



**DATE:** November 13, 2006

**TO:** Chairman and Members of the Planning Commission

**FROM:** Community Development Department/Planning Division

**SUBJECT:** **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-4-06) FOR A STAND-ALONE FOR A WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT 2993 MACDONALD STREET – CRICKET COMMUNICATIONS @ KING OF KINGS LUTHERN CHURCH -- APPLICANT: CRICKET COMMUNICATIONS**

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Conditional Use Permit (C-4-06) and adopt Planning Commission Resolution No. 2006-P65 as attached.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The proposed communications facility is classified as a stand-alone Communication Facility under the terms of the Zoning Ordinance. Specific zoning regulations and land use policies apply to these facilities, and a Conditional Use Permit is required for their establishment and operation within the City.

The project site is located at 2993 MacDonald Street. The 2.79-acre property is developed with the King of Kings Lutheran Church. Surrounding land uses include residential developments to the north, east and west and industrial development to the south.

Sprint Nextel currently has antennas on the worship hall roof and within the church's bell tower. In addition, Cingular Wireless received an Administrative Conditional Use Permit to also place antennas on the worship hall roof in September 2006. The proposed Cricket Communications facility will be installed within landscaped space to the southeast of the church outbuildings, behind the trash enclosure.

The underlying land use designation for the subject site is Single-Family Detached Residential (SFD-R) and the zoning is Public and Semi-Public (PS). The larger neighborhood area encompassing the project site is the Loma Alta Neighborhood.

**Project Description:** Cricket Communications, is proposing to construct, operate, and maintain a wireless digital facility for a proposed stealth wireless telecom site consisting of a total of three (3) panel antennas with three sectors. Each sector will have one (1) panel antenna. The antennas will be mounted within a 45-foot, two-carrier monocross constructed out of metal on the southeast corner of the property. In addition, there will be an 8-foot by 7-foot equipment shelter, which will not exceed 8 feet in height. The proposed equipment shelter will be located near the cross in a structure designed to match the church and the existing trash enclosure.

As part of the project, Cricket Communications has agreed to enhance the site's landscaping on the southeast-facing slope and throughout the existing parking lot.

The proposed project is subject to the following City codes, ordinances and regulations:

1. The Land Use Element of the General Plan
2. The Zoning Ordinance
3. The City Telecommunications Policy
4. The California Environmental Quality Act

## **ANALYSIS**

### **KEY PLANNING ISSUES**

1. Is the proposed facility consistent with the applicable land use policies of the General Plan and the applicable zoning criteria?
2. Is the proposed conditional use consistent with the findings specified within Section 4106 of the Zoning Ordinance?

### **DISCUSSION**

Staff's review of the project focused on consistency with the General Plan and zoning regulations, as well as the project's compatibility with the existing church property and the surrounding area.

The City's land use policies and zoning regulations for communication facilities are intended to protect the community's aesthetic environment through the implementation of facility designs that are visually compatible with the surrounding land features. The proposed Cricket facility is a 45-foot cross, which has been designed to substantially

match the church's existing religious symbol. The monocross facility combined with enhanced landscaping will provide appropriate screening for the proposed cellular antenna, while the secondary use of the facility as a cross for the church will help achieve the intended land use goal of compatibility.

As per Zoning Ordinance Section 1630, development regulations for a public, semi-public zone shall be specified by the use permit, provided that if the use permit fails to regulate an element regulated by an abutting base district, the regulations of the abutting base district shall apply to each portion of a PS district. The majority of the abutting properties are zoned Single-Family Residential (RS). The maximum allowed height for the RS district is 36 feet. Zoning Ordinance Section 3018 states that structures such as flagpoles, monuments, radio and television antennas, transmission towers and the like may exceed the district height limit by 10 feet. Based on this section of the Ordinance, staff concluded that a 45-foot monocross structure was appropriate for the subject property and consistent with the surrounding neighborhood regulations.

In addition to the stand-alone facility, Cricket will also have an 8-foot by 7-foot equipment shelter that will not exceed 8 feet in height. The new equipment shelter will be conditioned to substantially match the existing facilities, primarily the existing trash enclosure, which is the nearest structure to the proposed shelter. This is already represented on the plan sheets.

The project is conditioned to maintain the stand-alone facility and landscaping in excellent condition. The recommended conditions will ensure operation and maintenance of the use in a manner compatible with the existing and potential uses on adjoining properties and the surrounding area. In summary, the proposed project is complimentary to and compatible with the existing church campus and the surrounding neighborhood development regulations.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt under the provisions of the California Environmental Quality Act (CEQA).

## **SUMMARY**

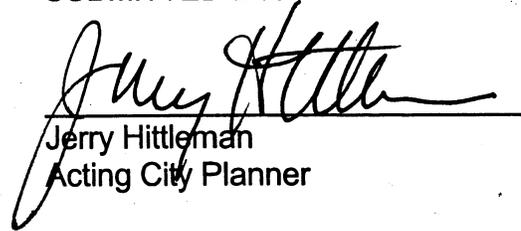
The proposed stand-alone communication facility is designed to minimize aesthetic impacts by placement of the antennae within a monocross and upgrading of existing site landscaping. The design of the structure is compatible with the existing buildings. Therefore, staff recommends approval of the project. The Planning Commission's action should be:

- Move to approve the Conditional Use Permit (C-4-06) and adopt Planning Commission Resolution No. 2006-P65 as attached.

PREPARED BY:

  
Sally Schifman  
Planner II

SUBMITTED BY:

  
Jerry Hittleman  
Acting City Planner

REVIEWED BY:

Amy Volzke, Principal Planner



JH/SS/fil

Attachments:

1. Site Plan & Elevations
2. Planning Commission Resolution No. 2006-P65

RECEIVED

SEP 29 2006

Planning Department

# Cricket

Comfortable Wireless

SITE NAME:  
**KING OF KINGS**  
RAWLAND  
SITE NUMBER:  
**SAN-111A**

### LEGAL DESCRIPTION

PARCEL A: PACEL 1 OF PARCEL MAP NO. 16469, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, CALIFORNIA, AS SHOWN ON THE OFFICIAL RECORDS OF SAN DIEGO COUNTY, OCTOBER 30, 1991.

PARCEL B: AN EASEMENT AND RIGHT OF WAY OVER PARCEL A, AS SHOWN ON THE OFFICIAL RECORDS OF SAN DIEGO COUNTY, OCTOBER 30, 1991, AND ACROSS THAT PORTION OF SAID PARCEL MAP NO. 16469 LYING WITHIN THE AREA, DELINEATED AND DESIGNATED BEING AN EASEMENT TO PARCEL J RESERVED HEREON.

THE EASEMENT HEREIN DESCRIBED, IS HEREBY DEED TO BE CONVEYED TO THE FUTURE OWNERS OF ALL OR ANY PORTION OF PARCEL A ABOVE DESCRIBED.

### ZONING CLASSIFICATION: PS (PUBLIC/SEMI-PUBLIC)

Special Plan: PI (PRIVATE INSTITUTION)

1/09-380-18

PLANING #: C-4-06

### LAND USE PERCENTAGES:

HARDSCAPE (BUILDING, PARKING AREA, ETC) 55%  
1/2 PARKING STALLS

EQUIP. SHELTER/MONOCROSS: 220 SQ FT.

### PROPERTY INFORMATION

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADDED BY THE LOCAL AGENCIES IS TO BE CONSIDERED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES:

- CALIFORNIA ADMINISTRATIVE CODE (UNCL. TITLES 24 & 25)
- 2000 CALIFORNIA MECHANICAL CODE
- 2000 CALIFORNIA ELECTRICAL CODE
- 2000 CALIFORNIA FIRE SAFETY CODE (NFPA-101)
- ANSI/AIA-222-F LIFE SAFETY CODE (NFPA-101)
- 2000 CALIFORNIA ELECTRICAL CODE COMPLIANCE
- 2000 CALIFORNIA ACCESS COMPLIANCE
- CITY/COUNTY ORDINANCES

### CODE COMPLIANCE

### ARCHITECT

DYNATEK TELECOMMUNICATIONS SERVICES  
7134 BROOKWOOD DRIVE  
BROOKFIELD, OH 44403  
PHONE: 800.838.3226  
FAX: 330.046.6388  
CONTACT: TODD PHARPHETI

### SURVEYOR

CALVADA SURVEYING, INC.  
108 BUSINESS CENTER DRIVE  
CORONA, CA 92880-1782  
PHONE: 800.CAL.VADA  
FAX: 909.280.9760  
CONTACT: ARMANDO DUPONT

### ELECTRIC

SDGRE

### TELCO

SDC

### CONSULTANT TEAM

THIS PROJECT CONSISTS OF THE CONSTRUCTION OF AN UNARMED TELECOMMUNICATIONS FACILITY TO INCLUDE THE FOLLOWING:

- (N) INSTALLATION OF (1) NORTEL CHO EQUIPMENT CABINET & PTC CABINET IN A 7'-0"X8'-0" EQUIPMENT SHELTER WILL BE SIMILAR TO EXISTING TRASH ENCLOSURE IN STYLE AND MATCH IN COLOR & TEXTURE
- (N) INSTALLATION OF (3) (N) PANEL ANTENNAS MOUNTED INSIDE A (N) TWO CARRIER STEALTH 1.5' HIGH MONO-CROSS
- (N) ANTENNA PER SECTOR IN A (3) SECTOR ARRAY (MONOCROSS TO HAVE WHITE POWDER COAT PAINT FINISH)
- (N) INSTALLATION OF U.G. ELECTRIC AND TELEPHONE SERVICE TO ANTENNAS
- (N) INSTALLATION OF COAX CABLE FROM EQUIPMENT CABINET TO ANTENNAS
- (E) TELECOMMUNICATIONS FACILITIES LOCATED ON SITE (SPRINT)

PROPOSED CINGULAR TELECOMMUNICATIONS FACILITY IS IN PLANNING.

### PROJECT DESCRIPTION

#### SITE NAME:

KING OF KINGS

#### SITE NUMBER:

SAN-111A

#### SITE ADDRESS:

2993 MACDONALD ST.  
OCEANSIDE, CA 92054

LAT. 33°11'57.71"N (N4083)

LONG. 117°20'52.60"W (N4083)

ELEV: 94.3' N.G.

#### LANDLORD:

LUTHERAN CHURCH OF OCEANSIDE

ADDRESS: 2993 MACDONALD ST.

OCEANSIDE, CA 92054

PHONE: 760.567.2822

#### APPLICANT:

CRICKET COMMUNICATIONS

A.D.A. COMPLIANCE FACILITY IS ENHANCED AND NOT FOR REMEDIATION

THIS FACILITY SHALL MEET OR EXCEED ALL FAA AND FCC REGULATORY REQUIREMENTS

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### ELECTRIC

SDGRE

### TELCO

SDC

### CONSULTANT TEAM

### MAGNETIC DECLINATION



THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND MAY IMPOSE CHANGES OR MODIFICATIONS.

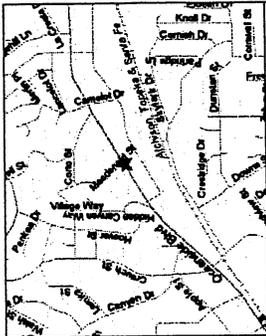
CRICKET PROP.:	DATE:
CRICKET R.F.:	DATE:
CRICKET NETOPS:	DATE:
CRICKET CONST.:	DATE:
INTERCONNECT:	DATE:
CRICKET SITE DEV. MGR.:	DATE:
PROPERTY OWNER:	DATE:
VENDOR SITE ACO:	DATE:
PLANNING:	DATE:

### APPROVALS

SHEET TITLE:  
TITLE SHEET

SHEET NUMBER:  
T-1

FROM CRICKET OFFICE:  
START OUT GOING NORTHWEST ON CORNERSTONE CT E. TURN RIGHT ON VISTA SORRENTO PAVY. 0.2 MILES TURN LEFT ON MIRA MESA BLVD. 1.1 MILES TURN RIGHT ON VISTA SORRENTO PAVY. 0.1 MILES MERGE ONTO I-805 N VIA THE RAMP ON THE LEFT. 1.8 MILES REACHES I-5 N. 2.1 MILES TAKE THE EXIT ON THE RIGHT FOR 0.3 MILES ON MACDONALD ST. 451 MILES END AT 2993 MACDONALD ST OCEANSIDE, CA 92054-4533, US



### SITE DIRECTIONS

### SHEET INDEX

PLANNING # C-4-06

**Cricket**  
Comfortable Wireless

4031 Sorrento Valley Blvd.  
San Diego, CA 92121  
Phone: (858) 882-9732

**Dynatek**  
TELECOMMUNICATIONS SERVICES

7134 Brookwood Drive  
Brookfield, OH 44403  
Phone: 800-838-3224  
Fax: 330-046-6384  
www.dynatektelecom.com

DYNATEK PROJECT NO.:	5146
DRAWN BY:	L.M.L.
CHECKED BY:	D.C.B.

