



DATE: October 8, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-37-06) FOR A STAND-ALONE WIRELESS TELECOMMUNICATIONS FACILITY DISGUISED AS A FAUX PINE TREE LOCATED AT 3570 SKYHAVEN LANE WITHIN THE LAKE NEIGHBORHOOD – T-MOBILE @ 3570 SKYHAVEN LANE – APPLICANT: T-MOBILE**

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-P47 approving Conditional Use Permit C-37-06 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is in a Medium Density Residential-A (RM-A) zone. The site is already developed with the Rancho Calevero Mobile Home Park guest parking lot. There are also existing electrical boxes on-site, which are enclosed in a chain link structure. The proposed communication facility is considered a conditional land use by the Citywide zoning ordinance.

Surrounding zoning includes RM-A to the north, east, south, and west. There is also some vacant land to the north of the project site, which is zoned Single-Family Residential (RS). All land uses surrounding the site are residential.

Project Description: The application has one component: a conditional use permit.

Conditional Use Permit C-37-06 represents a request for the following:

- a. To permit a stand-alone, wireless telecommunication facility, pursuant to Section 3025(D) (3) of the Oceanside Zoning Ordinance.

T-Mobile is proposing to construct, operate, and maintain a wireless telecommunications facility consisting of a total of 12 panel antennas. The antennas will be mounted on a 46-foot mono-pine constructed out of metal and rubber on the south side of the guest parking lot adjacent to the entrance to the Rancho Calevero Mobile Home Park. The mono-pine has been conditioned to allow for a future co-user.

The proposed mono-pine would be placed in a new planter area, which will be landscaped. The associated equipment will be placed adjacent to the new mono-pine between two existing block walls. The proposed equipment will be enclosed on all four sides and the top. The exterior north side of the shelter will be screened with shrubs and vines as approved by the Engineering Department. New toyon shrubs will be placed along the west side of the T-Mobile lease area, between the guest parking lot pavement and an existing electrical box enclosure.

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
4. 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 Medium Density-A Residential (MDA-R). 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 46-foot mono-pine, which effectively mitigates view impacts from the primary view corridors and near view perspectives. The communication antennas will be completely hidden within the mono-pine allowing the structure itself to act as a landscape feature for the subject property. 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.

There are seven real pine trees existing on-site of varying heights. The addition of the proposed 46-foot mono-pine will be consistent with the existing environment. 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

The Zoning Ordinance and newly implemented California Government Code encourage the installation of a co-user facility. As such, the resolution includes project specific conditions for the future installation of a co-user communication facility.

2. Zoning Ordinance Compliance

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

	REGULATION	PROPOSED
BUILDING HEIGHT	46 ft.*	46 ft.
FRONT YARD	20 ft.	More than 70 feet
SIDE YARD	10;5 ft.	More than 100 feet
REAR YARD	15 ft.	More than 600 feet

*Article 30, Section 3018

The maximum height of the underlying zone is 36 feet. Per Zoning Ordinance Section 3018, a structure, such as a telecommunications facility, may exceed the underlying district height limit by 10 feet. The maximum height of the new structure will be 46 feet.

Article 30, Section 3025, A(3)

This section of the Zoning Ordinance regulates 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 (See Key Planning Issues 3 and 4), 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.

4. 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: Land use compatibility with surrounding neighborhood.

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	MDA-R	RM-A	Rancho Calevero Mobile Home Park
North	SFD-R MDA-R	RS; RM-A	Vacant land; Rancho Calevero Mobile Home Park
East	MDA-R	RM-A	Rancho Calevero Mobile Home Park
South	MDA-R	RM-A	Rancho Calevero Mobile Home Park
West	MDA-R	RM-A	Single Family Homes: attached and detached

The addition of a wireless telecommunication facility at this location will be compatible with surrounding land uses. The majority of the surrounding the project site includes attached and detached single-family homes. The communication antennas will be

completely hidden within the mono-pine allowing the structure itself to act as a landscape feature for the subject property. There are also seven real pine trees already existing throughout the guest parking lot. The additional of the proposed 46-foot mono-pine will be consistent with the existing environment.

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

Recommendation: The applicant proposes to disguise the communication facility as a pine tree. The facility has been comprehensively designed and conditioned to ensure a high quality product that resembles a real pine tree as much as possible. There will be a minimum of 75 branches placed on the tree. Branch length will range from four feet for the shortest branches to 12 feet for the longest branches. The branches will be arranged from largest to smallest beginning 12 feet from the base of the mono-pole. In addition, the mono-pine trunk will be finished with bark texture and color (full cladding) similar to a real pine tree. The radius center line of the antennas will be 37 feet above ground level. The antennas will not extend more than 7 feet 9 inches from the centerline of the mono-pole and the branches around the antennas will extend a minimum of 24 inches beyond the outer edge of the antennas. All antennas will be covered with a faux pine material sock and the antenna support bars shall match the faux branches. Even the concrete pad and bolts for the mono-pine will be painted to match the trunk and a mulch mound will be required to conceal the pad and bolts at the base of the tree.

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 near the associated equipment shelter. Landscaping will include a minimum of six five-gallon toyons, shrubs or vines to screen the equipment shelter, and groundcover within the T-mobile lease area and vicinity. These improvements will positively contribute to minimizing the visual impact of the communication facility.

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. As of October 1, 2007, no communication supporting or opposing the request has been received.

SUMMARY

The proposed Conditional Use Permits, as conditioned, are 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:

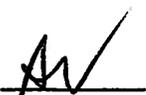
- Adopt Planning Commission Resolution No. 2007-P47 approving Conditional Use Permit C-37-06 with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:


Sally Schifman
Planner II


Jerry Hittleman
City Planner

REVIEWED BY: 
Amy Volzke, Principal Planner

JH/SS/fil

Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2007-P47



T-Mobile

10180 TELESIS COURT, 3RD FLOOR
SAN DIEGO, CA. 92121

SD07105A

RANCHO CALEVERO MOBILE HOME PARK

PROJECT TEAM	VICINITY MAP				
<p>PLANNING F.A.M. TELECOM, LLC 10180 TELESIS COURT, 3RD FLOOR SAN DIEGO, CA 92121 TEL: (619) 594-1111 FAX: (619) 594-1112</p> <p>SITE ADMINISTRATION F.A.M. TELECOM, LLC 10180 TELESIS COURT, 3RD FLOOR SAN DIEGO, CA 92121 TEL: (619) 594-1111 FAX: (619) 594-1112</p> <p>SUBCONTRACTORS CONTRACTORS: [List of contractors and their contact information]</p> <p>ADVERTISER & ENGINEERING [Project name and address]</p>					
APPROVAL	DIRECTIONS TO SITE FROM OMNIPPOINT T-MOBILE				
<table border="1"> <thead> <tr> <th>APPROVED BY:</th> <th>DATE:</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	APPROVED BY:	DATE:			<p>START FROM OCEAN BLVD. AT INTERSECTION OF OCEAN BLVD. AND COLLEGE BLVD. TRAVEL WEST ON OCEAN BLVD. FOR 1.2 MILES TO INTERSECTION OF OCEAN BLVD. AND SAN DIEGO FRY. TRAVEL SOUTH ON SAN DIEGO FRY FOR 0.3 MILES TO INTERSECTION OF SAN DIEGO FRY AND COLLEGE BLVD. TRAVEL WEST ON COLLEGE BLVD. FOR 0.3 MILES TO INTERSECTION OF COLLEGE BLVD. AND SKY HAVEN LANE. TRAVEL SOUTH ON SKY HAVEN LANE FOR 0.3 MILES TO INTERSECTION OF SKY HAVEN LANE AND TELESIS COURT. THE PROJECT SITE IS LOCATED AT THE INTERSECTION OF SKY HAVEN LANE AND TELESIS COURT.</p>
APPROVED BY:	DATE:				
PROJECT DESCRIPTION					
<p>The project consists of the installation and operation of equipment and associated antennas, a tower or (1) antenna, (1) equipment cabinet and utility cabinets.</p>					

