

RESOLUTION NUMBER R- 309628

DATE OF FINAL PASSAGE APR 21 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 1413165 AND SITE DEVELOPMENT PERMIT NO. 1413167 FOR THE AMERICAN TOWER CORPORATION – 5252 BALBOA PROJECT – PROJECT NO. 282841.

WHEREAS, SFT Bal-Gen, LLC, Owner/American Tower Corporation, Permittee, filed an application with the City of San Diego for a wireless communication facility consisting of removal of all existing antennas, construction of new roof top Fiberglass Reinforced Panel (FRP) screen walls, and installation of a variety of antennas and equipment behind the screen walls, located at 5252 Balboa Avenue, and legally described as Lots 1 and 2 of Clairemont Towers, in the City of San Diego, State of California, according to the Map thereof No. 11432, filed in the Office of the County Recorder of San Diego County, January 31, 1985, in the Clairemont Mesa Community Plan area, in the CC-1-3 zone; and

WHEREAS, on February 26, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1413165/Site Development Permit No. 1413167 (Permit), and pursuant to Resolution No. PC-4660 voted to recommend approval of the Permit; 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; and

WHEREAS, the matter was set for public hearing on APR 21 2015,

testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 1413165 and Site Development Permit No. 1413167:

A. 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 Clairemont Mesa Community Plan does not address wireless communication facilities as a specific land use; however, the project site is designated as commercial and is located within the Commercial Core, which is the commercial area at the intersection of Balboa and Genesee Avenues. The Plan recommends that commercial uses within the Core be adequate to meet the existing and projected needs of the residential population in Clairemont Mesa. The proposed use does not displace commercial uses since it is located on the building rooftop. The Plan also discusses revitalization of the commercial area and while this project does not specifically revitalize the commercial building upon which it is located, it does provide a significant visual upgrade.

Policy A.15 of the Urban Design section of the City of San Diego's General Plan does address wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. This project is an existing multi-carrier roof top installation that is highly visible to the community. American Tower Corporation is proposing to remove all of the existing antennas and install Fiberglass Reinforced Panel (FRP) screens around portions of the rooftop perimeter to conceal new antennas and equipment that are a part of this project. The appearance of the building will be significantly improved as a result of this project. An existing equipment room on the 10th floor will house the majority of the associated equipment. The proposed design will result in a WCF that is aesthetically pleasing and respectful of the neighborhood context.

The proposed WCF complies with the City's Land Development Code Section 141.0420, Wireless Communication Facilities, as well as the City's General Plan. The proposed WCF will not adversely affect the Clairemont Mesa Community Plan nor the City's General Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project consists of the removal of existing façade and roof mounted antennas, installation of new rooftop Fiberglass Reinforced Panel (FRP) screens designed to integrate with the existing office tower and the installation of new antennas and equipment behind the screens.

An existing equipment room on the 10th floor of the building will continue to be used for equipment associated with the current proposed antennas and any future antennas.

The project was determined to be exempt from the California Environmental Quality Act (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 welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." An RF Compliance Report, prepared by SiteSafe concluded that the proposed project is compliant with FCC rules and regulations. A condition has been added to the permit to require updated cumulative Radio Frequency Electromagnetic Fields Exposure Reports for future Substantial Conformance Review projects, demonstrating that any proposed project will be consistent with the FCC's regulations for wireless facilities. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction, and would 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 overall height of the existing building is approximately 124-feet. The building is previously conforming, having been constructed prior to the adoption of the 30-foot Clairemont Mesa Height Limit Overlay Zone (CMHLOZ). Over the years and through the evolution of antenna technology, the rooftop has supported a great number of antennas and associated equipment due to the height of the building. Not only were antennas located on racks on the rooftop, but they were also mounted sporadically around the exterior of the upper most portion of the building. The original Conditional Use Permit (CUP), approved by the City Council on May 21, 2002, included a ten year expiration, as is customary with these types of projects. American Tower is now proposing to remove all of the antennas on the building and relocate those currently associated with Sprint, AT&T and Cricket on to the rooftop behind new FRP screens. The screens will provide some connectivity to the existing mechanical penthouses and enclosures on the rooftop. The new project is a significant improvement over what currently exists on site because it removes all of the façade mounted antennas and would restore the building façade back to its original condition. Additionally, the outdated omni-directional antennas and associated equipment typically used by paging companies will be removed from the roof top. The FRP screens will be textured and painted to match the building and horizontal and vertical screed lines will be incorporated in the screen to help integrate it architecturally with the building. The addition of the FRP screens will not increase the overall height of the building

since there are existing penthouses and mechanical enclosures that are approximately the same height as the proposed screen walls.

This project, if designed in strict conformance with the development regulations of the CC-1-3 zone or more restrictively, the CMHLOZ, would result in the installation of façade mounted antennas. Because the project is a multi-carrier proposal, this would result in many different sizes and types of antennas and components installed on all four facades of the building. This would result in an eyesore and would not conform to the Wireless Communication Facilities regulations. Allowing the proposed deviation will not increase the overall height of the building and in fact, the proposed screens will provide some connectivity to the existing penthouses and mechanical enclosures, which in addition to concealing antennas and equipment will significantly improve views of the building and result in a more desirable project. Therefore, the project would comply with the regulations of the Land Development Code, including proposed deviations, which are appropriate for this location and would result in a more desirable project than would be achieved if designed in strict conformance with the applicable development regulations.

B. SITE DEVELOPMENT PERMIT – SDMC SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The Clairemont Mesa Community Plan does not address wireless communication facilities as a specific land use; however, the project site is designated as commercial and is located within the Commercial Core, which is the commercial area at the intersection of Balboa and Genesee Avenues. The Plan recommends that commercial uses within the Core be adequate to meet the existing and projected needs of the residential population in Clairemont Mesa. The proposed use does not displace commercial uses since it is located on the building rooftop. The Plan also discusses revitalization of the commercial area and while this project does not specifically revitalize the commercial building upon which it is located, it does provide a significant visual upgrade.

Policy A.15 of the Urban Design section of the City of San Diego's General Plan does address wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. This project is an existing multi-carrier roof top installation that is highly visible to the community. American Tower Corporation is proposing to remove all of the existing antennas and install Fiberglass Reinforced Panel (FRP) screens around portions of the rooftop perimeter to conceal new antennas and equipment that are a part of this project. The appearance of the building will be significantly improved as a result of this project. An existing equipment room on the 10th floor will house the majority of the associated equipment. The proposed design will result in a WCF that is aesthetically pleasing and respectful of the neighborhood context.

The proposed WCF complies with the City's Land Development Code Section 141.0420, Wireless Communication Facilities, as well as the City's General Plan. The proposed WCF will not adversely affect the Clairemont Mesa Community Plan nor the City's General Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project consists of the removal of existing façade and roof mounted antennas, installation of new rooftop Fiberglass Reinforced Panel (FRP) screens designed to integrate with the existing office tower and the installation of new antennas and equipment behind the screens. An existing equipment room on the 10th floor of the building will continue to be used for equipment associated with the current proposed antennas and any future antennas.

The project was determined to be exempt from the California Environmental Quality Act (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 welfare. All proposed improvement plans associated with the project will be reviewed prior to issuance of construction permits and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes.

Additionally, the Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emission to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." An RF Compliance Report, prepared by SiteSafe concluded that the proposed project is compliant with FCC rules and regulations. A condition has been added to the permit to require updated cumulative Radio Frequency Electromagnetic Fields Exposure Reports for future Substantial Conformance Review projects, demonstrating that any proposed project will be consistent with the FCC's regulations for wireless facilities. Therefore, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction, and would 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 overall height of the existing building is approximately 124-feet. The building is previously conforming, having been constructed prior to the adoption of the 30-foot Clairemont Mesa Height Limit Overlay Zone (CMHLOZ). Over the years and through the evolution of antenna technology, the rooftop has supported a great number of antennas and associated equipment due to the height of the building being the tallest in the vicinity. Not only were antennas located on racks on the rooftop, but they were also mounted sporadically around the exterior of the upper most portion of the building. The original Conditional Use Permit (CUP), approved by the City Council on May 21, 2002, included a ten year expiration, as is customary with these types of projects. American Tower is now proposing to remove all of the antennas on the building and relocate those currently associated with Sprint, AT&T and Cricket on to the rooftop behind new FRP screens. The screens will provide some connectivity to the existing mechanical penthouses and enclosures on the rooftop. The new project is a significant improvement over what currently exists on site because it removes all of the façade mounted antennas and would restore the building façade back to its original condition. Additionally, the outdated omni-directional antennas and associated equipment typically used by paging companies will be removed from the roof top. The FRP screens will be textured and painted to match the building and horizontal and vertical screed lines will be incorporated in the screen to

help integrate it architecturally with the building. The addition of the FRP screens will not increase the overall height of the building since there are existing penthouses and mechanical enclosures that are approximately the same height as the proposed screen walls.

