

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: September 27, 2017

REPORT NO. HO-17-061

HEARING DATE: October 4, 2017

SUBJECT: T-MOBILE THORN. Process Three Decision

PROJECT NUMBER: 533977

OWNER/APPLICANT: City of San Diego/T-Mobile West Corporation.

SUMMARY

<u>Issue:</u> Should the Hearing Officer approve a Wireless Communication Facility (WCF) in the 3300 block of 41st Street (west side), just north of Thorn Street in the Public Right-of-Way within the City Heights neighborhood of the Mid-City Communities Community Planning area?

Staff Recommendation: Approve Conditional Use Permit (CUP) No. 2006136.

<u>Community Planning Group Recommendation</u>: On July 5, 2017, the City Heights Area Planning committee voted 14-1-0 to recommend approval of the proposed project without conditions.

<u>Environmental Review</u>: This project was determined to be categorically exempt from the <u>California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities</u>). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 10, 2017 and the opportunity to appeal that determination ended August 24, 2017.

BACKGROUND

T-Mobile is proposing to maintain an existing Wireless Communication Facility (WCF) located on the 3300 block of 41st Street (west side), just north of Thorn Street within the Public-Right-of-Way (PROW), in the RS-1-7 zone in the City Heights neighborhood of the Mid-City Communities Community Planning area. Land uses surrounding the project site include single-unit residential to the north, south and east with a commercial building immediately adjacent to the west. (Attachments 1, 2, and 3).

Council Policy 600-43 assigns preference levels to WCFs proposed on different land uses. Since the

WCF is located within the PROW, it is identified as a Preference 1 location. This is considered the most preferred location and applicants are strongly encouraged to site a facility in the PROW before pursuing a Preference 2 Location. The WCF consists of three panel antennas concealed inside a 30-inch-diameter radome within a 30-foot-tall light standard. The equipment associated with this WCF is located inside an underground vault immediately adjacent to the light standard with two above-ground vents (Attachment 9). No changes are being proposed as part of this application. This project was originally approved on July 10, 2007 as a Limited Use. The approval included a ten year expiration date. This condition is consistently applied to all wireless facilities that are not completely concealed and integrated as defined in the WCF Design Guidelines. The purpose and intent of this condition is to allow the City to analyze the WCF design with the current surrounding development in addition to any advancements in designs and innovations.

The City does not have a procedure to renew permits; instead, applicants are required to submit new applications for expiring permits. Additionally, the project as a whole shall be reviewed in accordance with the current regulations, City policies, General Plan, and the latest WCF Design Guidelines. Normally, WCFs located within a Preference 1 location will result in a Process 1 staff-level decision. However, this only applies for WCF located in the PROW and attached onto an existing vertical structure (City-standard light standard, SDG&E utility pole, etc.). Since this WCF originally required a new pole that is larger than a City light standard in diameter, the pole is therefore considered to be equipment housing the antennas, with a secondary use as a light standard. According to the current regulations and pursuant to Land Development Code Section 141.0420(e)(3), the project as designed requires a Conditional Use Permit, Process Three, Hearing Officer decision.

Community/General Plan Analysis

The Utilities Section of the Public Facilities and Services Element of the <u>Mid-City Communities</u> <u>Community Plan</u> recommends expanding wireless telephone service providers to develop analog and digital wireless transmission infrastructure. This project established T-Mobile service in the neighborhood ten years ago and this project proposes to maintain that service (Attachment 8). Additionally, the City's General Plan addresses Wireless Facilities in the <u>Urban Design Element (UD-A.15)</u>. The visual impact of WCFs should be minimized by concealing them in existing structures, or using 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. Equipment associated with the WCF should be located inside underground vaults or unobtrusive structures (Attachment 9). The T-Mobile WCF design meets the intent of UD-A.15 by concealing the antennas within the radome on the uppermost portion of the 30-foot tall light standard. T-Mobile will also be repainting the radome and pole to be consistent with other city light standards as a condition of approval. The equipment associated with this project is located inside an underground vault which is consistent with the General Plan. Therefore, the WCF as a whole meets the objectives of the General Plan.

CONCLUSION

Based on its design, the project complies with the WCF Regulations (<u>SDMC 141.0420</u>) and the <u>WCF</u> <u>Design Guidelines</u>. Staff has prepared draft findings in the affirmative to approve the CUP and recommends approval of the T-Mobile Thorn project (Attachment 5).

ALTERNATIVES

- 1. Approve CUP No. 2006136 with modifications.
- 2. Deny CUP No. 2006136, if the Hearing Officer makes findings based on substantial evidence that the approval is not authorized by state or local zoning law.

Respectfully submitted,

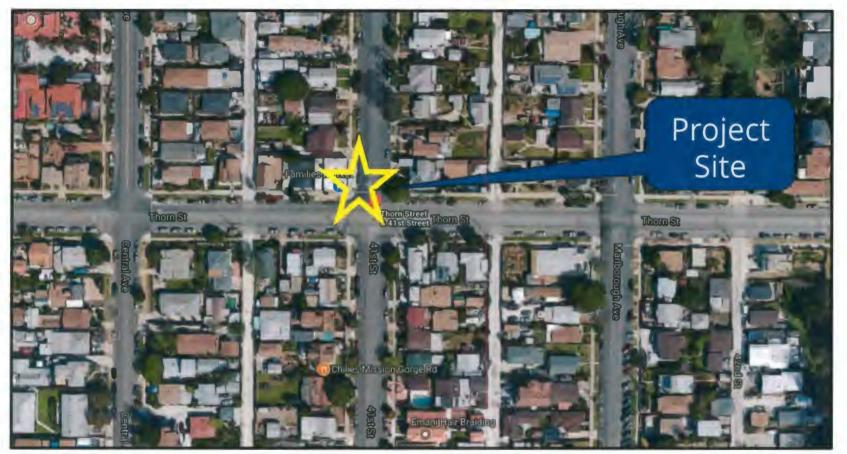
Karen Lynch, Development Project Manager

Attachments:

- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Project Data Sheet
- 5. Draft Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Environmental Exemption
- 8. Coverage Maps
- 9. Photo survey
- 10. Community Planning Group Recommendation
- 11. Project Plans



Aerial Photo

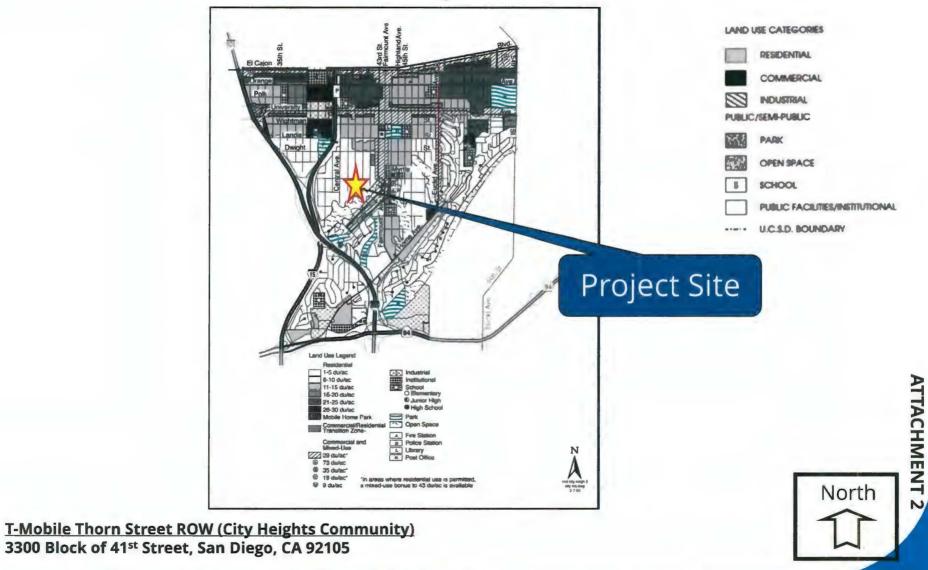


<u>T-Mobile Thorn Street ROW (City Heights Community)</u> 3300 Block of 41st Street, San Diego, CA 92105 North

