

AGENDA NO. 7

PLANNING COMMISSION



CITY OF OCEANSIDE

DATE: October 26, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-32-06) FOR AN EXISTING STAND-ALONE TELECOMMUNICATIONS FACILITY AND THE ADDITION OF 1 MICROWAVE DISH LOCATED AT 695 BENET HILL ROAD WITHIN THE AIRPORT NEIGHBORHOOD – VERIZON @ PRINCE OF PEACE ABBEY – APPLICANT: VERIZON WIRELESS**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of an Article 19, Section 15301.Existing Facilities, Class 1 (b), Categorical Exemption; and,
- (2) Adopt Planning Commission Resolution No. 2009-P46 approving Conditional Use Permit C-32-06 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is designated Private Institutional (PI) on the Land Use Map and Public Semi-Public (PS) on the Zoning map. The existing site is located in the northeastern portion of the Prince of Peace Abbey (hereinafter "Abbey"), which is approximately 120-acres in total area. The existing facility has been operating for the last 16 years (C-9-93 Revision, C-23-94, V-3-95) with the last approval for a five year period ending April 23, 2006 (Planning Commission Resolution No. 2001-P14). The site is on a plateau adjacent to the United States Marine Corps Base (MCB) Camp Pendleton property line and is remote from any other significant developments within the City. The only significant land use in the immediate area besides the Abbey is the MCB Camp Pendleton housing area, and the facility is set back over 40 feet to the property line. This area of the Abbey property houses multiple telecommunication facilities due to its ideal height and location. The California Brisas and Mar Lado Highlands residential single-family subdivisions are located approximately one mile to the south and east of the proposed facility. The project site is elevated approximately 250 feet above State Route 76 and one mile north of it across the San Luis Rey River.

Surrounding zoning includes Open Space to the west, a Residential Estate-B District to the east (already developed and buffered from the site by dedicated open space along its western edge), General Industrial and Open Space to the south (including the San Luis Rey River and SR-76), and Marine Corps Base Camp Pendleton to the North.

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

Conditional Use Permit C-32-06 represents a request for the following:

- (a) The continued operation of an existing 80-foot high monopole tower hub facility with 30 antennas, varying in size from one-foot to four feet high, 10 antennas, ranging from two feet to ten feet in diameter, an equipment building for radio equipment and an emergency generator. One additional four-foot diameter microwave dish is being proposed to link additional telephone service to the Bonsall area; the dish antenna is on the northeast side of the pole with the centerline of the dish antenna at a height of 52-feet. Existing landscaping in and around the area of the proposed monopole, equipment building and generator have been established from previous approvals as fulfillment of prior conditions of approval; additional landscaping is proposed (trees and shrubs) as shown in the conceptual landscape plan to supplement the existing.

All associated radio equipment is contained within an existing 14'x26'x14' concrete block equipment building with a concrete tile roof. The equipment building is located immediately west and adjacent to the existing monopole tower within an eight-foot high chain link fence. All equipment is contained within concrete block construction, including the emergency generator, to maximize self-protection of the equipment in case of fire.

The existing tower site has provided network coverage to the roadways and homes located in this portion of San Diego County for the last 15 years. The facility interfaces with neighboring sites to provide high quality, consistent network operations to Verizon customers and emergency personnel. In addition, the facility serves as a microwave hub to link adjoining sites on Camp Pendleton to the public telephone service available throughout the service area.

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
4. CEQA

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Private Institutional (PI). 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.

The existing facility and proposed additional dish are sited in an ideal location for a "hub facility" because of its location and elevation. The Abbey site is used by multiple providers due to this fact. It is located to the north of the main Abbey activity areas, and is a significant distance away from existing residential development east and south of the site, which significantly reduces potential visual impact to a less than significant level. No new pole height is proposed.

In addition, there was existing base housing prior to the installation of all of the cell towers in this location of the Abbey property, with no complaints of impact. The original base housing was recently razed and brand new housing units were built in their place. The new housing was constructed with the knowledge of the existing towers and no letters of concern have been received on this application.

Policies:

- A. The City shall encourage planning for the future communication system needs of individual land developments or uses and the City in general.

The continued operation of this hub facility, and the expanded service proposed for the Bonsall area, will insure that needed telecommunication services in Oceanside and the north county will continue to be met.

- B. Communication facilities shall be required to conform visually to surrounding land uses and/or natural features.

The existing facility and the proposed addition are located within a cluster of other telecommunication facilities and are similar to those in terms of scale and appearance. They are not identical, but, they are similar in scale, thus creating no increased visual impact to the surrounding properties. The original grant of

permit for the existing tower was for the height of 80 feet and the circumstances surrounding the site today remain relatively the same and no change is warranted.

- C. The City shall require the consolidation and joint-use of communication facilities and structures whenever possible.

The site is a key link in the Verizon network and serves several north San Diego communities including Oceanside, Camp Pendleton, San Marcos, Vista, Fallbrook and Bonsall. In addition other service providers have been afforded spots in this ideal location thereby limiting impacts to the surrounding areas.

2. Zoning Ordinance Compliance

Article 30, Section 3025

Section 3025 D. of the Oceanside Zoning Ordinance specifies that a communication facility use may be installed and operated within any zoning district subject to applicable categorical standards and processes.

This is an existing hub facility and a key link in the Verizon network for the Oceanside Community and others in north San Diego County including Camp Pendleton. The facility and the addition comply with the objectives of the Zoning Ordinance and will not have a negative impact on the environment, or development in the area, or future communication facility land uses, or other land uses. Additional landscaping in the form of trees and shrubs will be added around the existing structure to provide additional screening beyond what is currently on-site. One new noise mitigation measure will be employed to reduce the effective noise level at the northern property line to ensure compliance with the City's Noise Ordinance. The proposed microwave dish will be mounted on the existing tower.

Per section 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 existing facility and proposed addition have been designed, and have been further conditioned, to comply with relevant federal and state laws, 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 CUP for the continued operation of the existing facility and the dish addition are proposed for a 10-year limit to comply with State law, with conditions

that assure the City of Oceanside has the ability to request technology and aesthetic analyses of the site prior to ten years if they are found to be necessary. The project as proposed complies with State of California Government Code 65850.

DISCUSSION

Issue: The existing communication facility must be consistent with the other similar uses on the project site.

Recommendation: In reviewing this proposal, staff focused on the project's overall compatibility with the surrounding land uses and consistency with the provisions of the City's telecommunication policies. The City's land use policies and zoning regulations governing the location of communication facilities are intended to protect the community's aesthetic environment through the visual conformation of communication facilities with the surrounding land uses.

Staff believes the facility is sufficiently distanced away from the surrounding public views along State Route 76, and the private views of Oceanside residents, such that the existing facility presents a very minimal visual presence from those views. As discussed earlier, however, the site is adjacent to military housing on Camp Pendleton. That housing was recently reconstructed with the knowledge of the subject tower and there have been no complaints about the tower filed by residents of Camp Pendleton. Additionally, the facility and the addition are similar in height and scale to the other existing communication facilities found on the site subject. However, additional landscaping will be required to enhance the sites aesthetics. The combination of distant view perspectives, including intervening landforms, and the installation of various trees and shrubs will achieve the land use goals outlined in the City's telecommunications policies and will result in a development that remains compatible with the surrounding area.

Section 3025.D.4.F of the Zoning Ordinance 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 proposed stand alone telecommunications facility and adjacent to the equipment shelter. The new landscaping will include 24-inch box Golden Medallon trees and 15 gallon Toyon shrubs around the enclosed facility. The majority of the trees and landscaping mandated by the original conditional use permit continue to exist in good condition. These improvements will contribute to minimizing the visual impact of the communication facility.

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, subscription services, and emergency services to the public.

Issue: Public Safety

Recommendation: The service provider owning and operating the facility is Verizon Wireless, which provides public communications services throughout North County as discussed earlier. The facility provides wireless voice and data communication services for residents, businesses, visitors and emergency service providers. The existing facility also provides coverage for State Route 76 and Interstate 5. Continuity of San Diego's North County wireless services relies in part on the subject facility (and has for the last 15 years), and consequently the grant of a Conditional Use Permit to extend its use (including the one new dish) is necessary to allow for continued communication service for the general public, government entities and emergency service providers.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Article 19, Section 15301. Existing Facilities, Class 1 (b), 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 within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, the applicant and other interested parties. As of October 5, 2009 no communication opposing the request had 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 provisions of 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:

- Confirm issuance of an Article 19, Section 15301.Existing Facilities, Class 1 (b), Categorical Exemption.
- Adopt Planning Commission Resolution No. 2009-P46 approving Conditional Use Permit C-32-06 with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:



Richard Greenbauer
Senior Planner



Jerry Hittleman
City Planner

RG/vm

Attachments:

1. Planning Commission Resolution No. 2009-P46
2. Project Plan Reductions
3. Planning Documents
4. Notice of Exemption
5. Planning Commission Resolution No. 2001-P14
6. Planning Commission Resolution No. 93-P42
7. Planning Commission Resolution No. 95-P29
8. Planning Commission Resolution No. 95-P34

1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P46

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

6 APPLICATION NO: C-32-06
7 APPLICANT: Verizon
8 LOCATION: 695 Benet Hill Road

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Conditional Use Permit under the provisions of
Articles 16 & 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

13 the continued use of an existing stand-alone communication facility;
14 on certain real property described in the project description.

15 WHEREAS, the Planning Commission, after giving the required notice, did on the 26th
16 day of October, 2009, conduct a duly advertised public hearing as prescribed by law to consider
17 said application;.

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

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

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

24 FINDINGS:

25 For the Conditional Use Permit to allow for the continued use of a stand-alone communication
26 facility:

- 27 1. The proposed location and operation of the communication facility, under the applied
28 land use conditions, are consistent with the effective land use policies and will not be
29 detrimental to the public health or general welfare of persons residing or working in the

1 area and will provide for public safety through continued emergency communications
2 for North County.

3 2. The proposed location of the communication facility is adjacent to three other
4 communication facilities and when combined with the proposed landscape improvements,
5 effectively mitigates view impacts from the primary view corridors and near view
6 perspectives. The existing physical features and proposed landscaping extend acceptable
7 levels near perspective and distant perspective to the facility. As such, the project site is
8 consistent with the objectives of the effective zoning regulations.

9 3. The approved project is conditioned to comply with specific requirements pertaining to its
10 appearance and maintenance of its visual mitigation for sustained conformation with the
11 surrounding landforms. The conditions of project approval include implementations of
12 landscape improvements to further ensure for the overall visual conformation of the
13 project.

14 4. The conditional use is subject to and must comply with specific local conditions and
15 additional regulations as deemed necessary by other regulatory or permit authorities.

16 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
17 approve Conditional Use Permit (C-32-06) subject to the following conditions:

18 1. Planning Commission Resolution No. 2001-P14 is not replaced by this resolution. The
19 conditions herein augment the existing entitlements rendered by the Planning
20 Commission on April 23, 2001. If there is any inconsistency between the conditions in
21 Resolution No. 2001-P14 and any other previous conditions, this resolution's conditions
22 shall prevail.

23 **Building:**

24 2. Applicable Building Codes and Ordinances shall be based on the date of submittal for
25 Building Division plan check.

26 3. The granting of approval under this action shall in no way relieve the applicant/project
27 from compliance with all State and Local building codes.

28 4. The building plans for this project are required by State law to be prepared by a licensed
29 architect or engineer and must be in compliance with this requirement prior to submittal
for building plan review.