The height limit in the CC-1-3 zone is 45-feet. The 10-story office building is located at the busy intersection of Genesee and Balboa Avenues and is previously conforming at 124-feet in height. Allowing the proposed deviation will not increase the overall height of the building and in fact, the proposed screens will provide some connectivity to the existing penthouses and mechanical enclosures, which in addition to concealing antennas and equipment will significantly improve views of the building. Therefore, the project will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

C. CLAIREMONT MESA HEIGHT LIMIT OVERLAY ZONE – SECTION 126.0504

1. The granting of an exception will not significantly interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area. The project site is situated on a mesa located near the intersection of Balboa and Genesee Avenues, approximately 4.7-miles from Mission Bay and the Pacific Ocean. The building is a 10-story office building, approximately 124-feet tall and was constructed prior to the adoption of the Clairemont Mesa Height Limit Overlay Zone in 1989. Because of the height of the building, it has served as an antenna platform over the years for many different types of antennas and technologies. This project proposes new FRP screen walls which will provide some connection between existing penthouses and mechanical enclosures and screen all of the antennas and equipment that will be located on the rooftop. Removal of existing façade mounted antennas on the upper most portion of the building and relocating the three remaining carriers' antennas (currently Sprint, AT&T and Cricket) to the rooftop behind screens is one component of the project. The other is to remove all of the numerous omni-directional antennas that are randomly located on the rooftop, some of which are 20-feet tall. The overall height of the building will not be increased and furthermore, the building is located far enough away from Mission Bay and the Pacific Ocean that it does not currently interfere with public views.

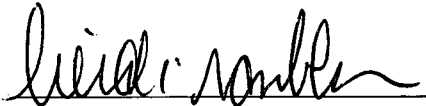
2. The granting of an exception is appropriate because there are existing structures over 30 feet in height and the proposed development will be compatible with surrounding one, two, or three-story structures; or the granting of an exception is appropriate because there are topographic constraints peculiar to the land; or the granting of the exception is needed to permit roofline and facade variations, accents, tower elements, and other similar elements and the elements will not increase the floor area of the structure. The project is proposed on a previously conforming 10-story office building that is approximately 124-feet in height. The building was constructed prior to the adoption of the Clairemont Mesa Height Limit Overlay Zone (CMHLOZ) in 1989. The majority of the existing development in the community does not exceed 30-feet in the Community Core area, but there are two other buildings above 30-feet, both which adequately screen their rooftop equipment. Due to the height of this building, it has served as a platform for antennas over the years, which has resulted in a disorganized clutter of wireless communication components. American Tower is proposing to remove all of the existing antennas and install FRP screens on the rooftop that

will conceal antennas for the current carriers Sprint, AT&T, Cricket, and for future carriers. Therefore, granting an exception to the CMHLOZ is appropriate because the overall height of the building will not be increased as the FRP screens will be similar in height to the existing penthouses and mechanical enclosures already existing on the rooftop. Additionally, with the upgrade, the building will be compatible with the other buildings in the Community Core area, which adequately screen existing rooftop equipment. Due to the nature of the project, it will be compatible with surrounding one, two, or three-story structures.

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 Planned Development Permit No. 1413165/Site Development Permit No. 1413167 is granted to SFT Bal-Gen, LLC, Owner/American Tower Corporation, 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 
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
03/20/15
Or.Dept: DSD
Doc. No. 979816

Attachment: Planned Development Permit/Site Development Permit

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

WHEN RECORDED MAIL TO
CITY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002723

PLANNED DEVELOPMENT PERMIT (PDP) NO. 1413165
SITE DEVELOPMENT PERMIT (SDP) NO. 1413167
AMERICAN TOWER – 5252 BALBOA
PROJECT NO. 282841
CITY COUNCIL

This Planned Development Permit No. 1413165/Site Development Permit No. 1413167 (Permit) is granted by the City Council of the City of San Diego to SFT Bal-Gen, LLC, Owner, and American Tower Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0420 and Chapter 14, Article 3, Divisions 3 and 4. The 3.1-acre site is located at 5252 Balboa Avenue in the CC-1-3 zone of the Clairemont Mesa Community Plan. The project site is legally described as: Lots 1 and 2 of Clairemont Towers, in the City of San Diego, State of California, according to the Map thereof No. 11432, filed in the Office of the County Recorder of San Diego County, January 31, 1985.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a wireless communication facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 21, 2015, on file in the Development Services Department.

The project shall include:

- a. Installation of a 12-foot, 4-inch tall (overall height) Fiberglass Reinforced Panel (FRP) roof top screen which will conceal a variety of antennas and equipment, as follows:
 1. Sprint (currently) – 12 panel antennas (four measuring 48" x 7.1" x 8.1" and eight measuring 72" x 11.8" x 7"), 12 Remote Radio Heads and 6 RFS Combiners on the roof of the building;

2. AT&T (currently) – 12 panel antennas measuring 72” x 11.9” x 7.1”, 24 Remote Radio Units and four roof top equipment cabinets on the roof of the building;
 3. Cricket (currently) – 3 panel antennas measuring 54.5” x 6.8” x 3.5” on the roof of the building;
- b. Installation of an equipment room located on the 10th floor of the building.
 - c. Removal of all existing façade mounted and omni-directional antennas;
 - d. The FRP screen additions will not exceed the overall existing height of the building of 124-feet, where the CC-1-3 zone allows a maximum building height of 45-feet and the Clairemont Height Limit Overlay Zone allows a maximum height of 30-feet;
 - 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 May 5, 2018.
2. This Permit and corresponding use of this site shall expire on May 5, 2025. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.

4. Under no circumstances, does approval of this permit authorize Owner/Permittee or its successor to utilize this site for wireless communication purposes beyond the permit expiration date. Use of this permit beyond the expiration date of this permit is prohibited.
5. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
6. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
7. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
9. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
10. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
11. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
12. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the

Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/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, Owner/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 Owner/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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

14. 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.
15. 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.

PLANNING/DESIGN REQUIREMENTS:

16. Any future antennas proposed for this site, will be required to obtain approval through the Substantial Conformance Review process, or other required approvals, as necessary. Additional antennas may be added to the roof top behind the FRP screens and may not exceed the height of the screen walls.

17. Applications for Substantial Conformance Review, or any other required approvals, must include an updated cumulative Radio Frequency Compliance Report demonstrating compliance with Federal Communications Commission standards.
18. Existing and/or proposed equipment on the roof top may not exceed the height of the screen wall.
19. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
20. All facilities and related equipment shall be: maintained in good working order; free from trash, debris, graffiti; and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.
21. The Owner/Permittee shall notify the City within 30 days of the sale or transfer of this site to any other provider or if the site is no longer operational requiring the removal and the restoration of this site to its original condition prior to the installation of any wireless communication facilities or other associated antennas.
22. The photosimulation(s) for the proposed project shall be printed (not stapled) on the building plans. This is to ensure the construction team building the project is in compliance with approved the Exhibit "A."
23. No overhead cabling is allowed for this project.
24. The approved antenna dimensions are illustrated on the Exhibit "A" dated April 21, 2015. Replacement of the antennas may occur in the future, subject to the Owner/Permittee notifying the Development Services Department prior to the replacement of the antennas and subject to the provision of an updated cumulative Radio Frequency (RF) report demonstrating compliance with the Federal Communication Commission's regulations in accordance with SDMC Section 141.0420(b)(1)(A) to the satisfaction of the Development Services Department.
25. The WCF shall conform to Exhibit "A" (consisting of the stamped approved plans and approved photosimulations) prior to receiving final inspection approval.
26. All equipment, including transformers, emergency generators and air conditioners belonging to the Permittee shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.
27. The Permittee shall place appropriate signage on the WCF as required by CAL-OSHA/FCC to the satisfaction of the Development Services Department.

28. Use of or replacement of any building façade or mechanical screen with FRP material for purposes of concealing antennas shall not result in any noticeable lines or edges in the transition to the original building. All FRP shall be painted and textured to match the original building.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- A “Telecom Planning Inspection” will be required prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans, exhibits, and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below to schedule an inspection of the completed WCF. Please request the telecom inspection at least five working days ahead of the requested Final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on APR 21 2015.

Planned Development Permit No. 1413167/Site Development Permit No. 1413167
Date of Approval: _____

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.

SFT BAL-GEN,LLC
Owner

By _____

AMERICAN TOWER CORPORATION
Permittee

By _____

Passed by the Council of The City of San Diego on APR 21 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 21 2015.

(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.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Sty Brady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **309628**