PROJECT SUMMARY	APPLICANT/LIENSEE
<p>ZONING CLASSIFICATION/DISTRICT: M-1 / CITY OF SAN DIEGO</p> <p>PROJECT NUMBER: [Project ID]</p> <p>PROJECT OWNER: [Owner Name]</p> <p>PROJECT ADDRESS: [Project Address]</p> <p>PROJECT CONTACT: [Project Contact Info]</p> <p>PROJECT PHONE: [Project Phone]</p> <p>PROJECT FAX: [Project Fax]</p> <p>PROJECT EMAIL: [Project Email]</p> <p>PROJECT WEBSITE: [Project Website]</p>	<p>PROJECT NAME: [Project Name]</p> <p>PROJECT ADDRESS: [Project Address]</p> <p>PROJECT CONTACT: [Project Contact Info]</p> <p>PROJECT PHONE: [Project Phone]</p> <p>PROJECT FAX: [Project Fax]</p> <p>PROJECT EMAIL: [Project Email]</p> <p>PROJECT WEBSITE: [Project Website]</p>
CODE COMPLIANCE	GENERAL INFORMATION
<p>All work shall conform to the applicable zoning ordinance and all other applicable codes and regulations. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies.</p>	<p>GENERAL INFORMATION: [General project details]</p> <p>GENERAL INFORMATION: [General project details]</p> <p>GENERAL INFORMATION: [General project details]</p>

SHEET	DESCRIPTION	REV
1-1	FIELD TITLE PAGE INFORMATION	1
1-2	GENERAL INFORMATION	1
1-3	PROJECT NUMBER	1
1-4	PROJECT ADDRESS	1
1-5	PROJECT CONTACT	1
1-6	PROJECT PHONE	1
1-7	PROJECT FAX	1
1-8	PROJECT EMAIL	1
1-9	PROJECT WEBSITE	1
1-10	PROJECT TITLE	1
1-11	PROJECT ADDRESS	1
1-12	PROJECT CONTACT	1
1-13	PROJECT PHONE	1
1-14	PROJECT FAX	1
1-15	PROJECT EMAIL	1
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1-17	PROJECT TITLE	1
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1-26	PROJECT CONTACT	1
1-27	PROJECT PHONE	1
1-28	PROJECT FAX	1
1-29	PROJECT EMAIL	1
1-30	PROJECT WEBSITE	1

SD07105A

RANCHO CALEVERO MOBILE HOME PARK

3570 SKY HAVEN LANE
OCEANSIDE, CA. 92056

T-Mobile

10180 TELESIS COURT, 3RD FLOOR
SAN DIEGO, CA. 92121

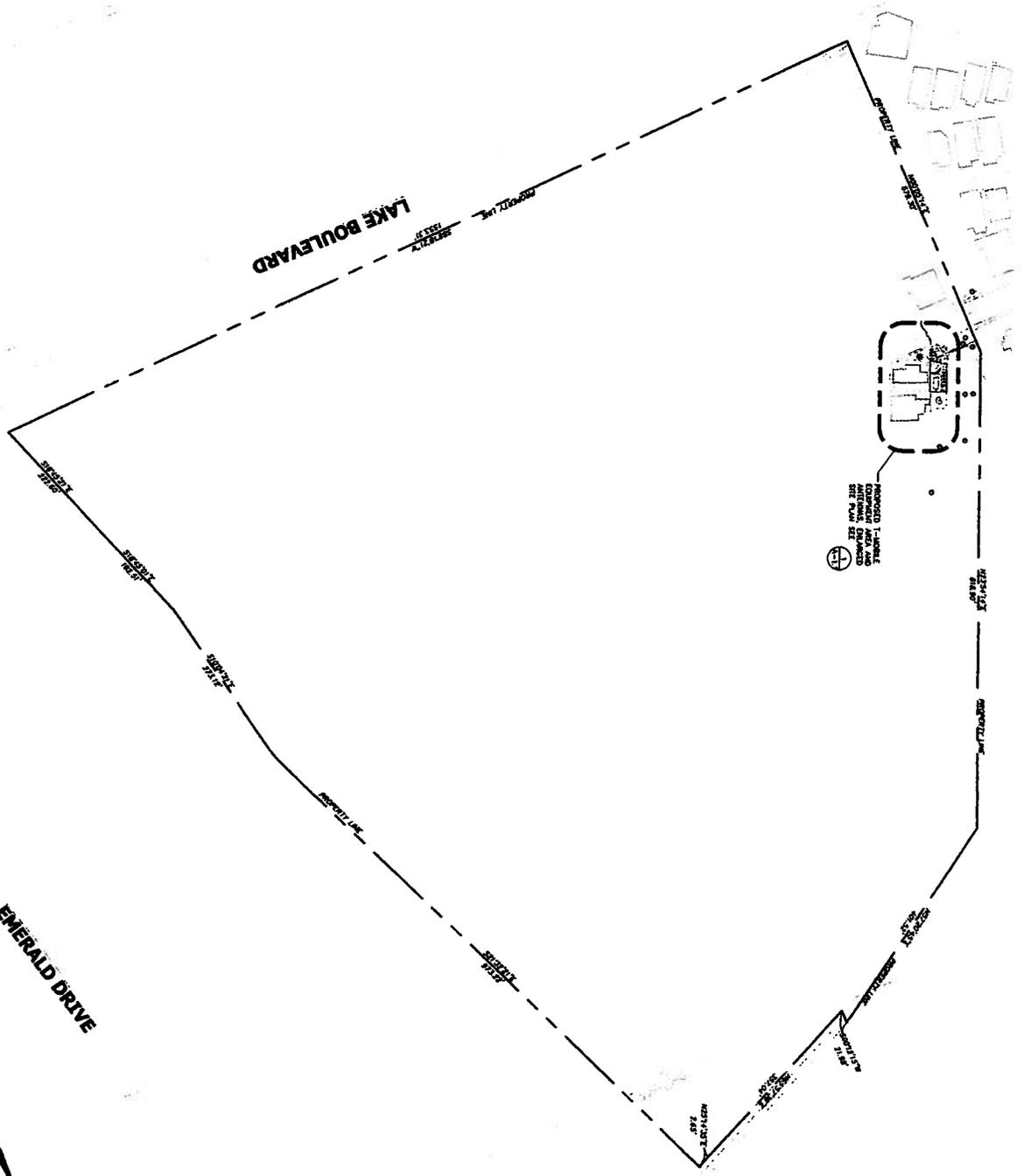
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8	09/25/2007	ISSUE	MM
9	09/25/2007	ISSUE	MM
10	09/25/2007	ISSUE	MM

RECEIVED
SEP 25 2007
Planning Department

SHEET TITLE
PROJECT INFORMATION
T-1

SITE PLAN



SCALE: 1" = 50'-0" (1:1500)
 DATE: 12-1-04
 SHEET: 1

A-1
 SHEET TITLE:
SITE PLAN

SD07105A
RANCHO CALEVERO
MOBILE HOME PARK
 3570 SKY HAVEN LANE
 OCEANSIDE, CA. 92056



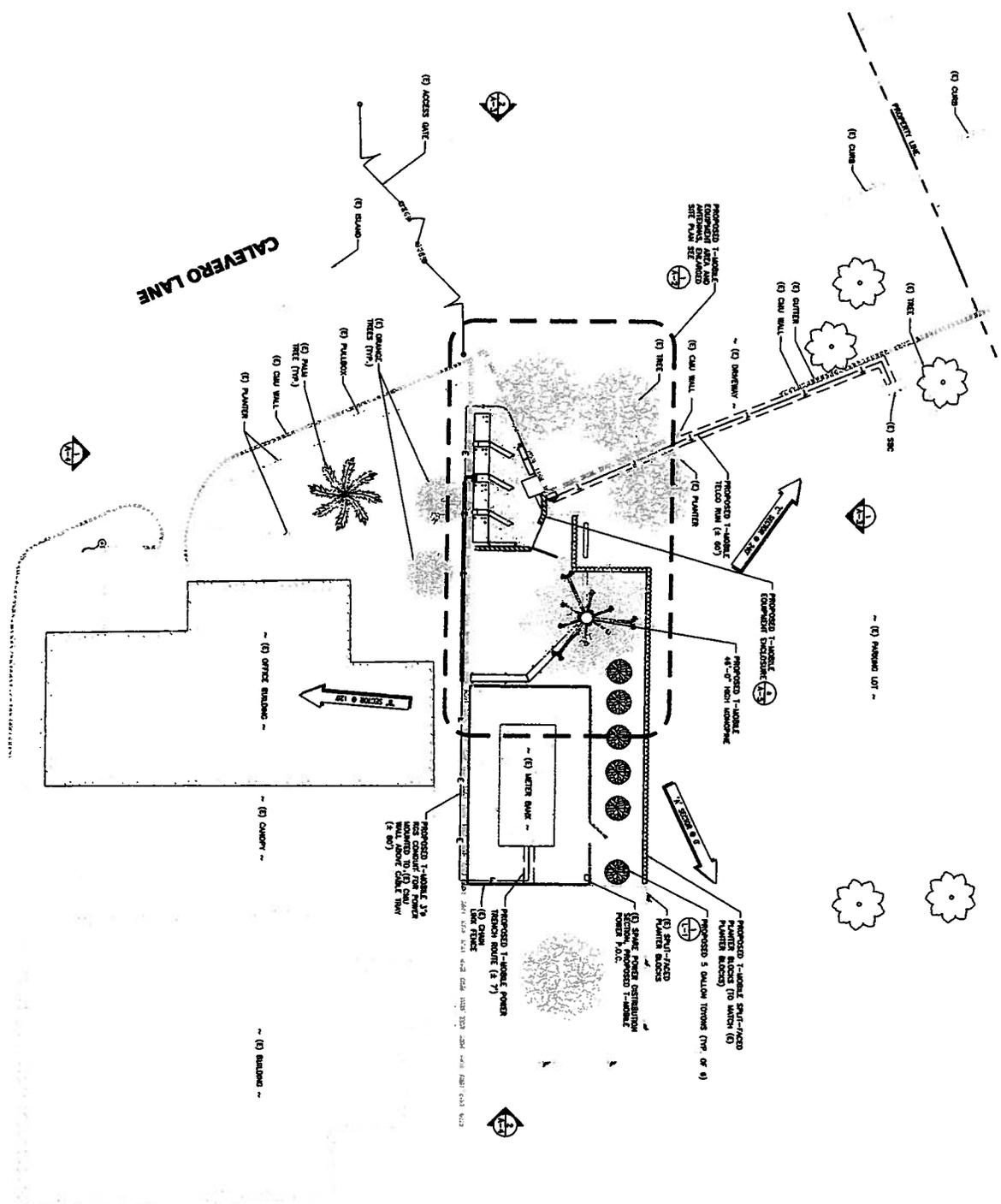
T-Mobile
 10180 TELESIS COURT, 3RD FLOOR
 SAN DIEGO, CA. 92121

PROPOSED 1-FAMILY MOBILE HOME AREA
 11500 SERRANO VALLEY RD, SUITE 200
 SAN DIEGO, CA 92121
 TEL: 619-594-1100
 FAX: 619-594-1101

ISSUE STATUS

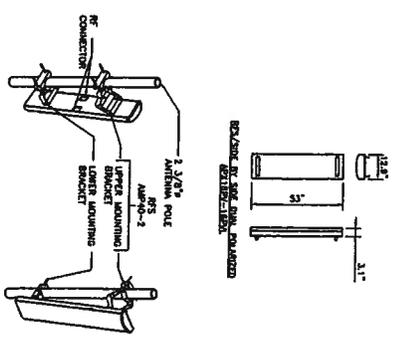
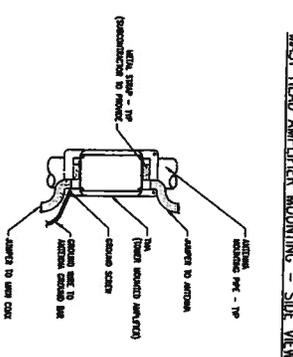
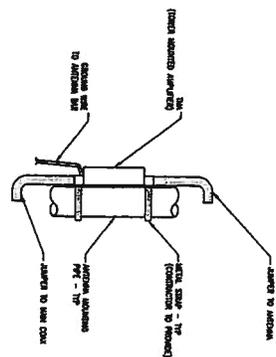
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ENLARGED SITE PLAN



SCALE: 1/8" = 1'-0" (GENERAL)
 1/4" = 1'-0" (DETAILS)
 1/2" = 1'-0" (ELECTRICAL)
 3/4" = 1'-0" (MECHANICAL)
 1" = 1'-0" (STRUCTURE)
 1

<p>A-1.1</p>	<p>SD07105A RANCHO CALEVERO MOBILE HOME PARK 3570 SKY HAVEN LANE OCEANSIDE, CA. 92056</p>	<p>SOMNIPONT T-Mobile 10180 TELEIS COURT, 3RD FLOOR SAN DIEGO, CA. 92121</p>	<p>SAC/Whites 17400 SANDEWING WAY, SUITE 200 SAN DIEGO, CA. 92128 OFF: (619) 584-1340 FAX: (619) 584-1444</p>	<p>ISSUE STATUS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>07/25/06</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>2</td> <td>08/01/06</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>3</td> <td>07/27/06</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>4</td> <td>08/17/07</td> <td>ISSUE FOR PERMITS</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	07/25/06	ISSUE FOR PERMITS	2	08/01/06	ISSUE FOR PERMITS	3	07/27/06	ISSUE FOR PERMITS	4	08/17/07	ISSUE FOR PERMITS
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3	07/27/06	ISSUE FOR PERMITS																	
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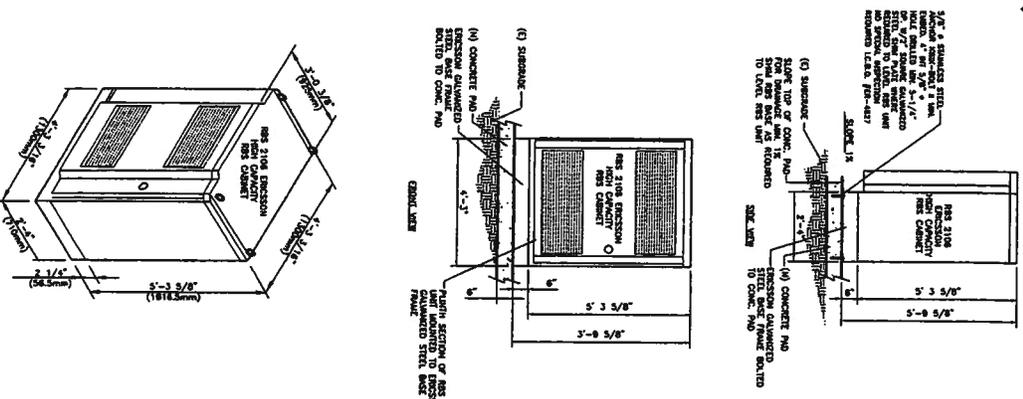
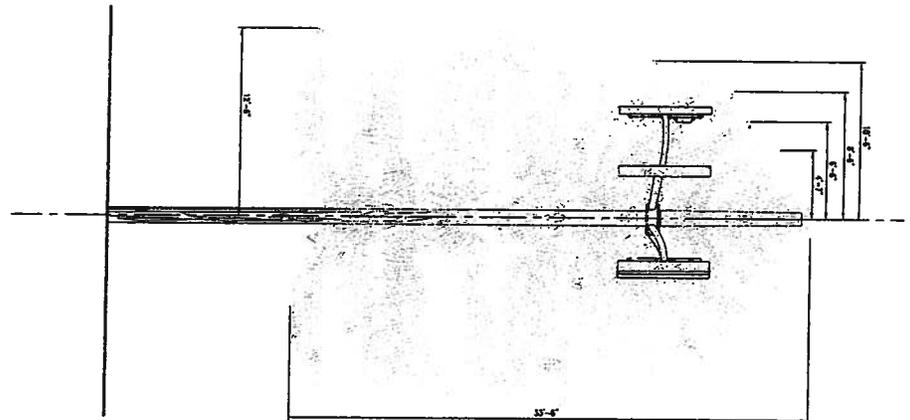
2 MONOPINE DETAIL

SCALE N.T.S.

3 EQUIPMENT CABINET DETAIL

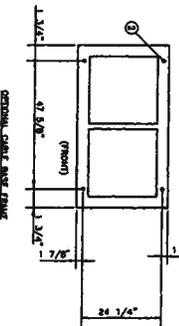
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4



ERICSSON RBS 2106
CONCRETE EQUIPMENT PAD/
SLAB ON GRADE

ERICSSON RBS 2106 MINIMUM CLEARANCES	
DIRECTION	MINIMUM CLEARANCE
CABINET FRONT	5'-0"
CABINET REAR	2'-0"
CABINET LEFT	0" MIN. FOR 13" DOOR SWING
CABINET RIGHT	0"
ABOVE THE CABINET	-



ERICSSON RBS 2106 DIMENSIONS	
CABINET	HEIGHT x WIDTH x DEPTH
RBS 2106	43 5/8" x 51 3/16" x 36 3/8"
FOOTPRINT (INCLUDING INSTALLATION)	43 5/8" x 51 3/16" x 28"
	(1815mm x 1300mm x 710mm)

* NOTE: STANDARD HEIGHT SHOWN ON THE MAST INCLUDES INSTALLATION BASE FRAME (SALOM N) PROVIDED BY ERICSSON. OPTIONAL ONE-PIECE BASE FRAME (100mm H) IS NOT INCLUDED.

ERICSSON RBS 2106 WEIGHT & FLOOR LOADING INFORMATION

CABINET	MAX. WEIGHT	MAX. FLOOR LOAD
RBS 2106	1312 LBS (595 KG)	1301 LBS (590 KG)
	(WEIGHT WITHOUT ANTENNAS) (WEIGHT WITH ANTENNAS)	

ISSUE STATUS

NO.	DATE	DESCRIPTION
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3	03/17/06	ISSUE FOR PERMITTING
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10	03/17/06	ISSUE FOR PERMITTING

SAC Drafts

1100 UNIVERSITY BLVD. SUITE 200
SAN DIEGO, CA 92108
TEL: 619-594-9200
FAX: 619-594-9201

PROFESSIONAL INFORMATION

THESE DRAWINGS ARE THE PROPERTY OF SAC DRAFTS AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SAC DRAFTS.

OMNIPoint

T-Mobile

10180 TELEESIS COURT, 3RD FLOOR
SAN DIEGO, CA 92121

SD07105A

RANCHO CALEVERO MOBILE HOME PARK

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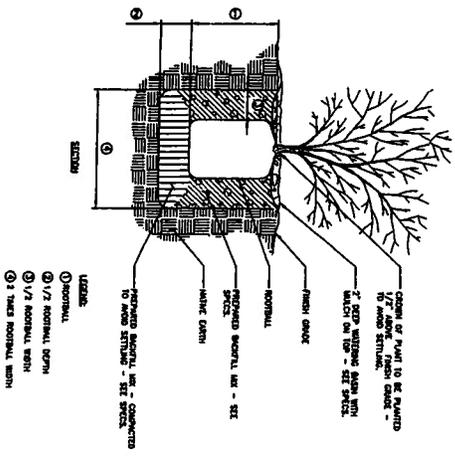
SHEET TITLE: DETAILS

A-6

- NOTES**
1. Verify utility, access, and other items and for planting area.
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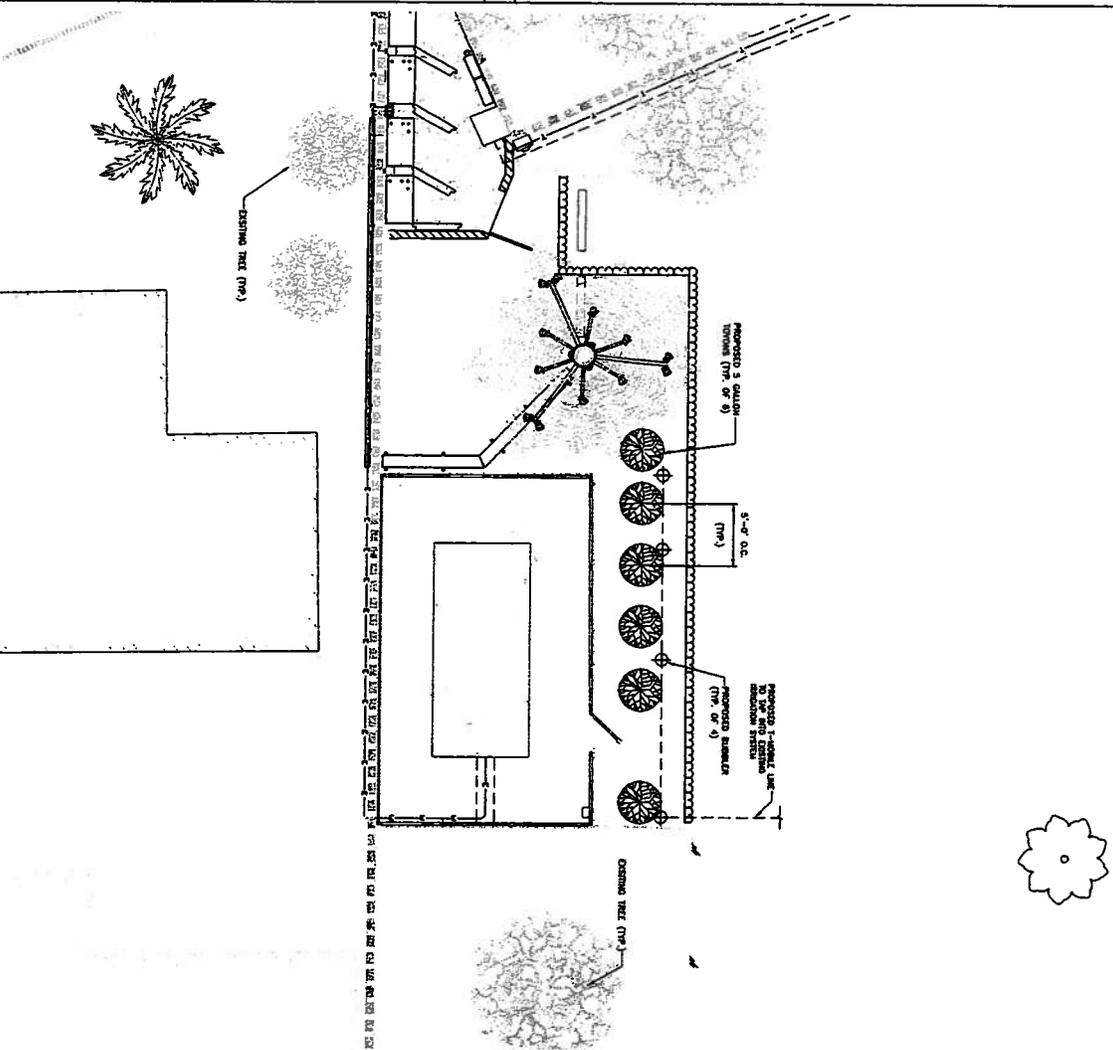


SHRUB PLANTING

2

LANDSCAPING PLAN

3



<p>ISSUE STATUS</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th><th>BY</th></tr> <tr><td>1</td><td>01/15/07</td><td>ISSUE</td><td>...</td></tr> <tr><td>2</td><td>01/15/07</td><td>ISSUE</td><td>...</td></tr> <tr><td>3</td><td>01/15/07</td><td>ISSUE</td><td>...</td></tr> <tr><td>4</td><td>01/15/07</td><td>ISSUE</td><td>...</td></tr> <tr><td>5</td><td>01/15/07</td><td>ISSUE</td><td>...</td></tr> </table>		NO.	DATE	DESCRIPTION	BY	1	01/15/07	ISSUE	...	2	01/15/07	ISSUE	...	3	01/15/07	ISSUE	...	4	01/15/07	ISSUE	...	5	01/15/07	ISSUE	...	<p>WAC Trak</p> <p>1100 GARDEN VIEW BL, SUITE 200 SAN DIEGO, CA 92108 TEL: 619-594-4800 WWW.WAC-TRAK.COM</p>	<p>PROFESSIONAL INFORMATION</p> <p>DATE: 01/15/07 BY: [Signature] FOR: [Project Name]</p>	<p>COMPPOINT</p> <p>T-Mobile</p> <p>10180 TELESCOPE COURT, 3RD FLOOR SAN DIEGO, CA 92121</p>	<p>SD07105A</p> <p>RANCHO CALEVERO MOBILE HOME PARK</p> <p>3570 SKY HAVEN LANE OCEANSIDE, CA. 92056</p>	<p>L-1</p> <p>SHEET TITLE: LANDSCAPE PLAN</p>
NO.	DATE	DESCRIPTION	BY																											
1	01/15/07	ISSUE	...																											
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3	01/15/07	ISSUE	...																											
4	01/15/07	ISSUE	...																											
5	01/15/07	ISSUE	...																											

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P47

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

6 APPLICATION NO: C-37-06
7 APPLICANT: T-Mobile
8 LOCATION: 3570 Skyhaven Lane

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

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

13 a stand-alone, communications facility, consisting of 12 antennas located within a 46-foot
14 tall mono-pine;

15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day
17 of October, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
18 application.

19 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
20 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section
21 15303 New Construction or Conversion of Small Structures;

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

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

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

1 FINDINGS:

2 For the Conditional Use Permit (C-37-06):

- 3 1. The proposed location of the communication facility will be within a 46-foot mono-pine,
4 which effectively mitigates view impacts from the primary view corridors and near view
5 perspectives. The communication antennas will be completely hidden within the mono-
6 pine allowing the structure itself to act as a landscape feature for the subject property. As
7 such, the project site is consistent with the General Plan policies for visual conformity to
8 surrounding land uses and features while still providing communication, broadcast, and
9 subscription services to the public.
- 10 2. The proposed project is consistent and compatible with the subject property and
11 surrounding neighborhood. The project is conditioned to comply with specific
12 requirements pertaining to its appearance and maintenance. This will ensure the project
13 maintains certain aesthetic values and land use compatibility.
- 14 3. The proposed location and operation of the communication facility, under the applied land
15 use conditions, are consistent with the effective land use policies and would not be
16 detrimental to the public health or general welfare of persons residing or working in the
17 area.

18 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
19 approve Conditional Use Permit (C-37-06) 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 project from
24 compliance with all State and Local building codes.
- 25 3. Site development, parking, access into buildings and building interiors shall comply with
26 the State's Disabled Accessibility Regulations.
- 27 4. The building plans for this project are required by State law to be prepared by a licensed
28 architect or engineer and must be in compliance with this requirement prior to submittal
29 for building plan review.

- 1 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
2 property shall be underground.
- 3 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
4 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
5 other such lights may be utilized and shall be shown on building and electrical plans.
- 6 7. The developer shall monitor, supervise and control all building construction and supporting
7 activities so as to prevent these activities from causing a public nuisance, including, but not
8 limited to, strict adherence to the following:
- 9 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
10 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
11 that is not inherently noise-producing. Examples of work not permitted on
12 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
13 producing nature. No work shall be permitted on Sundays and Federal Holidays
14 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
15 Christmas Day) except as allowed for emergency work under the provisions of the
16 Oceanside City Code Chapter 38.
- 17 b) The construction site shall be kept reasonably free of construction debris as
18 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
19 approved solid waste containers shall be considered compliance with this
20 requirement. Small amounts of construction debris may be stored on-site in a neat,
21 safe manner for short periods of time pending disposal.
- 22 8. A separate/unique address will be required to facilitate utility releases. Verification that
23 the address has been properly assigned by the City's Planning Division must accompany
24 the Building Permit application.
- 25 9. A complete soils report and structural calculations are required for the mono-pole.
- 26 10. All utility easements must be properly recorded and shown on the plans before they are
27 submitted to the Building Division.
- 28 11. Electrical plans must be submitted to show compliance with the National Electrical Code
29 including; one line diagrams, load calculations, and panel schedules.

1 12. Plans submitted after January 1, 2008 must meet all the requirements of the newly adopted
2 ICC codes.

3 **Engineering:**

4 13. For the demolition of existing structures or surface improvements, demolition permit(s)
5 shall be secured. Erosion control plans be approved by the City Engineer prior to the
6 issuance of a demolition permit. No demolition shall be permitted without an approved
7 erosion control plan.

8 14. A traffic control plan shall be prepared according to the City traffic control guidelines and
9 be submitted to and approved by the City Engineer prior to the start of any work within
10 open City rights-of-way. Traffic control shall be in accordance with construction signing,
11 marking and other protection as required by the Caltrans Traffic Manual and City Traffic
12 Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m.
13 unless approved otherwise.

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

17 a) Removal of dirt, debris and other construction material shall not be deposited on
18 any public street or within the City's stormwater conveyance system.

19 b) All grading or site preparation and construction activities shall be limited to the
20 hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
21 construction activities shall be conducted on Saturdays, Sundays or legal holidays
22 unless written permission is granted by the City Engineer with specific limitations
23 to the working hours and types or permitted operations. All on-site construction
24 staging areas shall be as far as possible (minimum 100 feet) from any existing
25 residential developments. Because construction noise may still be intrusive in the
26 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
27 disturbing excessive or offensive noise which causes discomfort or annoyance to
28 reasonable persons of normal sensitivity."

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

1 d) A haul route shall be obtained at least 7 days prior to the start of hauling operations
2 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
3 to 3:30 p.m. unless approved otherwise.

4 16. Any pavement, concrete curb, gutter or sidewalk damaged during construction of the
5 project, shall be repaired or replaced as directed by the City Engineer.

6 17. All drainage facilities shall adequately accommodate the local storm water runoff and shall
7 be in accordance with the City's Engineers Manual and as directed by the City Engineer.

8 18. Landscaping plans, including plans for the construction of walls, fences of other structures
9 at the driveways shall conform to intersection sight distance requirements. Landscaping
10 and irrigation plans for disturbed areas shall be approved by the City Engineer prior to the
11 issuance of any building permits. Any frontage landscaping shall be installed prior to the
12 release of final inspection. Any project fences, sound or privacy walls and monuments
13 entry walls/signs shall be shown on, bonded for and built from the landscape plans. All
14 plans must be approved by the City Engineer and a pre-construction meeting held, prior to
the start of any improvements.

15 19. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
16 of in accordance with all state and federal requirements, prior to stormwater discharge
17 either off-site or into the City drainage system.

18 20. The project shall comply with all applicable regulations established by the United States
19 Environmental Protection Agency (USEPA) as set forth in the National Pollutant
20 Discharge Elimination System (NPDES) permit requirements for urban runoff and
21 stormwater discharge and any regulations adopted by the City pursuant to the NPDES
22 regulations or requirements. The developer shall comply with all provisions of the Clean
23 Water Program during and after construction. The project's storm drains and other
24 drainage facilities shall include Best Management Practices to minimize non-point source
pollution, satisfactory to the City Engineer.

25 21. Upon acceptance of any fee waiver or reduction by the applicant, the entire project will be
26 subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4).
27 The applicant shall agree to execute a form acknowledging the prevailing wage
28 requirements prior to the granting of any fee reductions or waivers.
29

1 22. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
2 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
3 be reviewed and approved by the City Engineer prior to the issuance of building permits.
4 Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed
5 for final approval. The following special landscaping requirements shall be met:

- 6 a) Repair, update and replace existing irrigation system as necessary to meet the
7 current City of Oceanside requirements.
- 8 b) All existing trees shall be protected in place or replaced with like kind and size to
9 meet the satisfaction of the City Engineer.
- 10 c) The equipment shelter shall be screened by medium to large shrubs or vines.
- 11 d) A minimum of six five-gallon toyons shall be added to the site in order to screen
12 the existing electricity box enclosure.
- 13 e) All exposed soil within the T-Mobile lease area including, but not limited to, the
14 ground beneath the mono-pine and the area adjacent the equipment shelter, shall
15 be covered with shredded bark, small bark chips, or mulches. The covered area
16 shall extend to the north at least as far as the northern edge of the existing planter
and pine tree adjacent the existing electrical box enclosure.

17 23. All landscaping, fences, walls, etc. on the site, shall be permanently maintained by the
18 owner, their assigns or any successors-in-interest in the property. The maintenance
19 program shall include normal care and irrigation of the landscaping; repair and replacement
20 of plant materials; irrigation systems as necessary; and general cleanup of the landscaped
21 and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain
22 landscaping shall result in the City taking all appropriate enforcement actions by all
23 acceptable means including but not limited to citations and/or actual work with costs
24 charged to or recorded against the owner. This condition shall be recorded with the
covenant required by this resolution.

25 **Fire:**

26 24. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
27 prior to the issuance of building permits.

- 1 25. Fire Department Plan Review will require the quantity of lead acid batteries proposed. In
2 addition, the electrolyte volume will need to be provided for the batteries. Please indicate
3 the amounts on the plans.
- 4 26. Fire inspection shall be required prior to final building inspection.

5 **Planning:**

- 6 27. This Conditional Use Permit is granted for the following use only: a 46-foot stand-alone
7 communication facility disguised as a pine tree consisting of a total of 12, six-foot antennas
8 and an associated equipment shelter containing four equipment cabinets. The antennas
9 shall have a radius center line at 37 feet above grade level and they shall extend no more
10 than 7 feet, 9 inches from the face of the pole. Any change in the use or expansion of the
11 activities beyond this, which is approved by the Planning Commission, shall require a
12 revision to the Conditional Use Permit or a new Conditional Use Permit.
- 13 28. The facility shall be inspected and a letter of clearance shall be prepared by the City
14 Planner prior to final inspection of the facility by the Building Division.
- 15 29. The Conditional Use Permit shall be called for review by the Planning Commission if
16 complaints are filed and verified as valid by the City Planner or the Code Enforcement
17 Officer concerning the violation of any of the approved conditions or the project
18 assumptions demonstrated under the application approval.
- 19 30. The Conditional Use Permit shall expire 24 months from the effective date unless
20 implemented as required by the Zoning Ordinance.
- 21 31. The Conditional Use Permit shall be limited to a term of 10 years. However, the
22 Conditional Use Permit may be revised or renewed in accordance with the provisions of the
23 Zoning Ordinance. The application for Conditional Use Permit revision shall also be
24 evaluated against the existing land use policies and any site area and neighborhood
25 changes.
- 26 32. Prior to the transfer of ownership and/or operation of the use and/or prior to the addition of
27 a second user, the owner and/or operator shall provide a written copy of the application,
28 staff report, and resolution for the project to the new owner and/or operator and/or second
29 user. The notification requirement shall run with the life of the project.

- 1 33. The Conditional Use Permit shall lapse if the exercise of rights granted by it is discontinued
2 for six consecutive months.
- 3 34. Failure to meet any conditions of approval for this development shall constitute a violation
4 of the Conditional Use Permit.
- 5 35. Unless expressly waived, all current zoning standards and City ordinances and policies in
6 effect at the time building permits are issued are required to be met by this project. The
7 approval of this project constitutes the applicant's agreement with all statements in the
8 project Description and Justification and other materials and information submitted with
9 this application, unless specifically waived by an adopted condition of approval.
- 10 36. A covenant or other recordable document approved by the City Attorney shall be prepared
11 by the applicant and recorded prior to the issuance of building permits. The covenant shall
12 provide that the property is subject to this resolution, and shall generally list the conditions
13 of approval.
- 14 37. Prior to the issuance of building permits, compliance with the applicable provisions of the
15 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
16 and approved by the Planning Division. These requirements, including the obligation to
17 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
18 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
19 property.
- 20 38. Upon one year of facility operation, and upon any change-out of facility equipment, the
21 permittee(s) shall provide to the City Planner a statement of radio-frequency radiation
22 output and output compliance with the limitations of governing licensing authorities.
- 23 39. The permittee(s) shall exercise a good-faith effort to incorporate the best available
24 equipment technology to effect a reduction in the visual presence of the approved antenna
25 and facility equipment. The change-out and retrofit of equipment shall be conducted by the
26 permittee(s) after such equipment becomes available and exhibits common use at similar
27 facilities. Upon the City's request and discretion, the permittee(s) shall be required to
28 provide an independently prepared technical analysis demonstrating compliance with this
29 condition. The permittee(s) inability to demonstrate the use of current technologies may be
grounds for the institution of revocation proceedings of the Conditional Use Permit.

1 40. The permittee(s) shall exercise a good-faith effort to cooperate with other communication
2 providers and services in the operation of a co-user facility, provided such shared usage
3 does not impair the operation of the approved facility. Upon the City's request and
4 discretion, the permittee(s) shall provide an independently prepared technical analysis to
5 substantiate the existence of any practical technical prohibitions against the operation of a
6 co-use facility. The permittee(s)' non-compliance with this requirement may be grounds
7 for the institution of revocation proceedings of the Conditional Use Permit. Additionally,
8 in the event a second carrier wishes to pursue this site for co-location, the permittee(s) shall
9 agree to the following special requirements:

- 10 a) To temporarily relocate during construction of a two-carrier facility.
- 11 b) To incorporate all required equipment into one comprehensive equipment shelter.

12 41. 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 42. 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. The following
22 requirements shall be met:

- 23 a) The monopole shall not exceed 44 feet in height. The pole shall be no more than 27
24 inches in diameter.
- 25 b) The top of the branches shall not exceed a total of 46 feet in height. Therefore, the
26 overall height of the facility shall not exceed 46 feet.
- 27 c) The mono-pine trunk shall be finished with bark texture and color (full cladding)
28 similar to a real pine tree.
- 29 d) Branches shall start a maximum of 12 feet above ground level. There shall be a
minimum of 75 branches placed on the tree. Branch length shall range from a

1 minimum of four feet for the shortest branches to a minimum of 12 feet for the
2 longest branches. The branches shall be arranged from largest to smallest
3 beginning 12 feet from the base of the mono-pole and shall substantially match the
4 look of a real pine tree.

5 e) The radius center line of the antennas shall be 37 feet above ground level. The
6 antennas shall not exceed six feet in height. The antennas shall not extend more
7 than 7 feet 9 inches from the centerline of the mono-pole. The branches around the
8 antennas shall extend a minimum of 24 inches beyond the outer edge of the
9 antennas. All antennas shall be covered with a faux pine material sock. All
10 antenna support bars shall match the faux branches.

11 f) The concrete pad and bolts for the mono-pine shall be painted to match the trunk.
12 In addition, a mulch mound shall be required to conceal the pad and bolts at the
13 base of the tree.

14 g) The equipment shall be located adjacent to the proposed mono-pine between two
15 existing block walls. There shall be a maximum of four equipment cabinets
16 measuring 5 feet, 3 5/8-inches tall by 4-feet, 3 3/16-inches wide by 3-feet, 3/8-
17 inches deep. The equipment shelter shall be enclosed on all four sides and the top.
18 The nine-foot equipment shelter wall facing north shall be screened with
19 appropriate shrubs or vines as approved by the Engineering Department.

20 43. The proposed 46-foot mono-pine shall be maintained in a like-new condition at all times.
21 Maintenance shall include, but is not limited to, replacing trunk bark, branches, leaves, and
22 faux pine material sock coverings. Upon the City's request and discretion, the permittee(s)
23 shall provide an aesthetic analysis, including current, detailed photographs, to substantiate
24 the like-new appearance of the proposed project, within 90 days of the request. The
25 permittee(s)' non-compliance with this requirement shall be grounds for the institution of
26 revocation proceedings of the Conditional Use Permit.

27 44. Any apparent inconsistency resulting from the construction of the approved facility shall be
28 a basis for a call for the review of the Conditional Use Permit.

29 45. No generators shall be permitted on-site.

1 46. Upon termination of the approved facility use, the permittee shall be responsible to remove
2 the entire facility from the premises at its expense.

3 47. The final design, aesthetic devices, and construction of any future co-user on this facility
4 shall be in accordance with the plans representing the approved project. These
5 requirements shall be shown and demonstrated on the plans submitted for building permits
6 and shall be reviewed and approved by the City Planner prior to the issuance of building
7 permits. The following requirements shall be met:

- 8 a) The use of the mono-pine shall be limited to two users.
- 9 b) A second Conditional Use Permit must be obtained in order to increase the size of
10 the mono-pine above 46 feet in total height.
- 11 c) The addition of a second user shall in no way relieve the preliminary user from
12 compliance with all conditions of this resolution.
- 13 d) The second user shall be required to comply with all current zoning standards and
14 City ordinances and policies in effect at the time building permits are issued.
- 15 e) Any damage to the mono-pine or landscaping during installation of the second user
16 shall be repaired and/or replaced at the expense of the second user.
- 17 f) Antennas shall be limited to a maximum of nine panel antennas. No whip antennas
18 or satellite dishes shall be permitted at any time.
- 19 g) The antennas shall not interfere with any existing antennas. The antennas shall not
20 extend more than 30 inches from the mono-pole. The branches around the antennas
21 shall extend a minimum of 36 inches beyond the outer edge of the antennas. All
22 antennas shall be covered with a faux pine material sock. All support bars shall
23 substantially match the faux branches.
- 24 h) The equipment shall be incorporated into a shelter with the existing user's
25 equipment. All equipment associated with the second user shall be adequately
26 screened on all four sides and the top.

25 **Water Utilities:**

26 48. No trees, structures, building overhang or other encroachments shall be permitted within
27 the existing wastewater utility easement.

1 49. The developer will be responsible for developing all water and sewer utilities necessary to
2 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
3 the developer and shall be done by an approved licensed contractor at the developer's
4 expense.

5 PASSED AND ADOPTED Resolution No. 2007-P47 on October 8, 2007 by the following vote,

6 to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

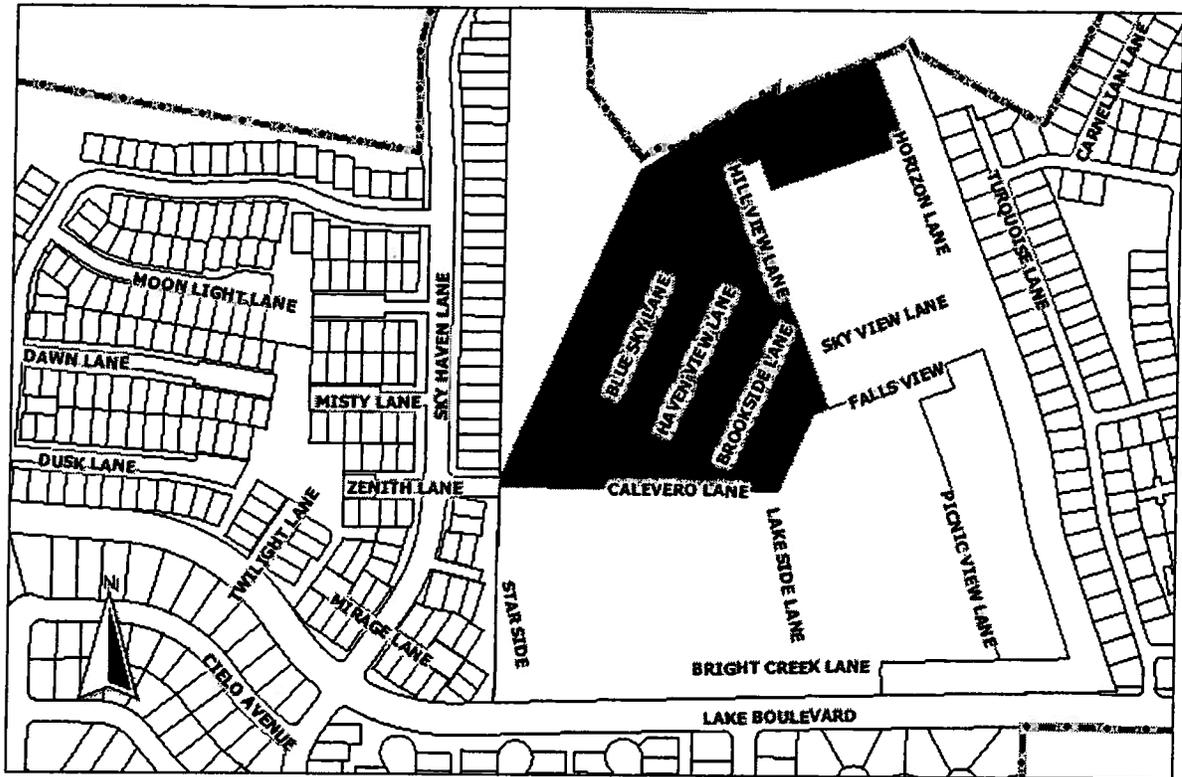
11
12
13 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

14
15 ATTEST:

16
17 _____
Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2007-P47.

20
21 Dated: October 8, 2007



File Number: C-37-06

Applicant: T-Mobile

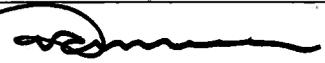
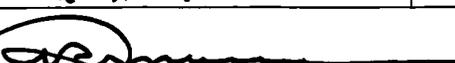
Description:

CONDITIONAL USE PERMIT (C-37-06) for a stand-alone wireless telecommunications facility disguised as a faux pine tree located at 3570 Skyhaven Lane. The project site is zoned RM-A (Medium Density Residential A) and is situated within the Lake Neighborhood. – T-MOBILE @ 3570 SKYHAVEN 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				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
				8/14/06	S.S.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT	2. STATUS		GPA		
T-MOBILE	AUG 14 2006 Planning Department		MASTER/SP.PLAN		
3. ADDRESS	4. PHONE/FAX		ZONE CH.		
10180 TELESIS COURT, 3RD FLOOR SAN DIEGO, CA 92121	760-390-7727		TENT. MAP		
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)			PAR. MAP		
DOUG MUNSON			DEV. PL.		
6. ADDRESS			C.U.P.	C-37-06	
P.O. BOX 55 POWAY, CA 92074		7. PHONE/FAX	VARIANCE		
		760-390-7727	COASTAL		
PART II - PROPERTY DESCRIPTION				O.H.P.A.C.	
8. LOCATION			9. SIZE		
3570 SKY HAVEN LANE, OCEANSIDE, CA 92056					
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
	PMD	MOBILE HOME PARK	168-020-48		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
PROPOSAL CONSISTS OF THE INSTALLATION OF A 40' TALL FAUX PALM TREE AND ASSOCIATED RADIO AND POWER EQUIPMENT.					
REV-4/26/07, 6/27/07					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
SAME	SAME	SAME			
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	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 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
DOUG MUNSON		8.13.06			
Sign: 			Sign:		
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
DOUG MUNSON		8.13.06			
Sign: 			Sign:		

RECEIVED

AUG 14 2006

Planning Department

JULIANA

WA

RECEIVED

AUG 14 2006

Planning Department

March 1, 2006

Roberta Walters, Manager
Rancho Calevero L.L.C.
3570 Calevero Lane
Oceanside, CA 92056

Re: Property located at 3570 Calevero Lane, Oceanside/SD07105

Dear Roberta:

T-Mobile USA, Inc. ("T-Mobile"), the newest wireless phone provider in San Diego, is interested in leasing space on your property for the purpose of locating communications equipment. In order to evaluate the property as a potential candidate, T-Mobile would like to request the right to enter the property to perform reasonable tests. The tests are to determine the feasibility of constructing and operating our communications facility on your property and would include (but may not be limited to) radio frequency testing and filing of land use applications.

T-Mobile agrees to indemnify, defend, and hold you harmless from and against any and all damages, losses, and expenses arising out of or resulting from any claim, action, or other proceeding that is based upon any negligent act or omission or willful misconduct of T-Mobile or its contractors, arising in connection with access to the property.

The purpose of this letter is to confirm that you are the owner of the property, that you have an interest in leasing a portion of the property for a communications site, and that you grant T-Mobile and its contractors permission to enter your property to perform any reasonable tests. Please sign below indicating your consent to allow T-Mobile to perform an on-site feasibility assessment of the property. We both acknowledge that no commitments have been made that would require either of us to enter into a legally binding contract.

Owner

By: Virginia A Phipps
Name: VIRGINIA A. PHIPPS
Its: MANAGING PARTNER/owner

T-Mobile USA, Inc.

By: Tim Finckham
Name: TIM FINCKHAM
Its: DIRECTOR

**PROJECT DESCRIPTION & JUSTIFICATION
FOR
T-MOBILE INSTALLATION
3570 SKY HAVEN LANE
OCEANSIDE, CA 92056
SD07105A RANCHO CALEVERO MOBILE HOME PARK**

T-Mobile proposes to install twelve new panel antennas on a proposed forty-six foot tall faux mono-pine. The antennas will be mounted to the support structure at an antenna center height of thirty seven feet above grade.

The radio and power equipment will be located within a proposed enclosure located southeast of the proposed faux tree. The enclosure will consist of an eight-foot tall concrete masonry wall.

A comprehensive landscaping plan will be provided as part of the site development plan.

The radio and power equipment will be connected to the antennas via an underground conduit.

The radio and power equipment will be connected to power and telco via underground conduit, which is located west of the installation.

Site Location Justification:

The site selection process consists of the following steps:

1. The RF Engineer is made aware of a coverage and/or capacity need in a geographical area.
2. The RF Engineer designs a general solution to solve the need including location, height of antennas, antenna count and the number of radios desired.
3. A search ring is issued to the real estate arm of the deployment department depicting an area within a radius to be investigated for a potential cell site.
4. The real estate department reviews potential sites that meet the general criteria set by the RF Engineer.
5. The project planner reviews the potential sites for conformance to the existing ordinances and municipal codes.
6. The sites are prioritized and a primary site is chosen.
7. A team of experts in the field of radio frequency, real estate, planning and zoning and construction visit the site and determine the design and ability to construct the potential site.
8. Zoning drawings are prepared and submitted to the local jurisdiction.
9. Once the local jurisdiction approves the site a building permit is obtained and the facility is constructed and turned on.

In the case of the submitted search area applied to this conditional use permit the search area is located in an area of primarily residential development. The subject property is ideal for this installation because of the size of the property, the existing mature vertical landscape in the direct vicinity of the proposed project and the ability to screen from the off-site view the radio and power cabinets.

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Site Design Justification:

The site design was chosen for its ability to integrate into the existing mature vertical landscape and the use of the existing masonry walls to help screen the radio and power cabinets.

Potential Site Investigation:

The sites reviewed for this installation were right-of-way sites in the vicinity. None of these sites provided the height necessary to meet the coverage objective or the required antenna count.

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of San Diego, described as follows:

Parcel 1:

All that portion of Lot "D" of Rancho Agua Hedionda, in the County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of San Diego County, November 16, 1869, being a portion of Sections 26 and 35, Township 11 South, Range 4 West, San Bernardino Meridian described as follows:

Commencing at a point in the Northerly boundary of said Rancho from which corner No. 3 thereof bears North 61°35' West 375.59 feet being the most Easterly corner of that certain 20 foot strip of land described in deed to Benjamin J. Busch and wife dated May 6, 1946 and recorded in Book 2141, Page 129 of Official Records; thence along the Southeasterly boundary of said 20 foot strip as follows: South 41°36'26" West 269.97 feet; South 28°02'39" West 306.20 feet and South 25°02'06" West 229.51 feet to the most Northerly corner of the land described in deed to Leslie C. Wise et ux, recorded October 26, 1950 in Book 3839, Page 163 of Official Records as File/Page No. 124430 of Official Records, being the True Point of Beginning; thence along the Northeasterly and Easterly boundary of said Wise land as follows: South 21°44'50" East 974.76 feet (record South 21°40' East 980 feet more or less) to the beginning of a tangent 298.10 foot radius curve, concave Westerly; Southerly along said curve through an angle of 11°28' a distance of 59.66 feet; tangent to said curve South 10°16'50" East (record South 18°53' East) 273.12 feet and South 18°57'30" East 192.51 feet to the Northeasterly corner of land described in deed to Joel Henry Prescott, Jr. recorded July 12, 1956 as File/Page No. 95736 of Official Records of said County; thence continuing South 18°57'50" East along the Easterly line of said Prescott land 222.60 feet; thence South 88°05'52" West 1553.31 feet to the Northwesterly corner of said Prescott land being also a point on the West line of said Section 35; thence along said West line, North 0°07'15" West (record North 0°06' West) 579.30 feet to an angle point in the Northwesterly boundary of said Wise land; thence along said boundary as follows: North 23°41'45" East 818.90 feet (record North 23°44'28" East 818.82 feet) North 57°08'16" East 401.52 feet (record 401.03 feet); South 0°14" East 21.98 feet (record 22.38 feet); North 65°45'09" East 357.04 feet and North 25°02'06" East 4.44 feet to the True Point of Beginning.

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Parcel 2:

An easement and right of way for road purposes over a strip of land 20 feet in width in Lot "D" of Rancho Agua Hedionda, in the County of San Diego, State of California, according to Map thereof No. 823 filed in the Office of the County Recorder of San Diego County, November 16, 1869, the Southeasterly line of said 20 foot strip being described as follows:

Beginning at a point in the Northerly boundary of said Rancho from which corner No. 3 thereof bears North $61^{\circ}35'$ West 375.59 feet being the most Easterly corner of that certain 20 foot strip of land described in deed to Benjamin J. Busch and wife dated May 6, 1946 and recorded in Book 2141 Page 129 of Official Records; thence along the Southeasterly boundary of said 20 foot strip as follows: South $41^{\circ}36'26''$ West 269.97 feet; South $28^{\circ}02'39''$ West 306.20 feet and South $25^{\circ}02'06''$ West 229.51 feet to the most Northerly corner of the land described in deed to Leslie G. Wise et ux recorded October 26, 1950 in Book 3839 Page 163 of Official Records as File/Page No. 124430; thence along the Northwesterly boundary of said Wise land as follows: Continuing South $25^{\circ}02'06''$ West 4.44 feet and South $65^{\circ}45'09''$ West 357.04 feet to an angle point therein.

Parcel 3:

An easement for road and utility purposes having a uniform width of 30.00 feet over that portion of Lot "D" of Rancho Agua Hedionda, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 823 filed in the Office of the County Recorder of San Diego County, November 16, 1869 being a portion of Section 26, 34 and 35, Township 11 south, Range 4 West, San Bernardino Meridian, the center line of said easement lying 40.00 feet Easterly of and parallel to the following described line:

Commencing at a point on the Westerly line of Section 35 distant thereon South $0^{\circ}06'$ East 108.36 feet from the Northwest corner of said Section 35 being a point herein designated Point "Y"; thence North $42^{\circ}33'05''$ East 462.69 feet to the beginning of a 20.00 foot radius curve,, concave Westerly; thence Northerly along said curve 29.14 feet (deed 29.41 feet) through an angle of $83^{\circ}28'05''$; thence North $49^{\circ}05'$ East 30.00 feet to the Southwesterly line of land described in deed to John Sinclair and Wife recorded in Book 1411, Page 12 of Deeds, records of said County and the True Point of Beginning; thence retracing along last described courses to Point "Y" hereinabove designated; thence South $42^{\circ}33'05''$ West 191.97 feet to the beginning of a 340.00 foot radius, curve, concave Southeasterly; thence Southwesterly along said curve 212.98

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feet through an angle of 35°53'29" (deed 34°53'29") to Point "A" as Point "A" is described in deed recorded October 23, 1964 as File/Page No. 194161 of Official Records; thence continuing Southwesterly along said curve through a central angle of 6°45'36" a distance of 40.11 feet; thence South 0°06' East 963.95 feet, more or less, parallel with the West line of said Section 35 to the beginning of a 140.00 foot radius curve, concave Northeasterly; thence southeasterly along said curve 219.91 feet through a central angle of 90°00'; thence North 89°54' East 80.00 feet to a point on the West line of said Section 35 distant thereon South 0°06' East 70.00 feet from the most Northwesterly corner of that parcel of land described in deed to Leslie G. Wise et ux, recorded October 26, 1950 in Book 3839, Page 163 of Official Records as File/Page No. 124430.

The right for roadway excavation and embankment slopes and drainage structures to extend beyond the limits of the above described easement is granted as part of said easement.

Parcel 4:

An easement for sewer line purposes over, under, along and across a 10.00 foot strip of land lying in Lot "D", of the Rancho Agua Hedionda, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of San Diego County, November 16, 1869 being a portion of the East Half of the East Half of Section 34, Township 11 South, Range 4 West, San Bernardino Meridian, the center line of said 10.00 foot strip being described as follows:

Commencing at the East quarter corner of said Section 34; thence North 0°07'15" West 5.00 feet to the True Point of Beginning; thence North 89°42'00" West 64.42 feet; thence South 32°49'25" West 366.04 feet to a point 3.00 feet Southwesterly of the Southwesterly line of that 150 foot easement described in deed to the San Diego Gas & Electric Company, recorded in Book 1160, page 276 of Official Records; thence parallel to said San Diego Gas & Electric Company Easement North 57°10'35" West to an intersection with the Westerly line of the East Half of the East Half of said Section 34.

Parcel 5:

An easement for sewer line purposes over, under, along and across a 10.00 foot strip of land lying in Lot "D" of Rancho Agua Hedionda, in the City of Oceanside, County of San Diego, State of California, according to Map, thereof No. 823, filed in the Office of the County Recorder of San Diego County, November 16, 1869, being a portion of the Northwest Quarter of

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Section 35, Township 11 South, Range 4 West, San Bernardino Meridian, the center line of said 10.00 foot strip being described as follows:

Commencing at the West Quarter corner of said Section 35; thence North $0^{\circ}17'15''$ West 5.00 feet to the True Point of Beginning; thence South $89^{\circ}42'00''$ East 776.22 feet; thence North $52^{\circ}17'06''$ East 426.48 feet; thence due North 327.12 feet to an intersection with the Southerly line of Parcel 1 hereinabove described.

Affects | The herein described land and other land.

End of Legal Description

Continued on next page



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 10/09/2007
Removal: 04/09/2008
(180 days)

1. **APPLICANT:** T-Mobile
2. **ADDRESS:** 10180 Telesis Ct. Suite 333, San Diego CA 92121
3. **PHONE NUMBER:** (760) 390-7727
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** T-Mobile @ 3570 Skyhaven Lane (C-37-06)
7. **DESCRIPTION:** To obtain a Conditional Use Permit for an unmanned wireless communication facility with 12 antennas mounted and hidden from view on a 46 foot monopine.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 3, New Construction or Conversion of Small Structures (Section 15303); or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , <name> (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Sally Schifman, Planner II

Date: October 9, 2007

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