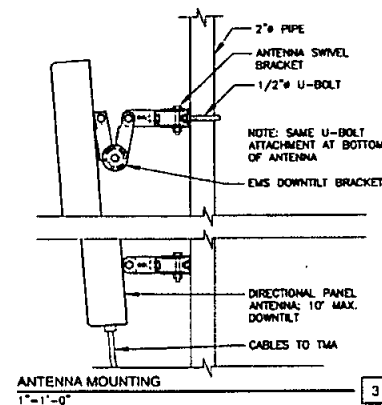
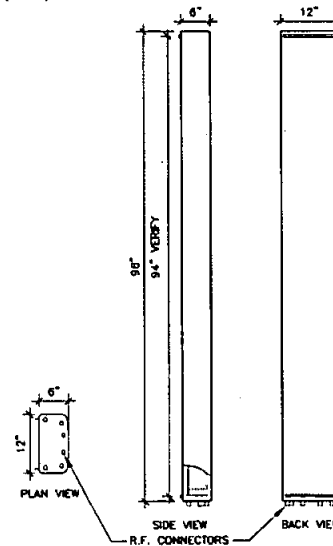
1/8"=1'-0"

ATTACHMENT 11

NOTES: ALL ANTENNA MOUNTS AND BRACKETS TO BE PAINTED SIMILAR COLOR OF NEW BARK OR DARK BROWN. ALL CABLES TO BE UNDERGROUND FROM EQUIPMENT TO PROPOSED FAUX TREE.



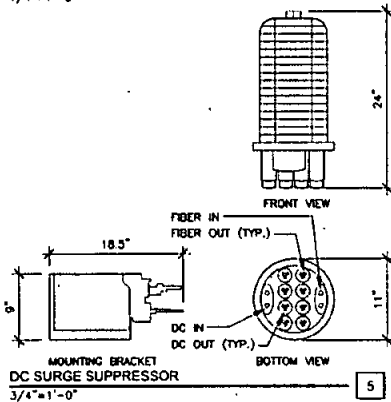
MAX WEIGHT 70 LBS. (32 KG)



ANTENNA PLAN
1/4"=1'-0"

LTE ANTENNA
1/2"=1'-0"

RRUS
3/4"=1'-0"



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

EXHIBIT "A"

Project Number: 233690

Approval Date: 1/26/12

Signed (1st Sheet): _____

ARCHITECT

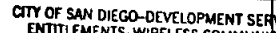
PROJECT NAME

SD0387 THE TWIST LTE OPTIMAL

ISSUE REVISIONS

SHEET INFORMATION

Z06 ANTENNA DETAILS



Project Number:

Approval Date:

Signed (1st Sheet)

LANDSCAPING NOTES

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE COUNTY WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED COUNTY AND REGIONAL STANDARDS.
2. AREAS DEEMED REQUIRED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY REVEGETATED OR COVERED BY STRUCTURES SHALL BE PERMANENTLY REVEGETATED AND IRRIGATED AS SHOWN IN TABLE 142-O4F AND IN ACCORDANCE WITH THE STANDARDS IN THE LDM.
3. THE PERMITTEE OR LESSEE SHALL ENSURE THAT ANY REQUIRED PLANTING THAT DIES WITHIN 3 YEARS OF INSTALLATION SHALL BE REPLACED WITHIN 30 DAYS OF PLANT DEATH WITH THE SAME SIZE AND SPECIES OF PLANT MATERIAL SHOWN ON THE APPROVED PLAN. REQUIRED SHRUBS OR TREES THAT ARE 15 CALLOIN SIZE OR MORE AFTER INSTALLATION SHALL BE REPLACED WITH 15 CALLOIN SIZE OR 60 INCH BOX SIZE MATERIAL, RESPECTIVELY. THE PERMITTEE OR LESSEE SHALL AUTHORIZE ADJUSTMENTS OF THE SIZE AND QUANTITY OF REPLACEMENT MATERIAL WHERE MATERIAL REPLACEMENT WOULD OCCUR IN INACCESSIBLE AREAS OR WHERE THE EXISTING PLANT BEING REPLACED IS LARGER THAN 15 CALLOIN SHRUB OR 60 INCH BOX TREE.
4. ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 12 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION SHALL ALSO BE MULCHED TO THIS MINIMUM DEPTH.
5. NOT USED.
6. PERMANENT IRRIGATION WILL BE CONNECTED TO EXISTING PARK SYSTEM.
7. THE PROVIDER WILL BE RESPONSIBLE FOR MAINTAINING THE LANDSCAPING CONSISTENT WITH PAR LANDSCAPE MAINTENANCE PRACTICES AND STANDARDS FOR A TWO-YEAR MINIMUM MAINTENANCE PERIOD.
8. ANY VEGETATION REMOVED DURING CONSTRUCTION SHALL BE REPLACED IN KIND.

