

AGENDA NO. 5

PLANNING COMMISSION



STAFF REPORT

DATE: August 24, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-48-06) TO CONTINUE THE OPERATION OF AN EXISTING STAND ALONE TELECOMMUNICATIONS FACILITY LOCATED AT 4079 CALLE PLATINO WITHIN THE IVEY RANCH/RANCHCO DEL ORO NEIGHBORHOOD – AT&T @ 4079 CALLE PLATINO – APPLICANT: TECHNOLOGY ASSOCIATES**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and adopt Planning Commission Resolution No. 2009-P41 approving Conditional Use Permit C-48-06 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is within the Planned Unit Industrial Development zoning designation (PD-1), and located within the industrial area of the Rancho Del Oro Specific Plan. The project site is located at 4079 Calle Platino and is approximately 5.4 acres in total area and is developed with a 63,000-square foot industrial building. The site is relatively flat with a four-foot elevation difference that slopes down to the south.

Surrounding zoning includes similar Planned Unit Development industrial properties in all directions from the site.

Background: The site exists with two mono-palm telecommunication facilities approximately 88 feet in height with associated equipment to the rear of the property. The subject 88-foot mono-palm telecommunication facility was approved by the Planning Commission under Conditional Use Permit (C-5-01) on August 27, 2001 for the operation of the telecommunication facility for no more than five years. Since the approval date of the this 88-foot mono-palm, the five-year term period has lapsed and a

new Conditional Use Permit is necessary to continue the operation of the telecommunication facility. Another communication carrier also has a mono-palm tree cell facility on the easterly portion of the site, which was approved under a Conditional Use Permit (C-42-98) for the operation.

Project Description: The application has one component; one conditional use permit:

Conditional Use Permit C-48-06 represents a request for the following:

- (a) To permit the continued use of an 88-foot tall mono-palm communication tower with an associated equipment shelter. The tower facility consists of 12 directional antennas, measured approximately four feet in height with simulated palm tree fronds to screen the antennas from public view. This facility is situated 160 feet to the west of the existing and adjacent mono-palm, and is similar in type and design. The existing equipment shelter is located on the ground level near the mono-palm and consists of a 12-foot by 28-foot by 11-foot high equipment shelter. As conditioned, additional design improvements would be necessary to provide additional screening of the antennas, and replacement of outdated equipment.

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 Private Institutional (PI). 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.

2. Zoning Ordinance Compliance

Article 30, Section 3025

Section 3025 D. of the Oceanside Zoning Ordinance specifies that communication facilities may be installed and operated within any zoning district subject to applicable categorical standards and processes. The facility as proposed complies with the objectives of the Zoning Ordinance and will not have a negative impact on the environment. Additional aesthetic screening features on the tower would be provided to screen the antennas from public view, and would provide a better representation of a real palm tree. Repainting and the changing of older materials to new is a condition of this project. Implementation of the improvements would benefit the structure as well as the property.

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 facility would normally been given a 10-year limit with conditions to assure the City of Oceanside has the ability to request technology and aesthetic analyses of the site if they are found to be necessary. However, since the permit expired in 2006, three years will be subtracted from the typical 10-year time frame, thereby leaving the applicant with a 7-year extension.

DISCUSSION

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

Recommendation: In reviewing this proposal, staff focused on the project's overall compatibility with the surrounding land uses and consistency with the provisions of the City's telecommunication policies. The City's land use policies and zoning regulations over the location of communication facilities are intended to protect the community's aesthetic environment through the visual conformation of communication facilities with the surrounding land features. The existing telecommunication facility is disguised and design to mimic surrounding trees in this area, therefore, the facility will not visually impact the site or surrounding properties.

Section 3025.D.4.F of the Zoning Ordinance 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. Additional measures for visual mitigation would be necessary to address all of the existing communication facilities found on the site subject. These measures include providing additional faux leaves for screening, repainting the facility, and providing additional improvements to enhance and give the tower a more realistic palm tree appearance.

As such, the project site is consistent with all City policies for visual conformity to surrounding land uses and features while still providing communication, broadcast, and subscription services to the public.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal Notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

The proposed Conditional Use 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. 2009-P41 approving Conditional Use Permit C-48-06 with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

JH/SN/fil

Attachments:

1. Site Plan and Elevation
2. Planning Commission Resolution No. 2009-P41
3. Planning Commission Resolution No. 2001-P34
4. Photographs

cingularSM WIRELESS

SITE NUMBER: SD0142
SITE NAME: OCEANSIDE/COLLEGE, CAL MIL PRODUCTS

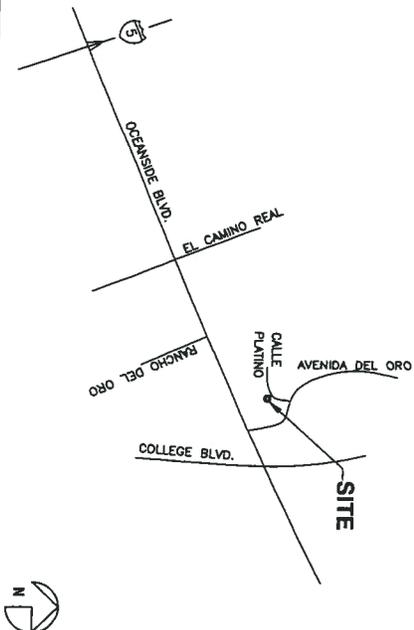
DRAWING INDEX

- SD0142-Z01 TITLE SHEET
- SD0142-Z02 SITE PLAN
- SD0142-Z03 ENLARGED SITE PLAN
- SD0142-Z04 EXTERIOR ELEVATION
- SD0142-Z05 EXTERIOR ELEVATIONS
- SD0142-Z06 SURVEY

DIRECTIONS

SAN DIEGO FREEWAY "1-5" TO OCEANSIDE BOULEVARD EAST. CONTINUE EAST APPROXIMATELY 1.5 MILES. TURN LEFT AT AVENIDA DEL ORO. UP HILL TO CALLE PLATINO AND TURN LEFT. BUILDING ON LEFT SIDE. SITE AT REAR SOUTH EAST CORNER OF PROPERTY.

VICINITY MAP



PORTION OF THOMAS BROTHERS MAP
 YEAR 1998 REGION SAN DIEGO MAP 1087 GRID B6
 SCALE: NOT TO SCALE

OCEANSIDE / COLLEGE / CAL MIL PRODUCTS

SITE NO. SD0142
 4079 CALLE PLATINO
 OCEANSIDE, CA 92056



08/22/98 PLANNING SUBMITTAL

NO. DATE REVISIONS

DESIGNED BY DRAWN BY

DATE

BY

DATE

PROJECT INFORMATION

SCOPE OF WORK: EXISTING, PRE MANUFACTURED TELECOMMUNICATIONS FACILITY OF 336 SQUARE FEET WHICH INCLUDES A 98-F. MONOPOLY, CHAINLINK ENCLOSURE, 400 AMP ELECTRICAL SERVICE, AND TELCO SERVICE.

SITE ADDRESS: 4079 CALLE PLATINO
 OCEANSIDE, CA 92056
PROPERTY OWNER: BARNEY OR JOHNNY CALLAHAN
 4079 CALLE PLATINO
 OCEANSIDE, CA 92056

CONTRACT PERSON: BARNEY CALLAHAN
 705-630-5100
APPLICANT: CINGULAR WIRELESS
 542 JUSK BOULEVARD
 SAN DIEGO, CA 92121

APPLICANT: CINGULAR WIRELESS
 542 JUSK BOULEVARD
 SAN DIEGO, CA 92121

LONGITUDE: 117-17-36"
ELEVATION: 117-17-36"

JURISDICTION: CITY OF OCEANSIDE
TAX I.D. NUMBER: 162-503-29
CURRENT USE: INDUSTRIAL ZONING PD-1 PLANNED DEVELOPMENT
PROPOSED USE: RANCHO DEL ORO MASTER PLAN
 B OCCUPANCY TELECOMMUNICATIONS FACILITY

SITE QUALIFICATION PARTICIPANTS

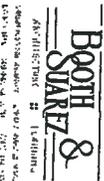
NAME	COMPANY	NUMBER
M/E KENNETH RINGER	BOOTH & SUAREZ	760-434-8474