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
6 that is not inherently noise-producing. Examples of work not permitted on
7 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
8 producing nature. No work shall be permitted on Sundays and Federal Holidays
9 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and
10 Christmas Day) except as allowed for emergency work under the provisions of the
11 Oceanside City Code Chapter 38 (Noise Ordinance).

12 b) The construction site shall be kept reasonably free of construction debris as
13 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
14 approved solid waste containers shall be considered compliance with this
15 requirement. Small amounts of construction debris may be stored on-site in a neat,
16 safe manner for short periods of time pending disposal.

17 6. A separate/unique address will be required to facilitate utility releases. Verification that
18 the address has been properly assigned by the City's Planning Division must accompany
19 the Building Permit application.

20 7. Structural Calculations will be required at the time of plans submittal to the Building
21 Division for plan check.

22 8. Plans submitted after January 1, 2008 must meet all requirements of the recently adopted
23 2007 California Building Code.

24 **Engineering:**

25 9. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
26 and Specifications for Landscape Development (latest revision), Water Conservation
27 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
28 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
29 prior to the issuance of building permits. Landscaping shall not be installed until bonds
have been posted, fees paid, and plans signed for final approval. The following

1 landscaping requirements shall be required prior to plan approval and certificate of
2 occupancy:

- 3 a) Final landscape plans shall accurately show placement of all plant material such
4 as but not limited to trees, shrubs, and groundcovers.
- 5 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
6 and place planting locations accordingly to meet City of Oceanside requirements.
- 7 c) All required landscape areas shall be maintained by owner. The landscape areas
8 shall be maintained per City of Oceanside requirements.
- 9 d) Proposed landscape species shall be native or naturalized to fit the site and meet
10 climate changes indicative to their planting location. The selection of plant
11 material shall also be based on cultural, aesthetic, and maintenance
12 considerations. In addition proposed landscape species shall be low water users
13 as well as meet all fire department requirements.
- 14 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
15 and appropriate supplements based upon a soils report from an agricultural
16 suitability soil sample taken from the site.
- 17 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
18 from the sun, evapotranspiration and run-off. All the flower and shrub beds
19 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
20 and reduce weed growth.
- 21 g) The shrubs shall be allowed to grow in their natural forms. All landscape
22 improvements shall follow the City of Oceanside Guidelines.
- 23 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
24 surface is located within 6 feet of a trees trunk on site (private) and within 10 feet
25 of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in
26 each direction from the centerline of the trunk, for a total distance of 10 feet.
27 Root barriers shall be 24 inches in depth. Installing a root barrier around the
28 tree's root ball is unacceptable.
- 29 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
obtain planning department approval for these items in the conditions or
application stage prior to 1st submittal of working drawings.

- 1 j) For the planting and placement of trees and their distances from hardscape and
- 2 other utilities/ structures the landscape plans shall follow the City of Oceanside’s
- 3 (current) Tree Planting Distances and Spacing Standards.
- 4 k) An automatic irrigation system shall be installed to provide coverage for all
- 5 planting areas shown on the plan. Low precipitation equipment shall provide
- 6 sufficient water for plant growth with a minimum water loss due to water run-
- 7 off.
- 8 l) Irrigation systems shall use high quality, automatic control valves, controllers
- 9 and other necessary irrigation equipment. All components shall be of non-
- 10 corrosive material. All drip systems shall be adequately filtered and regulated
- 11 per the manufacturer’s recommended design parameters.
- 12 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
- 13 Water Conservation Ordinance.
- 14 n) The landscape plans shall match all plans affiliated with the project.
- 15 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
- 16 required, shall match the grading and improvement plans, comply with SWMP
- 17 Best Management Practices and meet the satisfaction of the City Engineer.
- 18 p) Existing landscaping on site not to be demolished and adjacent to the site shall be
- 19 protected in place and supplemented or replaced to meet the satisfaction of the
- 20 City Engineer.
- 21 10. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
- 22 and within any adjoining public parkways shall be permanently maintained by the owner,
- 23 his assigns or any successors-in-interest in the property. The maintenance program shall
- 24 include: a) normal care and irrigation of the landscaping b) repair and replacement of plant
- 25 materials c) irrigation systems as necessary d) general cleanup of the landscaped and open
- 26 areas e) parking lots and walkways, walls, fences, etc. Failure to maintain landscaping
- 27 shall result in the City taking all appropriate enforcement actions including but not limited
- 28 to citations. This maintenance program condition shall be recorded with a covenant as
- 29 required by this resolution.
- 11. In the event that the conceptual landscape plan (CLP) does not match the conditions of
- approval, the resolution of approval shall govern.

1 **Fire Prevention:**

- 2 12. Fire Department requirements shall be placed on plans in the notes section.
- 3 13. Cell sites are required to have a final inspection by the Fire Department.
- 4 14. A "Knox" key storage box shall be provided for all new construction. For buildings other
5 than high-rise, a minimum of three complete sets of keys shall be provided. Keys shall be
6 provided for all exterior entry doors, fire protection equipment control rooms, mechanical
7 and electrical rooms, elevator controls and equipment spaces, etc.
- 8 15. Buildings shall meet Oceanside Fire Department's current codes at the time of building
9 permit application.

10 **Planning:**

- 11 16. This Conditional Use Permit approves only the continued use of the existing stand-alone
12 communication facility for a term that shall conclude on April 23, 2016. The existing
13 stand-alone communication facility is as approved by Planning Commission Resolution
14 No. 2001-P14. No deviation from these approved plans and exhibits shall occur without
15 Development Services Department/Planning Division approval. Substantial deviations
16 shall require a revision to the Conditional Use Permit or a new Conditional Use Permit in
17 accordance with the provisions of the Zoning Ordinance. The application for a new
18 Conditional Use Permit or a revision shall also be evaluated against the existing land use
19 policies and any site area and neighborhood changes.
- 20 17. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
21 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
22 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
23 annul an approval of the City, concerning Conditional Use Permit (C-32-06). The City
24 will promptly notify the applicant of any such claim, action or proceeding against the
25 City and will cooperate fully in the defense. If the City fails to promptly notify the
26 applicant of any such claim action or proceeding or fails to cooperate fully in the
27 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
28 harmless the City.
- 29 18. A covenant or other recordable document approved by the City Attorney shall be prepared
by the applicant and recorded prior to the issuance of a business license, building permit,

1 or April 23, 2010. The covenant shall provide that the property is subject to this resolution,
2 and shall generally list the conditions of approval.

3 19. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
4 written copy of the applications, staff report and resolutions for the project to the new
5 owner and/or operator. This notification's provision shall run with the life of the project
6 and shall be recorded as a covenant on the property.

7 20. A business license shall be approved for the operation of this stand-alone communication
8 facility. An application for a business license shall be filed with the City of Oceanside
9 prior to April 23, 2010.

10 21. Upon one year of facility operation, and upon any change-out of facility equipment, the
11 permittee shall provide to the City Planner a statement of radio-frequency radiation output
12 and output compliance with the limitations of governing licensing authorities.

13 22. Failure to meet any conditions of approval for this development shall constitute a violation
14 of the Conditional Use Permit.

15 23. The permittee shall exercise a good-faith effort to cooperate with other communication
16 providers and services in the operation of a multi-user facility, provided such shared usage
17 does not impair the operation of the approved facility. Upon the City's request and
18 discretion, the permittee shall provide an independently prepared technical analysis to
19 substantiate the existence of any practical technical prohibitions against the existence of
20 any practical technical prohibitions against the operation of a multi-user facility. The
21 permittee non-compliance with this requirement may be grounds for the revocation of the
22 Conditional Use Permit.

23 24. The permittee shall exercise a good-faith effort to incorporate the best available equipment
24 technology to effect a reduction in the visual presence of the approved antennas and
25 facility equipment. The change-out and retrofit of equipment shall be conducted by the
26 permittee after such equipment becomes available and exhibits common use at similar
27 facilities. Upon the City's request and discretion, the permittee shall be required to
28 provide an independently prepared technical analysis demonstrating compliance with this
29 condition. The permittee's inability to demonstrate the use of current technologies may be
grounds for the revocation of the CUP.

- 1 25. The facility shall be inspected and a letter of clearance shall be prepared by the City
2 Planner prior to final inspection of the facility by the Building Division.
- 3 26. The Conditional Use Permit shall be called for review by the Planning Commission if
4 complaints are filed and verified as valid by the City Planner or the Code Enforcement
5 Officer concerning the violation of any of the approved conditions or the project
6 assumptions demonstrated under the application approval.
- 7 27. Failure to meet any conditions of approval for this development shall constitute a violation
8 of the Conditional Use Permit.
- 9 28. Prior to the issuance of building permits, compliance with the applicable provisions of the
10 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
11 reviewed and approved by the City Planner. These requirements, including the obligation
12 to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
13 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
14 property.
- 15 29. Appropriate building permits shall be obtained prior to the addition, change-out, or retrofit
16 of any antennas or other equipment.
- 17 30. The approved communication facility shall be subject to, and governed by, any and all
18 licensing authority by any governmental agency having jurisdiction. The City's local
19 approval of a communication facility shall not exempt the permittee from any such pre-
20 emptive regulations.
- 21 31. Unless expressly waived, all current zoning standards and City ordinances and policies in
22 effect at the time building permits are issued are required to be met by this project. The
23 approval of this project constitutes the applicant's agreement with all statements in the
24 Description and Justification and other materials and information submitted with this
25 application, unless specifically waived by an adopted condition of approval.

Water Utilities:

- 26 32. The developer will be responsible for developing all water and sewer utilities necessary to
27 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
28 the developer and shall be done by an approved licensed contractor at the developer's
29 expense.

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33. No trees, structures or building overhand shall be located within any water or wastewater utility easement.

PASSED AND ADOPTED Resolution No. 2009-P46 on October 26, 2009 by the following vote, to wit:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2009-P46.