IRRIGATION NOTES:

1. ALL IRRIGATION TO NEW PLANTING SHALL PROVIDE EVEN, ADEQUATE COVERAGE TO ENSURE PLANT VIABILITY. ALL NEW IRRIGATION SHALL BE INSTALLED PER THE PARK & RECREATION DEPARTMENT'S CONSULTANT GUIDE TO PARK DESIGN AND DEVELOPMENT (2011 EDITION).

NOTES

Symbol	Botanical name	Common name	Size	Qty	Measure height/width/depth	Form/Function
	PROPOSED Pinus halepensis	ALPEO PINE	24" BOX	2	12'-6" HIGH 6-12" WIDE	SCREEN
	EXISTING Schinus molle	PEPPER TREE	NA	3	NA	NA
	EXISTING PROPOSED Cordia alliodora	BREISIAN BOX	NA 24" BOX 1	3	30'-45" TALL 25" WIDE	SCREEN
	PROPOSED Nerium oleander	OLEANDER	15 GALLON	10	3'-10" HIGH AND WIDE	SCREEN
	EXISTING Acacia acuminata	ACACIA	NA	NA	NA	NA
	PROPOSED DECOMPOSED GRANITE WALKING PATH					
	EXISTING GRASS NON-NATIVE PLANT MATERIALS AND DISTURBED SOIL					

