



DATE: April 20, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-31-07) FOR AN EXISTING CO-USER TELECOMMUNICATIONS LOCATED AT 675 BENET HILL ROAD WITHIN THE EAST CAPISTRANO NEIGHBORHOOD – AMERICAN TOWER @ PRINCE OF PEACE ABBEY – APPLICANT: AMERICAN TOWER**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3, Categorical Exemption “New Construction or Conversion of Small Structures”; and,
- (2) Adopt Planning Commission Resolution No. 2009-P16 approving Conditional Use Permit C-31-07 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is in the Public Semi-Public zoning designation (PS). The proposed site is located in the northeastern portion of the Prince of Peace Abbey, which is approximately 120 acres in total area. The site is on a plateau adjacent to the United States Marine Corps Base (MCB) Camp Pendleton property line and is remote from any other significant developments. The only significant land use in the area is the MCB Camp Pendleton house area, which is approximately 140 feet away, as measured to the closest residential unit. The California Brisas and Mar Lado Highlands residential single-family subdivisions are located approximately one mile to the east of the proposed facility. The project site is elevated approximately 250 feet above State Route 76. The proposed site is located one mile north of SR-76.

Surrounding zoning includes Open Space to the west, Residential Estate District to the east, General Industrial and Open Space to the south, and Marine Corps Base Camp Pendleton to the North.

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

Conditional Use Permit C-31-07 represents a request for the following:

- (a) To permit an existing 100-foot tall lattice tower communication tower and associated equipment shelters. The tower facility consists of six “omni/panel” antennas, three dish antennas, two Panel antennas, and two GPS antennas. This facility is situated west of three existing communication towers, approximately 100 feet westward. The existing equipment cabinets are located adjacent to the tower within a fence-enclosed facility lease area.

Visual mitigation for the proposed tower and the existing towers will be landscape improvements conditioned as part of this proposed conditional use permit.

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 a communication facilities use may be installed and operated within any zoning district subject to applicable categorical standards and processes. This facility is proposed to be shared by more than one tenant and contains both whip/pole antennas and non-whip/pole antennas. The facility as proposed complies with the objectives of the Zoning Ordinance and will not have a negative impact on the environment or development or future communications facility land uses or other land uses. Additional landscaping will be added along the property line to provide additional visual mitigation for the facility and the existing cable bridge will be shrouded. Moreover, noise mitigation measures will be employed to reduce the effective level of noise to comply with the City's Noise Ordinance. The proposed antennas will be mounted to an existing tower.

Per section 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 proposed project has been designed and further conditioned to comply with relevant federal and state laws 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 co-user 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.

Staff believes the facility is sufficiently distanced away from the public views along North River Road and the private views from the neighboring residential areas, such that the proposed facility will present a very minimal visual presence from those views. Additional measures for visual mitigation would be necessary to address all of the existing communication facilities found on the site subject. These measures would be the landscape improvements. The combination of distant view perspectives including intervening landforms and the installation of various trees and shrubs will achieve the land use goals outlines in the City's telecommunications policies and will result in a development that is compatible with the surrounding area.

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 landscape improvements around the proposed stand alone telecommunications facility and adjacent to the equipment shelter. Landscaping will include golden waddles and golden medallions along the property line that faces Camp Pendleton. The majority of the trees and landscaping mandated by the original development plan (D-3-01) continue to exist in excellent condition. The applicant is proposing to replace three Torrey Pines. These improvements will contribute to minimizing the visual impact of the communication facility.

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.

***Issue:** Public Safety*

Recommendation: The existing tenant on the facility is the County of San Diego Regional Communication System, which provides public communications services through the County, including the City of Oceanside. The existing tenant proposes to install an additional omni antenna to the facility. Moreover, a new tenant, Passur Aerospace, has

proposed an additional antenna to the facility to provide specialized aerospace wireless service to the Palomar Airport. The facility provides wireless voice and data communication services for residents, businesses and visitors in the City of Oceanside. The existing facility also provides coverage for State Route 76 and Interstate 5. Continuity of the County of San Diego's wireless services relies on the subject facility, and consequently the grant of a Conditional Use Permit is necessary to allow for continued communication service.

The existing communications facility is sited on property that has three other communication facilities. Significantly, the existing wireless communication facility is used by the County of San Diego and San Diego Association of Government for the provision of telecommunications service, including emergency services for residents. These two governmental entities have eight antennas on the existing facility. Additionally, the facility serves as a co-location site for wireless carriers who are seeking to enter the market and/or upgrade equipment.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15303 New Construction or Conversion of Small 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 within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of April 15, 2009, no communication opposing the request has been received.

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-P16 approving Conditional Use Permit C-31-07 with findings and conditions of approval attached herein.

PREPARED BY:


Faith Newirk
Planner I

SUBMITTED BY:


Jerry Hittelman
City Planner

REVIEWED BY: 

Richard Greenbauer, Senior Planner

JH/FN/fil

Attachments:

1. Site Plan and Elevation/Conceptual Landscape Plan
2. Planning Commission Resolution No. 2009-P16
3. Photographs
4. Management Plan
5. Letters of support



AMERICANTOWER CORPORATION
 2201 DUPONT DRIVE, SUITE 140
 IRVINE, CA 92612

PREPARED FOR

APPROVALS	DATE

CONTRACTOR	DATE
THE ASSOCIATION	DATE
OWNER APPROVAL	DATE

PROJECT NAME
PRINCE OF PEACE ABBEY

PROJECT NUMBER
SITE # 40767

675 BERRY HILL ROAD
 OCCASION, CA 92654
 SAN DIEGO COUNTY

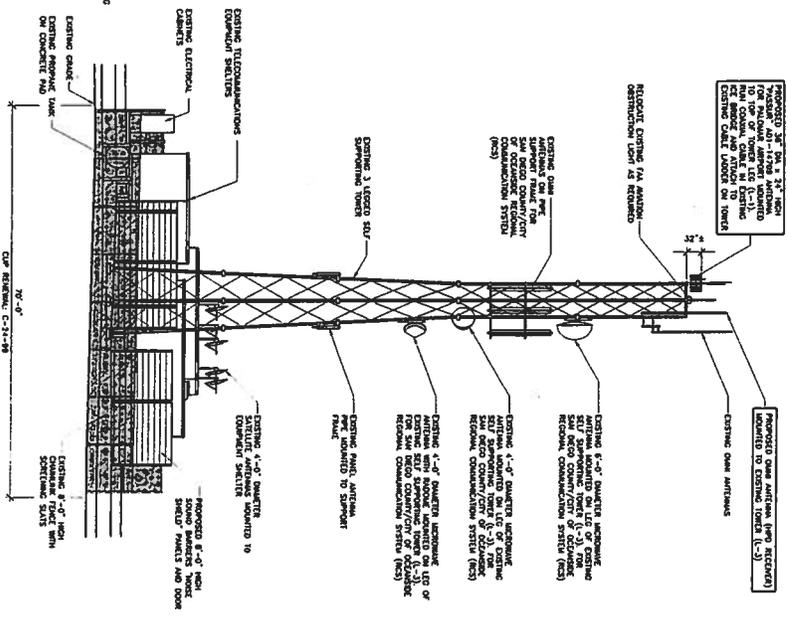
DRAWING DATES

04/09/97	2D REVISED (4)
07/17/97	REVISED 2D (4)
07/17/97	REVISED 2D (4)
11/17/98	PLANNING REVISIONS (1)

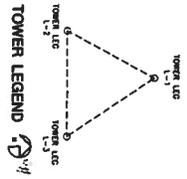
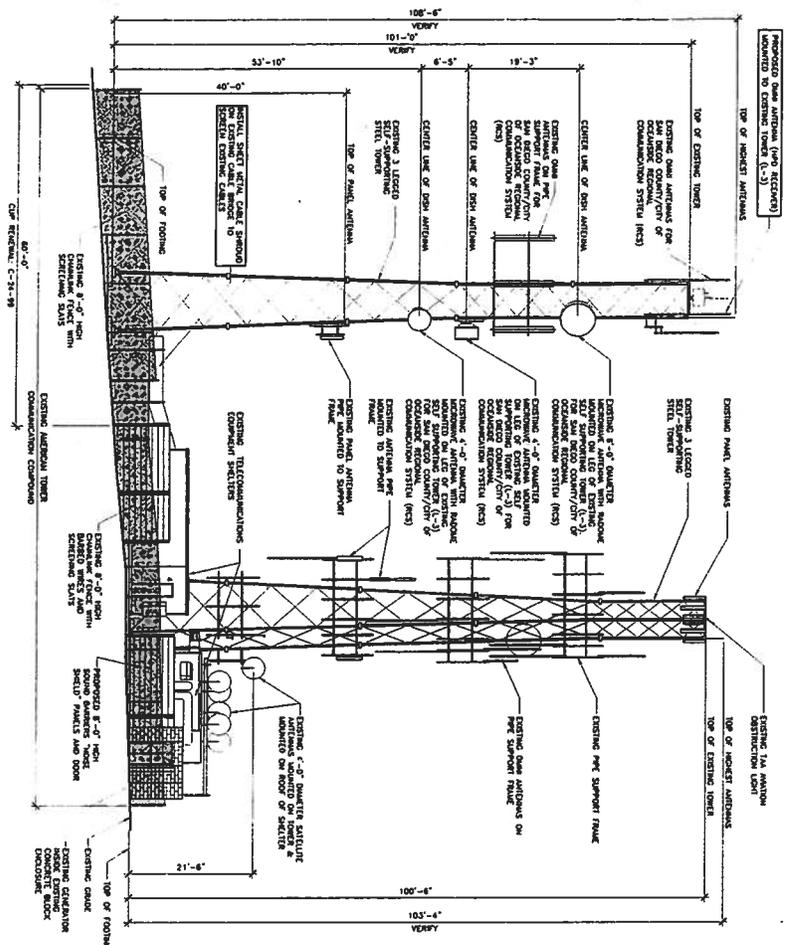
SHEET TITLE
EXTERIOR ELEVATIONS

A-2

SOUTHWEST ELEVATION
 SHEET # 40767



SOUTHEAST ELEVATION
 SHEET # 40767





PREPARED FOR

AMERICANTOWER CORPORATION
 2301 DUPONT DRIVE, SUITE 340
 IRVINE, CA 92612

APPROVALS

DATE	DATE
DATE	DATE

PROJECT NAME
 PRINCE OF PEACE ABBEY

SITE # 40767
 675 BEGET HILL ROAD
 OCEANSIDE, CA 92054
 SAN DIEGO COUNTY

DRAWING DATES
 06/05/07 20 REVIEW (AD)
 07/18/07 20 REVIEW (AD)
 08/01/07 20 REVIEW (AD)
 11/11/08 PLANNING ESTABLISHMENT (AD)

SHEET TITLE

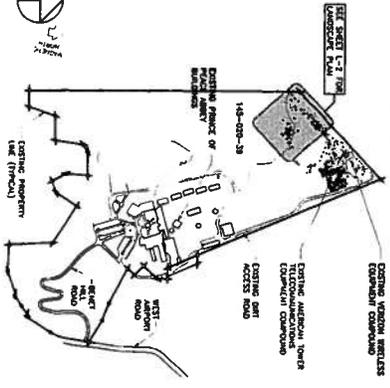
LANDSCAPE PLAN

PROJECT NUMBER: 070314A-0101-01.dwg

L-2

SYMBOL	DESCRIPTION	BOTANICAL NAME	COMMON NAME
(1)	EXISTING HEIGHT 12' TO 15'	PAVIA	TOURNEFORT
(2)	EXISTING HEIGHT 8' TO 20'	TRICHODIA	AMARANTH
(3)	EXISTING HEIGHT 15' TO 25'	PAVIA	ALPHA PINE
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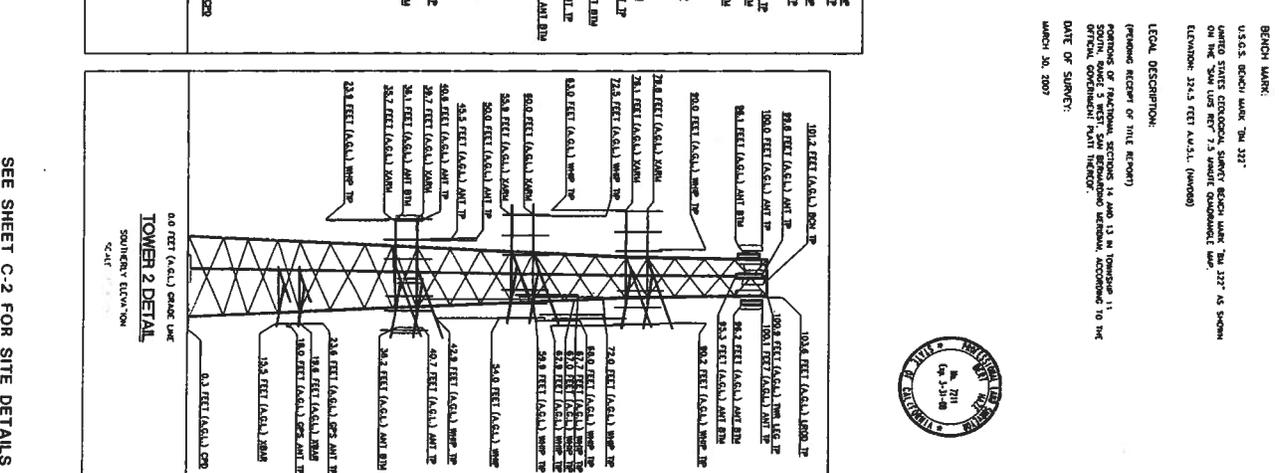
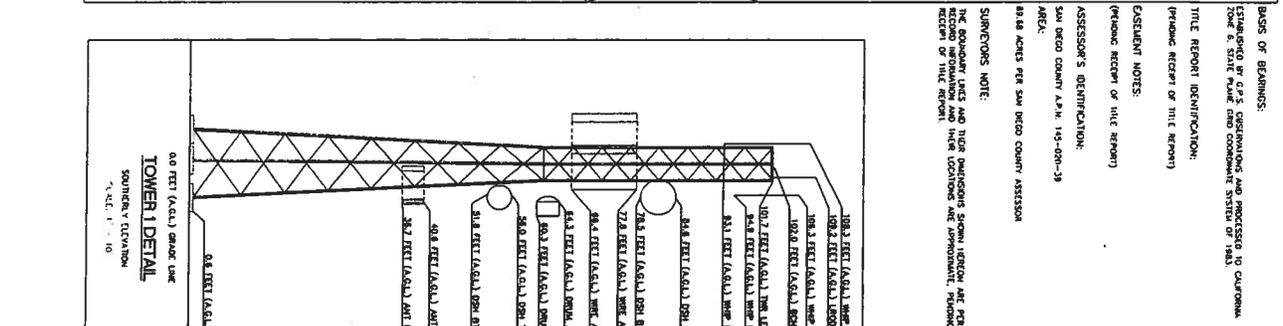
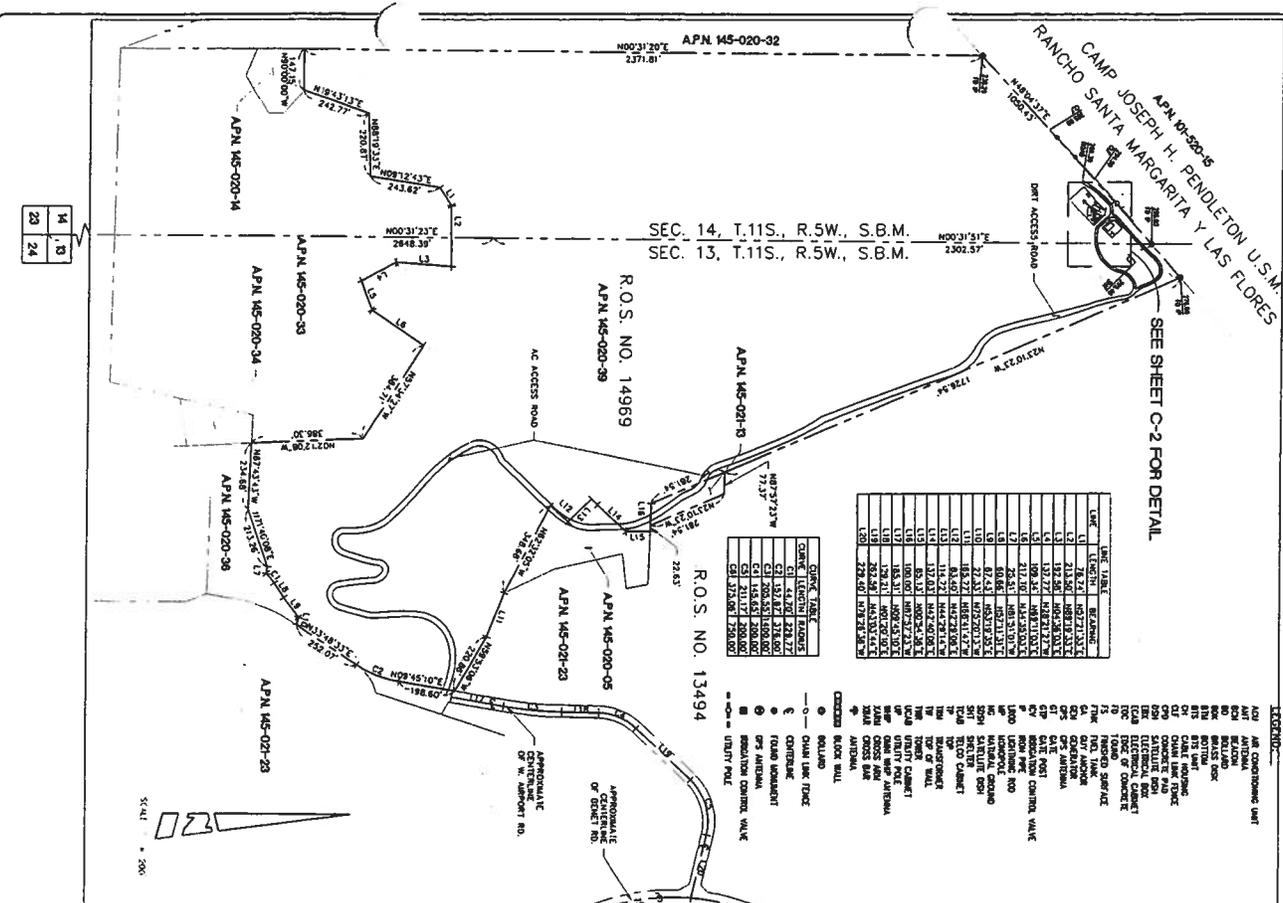
NOTE: LANDSCAPE RESTORED AS REQUIRED BY DEVELOPMENT PLAN B-2-01



LANDSCAPE PLAN

LANDSCAPE INDEX PLAN





SEE SHEET C-2 FOR SITE DETAILS

BOOTH & SWANZ
42-11715-104 E 7-4117115
11111 1st California St. Suite 1000, Oakland, CA 94612

AMERICTOWER CORPORATION
2201 DUPONT DRIVE, SUITE 340
IRVINE, CA 92612

PREPARED FOR

PROJECT NAME
PRINCE OF PEACE ABBEY

SITE #
SITE # 40767

PROJECT NUMBER
675 BERRY HILL ROAD
OCEANSIDE, CA 92054
SAN DIEGO COUNTY

DRAWING DATES
6/4/09/07 ISSUED FOR REVIEW (17)

DATE
6/4/09/07

LAND SURVEYING & MAPPING AND ASSOCIATES, INC.
3188 ARBANY AVENUE, SUITE K1
COSTA MESA, CALIFORNIA 92626
714-557-1880 OFFICE
714-557-1880 MOBILE
AN 710001

APPROVALS

DATE	

PROJECT NUMBER
675 BERRY HILL ROAD
OCEANSIDE, CA 92054
SAN DIEGO COUNTY

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PLANNING COMMISSION
RESOLUTION NO. 2009-P16

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

APPLICATION NO: C-31-07
APPLICANT: American Tower Corporation
LOCATION: 675 Benet Hill Road

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 a Conditional Use Permit under the provisions of Articles 16 & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

the continued use of a multi-user wireless communication facility;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 20th day of April, 2009, 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, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

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

FINDINGS:

For the Conditional Use Permit to allow for the continued use of a multi-user wireless communication facility:

1. The location and operation of the communication facility, under the applied land use conditions, are consistent with the effective land use policies and will not be detrimental to the public health or general welfare of persons residing or working in the area.

1 2. The proposed location of the communication facility is adjacent to three other
2 communication facilities and when combined with the proposed landscape improvements,
3 effectively mitigates view impacts from the primary view corridors and near view
4 perspectives. The existing physical features and proposed landscaping extend acceptable
5 levels near perspective and distant perspective to the facility. As such, the project site is
6 consistent with the objectives of the effective zoning regulations.

7 3. The proposed location and operation of the communication facility, under the applied land
8 use conditions, are consistent with the effective land use policies and would not be
9 detrimental to the public health or general welfare of persons residing or working in the
10 area.

11 4. The approved project is conditioned to comply with specific requirements pertaining to its
12 appearance and maintenance of its visual mitigation for sustained conformation with the
13 surrounding landforms. The conditions of project approval include implementations of
14 landscape improvements to further ensure for the overall visual conformation of the
15 project.

16 5. The conditional use is subject to and must comply with specific local conditions and
17 additional regulations as deemed necessary by other regulatory or permit authorities.

18 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
19 approve Conditional Use Permit (C-31-07) subject to the following conditions:

20 **Building:**

21 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
22 Building Division plan check.

23 2. The granting of approval under this action shall in no way relieve the applicant/project
24 from compliance with all State and Local building codes.

25 3. The building plans for this project are required by State law to be prepared by a licensed
26 architect or engineer and must be in compliance with this requirement prior to submittal
27 for building plan review.

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

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

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

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

17 6. Structural Calculations will be required at the time of plans submittal to the Building
18 Division for plan check.

19 7. Plans submitted after January 1, 2008 must meet all requirements of the recently adopted
20 2007 California Building Code.

21 **Engineering:**

22 8. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
23 and Specifications for Landscape Development (latest revision), Water Conservation
24 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
25 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
26 prior to the issuance of building permits. Landscaping shall not be installed until bonds
27 have been posted, fees paid, and plans signed for final approval. The following
28 landscaping requirements shall be required prior to plan approval and certificate of
29 occupancy:

a) Final landscape plans shall accurately show placement of all plant material such
as but not limited to trees, shrubs, and groundcovers.

- b) Landscape Architect shall be aware of all utility, sewer, storm drain easement and place planting locations accordingly to meet City of Oceanside requirements.
- c) All required landscape areas shall be maintained by owner. The landscape areas shall be maintained per City of Oceanside requirements.
- d) Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all fire department requirements.
- e) All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3” depth to help conserve water, lower the soil temperature and reduce weed growth.
- g) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- h) Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within six feet of a trees trunk on-site (private) and within 10 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree’s root ball is unacceptable.
- i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain planning department approval for these items in the conditions or application stage prior to first submittal of working drawings.
- j) For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside’s (current) Tree Planting Distances and Spacing Standards.

- 1 k) An automatic irrigation system shall be installed to provide coverage for all
2 planting areas shown on the plan. Low precipitation equipment shall provide
3 sufficient water for plant growth with a minimum water loss due to water run-off.
4 l) Irrigation systems shall use high quality, automatic control valves, controllers
5 and other necessary irrigation equipment. All components shall be of non-
6 corrosive material. All drip systems shall be adequately filtered and regulated
7 per the manufacturer's recommended design parameters.
8 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
9 Water Conservation Ordinance.
10 n) The landscape plans shall match all plans affiliated with the project.
11 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
12 required, shall match the grading and improvement plans, comply with SWMP
13 Best Management Practices and meet the satisfaction of the City Engineer.
14 p) Existing landscaping on and adjacent to the site shall be protected in place and
15 supplemented or replaced to meet the satisfaction of the City Engineer.

16 9. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
17 and within any adjoining public parkways shall be permanently maintained by the
18 owner, his assigns or any successors-in-interest in the property. The maintenance
19 program shall include: a) normal care and irrigation of the landscaping b) repair and
20 replacement of plant materials c) irrigation systems as necessary d) general cleanup of
21 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure
22 to maintain landscaping shall result in the City taking all appropriate enforcement
23 actions including but not limited to citations. This maintenance program condition shall
24 be recorded with a covenant as required by this resolution.

25 10. In the event that the conceptual landscape plan (CLP) does not match the conditions of
26 approval, the resolution of approval shall govern.

27 **Fire Prevention:**

- 28 11. Fire Department requirements shall be placed on plans in the notes section.
29 12. Cell sites are required to have a final inspection by the Fire Department.
13. A "Knox" key storage box shall be provided for all new construction. For buildings
other than high-rise, a minimum of three complete sets of keys shall be provided. Keys

1 shall be provided for all exterior entry doors, fire protection equipment control rooms,
2 mechanical and electrical rooms, elevator controls and equipment spaces, etc.

- 3 14. Buildings shall meet Oceanside Fire Department's current codes at the time of building
4 permit application.

5 **Planning:**

- 6 15. This Conditional Use Permit shall expire on April 20, 2012, unless implemented as
7 required by the Zoning Ordinance.

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

- 13 17. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
15 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
16 annul an approval of the City, concerning Conditional Use Permit (C-31-07). The City
17 will promptly notify the applicant of any such claim, action or proceeding against the
18 City and will cooperate fully in the defense. If the City fails to promptly notify the
19 applicant of any such claim action or proceeding or fails to cooperate fully in the
20 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
harmless the City.

- 21 18. If additional antennas are requested during the duration of this Conditional Use Permit
22 (C-31-07), the City Planner may take discretionary action through an administrative use
23 process.

- 24 19. 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 20. 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

1 owner and/or operator. This notification's provision shall run with the life of the project
2 and shall be recorded as a covenant on the property.

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

6 22. Failure to meet any conditions of approval for this development shall constitute a
7 violation of the Conditional Use Permit.

8 23. The permittee shall exercise a good-faith effort to cooperate with other communication
9 providers and services in the operation of a multi-user facility, provided such shared usage
10 does not impair the operation of the approved facility. Upon the City's request and
11 discretion, the permittee shall provide an independently prepared technical analysis to
12 substantiate the existence of any practical technical prohibitions against the existence of
13 any practical technical prohibitions against the operation of a multi-user facility. The
14 permittee non-compliance with this requirement may be grounds for the revocation of the
15 Conditional Use Permit.

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

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

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

29 27. The Conditional Use Permit shall be limited to a term of 10 years. However, the
Conditional Use Permit may be revised or renewed in accordance with the provisions of

1 the Zoning Ordinance. The application for Conditional Use Permit revision shall also be
2 evaluated against the existing land use policies and any site area and neighborhood
3 changes.

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

6 29. 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 30. Appropriate building permits shall be obtained prior to the addition of any new antennas.

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

16 32. Unless expressly waived, all current zoning standards and City ordinances and policies in
17 effect at the time building permits are issued are required to be met by this project. The
18 approval of this project constitutes the applicant's agreement with all statements in the
19 Description and Justification and other materials and information submitted with this
20 application, unless specifically waived by an adopted condition of approval.

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

24 **Water Utilities:**

25 34. The developer will be responsible for developing all water and sewer utilities necessary
26 to develop the property. Any relocation of water and/or sewer utilities is the
27 responsibility of the developer and shall be done by an approved licensed contractor at
28 the developer's expense.

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35. No trees, structures or building overhead shall be located within any water or wastewater utility easement.

PASSED AND ADOPTED Resolution No. 2009-P16 on April 20, 2009 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2009-P16.

Dated: April 20, 2009



AMERICANTOWER

40767

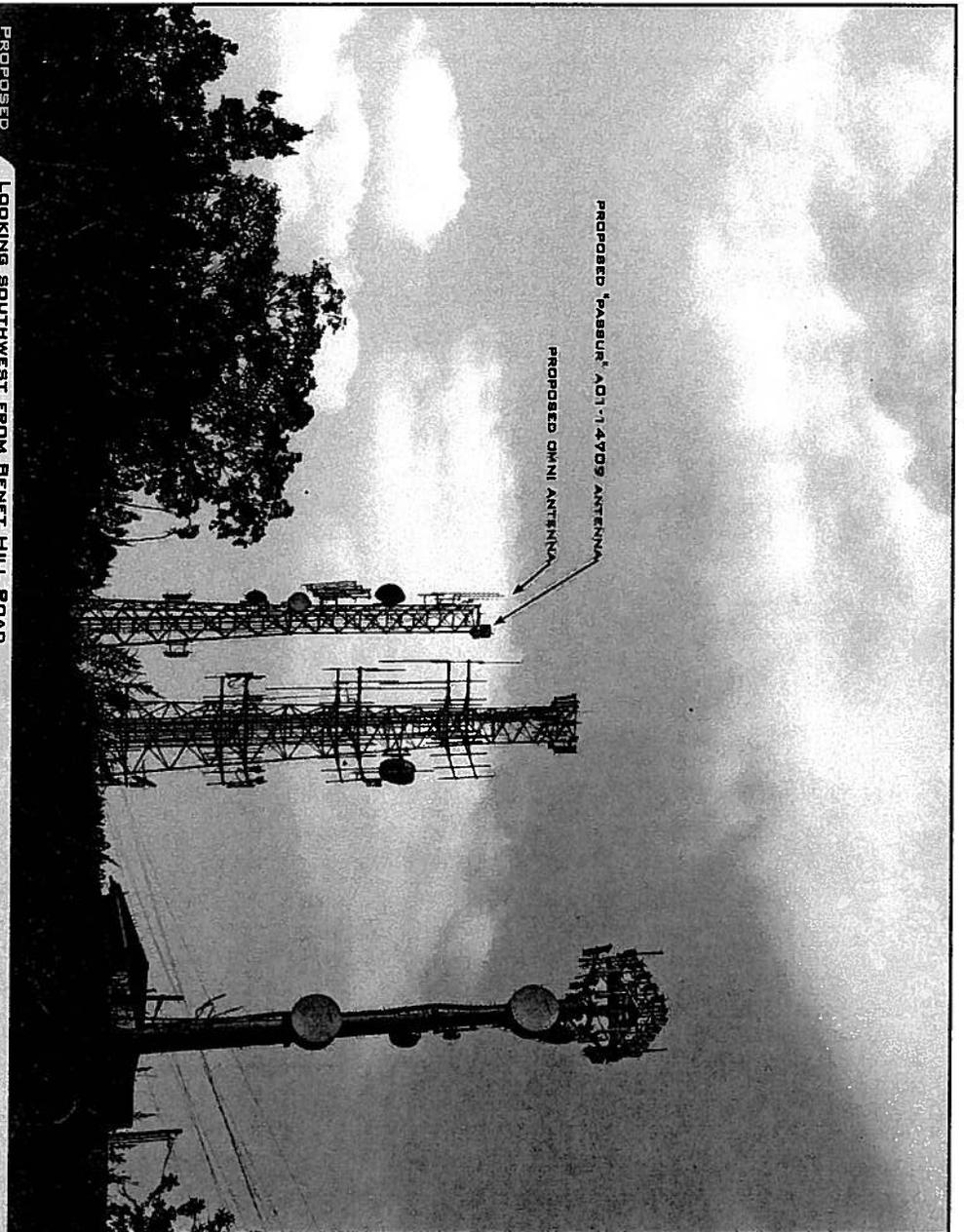
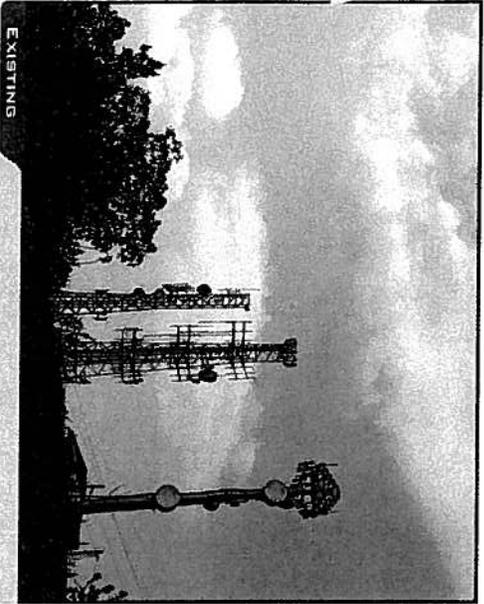
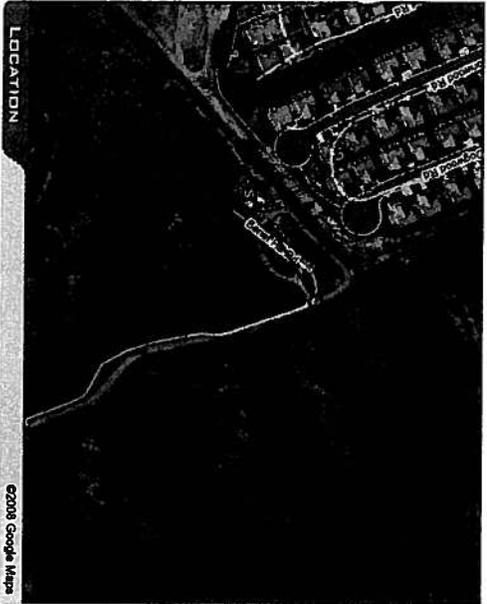
PRINCE OF PEACE ABBEY

675 BENET HILL ROAD OCEANSIDE CA 92054

Received
DEC 18 2008
Planning Division



ARTISTIC
engineering
Acsims.com
877.9AE.sims



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

VIEW 1



AMERICAN TOWER

40767

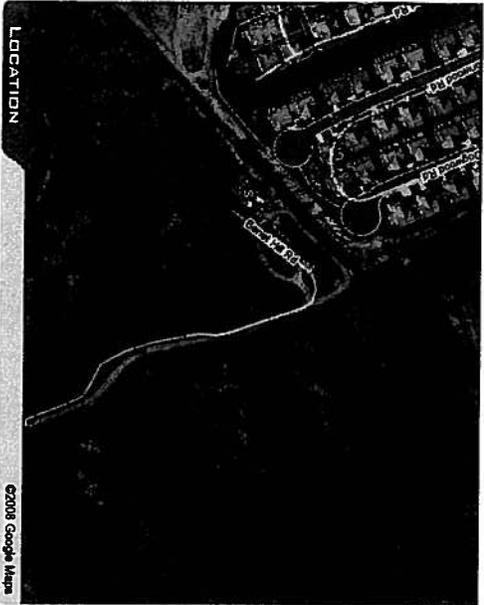
PRINCE OF PEACE ABBEY

675 BENET HILL ROAD OCEANSIDE CA 92054



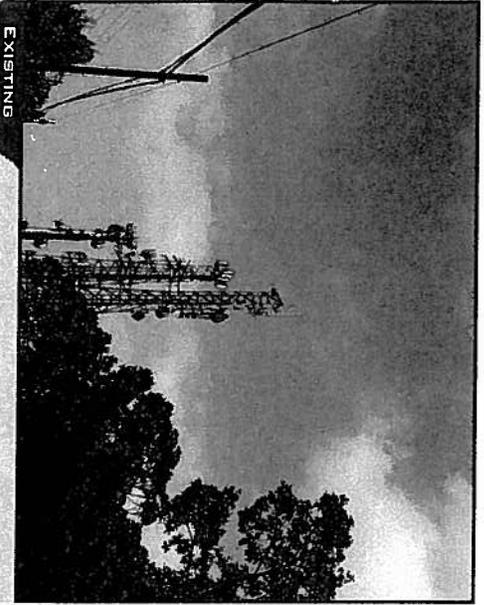
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VIEW 2

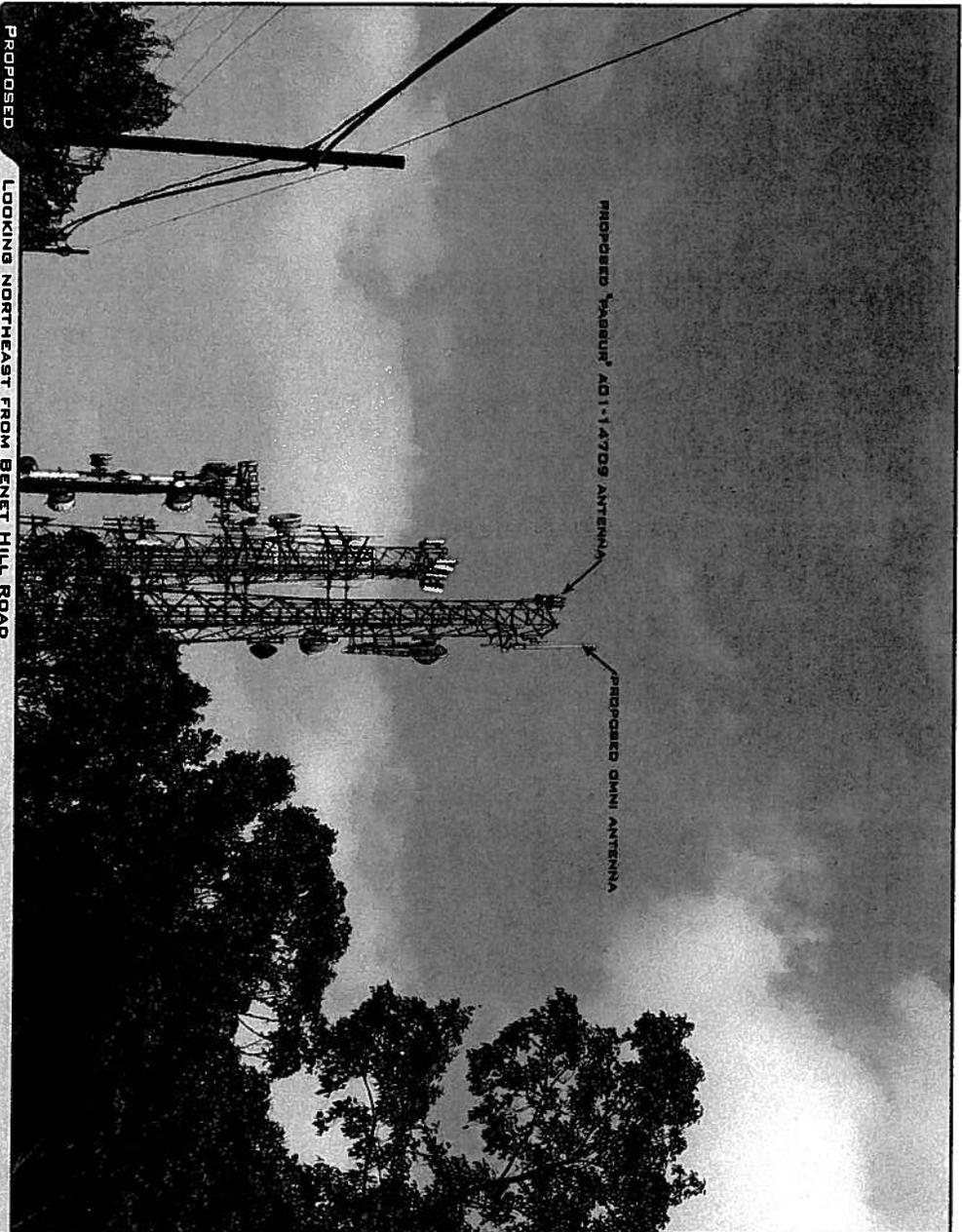


LOCATION

©2008 Google Maps



EXISTING



PROPOSED

LOOKING NORTHEAST FROM BENET HILL ROAD

PROPOSED 'YAGUAR' 401-14709 ANTENNA

PROPOSED OMNI ANTENNA

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



AMERICAN TOWER

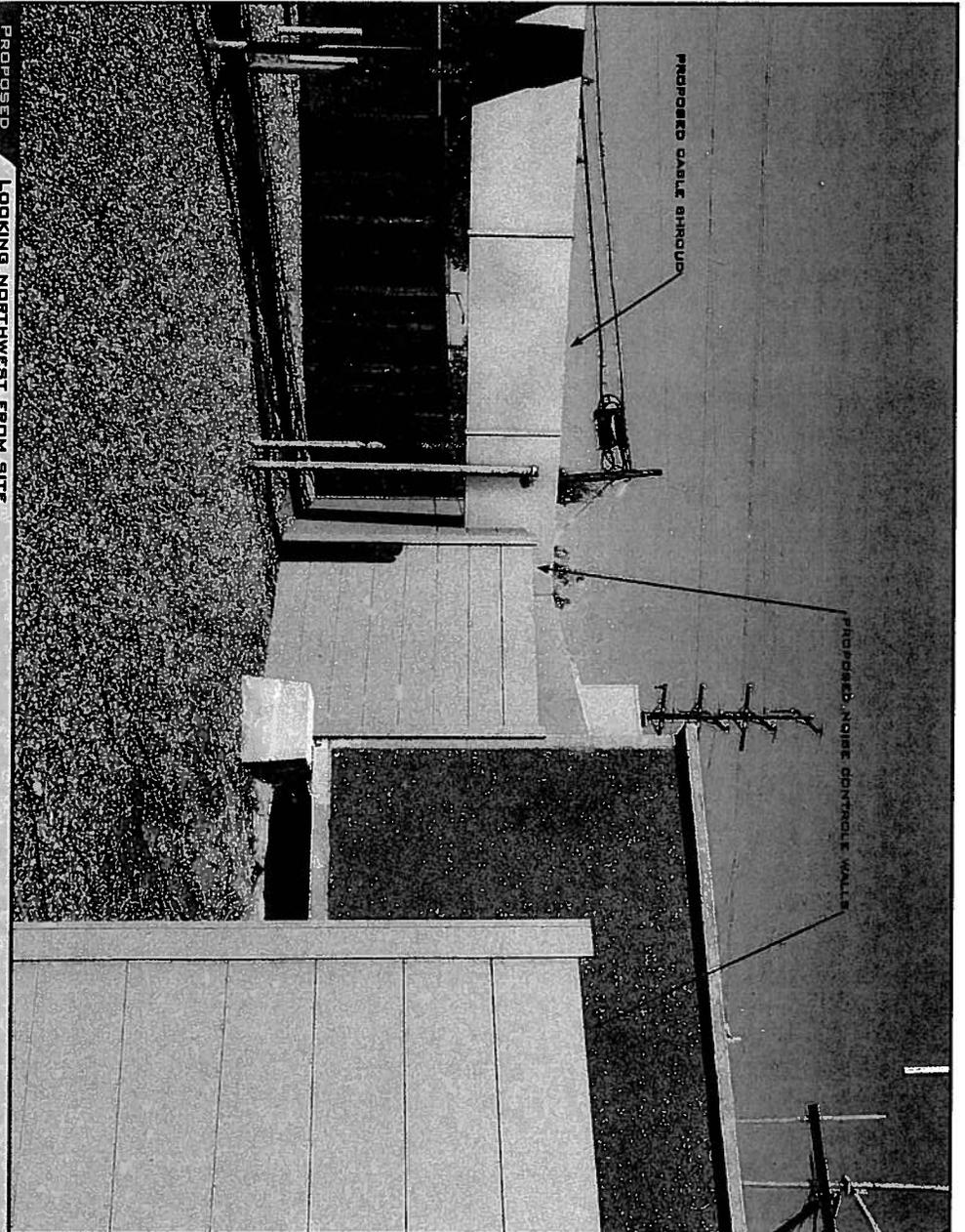
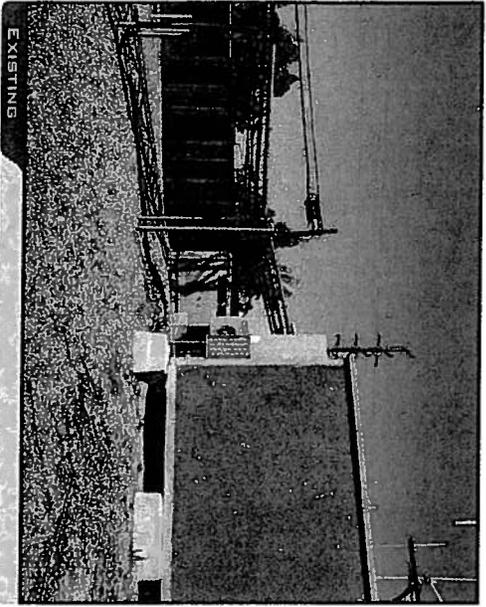
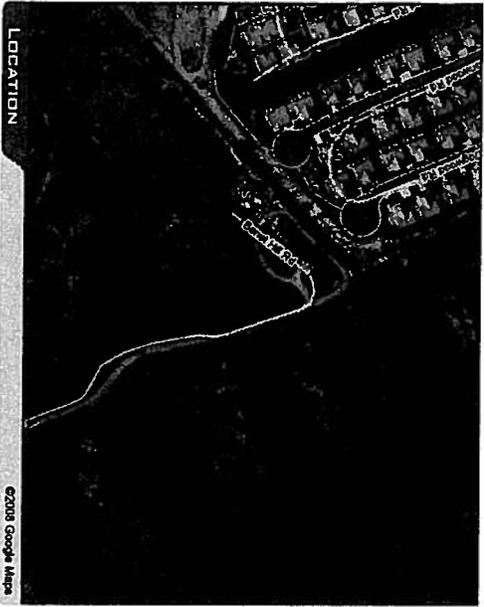
40767

PRINCE OF PEACE ABBEY

675 BENET HILL ROAD OCEANSIDE CA 92054



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VIEW 3

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



AMERICAN TOWER

40767

PRINCE OF PEACE ABBEY

675 BENET HILL ROAD OCEANSIDE CA 92054

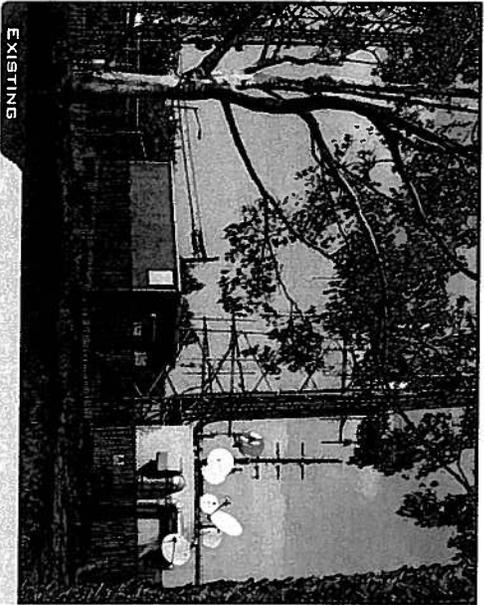


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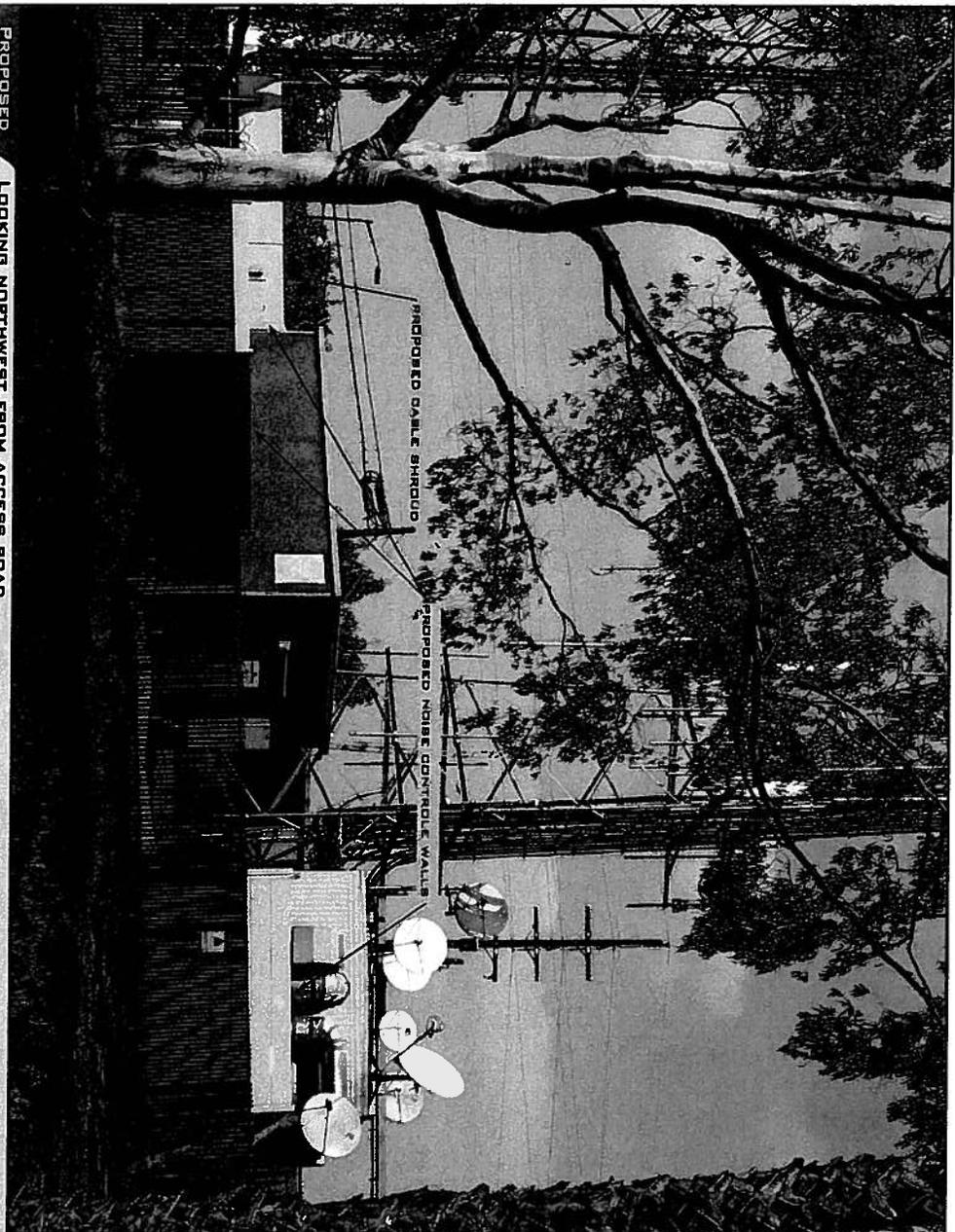


LOCATION

©2008 Google Maps



EXISTING

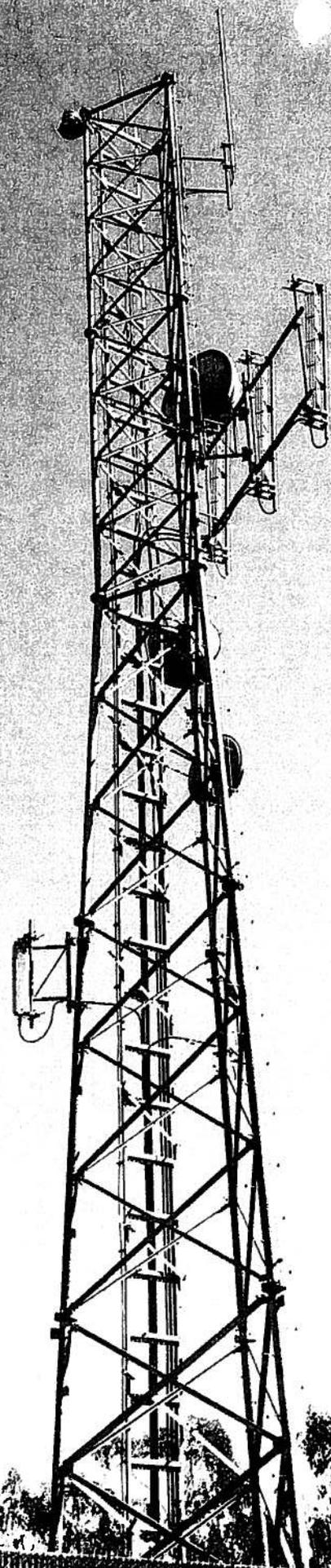
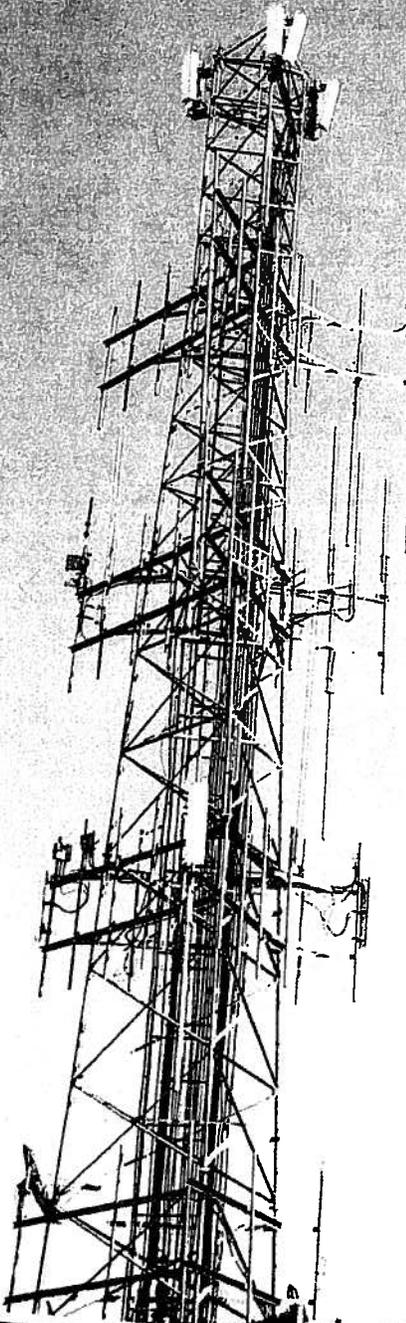


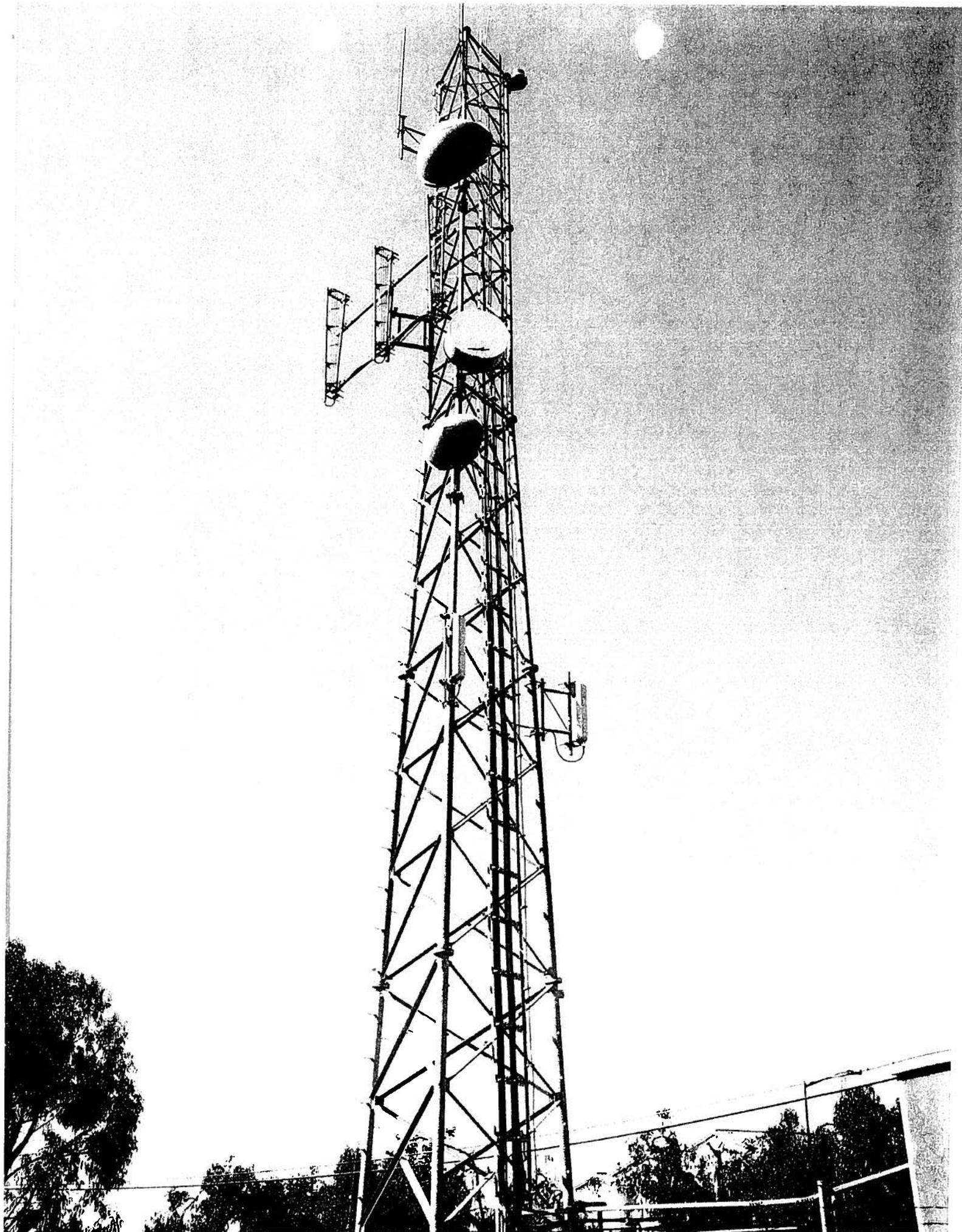
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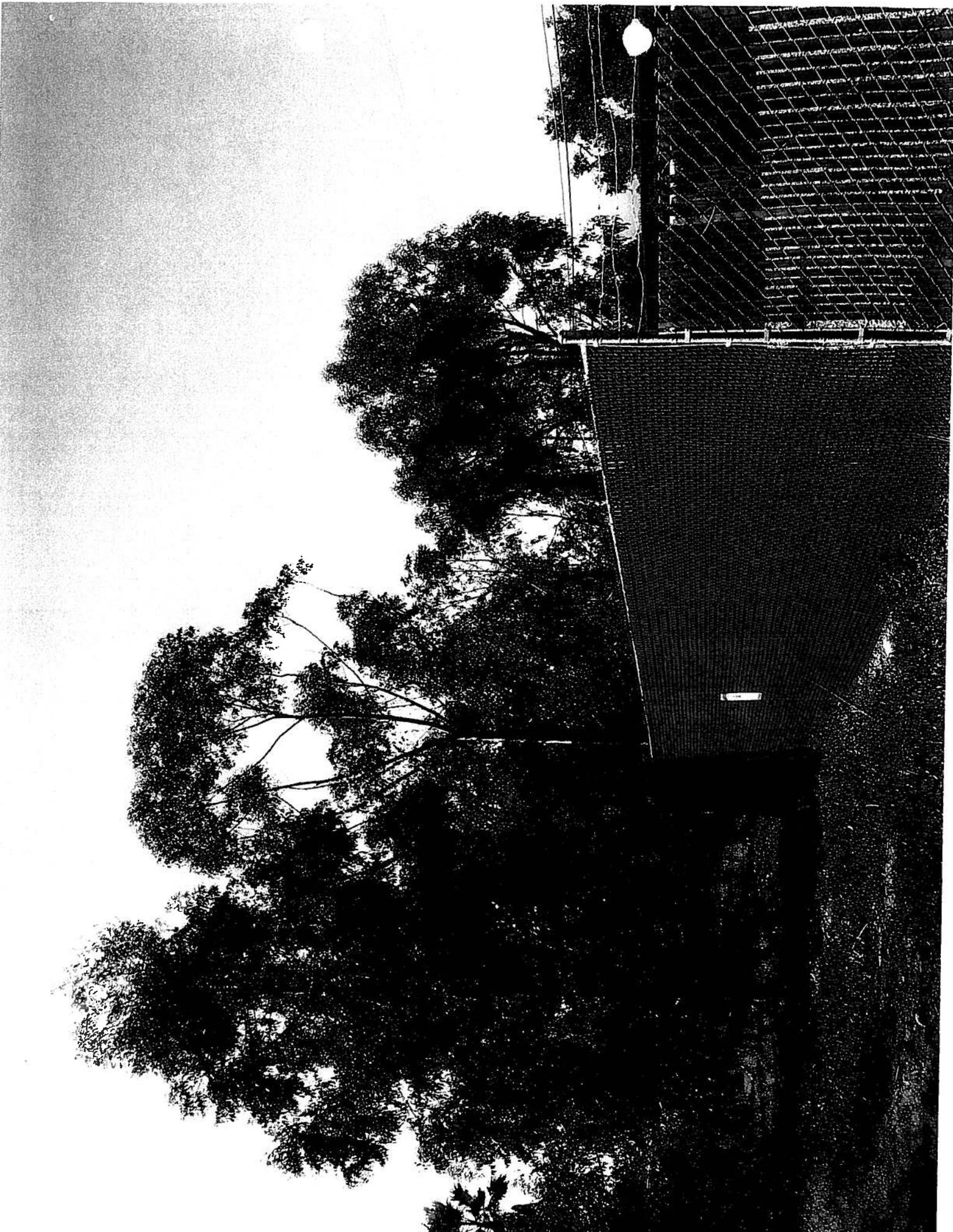
LOOKING NORTHWEST FROM ACCESS ROAD

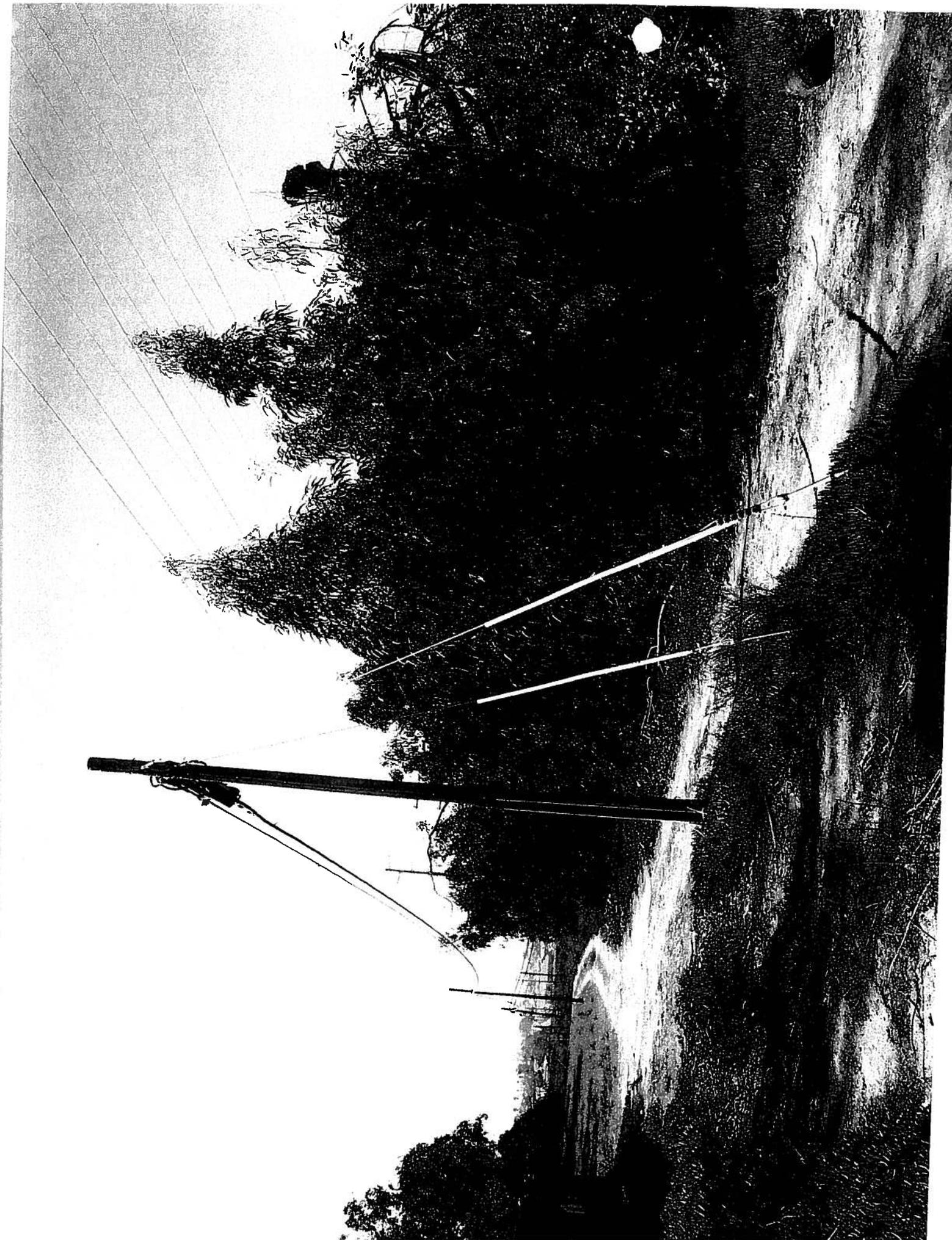
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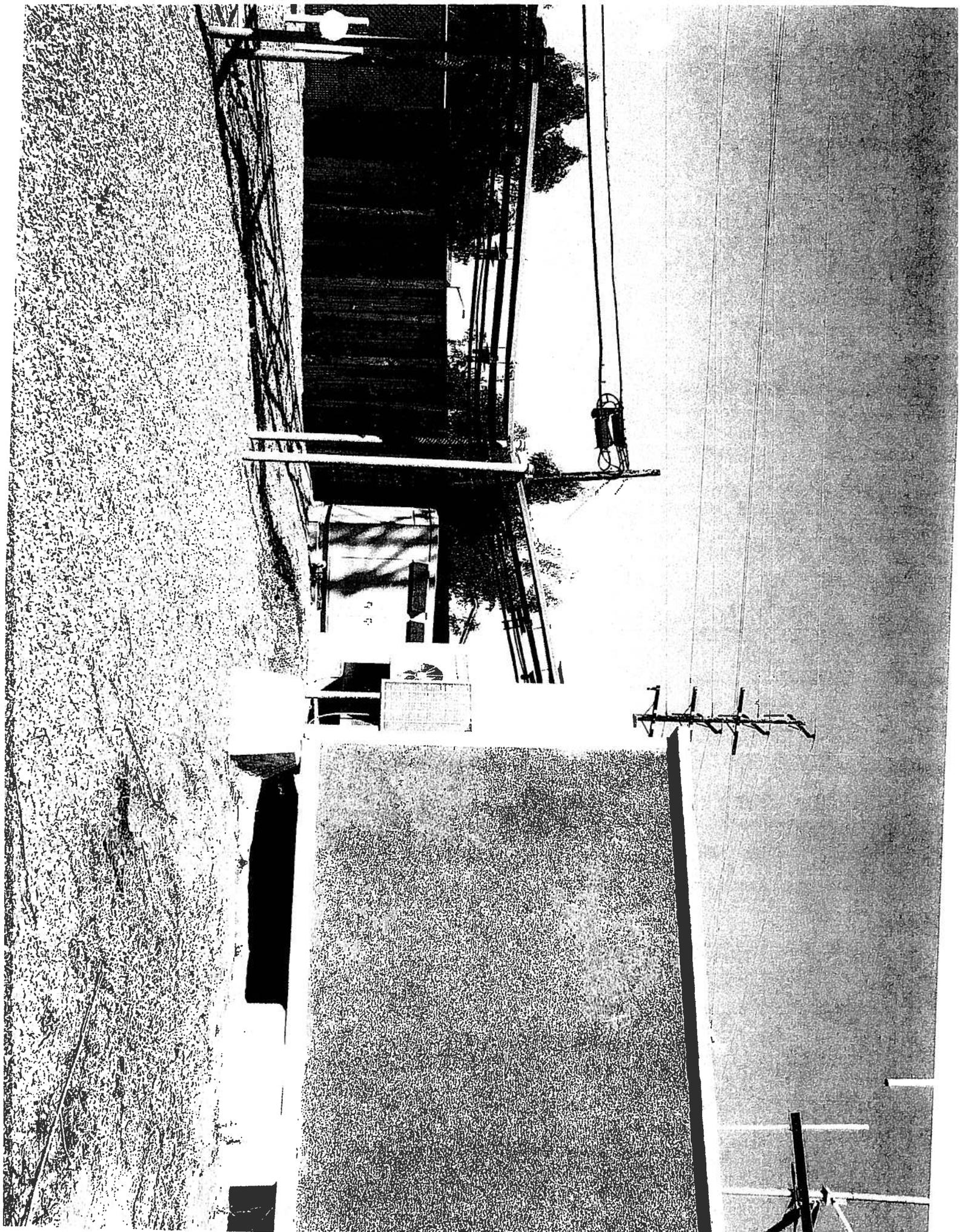
RECEIVED
SEP 14 2007
FBI/DOJ

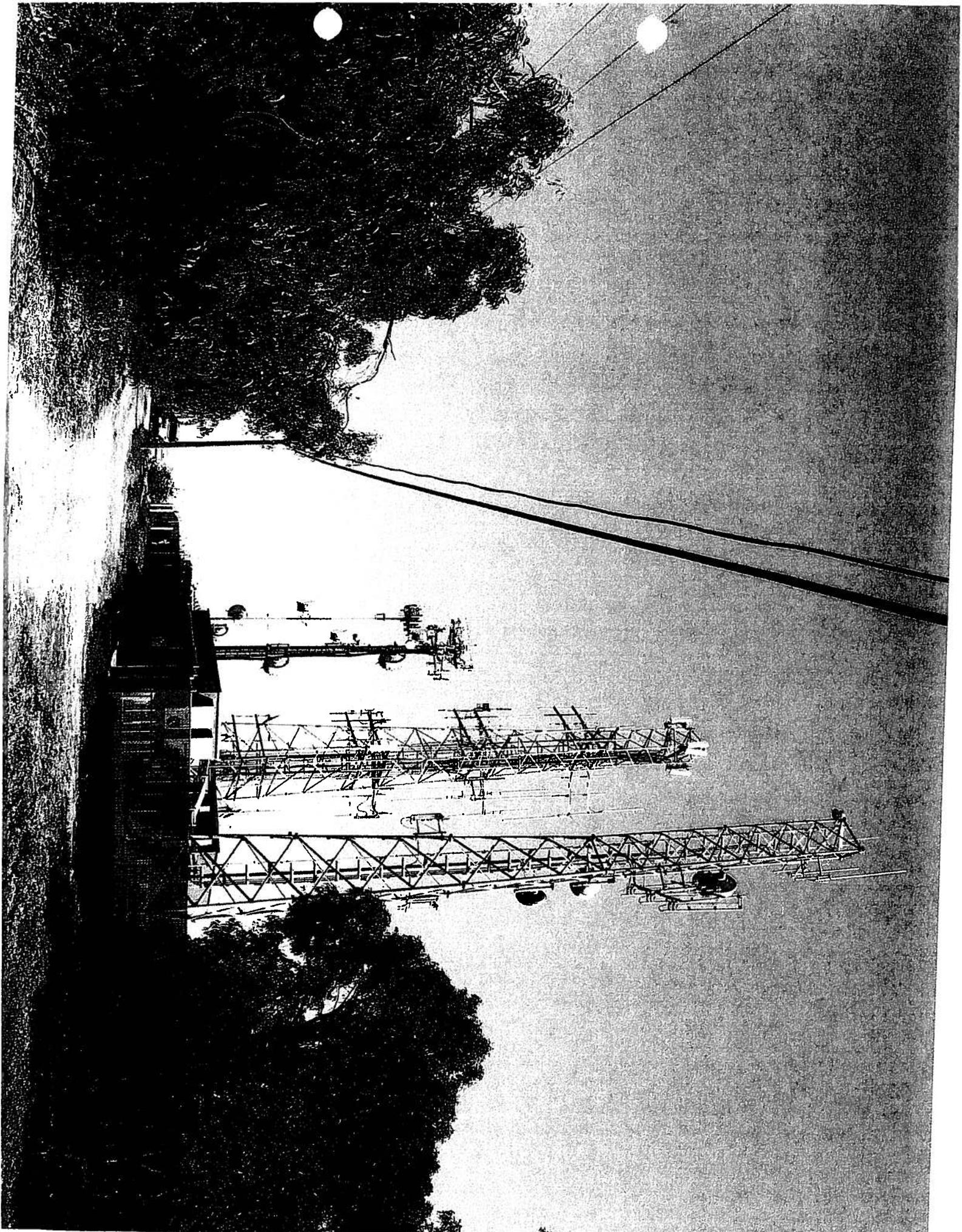


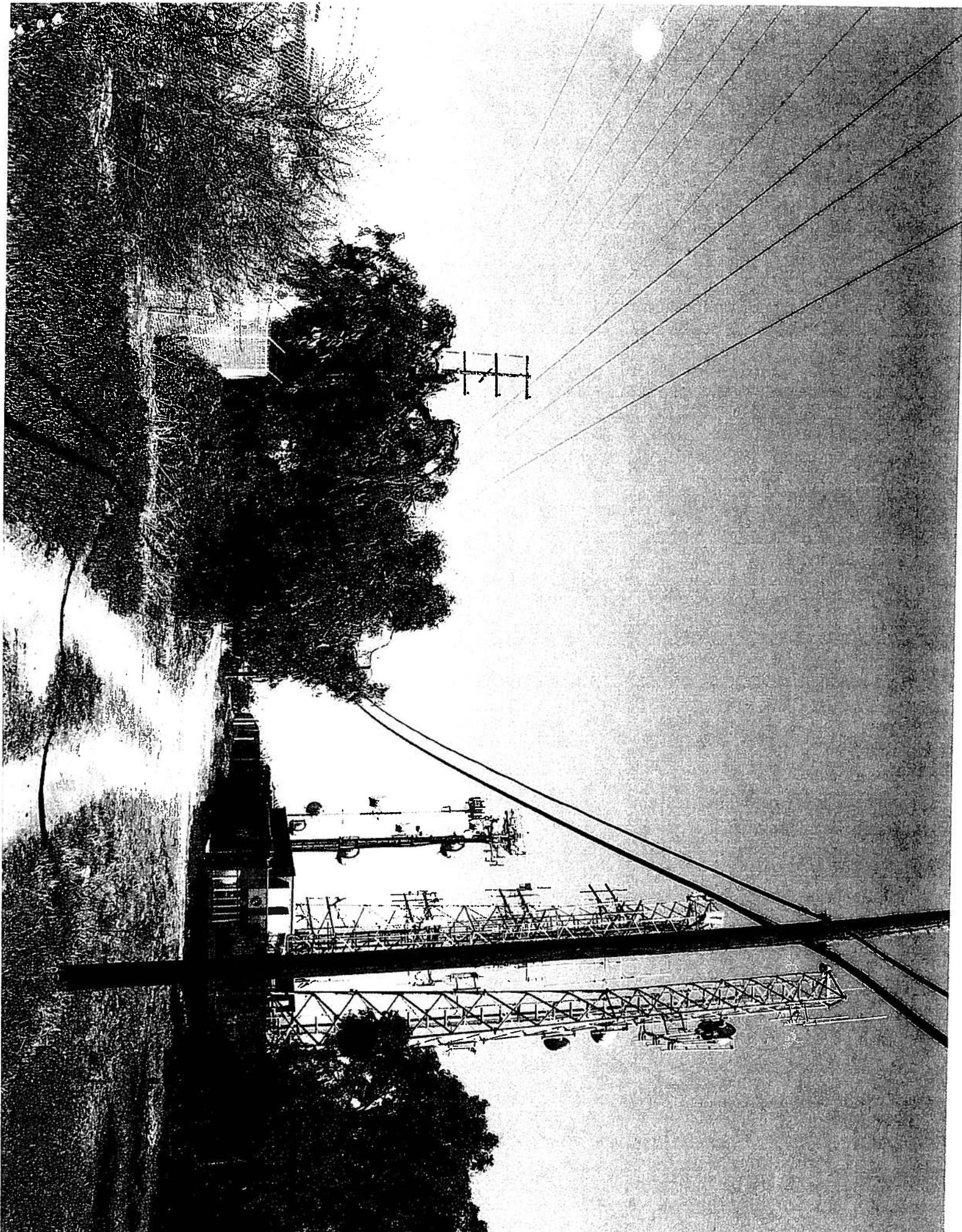












Management Plan

American Tower Corporation
1606 Missouri Street
Oceanside, CA 92054

American Tower Corporation (“ATC”) hereby submits the following “Management Plan” for the operation and maintenance of a wireless communications facility located at 675 Benet Hill in the City of Oceanside.

Security

The Wireless Communications Facility (“Facility”) is an unmanned telecommunications structure that operates 24 hours a day, 7 days a week to provide communications services to the residents of the City of Oceanside. The Facility is currently surrounded by an existing chain link fence that is locked. Access to the interior lease area is limited to ATC, customer personnel, and authorized representatives. Additionally, the equipment shelters at the site are locked and only accessible by the customer. The existing shelter is also equipped with an alarm that will trigger when the site has been accessed without proper authorization. In the event that there is a security breach at the site, interested persons may call American Tower Corporation’s emergency 24 hour contact line at 1-877-51-TOWER. This phone number is answered by a representative who will record the incident, assess the nature of the emergency and take appropriate action based on a pre-established escalation schedule. Such action may involve contacting police, contacting ATC’s local field operations personnel in San Diego County, or issuing a work order to be completed within a certain time frame. The aforementioned 24 hour contact number will be posted and visually accessible on-site.

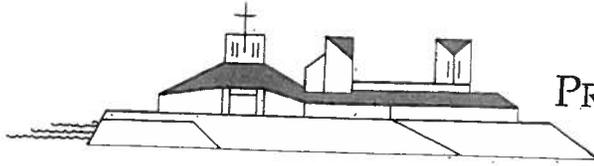
Maintenance

ATC is committed to the maintenance of the Facility. To this end, ATC employs local field operations personnel who are responsible for visiting and monitoring sites. Additionally, ATC has contracted with a vendor to visit the facility a minimum of three times a year (spring, summer and fall) to conduct site and landscape remediation. Among other things, ATC’s vendor will pick up trash, trim landscaping, conduct weed abatement, and remove and report dead/damaged landscaping to ATC. The vendor is responsible for performing these maintenance tasks a minimum of three times a year (and more frequently when needed.) Finally, ATC’s customers visit the Facility to ensure that there are no maintenance problems associated with the Facility. When needed maintenance items are reported to ATC, local field personnel work with local contractors to timely conduct needed site remediation. ATC’s vendor also identifies and reports hazardous waste and/or bulk items that may have been improperly discarded at a site each time they visit the Facility. When hazardous waste is reported, local field personnel coordinate with ATC’s national environmental team to ensure that hazardous waste is

both promptly and properly disposed of. It is ATC's policy to properly dispose of wastewater, sediment, trash and/or other pollutants collected on-site and not to discharge such items off the property or into the City's storm drain system. In the event that a site requires maintenance, residents or concerned citizens are asked to contact ATC's 24 hour contact line at 1-877-51-TOWER and report the problem. As previously outlined, a trained operator will record the nature of the incident and issue a work order to ATC's local field operations personnel. The aforementioned site maintenance measures will ensure that a high standard of maintenance exists at this site at all times.

Graffiti Abatement

ATC is committed to graffiti abatement and has contracted with local firms that specialize in the removal of graffiti. As a proactive measure, ATC has installed locked gates and fencing to prevent unauthorized access to the interior of the Facility. In the unfortunate event that the site is vandalized, residents or concerned citizens are asked to contact ATC's 24 hour contact line at 1-877-51-TOWER and report the problem. A representative will record the incident and issue a work order to local field operations personnel who will contract with an abatement firm to remove graffiti and restore the site to its previous condition. Any new paint used to cover graffiti will match the existing color scheme.



PRINCE OF PEACE ABBEY

April 1, 2008

Faith Burton
City of Oceanside Planning Department
300 North Coast Highway
Oceanside, CA 92054

RE: Letter of Support for American Tower Corporation's Application at Prince of Peace Abbey;
Oceanside Planning Application C-31-07

Dear Ms. Burton:

I am writing to offer the Abbey's support for American Tower Corporation's pending permit for a wireless communications facility located on Abbey property. The Abbey supports this project because the good derived from American Tower's facility far outweighs any perceived negative visual impacts from the tower.

First of all, the visual impacts of the tower are minimal due to its location and the existence of substantial landscaping at the site. The Abbey has worked with American Tower and other wireless telecommunications companies over the years to mitigate the visual impact of the facilities by planting a significant number of trees around the site and installing other landscaping features that buffer the view of the facility from adjacent properties. Due to these efforts, the Abbey has not received a single complaint from adjacent residents regarding the towers on our property.

Second, the leases from the communications facilities provide consistent and dependable financial support to the Abbey thereby allowing the Abbey to continue day-to-day operations.

Third, the facilities provide a valuable communications service to the citizens of the City of Oceanside. In fact, the American Tower facility hosts antennas used by the County of San Diego for their county-wide emergency communications. These facilities were critical during the most recent fires in the County and on Camp Pendleton. The Abbey also supports the addition of the County's antenna because of the importance of emergency communications.

Finally, I'd like to note that the wireless facilities at the Abbey do not generate enough noise to rise to the level of even being noticed let alone being bothersome or disruptive. The Abbey fully supports the zoning application submitted by American Tower Corporation.

Thank you for your time and consideration.

Sincerely,

Rt. Rev. Charles Wright, O.S.B.
President



UNITED STATES MARINE CORPS
MARINE CORPS BASE
BOX 555010
CAMP PENDLETON, CALIFORNIA 92055-5010

IN REPLY REFER TO:

5700
CPLO
4 APR 08

Mr. Jamie T. Hall
Channel Law Group, LLP
100 Oceangate, Suite 1400
Long Beach, CA 90802-4323

Dear Mr. Hall:

This is written in response to your letter of March 28, 2008 regarding your client, American Tower Corporation (ATC), and their Renewal Application (C-31-07) with the City of Oceanside seeking a renewed zoning permit for the ATC communications facility located at the Prince of Peace Abbey.

Marine Corps Base, Camp Pendleton has been familiar with the presence of this ATC facility since its establishment in 1996; and we have no objection to ATC's requested renewal of the subject zoning permit.

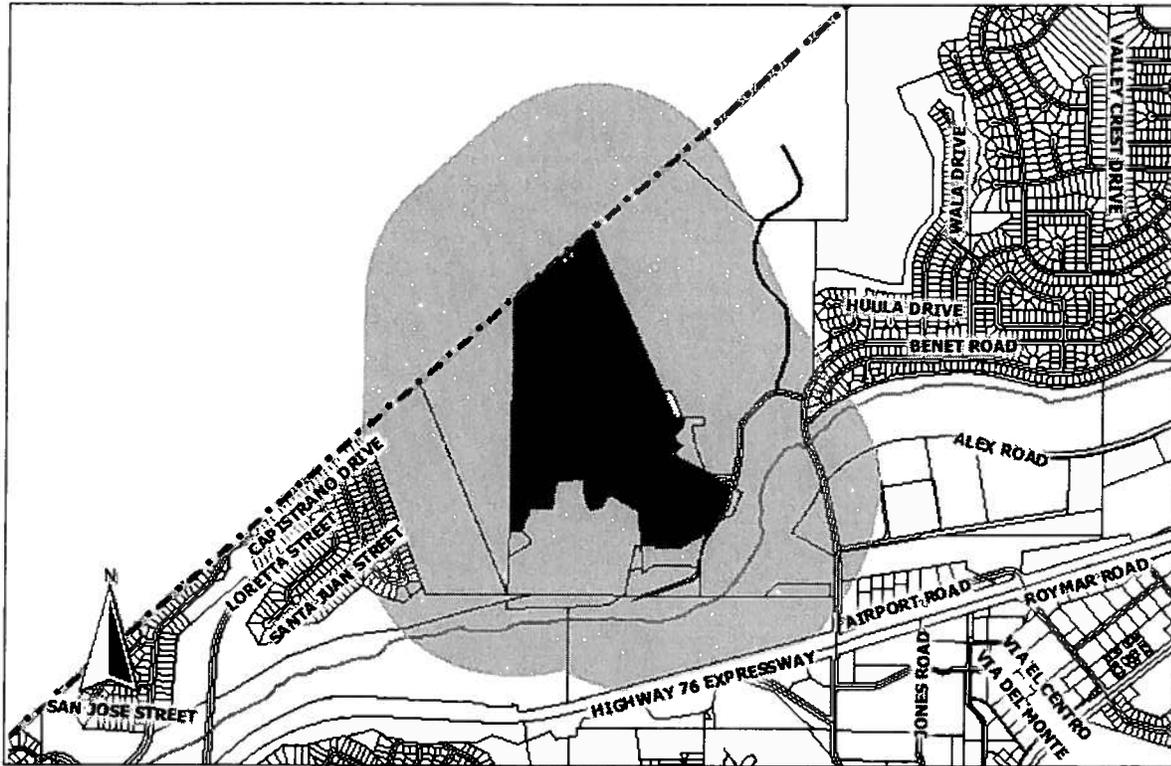
Should you require any additional information, feel free to contact me at (760) 725-6513.

Sincerely,

A handwritten signature in black ink that reads "L. D. Rannals".

L. D. RANNALS
Community Plans & Liaison Officer
By direction of the Commanding Officer

Copy to:
Chief of Staff
AC/S CIS



File Number: C-31-07

Applicant: American Tower Corporation

Description:

CONDITIONAL USE PERMIT (C-31-07) for an existing, co-user wireless telecommunications facility located at 675 Benet Hill Road. The project site is zoned PS (Public Semi-Public) and is situated within the East Side Capistrano Neighborhood. – **American Tower @ POPA**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division

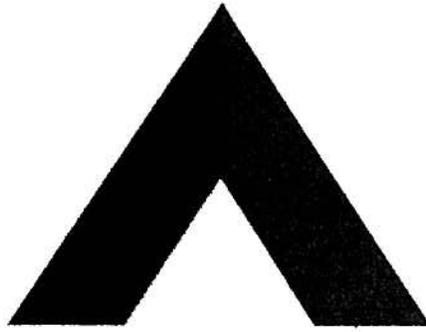
300 N. Coast Highway

Oceanside, CA 92054

(760) 435-3520

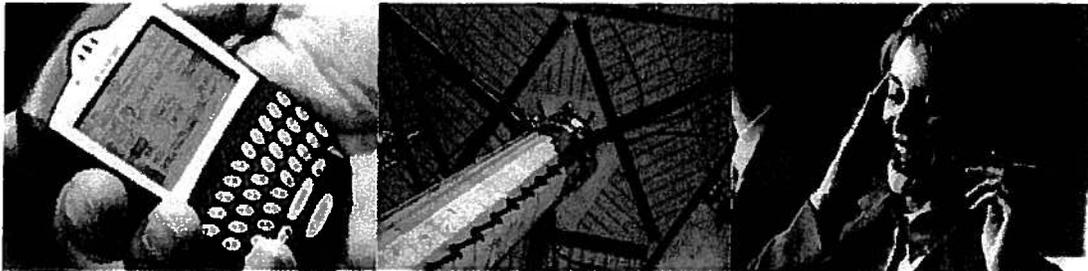
Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
				9/14/07	SN.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
American Tower Corporation		Lessee		MASTER/SP. PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
2201 Dupont Drive #340, Irvine, CA 92612		(949) 442-6400 - ph (949) 474-7260 - fax		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
Jamie T. Hall - Channel Law Group, LLP				DEV. PL.	
6. ADDRESS		7. PHONE/FAX		C.U.P.	C-31-07
100 Oceangate, Suite 1400, Long Beach, CA 90802		(310) 982-1760 - ph (562) 216-5090 - fax		VARIANCE	
PART II - PROPERTY DESCRIPTION				COASTAL	
8. LOCATION				O.H.P.A.C.	
675 Benet Hill Road, Oceanside CA 92054				9. SIZE	
				89.68 acres	
10. GENERAL PLAN	11. ZONING	12. LAND USE		13. ASSESSOR'S PARCEL NUMBER	
	PS	Church		145-020-39	
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
Renewal of Conditional Use Permit C-34-99 for an existing multi-user wireless communication facility (See General Project Description for more detail) <i>REV-12/18/08</i>					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
N/A	N/A	Communications	N/A	N/A	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
N/A	N/A	N/A	10.75% of leased area		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION		<input type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS		
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST		<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE		
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS		<input type="checkbox"/> 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)		38. DATE
Jamie T. Hall		9/13/07	PRINCE OF PEACE ABBEY		6/2/07
Sign: <i>Jamie T. Hall</i>		Sign: <i>(Ch. Wright)</i> Charles Wright		PRESIDENT	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print):		36. DATE	39. OWNER (Print):		40. DATE
Jamie T. Hall		9/13/07			
Sign: <i>Jamie T. Hall</i>		Sign:			

62



Received
DEC 18 2008
Planning Division

AMERICAN TOWER®



Description and Justification

Application for Conditional Use Permit for
Existing Major Co-User Communication Facility
675 Benet Hill Road, Oceanside CA 92054

December 18, 2008

I. ABOUT AMERICAN TOWER CORPORATION



American Tower Corporation, headquartered in the Boston, MA area, is a leading owner and operator of communications sites for the wireless and broadcast industries. American Tower's solutions include more than 20,000 towers, 2,000 managed rooftops, in-building and outdoor Distributed Antenna Systems ("DAS"), and a suite of services that speed network deployment. American Tower's customers are leading wireless communications providers, including AT&T Mobility, Sprint, Verizon Wireless, radio and television broadcasters, and federal, state and local government agencies.

American Tower's express mission is to be the premier infrastructure provider in the eyes of employees, customers and communities, enabling the deployment of advanced services that make wireless communication possible everywhere. American Tower strives to work closely with communities to ensure that our solutions enable the deployment of advanced wireless services, while protecting our scenic landscapes and historical properties.

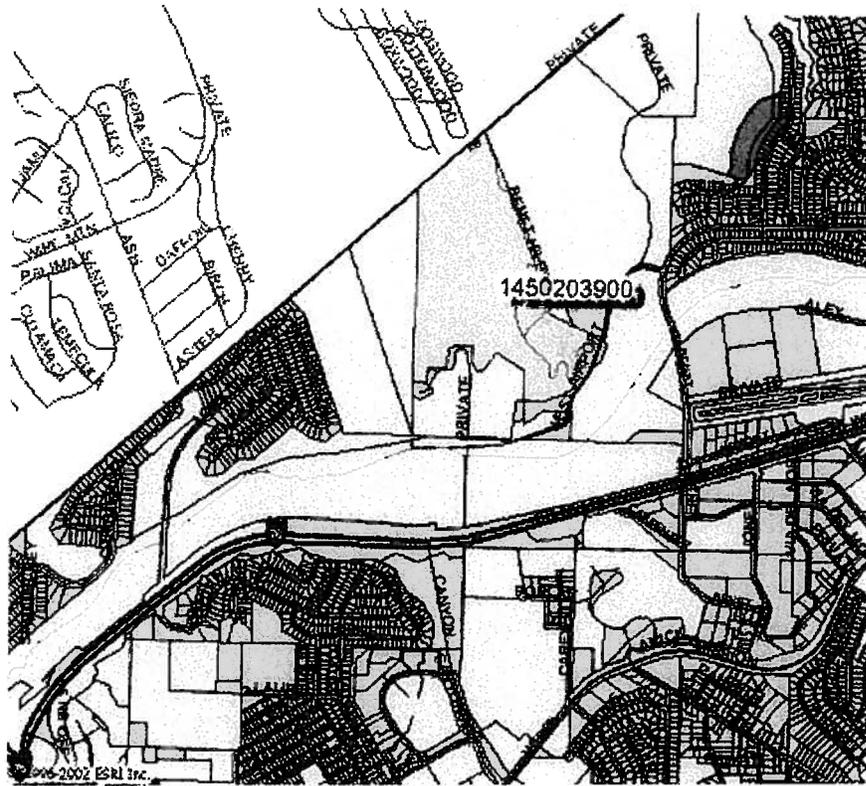
II. PROJECT SUMMARY

American Tower Corporation (“ATC”) is seeking a Conditional Use Permit with a ten (10) year duration to authorize the continued use of a major co-location communications facility (“Facility”) and the co-location of two new antennas. The Facility consists of an approximately 100 foot tall lattice tower that was authorized pursuant to Condition Use Permit C-34-99. The existing tenant on the facility is the County of San Diego Regional Communication System, which provides public communications services throughout the County, including the City of Oceanside. The existing tenant proposes to install an additional omni antenna to the Facility. Moreover, a new tenant, Passur Aerospace, has proposed an additional antenna to the Facility to provide specialized aerospace wireless service to the Palomar Airport.

The Facility has been assigned an address from SDG&E of 675 Benet Hill Road. However, the Prince of Peace Abbey’s formal address is 650 Benet Hill Road. The site is located North of 76/Mission Road and adjacent to Camp Pendleton Military Base. The Facility is located in the northeastern portion of the Prince of Peace Abbey, which is approximately 89.68-acres in total area. The Facility is located on a plateau adjacent to the U.S. Marine Corps Base (MCB) Camp Pendleton property line.



Aerial view of location



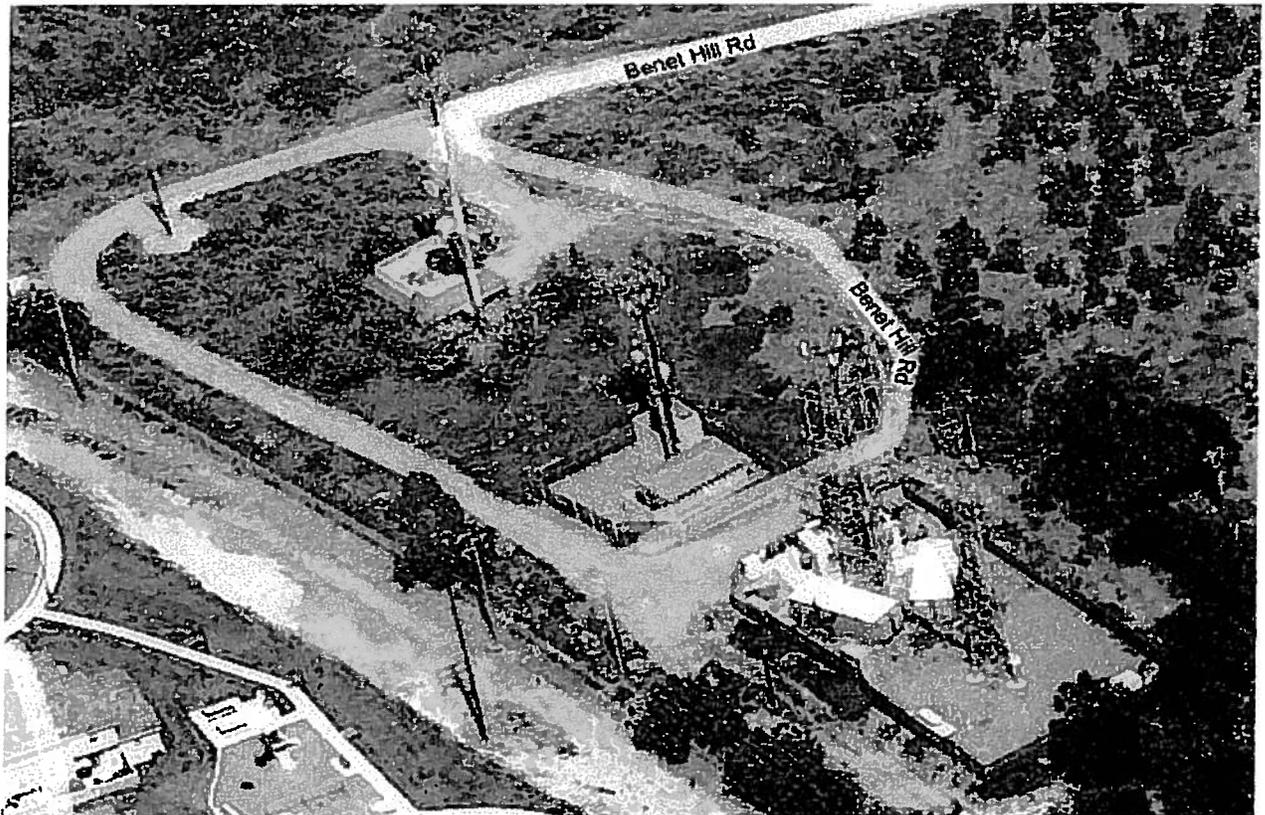
GIS Map of Property



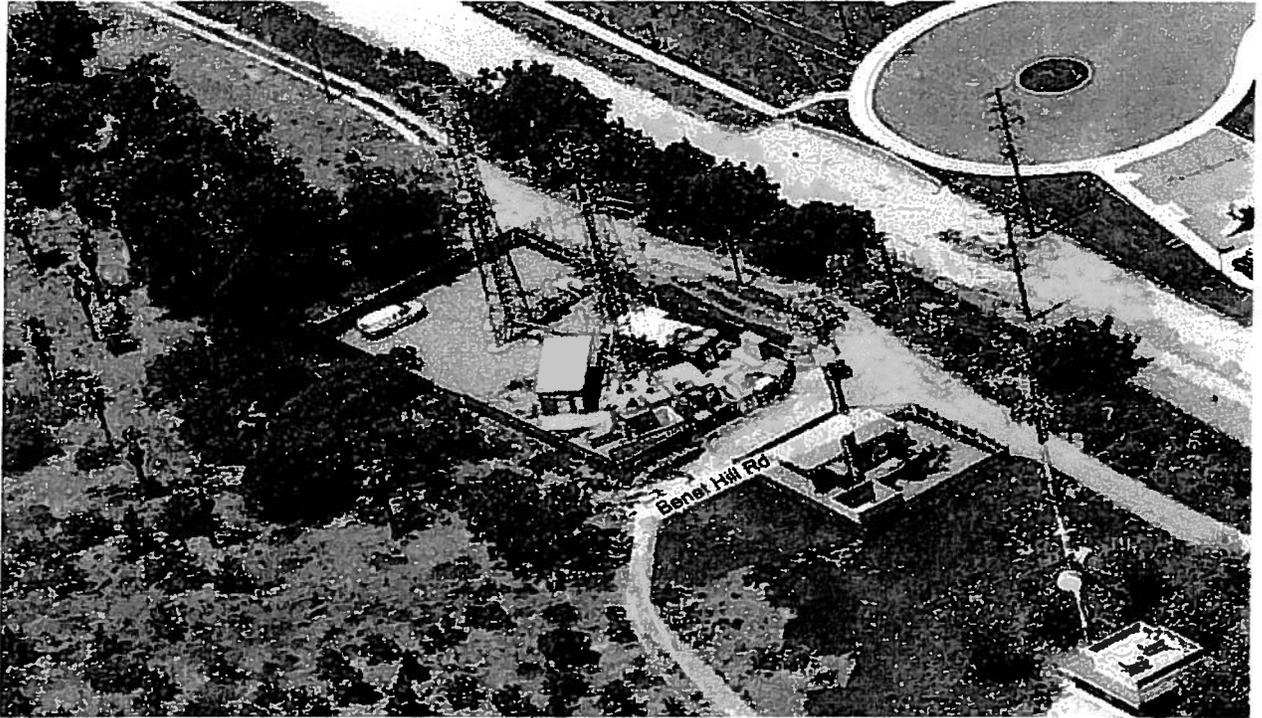
View of Communications Facility Looking North



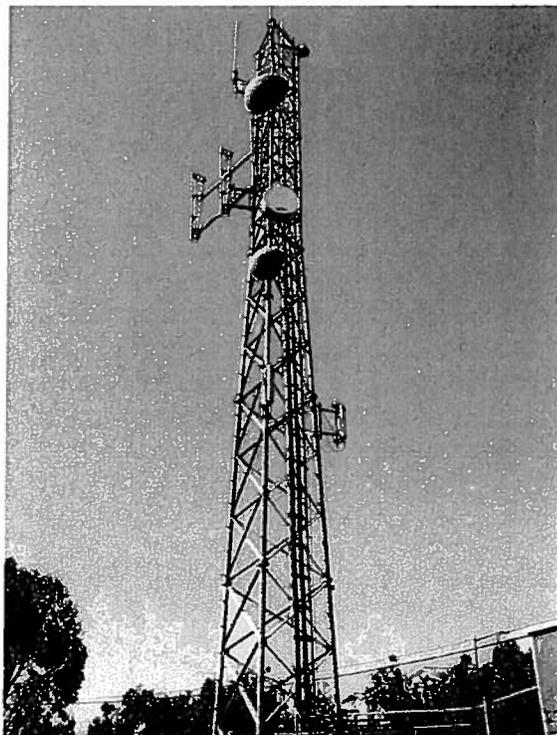
View of Communications Facility Looking South



View of Communications Facility Looking East



View of Communications Facility Looking West



Close Up View of Tower

III. PROJECT SPECIFICS

The Facility provides wireless voice and data communication services for residents, businesses and visitors in the City of Oceanside. The existing Facility also provides coverage for State Route 76 and Interstate 5. Continuity of the County of San Diego's wireless services relies on the subject facility, and consequently the grant of a Conditional Use Permit is necessary to allow for continued communications service.

The existing communications facility is sited on property that has three (3) other communications facilities. Significantly, the existing wireless communication facility is used by the County of San Diego and San Diego Association of Government for the provision of telecommunications service, including emergency services for residents. These two governmental entities have eight (8) antennas on the existing facility. Further, the County of San Diego has proposed an additional omni antenna to be co-located on the Facility and Passur Aerospace has proposed an antenna to be co-located on the Facility as well. Additionally, the facility serves as a co-location site for wireless carriers who are seeking to enter the market and/or upgrade equipment.

The existing operating antennas on the tower include the following:

SOUTH TOWER (#40767) EXISTING ANTENNA MATRIX

OWNER	COMMENTS	RAD. CENTER	QTY	ANTENNA TYPE	ANTENNA MANUFACTURER & MODEL
COUNTY OF SAN DIEGO	PROPOSED	100'-0"	1	OMNI	SINCLAIR SRL-488-SF1-SHF
COUNTY OF SAN DIEGO	EXISTING	100'-0"	1	OMNI	SINCLAIR SRL-488
SAN DIEGO ASSOCIATION OF GOVERNMENT	EXISTING	92'-0"	1	OMNI	ANTEL BCD-80010
COUNTY OF SAN DIEGO	EXISTING	86'-0"	3	OMNI	ANTEL BCR-80010-270
COUNTY OF SAN DIEGO	EXISTING	80'-0"	1	DISH-STANDARD	ANDREW PAR6-59A
COUNTY OF SAN DIEGO	EXISTING	80'-0"	1	DISH-STANDARD	ANDREW PL4-59D
SAN DIEGO ASSOCIATION OF GOVERNMENT	EXISTING	38'-0"	2	PANEL	ANTEL RWA-80012
COUNTY OF SAN DIEGO	EXISTING	35'-0"	1	DISH-STANDARD	ANDREW VHP4-105
SAN DIEGO ASSOCIATION OF GOVERNMENT	EXISTING	0'-0"	2	GPS	ANDREW GPSQBW26

Collocation Capability

As the drawings indicate, there is room on the existing facility for additional antennas. The exact RAD centers for these additional antenna arrays cannot be identified because RAD centers are determined by the network configuration requirements of the collocating carrier and/or entity. However, as long as there is at least a 10-foot clearance between the RAD centers of existing antennas and the RAD centers of any new sets of antennas, the new antennas can be mounted on the Facility.

Equipment Retrofit Statement

To applicant's knowledge, all communications equipment on this tower is currently in use and the County has not "retrofitted" any of its equipment. It should be noted that the County's RCS uses a variety of antennas (e.g. microwave and omni antennas), which are more difficult to "stealth" than traditional cellular antennas.

ATC proposes the following:

- Installation of noise control walls and screens
- Install sheet metal cable shroud on existing cable bridge
- Install one (1) omni antenna on existing tower for County Regional Communications System ("RCS")
- Install one "Passur" antenna on existing tower and one equipment cabinet in an existing shelter for Palomar Airport
- Relocate one existing generator
- Installation of new trees and screening shrubs
- Existing (1) 100-0" high lattice tower
- Existing parabolic dish and panel antennas attached to existing lattice tower (see zoning drawings for antenna detail)
- Existing overhead cable bridge between shelter and tower
- Existing propane tank
- Removal of the existing barbed wire fencing pursuant to article 30, section E of the Oceanside Zoning Ordinance

IV. LANDSCAPING

EXISTING LANDSCAPE TO REMAIN

SYMBOL	DESCRIPTION	BOTANICAL NAME	COMMON NAME
	TO EXISTING HEIGHT VARIES: 12' TO 14'	PINUS TORREYANA	TORREY PINE
	EXISTING HEIGHT VARIES: 8' TO 20'	PINUS THUNDERBOLT	JAPANESE BLACK PINE
	EXISTING HEIGHT VARIES: 15' TO 25'	PINUS HALEPENSIS	ALEPO PINE
	EXISTING HEIGHT VARIES: 5' TO 15'	RHUS INTEGRIFOLIA	LEMONADE BERRY
	EXISTING HEIGHT VARIES: 20' TO 53'	EUCALYPTUS CITRIGORRA	LEMON GUM
	EXISTING HEIGHT 8'-0"	SCHINUS TEREBINTHIFOLIUS	BRAZILIAN PEPPER
	(11) EXISTING HEIGHT VARIES: 25' TO 30'	WASHINGTONIA ROBUSTA	WASHINGTON PALM
	EXISTING HEIGHT 10'-0"	HYDROLYCIS ARGENTIFOLIA	TOYON
	EXISTING HEIGHT 15'-0"	ADONIS LONGIFOLIA	SYDNEY GOLDEN BOTTLE
	EXISTING HEIGHT VARIES: 8' TO 9'	PRUNUS LUCIFOLIA	HOLLYLEAF CHERRY
	EXISTING HEIGHT VARIES: 12' TO 15'	RHUS LANCEA	AFRICAN SUMAC
	-	BALHINIA VIREGATA	HONG KONG ORCHID
	-	NALOSMA LAURINA	LAUREL SUMAC
	EXISTING HEIGHT VARIES: 12' TO 20'	QUERCUS AGRIFOLIA	COAST LIVE OAK
	EXISTING HEIGHT VARIES: 16' TO 30'	EUCALYPTUS LEUCOPYLON	WHITE IRONBARK
	EXISTING HEIGHT VARIES: 11' TO 15'	PINUS CANARIENSIS	CANARY ISLAND PINE
	EXISTING HEIGHT VARIES: 12' TO 35'	WILLOW (SPECIES)	WILLOW
	EXISTING HEIGHT VARIES: 25' TO 35'	EUCALYPTUS POLYANTHOS	SILVER DOLLAR GUM
	EXISTING HEIGHT 10'-0"	SCHINUS MOLLE	CALIFORNIA PEPPER
	EXISTING HEIGHT VARIES: 20' TO 25'	GREVILLEA ROBUSTA	SILK OAK
	EXISTING HEIGHT VARIES: 22' TO 28'	EUCALYPTUS SIDENKYLON	RED IRON BARK
	EXISTING HEIGHT VARIES: 22' TO 30'	EUCALYPTUS VIMINALIS	MARRA GUM
	-	MYOPORUM PARVIFOLIUM	MYOPORUM
	EXISTING HEIGHT VARIES: 30' TO 35'	EUCALYPTUS GLOBULE (COMPACTA)	BLUE GUM
	(11)	METROXERON CHRISMAS	NEW ZEALAND CHRISTMAS TREE
	-	BACCHARIS SAROTHOIDES	DESERT BROOM
	(18)	FRAXINUS CALYFORNICA	COFFEEBERRY
	EXISTING HEIGHT VARIES: 5' TO 7'	NERIUM OLEANDER	OLEANDER

NOTE: LANDSCAPE INSTALLED AS REQUIRED BY DEVELOPMENT PLAN D-3

ATC has proposed the addition of golden waddles and golden medallions along the property line that faces Camp Pendleton. As the City is aware, military houses is located across the property line. As such, additional landscaping along this property line represents the best method of mitigating visual impact. ATC's representatives have consulted with the City's Landscape Architect to confirm that the proposed landscape elements are acceptable and will not grow to disturb overhead power lines sited above the existing fence. Further, ATC has reviewed the plans proposed by Verizon Wireless and MediaFLO USA to confirm that the landscape features proposed by each provider do not conflict and fully landscape this area.

To applicant's knowledge, the overwhelmingly majority of the trees and landscaping mandated by D-3-01 continue to exist in excellent condition. To document this, ATC has commissioned a landscape survey. See Sheet L-1 of the Revised Plans. As a result of this survey, ATC proposed to replace three (3) Torrey Pines. ATC has conducted a landscape survey for this site and has proposed the replacement of several landscape elements. ATC has provided aerial views of the landscaping. (see pictures above).

V. SATISFACTION OF ZONING STANDARDS

Conditional Use Permit Findings

Pursuant to Section 4105 of the Oceanside Zoning Ordinance, the following evidence is submitted as proof in support of the following statements for variances and conditional use permits:

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

Section 3025 D. of the Oceanside Zoning Ordinance specifies that a communications facilities use may be installed and operated within any zoning district subject to applicable categorical standards and processes. In accordance with Section 3025 D. 2., this proposal, as a major co-user communications facility, may be approved by the Planning Director. This facility qualifies as a major co-user communications facility because Section 3025(B)(3)(b) defines "major co-user" facilities as a "co-user communication facility with more than 5 whip or pole antennas or a co-user facility consisting of antennas that are not whip or pole types of antennas." In this case, the Facility is proposed to be shared by more than one tenant and contains both whip/pole antennas and *non* whip/pole antennas. As such, the Facility fits the definition of a "major co-user communication facility" that may be approved by the Planning Director through an administrative process. See Section 3025(D)(2) of the Zoning Ordinance. The Facility as proposed complies with the objectives of the Zoning Ordinance and will not have a negative impact on the environment or development or future communications facility land uses or other land uses. The proposed project also satisfies all development standards of the RE-B District and Section 3025 of the Zoning Ordinance. Additional landscaping will be added along the property line to provide additional visual mitigation for the facility and the existing cable bridge will be shrouded. Moreover, noise mitigation measures will be employed to reduce the effective level of noise to comply with the City's Noise Ordinance. The proposed antennas will be mounted to an existing communications tower.

(b) That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

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

The existing communications facility, originally authorized pursuant to C-34-99, includes an existing 100-0" high lattice tower, existing parabolic dishes and panel antennas attached to the existing lattice tower, an existing overhead cable bridge between the shelter and the tower, and an existing propane tank. The subject wireless facility is located North of 76/Mission Road and adjacent to military housing on Camp Pendleton Military Base. Mature eucalyptus trees located along the western property line buffer views of the facility from military housing located on Camp Pendleton. Additional eucalyptus and pine trees located on the southern and eastern sides of the compound provide screening of the facility and offer significant visual screening of the facility to the traveling public along Route 76/Mission Road and provide an effective visual background as viewed from within the immediate neighborhood. As the subject Facility employs effective screening mechanisms and is remote from most development in the City of Oceanside, it does not represent a detriment to properties or improvements in the vicinity, or the general welfare of the city. The proposed addition of two antennas satisfies the General Plan Land Use Objective 2.726. The proposed improvements visually conform to the surrounding land uses, which include other communication facilities, vacant land, and the Prince of Peace Abbey. The proposal includes the joint-use of an existing facility and consolidates the location of communication facilities at this site.

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

The co-user communication facility is a conditionally approved use in the RE-B District. The use is a compatible land use within this area, which consists of other communication facilities, a variety of communications services, and the Prince of Peace Abbey.

Legal Description

Being a portion of Sections 13 and 14, Township II South, Range 5 West, San Bernardino Meridian, in the City of Oceanside, County of San Diego, State of California, being a portion of land described in deed to Saint Charles Priory, Recorded on 2-17-69 as file/page no. 28556.

APN: 145-020-39



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 4/20/09
Removal: 10/20/09
(180 days)

1. **APPLICANT:** American Tower Corporation (Jamie T. Hall)
2. **ADDRESS:** 2201 Dupont Drive, #340
Irvine, CA. 92612
3. **PHONE NUMBER:** (949) 442-6400
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Faith Burton
6. **PROJECT TITLE:** American Tower @ P.O.P.A at 675 Benet Hill Rd. (C-31-07)
7. **DESCRIPTION:** A CONDITIONAL USE PERMIT TO PERMIT THE
CONINUTED OPERATION AND THE ATTACHMENT OF NEW ANTENNAS TO
AN EXISTING STEEL TOWER AT 675 BENET HILL RD.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 15301(a), Existing Facilities.
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Faith Burton, Planner I

Date: April 20, 2009

cc: Project file Counter file Library Posting: County Clerk \$50.00 Admin. Fee