SUBMITTALS	
9	9/15/06 CROSS DESIGN REVISION
8	8/31/06 CROSS HEIGHT
7	6/30/06 ADDED (E) CARRIERS
6	5/9/06 FINAL: CITY COMMENTS
5	4/5/06 CITY COMMENTS
4	2/16/06 FINAL
3	1/11/06 COMPOUND/LEASE AREA REV
2	12/22/05 REDLINE REVISIONS
1	1/16/05 REDLINE REVISIONS

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DAVID C. BAUDO  
C-29155  
2/28/07  
Renewal Date

2993 MACDONALD ST.  
OCEANSIDE, CA 92054





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2	12/22/05	REDLINE REVISIONS
1	1/10/05	REDLINE REVISIONS

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CONSENT OF THE  
STATE OF CALIFORNIA

DAVID C. BAUDO  
C-29155  
2/28/07  
Renewed Date

SHEET TITLE:

SITE ELEVATIONS

SHEET NUMBER:

A-2

2993 HIGHWAY 101  
OCEANSIDE, CA 92054

NOTE:  
NOT ALL TREES SHOWN FOR CLARITY

PROPOSED 45'-0" HIGH 16" DIA.  
THREE SECTORED TWO CARRIER  
STEALTH TYPE CROSS  
(MONOCROSS TO HAVE WHITE  
POWDER COAT PAINT FINISH)

PROPOSED CRICKET ANTENNAE  
LOCATED INSIDE POLE W/  
C.L. @ 42'-8" & 250'  
@ 60', 150' & 250'

PROPOSED CRICKET 7'-8"  
EQUIPMENT COMPOUND TO MATCH  
TRASH ENCLOSURE (FINISH TO MATCH  
STUCCO COLOR, STYLE, AND TEXTURE)

(E) 21.26'± HIGH TREE

(E) 33.53'± HIGH TREE

PROPOSED CRICKET ANTENNA C.L. @ 42'-8"± A.G.L.

PROPOSED 45' HIGH THREE SECTORED POLE

PROPOSED UNDERGROUND  
COAX CABLE CONDUITS

8" VENTILATION

EXISTING TRASH/STORAGE SHED

EXISTING CONCRETE PAD

7'

9'-2"

9'-2"

9'-2"

9'-2"

9'-2"

9'-2"

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9'-2"

9'-2"

SCALE:  
0 5'  
3/32"=1' (11x17)  
3/16"=1' (24x36)

NOTE:  
PROPOSED CRICKET CMO CABINET (52"x30"x55")  
(INCLUDES (8) - M12V155FTX BATTERIES, EACH  
CONTAINING 81 LBS OF LEAD AND 2.17 GAL OF  
ELECTROLYTE)

SCALE:  
0 5'  
3/32"=1' (11x17)  
3/16"=1' (24x36)

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EXISTING CONCRETE PAD

7'

9'-2"

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9'-2"

9'-2"

9'-2"

9'-2"

SCALE:  
0 5'  
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3/16"=1' (24x36)

WEST ELEVATION

2

EAST ELEVATION

1

PLANNING # C-4-06

**cricket**  
Comfortable Wireless

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San Diego, CA 92121  
Phone: (619) 882-9732

**Dynatek**

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DRAWING NO: 3146

DRAWN BY: L.M.L.

CHECKED BY: D.C.H.

