



DATE: January 14, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-15-07) FOR THE CONTINUED OPERATION OF A STAND-ALONE WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT 428 SLEEPING INDIAN ROAD WITHIN THE MORRO HILLS NEIGHBORHOOD – SPRINT @ 428 SLEEPING INDIAN ROAD – APPLICANT: SPRINT NEXTEL**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2008-P02 approving Conditional Use Permit C-15-07 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The Sprint telecommunications facility located at 428 Sleeping Indian Road was originally processed under Conditional Use Permit (C-7-01) and approved by Planning Commission Resolution No. 2001-P49. The original Resolution was approved December 17, 2001, and limited the Conditional Use Permit to a term of 5 years. Conditional Use Permit (C-7-01) expired on December 17, 2006 when Sprint missed the opportunity to renew the permit under the provisions of Section 4108 of the Zoning Ordinance. Therefore, a request for a new Conditional Use Permit, C-15-07, was submitted to the Planning Division on April 24, 2007.

Site Review: The subject site is in the Agricultural District (A). Surrounding zoning includes A to the north, east, and west and A-SP (Agriculture – Scenic Park Overlay) to the south. Surrounding land uses include single-family residences, agricultural activities, and vacant land.

Project Description: The application has one component: a conditional use permit:

Conditional Use Permit C-15-07 represents a request for the following:

- a. To permit a stand-alone, wireless telecommunications facility, pursuant to Section 3025.D.3 of the Oceanside Zoning Ordinance.

Sprint is proposing to continue the operation and maintenance of a wireless telecommunications facility consisting of six panel antennas. The facility is designed to include three additional antennas, for a total of nine, which could only be added to the facility by obtaining the proper building permits. The antennas are mounted on a 35-foot monopalm constructed from metal and rubber and located near the south side of the subject property. The Sprint equipment shelter shall remain as it currently exists (27 x 18 foot lease area; 11 feet, 8 inches tall). All mechanical equipment is inside the structure. Only one GPS antenna exists outside the equipment shelter.

There is one other approved telecommunications facility, also to be disguised as a monopalm, proposed for the site. The T-Mobile facility will be located approximately 80 feet to the west of the existing Sprint facility.

Sprint will add three, 26-foot brown trunk height Mexican Fan Palms (*washingtonia robusta*) to the site to create a grove of palms around the existing Sprint and proposed T-Mobile facilities. These palms will contribute to minimizing the visual impact of the communication facility. The equipment shelter shall be softened by five, 15-gallon *Myoporum carsonii* shrubs or similar, naturalized drought-tolerant species.

The project is subject to the following Ordinances, City policies, and the State of California Government Code:

1. General Plan
2. Zoning Ordinance
3. State of California Government Code 65850

ANALYSIS – KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Agriculture. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 2.726: Communication Systems

Objective: To provide for the efficient and aesthetic functioning of communication systems within the City.

Policies:

- A. The City shall encourage planning for the future communication system needs of individual land developments or uses and the City in general.
- B. Communication facilities shall be required to conform visually to surrounding land uses and/or natural features.
- C. The City shall require the consolidation and joint-use of communication facilities and structures whenever possible.

The existing communication facility is part of a 35-foot monopalm, which effectively mitigates view impacts from the primary view corridors and near view perspectives. The communication antennas are hidden within the fronds of the monopalm, which allows the structure itself to act as a landscape feature for the subject property. As such, the project site is consistent with the objectives of the General Plan policies for visual conformity to surrounding land uses and features while still providing communication, broadcast, and subscription services to the public.

2. Zoning Ordinance Compliance

Article 14, Agricultural District

This project is located in the Agricultural District. The following table summarizes proposed and applicable development standards for the project site:

Table 1: Development Standards

	REQUIRED	PROPOSED
FRONT YARD	40 ft.	~ 382 ft. for the facility; ~ 416 ft. for the equipment shelter
NORTH SIDE YARD	30 ft.	~ 208 ft. for the facility; ~ 206 ft. for the equipment shelter
SOUTH SIDE YARD	30 ft.	~ 42 ft. for the facility; ~ 27 ft. for the equipment shelter
REAR YARD	40 ft.	~ 106 ft. for the facility; ~ 45 ft. for the equipment shelter
FACILITY HEIGHT	46 ft.*	35 ft. for the monopole and antennas; minimum 37 ft. for the top of fronds 11 ft. 8 in. for the equipment shelter

***Article 30, Section 3018**

The maximum height of the underlying zone is 36 feet. Per Zoning Ordinance Section 3018, a structure, such as a telecommunications facility, may exceed the underlying district height limit by 10 feet. As demonstrated in Table 1, the proposed facility is within the allowed height limits.

Article 30, Section 3025

3025(A)(3) – To regulate the siting of telecommunications facilities so as to comply with the limitations, constraints and policies set forth in relevant federal and state telecommunications law. The project has been designed and further conditioned to comply with relevant state laws (See Key Planning Issue below), as well as the Oceanside Zoning Ordinance.

3. State of California Government Code 65850

California State Government Code 65850.6(b) states that a city shall not unreasonably limit the duration of any permit for a communication facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. The proposed site has been given a 10-year limit with conditions that assure the City of Oceanside has the ability to request technology and aesthetic analyses of the site if they are found to be necessary.

DISCUSSION

Issue: The existing telecommunications facility is over six years old and is in need of aesthetic upgrades.

Recommendation: The project has been conditioned to ensure certain facilities upgrades. These conditions include, but are not limited to, the following:

- a) The faux fronds must be a minimum of 6 feet in length. The fronds shall reach a minimum of 24 inches beyond the farthest reaching antennas, including a minimum of 24 inches above the top of the pole and below the base of the antennas. The overall height of the facility shall not exceed 46 feet.
- b) The faux fronds shall be shades of forest green and brown, similar to the colors of a real palm tree.
- c) There shall be a minimum of 60 fronds attached to the monopalm. The faux fronds shall be arranged to simulate a real palm tree.
- d) The monopalm trunk and frond ball shall be finished with bark texture and color (full cladding) similar to a real palm tree.

- e) The concrete pad and bolts for the monopalm shall be painted to match the trunk. In addition, a mulch mound shall be required to conceal the pad and bolts at the base of the tree. The sheet metal doghouse riser enclosure shall be painted to match the trunk

All construction must be completed within 120 days of project approval. In addition, the facility is conditioned to be maintained in a like-new condition at all times. Maintenance includes replacing trunk bark, branches, and palm fronds. Upon the City’s request and discretion, the permittee(s) shall provide an aesthetic analysis, including current, detailed photographs, to substantiate the like-new appearance of the proposed project, within 60 days of the request. Additionally, all landscaping, including any updates to the irrigation system, must be installed and final signatures shall be obtained within 180 days from the date of project approval. These conditions will help ensure continued aesthetic quality throughout the life of the telecommunications facility.

Issue: The stand-alone communication facility must be disguised as appropriate for the project site.

Recommendation: The existing communication facility is part of a 35-foot monopalm, which effectively mitigates view impacts from the primary view corridors and near view perspectives. The communication antennas are hidden within the fronds of the monopalm, which allows the structure itself to act as a landscape feature for the subject property. As such, the project site is consistent with the objectives of the General Plan policies for visual conformity to surrounding land uses and features while still providing communication, broadcast, and subscription services to the public.

The Section 3025.D.4.F states that an approved facility shall address the appearance of the entire site and shall upgrade or repair physical features as a means of minimizing view impacts to the community. Much of the subject site is already landscaped. The applicant has proposed landscape improvements around the facility and adjacent to the equipment shelter. Landscaping will include shrubs along the west side of the equipment shelter and three additional *washingtonia robusta* adjacent to the facility, along a south-facing slope on the property. These improvements will contribute to minimizing the visual impact of the communication facility.

Issue: Project compatibility with surrounding neighborhood.

Recommendation: The following table identifies land uses on adjacent properties:

Table 2: Surrounding Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	A	A	Single-family Residential

North	A	A	Single-family Residential
East	A	A	Single-family Residential; Agriculture; Vacant
South	A	A-SP	Vacant
West	A	A	Single-family Residential; Agriculture

The wireless telecommunications facility at this location will continue to be compatible with surrounding land uses. The communication antennas are hidden as part of the monopalm, which allows the structure itself to act as a landscape feature for the subject property. The requirement to add three (3) additional *washingtonia robusta* to the property will contribute to a palm grove effect that will sufficiently disguise the telecommunication facility.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15301 Existing Facilities, of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 1,000-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. As of January 9, 2007, no communication supporting or opposing the request has been received.

SUMMARY

The proposed Conditional Use Permit, as conditioned, is consistent with the requirements of the land use policies of the General Plan and the Zoning Ordinance. The project has been designed and conditioned to meet or exceed all applicable development standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Adopt Planning Commission Resolution No. 2008-P02 approving Conditional Use Permit C-15-07 with findings and conditions of approval attached herein.

PREPARED BY:


Sally Schiffman
Planner II

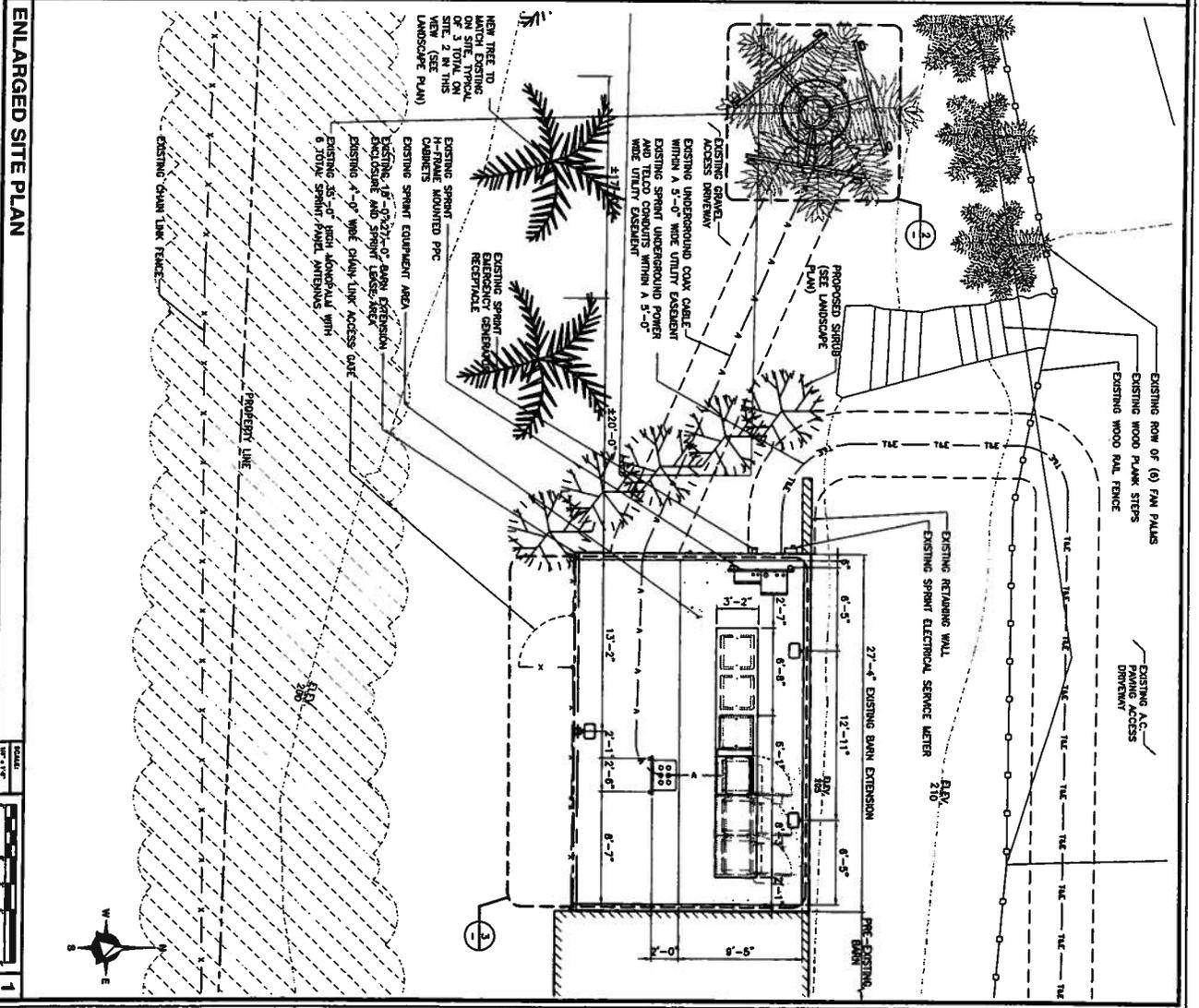
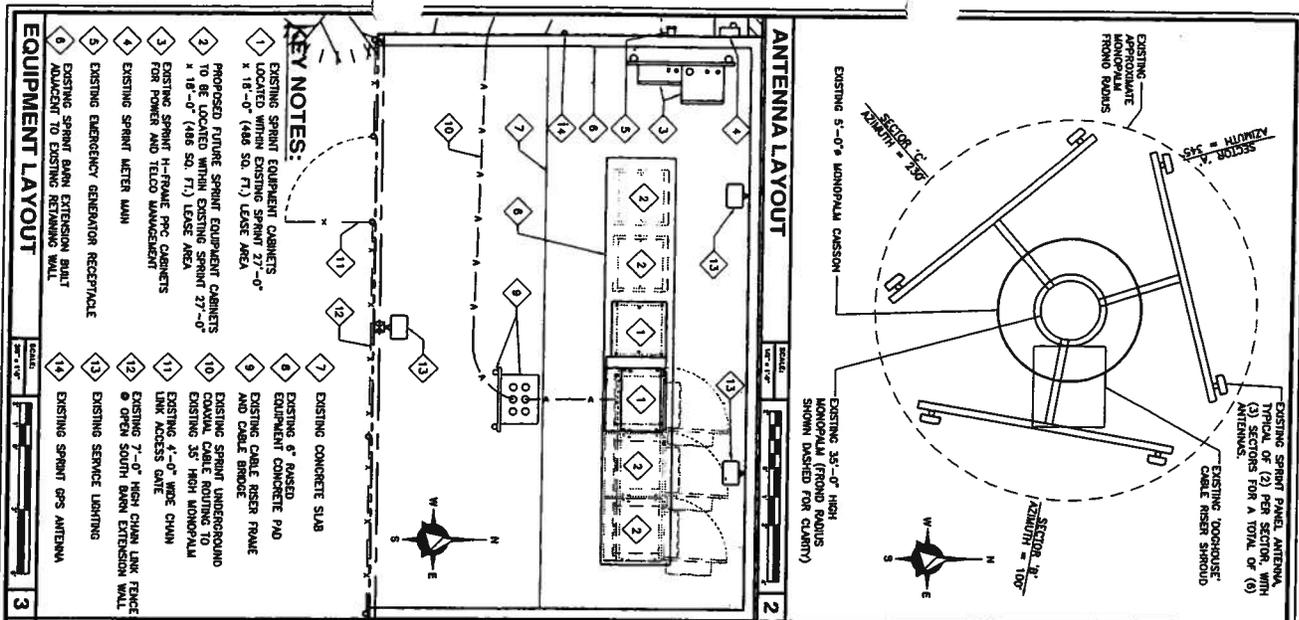
SUBMITTED BY:


Jerry Hittleman
City Planner

JH/SS/fil

Attachments:

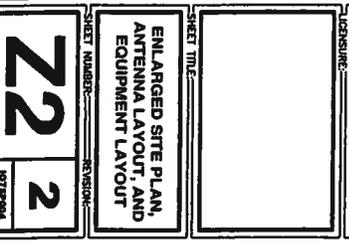
1. Site Plan and Elevation/Conceptual Landscape Plan
2. Planning Commission Resolution No. 2008-P02



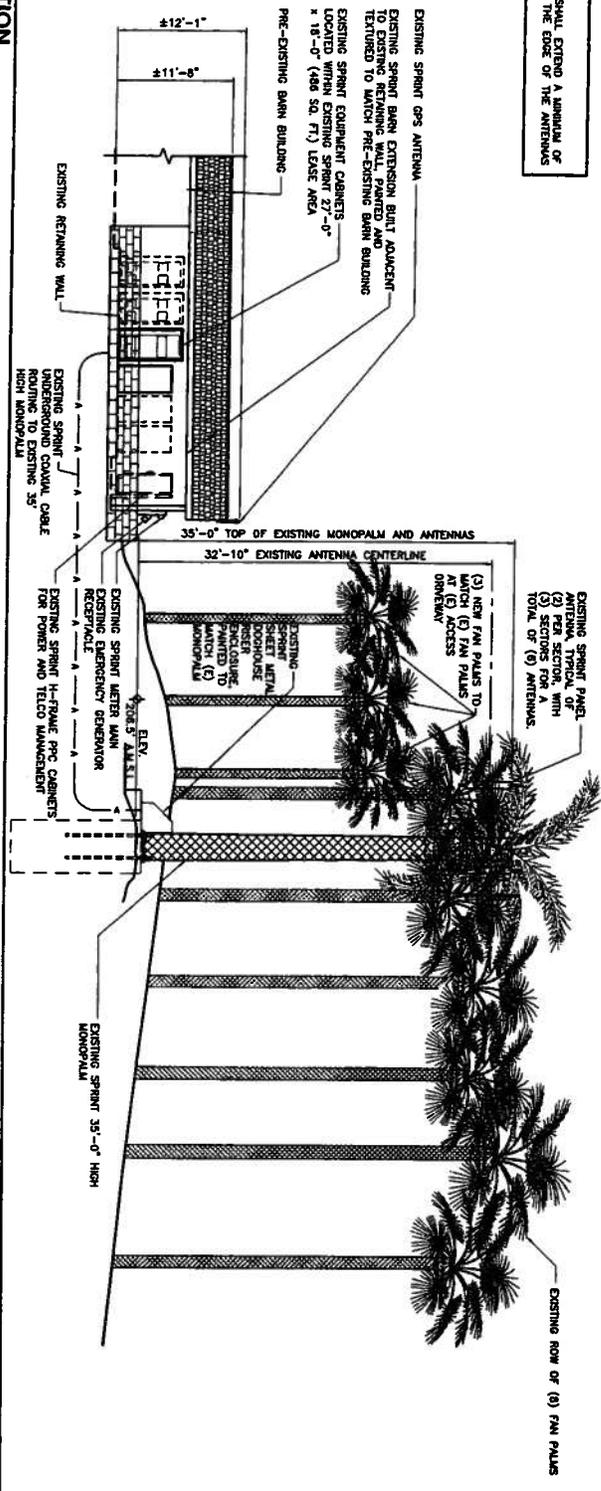
6500 SPRIANT PARKWAY RENO, NV 89521 PRODUCT INFORMATION: OCEANSIDE SD54XC89318 420-A SLEEPING HOLLOW ROAD OCEANSIDE, CA 92057 SAN DIEGO COUNTY	
CURRENT ISSUE DATE: 06/25/07	
ISSUED FOR: PLANNING CORRECTIONS	
NO. DATE / DESCRIPTION	BY
1 06/25/07 ISSUED FOR RENEWAL OF PERMITS	MC
2 06/25/07 ISSUED FOR RENEWAL OF PERMITS	MC
3 06/25/07 ISSUED FOR RENEWAL OF PERMITS	MC
4 06/25/07 ISSUED FOR RENEWAL OF PERMITS	MC
5 06/25/07 ISSUED FOR RENEWAL OF PERMITS	MC
PLANS PREPARED BY: DELTA GROUPS ENGINEERING, INC. CONSULTING ENGINEERS 1000 N. 10TH AVENUE SUITE 500, DENVER CO, 80202 TEL: (303) 425-4333 FAX: (303) 425-4333	
OWNER: CH2M HILL DATE: DC LOCATION: FC	SHEET NUMBER: 22 REVISIONS: 2

- KEY NOTES:**
- 1 EXISTING SPRIANT EQUIPMENT CABINETS x 18'-0" (486 SQ. FT.) LODE AREA
 - 2 PROPOSED FUTURE SPRIANT EQUIPMENT CABINETS x 18'-0" (486 SQ. FT.) LEASE AREA
 - 3 EXISTING SPRIANT H-FRAME PFC CABINETS
 - 4 EXISTING SPRIANT METER MAIN
 - 5 EXISTING EMERGENCY GENERATION RECEPTACLE
 - 6 EXISTING SPRIANT BARRI EXTENSION WALL ADJACENT TO EXISTING RETAINING WALL
 - 7 EXISTING CONCRETE SLAB
 - 8 EXISTING 8" RANSED EQUIPMENT CONCRETE PAD
 - 9 EXISTING CABLE RISER FRAME AND CABLE BRIDGE
 - 10 EXISTING SPRIANT UNDERGROUND CABLE ROUTING TO EXISTING 35' HIGH MONOPYLA
 - 11 EXISTING 4'-0" WIDE CHAIN LINK ACCESS GATE
 - 12 EXISTING 7'-0" HIGH CHAIN LINK FENCE @ OPEN SOUTH BARRI EXTENSION WALL
 - 13 EXISTING SERVICE LIGHTING
 - 14 EXISTING SPRIANT GPS ANTENNA

- EQUIPMENT LAYOUT**
- 1 EXISTING SPRIANT EQUIPMENT CABINETS x 18'-0" (486 SQ. FT.) LODE AREA
 - 2 PROPOSED FUTURE SPRIANT EQUIPMENT CABINETS x 18'-0" (486 SQ. FT.) LEASE AREA
 - 3 EXISTING SPRIANT H-FRAME PFC CABINETS
 - 4 EXISTING SPRIANT METER MAIN
 - 5 EXISTING EMERGENCY GENERATION RECEPTACLE
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 - 14 EXISTING SPRIANT GPS ANTENNA



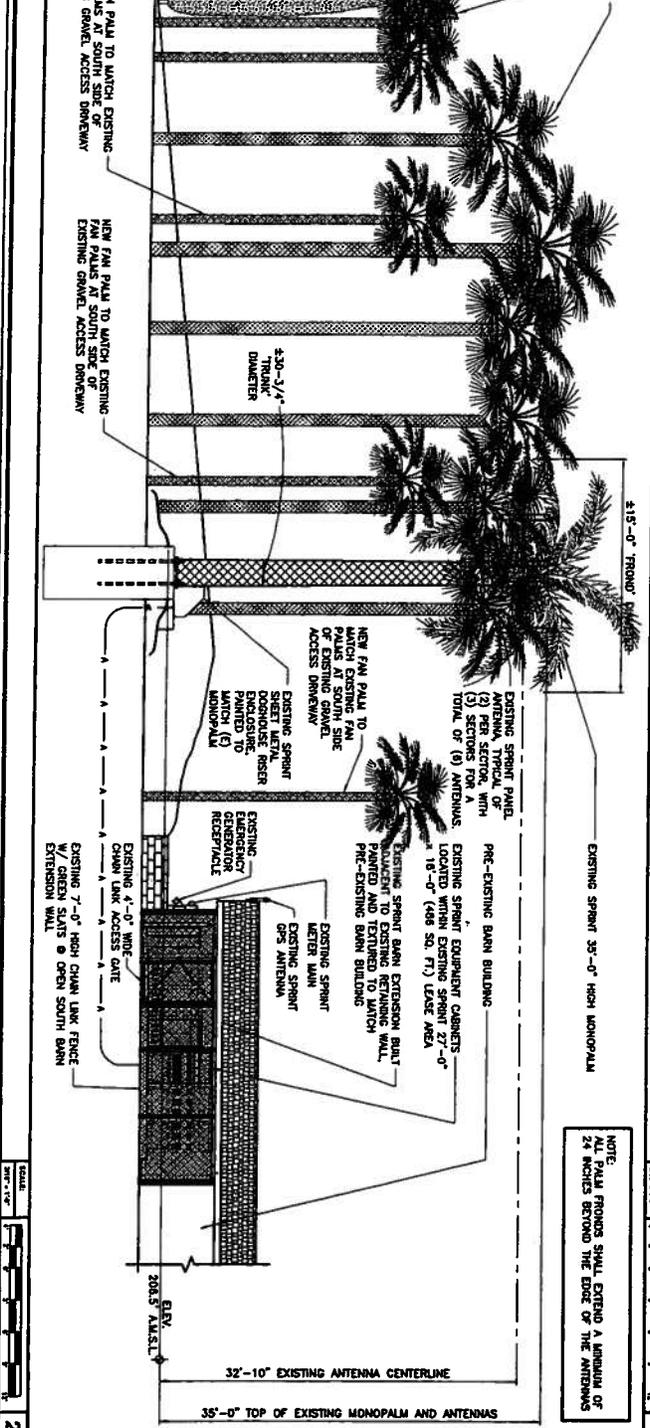
NOTE:
ALL PALM FRONDS SHALL EXTEND A MINIMUM OF
24 INCHES BEYOND THE EDGE OF THE ANTENNAS



EXISTING SPRINT PANEL
ANTENNA CENTERLINE WITH
(3) SECTIONS FOR EACH
TOTAL OF (9) ANTENNAS.

NORTH ELEVATION

SOUTH ELEVATION



NOTE:
ALL PALM FRONDS SHALL EXTEND A MINIMUM OF
24 INCHES BEYOND THE EDGE OF THE ANTENNAS

Sprint

ISSUED FOR PERMIT
OCEANSIDE
SDS4XC8938
438-A SLEEPING ANIMAL POOD
OCEANSIDE, CA 92057
SAN DIEGO COUNTY

PROJECT INFORMATION:
OCEANSIDE PARK, 33 88351

ISSUED FOR PERMIT DATE:
06/25/07

ISSUED FOR PERMIT CORRECTIONS

REV./DATE	DESCRIPTION
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
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4	ISSUED FOR PERMIT
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6	ISSUED FOR PERMIT
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9	ISSUED FOR PERMIT
10	ISSUED FOR PERMIT

DELTA GROUPO
ENGINEERING, INC.
CONSULTING ENGINEERS

3200 MC AULIFF AVENUE
SAN DIEGO, CA 92111
TEL: (619) 425-0333 FAX: (619) 425-0311

CONSULTANT:

DESIGNED BY: DATE: 06/25/07

DRAWN BY: DATE: 06/25/07

CHECKED BY: DATE: 06/25/07

APPROVED BY: DATE: 06/25/07

23

2

SHEET TITLE:
NORTH AND SOUTH
ELEVATIONS

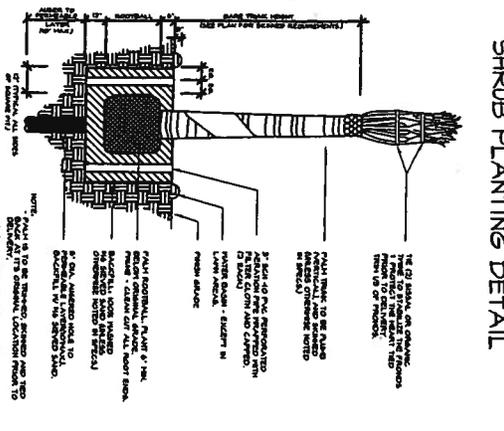
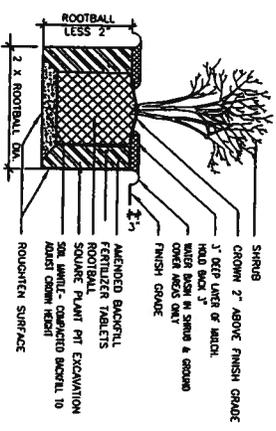
SHEET NUMBER: 23 OF 23

DATE: 06/25/07

- CONSTRUCTION KEY NOTES**
1. SHRUBS TO BE PLANTED IN PLACE SET OUTLINE SHEET L-1, 1' OF 4' SPACING FOR APPROXIMATE ACCESS AND MAINTENANCE.
 2. SEE SHEET L-1 FOR TREE PLANTING.

- GENERAL PROTECTION NOTES**
1. ALL EXISTING LANDSCAPE SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 2. ALL EXISTING TREES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 3. ALL EXISTING TREES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 4. ALL EXISTING TREES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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 9. ALL EXISTING TREES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 10. ALL EXISTING TREES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

- CITY OF OCEANSIDE EROSION NOTES**
1. ALL SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD.
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 10. ALL SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD.



- EXISTING CONDITIONS KEY NOTES**
1. Existing shrubs - 1' to 2' - protect in place
 2. Existing shrubs - 2' to 4' - protect in place
 3. Existing shrubs - 4' to 6' - protect in place
 4. Existing shrubs - 6' to 8' - protect in place
 5. Existing shrubs - 8' to 10' - protect in place
 6. Existing shrubs - 10' to 12' - protect in place
 7. Existing shrubs - 12' to 14' - protect in place
 8. Existing shrubs - 14' to 16' - protect in place
 9. Existing shrubs - 16' to 18' - protect in place
 10. Existing shrubs - 18' to 20' - protect in place
 11. Existing shrubs - 20' to 22' - protect in place
 12. Existing shrubs - 22' to 24' - protect in place
 13. Existing shrubs - 24' to 26' - protect in place
 14. Existing shrubs - 26' to 28' - protect in place
 15. Existing shrubs - 28' to 30' - protect in place
 16. Existing shrubs - 30' to 32' - protect in place
 17. Existing shrubs - 32' to 34' - protect in place
 18. Existing shrubs - 34' to 36' - protect in place
 19. Existing shrubs - 36' to 38' - protect in place
 20. Existing shrubs - 38' to 40' - protect in place

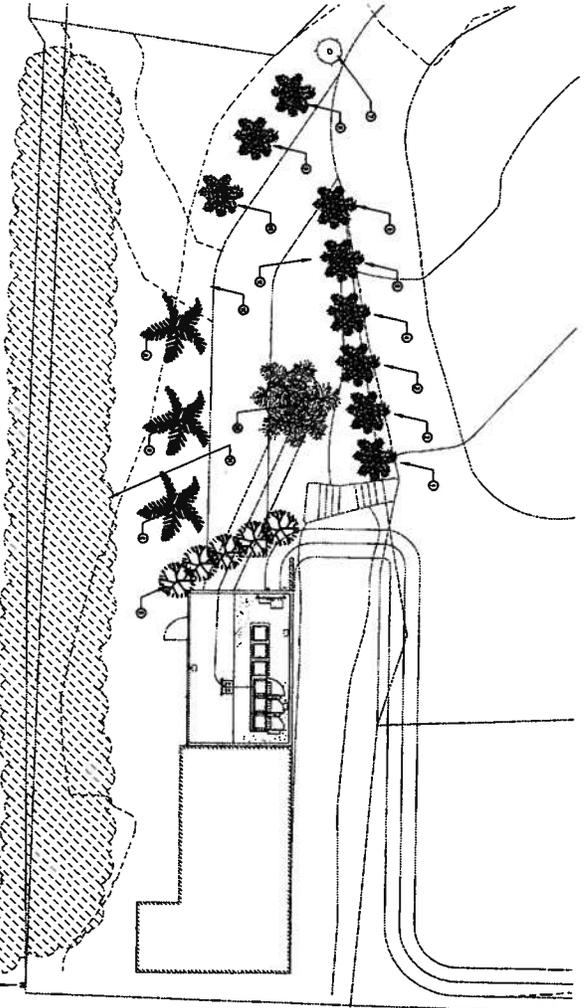
- NEW PLANTING KEY NOTES**
1. New shrubs - 1' to 2' - protect in place
 2. New shrubs - 2' to 4' - protect in place
 3. New shrubs - 4' to 6' - protect in place
 4. New shrubs - 6' to 8' - protect in place
 5. New shrubs - 8' to 10' - protect in place
 6. New shrubs - 10' to 12' - protect in place
 7. New shrubs - 12' to 14' - protect in place
 8. New shrubs - 14' to 16' - protect in place
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 15. New shrubs - 28' to 30' - protect in place
 16. New shrubs - 30' to 32' - protect in place
 17. New shrubs - 32' to 34' - protect in place
 18. New shrubs - 34' to 36' - protect in place
 19. New shrubs - 36' to 38' - protect in place
 20. New shrubs - 38' to 40' - protect in place

- SOIL AMENDMENT SCHEDULE**
- GENERAL PLANT PIT BACKFILL (PER CUBIC YARD)**
- 3/4" CUBIC YARD SET TOP SOIL
 - 1/2" CUBIC YARD MEDIUM COMPOSTION
 - 2 POUNDS AGRICULTURAL GYPSUM
 - 3 POUNDS GIBBERELIC ACID
- GRD-POWER SLOW RELEASE TABLETS PER DETAIL**
- | | | | |
|---------------------|----|----|-----|
| 7" DIA. 15-8-8 | 10 | 20 | 150 |
| 2 1/2" DIA. 20-10-5 | 1 | 2 | 4 |
- SEE PALM NOTES SHEET L-0

NEW PLANT MATERIAL LEGEND

QUANTITIES FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. VERIFY ALL PLANT COUNTS AND SQUARE FOOTAGES AND SITE CONDITIONS BY PLAN CHECK AND SITE INSPECTION

BOTANICAL NAME	COMMON NAME	QUANTITY	REMARKS
WASHINGTONIA ROBURATA	MEXICAN FAN PALM	9	EXISTING SET NOTES FOR TRUNK HEIGHT
WASHINGTONIA ROBURATA	MEXICAN FAN PALM	3	20 B.F. REQUIRED APPROXIMATE SCREEN
CASUARINA SEMPERVIRENS	ITALIAN CYPRESS	1	EXISTING
ARGENTAEAE CASUARINA	HERBID ARGENTAEAE		EXISTING
HYDRANGEA LANCEOLATA	HERBID HYDRANGEA	5	1 1/2 GAL. ADDITIONAL SCREEN TO MATCH EXISTING



DELTA

DELTA TOLL FREE
1-800-422-1133
AT LEAST TWO DAYS
BEFORE YOU GO

LANDSCAPE SERVICE ALERT OF WEATHER FORECASTING

APPROVED CHANGES

NO.	DATE	DESCRIPTION	BY	CHKD.
1	3/14/07	JOB START MEETING CHANGES - DELTA JINCKL - PRINCE PARKER MOD.		
2				
3				
4				

FOR REFERENCE ONLY

DATE	BY	CHKD.

EXISTING & NEW LANDSCAPE PLAN

PETER BRADSHAW MOLES LANDSCAPE ARCHITECT
2221 DELICIOUS DRIVE
LAKE FOREST, CA. 92650
(949) 770-1458

DELTA GROUPS ENGINEERING INC.
CONSTRUCTION ENGINEERING
2382 MCGRAW AVENUE
IRVINE, CA 92614
TEL 949-822-6333 FAX 949-417-2843

Sprint Together with verizon.

210 COURTESY DRIVE
IRVINE, CALIFORNIA 92614
PHONE (949) 451-5000
FAX (949) 451-5000

1 PLANNING COMMISSION
2 RESOLUTION NO. 2008-P02

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 CONDITIONAL USE PERMIT FOR CERTAIN REAL
6 PROPERTY IN THE CITY OF OCEANSIDE

6 APPLICATION NO: C-15-07
7 APPLICANT: Sprint Nextel
8 LOCATION: 428 Sleeping Indian Road

8 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
9 RESOLVE AS FOLLOWS:

10 WHEREAS, there was filed with this Commission a verified petition on the forms
11 prescribed by the Commission requesting a Conditional Use Permit under the provisions of
12 Articles 30 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

13 a stand-alone, communications facility, consisting of a total of nine panel antennas,
14 located within a 35-foot tall monopalm;

15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day
17 of January, 2008 conduct a duly advertised public hearing as prescribed by law to consider said
18 application.

19 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
20 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section
21 15301 Existing Facilities;

22 WHEREAS, the documents or other material which constitutes the record of
23 proceedings upon which the decision is based will be maintained by the City of Oceanside
24 Planning Division, 300 North Coast Highway, Oceanside, California 92054.

25 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
26 effective 10 days from the date of its adoption in the absence of the filing of an appeal or call for
27 review;

28 WHEREAS, studies and investigations made by this Commission and in its behalf reveal
29 the following facts:

1 FINDINGS:

2 For the Conditional Use Permit (C-15-07):

- 3 1. The existing location of the communication facility is within a 35-foot monopalm, which
4 effectively mitigates view impacts from the primary view corridors and near view
5 perspectives. The communication antennas are completely hidden within the monopalm,
6 allowing the structure itself to act as a landscape feature for the subject property. As such,
7 the project site is consistent with the General Plan policies for visual conformity to
8 surrounding land uses and features while still providing communication, broadcast, and
9 subscription services to the public.
- 10 2. There are currently nine Mexican Fan Palm trees on-site. The applicant is conditioned to
11 plant three additional Mexican Fan Palms along the southern slope of the property. The
12 proposed project is consistent and compatible with the subject property and surrounding
13 neighborhood. The project is conditioned to comply with specific requirements pertaining
14 to its appearance and maintenance. These conditions will ensure the project maintains
15 certain aesthetic values and land use compatibility.
- 16 3. The location and operation of the communication facility, under the applied land use
17 conditions, are consistent with the effective land use policies and will not be detrimental to
18 the public health or general welfare of persons residing or working in the area.

19 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
20 approve Conditional Use Permit (C-15-07) subject to the following conditions:

21 Building:

- 22 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
23 Building Division plan check.
- 24 2. The granting of approval under this action shall in no way relieve the applicant/project
25 from compliance with all State and Local building codes.
- 26 3. The building plans for this project are required by State law to be prepared by a licensed
27 architect or engineer and must be in compliance with this requirement prior to submittal
28 for building plan review.
- 29 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
property shall be underground (City Code Sec. 6.30).

- 1 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
2 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
3 other such lights may be utilized and shall be shown on building and electrical plans.
- 4 6. The developer shall monitor, supervise and control all building construction and supporting
5 activities so as to prevent these activities from causing a public nuisance, including, but not
6 limited to, strict adherence to the following:
- 7 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
8 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
9 that is not inherently noise-producing. Examples of work not permitted on
10 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
11 producing nature. No work shall be permitted on Sundays and Federal Holidays
12 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
13 Christmas Day) except as allowed for emergency work under the provisions of the
14 Oceanside City Code Chapter 38 (Noise Ordinance).
- 15 b) The construction site shall be kept reasonably free of construction debris as
16 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
17 approved solid waste containers shall be considered compliance with this
18 requirement. Small amounts of construction debris may be stored on-site in a neat,
19 safe manner for short periods of time pending disposal.
- 20 7. A separate/unique address will be required to facilitate utility releases. Verification that
21 the address has been properly assigned by the City's Planning Division must accompany
22 the Building Permit application.
- 23 8. Plans submitted after January 1, 2008 must meet all requirements of the recently adopted
24 2007 California Building Code.

25 **Engineering:**

- 26 9. A landscape conceptual plan shall be submitted and approved by the Engineering
27 Division. All landscaping and irrigation shall meet the requirements as outlined in the
28 "City of Oceanside Guidelines and Specifications for Landscape Development",
29 including the maintenance of such landscaping, and the Water Conservation Ordinance
No. 91-15. The following special landscaping requirements shall be met:

- 1 a) A minimum of five, 15-gallon *Myoporum carsonii* shrubs or similar, naturalized
2 drought-tolerant species shall be added to west side of the existing equipment
3 shelter to provide additional screening.
- 4 b) A minimum of three *Washingtonia robusta*, with brown trunk heights of 26 feet,
5 shall be planted along the southern slope of the property near the proposed
6 monopalm.
- 7 c) Trees shall be spot located by a Landscape Architect at a pre-construction meeting
8 and shall meet the current City of Oceanside requirements. Trees shall not be
9 located in utility easements.
- 10 d) All existing trees shall be protected in place and replaced with like kind and size
11 to meet the satisfaction of the City Engineer as necessary.
- 12 10. All landscaping, including any updates to the irrigation system, shall be installed and final
13 signatures shall be obtained within 180 days from the date of project approval. Failure to
14 comply with this condition shall constitute a violation of this Conditional Use Permit.
- 15 11. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
16 any adjoining public parkways shall be permanently maintained by the owner, their assigns
17 or any successors-in-interest in the property. The maintenance program shall include
18 normal care and irrigation of the landscaping; repair and replacement of plant materials;
19 irrigation systems as necessary; and general cleanup of the landscaped and open areas,
20 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result
21 in the City taking all appropriate enforcement actions by all acceptable means including but
22 not limited to citations and/or actual work with costs charged to or recorded against the
23 owner.
- 24 12. If the project involves demolition of an existing structure or surface improvements, erosion
25 control plans must be approved by the City Engineer prior to the issuance of a demolition
26 permit. No demolition shall be permitted without an approved erosion control plan.
- 27 13. The developer shall monitor, supervise and control all construction and construction-
28 supportive activities, so as to prevent these activities from causing a public nuisance,
29 including but not limited to, insuring strict adherence to the following:

- 1 a) Removal of dirt, debris and other construction material shall not be deposited on
2 any public street or within the City's stormwater conveyance system.
- 3 b) All grading or site preparation and construction activities shall be limited to the
4 hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
5 construction activities shall be conducted on Saturdays, Sundays or legal holidays
6 unless written permission is granted by the City Engineer with specific limitations
7 to the working hours and types or permitted operations. All on-site construction
8 staging areas shall be as far as possible (minimum 100 feet) from any existing
9 residential developments. Because construction noise may still be intrusive in the
10 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
11 disturbing excessive or offensive noise which causes discomfort or annoyance to
12 reasonable persons of normal sensitivity."
- 13 c) The construction site shall accommodate the parking of all motor vehicles used by
14 persons working at or providing deliveries to the site.
- 15 d) A haul route shall be obtained at least 7 days prior to the start of hauling operations
16 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
to 3:30 p.m. unless approved otherwise.

17 14. Any pavement, concrete curb, gutter or sidewalk damaged during construction of the
18 project, shall be repaired or replaced as directed by the City Engineer.

19 15. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
20 of in accordance with all state and federal requirements, prior to stormwater discharge
21 either off-site or into the City drainage system.

22 16. The project shall comply with all applicable regulations established by the United States
23 Environmental Protection Agency (USEPA) as set forth in the National Pollutant
24 Discharge Elimination System (NPDES) permit requirements for urban runoff and
25 stormwater discharge and any regulations adopted by the City pursuant to the NPDES
26 regulations or requirements. The developer shall comply with all provisions of the Clean
27 Water Program during and after construction. The project's storm drains and other
28 drainage facilities shall include Best Management Practices to minimize non-point source
29 pollution, satisfactory to the City Engineer.

1 17. Upon acceptance of any fee waiver or reduction by the applicant, the entire project will be
2 subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4).
3 The applicant shall agree to execute a form acknowledging the prevailing wage
4 requirements prior to the granting of any fee reductions or waivers.

5 **Fire:**

6 18. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
7 prior to the issuance of building permits.

8 19. Plans submitted for Fire Department Plan Review shall indicate the quantity of lead acid
9 batteries proposed, as well as the electrolyte volume for the batteries.

10 20. Fire inspection shall be required prior to final building inspection.

11 **Planning:**

12 21. The Conditional Use Permit is granted for the following use only: the continued operation
13 of a 35-foot stand-alone communication facility consisting of a total of nine, six-foot
14 antennas and associated equipment located a barn addition. Any change in the use or
15 expansion of the activities beyond this, which is approved by the Planning Commission,
shall require a revision to the Conditional Use Permit or new Conditional Use Permit.

16 22. The facility shall be inspected and a letter of clearance shall be prepared by the City
17 Planner prior to final inspection of the facility by the Building Division.

18 23. The Conditional Use Permit shall be called for review by the Planning Commission if
19 complaints are filed and verified as valid by the City Planner or the Code Enforcement
20 Officer concerning the violation of any of the approved conditions or the project
21 assumptions demonstrated under the application approval.

22 24. The Conditional Use Permit shall be limited to a term of 10 years. However, the
23 Conditional Use Permit may be revised or renewed in accordance with the provisions of the
24 Zoning Ordinance. The application for Conditional Use Permit revision shall also be
25 evaluated against the existing land use policies and any site area and neighborhood
changes.

26 25. Prior to the transfer of ownership and/or operation of the use, the owner and/or operator
27 shall provide a written copy of the application, staff report, and resolution for the project to
28
29

1 the new owner and/or operator and/or second user. The notification requirement shall run
2 with the life of the project.

3 26. The Conditional Use Permit shall lapse if the exercise of rights granted by them is
4 discontinued for six consecutive months.

5 27. Failure to meet any conditions of approval for this development shall constitute a violation
6 of the Conditional Use Permit.

7 28. Unless expressly waived, all current zoning standards and City ordinances and policies in
8 effect at the time building permits are issued are required to be met by this project. The
9 approval of this project constitutes the applicant's agreement with all statements in the
10 project Description and Justification and other materials and information submitted with
11 this application, unless specifically waived by an adopted condition of approval.

12 29. A covenant or other recordable document approved by the City Attorney shall be prepared
13 by the applicant and recorded prior to the issuance of building permits. The covenant shall
14 provide that the property is subject to this resolution, and shall generally list the conditions
15 of approval.

16 30. Prior to the issuance of building permits, compliance with the applicable provisions of the
17 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
18 and approved by the Planning Division. These requirements, including the obligation to
19 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
20 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
21 property.

22 31. Upon one year of facility operation, and upon any change-out of facility equipment, the
23 permittee(s) shall provide to the City Planner a statement of radio-frequency radiation
24 output and output compliance with the limitations of governing licensing authorities.

25 32. The permittee(s) shall exercise a good-faith effort to incorporate the best available
26 equipment technology to effect a reduction in the visual presence of the approved antenna
27 and facility equipment. The change-out and retrofit of equipment shall be conducted by the
28 permittee(s) after such equipment becomes available and exhibits common use at similar
29 facilities. Upon the City's request and discretion, the permittee(s) shall be required to
provide an independently prepared technical analysis demonstrating compliance with this

1 condition. The permittee(s) inability to demonstrate the use of current technologies may be
2 grounds for the institution of revocation proceedings of the Conditional Use Permit.

3 33. Appropriate building permits shall be obtained prior to the addition of any new antennas.

4 34. The permittee(s) shall exercise a good-faith effort to cooperate with other communication
5 providers and services in the operation of a co-user facility, provided such shared usage
6 does not impair the operation of the approved facility. Upon the City's request and
7 discretion, the permittee(s) shall provide an independently prepared technical analysis to
8 substantiate the existence of any practical technical prohibitions against the operation of a
9 co-use facility. The permittee(s)' non-compliance with this requirement may be grounds
10 for the institution of revocation proceedings of the Conditional Use Permit.

11 35. The approved communication facility shall be subject to, and governed by, any and all
12 licensing authority by any governmental agency having jurisdiction. The City's local
13 approval of a communication facility shall not exempt the permittee(s) from any such pre-
14 emptive regulations.

15 36. The final design, aesthetic devices, and construction of the facility shall be in accordance
16 with the plans representing the approved project and the conditions of approval. In
17 addition, the final construction plans shall demonstrate consistency with the plans and other
18 exhibit materials approved by the Planning Commission. These requirements shall be
19 shown and demonstrated on the plans submitted for building permits and shall be reviewed
20 and approved by the City Planner prior to the issuance of building permits. The following
21 requirements shall be met:

- 22 a) The monopole shall not exceed 35 feet in height. The pole shall be a maximum of
23 30.75 inches in diameter.
- 24 b) The faux fronds shall be a minimum of six feet in length. The fronds shall reach a
25 minimum of 24 inches beyond the farthest reaching antennas, including a minimum
26 of 24 inches above the top of the pole and below the base of the antennas. The
27 overall height of the facility shall not exceed 46 feet.
- 28 c) The faux fronds shall be shades of forest green and brown, similar to the colors of a
29 real palm tree.

- 1 d) There shall be a minimum of 60 fronds attached to the monopalm. The faux fronds
2 shall be arranged to simulate a real palm tree.
- 3 e) The monopalm trunk and frond ball shall be finished with bark texture and color
4 (full cladding) similar to a real palm tree.
- 5 f) The radius center line of the antennas shall be 32 feet-10 inches above ground level.
6 The antennas shall not exceed 35 feet in height. The antennas shall not extend
7 more than four feet from the face of the monopole trunk cladding.
- 8 g) The concrete pad and bolts for the monopalm shall be painted to match the trunk.
9 In addition, a mulch mound shall be required to conceal the pad and bolts at the
10 base of the tree. The sheet metal doghouse riser enclosure shall be painted to match
11 the trunk
- 12 h) The Sprint equipment shelter shall remain as it currently exists as shown on the
13 materials and information submitted with this application. All mechanical
14 equipment shall be placed inside the structure. The equipment shelter shall be
15 softened by shrubs along its exterior. Only one GPS antenna shall be permitted on
16 the equipment shelter. The GPS antenna shall not exceed 12 inches in height
17 measured from the peak of the roof of the equipment shelter.
- 18 i) No permanent generators shall be permitted.

19 37. All construction required to implement Condition 35 shall be completed no later than 120
20 day from the date of project approval. Failure to comply with this condition shall constitute
21 a violation of this Conditional Use Permit.

22 38. The 35-foot telecommunications facility shall be maintained in a like-new condition at all
23 times. Maintenance shall include, but is not limited to, replacing trunk bark, branches, and
24 palm fronds. Upon the City's request and discretion, the permittee(s) shall provide an
25 aesthetic analysis, including current, detailed photographs, to substantiate the like-new
26 appearance of the proposed project, within 60 days of the request. The permittee(s)' non-
27 compliance with this requirement shall be grounds for the institution of revocation
28 proceedings of the Conditional Use Permit.

29 39. Any apparent inconsistency resulting from the construction of the approved facility shall be
a basis for a call for the review of the Conditional Use Permit.

1 40. Upon termination of the approved facility use, the permittee shall be responsible to remove
2 the entire facility from the premises at its expense.

3 **Water Utilities:**

4 41. No trees, structures, building overhang or other encroachments shall be permitted within
5 the existing wastewater utility easement.

6 42. The developer shall be responsible for developing all water and sewer utilities necessary to
7 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
8 the developer and shall be done by an approved licensed contractor at the developer's
9 expense.

10 PASSED AND ADOPTED Resolution No. 2008-P02 on January 14, 2008 by the
11 following vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

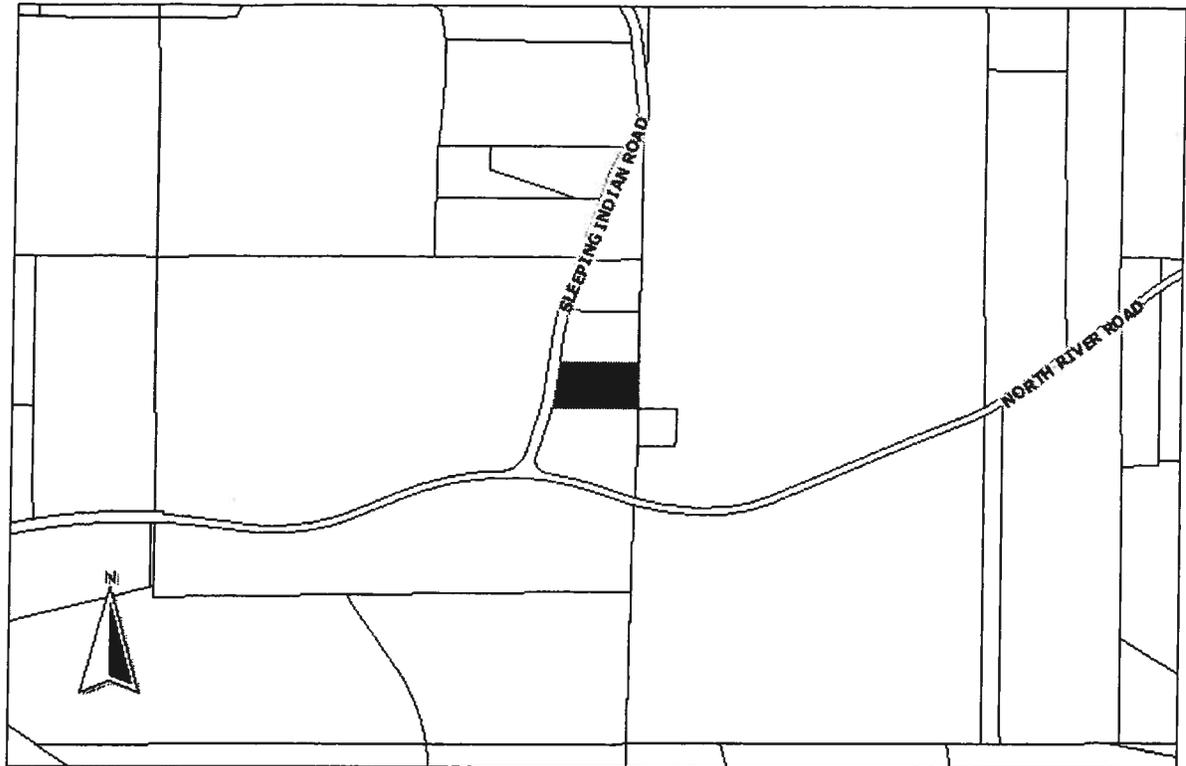
16
17 _____
18 Dennis Martinek, Chairman
19 Oceanside Planning Commission

20 ATTEST:

21 _____
22 Jerry Hittleman, Secretary

23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
24 this is a true and correct copy of Resolution No. 2008-P02.

25
26 Dated: January 14, 2008
27
28
29



File Number: C-15-07

Applicant: Sprint Nextel

Description:

CONDITIONAL USE PERMIT (C-15-07) for an existing, stand-alone wireless telecommunications facility disguised as a faux palm tree located at 428 Sleeping Indian Road. The project site is zoned A (Agriculture) and is situated within the Morro Hills Neighborhood. – **SPRINT @ 428 SLEEPING INDIAN ROAD**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
RECEIVED Please Print or Type All Information PART I - APPLICANT INFORMATION				4/24/07	SN.
1. APPLICANT <i>Sprint</i>				HEARING	
2. STATUS <i>Planning Department</i>		3. ADDRESS <i>6391 Sprint Parkway, Overland Park, KS 66251</i>		GPA	
4. PHONE/FAX <i>310-692-0689</i>		5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Charnd McCall, SureSite Consulting Group</i>		MASTER/SP.PLAN	
6. ADDRESS <i>3659 Green Rd, Ste 317, Beachwood, OH 44122</i>		7. PHONE/FAX <i>310-692-0689</i>		ZONE CH.	
PART II - PROPERTY DESCRIPTION				TENT. MAP	
8. LOCATION <i>428 Spto Sleeping Indian</i>				PAR. MAP	
9. SIZE (Lot) <i>107, 593 sq ft / 2.47 acres</i>				DEV. PL.	
10. GENERAL PLAN <i>R-1</i>		11. ZONING <i>R-1</i>		C.U.P.	<i>C-15-07</i>
12. LAND USE <i>Rural Residential</i>		13. ASSESSOR'S PARCEL NUMBER <i>122-100-35</i>		VARIANCE	
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION <i>Renewal of Sprint permit</i> <i>REV-11/5/07</i>					
15. PROPOSED GENERAL PLAN <i>N/A</i>		16. PROPOSED ZONING <i>N/A</i>		17. PROPOSED LAND USE <i>N/A</i>	
18. NO. UNITS <i>N/A</i>		19. DENSITY <i>N/A</i>		20. BUILDING SIZE <i>N/A</i>	
21. PARKING SPACES <i>N/A</i>		22. % LANDSCAPE <i>No change</i>		23. % LOT COVERAGE <i>No Change</i>	
PART IV - ATTACHMENTS					
ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION		<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION		<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP		<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT		<input checked="" type="checkbox"/> 29. PLOT PLANS		32. OTHER	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print): <i>Charnd J. McCall</i>		34. DATE		37. OWNER (Print): <i>Diane Coale</i>	
Sign: <i>[Signature]</i>		38. DATE <i>3/2/07</i>		Sign: <i>[Signature]</i>	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
Sign:		40. DATE		Sign:	

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APR 24 2007

Planning Department

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Justification Statement

Sprint PCS

428 Sleeping Indian, Oceanside, Ca

122-100-35-00

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Planning Department

Introduction:

Sprint PCS requests approval of a conditional use permit for the existing wireless telecommunications facility located at 428 Sleeping Indian, Oceanside Ca. Sprint PCS is a telecommunications service provider operating wireless telecommunications sites throughout California and nationwide. Sprint PCS and its affiliates have acquired licenses from the Federal Communications Commission ("FCC") to provide Personal Communications Service ("PCS") throughout the United States. These licenses include the City of Oceanside, San Diego County, California.

Sprint originally received the approval for the operation of this site on December 17, 2001, and the site was built according to approval. The site has been on-air and operational since that time. The Conditional Use permit has expired, and Sprint requests at this time that the permit be re-issued with the same conditions of approval as the December 2001.

Description of Use:

On December 17, 2001, the City of Oceanside issued a Conditional Use Permit (CUP C-7-01) which allowed Sprint to install a wireless telecommunications facility consisting of three (3) array of three (3) antennas to be installed on a 35 foot freestanding "monopalm". The conditions of approval included detail texturing of the pole including the follow: fronds of varying lengths, frond ball, and textured trunk as well as additional landscaping. The equipment is located in a free standing barn adjacent to the location of the pole. The antennas were to be installed in such a manner that they were integrated into the design of the palm to reduce the visual impact of the installation. This, and all other conditions of approval have been met by Sprint in the installation of this site.

Sprint requests at this time that a new conditional use permit be issued, with the same conditions previously imposed. No changes have been made to this installation, nor are any changes to this facility anticipated at this time.

Sprint PCS has been sensitive in selecting a site that will minimize (if not eliminate) any detrimental impact on the surrounding property. This facility has not, nor will it impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity. To

the contrary, enhanced wireless communications will have a positive influence on personal, business, governmental and other existing uses in this area. The proposed facility only utilizes minimal electric and telephone services, which is separately metered. No water, sewer, refuse or other additional services shall be required. The existing facility will be unstaffed and will require only infrequent maintenance visits (approximately one time each month). Road access to the utility pole is furnished via N. river Rod and Sleeping Indian. Accordingly, there will be no impact to the existing traffic patterns nor will there be any traffic hazards or nuisances generated.

The site is entirely self-monitored by sophisticated computers which connect directly to a central office and which alert personnel to equipment malfunction or breach of security. Sprint PCS' equipment is located within the leased area and is also concealed from the public's view, as required by the previous conditions of approval. Moreover, no smoke, debris or other nuisances will be generated by the proposed PCS facility.

Site Selection and Justification:

The facility which Sprint PCS now operates on Sleeping Indian is necessary in order to provide PCS services to your community, including traditional wireless services such as wireless digital telephone service and new services not available under some traditional analog cellular systems, such as wireless data connections. Sprint PCS' technology operates at various radio frequency ("RF") bands between approximately 1,800 and 2,000 megahertz and utilizes a digital (rather than analog) wireless voice and data transmission system. This technology does not interfere with radio, television or other communications signals, and all matters pertaining to signal interference are within the sole province of the FCC.

Like traditional wireless phone systems, PCS operates on a "grid" system, whereby overlapping "cells" mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both the height and location of the telecommunication facility. Based on a computerized engineering study which takes into account, among other things, local population density, traffic patterns and topography, Sprint PCS' RF engineers continue to identify the property at 428 Sleeping Indian as being a necessary and appropriate location for a PCS site in order to provide coverage in Oceanside. Wireless communication technology provides vital communications in "911" and other

emergency situations. These services have become established and accepted as an integral part of the nation's communications infrastructure and promote the public health, safety, comfort and general welfare. The facility meets all applicable health and safety standards as noted within. Facilities of the sort operated by Sprint PCS have become commonplace in all manner of urban and suburban locales in Oceanside, with no demonstrated impairment of nearby property uses or development. There is no proposed change in height or appearance of the existing facility.

Conclusion:

Sprint PCS requests the approval of a conditional use permit to replace the expired permit previously issued for this installation. All conditions previously imposed on Sprint PCS have been adhered to, and Sprint requests that those same conditions be included in the current CUP.

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Planning Department

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PLANNING COMMISSION
RESOLUTION NO. 2001-P49

A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF OCEANSIDE,
CALIFORNIA APPROVING A CONDITIONAL
USE PERMIT ON CERTAIN REAL PROPERTY
IN THE CITY OF OCEANSIDE

APPLICATION NO: C-7-01
APPLICANT: Sprint PCS
LOCATION: 428 Sleeping Indian Road

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms
prescribed by the Commission requesting a Conditional Use Permit under the provisions of
Articles 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

an unmanned telecommunication facility designed to replicate a palm tree located on an
agricultural property;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 17th
day of December, 2001 conduct a duly advertised public hearing as prescribed by law to consider
said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
Guidelines thereto; the Planning Commission finds that the Variance is exempt from the
requirements of the California Environmental Quality Act;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

WHEREAS, studies and investigations made by this Commission and in its behalf reveal
the following facts:

1 **FINDINGS:**

2 **For the Conditional Use Permit:**

- 3 1. From the near and distant view perspectives, topographical variation and landscaping
4 surround the communication facility site, which is located within a relatively remote and
5 rural area. These physical features effectively mitigate view impacts from the primary
6 view corridors. The communication facility is designed to replicate the appearance of a
7 palm tree, which effectively supplements the project's visual mitigation and renders the
8 facility to be visually conforming to the surrounding landforms. As such, the project site is
9 consistent with the objectives of the effective zoning regulations.
- 10 2. The proposed location and operation of the communication facility, under the applied land
11 use conditions, are consistent with the effective land use policies and would not be
12 detrimental the public health or general welfare of persons residing or working in the area.
- 13 3. The approved project is conditioned to comply with specific requirements pertaining to its
14 appearance and maintenance of its visual mitigation for sustained conformation with the
15 surrounding landforms.

16 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
17 approve Conditional Use Permit (C-7-01) subject to the following conditions:

18 **Building:**

- 19 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
20 Building Department plan check.
- 21 2. The granting of approval under this action shall in no way relieve the applicant from
22 compliance with all State and local building codes.
- 23 3. Site development, parking, access into buildings and building interiors shall comply with
24 Part 2, Title 24, CCR (Disabled Access - Nonresidential buildings - D.S.A.).
- 25 4. Application for Building Permit will not be accepted for this project until plans indicate
26 that they have been prepared by a licensed design professional (Architect and Engineer).
27 The design professional's name, address, phone number; State license number and
28 expiration date shall be printed in the title block of the plans.

29 **Engineering:**

5. Design and construction of all improvements shall be in accordance with standard plans,
specifications of the City of Oceanside and subject to approval by the City Engineer.

1 6. The developer shall monitor, supervise and control all construction and construction-
2 supportive activities, so as to prevent these activities from causing a public nuisance,
3 including but not limited to, insuring strict adherence to the following:

4 a) Removal of dirt, debris and other construction material deposited on any public
5 street no later than the end of each working day.

6 b) All building and construction operations, activities and deliveries shall be restricted
7 to Monday through Friday, from 7:00 a.m. to 6:00 p.m., unless otherwise extended
8 by the City.

9 c) The construction site shall accommodate the parking of all motor vehicles used by
10 persons working at or providing deliveries to the site.

11 7. Violation of any condition, restriction or prohibition set forth in this resolution shall
12 subject the development plan to further review by the Planning Commission. This review
13 may include revocation of the development plan, imposition of additional conditions and
14 any other remedial action authorized by law.

15 Fire:

16 8. Plans shall be reviewed and approved by the Fire Prevention Bureau prior to the issuance
17 of building permits.

18 Planning:

19 9. This Conditional Use Permit is granted for the following use only: a communication
20 facility approximately 35 feet in overall height and consisting of nine (9) directional panel
21 antennas and ancillary ground equipment located within a barn addition. The approved
22 facility is designed to replicate the appearance of a California Fan Palm tree in accordance
23 with the approved plans. Any change in the use or expansion of the activities beyond that
24 which is approved by the Planning Commission will require a revision to the Conditional
25 Use Permit or a new Conditional Use Permit.

26 10. This Conditional Use Permit shall be called for review by the Planning Commission if
27 complaints are filed and verified as valid by the Planning Director or the Code
28 Enforcement Officer concerning the violation of any of the approved conditions or the
29 project assumptions demonstrated under the application approval.

11. This Conditional Use Permit shall expire on December 17, 2003 unless implemented as
required by the Zoning Ordinance.

- 1 12. The Conditional Use Permit shall be limited to a term of 5 years. However, the CUP may
2 be revised or (changed) renewed in accordance with the provisions of the Zoning
3 Ordinance. The application for CUP revision shall also be evaluated against the existing
4 land use policies and any site area and neighborhood changes.
- 5 13. Prior to the transfer of ownership and/or operation of the use, the owner shall provide a
6 written copy of the application, staff report, and resolution for the project to the new owner
7 and or operator. The notification requirement shall run with the life of the project.
- 8 14. Failure to meet any conditions of approval for this development shall constitute a violation
9 of the Conditional Use Permit.
- 10 15. Unless expressly waived, all current zoning standards and City ordinances and policies in
11 effect at the time building permits are issued are required to be met by this project. The
12 approval of this project constitutes the applicant's agreement with all statements in the
13 project Description and Justification and other materials and information submitted with
14 this application, unless specifically waived by an adopted condition of approval.
- 15 16. A covenant or other recordable document approved by the City Attorney shall be prepared
16 by the applicant and recorded prior to the issuance of building permits. The covenant shall
17 provide that the property is subject to this Resolution, and shall generally list the conditions
18 of approval.
- 19 17. This project is subject to the provisions of Chapter 20 of the City Code (Section 20.25 et
20 seq.) pertaining to obligations for the removal of graffiti at the approved facility.
- 21 18. Upon one year of facility operation, and upon any change-out of facility equipment, the
22 permittee(s) shall provide to the Planning Director a statement of radio-frequency radiation
23 output and output compliance with the limitations of governing licensing authorities.
- 24 19. The permittee(s) shall exercise a good-faith effort to incorporate the best available
25 equipment technology to effect a reduction in the visual presence of the approved antenna
26 and facility equipment. The change-out and retrofit of equipment shall be conducted by
27 the permittee(s) after such equipment becomes available and exhibits common use at
28 similar facilities. Upon the City's request and discretion, the permittee(s) shall be required
29 to provide an independently prepared technical analysis demonstrating compliance with
this condition. The permittee(s) inability to demonstrate the use of current technologies
may be grounds for the revocation of the CUP.

- 1 20. The permittee(s) shall exercise a good-faith effort to cooperate with other communication
2 providers and services in the operation of a co-user facility, provided such shared usage
3 does not impair the operation of the approved facility. Upon the City's request and
4 discretion, the permittee(s) shall provide an independently prepared technical analysis to
5 substantiate the existence of any practical technical prohibitions against the operation of a
6 co-use facility. The permittee(s)' non-compliance with this requirement may be grounds
7 for the revocation of the CUP.
- 8 21. The approved communication facility shall be subject to, and governed by, any and all
9 licensing authority by any governmental agency having jurisdiction. The City's local
10 approval of a communication facility shall not exempt the permittee(s) from any such pre-
11 emptive regulations.
- 12 22. The final design, aesthetic devices, and construction of the facility shall be in accordance
13 with the plans and photo-simulations representing the approved project and shall generally
14 replicate and maintain the appearance of a California Fan Palm tree. In addition, the final
15 construction plans shall demonstrate consistency with the plans and other exhibit materials
16 approved by the Planning Commission. These requirements shall be shown and
17 demonstrated on the plans submitted for building permits and shall be reviewed and
18 approved by the Planning Director prior to the issuance of building permits.
- 19 23. The entire outdoor facility on the east side of the property shall be screened from view as to
20 the following:
- 21 a) The 484 square foot equipment area will be enclosed within an addition to the
22 existing barn.
- 23 b) A minimum of nine (9) 30 foot BTH (Brown Trunk Height) sized California Fan
24 Palm trees shall be installed along the existing driveway and at the existing non-
25 landscaped points along that area.
- 26 24. A plan for supplemental tree installation and irrigation shall be prepared by a qualified
27 professional and shall be reviewed and approved by the City Engineer and the Planning
28 Direction prior to installation. An improvement bond against the site improvements shall
29 not be required. Payment for the City Engineer's "courtesy plan check and inspection" for
the trees and irrigation shall be required in accordance with the effective fee schedule for

1 those services. In addition, final building inspection shall be contingent upon the
2 completion of these site improvements.

3 25. The replicated palm tree antenna tower shall incorporate specific applications to replicate
4 the appearance of an actual palm tree "trunk". Such applications may include cladding,
5 texturing, coloration, etc. The trunk replication shall extend to the existing grade. The
6 final design, extent, and method of trunk replication shall be to the satisfaction of the
7 Planning Director and shall be approved by the Planning Director prior the issuance of a
8 building permit.

9 26. The replicated palm tree fronds and foliage shall extend beyond the antenna arrays to the
10 furthest extent possible and the antenna arrays shall be painted green to match the foliage.

11 27. Any apparent inconsistency resulting from the construction of the approved facility shall be
12 a basis for a call for the review of the CUP.

13 28. The existing and new supplemental trees surrounding the facility shall be maintained in
14 perpetuity as visual mitigation for the life of the approved facility. These trees shall be
15 maintained in at least their existing number and allowed to reach full mature heights,
16 provided such mature growth does not unduly inhibit the operation of the approved facility.
17 The permittee and any successors shall ultimately be responsible for the maintenance of
18 such visual mitigation.

19 29. Any lack of maintenance of visual mitigation and facility depicted and represented within
20 the application materials shall be a basis for a call for review of the CUP.

21 30. Upon termination of the approved facility use, the permittee shall be responsible to remove
22 the entire facility from the premises.

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1 Water Utilities:

2 31. The developer shall be responsible for developing all water and sewer facilities necessary
3 to this property. Any relocation of water or sewer lines is the responsibility of the
4 developer.

5 PASSED and ADOPTED Resolution No. 2001-P49 on December 17, 2001 by the
6 following vote, to wit:

7 AYES: Barrante, Bockman, Schaffer, Parker, Hartley and Miller

8 NAYS: None

9 ABSENT: Chadwick

10 ABSTAIN: None
11
12
13
14

15 
George Barrante, Chairman
Oceanside Planning Commission

16
17
18 ATTEST:

19 
20 _____
21 Gerald S. Gilbert, Secretary

22 I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that
23 this is a true and correct copy of Resolution No. 2001-P49.

24 Dated: _____ December 17, 2001
25
26
27
28
29

Ethelyn Linville and the City of Oceanside, recorded 04/29/1970 as Document No. 1970-73601, San Diego County Records.

Subject to an Easement for Public Highway by and between Edwin R. Fischer, Irma Fischer and the City of Oceanside, recorded 04/29/1970 as Document No. 1970-7360 San Diego County Records.

Subject to Resolution No. 70-81, recorded 06/18/1970 as Document No. 1970-106251 San Diego County Records.

Subject to Resolution No. 71-203, recorded 11/18/1971 as Document No. 1971-26933 San Diego County Records.

Subject to a Right of Way by and between Edwin Richard Fischer, Jr., Irma Joseph Fischer and San Diego Gas & Electric Company, recorded 12/03/1974 as Document No 1974-315675, San Diego County Records.

Subject to Easement(s) as set forth in Grant Deed by and between Edwin Richard Fischer, Jr., Irma Josephine Fischer and The First American Financial Corporation recorded 01/18/1990 as Document No. 1990-031292, San Diego County Records.

Subject to an Easement Grant Deed by and between Edwin Richard Fischer, Jr., Irma Josephine Fischer, Ock Hou, Jung Nam Hous, Yoon Hou and Yange Yo Hou, recorded 04/09/1991 as Document No. 1991-0159656, San Diego County Records.

Subject to an Easement by and between Fischer Family Partnership, Donald Elsworth Fischer, Trustee, and San Diego Gas & Electric Company, recorded 07/09/1993 as Document No. 1993-0441870, San Diego County Records.

Subject to a Right of Way as set forth in Grant Deed by and between Fischer Family Partnership and the City of Oceanside, recorded 02/20/1997 as Document No. 1997-0075074, San Diego County Records.

Subject to a Grant of Easement by and between Fischer Family Partnership and Pacific Bell, recorded 03/16/1998 as Document No. 1998-0140692, San Diego County Records.

Legal Description

The real property in the City of Oceanside, County of San Diego, State of California:

That portion of the Southeast Quarter of Section 35, Township 10 South, Range 4 West, San Bernardino Meridian, in the City of Oceanside, County of San Diego, State of California, according to Official Plat thereof, described as follows:

Commencing at the East Quarter corner of said Section 35; thence along the Northerly line of the Southeast Quarter of said Section 35, South 89°51'56" West, 298.55 feet to the Northwesterly corner of land described in deed to Charles R. Linville, et ux, recorded December 26, 1950 in Book 3909, Page 224, of Official Records; thence along the Northwesterly and Westerly boundary of said Linville's Land as follows: South 20°25'15" West, 320.20 feet; and South 07°51'25" West, 261.16 feet to the True Point of Beginning; thence at right angles South 81°08'35" East, 30.00 feet to the Southwesterly corner of land described in deed to Bert E. Hoy, et ux, recorded June 29, 1973 as File No. 73-179520, of Official Records; thence along the Southerly line of said Hot's Land North 89°47'34" East, 418.28 feet to the Easterly line of said Section 35; thence along said Easterly line South 00°12'26" East, 250.00 feet; thence South 89°47'34" West, 456.30 feet to a point on the arc of a 1030.00 foot radius curve, concave Westerly, a radial line of said curve bears South 78°05'14" East to said point; and being also a point on the Easterly boundary of that 30.00 foot easement for public highway (known as Hermosa Drive) as conveyed to the City of Oceanside by instrument recorded April 29, 1970 as File No. 73601, of Official Records; thence along said radial line North 78°05'14" West to an intersection with a line which bears South 07°51'25" West

from the True Point of Beginning; being a point on the Westerly boundary of said Linville's Land; thence along the Westerly boundary of said Linville's Land North 07°51'25" East to the True Point of Beginning.



NOTICE OF EXEMPTION

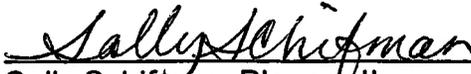
City of Oceanside, California

Post Date: 01/15/2008
Removal: 07/15/2008
(180 days)

1. **APPLICANT:** Sprint
2. **ADDRESS:** 6391 Sprint Parkway, Overland Park, KS 66251
3. **PHONE NUMBER:** (310) 692-0689
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Sprint @ 428 Sleeping Indian Road (C-15-07)
7. **DESCRIPTION:** To obtain a Conditional Use Permit for the continued operation and maintenance of an unmanned, wireless communication facility with 9 antennas mounted and hidden from view on a 35-foot monopalm.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing Facility (Section 15301); or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , <name> (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Sally Schifman, Planner II

Date: January 14, 2007

cc: Project file Counter file Library
Posting: County Clerk \$50.00 Admin. Fee