

# STAFF REPORT



ITEM NO. 14  
CITY OF OCEANSIDE

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DATE: May 14, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION CONFIRMING PLANNING COMMISSION RESOLUTION FOR DENIAL OF AN APPEAL AND APPROVING AN ADMINISTRATIVE CONDITIONAL USE PERMIT (ACUP-4-07) AND ADMINISTRATIVE COASTAL PERMIT (ACP-2-07) FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATION FACILITY ON THREE EXISTING LIGHT POLES LOCATED AT 1227 VISTA WAY**

## **SYNOPSIS**

The item under consideration is the denial of an appeal and adoption of a resolution confirming Planning Commission action and approving an Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit (ACP-2-07) for the operation of three separate telecommunication antennas located on three remodeled parking lot light poles. Staff recommends that the City Council adopt the resolution denying the appeal and approve the Planning Commission decision approving Administrative Conditional Use Permit and Administrative Coastal Permit as attached.

## **BACKGROUND**

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

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

The public hearing and deliberations by the Planning Commission for the appeal on the proposed use were held on March 10, 2008. The Commission denied the appeal of the

City Planner's Decision and approved the Administrative Conditional Use Permit and Administrative Coastal Permit by a 5-to-2 vote.

During the required Planning Commission 10-day appeal period the appellant (Holly Hargett) resubmitted the required signatures for appeal of the Planning Commission's decision of approval of the Administrative Conditional Use Permit and Administrative Coastal Permit.

The site is located southwest of the Vista Way, Interstate 5 Freeway and the Highway 78 intersection within the South Oceanside Neighborhood. Surrounding zoning includes Residential Single Family (RS) to the north, Commercial Visitor (CV) to the southwest and the Interstate 5 to the east. Surrounding land uses include single-family residences, the Hunter Steak House and the highways. The subject site is in the Commercial Visitor (CV) zone.

**Project Description:** The project application is comprised of an Administrative Conditional Use Permit (ACUP-4-07) and an Administrative Coastal Permit (ACP-2-07) for a telecommunication facility as follows:

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

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

Cricket Telecommunications is proposing to operate and maintain a telecommunication facility at the Amazon Bicycle property located at 1227 Vista Way. The proposed facility would consist of three (3) whipped antennas constructed on top of three newly remodeled light poles on the property. All existing light poles on the site will be updated and remodeled to be consistent with the proposed light poles housing the antennas. The poles and antennas will not extend higher than 30 feet with lower illuminated lighting to meet the City of Oceanside's light pollution code requirements and would replace the older gas station lighting. The facility is designed to include one antenna per light, for a total of three antennas that will incorporate the same design features as the proposed light poles.

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

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

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

## **ANALYSIS**

### Call for Appeal of the Planning Commission Decision by a member of the general public

Listed below are the issues raised by the appellant (Holly Hargett), along with staff's response to each issues. Staff reviewed the issues and believes that each of the concerns raised were addressed during staff's review of the proposed project. As designed and conditioned, the project proposes a high-quality design for telecommunication facilities that is consistent with the Land Use Element of the General Plan, the Zoning Ordinance, and the Local Coastal Program.

#### Issues

Issue 1: The provided coverage map for telecommunication facilities is inadequate and it does not provide enough information for the need of coverage.

#### Staff Response:

The Oceanside Zoning Ordinance Section 3025 (A) for Reception Antennas and Communication Facilities promotes and provides the purposes of telecommunication facilities and the coverage through policies set forth in relevance of federal and state telecommunication law:

The subject site has been reviewed by staff, the applicant and the state for compliance with Federal Communication Commission (FCC) rules and regulations for Radio Frequency (RF) emissions. The need for coverage is warranted due to the limited number of Cricket telecommunication facilities in the City. Coverage maps are not required during the discretionary review process. The coverage maps provide additional information describing the need for the facilities, but are not regulated by the City of Oceanside.

Issue 2: The proposed telecommunication towers would affect the character, quality and views of the neighborhood and adding more cell antennas to this area with other towers/antennas within a half mile will be detrimental to residential properties and cause property values to be lower.

#### Staff Response:

The proposed project has been carefully analyzed for land use and zoning compliance and it is staff's opinion that the proposed use shall be compatible with the existing uses

and future uses within the area and the commercial-zoned property as described below:

Project compliance with Oceanside Zoning Ordinance Article and State Regulations (FCC): The proposed communication facility would be integrated into the design of the 30-foot parking lot light, which effectively mitigates view impacts from the primary view corridors and nearby neighbors. The communication antennas are hidden within the remodeled light pole, which allows the structure to emulate and act as a functioning light pole. The proposed remodeled light poles that consist of the subject antennas will not only enhance the property with esthetically pleasing designs, but shall provide the type of lighting that is needed for the commercial site. As such, the project site is consistent with the objectives of the General Plan policies for visual conformity to surrounding land uses and features while still providing communication, broadcast, and subscription services to the public. Staff believes that the proposed design would be in character with the neighborhood and would not add additional visual impacts to this busy intersection and the adjacent residential area.

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

**Project compatibility with surrounding land uses:** The proposed project will enhance the property, by providing newly upgraded parking lot lighting that shall be pleasant in appearance and will complement the property. The wireless telecommunications facility at this location will be compatible with surrounding land uses. The communication antennas are integrated as part of the proposed remodeled light poles, which allows the light poles to function as parking lot light poles and provide a stealth design of the single antennas per light pole.

It is staff's opinion that the proposed use, as conditioned, does not pose any particular land use incompatibility to the area. The proposed antennas are integrated into the newly remodeled light poles and will not cause negative visual impacts to the area. The applicant has provided information and complied with all state and health regulations, which only enable the review of the project, solely on design standards of the project. The project can only be reviewed in terms of design regulations and architecture because the health and safety regulations are regulated by the FCC. Staff believes the approval of the project is warranted due to the upgrade in design and compatibility with the commercial property.

Issue 3: The applicant does not analyze the effects on the Buena Vista Lagoon and does not take into consideration the close proximity within the coastal area.

Staff Response:

The Subject property has been found to be categorically exempt pursuant to Class 11, Accessory Structures, and Section 15311 of the California Environmental Quality Act. This exemption covers construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. Due to the existing commercial property and the existing impact of the existing lights it was not necessary to consult with other environmental agencies.

The proposed remodeled light poles will not adversely impact the Buena Vista Lagoon. The location of the lights shall not be located within the 100-foot habitat buffer measured from the edge of the lagoon. The proposed lights will comply with the street light design policy manual and will meet the City of Oceanside light pollution ordinance. All proposed lights would replace the existing and outdated parking lot lighting and provide an upgrade in design and will use lower-pressure sodium lighting. Staff has determined that the proposed remodeled light poles with the attached telecommunication antennas will not detract from the visual appearance of the Buena Vista Lagoon and surrounding areas.

**FISCAL IMPACT**

The applicant has paid all fees required for the consideration of this application.

**COMMISSION OR COMMITTEE REPORT**

The Planning Commission reviewed the Administrative Conditional Use Permit and Administrative Coastal Permit application on March 10, 2008. Public hearing notices were mailed to business and residential property owners and occupants within a 1,500-foot radius of the proposed operation. The Planning Commission approved the project on a vote of 5-to-2. An appeal was filed for the Planning Commission's decision of approval during the 10-day appeal period and the project is subject to approval of the City Council decision.

**CITY ATTORNEY'S ANALYSIS**

Under the provisions of Article 46 of the City Zoning Ordinance, the City Council has final authority in the approval, modification or denial of the Administrative Conditional Use Permit and Administrative Coastal Permit for the appeal of the telecommunications site.

Consideration of the matter should be based on the testimony and evidence presented at the public hearing. After conducting the public hearing, the Council shall affirm, modify or deny the project. If the City Council reverses or modifies the Planning Commission

decision, it shall state the specific findings for reversal or modification. The resolution has been reviewed and approved as to form.

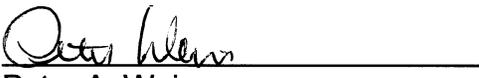
**RECOMMENDATION**

The item under consideration is the denial of an appeal and adoption of a resolution confirming Planning Commission action and approving an Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit (ACP-2-07) for the operation of three separate telecommunication antennas located on three remodeled parking lot light poles. Staff recommends that the City Council adopt the resolution denying the appeal and approve the Planning Commission decision approving Administrative Conditional Use Permit and Administrative Coastal Permit as attached.

PREPARED BY:

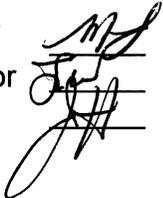
SUBMITTED BY:

  
Scott Nightingale  
Planner II

  
Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager  
Lauren Wasserman, Interim Development Services Director  
Jerry Hittleman, City Planner



**ATTACHMENTS:**

- 1. Site Plans/Floor Plans & Elevations
- 2. City Council Resolution
- 3. Planning Commission Resolution No. 2008-P14
- 4. Planning Commission Staff Report dated March 10, 2008
- 5. Administrative Staff Report (ACUP-4-07, ACP-2-07)
- 6. Appeal



APPROVALS	
S.F.	DATE

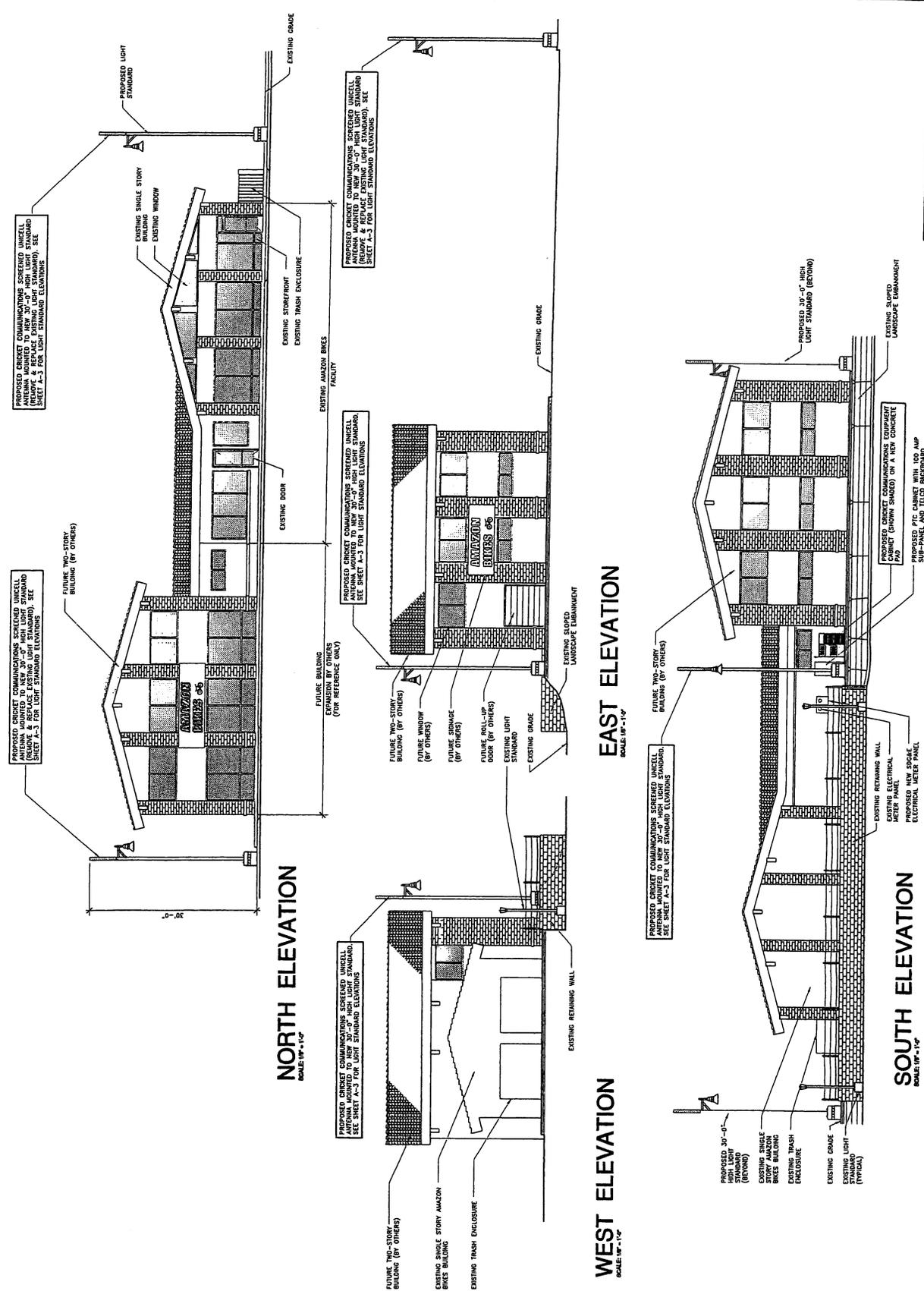
PROJECT NAME  
**AMAZON BIKES**  
 PROJECT NUMBER  
**SAN-119-B**  
 1227 VISTA WAY  
 OCEANSIDE, CA 92054  
 SAN DIEGO COUNTY

DRAWING DATES

02/26/07	PERMITS REVIEW (04)
02/26/07	FINAL SD REVIEW (04)
06/15/07	DESIGN STUDY (07)
11/17/07	REVISED SD (07)
11/13/07	REVISED SD (07)

SHEET TITLE  
**EXTERIOR ELEVATION**

PROJECT: cricket/san119a/01/19/06-03/08



PROPOSED CRICKET COMMUNICATIONS SCREENED UNICELL ANTENNA MOUNTED TO NEW 30'-0" HIGH LIGHT STANDARD. SEE SHEET A-3 FOR LIGHT STANDARD ELEVATIONS.

PROPOSED CRICKET COMMUNICATIONS SCREENED UNICELL ANTENNA MOUNTED TO NEW 30'-0" HIGH LIGHT STANDARD. SEE SHEET A-3 FOR LIGHT STANDARD ELEVATIONS.

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PROPOSED CRICKET COMMUNICATIONS EQUIPMENT (SHOWN SHADDED) ON A NEW CONCRETE SUB-PANEL AND T-POLE BOARD.

REFERENCES MADE HEREIN TO A FUTURE TWO-STORY BUILDING ARE FOR INFORMATION ONLY AND IS NOT A PART OF THIS APPLICATION.

**NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

**WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"

**EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"

**SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

PREPARED FOR

**cricket**  
Communications

4031 SORRENTO VALLEY BLVD.  
SAN DIEGO, CA 92121

APPROVALS

R.F.	DATE
ZONING	DATE
CONSTRUCTION	DATE
SITE ACQUISITION	DATE
OWNER APPROVAL	DATE

PROJECT NAME  
**AMAZON BIKES**

PROJECT NUMBER  
**SAN-119-B**  
1207 VISTA WAY  
OCCASANO, CA 92054  
SAN DIEGO COUNTY

DRAWING DATES  
11/09/07  
11/09/07  
ISSUED FOR REVIEW (CV)  
ADDED TITLE INFO. (CV)

**BERT HAZE**  
LAND SURVEYING & MAPPING  
AND ASSOCIATES, I.H.C.  
3188 AIRWAY AVENUE, SUITE K1  
CARLSBAD, CA 92008  
714 557-1587 OFFICE  
714 557-1588 FAX  
JN. 710.004

C-1

**LEGAL DESCRIPTION:**

PARCEL 1: (ASSESSOR'S PARCEL NO. 155-140-27)  
THOSE PORTIONS OF TRACT 48, SOUTH OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN MAP NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, ON FEBRUARY 24, 1989, AND VISTA CEMETERY, ACCORDING TO MAP THEREON, NO. 759, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 22, 1983, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID TRACT 48, SAID HOTALING LANDS AS SHOWN ON MAP NO. 1717, RECORDS OF SAID COUNTY AND DESIGNATED THEREON AS BEING THE SOUTHWESTERLY CORNER OF SAID TRACT NO. 66, THENCE ALONG THE DIVIDING LINE BETWEEN SAID TRACT NO. 66, THENCE ALONG THE DIVIDING LINE NORTH 00°17'50" WEST 1239.52 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF VISTA WAY SHOWN ON MAP OF HOTALING LANDS AS SHOWN ON MAP NO. 1717, RECORDS OF SAID COUNTY, THENCE ALONG SAID SOUTHWESTERLY LINE OF VISTA WAY NORTH 54°42'00" EAST 90.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE OF VISTA WAY NORTH 54°42'00" EAST 90.55 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LAND DESCRIBED IN MAP NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 24, 1989, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN MAP NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 24, 1989, AS ALONG SAID WESTERLY LINE OF VISTA WAY NORTH 54°42'00" EAST 103.44 FEET; LEAVING SAID WESTERLY LINE SOUTH 54°42'00" WEST 1283.9 FEET; THENCE NORTH 35°11'40" WEST 155.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:  
A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ONLY OVER, IN AND THROUGH THOSE PORTIONS OF TRACT 48 OF SOUTH OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN MAP NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 24, 1989, AND VISTA CEMETERY, ACCORDING TO MAP THEREON, NO. 759, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 22, 1983, DESCRIBED AS FOLLOWS:  
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PARCEL 3:  
A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ONLY OVER, IN AND THROUGH THOSE PORTIONS OF TRACT 48 OF SOUTH OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN MAP NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 24, 1989, AND VISTA CEMETERY, ACCORDING TO MAP THEREON, NO. 759, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 22, 1983, DESCRIBED AS FOLLOWS:  
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**EASEMENT NOTES:**

- EASEMENTS SHOWN HEREON PER STEWART TITLE OF CALIFORNIA (STEWART TITLE), DATED AS OF FEBRUARY 24, 1989.
- AN EASEMENT FOR INGRESS AND EGRESS ONLY OVER, IN AND THROUGH THOSE PORTIONS OF TRACT 48 OF SOUTH OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN MAP NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 24, 1989, AS ALONG SAID WESTERLY LINE OF VISTA WAY NORTH 54°42'00" EAST 103.44 FEET; LEAVING SAID WESTERLY LINE SOUTH 54°42'00" WEST 1283.9 FEET; THENCE NORTH 35°11'40" WEST 155.00 FEET TO THE TRUE POINT OF BEGINNING.
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- DENOTES ITEM PLOTTED HEREON

**BENCH MARK:**

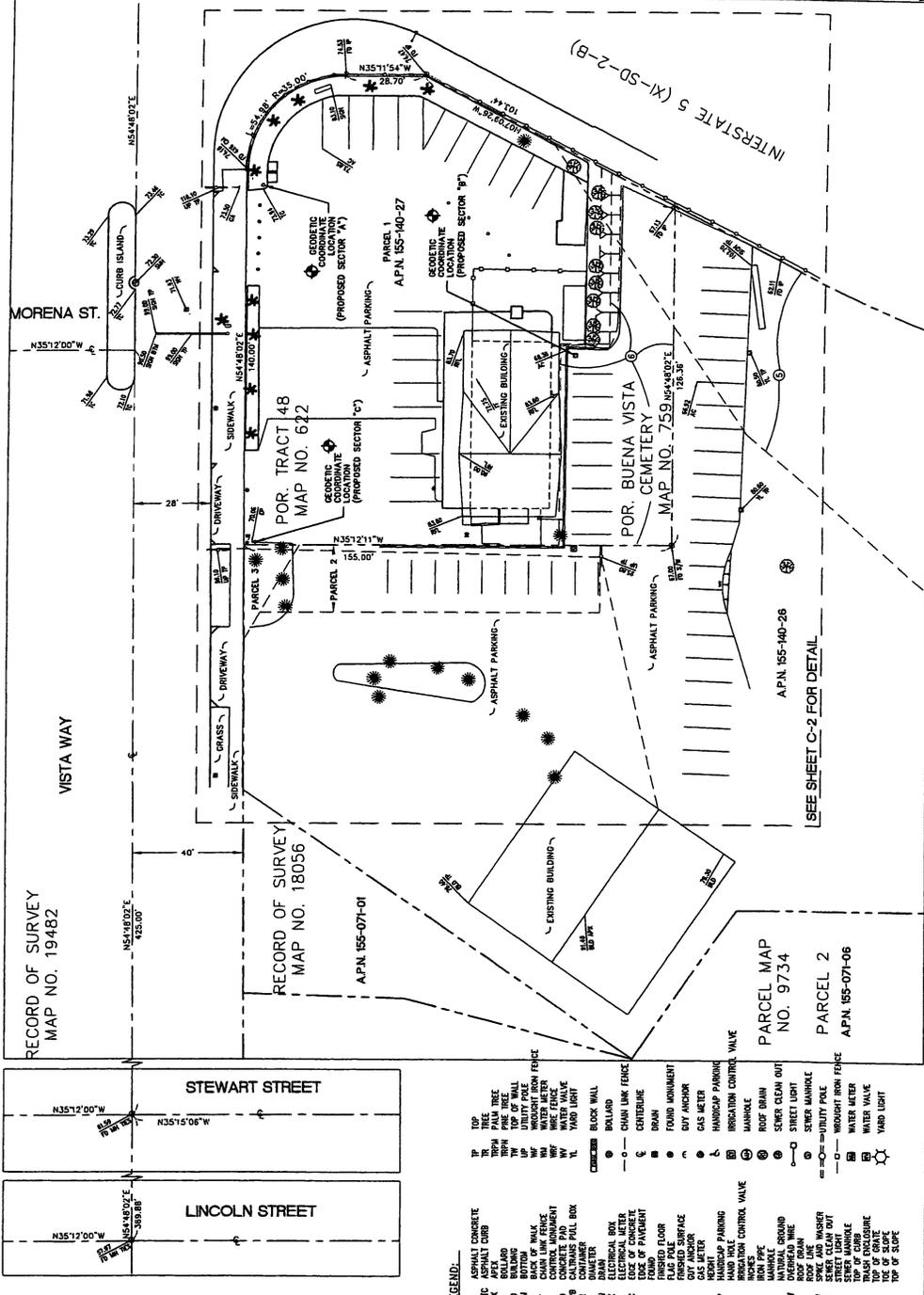
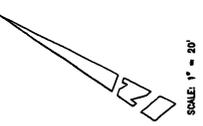
U.S.G.S. BENCH MARK "BM 44"  
UNITED STATES GEOLOGICAL SURVEY BENCH MARK "BM 44" AS SHOWN ON THE "SAN LUIS REY 7.5 MINUTE QUADRANGLE MAP."  
ELEVATION: 46.5 FEET A.M.S.L. (NAVD83)  
DATE OF SURVEY:  
NOVEMBER 5, 2007

**TITLE REPORT IDENTIFICATION:**

STEWART TITLE OF CALIFORNIA ORANGE COUNTY DIVISION, PRELIMINARY TITLE REPORT, ORDER NO. 88700489, DATED AS OF FEBRUARY 06, 2007.

**COORDINATES:**

PROPOSED SECTOR "K" PROPOSED SECTOR "B" PROPOSED SECTOR "C"  
LATITUDE 33°05'48.1" N 33°07'03.33" N 33°05'33.85" N  
LONGITUDE 117°21'08.10" W 117°21'07.92" W 117°21'09.38" W  
HAD 1983 GEODETIC COORDINATES WERE ESTABLISHED USING SURVEY GRADE "ASHTECH" GPS S. RECEIVERS AND ASHTACH SURVEY GRADE PRECISION SOFTWARE FOR POST-PROCESSING.  
BASIS OF BEARINGS:  
THE CENTERLINE OF VISTA WAY BEING NORTH 54°42'00" EAST PER RECORD OF SURVEY MAP NO. 19482, RECORDS OF SAN DIEGO COUNTY.  
ASSESSOR'S IDENTIFICATION:  
SAN DIEGO COUNTY A.P.N. 155-140-27  
AREA:  
0.57 ACRES PER SAN DIEGO COUNTY ASSESSOR



**LEGEND:**

AC	ASPHALT CONCRETE	CH	CHAIN LINK FENCE
APC	ASPHALT CURB	CL	CENTURIE
APF	ASPHALT PAVEMENT	CO	CONCRETE
APR	ASPHALT RAMP	CP	CONCRETE PAVEMENT
APU	ASPHALT UNDERLAY	CS	CONCRETE SIDEWALK
APV	ASPHALT VENT	CT	CONCRETE TYPING
APW	ASPHALT WALKWAY	CU	CURB
APX	ASPHALT X-DRIVE	CV	CONCRETE VALVE
APY	ASPHALT YARD	CA	CALUMNER PAV. BOX
APZ	ASPHALT ZONE	CB	CONCRETE BENCH
APAA	ASPHALT AREA	CC	CONCRETE CURB
APAB	ASPHALT AREA B	CD	CONCRETE DRIVE
APAC	ASPHALT AREA C	CE	CONCRETE EDGE
APAD	ASPHALT AREA D	CF	CONCRETE FLOOR
APAE	ASPHALT AREA E	CG	CONCRETE GROUND
APAF	ASPHALT AREA F	CH	CHAIN LINK FENCE
APAG	ASPHALT AREA G	CI	CONCRETE INTERIOR
APAH	ASPHALT AREA H	CJ	CONCRETE JUNCTION
APAI	ASPHALT AREA I	CK	CONCRETE KICK
APAJ	ASPHALT AREA J	CL	CHAIN LINK FENCE
APAK	ASPHALT AREA K	CM	CONCRETE MOUNT
APAL	ASPHALT AREA L	CN	CONCRETE NAIL
APAM	ASPHALT AREA M	CO	CONCRETE OIL
APAN	ASPHALT AREA N	CP	CONCRETE PAVEMENT
APAO	ASPHALT AREA O	CQ	CONCRETE QUARRY
APAP	ASPHALT AREA P	CR	CONCRETE RAMP
APAQ	ASPHALT AREA Q	CS	CONCRETE SIDEWALK
APAR	ASPHALT AREA R	CT	CONCRETE TYPING
APAS	ASPHALT AREA S	CU	CURB
APAT	ASPHALT AREA T	CV	CONCRETE VALVE
APAU	ASPHALT AREA U	CA	CALUMNER PAV. BOX
APAV	ASPHALT AREA V	CB	CONCRETE BENCH
APAW	ASPHALT AREA W	CC	CONCRETE CURB
APAX	ASPHALT AREA X	CD	CONCRETE DRIVE
APAY	ASPHALT AREA Y	CE	CONCRETE EDGE
APAZ	ASPHALT AREA Z	CF	CONCRETE FLOOR
APBA	ASPHALT AREA BA	CG	CONCRETE GROUND
APBB	ASPHALT AREA BB	CH	CHAIN LINK FENCE
APBC	ASPHALT AREA BC	CI	CONCRETE INTERIOR
APBD	ASPHALT AREA BD	CJ	CONCRETE JUNCTION
APBE	ASPHALT AREA BE	CK	CONCRETE KICK
APBF	ASPHALT AREA BF	CL	CHAIN LINK FENCE
APBG	ASPHALT AREA BG	CM	CONCRETE MOUNT
APBH	ASPHALT AREA BH	CN	CONCRETE NAIL
APBI	ASPHALT AREA BI	CO	CONCRETE OIL
APBJ	ASPHALT AREA BJ	CP	CONCRETE PAVEMENT
APBK	ASPHALT AREA BK	CQ	CONCRETE QUARRY
APBL	ASPHALT AREA BL	CR	CONCRETE RAMP
APBM	ASPHALT AREA BM	CS	CONCRETE SIDEWALK
APBN	ASPHALT AREA BN	CT	CONCRETE TYPING
APBO	ASPHALT AREA BO	CU	CURB
APBP	ASPHALT AREA BP	CV	CONCRETE VALVE
APBQ	ASPHALT AREA BQ	CA	CALUMNER PAV. BOX
APBR	ASPHALT AREA BR	CB	CONCRETE BENCH
APBS	ASPHALT AREA BS	CC	CONCRETE CURB
APBT	ASPHALT AREA BT	CD	CONCRETE DRIVE
APBU	ASPHALT AREA BU	CE	CONCRETE EDGE
APBV	ASPHALT AREA BV	CF	CONCRETE FLOOR
APBW	ASPHALT AREA BW	CG	CONCRETE GROUND
APBX	ASPHALT AREA BX	CH	CHAIN LINK FENCE
APBY	ASPHALT AREA BY	CI	CONCRETE INTERIOR
APBZ	ASPHALT AREA BZ	CJ	CONCRETE JUNCTION
APCA	ASPHALT AREA CA	CK	CONCRETE KICK
APCB	ASPHALT AREA CB	CL	CHAIN LINK FENCE
APCC	ASPHALT AREA CC	CM	CONCRETE MOUNT
APCD	ASPHALT AREA CD	CN	CONCRETE NAIL
APCE	ASPHALT AREA CE	CO	CONCRETE OIL
APCF	ASPHALT AREA CF	CP	CONCRETE PAVEMENT
APCG	ASPHALT AREA CG	CQ	CONCRETE QUARRY
APCH	ASPHALT AREA CH	CR	CONCRETE RAMP
APCI	ASPHALT AREA CI	CS	CONCRETE SIDEWALK
APCJ	ASPHALT AREA CJ	CT	CONCRETE TYPING
APCK	ASPHALT AREA CK	CU	CURB
APCL	ASPHALT AREA CL	CV	CONCRETE VALVE
APCM	ASPHALT AREA CM	CA	CALUMNER PAV. BOX
APCN	ASPHALT AREA CN	CB	CONCRETE BENCH
APCO	ASPHALT AREA CO	CC	CONCRETE CURB
APCP	ASPHALT AREA CP	CD	CONCRETE DRIVE
APCQ	ASPHALT AREA CQ	CE	CONCRETE EDGE
APCR	ASPHALT AREA CR	CF	CONCRETE FLOOR
APCS	ASPHALT AREA CS	CG	CONCRETE GROUND
APCT	ASPHALT AREA CT	CH	CHAIN LINK FENCE
APCU	ASPHALT AREA CU	CI	CONCRETE INTERIOR
APCV	ASPHALT AREA CV	CJ	CONCRETE JUNCTION
APCW	ASPHALT AREA CW	CK	CONCRETE KICK
APCX	ASPHALT AREA CX	CL	CHAIN LINK FENCE
APCY	ASPHALT AREA CY	CM	CONCRETE MOUNT
APCZ	ASPHALT AREA CZ	CN	CONCRETE NAIL
APDA	ASPHALT AREA DA	CO	CONCRETE OIL
APDB	ASPHALT AREA DB	CP	CONCRETE PAVEMENT
APDC	ASPHALT AREA DC	CQ	CONCRETE QUARRY
APDD	ASPHALT AREA DD	CR	CONCRETE RAMP
APDE	ASPHALT AREA DE	CS	CONCRETE SIDEWALK
APDF	ASPHALT AREA DF	CT	CONCRETE TYPING
APDG	ASPHALT AREA DG	CU	CURB
APDH	ASPHALT AREA DH	CV	CONCRETE VALVE
APDI	ASPHALT AREA DI	CA	CALUMNER PAV. BOX
APDJ	ASPHALT AREA DJ	CB	CONCRETE BENCH
APDK	ASPHALT AREA DK	CC	CONCRETE CURB
APDL	ASPHALT AREA DL	CD	CONCRETE DRIVE
APDM	ASPHALT AREA DM	CE	CONCRETE EDGE
APDN	ASPHALT AREA DN	CF	CONCRETE FLOOR
APDO	ASPHALT AREA DO	CG	CONCRETE GROUND
APDP	ASPHALT AREA DP	CH	CHAIN LINK FENCE
APDQ	ASPHALT AREA DQ	CI	CONCRETE INTERIOR
APDR	ASPHALT AREA DR	CJ	CONCRETE JUNCTION
APDS	ASPHALT AREA DS	CK	CONCRETE KICK
APDT	ASPHALT AREA DT	CL	CHAIN LINK FENCE
APDU	ASPHALT AREA DU	CM	CONCRETE MOUNT
APDV	ASPHALT AREA DV	CN	CONCRETE NAIL
APDW	ASPHALT AREA DW	CO	CONCRETE OIL
APDX	ASPHALT AREA DX	CP	CONCRETE PAVEMENT
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APDZ	ASPHALT AREA DZ	CR	CONCRETE RAMP
APEA	ASPHALT AREA EA	CS	CONCRETE SIDEWALK
APEB	ASPHALT AREA EB	CT	CONCRETE TYPING
APEC	ASPHALT AREA EC	CU	CURB
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APEF	ASPHALT AREA EF	CB	CONCRETE BENCH
APEG	ASPHALT AREA EG	CC	CONCRETE CURB
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APFW	ASPHALT AREA FW	CR	CONCRETE RAMP
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APGW	ASPHALT AREA GW	CV	CONCRETE VALVE
APGX	ASPHALT AREA GX	CA	CALUMNER PAV. BOX
APGY	ASPHALT AREA GY	CB	CONCRETE BENCH
APGZ	ASPHALT AREA GZ	CC	CONCRETE CURB
APHA	ASPHALT AREA HA	CD	CONCRETE DRIVE
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APHG	ASPHALT AREA HG	CJ	CONCRETE JUNCTION
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APHO	ASPHALT AREA HO	CR	CONCRETE RAMP
APHQ	ASPHALT AREA HQ	CS	CONCRETE SIDEWALK
APHR	ASPHALT AREA HR	CT	CONCRETE TYPING
APHS	ASPHALT AREA HS	CU	CURB
APHT	ASPHALT AREA HT	CV	CONCRETE VALVE
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**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE SUPPORTING PLANNING COMMISSION RESOLUTION NO. 2008-P14 AND DENYING AN APPEAL AND APPROVING AN ADMINISTRATIVE CONDITIONAL USE PERMIT (ACUP-4-07) AND ADMINISTRATIVE COASTAL PERMIT (ACP-2-07) FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 1227 VISTA WAY**

**(CRICKET COMMUNICATIONS - Applicant)**

WHEREAS, an application was filed for an Administrative Conditional Use Permit (ACUP-4-07) and an Administrative Coastal Permit (ACP-2-07) to permit three telecommunication antennas within three existing light poles located at 1227 Vista Way, to which such real property is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, the business is defined as a "Regulated Use" under the provisions of Article 36 of the City Zoning Ordinance;

WHEREAS, on March 10, 2008 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2008-P14, approving said Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit (ACP-2-07) and denying the appeal to City Planner's decision;

WHEREAS, on May 14, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the review of the City Planner and Planning Commission approval on the above identified Administrative Conditional Use Permit and Administrative Coastal Permit; and

WHEREAS, based on such evidence, testimony and staff reports, this Council accepts the findings of fact as set forth in Planning Commission Resolution No. 2008-P14 as attached hereto as Exhibit "B", and incorporates them by reference as if fully set forth herein;

///

1 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of  
2 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the  
3 State Guidelines thereto as amended to date, and approved by the Planning Commission in  
4 conjunction with its actions on the applications;

5 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

6 1. The appeal is denied. The Council supports the Planning Commission action of  
7 March 10, 2008 and the application for an Administrative Conditional Use Permit (ACUP-4-  
8 07) and Administrative Coastal Permit (ACP-2-07) is granted. Resolution No. 2008-P14 is  
9 attached hereto as Exhibit "B" and incorporated herein by this reference;

10 2. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within  
11 which judicial review must be sought on this decision is governed by CCP Section 1094.6 as  
12 set forth in Oceanside City Code Section 1.10.

13 PASSED and ADOPTED by the City Council of the City of Oceanside, California this  
14 \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

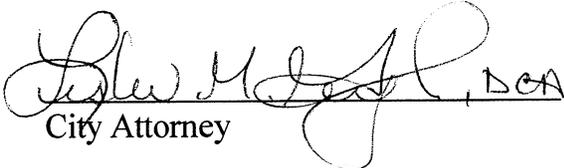
- 15 AYES:  
16 NAYS:  
17 ABSENT:  
18 ABSTAIN:

19 \_\_\_\_\_  
20 Mayor of the City of Oceanside

21  
22 ATTEST:

23 APPROVED AS TO FORM:  
24 OFFICE OF THE CITY ATTORNEY

25 \_\_\_\_\_  
26 City Clerk

27   
28 City Attorney

LEGAL DESCRIPTION EXHIBIT

A

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

PARCEL 3:

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

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

# EXHIBIT B

PLANNING COMMISSION  
RESOLUTION NO. 2008-P14

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

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

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting an Administrative Conditional Use Permit and Administrative Coastal Permit under the provisions of Articles 30, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction of three co-user telecommunication antennas within three existing light poles at a maximum height of 30 feet;  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 10<sup>h</sup> day of March, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

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

3 FINDINGS:

4 For the Administrative Conditional Use Permit (ACUP-4-07) and Administrative Coastal Permit  
5 (ACP-2-07):

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

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

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

7 **Building:**

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

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

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

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

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

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

16 **Fire:**

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

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

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

22 **Planning:**

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

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

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

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

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

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

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

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

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

25 22. The permittee shall exercise a good-faith effort to incorporate the best available  
26 equipment technology to effect a reduction in the visual presence of the approved  
27 antennas and facility equipment. The change-out and retrofit of equipment shall be  
28 conducted by the permittee after such equipment becomes available and exhibits  
29 common use at similar facilities. Upon the City's request and discretion, the permittee  
shall be required to provide an independently prepared technical analysis demonstrating

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

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

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

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

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

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

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

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

- 1 30. Unless expressly waived, all current zoning standards and City ordinances and policies in  
2 effect at the time building permits are issued are required to be met by this project. The  
3 approval of this project constitutes the applicant's agreement with all statements in the  
4 project Description and Justification and other materials and information submitted with  
5 this application, unless specifically waived by an adopted condition of approval.
- 6 31. Prior to the issuance of building permits, compliance with the applicable provisions of the  
7 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
8 and approved by the City Planner. These requirements, including the obligation to remove  
9 or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape  
10 Plan and shall be recorded in the form of a covenant affecting the subject property.
- 11 32. Upon one year of facility operation, and upon any change-out of facility equipment, the  
12 permittee(s) shall provide to the City Planner a statement of radio-frequency radiation  
13 output and output compliance with the limitations of governing licensing authorities.
- 14 33. The permittee(s) shall exercise a good-faith effort to incorporate the best available  
15 equipment technology to effect a reduction in the visual presence of the approved antenna  
16 and facility equipment. The change-out and retrofit of equipment shall be conducted by the  
17 permittee(s) after such equipment becomes available and exhibits common use at similar  
18 facilities. Upon the City's request and discretion, the permittee(s) shall be required to  
19 provide an independently prepared technical analysis demonstrating compliance with this  
20 condition. The permittee(s) inability to demonstrate the use of current technologies may be  
21 grounds for the institution of revocation proceedings of the Conditional Use Permit.
- 22 34. Appropriate building permits shall be obtained prior to the addition of any new antennas.
- 23 35. The permittee(s) shall exercise a good-faith effort to cooperate with other communication  
24 providers and services in the operation of a co-user facility, provided such shared usage  
25 does not impair the operation of the approved facility. Upon the City's request and  
26 discretion, the permittee(s) shall provide an independently prepared technical analysis to  
27 substantiate the existence of any practical technical prohibitions against the operation of a  
28 co-use facility. The permittee(s)' non-compliance with this requirement may be grounds  
29 for the institution of revocation proceedings of the Conditional Use Permit.

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

5 **Water Utilities:**

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

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

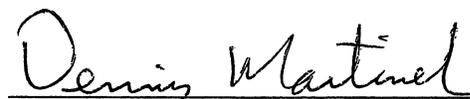
12 PASSED AND ADOPTED Resolution No. 2008-P14 on March 10, 2008 by the  
13 following vote, to wit:

14 AYES: Parker, Horton, Neal, Troisi and Balma

15 NAYS: Martinek, Bertheaud

16 ABSENT: None

17 ABSTAIN: None

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

22 ATTEST:

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

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

28 Dated: March 10, 2008



**ATTACHMENT 4**

DATE: March 10, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

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

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

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

**PROJECT DESCRIPTION AND BACKGROUND**

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

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

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

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

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

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

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

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

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

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

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

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

## **ANALYSIS – KEY PLANNING ISSUES**

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

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

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

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

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

##### **Policies:**

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

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

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

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

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

Article 30, Section 3025

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

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

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

**DISCUSSION**

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

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

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

*Issue: Project compatibility with surrounding neighborhood.*

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

Table 2: Surrounding Land Uses:

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

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

**ENVIRONMENTAL DETERMINATION**

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

**PUBLIC NOTIFICATION**

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

**SUMMARY**

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

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

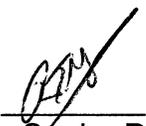
PREPARED BY:

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

SUBMITTED BY:

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

REVIEWED BY:

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

JH/SN/fil

Attachments:

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

*STAFF REPORT**CITY OF OCEANSIDE*

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**DATE:** February 2, 2008

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

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

**RECOMMENDATION**

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

**PROJECT DESCRIPTION**

**Site Review:** The property consists of a 0.57 acre site with an existing bicycle retail building. The site is zoned Visitor Services Commercial (CV) and is located within the South Oceanside Neighborhood. The site is located at the corner of the on and off ramps of Highway 78 and the 5 freeway. The architecture is a contemporary industrial style with stucco facades, window glazing details, and tiled roof features.

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

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

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

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

### **ENVIRONMENTAL DETERMINATION**

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

### **FINDINGS**

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

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

The proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

- The project, as conditioned, complies with the provisions of the Zoning Ordinance.

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

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check.
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.
3. Site development, common use areas, access, and adaptability of apartments and condominiums shall comply with the State's Disabled Accessibility Regulations. (2001 CBC Chapter 11A).
4. Site development, parking, access into buildings, and building interiors shall comply with the State's Disabled Accessibility Regulations. (2001 CBC Chapter 11B).
5. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide, or other such lights may be utilized and shall be shown on building and electrical plans.
7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
8. Separate/unique addresses will/may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division (or, in the case where a "suite number" will work, verification of the "suite number" assignment/approval by SDG&E) must accompany the Building Permit application.
9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.
10. In addition to the required Soils Report, submit a "Benzene Vapor Risk Assessment" Report for this property.
11. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:

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

Planning:

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

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

- 24. The approved communication facility shall be subject to and governed by any and all licensing authority by any governmental agency having jurisdiction. The City's local approval of a communication facility shall not exempt the permittee from any such pre-emptive regulations.
- 25. A covenant approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of Building Permits. The covenant shall provide that the property is subject to this approval and the conditions of approval.

Water Utilities:

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

PREPARED BY:

  
Scott Nightingale, Planner II

APPROVED BY:

  
Jerry Hittleman, City Planner

JH/SN/no

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

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

RECEIVED

RECEIVED

MAR 20 2008

MAR 20 2008

ACCEPTANCE OF APPEAL

CITY CLERK OFFICE

Planning Department

(OFFICE USE ONLY)

Received by: holly

Via: hand-delivered: ms. Hargett

Copy to: City CLERK

Gerry Hittleman

Cricket Communications  
Appeal of: (ACUP-2-07 & ACP-2-07) Reso. 2008-P14

Date of Final Action: March 10, 2008 Date Filed: March 20, 2008

Form of Appeal: \$820 Appeal Fee \_\_\_\_\_ Petition X

Person Submitting Appeal: Holly Hargett

Company/Developer Representative, Company  
Name: Residents

Name of Person who Prepared the Appeal: Holly Hargett

Name of Spokesperson for the Appeal: Holly Hargett

Address: 1220 Vista Way

Phone Number: 480 200 5435 / 760-494-8700

E-mail and/or Fax: yourideas7@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: Holly Hargett

Date: 3-20-08

City of Oceanside  
City Council  
300 N. Coast Highway  
Oceanside CA 92054

March 20, 2008

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

RECEIVED  
MAR 20 2008  
CITY CLERK OFFICE

Dear City Council Members,

We the undersigned hereby appeal the administrative decisions referred to above, including the Coastal Permit, based on the following decision made from the Planning Commission on March 10, 2008.

The applicant has NO Substantial Proof of Necessity for Coverage in this area at all for the 3 Antennas to be hosted at Amazon Bikes at Highway 78 & Vista Way. In the area that the applicant is claiming a gap in coverage Residents say, "*They have great quality of cell coverage in and out of houses and neighborhood. Calls received and calls made are just fine in the areas the map the applicant is indicating a gap in coverage*", which was stamped over a year ago in March of 2007. This map then is inconclusive to other antennas that may have gone up in the city since the date the map was submitted, and does not prove the need for coverage. Also the RF analysis was submitted after Feb 11, 2008, and was not available to the residents.

The applicant merely submitted what appears to be a map with 'guestimates' of coverage and their bare assertion that such structures are needed when just north of the proposed site is a 65 foot cell tower hosting an abundance of cell antennas. Additionally there is the massive structure at the North Coast Church just across I-5 freeway, which shows to have plenty of room to host the applicants 3 cellular antennas. The applicant has not shown proof of exhausting these locations, or any other areas. Residents believe there are alternative locations that were not explored and the applicant has 'under-explored' such locations. The applicant said they did not want to wait to get approval for the Crown Royal Tower to host the 3 antennas and showed no interest to wait, thus such an expedience to just build because of not wanting to wait is not why the City of Oceanside should just approve these antennas to be installed.

Further, applicant's towers would affect the character, quality and views in the neighborhood by creating an 'antenna alley quality' with a proliferation of antennas. Adding yet more cell towers fails to preserve the residential character whether the antennas are 'concealed/aesthetic' or not. Such additional towers are not compatible with existing residential properties. And under Conditional Use Permits sections (b) adding more cell antennas to this area with other towers/antennas within half a mile will be detrimental to residential properties and cause property values to be lower. Also for years nothing has been aesthetically done to the Crown Royal Cell Tower, especially when this is one of the main entrances to the city of Oceanside.

Last, the application does not appear to analyze the effects of the Buena Vista Lagoon, and does not take into consideration being at close proximity with a coastal area. The residents raise questions of concerns for the birds of this area, as the property is along the Buena Vista Lagoon, and may have detrimental effects on the birds who call the preserve home.

Please, we ask you to reverse the approval of the administrative permits and hold a City Council hearing in order to listen to the publics'/residents' concerns. We value our property and quality of our neighborhoods, and have conducted our own survey of cellular coverage in the area the applicant is claiming to have no coverage. We understand the limitation of the FCC Act of 1996, and understand the *City Council can say no to the applicant based on NO proof of necessity of coverage, property value concerns, and coastal impacts, and guestimated analysis maps.*

Respectfully submitted,

Concerned Resident  
Holly Hargett

