(R-2021-7) #335B 9/15

RESOLUTION NUMBER R- 313213

DATE OF FINAL PASSAGE SEP 15 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING PLANNED DEVELOPMENT PERMIT NO. 898689, SITE DEVELOPMENT PERMIT NO. 898690, AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2333003 FOR VERIZON – MT. ADA PROJECT - NO. 255230.

WHEREAS, Buckel Trust, Owner/Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless Permittee, filed an application with the City of San Diego for a Planned Development Permit, Site Development Permit and Neighborhood Development Permit for a Wireless Communication Facility known as the Verizon - Mt. Ada project, located at 6426 Mt. Ada Road, and legally described as Parcel B of Parcel Map 227, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, April 7, 1970, as Instrument No. 60371 of Official Records, in the Clairemont Mesa Community Plan area, in the CC-1-3 zone; and

WHEREAS, on August 13, 2019, 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 Sections 15302, Replacement or Reconstruction; and

WHEREAS, on December 12, 2019, the Planning Commission of the City of San Diego considered PDP No. 898689, SDP No. 898690 and NDP No. 2333003 and pursuant to Resolution No. 5064-PC 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 September 15, 2020, 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 PDP No. 898689, SDP No. 898690 and NDP No. 2333003:

A. PLANNED DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0605

1. The proposed development will not adversely affect the applicable land use plan. The Clairemont Mesa Community Plan does not address WCFs; however, recommendations for height and scale are outlined in the Plan. It recommends that harmony be promoted in visual relationships and that new structures should be sympathetic to the scale, form and texture of the surrounding neighborhood. The plan also states that new structures should relate to the height of existing development and that abrupt differences in scale should be avoided. In conjunction with these recommendations, the Clairemont Mesa Height Limit Overlay Zone (CMHLOZ) restricts height in the majority of Clairemont to 30 feet. Exceptions to the CMHLOZ may be made with a Site Development Permit (SDP) if the findings can be made in the affirmative. These include preservation of views of Mission Bay and the Pacific Ocean, compatibility with surrounding structures, topographic constraints or design variations that do not increase floor area. The Verizon Mt. Ada project will not interfere with views of Mission Bay or the Pacific Ocean as it is located in north central Clairemont, approximately 2.7 miles away from the ocean. The need for height to maintain network coverage was essential to Verizon so collaboration with the community planning group on a design that integrates into the commercial setting was important. Along Balboa Avenue, east of Genesee, the Verizon tower will be the tallest structure, but the visual effect with enhanced screening by existing mature trees will reduce the scale and any potential visual impacts.

The City of San Diego's General Plan Urban Design Element (Policy UD-A.15) requires that the visual impact of Wireless Communication Facilities (WCFs) be minimized by concealing them in existing structures or using screening techniques to hide or blend them into the surrounding area. The policy also calls for these facilities to be designed to be aesthetically pleasing and respectful of the neighborhood context. Furthermore, the plan states that equipment associated with wireless facilities be concealed from view.

The current project proposes to remove a 133-foot-tall monopole and replace it with a 79-foot-tall decorative pole. All of the antennas and associated components will be concealed

within three decorative canisters designed in a mid-century motif. Mature trees ranging in height from 50 to 60 feet will provide enhanced screening. The existing 484-square-foot equipment enclosure is tucked into the back corner of the lot where the new generator enclosure and decorative pole are proposed. Additional landscaping is proposed along the rear property line where the equipment is located. Enhanced landscaping is also proposed along Mt. Ada Road. Visual impacts with the proposed project will be reduced with the replacement of the monopole and the enhanced landscaping. The new design results in a WCF project that will minimize any potential visual impacts as required by the City's General Plan. The proposed WCF does not adversely affect the applicable land use plan or the City's General Plan.

2. **The proposed development will not be detrimental to the public health, safety and welfare.** The WCF is located on a commercial site at 6426 Mt. Ada Road in the Clairemont Mesa Community Plan area. It consists of the removal of a 133-foot-tall monopole and replacement with a 79-foot-tall decorative tower. Associated existing equipment will remain in the northeast corner of the lot and the new tower and a 113-square-foot concrete block enclosure for an emergency generator will be installed adjacent to the equipment. Existing mature trees will provide enhanced screening of the tower and new landscape shrubs will help to screen equipment on the ground as well as landscape enhancements along Mt. Ada Road.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Replacement or Reconstruction). 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.

The Telecommunications 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." A Radio Frequency - Electromagnetic Energy Compliance Report was prepared by Dtech Communications, which concluded that the project will comply with FCC standards for RF emissions with certain mitigation measures, such as posted signage. As a result, the project would not result in any significant health or safety risks to the surrounding area related to matters within the City's jurisdiction. Therefore, 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.** Wireless Communication Facilities (WCFs) are permitted on commercially properties are permitted as a Limited Use pursuant to compliance with the WCF regulations. The WCF Design Requirements [LDC Section 141.0420(g)(2)] state that WCFs

"shall utilize all reasonable means to conceal or minimize the visual impacts of the WCF through integration." Integration with existing structures or with existing uses shall be accomplished through the use of architecture, landscape, and siting solutions.

The project consists of the removal of 133-foot tall monopole and the installation of a 79-foot-tall decorative tower that will conceal twelve panel antennas, twelve Remote Radio Units (RRUs) and two 2-foot-diameter microwave dishes. Verizon will maintain their existing 484-square-foot equipment enclosure. A new 113-square-foot enclosure to house an emergency generator is also proposed, as well as a new 48-inch-tall louvered mechanical screen on top of the equipment enclosure rooftop to screen the mechanical units.

The project requires a Planned Development Permit (PDP) to deviate from the 45-foot height limit in the CC-1-3 zone. The purpose and intent of a PDP is to allow flexibility from the strict application of the regulations and to encourage imaginative and innovative planning. The existing 133-foot-tall monopole was part of the original Verizon network which has determined where other facilities have been installed since 1984. Since the City Council hearing in 2008, Verizon has installed several other WCFs at various locations in and around the community to plan for and accommodate the reduction in height. A 45-foot tall tower or stand-alone facility would require Verizon to install even more new WCFs to cover the large expanses of residential areas that would lose coverage if this project was restricted to 45 feet. Working with the community planning group over the past five years to design a WCF that meets the intent of the WCF regulations and guidelines, while incorporating a design that complements the mid-century community aesthetic and serving Verizon's technical needs has resulted in a successful collaboration.

A Site Development Permit (SDP) is required for an exception to the Clairemont Mesa Height Limit Overlay Zone (CMHLOZ), which restricts building heights to 30 feet over the majority of the Clairemont community. Verizon is proposing to replace the 133-foot-tall monopole with a 79-foot-tall decorative pole, a 54-foot height difference and a 40 percent reduction. Exceptions to the CHMLOZ require an SDP with specific findings for the height limit approved by the City Council. The proposed project will not interfere with views of Mission Bay or the Pacific Ocean as it is located in north central Clairemont, approximately 2.7 miles away from the ocean. The 70-foot decorative tower will be the tallest structure in the area as the surrounding development consists of primarily low scale one- and two- story buildings. Views of the area will transform with the removal of the 133-foot-tall monopole and the installation of a 79-foot-tall decorative pole concealing all of the antennas and enhanced by mature trees in the 50-60-foot range. Reducing the height of the WCF to comply with the CMHLOZ 30-foot limit would significantly impact and reduce the existing Verizon coverage. Multiple sites have been added in the area to accommodate the proposed height of 79 feet and any further height reduction would result in a gap in coverage as identified in the Wireless Facility Engineering Report, prepared by RCC Consultants, Inc.

A Neighborhood Development Permit (NDP) is also required to deviate from the maximum equipment area size of 250 square feet. The existing 133-foot tall monopole was originally approved in 1984 (for a period of twenty years) prior to regulations or policies specific to wireless communication facilities. It is one of the original sites established during the advent

of wireless communications in San Diego. These project sites included very large equipment enclosures built to accommodate large computers and equipment prevalent during the advent of wireless. Verizon developed their network around this monopole, however, over the past several years additional sites in the area have been added that allow this site to be reduced in height, from 133 feet to 79 feet. Mature trees and shrubs on the property will help to integrate the proposed 79-foot tall decorative tower and the existing and proposed equipment areas.

Based on this analysis, the project design, and permits required, this project complies with the applicable regulations of the Land Development Code.

B. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0505

1. The proposed development will not adversely affect the applicable land use plan. Please see PDP Finding No. 1 above for facts supporting this Finding. For the reasons described in that Finding, which are hereby incorporated into this Finding by reference, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety and welfare. Please see PDP Finding No. 2 above for facts supporting this Finding. For the reasons described in that Finding, which are hereby incorporated into this Finding by reference, the proposed development the proposed development 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 allowable deviations pursuant to the Land Development Code. Please see PDP Finding No. 3 above for facts supporting this Finding. For the reasons described in that Finding, which are hereby incorporated into this Finding by reference, 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.

Supplemental Findings--Clairemont Mesa Height Limit

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 Verizon Mt. Ada project is located in north central Clairemont at 6426 Mt. Ada Road on a commercial property. The existing 133-foot-tall monopole will be removed and replaced with a 79-foot-tall decorative pole concealing the antennas and all associated components. An existing 484-square-foot equipment enclosure will remain, and Verizon is proposing to add a 113-square-foot enclosure for an emergency generator.

In 1972, the West Clairemont Height Limit, which limited height to 30 feet in Western Clairemont, was adopted to protect and preserve views toward Mission Bay and the Pacific Ocean. In 1989, the City Council extended the 30-foot height limit for the majority of the

Clairemont Mesa community and renamed it the Clairemont Mesa Height Limitation Overlay Zone (CMHLOZ). It was intended to maintain the low-scale character of development in the community and to continue preservation of views toward Mission Bay and the Pacific Ocean. The WCF site is located approximately 2.7 miles to Mission Bay and approximately 5.1 miles to the Pacific Ocean. This area of Clairemont sits on a flat mesa almost 300 feet above mean sea level. The exception to allow the decorative pole above the 30-foot height limit will not result in interference with public views toward Mission Bay and the Pacific Ocean.

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 Verizon Mt. Ada project is located in the north central portion of the Clairemont Mesa Community. The proposed 79-foot-tall decorative tower is proposed to replace an existing 133-foot-tall monopole that has existed on site since 1984. The monopole is a first-generation support structure and Verizon developed their network around the monopole. The monopole does not comply with the Wireless Communication Facility regulations which require integration into the surroundings. Previous hearings and a claim against the City resulted in a Settlement Agreement between Verizon and the City on four Wireless Communication Facilities (WCF). One of the negotiated stipulations allowed the City to hire a third-party technical expert paid for by Verizon, to review each of the projects and determine if the sites could be reduced in height. The report suggested that with additional sites in and to the southeast of the Mt. Ada site, the monopole could be reduced to 76 feet and still maintain existing coverage levels. After working and collaborating with the Clairemont Community Planning Group for a period of almost five years, the resulting project is the current 79-foot decorative pole design. The stand-alone tower will not include floor area. The site currently has several mature trees in the 50-60-foot range that will provide intermittent and enhanced screening of the WCF. Additional landscape along Mt. Ada Road and around the equipment enclosures will improve views of the ground equipment and will enhance views of the property. The granting of an exception is appropriate at this location and the tower will not provide increased floor area.

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

1. **The proposed development will not adversely affect the applicable land use plan.** Please see PDP Finding No. 1 above for facts supporting this Finding. For the reasons described in that Finding, which are hereby incorporated into this Finding by reference, the proposed development will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety and welfare.** Please see PDP Finding No. 2 above for facts supporting this Finding. For the reasons described in that Finding, which are hereby incorporated into this Finding by reference, the proposed development the proposed development 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.** Please see PDP Finding No. 3 above for facts supporting this Finding. For the reasons described in that Finding, which are hereby incorporated into this Finding by reference, 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 above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that PDP No. 898689/SDP No. 898690/NDP No. 2333003 is granted to Buckel Trust, Owner/Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By/s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
07/28/2020
Or.Dept:DSD
Doc. No.: 2420258

Attachment: Planned Development Permit No. 898689/Site Development Permit No. 898690/ Neighborhood Development Permit No. 2333003

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24002116

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 898689
SITE DEVELOPMENT PERMIT NO. 898690
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2333003
VERIZON – MT. ADA PROJECT NO. 255230
CITY COUNCIL

This Planned Development Permit No. 898689, Site Development Permit No. 898690 and Neighborhood Development Permit No. 2333003 is granted by the City Council of the City of San Diego to Buckel Trust, Owner, and Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless, Permittee, pursuant to San Diego Municipal Code (SDMC) sections 141.0420, 126.0602, 126.0502 and 126.0402. The 10,279-square-foot site is located at 6426 Mt. Ada Road in the CC-1-3 zone of the Clairemont Mesa Community Plan. The project site is legally described as: Parcel B of Parcel Map 227, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, April 7, 1970, as Instrument No. 60371 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a Wireless Communication Facility (WCF) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 15, 2020, on file in the Development Services Department.

The project shall include:

a. Removal of the 133-foot-tall monopole and installation of a 79-foot-tall decorative tower with three RF compliant canisters concealing 12 panel antennas measuring 96" x 11.9" x 7.1", two 26-inch microwave dishes and 12 Remote Radio Units (RRUs);

b. An existing 484-square-foot equipment enclosure with a new 48-inch-tall louvered vent mechanical screen to conceal the mechanical units on the rooftop;

c. A new 113-square-foot concrete block sound enclosure to house a 30kW emergency generator;

d. A deviation to the CC-1-3 zone height limit of 45 feet and the Clairemont Height Limit Overlay Zone limit of 30 feet;

e. A deviation to the maximum 250-square-foot equipment enclosure size where the project will have a combined 597 square feet of equipment area;

f. A temporary 72-foot-tall ballasted pole supporting three panel antennas that will be installed once the monopole is removed and will be permitted only during construction of the new tower, not to exceed 90 days (see condition no. 23);

g. Landscaping (planting, irrigation and landscape related improvements);

h. 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 15, 2023.

2. This permit and corresponding use of this site shall **expire on September 15, 2030.** Upon expiration of this approval, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this permit unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.

3. No later than ninety (90) days prior to the expiration of this approval, the Owner/Permittee may submit a new application to the Development Services Department for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for enforcement for noncompliance, which may include penalties and fines.

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

5. 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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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. The project proposes to export 47.30 cubic yards of material from the project site. All excavated material shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. Prior to the issuance of any construction permit, the Permittee shall incorporate any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

16. 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.

17. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for BMP maintenance, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of landscape.

19. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)5.

20. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

21. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during the installation or operation of the wireless communication facility, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

22. Every aspect of this project is considered an element of concealment including but not limited to the dimensions, bulk and scale, color, materials and texture. Any future modifications to this permit must not defeat concealment.

23. The above utilization date notwithstanding, the granting of this discretionary permit does not entitle the continued operation of the existing, expired facility. Within 60 days of permit approval, applications must be made for all required construction permits. Within 90 days of application, all required construction permits must be obtained. Within 150 days of permit issuance, final inspection must be obtained.

24. Prior to issuance of construction permits, the Permittee shall submit a noise study demonstrating that the site will comply with applicable noise limits outlined in SDMC Chapter 5, Article 9.5, Division 4 and the Noise Element of the City of San Diego General Plan.

25. No visible cabling is permitted.

26. The WCF shall conform to the approved construction plans.

27. Photo simulations shall be printed in color on the construction plans.

28. The City may require the Owner/Permittee to provide a topographical survey conforming to the provisions of the SDMC may be required if the City determines during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

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

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

31. All equipment, including transformers, emergency generators and air conditioners belonging to the Owner/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.

32. All facilities and related equipment shall be maintained in good working order. Any damaged equipment shall be repaired or replaced within thirty (30) calendar days of notification by the City of San Diego.

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

34. 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.

INFORMATION ONLY:

- Please note that a Telecom Planning Inspection Issue will be placed on the project prior to Final Clearance from the City's Building Inspector to ensure compliance with the approved plans and associated conditions. Prior to calling for your Final Inspection from your building inspection official, please contact the Project Manager listed below at (619) 446-5351 to schedule an inspection of the completed facility. Please schedule this administrative inspection at least five working days ahead of the requested Final Inspection date.

- The issuance of this development permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

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

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on September 15, 2020, by Resolution No. R-313213.

Permit Type/PTS Approval No.: PDP No. 898689/SDP No. 898690/NDP No. 2333003
Date of Approval: SEP 15 2020

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.

BUCKEL TRUST
Owner

By _____
NAME:
TITLE

VERIZON WIRELESS
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 15 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Chris Ward	☒	☐	☐	☐
Monica Montgomery	☒	☐	☐	☐
Mark Kersey	☐	☐	☐	☒
Chris Cate	☒	☐	☐	☐
Scott Sherman	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Georgette Gómez	☒	☐	☐	☐

Date of final passage SEP 15 2020.

(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 _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313213