



DATE: July 9, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-61-05) FOR A TELECOMMUNICATION FACILITY CONSISTING OF THREE ANTENNAS ATTACHED TO AN EXISTING SDG&E DISTRIBUTION POLE LOCATED AT 1764 TROY LANE. THE PROJECT SITE IS ZONED RE-B (RESIDENTIAL ESTATE-B) AND IS SITUATED WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD - CRICKET @ 1764 TROY LANE - APPLICANT: CRICKET COMMUNICATIONS**

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. 2007-P34 approving Conditional Use Permits C-61-05 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The proposed communications facility is classified as a stand-alone (non co-user) Communication Facility under the terms of the Zoning Ordinance. Specific zoning regulations and land use policies apply to these facilities, and a Conditional Use Permit (CUP) is required for their establishment and operation within the City.

In 2004 Cricket Communications applied for a right-of-way permit and entered into a lease agreement with the City of Oceanside to allow telecommunication facilities to be attached onto existing light poles as part of the City Improvement Program, but the application was withdrawn due to neighborhood concerns related to visual impacts.

Site Review: The project site is located at 1680 - 1764 Troy Lane within the Fire Mountain Neighborhood. The site is zoned RE-B (Residential Estate-B) and the General Plan Designation is EB-R (Estate-B Residential). The 10,000-square foot property is currently developed with a two-story single-family residence and a SDG&E distribution pole. Surrounding land uses include single-family homes in all directions.

Project Description: The application consists of a conditional use permit:

Conditional Use Permit C-61-05 represents a request for the following:

- a. To permit a telecommunication facility consisting of three antennas attached to an existing SDG&E power distribution pole pursuant to Section 3025(D) (3) of the Oceanside Zoning Ordinance.

Cricket Communications is proposing to construct, operate, and maintain a wireless telecommunications facility consisting of a total of three panel antennas with three sectors, (one panel antenna per sector) and an associated underground equipment vault. The antennas will be mounted on an existing SDG&E distribution pole that is located at the northwest portion of the property, approximately 19 feet from the existing residence. The SDG&E distribution pole height is thirty-five feet five inches and the antennas will be mounted onto the structure so that the center of the antennas will be twenty-six feet five inches above grade. Each antenna will measure 56 inches in height, 8-3/4 inches in width and 2-3/4 inches in depth.

The associated equipment will be housed within an 8'-8" by 7'-8" underground vault located at the front of the property. The underground equipment and the proposed antennas will not pose a physical obstruction to the neighboring properties and will be partially screened by the existing vegetation and trees. The proposed cell site will provide the needed telecommunication coverage for the Fire Mountain area.

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

1. General Plan
2. Zoning Ordinance
3. California Environmental Quality Act (CEQA)
4. State of California Government Code 65850
5. State of California Government Code 65964

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

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

Land Use Element

Goal 2.726: Communication Systems

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

Policies:

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

The proposed location of the communication facility is within a single-family residential district and attached to an existing thirty-five foot five-inch SDG&E distribution pole. Several 25 to 30-foot trees exist around the SDG&E pole that will effectively mitigate view impacts of the antennas from all directions. The communication antennas will be similar in design and colors as the existing SDG&E distribution pole and will not create a physical obstruction to the neighborhood.

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 services to the public. The project is conditioned to comply with specific requirements pertaining to its appearance and maintenance. This will ensure the project maintains certain aesthetic values and land use compatibility

2. Zoning Ordinance Compliance

This project is located in the Residential Estate-B District and the underlying land use is Estate-B Residential. The following table summarizes proposed and applicable development standards for the project site:

	REQUIRED	PROPOSED
BUILDING HEIGHT	36 ft.	26'-5" plus 56" (antenna)
FRONT YARD	25 ft.	n/a
SIDE YARD	7.5.	With in the SDG&E Easement
REAR YARD	20 ft.	n/a

The SDG&E distribution pole height is thirty-five feet five inches and the antennas will be mounted onto the structure so that the center of the antennas will be twenty-six feet five inches above grade. The maximum height of the new attached telecommunication antennas will be below the maximum permitted height of 36 feet within the RE-B zoning district.

3. Land Use Compatibility with surrounding developments

The following table identifies land uses on adjacent properties:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	Estate-B Residential	RE-B	Single Family Residential
North	Estate-B Residential	RE-B	Single Family Residential
East	Estate-B Residential	RE-B	Single Family Residential
South	Estate-B Residential	RE-B	Single Family Residential
West	Estate-B Residential	RE-B	Single Family Residential

4. State of California Government Code 65850

California State Government Code 65850.6(b) states that a city shall not unreasonably limit the duration of any permit for a communication facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use

reasons. 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.

5. State of California Government Code 65964

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

DISCUSSION

Issue: Project design compatibility within existing context.

Recommendation: The applicant proposes to disguise the communication facility by incorporating a design that will be similar in type and colors as the existing SDG&E distribution pole. The facility has been designed and conditioned to ensure a high quality product. The telecommunication facility resembles the distribution pole, will not detract from the single-family residential area and will be partially screened from public view by the existing trees on the property. The three antennas will be housed within three sector arrays that will mount onto the south portion of the bottom distribution arm. Associated radio and power equipment will be housed within an 8'-8" by 7'-8" underground equipment vault. A maintenance pathway will be provided at the front of the property line for service access.

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. There are approximately ten existing full size trees on-site, as well as shrubs, turf, and flowers. The applicant has proposed landscape improvements within the property that will provide screening for the associated equipment. The applicant is conditioned to provide a landscape plan that will provide plant species and types that will positively contribute towards minimizing the visual impacts of the communication facility.

The proposed development is in compliance with applicable telecommunication and zoning district standards. The project will not detract from the single-family neighborhood character. The project's design complements the design and materials used in the existing SDG&E distribution pole. Therefore staff supports the applicant's request.

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 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties.

SUMMARY

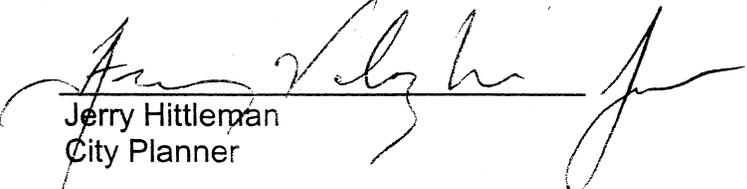
The proposed Conditional Use Permit, as conditioned, is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project has been conditioned to meet or exceed all applicable development standards. As such, staff recommends that the Planning Commission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

- Adopt Planning Commission Resolution No. 2007-P34 approving Conditional Use Permit C-61-05 with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:


 Scott Nightingale
 Planner II


 Jerry Hittleman
 City Planner

REVIEWED BY: 
 Amy Volzke, Principal Planner

JH/SN/fil

Attachments:

1. Site Plan and Elevation/Conceptual Landscape Plan
2. Site Photos
3. Planning Commission Resolution No. 2007-P34



1100 SERRANO VALLEY RD. SUITE 200
SAN FERRN, CA 94578 (415) 894-1100
501-5086 Fax (415) 351-0188

REVISIONS

NO.	DATE	DESCRIPTION	BY
4	02/22/07	WIRET COMMENTS	RIS
3	02/16/07	UTILITY COMMENTS	RIS
1	02/02/07	UTILITY RELOCATION	OPW
2	01/19/06	CITY COMMENTS	JI
3	01/19/06	CITY COMMENTS	JI
4	01/19/06	LOCAL ZONING	RC
5	12/28/05	POW. TRENCH	RC
6	12/28/05	POW. TRENCH	RC