sandiego.gov



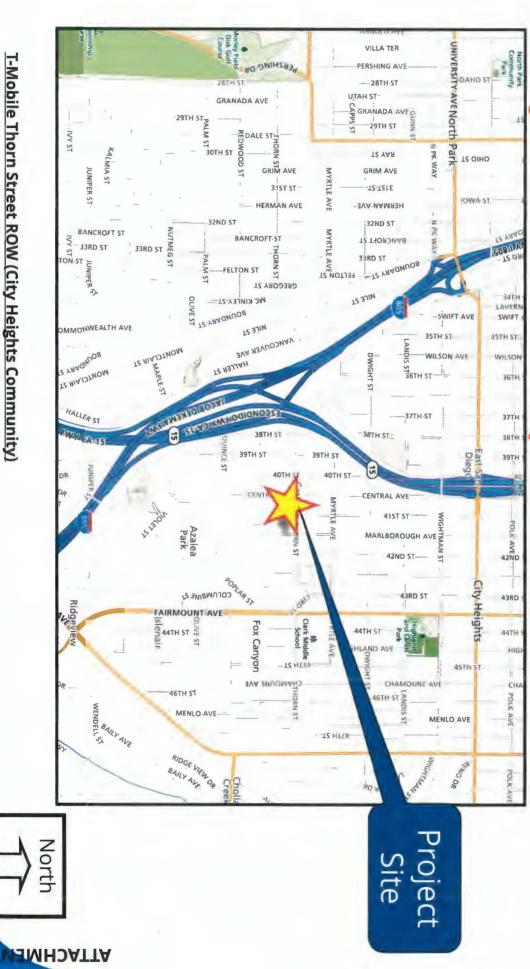
Community Plan



sandiego.gov



Project Location Map



3300 Block of 41st Street, San Diego, CA 92015

sandiego.gov

PROJECT DATA SHEET

PROJECT NAME:	T-Mobile Thorn Street ROW		
PROJECT DESCRIPTION:	A Wireless Communication Facility located on the 3300 block of 41 st Street Right-of-Way (ROW) consisting of a 30-foot tall light standard supporting three antennas inside a 30-inch radome, painted to match the surface of the pole. The equipment associated with this project is located inside an under-ground vault with two above ground vents.		
COMMUNITY PLAN AREA: City Heights Neighborhood of Mid-City Communities Plan Area			
DISCRETIONARY ACTIONS: Conditional Use Permit			
COMMUNITY PLAN LAND USE DESIGNATION:	Residential		
	ZONING INFORMATION:		
ZONE:	RS-1-7 (Residential Single-Unit)		
HEIGHT LIMIT:	30 feet		
FRONT SETBACK:	ROW - N/A		

SIDE SETBACK: STREETSIDE SETBACK: REAR SETBACK: PARKING:	ROW - N/A				
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE			
NORTH:	Residential; RS-1-7	Residential			
SOUTH:	Residential; RS-1-7	Residential			
EAST:	Residential; RS-1-7	Residential			
WEST:	Residential; RS-1-7	Residential			
DEVIATION REQUESTED:	None				
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 5, 2017, the City Heights Area Planning Committee voted 14-1-0 to recommend approval without conditions.				

HEARING OFFICER RESOLUTION NO. _____ CONDITIONAL USE PERMIT NO. 2006136 T-MOBILE THORN - PROJECT NO. 533977

WHEREAS, the City of San Diego, Owner, and T-Mobile West Corporation, Permittee,, filed an application with the City of San Diego for a Wireless Communication Facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2006136);

WHEREAS, the project site is located in the 3300 block of 41st Street (west side), just north of Thorn Street in the RS-1-7 zone of the City Heights Neighborhood of the Mid-City Communities Plan;

WHEREAS, the project site is legally described as Right-of-Way owned by the City of San Diego in the 3300 block of 41st Street;

WHEREAS, on August 10, 2017, 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;

WHEREAS, on October 4, 2017, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 2006136 pursuant to the Land Development Code of the City of San Diego;

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 October 4, 2017.

FINDINGS:

§126.0305 Findings for Conditional Use Permit Approval

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

The Utilities section of the Public Facilities and Services Element in the Mid-City Communities Plan recommends expanding wireless telephone service providers to develop analog and digital wireless transmission infrastructure. Additionally, the City of San Diego's General Plan (UD-15) requires that the visual impact of wireless facilities be minimized by concealing wireless facilities inside 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 shall be concealed from view. This existing Wireless Communication Facility (WCF) is located on the 3300 block of 41st Street (west side), just north of Thorn Street within the Public-Right-Of-Way (PROW). The WCF design consists of a 30-foot-tall light standard concealing a total of three antennas inside a 30-inch diameter radome, painted to match the surface of the light pole. Furthermore, the connections to and from the antennas in addition to the mounting apparatus are concealed within the pole minimizing all visual impacts. The equipment associated with this project is located inside an underground vault with two above-ground vents. These vents are also located within the PROW just to the south of the light pole and are painted to match the adjacent commercial building.

Pursuant to Land Development Code (LDC) Section 141.0420(e)(3), the project which includes an existing, previously approved light pole requires a Conditional Use Permit (CUP), Process 3, Hearing Officer decision. As designed, the WCF is completely concealed within the light pole with the associated equipment in a subterranean vault. The light pole is intended to mimic a standard city light pole, but is larger in diameter in order to accommodate the required cables, antennas and associated components, with the luminaire providing light for the corner of 41st and Thorn Streets. The adjacent property is the only commercial use in the primarily residential neighborhood, which is an appropriate location when siting WCF's.

The project compiles with LDC Section 141.0420, **Wireless Com**munication Facilities, the WCF Design Guidelines, as well as the **requi**rements of the **Mid-City** Communities Community Plan and the City's General Plan. The proposed WCF will not adversely affect the applicable land use plan or the City's General Plan.

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

The project is located on the 3300 block of 41st Street (west side), just north of Thorn Street in the City Heights neighborhood of the Mid-City Communities Community Plan area. The Wireless Communication Facility (WCF) consists of a 30-foot-tall light standard supporting three panel antennas concealed inside a 30-inch diameter radome, painted to match the surface of the light pole. The equipment enclosure associated with this project is located inside an underground vault with two above-ground vents.

The project was determined to be exempt from CEQA pursuant to Section 15301 (Existing Facilities). 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 weifare.

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." An Electromagnetic Energy Exposure Report was prepared, which concluded that the project is in compliance with FCC standards for RF emissions. Therefore, the project will 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 regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and

The project site is located within the RS-1-7 zone of the Mid-City Communities Community Plan. The project meets all applicable requirements of this zone. The WCF Regulations (LDC Section 141.0420) contain design requirements for Wireless Communication Facilities (WCF), which include the requirement to utilize the smallest, least visually intrusive antennas, components and other necessary equipment and to use all reasonable means to conceal or minimize the visual impacts of the wireless communication facilities through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions.

T-Mobile's design uses all reasonable means to minimize the WCF by limiting the site to only three antennas and concealing them inside a 30-inch radome that is located on a 30-foot-tall light standard. The pole and radome are larger in diameter than standard city light poles, however, it is the minimum size necessary to accommodate the antennas, cables and mounting apparatus in order to conceal these components and reduce potential visual impacts. The radome and light pole will be repainted to match the grey of typical city light poles. The equipment associated with this WCF is located inside an existing 51-square-foot underground vault with two above-ground vents. The vents will be painted to match the adjacent commercial building. The entire width of PROW adjacent to the commercial building along 41st Street is concrete. The area where the light pole, meter pedestal, vents and subterranean vault comprises an 8-foot wide by 24-foot long area, leaving approximately 5-foot, 11-inches for the sidewalk and typical of urban commercial infill sites, no room for landscape.

Because the project meets the requirements of the RS-1-7 zone, and findings can be made in the affirmative, the project will comply with the applicable regulations of the LDC.

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

T-Mobile is proposing to maintain an existing Wireless Communication Facility (WCF) on the 3300 block of 41st Street (west side), just north of Thorn Street within the P Right-Of-Way (PROW). A site justification analysis was prepared by the applicant demonstrating a need for this WCF. According to the justification analysis, this modified macro site provides improvements to the existing coverage for both the residential uses to the west, to the north and to the south. Additionally, the WCF is appropriately designed at the location and integrates as a functional street light standard that is larger in diameter than standard light poles, but designed to mimic a city light pole with both the height and the type of pole. In accordance with Council Policy 600-43, WCF is encouraged in the PROW and is considered a Preference 1 location (most preferred location). However, due to the design of the pole which originally required a replacement pole of a larger diameter, the WCF is considered above-ground equipment and requires a Process 3, Hearing Officer Decision.

The equipment associated with this project will continue to operate inside an underground vault with two above-ground vents. This design is consistent with the City's General Plan for wireless facilities that encourages the placement of underground vaults to minimize visual impacts. The underground vault is appropriately placed close to the street along with the other components

of the WCF. The entire area comprising the WCF is 8 feet in width and 24 feet in length, leaving an approximate 5-foot, 11-inch sidewalk adjacent to the commercial building. There are currently no plans to expand and/or further develop this area of the right of way. However, a 10year expiration will be included as a condition of approval to ensure that the design and use is still appropriate at that time. As demonstrated by both the justification analysis and the design prepared by T-Mobile, the existing WCF use is appropriate at the proposed PROW location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 2006136 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2006136, a copy of which is attached hereto and made a part hereof.

Karen Lynch Development Project Manager Development Services

Adopted on: October 4, 2017

IO#: 11003679

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

INTERNAL ORDER NUMBER: 11003679

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO 2006130 T-MOBILE THORN PROJECT NO. 533977 HEARING OFFICER

This Conditional Use Permit No. 2006136 is granted by the Hearing Officer of the City of San Diego to the City of San Diego, Owner, and T-Mobile West Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0420 and 126.0303. The site is located in the 3300 block of 41st Street (west side), just north of Thorn Street in the RS-1-7 zone of the City Heights Neighborhood of the Mid-City Communities Plan. The project site is legally described as: Right-of-Way owned by the City of San Diego in the 3300 block of 41st Street.

Subject to the terms and conditions set forth in this Permit, permission is granted to Permittee for a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 4, 2017, on file in the Development Services Department.

The project shall include:

- a. A Wireless Communication Facility consisting of a 30-foot tall light standard supporting three panel antennas and two Tower Mounted Amplifiers inside a 30-inch diameter radome, painted and textured to match the surface of the concrete light pole;
- b. Three antennas with the following dimensions: 59" by 11.9" by 6.3";
- c. A 51-square foot underground equipment vault with two above-ground vents. The vents shall be painted to match the adjacent building located at 3302 41st Street to the satisfaction of the Development Services Department;
- 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 October 18, 2020.

2. This permit and corresponding use of this site shall **expire on October 18, 2027.** Upon expiration of this approval, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this permit unless the applicant of record files a new application for a facility, which will be subject to compliance with all regulations in effect at the time.

3. No later than ninety (90) days prior to the **expir**ation of this approval, the Permittee may submit a new application to the Development Services Department 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 permittees and fines.

4. Under no circumstances does approval of this permit authorize the Permittee to utilize this site for WCF purposes beyond the permit expiration date. Use of this permit approval beyond the expiration date of this permit is prohibited.

5. This permit does not become effective, 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 Permittee and any successor(s) in interest.

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

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

limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

10. The Permittee shall secure any required permits. The Permittee is informed that to secure these permits, substantial 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. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and 12. 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. Every aspect of this project is considered an element of concealment including (but not limited to) the dimensions, bulk and scale, color, materials and texture. Any future modifications to this permit/project must not defeat concealment.

14. The Permittee shall install and maintain appropriate warning signage on the WCF as required by State and Federal regulations. The Permittee shall be responsible for complying with all State and Federal regulations.

15. Any future modifications to the antennas must be approved by Development Services. Antennas deviating up to the approved size (length, width, or height), must include screening designed to create the appearance of uniformity among the antennas to the satisfaction of the Development Services Department.

16. The accuracy and validity of the RF Compliance Report, submitted by the Permittee, shall be assured while the WCF is in operation. If requested by the City, **Perm**ittee shall provide an updated RF Compliance Report to address any issues associated with the emitting components of the WCF.

17. All equipment, including transformers, emergency generators, and air conditioners belonging to the Permittee, shall be designed and operated consistent with San Diego Municipal Code regulations. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

18. This WCF shall be maintained in good working order and free from graffiti. Any vandalized equipment shall be restored by the Permittee within thirty (30) calendar days of notification by the City of San Diego.

19. 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, in which case, the removal and the restoration of this site to its original condition is required.

20. The Fiberglass Reinforced Panel radome and entire light pole shall be repainted to match existing City light poles within 30 days from the recordation of the permit and to the satisfaction of the Development Services Department.

21. The two above-ground vents shall be painted to integrate with the adjacent building at 3302 41st Street to the satisfaction of the Development Services Department.

22. All antennas, mounting apparatus, and cables shall be concealed inside the existing radome and light pole to the satisfaction of the Development Services Department.

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) 446-5351 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 development permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary 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 Hearing Officer of the City of San Diego on October 4, 2017 by Resolution No.

Permit Type/PTS Approval No.: CUP No. 2006136 Date of Approval: October 4, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Lynch 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.

City of San Diego Owner

By.

Cybele L. Thompson Real Estate Assets Director

T-Mobile West Corporation Permittee

By_

Joseph Rose, Esq. Site Development/Real Estate Manager

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

FROM:

(Check one or both)

- TO: <u>X</u> Recorder/County Clerk P.O. Box 1750, MS A-33 1600 Pacific Hwy, Room 260 San Diego, CA 92101-2400
 - Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814

San Diego, CA 92101

City of San Diego

Development Services Department

1222 First Avenue, MS 501

Project Name: T-Mobile Thorn

Project No.: 533977

Project Location-Specific: The project is located at 3304 41st Street, San Diego, CA 92105.

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: The project proposes a Conditional Use Permit (Conditional Use Permit) to allow for the continued use of an existing Wireless Communication Facility (WCF) consisting of a 31-foot-tall light standard supporting three panel antennas and six Tower Mounted Amplifiers (TMAs) concealed within a radome. The equipment is housed in subterranean vault with two air vents. The project proposes no modifications, except for repainting the existing pole and antenna radome to match the existing city standard light poles.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project:	Richard Dail SAC Wireless 5865 Avenida Encinas, Ste 142B Carlsbad, CA 92008
	(858) 200-6541

Exempt Status: (CHECK ONE)

- () Ministerial (Sec. 21080(b)(1); 15268);
- () Declared Emergency (Sec. 21080(b)(3); 15269(a));
- () Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))

(X) Categorical Exemption: CEQA Section 15301 (Existing Facilities)

Reasons why project is exempt: The City conducted an environmental review which determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private), involving negligible or no expansion of use beyond that existing at the time of the determination. The proposed project, a CUP for an existing WCF, is not an expansion of use. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

Lead Agency Contact Person: Anna L. McPherson, AICP

Telephone: (619) 446-5276

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a notice of exemption been filed by the public agency approving the project? () Yes () No

Revised May 2016

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

nd. Mcpherson Signature/Title

/Senior Planner

August 11, 2017

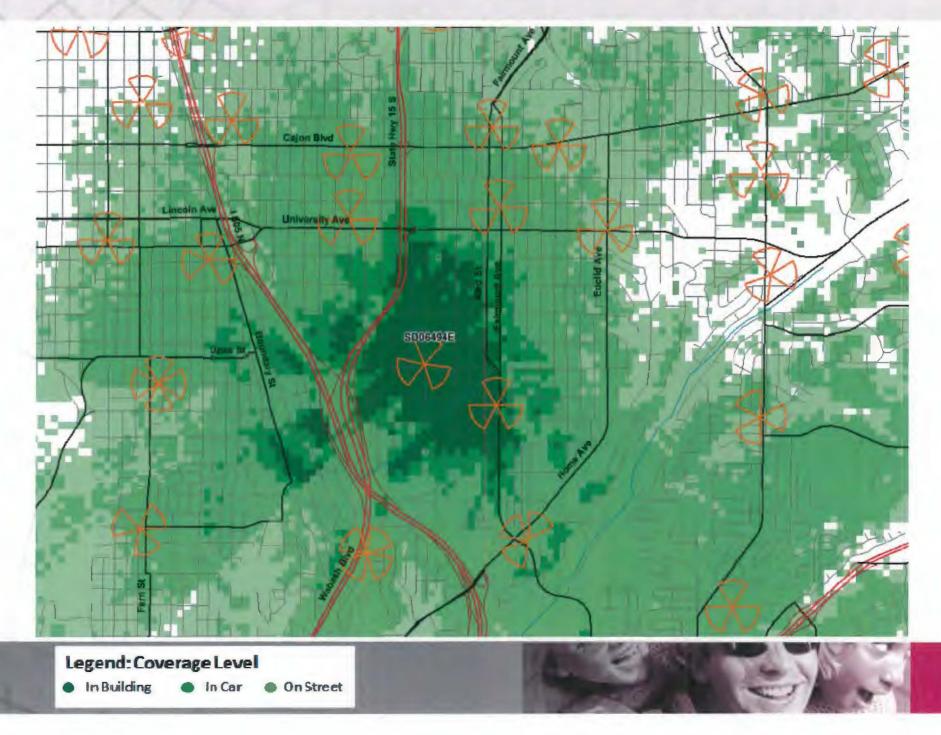
Date

Check One: (X) Signed By Lead Agency () Signed by Applicant

Date Received for Filing with County Clerk or OPR:

