

RESOLUTION NUMBER R- 309246

DATE OF FINAL PASSAGE SEP 30 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE PLANNED DEVELOPMENT PERMIT NO. 1290074, SITE DEVELOPMENT PERMIT NO. 1290075, CONDITIONAL USE PERMIT NO. 1290076, AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1290077 FOR AT&T MOBILITY SYCAMORE ESTATES PROJECT NO. 351705.

WHEREAS, City of San Diego, Owner and AT&T Mobility, Permittee, filed an application with the City of San Diego for a permit to install a new Wireless Communication Facility (WCF) consisting of a 35-foot tall monopine with a total of eight panel antennas and a 35-foot tall mono-eucalyptus with a total of four panel antennas; the equipment associated with this project is located inside a 233-square foot equipment enclosure with tile roof, painted and textured to match the existing water maintenance building, a separate emergency generator will also be proposed at this location as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Planned Development Permit (PDP) No. 1290074, Site Development Permit (SDP) No. 1290075, Conditional Use Permit (CUP) No. 1290076, and Neighborhood Development Permit (NDP) No. 1290077; and

WHEREAS, the project site is located at 16688 Stonebridge Parkway in the AR-1-1 zone within the Rancho Encantada Community Plan; and

WHEREAS, the project site is legally described as Lot 12 of Sycamore Estates Phase II, in the City of San Diego, State of California, as shown on Map No. 15065, filed in The Office of the Said County; and

WHEREAS, on April 22, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section Section 15303 (New Construction of Small Structures) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, on May 29, 2014, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1290074, Site Development Permit No. 1290075, Conditional Use Permit No. 1290076, and Neighborhood Development Permit No. 1290077, pursuant to the Land Development Code of the City of San Diego and granted the permits; and

WHEREAS, an appeal was filed on July 2, 2014 of the Planning Commission decision; and

WHEREAS, the City Council held a hearing on September 30, 2014; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it denies the appeal and adopts the following findings with respect to PDP No. 1290074, SDP No. 1290075, CUP No. 1290076, and NDP No. 1290077:

**PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)**  
**SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The City of San Diego General Plan recommends that all Wireless Communication Facilities (WCF) minimize visual impacts by concealing wireless facilities in existing structures when possible. It also recommends that these facilities be aesthetically pleasing and respectful to the neighborhood context and to conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. The proposed monopine and mono-eucalyptus have been designed to comply with the General Plan's requirement and the LDC Regulations for WCF by ensuring a high density branch count to conceal the antennas and all associated mounting brackets from the public views. Additionally, the antennas will utilize antenna socks as a camouflaging technique to improve the overall monopine and the mono-eucalyptus appearance. The equipment associated with this project will be located inside a 233-square foot equipment enclosure with tile roof, painted to match the existing water maintenance building on site. An emergency generator will also be installed adjacent to the mono-eucalyptus and enclosed behind a 6-foot tall chain link fence. Pursuant to the San Diego Land Development Code (LDC) Section 141.0420, WCFs are permitted in all zones citywide with the appropriate permit process. WCFs are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. As designed, the proposed development would not adversely affect the Rancho Encantada Plan or the City of San Diego General Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The project consists of one 35-foot monopine with eight antennas and one 35-foot tall mono-eucalyptus with four antennas. The equipment associated with this project will be located inside a 233-square foot enclosure building with tile roof, designed to match the existing maintenance building. Additionally, a 50kW emergency generator will also be proposed as part of this project. The mono-eucalyptus, equipment building and the emergency generator will all be enclosed behind a 1,232-square feet chain link fence enclosure. The faux tree designs and the equipment designs are consistent with the General Plan's requirement and the Wireless Communication Regulations Section 141.0420. The project is located at 16688 Stonebridge Parkway in the AR-1-1 zone within the Rancho Encantada Community Plan.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (New Construction) on April 22, 2014. The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Federal 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." AT&T Mobility submitted an RF Report, which concluded that the project complies with FCC RF Standards. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

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

**3. The proposed development will comply with the regulations of the Land Development Code including any 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.** The proposed 35-foot-tall monopine and mono-eucalyptus will be utilizing antenna sock covers, as well as a high density branch count to effectively conceal the antennas and all associated components from the surrounding area consistent with the Wireless Communication Facilities Design Guidelines, City's General Plan and LDC Section 141.0420. The monopine, the mono-eucalyptus and the equipment enclosure as proposed are located within the required AR-1-1 setbacks, and behind a 6-foot tall chain link fence. Consistent with Verizon's approval, the circumstances allowing the WCF to be located within the required setback is necessary for access and maintenance reasons. If these items were to be relocated to comply with setbacks, access for the water department surrounding the water tank would be impaired. Additionally, locating the monopine, the mono-eucalyptus and the equipment area in the required setback would limit AT&T's access to and from the site. As designed, AT&T has three independent access points to their equipment and their faux trees. For security purposes, the Water Department restricts access within the water tank property to City Employees only. Moving the equipment and faux trees to comply with the setback would make it difficult to have such restrictions without redesigning the water tank property. In this instance, utilizing a single faux tree would result in a tree design that would extend above the water tank resulting in an unrealistic tree appearance. Therefore, a deviation for an additional 5 feet in height would allow for two smaller scale trees that is more compatible with the current setting.

**SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)**  
**SECTION 126.0504**

**1. The proposed development will not adversely affect the applicable land use plan.** The City of San Diego General Plan recommends that all Wireless Communication Facilities (WCF) minimize visual impacts by concealing wireless facilities in existing structures when possible. It also recommends that these facilities be aesthetically pleasing and respectful to the neighborhood context and to conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. The proposed monopine and mono-eucalyptus have been designed to comply with the General Plan's requirement and the LDC Regulations for WCF by ensuring a high density branch count to conceal the antennas and all associated mounting brackets from the public views. Additionally, the antennas will utilize antenna socks as a camouflaging technique to improve the overall monopine and the mono-eucalyptus appearance. The equipment associated with this project will be located inside a 233-square foot equipment enclosure with tile roof, painted to match the existing water maintenance

building on site. An emergency generator will also be installed adjacent to the mono-eucalyptus and enclosed behind a 6-foot tall chain link fence. Pursuant to the San Diego Land Development Code (LDC) Section 141.0420, WCFs are permitted in all zones citywide with the appropriate permit process. WCFs are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. As designed, the proposed development would not adversely affect the Rancho Encantada Plan or the City of San Diego General Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The project consist one 35-foot monopine with eight antennas and one 35-foot tall mono-eucalyptus with four antennas. The equipment associated with this project will be located inside a 233-square foot enclosure building with tile roof, designed to match the existing maintenance building. Additionally, a 50kW emergency generator will also be proposed as part of this project. The mono-eucalyptus, equipment building and the emergency generator will all be enclosed behind a 1,232-square feet chain link fence enclosure. The faux tree and equipment designs are consistent with the General Plan's requirement and the Wireless Communication Regulations Section 141.0420. The project is located at 16688 Stonebridge Parkway in the AR-1-1 zone within the Rancho Encantada Community Plan.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (New Construction) on April 22, 2014. The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Federal 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." AT&T Mobility submitted an RF Report, which concluded that the project complies with FCC RF Standards. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

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

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The project complies with all applicable development regulations of the Land Development Code, with the exception of height and the setbacks. The proposed heights for both faux trees are 35-feet which exceeds the maximum allowable height within the AR-1-1 zone of 30-feet. The project is located in the AR-1-1 zone and a WCF is permitted with a Conditional Use Permit pursuant to LDC Section 141.0420(e)(2). However; due to the adjacent Environmentally Sensitive Land (requiring a Site Development Permit) and the request for setback and height deviations for the proposed 35-foot tall faux trees, a Planned Development

Permit is required and processed as a consolidated Process Four level decision. The 35-foot proposed monopine and the 35-foot tall proposed mono-eucalyptus have been designed to be minimally visible by using camouflaging techniques such as the implementation of antenna sock covers and by extending the branches 24-inches in front of each antenna. The remaining components on these faux trees will be painted to match the corresponding bark and the combination of these design features ensures an aesthetically pleasing result to the surrounding community. Additionally, the associated equipment will be concealed inside an equipment building with tile roof, painted to match the existing water maintenance building on site and will be minimally visible behind the existing 8-foot high CMU wall. The total square footage of the equipment building and the emergency generator can be processed with a Neighborhood Development Permit pursuant to LDC Section 141.0420(g)(3).

The faux trees and the equipment enclosure are proposed within the required AR-1-1 setbacks, and behind the existing 8-foot tall CMU wall. Similar to Verizon's WCF approval at this location, the circumstances allowing the WCF to be located in the required setback is necessary for access and maintenance reasons. If these items were to be moved to comply with setbacks, access for the water department surrounding the water tank would be impaired. Additionally, locating the faux trees and the equipment area in the required setback would limit AT&T's access to and from the site. As designed, AT&T has three independent access points to their equipment and their faux trees. For security purposes, the Water Department restricts access within the water tank property to City Employees only. Moving the equipment and faux trees to comply with the setback would make it difficult to have such restrictions without redesigning the water tank property. Additionally, utilizing a single faux tree would result in a tree design that would extend above the water tank resulting in an unrealistic tree appearance. Therefore, a deviation for an additional 5 feet in height would allow for two smaller scale tree designs that are more compatible with the current setting.

As designed, the project does comply with Land Development Code Section 141.0420 Wireless Communication Regulations. This section of the Code requires all applicants to conceal or minimize the visual impacts of the Wireless Communication Facilities through integration. Such integration includes the use of architecture, landscaping and creative siting solutions.

### **Supplemental Findings--Environmentally Sensitive Lands**

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project site is currently developed with an existing water tank surrounded by open space. The fenced in portion of the facility is completely paved and is devoid of vegetation. Portions of the Wireless Communication Facility are located outside and within 100-feet of sensitive biological resources and 40 feet from the top of slopes of steep hillsides; more specifically, the galvanized metal chase for the fiber conduits (Approximately 12 inches wide by 12 inches in depth, for 123 linear feet). The project as designed would not result in a direct or indirect impact to the adjacent sensitive biological resources or the steep hillsides. Therefore, this site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** Excavation is anticipated with the installation of the footings for the faux tree. The proposed equipment will be installed above ground with minor trenching to and from the monopine and the mono-eucalyptus. The installation of the 35-foot tall monopine and the 35-foot tall mono-eucalyptus will not result in undue risk from geologic and erosional forces, flood hazards of fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project site is currently developed with an existing water tank surrounded by open space. The fenced in portion of the facility is completely paved and is devoid of vegetation. Portions of the Wireless Communication Facility are located outside and within 100-feet of sensitive biological resources and 40 feet from the top of slopes of steep hillsides; more specifically, the galvanized metal chase for the fiber conduits (Approximately 12 inches wide by 12 inches in depth, for 123 linear feet). The project as designed would not result in a direct or indirect impact to the adjacent sensitive biological resources or the steep hillsides. Therefore, this site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed equipment and faux trees will be located in a previously graded pad which is not located within or adjacent to the MHPA. The utility run (approximately 12 inches wide and 12 inches in depth and for 123 linear feet), is located immediately outside the 8-foot high CMU wall with minimal impact to the surrounding biological resources. The project as designed is consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project site is not located adjacent to public beaches and therefore will not contribute to the erosion of public beaches or adversely impact shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The project site is currently developed with an existing water tank surrounded by open space. The AT&T WCF (monopine, mono-eucalyptus, and associated equipment) is proposed within the existing concrete wall however a portion of the fiber conduits are proposed outside of the existing wall. These project elements would be located within the existing dirt pathway and would not encroach into ESL lands (Diegan coastal sage scrub), but would be located within 100 feet of sensitive biological resources and 40 feet from the top of slopes of steep hillsides; therefore, an SDP is required. The proposed development will not result in any negative impacts and will not require any mitigation conditions.

**CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)**  
**SECTION 126.0305**

1. **The proposed development will not adversely affect the applicable land use plan.** The City of San Diego General Plan recommends that all Wireless Communication Facilities (WCF) minimize visual impacts by concealing wireless facilities in existing structures when possible. It also recommends that these facilities be aesthetically pleasing and respectful to the neighborhood context and to conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. The proposed monopine and mono-eucalyptus have been designed to comply with the General Plan's requirement and the LDC Regulations for WCF by ensuring a high density branch count to conceal the antennas and all associated mounting brackets from the public views. Additionally, the antennas will utilize antenna socks as a camouflaging technique to improve the overall monopine and the mono-eucalyptus appearance. The equipment associated with this project will be located inside a 233-square foot equipment enclosure with tile roof, painted to match the existing water maintenance building on site. An emergency generator will also be installed adjacent to the mono-eucalyptus and enclosed behind a 6-foot tall chain link fence. Pursuant to the San Diego Land Development Code (LDC) Section 141.0420, WCFs are permitted in all zones citywide with the appropriate permit process. WCFs are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. As designed, the proposed development would not adversely affect the Rancho Encantada Plan or the City of San Diego General Plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The project consist one 35-foot monopine with eight antennas and one 35-foot tall mono-eucalyptus with four antennas. The equipment associated with this project will be located inside a 233-square foot enclosure building with tile roof, designed to match the existing maintenance building. Additionally, a 50kW emergency generator will also be proposed as part of this project. The mono-eucalyptus, equipment building and the emergency generator will all be enclosed behind a 1,232-square feet chain link fence enclosure. The faux tree designs and the equipment designs are consistent with the General Plan's requirement and the Wireless Communication Regulations Section 141.0420. The project is located at 16688 Stonebridge Parkway in the AR-1-1 zone within the Rancho Encantada Community Plan.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (New Construction) on April 22, 2014. The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Federal 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." AT&T Mobility submitted an RF Report, which concluded that the project complies with FCC RF Standards. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

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

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The project complies with all applicable development regulations of the Land Development Code, with the exception of height and the setbacks. The proposed heights for both faux trees are 35-feet which exceeds the maximum allowable height within the AR-1-1 zone of 30-feet. The project is located in the AR-1-1 zone and a WCF is permitted with a Conditional Use Permit pursuant to LDC Section 141.0420(e)(2). However; due to the adjacent Environmentally Sensitive Land (requiring a Site Development Permit) and the request for setback and height deviations for the proposed 35-foot tall faux trees, a Planned Development Permit is required and processed as a consolidated Process Four level decision. The 35-foot proposed monopine and the 35-foot tall proposed mono-eucalyptus have been designed to be minimally visible by using camouflaging techniques such as the implementation of antenna sock covers and by extending the branches 24-inches in front of each antenna. The remaining components on these faux trees will be painted to match the corresponding bark and the combination of these design features ensures an aesthetically pleasing result to the surrounding community. Additionally, the associated equipment will be concealed inside an equipment building with tile roof, painted to match the existing water maintenance building on site and will be minimally visible behind the existing 8-foot high CMU wall. The total square footage of the equipment building and the emergency generator can be processed with a Neighborhood Development Permit pursuant to LDC Section 141.0420(g)(3).

The faux trees and the equipment enclosure are proposed within the required AR-1-1 setbacks, and behind the existing 8-foot tall CMU wall. Similar to Verizon's WCF approval at this location, the circumstances allowing the WCF to be located in the required setback is necessary for access and maintenance reasons. If these items were to be moved to comply with setbacks, access for the water department surrounding the water tank would be impaired. Additionally, locating the faux trees and the equipment area in the required setback would limit AT&T's access to and from the site. As designed, AT&T has three independent access points to their equipment and their faux trees. For security purposes, the Water Department restricts access within the water tank property to City Employees only. Moving the equipment and faux trees to comply with the setback would make it difficult to have such restrictions without redesigning the water tank property. Additionally, utilizing a single faux tree would result in a tree design that would extend above the water tank resulting in an unrealistic tree appearance. Therefore, a deviation for an additional 5 feet in height would allow for two smaller scale tree designs that are more compatible with the current setting.

As designed, the project does comply with Land Development Code Section 141.0420 Wireless Communication Regulations. This section of the Code requires all applicants to conceal or minimize the visual impacts of the Wireless Communication Facilities through integration. Such integration includes the use of architecture, landscaping and creative siting solutions.

4. **The proposed use is appropriate at the proposed location.** The proposed WCF is located behind the 8-foot tall CMU wall of the existing City owned water tank property. As designed, the project is a Preference 3 location. According to Council Policy 600-43, the applicant must justify in their application process in choosing a Preference 3 location over other lower Preference level locations. The site would be able to provide coverage to a predominately residential area west of the water tank. No other lower preference level sites were available after conducting a site survey of the current surrounding area. Instead, this non-residentially used property at the current elevation provides the height necessary for the coverage objective. In conclusion, this WCF has been designed to include camouflaging techniques recommended by the Wireless Communication Design Guidelines and complies with the City's General Plan Wireless Design requirements and the Municipal Code Section 141.0420. Therefore, the proposed use is appropriate at the proposed location.

**NEIGHBORHOOD DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0404**

1. **The proposed development will not adversely affect the applicable land use plan.** The City of San Diego General Plan recommends that all Wireless Communication Facilities (WCF) minimize visual impacts by concealing wireless facilities in existing structures when possible. It also recommends that these facilities be aesthetically pleasing and respectful to the neighborhood context and to conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures. The proposed monopine and mono-eucalyptus have been designed to comply with the General Plan's requirement and the LDC Regulations for WCF by ensuring a high density branch count to conceal the antennas and all associated mounting brackets from the public views. Additionally, the antennas will utilize antenna socks as a camouflaging technique to improve the overall monopine and the mono-eucalyptus appearance. The equipment associated with this project will be located inside a 233-square foot equipment enclosure with tile roof, painted to match the existing water maintenance building on site. An emergency generator will also be installed adjacent to the mono-eucalyptus and enclosed behind a 6-foot tall chain link fence. Pursuant to the San Diego Land Development Code (LDC) Section 141.0420, WCFs are permitted in all zones citywide with the appropriate permit process. WCFs are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. As designed, the proposed development would not adversely affect the Rancho Encantada Plan or the City of San Diego General Plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The project consist one 35-foot monopine with eight antennas and one 35-foot tall mono-eucalyptus with four antennas. The equipment associated with this project will be located inside a 233-square foot enclosure building with tile roof, designed to match the existing maintenance building. Additionally, a 50kW emergency generator will also be proposed as part of this project. The mono-eucalyptus, equipment building and the emergency generator will all be enclosed behind a 1,232-square feet chain link fence enclosure. The faux tree designs and the equipment designs are consistent with the General Plan's requirement and the Wireless Communication Regulations Section 141.0420. The project is located at 16688 Stonebridge Parkway in the AR-1-1 zone within the Rancho Encantada Community Plan.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (New Construction) on April 22, 2014. The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety and welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Federal 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." AT&T Mobility submitted an RF Report, which concluded that the project complies with FCC RF Standards. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

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

**3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The project complies with all applicable development regulations of the Land Development Code, with the exception of height and the setbacks. The proposed heights for both faux trees are 35-feet which exceeds the maximum allowable height within the AR-1-1 zone of 30-feet. The project is located in the AR-1-1 zone and a WCF is permitted with a Conditional Use Permit pursuant to LDC Section 141.0420(e)(2). However; due to the adjacent Environmentally Sensitive Land (requiring a Site Development Permit) and the request for setback and height deviations for the proposed 35-foot tall faux trees, a Planned Development Permit is required and processed as a consolidated Process Four level decision. The 35-foot proposed monopine and the 35-foot tall proposed mono-eucalyptus have been designed to be minimally visible by using camouflaging techniques such as the implementation of antenna sock covers and by extending the branches 24-inches in front of each antenna. The remaining components on these faux trees will be painted to match the corresponding bark and the combination of these design features ensures an aesthetically pleasing result to the surrounding community. Additionally, the associated equipment will be concealed inside an equipment building with tile roof, painted to match the existing water maintenance building on site and will be minimally visible behind the existing 8-foot high CMU wall. The total square footage of the equipment building and the emergency generator can be processed with a Neighborhood Development Permit pursuant to LDC Section 141.0420(g)(3).

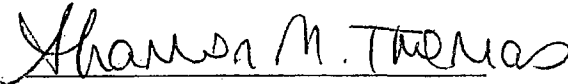
The faux trees and the equipment enclosure are proposed within the required AR-1-1 setbacks, and behind the existing 8-foot tall CMU wall. Similar to Verizon's WCF approval at this location, the circumstances allowing the WCF to be located in the required setback is necessary for access and maintenance reasons. If these items were to be moved to comply with setbacks, access for the water department surrounding the water tank would be impaired. Additionally, locating the faux trees and the equipment area in the required setback would limit

AT&T's access to and from the site. As designed, AT&T has three independent access points to their equipment and their faux trees. For security purposes, the Water Department restricts access within the water tank property to City Employees only. Moving the equipment and faux trees to comply with the setback would make it difficult to have such restrictions without redesigning the water tank property. Additionally, utilizing a single faux tree would result in a tree design that would extend above the water tank resulting in an unrealistic tree appearance. Therefore, a deviation for an additional 5 feet in height would allow for two smaller scale tree designs that are more compatible with the current setting.

As designed, the project does comply with Land Development Code Section 141.0420 Wireless Communication Regulations. This section of the Code requires all applicants to conceal or minimize the visual impacts of the Wireless Communication Facilities through integration. Such integration includes the use of architecture, landscaping and creative siting solutions.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Planned Development Permit No. 1290074, Site Development Permit No. 1290075, Conditional Use Permit No. 1290076, and Neighborhood Development Permit No. 1290077 is hereby granted to City of San Diego, Owner and AT&T Mobility, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
10/1/2014  
Or.Dept:DSD  
Doc. No.: 873304

**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**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004284

**PLANNED DEVELOPMENT PERMIT NO. 1290074**  
**SITE DEVELOPMENT PERMIT NO. 1290075**  
**CONDITIONAL USE PERMIT NO. 1290076**  
**NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1290077**  
**AT&T MOBILITY SYCAMORE ESTATES PROJECT NO. 351705**  
**CITY COUNCIL**

This Planned Development Permit No. 1290074, Site Development Permit No. 1290075 Conditional Use Permit No. 1290076 and Neighborhood Development Permit No. 1290077 is granted by the City Council 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 126.0201, 126.0404, 126.0501, 126.0601, 131.0301, and 141.0420. The site is located at 16688 Stonebridge Parkway, San Diego, CA 92145 in the AR-1-1 zone of the Rancho Encantada Community Planning area. The project site is legally described as Lot 12 of Sycamore Estates Phase II, in the City of San Diego, State of California, as shown on Map No. 15065, filed in the Office of Said County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to modify an existing Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 29, 2014, on file in the Development Services Department.

The project shall include:

- a. A new WCF consisting of a 35-foot tall monopine supporting a total of eight (8) antennas and a 35-foot tall mono-eucalyptus supporting four (4) antennas. The equipment associated with this project is located inside a new 233-square foot equipment building with tile roof, painted to match the existing on-site maintenance building; and an emergency 50kW generator will also be installed adjacent to the proposed mono-eucalyptus; and

- b. The proposed WCF exceeds the AR-1-1 height limit of 30-feet and requires a height deviation; and
- c. The proposed WCF is located within the AR-1-1 front, side and rear yard setbacks and requires a setback deviation; and
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. 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 **September 30, 2017**.
2. This Permit and corresponding use of this site shall expire on **September 30, 2024**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. Under no circumstances, does approval of this permit authorize Permittee to utilize this site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective date of this permit is prohibited.
4. The applicant of record is responsible for notifying the city within 30 days of the sale or takeover of this site to any other provider.
5. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.

6. 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.

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 Permittee shall secure all necessary Right-of-Way permits. The 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 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" 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. Prior to the issuance of any construction permit, the Permittee shall obtain a Nonexclusive Right-of-Way Use Agreement from the City of San Diego for the proposed work in the Stonebridge Parkway Right-of-Way.

15. Prior to the issuance of any construction permit, the Permittee shall obtain a Public Right-of-Way permit for the proposed work in the Stonebridge Parkway Right-of-Way.

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. The project proposes to export 150 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.

#### **WATER REQUIREMENTS:**

20. It is the sole responsibility of the Permittee for any damage caused to city of San Diego public water facilities, adjacent to the project site, due to the construction activities associated with this project. In the event any such facility loses integrity then, the Permittee shall



reconstruct any damaged public water facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

**LANDSCAPE REQUIREMENTS:**

21. 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, the Owner/Permittee shall it shall be repaired and/or replaced it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage:

**PLANNING/DESIGN REQUIREMENTS:**

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

- a. Three (3) antennas with the following dimensions: 78" by 14.8" by 9.5" and
- b. Nine (9) antennas with the following dimensions: 72" by 14.8" by 9".

23. A total of twenty-four (24) Remote Radio Units and five (5) Surge Suppressors are proposed for this WCF. They shall be painted to match the monopine/mono-eucalyptus to the satisfaction of the Development Services Department.

24. Provide RF Transparent socks fully covering the front and back of each antenna. Any exposed portion of the antennas shall be painted to match the monopine/mono-eucalyptus tree foliage to the satisfaction of the Development Services Department.

25. All exposed cables, brackets and supports shall be painted to match the monopine/mono-eucalyptus to the satisfaction of the Development Services Department.

26. The starting branch height for the monopine/mono-eucalyptus shall be at 12-feet as illustrated in the stamped approved 'Exhibit A'.

27. The branches shall extend a minimum of 24 inches beyond the proposed antennas to the satisfaction of the Development Services Department.

28. All proposed hand-holes shall be covered with bark material to match monopine/mono-eucalyptus trunk to the satisfaction of the Development Services Department.

29. No exposed pipes or mounting apparatus absent antennas shall be installed at any time. Pipes shall not be longer than the antennas.

30. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and exhibits (including, but not limited to, elevations, and cross sections) or the

maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

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

32. Any future requested amendments to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

33. No mechanical equipment, tank, duct, elevator, cooling tower, mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

34. 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, 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.

35. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located in accordance with the applicable regulations in the SDMC.

36. The photosimulation(s) in color for the proposed project must be printed (not stapled) on the building plans. This is to ensure the construction team building the project is aware of what the completed design was approved to look like. Final inspection shall not be granted until the final product conforms to the stamp approved plans and approved photosimulation(s).

#### INFORMATION ONLY:

- Please note that a **Telecom Planning Inspection Issue** will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 687-5984 to schedule an inspection of the completed facility. Please schedule this administrative inspection at least five working days ahead of the requested Final Inspection date.
- Per LDC Section §59.5.0404 Construction Noise (a), It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on

Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator.

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on September 30, 2014 and Resolution No. R-309246.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Simon Tse  
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 \_\_\_\_\_  
NAME  
TITLE

**AT&T MOBILITY**  
Permittee

By \_\_\_\_\_  
NAME  
TITLE

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

Passed by the Council of The City of San Diego on SEP 30 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 30 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309246