Dated: October 26, 2009

PREPARED FOR



P.O. BOX 19707
 RIVERSIDE, CA 92504
 (951) 232-7000

APPROVALS

ARC	DATE
RE	DATE
RF	DATE
TRF	DATE
CC/MA	DATE
DPS	DATE
CC/INT	DATE

PROJECT NAME

OCEANSIDE ABBEY

835 BENET HILL ROAD
 OCEANSIDE, CA 92054
 SAN DIEGO COUNTY

DRAWING DATES

04/17/07	20 EXTERNS (04)
07/11/07	PLANNING SUBMITAL (04)
01/29/08	INTERIM WORK (04)
04/23/08	PERMITS (04)
04/23/08	CITY COMMENTS (04)

SHEET TITLE

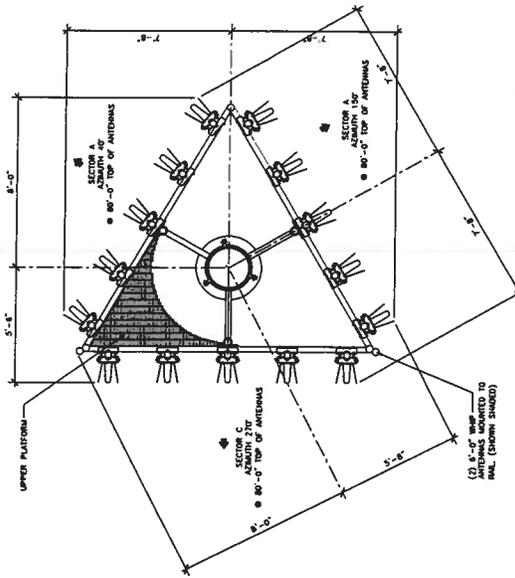
**ANTENNA
 PLANS**

PROJECT: verizon_070308_070308_11.dwg

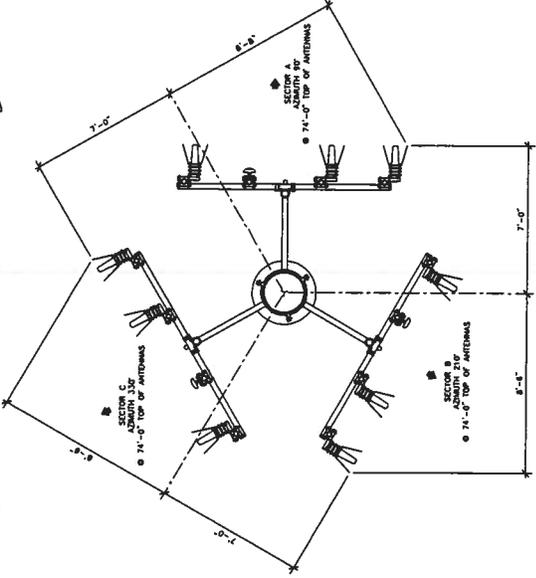
A-1.1

EXISTING ANTENNA MATRIX

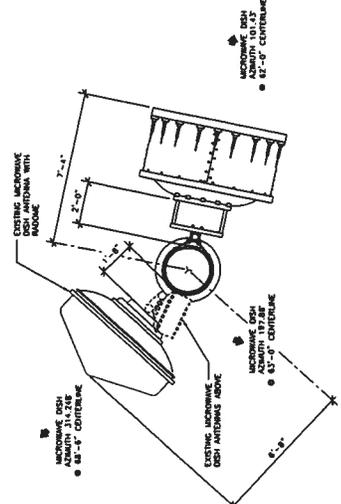
OWNER	COMMENTS	HEIGHT	QTY	ANTENNAS & MOUNTS	UM/IN	ADJACENT
VERIZON	EXISTING	80'-0" (TOP)	5	MONOPOLE CROSSARM FRAMES	N/A	40-150.270
VERIZON	EXISTING	80'-0" (TOP)	4	MONOPOLE CROSSARM FRAMES	N/A	80-210.330
VERIZON	EXISTING	83'-0" (CENTRELINE)	1	100'-0" 8'-0" DIAMETER MICROWAVE DISH ANTENNA	N/A	314.248
VERIZON	EXISTING	83'-0" (CENTRELINE)	1	100'-0" 8'-0" DIAMETER MICROWAVE DISH ANTENNA	N/A	197.88
VERIZON	EXISTING	80'-0" (TOP)	1	100'-0" 8'-0" DIAMETER MICROWAVE DISH ANTENNA	N/A	10.43
VERIZON	EXISTING	80'-0" (TOP)	1	100'-0" 8'-0" DIAMETER MICROWAVE DISH ANTENNA	N/A	345.2
VERIZON	EXISTING	80'-0" (TOP)	1	100'-0" 8'-0" DIAMETER MICROWAVE DISH ANTENNA	N/A	314.248
VERIZON	EXISTING	80'-0" (TOP)	1	100'-0" 8'-0" DIAMETER MICROWAVE DISH ANTENNA	N/A	10.43
VERIZON	PROPOSED	80'-0" (TOP)	1	100'-0" 8'-0" DIAMETER MICROWAVE DISH ANTENNA	N/A	11.845



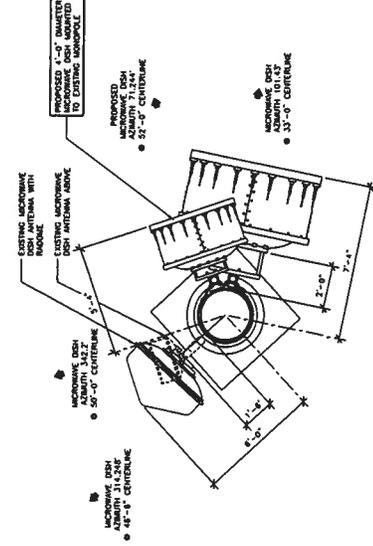
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 SCALE: 1/8" = 1'-0"



PANEL ANTENNA PLAN "C"
 SCALE: 1/8" = 1'-0"



DISH ANTENNA PLAN "B"
 SCALE: 1/8" = 1'-0"



DISH ANTENNA PLAN "A"
 SCALE: 1/8" = 1'-0"

APPROVALS

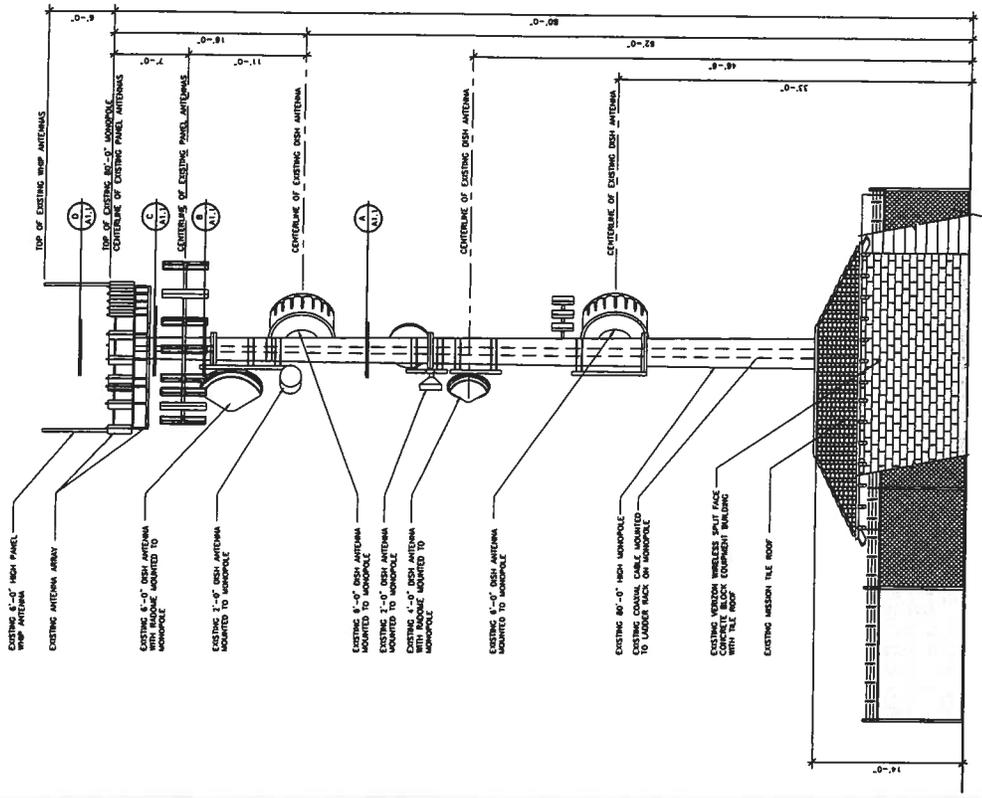
DATE	DATE

PROJECT NAME
OCEANSIDE ABBEY
 695 BENET HILL ROAD
 OCEANSIDE, CA 92054
 SAN DIEGO COUNTY

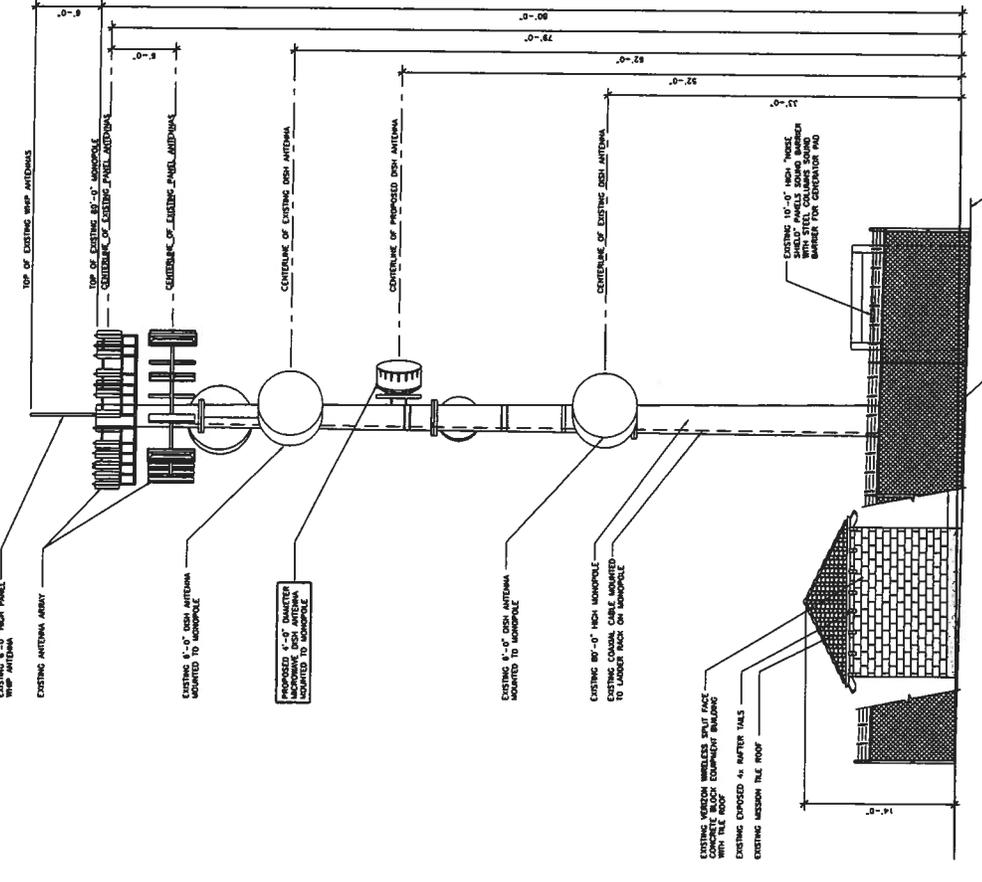
DRAWING DATES
 03/19/07
 04/11/07
 04/11/07
 07/13/07
 08/19/07
 08/19/07

SHEET TITLE
EXTERIOR ELEVATIONS

PROJECT: VERIZON WIRELESS/070322-93-03



SOUTHWEST ELEVATION
 SCALE: 1/4" = 1'-0"



SOUTHEAST ELEVATION
 SCALE: 1/4" = 1'-0"