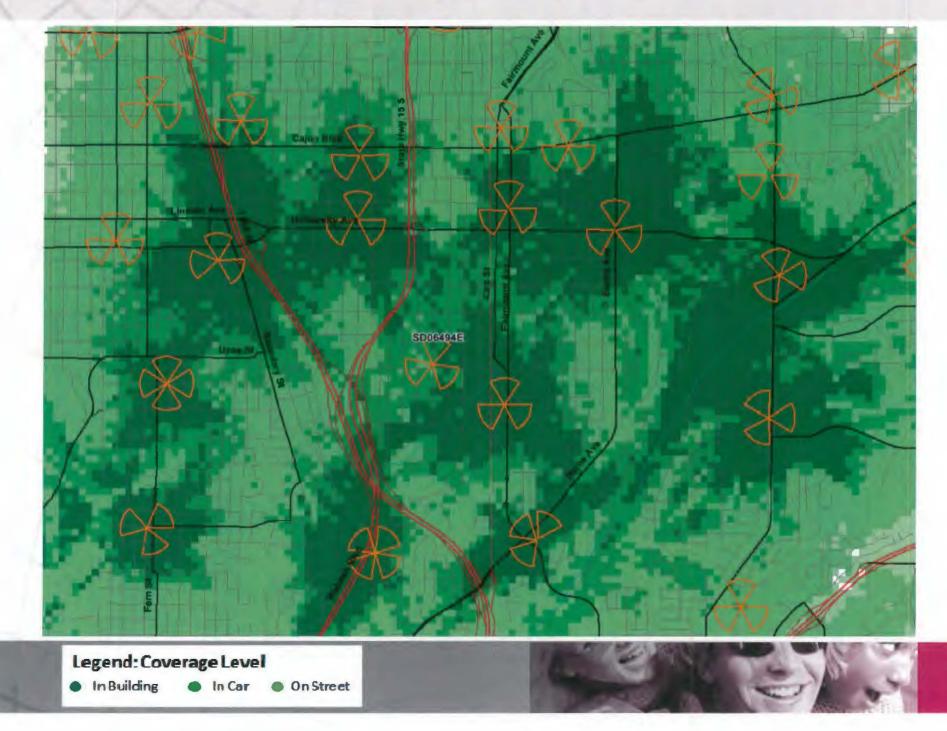
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SD06494E Coverage

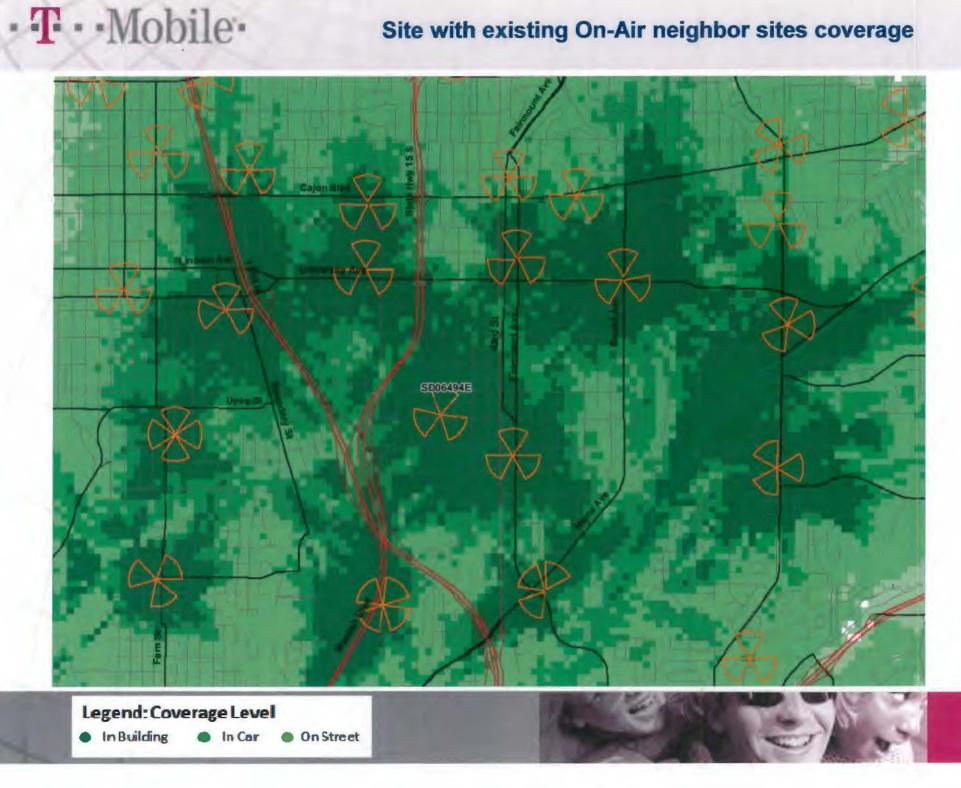


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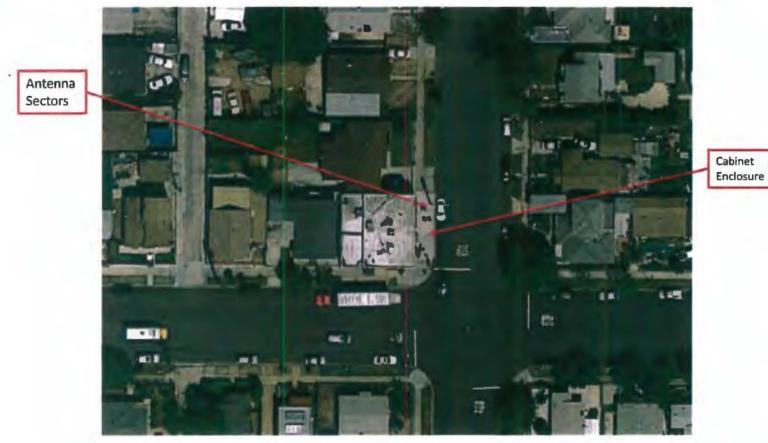
Existing On-Air sites coverage without SD06494E



Site with existing On-Air neighbor sites coverage



Ariel View of Site



View of Site From North



View of Site From East







View of Site From West

View From Site to North



View From Site to East



View From Site to South



View From Site to West







City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101			D		munity Planning Committee tion Form Part 2
Project Name:		Proj	cet Ni	umber:	Distribution Date:
T-Mobile Thorn			533	3977	05/02/2017
Project Scope/Location:					
MID CITY: CITY HEIGHT - CUP for an existing Wireless supporting 3 panel antennas and 6 Tower Mounted Ampl in a subterranean vault with two above ground air vents a permit, 130931, expires in July 2017. The adjacent prop	lifiers (TMA) co and a telco cab	nceale inet. N	ed with No cha	hin a radome anges are be	. Existing equipment is located
Applicant Name:				Applicant P	hone Number:
Dail Richard				(858) 200-6	
	Phone Numbe	r:	-	Number:	E-mail Address:
Karen Lynch	(619) 446-53	51	(610)	446-5245	klynchash@sandiego.go
 Vote to Approve With Conditions Listed Below Vote to Approve With Non-Binding Recommendations Listed Below 		s Yes	M	embers No embers No	Members Abstain Members Abstain
D Vote to Deny	Member	rs Yes Members No		embers No	Members Abstain
No Action (Please specify, e.g., Need further infor quorum, etc.) CONDITIONS:	rmation, Split	vote, l	Lack	of	Continued
NAME: RUSS COUNELLY				TITLE: C	HAIRMAN
SIGNATURE: Russ Car					7-05-2017
Attach Additional Pages If Necessary.	Please retu Project Ma City of Sar Developme 1222 First San Diego	nagen Diege ent Ser Avenu	nent D vices l ic, MS	Division Department	
Printed on recycled paper. Visit ou Upon request, this information is ava					

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THE CITY OF SAN DIEGO

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

Community Planning Committee Distribution Form Part 1

T-Mobile Thorn 533977 05/02/2017 Project Scope/Location: MID CITY: CITY HEIGHT - CUP for an existing Wireless Communication Facility (WCF) consisting of a 31 tall light standard supporting 3 panel antennas and 6 Tower Mounted Amplifers (TMA) concessed within a radome. Existing equipment is located in a subterranean vault with two above ground air vents and a teleo cabinet. No changes are being proposed. The previous permit. 130931, expires in July 2017. The adjacent property is zoned RS-1-7. CD:9 Applicant Phone Number: Applicant Name: Applicant Phone Number: Dail Richard (858) 200-6541 Project Manager: Phone Number: Fus construction (619) 446-5245 Karen Lynch (619) 446-5351 Project Issues (To be completed by Community Planning Committee for initial review):	· · · · · · · · · · · · · · · · · · ·					
Project Scope/Location: MID CITY: CITY HEIGHT - CUP for an existing Wireless Communication Facility (WCF) consisting of a 31' tall light standard supporting 3 panel antennas and 6 Tower Mounted Amplifiers (TMA) concealed within a radome. Existing equipment is located in subternanew rould with two above ground air vents and a teleo cabine. No changes are being proposed. The previous permit. 130931, expires in July 2017. The adjacent property is zoned RS-1-7. CD:9 Applicant Name: Dail Richard (858) 200-6541 Project Manager: Raren Lynch (619) 446-5351 (619) 446-5245 ktynchash@sandiego.gov Project Issues (To be completed by Community Planning Committee for initial review): Attack Additional Proges If Necessary: Picase return to: Project Management Division City of San Diego Development Services Department	Project Name:		Proj	ect Number:		Distribution Date:
MID CITY: CITY HEIGHT - CUP for an existing Wireless Communication Facility (WCF) consisting of a 31' tall light standard supporting 3 panel antennas and 6 Tower Mounted Amplifiers (TMA) concealed within a radome. Existing equipment is located in a subternanew null with two above ground air vents and a teleo cabine. No changes are being proposed. The previous permit. 130931, expires in July 2017. The adjacent property is zoned RS-1-7. CD:9 Applicant Name: Applicant Phone Number: Dail Richard (858) 200-6541 Project Manager: Phone Number: Karen Lynch (619) 446-5351 Project Issues (To be completed by Community Planning Committee for initial review): Project Issues (To be completed by Community Planning Committee for initial review): Attach Additional Project If Necessary: Picase return to: Project Management Division City of San Diego	T-Mobile Thorn			533977		05/02/2017
Dail Richard (858) 200-6541 Project Manager: Phone Number: Fax Number: E-nnil Address: Karen Lynch (619) 446-5351 (619) 446-5245 klynchash@sandiego.gov Project Issues (To be completed by Community Planning Committee for initial review):	MID CITY: CITY HEIGHT - CUP for an existing W supporting 3 panel antennas and 6 Tower Mounte a subterranean vault with two above ground air ve	ed Amplifiers (TMA ents and a telco ca	A) conc abinet.	ealed within a rado No changes are be	me.	Existing equipment is located in
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Attach Additional Pages If Necessary. Please return to: Project Management Division City of San Diego Development Services Department	Karen Lynch	(619) 446-53	51	(619) 446-5245	klyr	nchash@sandiego.gov
Project Management Division City of San Diego Development Services Department	Project Issues (To be completed by Communit	ty Planning Com	mittee	for initial review):	
1222 First Avenue, MS 302 San Diego, CA 92101 Printed on recycled paper. Visit our web site at www.sandhego.gov/development-services.						

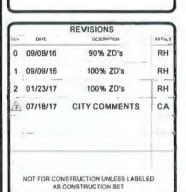
			S: 3304 41ST STREET SAN DIEGO, CA 92105 SAN DIEGO	
the second se			LOCATION MAP	DRAWING INDEX
SITE NAME: SITE ADRESS: JURISDICTION: COUNTY: LATITUDE: LONGITUDE: CONSTRUCTION TYPE: A.P.N.: ZONING CLASSIFICATION: PROPOSEO USE: PROPERTY OWNER: T-MOBILE PROJECT MANAGER: APPLICANT:	41 ST. SD06494E SD06494E 3004 41ST STREET SAN DIEGO, CA 92105 CITY OF SAN DIEGO 32.74301*N 117.23299*W N/A ADJACENT TO 454-320-19-00 RS-1-7 UNMANNED TELECOMMUNICATION FACILITY CITY OF SAN DIEGO 1200 3ND. AVE STE 700 SAN DIEGO, CA 92101 JOSEPH ROSE (858) 334-6112 joseph.rose41@T-Mobile.com SAC WIRELESS ON BEHALF OF T-MOBILE DAIL RICHARD (858) 20-6541 dail.richard@sacw.com	SITE Site <t< td=""><td>SITE SITE NORTH LEGAL DESCRIPTION BLK 108'LOTS 25 & 26'E 50 FT' BLK 108'LOTS 25 & 26'E 50 FT'</td><td>SHEET DESCRIPTION T-1.0 TITLE SHEET T-2.0 LETTER OF AUTHORIZATION A-1.0 OVERALL SITE PLAN A-2.0 ENLARGEO PLAN A-3.0 EXISTING ANTENNA PLAN, EQUIPMENT PLAN, MOUNTING DETAIL & SCHEDULE A-4.0 EXISTING EAST & SOUTH ELEVATIONS A-5.0 EXISTING WEST & NORTH ELEVATIONS A-6.0 EQUIPMENT DETAILS & SPECIFICATIONS</td></t<>	SITE SITE NORTH LEGAL DESCRIPTION BLK 108'LOTS 25 & 26'E 50 FT' BLK 108'LOTS 25 & 26'E 50 FT'	SHEET DESCRIPTION T-1.0 TITLE SHEET T-2.0 LETTER OF AUTHORIZATION A-1.0 OVERALL SITE PLAN A-2.0 ENLARGEO PLAN A-3.0 EXISTING ANTENNA PLAN, EQUIPMENT PLAN, MOUNTING DETAIL & SCHEDULE A-4.0 EXISTING EAST & SOUTH ELEVATIONS A-5.0 EXISTING WEST & NORTH ELEVATIONS A-6.0 EQUIPMENT DETAILS & SPECIFICATIONS
	CT TEAM		THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE	
ARCHITECT: SAC WIRELESS NESTOR POPOWYCH, A.I.A. 5015 SHOREHAM PLACE, STE 12 SAN DIEGO, CA 92122 CONTACT: DENNIS YOSHII PHONE: (619) 736-3766 X105 EMAIL. dennis.yoshii@sacw.com	CT TEAM CONSTRUCTION MANAGER: T-MOBILE USA KIRT BABCOCK 50 10509 VISTA SORRENTO PKWY STE 206 SAN OIEGO, CA 92121 PHONE: (858) 334-6139 EMAIL: kirt.babcock@T-Mobile.com RF ENGINEER:	DRIVING DIRECTIONS DIRECTIONS FROM: 10509 VISTA SORRENTO PKWY, 5. ARRIVE AT 3304 41ST STREET SAN DIEGO, CA 92121 SAN DIEGO, CA 92121 SAN DIEGO, CA 92121 SAN DIEGO, CA 92105 1. HEAD SOUTH ON VISTA SORRENTO PKWY 2. USE THE RIGHT 2 LANES TO TURN RIGHT TO MERGE ONTO H805 S 3. CONTINUE ON H805 S. TAKE CA-52 E/STATE 52 E, L-15 S AND CA-15 S TO 40TH ST. TAKE EXIT 5A EPDOM CA-15 S OUTH	REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED. DO NOT SCALE DRAWINGS CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT OR ENGINEER OF RECORD IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.	CODE COMPLIANCE 2013 CALIFORNIA ENERGY CODE 2013 CALIFORNIA BUILDING CODE 2013 CALIFORNIA ELECTRICAL COOE 2013 CALIFORNIA FIRE CODE 2013 CALIFORNIA FIRE CODE 2013 CALIFORNIA MECHANICAL CODE 2013 CALIFORNIA PLUMBING CODE
ENGINEER: SAC WIRELESS TAHZAY RAMIREZ, P.E. 5015 SHOREHAM PLACE, STE 1: SAN DIEGO, CA 92122 PHONE: (619) 736-3766 X114 EMAIL: tahzay.tamirez@sacw.com PLANNING/ZONING CONSULTAN SAC WIRELESS DAIL: RICHARD 5015 SHOREHAM PLACE, STE 1: SAN DIEGO, CA 92122 PHONE: (658) 200-6541 EMAIL. dail.richard@sacw.com	T-MOBILE USA MUSTAFA AJMAL 50 10509 VISTA SORRENTO PKWY STE 206 SAN OIEGO, CA 92121 PHONE: - EMAIL: mustafa.ajmal@T-Mobile.com IT:	FROM CA-15 SOUTH 4. DRIVE TO 41ST ST. TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN CALIFORNIA (SOUTH), CALL DIG ALERT TOLL FREE: 1-800-227-2600 OR www.digalent.org CALIFORNIA STATUTE REQUIRES MIN OF 2 WORKING DAYS NOTICE BEFORE YOU EXCAVATE	SPECIAL NOTES 1 ALL WORK SHALL BE INSTALLED IN CONFORMANCE WITH CURRENT T-MOBILE CONSTRUCTION INSTALLATION GUIDE. RECORD IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME. 2. EXISTING CONDITIONS WILL BE VERIFIED IN FIELD. IF SIGNIFICANT DEVIATIONS OR DETERNORATION ARE ENCOUNTERED AT THE TIME OF CONSTRUCTION, A REPAR PERMIT WILL BE OBTAINED & CONTRACTOR SHALL NOTIFY ARCHITECT OR ENGINEER OF RECORD IMMEDIATELY. RECORD IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME. 3. CONTRACTOR SHALL NOTIFY ARCHITECT OR ENGINEER OF RECORD IMMEDIATELY. STATEMENT THAT COMPLIANCE WITH THE EXISTING DIMENSIONS & CONDITIONS ON	APPROVALS THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS. T-MOBILE PROJECT MANAGER: DATE: T-MOBILE CONSTRUCTION MANAGER: DATE: T-MOBILE RF ENGINEER: DATE: T-MOBILE RF ENGINEER: DATE: DATE:

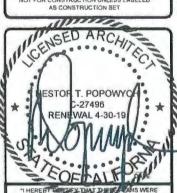
Q1STELEST-MOBILE PROJECTSISAN DIEGO SITESISD06494E (CUP & 1900)/CUP_ZD'SITMO_CUP_SD06494E_CD.DWG - 10688712 - Calvarez

ATTACHMENT 11 T · · Mobile · SORREF TO PKWY #206 SAN DEGO CA 9212 I W_H OM



COMPLIANCE
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APPROVALS
Y APPROVE AND ACCEPT THESE DOO R TO PROCEED WITH THE CONSTRU- INTS ARE SUBJECT TO REVIEW BY TH POSE CHANGES OR MODIFICATIONS.





"I HEREBIT OFFY THAT DETECTIONS WERE PREPARED BYNE THAT DATE AND VORECT SUPERVISION AND THAT I AND DLLY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF CALIFORNIA"

41 ST. SD06494E SD06494E 3304 41ST STREET SAN DIEGO, CA 92105

SHEET TITLE

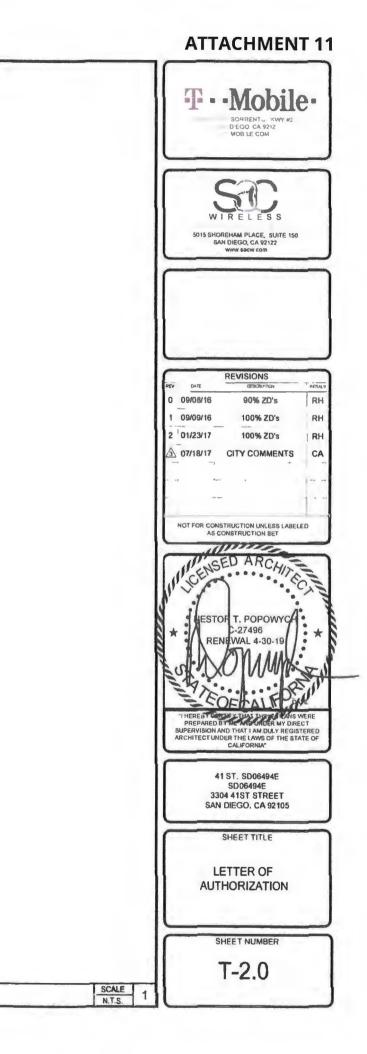
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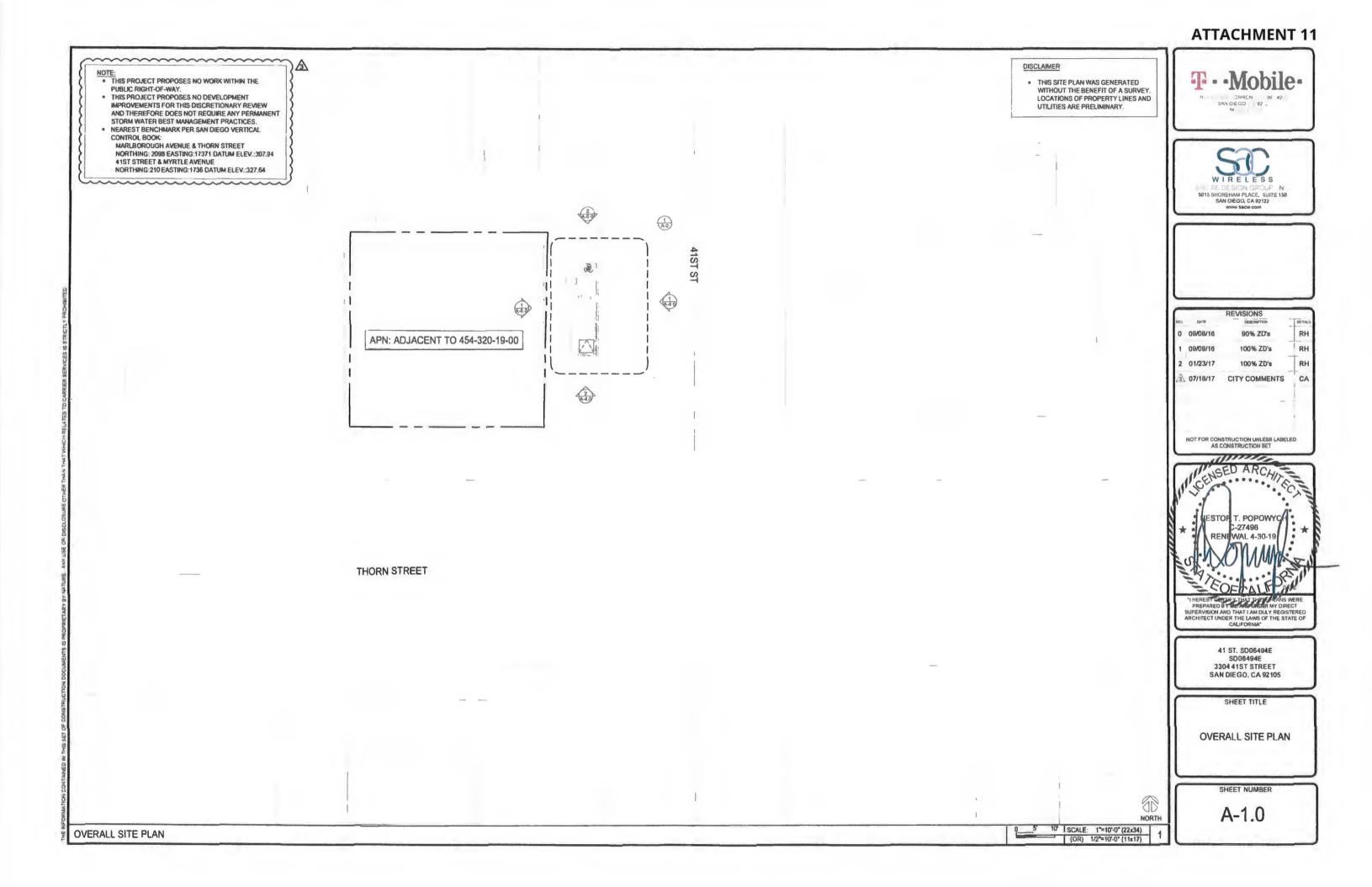
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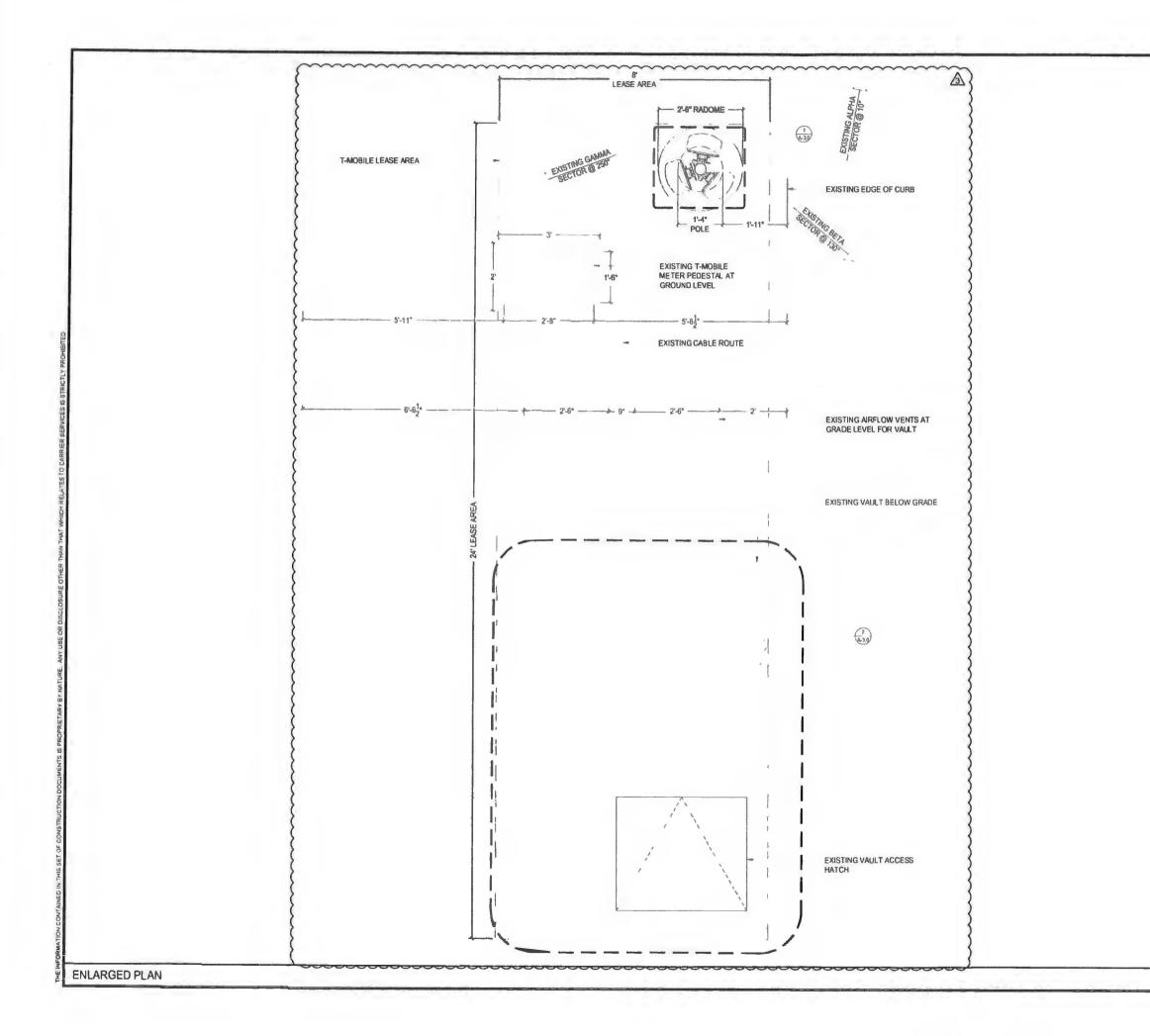
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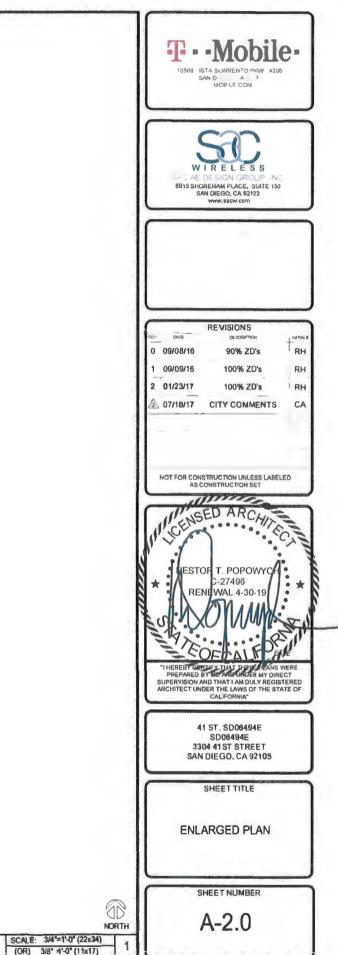
City Consent Application	
1/10/17	
(Date) Ms. Enza Charles Real Estate Assets Department The City of San Diego 1300 Third Avenue, Suite 1700 San Diego, California 92101	
RE: Site Address: 330:41% Brok San Dega, CA 82'05 San Diego (the "Property") Site Name: 1400% 2006004E (a181 pr(dom 40.00)	
Agreement: Lease Agreement, dated <u>Agreement</u> , date	
As part of the continuous effort to keep its network up to date, <u>1-Mone</u> would like to perform the following modifications (changes) as described in the atlached plans, to the site referenced above:	
Example: Annual from the first product the first and the second of the second of the second deal product and the second where the second of the second second of the second second of the second second of the second second second of the second seco	
join tail tait Net Meal— Sand Units to be screened by o four (1) toos ust CKU/ starts and. Confinued ust and opteration of an eristing wireless referonmunications family Consisting of [3] existing panel antionas, considered in a -adome mounted to a street light, with an underground equipment valut	
SDy Real Estate Assets	
Pursuant to <u>Improvements and Alterations</u> , of the Loase Agreement, "Lessee shall not construct any improvements, structures, or installations on the Prenises, or make any alterations to the Premises (with the exception of equipment replacements or tepairs) 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. sincerety, Dail Richard , agent for T-Mobile	
Applicant's Signature:	
Cry Transportation & Stormwater department has provided it's consent and approval to allow T-Mobile to perform the proposed modifications described herein.	
the signature CITY OF SAN DIEGO, ACKNOWLEDGEMENT AND CONSENT FOR MODIFICATION OF 3304 41st. Street, San Diego, CA 92105	
By:	
Name: Cybele L. Thompson Title. Director of Real Estate Assets	
Date: 1/9/17	
S Real Estate Assets	

Q. STELE ST-MOBILE PROJECTSISAN DIEGO SITESISD06494E (CUP & 1900)ICUP_ZD'SITMO_CUP_SD06494E_CD.DWG - 10688712 - Calvarez

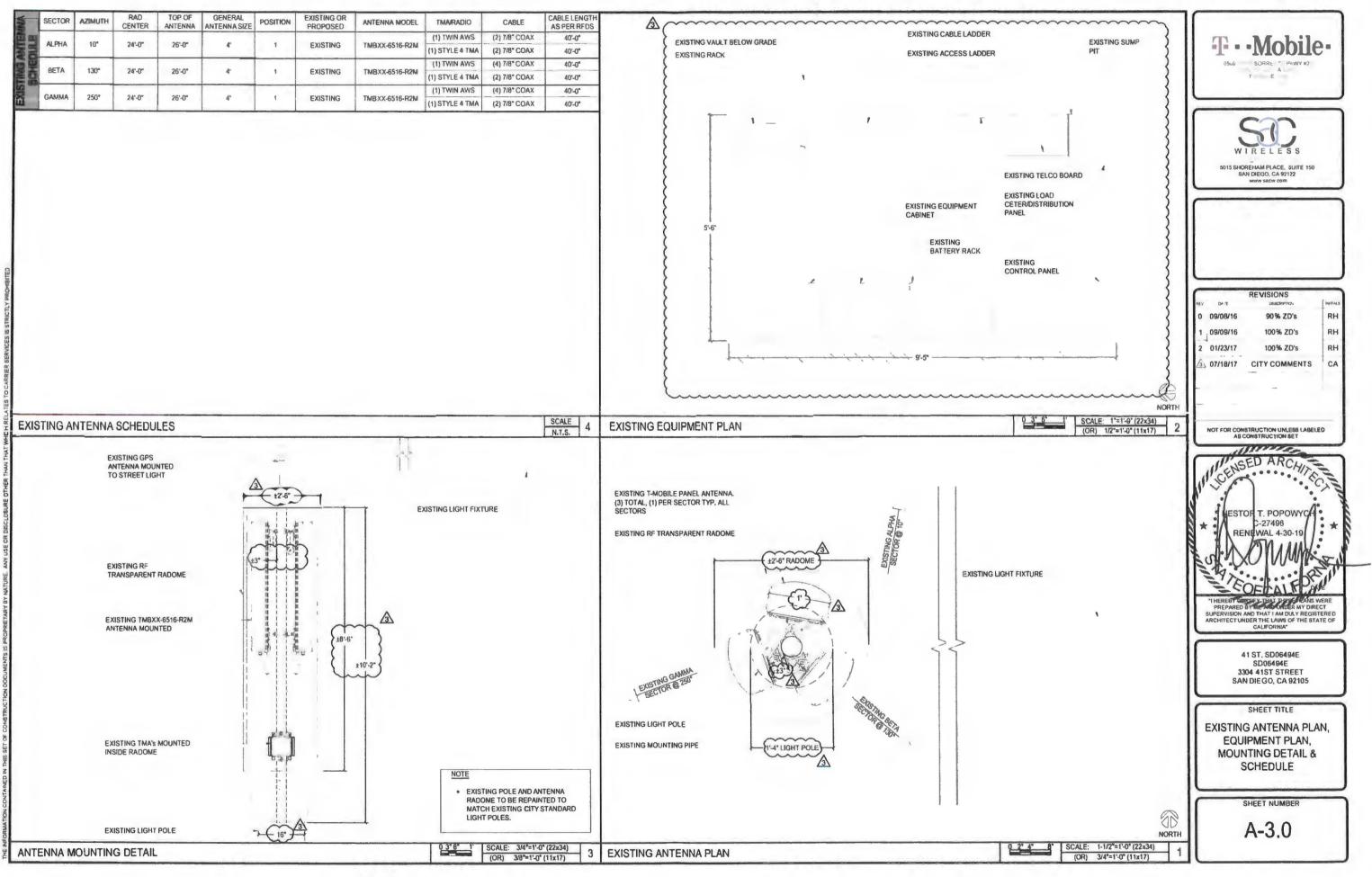


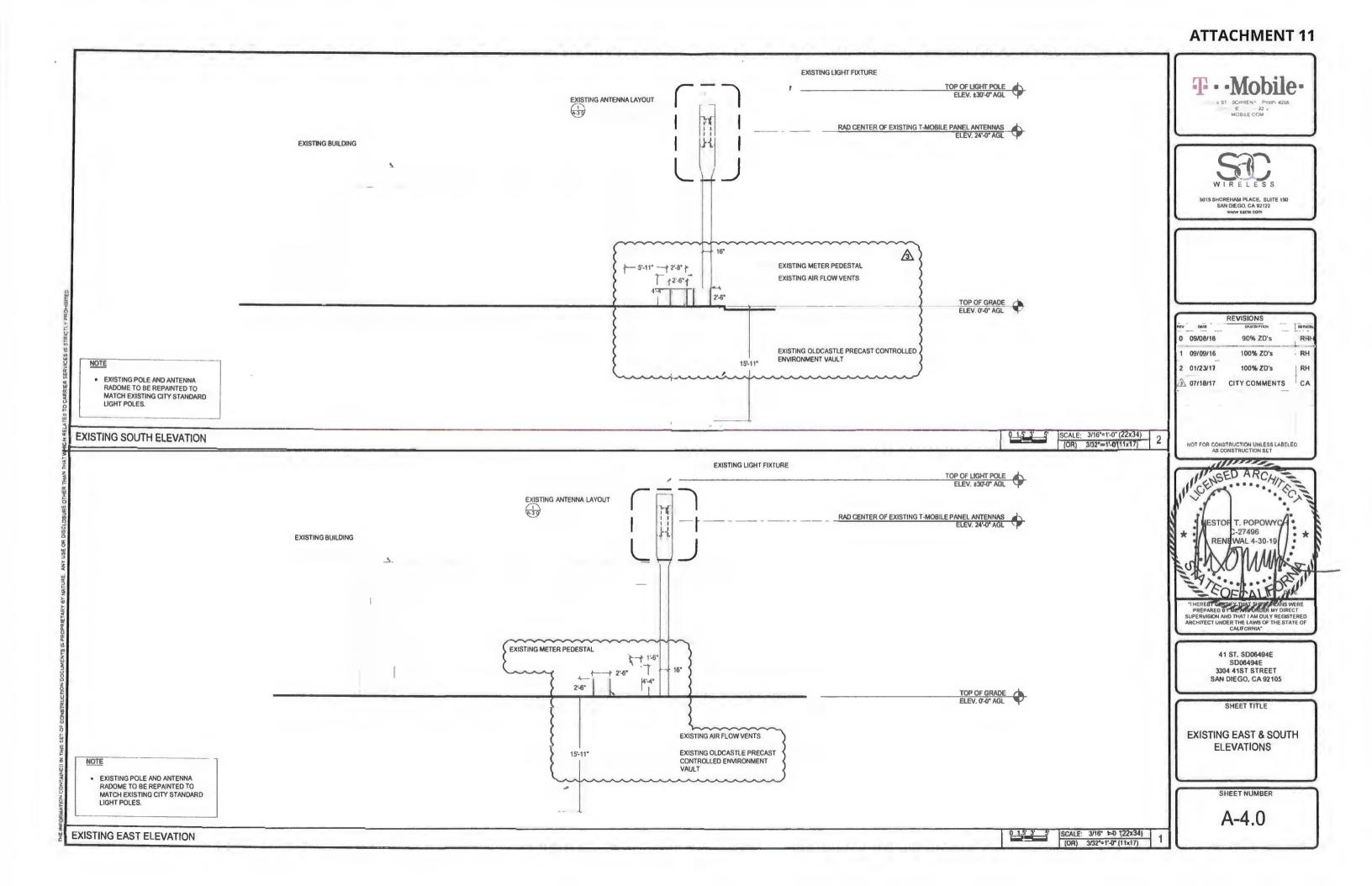


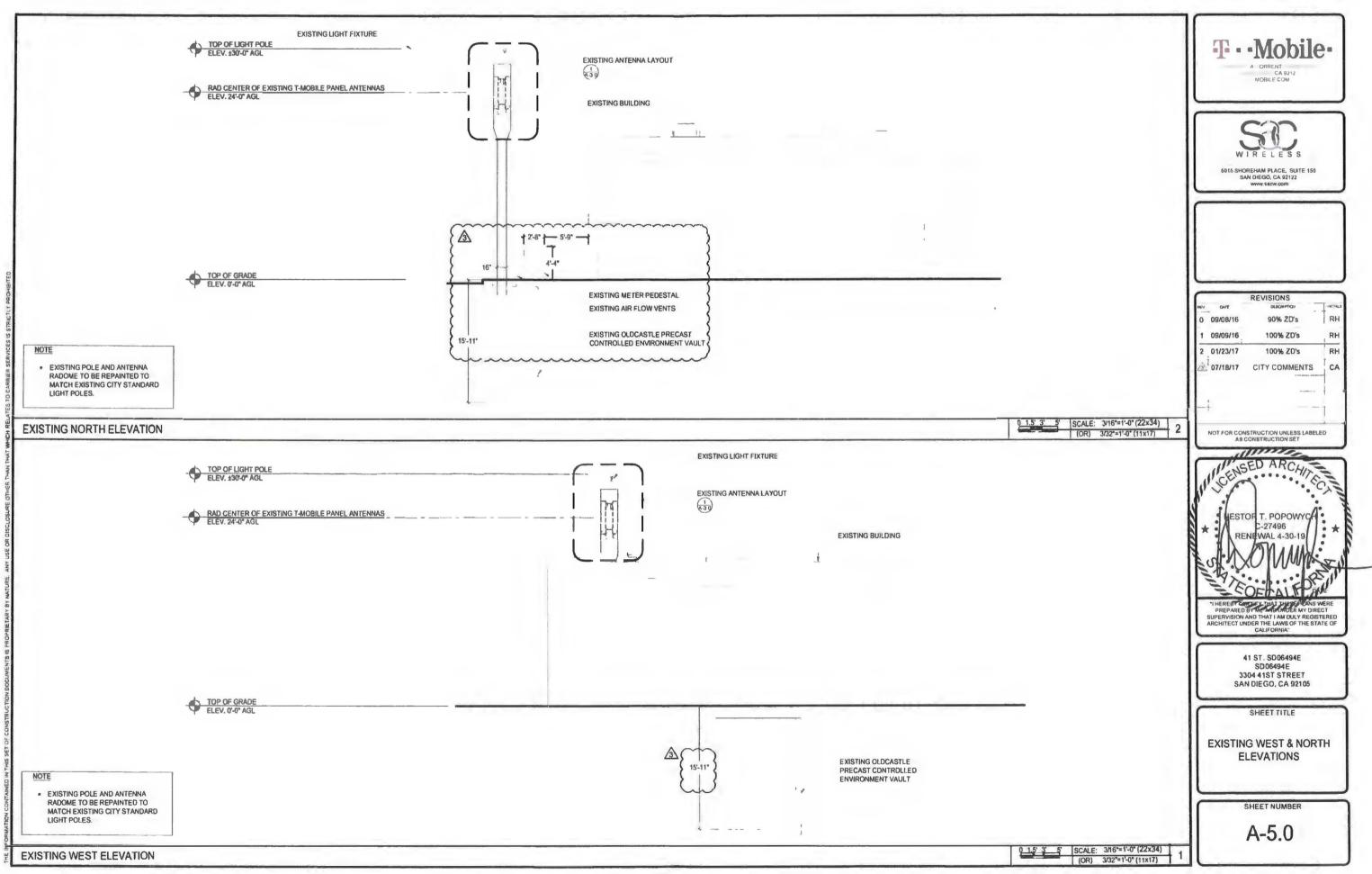




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NOT USED	9	NOT USED	6	NOT USED
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			2	MANUFACTURER: ANDREW MODEL: TMBXX:6516.R2M OUAD FREQUENCY RANGE 1710 - 2155 MHZ IMPEDANCE: 50 OHMS AZIMUTH BW: 64.5*± 8' ELEVATION BW: 7.2*± 1.2* GAIN, db: 175 ± 0.8 PORT-TO-PORT ISOLATION: ±45* VSWR: 1.35± 1/16 5 PORT-TO-PORT ISOLATION: ±0.6* LECTRICAL DWITIT: ±0.9* MAX.INPUT POWER: 250 WATI S LIGHTNING PROTECTION: DC GROUND GAIN, db: 1.5 MECHANICAL 0.55* AZIMUTH T 3.6 LBS DIMENSION (L\$WXD) 59*11.9*x6.3* MAX.WIND CLOAD: 164 LBF MAX.WIND SEED: 150 MPH HARDWARE MATERIAL HOT DIP GALVANIZED CONNECTOR TYPE: 7.16 DIN, FEMALE (4) COLOR: OFF WHITE STANDARD MOUNTING: TM600895A-2
NOT USED	7	NOT USED	4	TMBXX-6516-R2M QUAD ANTENNA