TITLE SHEET

JOB NO. 500142
 DRAWING NO. 500142-Z01

8/3/00

06087



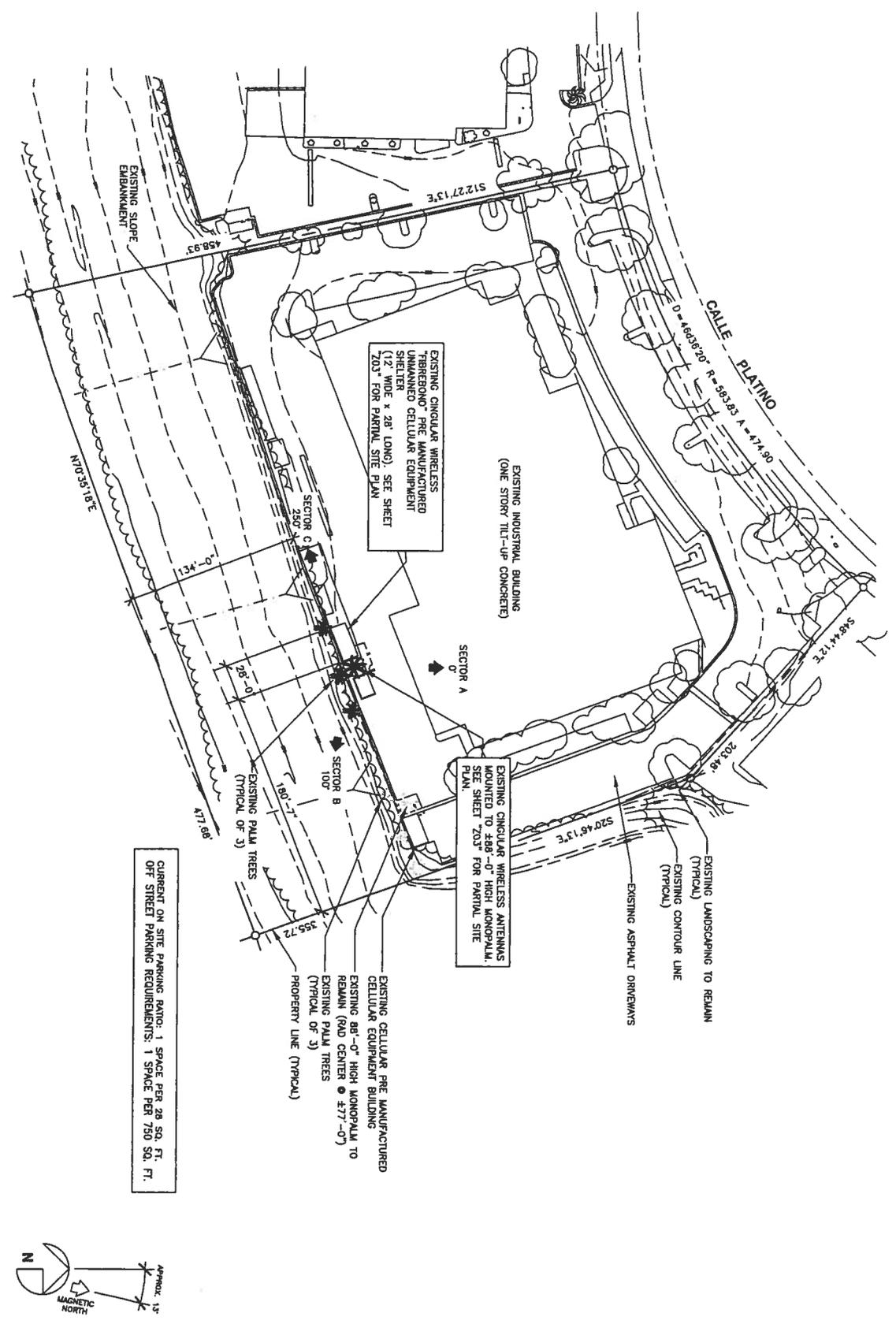
ARCHITECTURE # 1481811
 4079 CALLE PLATINO
 OCEANSIDE, CA 92056

NO.	DATE	REVISIONS	BY	CHK	APP
09/23/08		PLANNING SUBMITTAL			

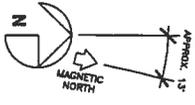
SCALE: 1" = 80'

JOB NO.	SD0142
DRAWING NO.	SD0142-202

SITE PLAN



CURRENT ON SITE PARKING RATIO: 1 SPACE PER 28 SQ. FT. OFF STREET PARKING REQUIREMENTS: 1 SPACE PER 750 SQ. FT.

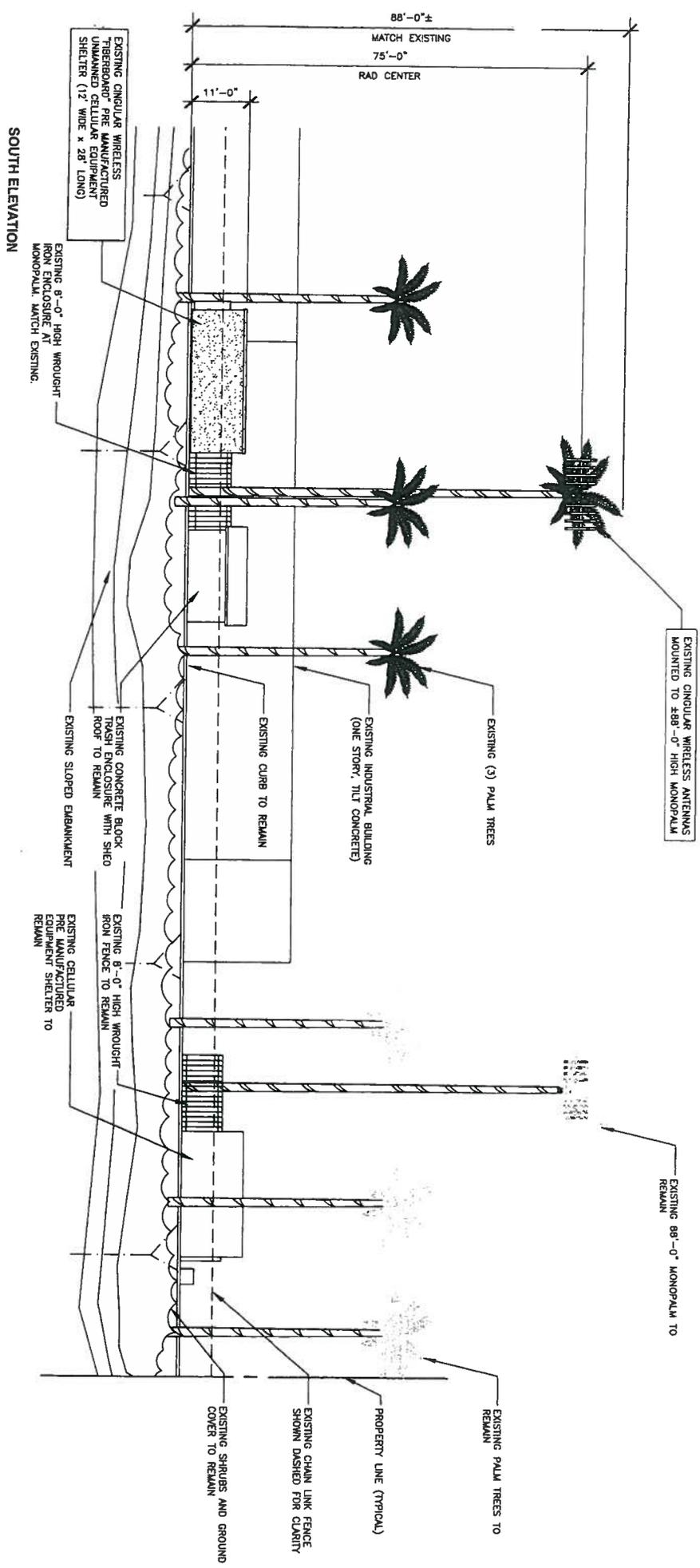


NO.	DATE	REVISION	DESIGNED	MAN	DRAWN	BY	CHK	APP
01	09/22/08	PLANNING SUBMITTAL						

SCALE: 1" = 20'-0"

JOB NO.	DRAWING NO.
SD0142	SD0142-204

EXTERIOR ELEVATION



NOTE:
 EXISTING EUCALYPTUS TREES ON SLOPED EMBANKMENT TO BE MAINTAINED.
 EXISTING TREES VARY IN HEIGHT FROM 20'-0" TO 50'-0"

1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P41

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 CONDITIONAL USE PERMIT ON CERTAIN REAL
PROPERTY IN THE CITY OF OCEANSIDE

6 APPLICATION NO: C-48-06
7 APPLICANT: Technology Associates
8 LOCATION: 4079 Calle Platino

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Conditional Use Permit under the provisions of
Articles 16 & 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

13 the continued use of a multi-user wireless communication facility consisting of an 88-foot
14 mono-palm and an equipment shelter;

15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 24th
17 day of August, 2009, conduct a duly advertised public hearing as prescribed by law to consider
18 said application.

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

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

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

25 //////////////

26 //////////////

27 //////////////

28 //////////////

1 FINDINGS:

2 For the Conditional Use Permit to allow for the continued use of a wireless communication
3 facility:

- 4 1. The location and operation of the communication facility, under the applied land use
5 conditions, are consistent with the effective land use policies and will not be detrimental
6 to the public health or general welfare of persons residing or working in the area.
- 7 2. The proposed location of the communication facility would be effectively consistent with
8 the surrounding landscaping through out the city and the existing design screens the
9 antennas from public view corridors and near view perspectives. As such, the project site is
10 consistent with the objectives of the effective zoning regulations.
- 11 3. The proposed location and operation of the communication facility, under the applied land
12 use conditions, are consistent with the effective land use policies and would not be
13 detrimental to the public health or general welfare of persons residing or working in the
14 area.
- 15 4. The approved project is conditioned to comply with specific requirements pertaining to its
16 appearance and maintenance of its visual mitigation for sustained conformation with the
17 surrounding landforms. The conditions of project approval include implementations of
18 landscape improvements to further ensure for the overall visual conformation of the
19 project.
- 20 5. The conditional use is subject to and must comply with specific local conditions and
21 additional regulations as deemed necessary by other regulatory or permit authorities.

22 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
23 approve Conditional Use Permit (C-48-06) subject to the following conditions:

24 Building:

- 25 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
26 Building Division plan check.
- 27 2. The granting of approval under this action shall in no way relieve the applicant/project
28 from compliance with all State and Local building codes.
- 29 3. 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.

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
6 that is not inherently noise-producing. Examples of work not permitted on
7 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
8 producing nature. No work shall be permitted on Sundays and Federal Holidays
9 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and
10 Christmas Day) except as allowed for emergency work under the provisions of the
11 Oceanside City Code Chapter 38 (Noise Ordinance).

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

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

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

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

25 8. Compliance with the Federal Clean Water Act must be demonstrated on the plans.

26 9. Structural Calculations will be required at the time of plans submittal to the Building
27 Division for plan check.

28 **Engineering:**

29 10. Design and construction of all improvements shall be in accordance with standard plans,
specifications of the City of Oceanside and subject to approval by the City Engineer.

1 11. Existing cellular sites including but not limited to towers, control rooms, electrical boxes
2 and all other cellular equipment related to the project or the working operation of the site
3 are to be maintained regularly and kept in a clean and orderly manner including but not
4 limited to all bark mulch, paint on equipment and structural and visual appearance of all
5 fencing material. All existing landscape plant material on the project site including but
6 not limited to trees, shrubs, vines, and groundcover are to be living and maintained with
7 proper pruning and irrigation to promote positive plant growth.

8 12. All cellular sites are subject to a random visual review as to the condition of newly
9 planted and/or existing landscape plant material for the visual upgrade of the site
10 including but not limited to soil stabilization and/or screening of cellular equipment
11 from the public eye with concern for the overall aesthetic visual impacts associated with
12 the site.

13 13. The developer shall monitor, supervise and control all construction and construction-
14 supportive activities, so as to prevent these activities from causing a public nuisance,
15 including but not limited to, insuring strict adherence to the following:

- 16 a) Removal of dirt, debris and other construction material deposited on any public
17 street no later than the end of each working day.
- 18 b) All building and construction operations, activities and deliveries shall be restricted
19 to Monday through Friday, from 7:00 a.m. to 6:00 p.m., unless otherwise extended
20 by the City.
- 21 c) The construction site shall accommodate the parking of all motor vehicles used by
22 persons working at or providing deliveries to the site.

23 14. Violation of any condition, restriction or prohibition set forth in this resolution shall subject
24 the development plan to further review by the Planning Commission. This review may
25 include revocation of the development plan, imposition of additional conditions and any
26 other remedial action authorized by law.

Fire Prevention:

- 27 15. Fire Department requirements shall be placed on plans in the notes section.
- 28 16. Cell sites are required to have a final inspection by the Fire Department.

1 17. Fire Department Plan Review will require the quantity of lead acid batteries proposed.
2 In addition, the electrolyte volume will need to be provided for the batteries. Please
3 indicate the amounts on the plans.

4 **Planning:**

5 18. This Conditional Use Permit shall expire on April 20, 2016, unless implemented as
6 required by the Zoning Ordinance.

7 19. This Conditional Use Permit approves only the communications facility proposed as
8 shown on the plans and exhibits presented to the Planning Commission for review and
9 approval. No deviation from these approved plans and exhibits shall occur without
10 Community Services Department/Planning Division approval. Substantial deviations
11 shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.

12 20. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
13 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
14 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
15 annul an approval of the City, concerning Conditional Use Permit (C-48-06). The City
16 will promptly notify the applicant of any such claim, action or proceeding against the
17 City and will cooperate fully in the defense. If the City fails to promptly notify the
18 applicant of any such claim action or proceeding or fails to cooperate fully in the
19 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
20 harmless the City.

21 21. If additional antennas are requested during the duration of this Conditional Use Permit
22 (C-48-06), the City Planner may take discretionary action through an administrative use
23 process.

24 22. A covenant or other recordable document approved by the City Attorney shall be prepared
25 by the applicant and recorded prior to the issuance of a business license. The covenant
26 shall provide that the property is subject to this resolution, and shall generally list the
27 conditions of approval.

28 23. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
29 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
and shall be recorded as a covenant on the property.

- 1 24. Upon one year of facility operation, and upon any change-out of facility equipment, the
2 permittee shall provide to the City Planner a statement of radio-frequency radiation
3 output and output compliance with the limitations of governing licensing authorities.
- 4 25. Failure to meet any conditions of approval for this development shall constitute a violation
5 of the Conditional Use Permit.
- 6 26. The permittee shall cooperate with other communication providers and services in the
7 operation of a multi-user facility, provided such shared usage does not impair the
8 operation of the approved facility. Upon the City's request and discretion, the permittee
9 shall provide an independently prepared technical analysis to substantiate the existence of
10 any practical technical prohibitions against the existence of any practical technical
11 prohibitions against the operation of a multi-user facility. The permittee non-compliance
12 with this requirement may be grounds for the revocation of the Conditional Use Permit.
- 13 27. The permittee shall incorporate the best available equipment technology to effect a
14 reduction in the visual presence of the approved antennas and facility equipment. The
15 change-out and retrofit of equipment shall be conducted by the permittee after such
16 equipment becomes available and exhibits common use at similar facilities. Upon the
17 City's request and discretion, the permittee shall be required to provide an independently
18 prepared technical analysis demonstrating compliance with this condition. The
19 permittee's inability to demonstrate the use of current technologies may be grounds for
20 the revocation of the CUP.
- 21 28. The facility shall be inspected and a letter of clearance shall be prepared by the City
22 Planner prior to final inspection of the facility by the Building Division.
- 23 29. The CUP shall be limited to a term of 10 years since the day of the expiration of the
24 original Conditional Use Permit (C-5-01), expiring on August 27, 2016. However, the
25 Conditional Use Permit may be revised or renewed in accordance with the provisions of the
26 Zoning Ordinance. The application for Conditional Use Permit revision shall also be
27 evaluated against the existing land use policies and any site area and neighborhood
28 changes.
- 29 30. Failure to meet any conditions of approval for this development shall constitute a violation
of the Conditional Use Permit.

1 35. This Conditional Use Permit shall be called for review by the Planning Commission if
2 complaints are filed and verified as valid by the Code Enforcement Office concerning the
3 violation of any of the approved conditions or assumptions made by the application.

4 PASSED AND ADOPTED Resolution No. 2009-P41 on August 24, 2009 by the
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

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 this is a
17 true and correct copy of Resolution No. 2009-P41.

18 Dated: August 24, 2009
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1 PLANNING COMMISSION
2 RESOLUTION NO. 2001-P34

3 A RESOLUTION OF THE PLANNING
4 COMMISSION OF THE CITY OF OCEANSIDE,
5 CALIFORNIA APROVING A CONDITIONAL
6 USE PERMIT FOR CERTAIN REAL PROPERTY
7 IN THE CITY OF OCEANSIDE

6 APPLICATION NO: C-5-01
7 APPLICANT: AT&T Wireless
8 LOCATION: 4079 Calle Platino

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

10 WHEREAS, there was filed with this Commission a verified petition on the forms
11 prescribed by the Commission requesting a Conditional Use Permit under the provisions of
12 Article 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

13 a communications tower, approximately 88 feet in overall height, and designed to replicate
14 the appearance of a palm tree;
15 on certain real property legally described as shown on EXHIBIT "A" attached hereto and
16 incorporated herein by reference thereto.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 27th day
18 of August, 2001 conduct a duly advertised public hearing as prescribed by law to consider said
19 application.

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

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

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

1 For the Conditional Use Permit:

- 2 1. From the distant view perspectives, trees surround the location of the communication
3 facility within an existing industrial park. These physical features effectively mitigate view
4 impacts from the primary view corridors. The communication facility is designed to
5 replicate the appearance of a palm tree, which effectively supplements the project's visual
6 mitigation and renders the facility to be visually conforming to the surrounding land forms.
7 As such, the project site is consistent with the objectives of the effective zoning
8 regulations.
- 9 2. The proposed location and operation of the communication facility, under the applied land
10 use conditions, are consistent with the effective land use policies and would not be
11 detrimental the public health or general welfare of persons residing or working in the area.
- 12 3. The approved project is conditioned to comply with specific requirements pertaining to its
13 appearance and maintenance of its visual mitigation for sustained conformation with the
14 surrounding landforms.

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
16 approve of Conditional Use Permit (C-5-01) subject to the following conditions:

17 Building:

- 18 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
19 Building Department plan check.
- 20 2. The granting of approval under this action shall in no way relieve the applicant from
21 compliance with all State and local building codes.
- 22 3. Site development, parking, access into buildings and building interiors shall comply with
23 Part 2, Title 24, CCR (Disabled Access - Nonresidential buildings - D.S.A.).
- 24 4. Application for Building Permit will not be accepted for this project until plans indicate
25 that they have been prepared by a licensed design professional (Architect and Engineer).
The design professional's name, address, phone number, State license number and
expiration date shall be printed in the title block of the plans.

26 Engineering:

- 27 5. Design and construction of all improvements shall be in accordance with standard plans,
28 specifications of the City of Oceanside and subject to approval by the City Engineer.

1 6. The developer shall monitor, supervise and control all construction and construction-
2 supportive activities, so as to prevent these activities from causing a public nuisance,
3 including but not limited to, insuring strict adherence to the following:

4 a) Removal of dirt, debris and other construction material deposited on any public
5 street no later than the end of each working day.

6 b) All building and construction operations, activities and deliveries shall be restricted
7 to Monday through Friday, from 7:00 a.m. to 6:00 p.m., unless otherwise extended
8 by the City.

9 c) The construction site shall accommodate the parking of all motor vehicles used by
10 persons working at or providing deliveries to the site.

11 Violation of any condition, restriction or prohibition set forth in this resolution shall
12 subject the development plan to further review by the Planning Commission. This review
13 may include revocation of the development plan, imposition of additional conditions and
14 any other remedial action authorized by law.

15 Fire:

16 7. Plans shall be reviewed and approved by the Fire Prevention Bureau prior to the issuance
17 of building permits.

18 Planning:

19 8. This Conditional Use Permit is granted for the following use only: a communication
20 facility approximately 88 feet in overall height and consisting of twelve (12) directional
21 panel antennas and ancillary ground equipment shelter. The approved facility is designed
22 to replicate the appearance of a palm tree in accordance with the approved plans. Any
23 change in the use or expansion of the activities beyond that which is approved by the
24 Planning Commission will require a revision to the Conditional Use Permit or a new
25 Conditional Use Permit.

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

- 1 10. This Conditional Use Permit shall expire on August 27, 2003 unless implemented as
2 required by the Zoning Ordinance.
- 3 11. The Conditional Use Permit shall be limited to a term of 5 years. However, the CUP may
4 be revised (changed) to effect a renewal in accordance with the provisions of the Zoning
5 Ordinance. The application for CUP revision shall also be evaluated against the existing
6 land use policies and any site area and neighborhood changes.
- 7 12. Prior to the transfer of ownership and/or operation of the use, the owner shall provide a
8 written copy of the application, staff report, and resolution for the project to the new owner
9 and or operator. The notification requirement shall run with the life of the project.
- 10 13. Failure to meet any conditions of approval for this development shall constitute a violation
11 of the Conditional Use Permit.
- 12 14. Unless expressly waived, all current zoning standards and City ordinances and policies in
13 effect at the time building permits are issued are required to be met by this project. The
14 approval of this project constitutes the applicant's agreement with all statements in the
15 project Description and Justification and other materials and information submitted with
16 this application, unless specifically waived by an adopted condition of approval.
- 17 15. A covenant or other recordable document approved by the City Attorney shall be prepared
18 by the applicant and recorded prior to the issuance of building permits. The covenant shall
19 provide that the property is subject to this Resolution, and shall generally list the conditions
20 of approval.
- 21 16. This project is subject to the provisions of Chapter 20 of the City Code (Section 20.25 et
22 seq.) pertaining to obligations for the removal of graffiti at the approved facility.
- 23 17. Upon one year of facility operation, and upon any change-out of facility equipment, the
24 permittee(s) shall provide to the Planning Director a statement of radio-frequency radiation
25 output and output compliance with the limitations of governing licensing authorities.
18. The permittee(s) shall exercise a good-faith effort to incorporate the best available
equipment technology to effect a reduction in the visual presence of the approved antenna
and facility equipment. The change-out and retrofit of equipment shall be conducted by
the permittee(s) after such equipment becomes available and exhibits common use at
similar facilities. Upon the City's request and discretion, the permittee(s) shall be required

1 to provide an independently prepared technical analysis demonstrating compliance with
2 this condition. The permittee(s) inability to demonstrate the use of current technologies
3 may be grounds for the revocation of the CUP.

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

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

15 21. The final design, aesthetic devices, and construction of the facility shall be in accordance
16 with the plans and photo-simulations representing the approved project and shall generally
17 replicate and maintain the appearance of a palm tree. In addition, the final construction
18 plans shall demonstrate consistency with the plans and other exhibit materials approved by
19 the Planning Commission. These requirements shall be shown and demonstrated on the
20 plans submitted for building permits and shall be reviewed and approved by the Planning
21 Director prior to the issuance of building permits.

22 22. The facility equipment shelter shall be painted or otherwise colored to match the color of
23 the primary building on the site. In addition, the entire outdoor facility, including the
24 replicated palm tree, shall be fenced with an 8-foot high wrought iron fence and screened
25 with acceptable screening materials consistent with the requirements of property CC&R's.
Mesh-type screening fabric may not be used. The final screening materials shall be
reviewed and approved by the Planning Director prior to the issuance of a building permit.

26 23. The entire outdoor facility on the south side of the property shall be screened from view as
to the following:

a) An 8-foot tall wrought iron fence shall be installed adjacent to the equipment area.

1
2 b) A minimum of three (3) 20-foot Brown Trunk Height sized palm trees shall be
3 installed along the south within 40 feet of the facility area. The species of palm
4 trees used shall best mimic the facility.

5 The final materials and locations of supplemental tree planting shall be reviewed and
6 approved by the Planning Director prior to their installation or construction. In addition,
7 final building inspection shall be contingent upon the completion of these site
8 improvements.

9 24. The replicated palm tree antenna tower shall incorporate specific applications to replicate
10 the appearance of a palm tree "trunk". Such applications may include cladding, texturing,
11 coloration, etc. The trunk replication shall extend to the existing grade. The final design,
12 extent, and method of trunk replication shall be to the satisfaction of the Planning Director
13 and shall be approved by the Planning Director prior the issuance of a building permit.

14 25. The extent of replicated palm tree fronds, from the top to the bottom of the facility, shall be
15 in accordance with the project elevation drawings. The replicated palm tree fronds shall
16 extend beyond the antenna arrays to the furthest extent possible.

17 26. Any apparent inconsistency resulting from the construction of the approved facility shall be
18 a basis for a call for the review of the CUP.

19 27. The existing and new supplemental trees surrounding the facility shall be maintained in
20 perpetuity as visual mitigation for the life of the approved facility. These trees shall be
21 maintained in at least their existing number and allowed to reach full mature heights,
22 provided such mature growth does not unduly inhibit the operation of the approved facility.
23 The permittee and any successors shall ultimately be responsible for the maintenance of
24 such visual mitigation.

25 28. Any lack of maintenance of visual mitigation and proposed facility depicted and
26 represented within the application materials shall be a basis for a call for review of the
27 CUP.

28 29. Upon termination of the approved facility use, the permittee shall be responsible to remove
29 the entire facility from the premises.

1 Water Utilities:

2 30. The developer shall be responsible for developing all water and sewer facilities necessary
3 to this property. Any relocation of water or sewer lines is the responsibility of the
4 developer.

5 PASSED and ADOPTED Resolution No. 2001-P34 on this 27th day of August, 2001 by the
6 following vote, to wit:

7 AYES: Barrante, Schaffer, Hartley, Parker and Chadwick

8 NAYES: Miller

9 ABSENT: Bockman

10 ABSTAIN: None

11 
George Barrante, Chairman

12 ATTEST:

13 
14 Gerald S. Gilbert, Secretary

15
16 I, Gerald S. Gilbert, Secretary of the Oceanside Planning Commission, hereby certify that this is
17 true and correct copy of Resolution No. 2001-P34.

18 Dated: August 27, 2001

Gerald Gilbert, Secretary
OCEANSIDE PLANNING COMMISSION

EXHIBIT A

PROPERTY DESCRIPTION

**PARCEL E OF PARCEL MAP NO. 13489 IN THE CITY OF OCEANSIDE,
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE
OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 17,
1984.**



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
AT&T WIRELESS/CALLE PLATINO, C-05-01

PROJECT LOCATION - SPECIFIC:
4079 Calle Platino

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

Conditional Use Permit (C-05-01) for the installation of a telecommunication tower designed to replicate the appearance of a palm tree at an existing industrial facility located at 4079 Calle Platino. The project site is zoned PD-1 (Planned Development 1 – Rancho Del Oro Industrial) and is situated within the Ivey Ranch/Rancho Del Oro Neighborhood.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON (S) OR AGENCY CARRYING OUT PROJECT:
JM Consulting Group
7747 Opportunity Road
San Diego, CA 92111

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

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

STATUTORY EXEMPTION PER ARTICLE 18, SECTION (S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301

REASONS WHY PROJECT IS EXEMPT:

Proposed telecommunication facility will be screened from public view within an existing industrial park. The project will not have significant effect on the environment.

Contact Person: Nathan Mertz, Junior Planner


SIGNATURE August 21, 2001
DATE
For: Gerald Gilbert, Planning Director

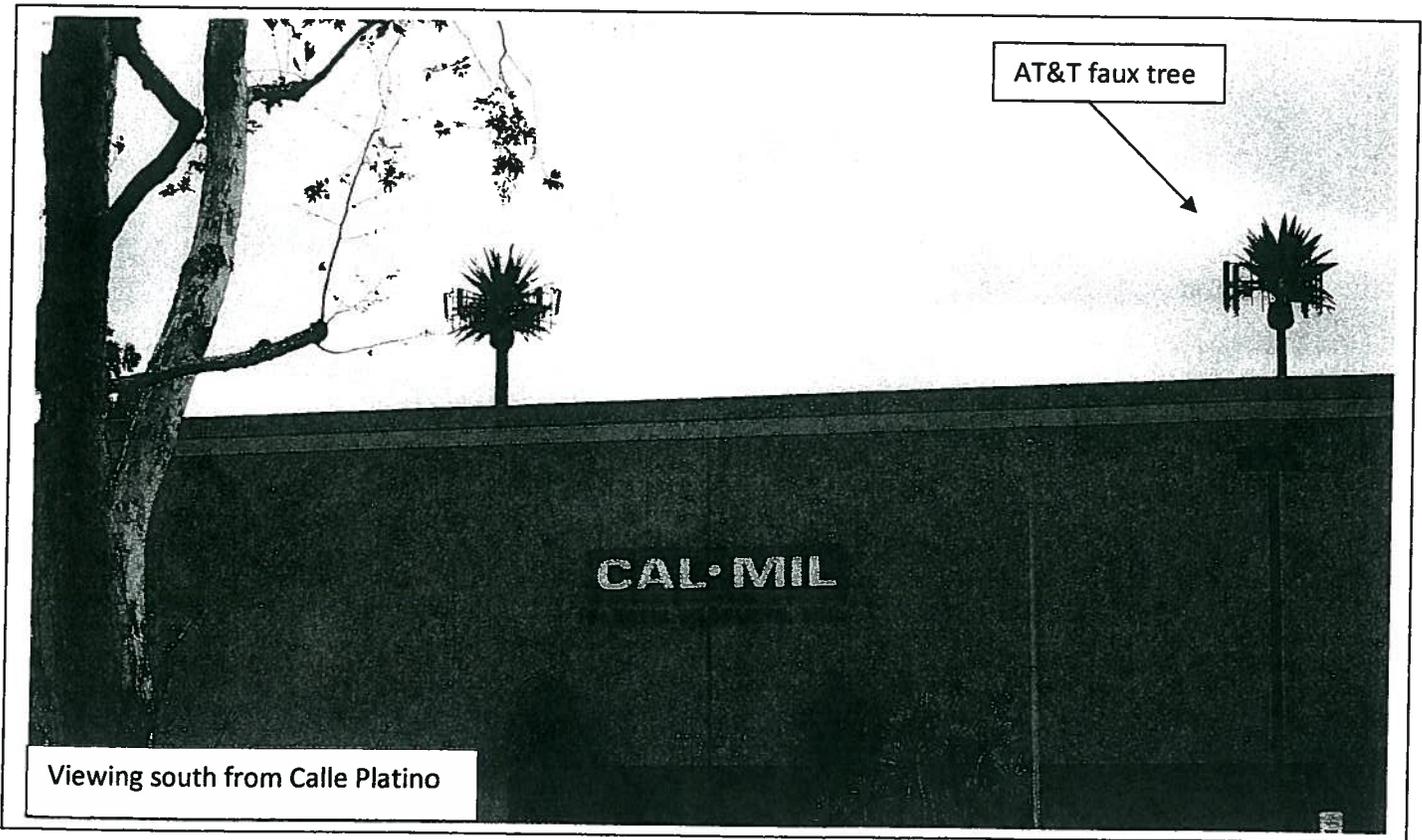
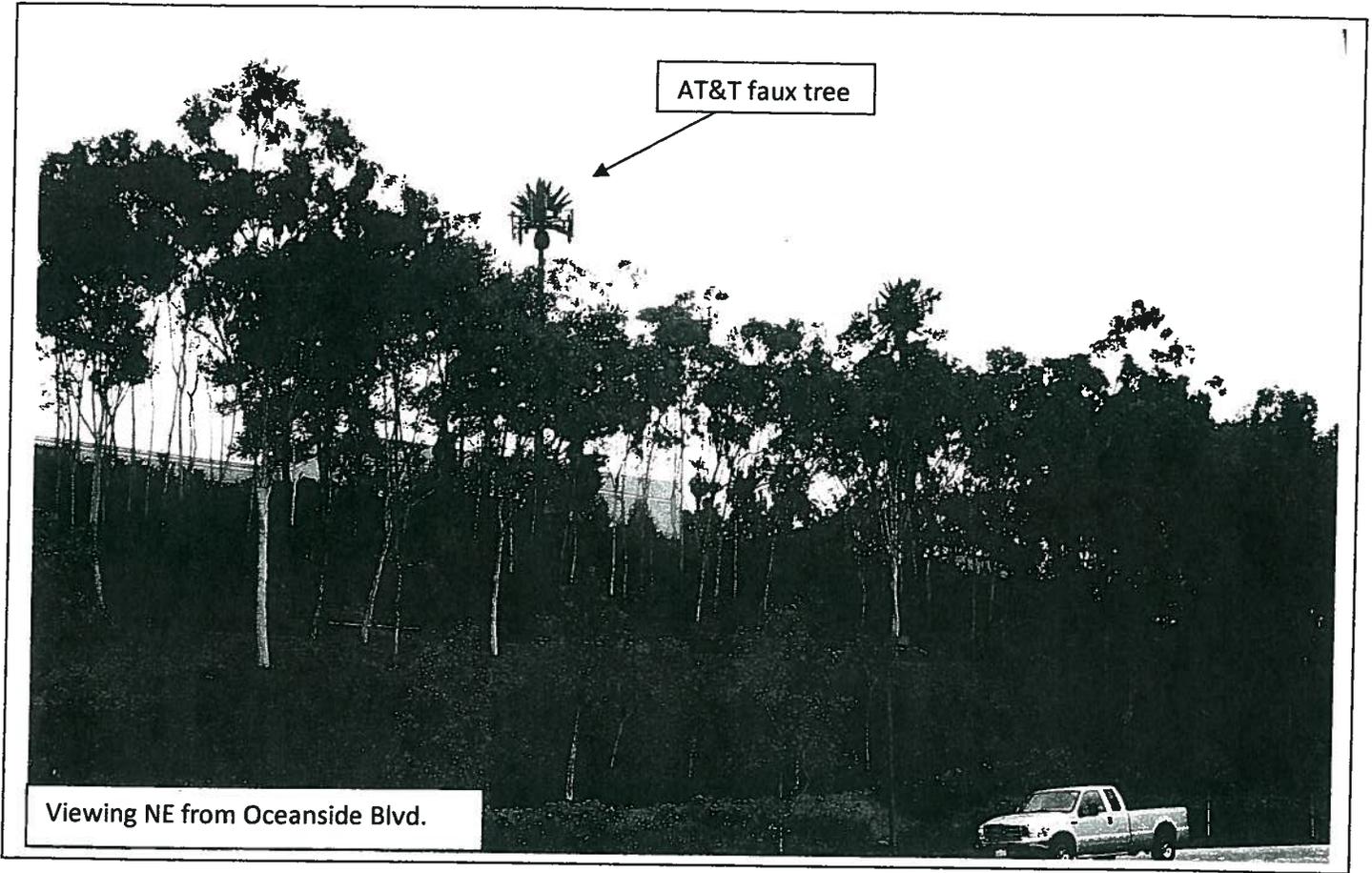
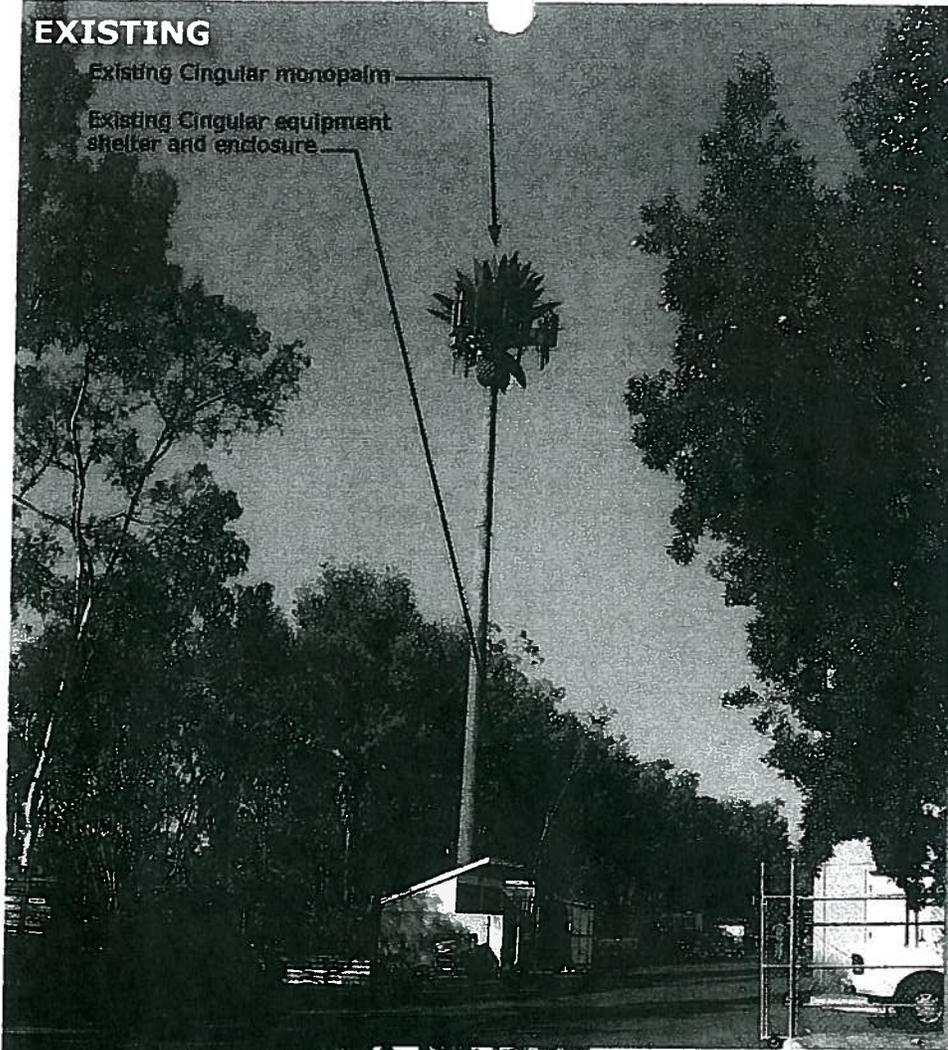


Photo-realization of existing telecommunications site

EXISTING

Existing Cingular monopalm

Existing Cingular equipment shelter and enclosure



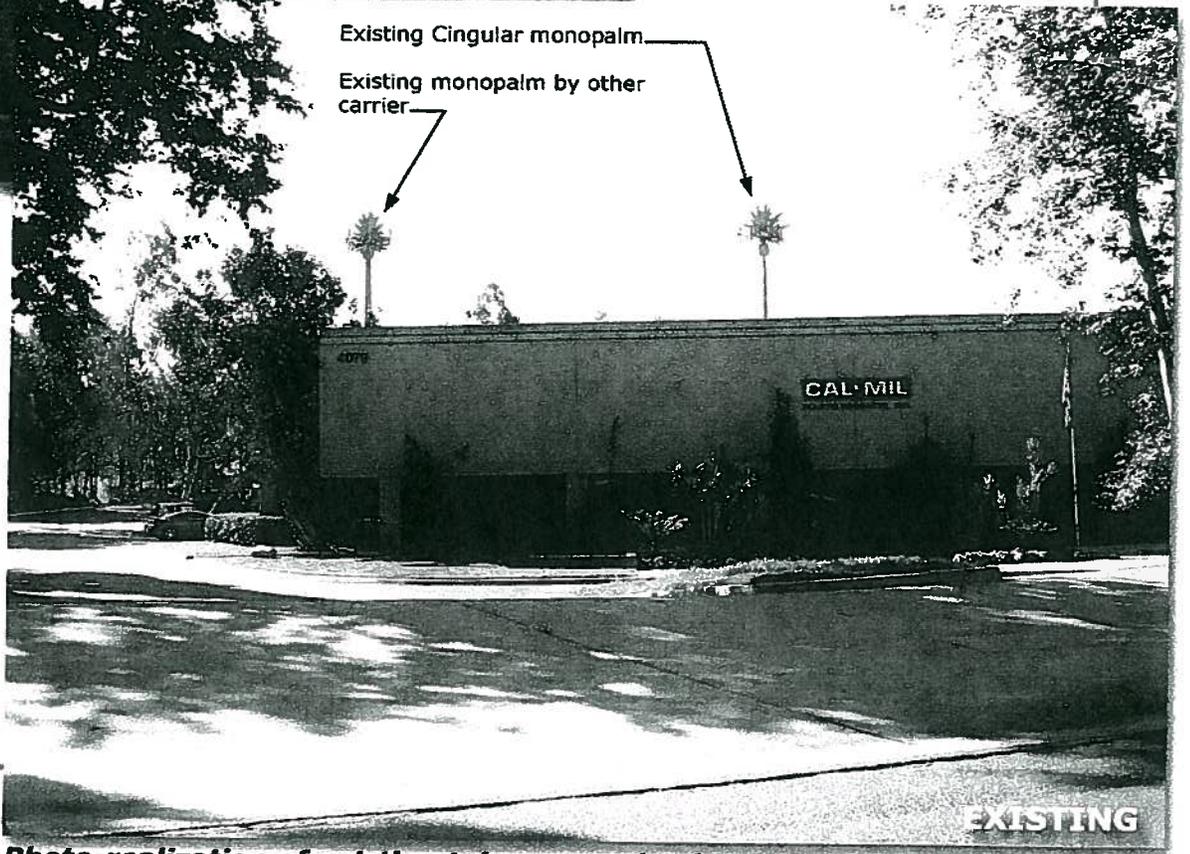
SD0142
Oceanside/College, Cal Mil Products
179 Calle Platino
Oceanside, CA 92056

WIRELESS

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SEP 14 2006
Planning Department

Existing Cingular monopalm

Existing monopalm by other carrier



EXISTING

Photo-realization of existing telecommunications site

Photo-realization of existing telecommunications site

SD0142

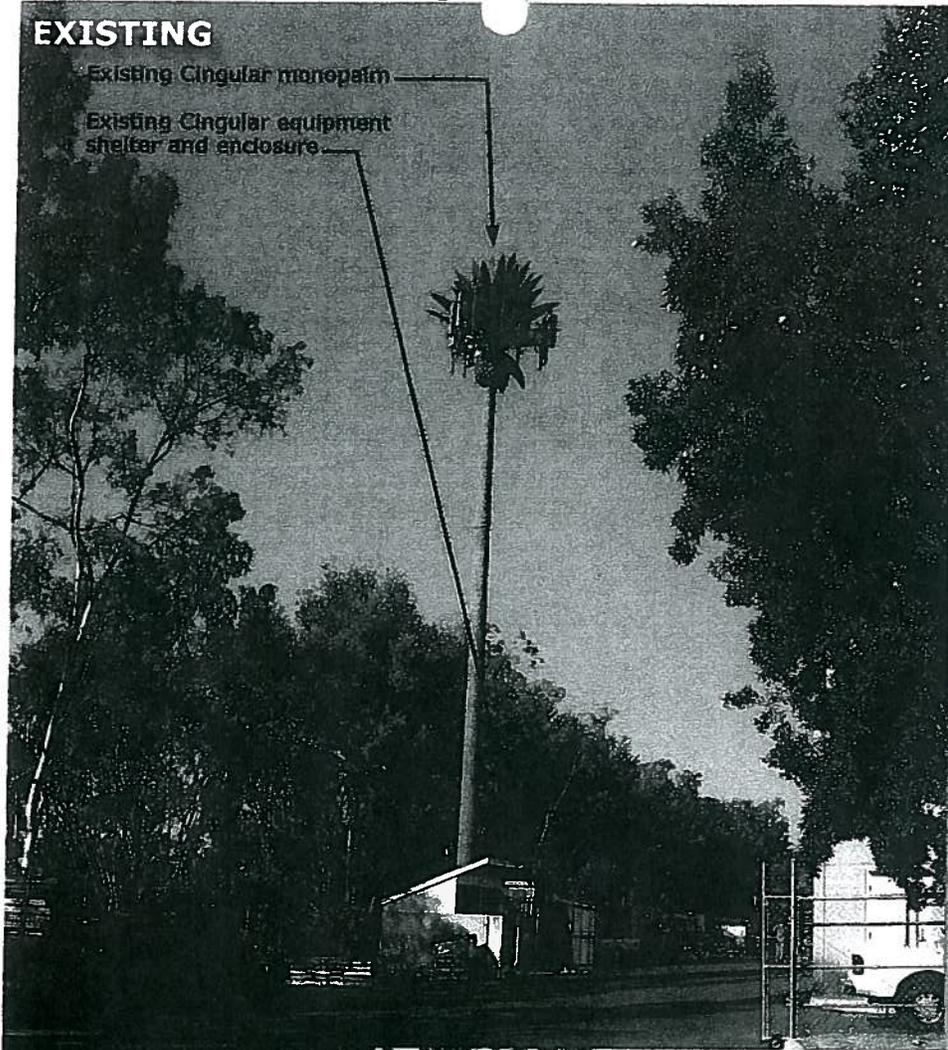
Oceanside/College, Cal Mil Products
379 Calle Platino
Oceanside, CA 92056

EXISTING

Existing Cingular monopalm

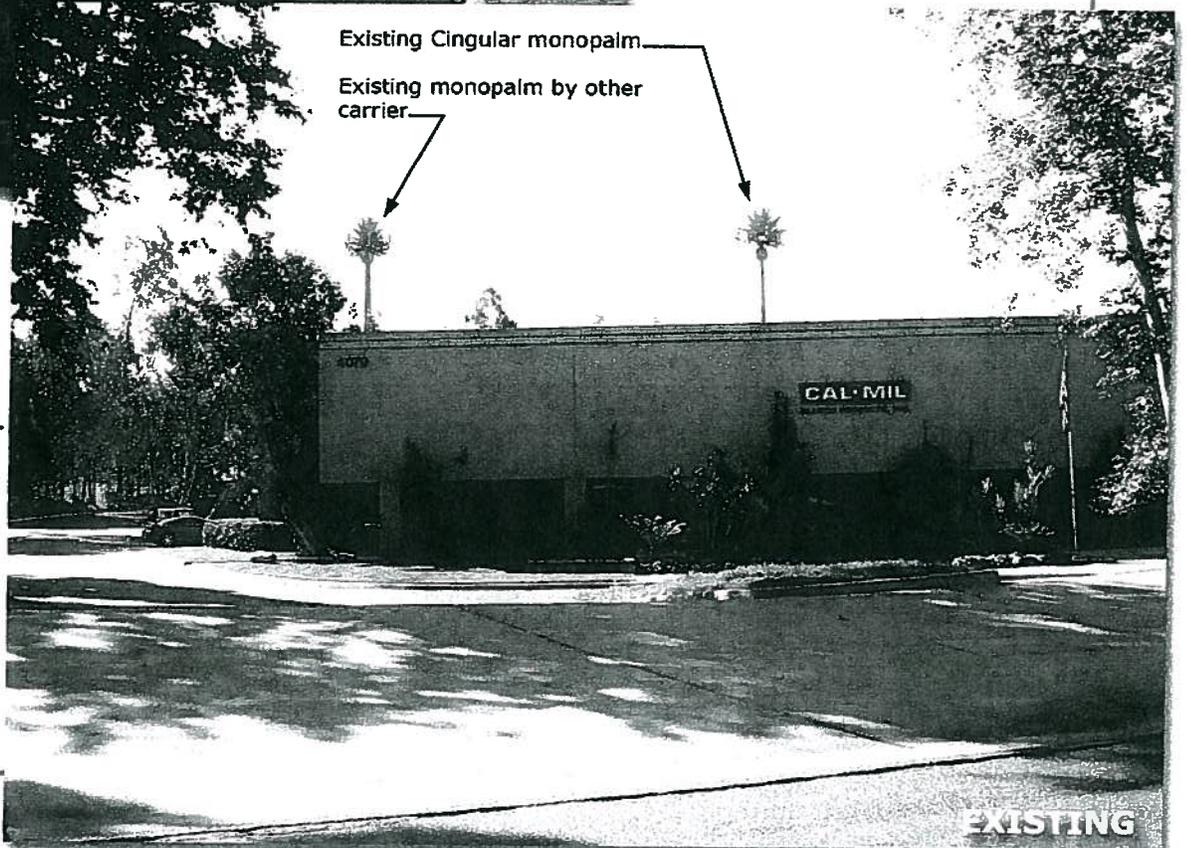
Existing Cingular equipment shelter and enclosure

WIRELESS



Existing Cingular monopalm

Existing monopalm by other carrier



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Photo-realization of existing telecommunications site

Oceanside Network Map

WIRELESS

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- Existing Sites
- Proposed Sites

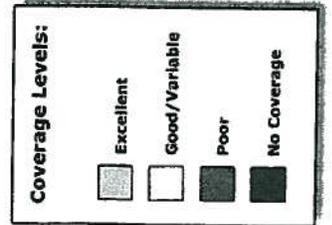
SD0142
Oceanside/College/
Cal Mil Products
4079 Calle Platino
Oceanside, CA 92056



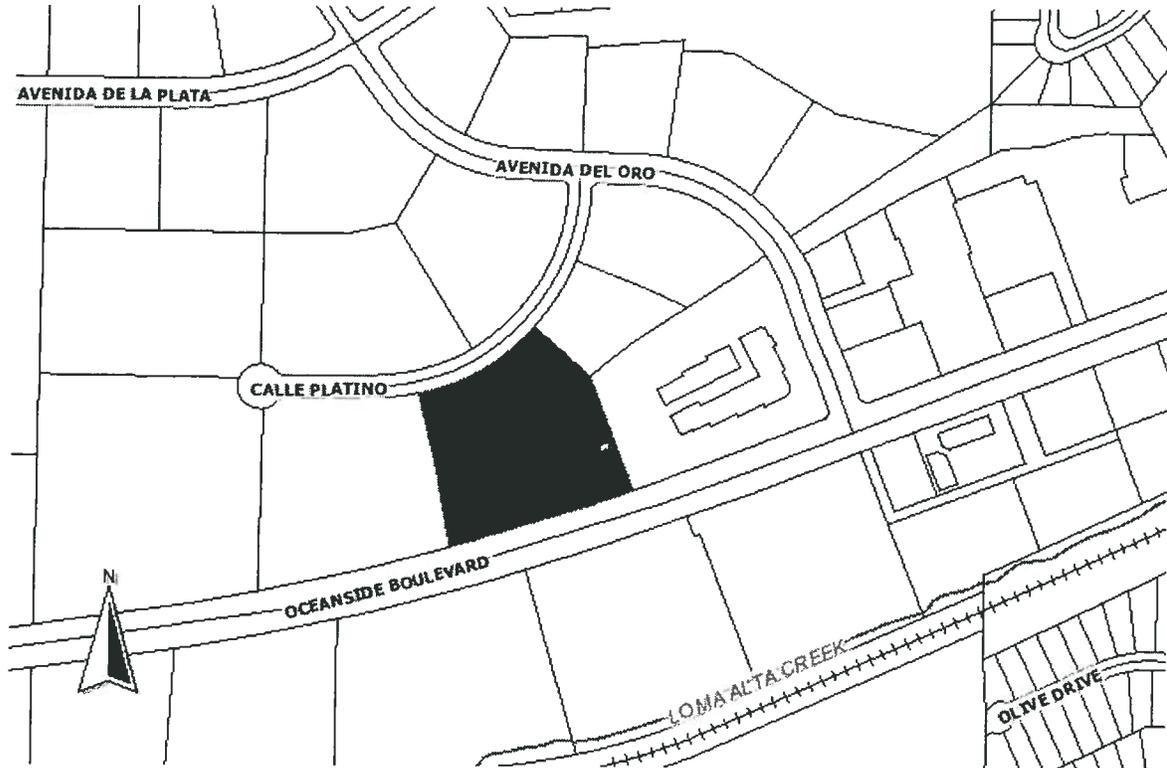
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SEP 14 2006
Planning Department



BEFORE



AFTER



File Numbers: C-48-06

Applicant: TECHNOLOGY ASSOCIATES

Description:

CONDITIONAL USE PERMIT (C-48-06) for the leasing and operation of an existing communication facility consisting of 12 directional antennas mounted to a 88-foot tall mono-palm located at 4079 Calle Platino. The project site is zoned PD-1 (RDO Planned Unit Development Industrial) and is situated in the Ivey Ranch Rancho Del Oro. – **AT&T @ 4079 CALLE PLATINO**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside
Development Services Division
300 N. Coast Highway
Oceanside, CA 92054

(760) 435-3520

CINGULAR / 4079 Calle Platino

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
Please Print or Type All Information				9-14-06	Jee
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
Cingular Wireless		SEP 14 2006		MASTER/SP, PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
6925 Lusk Blvd. San Diego CA 92121		760-715-3416 760-735-4913		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
Karen Adler Agent - Plan Com Inc.				DEV. PL.	
6. ADDRESS		7. PHONE/FAX		C.U.P.	C-4806
302 State Place Escondido CA 92029		760-715-3416 760-735-4913		VARIANCE	
PART II - PROPERTY DESCRIPTION				COASTAL	
8. LOCATION				O.H.P.A.C.	
4079 Calle Platino, Oceanside CA 92056				9. SIZE	5.45 ac.
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
	PD-1	Industrial	162-503-29		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
New CUP Renewal of C-5-01 for Cingular Wireless - Existing 88' high monopalm with 12 antennas; existing 12'x28' prefabricated equipment shelter.					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
	PD-1 change	no change Industrial	n/a	n/a	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
336 S.F.					
PART IV - ATTACHMENTS REV-11/22/06					
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):		34. DATE		37. OWNER (Print)	
Karen Adler, Agent				John F. Callahan, President 8-22-06	
Sign: Karen Adler, Agent				Sign: John F. Callahan	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			39. OWNER (Print):		
35. APPLICANT (Print):		36. DATE		40. DATE	
Cingular Wireless				Richard B. Callahan, Secretary 8/22/06	
Sign: Karen Adler, Agent				Sign: Richard B. Callahan	

MA

PROJECT DESCRIPTION & JUSTIFICATION

PROPOSAL TO ESTABLISH AND OPERATE A
NEW DIGITAL PCS
COMMUNICATIONS FACILITY

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Planning Department

SD142
Cal Mil Products
4079 Calle Platino
Oceanside, CA 92056

Prepared for:

City of Oceanside
Development Services Department
300 N. Coast Highway
Oceanside, CA 92054

Prepared by:

PlanCom, Inc.
Contractor Representatives for
Cingular Wireless

302 State Place
Escondido, CA 92029

(760) 715-8703

Contact: Krystal Patterson, Land Use Consultant

September 11, 2006

BACKGROUND

Cingular Wireless was established in 1994 as Pacific Bell Mobile Services, the wireless subsidiary of Pacific Bell. In 2001, Pacific Bell Wireless changes its marketing name to Cingular Wireless, taking advantage of the national wireless footprint of SBC and Bell South. Cingular is a public utility and has been continuously developing an all-digital wireless network throughout California. In March of 1995, Cingular was issued a license by the Federal Communications Commission (FCC) for the provision of Personal Communications Services (PCS). In November of 1996, Cingular formally unveiled its San Diego service. Since that time, the services have included basic wireless phone service as well as wireless data and internet capabilities.

In 2004, Cingular Wireless acquired AT&T Wireless' network and sold the Cingular network to T-Mobile. Since the acquisition of AT&T Wireless, the radio frequency engineers at Cingular have been assessing network performance and quality of their new network.

In an effort to respond to these network needs and to ensure customer satisfaction, Cingular is seeking approval from the City of Oceanside to maintain the existing wireless communications facility at 4079 Calle Platino, Cal Mil Products. The existing facility is primarily designed to maintain network coverage quality in the vicinity of Oceanside Boulevard and the surrounding area. The attached radio frequency coverage exhibits illustrate the existing coverage condition.

Secondarily, the site alleviates "call blocking" by increasing network capacity for Cingular subscribers in the general area. Site blocking occurs when all available call channels at a particular antenna site are in use, thus, blocking other users from making a desired call.

Project Description

The existing project consists of 12 antennas (3 sectors of 4 antennas each) on an 88 foot monopalm. The associated equipment is located inside a 12' x 28' enclosure adjacent to the monopalm.

SITE CHARACTERISTICS

The project is located at 4079 Calle Platino between Oceanside Boulevard and Avenida De La Plata. The underlying zoning of the site is PD-1.

The surrounding land uses are as follows:

WIRELESS

North: Calle Platino/Industrial
South: Oceanside Boulevard/Industrial
East: Industrial
West: Industrial

SITE SELECTION

Cingular Wireless engineering, planning, and leasing staff have been working to improve, enhance, and expand the Pure Digital PCS network throughout the County of San Diego. Like existing cellular systems, PCS will employ a network of transmit/receive stations ("cell-sites") that carry and "hand-off" signals as the user moves from one area to another. As the user moves from one cell area (the area where a base station and antenna are located to receive and transmit calls) to the next, signals to and from the first cell site fade while those to and from the next cell site strengthen. Sophisticated computer systems sense these signal variations and automatically hand the signal off to an available channel as the user moves between cell areas.

The network of PCS cell sites throughout the region is "locational dependent", meaning that there is a necessary and logical interrelationship between each cell site. Eliminating or relocating a single cell site can lead to gaps in the system or areas where a continuous signal cannot be maintained, and may necessitate significant design changes or modifications to the PCS network.

PROJECT JUSTIFICATION

As noted, Cingular Wireless is a public utility, licensed and regulated by the Federal Communications Commission (FCC) and informally by the California Public Utilities Commission (CPUC), and authorized to develop and operate a new wireless, digital PCS network throughout California. Cingular Wireless engineers responsible for the overall design and operation of this new PCS network want to ensure that network coverage is available throughout the County of San Diego. A site in this location is essential to continue the network's current capacity and coverage needs in this area.

PLANNING/ZONING CONSISTENCY

The location, size, design, and operating characteristics of the existing communications facility does not create unusual noise, traffic, or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity. The following supports this determination:

WIRELESS

1. The antennas are located on a monopalm and painted green to match the fronds. There is dense mature landscaping surrounding the property;
2. The equipment associated with the communication structure is located in a new shelter adjacent to monopalm. The equipment is not visible from the adjacent properties;
3. The equipment will operate within City noise limits;
4. The equipment does not emit fumes, smoke, dust, or odors that could be considered objectionable.
5. The communications facility is unmanned and only requires periodic maintenance, which equates to approximately one vehicle trip per month.

Further, the proposed communications facility will not result in conditions or circumstances contrary to the public health, safety and welfare, in that:

1. The proposed PCS communications facility will operate in full compliance with the U.S. standards for radio frequency emissions as adopted by the FCC.
2. The radio frequency emissions emitted by the proposed PCS facility will fall within the portion of the electromagnetic spectrum, which transmits non-ionizing radio waves. Non-ionizing electromagnetic emissions, at the low levels associated with this type of wireless technology, are not harmful to living cells. Among the items that result in non-ionizing electromagnetic emissions are police/fire/EMS radios, television broadcasts, CB radios, microwave ovens, and a variety of common household electronics including garage door openers and baby monitors. Conversely, items that transmit ionizing electromagnetic emissions include ultra-violet light, medical x-rays, and gamma rays.
3. Data currently available on the effects of electromagnetic transmissions on public health indicate that there is not the likelihood of negative impacts to public health and safety.

ORDER NO. 3014060-80

EXHIBIT "A"
(LEGAL DESCRIPTION)

PARCEL "E" OF PARCEL MAP NO. 13489, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 17, 1984 AS FILE NO. 84-355554, OF OFFICIAL RECORDS.

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SEP 14 2006
Planning Department



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 8/25/09
Removal: 2/22/10
(180 days)

1. **APPLICANT:** Technology Associates Int. Corp. (Jim Kennedy)
2. **ADDRESS:** 9089 Clairmont Mesa Blvd. Ste. 200
San Diego, CA. 92123
3. **PHONE NUMBER:** (619) 993-1057
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** AT&T @ 4079 Calle Platino (C-48-06)
7. **DESCRIPTION:** To obtain a Conditional Use Permit for the continued use of an existing 88' high monopalm consisting of 12 antennas with an associated 12' x 28' equipment area at the base of the monopalm.

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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing Facilities of both investor and publicly owned utilities used to provide electric power, natural gas, or other public utility services. (Section 15301 (b)); or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , <name> (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: August 24, 2009

cc: Project file Counter file Library
Posting: County Clerk