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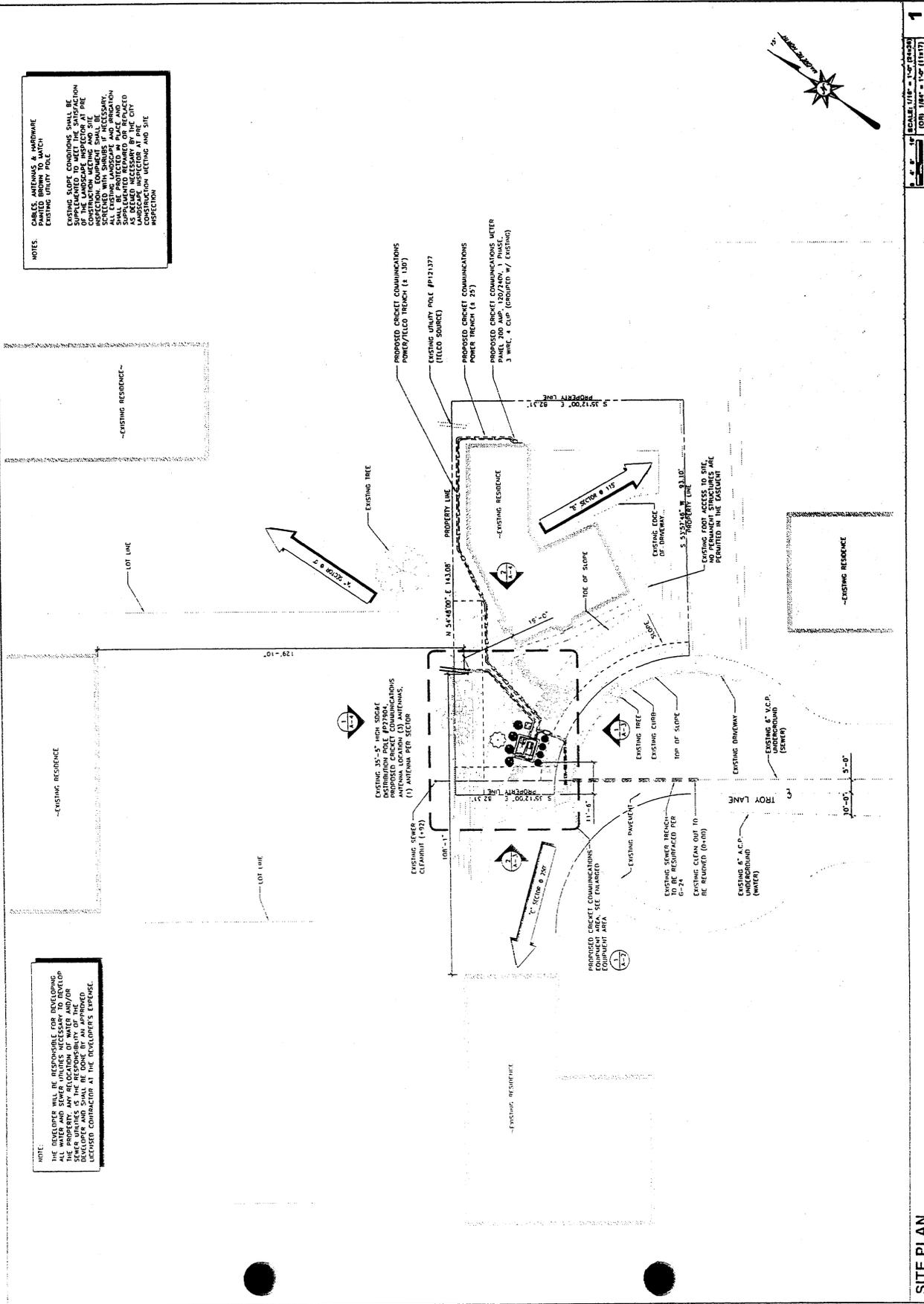
PROJECT No.
SITE NAME: TROY LANE
SITE NUMBER: SAN-113-A
SITE ADDRESS: 1764 TROY LANE OCEANSIDE, CA 92054
DESIGN TYPE: RAWLAND
DRAWING TITLE: SITE PLAN

cricket
communications Inc.
401 JARDIN WALK #100
SAN FERRN, CA 94578
TEL: (415) 894-1100 FAX: (415) 351-0188
WWW.CRICKETCOMM.COM

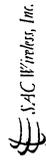
DATE: 02/22/07
DRAWN BY: J. HANCOCK
CHECKED BY: J. HANCOCK
SCALE: 1/8" = 1'-0"

A-1 **6**

NOTES:
POLES, MASTS, & MASTHEADS SHALL BE PAINTED BROWN TO MATCH EXISTING UTILITY POLE.
EXISTING SITE CONDITIONS SHALL BE SUPPLEMENTED TO MEET THE SATISFACTION OF THE CITY ENGINEER AND THE PUBLIC UTILITIES ASSOCIATION. EQUIPMENT SHALL BE CONSTRUCTION METHOD AND SIZE OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER AND THE PUBLIC UTILITIES ASSOCIATION.
ALL EXISTING LANDSCAPE AND VEGETATION SHALL BE MAINTAINED AND REPLACEMENT SHALL BE PROVIDED AS REQUIRED BY THE CITY ENGINEER AND THE PUBLIC UTILITIES ASSOCIATION.
CONSTRUCTION MEETING AND SITE INSPECTION



NOTE:
THE DEVELOPER WILL BE RESPONSIBLE FOR DEVELOPING ALL WATER AND SEWER UTILITIES NECESSARY TO DEVELOP THE PROJECT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES NECESSARY FOR THE PROJECT AT THE DEVELOPER'S EXPENSE.



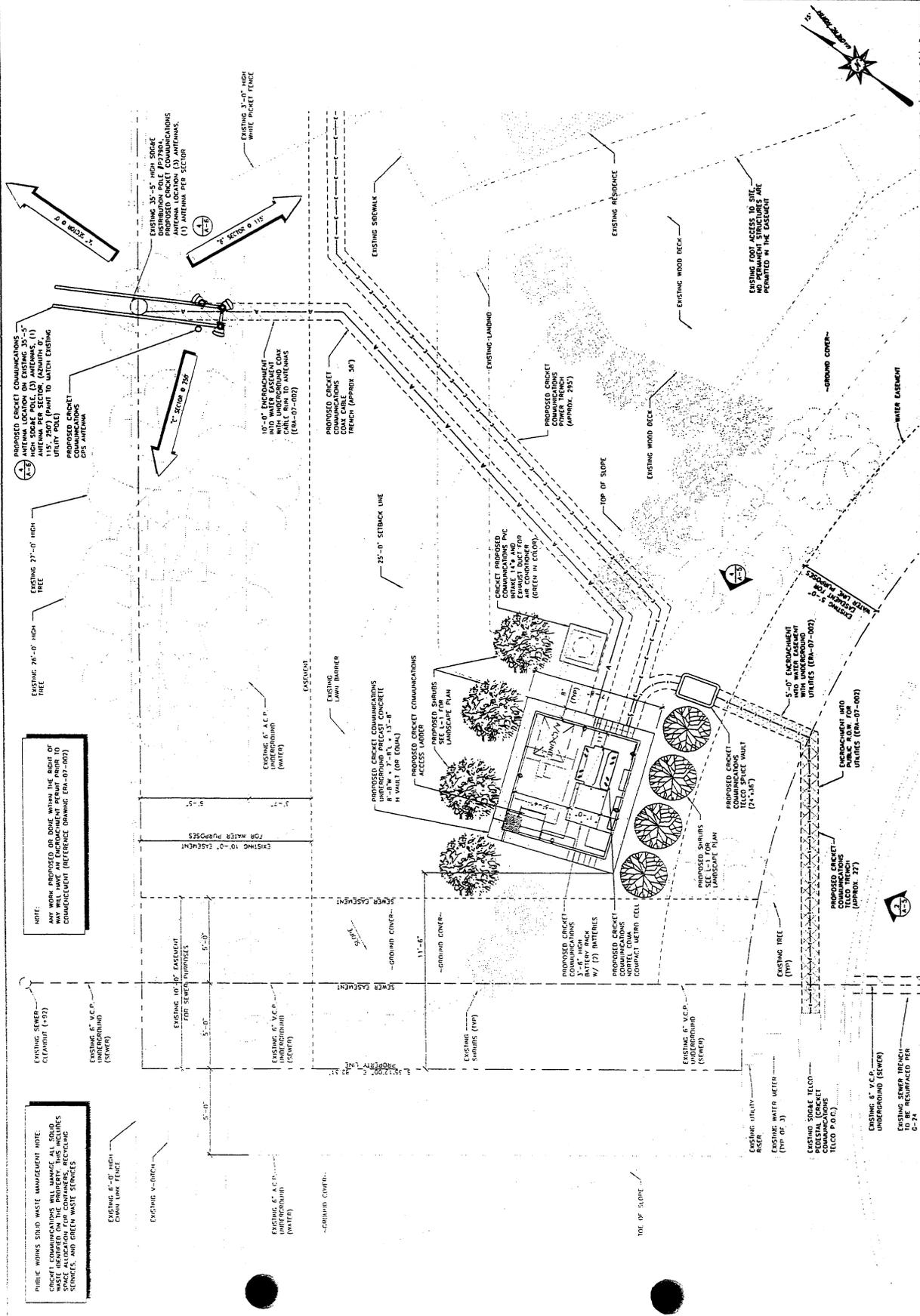
100 BROADWAY, SUITE 200
 NEW YORK, NY 10038
 212-410-1100 (NY) 352-0100

REVISIONS

NO.	DATE	DESCRIPTION	BY
4	02/27/02	MARK COMMENTS	MS
5	02/27/02	MARK COMMENTS	MS
6	02/27/02	MARK ALLOCATION	MS
7	02/27/02	CITY COMMENTS	MS
8	02/27/02	100% ZONING	MS
9	02/27/02	100% ZONING	MS
10	02/27/02	100% ZONING	MS

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PROJECT NO.	
SITE NAME:	TROY LANE
SITE NUMBER:	SAM-113-A
SITE ADDRESS:	1764 TROY LANE OCEANSIDE, CA 92054
DESIGN TYPE:	RAWLAND
DRAWING TITLE:	ENLARGED EQUIPMENT AREA
cricket COMMUNICATIONS SERVICES, INC. 4011 SAN DIEGO AVENUE, SUITE 100 SAN DIEGO, CA 92121	
DATE:	1/11/02
BY:	MS
CHECKED BY:	MS
SCALE:	AS SHOWN
PROJECT NO.:	113-A
DRAWING NO.:	A-2
SHEET NO.:	6



NOTE:
 ANY WORK PROPOSED OR DONE WITHIN THE BOUNDARY OF UNDERGROUND UTILITIES SHALL BE IN ACCORDANCE WITH THE COMMENCEMENT REFERENCE DRAWING (EA-07-002)

PUBLIC WORKS SOLID WASTE MANAGEMENT NOTE:
 CRICKET COMMUNICATIONS WILL MANAGE ALL SOLID WASTE GENERATION AND DISPOSAL. ALL SOLID WASTE GENERATION SHALL BE PLACED IN RECYCLING, RECYCLING, AND GREEN WASTE SERVICES.

SCALE: 3/8" = 1'-0" (AS SHOWN)
 (FOR SITE) 1/8" = 1'-0" (UTILITY)

ENLARGED EQUIPMENT AREA

1



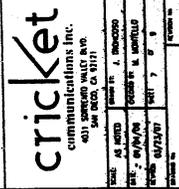
1100 GARDEN WAY, SUITE 210
SAN DIEGO, CA 92101
TEL: 619 594 9000 FAX: 619 594 9001

REVISIONS			
NO.	DATE	DESCRIPTION	BY
6	07/23/09	MARK COMMENTS	RKS
5	07/14/09	UTILITY COMMENTS	RKS
4	07/07/09	WALK RELOCATION	DM
3	07/17/09	CITY COMMENTS	UB
2	07/09/09	CITY COMMENTS	JL
1	12/29/08	LOOSE TYPING	RC
0	12/29/08	ISSUE DRAWING	RC

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PROJECT No. _____
 SITE NAME: TROY LANE
 SITE NUMBER: SAN-113-A
 SITE ADDRESS: 1764 TROY LANE
 OCEANSIDE, CA 92054
 DESIGN TYPE: RAWLAND

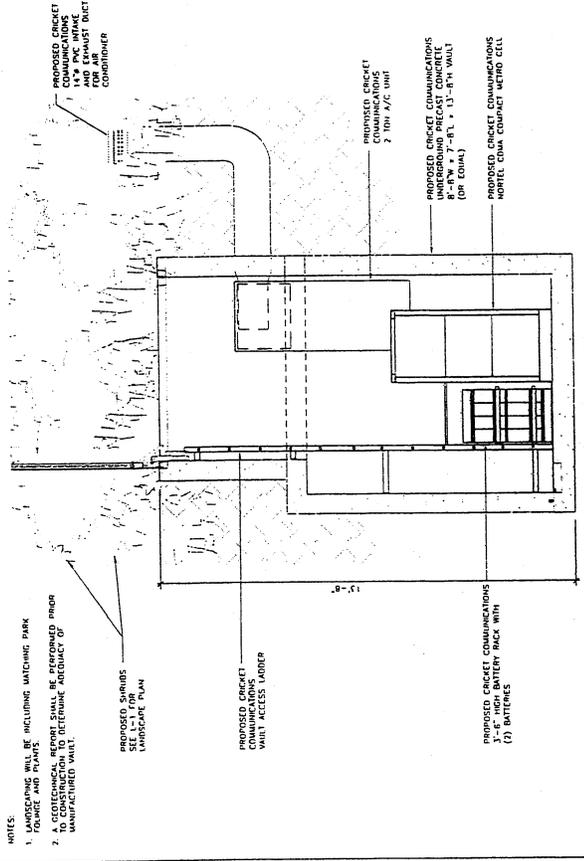
DRAWING TITLE:
EQUIPMENT ELEVATION



DATE: 07/23/09
 DRAWN BY: J. SANCHEZ
 CHECKED BY: J. SANCHEZ
 PROJECT NO: SAN-113-A
 SHEET NO: 7 OF 8
 REVISION NO: 6

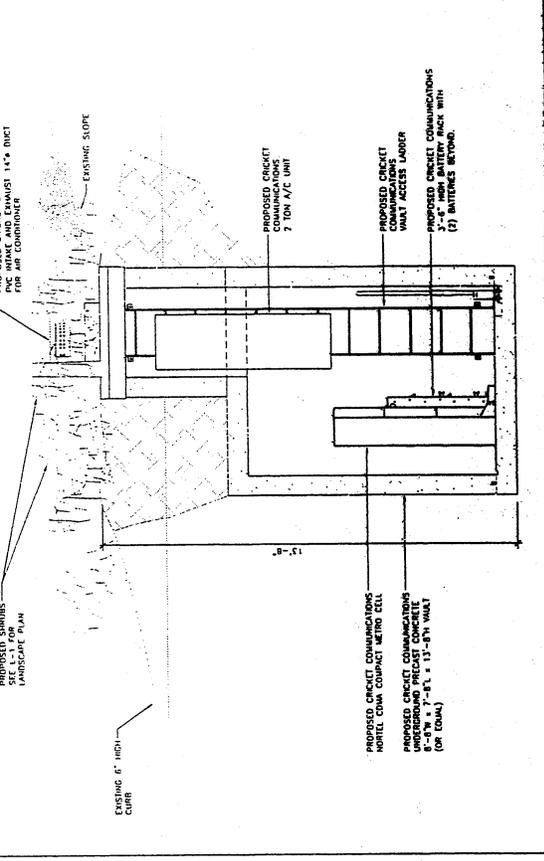
A-5

6



1 SOUTH EQUIPMENT CABINET DETAIL

2 SOUTH EQUIPMENT CABINET DETAIL



3 EAST EQUIPMENT CABINET DETAIL

4 EAST EQUIPMENT CABINET DETAIL

SCALE: N.T.S.

SCALE: 3/8"=1'-0"

SCALE: N.T.S.



11400 COMPTON WALK RD SUITE 310
SAN DIEGO, CA 92126-1001
310-450-1000 FAX 310-450-1001

REVISIONS

NO	DATE	DESCRIPTION	BY
6	03/27/07	MARK COMMENTS	RMS
5	03/14/07	VERIFY COMMENTS	RMS
4	03/02/07	WALK REVISION	DW
3	02/16/06	CITY COMMENTS	MM
2	04/26/06	CITY COMMENTS	JT
1	11/29/05	ISSUE DRAWING	RC
0	12/26/05	ISSUE DRAWING	RC

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PROJECT No.

SITE NAME:
TROY LANE

SITE NUMBER:
SAN-113-A

SITE ADDRESS:
1764 TROY LANE
OCEANSIDE, CA 92054

DESIGN TYPE:
RAWLAND

DRAWING TITLE:
SDG&E POLE SPECIFICATIONS



COMMUNICATIONS INC.
4000 LA JOLLA VILLAGE DRIVE
SAN DIEGO, CA 92131

SCALE: AS SHOWN
DATE: 03/27/07
DRAWN BY: J. BRINCOLO
CHECKED BY: U. BARNFIELD
DATE: 03/27/07
REV: 0 1 2 3 4 5 6

SCALE: N.T.S.
A-6
6

CRICKET COMMUNICATIONS MAKE-READY

- INSTALL 10" DBL WOOD ANTENNA ARMS @ 29'-0".
- INSTALL 4" CRICKET COMMUNICATIONS CONDUIT @ 1.00' POSITION ON POLE #P7290A

POWER MAKE-READY

NONE

TELCO MAKE-READY

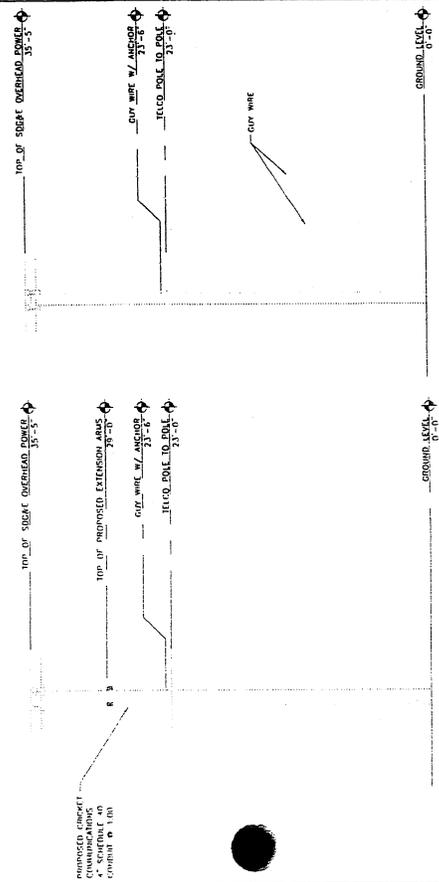
NONE

AERIAL CONSTRUCTION NOTES

- NO BOLT THREADS TO PROTRUDE MORE THAN 1/2" (0.50in).
- FILL ALL HOLES LEFT IN POLE FROM REARRANGEMENT OF CLUMBERS.
- ALL CLUMBER STEPS NEXT TO CONDUIT SHALL HAVE ENLARGED STEPS.
- CABLE NOT TO WIDE 15" (3.81in) CLEAR SPACE OFF POLE FACE (13.00in).
- USE SHORT SPACERS UNDER ANTENNA ARMS. ALL CABLES MUST TRANSFORM ON THE INSIDE OR BOTTOM OF ARMS ONLY (NO CABLE ON TOP OF ARMS).
- USE CABLE CLAMPS TO SECURE CABLE TO ARMS. PLACE 2" (0.51in) CRICKET COMMUNICATIONS NAME THIS ON BOTH SIDES OF ARMS.
- USE 90° CONNECTOR AT CABLE CONNECTION TO DOWN ANTENNAS.
- PLACE GPS ON ARM WITH SOUTH EXPOSURE AT MINIMUM 4'-0" (1.219m) FROM TRANSIT ANTENNA, WHICH IS 2" (5.08in) AWAY FROM POLE CENTER.
- USE 1/2" (0.127in) CABLE ON ANTENNAS UNLESS OTHERWISE SPECIFIED.
- FILL VOID AROUND CABLES AT CONDUIT OPENING WITH FOAM SEALANT TO PREVENT WATER INTRUSION.

MAKE-READY NOTES

2



EXISTING @ P7290A

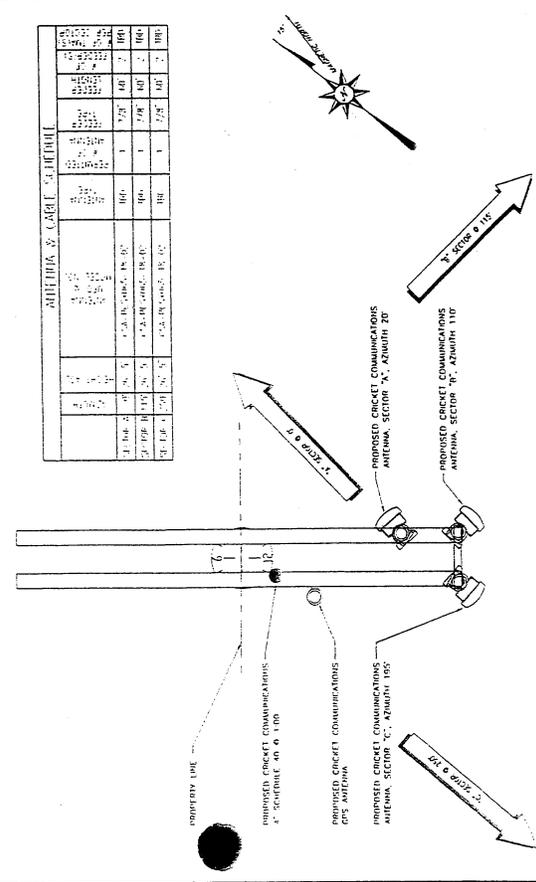
EXISTING @ P7290A

SCALE: N.T.S.

1

PROPOSED & EXISTING POLE ELEVATION

ANTENNA & CABLE SCHEDULE	
1	10' DBL WOOD ANTENNA ARM @ 29'-0"
2	4" CRICKET COMMUNICATIONS CONDUIT @ 1.00'
3	10' DBL WOOD ANTENNA ARM @ 29'-0"
4	4" CRICKET COMMUNICATIONS CONDUIT @ 1.00'
5	10' DBL WOOD ANTENNA ARM @ 29'-0"
6	4" CRICKET COMMUNICATIONS CONDUIT @ 1.00'



ANTENNA LAYOUT DETAIL

SCALE: N.T.S.

3

POLE DETAIL

SCALE: N.T.S.

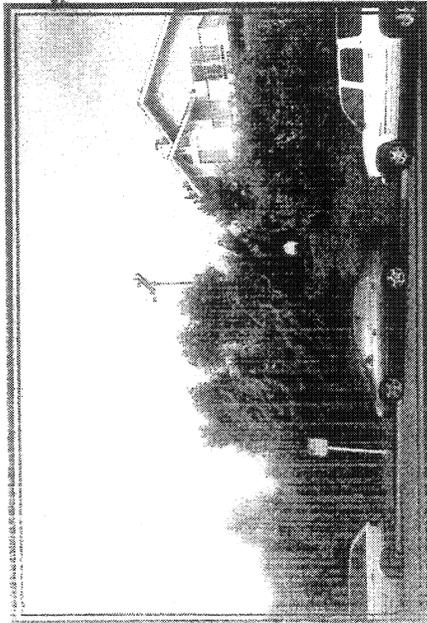
4

cricket

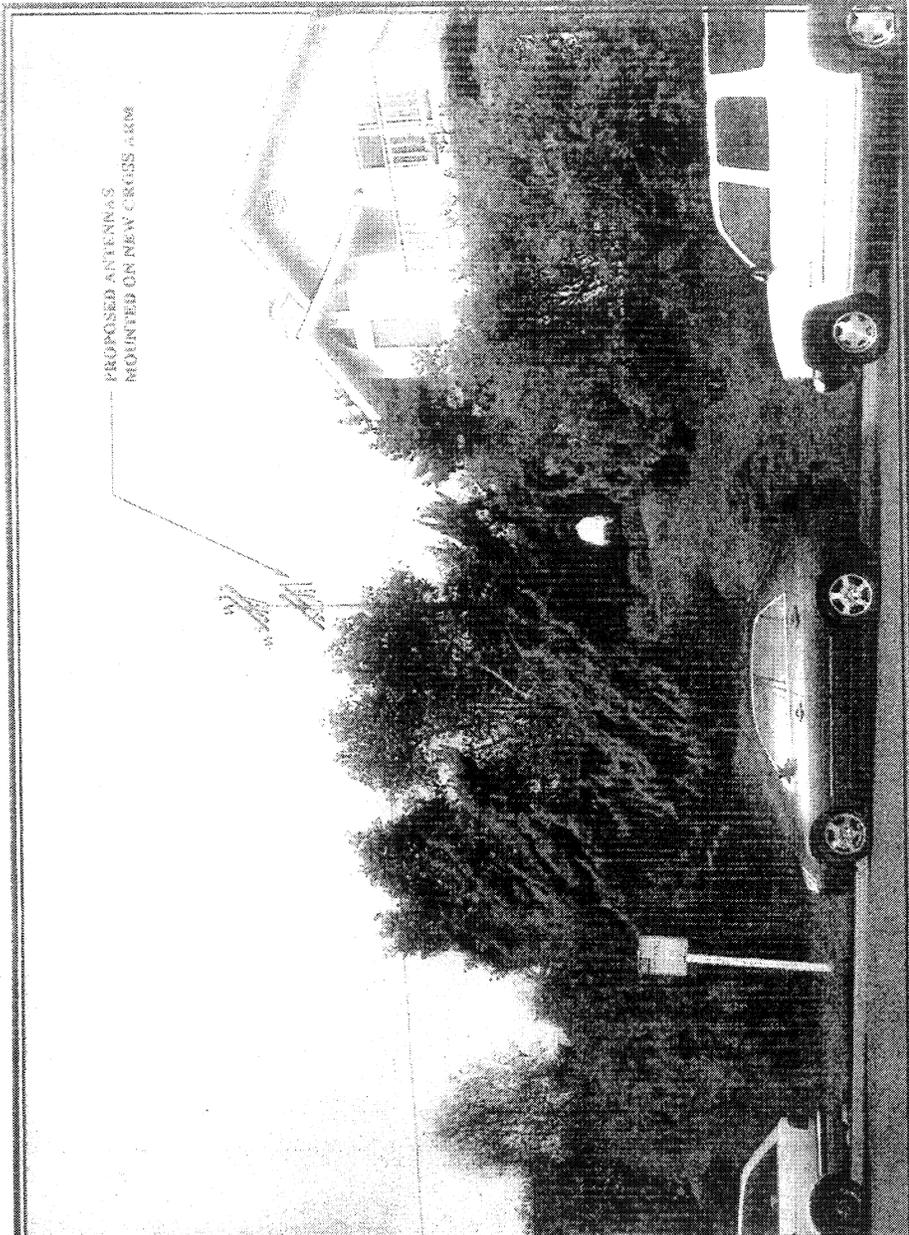
SAN-113 TROYLANE

JOSEPH WHITE
1764 TROY LANE
OCEANSIDE, CA 92054

LOOKING NORTHEAST TOWARD SUBJECT PROPERTY

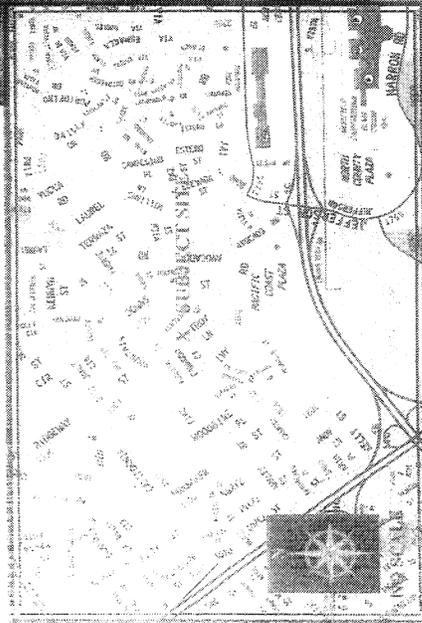


SITE PRIOR TO INSTALLATION



PROPOSED ANTENNAS
MOUNTED ON NEW CROSS ARM

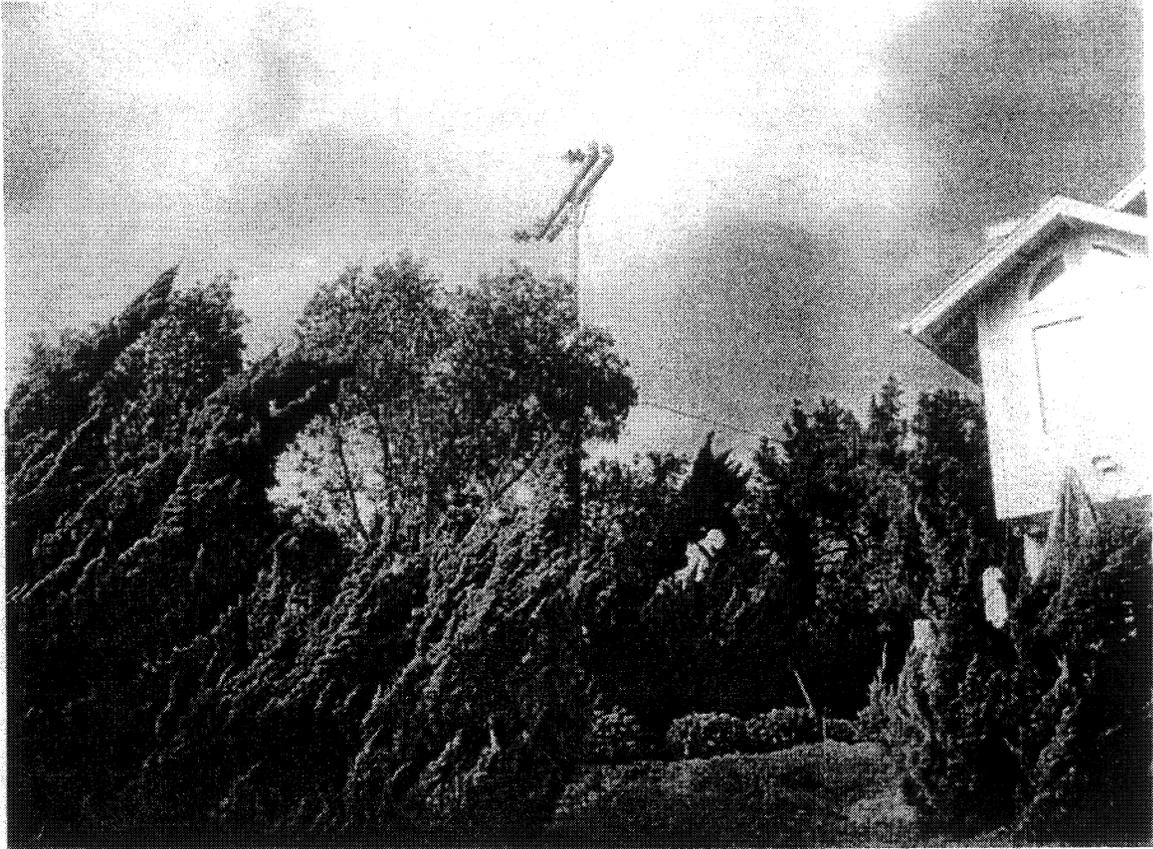
SITE AFTER INSTALLATION



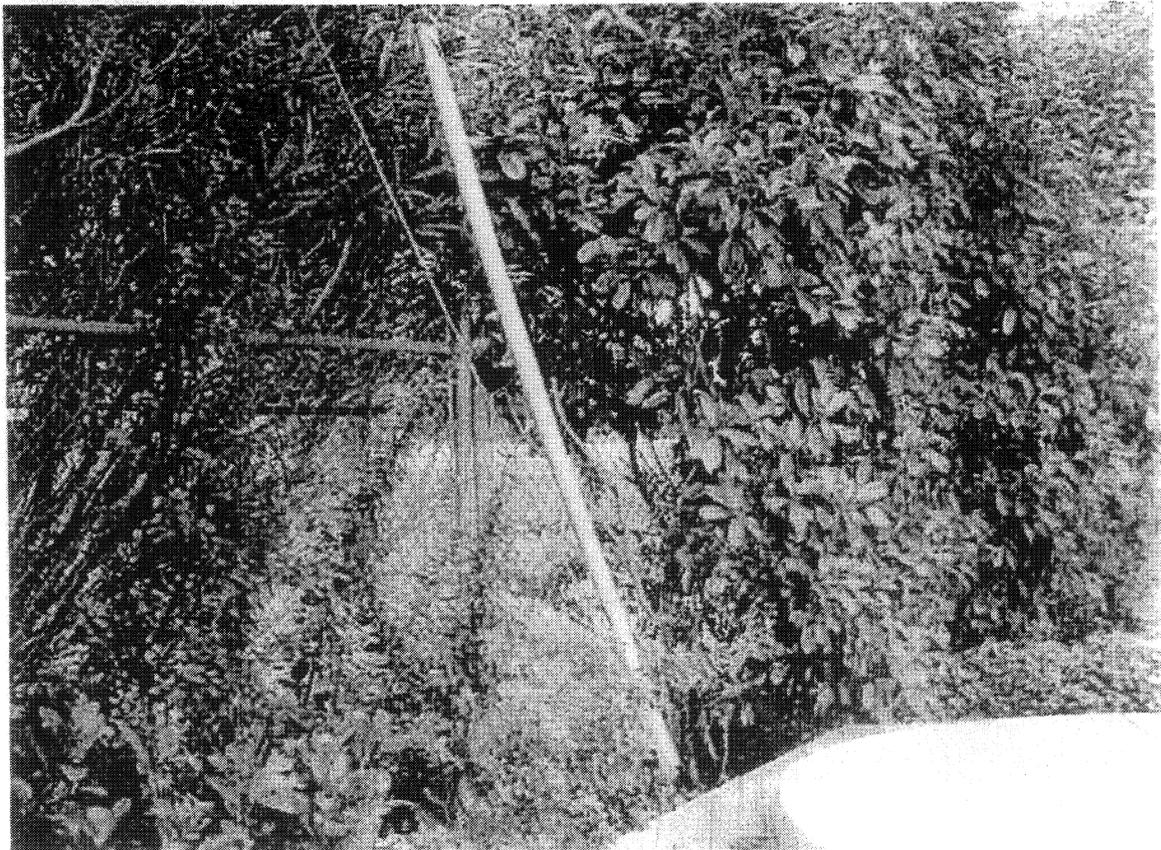
VICINITY MAP

LAND USE CONSULTANTS
760-390-7727

**SITE PHOTOGRAPHS
SAN-113-A TROY LANE ROW**

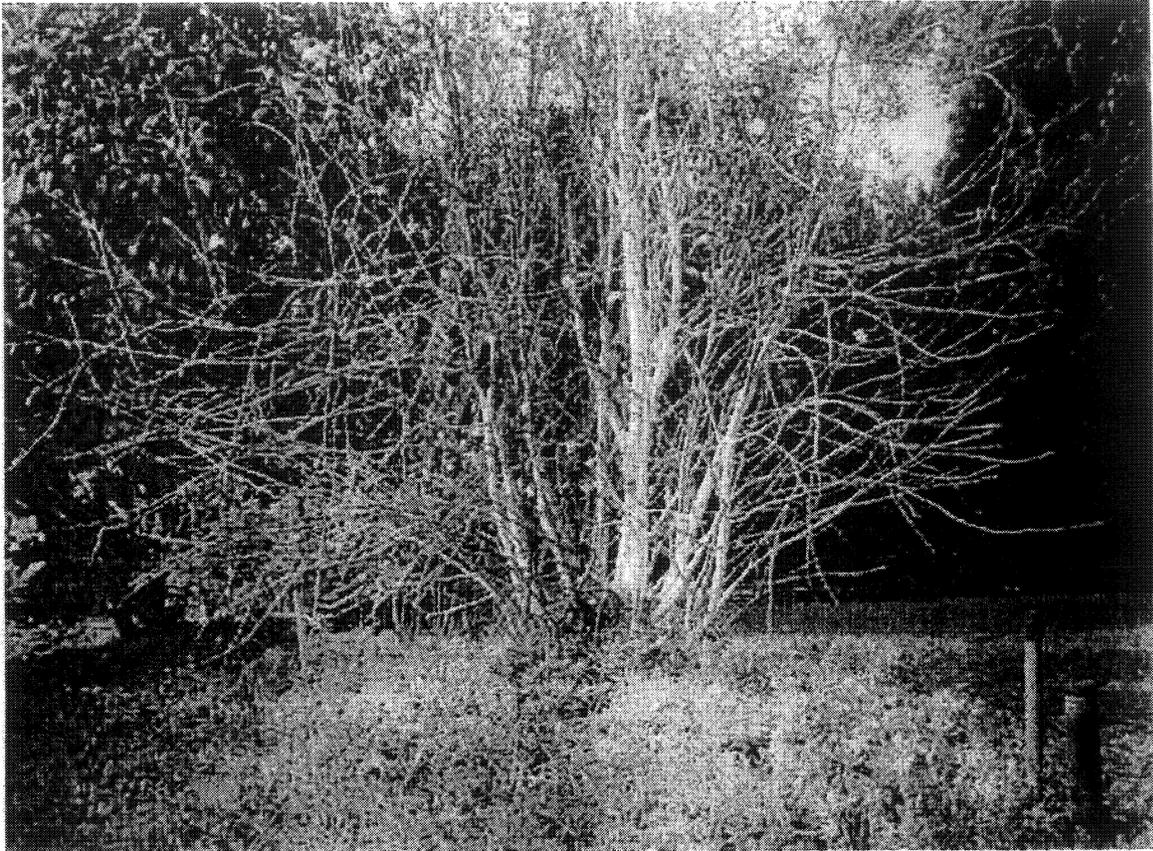


Photograph 5 – Utility pole to be replaced

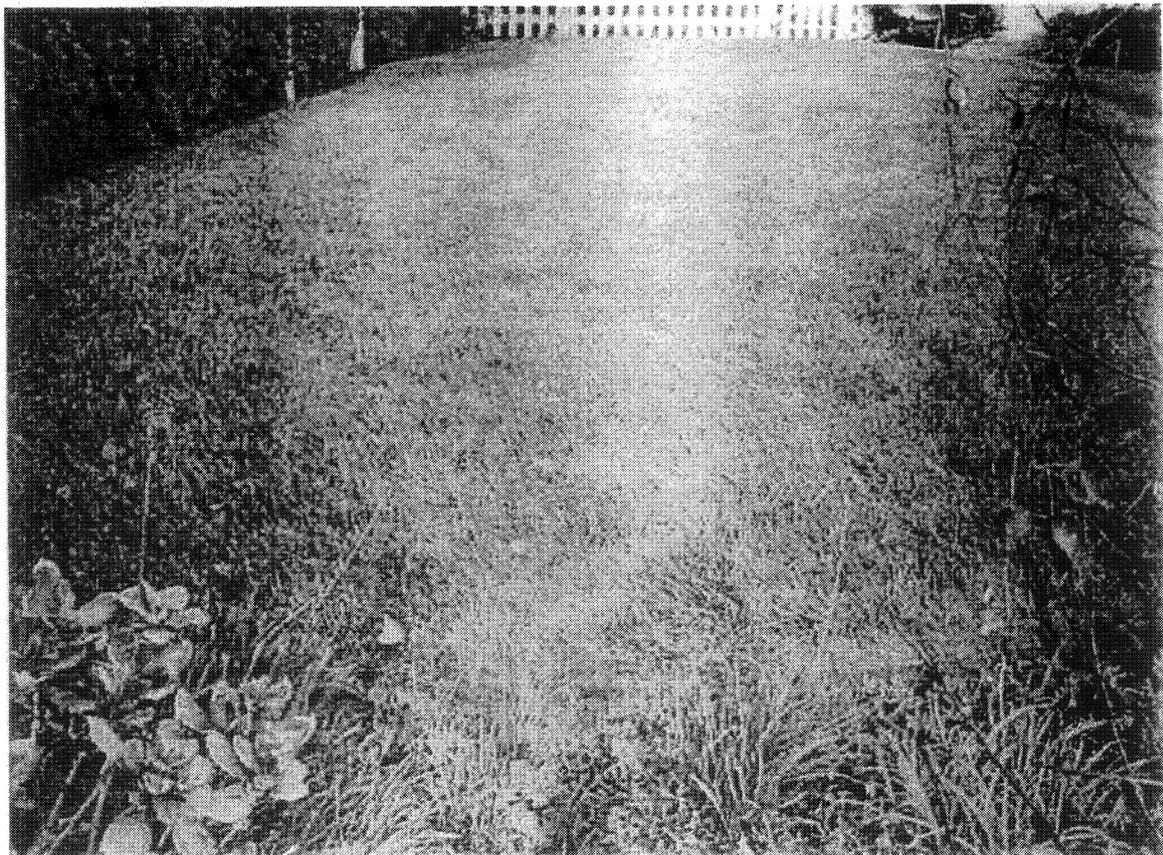


Photograph 6 – View of adjacent property, facing north.

SITE PHOTOGRAPHS
SAN-113-A TROY LANE ROW



Photograph 1 – View of proposed equipment location, facing north.

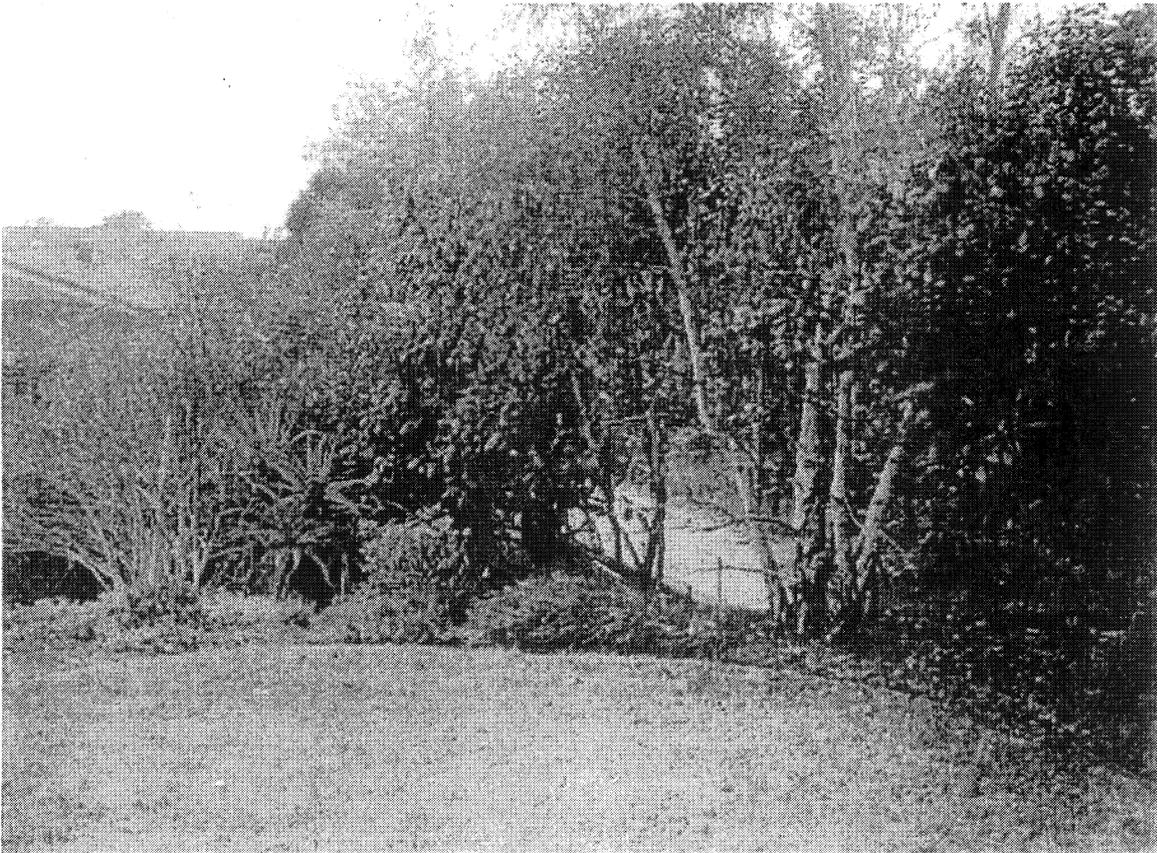


Photograph 2 – View of proposed equipment location, facing east.

SITE PHOTOGRAPHS
SAN-113-A TROY LANE ROW

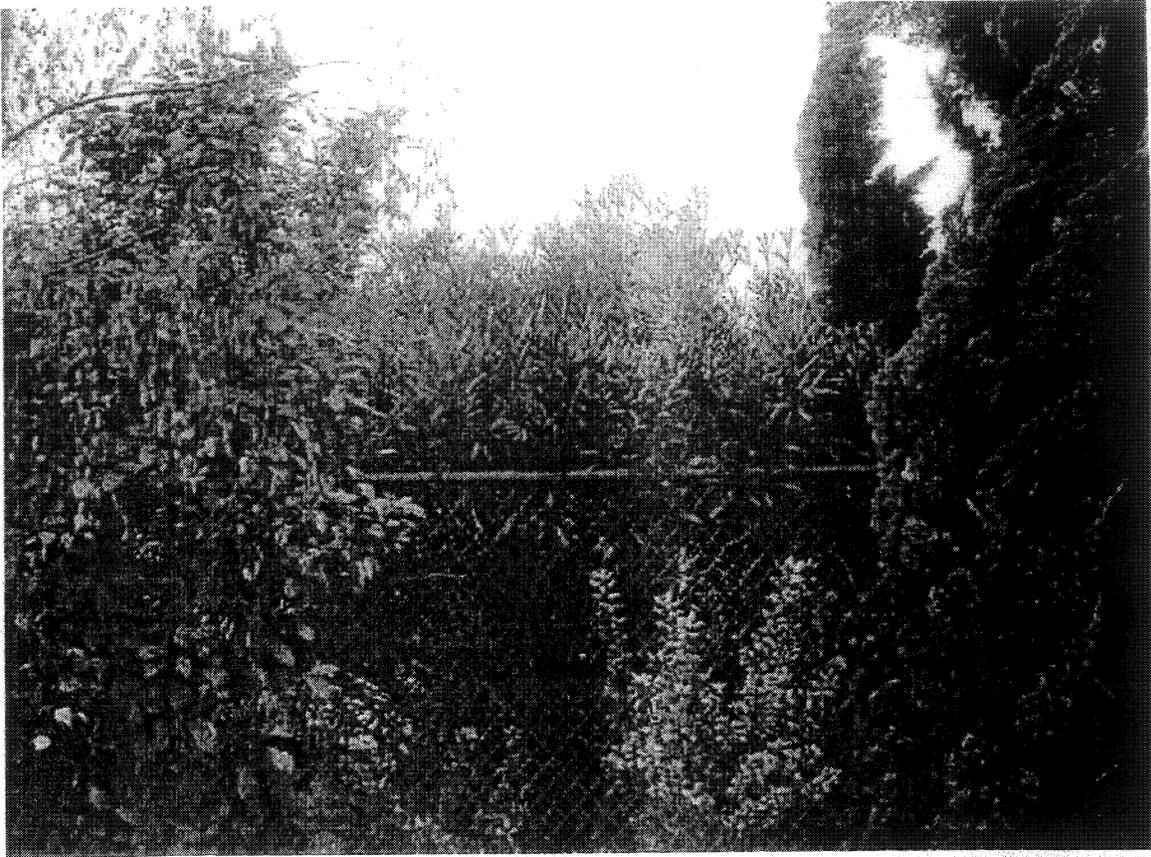


Photograph 3 – View of proposed equipment location, facing south.



Photograph 4 – View of proposed equipment location, facing west.

SITE PHOTOGRAPHS
SAN-113-A TROY LANE ROW



Photograph 9 – View of adjacent property, facing west.

SITE PHOTOGRAPHS
SAN-113-A TROY LANE ROW



Photograph 7 – View of adjacent property, facing east.



Photograph 8 – View of adjacent property, facing south.

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PLANNING COMMISSION
RESOLUTION NO. 2007-P34

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

APPLICATION NO: C-61-05
APPLICANT: Cricket Communications
LOCATION: 1764 Troy Lane

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 Article 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

a telecommunication facility consisting of three antennas attached to an existing SDG&E distribution pole located at 1764 Troy Lane;
on certain real property legally described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of July, 2007 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 not subject to CEQA per Section 15303 (B)(3);

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

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

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

1 FINDINGS:

2 For the Conditional Use Permit:

- 3 1. The proposed location of the communication facility will be attached on an existing
4 SDG&E distribution pole, which effectively mitigates view impacts. The antennas will not
5 detract from the existing character and design of the SDG&E distribution pole. The project
6 is consistent with the objectives of the effective zoning regulations and will provide the
7 public with access to communication, broadcast, and subscription services that are
8 transmitted through the global atmospheric radio-frequency spectrum.
- 9 2. The project is conditioned to comply with specific requirements pertaining to its
10 appearance and maintenance. This will ensure that the project maintains certain aesthetic
11 values and land use compatibility.
- 12 3. The proposed location and operation of the communication facility, as conditioned, is
13 consistent with the effective land use policies and would not be detrimental to the public
14 health or general welfare of persons residing or working in the area.

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
16 approve Conditional Use Permit (C-61-05) subject to the following conditions:

16 Building:

- 17 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
18 Building Division plan check. (Currently the 2001 California Building Code and 2004
19 California Electrical Code)
- 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. All electrical, communication, CATV, etc. service lines within the exterior lines of the
23 property shall be underground (City Code Sec. 6.30).
- 24 4. The building plans for this project are required by State law to be prepared by a licensed
25 architect or engineer and must be in compliance with this requirement prior to submittal for
26 building plan review.
- 27 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
28 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
29 other such lights may be utilized and shall be shown on building and electrical plans.

1 6. 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,
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 7. A separate/unique address will be required to facilitate utility releases. Verification that the
18 Planning Division has assigned the correct address for the cell phone site must accompany
19 the plans at the time of submittal to the Building Division for plan check.

20 8. A complete soils report and structural calculations must be submitted to the Building
21 Division for the monopole and the new structure on-site.

22 9. The additional Electrical service for this project must meet all requirements of The
23 National Electrical Code section 230. Easements for the service must be submitted at
24 time of plan submittal to the Building Division.

25 **Engineering:**

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

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

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

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

6 11. Design and construction of all improvements shall be in accordance with standard plans,
7 specifications of the City of Oceanside and subject to approval by the City Engineer and/or
8 Public Works Director.

9 12. Any broken pavement, concrete curb, gutter or sidewalk or any damaged during
10 construction of the project, shall be repaired or replaced as directed by the City Engineer
11 and/or Public Works Director.

12 13. An encroachment is required prior to any work within the public right-of-way.

13 **Fire Prevention:**

14 14. Prior to approval of the final inspection, a CD of the project's as-built plans, prepared in a
15 format compatible with the Fire Department's mapping program, shall be submitted to the
16 Fire Department. Information on acceptable format types is available from the Fire
17 Department.

18 15. Fire inspection shall be required prior to final building inspection.

19 16. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
20 prior to the issuance of building permits.

21 **Planning:**

22 17. This Conditional Use Permit is granted for the following use only: Three sector array
23 antennas attached to an existing SDG&E distribution pole located at 1764 Troy Lane. The
24 antennas shall be mounted to the lower arm of the pole and shall be at a maximum height
25 of 27 feet from the existing grade. Associated equipment shall be undergrounded within a
26 vault. Any change in the use or expansion of the activities beyond that which is approved
27 by the Planning Commission, will require a revision to the Conditional Use Permit or a
28 new Conditional Use Permit.

29 18. This Conditional Use Permit shall be called for review by the Planning Commission if
complaints are filed and verified as valid by the City Planner or the Code Enforcement

1 Officer concerning the violation of any of the approved conditions or the project.
2 assumptions demonstrated under the application approval.

3 19. This Conditional Use Permit shall expire on July 9, 2009 unless implemented as required
4 by the Zoning Ordinance.

5 20. The Conditional Use Permit shall be limited to a term of 10 years. However, the
6 Conditional Use Permit may be revised or renewed in accordance with the provisions of the
7 Zoning Ordinance. The application for Conditional Use Permit revision shall also be
8 evaluated against the existing land use policies and any site area and neighborhood
9 changes.

10 21. Prior to the transfer of ownership and/or operation of the use, the owner shall provide a
11 written copy of the application, staff report, and resolution for the project to the new owner
12 and or operator. The notification requirement shall run with the life of the project.

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

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

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

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

27 26. The permittee(s) shall exercise a good-faith effort to incorporate the best available
28 equipment technology to effect a reduction in the visual presence of the approved antenna
29 and facility equipment. The change-out and retrofit of equipment shall be conducted by the
30 permittee(s) after such equipment becomes available and exhibits common use at similar

1 facilities. Upon the City's request and discretion, the permittee(s) shall be required to
2 provide an independently prepared technical analysis demonstrating compliance with this
3 condition. The permittee(s) inability to demonstrate the use of current technologies may be
4 grounds for the revocation of the Conditional Use Permit.

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

12 28. 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(s) from any such pre-
15 emptive regulations.

16 29. The final design, aesthetic devices, and construction of the facility shall be in accordance
17 with the plans representing the approved project and the conditions of approval. In
18 addition, the final construction plans shall demonstrate consistency with the plans and other
19 exhibit materials approved by the Planning Commission. These requirements shall be
20 shown and demonstrated on the plans submitted for building permits and shall be reviewed
21 and approved by the City Planner prior to the issuance of building permits.

22 30. Any apparent inconsistency resulting from the construction of the approved facility shall be
23 a basis for a call for the review of the Conditional Use Permit.

24 31. Upon termination of the approved facility use, the permittee shall be responsible to remove
25 the entire facility from the premises.

26 32. Prior to the issuance of building permits, compliance with the applicable provisions of the
27 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
28 and approved by the Planning Division. These requirements, including the obligation to
29 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the

1 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
2 property.

3 33. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
4 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
5 be reviewed and approved by the City Engineer and/or Public Works Director and City
6 Planner prior to the issuance of building permits. Landscaping shall not be installed until
7 bonds have been posted, fees paid, and plans signed for final approval.

8 34. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
9 any adjoining public parkways shall be permanently maintained by the owner, his assigns
10 or any successors-in-interest in the property. The maintenance program shall include
11 normal care and irrigation of the landscaping; repair and replacement of plant materials;
12 irrigation systems as necessary; and general cleanup of the landscaped and open areas,
13 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result
14 in the City taking all appropriate enforcement actions by all acceptable means including but
15 not limited to citations and/or actual work with costs charged to or recorded against the
16 owner. This condition shall be recorded with the covenant required by this resolution.

17 35. No metallic and/or reflective paints or surfaces shall be permitted.

18 **Water Utilities:**

19 36. The developer will be responsible for developing all water and sewer utilities necessary to
20 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
21 the developer and shall be done by an approved licensed contractor at the developer's
22 expense.

23 37. No trees, structures or building overhang shall be located within any water or wastewater
24 utility easement.

25 //

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30 //

1 38. An encroachment agreement shall be executed with the City for any utility trenches
2 proposed in public utility easements.

3 PASSED AND ADOPTED Resolution No. 2007-P34 on July 9, 2007 by the following
4 vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9
10 _____
11 Dennis Martinek, Chairman
12 Oceanside Planning Commission

13 ATTEST:

14 _____
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2007-P34.

18
19 Dated: July 9, 2007

Scott Nightingale

From: Munson [drmunson@cox.net]
Sent: Friday, November 24, 2006 8:33 AM
To: Scott Nightingale
Subject: C-61-05

Scott:

We held the neighborhood meeting last Monday night at 6:00 pm in the Garden Room next to the library.

Three of the neighbors showed up and the property owner of the subject property.

I presented our project and handed out a set of the dwgs and photo simulation.

At the end of the meeting there were no longer any issues and no objections.

I have attached a list of the addresses for which I sent invitations and a copy of the sign up sheet for your review.

I am convinced that there is no neighborhood opposition at this time and I am requesting that you schedule the project for the next step toward approval.

Please let me know what the next step is.

Thanks

DOUG MUNSON
760-390-7727

M&M TELECOM, LLC
WIRELESS CONSULTANTS
fax 760-454-1807

11/27/2006

NAME	ADDRESS	PHONE OPTIONAL
Joe white	176A Troy Lane	439-7251
LORA HANSEN	1952 FIRE MTN DR	757-7777
Elizabeth DeJettins	1941 Fire Mtg.	757-4444
SHANNON HANSEN	1957 FIRE MTN. DR.	754-8598



File Number: C-61-05

Applicant: Cricket Communications

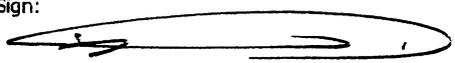
Description:

CONDITIONAL USE PERMIT (C-61-05) for a telecommunication facility consisting of three antennas attached to an existing SDG&E distribution pole located at 1764 Troy Lane. The project site is zoned RE-B (Residential Estate – B) and is situated within the Fire Mountain Neighborhood – **CRICKET @ 1764 TROY LANE**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				STAFF USE ONLY	
				ACCEPTED	BY
PART I - APPLICANT INFORMATION				12/29/05	SN.
1. APPLICANT Cricket Communications				2. STATUS <i>Planning Department</i>	HEARING
3. ADDRESS 5160 Cornerstone Court Suite 150 San Diego, CA 92121				4. PHONE/FAX 858.882.9732	GPA
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Mark Phillips				6. ADDRESS 1536 Miramar Dr. Newport Beach, CA 92661	7. PHONE/FAX (949) 307-8187
				MASTER/SP.PLAN	
				ZONE CH.	
				TENT. MAP	
				PAR. MAP	
				DEV. PL.	
				C.U.P.	
				VARIANCE	C-60-05 C-61-05
				COASTAL	
PART II - PROPERTY DESCRIPTION					
8. LOCATION 1764 Troy Lane, Oceanside CA 92054				9. SIZE 10,000 sq ft.	
10. GENERAL PLAN	11. ZONING RE-B	12. LAND USE Residential Estate	13. ASSESSOR'S PARCEL NUMBER 154-230-37		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION Cricket Wireless proposes extend the height of an existing SDG&E distribution pole in order to gain a 36 total antenna height while still maintaining SDG&E's minimum separation distance. The supporting radio equipment will be located on the residential property just south of the distribution pole. <i>REV- 8/10/06, 9/25/06, 2/12/07, 4/9/07</i>					
15. PROPOSED GENERAL PLAN N/A	16. PROPOSED ZONING N/A	17. PROPOSED LAND USE N/A	18. NO. UNITS N/A	19. DENSITY N/A	
20. BUILDING SIZE 240 SQ FT	21. PARKING SPACES N/A	22. % LANDSCAPE N/A	23. % LOT COVERAGE N/A		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION ✓	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION ✓	<input checked="" 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 checked="" type="checkbox"/> 31. CONSTRUCTION SCHEDULE			
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS	<input checked="" 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): Mark Phillips		34. DATE/ 12/01/05	37. OWNER (Print): Joseph L. white		38. DATE 12/28/05
Sign: 		Sign: 			
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): Mark Phillips		36. DATE 12/01/05	40. DATE		
Sign: 		Sign:			

RECEIVED
DEC 29 2005

Project Description for a Cricket Communication Installation at 1764 Troy Lane Oceanside, CA 92054

Cricket Communications proposes to build a wireless telecommunication facility in the Fire Mountain area of Oceanside. The antenna section of this site will be built on an existing SDG&E utility pole, the radio and power equipment will be located on a subject property below grade (underground).

Cricket Communications proposes to install a three-sector panel antenna array with one antenna per sector on an existing SDG&E distribution pole. The proposed distribution pole will be thirty-five feet five inches in height. The antennas each measure fifty six inches in height, eight inches wide, and two and three quarter inches deep. The antennas will be mounted to the support structure so that the center of the antenna will be at twenty-six feet five inches above grade. A new cross-arm matching the existing cross-arm will be installed and will be the support structure for the antennas.

The radio and power equipment will be approximately thirty-five feet southeast from the base of the proposed utility pole. The shelter will be subterranean with the exception on a small vent pipe.

The radio and power equipment will be connected to the antennas via an underground conduit, which will leave the shelter in a northeasterly direction to the base of the distribution pole. The conduit will then run up the side of the pole to the antennas. The radio and power equipment will be connected to power and telco via a trenched conduit, which will run approximately one hundred and twenty feet to the northeast of the equipment enclosure.

There will be no landscaping proposed with this site. The proposed radio and power equipment is underground and poses no visual impact. All existing landscaping will remain.

JUSTIFICATION

The proposed wireless facility will be used to complete a comprehensive wireless coverage area for Cricket Communications within the City of Oceanside. This particular wireless facility will be used for telecommunication coverage for the 78 freeway stretching from the 5/78 freeway connector east to the EI Camino Real off ramp. This will also satisfy telecommunication coverage for most of the Fire Mountain area of Oceanside.

CONDITIONAL USE PERMIT FINDINGS

- A) The proposed location of the use is in accord with the objectives of the City of Oceanside Zoning Ordinance and the purposes of the district in which the site is located. The proposed use is an approved use within the underlying zone for the

subject property subject to the conditions set forth by said ordinance and approval of the City Council of the proposed Conditional Use Permit.

- B) The proposed location of the conditional use and the proposed conditions under which it would be operated and/or maintained will be consistent with the General Plan and 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.

The General Plan designation for the subject property allows for the proposed use subject to the conditions set for in the City's Zoning Ordinance.

- C) The proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

All conditions set forth as a part of the approval process will be accepted and adhered to during the construction and continued use of the subject property for the conditioned use.

CONDITIONAL USE PERMIT FINDINGS

- A) The proposed location of the use is in accord with the objectives of the City of Oceanside Zoning Ordinance and the purposes of the district in which the site is located. The proposed use is an approved use within the underlying zone for the subject property subject to the conditions set forth by said ordinance and approval of the City Council of the proposed Conditional Use Permit.
- B) The proposed location of the conditional use and the proposed conditions under which it would be operated and/or maintained will be consistent with the General Plan and 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.

The General Plan designation for the subject property allows for the proposed use subject to the conditions set for in the City's Zoning Ordinance.

- C) The proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

All conditions set forth as a part of the approval process will be accepted and adhered to during the construction and continued use of the subject property for the conditioned use.

EXHIBIT "A"

PARCEL A:

PARCEL 1 OF PARCEL MAP NO. 9561, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 8, 1980 AS FILE NO. 80-007752 OF OFFICIAL RECORDS.

PARCEL B:

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS, ROAD AND UTILITY PURPOSES, INCLUDING BUT NOT LIMITED TO ELECTRIC POWER, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THE SOUTHWESTERLY 93.10 FEET OF PARCEL 2 OF PARCEL MAP NO. 9561, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 8, 1980 AS FILE NO. 80-007752 OF OFFICIAL RECORDS.

PARCEL C:

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS AND ROAD AND UTILITY PURPOSES, INCLUDING BUT NOT LIMITED TO ELECTRIC POWER, TELEPHONE, GAS, WATER, SEWER AND CABLE TELEVISION LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THE SOUTHWESTERLY 101.07 FEET OF PARCEL 4 OF PARCEL MAP NO. 9561, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 8, 1980 AS FILE NO. 80-007752 OF OFFICIAL RECORDS.

THE SOUTHWESTERLY LINES SHALL BE EXTENDED SOUTHWESTERLY TO THE NORTHEASTERLY LINE OF TROY LANE.



CITY OF OCEANSIDE
PLANNING DEPARTMENT

ORIGINAL

NOTICE OF EXEMPTION

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

FILED
Gregory J. Smith, Recorder/County Clerk

MAR 03 2006

PROJECT TITLE AND FILE NUMBER:
Cricket Communication @ Troy Lane (1764 Troy Lane)

BY 
DEPUTY

PROJECT LOCATION - SPECIFIC:
1764 Troy Lane

PROJECT LOCATION - GENERAL:
CITY OF OCEANSIDE

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
Construction, operation, and maintenance of a wireless communication facility and antenna structure attached to an existing SDG&E power pole. The supporting radio equipment vault will be located on the neighboring residential property.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Mark Phillips
1536 Miramar Dr.
Newport Beach, CA 92661

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MAR 09 2006
Planning Department

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 15303

REASONS WHY PROJECT IS EXEMPT:
The telecommunications facility will be incorporated within the existing building façade and will be concealed from public view. This project will not have a negative effect on the environment.

Contact Person: Scott Nightingale, Planner I

 March 1, 2006
SIGNATURE DATE
For: Jerry Hittleman, Acting City Planner

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3520, FAX (760) 435-3538

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on MAR 09 2006
Posted MAR 09 2006 Removed _____
Returned to agency on _____
Deputy 