APPROVALS

A/C	DATE
R/C	DATE
S/F	DATE
D/T	DATE
E/C/N	DATE
O/P/S	DATE
E/C/W/T	DATE

PROJECT NAME
OCEANSIDE ABBEY
 695 BENET HILL ROAD
 OCEANSIDE, CA 92054
 SAN DIEGO COUNTY

DRAWING DATES

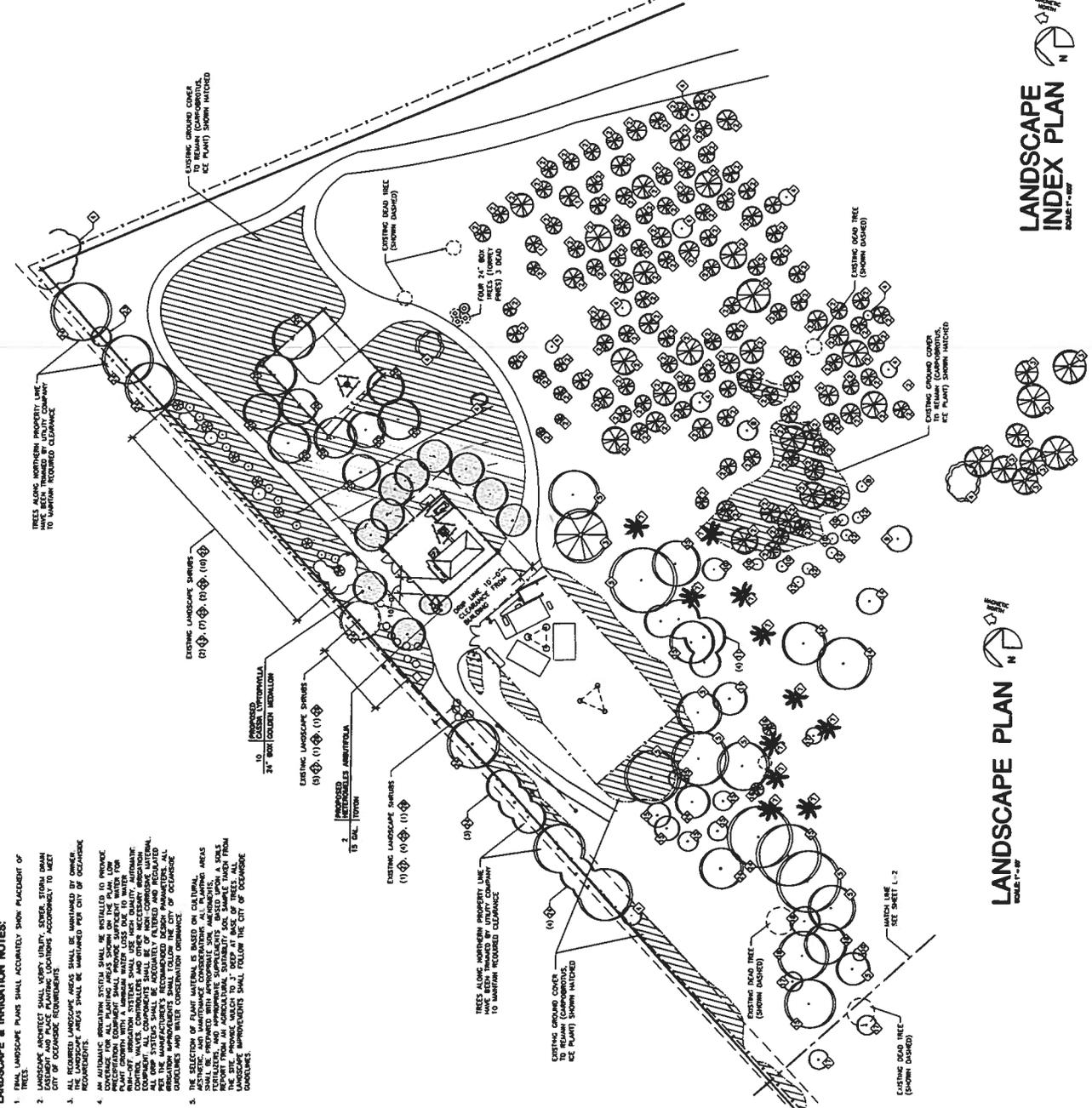
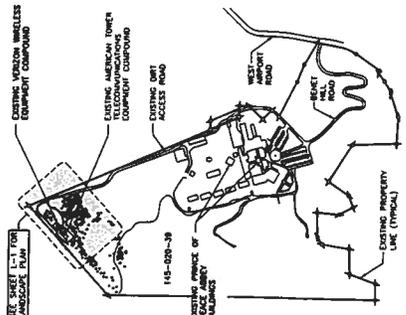
6/19/07	2D REVIEW (M)
6/20/07	2D REVIEW (M)
6/21/07	REVISED 2D (M)
6/22/07	PLANNING SUBMITTAL (M)
6/23/07	PLANNING BOARD (M)
6/24/07	LANDSCAPE REVIEW (M)

SHEET TITLE
LANDSCAPE PLAN

PROJECT: verizon wireless/irvine/071813/071813/071813.dwg

L-1

SYMBOL	DESCRIPTION	TO REMAIN	COMMON NAME
(1)	EXISTING HEIGHT 17' TO 15'	YUCCA	TOREY PINE
(2)	EXISTING HEIGHT 17' TO 15'	PRUNUS	JAPANESE BLACK PINE
(3)	EXISTING HEIGHT 17' TO 15'	PRUNUS	ALPICO PINE
(4)	EXISTING HEIGHT 17' TO 15'	PRUNUS	LANDSHADE BERRY
(5)	EXISTING HEIGHT 17' TO 15'	PRUNUS	LEONARD
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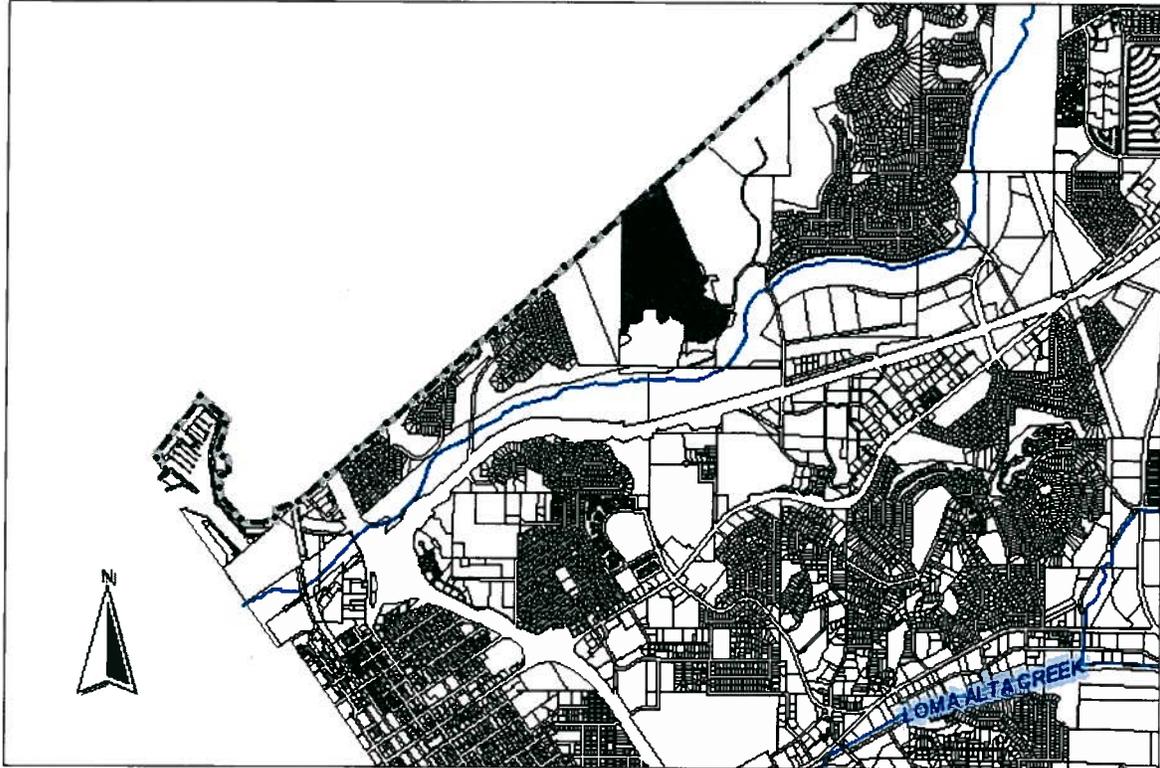


LANDSCAPE & IRRIGATION NOTES:

- FINAL LANDSCAPE PLANS SHALL ACCURATELY SHOW PLACEMENT OF TREES.
- THE LANDSCAPE SHALL SHOW THE LOCATION OF ALL TREES TO BE PLANTED AND PLACE PLANTING LOCATIONS ACCORDING TO THE CITY OF OCEANSIDE REQUIREMENTS.
- ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. REQUIREMENTS: TREES SHALL BE MAINTAINED FOR CITY OF OCEANSIDE REQUIREMENTS.
- AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE WATER TO ALL PLANTING LOCATIONS. THE SYSTEM SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTING LOCATIONS. THE SYSTEM SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTING LOCATIONS. THE SYSTEM SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTING LOCATIONS.
- THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL INFORMATION. THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL INFORMATION. THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL INFORMATION.

LANDSCAPE PLAN INDEX PLAN
 SCALE: 1" = 10'

LANDSCAPE PLAN
 SCALE: 1" = 10'



File Number: C-32-06

Applicant: Verizon Wireless

Description:

Consideration of a **CONDITIONAL USE PERMIT (C-32-06)** for the continued operation of an existing 80-foot tall stand-alone communication facility consisting of whip, panel, and microwave dish antennas and minor upgrades located at 695 Benet Hill Road. The project site is zoned PS (Public Semi-Public District) and is situated in the Airport Neighborhood. – **VERIZON-PRINCE OF PEACE ABBEY @ 695 BENET HILL 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 Public Hearing

Community Development Department / Planning Division
(760) 435-3520
Oceanside Civic Center 300 North Coast Highway
Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED	BY

Please Print or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT <i>Verizon Wireless</i>	2. STATUS
3. ADDRESS <i>15505 Sand Canyon Irvine CA 92618</i>	4. PHONE/FAX/E-mail <i>949-286-8735</i>
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Ted Marioncelli - Plan Com, Inc</i>	
6. ADDRESS <i>302 State Place Escondido, CA 92029</i>	7. PHONE/FAX/E-mail <i>760-807-1850 760-735-4913 fax</i>

HEARING
GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P. <i>C-32-06</i>
VARIANCE
COASTAL
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION <i>695 Benet Hill Road</i>	10. GENERAL PLAN	11. ZONING <i>PS</i>	12. LAND USE <i>cell site</i>
---	------------------	-------------------------	----------------------------------

9. SIZE <i>2500 S.F.</i>	13. ASSESSOR'S PARCEL NUMBER <i>145-020-38</i>
-----------------------------	---

PART III - PROJECT DESCRIPTION *REV-4/28/09*

14. GENERAL PROJECT DESCRIPTION <i>Renewal of CUP C-32-06 for existing cell site. Previous CUP # C-9-93</i>
--

15. PROPOSED GENERAL PLAN <i>no change</i>	16. PROPOSED ZONING <i>no change</i>	17. PROPOSED LAND USE <i>no change</i>	18. NO. UNITS <i>n/a</i>	19. DENSITY <i>n/a</i>
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE or FAR	

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	26. TITLE REPORT
27. NOTIFICATION MAP & LABELS	28. ENVIRONMENTAL INFO FORM	29. PLOT PLANS
30. FLOOR PLANS AND ELEVATIONS	31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): <i>Ted Marioncelli</i>	34. DATE	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).
Sign: <i>Ted Marioncelli</i>	35. OWNER (Print) <i>PRINCE OF PEACE ABBEY</i>	

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign: *Off. Per. Charles W. Wright - PRESIDENT*