PLANT MATERIAL LEGEND

L01
LANDSCAPE &
IRRIGATION PL



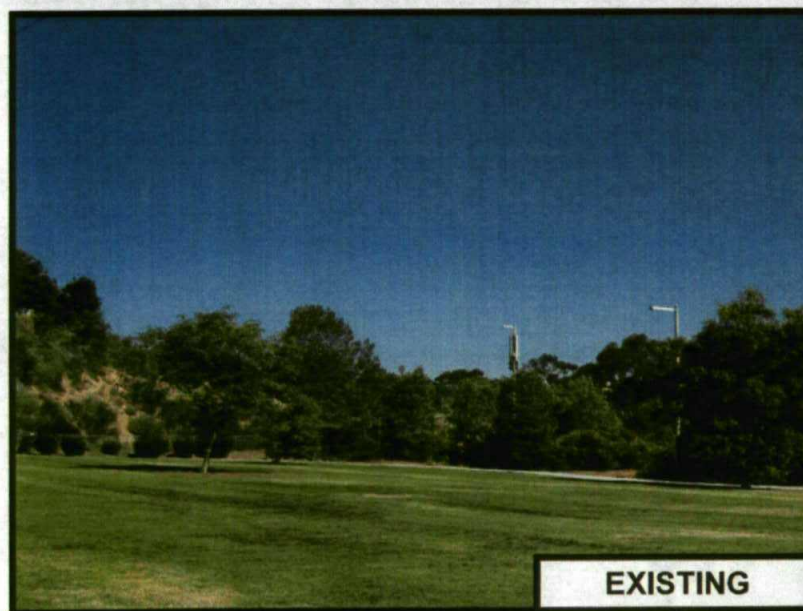
SD0387

THE TWIST

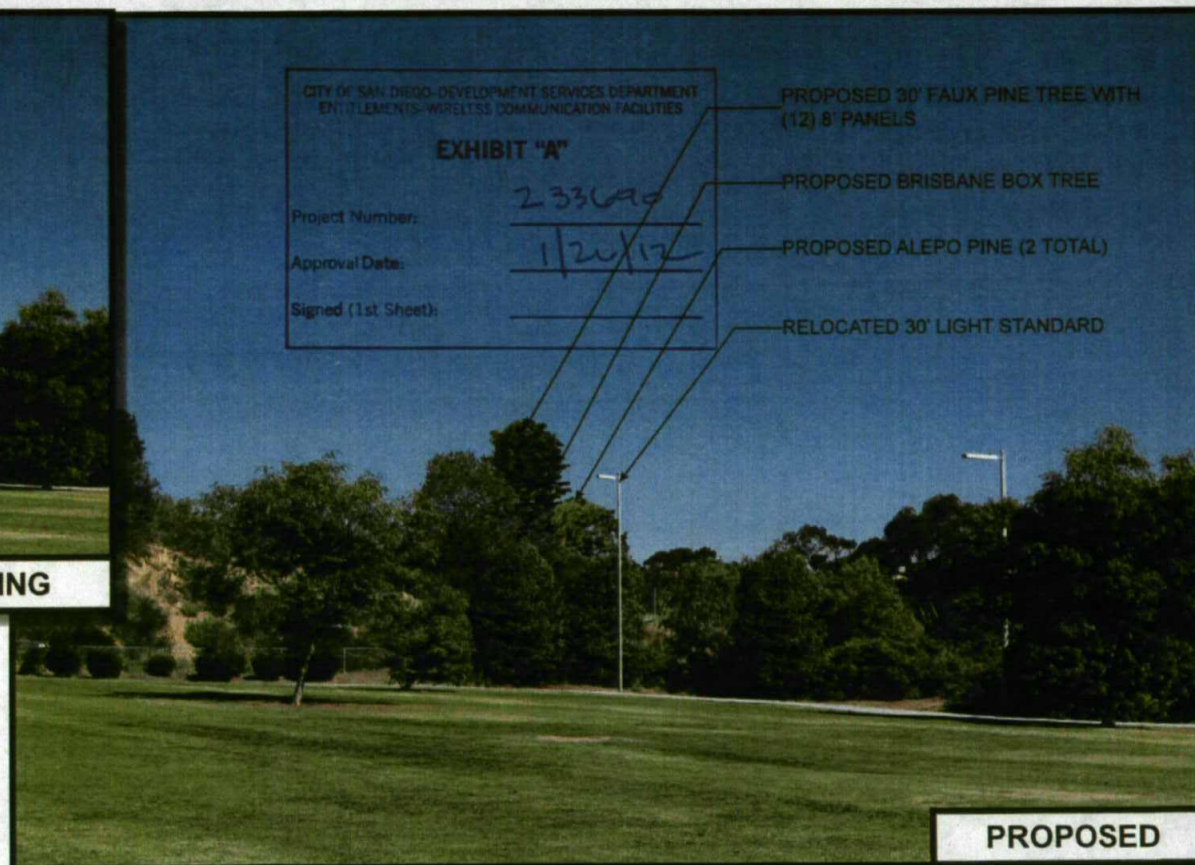
MONTCLAIR PARK, 2911 NILE STREET
SAN DIEGO, CA 92104

ATTACHMENT 8

Technology  Associates



EXISTING



PROPOSED

VIEWPOINT 1



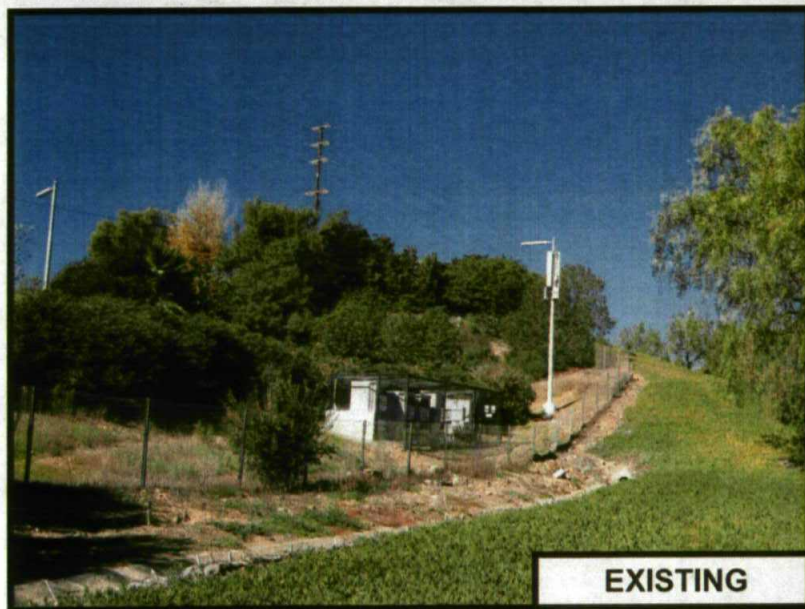
SD0387

THE TWIST

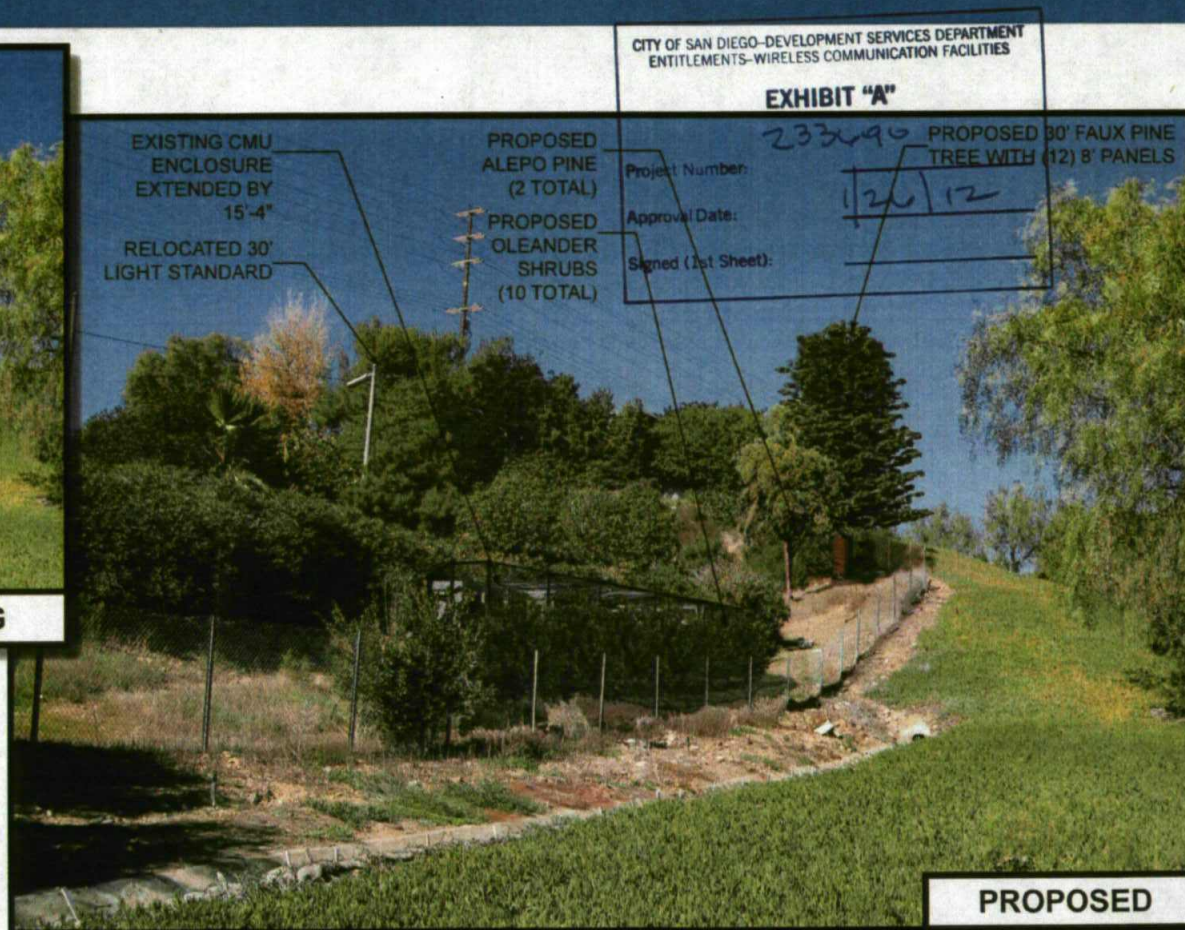
MONTCLAIR PARK, 2911 NILE STREET
SAN DIEGO, CA 92104

