



DATE: March 10, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL OF THE CITY PLANNER'S DECISION TO APPROVE AN ADMINISTRATIVE CONDITIONAL USE PERMIT (ACUP-4-07) AND ADMINISTRATIVE COASTAL PERMIT (ACP-2-07) FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 1227 VISTA WAY — CRICKET @ AMAZON BIKES — APPLICANT: CRICKET COMMUNICATIONS**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 11, Categorical Exemption "Accessory Structures"; and,
- (2) Adopt Planning Commission Resolution No. 2008-P14 denying the appeal and affirming the City Planner's action to approve Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit (ACP-2-07) with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The Cricket telecommunications facility was given approval of Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit (ACP-2-07) by the City Planner on February 2, 2008 for the construction and operation of three antennas attached to three newly constructed light poles.

During the required 10-day public appeal period the project was appealed on February 11, 2008. The appellant (Holly Hargett) obtained more than the required 25 signatures from 42 adjacent property owners within the required 1,500-foot radius from the site. A letter of appeal describing reasons for denial was submitted to the Oceanside Planning Division.

**Site Review:** The subject site is in the Commercial Visitor District (CV). Surrounding zoning includes Residential Single-Family (RS) to the north, Commercial Visitor (CV) to the southwest and the Highway 5 to the east. Surrounding land uses include single-family residences, the Hunter Steak House and the Highway 78 and I-5 freeway.

**Project Description:** The application has two components an Administrative Conditional Use Permit and Administrative Coastal Permit:

Administrative Conditional Use Permit ACUP-4-07 represents a request for the following:

- a. To permit three telecommunication antennas within three existing light poles, pursuant to Section 3025.D.2 of the Oceanside Zoning Ordinance.

Cricket Telecommunications is proposing to operate and maintain a telecommunication facility at the Amazon Bicycle property located at 1227 Vista Way. The proposed facility would consist of three whip antennas constructed on top of three newly remodeled light poles within the property. All existing light poles on the site will be updated and remodeled to be consistent with the surrounding designs in the neighborhood. The poles and antennas will not extend higher than 30 feet with lower illuminated lighting to meet the City of Oceanside's light pollution code requirements and would replace the older gas station lighting. The facility is designed to include one antenna per light, for a total of three antennas that will incorporate the same design features as the proposed light poles.

All mechanical equipment would be housed in an enclosed cabinet attached to the rear of building and would consist of a 100-AMP electrical meter and emergency generator. An attached new SDG&E electric meter will attach to the rear of the building near the proposed equipment.

No other telecommunications facilities exist on the property and the Cricket facility will be located approximately 80 feet to the south of the existing Crown Castle cell site that houses at least three telecommunication carriers and is currently in the process for a revision to the design.

Administrative Coastal Permit (ACP-2-07): A Coastal Permit is required because the project is situated within the Coastal Zone. The Regular Coastal Permit will permit development of the telecommunication facility and will comply with the Coastal Zone requirements.

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

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

## **ANALYSIS – KEY PLANNING ISSUES**

### **1. General Plan conformance**

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

#### **A. Land Use Element**

##### **Goal 2.726: Communication Systems**

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

##### **Policies:**

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

The proposed communication facility would incorporate a stealth design that will be incorporated in the newly remolded light poles, which effectively mitigates view impacts from the primary view corridors and near view perspectives. As such, the project site is consistent with the objectives of the General Plan policies for visual conformity to surrounding land uses and features while still providing communication, broadcast, and subscription services to the public.

### **2. Zoning Ordinance Compliance**

#### **Article 11, Commercial District**

This project is located in the Visitor Serving Commercial District and will meet all the applicable development regulations in for telecommunication facilities and light poles. The light poles are permitted to be constructed at the current location of three feet from the property line and the proposed 30-foot tall light pole shall meet the height requirements of the district. The maximum height of the underlying zone is 50 feet and the proposed project will be substantially under the required height regulations by 20 feet.

Article 30, Section 3025

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

**3. State of California Government Code 65850**

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

**DISCUSSION**

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

*Recommendation: The proposed communication facility would be integrated into the design of the 30-foot parking lot light, which effectively mitigates view impacts from the primary view corridors and nearby neighbors. The communication antennas are hidden within the remodeled light pole, which allows the structure to emulate and act as a functioning light pole. The proposed remodeled light poles will enhance the property and will provide the type of lighting needed for the commercial site. As such, the project site is consistent with the objectives of the General Plan policies for visual conformity to surrounding land uses and features while still providing communication, broadcast, and subscription services to the public.*

The Section 3025.D.4.F states that an approved facility shall address the appearance of the entire site and shall upgrade or repair physical features as a means of minimizing view impacts to the community. Much of the subject site is already landscaped. The applicant has proposed additional parking lot lighting that will enhance the property. The proposed light poles would enhance the physical appearance of the property. All proposed lighting will also meet the light pollution standards of the City of Oceanside.