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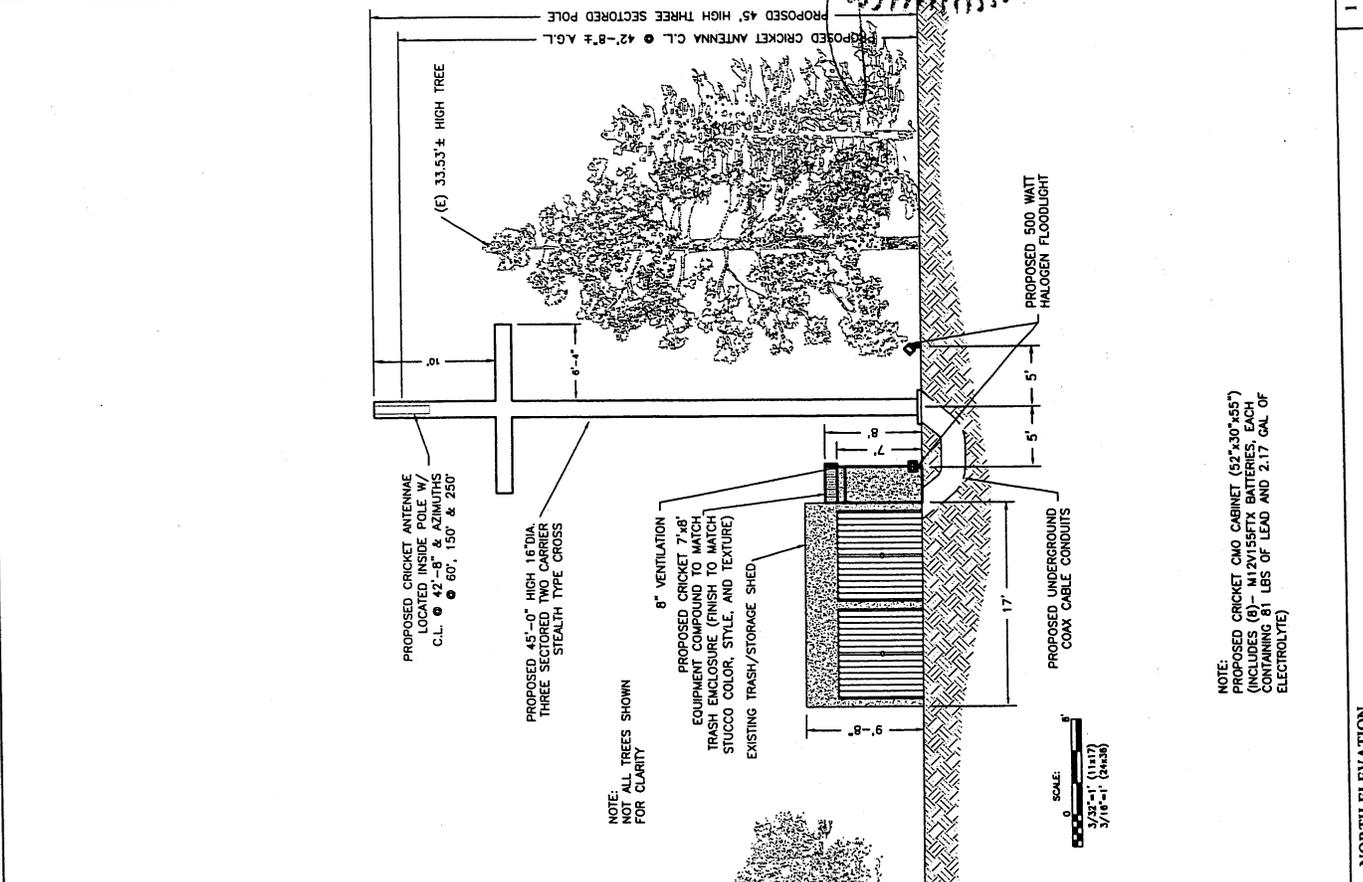
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*David David C.*  
**BAUDO**  
C-29155  
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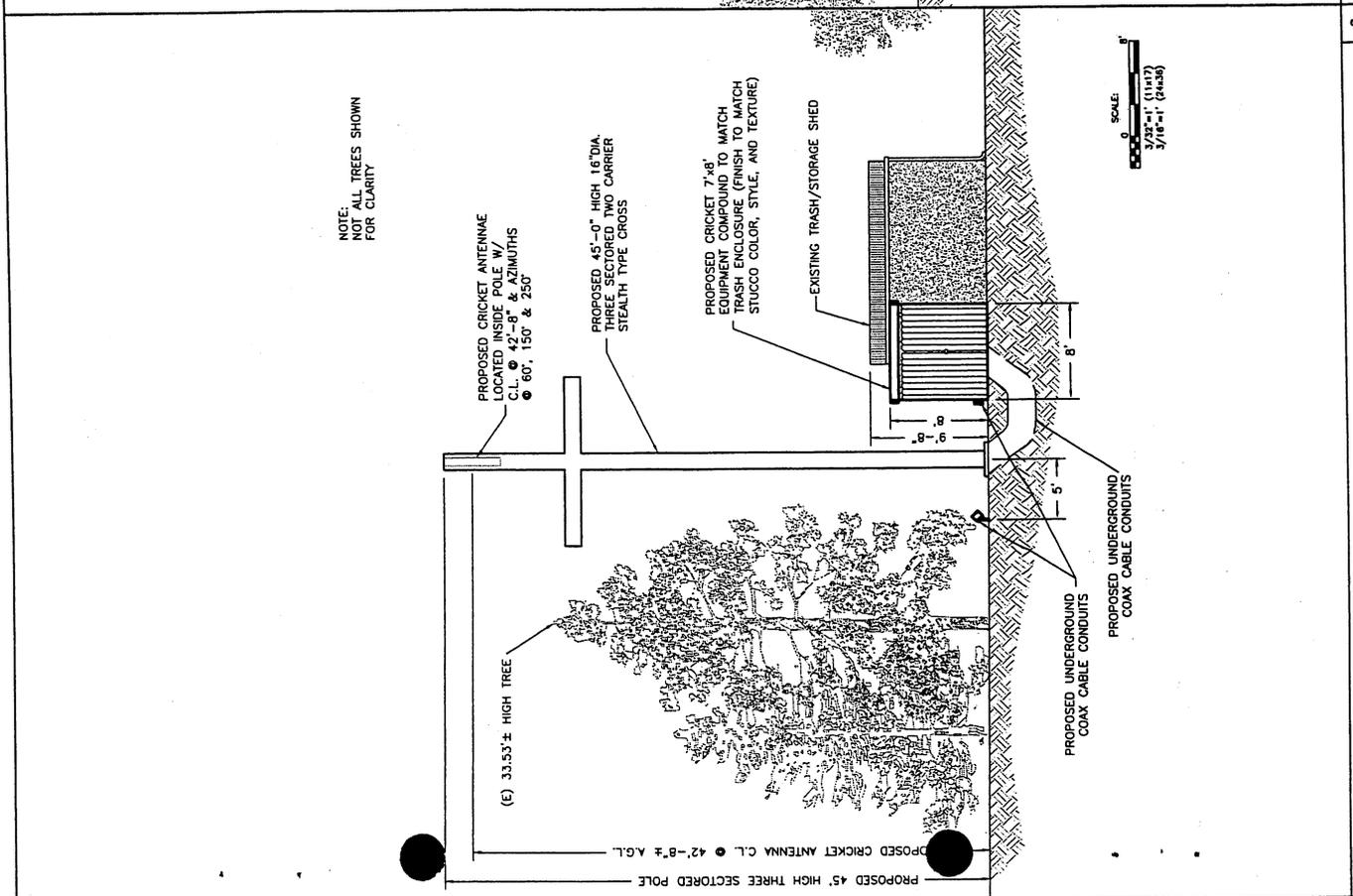
2993 MACDONALD ST.  
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SHEET TITLE:  
**SITE ELEVATIONS**

SHEET NUMBER:  
**A-3**



1 NORTH ELEVATION



2 SOUTH ELEVATION

NOTE: PROPOSED CRICKET CMO CABINET (52"x30"x55") (INCLUDES (8) - M12V155FXTX BATTERIES. EACH CONTAINING 81 LBS OF LEAD AND 2.17 GAL OF ELECTROLYTE)







**Dynatek**  
 King of Kings Lutheran Church  
 Oceanside, California

Notes & Details  
 1-3  
 8  
 King of Kings Lutheran Church

DATE	NOV 19 1988
BY	DAVID
SCALE	AS SHOWN
PROJECT	8/20/88

NO.	DESCRIPTION	QUANTITY	UNIT	EST. COST
1	PLANTING LEGEND			
2	IRRIGATION KEYNOTES			
3	LANDSCAPE AUGMENTATION AREAS			

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1	PLANTING LEGEND			
2	IRRIGATION KEYNOTES			
3	LANDSCAPE AUGMENTATION AREAS			

**PLANTING LEGEND**

SYMBOL	SYMBOLIC NAME / VARIETY	COMMON NAME
1	SEALYANUS	SEALYANUS
2	SEALYANUS	SEALYANUS
3	SEALYANUS	SEALYANUS
4	SEALYANUS	SEALYANUS
5	SEALYANUS	SEALYANUS
6	SEALYANUS	SEALYANUS
7	SEALYANUS	SEALYANUS
8	SEALYANUS	SEALYANUS
9	SEALYANUS	SEALYANUS
10	SEALYANUS	SEALYANUS
11	SEALYANUS	SEALYANUS
12	SEALYANUS	SEALYANUS
13	SEALYANUS	SEALYANUS
14	SEALYANUS	SEALYANUS
15	SEALYANUS	SEALYANUS
16	SEALYANUS	SEALYANUS
17	SEALYANUS	SEALYANUS
18	SEALYANUS	SEALYANUS
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21	SEALYANUS	SEALYANUS
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72	SEALYANUS	SEALYANUS
73	SEALYANUS	SEALYANUS
74	SEALYANUS	SEALYANUS
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**IRRIGATION KEYNOTES**

NO.	DESCRIPTION	QUANTITY	UNIT	EST. COST
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**LANDSCAPE AUGMENTATION AREAS**

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PLANNING COMMISSION  
RESOLUTION NO. 2006-P65

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

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APPLICATION NO: C-4-06  
APPLICANT: Cricket Communications  
LOCATION: 2993 MacDonald Street

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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 to permit the following:

a stand-alone, two-carrier communications facility, consisting of three antennas located within an approximately 45-foot monocross, with an associated 56-square foot equipment shelter located within a 220-square foot lease area on the grounds of an existing church; 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 13<sup>th</sup> day of November, 2006 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is not subject to CEQA per the General Rule, Section 15061 (B)(3);

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

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;

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

3 **FINDINGS:**

4 **For the Conditional Use Permit:**

- 5 1.       The proposed location of the communication facility is within a 45-foot, two-carrier  
6 monocross, which effectively mitigates view impacts from the primary view corridors and  
7 near view perspectives. The communication antennas will be completely hidden within the  
8 monocross allowing the structure itself to act as a cross for King of Kings Lutheran Church.  
9 As such, the project site is consistent with the objectives of the effective zoning regulations  
10 while still providing the public access to communication, broadcast, and subscription  
11 services that are transmitted through the global atmospheric radio-frequency spectrum.  
12 2.       The project is conditioned to comply with specific requirements pertaining to its  
13 appearance and maintenance. This will ensure the project maintains certain aesthetic  
14 values and land use compatibility. The conditions of project approval include repairing  
15 existing irrigation and installing new irrigation, planting six additional 24-inch box trees  
16 and maintaining the facility in excellent condition.  
17 3.       The proposed location and operation of the communication facility, under the applied land  
18 use conditions, are consistent with the effective land use policies and would not be  
19 detrimental to the public health or general welfare of persons residing or working in the  
20 area.

21           NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
22 approve Conditional Use Permit (C-4-06) subject to the following conditions:

23 **Building:**

- 24 1.       Applicable Building Codes and Ordinances shall be based on the date of submittal for  
25 Building Division plan check. (Currently the 2001 California Building Code and 2004  
26 California Electrical Code)  
27 2.       The granting of approval under this action shall in no way relieve the applicant from  
28 compliance with all State and local building codes.  
29 3.       Site development, parking access into buildings and building interiors shall comply with  
the State's Disabled Accessibility Regulations. (2001 CBC Chapter 11B)

- 1 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
2 property shall be underground (City Code Sec. 6.30).
- 3 5. The building plans for this project are required by State law to be prepared by a licensed  
4 architect or engineer and must be in compliance with this requirement prior to submittal for  
5 building plan review.
- 6 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution  
7 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or  
8 other such lights may be utilized and shall be shown on building and electrical plans.
- 9 7. The developer shall monitor, supervise and control all building construction and supporting  
10 activities so as to prevent these activities from causing a public nuisance, including, but not  
11 limited to, strict adherence to the following:
- 12 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
13 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
14 that is not inherently noise-producing. Examples of work not permitted on  
15 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
16 producing nature. No work shall be permitted on Sundays and Federal Holidays  
17 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,  
18 Christmas Day) except as allowed for emergency work under the provisions of the  
19 Oceanside City Code Chapter 38 (Noise Ordinance).
- 20 b) The construction site shall be kept reasonably free of construction debris as  
21 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
22 approved solid waste containers shall be considered compliance with this  
23 requirement. Small amounts of construction debris may be stored on-site in a neat,  
24 safe manner for short periods of time pending disposal.
- 25 8. A separate/unique address will be required to facilitate utility releases. Verification that the  
26 Planning Division has assigned the correct address for the cell phone site must accompany  
27 the plans at the time of submittal to the Building Division for plan check.
- 28 9. A complete soils report and structural calculations must be submitted to the Building  
29 Division for the monopole and the new structure on-site.

1 **Engineering:**

- 2 10. The developer shall monitor, supervise and control all construction and construction-  
3 supportive activities, so as to prevent these activities from causing a public nuisance,  
4 including but not limited to, insuring strict adherence to the following:
- 5 a) Removal of dirt, debris and other construction material deposited on any public  
6 street no later than the end of each working day.
  - 7 b) All building and construction operations, activities and deliveries shall be restricted  
8 to Monday through Friday, from 7:00 a.m. to 6:00 p.m., unless otherwise extended  
9 by the City.
  - 10 c) The construction site shall accommodate the parking of all motor vehicles used by  
11 persons working at or providing deliveries to the site.
- 12 11. Design and construction of all improvements shall be in accordance with standard plans,  
13 specifications of the City of Oceanside and subject to approval by the City Engineer and/or  
14 Public Works Director.
- 15 12. Any broken pavement, concrete curb, gutter or sidewalk or any damaged during  
16 construction of the project, shall be repaired or replaced as directed by the City Engineer  
17 and/or Public Works Director.
- 18 13. Conceptual and final landscape plans shall comply with the City of Oceanside's Fire  
19 Department requirements.
- 20 14. Final landscape plans shall match the approved conceptual landscape plan, and comply  
21 with any SWMP requirements.
- 22 15. All Storm Water Management BMP requirements shall be complied with.
- 23 16. Identify all existing trees on plan and specify trees proposed to be relocated. A tree survey  
24 shall be conducted and a tree mitigation schedule shall be provided on the construction  
25 documents.
- 26 17. Existing trees and irrigation shall be protected in place and replaced if deemed necessary by  
27 the City Landscape Inspector.
- 28 18. Trees shall be spot located by the Landscape Architect to meet the current City of  
29 Oceanside requirements. Trees shall not be planted in utility or storm drain easements.

1 19. The property owner shall submit a letter to the City Engineer and/or Public Work  
2 Director stating his/her intent to allow the applicant to tie into the existing irrigation  
3 prior to landscape plan approval.

4 **Fire Prevention:**

5 20. Prior to approval of the final inspection, a CD of the project's as-built plans, prepared in a  
6 format compatible with the Fire Department's mapping program, shall be submitted to the  
7 Fire Department. Information on acceptable format types is available from the Fire  
8 Department.

9 21. Fire inspection shall be required prior to final building inspection.

10 22. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval  
11 prior to the issuance of building permits.

12 23. The following note shall be included on the conceptual fuel modification plan: identify  
13 removal of undesirable plant species in accordance with the Oceanside Fire Prone Plant  
14 Species List (refer to fuel modification packet).

15 24. Trees must be setback a minimum of 10 feet from structures, measured at maturity of the  
16 tree from the dripline of the tree to the farthest projection of the structure.

17 **Planning:**

18 25. This Conditional Use Permit is granted for the following use only: a 45-foot two-carrier  
19 stand-alone communication facility consisting of a total of three panel antennas with three  
20 sectors, each sector will have one panel antenna, and a 56-square foot equipment shelter not  
21 to exceed eight feet in height. Any change in the use or expansion of the activities beyond  
22 that, which is approved by the Planning Commission, will require a revision to the  
23 Conditional Use Permit or a new Conditional Use Permit.

24 26. The facility shall be inspected and a letter of clearance shall be prepared by the City  
25 Planner prior to final inspection of the facility by the Building Division.

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

- 1 28. This Conditional Use Permit shall expire on November 13, 2008 unless implemented as  
2 required by the Zoning Ordinance.
- 3 29. The Conditional Use Permit shall be limited to a term of five years. However, the  
4 Conditional Use Permit may be revised or renewed in accordance with the provisions of the  
5 Zoning Ordinance. The application for Conditional Use Permit revision shall also be  
6 evaluated against the existing land use policies and any site area and neighborhood  
7 changes.
- 8 30. Prior to the transfer of ownership and/or operation of the use, the owner shall provide a  
9 written copy of the application, staff report, and resolution for the project to the new owner  
10 and or operator. The notification requirement shall run with the life of the project.
- 11 31. Failure to meet any conditions of approval for this development shall constitute a violation  
12 of the Conditional Use Permit.
- 13 32. Unless expressly waived, all current zoning standards and City ordinances and policies in  
14 effect at the time building permits are issued are required to be met by this project. The  
15 approval of this project constitutes the applicant's agreement with all statements in the  
16 project Description and Justification and other materials and information submitted with  
17 this application, unless specifically waived by an adopted condition of approval.
- 18 33. A covenant or other recordable document approved by the City Attorney shall be prepared  
19 by the applicant and recorded prior to the issuance of building permits. The covenant shall  
20 provide that the property is subject to this resolution, and shall generally list the conditions  
21 of approval.
- 22 34. Upon one year of facility operation, and upon any change-out of facility equipment, the  
23 permittee(s) shall provide to the City Planner a statement of radio-frequency radiation  
24 output and output compliance with the limitations of governing licensing authorities.
- 25 35. The permittee(s) shall exercise a good-faith effort to incorporate the best available  
26 equipment technology to effect a reduction in the visual presence of the approved antenna  
27 and facility equipment. The change-out and retrofit of equipment shall be conducted by the  
28 permittee(s) after such equipment becomes available and exhibits common use at similar  
29 facilities. Upon the City's request and discretion, the permittee(s) shall be required to  
provide an independently prepared technical analysis demonstrating compliance with this

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

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

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

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

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

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

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

1 42. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water  
2 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall  
3 be reviewed and approved by the City Engineer and/or Public Works Director and City  
4 Planner prior to the issuance of building permits. Landscaping shall not be installed until  
5 bonds have been posted, fees paid, and plans signed for final approval. The following  
6 special landscaping requirements shall be met:

- 7 a) The developer shall be responsible for irrigating and landscaping all existing and  
8 proposed landscaped areas associated with the southeast corner and parking lot of  
9 this property and land along Oceanside Boulevard and MacDonald Street.  
10 b) Six 24-inch box trees shall be planted in existing landscape areas. The location and  
11 species shall be approved by the Fire Marshall and City Inspector. Trees to be spot  
12 located with the City Landscape Inspector during pre-construction meeting(s).  
13 c) Landscape plans shall comply with Section 3019 of the City of Oceanside Zoning  
14 Ordinance and the City of Oceanside Guidelines and Specifications for Landscape  
Development.

15 43. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in  
16 any adjoining public parkways shall be permanently maintained by the owner, his assigns  
17 or any successors-in-interest in the property. The maintenance program shall include  
18 normal care and irrigation of the landscaping; repair and replacement of plant materials;  
19 irrigation systems as necessary; and general cleanup of the landscaped and open areas,  
20 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result  
21 in the City taking all appropriate enforcement actions by all acceptable means including but  
22 not limited to citations and/or actual work with costs charged to or recorded against the  
23 owner. This condition shall be recorded with the covenant required by this resolution.

24 44. No metallic and/or reflective paints or surfaces shall be permitted.

25 **Water Utilities:**

26 45. No trees, structures, building overhang or other encroachments shall be permitted within  
27 the existing wastewater utility easement.

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1 46. The developer will be responsible for developing all water and sewer utilities necessary to  
2 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
3 the developer and shall be done by an approved licensed contractor at the developer's  
4 expense.

5 PASSED AND ADOPTED Resolution No. 2006-P65 on November 13, 2006 by  
6 the following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

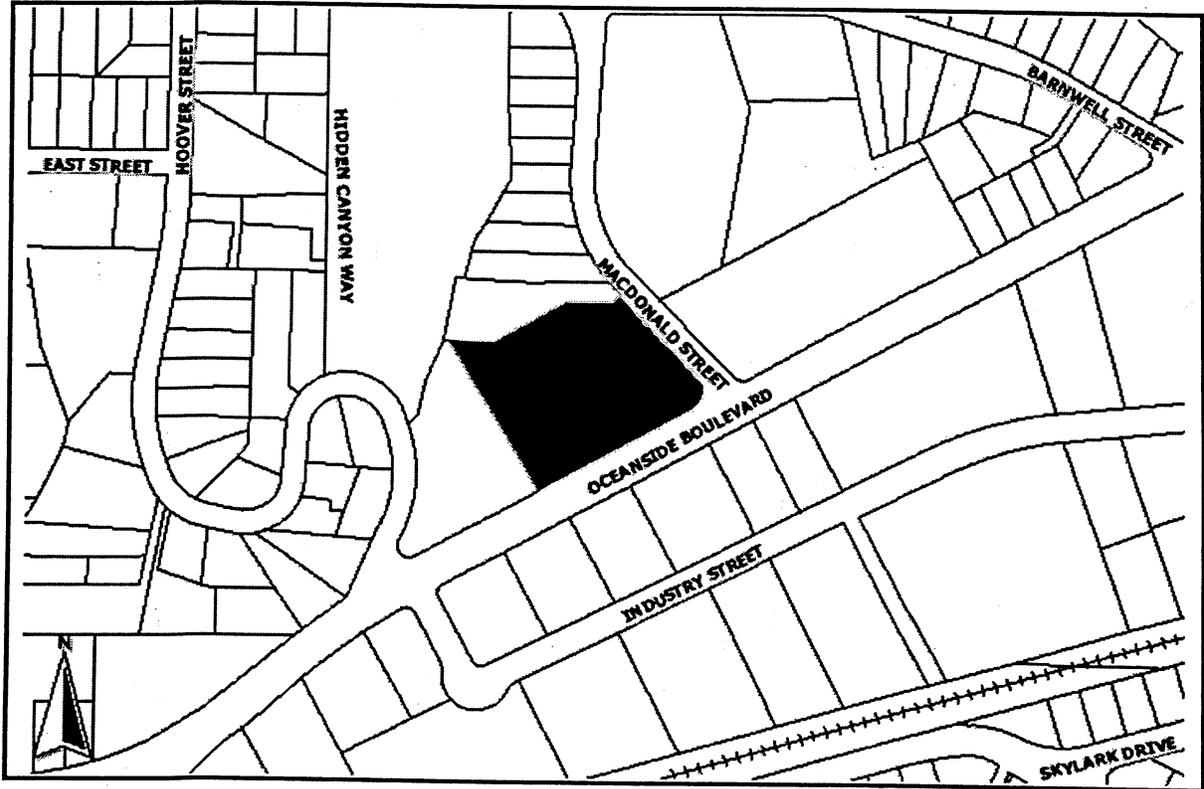
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12 \_\_\_\_\_  
13 Dennis Martinek, Chairman  
14 Oceanside Planning Commission

15 ATTEST:

16 \_\_\_\_\_  
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
19 this is a true and correct copy of Resolution No. 2006-P65.

20  
21 Dated: November 13, 2006



**File Number:** C-4-06

**Applicant:** Cricket Communications

**Description:**

CONDITIONAL USE PERMIT (C-4-06) for the construction and operation of a stand-alone communication facility located at 2993 MacDonald Street. The project site is zoned PS (Public & Semi-Public) and is situated within the Loma Alta Neighborhood.  
**CRICKET COMMUNICATIONS @ KING OF KINGS**

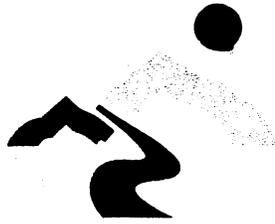
**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing Planning Department (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				HEARING	
<b>PART I - APPLICANT INFORMATION</b>				GPA	
1. APPLICANT <i>Cricket Communications</i>		2. STATUS		MASTER/SP.PLAN	
3. ADDRESS <i>6160 Cornerstone Ct Suite 150 San Diego, CA 92121</i>		4. PHONE/FAX <i>858-882-9732</i>		ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Matthew Carroz - Powder River Development</i>				TENT. MAP	
6. ADDRESS <i>1623 Woodhill Dr Rossville, CA 95661</i>		7. PHONE/FAX <i>916-412-9686</i>		PAR. MAP	
<b>PART II - PROPERTY DESCRIPTION</b>				DEV. PL.	
8. LOCATION <i>2993 MacDonald St</i>				9. SIZE <i>2.79 acres</i>	
10. GENERAL PLAN <i>SFD-R</i>		11. ZONING <i>PS</i>	12. LAND USE <i>existing church</i>	13. ASSESSOR'S PARCEL NUMBER <i>149-380-18-00</i>	
<b>PART III - PROJECT DESCRIPTION</b>					
14. GENERAL PROJECT DESCRIPTION <i>Unmanned wireless communication facility. REV-5/23/06, 7/17/06, 9/6/06, 9/29/06</i>					
15. PROPOSED GENERAL PLAN <i>N/A</i>		16. PROPOSED ZONING <i>N/A</i>	17. PROPOSED LAND USE <i>N/A</i>	18. NO. UNITS <i>N/A</i>	19. DENSITY <i>N/A</i>
20. BUILDING SIZE <i>240 sq ft</i>		21. PARKING SPACES <i>N/A</i>	22. % LANDSCAPE <i>45%</i>	23. % LOT COVERAGE <i>55%</i>	
<b>PART IV - ATTACHMENTS</b>					
<b>ALL APPLICATIONS</b>				<b>DEV. PLANS, C.U.P.s &amp; TENT. MAPS</b>	
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION		<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION		<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP		<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST		<input checked="" type="checkbox"/> 31. CONSTRUCTION SCHEDULE	
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT		<input checked="" type="checkbox"/> 29. PLOT PLANS		<input checked="" type="checkbox"/> 32. OTHER	
<b>PART V - SIGNATURES</b>					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print): <i>Matthew Carroz</i>		34. DATE <i>5/5/06</i>	37. OWNER (Print) <i>King of Kings Evangelical Lutheran Church of Oceanside CA</i>		38. DATE <i>5/9/06</i>
Sign: <i>Matthew Carroz</i>			Sign: <i>Steve Bond 5/9/06 Treas.</i>		
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print): <i>Matthew Carroz</i>		36. DATE <i>5/5/06</i>	39. OWNER (Print): <i>King of Kings Evangelical Lutheran Church of Oceanside CA</i>		40. DATE <i>5/9/06</i>
Sign: <i>Matthew Carroz</i>			Sign: <i>Steve Bond 5/9/06 Treas.</i>		

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# POWDER RIVER

Development Services, LLC

September 28, 2006

RECEIVED

SEP 29 2006

Planning Department

Sally Schifman  
City of Oceanside  
Planning Department  
300 N. Coast Highway  
Oceanside, Ca 92054

RE: **SYSTEM DESCRIPTION and PROJECT JUSTIFICATION**  
Cricket @ King of Kings Lutheran Church C-4-06

Dear Ms. Schifman:

In response to your letter dated September 25, 2006, I am providing the following information with the re-submittal of the above referenced project.

## **SYSTEM DESCRIPTION and PROJECT JUSTIFICATION**

Cricket Communications is the operating subsidiary of Leap Wireless International (Headquartered in San Diego), Cricket is a simple and affordable mobile phone service offering customers and local businesses flat-rate, unlimited service over a high-quality, all-digital wireless network. Cricket offers customers access to a variety of the latest handsets and feature-rich mobile applications such as unlimited text messaging and picture messaging, popular games, ringtones and wallpapers, as well as international long distance and roaming. Currently Cricket is building its network for the greater San Diego area. This initial build requires the strategic location of wireless cell sites throughout the San Diego County area, including the central area of the City of Oceanside. Cricket's Radio Frequency (RF) Engineers and Real Estate Site Acquisition Specialists have identified sites that meet both the wireless network technical requirements and the business terms objectives, therefore, Cricket seeks to obtain planning and zoning approval for the above referenced site.

## **SITE SELECTION**

Cricket Communications engineering, planning and site acquisition staffs have been working to create the new all digital network throughout the County of San Diego. The system employs a network of transmit/receive stations (cell sites) that carry and "hand off" signals as the user moves from one area to another. As the user moves from one cell site area to the next, signals to and from the first cell site fade while those to and from the next cell site strengthen. Sophisticated computer systems sense these signal



# **P O W D E R R I V E R**

Development Services, LLC

variations and automatically hand the signal off to an available channel as the user moves between cell areas.

The network of cell sites throughout the region is "local dependant", meaning that there is a necessary and logical interrelationship between each cell site based on topography existing vegetation and traffic patterns. Eliminating or relocating a single cell site can lead to gaps in the system or areas where a continuous signal cannot be maintained, and may necessitate significant design changes or modifications to the network. In addition, each cell site can only handle a finite number of calls simultaneously. When a cell site becomes too "busy" the attempted calls are rejected due to "capacity", then an additional cell needs to be added to handle these additional calls.

## **PROPOSED DESIGN**

Cricket Communications, is proposing to construct, operate, and maintain a wireless digital facility for a proposed stealth (not visible) wireless telecom site consisting of a total of three (3) panel antennas with three sectors; each sector would have one (1) panel antenna. The antennas would be mounted within in a 45ft \*two-carrier monocross constructed out of metal on the southeast corner of the property. The proposed equipment would be located near the cross in a structure designed to match the church and the existing trash enclosure.

\* The term "two-carrier" means that the structure can be potentially used for collocation by a second carrier. Obviously, any proposed collocation in the future would require City of Oceanside approval.

**Photo-simulations are attached.**

## **OPERATIONAL OVERVIEW**

The FCC has allocated a portion of the radio spectrum to Cricket Communications for the provision of Digital Wireless service. The Cricket installation is by design a low-power system. Depending upon characteristics of the site, the actual power requirements may be reduced.

Once constructed and operational, the unmanned communications facility will provide 24-hour service to its users seven (7) days a week. Apart from initial construction activity, the facility will be serviced by a Cricket Communication's service technician on an as-needed basis. Generally, this is likely to occur once per month during normal working hours, though much of the operational adjustments may be handled remotely by computer. Beyond this intermittent service, Cricket Communication's typically requires 24-hour access to the facility to ensure that technical support is immediately available if warranted.

**LEGAL DESCRIPTION OF SUBJECT PROPERTY**  
**ASSESSORS # 149-380-18-00**

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FEB 16 2006  
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ORDER NO.: 2228928-JC

**EXHIBIT "A"**

PARCEL A:

PARCEL 1 OF PARCEL MAP NO. 16669, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 30, 1991.

PARCEL B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITY PURPOSES OVER, UNDER, ALONG AND ACROSS THAT PORTION OF SAID PARCEL MAP NO. 16669 LYING WITHIN THE AREA, DELINEATED AND DESIGNATED THEREON AS "PROPOSED 8 FOOT PRIVATE DRAINAGE EASEMENT TO PARCEL 3 RESERVED HEREON."

THE EASEMENT HEREIN DESCRIBED IS HEREBY DECLARED TO BE APPURTENANT TO AND FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNERS OF ALL OR ANY PORTION OF PARCEL A ABOVE DESCRIBED.



CITY OF OCEANSIDE  
PLANNING DEPARTMENT

## NOTICE OF EXEMPTION

TO:  RECORDER/COUNTY CLERK  
COUNTY OF SAN DIEGO  
P.O. BOX 1750  
SAN DIEGO, CA 92112-4147

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PROJECT TITLE AND FILE NUMBER:  
**CRICKET @ KING OF KINGS CHURCH (C-4-06)**

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PROJECT LOCATION - SPECIFIC:  
2993 MacDonald Street  
APN 149-380-18

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PROJECT LOCATION - GENERAL:  
City of Oceanside

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DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:  
The development of a 45-foot, two-carrier, stand alone monocross wireless facility.

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NAME OF PUBLIC AGENCY APPROVING PROJECT:  
City of Oceanside

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NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:  
Cricket Communications  
6100 Cornerstone Court, Suite 150  
San Diego, CA 92121  
(858) 882-9732

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Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)  
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15311

### REASONS WHY PROJECT IS EXEMPT:

The telecommunications facility will be located inside the replicated cross and will not have a negative effect on the environment. The cross will also act as an accessory structure to King of Kings Lutheran Church.

Contact Person: Sally Schifman, Planner II

 November 13, 2006  
SIGNATURE DATE  
For: Jerry Hittleman, Acting City Planner