ATTACHMENT 8

Technology  Associates



EXISTING



PROPOSED

VIEWPOINT 2

Page 4 of 4

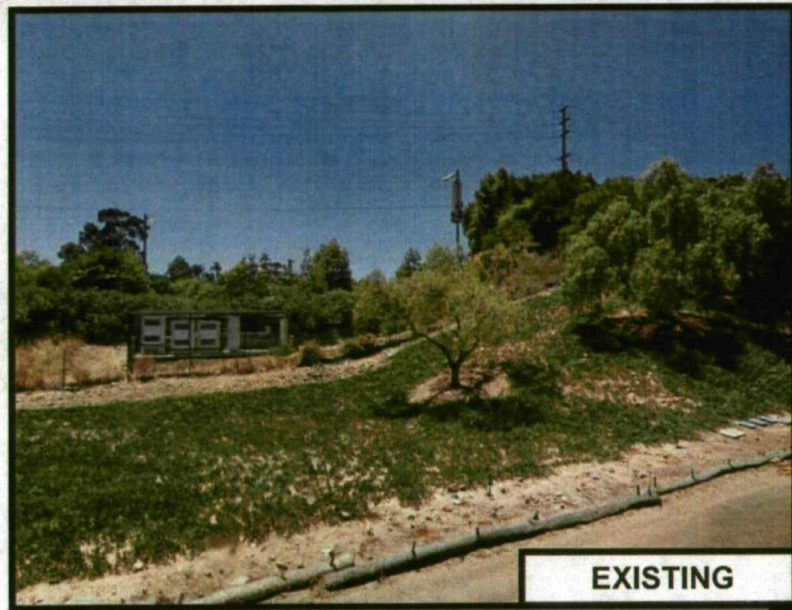


SD0387
THE TWIST

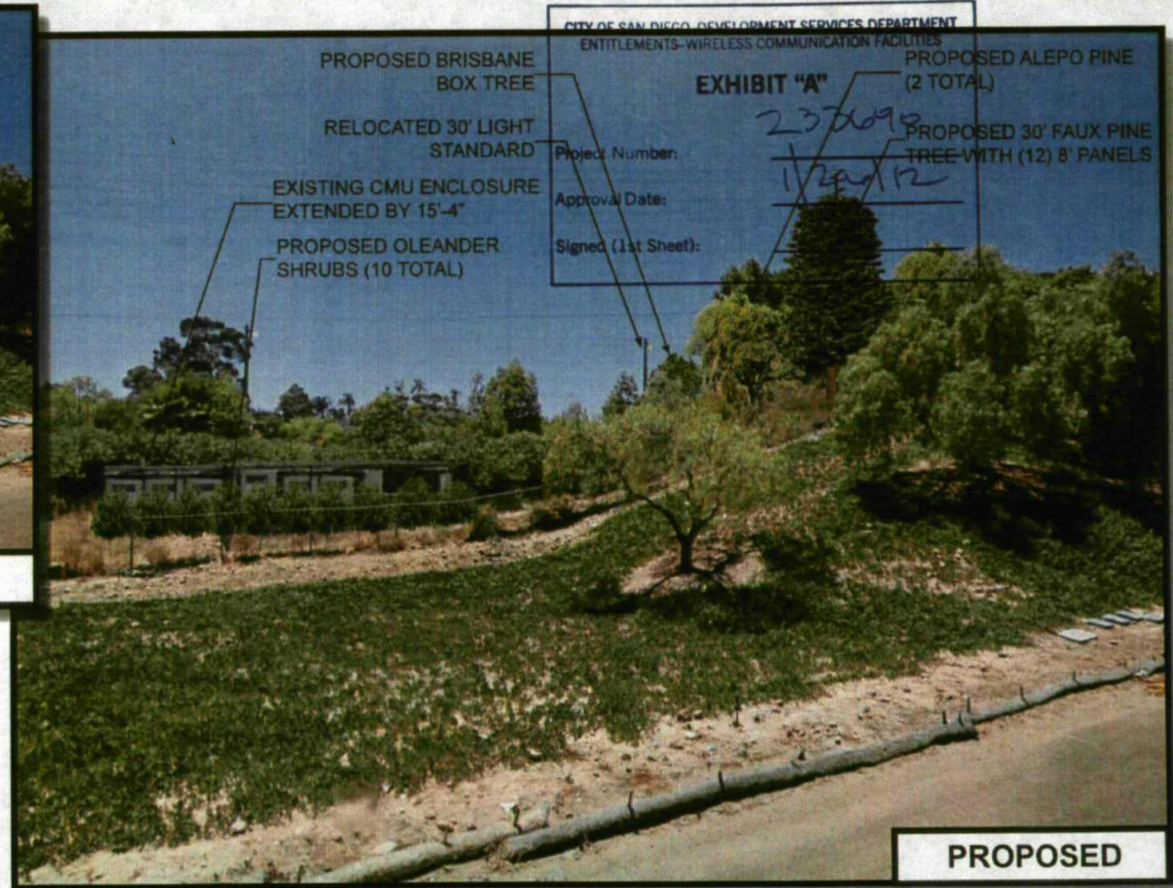
MONTCLAIR PARK, 2911 NILE STREET
SAN DIEGO, CA 92104

ATTACHMENT 8

Technology  Associates



EXISTING



PROPOSED

VIEWPOINT 3

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 FEB 24, 2012
DOCUMENT NUMBER 2012-0106753
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 11:28 AM

INTERNAL ORDER NUMBER: 24001595

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 882706
PLANNED DEVELOPMENT PERMIT NO. 843461
AT&T – THE TWIST
PLANNING COMMISSION

This **CONDITIONAL USE PERMIT (CUP) NO. 882706** and **PLANNED DEVELOPMENT PERMIT (PDP) NO. 843461** are granted by the **Planning Commission** of the City of San Diego to **THE CITY OF SAN DIEGO, Owner, and AT&T MOBILITY, Permittee**, pursuant to San Diego Municipal Code [SDMC] sections 126.0301, 126.0601, and 141.0420. The site is located at 2903 1/3 Nile Street, in Montclair Park, in the RS-1-7 zone of the Greater North Park community plan area. The project site is legally described as Lot 20 in Block "M" of Montclair Tract No. 1684, in the City of San Diego, County of San Diego, State of California.

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 January 26, 2012, on file in the Development Services Department.

The project shall include:

- a. A 468 square foot equipment enclosure, which exceeds the 250 square foot maximum allowed by LDC 141.0420 and encroachment into the RS-1-7 setbacks. These deviations are permitted with the processing of this PDP. (The above-ground equipment enclosure is permitted by LDC section 141.0420(i)(1)(C) as the equipment, located within a dedicated park, complies with Charter Section 55 and is not located within usable park space);
- b. Twelve (12) 96" by 12" by 6" panel antennas and twelve (12) RRU (Remote Radio Units), mounted on a 30' high "monopine" (faux pine tree).
- c. The removal of an existing park light standard with three antennas and the installation of a replacement park pedestrian light standard to match the existing park light standard design (with no antennas mounted);
- d. Landscaping (planting, irrigation and landscape related improvements);

- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. 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.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. **This Conditional Use Permit [CUP] and Planned Development Permit [PDP] and corresponding use of this site shall expire on January 26, 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.
5. 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.
6. Under no circumstances, does approval of this permit authorize the Permittee to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration date of this permit is prohibited.

7. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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 permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

11. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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 applicant 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENGINEERING REQUIREMENTS:

14. The project proposes to export 41 cubic yards of material from the project site. All excavated material listed to be 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.

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

16. 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.

17. 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.

18. 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.

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

LANDSCAPE REQUIREMENTS:

20. 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.

21. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with

Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

22. Submit landscape and irrigation construction documents for Area of Work, consistent with the Land Development Manual, Municipal Code and Landscape Standards, to the Development Services Department for approval. Plans shall show connectivity to existing irrigation and rain sensor. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

23. 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 in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.

24. If trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the installation or operation of the wireless communication facility, then replacement trees of a similar size shall be planted to the satisfaction of the City Manager.

25. Shrubs, plants and/or trees shall provide 100 screening of the proposed chain link fence from the park.

26. Width of the D.G. Walk Path shall be limited in width to accommodate access to Outdoor Equipment Enclosures.

PARK & RECREATION DEPT. REQUIREMENTS:

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

28. The Permittee or Lessee shall ensure that any required planting that dies within 3 years of installation shall be replaced within 30 days of plant death with the same size and species or plant material shown on the approved plan. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15 gallon size or 60 inch box size material, respectively. Development services may authorize adjustments to the size and quantity or replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than 15 gallon shrub or 60 inch box tree.

PLANNING/DESIGN REQUIREMENTS:

29. 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.

30. Prior to the issuance of a construction permit, the Permittee shall provide certification providing evidence that the cumulative field measurements of radio frequency power densities for all antennas installed on the premises comply with federal standards.
31. All equipment, including transformers, emergency generators and air conditioners 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. Prior to obtaining a Construction Permit the following items must be illustrated on the construction drawings; coax cable tray, meters, telco, A/C units, generator receptacles, cable runs, bridges, dog houses and external ports. These appurtenances must be minimized visually so as to avoid the effect of changing the outward appearance of the project from what was approved on the exhibits.
33. The applicant of record is responsible for notifying the city prior to the sale or takeover of this site to any other provider.
34. This wireless communication facility shall be removed or replaced if it is determined that the facility or components of the facility are obsolete.
35. The existing light standard with mounted antennas shall be removed and replaced with a new park light standard, matching the existing park light standard design and specifications, to the satisfaction of the Park & Recreation Dept. The Permittee shall submit construction documents to Development Services for review and approval by the Park & Recreation Dept. prior to building permit issuance.
36. All proposed hand-holes shall be covered with bark material to match the monopine trunk to the satisfaction of the Development Services Department.
37. All coaxial conduits shall be routed up through the caisson and into the tree to the satisfaction of the Development Services Department. Cable "doghouses" are not permitted.
38. Branches shall extend a minimum of 24-inches beyond the proposed antennas to the satisfaction of the Development Services Department.
39. Starting branch height shall be no lower than 10 feet.
40. All exposed cables, brackets, RRU's and supports shall be painted to match the faux tree foliage and/or trunk to the satisfaction of the Development Services Department.
41. RF "socks" fully covering the front and back of the antennas (and any other components) shall be used.

42. The Permittee shall provide color samples of the monopine prior to Building Permit issuance. Development Services will approve the color sample prior to Building Permit issuance. The exact monopine color exhibit will be used during the FINAL INSPECTION. The color approved by Development Services must be identical to the as-built monopine, to the satisfaction of the Development Services Department.

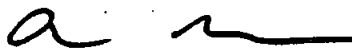
INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §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 January 26, 2012 by Resolution No. PC-4768.

Permit Type/PTS Approval No.: CUP/882706
and PDP/843461
Date of Approval: 1/26/2012

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

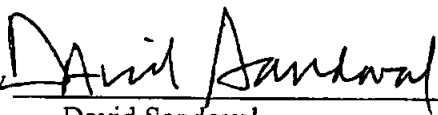


Alexander Hempton, AICP
Associate Planner

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

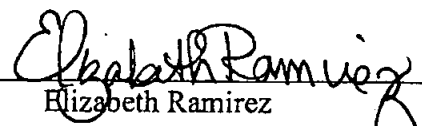
**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

**CITY OF SAN DIEGO
REAL ESTATE ASSETS DEPT.
Owner**

By 

David Sandoval
Deputy Director

**AT&T MOBILITY
Permittee**

By 

Elizabeth Ramirez
Project Manager Network Services

**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 February 23, 2012 before me, Stacie L. Maxwell, Notary Public

personally appeared Alexander Hempton



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]

Place Notary Seal Above

OPTIONAL

Signature of Notary Public

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: AT&T - The Twist

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
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ORIGINAL

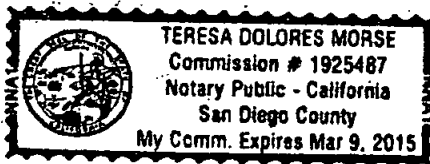
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San Diego

On February 21, 2012 before me, Teresa Dolores Morse, Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared David A. Sandoval
Name of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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 on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: Teresa Dolores Morse
Signature of Notary Public

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: Telecom - AT&T - The Trust CUP# 882706

Document Date: January 26, 2012 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

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
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RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

ORIGINAL

ACKNOWLEDGMENT

State of California
County of San Diego

On 02/14/2012 before me, A.B. Connolly, notary public
(insert name and title of the officer)

personally appeared Elizabeth Ramirez
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.

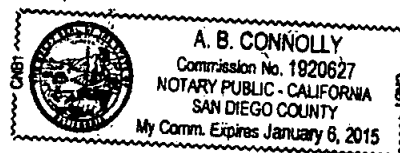
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

A.B. Connolly

(Seal)



ORIGINAL

PLANNING COMMISSION
RESOLUTION NO. PC-4768
CONDITIONAL USE PERMIT NO. 882706
PLANNED DEVELOPMENT PERMIT NO. 843461
AT&T – THE TWIST

WHEREAS, THE CITY OF SAN DIEGO, Owner, and AT&T MOBILITY, Permittee, filed an application with the City of San Diego for a permit to construct, operate, and maintain a Wireless Communication Facility (WCF) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 882706 and 843461);

WHEREAS, the project site is located at 2903 1/3 Nile Street, in Montclair Park, in the RS-1-7 zone of the Greater North Park community plan area;

WHEREAS, the project site is legally described as Lot 20 in Block "M" of Montclair Tract No. 1684, in the City of San Diego, County of San Diego, State of California;

WHEREAS, on July 18, 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); 15302 (Replacement or Reconstruction); and 15303 (New Construction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on January 26, 2012, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 882706 and Planned Development Permit No. 843461 pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings, dated January 26, 2012:

FINDINGS:

Conditional Use Permit - Section 126.0305

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

The City of San Diego's General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. In this case, an existing light standard supporting three antennas will be removed. A replacement pedestrian park light standard will be installed, adjacent to the park walkway, in the same manner and design as existing park lights. In order to accommodate more antennas of a larger size, a 30-foot high monopine (faux tree) will be

installed capable of supporting 12 panel antennas. Three live trees will be added near the proposed monopine to help screen and integrate the faux tree with the park setting. Three additional equipment cabinets will be added to the equipment area, increasing the size of the equipment enclosure by 150 sq. ft. Oleander shrubs will be added in a line along the equipment enclosure to screen views from the adjacent freeway. The enclosure should not be visible from the park, because of existing vegetation and a lower grade. Based on the design of this project, the WCF 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 Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that AT&T perform a cumulative model RF test and submit the finding in a report to the City of San Diego prior to the issuance of a building permit. (Note: This condition is in addition to LDC section 141.0420(b)(1)(A), which requires compliance with federal and state standards and regulations with regards to WCF's.) Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within the jurisdiction of the City.