*Issue: Project compatibility with surrounding neighborhood.*

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

Table 2: Surrounding Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	SC	CV	Special Commercial (Amazon Bikes Retail Building)
North	SFD-R	RS	Single family dwellings
East	OS	OS	Highway 78 and I-5 Freeway
South	OS	OS	Buena Vista Lagoon
West	SC	CV	Special Commercial (Hunter Steak House)

The wireless telecommunications facility at this location will be compatible with surrounding land uses. The communication antennas are integrated as part of the proposed remodeled light poles, which allows the structure itself to act as the subject property.

**ENVIRONMENTAL DETERMINATION**

The proposed project is categorically exempt pursuant to Class 11 Categorical Exemptions, Section 15301 Accessory Structures, of the California Environmental Quality Act.

**PUBLIC NOTIFICATION**

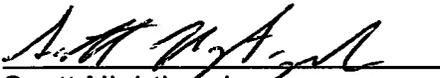
Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 1,500-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. As of March 10, 2008, no communication supporting or opposing the request has been received for the project appeal to Planning Commission.

**SUMMARY**

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

- Adopt Planning Commission Resolution No. 2008-P14 approving Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit (ACP-2-07) with findings and conditions of approval attached herein.

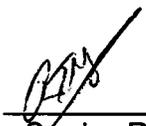
PREPARED BY:

  
\_\_\_\_\_  
Scott Nightingale  
Planner II

SUBMITTED BY:

  
\_\_\_\_\_  
Jerry Hittleman  
City Planner

REVIEWED BY:

  
\_\_\_\_\_  
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Site Plan and Elevation
2. Planning Commission Resolution No. 2008-P14
3. Original Administrative Conditional Use Permit and Administrative Coastal Permit Approval dated February 2, 2008
4. Appeal letter with signatures







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PLANNING COMMISSION  
RESOLUTION NO. 2008-P14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING AN APPEAL OF AN ADMINISTRATIVE CONDITIONAL USE PERMIT AND ADMINISTRATIVE COASTAL PERMIT FOR CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: ACUP-4-07 , ACP-2-07  
APPLICANT: Cricket Communications  
LOCATION: 1227 Vista Way

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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 an Administrative Conditional Use Permit and Administrative Coastal Permit under the provisions of Articles 30, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction of three co-user telecommunication antennas within three existing light poles at a maximum height of 30 feet;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 10<sup>th</sup> day of March, 2008 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 categorically exempt from CEQA per Article 19, Section 15301 Existing Facilities;

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 Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit  
5 (ACP-4-07):

- 6 1.       The existing location of the proposed communication facility would incorporate a stealth  
7 design that will be incorporated in the remodeled light poles, which effectively mitigates  
8 view impacts from the primary view corridors and near view perspectives. As such, the  
9 project site is consistent with the General Plan policies for visual conformity to surrounding  
10 land uses and features while still providing communication, broadcast, and subscription  
11 services to the public.
- 12 2.       The remodeled light poles will enhance the property and shall upgrade the physical  
13 appearance of the site. The applicant is conditioned to plant three additional Mexican Fan  
14 Palms along the southern slope of the property. The proposed project is consistent and  
15 compatible with the subject property and surrounding neighborhood. The project is  
16 conditioned to comply with specific requirements pertaining to its appearance and  
17 maintenance. These conditions will ensure the project maintains certain aesthetic values  
18 and land use compatibility.
- 19 3.       The location and operation of the communication facility, under the applied land use  
20 conditions, are consistent with the effective land use policies and will not be detrimental to  
21 the public health or general welfare of persons residing or working in the area.
- 22 4.       The approved telecommunication facility is consistent with the applicable land use  
23 policies of the California Coastal Act and the City's Local Coastal Program (LCP).  
24 Specifically, the approved facility and operation is consistent with certain Coastal Act  
25 policies for Visual Resources and Special Communities, which call for the protection of  
26 the visual qualities of the Coastal Zone through measures of land use compatibility for  
27 new development. In addition, the approved business is consistent with the City's LCP  
28 policies by virtue of its non-obtrusive and non-deleterious effects upon the surrounding  
29 coastal resource area represented by the Buena Vista Lagoon environment.

1 5. The approved telecommunication facility and operations will not obstruct any existing  
2 or planned public beach access, therefore, the project is in conformance with the  
3 policies of Chapter 3 of the Coastal Act.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
5 approve Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit  
6 (ACP-2-07) subject to the following conditions:

7 **Building:**

- 8 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
9 Building Division plan check.
- 10 2. The granting of approval under this action shall in no way relieve the applicant/project  
11 from compliance with all State and Local building codes.
- 12 3. The building plans for this project are required by State law to be prepared by a licensed  
13 architect or engineer and must be in compliance with this requirement prior to submittal  
14 for building plan review.
- 15 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
16 property shall be underground (City Code Sec. 6.30).
- 17 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution  
18 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or  
19 other such lights may be utilized and shall be shown on building and electrical plans.
- 20 6. The developer shall monitor, supervise and control all building construction and supporting  
21 activities so as to prevent these activities from causing a public nuisance, including, but not  
22 limited to, strict adherence to the following:
  - 23 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
24 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
25 that is not inherently noise-producing. Examples of work not permitted on  
26 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
27 producing nature. No work shall be permitted on Sundays and Federal Holidays  
28 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
29 Christmas Day) except as allowed for emergency work under the provisions of the  
Oceanside City Code Chapter 38 (Noise Ordinance).

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

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

9     8.     A complete Soils Report, Structural Calculations, and energy  
10           calculations/documentation will be required at the time of plans submittal to the  
11           Building Division for plan check.

12    9.     In addition to the required Soils Report, submit a "Benzene Vapor Risk Assessment"  
13           Report for this property.

14    10.    Plans submitted after January 1, 2008 must meet all requirements of the recently adopted  
15           2007 California Building Code.

16    **Fire:**

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

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

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

22    **Planning:**

23    14.    This Administrative Conditional Use Permit and Administrative Coastal Permit shall  
24           expire on March 10, 2010 unless implemented as required by the Zoning Ordinance.

25    15.    This Administrative Conditional Use Permit approves only the following: the operation  
26           of a telecommunication facility consisting of three communication antennas constructed  
27           within three proposed parking lot light poles. All antennas shall be designed to mimic  
28           the light pole. The associated equipment will be attached to the rear of the building and  
29           will not create a public nuisance. All cables, conduit, and related equipment shall be  
          screened from view. Any substantial modification in the design or layout shall require a

1 revision to the Administrative Conditional Use Permit or a new Administrative Coastal  
2 Permit.

3 16. 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 17. Failure to meet any conditions of approval for this development shall constitute a  
7 violation of the Administrative Conditional Use Permit and Administrative Coastal  
8 Permit.

9 18. Unless expressly waived, all current zoning standards and City ordinances and policies  
10 in effect at the time building permits are issued are required to be met by this project.  
11 The approval of this project constitutes the applicant's agreement with all statements in  
12 the Description and Justification and their submission of all informational materials.  
13 These materials and information shall be binding upon the use and operation of the  
14 facility, unless specifically waived by an adopted condition of approval.

15 19. The method of antenna concealment shall match the exterior appearance of the light  
16 poles and will not extend higher than 30 feet. The light poles shall be in accordance to  
17 the parking lot light pole requirements.

18 20. The physical aspects of telecommunication facility, as pertains to location, size, height,  
19 and general appearance, shall replicate the information shown on the approved plans,  
20 photo-simulations, and all other material submitted for the approval of the project by the  
21 City Planner and shall be represented on the plans submitted for Building Permits.

22 21. Upon one year of facility operation, and upon any change-out of facility equipment, the  
23 permittee 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 22. The permittee 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  
27 antennas and facility equipment. The change-out and retrofit of equipment shall be  
28 conducted by the permittee after such equipment becomes available and exhibits  
29 common use at similar facilities. Upon the City's request and discretion, the permittee  
shall be required to provide an independently prepared technical analysis demonstrating

1 compliance with this condition. The permittee's inability to demonstrate the use of  
2 current technologies may be grounds for the revocation of the ACUP.

3 23. The permittee 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 use. Upon the City's request and  
6 discretion, the permittee shall provide an independently prepared technical analysis to  
7 substantiate the existence of any practical technical prohibitions against the operation of  
8 a co-use facility. The permittee's non-compliance with this requirement may be grounds  
9 for the revocation of the ACUP.

10 24. 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 from any such pre-  
emptive regulations.

13 25. A covenant approved by the City Attorney shall be prepared by the applicant and  
14 recorded prior to the issuance of Building Permits. The covenant shall provide that the  
15 property is subject to this approval and the conditions of approval

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

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

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

26 29. Failure to meet any conditions of approval for this development shall constitute a violation  
27 of the Conditional Use Permit.  
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1 30. Unless expressly waived, all current zoning standards and City ordinances and policies in  
2 effect at the time building permits are issued are required to be met by this project. The  
3 approval of this project constitutes the applicant's agreement with all statements in the  
4 project Description and Justification and other materials and information submitted with  
5 this application, unless specifically waived by an adopted condition of approval.

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

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

14 33. The permittee(s) shall exercise a good-faith effort to incorporate the best available  
15 equipment technology to effect a reduction in the visual presence of the approved antenna  
16 and facility equipment. The change-out and retrofit of equipment shall be conducted by the  
17 permittee(s) after such equipment becomes available and exhibits common use at similar  
18 facilities. Upon the City's request and discretion, the permittee(s) shall be required to  
19 provide an independently prepared technical analysis demonstrating compliance with this  
20 condition. The permittee(s) inability to demonstrate the use of current technologies may be  
21 grounds for the institution of revocation proceedings of the Conditional Use Permit.

22 34. Appropriate building permits shall be obtained prior to the addition of any new antennas.

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

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

5 **Water Utilities:**

6 37. No trees, structures, building overhang or other encroachments shall be permitted within  
7 the existing wastewater utility easement.

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

12 PASSED AND ADOPTED Resolution No. 2008-P14 on March 10, 2008 by the  
13 following vote, to wit:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

18  
19 \_\_\_\_\_  
20 Dennis Martinek, Chairman  
21 Oceanside Planning Commission

22 ATTEST:

23 \_\_\_\_\_  
24 Jerry Hittleman, Secretary

25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
26 this is a true and correct copy of Resolution No. 2008-P14.

27 Dated: March 10, 2008  
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**DATE:** February 2, 2008

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

**SUBJECT:** ADMINISTRATIVE CONDITIONAL USE PERMIT (ACUP-4-07) AND ADMINISTRATIVE COASTAL PERMIT (ACP-2-07) FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATIONS FACILITY FOR THREE ANTENNAS ATTACHED TO THREE PROPOSED LIGHT POLES AND ASSOCIATED EQUIPMENT LOCATED AT 1227 VISTA WAY -- CRICKET @ AMAZON BIKES -- APPLICANT: CRICKET COMMUNICATIONS.

**RECOMMENDATION**

The Planning Division recommends approval of Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit (ACP-2-07) conditions as attached.

**PROJECT DESCRIPTION**

**Site Review:** The property consists of a 0.57 acre site with an existing bicycle retail building. The site is zoned Visitor Services Commercial (CV) and is located within the South Oceanside Neighborhood. The site is located at the corner of Vista Way and the 5 freeway.

**Surrounding Properties:** The neighboring land uses buffering the existing property consist of the 5 and 78 freeways to the east, single family residential to the south and north, and the Hunter Steak House directly to the west.

**Project Description:** The operation and maintenance of a telecommunication facility at the existing Amazon Bicycle property will be located at 1227 Vista Way. The proposed facility consists of three (3) whipped antennas constructed on top of three newly created light poles. The poles and antennas will not extend higher than 30 feet and will replace the outdated gas station lighting. The associated equipment will be placed at the rear of the building and will sit on a newly created concrete pad. The equipment will consist of a PTC cabinet that shall house the 100 AMP and sub-panel. An attached new SDG&E electric meter will attach to the rear of the building near the proposed equipment.

An Administrative Conditional Use Permit for a telecommunication facility requires advance notification to the owners of the surrounding properties within 1,500 feet of the exterior boundary of the site. The findings of approval for the project are made under the provisions of the Zoning Ordinance.

The public review period on this project will close on February 12, 2008. If no appeals have been filed on or before that date you can commence your next actions toward development.

### **ENVIRONMENTAL DETERMINATION**

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

### **FINDINGS**

#### **For Administrative Conditional Use Permit (ACUP-4-07) & Administrative Coastal Permit (ACP-2-07):**

1. The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.
  - The proposed communication antennas will be effectively screened and designed within the proposed light poles, which compliment the existing building and property. The associated equipment vault will be attached to the rear of the building and will not be visible to the public. As such, the project conforms to the zoning regulations for telecommunication facilities.
2. 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, welfare of persons residing 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 location of the project and the conditions under which it operates is consistent with the General Plan and its implementation under the City zoning regulations. The approved project with conditions will not have any detrimental effects to the surrounding areas.

The proposed conditional use will comply with the provisions of the Zoning 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 provisions of the Zoning Ordinance.

The approved project is also subject to specific performance requirements and other conditions of approval as follows:

**Building:**

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division 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, common use areas, access, and adaptability of apartments and condominiums shall comply with the State's Disabled Accessibility Regulations. (2001 CBC Chapter 11A).
4. Site development, parking, access into buildings, and building interiors shall comply with the State's Disabled Accessibility Regulations. (2001 CBC Chapter 11B).
5. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide, or other such lights may be utilized and shall be shown on building and electrical plans.
7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
8. Separate/unique addresses will/may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division (or, in the case where a "suite number" will work, verification of the "suite number" assignment/approval by SDG&E) must accompany the Building Permit application.
9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.
10. In addition to the required Soils Report, submit a "Benzene Vapor Risk Assessment" Report for this property.
11. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:

- a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
  - b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on site in a neat, safe manner for short periods of time pending disposal. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check.
12. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.

Planning:

13. This Administrative Conditional Use Permit and Administrative Coastal Permit shall expire on February 2, 2010 unless implemented as required by the Zoning Ordinance.
14. This Administrative Conditional Use Permit approves only the following: the operation of a telecommunication facility consisting of three (3) communication antennas constructed within three proposed parking lot light poles. All antennas shall be designed to mimic the light pole. The associated equipment will be attached to the rear of the building and will not create a public nuisance. All cables, conduit, and related equipment shall be screened from view. Any substantial modification in the design or layout shall require a revision to the Administrative Conditional Use Permit or a new Administrative Coastal Permit.
15. Prior to the transfer of ownership and/or operation of the site the owner 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.
16. Failure to meet any conditions of approval for this development shall constitute a violation of the Administrative Conditional Use Permit and Administrative Coastal Permit.

17. 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 their submission of all informational materials. These materials and information shall be binding upon the use and operation of the facility, unless specifically waived by an adopted condition of approval.
18. The method of antenna concealment shall match the exterior appearance of the light poles and will not extend higher than 30 feet. The light poles shall be in accordance to the parking lot light pole requirements.
19. The physical aspects of telecommunication facility, as pertains to location, size, height, and general appearance, shall replicate the information shown on the approved plans, photo-simulations, and all other material submitted for the approval of the project by the City Planner and shall be represented on the plans submitted for Building Permits.
20. The Administrative Conditional Use Permit shall be limited to a term of 5 years. However, the ACUP may be renewed in accordance with the provisions of the Zoning Ordinance.
21. Upon one year of facility operation, and upon any change-out of facility equipment, the permittee shall provide to the City Planner a statement of radio-frequency radiation output and output compliance with the limitations of governing licensing authorities.
22. The permittee shall exercise a good-faith effort to incorporate the best available equipment technology to effect a reduction in the visual presence of the approved antennas and facility equipment. The change-out and retrofit of equipment shall be conducted by the permittee after such equipment becomes available and exhibits common use at similar facilities. Upon the City's request and discretion, the permittee shall be required to provide an independently prepared technical analysis demonstrating compliance with this condition. The permittee's inability to demonstrate the use of current technologies may be grounds for the revocation of the ACUP.
23. The permittee 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 use. Upon the City's request and discretion, the permittee shall provide an independently prepared technical analysis to substantiate the existence of any practical 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 ACUP.

- 24. 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 from any such pre-emptive regulations.
- 25. A covenant 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 approval and the conditions of approval.

Water Utilities:

- 26. No trees, structures or building overhang shall be located within any water or wastewater utility easement.
- 27. If landscaping is required for the development of this project, a separate irrigation meter will be required.
- 28. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.

PREPARED BY:

  
Scott Nightingale, Planner II

APPROVED BY:

  
Jerry Hittleman, City Planner

JH/SN/no

- Attachments:
- 1. Notice of Action
  - 2. Floor Plans/Elevations/Site Plan
  - 3. Environmental Exemption

cc: Cricket Communication  
3087 Cowley Way #9  
San Diego, CA. 92117

City of Oceanside  
Planning Department  
300 N. Coast Highway  
Oceanside CA 92054

February 11, 2008

Re: Appeal of Administrative Permit Cricket Communications @ Amazon Bikes  
ACUP-2-07 and ACP-2-07

To Whom It May Concern:

We the undersigned hereby appeal the administrative decisions referred to above, including the Coastal Permit, based on the following

The applicant has submitted no 'sight specific radio frequency analyses' or Proof of Need to substantiate the placement of antennas at Amazon Bikes at Highway 78. A need for coverage has not been established nor documented. The applicant merely submitted what appears to be a map with 'guesstimates' of coverage and their bare assertion that such structures are needed. Just north of the proposed site is a 65 foot cell tower hosting an abundance of cell antennas. Additionally there is the massive structure at the Immanuel Evangelical Lutheran Church in the same proximity to homes.

The applicant has not shown proof of exhausting of other locations. Residents believe there are alternative locations that were not explored and the applicant has 'under-explored' such locations.

Further, applicant's towers would affect the character, quality and views in the neighborhood by creating an 'antenna alley quality' with a proliferation of antennas. Adding yet more cell towers fails to preserve the residential character whether the antennas are 'concealed' or not. Such additional towers are not compatible with existing residential properties.

Last, the application does not appear to analyze traffic interruptions caused by installation of these lights/towers/vaults. We believe that is a mandatory element for such a project considering the proximity to an extremely busy freeway interchange that flows into a residential area and feeder for South Oceanside.

We ask you to reverse the approval of the administrative permits and hold a Planning Commission hearing in order to listen to the public's concerns.

Respectfully submitted,



Holly Hargett &  
The following Concerned Residents

**RECEIVED**

**FEB 11 2008**

Planning Department

INT. Address, SIGN. FOR Telephone  
NAME NAME

1 Sharon Newbery - 1212 VISTA WAY O'SIDE CA. 92054  
OWNER - 760-396-5571

2 CHRIS PARENT - 1915 MORENO ST. O.SIDE, CA 92054  
~~Chris Parent~~ - 760-231-5376

3 STEVE HERRMANN - 1919 MORENO ST. OCEANSIDE, CA 92054

~~Steve Herrmann~~ - (760) 310-0797

Jennifer Parent - 1915 MORENO ST Oside ca 92054

4 Jeff Parent - 760 231 5376

Michelle Herrmann - 1919 moreno st. oceanside ca 92054

~~Michelle Herrmann~~

6 Jose Jara - 1909 MORENO ST. (H) 757-9875

7 Colleen Jara - O'side 92054

8 ~~Colleen Jara~~ - 1929 Moreno St

9 ~~Shawn O'Brien~~ - Shawn O'Brien 1834 Burroughs st. Oceanside

0 BRIAN RAINEL - 1916 MORENO ST OCEANSIDE CA 92054  
Rmfz

1 Chynne Huppert - 1224 Vista way o'side ca 92054  
~~Chynne Huppert~~

2 CR Blenis - 1108 Vista wy O'SIDE 92054

3 Draunha S. Blenis - 1108 Vista wy O'side 92054

4 Sheila Rose - 1930 Stewart St. Oceanside 92054

5 Carl Kilster 1939 Stewart, oceanside ca 92054

6 Holly Hargett 1220 VISTA WAY OCEANSIDE 92054 480 200 5435  
HOLLY, HARGETT

7. Jared Keating 1220 Vista Way Oceanside 92054

18. ~~Carol King~~  
Deborah Pinnick 1710 Alvarado St  
O'side, CA 92054
19. ~~Marianne Fenton~~  
Marianne Fenton 2036 Alvarado St  
O'side, CA 92054
20. ~~Thirzie Sullivan~~  
Thirzie Sullivan 2040 Alvarado St,  
O'side 92054
21. ~~Justin Matthews~~  
JUSTIN MATTHEWS 1822 ALVARADO ST.  
OCEANSIDE, CA. 92054
22. PAUL FUCHS  
~~P-F~~ 1814 S OITMAR  
92054
23. Donna Wolf " "  
Donna R Wolf "
24. ANDREW ZADONA  
Andrew Zafant 2020 S NEVADA  
92054 OCEANSIDE  
CA
25. Judi Winfield  
LUDI WINFIELD 2035 S. Nevada  
Oceanside, Ca. 9205
26. ~~Justin Winfield~~  
J. MICHAEL WINFIELD " "

- 27 Ruth M. Foster 1023 Vista Way  
RUTH M. FOSTER
- 28 Barbara + Thad Hoyer 1009 Vista Way  
Barbara Hoyer Thad Hoyer
- 29 ~~Kathy Crouch~~  
Kathy Crouch 2016 S. Horne St.  
Vista, Ca 92054
- 30 ~~Bryce~~  
BRYCE LOTHAN 2021 STHORNE  
Oceanside, CA, 92054
- 31 Shirley Johnson 2025 S. Horne St.  
Oceanside, Ca 92054
- 32 Summer J. Chinton 2029 South Horne St.  
Oceanside, CA 92054
- 33 ERIC Suchman  
~~Eric Suchman~~ 2043 South Horne  
Oceanside Ca. 92054
- 34 Jennifer Suchman 2043 South Horne  
Oceanside Ca 92054
- 35 MAX Suchman  
MAX Suchman 2043 South Horne  
Oceanside, Ca 92054

36 Chelsea Lopez - Chelsea Lopez  
917 Vista Way Oceanside, CA 92054

37  Julio Lopez  
917 Vista Way Oceanside, CA 92054

38  RIC SPELLHAMMER  
OCEANSIDE, CA 92054

39 Darryl Fontana 909 vista way

40  ~~Kim~~  
(OD) PEA 922 Vista Way.

41 Camille Pece  
Camille Pece 922 Vista Way  
Oside 92054

42 (see # 28 address has two signatures)

43

44



**File Number:** ACUP-4-07 & ACP-2-07

**Applicant:** Cricket Communications

**Description:**

ADMINISTRATIVE CONDITIONAL USE PERMIT (ACUP-4-07) and ADMINISTRATIVE COASTAL PERMIT (ACP-2-07) to construct and operate three antennas attached to three remodeled light poles located at 31227 Vista Way. The project has been appealed and the decision is subject to a public hearing. The project site is zoned CV (Commercial Visitor) and is situated within the Ivey South Oceanside Neighborhood – **CRICKET @ AMAZON BIKES**

**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

Date: February 29, 2008

Public Hearing Coastal Permit  
Identification No. ACP-2-07

NOTICE OF PUBLIC HEARING  
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Cricket Communications. This application was received on March 15, 2007. The application is described as follows:

To construct and operate three antennas attached to three remodeled light poles located at 31227 Vista Way.

The project site is zoned CV (Commercial Visitor) and is situated within the Ivey South Oceanside Neighborhood and the Coastal Zone.

Said hearing will be held on March 10 2008, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after March 5, 2008, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the City of Oceanside, Planning Division at (760) 435-3520. Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on March 15, 2008 (10 days from the adoption of the Planning Commission Resolution).

The project is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Coastal Commission within ten (10) working days following the Commission receipt of the Notice of Final Action on this project. The Notice of Final Action is mailed after the City's last action, such as Planning Commission resolution, Community Development Commission resolution (for projects in the Redevelopment Area), or City Council resolution (for projects involving a zone change or which resulted in a local appeal). Please contact the Planning Department at (760) 435-3520 for this information.

Appeals must be in writing. The Coastal Commission, San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, California 92108-4402. The phone number is (619) 767-2370.

Cricket @ Amazon Bikes

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
<b>PART I - APPLICANT INFORMATION</b>				HEARING	
1. APPLICANT		2. STATUS		GPA	
Cricket Communications				MASTER/SP.PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
3087 Cowley Way #9 San Diego Ca 92117		760 525 1263		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
Tim Kolset / FRANKLIN (619) 632-2569				DEV. PL.	
6. ADDRESS		7. PHONE/FAX		C.U.P.	ACUP-4-07
3087 Cowley Way #9 San Diego, CA 92117		760 525 1263		VARIANCE	SEP-2-07
<b>PART II - PROPERTY DESCRIPTION</b>				COASTAL	
8. LOCATION				O.H.P.A.C.	
1227 Vista Way				9. SIZE	
				100 sq. ft.	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
	CV	Commercial	155-140-27		
<b>PART III - PROJECT DESCRIPTION</b>					
14. GENERAL PROJECT DESCRIPTION					
Please refer to attached projected description					
REV-7/16/07					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
N/A	N/A	N/A	N/A	N/A	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
100 sq. ft.	N/A	N/A	N/A		
<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"/>	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 31. CONSTRUCTION SCHEDULE	
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 29. PLOT PLANS	<input checked="" type="checkbox"/>	<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):		34. DATE		37. OWNER (Print)	
Tim Kolset		3/15/07		Frank Schmitz ENR Partner	
Sign:				38. DATE	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign:		
			SEE Attached		
35. APPLICANT (Print):		36. DATE		39. OWNER Print):	
Tim Kolset		3/15/07			
Sign:				40. DATE	

3/17/07  
KJ  
OK

RECEIVED

MAR 15 2007

Planning Department

RECEIVED

MAR 15 2007

Planning Department

AK

**PROJECT DESCRIPTION**  
**Cricket Communications**  
*Amazon Bikes*

RECEIVED  
MAR 15 2007  
Planning Department

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**INTRODUCTION**

Cricket Communications is a Communications provider licensed to operate a wireless communications network throughout the United States. Cricket has started operation of a wireless network in San Diego County for its Southern California subscribers. This network is designed to transmit and receive calls by radio waves operating in the 1850-1990 MHz spectrum.

Telecommunications technology has existed for many years and, in particular, Wireless technology is emerging as a necessary emergency service and business tool as well as being convenient for personal and family use. The high quality and convenience of wireless handhelds has created increasingly strong demand for this service. In order to meet this demand, to improve the quality, and to expand the footprint of its service into areas that are not currently served, Cricket proposes to construct the subject Amazon Bikes antenna facility.

**PROJECT GOALS**

The goal of the proposed Cricket Amazon Bikes facility is to provide Wireless service for personal, business and emergency purposes to nearby residential, commercial and industrial locations.

Cricket intends to work with the City of Oceanside to ensure that this project is consistent with local ordinances and zoning regulations while providing Wireless coverage critical for emergency, business and personal use.

Cricket is currently negotiating a lease with the property owner, which will allow for construction and maintenance of this facility, as well as provide access to the site. The property owner has executed a letter of authorization (included with this application) indicating their consent for Cricket to obtain the requested permit(s).

**PROJECT DESIGN**

The proposed telecommunication site is designed to blend with the existing buildings and adjacent land uses while still meeting the radio coverage objectives necessary to provide Wireless service to the area.

In order to obtain the necessary height and provide the desired radio coverage to the community, the proposed wireless project consists of an unmanned telecommunications site consisting of 1 antenna per sector (3) mounted inside a to be constructed Faux Chimney. The overall height of the chimney will be 33'-4" with the proposed antennas to reside at approximately the same

height. The equipment used by the antennas will be located at ground level next to the existing buildings southern wall. All materials and design used in constructing this project will be integrated to match the colors, textures, and architecture associated with the existing surroundings.

## **SUMMARY**

This project proposes a wireless telecommunications transmitting facility consisting of up to 3 panel antennas as well as, one (1) GPS antenna mounted to inside of the proposed chimney. All radio, power and telephone equipment at ground level next to the existing buildings southern wall.

LEGAL DESCRIPTION EXHIBIT

35°11'40" WEST 123.29 FEET; THENCE NORTH 84°33'02" EAST 28.80 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ONLY OVER, ON AND ACROSS THOSE PORTIONS OF TRACT 48 OF SOUTH OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 7, 1890 AND OF BUENA VISTA CEMETERY, ACCORDING TO MAP THEREOF NO. 759, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 22, 1893, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID TRACT 48, SAID POINT BEING ALSO THE SOUTHEASTERLY CORNER OF TRACT 66 OF HOTELING LANDS AS SHOWN ON MAP NO. 1717, RECORDS OF SAID COUNTY, SAID POINT BEING ALSO THE SOUTHEASTERLY CORNER OF THE TOLLE TRACT, ACCORDING TO MAP THEREOF NO. 1952, RECORDS OF SAID COUNTY AND DESIGNATED THEREON AS BEING THE SOUTHEASTERLY CORNER OF SAID TRACT NO. 66; THENCE ALONG THE DIVIDING LINE BETWEEN SAID TRACTS 66 AND 48, NORTH 0°17'30" WEST (RECORD NORTH 0°17'50" WEST 1239.52 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY LINE OF VISTA WAY, SHOWN ON MAP OF HOTELING LANDS, NO. 1717 AS WALL STREET; THENCE ALONG THE SOUTHEASTERLY LINE OF VISTA WAY, NORTH 54°48'20", EAST 90.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 35°11'40" EAST 20.00 FEET; THENCE SOUTH 84°33'02" WEST 40.31 FEET TO SAID EASTERLY LINE OF VISTA WAY; THENCE ALONG SAID EASTERLY LINE NORTH 54°84'20" EAST 35.00 FEET TO THE TRUE POINT OF BEGINNING.



# NOTICE OF EXEMPTION

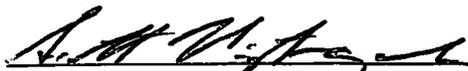
City of Oceanside, California

Post Date:  
Removal:  
(30 days)

1. **APPLICANT:** Cricket Communication
2. **ADDRESS:** 4031 Sorrento Valley Blvd.  
San Diego, CA. 92121
3. **PHONE NUMBER:** (619) 632-2569
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** Cricket @ Amazon Bikes (ACUP-4-07 & ACP-2-07)
7. **DESCRIPTION:** An Administrative Conditional Use Permit to operate and construct a telecommunication facility within three parking lot light poles located at 1227 Vista Way.

**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 constitutes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section \_\_\_\_\_, <name> ( Sections 15260-15277); or,
- The project is categorically exempt, Class 11 Section 15311, Accessory Structures.
- The project does not constitute a "project" as defined by CEQA (Section 15378).

  
\_\_\_\_\_  
Scott Nightingale, Planner II

Date: December 26, 2007

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee