



DATE: March 26, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMIT (C-17-95 REV04) TO PERMIT A 5-YEAR RENEWAL OF A COMMUNICATION FACILITY; CONDITIONAL USE PERMIT (C-45-04) TO EXCEED THE MAXIMUM DISTRICT HEIGHT; AND VARIANCE (V-21-04) TO ALLOW A REDUCED REAR YARD ON PROPERTY AT 1606 MISSOURI STREET – MISSION SUMMIT COMMUNICATIONS CELL SITE – APPLICANT: AMERICAN TOWER CORPORATION**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Conditional Use Permit (C-17-95 REV04), Conditional Use Permit (C-45-04), and Variance (V-21-04);
- (2) Adopt Planning Commission Resolution 2007-P16 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

The site is located at the intersection of Missouri and Vine Streets and is the current location of the Woman's Club of Oceanside. Existing site improvements include a 2,487-square foot building, a shed, a communication facility equipment shelter, and a monopole with 15 panel antennas.

On October 9, 1995, the Planning Commission considered a request for a communication facility (Conditional Use Permit C-17-95) and adopted Resolution No. 95-P46 approving the subject use for a 5 year period.

On August 24, 2000, Verizon Wireless applied for a time extension of C-17-95. On April 22, 2002, the Planning Commission considered Verizon Wireless's application and adopted Resolution No. 2002-P21 granting a 4-year time extension effective October 9, 2000.

On September 9, 2004, American Tower Corporation applied for a time extension of C-17-95. On October 31, 2006, the applicant submitted material in response to staff's 2004 review of the initial application submittal. In accordance with the California Permit Streamlining Act, the application was deemed complete on February 5, 2007. The applicant and staff agreed upon the March 26, 2007 hearing date in compliance with the Zoning Ordinance.

Site Review: The site is situated within the Single-Family Residential District (RS) and within the Single-Family Residential (SFD-R) Land Use Designation at the intersection of Vine Street and Missouri Avenue. The principal use on the site is the Woman's Club of Oceanside; a secondary use is the existing stand-alone communication facility. Surrounding land uses include single-family and multi-family uses.

The easterly property line abuts CalTrans right-of-way for Interstate Highway 5. Planted within the right-of-way are several eucalyptus trees. The site has minimal landscaping and perimeter fencing. Three mature magnolia trees, photographed in 2002, have been removed from the parkway that is contiguous with the site.

Woman's Club members indicated to staff that the property has been vandalized, and the club's membership turned off the on-site irrigation, because the sprinklers were regularly vandalized. Graffiti has occurred on previous occasions. Homeless persons frequent the property's perimeter shrubs and locations between the shed and the rear fence.

Project Description: The application has three components; a time extension of a conditional use permit, a second use permit, and a variance as follows:

Conditional Use Permit C-17-95 REV04 represents the following:

- (a) Pursuant to Section 3025.D.4.A of the Zoning Ordinance and Resolution 2002-P21 Condition 6, a time extension of the original expiration date is required for the existing communication facility land use. Section 3025.D.4 states that the use shall be limited to a term of 5 years. However, the CUP may be renewed in accordance with the provisions of Section 4108.B.
- (b) Pursuant to California State Government Code 65850.6(b) 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. However, cities may establish a build-out period for a site.

Conditional Use Permit C-45-04 represents the following:

- (c) Pursuant to Section 3018.A of the Zoning Ordinance, a use permit (C-45-04) is required to exceed the district height limit by 26 feet. The maximum allowed height in a residential district within the Townsite Neighborhood is 27 feet. A structure may exceed the district height limit by 10 feet and a use permit may be approved for features extending more than 10 feet above the base district height limit.

Variance V-21-04 represents the following:

- (d) Pursuant to Section 1050 of the Zoning Ordinance, a variance is required to locate a structure within a required rear yard. The applicant proposes to locate a generator two feet from the rear property line and a 63-foot tall pole set back six feet from the rear property line.

The proposal is to remove the existing 50-foot monopole and its ancillary structures and to install a new 63-foot forked structure, replace the previous triangular-shaped support structure and install fifteen 4-foot long panel antennas.

The applicant proposes to clad the new installation with material that provides an appearance similar to a eucalyptus tree. The proposed height of the new steel structure is 63 feet above existing grade. The overall height of the disguise is diagrammatically taller than 63 feet and it is shown with a naturally shaped eucalyptus canopy extending above the steel "trunk" structure.

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

1. General Plan Land Use Element
2. Zoning Ordinance Articles 10, 30, and 41
3. California Environmental Quality Act (CEQA)
4. State of California Government Code 65850
5. State of California Government Code 65964

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Single-Family Residential (SFD-R). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

Land Use Element

Goal 1.1: Community Values

Objective: To ensure the enhancement of long term community and neighborhood values through effective land use planning.

Policies:

- A. Land uses shall be attractively planned and benefit the community.
- B. Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses.
- C. The City shall analyze the long-term effects of all proposed development to assure both the present and future social, economical, and physical enhancement of the community.

The proposal has been conditioned to provide attractive landscaping and to disguise the visual impact of the proposed communication facility. Staff recommends a five-year time extension (expiring October 9, 2009) for the communication facility. While this proposal does provide an innovative disguise (a design that mimics characteristics of a eucalyptus tree), project specific conditions include landscape requirements that will address some of the ongoing concerns at this location.

Substantial land use concerns have been ongoing at this site. A conservative term for the renewal will provide adequate time for the applicant to assure that the objectives of the General Plan are reflected in implementation of the Planning Commission's action and allow the Planning Commission to review the social, economical, and physical development of the new communication facility.

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 predecessors of American Tower Corporation (Airtouch Cellular, Verizon Wireless) have provided communication services from this site since 1996. Communication service providers presently provide a variety of communication services to the businesses and residents of Oceanside.

While the installation at this site has not satisfactorily meet conditions set forth in Resolution 95-P46 and 2002-P21; this proposal does include an innovative disguise (There is one other faux eucalyptus tree in southern California). The disguise will visually conform to the existing conditions at the site, because eucalyptus trees are located within the adjacent CalTrans right-of-way. However, staff understands that CalTrans intends to remove eucalyptus trees from the right-of-way at some point in the future.

The Zoning Ordinance and newly implemented California Government Code encourage the installation of a co-user facility. As such, the resolution includes project specific conditions for the future installation of a co-user communication facility.

2. Zoning Compliance

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

	REQUIRED	PROPOSED
MINIMUM LOT SIZE	6,000 sq. ft.	approximately 19,600 sq. ft.
PARKING RATIOS	1:100 sq. ft. of assembly area	1:100 sq. ft. of building area
REQUIRED FRONT YARD	20 ft.	20 ft. no change
REQUIRED SIDE YARD	7.5 ft.	7.5 ft. no change
REQUIRED REAR YARD	10 ft. for nonresidential structures	6 ft. for the proposed antenna structure; 2 ft. for the proposed generator
LOT WIDTH	65 ft.	approximately 190 ft.
BUILDING HEIGHT	27 ft.	approximately 63 ft.

The maximum height of the new structure will be approximately 63 feet. The proposed structure will be located within the required rear yard and be set back six feet from the rear property line. The applicant is requesting approval of a variance for the location of the new stand-alone communication facility structure and a generator.

A generator is proposed between the rear fence and the existing communication equipment shelter. The generator location is proposed to be set back two feet from the rear property line. The communication equipment and the generator are subject to local Municipal Code requirements, including allowable noise levels. Per Section 38.12 of the Municipal Code, the general sound level limits within a RS District are 50 decibels during the day between 7:00 a.m. and 10:00 p.m. and 45 decibels during the night between 10:00 p.m. and 7:00 a.m. The generator produces a noise level of about 64.9 decibels at distance of 23 feet.

3. Land Use Compatibility with surrounding developments

The following table identifies land uses on adjacent properties:

LOCATION	GENERAL PLAN	ZONING	LAND USE
1606 Missouri Avenue intersection of Vine & Missouri	SFD-R	RS	single-family and multi-family
Properties facing Brooks Street	SFD-R	RS	single-family and multi-family
Properties facing Vine and Rockledge Streets	SFD-R	RS	single-family and multi-family
Properties facing Missouri Avenue	SFD-R	RS	single-family and multi-family

The property's eastern boundary is contiguous with the I-5 freeway. The intersection of Vine Street and Missouri Avenue are located at the property's southeast corner. Building types/uses in the surrounding area include several single-family residential developments, at least 11 multi-family units and a 26-unit complex. Two parcels over to the north (426 Brooks Street), there is a co-user facility (six antennas completely enclosed within a roof penthouse and ground-mounted equipment cabinets).

Section 3025.D.4 of the Zoning Ordinance identifies the standard conditions for operation and construction of a communication facility. The requirements include requiring a renewal of the use permit; identifying that the facility operates in compliance with radio frequency radiation limits that are determined by the FCC; reducing the visual presence of the antennas and equipment and implementing the best available technology when it is necessary to change-out or replace existing equipment; cooperating with the construction of a co-user communication facility; complying with other pre-emptive regulations; and addressing the appearance of the entire site, including upgrading or repairing physical features as a means of minimizing view impacts to the community (e.g. site landscaping, architectural treatments, painting, and other methods).

The resolution includes project specific conditions for each of the aforementioned and due to substantial land use concerns Conditional Use Permit (C-17-95) is limited to a term of five years. Project specific landscaping conditions are written to address the appearance of the entire site (the Conceptual Landscape Plan proposed by the applicant does not address the appearance of the entire site). The applicant will be required to repair and or replace on-site irrigation, landscaping, and fencing. The applicant will be required to prepare a management plan and include a landscape maintenance schedule and provide a 24-hour emergency contact.

4. 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. However, cities may establish a build-out period for a site.

The site has unique characteristics that warrant consideration of the public's welfare. The site's landscaping is sparse and poorly maintained. The structures on-site have been vandalized. Staff finds that the revised site design, with specific project conditions, has every opportunity for success. Therefore, staff recommends a five-year extension of the previously approved expiration date (to October 9, 2009). Given the site specific circumstances, a 10-year extension of the CUP is inappropriate.

5. State of California Government Code 65964

California State Government Code 65964 requires the adoption of *co-user* communication facility requirements when approving a *stand-alone* communication facility application. Therefore staff recommends that the requirements for future co-user communication facilities be specified with the adoption of the Stand-Alone Communication Facility. The resolution has specific conditions for the expansion of the site and these conditions are drawn from Section 3025 of the Zoning Ordinance.

DISCUSSION

Issue: The stand-alone communication facility is disguised and the sparse nature of the site is mitigated by landscaping.

Recommendation: The applicant has proposed to disguise the communication facility as a eucalyptus tree. These trees have distinctive bark, leaf shape, branching, and canopy shape. The antennas will be covered with RF friendly material that is designed to appear like clumps of eucalyptus leaves. The shape of a eucalyptus tree, unlike a pine, palm, or sycamore trees, includes extended bare branches and tufts of tree canopy and will not fully screen the antennas. The faux eucalyptus tree's canopy will not encompass and obscure the appearance of the antennas. The effectiveness of the proposed disguise is its juxtaposition to existing trees of similar height, shape, and size.

The Section 3025.D.4.F states that an approved facility shall address the appearance of the *entire* site (emphasis added) and shall upgrade or repair physical features as a means of minimizing view impacts to the community. The applicant has proposed landscape improvements within their lease area which is located to the rear of the site; staff has crafted project specific conditions to address the appearance of the entire site. These conditions include site landscaping, requiring a management plan, and repair

and or installation of an irrigation system. The management plan shall include a 24-hour contact for the purposes of graffiti abatement, repairs due to vandalism, and specify a regular landscape maintenance schedule. Landscaping includes planting street trees (small shrubs), repairs to the existing fencing, and planting vines along the perimeter of the site. The site is sparse. These improvements will positively contribute to minimizing the visual impact of the communication facility.

Staff recommends that Planning Commission adopt project specific conditions which reduce the height of the I.C.E. bridge. Typically an I.C.E. bridge is used to protect the cables from extremely cold conditions (like snow and ice); in southern California it is used to support the weight of the cables between the equipment shelter and the monopole. At this site, the I.C.E. bridge and cables are at an elevation that is higher than the fence and they are visible from the street. Staff recommends that Planning Commission adopt a condition that limits the maximum height of the I.C.E. bridge to five feet and require a six-foot fence, planted with vines, to encompass the pole-I.C.E. bridge area.

Issue: The height of the proposed structure is approximately 63 feet.

Recommendation: Staff recommends that the use permit for exceeding the base district height be approved, but limit the maximum height of the antennas to 50 feet. The existing antennas at the site are 50 feet above grade. This deviation from the proposal will allow a more effective use of the disguise and reduce the visual impact of the fifteen four-foot long panel antennas at the site.

What often occurs, and is the case here, is that the antennas are situated near the top of the disguise (the tree's canopy). The top is the narrowest area of faux canopy and the area least able to provide an effective cover over the antennas. To effectively take advantage of the proposed disguise, staff recommends that the overall structural height and canopy be approved, but that the maximum antenna height remains 50 feet above grade. Staff recommends the faux foliage be full, vibrant, multilayered, and that multiple branches be added to the forked structure to effectively replicate the real characteristics of a *Eucalyptus* tree.

Issue: The proposed communication facility will be located within the required rear yard.

*Recommendation: The submitted plans show the existing monopole situated outside of the required rear yard. The proposed location of the newly disguised pole is located within the required rear yard. The lot is adjacent to I-5 and the CalTrans right-of-way. Locating the new structure within the required yard will place the proposed structure in proximity to a grouping of actual *Eucalyptus* trees. Staff finds that the proposal is suited to the site and does not provide a special privilege to the property owner.*

Issue: The proposal includes locating generator two feet from the rear property boundary.

Recommendation: The noise analysis report provided by the applicant for the operation of a generator on-site states that the generator operates at a decibel level that exceeds the maximum allowed for a residential district. Further, the applicant proposes to locate the generator between the equipment shelter and the rear property line.

Staff finds that there are alternative locations on-site for the generator and recommends that the resolution be adopted with conditions specifically crafted to exclude a generator from the site. Any future proposal to revise the use permit to include the generator should identify it outside of a required yard and not exceeding the maximum allowed decibel level within a residential district.

Issue: Operation of a cell-on-wheels (C.O.W.) is proposed for the days between the demolition of the existing facility and the construction of the new facility.

Recommendation: The applicant is required to provide a "stealth" disguise for the communication facility structure. The existing structure will be removed and replaced. During the intervening days, staff recommends the operation of a C.O.W. This will provide for uninterrupted communication service while the site is revamped. Project specific conditions have been crafted and it is staff's recommendation that the project be approved as conditioned.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 2, Replacement or Reconstruction, per Section 15302(b) of the California Environmental Quality Act which states replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times on Friday, March 16, 2007 and notices were sent to property owners of record within a 300 ft. radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of March 22, 2007, no communication supporting or opposing the request has been received.

SUMMARY

The proposed time extension for Conditional Use Permit, Conditional Use Permit, and Variance, as conditioned, are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project has been 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:

- Move to approve Conditional Use Permit (C-17-95 REV04), Conditional Use Permit (C-45-04) and Variance (V-21-04), and adopt Planning Commission Resolution No. 2007-P16 as attached.

PREPARED BY:

SUBMITTED BY:


Juliana von Hacht
Associate Planner


Jerry Hittleman
City Planner

REVIEWED BY: 
Amy Volzke, Principal Planner

JH/JH/fil

Attachments:

1. Site Plans/Elevations/Conceptual Landscape Plans
2. Planning Commission Resolution No. 2007-P16



AMERICAN TOWER, INC.
2001 Townsend Dr.
Atlanta, GA 30309

Basilio
Associates, Inc.
Architects / Planning / Interiors
711 Shiloh Road
Atlanta, GA 30316
P (404) 474-2144
F (404) 443-2812

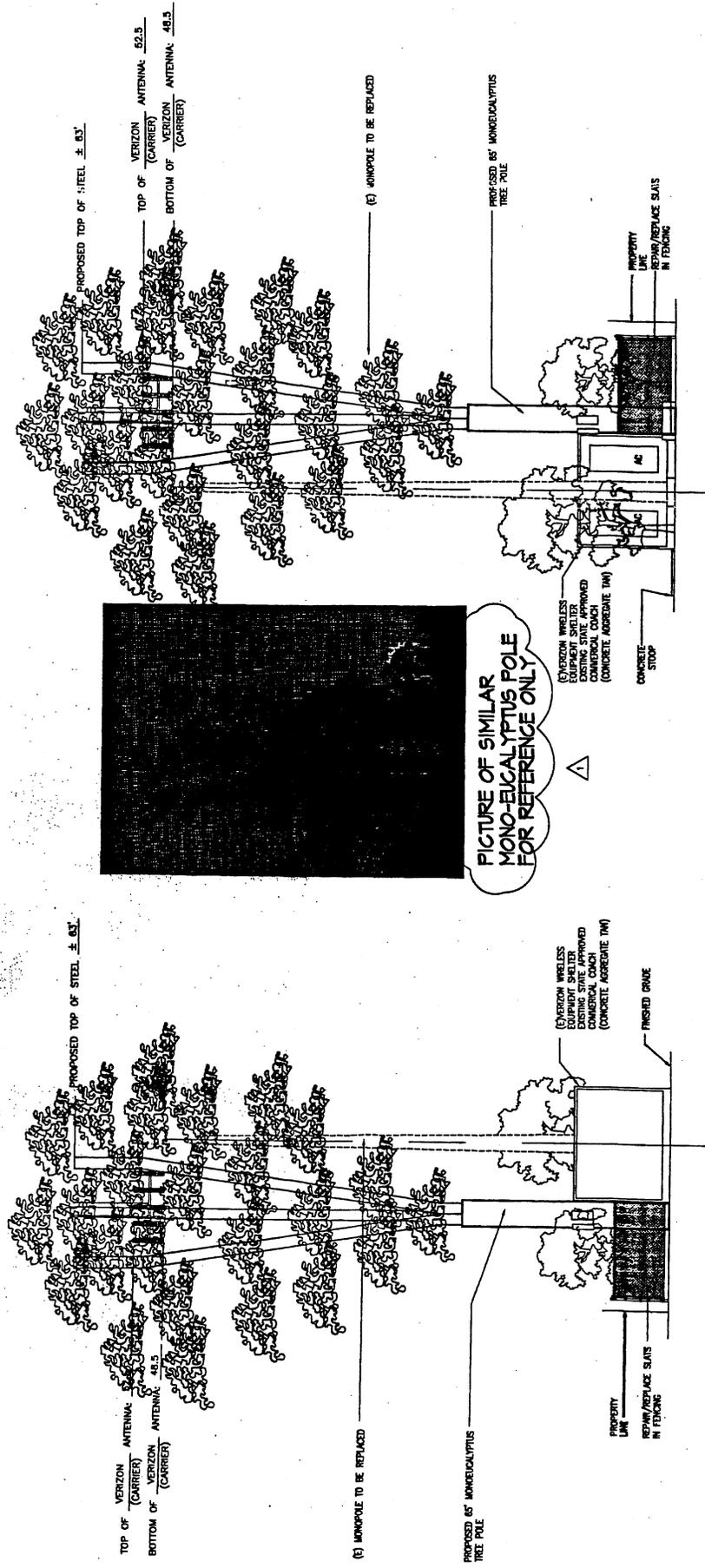
DATE: 03/07/07
ZONING: CA-004
DRAWING NO.: 082-02
SCALE: AS NOTED
DRAWN BY: JB

SELBY RIDGE
1008 MISSOURI AVENUE
COVINGTON, GA 30024
CA-0084 / 300665

WEST ELEVATION
EAST ELEVATION

DATE: 3-07-07
SCALE: AS NOTED
JOB #: 082-02
DRAWN BY: JB

A-3



PICTURE OF SIMILAR MONO-EUCALYPTUS POLE FOR REFERENCE ONLY

EAST ELEVATION

WEST ELEVATION





AMERICAN TOWER, INC.
2201 Regent Dr., # 340
Irvine, CA 92617



Bepello
Associates, Inc.
10000 Wilshire Blvd., Suite 1000
Los Angeles, CA 90024
Tel: (310) 441-8144
Fax: (310) 441-2812

DATE: 03/07/07
DRAWING NO.: CA-0084 / 300665
SHEET NO.: 11
SHEET TOTAL: 12

PROJECT: SELBY RIDGE
LOCATION: 108 MISSOURI AVENUE
OCEANVIEW, CA 92084

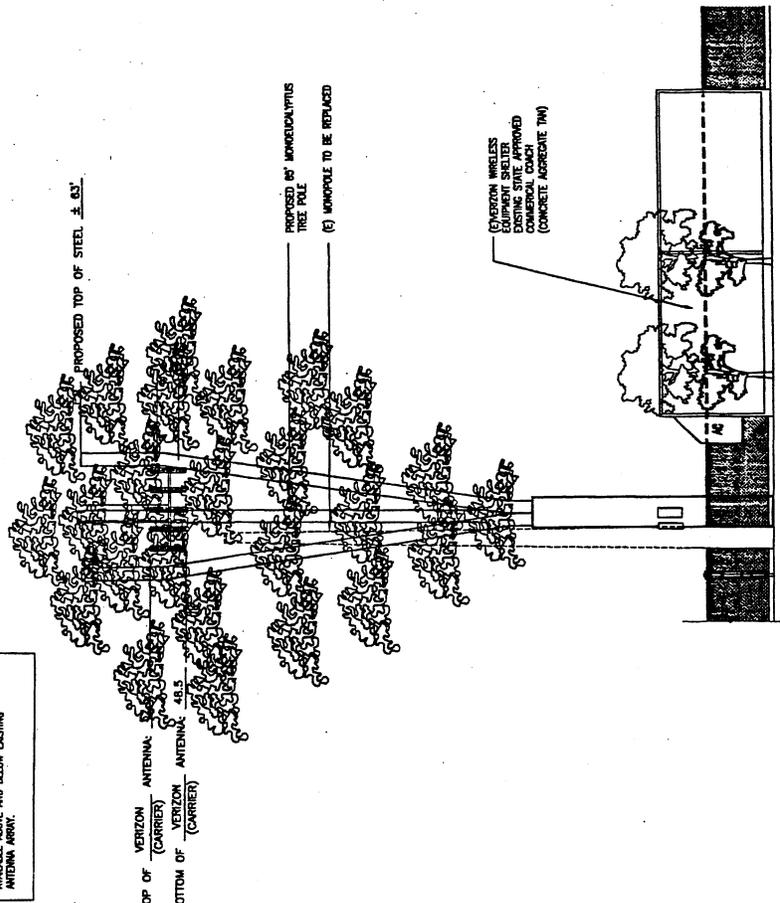
SCALE: AS NOTED
JOB #: 082-02
DRAWN BY: JB
CHECKED BY: [blank]

DATE: 3-07-07
SCALE: AS NOTED
JOB #: 082-02
DRAWN BY: JB
CHECKED BY: [blank]

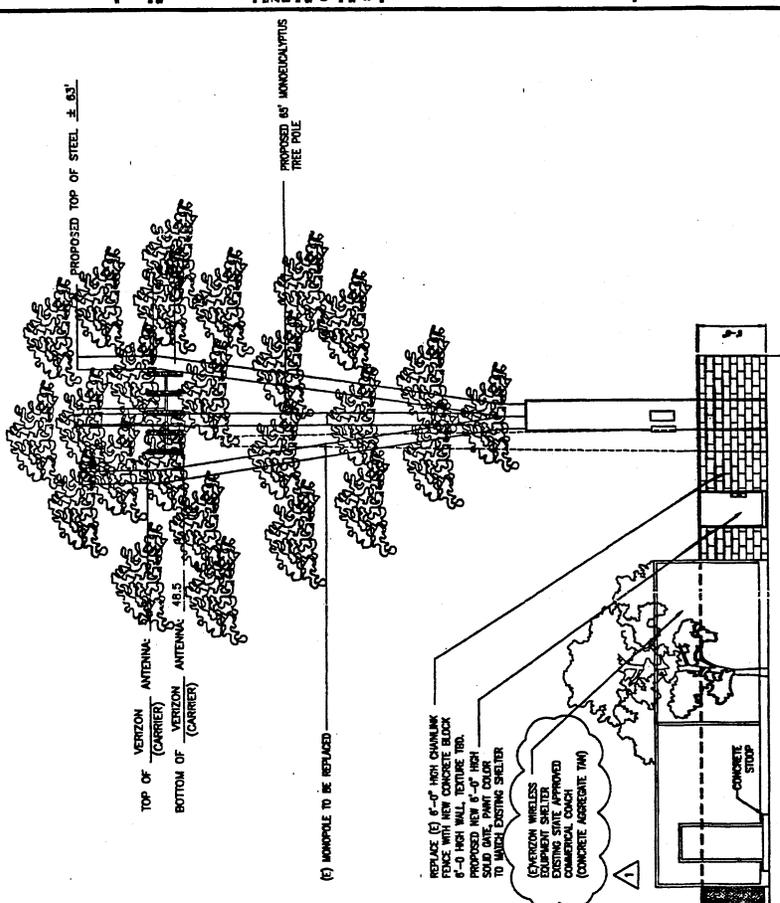
DATE: 3-07-07
SCALE: AS NOTED
JOB #: 082-02
DRAWN BY: JB
CHECKED BY: [blank]

SHEET NUMBER: A-4

NOTE: SPACE ON MONO-EUCALYPTUS FOR COLLOCATION AVAILABLE ABOVE AND BELOW EXISTING ANTENNA ARRAY.



NORTH ELEVATION



SOUTH ELEVATION

SCALE: 3/16"=1'-0"



AMERICAN TOWER, INC.
2201 CENTRAL EXP.
SUITE 200
IRVINE, CA 92614



Basilio
Associates, Inc.
Architectural & Planning
71 Stony Pointe
Laguna Niguel
CA 92653-2144
P (408) 452-2912

DATE:

DESIGNED FOR:
ZONING:
DRAWINGS:
BY: NUMBER:
CA-0084

PROJECT NAME:
SELBY RIDGE

CA-0084 / 300665
OCEANSIDE, CA 92054
1808 MISSOURI AVENUE
SELBY RIDGE

SEE LOCATION

LANDSCAPE
PLAN

SHEET TITLE

DELTA REASON DATE

1	3-17-06
2	
3	
4	

DATE: 3-17-06
SCALE: AS NOTED
JOB #: 082-02
DRAWN BY: JG

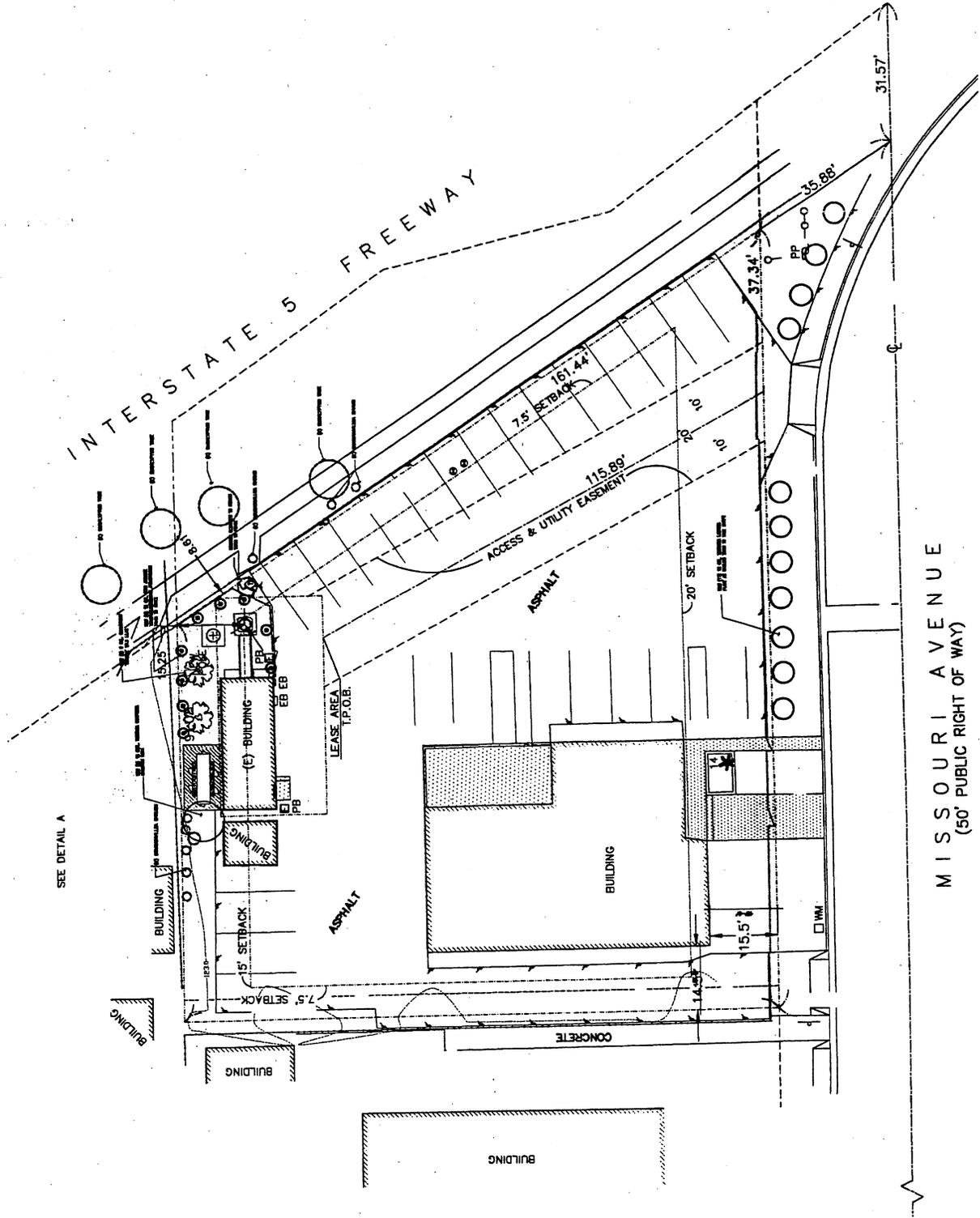
PROJECT NUMBER

L-1



INTERSTATE 5
FREEWAY

SEE DETAIL A



MISSOURI AVENUE
(50' PUBLIC RIGHT OF WAY)

SCALE: 1/8" = 1'

SITE PLAN DETAIL



AMERICAN TOWER, INC.
 500 WEST 10TH STREET, SUITE 1000
 DALLAS, TEXAS 75201-2900
 P (214) 761-1000
 F (214) 761-1001



Bealio
 Associates, Inc.
 71 Stonewall Parkway
 Laguna Hills, CA 92653
 P (714) 474-2144
 F (714) 443-2172

PROJECT NO. 005-02
 DRAWING NO. IRRIGATION PLAN
 SHEET NO. L-2
 DATE 3-17-08
 SCALE AS NOTED
 JOB NO. 005-02
 DRAWN BY JLB

SELBY RIDGE
 1002 MISSOURI AVENUE
 OCEANSIDE, CA 92065
 CA-0084 / 300665

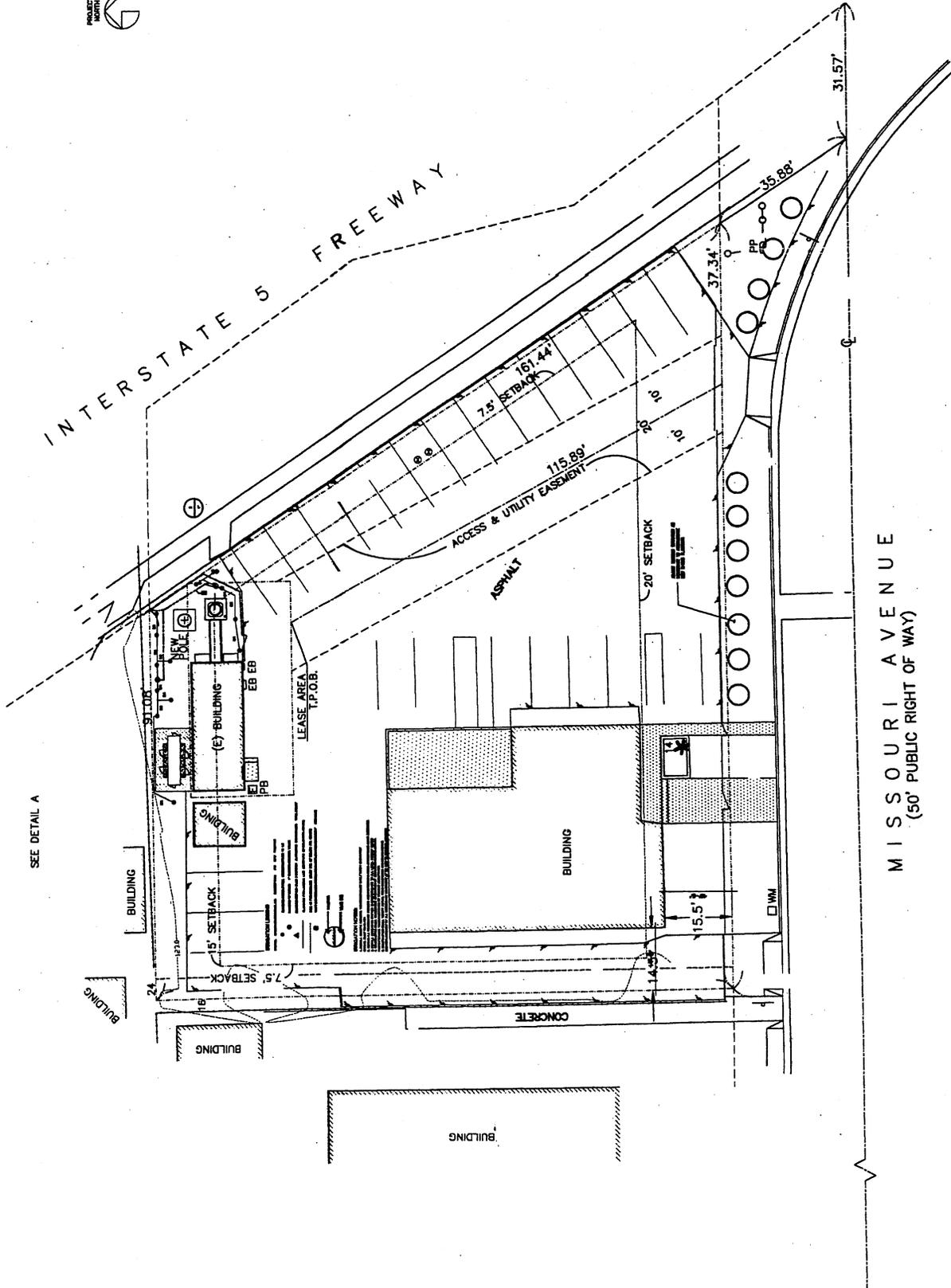
IRRIGATION
 PLAN

DATE 3-17-08

3-17-08

DATE 3-17-08
 SCALE AS NOTED
 JOB NO. 005-02
 DRAWN BY JLB

L-2



SEE DETAIL A

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

SITE PLAN DETAIL

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P16

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 REVISION TO A CONDITIONAL USE PERMIT FOR A
6 WIRELESS COMMUNICATIONS FACILITY, A
7 CONDITIONAL USE PERMIT TO EXCEED THE HEIGHT
8 LIMITATION, AND A VARIANCE FROM THE YARD
9 REQUIREMENTS FOR CERTAIN REAL PROPERTY IN THE
10 CITY OF OCEANSIDE

7 APPLICATION NO: C-17-95REV04, C-45-04, V-21-04
8 APPLICANT: American Tower Corporation
9 LOCATION: 1606 Missouri Avenue

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

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

16 a 5-year time extension of the conditional use permit allowing a wireless communication
17 facility, a conditional use permit to exceed the height limitations, and a variance to
18 construct a structure within a required yard;
19 on certain real property described in the project description.

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 26th day
21 of March, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
22 application.

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

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

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

3 For the Revision to Conditional Use Permit (C-17-95):

- 4 1. The proposed location of the communication facility is in accord with the objectives of this
5 ordinance, including the adopted siting criteria of Section 3025 and the purposes of the
6 single-family residential district.
- 7 2. The proposed location and conditions under which the communication facility will be
8 operated and maintained is consistent with the General Plan; will not be detrimental to the
9 public health and safety of persons residing or working in or adjacent to such use; and will
10 not be detrimental to the general welfare of the City.
- 11 3. Due to substantive land use concerns, it is reasonable to extend the communication facility
12 land use for a period of 5 years from the previous expiration date of October 9, 2004. Land
13 use concerns include the eminent change in the character of the neighborhood (removal of
14 *Eucalyptus* trees), the vandalism at the site, the proximity to multi-family land use, and
15 noise created by cooling systems and a generator.

16 For the Conditional Use Permit (C-45-04):

- 17 1. This proposal is suitable to the objectives and purposes of the single-family residential
18 district, because the 63-foot tall monopole will be disguised as a eucalyptus tree and will
19 be situated at the greatest possible distance from Missouri Avenue. The additional height
20 is buffered by several *Eucalyptus* trees planted within the adjacent CalTrans right-of-way.
- 21 2. Since the 63-foot tall monopole will be constructed near *Eucalyptus* trees of similar
22 appearance, the proposed location of the monopole, its disguise, and the maintenance of
23 this structure is consistent with the General Plan. It will not be detrimental to the public
24 health and safety of persons residing or working in or adjacent to the neighborhood of such
25 use; and will not be detrimental to the general welfare of the City.
- 26 3. The proposed 63-foot tall monopole will comply with the provisions of the Zoning
27 Ordinance, as set forth by the adopted conditions of approval.

28 For the Variance (V-21-04):

- 29 1. The lot's location and shape deprive the property of privileges enjoyed by other property in
30 the vicinity and within the subject single-family residential district.

1 2. Granting of the variance will not be detrimental or injurious to the property or
2 improvements in the vicinity of the monopole, or to the public health and safety.

3 3. Granting of the variance will not grant a special privilege, inconsistent with limitations on
4 other properties in the vicinity and in the single-family residential district.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
6 approve of a revision to Conditional Use Permit (C-17-95), C-45-04, and V-21-04 subject to the
7 following conditions:

8 1. The conditions of Planning Commission Resolution No. 95-P46 and Resolution No. 2002-
9 P21 shall remain in effect as applicable, provided that the following conditions shall also
10 apply and override in any matters pertaining to the existence and operation of the facility.

11 **Building:**

12 2. Applicable Building Codes and Ordinances shall be based on the date of submittal for
13 Building Division plan check (Currently the 2001 California Building Code, and 2004
14 California Electrical Code).

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

17 4. Prior to submittal for building plan review, the plans for this project shall be prepared by a
18 licensed architect or engineer.

19 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
20 property shall be underground (City Code Sec. 6.30).

21 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
22 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
23 other such lights may be utilized and shall be shown on building and electrical plans.

24 7. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
25 plans.

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

- 29 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
30 p.m. Monday through Friday, and on Saturday from 7:00 .am. to 6:00 p.m. for

1 work that is not inherently noise-producing. Examples of work not permitted on
2 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
3 producing nature. No work shall be permitted on Sundays and Federal Holidays
4 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and
5 Christmas Day) except as allowed for emergency work under the provisions of the
6 Oceanside City Code Chapter 38 (Noise Ordinance).

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

12 9. Separate unique addresses shall be required to facilitate utility releases. Verification that
13 the address has been properly assigned by the Planning Division shall accompany the
14 Building Permit application.

15 10. A complete Soils Report, structural and energy calculations and or such documentation
16 shall be required at time of plans submittal to the Building Division for plan check.

17 **Engineering:**

18 11. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
19 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
20 be reviewed and approved by the City Engineer prior to the issuance of building permits.
21 Landscaping shall not be installed until bonds have been posted, fees paid, and plans
22 signed for final approval. The following special landscaping requirements shall be met:

23 a) To mitigate the loss of landmark and or mature existing trees on-site the
24 determination of replacement shall be based on tree number, type, and caliper
25 (caliper measured 2 1/2 feet from the base of the tree at existing grade). The total
number of tree caliper lost shall be equal to the total number of caliper replaced.
Replacement trees shall be a minimum of 15-gallon container stock. A field survey
shall be performed under the supervision of the City's Landscaping Section to
evaluate the existing tree population and the replacement requirements. The
existing trees to remain or proposed for removal shall be identified on the

1 Landscape Plan. The existing tree type, location, and caliper shall be shown on the
2 above plans. Replacement trees shall be identified and shown on the Landscape
3 Plan and shall be subject to review and approval by the City Engineer.

- 4 b) The Oleander shrub shall be replaced with a native or naturalized shrub of an
5 overall like size at maturity, which blends with the existing landscape and shall be
6 of a drought tolerant, self sustaining nature. Ground cover or bark mulch shall be
7 provided in shrub areas. Original Planning Commission Resolution No. 2002-P21
8 shall be complied with excluding: Nerium oleander shrubs added to the site, Queen
9 Palms provided in the right-of-way on Missouri and item #14, lines one through 4.
- 10 c) Shrubs trained as trees, (tree standards), minimum 30'-0" on center meeting City of
11 Oceanside requirements shall be provided in the Missouri Avenue right-of-way and
12 be of a drought tolerant and self sustaining nature; shrubs at maturity shall not grow
13 to a height reaching the overhead lines.
- 14 d) Vines provided to screen the fencing shall be installed with minimum 15-gallon
15 container size on site. Specific spacing of vines shall be determined by species to
16 provide maximum screening at the plant's maturity. Drought tolerant, self
17 sustaining vines are recommended.
- 18 e) Existing irrigation in the right-of-way and on-site shall be protected in place;
19 repaired, updated and replaced as necessary to meet the current City of Oceanside
20 requirements and be completed to the satisfaction of the City Engineer. Irrigation
21 for planted areas in the right-of-way and on-site shall meet the current City of
22 Oceanside requirements.

- 23 12. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
24 any adjoining public parkways shall be permanently maintained by the owner, their assigns
25 or any successors-in-interest in the property. The maintenance program shall include
normal care and irrigation of the landscaping; repair and replacement of plant materials;
irrigation systems as necessary; and general cleanup of the landscaped and open areas,
parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result
in the City taking all appropriate enforcement actions by all acceptable means including

1 but not limited to citations and or actual work with costs charged to or recorded against the
2 owner. This condition shall be recorded with the covenant required by this resolution.

- 3 13. Approval from the City of Oceanside Water Department shall be obtained to tie into the
4 existing water meter for the purpose of irrigating proposed landscape improvements, prior
5 to landscape plan approval. Trees shall not be located in utility easements and shall be spot
6 located by a Landscape Architect during a pre-construction meeting complying with the
current City of Oceanside requirements.

7 **Planning:**

- 8 14. Conditional Use Permit (C-17-95) shall be extended for a period of 5 years from the
9 previous expiration date of October 9, 2004. The Conditional Use Permit (C-17-95) may
10 be renewed in accordance with the provisions of the Zoning Ordinance. At the end of the
11 term, the applicant may apply for a time extension. The Conditional Use Permit may be
12 revised and or changed to affect a renewal in accordance with the provisions of the Zoning
13 Ordinance. The application for Conditional Use Permit time extension and or revision
shall also be evaluated against the existing land use policies and any site area and
neighborhood changes.

- 14 15. Conditional Use Permit (C-45-04) to exceed the allowed maximum height by 36 feet
15 (thereby allowing a total of 63 feet measured from existing grade); and a Variance (V-21-
16 04) for locating a structure within a required yard shall become effective on the date of
17 adoption of the Planning Commission Resolution, unless appealed, as provided by Article
18 46. Conditional Use Permit (C-45-04) and Variance (V-21-04) shall lapse two years after
19 the effective date of approval, unless they are established in accordance with Section 4108
of the Zoning Ordinance.

- 20 16. This resolution grants Conditional Use Permit (C-17-95), Conditional Use Permit (C-45-
21 04), and Variance (V-21-04) with the following limitations:

- 22 a) A 63 feet tall antenna pole disguised as a eucalyptus tree with the faux canopy
23 extending above the top of the structure; and
24 b) Three (3) antenna arrays with five 4-foot long panel antennas per array and placed
25 at a maximum elevation of 50 feet measured from existing grade; and

- c) One (1) dish antenna that shall, at its zenith, be less than 37 feet from the existing grade; and
- d) Support equipment contained within a 360-square foot, 10-foot tall, unmanned equipment room; and
- e) The eucalyptus disguise shall represent, to the satisfaction of the City Planner, real aspects of the eucalyptus trees located adjacent to the project site (color, shape, massing, and structure). The antenna pole disguise shall be clad to achieve an appearance of eucalyptus bark, have additional branches, and have a sufficient number of faux leaves. The faux leaves shall be massed in a fashion that mimics the adjacent eucalyptus leaves and their massing; and
- f) The maximum elevation for the I.C.E. bridge is 5 feet. The area surrounding the antenna pole will be enclosed by a 6-foot tall screened fence.

17. The following improvements as described on the plans and project description and justification are required to be installed within 90 days of the adoption of this resolution:

- a) Plant 2 new queen palms within the required front yard of 1606 Missouri Avenue;
- b) Replant 6 feet on-center Star Jasmine along the perimeter fencing;
- c) Replant 3 large Oleander bushes in the rear of the lease area;
- d) Repair and/or replace irrigation system for the entire property;
- e) Replace the slats in the chain link fencing and repair and or replace the chain link fence as deemed necessary by the City Engineer;
- f) Underground existing power lines on-site serving the antenna facility;

18. The approved facility is represented by the plans, information, and any additional materials presented to the Planning Commission. Any expansion or intensification in the scope or scale of the approved facility will require a revision to the Conditional Use Permit(s) or new Conditional Use Permit(s).

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

- 1 20. This project is subject to the provisions of Chapter 20 of the City Code (Section 20.25 et
2 seq.) pertaining to obligations for the removal of graffiti at the approved facility.
- 3 21. The approved communication facility shall be subject to, and governed by, any and all
4 licensing authority by any governmental agency having jurisdiction. The City's local
5 approval of a communication facility shall not exempt the permittee(s) from any such pre-
6 emptive regulations.
- 7 22. The final locations and species type of the two (2) supplemental queen palm trees and one
8 (1) canopy tree shall be reviewed and approved by the City Planner and City Engineer prior
9 to their installation. The planted palm trees shall have a minimum Brown Trunk Height of
10 20 feet. The supplemental trees shall be installed within 90 days of this approval.
- 11 23. A landscape plan for supplemental queen palm and canopy tree installation, replaced
12 landscaping and irrigation shall be prepared by a landscape architect and shall be reviewed
13 and approved by the City Engineer and the City Planner prior to installation. Payment for
14 the City Engineer's courtesy plan check and inspection of the trees and irrigation shall be
15 required in accordance with the effective fee schedule for those services.
- 16 24. A building permit shall be required for the undergrounding of the electrical lines within the
17 property serving the antenna facility.
- 18 25. Any apparent inconsistency in the implementation and maintenance of the approved
19 facility shall be a basis for a call for the review of the Conditional Use Permit.
- 20 26. The existing and new supplemental trees as visual mitigation for the facility shall be
21 maintained in perpetuity for the life of the approved communication land use. These trees
22 shall be maintained in at least their existing number and allowed to reach full mature
23 heights, provided such mature growth does not unduly inhibit the operation of the
24 approved facility. The property owner and any successors in property ownership shall
25 ultimately be responsible for the maintenance of the visual mitigation for the life of the
26 facility. Any lack of maintenance of visual mitigation depicted and represented within the
27 application materials shall be a basis for a call for review of the Conditional Use Permit.
- 28 27. Upon termination of the approved communication facility land use, the permittee shall be
29 responsible to remove the entire facility from the premises.

1 28. The applicant shall prepare a Management Plan. The Management Plan is subject to the
2 review and approval of the City Planner prior to the issuance of a Building Permit, and
3 shall be recorded as CC&R's against the property. The Management Plan shall cover the
4 following:

5 a) Security - The Management Plan, at a minimum, shall address on-site management,
6 hours-of-operation and measures for providing appropriate security for the project
7 site. A 24-hour contact shall be provided.

8 b) Maintenance - The Management Plan shall cover, but not be limited to anti-graffiti
9 and site and exterior building, landscaping, parking lots, sidewalks, walkways and
10 overall site maintenance measures and shall ensure that a high standard of
11 maintenance at this site exists at all times. The maintenance portion of the
12 management plan shall include a commitment for regular landscape maintenance,
13 the sweeping and cleaning of parking lots, sidewalks and other concrete surfaces at
14 sufficient intervals to maintain a "like new" appearance. Wastewater, sediment,
15 trash or other pollutants shall be collected on-site and properly disposed of and
16 shall not be discharged off the property or into the City's storm drain system. A
17 landscape maintenance schedule shall be provided.

18 c) Any graffiti within the center shall be removed by the applicant or its designated
19 representative within 24 hours of occurrence. Any new paint used to cover graffiti
20 shall match the existing color scheme.

21 29. The operation of a generator is not permitted at 1606 Missouri Avenue.

22 30. The installation of one temporary mobile antenna unit, otherwise known as a C.O.W. (Cell
23 on Wheels), with three antennas shall be permitted until June 24, 2007 or a maximum of
24 90 days after issuance of building permits, which ever is less. No generators shall be
25 permitted. A building permit shall be required for the installation of the C.O.W.

26 31. Prior to the installation of the C.O.W., a Management Plan shall be approved by the City
27 Planner and be recorded as a covenant, or other recordable document, approved by the City
28 Attorney. The Management Plan shall cover the following: site location; C.O.W. design;
29 height, which shall not exceed 50 feet from grade; noise; security; maintenance; property
30 owner's approval; hours of operation; and any other aspects requested by the City Planner.

1 36. If landscaping is required for the development of this project, a separate irrigation meter
2 will need to be installed.

3 PASSED and ADOPTED Resolution No. 2007-P16 on March 26, 2007 by the following vote, to
4 wit:

5 AYES:

6 NAYES:

7 ABSENT:

8 ABSTAIN:

9 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

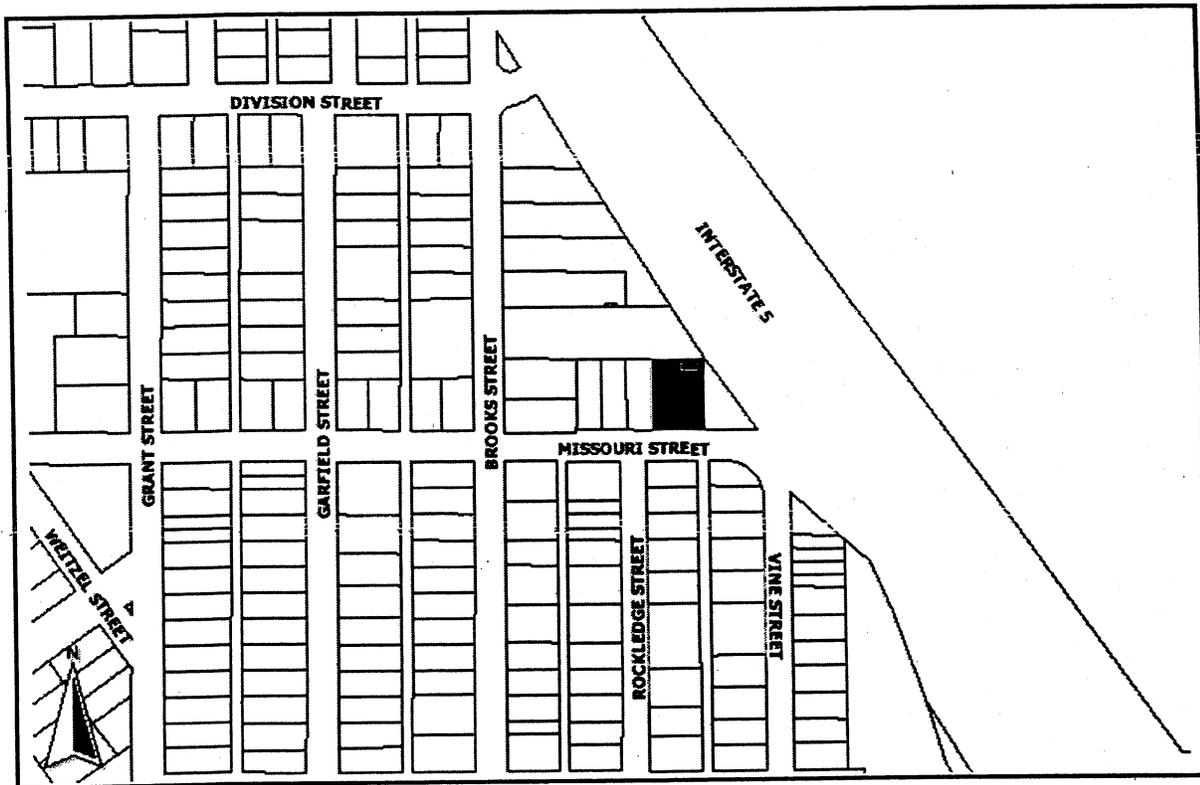
10
11 ATTEST:

12
13 _____
Jerry Hittleman, Secretary

14 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
15 this is a true and correct copy of Resolution No. 2007-P16.

16 Dated: March 26, 2007

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File Number: C-17-95 REV 04, C-45-04, V-21-04

Applicant: American Tower Corporation

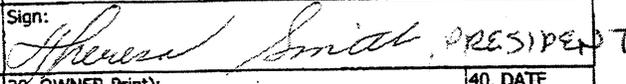
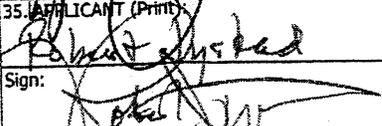
Description:

CONDITIONAL USE PERMIT (C-17-95REV04) to permit a 5-year renewal of a communication facility; CONDITIONAL USE PERMIT (C-45-4) to exceed maximum district heights; and VARIANCE (V-21-04) to allow a reduced rear yard on property at 1606 Missouri Street. The project site is zoned RS (Single-Family Residential) and is situated within the Townsite Neighborhood. **MISSION SUMMIT COMMUNICATIONS CELL SITE**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
Please Print or Type All Information				HEARING	
PART I - APPLICANT INFORMATION				GPA	
1. APPLICANT: AMERICAN TOWER CORP (Formerly Spectrasite Communications)		2. STATUS: Lessee		MASTER/SP. PLAN	
3. ADDRESS: 2201 Dupont Drive #340 Irvine, CA 92612		4. PHONE/FAX: 949-442-6400 949-474-7260		ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): Law Office of Robert Jystad				TENT. MAP	
6. ADDRESS: 100 Oceanside, 1400 Long Beach, CA 90802		7. PHONE/FAX: 310-209-8515 562-216-5090		PAR. MAP	
PART II - PROPERTY DESCRIPTION				DEV. PL.	
8. LOCATION: Westside of I-5 Between 1606 Missouri Ave (Mission & Oceanside Ave)			9. SIZE: 20,000 SF		
10. GENERAL PLAN		11. ZONING: RS		12. LAND USE: Residential single family detached	
				13. ASSESSOR'S PARCEL NUMBER: 150-160-29 150-160-18	
PART III - PROJECT DESCRIPTION REV-10/31/06					
14. GENERAL PROJECT DESCRIPTION: Renewal of Conditional Use Permit C-17-95 For an existing wireless communication facility including the stealth tree pole replacement of the steel monopole and the addition of a Verizon permanent power generator					
15. PROPOSED GENERAL PLAN		16. PROPOSED ZONING		17. PROPOSED LAND USE	
				18. NO. UNITS	
20. BUILDING SIZE		21. PARKING SPACES		22. % LANDSCAPE	
				23. % LOT COVERAGE	
PART IV - ATTACHMENTS					
ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		30. FLOOR PLANS AND ELEVATIONS	
26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT		29. PLOT PLANS		32. OTHER	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print): Robert Jystad, Esq.		34. DATE: 9/11/06		37. OWNER (Print): OCEANSIDE WOMAN'S CLUB	
Sign: 		38. DATE: 6/19/06		Sign:  PRESIDENT	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			39. OWNER (Print):		
35. APPLICANT (Print): Robert Jystad		36. DATE: 9/30/06		40. DATE:	
Sign: 		Sign:			

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OCT 31 2006

Planning Department

24. Revised General Project Description and Justification

American Tower Corporation, ("ATC"), successor in leasehold interest to Spectrasite Communications, Inc. and Verizon Wireless (formerly AirTouch Cellular) proposes a ten (10) year renewal of Conditional Use Permit C-17-95 REV for an existing wireless communications facility located at 1606 Missouri Street, within the Townsite Neighborhood. ATC also seeks a variance from the City's regulations regarding required yards, and an additional conditional use permit to exceed the height limitations for the applicable base district. Applicant proposes to replace the existing steel monopole, approximately 60 feet in overall height, with a stealth designed, mono-eucalyptus tree pole with collocation capability and the installation of a Verizon Wireless permanent power generator.

The subject facility provides wireless voice and data communication services for residents, businesses and visitors in the city of Oceanside. The existing Verizon Wireless service also includes coverage along a portion of Interstate - 5. Continuity of the Verizon Wireless regional and nationwide network relies on the subject facility, and consequently renewal of Conditional Use Permit C-17-95 REV and the approval of the variance and additional conditional use permit will allow continued wireless service to this area. The proposed addition of a permanent power generator ensures operational functionality of the facility during emergency situations.

The existing wireless communications facility consists of the following features:

- A steel monopole, approximately 60 feet in overall height;
- A triangular antenna array with directional wireless panel antennas, and
- A 12'-0" x 30'" prefabricated, Verizon equipment shelter.

Conditional Use Permit C-17-95 REV permits expansion of the subject wireless facility beyond those constructed that include provisions for an additional three-sector, panel antenna array and additional omni-directional, whip and digital data, microwave dish antennas. As proposed, the stealth designed eucalyptus tree pole and related structures will mitigate the visual impact of the subject facility and create a viable possibility for future collocation.

Collocation Capability

As the revised drawings indicate, there is ample room on the proposed eucalyptus structure for at least two additional sets of antennas, each set consisting of as many as three arrays of four antennas per array. The exact RAD centers for these additional arrays cannot be identified because RAD centers are determined by the network configuration requirements of the collocating carrier. However, as long as there is at least a 10-foot clearance between the RAD centers of Verizon's antennas and the RAD centers of any new sets of antennas, the new antennas can be mounted on the proposed eucalyptus structure. Verizon's antennas are mounted at a RAD center of 50' 5". Additional carriers can mount new antenna arrays with RAD centers of 40' 5" or below or 60' 5" or above.

Findings for Conditional Use Permits

ATC seeks a renewal of C-17-95 REV and an additional conditional use permit to exceed the height limitations for the applicable base district. Pursuant to Sections 4105(A) of the Oceanside Zoning Ordinance, the following evidence is submitted as proof in support of the following statements for conditional use permits:

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

Section 3025 D. of the Oceanside Zoning Ordinance specifies that a communications facilities use may be installed and operated within any zoning district subject to applicable categorical standards and processes. In accordance with Section 3025 D. 3., this proposal, as a stand alone communications facility, may be approved by the Planning Commission through a public hearing conditional use permit process.

(2) That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing 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.

Safety of telecommunications facilities is ensured by the Federal Communications Commission, who regulate wireless antenna radio signals. In 1996, the FCC adopted wireless antenna guidelines that set safe human exposure limits for radio-frequency energy that must not be exceeded and compliance with these standards ensures public safety.

The subject wireless facility is located just west of the Interstate - 5 freeway right of way and adjacent to residential developments, bounded on the north by a commercial manufacturing facility, on the south by a multi-family apartment building and on the west by single family dwellings. The elements of the site will include a 12' x 30', prefabricated Verizon Wireless equipment shelter, a monoecalyptus with approximately sixty five feet of height supporting three Verizon Wireless panel antenna arrays, and a permanent Verizon Wireless power generator for emergency situations. The additional conditional use permit would permit the proposed monoecalyptus to exceed the height limitations of the applicable base district. The existing tall eucalyptus trees along the east property boundary offer significant visual screening of the facility to the traveling public and provide an effective visual background as viewed from within the immediate neighborhood. The proposed replacement of the existing steel monopole, with a stealth eucalyptus tree pole, will effectively camouflage the structure from public view. Proposed landscaping features provide further screening of the structure from the immediate neighborhood. As the subject facility has a high level of integration into the existing environment, it does not represent a detriment to properties or improvements in the vicinity, or the general welfare of the city, and the proposed use permits are not inconsistent with the General Plan.

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

The existing wireless communication facility is subject to review through the conditional use permit process, and by the Oceanside Planning Commission's approval to renew CUP C-17-95 REV, and any conditions attached, the subject facility will comply with the City of Oceanside's Zoning Ordinance.

Findings for Variance

ATC seeks a variance from the City's regulation regarding required yards. Pursuant to Sections 4105(B) of the Oceanside Zoning Ordinance, the following evidence is submitted as proof in support of the following statements for variances:

(1) That because of special circumstances or conditions applicable to the development site – including size, shape, topography, location or surroundings -- strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

The subject wireless facility is located just west of the Interstate - 5 freeway right of way and adjacent to residential developments, bounded on the north by a commercial manufacturing facility, on the south by a multi-family apartment building and on the west by single family dwellings. The elements of the site will include a 12' x 30', prefabricated Verizon Wireless equipment shelter, a mono-eucalyptus with approximately sixty five feet of height supporting three Verizon Wireless panel antenna arrays, and a permanent Verizon Wireless power generator for emergency situations. The facility is located on property owned by the Women's Club of Oceanside. The Club meets regularly and requires necessary parking to accommodate members. To facilitate the redesign and stealthing of the existing facility the proposed structures must be placed in a slightly different location (and inside a required yard). In sum, because of the aforementioned special circumstances and conditions applicable to the property, strict application of the zoning ordinance would deprive the property of the privileges enjoyed by other properties in the vicinity.

(2) That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and

The existing tall eucalyptus trees along the east property boundary offer significant visual screening of the proposed mono-eucalyptus facility to the traveling public and provide an effective visual background as viewed from within the immediate neighborhood. The proposed replacement of the existing steel monopole, with a stealth eucalyptus tree pole, will effectively camouflage the structure from public view. Proposed landscaping features provide further screening of the structure from the immediate neighborhood. As the subject facility has a high level of integration into the existing environment, it does not represent a detriment to properties or improvements in the vicinity, or the general welfare of the city, and the proposed permits are not inconsistent with the General Plan.

The proposed generator will be screened by proposed landscaping features and located behind an existing equipment shelter. As a result, the generator will be largely out-of-view. Further, the generator will be surrounded by a six foot wall painted and textured to match the Women's Club building. The proposed generator will aid the public health, safety and general welfare of the property or improvements as it will provide communications for residents and travelers in the City

of Oceanside during emergencies (*e.g.* power outage). As the subject facility has a high level of integration into the existing environment, it does not represent a detriment to properties or improvements in the vicinity, or the general welfare of the city, and the proposed permits are not inconsistent with the General Plan.

(3) That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and, if applicable,

Section 3025 D. of the Oceanside Zoning Ordinance specifies that a communications facilities use may be installed and operated within any zoning district subject to applicable categorical standards and processes. In accordance with the Zoning Ordinance, this proposal may be approved by the Planning Commission through a public hearing variance process. As the subject facility will have a high level of integration into the existing environment, it does not represent a detriment to properties or improvements in the vicinity, or the general welfare of the city, and the proposed variance permits are not inconsistent with the General Plan.

Construction Schedule¹

- The removal of the existing facility and installation of the new facility is expected to take 120 days from the date of the approval of the necessary building permits.

Milestones

- Construction Start
 - Day 1
- Foundation Installation
 - Day 7
- Tower Delivery and Installation
 - Day 21
- Carrier Cut Over (“Swap”) and Generator Installation
 - Day 51
- Removal of Existing Pole
 - Day 57
- Tower Branch Installation
 - Day 64
- Underground Power Line to Facility
 - Day 78
- Landscaping and Irrigation Installation
 - Day 85
- Construction Complete
 - Day 120

¹ This is an anticipated schedule subject to reasonable modifications during the construction process.

LEGAL DESCRIPTION

ORDER NO.: 197116-02

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Planning Department

SCHEDULE A (continued)

That portion of Tract "G" of H. Brooks Addition to Oceanside, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 272, filed in the Office of the County Recorder of San Diego County, on September 20, 1886, described as follows:

Beginning at the intersection of the Westerly line of the Easterly 350.86 feet of said Lot "G" with the Southerly line of said Lot "G"; thence Easterly along said Southerly line of 230 feet, more or less, to an intersection with the Westerly line of the State Highway as described in deed to the State of California, as recorded May 14, 1951 under document No. 61835, in Book 4096, Page 218 of Official Records; thence along the Westerly line of said Highway North $35^{\circ}47'28''$ West 79.18 feet more or less, to an angle point in said Westerly line of said State Highway; thence continuing along said Westerly line North $13^{\circ}06'30''$ West 53.85 feet and North $34^{\circ}54'35''$ West to an intersection with the Northerly line of the Southerly 165 feet of said Lot "G"; thence Westerly along said Northerly line of the Southerly 165 feet of said lot to an intersection with the Westerly line of said Easterly 350.86 feet; thence Southerly along said Westerly line of the Point of Beginning.

Excepting therefrom the Southerly 30 feet thereof.

Also excepting therefrom that portion of the above described property lying Westerly of the Southwesterly line of land described in deed to the State of California for freeway purposes (XI-SD-OCN), recorded July 1, 1960 as File/Page No. 109780 of Official Records.

DRAFT



CITY OF OCEANSIDE
COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DIVISION

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
SPECTRASITE COMMUNICATIONS AT THE WOMEN'S CENTER (C-17-95 REVISION)

PROJECT LOCATION - SPECIFIC:
1606 MISSOURI STREET

PROJECT LOCATION - GENERAL:
CITY OF OCEANSIDE

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

A time extension and revision for the operation and maintenance of an existing wireless communication facility and antenna structure of up to 63 feet in height. The revision includes supplemental landscaping installation serving as visual screening from public views.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:

American Tower Service
2301 Dupont Drive, Suite 200
Irvine, CA 92612
(949) 255-2305

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 15302(b)

REASONS WHY PROJECT IS EXEMPT:

replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity

Contact Person: Juliana von Hacht, Associate Planner

SIGNATURE
For: Jerry Hittleman, Interim City Planner

March 26, 2007
DATE