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

The project complies with the intent of the applicable development regulations of the Land Development Code and the City of San Diego Wireless Communication Facility (WCF) Regulations (Land Development Code Section 141.0420). This section of the code requires that WCF's be minimally visible through a variety of design techniques. In this case, the antennas are both mounted to a faux tree. The associated equipment is located within an equipment enclosure. The project site contains a non-residential use in a residential zone and is within a dedicated park where the antennas are located less than 100 feet from the property line of a residential use, which requires the processing of a Conditional Use Permit. The project deviates from the 250 square foot maximum area allowed by LDC 141.0420 for equipment enclosures and encroaches into the setback, which may be permitted with the processing of a Planned Development Permit (Process 4). The WCF's above-ground equipment is permitted by LDC section 141.0420(i)(1)(C) as the facility is located in a dedicated park where the equipment placement does not violate Charter Section 55 in that it does not occupy usable space in the park. Therefore, this project complies with the applicable regulations of the Land Development Code.

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

Typically, the City of San Diego's first preference is that WCF's be located on property with a non-residential use in a non-residential zone. In this case, the project is located in a residential zone with a non-residential use, which is more preferable than a residential zone with a residential use. The WCF is also located in a park. Based on the siting of the monopine and equipment enclosure, and with the existing and proposed landscape material, this use is appropriate at this location.

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits (Outside the Coastal Zone)

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

The City of San Diego's General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities in existing structures or using screening techniques to hide or blend them into the surrounding area. The plan also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view. In this case, an existing light standard supporting three antennas will be removed. A replacement pedestrian park light standard will be installed, adjacent to the park walkway, in the same manner and design as existing park lights. In order to accommodate more antennas of a larger size, a 30-foot high monopine (faux tree) will be installed capable of supporting 12 panel antennas. Three live trees will be added near the proposed monopine to help screen and integrate the faux tree with the park setting. Three additional equipment cabinets will be added to the equipment area, increasing the size of the equipment enclosure by 150 sq. ft. Oleander shrubs will be added in a line along the equipment enclosure to screen views from the adjacent freeway. The enclosure should not be visible from the park, because of existing vegetation and a lower grade. Based on the design of this project, the WCF 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 Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit to require that AT&T perform a cumulative model RF test and submit the finding in a report to the City of San Diego prior to the issuance of a building permit. (Note: This condition is in addition to LDC section 141.0420(b)(1)(A), which requires compliance with federal and state standards and regulations with regards to WCF's.) Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within the jurisdiction of the City.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

This WCF proposes to deviate from the 250 square foot maximum size permitted for equipment enclosures, identified in the Design Requirements of the Wireless Communication Facility regulations (Land Development Code Section 141.0420). The equipment enclosure, at 468 square

feet, deviates 218 square feet from the maximum size permitted. The proposed deviation is appropriate for this location, as the equipment enclosure is not visible from the park and will be screened from the freeway public right-of-way. In addition, the additional equipment area, in this particular situation, allows the WCF to fulfill a greater coverage objective with a greater capacity than if the equipment area was strictly limited to the 250 sq. ft. maximum. In this case, the additional equipment area results in a more desirable project as the equipment is screened and not visible from the park and allows the facility to provide greater coverage and capacity. The equipment and monopine are located within the setback, which is another deviation to the regulations. This allows for a more desirable project, because the monopine and equipment can be located at edges of the park where they are able to integrate with the park and not remove usable park space. Based on LDC section 141.0420(i)(1)(C), the above-ground equipment, located within a dedicated park, is permitted as the equipment complies with Charter Section 55 and does not remove usable park space. Therefore, both the deviation to the equipment area sq. ft. and the setback encroachment 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 RS-1-7 zone and the WCF Design Requirements.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, CONDITIONAL USE PERMIT NO. 882706 and PLANNED DEVELOPMENT PERMIT NO. 843461 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 882706 and 843461, a copy of which is attached hereto and made a part hereof.



Alexander Hempton, AICP
Associate Planner
Development Services

Adopted on: January 26, 2012

Internal Order No. 24001595