



DATE: April 6, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL OF THE CITY PLANNER'S APPROVAL OF AN ADMINISTRATIVE CONDITIONAL USE PERMIT (ACUP-12-08) TO ALLOW A CO-USER COMMUNICATION FACILITY DISGUISED AS CHIMNEYS AND LOCATED ON THE ROOF OF A HOUSE LOCATED AT 6543 INDIAN TRAILS WAY. THE PROJECT SITE IS SITUATED WITHIN THE AGRICULTURAL DISTRICT AND WITHIN THE MORRO HILLS NEIGHBORHOOD. – CINGULAR/6543 INDIAN TRAILS WAY – APPLICANT: AT&T MOBILITY, LLC - CINGULAR WIRELESS. – APPELLANT: PETE PENSEYRES**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Reject the appeal and affirm the City Planner's determination that the project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301(b) for existing facilities; and
- (2) Reject the appeal and affirm the City Planner's approval of Administrative Conditional Use Permit ACUP-12-08 by adopting Planning Commission Resolution No. 2009-P18 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On June 3, 2008, Planning Staff accepted a submittal for a co-user communication facility at 6543 Sleeping Indian Road. This submittal was a substantial revision from the applicant's previously proposed stand-alone communication facility (C-49-05) at the same address. Due to the scope of the revised proposal, Staff requested, and the applicant concurred, that application C-49-05 be withdrawn and replaced by ACUP-12-08.

On January 26, 2009, the City Planner administratively approved ACUP-12-08 pursuant to Section 4102 and Section 3025 of the Zoning Ordinance.

On February 5, 2009, Pete Penseyres timely filed an appeal of the administrative action by submitting 28 signatures from concerned residents of property within 1,500 feet of the project site. These signatures represent 32 percent of the 88 properties situated within the notice area.

Site Review: The project site, 6543 Indian Trails Way, is situated within the Agriculture Land Use designation and the Agricultural District, as shown on the Zoning District Map. The surrounding land uses are primarily crop production, for example avocado groves, and single-family homes on 2.5-acre or larger lots. The existing house on-site straddles the ridgeline of the hillside. Characteristic of the surrounding area, the lot's terrain is steep and provides dramatic views to the north, west and south.

The existing residence consists of a garage and home that are attached by a covered breeze way. The multi-hipped roof encompasses all residential improvements and provides a unifying appearance to the existing residence. An existing chimney is located on the south side of the structure's roof. The existing chimney is approximately 15 feet above the existing grade and it has a 1.5-foot tall spark arrestor above the chimney. Therefore, the overall height of the chimney with the spark arrestor is approximately 16.5 feet.

Project Description: The project application is comprised of one component, an Administrative Conditional Use Permit, as follows:

Administrative Conditional Use Permit ACUP-12-08 represents a request to allow the installation and operation of a co-user communication facility pursuant to Section 3025.D *Communication facilities siting criteria*.

The project is a co-user communication facility consisting of six antennas installed within two newly constructed faux chimneys located on the roof of an existing residence; construction of a 275-square foot equipment shelter; and installation of 400 AMP electrical service and Telco service connection. The two faux chimneys were proposed to be 16.75 feet and 18 feet tall, measured from existing grade. The City Planner's approval requires a lower overall chimney height that is consistent with the existing 16.5-foot tall chimney and spark arrestor. The antenna disguise is required to have the same finish details as the existing chimney, including a spark arrestor and material having the same appearance, color, finish, and texture as the existing masonry chimney. The equipment shelter shall have the same finish details as the existing residence.

The project is subject to the following City Ordinances and Policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation for the subject property is Agriculture (A). The proposed co-user communication facility conforms to the goals, objectives, and policies of this designation as follows:

Land Use Element II. Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.726 Communication Systems: 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 co-user communication facility satisfies the General Plan Land Use Objective 2.726. The proposed improvements visually conform to the surrounding residential and agricultural land uses. The scope of the proposal includes disguising the antennas behind architectural features and constructing an equipment shelter having the same architectural finishes as the existing residence. The communication facility's integration with the existing roofline is an opportunity to establish a joint-use (residential and communication facility land uses). As such, the application conforms to the Community Development Goal, Communication System Objective and policies of the Land Use Element of the General Plan.

2. Zoning Ordinance Compliance

The project site is situated within the Agricultural (A) District and is subject to the regulations of the Zoning Ordinance, including Articles 14, 30, and 41. The co-user communication facility complies with the regulations of the Zoning Ordinance and will not have a negative impact on agricultural uses, residential development, future communications facility land uses, or other land uses. Table 1 schedules applicable regulations and compliance of the proposed application.

Table 1: Section 3025.D.4 Communication facility siting criteria

Regulation	Co-user communication facility
A. CUP term limit ...	Recommend a 10-year term limitation. See condition #17.
B. Following one-year of operation, an RF study is required ...	A standard condition of approval for communication facilities. See condition #18.
C. Incorporating best available equipment technology ...	A standard condition of approval for communication facilities. See condition #21.
D. Cooperating with other communication providers ...	A standard condition of approval for communication facilities. See condition #21.
E. Communication facility is subject to all licensing authorities	A standard condition of approval for communication facilities. See condition #22.
F. Facility shall address the appearance of the entire site	The applicant proposes to disguise the antennas and communication equipment.

The application addresses the appearance of the entire site; for example, the antennas will be installed behind faux chimneys and the computers will be installed within a small outbuilding that has similar finish details to the existing residence (exterior siding, color, roof pitch). This proposal satisfies all development standards of the Agricultural (A) District and Section 3025 of the Zoning Ordinance.

DISCUSSION

Appeal filed by Mr. Pete Penseyres

Listed below are the issues raised by the appellant, along with staff's response to each issue. As designed and conditioned, the project proposes a complete disguise of the antennas and is consistent with the Land Use Element of the General Plan and Zoning Ordinance.

Issue: The proposed location of the use is not in accord with the objectives of the Zoning Ordinance and the purposes of the Agricultural District in which the site is located.

Response: Communication facilities may be installed and operated within any zoning district subject to the categorical standards and processes set forth in Section 3025.D *Communication facilities siting criteria*. The application has been conditioned to comply with the requirements of this section of the Zoning Ordinance.

Issue: *The location of the site and the proposed conditions under which the co-user communication facility would be operated and maintained is not consistent with the General Plan, the Agricultural land use designation and will be detrimental to the public health, safety and welfare of persons residing or working in or adjacent to the neighborhood of such use, and will be detrimental to properties or improvements in the vicinity or to the general welfare of the city.*

Response: The co-user communication facility as designed and as conditioned does comply with the Community Development Goal of the General Plan, its objective and policies regarding communication systems. The design completely obscures views of the antennas and the associated communication equipment. No public views will be impacted by the construction of the chimney disguise, which will camouflage the appearance of the antennas within the architecture of the existing residence. An FCC licensed communication facility, such as this one to be operated by AT&T, has demonstrated that they will abide by federal communication laws and provide communication services without injury to the public health.

Issue: *The proposed conditional use will not comply with the provisions of the Zoning Ordinance. The use is not a compatible land use within the area; it does not consist of other communication facilities.*

Response: The application documents and conditions of approval satisfy the regulations of the Zoning Ordinance for a co-user communication facility within the Agricultural District. Other communication facility applications have previously been found compatible with the Agriculture land use designation; for example, stand-alone communication facilities located on Sleeping Indian Road. Staff notes that the proposal is to disguise the appearance of the antennas by blending their appearance with the existing residential development on-site. As such the project complies with the regulations of the Zoning Ordinance.

Issue: *The applicant has not demonstrated the facility is needed to provide coverage.*

Response: The applicant has submitted service coverage maps depicting the quality of service before and after the installation of the antennas. The maps show limited AT&T service at this site presently and that after the installation of the antennas, service will be substantially improved to the north, south, and east of the project site. Some areas that currently do not receive AT&T service will have reception after the antennas are installed.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt, Class 1, Existing facilities pursuant to Section 15301(b) for existing facilities of both investor or publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

PUBLIC NOTIFICATION

Legal notice of the Notice of Administrative Action 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, to individuals and organizations requesting notification, and to the applicant.

Legal notice of the Planning Commission hearing to consider the appeal of the City Planner's approval 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, to individuals and organizations requesting notification, and to the applicant.

As of March 23, 2009, staff has received one telephone call from Mr. Bill Vernon in support of the project.

SUMMARY

The application ACUP-12-08 for co-user communication facility, as conditioned, meets or exceeds the policies of the General Plan and the regulations of the Zoning Ordinance. Staff finds that disguising the appearance of the antennas within faux chimneys satisfies local regulations. As such, staff recommends that the Planning Commission:

- Affirm the City Planner's approval of Administrative Conditional Use Permit (ACUP-12-08) by adopting Planning Commission Resolution No. 2009-P18.

PREPARED BY:



Juliana von Hacht
Associate Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/JH/fil

Attachments:

1. Site Plans, Radio Frequency Study, Coverage, and photo simulations of the proposed project
2. Planning Commission Resolution No. 2009-P18
3. Record of Administrative Approval and ACUP-12-08
4. Acceptance of Administrative Appeal for ACUP-12-08



PREPARED FOR



6225 LUXE BOULEVARD
 SAN DIEGO, CA 92121

APPROVALS

DATE	DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE	DATE	DATE

PROJECT NAME

LONDON RANCH

PROJECT NUMBER

NS0004-02

6243 INDIAN TRAIL WAY
 PALMDALE, CA 93550
 SAN DIEGO COUNTY

DRAWING DATES

12/11/08	REVISED FINAL CO (M)
04/09/08	PLANNING SUBMITTAL (M)
07/10/08	PLANNING COMMENTS (M)
09/10/08	PLANNING COMMENTS (M)
10/09/08	PLANNING SUBMITTAL (M)

SHEET TITLE

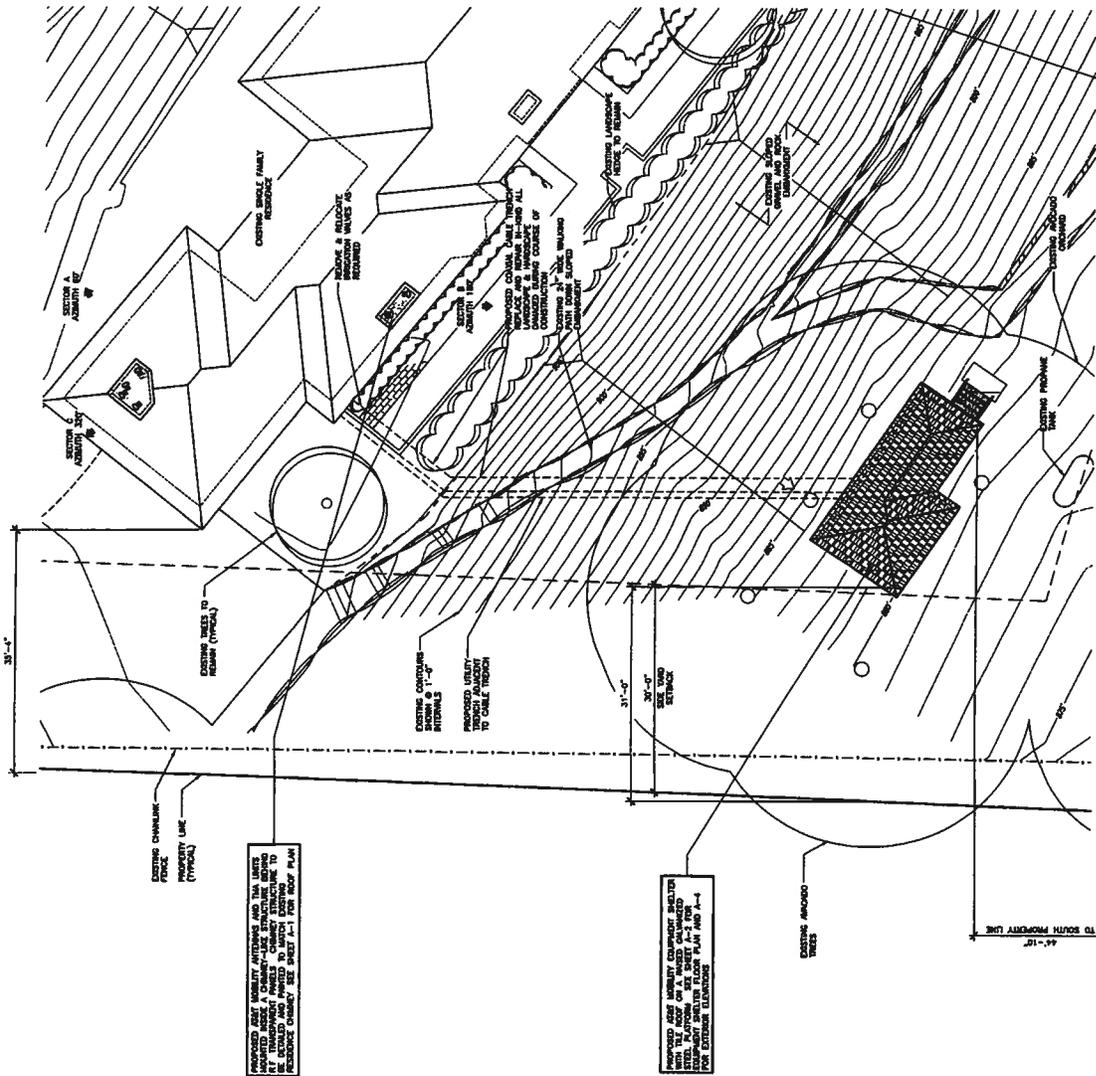
ENLARGED PARTIAL SITE PLAN

APPROVED BY THE

DATE: 12/11/08
 DRAWN BY: [Signature]

PROJECT: [Project Name]

A-0.1



PROPOSED GATE MOBILITY ANTENNAE AND TOWER LANTERNS SHALL BE INSTALLED ON A CONCRETE-ON-PILE FOUNDATION. THE FOUNDATION SHALL BE EXTERNALLY AND FINISHED TO MATCH EXISTING FOUNDATION FINISH. SEE SHEET P-1 FOR ROAD PLAN.

PROPOSED GATE MOBILITY COMPONENT BUILT ON THE ROOF OF A WOOD-CALUMBERED FRAMEWORK SHALL BE EXTERNALLY FINISHED TO MATCH EXISTING EXTERIOR FINISHES.

ENLARGED PARTIAL SITE PLAN
 SCALE: 1/4" = 1'-0"

APPROVALS

DATE	DATE	DATE	DATE	DATE

PROJECT NAME
LONDON RANCH

PROJECT NUMBER
NS0004-02

6543 INDIAN TRAIL WAY
 FALLBROOK, CA 92028
 SAN DIEGO COUNTY

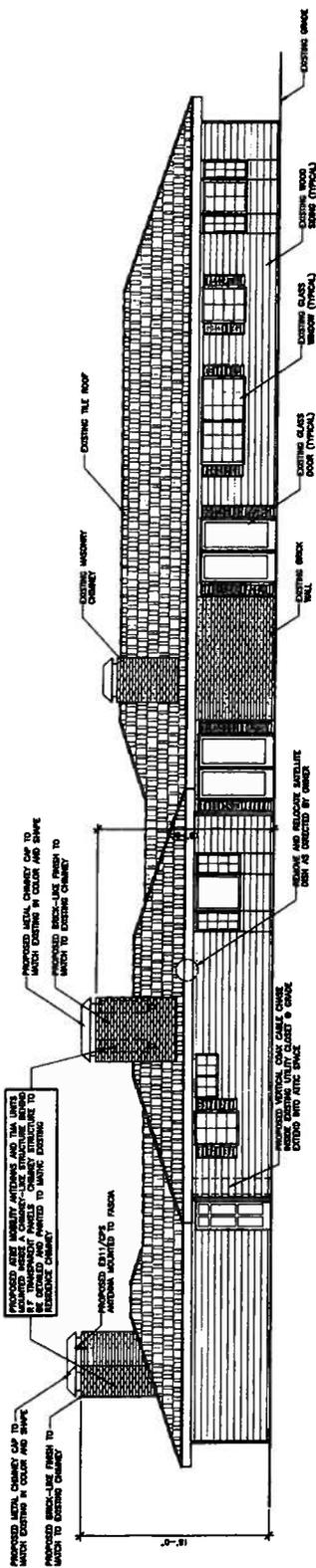
DRAWING DATES

08/18/03	PROJ. TO REV. (1)
08/27/03	FINAL TO REV. (2)
09/02/03	REVISED TO (3)
09/23/03	ISSUE TO REV. (4)
10/16/03	REVISED TO (5)
11/11/03	REVISED TO (6)
12/04/03	REVISED TO (7)
01/21/04	REVISED TO (8)
02/19/04	REVISED TO (9)
04/16/04	REVISED TO (10)
05/14/04	PLANNING COMMENTS (11)
07/29/04	REVISED TO (12)

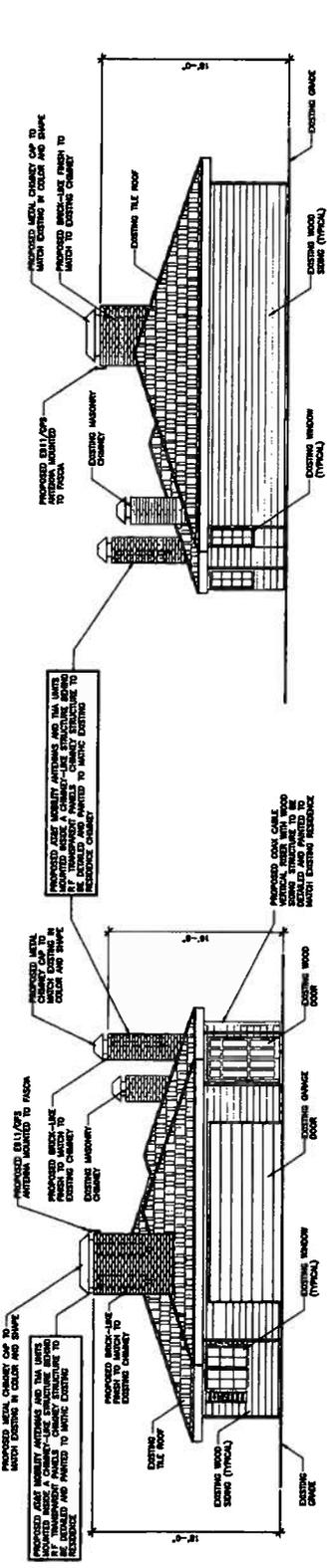
SHEET TITLE
EXTERIOR ELEVATIONS

APPROVED BY THE
 CITY PLANNING DEPARTMENT
 DATE: 07/12/04

PROJECT: LONDON RANCH (11) 6543 INDIAN TRAIL WAY

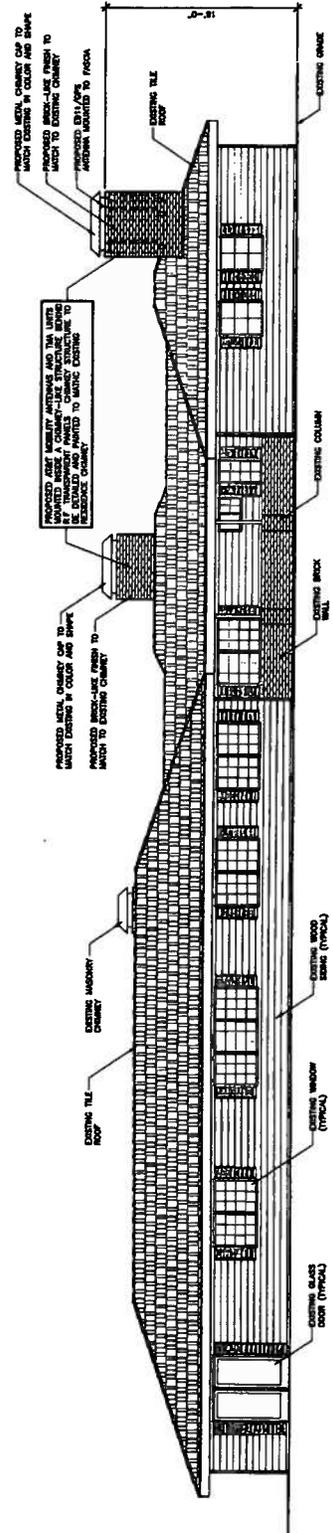


SOUTH ELEVATION
 08/18/03-12/04



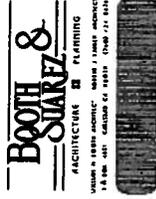
WEST ELEVATION
 08/18/03-12/04

EAST ELEVATION
 08/18/03-12/04



NORTH ELEVATION
 08/18/03-12/04

NOTES: ROOF TILE SHALL MATCH EXISTING PITCH AND MATERIAL. ALL ROOFING WORK SHALL BE INSTALLED BY OTHER APPROVED CONTRACTOR. SEE EXISTING, UNDERLAY.



APPROVALS

T.E.	DATE
DATE	DATE

PROJECT NAME
LONDON RANCH

PROJECT NUMBER
NS0004-02

6545 INDIAN TRAIL WAY
FALLBROOK, CA 92028
SAN DIEGO COUNTY

DRAWING DATES

08/28/03	FIELD SURVEY	AK/JS
10/21/03	FINAL	AK
11/24/03	ADDITIONAL TOWN	AK
02/04/04	NEW TITLE REPORT	AK
02/04/04	CLIENT'S COMMENTS	AK

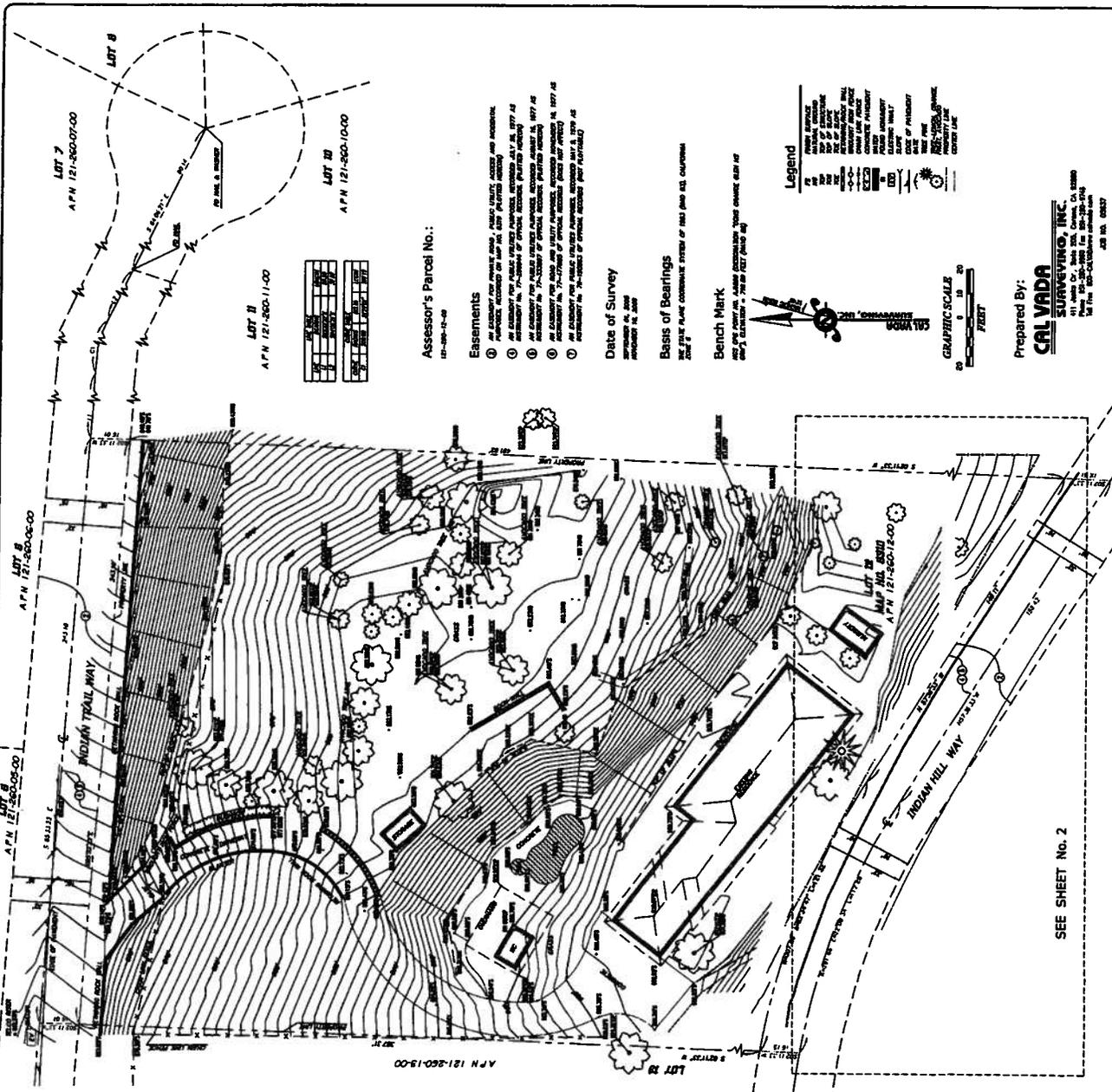
SHEET TITLE
TOPOGRAPHIC SURVEY

APPROVED BY THE
CITY ENGINEER
[Signature]

PROJECTED BY
[Signature]

PROJECTED BY
WALTER A. GIBSON, CIVIL ENGINEER
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SAN DIEGO, CALIFORNIA 92131
TEL: 619-451-1111
FAX: 619-451-1112
WWW.WAGIBSON.COM

C-1





APPROVALS	
DATE	DATE

PROJECT NAME
LONDON RANCH

PROJECT NUMBER
NS0004-02

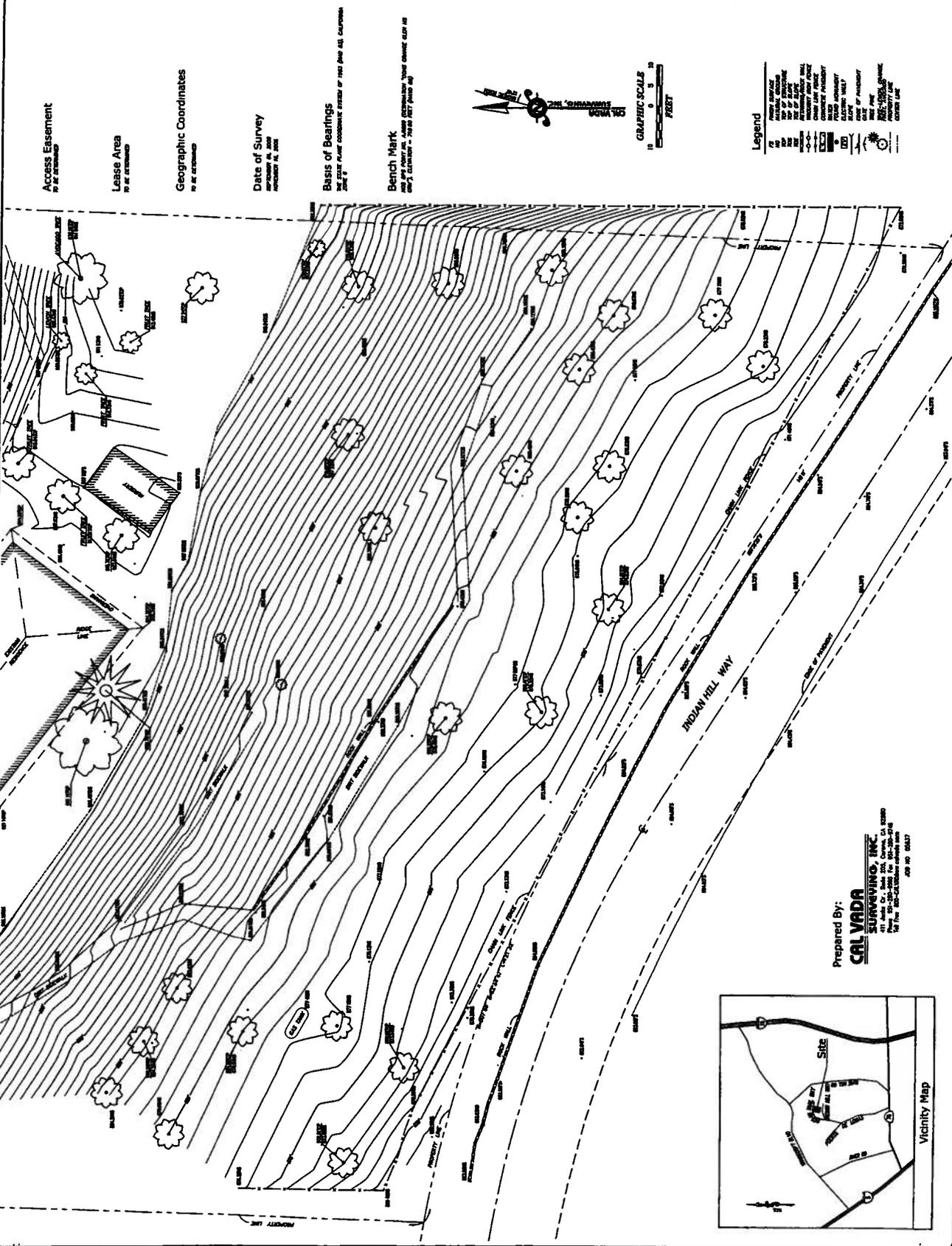
6545 INDIAN TRAIL WAY
 FALLBROOK, CA 92028
 SAN DIEGO COUNTY

DRAWING DATES

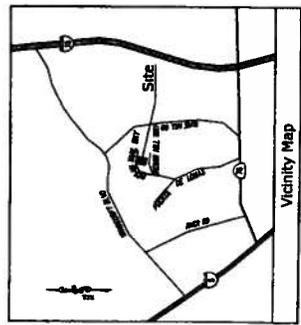
10/20/05	PRELIMINARY	AS
11/22/05	FINAL	AS
01/23/06	ADDITIONAL TOPO	FTS
04/25/06	NEW TITLE REPORT	NO
04/25/06	COUNTY COMMENTS	NO

SHEET TITLE
TOPOGRAPHIC SURVEY
 CITY PLANNER
 DATE: 11/22/05
 DRAWN BY: [Signature]

PROJECT: \\server\projects\GIS\1004\100402.dwg



Prepared By:
CAL YADA SURVIVING, INC.
 4110 JAMES ST., SUITE 200, CARLSBAD, CA 92008
 TEL: 760-439-1111 FAX: 760-439-1112
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ACUP-12-08

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Escondido, California 92029-1362

May 27, 2008
RECEIVED

JUN - 3 2008

Planning Department

Introduction

At your request, I have reviewed the technical specifications and calculated the maximum radiofrequency, (RF), power density from the proposed AT&T wireless telecommunications site, (referenced as NS-0004-02), to be located at the London Ranch residence, 6543 Indian Trail Way, Fallbrook California as depicted in attachment one.

This proposed AT&T telecommunication site will utilize directional transmit panel antennae configured in three (3) sectors. The antennae are planned to be mounted inside a faux chimney behind RF transparent screens, with their center at least 13.8 feet above grade directed at 80 (sector A), 180 (sector B) and 320 (sector C) degrees true north. The antennas specified are Powerwave, Inc. model# 7750 for all sectors. Technical specifications of these antennae are provided in attachment two. The sectorized antennas are designed to transmit with an effective radiated power (ERP) of up to 320 watts per sector within a bandwidth between approximately 824 and 896 MHz (Cellular frequencies) and with an ERP of up to 620 watts per sector within a bandwidth between approximately 1,850 and 1,990 MHz (PCS frequencies).

Calculation Methodology, Results & Recommendations

Calculations were made in accordance with the recommendations contained in the Federal Communications Commission, Office of Engineering and Technology Bulletin 65 (edition 97-01, page 24, equation 10) entitled "Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields." Several assumptions were made in order to provide the most conservative or "worse case" projections of power densities. Calculations were made assuming that all channels were operating simultaneously at their maximum design effective radiated power. Attenuation (weakening) of the signal that would result from surrounding foliage or buildings was ignored. Buildings can reduce the signal strength by a factor of 10 (i.e., 10 dB) or more depending upon the construction material. The ground or other surfaces were considered to be perfect reflectors (which they are not) and the RF energy was assumed to overlap and interact constructively at all locations (which they would not) thereby resulting in the calculation of the maximum potential exposure. In fact, the accumulations of all these very conservative assumptions will significantly overestimate the actual exposures that would typically be expected from such a facility. However, this method is a prudent approach that errs on the side of safety.

The maximum public RF exposure from this AT&T facility was calculated to be less than 4.3 % of the FCC public safety standard. This total exposure is comprised of $31.0 \mu\text{W}/\text{cm}^2$ (i.e., ~2.2 % of the public safety standard at cellular frequencies) and less than $21.3 \mu\text{W}/\text{cm}^2$ (i.e., ~2.1% of the public safety standard at PCS frequencies). Exposure details are shown in appendices A-1 and A-2. A sign conforming to with ANSI C95.2 color, symbol and content, and other markings as appropriate, should be placed close to the antennas with appropriate contact information in order to alert maintenance or other workers approaching the antenna to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits.

RF Safety Standards

The two most widely recognized standards for protection against RF field exposure are those published by the American National Standards Institute (ANSI) C95.1 and the National Council on Radiation Protection and measurement (NCRP) report #86.

The NCRP is a private, congressionally chartered institution with the charge to provide expert analysis of a variety of issues (especially health and safety recommendations) on radiations of all forms. The scientific analyses of the NCRP are held in high esteem in the scientific and regulatory community both nationally and internationally. In fact, the vast majority of the radiological health regulations currently in existence can trace their origin, in some way, to the recommendations of the NCRP.

All RF exposure standards are frequency-specific, in recognition of the differential absorption of RF energy as a function of frequency. The most restrictive exposure levels in the standards are associated with those frequencies that are most readily absorbed in humans. Maximum absorption occurs at approximately 80 MHz in adults. The NCRP maximum allowable continuous occupational exposure at this frequency is $1,000 \mu\text{W}/\text{cm}^2$. This compares to $2,933 \mu\text{W}/\text{cm}^2$ at cellular frequencies and $5,000 \mu\text{W}/\text{cm}^2$ at PCS frequencies that are absorbed much less efficiently than exposures in the VHF TV band.

The traditional NCRP philosophy of providing a higher standard of protection for members of the general population compared to occupationally exposed individuals, prompted a two-tiered safety standard by which levels of allowable exposure were substantially reduced for "uncontrolled " (e.g., public) and continuous exposures. This measure was taken to account for the fact that workers in an industrial environment are typically exposed no more than eight hours a day while members of the general population in proximity to a source of RF radiation may be exposed continuously. This additional protection factor also provides a greater margin of safety for children, the infirmed, aged, or others who might be more sensitive to RF exposure. After several years of evaluating the national and international scientific and biomedical literature, the members of the NCRP scientific committee selected 931 publications in the peer-reviewed scientific literature on which to base their recommendations. The current NCRP recommendations limit continuous public exposure at cellular frequencies (e.g., ~820MHz) to $550 \mu\text{W}/\text{cm}^2$ and to $1,000 \mu\text{W}/\text{cm}^2$ at PCS frequencies (~1,900 MHz).

The 1992 ANSI standard was developed by Scientific Coordinating Committee 28 (SCC 28) under the auspices of the Institute of Electrical and Electronic Engineers (IEEE). This standard, entitled "IEEE Standards for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz" (IEEE C95.1-1991), was issued in April 1992 and subsequently adopted by ANSI. A

revision of this standard (C95.1-2005) was completed in October 2005 by SCC 39 the IEEE International Committee on Electromagnetic Safety. Their recommendations are similar to the NCRP recommendation for the maximum permissible exposure (MPE) to the public PCS frequencies ($950 \mu\text{W}/\text{cm}^2$ for continuous exposure at 1,900 MHz) and incorporates the convention of providing for a greater margin of safety for public as compared with occupational exposure. Higher whole body exposures are allowed for brief periods provided that no 30 minute time-weighted average exposure exceeds these aforementioned limits.

On August 9, 1996, the Federal Communications Commission (FCC) established a RF exposure standard that is a hybrid of the current ANSI and NCRP standards. The maximum permissible exposure values used to assess environmental exposures are those of the NCRP (i.e., maximum public continuous exposure at cellular and PCS frequencies of $550 \mu\text{W}/\text{cm}^2$ and $1,000 \mu\text{W}/\text{cm}^2$ respectively). The FCC issued these standards in order to address its responsibilities under the National Environmental Policy Act (NEPA) to consider whether its actions will "significantly affect the quality of the human environment." In as far as there was no other standard issued by a federal agency such as the Environmental Protection Agency (EPA), the FCC utilized their rulemaking procedure to consider which standards should be adopted. The FCC received thousands of pages of comments over a three-year review period from a variety of sources including the public, academia, federal health and safety agencies (e.g., EPA & FDA) and the telecommunications industry. The FCC gave special consideration to the recommendations by the federal health agencies because of their special responsibility for protecting the public health and safety. In fact, the maximum permissible exposure (MPE) values in the FCC standard are those recommended by EPA and FDA. The FCC standard incorporates various elements of the 1992 ANSI and NCRP standards which were chosen because they are widely accepted and technically supportable.

There are a variety of other exposure guidelines and standards set by other national and international organizations and governments, most of which are similar to the current ANSI/IEEE or NCRP standard, figure one.

The FCC standards "Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation" (Report and Order FCC 96-326) adopted the ANSI/IEEE definitions for controlled and uncontrolled environments. In order to use the higher exposure levels associated with a controlled environment, RF exposures must be occupationally related (e.g., wireless company RF technicians) and they must be aware of and have sufficient knowledge to control their exposure. All other environmental areas are considered uncontrolled (e.g., public) for which the stricter (i.e., lower) environmental exposure limits apply. All carriers were required to be in compliance with the new FCC RF exposure standards for new telecommunications facilities by October 15, 1997. These standards applied retroactively for existing telecommunications facilities on September 1, 2000.

The task for the physical, biological, and medical scientists that evaluate health implications of the RF data base has been to identify those RF field conditions that can produce harmful biological effects. No panel of experts can guarantee safe levels of exposure because safety is a null concept, and negatives are not susceptible to proof. What a dispassionate scientific assessment can offer is the presumption of safety when RF-field conditions do not give rise to a demonstrable harmful effect.

Summary & Conclusions

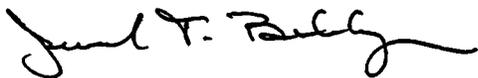
This proposed wireless facility as specified above will be in full compliance with FCC RF public safety standards. Wireless PCS and Cellular transmitters, by design and operation, are low-power devices. Even under maximal exposure conditions in which all the channels from all antennas are operating at full power (320 and 620 watts ERP per sector for cellular and PCS frequencies respectively), the maximum exposure from this facility will not result in power densities in excess of $52.3 \mu\text{W}/\text{cm}^2$ at any publically accessible location inside or surrounding the building. This maximum exposure is less than 4.3% of, (i.e., 23 times lower than), the FCC public exposure standards for these frequencies. A chart of the electromagnetic spectrum and a comparison of RF power densities from various common sources is presented in figures two and three respectively in order to place exposures from wireless telecommunications systems in perspective.

It is important to realize that the FCC maximum allowable exposures are not set at a threshold between safety and known hazard but rather at 50 times below a level that the majority of the scientific community believes may pose a health risk to human populations. Thus the previously mentioned maximum exposure at any publically accessible location inside or surrounding the building represent a "safety margin" from this threshold of potentially adverse health effects of more than 1,160 times.

Given the low levels of radiofrequency fields that would be generated from this facility, and given the evidence on biological effects in a large data base, there is no scientific basis to conclude that harmful effects will attend the utilization of the proposed wireless telecommunications facility. This conclusion is supported by a large numbers of scientists that have participated in standard-setting activities in the United States who are overwhelmingly agreed that RF radiation exposure below the FCC exposure limits has no demonstrably harmful effects on humans.

These findings are based on my professional evaluation of the scientific issues related to the health and safety of non-ionizing electromagnetic radiation and my analysis of the technical specification as provided by AT&T. The opinions expressed herein are based on my professional judgement and are not intended to necessarily represent the views of any other organization or institution. Please contact me if you require any additional information.

Sincerely,



Jerrold T. Bushberg Ph.D., DABMP, DABSNM
Diplomate, American Board of Medical Physics (DABMP)
Diplomate, American Board of Science in Nuclear Medicine (DABSNM)

Enclosures: Figures 1-3; Attachments 1, 2; Appendices A-1&A-2, and Statement of Experience.

Coverage without NS0004



Coverage with NS0004



EXISTING



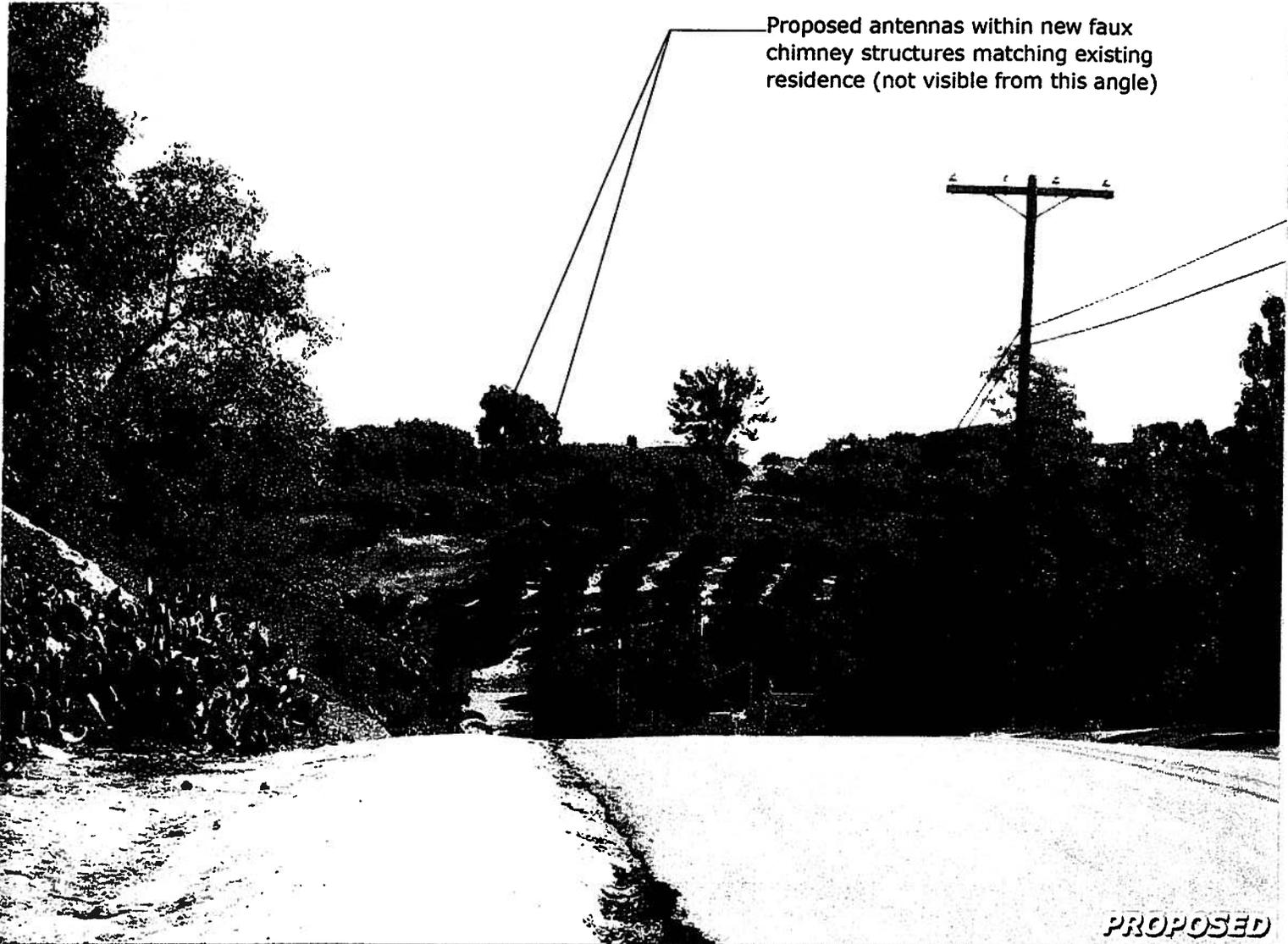
NS0004-02
London Ranch
6543 Indian Trail Way
Fallbrook, CA 92028

ACUP-12-08

RECEIVED

JUN - 3 2008

Planning Department



Proposed antennas within new faux chimney structures matching existing residence (not visible from this angle)

PROPOSED

Photosimulation of proposed telecommunications site

EXISTING



NS0004-02
London Ranch
6543 Indian Trail Way
Fallbrook, CA 92028

Proposed antennas within new faux chimney structure matching existing residence

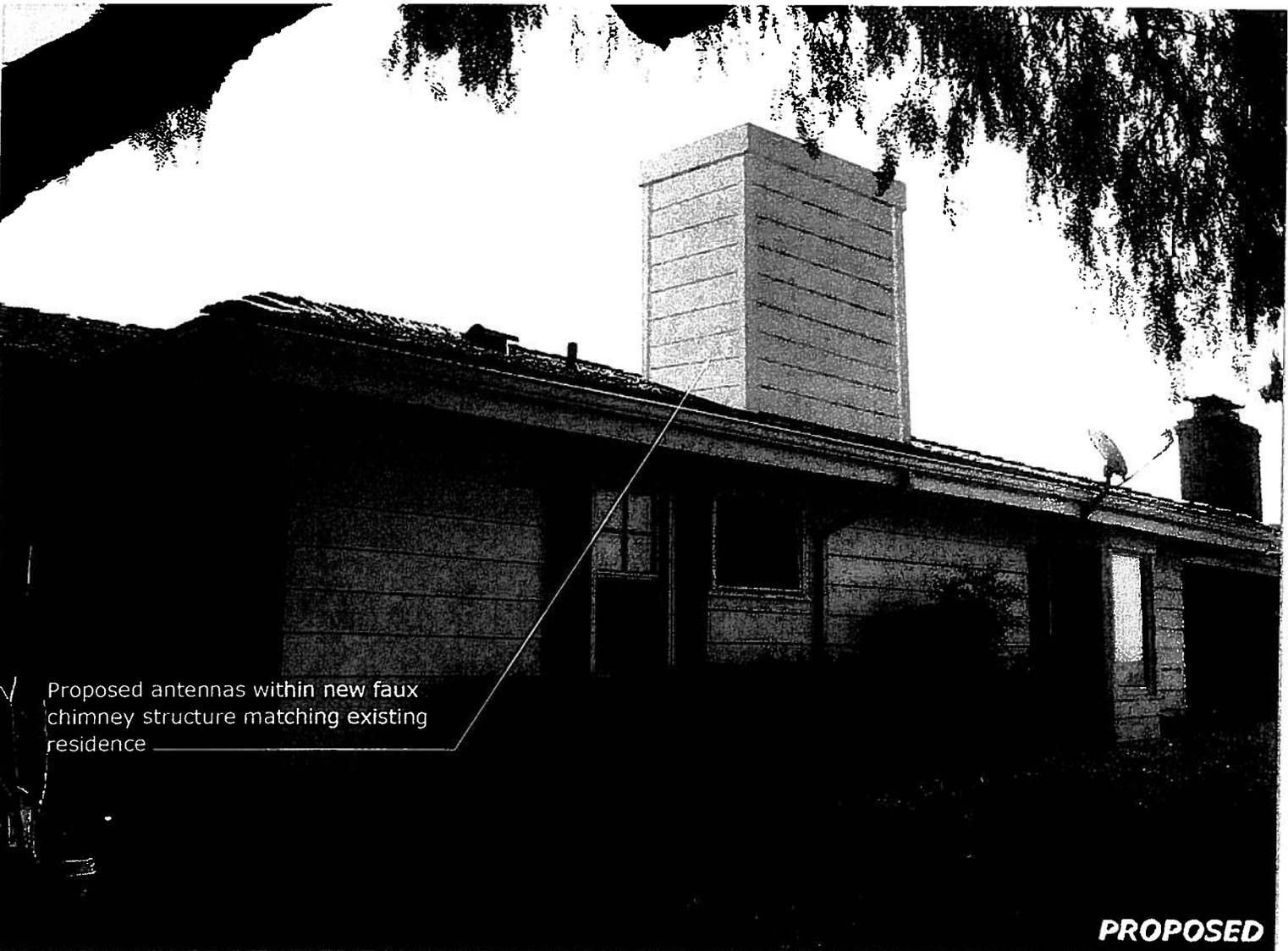


PROPOSED

Photosimulation of proposed telecommunications site

EXISTING

NS0004-02
London Ranch
6543 Indian Trail Way
Fallbrook, CA 92028



Proposed antennas within new faux chimney structure matching existing residence

PROPOSED

Photosimulation of proposed telecommunications site

EXISTING



NS0004-02
London Ranch
6543 Indian Trail Way
Fallbrook, CA 92028

Proposed antennas within new faux chimney structure matching existing residence



PROPOSED
Photosimulation of proposed telecommunications site

EXISTING



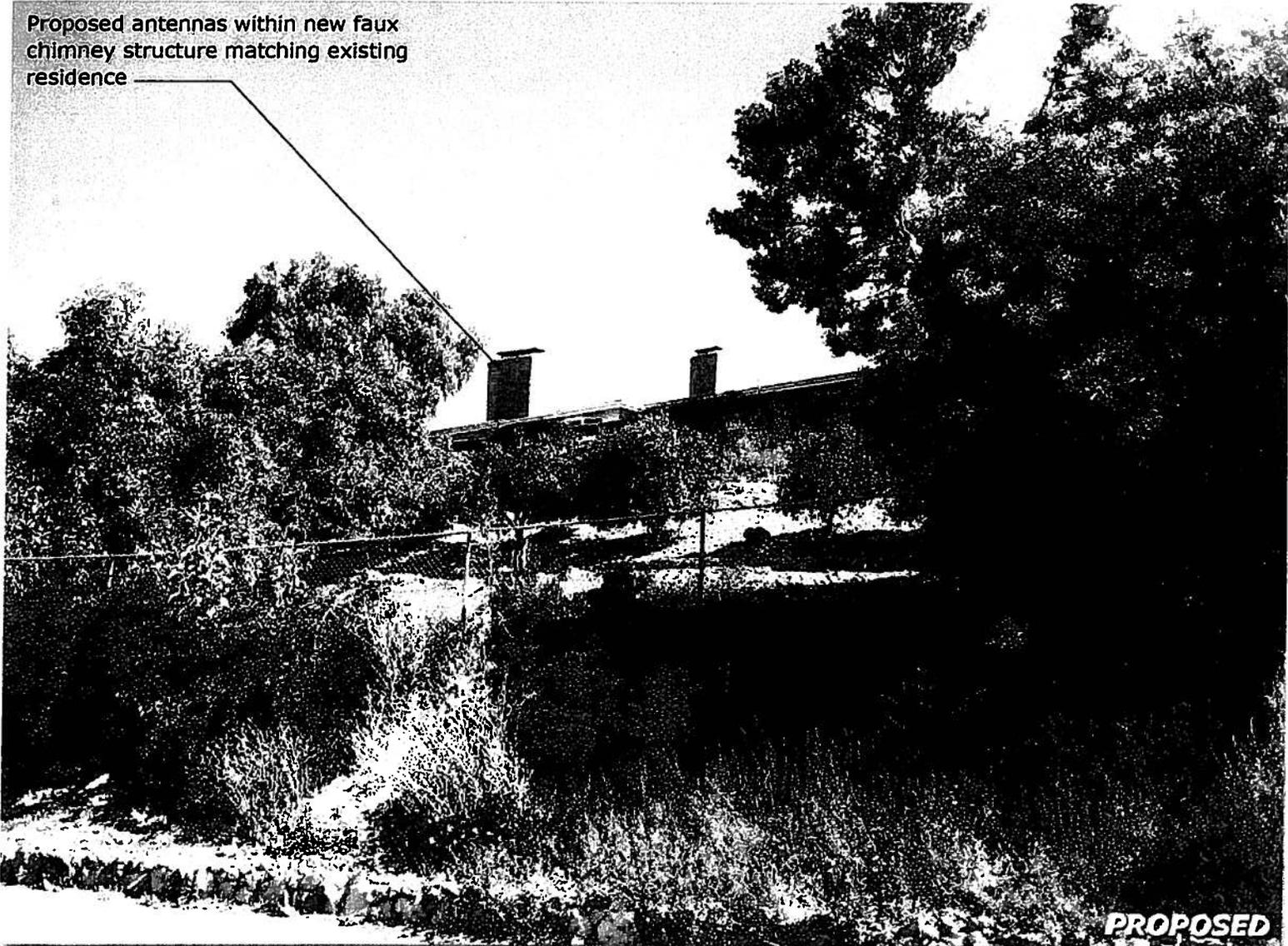
NS0004-02
London Ranch
6543 Indian Trail Way
Fallbrook, CA 92028

Received

OCT 10 2008

Planning Division

Proposed antennas within new faux chimney structure matching existing residence



PROPOSED

Photosimulation of proposed telecommunications site

EXISTING



NS0004-02
London Ranch
6543 Indian Trail Way
Fallbrook, CA 92028

Proposed antennas within new faux chimney structure
matching existing residence

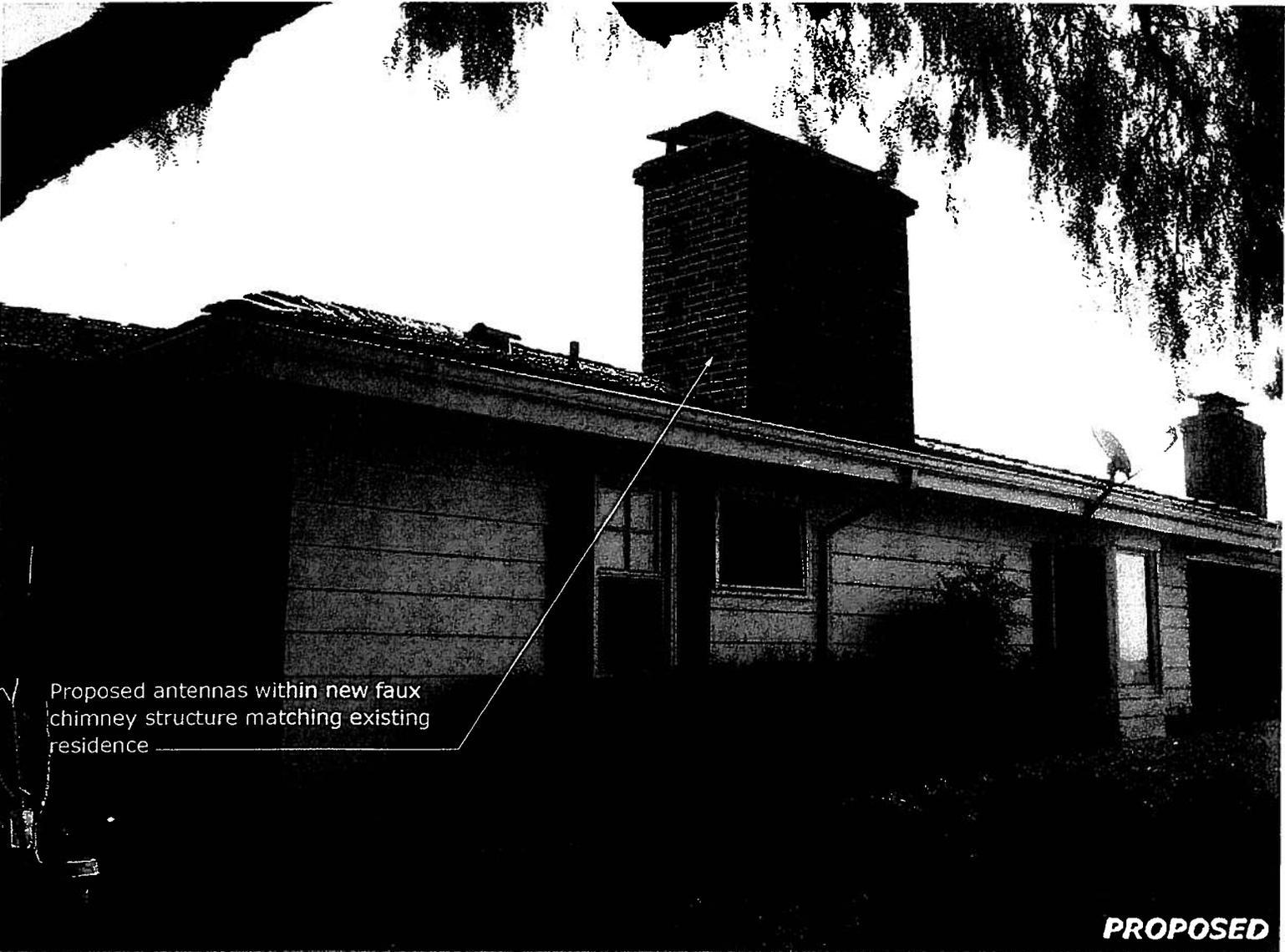


PROPOSED

Photomontage of proposed telecommunications site

EXISTING

NS0004-02
London Ranch
6543 Indian Trail Way
Fallbrook, CA 92028



Proposed antennas within new faux chimney structure matching existing residence

PROPOSED

Photosimulation of proposed telecommunications site

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PLANNING COMMISSION
RESOLUTION NO. 2009-P18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING AN APPEAL AND AFFIRMING THE CITY PLANNER'S APPROVAL OF AN ADMINISTRATIVE CONDITIONAL USE PERMIT FOR A CO-USER COMMUNICATION FACILITY ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: ACUP-12-08
APPLICANT: AT&T Mobility, LLC - Cingular Wireless
LOCATION: 6443 Indian Trails Way

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 (ACUP-12-08) under the provisions of Articles 14, 30, and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

installation and operation of a co-user communication facility;
on certain real property described in the project description.

WHEREAS, the City Planner, after giving the required notice, did on the 26th day of January, 2009 administratively approve ACUP-12-08; and

WHEREAS, on February 5, 2009, an appeal of the City Planner's decision was timely filed by Pete Penseyres with the Development Services Department/Planning Division; and

WHEREAS, the Planning Commission of the City of Oceanside on the 6th day of April, 2009 held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the appeal of the approval of the above identified Administrative Conditional Use Permit, and;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19 from environmental review pursuant to Gov't Code Section 15301(b) for infill development; and

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, the documents or other material which constitute the record of proceedings
2 upon which the decision is based will be maintained by the City of Oceanside Planning Division,
3 300 North Coast Highway, Oceanside, California 92054; and

4 WHEREAS, based on such evidence and testimony, this Commission finds that the
5 decision of the City Planner adequately and properly addresses concerns raised by the appellant;

6 NOW, THEREFORE, the Planning Commission of the City of Oceanside DOES
7 RESOLVE as follows:

- 8 1. The appeal of the City Planner's action of January 23, 2009 to approve ACUP-12-08 is
9 denied.
- 10 2. The decision of the City Planner is affirmed, including the findings of consistency with the
11 General Plan. The proposed co-user communication facility satisfies the General Plan
12 Land Use Objective 2.726. The proposed improvements visually conform to the
13 surrounding residential and agricultural land uses. The scope of the proposal includes
14 disguising the antennas behind architectural features and constructing an equipment shelter
15 having the same architectural finishes as the existing residence.

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1 3. Administrative Conditional Use Permit (ACUP-12-08) is approved subject to all the
2 findings and conditions set forth in the Record of Administrative Approval and
3 incorporated herein by this reference.

4 PASSED and ADOPTED on April 6, 2009 by the following vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9
10 _____
11 Claudia Troisi, Chairperson
12 Oceanside Planning Commission

13 ATTEST:

14 _____
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2009-P18.

18 Dated: _____
19 April 6, 2009
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RECORD OF ADMINISTRATIVE APPROVAL

City of Oceanside, California

- 1. APPLICANT:** AT&T Mobility, LLC Cingular Wireless
- 2. APPLICANT ADDRESS:** 6925 Lusk Boulevard, San Diego, CA 92121
- 3. REP./PHONE NUMBER:** Karen Adler, PlanCom Inc/760-715-3416
- 4. PROJECT MANAGER:** Juliana von Hacht, Associate Planner
- 5. APPLICATION LOG NO. & NAME:** ACUP-12-08 Cingular 6543 Indian Trails Way
- 6. LOCATION/ADDRESS:** 6543 Indian Trails Way
- 7. DESCRIPTION:** Consideration of a co-user communication facility consisting of six antennas installed within newly constructed faux chimneys located on the roof of an existing residence; construction of an equipment shelter; and installation of 400 AMP electrical service and Telco service connection.

The existing residence, located at 6543 Indian Trails Way, consists of a garage and home that are attached by a covered breeze way. The multi-hipped roof encompasses all residential improvements and provides a unifying appearance to the existing residence. An existing chimney is located on the south side of the structure's roof. Height regulations limit architectural features, like chimneys, to a maximum height of 46 feet above grade. The existing chimney is approximately 15 feet above the existing grade. It has a 1.5 feet tall spark arrestor above the chimney. Therefore, the overall height of the chimney with the spark arrestor is approximately 16.5 feet.

The applicant proposes to construct two faux chimneys. One would be situated on the south side of the existing structure and have a maximum height of 16.75 feet. The other would be over the existing garage, facing-north, and have a maximum height of 18 feet. By condition, the proposed antenna disguise is required to have the same finish details as the existing chimney. Finish details would include a spark arrestor (proposed metal chimney cap to match the existing chimney cap's color, shape, and finish) and material having the same appearance, color, finish, and texture as the existing masonry chimney.

The applicant proposes to install four antennas within the proposed faux chimney over the existing garage's roof. Two antennas would be installed within the other (south-facing) faux chimney.

The proposed equipment shelter by condition would be required to have the same finish details as the existing residence. Finish details would include similar siding material (for example, color, texture, features, and shape) and a hipped roof clad with the same

roofing material as found on the primary residence. The structure has a maximum height of 15 feet and approximately 275 square feet of floor area.

FINDINGS

For Administrative Conditional Use Permit (ACUP-12-08):

- 1) The existing location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the Agricultural (A) District in which the site is located.
 - The co-user communication facility complies with the objectives of the Zoning Ordinance and will not have a negative impact on agricultural uses, residential development, future communications facility land uses, or other land uses. This proposal satisfies all development standards of the Agricultural (A) District and Section 3025 of the Zoning Ordinance. The six panel antennas will be concealed behind a faux chimney that mimic the appearance of an existing chimney attached to the existing residence.
- 2) The location of the site and the proposed conditions under which the co-user communication facility would be operated and maintained is consistent with the General Plan, the Agriculture (A) land use designation and 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 proposed co-user communication facility satisfies the General Plan Land Use Objective 2.726. The proposed improvements visually conform to the surrounding residential and agricultural land uses. The scope of the proposal includes disguising the antennas behind architectural features and constructing an equipment shelter having the same architectural finishes as the existing residence.
- 3) 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 Agricultural (A) District.
 - The co-user communication facility is a conditionally approved use in the Agricultural (A) District. The use is a compatible land use within the area, which consists of other communication facilities, agricultural uses, and residential land uses.

ADMINISTRATIVE DETERMINATION

Article 41 "Use Permits and Variances", Section 4102 of the Oceanside Zoning Ordinance grants the City Planner express authority to administratively approve certain

types of use permits. Staff has determined that the proposed project qualifies for administrative approval under Section 3025.C and 3025.D. Furthermore, staff has reviewed the project for consistency with applicable provisions of the General Plan, Oceanside Zoning Ordinance and the California Environmental Quality Act (CEQA). Based on this review, the City Planner finds that the proposed project is consistent with the General Plan and Oceanside Zoning Ordinance. The City Planner administratively approves ACUP-12-08 on January 26, 2009, subject to the following condition(s):

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (Currently the 2007 California Code of Regulations)
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. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must comply with this requirement prior to submittal for building plan review.
4. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).
5. 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.
Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
6. The developer shall monitor, supervise, and control all building construction and supporting 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 4th, 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.
7. Separate/unique addresses shall be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division must accompany the Building Permit application.
8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.
9. Documentation of properly recorded easements (for access and utilities) is required for plan check review.
10. Verification of County Health Dept review/approval for the new structure in relation to existing septic system must be submitted to the Building Division with the plans submittal. LPG/Propane tank locations, setbacks to new structure, and capacities must be shown on the Plot Plan.

Planning:

11. This Administrative Conditional Use Permit (ACUP-12-08) approves only the following, as shown on the plans and exhibits presented for review and approval: installation of six antennas within newly constructed faux chimneys located on the roof of an existing residence; construction of an equipment shelter; and installation of a 400 AMP electrical service and a new Telco service connection. No deviation from these approved plans and exhibits shall occur without City Planner approval. Substantial deviations shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.
 - a. One of the two faux chimneys shall be situated on the south side of the existing structure and shall be designed to appear consistent with the existing chimney to the satisfaction of the City Planner.
 - b. The second faux chimney shall be located over the existing garage, facing-north, and shall be designed to appear consistent with the existing chimney to the satisfaction of the City Planner.
 - c. The proposed antenna disguise shall have the same finish details as the existing chimney. Finish details include a spark arrestor and brick cladding which matches the color, finish, and texture of the existing masonry chimney.

- d. Four antennas shall be installed within the faux chimney over the existing garage.
 - e. Two antennas shall be installed within the other (south-facing) faux chimney.
 - f. The proposed equipment shelter shall have the same finish details as the existing residence. Finish details would include similar siding material (color, texture, et al) and a hipped roof clad with the same roofing material as found on the primary residence. The structure has a maximum height of 15 feet and approximately 275 square feet of floor area.
12. Prior to the transfer of ownership and/or operation of the site, the owner shall provide a written copy of the application and record of administrative approval to the new owner and or operator. This notification's provision shall run with the life of the project.
 13. Failure to meet any conditions of approval for this development shall constitute a violation of the Administrative Conditional Use Permit ACUP-12-08.
 14. 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.
 15. The equipment shelter shall be maintained in a like-new condition at all times. Maintenance shall include, but is not limited to, resurfacing and repainting the façade as necessary. Upon the City's request and discretion, the permittee(s) shall provide an aesthetic analysis, including current, detailed photographs, to substantiate the like-new appearance of the proposed project, within 60 days of the request. The permittee(s)' non-compliance with this requirement shall be grounds for the institution of revocation proceedings of the Conditional Use Permit
 16. The physical aspects of co-user communication facility, as they pertain to location, size, height, and general appearance shall replicate the information shown on the approved plans, the applicant's description and justification statement, 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.

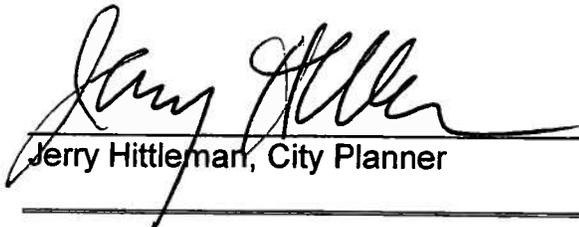
17. The Administrative Conditional Use Permit ACUP-12-08 shall be limited to a term of 10 years. However, ACUP-12-08 may be extended in accordance with the provisions of the Zoning Ordinance.
18. Upon one year of facility operation, and upon any change-out of facility equipment, the permittee shall provide the City Planner a statement of radio-frequency radiation output and output compliance with the limitations of governing licensing authorities.
19. Any exterior changes at the site shall require Building Permits or documentation of permit exemption. All building plans shall be reviewed and approved by the Planning Division prior to issuance of Building Permits.
20. All equipment change outs shall require Building Permits or documentation of permit exemption. All building plans shall be reviewed and approved by the Planning Division prior to issuance of Building Permits.
21. 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 shall be grounds for the institution of revocation proceedings of the Administrative Conditional Use Permit.
22. 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.
23. A covenant approved by the City Attorney shall be prepared by the applicant and recorded within 45 days of project approval. The covenant shall provide that the property is subject to this approval and the conditions of approval. Failure to record a covenant shall be grounds for the institution of revocation proceedings of the Administrative Conditional Use Permit ACUP-12-08.
24. Additional or future antennas shall be located within the two faux chimneys. The construction of other antenna disguises or associated equipment shelter(s) shall require a new use permit or a revision to an existing use permit.
25. The use of a generator at this site has not been proposed. Prior to installing and operating a generator, ACUP-12-08 shall be revised to include parameters for

the operation of a generator. A noise analysis shall be submitted for review and consideration.

Water:

26. 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.
27. The following condition shall be met prior to the approval of engineering design plans: No trees, structures, or building overhang shall be located within any water or wastewater utility easement
28. The following condition shall be met prior to the approval of engineering design plans: If landscaping is required as part of this development and the property does not have a separate irrigation system, then a separate irrigation meter and connection is required. If, on the contrary, the property were to have an existing separate irrigation system and the intent is to connect to this system, then an agreement letter between the developer and the property owner shall be provided to the Water Utilities Department indicating the property owner's permission for an irrigation service tie-in.

APPROVED AND ADOPTED this 26th day of January, 2009:



Jerry Hittleman, City Planner

Pursuant to the Oceanside Zoning Ordinance Article 41 Section 4104(A.), Administrative Decision, the City Council has delegated administrative approval authority to the City Planner for certain types of Use Permit Applications. Any aggrieved person may file an appeal of the City Planner's administrative approval. Pursuant to Article 46 Section 4603 "Time Limits for Appeals and Calls for Review," and 4604, "Initiation of Appeals and Calls for Review" of City Planner decisions, any appeal of the City Planner's decision must be filed in writing with the Planning Division within ten (10) days of the January 26, 2009 date. The appeal period for this administrative approval shall end on February 5, 2009 at 5:00 p.m. The filing of an appeal stays the administrative approval until Planning Commission determination on the appeal.

Attachments:

1. Notice of Administrative Action
2. Site Maps/Floor Plans
3. Notice of Exemption

cc: Record of Administrative Approval file
Project file ACUP-12-08 Cingular Wireless 6543 Indian Trails Way

Date: January 16, 2008

NOTICE OF ADMINISTRATIVE ACTION
ON AN ADMINISTRATIVE CONDITIONAL USE PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Division has completed a review of an application for an Administrative Conditional Use Permit (ACUP-12-08) from:

Cingular @ 6543 Indian Trails Way.

The application is described as follows:

For a co-user communication facility consisting of six antennas installed with newly constructed faux chimneys located on the roof of an existing residence; construction of an equipment shelter; and installation of 400 AMP electrical service and Telco service connection.

The property site is located at 6543 Indian Trails Way. The property is zoned A (Agricultural District) and is situated within the Morro Hills Neighborhood.

Pursuant to the provisions of the applicable zoning regulations, a public hearing is not required for permit action on this project. As such, the application has been reviewed and processed administratively by the Planning Division.

In accordance with the provisions of the California Environmental Quality Act (CEQA), the project is determined to be exempt. The project plan material and the other documentation are available at the Planning Division, 300 North Coast Highway, during regular business hours - 7:30 a.m. to 5:00 p.m., Monday through Thursday and 7:30 a.m. until 4:00 p.m. on alternate Fridays.

You are listed on the latest available County tax assessor's roll as the owner of property within 1,500 feet of the exterior boundary of the project site. You are being notified of this pending administrative action as required by local ordinance.

Based upon the project's conformance with the applicable zoning regulations and a determination of land use compatibility, the Planning Division has determined an approval of the Administrative Conditional Use Permit (ACUP-12-08). The project approval includes certain development conditions and use limitations pursuant to the City's applicable zoning regulations. The effective date of the Planning Division's approval is January 26, 2008.

If you have any questions regarding this application or the administrative decision, please contact Juliana von Hacht, Associate Planner, at (760) 435-3520. The Planning Division's administrative decision may be appealed to the Planning Commission. A written appeal and filing fee must be filed with the Planning Division, 300 North Coast Highway, Oceanside, CA 92054, on February 5, 2008 (10 days after date of decision), during regular weekday office hours of 7:30 a.m. to 5:00 p.m. (Monday - Thursday), and 7:30 a.m. to 4:00 p.m. (alternate Fridays). Please contact the Planning Division for further details on filing a formal appeal.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** AT&T Mobility, LLC - Cingular Wireless
2. **ADDRESS:** 6925 Lusk Blvd, San Diego, CA 92121
3. **PHONE NUMBER:** (858) 232-3996
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Juliana von Hacht
6. **PROJECT TITLE:** ACUP-12-08 Cingular 6543 Indian Trails Way
7. **DESCRIPTION:** Consideration of a co-user communication facility consisting of six antennas installed within newly constructed faux chimneys located on the roof of an existing residence; construction of an equipment shelter; and installation of 400 AMP electrical service and Telco service connection.

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 the demolition of an existing single-family dwelling. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing facilities (Section 15301(b) existing facilities of both investor or publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

Juliana von Hacht

Juliana von Hacht, Associate Planner

Date: 1/12/2009

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee

ACCEPTANCE OF ADMINISTRATIVE APPEAL
Development Services Department/Planning Division

Appeal of: ACUP-12-08

Date of Final Action: _____ Date Filed: _____

Form of Appeal: ^{1,055.00} ~~\$844.00~~ Appeal Fee _____ Petition

Person Submitting Appeal: Pete Penseyres

Company/Developer Representative, Company name:

Name of Person who Prepared the Appeal:

Pete Penseyres

Name of Spokesperson for the Appeal:

Pete Penseyres

Address: 6535 Indian Trail Way

Phone number: (760) 941-0191

E-mail and/or fax: cycloret11@yahoo.com

Appeals must be filed within 10 days of the date of final action. **Section 4604:** To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

I hereby certify that this appeal is being submitted in accordance with the Zoning Ordinance and meets the criteria specified in Section 4604 for an appeal by petition.

Signature: Pete Penseyres Date: 2-5-09

Received

FEB - 5 2009

Planning Division

28 signatures

88 properties

32%

APPEAL OF ACUP-12-08 CINGULAR @ 6543 INDIAN TRAILS WAY
(Applicant: AT&T Mobility, LLC Cingular Wireless)

We, the undersigned Oceanside citizens, residing within 1,500 feet of the above-referenced proposed project, do hereby appeal the City of Oceanside's Administrative Approval of said project, on the following grounds:

1. The proposed location of the use is NOT in accord with the objectives of the Zoning Ordinance and the purposes of the Agricultural (A) District in which the site is to be located.

The co-user communication facility does NOT comply with the objectives of the Zoning Ordinance and WILL have a negative impact on agricultural uses, residential uses, residential development, future communications facility land uses, and/or other land uses. This proposal does NOT satisfy all development standards of the Agricultural (A) District and Section 3025 of the Zoning Ordinance. The six panel antennas will NOT be concealed – it will be an eyesore; it does NOT mimic the appearance of an existing chimney attached to the existing residence.

2. The location of the site and the proposed conditions under which the co-user communication facility would be operated and maintained is NOT consistent with the General Plan, the Agriculture (A) land use designation and WILL be detrimental to the public health, safety and welfare of persons residing or working in or adjacent to the neighborhood of such use, and WILL be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The proposed co-user communication facility does NOT satisfy the General Plan Land Use Objective 2.726. The proposed improvements visually do NOT conform to the surrounding residential and agricultural land uses.

3. The proposed conditional use will NOT comply with the provisions of the Zoning Ordinance. The use is NOT a compatible land use within the area; it does NOT consist of other communication facilities.
4. The applicant has NOT demonstrated the facility is needed to provide coverage.

We therefore request that this application be heard anew by the Planning Commission and will file this appeal by the deadline of Thursday, February 5, 2009, 5:00 p.m. We further request that the appeal fee be waived, having satisfied the 25 signatures requirement.

1. Douglas B Andersen 5027 Sleeping Indian ✓
 2. Jean M Andersen 5027 Sleeping Indian ✓
 Received

FEB - 5 2009

Planning Division

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3. ~~AM Johnson~~ 6552 Indian Hill Way ✓
4. B.J. Schmeer 6552 Indian Hill Way ✓
5. Peter H. Penneyes 6535 Indian Trail Way ✓
6. Joanne E. Penneyes 6535 Indian Trail Way ✓
7. Barbara M. Curtis 1554 SLEEPING INDIAN RD. ✓
8. ~~Doug Martini~~ 1537 Sleeping Indian Rd ✓
9. Dennis Martini 1537 Sleeping Indian Rd ✓
10. Jim Kreplin 5012 Sleeping Indian Rd. ✓
11. Elizabeth Kreplin 5012 Sleeping Indian Rd. ✓
12. ~~Ann B. Matz~~ 5022 Sleeping Indian Rd. ✓
13. Heather M. Bausher 6549 Indian Trail Way ✓
14. Zahedi Sqrada 6554 Indian Trail Way ✓
15. C/O Leda 6554 Indian Trail way ✓
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APPEAL OF ACUP-12-08 CINGULAR @ 6543 INDIAN TRAILS WAY
(Applicant: AT&T Mobility, LLC Cingular Wireless)

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2. The location of the site and the proposed conditions under which the co-user communication facility would be operated and maintained is NOT consistent with the General Plan, the Agriculture (A) land use designation and WILL be detrimental to the public health, safety and welfare of persons residing or working in or adjacent to the neighborhood of such use, and WILL be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

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3. The proposed conditional use will NOT comply with the provisions of the Zoning Ordinance. The use is NOT a compatible land use within the area; it does NOT consist of other communication facilities.
4. The applicant has NOT demonstrated the facility is needed to provide coverage.

We therefore request that this application be heard anew by the Planning Commission and will file this appeal by the deadline of Thursday, February 5, 2009, 5:00 p.m. We further request that the appeal fee be waived, having satisfied the 25 signatures requirement.

1. Robert J Reed 5046 Sleeping Indian Rd. Fallbrook, Ca 92028 ✓
2. Phyllis R. Reed 5046 Sleeping Indian Rd Fall Brook Ca 92028 ✓

3. Pete Collins 5022 Sleeping Dredm Rd. Fullbrook CA 92028 ✓
4. Sam Allen 1537 Camino Corto Fullbrook CA 92028 ✓
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APPEAL OF ACUP-12-08 CINGULAR @ 6543 INDIAN TRAILS WAY
(Applicant: AT&T Mobility, LLC Cingular Wireless)

We, the undersigned Oceanside citizens, residing within 1,500 feet of the above-referenced proposed project, do hereby appeal the City of Oceanside's Administrative Approval of said project, on the following grounds:

1. The proposed location of the use is NOT in accord with the objectives of the Zoning Ordinance and the purposes of the Agricultural (A) District in which the site is to be located.

The co-user communication facility does NOT comply with the objectives of the Zoning Ordinance and WILL have a negative impact on agricultural uses, residential uses, residential development, future communications facility land uses, and/or other land uses. This proposal does NOT satisfy all development standards of the Agricultural (A) District and Section 3025 of the Zoning Ordinance. The six panel antennas will NOT be concealed – it will be an eyesore; it does NOT mimic the appearance of an existing chimney attached to the existing residence.

2. The location of the site and the proposed conditions under which the co-user communication facility would be operated and maintained is NOT consistent with the General Plan, the Agriculture (A) land use designation and WILL be detrimental to the public health, safety and welfare of persons residing or working in or adjacent to the neighborhood of such use, and WILL be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The proposed co-user communication facility does NOT satisfy the General Plan Land Use Objective 2.726. The proposed improvements visually do NOT conform to the surrounding residential and agricultural land uses.

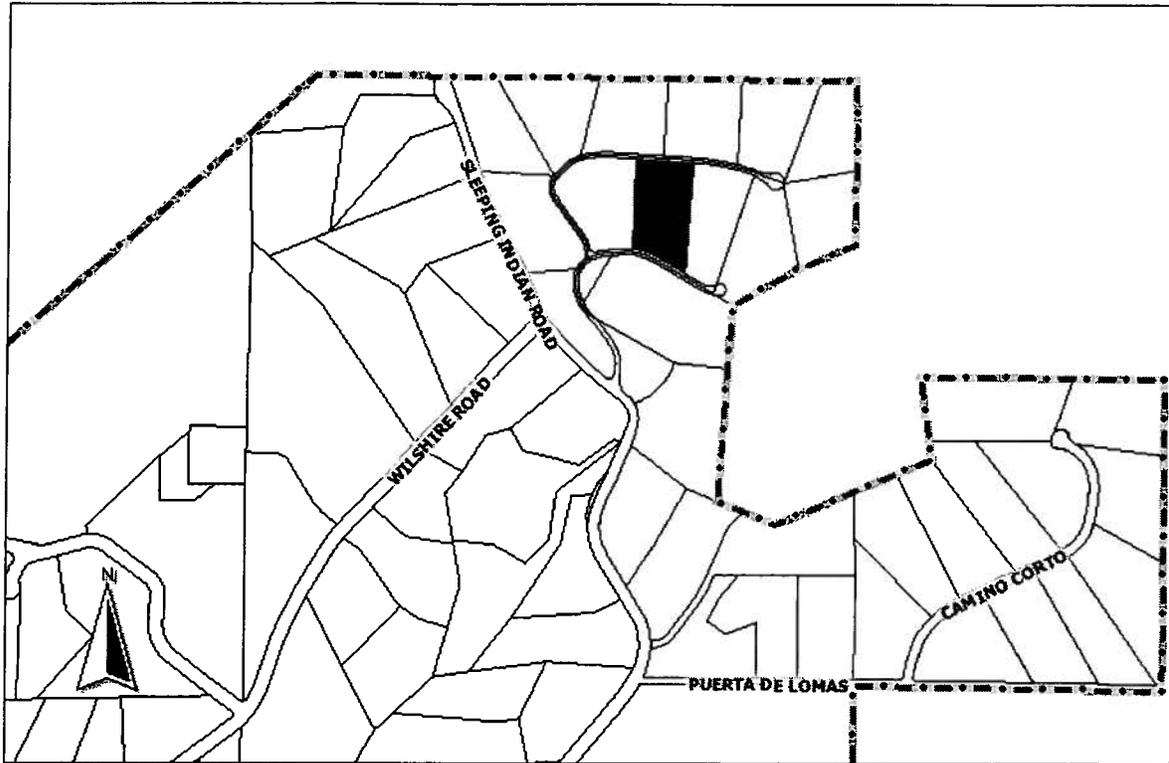
3. The proposed conditional use will NOT comply with the provisions of the Zoning Ordinance. The use is NOT a compatible land use within the area; it does NOT consist of other communication facilities.

4. The applicant has NOT demonstrated the facility is needed to provide coverage.

We therefore request that this application be heard anew by the Planning Commission and will file this appeal by the deadline of Thursday, February 5, 2009, 5:00 p.m. We further request that the appeal fee be waived, having satisfied the 25 signatures requirement.

1. Jaura Furin 1590 Wilshire Road ✓
2. Paul Hill 1590 Wilshire Rd ✓

3. Esthineal E. Hernandez 1549 sleeping Indian ✓
4. Walter W. Hernandez 1549 sleeping Indian ✓
5. Eusew Cobas 1539 sleeping Indian ✓
6. Michael Cobas 1539 sleeping Indian ✓
7. Robert Allen 1565 Wilshire Rd ✓
8. Kimberly Alison 1565 Wilshire Rd RES. ✓
9. Moj Moghadam 1541 Wilshire Rd RES. APN 121201-08 ✓
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File Number: ACUP-12-08

Applicant: AT&T Mobility, LLC -- Cingular Wireless

Description:

An appeal of the City Planner's approval of an Administrative Conditional Use Permit ACUP-12-08 to allow a co-user communication facility disguised as chimneys and located on the roof of a house located at 6543 Indian Trails Way. The project site is situated within the Agricultural District and within the Morro Hills Neighborhood. – **CINGULAR/6543 INDIAN TRAILS WAY**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing

Planning Department (760) 435-3520

Oceanside Civic Center

300 North Coast Highway

Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED BY

6/3/08

Jell

Please Print or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT *AT+T Mobility, LLC - Cingular Wireless*

2. STATUS *Planning Department*

3. ADDRESS *6925 Lusk Blvd. San Diego CA 92121*

4. PHONE/FAX *858-232-3716 858-646-1748*

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) *Karen Adler Agent - Plan Com Inc.*

6. ADDRESS *302 State Place Escondido CA 92029*

7. PHONE/FAX *760-715-3416 760-735-4913*

PART II - PROPERTY DESCRIPTION

8. LOCATION *1543 Indian Trails Way - Fallbrook 92028*

9. SIZE *2.54 acres*

10. GENERAL PLAN *n/a*

11. ZONING *A-agriculture*

12. LAND USE *SFD + Avocado Orchard*

13. ASSESSOR'S PARCEL NUMBER *121-260-12*

PART III - PROJECT DESCRIPTION *REV-10/10/08*

14. GENERAL PROJECT DESCRIPTION *Installation of 6 antennas (Three sectors of 2 antennas each) inside chimney-like structures on roof of existing residence. Installation of 6 equipment cabinets inside new 12's" x 25'4" equipment shelter.*

15. PROPOSED GENERAL PLAN *NO Change*

16. PROPOSED ZONING *NO Change*

17. PROPOSED LAND USE *n/a*

18. NO. UNITS *n/a*

19. DENSITY *n/a*

20. BUILDING SIZE *325 s.f.*

21. PARKING SPACES *n/a*

22. % LANDSCAPE *n/a*

23. % LOT COVERAGE *n/a*

PART IV - ATTACHMENTS

ALL APPLICATIONS

DEV. PLANS, C.U.P.s & TENT. MAPS

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): *Karen Adler Agent*

34. DATE *3-24-08*

Sign: *Karen Adler Agent*

37. OWNER (Print) *DAVID M. LONDON*

38. DATE *4-18-08*

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

Sign: *[Signature]*

35. APPLICANT (Print): *AT+T Mobility, LLC*

36. DATE *3-24-08*

39. OWNER (Print):

40. DATE

Sign: *Karen Adler Agent*

Sign:

[Signature]



PROJECT DESCRIPTION/HEIGHT JUSTIFICATION

AT&T Mobility (ATT) is proposing to construct, operate, and maintain a wireless PCS facility consisting of a total of six (6) panel antennas, two (2) antennas each in three (3) antenna arrays. Twelve (12) TMA antennas will be installed—two (2) mounted behind each panel antenna. The antennas will be mounted in two new chimney-like structures made of RF-transparent panels painted to match the existing residence. Four antennas will be installed in a chimney measuring 5ft-9in W x 6ft-3in D with the top of the chimney at 18ft. Two (2) antennas will be installed in a chimney measuring 6ft-3in W x 2ft-6in D with the top of the chimney at 16ft-8in. An abbreviated visual analysis and photo simulations are provided with the application for the City's review.

The supporting equipment will consist of the following: six (6) Ericsson RBS 2106 self-contained Base Transceiver Station (BTS) outdoor equipment cabinets, one (1) electric meter panel, and one (1) telephone interface. Each of the BTS units will contain the electronic equipment necessary to operate the facility. The equipment will be installed in a steel framed equipment shelter on a raised galvanized steel platform with a metal roof to provide compliance with Fire Policy FP-2. The equipment shelter will measure 26ft-4in x 14ft-8in (275sf). The specific location and design of the proposed facility is illustrated in further detail on the site plan and elevation drawings.

SITE CHARACTERISTICS

The underlying zoning of the proposed site is A, Agricultural. Currently the on-site use consists of a single-family residence. The entire parcel of land is 2.58 acres. The property is characterized by heavily vegetated areas and stands of trees.

The surrounding land uses are as follows:

North:	Vacant land; residential zone
South:	Water Tank; residential zone
East:	Single-family residence
West:	Single-family residence

OPERATION & MAINTENANCE

Once constructed and operational, the communications facility will provide 24-hour service to its users seven (7) days a week. Apart from initial construction activity, an AT&T technician will service the facility on an as-needed basis. Generally, this is likely to occur once per month during normal working hours, although a computer may handle much of the operational adjustments remotely. An AT&T technician in a service



van or pickup truck-size vehicle will perform the routine maintenance operation. Beyond this routine maintenance service, AT&T typically requires 24-hour access to the facility to ensure that technical support is immediately available if and when warranted during an emergency.

NOISE/ACOUSTICAL INFORMATION

AT&T Mobility is proposing to use Ericsson RBS 2106 outdoor equipment cabinets. The noise specifications for the RBS 2106 cabinets are provided with this submittal in a generic letter analysis.

HAZARDOUS MATERIALS

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

OPERATIONAL FREQUENCY CRITERIA

The FCC has allocated a portion of the radio spectrum to AT&T for the provision of PCS. The proposed communications facility will transmit at a frequency range of 850 MHz and 1950 MHz. The power required to operate the facility typically does not exceed 200 watts per channel. By design, the AT&T facility is a low-power system. Depending upon characteristics of the site, the actual power requirements may be reduced. When operational, the transmitted signals from the site will consist of non-ionizing waves generated at less than one (1) microwatt per square centimeter, which is significantly lower than the Federal Communications Commission (FCC) standard for continuous public exposure of 900 microwatts per square centimeter. The proposed PCS communications facility will operate in full compliance with the standards for radio frequency emissions as adopted by the FCC.

EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

PARCEL 1:

LOT 12 OF SLEEPING INDIAN HILL, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 8310, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 26, 1976.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITY PURPOSES OVER THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23, THENCE ALONG THE EASTERLY LINE OF SAID SECTION 23, SOUTH 00° 29' 57" EAST, 738.50 FEET TO AN ANGLE POINT IN THE BOUNDARY OF LAND DESCRIBED IN PARCEL 1 IN DEED TO SLEEPING INDIAN PARTNERSHIP, RECORDED SEPTEMBER 4, 1970 AS FILE NO. 160996; THENCE ALONG THE BOUNDARY OF SAID LAND AS FOLLOWS:

SOUTH 68° 48' 06" WEST, 250.00 FEET TO AN ANGLE POINT THEREIN AND SOUTH 62° 11' 54" WEST 332.00 FEET TO AN ANGLE POINT IN THE BOUNDARY OF LAND DESCRIBED IN PARCEL 1 IN DEED TO RAINBOW MUNICIPAL WATER DISTRICT, RECORDED FEBRUARY 3, 1970 AS FILE NO. 19234; THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 1 OF SAID WATER DISTRICT'S LAND NORTH 59° 48' 06" WEST, 48.00 FEET TO A POINT ON THE ARC OF A NON-TANGENT 40.00 FOOT RADIUS CURVE, CONCAVE WESTERLY, A RADIAL LINE OF SAID CURVE BEARS SOUTH 22° 55' 49" EAST TO SAID POINT AND BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BOUNDARY AS NORTH 59° 48' 06" WEST 322.00 FEET TO THE BEGINNING OF A TANGENT 291.86 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE LEAVING SAID BOUNDARY WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 61° 53' 38" A DISTANCE OF 315.28 FEET TO THE BEGINNING OF A COMPOUND 105.74 FOOT RADIUS CURVE; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 74° 13' 03" A DISTANCE FO 136.97 FEET; THENCE TANGENT TO SAID CURVE SOUTH 15° 54' 57" EAST, 100.41 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1 OF SAID WATER DISTRICT'S LAND; THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 59° 48' 06" EAST, 23.08 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 15° 54' 47" WEST

117.04 FEET TO THE BEGINNING OF A TANGENT 89.74 FOOT RADIUS CURVE, CONCAVE EASTERLY; THENCE NORTHWESTERLY NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 74° 13' 03" A DISTANCE OF 116.24 FEET TO THE BEGINNING OF A COMPOUND 275.86 FOOT RADIUS CURVE; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 61° 53' 03" A DISTANCE OF 298.00 FEET; THENCE TANGENT TO SAID CURVE SOUTH 59° 48' 06" EAST, 290.00 FEET TO THE BEGINNING OF A TANGENT 40.00 FOOT RADIUS CURVE, CONCAVE WESTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53° 07' 43" A DISTANCE OF 37.09 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS FOR ROAD AND PUBLIC UTILITY PURPOSES AND APPURTENANCES THERETO, TO BE USED IN COMMON WITH OTHERS, OVER, UNDER, ALONG AND ACROSS THOSE PORTIONS OF LOTS 1 THROUGH 13, INCLUSIVE OF SLEEPING INDIAN HILL, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 8310, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 26, 1976, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23; THENCE ALONG THE EASTERLY LINE OF SAID SECTION 23, SOUTH 00° 29' 57" EAST, 738.50 FEET TO AN ANGLE POINT IN THE BOUNDARY OF LAND DESCRIBED IN PARCEL 1 IN DEED TO SLEEPING INDIAN PARTNERSHIP, RECORDED SEPTEMBERS 1970 AS FILE NO. 160996; THENCE ALONG THE BOUNDARY OF SAID LAND AS FOLLOWS:

SOUTH 68° 48' 06" WEST, 250.00 FEET TO AN ANGLE POINT THEREIN AND SOUTH 62° 11' 54" WEST, 332.00 FEET TO AN ANGLE POINT IN THE BOUNDARY OF LAND DESCRIBED IN PARCEL 1 IN DEED TO RAINBOW MUNICIPAL WATER DISTRICT RECORDED FEBRUARY 3, 1970 AS FILE NO. 19234; THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 1 OF SAID WATER DISTRICT'S LAND NORTH 59° 48' 06" WEST, 48.00 FEET TO A POINT ON THE ARC OF A NON-TANGENT 40.00 FOOT RADIUS CURVE, CONCAVE WESTERLY, A RADIAL LINE OF SAID CURVE BEARS SOUTH 22° 55' 49" EAST TO SAID POINT AND BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 59° 48' 06" WEST, 322.00 FEET TO THE BEGINNING OF A TANGENT 291.86 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE LEAVING SAID BOUNDARY WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 61° 53' 38" A DISTANCE OF 315.28 FEET TO THE BEGINNING OF A COMPOUND 105.74 FOOT RADIUS CURVE; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 74° 13' 03" A DISTANCE OF 136.97 FEET; THENCE TANGENT TO SAID CURVE SOUTH 15° 54' 57" EAST, 100.41 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1 OF SAID WATER DISTRICT'S LAND; THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 59° 48' 06" EAST, 23.08

FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE SOUTH 15° 54' 47" EAST, 262.50 FEET TO THE BEGINNING OF A TANGENT 44.77 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 04' 03" A DISTANCE OF 32.87 FEET TO THE POINT OF CUSP WITH A COMPOUND 270.00 FOOT RADIUS CURVE, CONCENTRIC WITH AND NORTHEASTERLY OF THAT 300.00 FOOT RADIUS CURVE, IN THE NORTHEASTERLY BOUNDARY OF LAND DESCRIBED IN PARCEL 1 IN DEED TO FIRST FALLBROOK COMPANY, RECORDED SEPTEMBER 7, 1965 AS FILE NO. 162135; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 59' 40" A DISTANCE OF 61.23 FEET; THENCE TANGENT TO SAID CURVE NORTH 44° 59' 10" WEST, 112.87 FEET TO THE POINT OF CUSP WITH A TANGENT 25.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 150° 55' 37" A DISTANCE OF 65.85 FEET; THENCE TANGENT TO SAID CURVE NORTH 15° 54' 47" WEST, 249.05 FEET TO THE BEGINNING OF A TANGENT 121.74 FOOT RADIUS CURVE, CONCAVE EASTERLY; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65° 05' 12" A DISTANCE OF 138.29 FEET TO THE BEGINNING OF A REVERSE 25.00 FOOT RADIUS CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51° 00' 00" A DISTANCE OF 22.25 FEET TO THE BEGINNING OF A COMPOUND 174.66 FOOT RADIUS CURVE, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58° 54' 49" A DISTANCE OF 179.59 FEET TO THE BEGINNING OF A REVERSE 150.38 FOOT RADIUS CURVE; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 124° 47' 26" A DISTANCE OF 327.53 FEET; THENCE TANGENT TO SAID CURVE NORTH 64° 03' 02" EAST, 56.76 FEET TO THE BEGINNING OF A TANGENT 216.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28° 12' 03" A DISTANCE OF 106.32 FEET; THENCE TANGENT TO SAID SOUTH 87° 44' 55" EAST, 440.05 FEET TO THE BEGINNING OF A TANGENT 516.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 27' 01" A DISTANCE OF 193.18 FEET; THENCE TANGENT TO SAID CURVE SOUTH 66° 17' 54" EAST, 60.88 FEET TO THE BEGINNING OF A TANGENT 40.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45° 34' 18" A DISTANCE OF 31.82 FEET TO THE BEGINNING OF A REVERSE 40.00 FOOT RADIUS CURVE, THENCE CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 271° 08' 36" A DISTANCE OF 189.30 FEET TO THE BEGINNING OF A REVERSE 40.00 FOOT RADIUS CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45° 34' 18" A DISTANCE OF 31.82 FEET; THENCE TANGENT TO SAID CURVE NORTH 66° 17' 54" WEST, 60.88 FEET TO THE BEGINNING OF A TANGENT 484.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 27' 01" A DISTANCE OF 181.20 FEET; THENCE TANGENT TO SAID CURVE NORTH 87° 44' 55" WEST, 440.05 FEET TO THE BEGINNING OF A

TANGENT 184.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28° 12' 03" A DISTANCE OF 90.56 FEET; THENCE TANGENT TO SAID CURVE SOUTH 64° 03' 02" WEST, 56.76 FEET TO THE BEGINNING OF A TANGENT 118.38 FOOT RADIUS CURVE, CONCAVE EASTERLY; THENCE SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 124° 47' 26" A DISTANCE OF 257.83 FEET TO THE BEGINNING OF A REVERSE 206.60 FOOT RADIUS CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48° 59' 22" A DISTANCE OF 176.70 FEET TO THE BEGINNING OF A REVERSE 25.00 FOOT RADIUS CURVE, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 98° 44' 15" A DISTANCE OF 43.08 FEET TO THE BEGINNING FO A REVERSE 307.86 FOOT RADIUS CURVE; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50° 41' 09" A DISTANCE OF 272.34 FEET; THENCE TANGENT TO SAID CURVE SOUTH 59° 48' 06" EAST, 216.68 FEET TO THE BEGINNING OF A TANGENT 40.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 66° 25' 19" A DISTANCE OF 46.37 FEET TO THE BEGINNING OF A REVERSE 40.00 FOOT RADIUS CURVE; THENCE CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 193° 17' 36" A DISTANCE OF 134.95 FEET TO THE TRUE POINT OF BEGINNING.