Received

APR 28 2009

Verizon / 695 Benet Hill Rd

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 JUL 31 2006 JULY 30, 06	BY JLL
Please Print or Type All Information				HEARING	
PART I - APPLICANT INFORMATION					
1. APPLICANT Verizon Wireless		2. STATUS Developer		GPA	
3. ADDRESS 15505 Sand Canyon Ave		4. PHONE/FAX 949 286-8713		MASTER/SP.PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Dave de Lorm, The Planning Consortium, Agent for VZW				ZONE CH.	
6. ADDRESS 627 N. Main Street, Orange, CA 92868		7. PHONE/FAX 714 769-2503		TENT. MAP	
				PAR. MAP	
				DEV. PL.	
				C.U.P.	C-3206
				VARIANCE	
				COASTAL	
				O.H.P.A.C.	
PART II - PROPERTY DESCRIPTION					
8. LOCATION 695 Benet Hill Road, Oceanside, CA 92054				9. SIZE 89.68 ac	
10. GENERAL PLAN	11. ZONING PS	12. LAND USE Religious Monastery	13. ASSESSOR'S PARCEL NUMBER 145-020-3946 JLL 145-0038		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION To renew Conditional Use Permit C-9-93 Revision, for an existing communications facility consisting of a 80' tall mono-pole communications tower, cellular antennas and ancillary base equipment room.					
15. PROPOSED GENERAL PLAN N/A	16. PROPOSED ZONING N/A	17. PROPOSED LAND USE N/A	18. NO. UNITS N/A	19. DENSITY N/A	
20. BUILDING SIZE N/A	21. PARKING SPACES N/A	22. % LANDSCAPE N/A	23. % LOT COVERAGE N/A		
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"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS
			<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 31. CONSTRUCTION SCHEDULE	
			<input checked="" type="checkbox"/> 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): Dave de Lorm, TPC		34. DATE 5/3/06	37. OWNER (Print) C(REV) CHARLES WRIGHT		38. DATE 5/5/06
Sign: <i>Dave de Lorm</i>		Sign: <i>(Rev) Charles Wright</i>			
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print): Verizon Wireless		36. DATE 5/11/06	39. OWNER Print: (VERY REV) GARY D EWEN		40. DATE 7/13/06
Sign: <i>Dave de Lorm</i>		Sign: <i>(Rev) Gary D. Ewen</i>			



PROJECT DESCRIPTION & JUSTIFICATION

Verizon Wireless Facility
Oceanside Abbey
695 Benet Hill Road
Oceanside, CA 92054

Prepared for:

City of Oceanside
Department of Planning
300 North Coast Highway
Oceanside, CA 92056

Prepared by:

PlanCom, Inc.
Contractor Representatives for
Verizon Wireless
302 State Place
Escondido, CA 92029

Contact: Ted Marioncelli, Planning Consultant
(760) 807-1850

April 14, 2009

Received Received
APR 28 2009 APR 27 2009
Planning Division Planning Division



PROJECT DESCRIPTION/HEIGHT JUSTIFICATION

Verizon Wireless (VZW) is proposing to operate and maintain an existing 80 foot high monopole tower with 30 antennas, varying in size from one foot to four feet high, 10 antennas, ranging from two feet to 10 feet in diameter, an equipment building for radio equipment and an emergency generator. One additional 4-foot diameter microwave dish is being proposed to link additional telephone service to the Bonsall area; the dish antenna is on the northeast side of the pole with the centerline of the dish antenna at a height of 52-feet. Existing landscaping in and around the area of the proposed monopole, equipment building and generator have been established from previous approvals as fulfillment of prior conditions of approval; additional landscaping is proposed as shown in the landscape plan, Sheets L-1 and L-2 of the proposed plans. Views of the facility are from distant locations or adjacent properties far removed from the immediate vicinity. As-built photos are provided with the application for review.

All associated radio equipment is contained within an existing 14'x26'x14' concrete block equipment building with a concrete tile roof. The equipment building is located immediately west and adjacent to the existing monopole tower within an eight-foot high chain link fence. All equipment is contained within concrete block construction, including the emergency generator, to maximize self-protection of the equipment in case of fire. The specific location and design of the proposed facility is illustrated in further detail on the site plan and elevation drawings.

PROJECT/HEIGHT JUSTIFICATION

Verizon Wireless is a public utility, licensed and regulated by the Federal Communications Commission (FCC) and informally by the California Public Utilities Commission (CPUC), and authorized to develop and operate a new wireless, digital PCS and CDMA networks, respectively, throughout California and the United States. VZW engineers responsible for the overall design and operation of the PCS and CDMA networks want to ensure that network coverage is available throughout the County of San Diego. The site location is essential to meeting the networks' current capacity and coverage needs in this area. The existing tower site has provided network coverage to the roadways and homes located in this portion of the County of San Diego for the last 15 years. The facility interfaces with neighboring sites to provide high quality, consistent network operations to VZW customers. In addition, the facility serves as a microwave hub to link adjoining sites on Camp Pendleton to the public telephone service available throughout the service area.



The height limitation for structures in the PS district zone (public and semi-public) is determined by the use permit. The original grant of permit for the existing Verizon tower was for the height of 80 feet. The existing 80-foot height is in character with neighboring and existing communication towers at the site, thus creating no increased visual impact to the surrounding properties.

SITE CHARACTERISTICS

The underlying land use designation of the site is PS, public and semi-public district, which allows communication towers with the granting of a use permit. The existing land use is the Prince of Peace Abbey owned by the Benedictine monks, a member of the Benedictine Swiss-American Federation, an order of the Catholic Church. Much of the existing property is dedicated to meditation and prayer of the brothers in residence. The abbey hosts numerous retreats throughout the year. Daily and weekend masses are offered in the Abbey Church. Facilities include the Abbey Church, residences for the monks, retreat facilities for guests, including a retreat house cafeteria and chapel. Maintenance buildings for the facilities and grounds of the abbey are on the north side of the complex.

The surrounding land uses are as follows:

North:	Camp Pendleton (residential)
South:	Vacant (landscaped area)
East:	Vacant
West:	Vacant

OPERATION & MAINTENANCE

The existing communications facility provides 24-hour service to its users seven (7) days a week. A VZW technician services the facility on an as-needed basis. Generally, this is likely to occur once per month during normal working hours, although a computer may handle much of the operational adjustments remotely. A VZW technician in a service van or pickup truck-size vehicle performs the routine maintenance operation. Beyond this routine maintenance service, VZW typically requires 24-hour access to the facility to ensure that technical support is immediately available if and when warranted during an emergency.



LANDSCAPING

Extensive landscaping exists in the area north and south of the equipment building and monopole; 10 additional trees will be planted to screen the equipment enclosure. The concept landscape plan is shown in more detail on Sheet L-1 of the plan drawings.

HAZARDOUS MATERIALS

Sealed lead acid batteries are used for short-term back-up power in the event of a power failure on most Verizon facilities. The batteries are often referred to as "gel cell" type batteries. Specifications for the batteries are provided as an attachment to this application.

LEASE AREA

The lease area is shown on the plot plan drawings.

ALTERNATE DESIGNS AND MASTER PLAN APPROACH

Verizon has operated the 80-foot high monopole in this location for 15 years. Alternate designs, including the replacement of the monopole with a faux tree design, was considered but rejected based on the extraordinary cost of replacement. The tower facility is primarily a microwave hub for Verizon, providing telecommunication linkages to sites in North San Diego County serving Camp Pendleton, Oceanside, San Marcos, Vista and Fallbrook. Verizon provides coverage from the facility for its array of services which include wireless telephone, internet, messaging and video transmission.

OPERATIONAL FREQUENCY CRITERIA

The FCC has allocated a portion of the radio spectrum to VZW for the provision of PCS and CDMA. The proposed communications facility will transmit at a frequency range of between 805 MHz and 1950 MHz. The power required to operate the facility typically does not exceed 200 watts per channel. By design, the VZW facility is a low-power system. Depending upon characteristics of the site, the actual power requirements may be reduced. When operational, the transmitted signals from the site will consist of non-ionizing waves generated at less than one (1) microwatt per square centimeter, which is significantly lower than the Federal Communications Commission (FCC) standard for continuous public exposure of 900 microwatts per square centimeter. The proposed communications facility will operate in full compliance with the standards for radio frequency emissions as adopted by the FCC. An RF safety report prepared by Dr. Jerrold Bushberg is included with the application.



PLANNING/ZONING CONSISTENCY

The location, size, design, and operating characteristics of the proposed communications facility will not create unusual noise, traffic, or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity. The following supports this determination:

1. The equipment associated with the communication structure operates quietly or virtually noise free. A noise study is included with this application for review.
2. The equipment does not emit fumes, smoke, dust, or odors that could be considered objectionable.
3. The communications facility is unmanned and requires only periodic maintenance, which equates to approximately one vehicle trip per month.

Further, the proposed communications facility will not result in conditions or circumstances contrary to the public health, safety and welfare, in that:

1. The proposed communications facility will operate in full compliance with the U.S. standards for radio frequency emissions as adopted by the FCC.
2. The radio frequency emissions emitted by the proposed wireless communications facility will fall within the portion of the electromagnetic spectrum, which transmits non-ionizing radio waves. Non-ionizing electromagnetic emissions, at the low levels associated with this type of wireless technology, are not harmful to living cells. Among the items that result in non-ionizing electromagnetic emissions are police/fire/EMS radios, television broadcasts, CB radios, microwave ovens, and a variety of common household electronics including garage door openers and baby monitors. Conversely, items that transmit ionizing electromagnetic emissions include ultra-violet light, medical x-rays, and gamma rays.
3. Data currently available on the effects of electromagnetic transmissions on public health indicate that there is not the likelihood of negative impacts to public health and safety.

Findings for the issuance of the conditional use permit are attached for your review.

Findings for C-32-06 Verizon Oceanside Abbey, 695 Benet Hill Road (APN 145-020-38)

1. *That the proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located.*

The proposed location of the telecommunications tower is in an isolated and obscure area of the city and set back a sufficient distance from other uses in the city to mitigate any adverse effect on adjacent properties in the city of Oceanside. The location of the tower is in proximity to two existing telecommunication towers and provides mitigation for visual impacts from distant views of the facility and land use compatibility by the use of the proposed landscaping and existing landscaping, consistent with the objectives of the applicable zoning ordinance regulations. Screening of the ground mounted equipment with a concrete wall and enclosed building mitigates the visual and noise impacts from the facility.

2. *That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing in or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.*

The proposed use as a telecommunications site has been analyzed for noise impacts and found to be in compliance with the city's noise ordinance for the equipment to be utilized on site. A noise report prepared by Eilar Associates indicates no further mitigation is necessary. Visual impacts are partially mitigated by additional landscaping proposed by the project and the project is located in an isolated area of the city which is visually unobtrusive. No change to the visual landscape is proposed and no further impacts are anticipated. The proposed tower structure is visible from an off-site residential area located on Camp Pendleton; however, additional landscaping is proposed to mitigate off-site views of the facility. Distant views from the south and east are minimally intrusive to the landscape. The public health and safety effects of the installation have been analyzed by an approved radio frequency safety expert and found to be in compliance with Federal Communications Commission Guidelines and deemed to operate within the Federal guidelines for wireless telecommunication facilities.

3. *That the proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.*

The project, as conditioned, complies with the Zoning Ordinance, including Section 3025 Antennas and Microwave Equipment and Section 3021 Screening of Mechanical Equipment. The use permit will be for a life of 10 years as specified by state law (Government Code Section 65964(b)).

Received Received

APR 28 2009 APR 27 2009

Planning Division Planning Division

RECEIVED

JUL 31 2006

Planning Department

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of San Diego, described as follows:

That portion of Sections 13 and 14, in Township 11 South, Range 5 West, San Bernardino Base and Meridian, in the City of Oceanside, County of San Diego, State of California, according to United States Government Survey approved April 5, 1881, described as follows:

Commencing at the corner common to Sections 13 and 14, in said Township and Range in the Southeasterly boundary of the Rancho Santa Margarita Y Las Flores; thence along said Southeasterly boundary line of said Rancho, North $47^{\circ}27'01''$ East 158.18 feet; thence South $23^{\circ}47'59''$ East, 2008.03 feet; thence South $88^{\circ}34'59''$ East, 100.00 feet; thence South $0^{\circ}17'$ West, 85.13 feet; thence South $42^{\circ}02'30''$ West, 137.03 feet to an angle point in the boundary line of the land described in Deed to Lowell M. Rushing, et ux, recorded November 15, 1956 in Book 6344, Page 499 of Official Records; thence along the boundary line of said land, South $44^{\circ}53'10''$ West 30.00 feet; thence South $45^{\circ}06'50''$ East, 114.72 feet; thence South $41^{\circ}51'30''$ West, 83.40 feet; thence South $63^{\circ}08'$ East, 348.78 feet to the Southeasterly corner of said land; thence South $69^{\circ}24'14''$ East, 165.92 feet; thence South $60^{\circ}32'14''$ East 330.42 feet; thence South $52^{\circ}25'14''$ East 516.00 feet; thence South $50^{\circ}05'44''$ East 420.66 feet; thence North $63^{\circ}47'16''$ East, 238.29 feet to a point in the North and South center line of said Section 13; thence along said North and South center line South $0^{\circ}14'06''$ East, 583.00 feet to the South line of the North Half of the Southwest Quarter of said Section 13; thence along said South line, South $89^{\circ}57'15''$ West, 33.00 feet to a point on a line that is parallel with and distant 33.00 feet Westerly (measured at right angles) from the North and South center line of said Section 13; thence along said parallel line North $0^{\circ}14'06''$ West, 322.93 feet; thence leaving said parallel line North $89^{\circ}13'25''$ West, 1685.46 feet; thence South $54^{\circ}52'$ West 220.97 feet; thence North $2^{\circ}49'51''$ West 664.73 feet; thence North $58^{\circ}12'$ West 384.71 feet; thence South $33^{\circ}57'20''$ West 217.70 feet; thence South $68^{\circ}33'20''$ West 109.34 feet; thence North $28^{\circ}59'10''$ West 137.77 feet; thence North $3^{\circ}58'20''$ East 192.58 feet; thence South $88^{\circ}41'50''$ West 213.50 feet; thence South $56^{\circ}43'50''$ West, a distance of 76.74 feet; thence South $8^{\circ}35'$ West 243.62 feet; thence South $87^{\circ}41'50''$ West 220.87 feet; thence South $19^{\circ}05'30''$ West 242.77 feet; thence South $49^{\circ}16'10''$ East 108.15 feet; thence South $0^{\circ}29'10''$ East 52.52 feet; thence South $59^{\circ}22'20''$ West 153.02 feet; thence North $67^{\circ}49'40''$ West, 102.42 feet to a point in the North and South

Continued on next page

center line of the Northeast Quarter of the Southeast Quarter of said Section 14; thence Northerly along said center line and the Northerly prolongation thereof to a point in said Southeasterly boundary of Rancho Santa Margarita Y Las Flores; thence Northeasterly along said Southeasterly boundary of the Point of Commencement.

Excepting therefrom that portion described as follows:

Commencing at a point North $0^{\circ}11'25''$, 482.26 feet from the Southwest corner of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 14, in the Township and Range mentioned above. North $0^{\circ}11'25''$ West, 160.38 feet; thence due East, 144.67 feet; thence South $49^{\circ}16'10''$ East, 108.15 feet; thence South $0^{\circ}29'10''$ East, 52.52 feet; thence South $59^{\circ}22'20''$ West, 153.02 feet; thence North $67^{\circ}49'40''$ West, 102.42 feet to the True Point of Beginning.

Also excepting that portion of Parcel "A" in the City of Oceanside Certificate of Compliance recorded September 28, 1988 as Document No. 88-493067 of Official Records, in the North Half of the Southwest Quarter of Section 13, Township 11 South, Range 5 West, San Bernardino Meridian, in the City of Oceanside, County of San Diego, State of California, described as follows:

Beginning at a point on the North-South centerline of said Section 13, said point being South $00^{\circ}23'20''$ West (Record South $00^{\circ}14'56''$ East) 643.61 feet from the center of Section 13; thence along said North-South centerline South $00^{\circ}23'20''$ West (Record South $00^{\circ}14'56''$ East) 682.99 feet, to the South line of the North Half of the Southwest Quarter of said Section 13; thence along said South line, North $89^{\circ}23'59''$ West (Record South $89^{\circ}57'36''$ West) 33.00 feet to a point on a line that is parallel with and distant 33.00 feet Westerly of (as measured at right angles) from said North-South centerline of Section 13; thence along said parallel line, North $00^{\circ}23'20''$ East (Record North $00^{\circ}14'56''$ West) 322.93 feet; thence leaving said parallel line, North $88^{\circ}35'59''$ West (Record North $89^{\circ}14'23''$ West) 1303.74 feet to a point on the Easterly line of land described as Parcel "B" in the City of Oceanside Certificate of Compliance recorded January 20, 1988 as Document No. 88-024917 and September 28, 1988 as Document No. 88-493067, both of Official Records; thence along said Easterly line North $20^{\circ}10'11''$ West, 77.36 feet (Record North $20^{\circ}48'36''$ West 32.25 feet) to a point on the Westerly sideline of that 30 foot wide corps of Engineers Levee Road as shown on Sheets 2 and 7 of 24 Sheets in the U. S. Army Corps of Engineers San Luis Rey River Flood Control Project Drawings approved May 26, 1988, and on file with the Office of the City Engineer of Oceanside, said

Continued on next page

point being a point on a curve concave Southeasterly having a radius of 515.00 feet a radial bearing to said point bears North 83°40'18" West; thence Northerly along said curve, and the Westerly sideline of said 30 foot Levee Road, through a central angle of 27°28'41", an arc length of 249.99 feet; thence tangent to said curve North 33°48'23" East 276.27 feet to the beginning of a tangent curve concave Southeasterly having a radius of 165.00 feet; thence Northeasterly along said curve through a central angle of 42°49'07" an arc length of 123.31 feet to a point on the Westerly sideline of said 30 foot Levee Road, a radial bearing to said point bears North 13°22'30" West; thence leaving said Westerly sideline of said 30 foot Levee Road North 18°22'56" East (Record North 17°44'31" East) 236.95 feet (Record 268.33 feet) to a point in the Northeasterly line of said Parcel "A"; thence along said Northeasterly line the following four (4) courses: South 59°54'48" East (Record South 60°33'04" East) 16.20 feet; thence South 51°47'48" (Record South 52°26'04" East) 516.00 feet; thence South 49°28'18" East (Record South 50°06'34" East) 420.66 feet thence North 64°24'42" East (Record North 63°46'26" East) 238-29 feet to the point of beginning.

Also excepting that portion of Section 13 in Township 11 South, Range 5 West, San Bernardino Meridian, according to Government Survey thereof approved April 5, 1881, in the City of Oceanside, County of San Diego, State of California, being a portion of Parcels "A" and "B" of a Certificate of Compliance recorded September 28, 1988 as Document No. 88-493067 of Official Records of said County, described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Fractional Section 14, Township 11 South, Range 5 West, San Bernardino Meridian of said Government Survey; thence along the Southerly line thereof South 88°43'38" East 656.10 feet to the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 13; thence along the Southerly line thereof South 89°23'42" East 512.21 feet to the Southwest corner of said Parcel "B" of said Document No. 88-493067 of Official Records; thence along the Westerly line thereof North 13°06'53" East 512.52 feet; thence along the Northerly line thereof South 87°43'43" East 99.38 feet to a Point of Intersection with the Westerly line of said Parcel "A" of said Certificate of Compliance and True Point of Beginning; thence continuing along said Northerly line South 87°43'43" East 234.68 feet; thence North 71°40'08" East 204.38 feet to the Northeasterly corner of said parcel "B"; thence along the Prolongation of the aforementioned line North 71°40'08" East 8.88 feet; thence South 81°51'01" East 25.51 feet to the beginning of a

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non-tangent curve concave Southeasterly having a radius of 229.77 feet to which point a radial line bears North 43°57'15" West; thence northeasterly along said curve through a central Angle of 11°08'46" an arc distance 44.70 feet; thence North 57°11'31" East 60.66 feet; thence North 53°19'35" East 87.43 feet; thence South 75°20'13" East 27.33 Feet to the Westerly boundary line of Grant Deed recorded March 14, 1991 as Document No. 1991-0112451 of Official Records of said County; thence along said Westerly boundary South 33°48'33" West 24.20 feet to the beginning of a tangent curve concave Southeasterly having a radius of 515.00 feet; thence Southerly along said curve and said Westerly boundary through a central angle of 27°32'20" an arc distance 247.53 feet to the Northerly corner of 1.90 Acre Parcel of Land granted to the City of Oceanside in a Deed recorded March 3, 1991 as Document No. 1991-0103854 of Official Records; thence continuing along said curve and Northwesterly boundary of aforementioned Parcel through a central angle of 02°01'27" an arc distance of 18.19 feet; thence South 04°14'46" West 53.25 feet; thence along the Northerly line of Parcel "A" of Certificate of Compliance recorded November 7, 1986 as Document No. 86-511278 of Official Records of said County North 88°35'40" West 348.95 feet; thence South 55°29'43" West 220.97 feet to the Easterly boundary of Parcel "B" of said Document No. 86-511278 of Official Records; thence along said Easterly North 02°12'08" West 278.43 feet to the True Point of Beginning.

End of Legal Description

Continued on next page



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Verizon Wireless
2. **ADDRESS:** 15505 Sand Canyon, Irvine, CA 92618
3. **PHONE NUMBER:** 949-286-8735
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer
6. **PROJECT TITLE:** C-32-06 Verizon at 695 Benet Hill Road (POPA)
7. **DESCRIPTION:** A request for approval of a Conditional Use Permit (C-32-06) for the continued operation of a previously approved and fully operational telecommunication facility. The existing wireless telecommunication facility was originally approved under C-9-93 and is located at the Prince of Peace Abbey, 695 Benet Hill Road. The subject site is zoned PS (Public Semi-Public) and is located within the East Side Capistrano Neighborhood Planning Area.

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. Based on that review, the Environmental Coordinator finds that the proposed project is generally for an extension of the original Conditional Use Permit for the continued operation of a Telecommunication Facility and minor upgrades only. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- Per Article 19, the project is categorically exempt, in accordance with Section 15301 Existing Facilities, Class 1 (b), of both investor or publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.


Richard Greenbauer, Senior Planner

Date:

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee

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**PLANNING COMMISSION
RESOLUTION NO. 2001-P14**

**A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF OCEANSIDE,
CALIFORNIA APROVING A REVISION TO
THE CONDITIONAL USE PERMIT FOR
CERTAIN REAL PROPERTY IN THE CITY OF
OCEANSIDE**

**APPLICATION NO: C-9-93 Revision
APPLICANT: Verizon Wireless
LOCATION: 625 Benet Hill 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 Revision to a Conditional Use
Permit under the provisions of Article 41 of the Zoning Ordinance of the City of
Oceanside to permit the following:**

**a time extension to the Conditional Use Permit for a communications facility
tower, approximately 80-feet in overall height;**

**on certain real property legally described as shown on EXHIBIT "A" attached hereto
and incorporated herein by reference thereto.**

**WHEREAS, the Planning Commission, after giving the required notice, did on
the 23rd day of April, 2001 conduct a duly advertised public hearing as prescribed by
law to consider said application.**

**WHEREAS, the Planning Commission finds that the establishment of the
proposed communication facility is exempt from the requirements of environmental
review pursuant to the provisions of the California Environmental Quality Act.**

**WHEREAS, unless otherwise provided by this resolution, all impact fees shall
be calculated and collected at the time and in the manner provided in Chapter 32B of
the Oceanside City Code and the City expressly reserves the right to amend the fees
and fee calculations consistent with applicable law;**

**WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS
FURTHER GIVEN that the 90-day period to protest the imposition of any fee,
dedication, reservation, or other exaction described in this resolution begins on the
effective date of this resolution and any such protest must be in a manner that
complies with Section 66020;**

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WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from the date of 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:

For the Conditional Use Permit:

1. The proposed location of the communication facility is currently adjacent to two other communication facilities and when combined with the landscape improvements associated with Development Plan (D-3-01), effectively mitigates view impacts from the primary view corridors. The existing physical features and proposed landscaping extend acceptable levels near perspective and distant perspective visual conformation, visual impact mitigation, and land use compatibility to the facility. As such, the project is consistent with the objectives of the effective zoning regulations.
2. The proposed location and operation of the communication facility, under the applied land use conditions, are consistent with the effective land use policies and would not be detrimental the public health or general welfare of persons residing or working in the area.
3. The approved project is conditioned to comply with specific requirements pertaining to its appearance and maintenance of its visual impact mitigation for sustained conformation with the surrounding landforms.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby APPROVE of a Revision to Conditional Use Permit (C-9-93) subject to the following conditions:

The conditions of Planning Commission Resolution No. 93-P42 and 95-P34 shall remain in effect as applicable, provided the following conditions shall also apply and override in any matters pertaining to the existence and operation of the facility.

Planning:

1. This Conditional Use Permit is granted for the following use only: a time extension for the existence and operation of an existing communication facility. The existing and approved facility consists of the following equipment and features:
 - a) An 80 feet in overall height.
 - b) Thirty (30) directional cellular antennas varying in size from 1-foot to 4-foot 2 inches high.
 - c) Ten (10) 2-foot to 10-foot diameter dish antennas.
 - d) Support equipment contained within the building.
 - e) Back up emergency generator.

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

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condition. The permittee(s) inability to demonstrate the use of current technologies may be grounds for the revocation of the CUP.

12. The permittee(s) shall exercise a good-faith effort to cooperate with other communication providers and services in the operation of a co-user facility, provided such shared usage does not impair the operation of the approved facility. Upon the City's request and discretion, the permittee(s) shall provide an independently prepared technical analysis to substantiate the existence of any technical prohibitions against the operation of a co-use facility. The permittee(s)' non-compliance with this requirement may be grounds for the revocation of the CUP.

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

14. This Conditional Use Permit is subject to the conditions of visual mitigation within Development Plan (D-3-01).

15. Any apparent inconsistency in the implementation and maintenance of the approved facility shall be a basis for a call for the review of the CUP.

16. The supplemental trees associated with Development Plan (D-3-01) as visual mitigation for the facility shall be maintained in perpetuity for the life of the approved facility. These trees shall be maintained in at least their existing number and allowed to reach full mature heights, provided such mature growth does not unduly inhibit the operation of the approved facility. The property owner and any successors in property ownership shall ultimately be responsible for the maintenance of the visual mitigation for the life of the facility. Any lack of maintenance of visual mitigation depicted and represented within the application materials shall be a basis for a call for review of the CUP.

17. A noise analysis shall be prepared by a qualified professional demonstrating that the noise levels generated from the reserve power generator do not exceed 45 decibels at any time. The noise analysis shall be submitted for review and approval within 60 days of the adoption date of this resolution.

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

3 PASSED and ADOPTED Resolution No. 2001-P14 on April 23, 2001 by the
4 following vote, to wit:

5 AYES: Barrante, Chadwick, Hartley, Miller and Parker

6 NAYES: None

7 ABSENT: Akin and Schaffer

8 ABSTAIN: None

9 
10 George Barrante, Chairman

11 ATTEST:
12 
13 Gerald Gilbert, Secretary

14 I, Gerald Gilbert, Secretary of the Oceanside Planning Commission, hereby certify
15 that this is true and correct copy of Resolution No. 2001-P14.

16 Dated: April 23rd 2001
17 Gerald Gilbert, Secretary
18 OCEANSIDE PLANNING COMMISSION
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PLANNING COMMISSION
RESOLUTION NO. 93-P42

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-9-93
APPLICANT: PacTel Cellular
LOCATION: 650 Benet Hill 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 Article 41 of the
Zoning Ordinance of the City of Oceanside and a Regular Coastal
Permit to permit the following:

operation of a 80-foot tall monopole communications
tower and ancillary base equipment room

on certain real property legally described as shown on EXHIBIT
"A" attached hereto and incorporated herein by reference
thereto.

WHEREAS, the Planning Commission, after giving the required
notice, did on the 26th day of July, 1993 conduct a duly
advertised public hearing as prescribed by law to consider said
applications.

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

For the Conditional Use Permit:

1. The Zoning Ordinance specifies that microwave relay antenna
are conditionally compatible within the PS Zoning District.
2. The location of the use is consistent with the land use
policies of the General Plan. Visual buffering and noise
attenuation measures will render the use to be non-
detrimental to the surrounding land uses.
3. The use is consistent with the provisions of the Zoning
Ordinance. The use has been conditioned to provide
specific buffering and mitigation measures.

WHEREAS, the Planning Commission finds that there will not
be a significant adverse effect upon the environment from this
project, and that a Negative Declaration has been prepared in

1 accordance with the provisions of the California Environmental
2 Quality Act.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission
4 does hereby APPROVE CONDITIONAL USE PERMIT C-8-93 subject to the
5 following conditions:

5 Building:

- 6 1. Applicable Building Codes and Ordinances shall be based on
7 the date of submittal for building department plan check.
- 8 2. The granting of approval under this action shall in no way
9 relieve the applicant/project from compliance with all
10 State and local building codes.
- 11 3. All outdoor lighting shall conform with the provisions of
12 Chapter 39 of the Oceanside City Code pertaining to light
13 pollution.

12 Environmental:

- 13 4. All outdoor lighting shall be properly shielded and
14 directed so as to prevent glare on surrounding properties.

14 Engineering:

- 15 5. Legal access shall be provided to Pactel Cellular by the
16 Prince of Peace Abbey prior to the issuance of a building
17 permit.
- 18 6. Prior to any grading of any part of the project, a
19 comprehensive soils and geologic investigation shall be
20 conducted of the soils, slopes, and formations in the
21 project. All necessary measures shall be taken and
22 implemented to assure slope stability, erosion control, and
23 soil integrity. No grading shall occur until a detailed
24 grading plan, to be prepared in accordance with the Grading
25 Ordinance and Zoning Ordinance, is approved by the City
26 Engineer.
- 27 7. Design and construction of all improvements shall be in
28 accordance with standard plans and specifications of the
City of Oceanside and subject to approval by the City
Engineer.
- 8. The access road improvements shall be shown on the approved
landscape plan. Line, grade, compaction and cross-section
specifications shall be certified by a registered civil
engineer prior to the issuance of a building permit.
- 9. A cross access easement and maintenance agreement for the
joint use of the driveway to the Prince of Peace Abbey
shall be recorded prior to the issuance of a building
permit.

Planning Commission
Resolution No. 93-P42

August 9, 1993
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Fire:

- 10. All-weather surfaced access road(s) shall be installed and made serviceable prior to and during time of construction. Sec. 10.301(c) and (d) Uniform Fire Code.
- 11. Any security access gates shall have a Knox-box override.
- 12. Detailed private improvement site plans and structural plans shall be submitted to the Fire Prevention Bureau for review and approval prior to the issuance of grading permits and building permits.

Planning:

- 13. This Conditional Use Permit shall expire on August 9, 1995 unless implemented as required by the Zoning Ordinance.
- 14. Park fees shall be paid as required by City policy at the time building permits are issued.
- 15. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.
- 16. A public facilities fee shall be paid as required by City policy at the time building permits are issued.
- 17. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer and Planning Director prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be met:
 - (a) Specimen box trees shall be planted along the St. Charles Priory/USMC Base Camp Pendleton property line and opposite of the communication facility lease parcel. The tree species shall be selected for a mature height of at least 15 feet. The specimen trees shall be planted at the prescribed minimum separation and shall be installed at all vacant areas along the property line and opposite of the new communication facility. The plantings shall extend to a point which is equidistant with the line-of-sight of the easternmost and adjacent USMC Base Camp Pendleton residential housing unit and as indicated on the approved landscape plan.
 - (b) The access road surface improvements shall be shown on the plan.

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(c) All landscaping shall be permanently maintained by the property owner, his assigns or any successors in interest in the property.

18. Prior to the issuance of occupancy permits, the City's Landscape Technician/Inspector shall review each request for occupancy to ensure that the installation of planting and irrigation has occurred in conformance with the approved landscape drawings. The irrigation system will also be tested to ensure adequate operation and coverage.

19. Prior to the transfer of ownership and/or operation of the site/lease parcel the owner/lessee shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project.

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

21. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the description and justification, management plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

22. This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made in the approval of this application.

23. The applicant shall be responsible for trash abatement on the site, and shall keep the site free of litter, trash and other nuisances.

24. A chain link fence, with a total maximum height eight feet, shall enclose the lease parcel. Wood slats shall be installed into fence into the fence, on all sides, for screening purposes. The fence and fence notations shall be shown on the landscape and site improvement plans.

25. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Department and the Planning Department.

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Planning Commission
Resolution No. 93-P42

August 9, 1993
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32. This project is subject to the requirements of the City's Water Conservation Ordinance No. 91-15. . Applicability requirements shall be determined at the time of building permit application.

PASSED on July 26, 1993 by the following vote, to wit:

AYES: Altamirano, Bockman, Caballero, Martinek, Miller, Messinger, Skinner

NAYES: None

ABSENT: None

ABSTAIN: None

ADOPTED on this 9th day of August 1993.


Roy B. Miller, Chairman

ATTEST:


Michael J. Blessing, Secretary

I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 93-P42.

Dated: 9 Aug '93

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION

PLANNING COMMISSION
RESOLUTION NO. 95-P29

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

APPLICATION NO: C-23-94, V-3-95
APPLICANT: AirTouch Cellular
LOCATION: 2182 El Camino Real

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 and a Variance under the provisions of
Articles 30 and 41 of the Zoning Ordinance of the City of
Oceanside to permit the following:

a communications facility consisting of an 80-foot tall
cellular antenna tower and an indoor equipment room

on certain real property legally described as shown on EXHIBIT
"A" attached hereto and incorporated herein by reference
thereto.

WHEREAS, the Planning Commission, after giving the required
notice, did on the 12th day of June, 1995 conduct a duly
advertised public hearing as prescribed by law to consider said
application.

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

For the Conditional Use Permit:

1. The view of the proposed antenna tower includes a view of
larger and taller utility transmission towers. As such,
the view of the antenna tower represents an incremental
impact which is consistent with the objectives of the
Zoning Ordinance.
2. The siting of a communications antenna tower adjacent to
existing transmission towers is consistent with the General
Plan Land Use Element policies and will not be detrimental
the public health, safety, and welfare of persons residing
or working in the area.

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3. The project will be required to comply with specific conditions which are intended to mitigate view impacts over the term of the use. The project is required to implement new available technologies in order to insure against any health risks and to further reduce its aesthetic impact.

For the Variance:

- 1. Exceeding the district height limitation is preceded by the existence of utility transmission towers on the adjoining property. The height of the proposed antenna tower will be over-shadowed by the existing facilities. As such, the location of project site in proximity to the existing facilities warrants a special condition for the approval of the proposed antenna tower height.
- 2. Granting the Variance will not result in view and aesthetic impact relative to the view of the existing utility transmission towers.
- 3. Granting the Variance is consistent with the purposes of the Zoning Ordinance, and will not constitute a grant of special privilege relative to the heights of similar structures on the adjoining property.

WHEREAS, the Planning Commission finds that the proposed communications facility is exempt from the requirements of environmental review pursuant to the provisions of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby APPROVE Conditional Use Permit C-23-94 and Variance V-3-95 subject to the following conditions:

Building:

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

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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.

Fire:

- 6. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits.
- 7. Fire extinguishers shall be shown on the plans submitted for plan check.

Planning:

- 8. This Conditional Use Permit and Variance shall expire on July 10, 1997, unless implemented as required by the Zoning Ordinance.
- 9. If required, a letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.
- 10. If required, a public facilities fee shall be paid as required by City policy at the time building permits are issued.
- 11. Prior to the transfer of ownership and/or operation of the use, the owner shall provide a written copy of the application, staff report, and resolution for the project to the new owner and or operator. This notification's provision shall run with the life of the project.
- 12. Failure to meet any conditions of approval for this development shall constitute a violation of the Conditional Use Permit.
- 13. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.
- 14. This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made by the application.

- 1 15. A covenant or other recordable document approved by the
2 City Attorney shall be prepared by the applicant and
3 recorded prior to the issuance of building permits. The
4 covenant shall provide that the property is subject to this
5 Resolution, and shall generally list the conditions of
6 approval.
- 7 16. This Conditional Use Permit is granted for the following
8 use only: a cellular communication facility consisting of
9 an 80 foot-tall antenna tower, and a 460 square foot
10 equipment room located within an existing building. Any
11 change in the use or expansion of the activities beyond
12 what has been approved by the Planning Commission will
13 require a revision to the Conditional Use Permit or a new
14 Conditional Use Permit.
- 15 17. The Conditional Use Permit is valid for five years,
16 beginning on the date of approval, and is subject to
17 possible extension pursuant to the provisions of the Zoning
18 Ordinance. The Conditional Use Permit is subject to
19 review by the Planning Commission from the date of
20 commencement of operations to determine the project's
21 compatibility with surrounding land uses. The Commission
22 may add new conditions and/or delete and/or modify existing
23 conditions as it deems necessary to protect the general
24 health, safety and welfare of residents in the area or
25 surrounding land uses.
- 26 18. The number of dish-type antennas shall be limited to three,
27 and their diameters shall be limited to 12 feet.
- 28 19. The permittee shall be required to cooperate with other
communications companies in co-locating additional antenna
equipment on the antenna tower. The permittee shall
exercise good faith in sharing the permitted facility,
provided such shared use does not impair the operations of
the permitted use. The City may require an independent
technical study, to be prepared at the expense of the
permittee, to determine if any technical difficulties exist
as an impairment to the shared use of the facility.
20. The permittee shall exercise a good faith effort to
incorporate the best available equipment technology to
effect a reduction in the visual obtrusiveness of the
approved antenna equipment. The change-out and retrofit of
antenna equipment shall be conducted within a reasonable
amount of time after such equipment becomes available and
achieves common use at similar facilities. At the request
of the City, the permittee shall provide an independent
technical analysis to determine the permittee's diligence
in exercising this condition.

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21. Prior to the issuance of building permits, the permittee shall install tree landscaping around the antenna tower. The specimen trees shall be selected for optimal view buffering qualities. The final tree species and specimen container sizes shall be reviewed and approved by the Planning Director and the City Engineer prior to installation. The tree landscaping materials shall be maintained by the permittee for the duration of the operations on the site.

22. Within one year of operations, and upon change-out of any antenna equipment, the permittee shall provide an independently prepared a radio frequency (RF) power density report to the Planning Director. The RF report shall be based upon on-site and off-site testing and measuring, and shall quantify the measured RF emissions with the currently acceptable ANSI standards. The City may revoke the Conditional Use Permit, or require revision to the Conditional Use Permit, upon demonstration that the tested measurements do not achieve the applicable standards.

Water Utilities:

23. The developer shall be responsible for developing all water and sewer facilities necessary to this property. Any relocation of water or sewer lines are the responsibility of the developer.

PASSED on June 12, 1995 by the following vote, to wit:

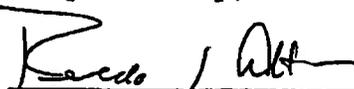
AYES: Altamirano, Price, Bockman, Caballero, Frazier, Schaffer

NAYES: Messinger

ABSENT None

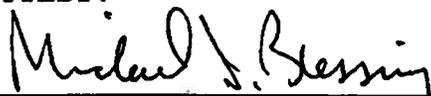
ABSTAIN: None

ADOPTED on this 10th day of July, 1995



Reinaldo J. Altamirano, Chairman

ATTEST:



Michael J. Blessing, Secretary

I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 95-P29.

Dated: 10 July '95

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION

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PLANNING COMMISSION
RESOLUTION NO. 95-P34

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

APPLICATION NO: C-9-93 REVISION
APPLICANT: AirTouch Cellular
LOCATION: 695 Benet Hill 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
revision to a Conditional Use Permit under the provisions of
Articles 30 and 41 of the Zoning Ordinance of the City of
Oceanside to permit the following:

the addition of antenna equipment and a reserve power
generator to an existing communications facility

on certain real property legally described as shown on EXHIBIT
"A" attached hereto and incorporated herein by reference
thereto.

WHEREAS, the Planning Commission, after giving the required
notice, did on the 10th day of July, 1995 conduct a duly
advertised public hearing as prescribed by law to consider said
application.

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

For the Conditional Use Permit:

1. The proposed location for the concentration of antenna
equipment is remote from the developed areas of the City
and, thereby, does not pose a view and aesthetic impact.
2. The concentration of additional equipment to an existing
communication facility is consistent with the effective
land use policies. Based upon the available technical
information, the low-power, high-frequency, nature of the
radio waves does not constitute a public health hazard.

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3. The project complies with the provisions of the Zoning Ordinance pertaining to communication facilities and includes specific conditions to effect special mitigation requirements.

WHEREAS, the Planning Commission finds that the proposed communications facility is exempt from the requirements of environmental review pursuant to the provisions of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby APPROVE a REVISION to CONDITIONAL USE PERMIT C-9-93 subject to the following conditions:

The conditions of approval specified within Planning Commission Resolution No. 93-P42 shall be effective to this Conditional Use Permit revision, with the exception that the following conditions shall be additional and superseding:

Building:

1. Application for Building Permit will not be accepted for this project until plans indicate that they have been prepared by a licensed design professional (Architect or Engineer). The design professional's name, address, phone number, State license number and expiration date shall be printed in the title block of the plans.

Planning:

- 2. This Conditional Use Permit revision shall expire on July, 10, 1997 unless implemented as required by the Zoning Ordinance.
- 3. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of building permits and/or exercise of this Conditional Use Permit revision. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.
- 4. This Conditional Use Permit revision is granted for the following use only: The installation of additional antenna equipment and a reserve power generator to an existing communications facility. Any change in the use or any change in the structure will require a revision to the Conditional Use Permit or a new Conditional Use Permit.
- 5. The Conditional Use Permit revision is subject to review by the Planning Commission from the date of commencement of operations to determine the project's compatibility with

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- surrounding land uses. The Commission may add new conditions and/or delete and/or modify existing conditions as it deems necessary to protect the general health, safety and welfare of residents in the area or surrounding land uses.
6. The total number of dish-type antenna equipment is limited to ten (10). The dish antennas shall be limited to a maximum diameter of 12 feet.
 7. The use of a power generator is limited to a reserve capacity and periodic testing only. The maximum 1-hour average sound level emitted by the power generator is limited to 53 Decibels (dBA) as measured at the St. Charles Priory/USMC Base Camp Pendleton property line.
 8. Prior to the issuance of a building permit and/or installation of the power generator, equipment specifications and site plan materials shall be submitted to the Planning Director for review and approval. These materials shall be reviewed against a noise analysis, prepared by a qualified professional, which substantiates the compliance with the noise level limitation and which identifies any necessary attenuation measures.
 9. This Conditional Use Permit revision is valid for five years, beginning on the date of approval, and is subject to possible extensions pursuant to the provisions of the Zoning Ordinance. The Conditional Use Permit is subject to review by the Planning Commission from the date of commencement of operations to determine the project's compatibility with surrounding land uses. The Commission may add new conditions and/or delete and/or modify existing conditions as it deems necessary to protect the general health, safety and welfare of residents in the area or surrounding land uses.
 10. The permittee shall be required to cooperate with other communications companies in co-locating additional antenna equipment on the antenna tower. The permittee shall exercise good faith in sharing the permitted facility, provided such shared use does not impair the operations of the permitted use. The City may require an independent technical study, to be prepared at the expense of the permittee, to determine if any technical difficulties exist as an impairment to the shared use of the facility.
 11. The permittee shall exercise a good faith effort to incorporate the best available equipment technology to effect a reduction in the visual obtrusiveness of the approved antenna equipment. The change-out and retrofit of

Planning Commission
Resolution No. 95-P34

July 10, 1995
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antenna equipment shall be conducted within a reasonable amount of time after such equipment becomes available and achieves common use at similar facilities. At the request of the City, the permittee shall provide an independent technical analysis to determine the permittee's diligence in exercising this condition.

12. Within one year after the implementation of this Conditional Use Permit revision, and upon change-out of any antenna equipment, the permittee shall provide an independently prepared radio frequency (RF) power density report to the Planning Director. The RF report shall be based upon on-site and off-site testing and measuring, and shall quantify the measured RF emissions with the currently acceptable ANSI standards. The City may revoke the Conditional Use Permit, or require revision to the Conditional Use Permit, upon demonstration that the tested measurements do not achieve the applicable standards.

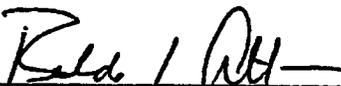
PASSED and ADOPTED on July 10, 1995 by the following vote,
to wit:

AYES: Altamirano, Caballero, Messinger, Schaffer, Price

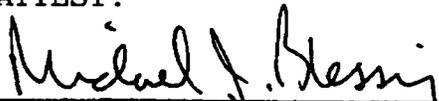
NAYES: None

ABSENT: Bockman, Frazier

ABSTAIN: None


Reinaldo J. Altamirano, Chairman

ATTEST:


Michael J. Blessing, Secretary

I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 95-P34.

Dated: 10 July '95

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION