

# AGENDA NO. 4

## PLANNING COMMISSION



## STAFF REPORT

DATE: April 11, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C10-00002) FOR IMPROVEMENTS TO PREVIOUSLY-APPROVED WIRELESS TELECOMMUNICATION FACILITIES AT 851-A WILSHIRE ROAD – T-MOBILE @ MELLANO FARMS – APPLICANT: T-MOBILE WEST CORPORATION**

### RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Adopt Planning Commission Resolution No. 2010-P12 approving Conditional Use Permit (C10-00002) with findings and conditions of approval attached herein.

### PROJECT DESCRIPTION AND BACKGROUND

**Site Review:** Comprising 14.84 acres, the subject site lies within an Agriculture (A) zoning district in the Morro Hills Neighborhood Planning Area. Maintaining roughly 481 feet of frontage along the west side of Wilshire Road and extending to a depth of over 1,325 feet, the property exhibits a steady upward slope from front to back, with the grade at the rear property line approximately 70 feet above that at the street frontage. The site accommodates agricultural fields, greenhouses and other farming operations, as well as workforce housing. Owned and managed by Mellano and Company, the site is devoted primarily to the production of ornamental crops. The surrounding area is mostly rural, with nearby properties ranging in size from 2.5 acres to more than 40 acres. To the north, south and east, the subject site abuts other agricultural uses. To the west, the site abuts a private golf course. Several single-family homes adjacent to the golf course lie within 350 feet of the subject site's western boundary.

**Project Description:** On April 26, 1999, the Planning Commission approved wireless telecommunication (telecom) facilities on the subject site by means of a Conditional Use Permit (C-1-99). Located approximately 720 feet westward of the property's street frontage and within 30 feet of workforce dwelling units, these facilities consisted of a 50-foot "monopalm" tower to which six panel antennas were affixed, along with three ground-mounted equipment cabinets that together occupy roughly 53 square feet at the

base of the tower. While the original entitlement expired on April 26, 2004, the telecom facilities have continued to operate up to the present date. In order to continue current operations in accordance with City standards, the existing facilities require issuance of a new Conditional Use Permit, which would remain in effect for three years from the date of approval. Telecom facilities typically receive approval to operate for a ten-year period, but because the existing facilities have operated for seven years beyond the approval period specified by the original Conditional Use Permit, operation of the facilities will again be subject to discretionary review in 2014.

The subject request involves the proposed in-kind replacement of six existing panel antennas and three existing equipment cabinets along with the installation of a new microwave antenna. The six new panel antennas would be affixed to the existing "monopalm" tower. Measuring 24 inches in diameter, the proposed microwave antenna would be mounted to the existing monopalm at a height of 40 feet (approximately five feet below the panel antennas). In accordance with staff recommendations, the applicant proposes to screen the equipment cabinets behind a six-foot wooden trellis situated between the cabinets and the nearby dwelling units. The trellis structure would support blood red trumpet vines (*Distinctis Buccinatoria*) serviced by an automatic irrigation system.

Concerned about the proximity of the proposed facilities to workforce housing, staff required that the applicant analyze the feasibility of relocating the existing monopalm to a more remote area. This analysis determined that relocation of the monopalm would result in greater off-site visual impacts, disruption of agricultural activity and prohibitive costs to the applicant, without any significant benefit to the residents of the workforce housing. Given that radio frequency exposure created by the existing facilities falls substantially below legal limits (as demonstrated in the exposure report discussed under "Zoning Ordinance Compliance"), staff finds that siting these facilities farther away from the workforce housing cannot be justified for health and safety reasons. Furthermore, given that the monopalm has now coexisted with the workforce housing for more than a decade, staff finds that it has essentially become a fixture in this setting and, as such, does not merit relocation for aesthetic reasons.

The camouflaging fronds on the existing monopalm are in a dilapidated condition. The applicant proposes to replace these fronds in conjunction with the replacement of the existing panel antennas. It is staff's expectation that the replacement fronds will be composed of state-of-the-art materials, and that they will screen the panel antennas to the fullest extent possible.

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 Government Code Sections 65850 and 65964

## **ANALYSIS**

### **KEY PLANNING ISSUES**

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

The General Plan Land Use Map designation on the subject property is Agricultural (A). The proposed project is consistent with this land use designation and the associated goals and objectives of the City's General Plan, as follows:

#### **Land Use Element**

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

**Objective:** 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.

By means of a coverage gap analysis, the applicant has demonstrated that adequate signal coverage in the vicinity is contingent upon maintenance of the existing facilities. The proposed project would ensure continued signal coverage for T-Mobile subscribers and other cellular telephone users in the area and thereby provide for the City's ongoing telecommunication needs.

The proposed facilities would conform visually to surrounding land uses and natural features, being camouflaged by the "monopalm" tower and the vine-supporting trellis. Moreover, visual impacts on adjacent properties and the public right-of-way would be negligible given the facilities' remote location (the nearest single-family residence lies roughly 615 feet to the west). Approval of the proposed project would be conditioned to require that the aesthetic quality of the facilities be maintained, thereby ensuring that the project will remain visually compatible with the subject site and surrounding properties.

Approval of the proposed project would also be conditioned upon the applicant's consent to allow, to the extent feasible, other communication providers to co-locate additional facilities on the existing "monopalm". Requests for such co-location would require City Planner review and approval through the Administrative Conditional Use Permit (ACUP) process.

## Land Use Element

### Goal 2.5: Agriculture

Objective: Identify, conserve and enhance Oceanside's agricultural areas.

#### Policies:

- C. The City shall, in all proposed actions converting agricultural lands to other land uses, consider the loss of those land to the potential agricultural productivity to the community; and shall assure that land use compatibility to agricultural lands is fully defined and assured.
- D. Land use compatibility is of primary importance to agricultural areas, since land use conflicts between agricultural and non-agricultural uses can force the economic nonviability of agricultural areas.

The proposed telecom facilities would be situated on a portion of the subject property currently accommodating ancillary land uses: more specifically, the monopalm and equipment cabinets would be located adjacent to a cluster of workforce housing units, atop a manufactured slope that separates these housing units from an on-site service road. The proposed facilities thus would not impinge upon existing crop production or other agricultural activity.

Confined to a total area of less than 200 square feet and wholly removed from crop production and processing activities, the proposed facilities would not conflict with primary land uses on the subject site. Furthermore, the proposed facilities, being unmanned and requiring minimal maintenance, would not generate vehicle traffic or other activity with the potential to disrupt farming operations or ancillary uses (e.g. workforce housing).

## **2. Zoning Ordinance Compliance**

The subject site has a zoning designation of Agriculture (A). In Agriculture zoning districts, wireless telecommunication facilities (categorized as "major utilities") are conditionally permitted land uses.

Article 39 of the Zoning Ordinance establishes the review process for telecom facilities and enumerates standard conditions of approval intended to maintain aesthetic values and land use compatibility. In accordance with Zoning Ordinance Section 3904, the proposed project requires issuance of a Conditional Use Permit as it does not constitute a co-located facility and is not sited in the public right-of-way or on property owned or controlled by the City.

Zoning Ordinance Section 3911(D)(3)(a) states that monopole telecom facilities shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings or other structures to provide the greatest amount of visual screening. The proposed facilities would be substantially screened from the nearest home sites (more than 600 feet to the west) by existing structures and landscaping on the subject site, as well as by the intervening topography, which undulates between these home sites and the proposed facilities. Two photographs are included with this staff report to illustrate the visual impacts of the existing facilities upon the nearest home sites (located in the adjacent Arrowood master-planned community). Visual impacts following implementation of the proposed project would essentially be the same, with the expectation that the camouflaging fronds would be fuller and somewhat more realistic in appearance.

Zoning Ordinance Section 3911(D)(3)(b) states that monopole telecom facilities shall be treated with exterior coatings of a color and texture to match the predominant visual background so as to visually blend in with the surrounding area. Designed as a faux palm, the proposed monopole is visually compatible in height, form and texture to nearby queen palms that effectively surround the monopole to the north, south and west. As part of the proposed project, the applicant intends to enhance the screening of the new panel antennas on the monopole by replacing existing fronds that have become worn and thin. Additionally, the panel antennas would be painted to match the new fronds.

Zoning Ordinance Section 3913(A)(1) declares that the maximum height of proposed telecom facilities shall be ten feet above the maximum height allowed in the zoning district in which the facilities are located. Zoning Ordinance Section 1430 establishes that development standards in Agriculture zones shall be specified by a Conditional Use Permit. Accordingly, the height of the proposed facility shall be limited to that proposed: 50 feet, as measured from the natural undisturbed ground surface below the center of the base of the monopole to the highest antenna or piece of equipment attached thereto.

Zoning Ordinance Section 3913(A)(6) declares that proposed telecom facilities must meet all current standards and regulations of the Federal Communications Commission (FCC) as to radio frequency emissions. In accordance with submittal requirements, the applicant has furnished a radio frequency electromagnetic fields exposure report, prepared by a licensed electrical engineer. This report asserts that from nearby areas readily accessible to residents and workers on the subject site, exposure to electromagnetic radiation emitted from the proposed facilities would not exceed two percent (2%) of the maximum permitted exposure allowed under federal law. These findings regarding public exposure to radio frequency were validated through third-party review, as conducted by the engineering firm Mestre Greve Associates.

Zoning Ordinance Section 3913(A)(7) states that proposed telecom facilities shall be designed, located and operated to avoid interference with the quiet enjoyment of adjacent properties, and at a minimum shall be subject to the noise standards of Article 38 of the Oceanside Municipal Code. The proposed facilities will not generate noise in excess of City standards.

**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 technological and aesthetic analyses of the site as deemed 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. Accordingly, a condition of approval has been established that requires the applicant to reasonably accommodate future co-user communication facilities. Proposed co-locations would be subject to the policies and standards of Article 39 of the Zoning Ordinance.

**DISCUSSION**

*Issue:* Land use compatibility with surrounding areas

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	A	A	Agriculture, Workforce Housing
North	A	A	Agriculture
East	A	A	Agriculture, Single Family Residential
South	A	A	Agriculture, Single Family Residential
West	RE-A-MP-1	RE-A-MP-1	Golf Course, Single Family Residential

It is staff's position that the proposed telecomm facilities would be compatible with surrounding land uses, both on and off-site. As illustrated in the above table, the surrounding area is predominantly agricultural, with residential uses dispersed among expansive growing grounds and other farming facilities. Suburban residential development to the west is largely buffered from the subject site and other agricultural properties by portions of the Arrowood Golf Course.

For reasons previously established in this staff report, existing agricultural operations would not be impacted by the proposed project; nor would the health or safety of residents of nearby workforce housing be compromised, as established in the radio frequency exposure report provided by the applicant and validated by third-party expert review.

### **ENVIRONMENTAL DETERMINATION**

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt from CEQA per Class 2 Section 15302, as it involves the replacement of existing facilities with substantially the same purpose and capacity of the facilities replaced.

### **PUBLIC NOTIFICATION**

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties. As of April 4, 2011 no communication regarding the request had been received.

### **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 and performance 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. 2011-P approving Conditional Use Permit C10-00002, with findings and conditions of approval attached herein.

PREPARED BY:



Russ Cunningham  
Senior Planner

SUBMITTED BY:



Jerry Hittleman  
City Planner

JH/RC/fil

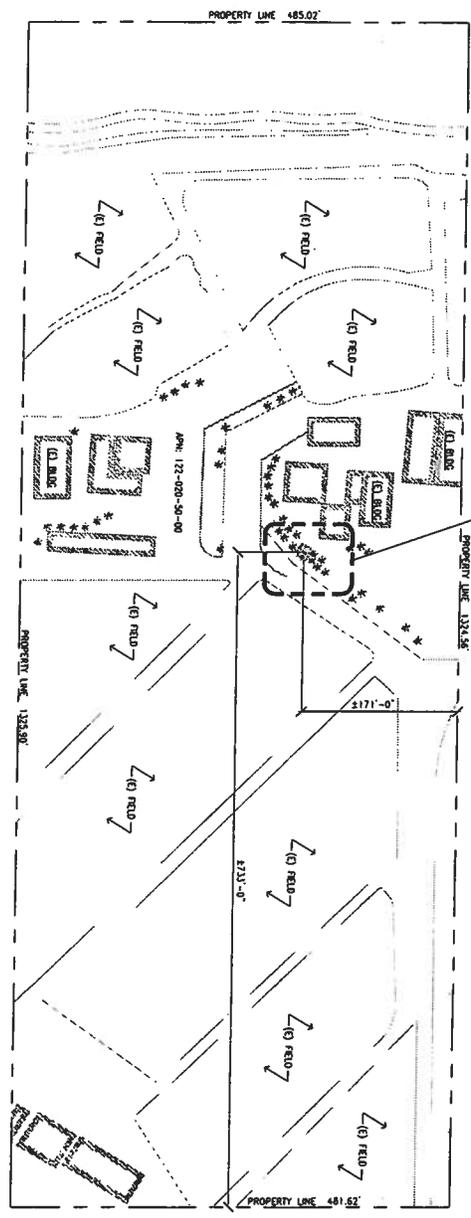
Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2011-P12
3. Site Photos





SITE PLAN



(1) 1-ACRE AREA, SEE ENLARGED SITE PLAN (A1)

**LEGAL DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASIN AND MESA, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 5, 1881.

PARCEL 2:

THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASIN AND MESA, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 5, 1881.

EXCEPTING THEREFROM THE SOUTH 1/4 CORNER OF THE NORTH 3/4 OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASIN AND MESA, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL SAN SURVEY.

ALSO EXCEPT THEREFROM THAT PORTION CONVEYED TO THE CITY OF OCEANSIDE, CALIFORNIA, BY INSTRUMENT NO. 89-20287 OF OFFICIAL RECORDS.

The following information is provided for the City of Oceanside pursuant to the provisions of the California Public Information Act, Chapter 119, Section 54957.01, of the California Government Code.

REV	DATE	DESCRIPTION	BY
0	12/10/18	PRELIM DRAFTING	ML
1	12/18/18	FINAL DRAFTING	ML
2	1/22/19	FINAL CHECKS	ML

**T-Mobile**

10180 Telsco Ct., Suite 333  
San Diego, Ca 92121

**IMSA**  
Innovative Marketing Solutions  
4800 La Jolla Village Drive, Suite 200  
San Diego, CA 92122  
TEL: 619-594-8888  
FAX: 619-594-8889  
www.imsa.com

SD-06306  
MELLANO FARMS  
SITE PLAN  
**A1**







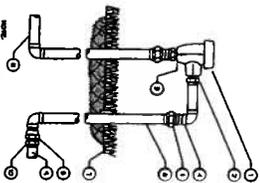






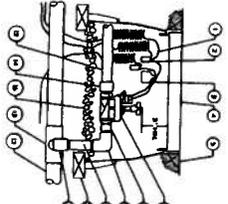
IRRIGATION DETAILS AND NOTES

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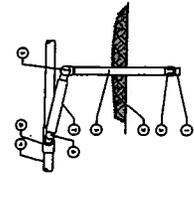
C ATMOSPHERIC VACUUM BREAKER

1. Atmospheric vacuum breaker
2. Control panel assembly
3. Control panel
4. Control panel cover
5. Control panel gasket
6. Control panel screws
7. Control panel nuts
8. Control panel washers
9. Control panel spacers
10. Control panel pins



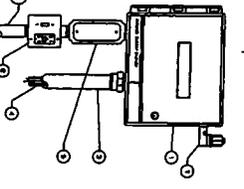
D REMOTE CONTROL MASTER VALVE

1. Remote control assembly
2. Remote control cover
3. Remote control gasket
4. Remote control screws
5. Remote control nuts
6. Remote control washers
7. Remote control spacers
8. Remote control pins
9. Remote control pins
10. Remote control pins



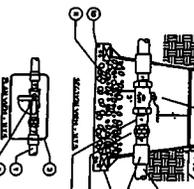
E RISER WITH SPRAY OR BUBBLER

1. Riser cap
2. Riser cap gasket
3. Riser cap screws
4. Riser cap nuts
5. Riser cap washers
6. Riser cap spacers
7. Riser cap pins
8. Riser cap pins
9. Riser cap pins
10. Riser cap pins



A WALL MOUNT CONTROLLER

1. Wall mount controller
2. Wall mount controller cover
3. Wall mount controller gasket
4. Wall mount controller screws
5. Wall mount controller nuts
6. Wall mount controller washers
7. Wall mount controller spacers
8. Wall mount controller pins
9. Wall mount controller pins
10. Wall mount controller pins



B ISOLATION VALVE

1. Isolation valve
2. Isolation valve cover
3. Isolation valve gasket
4. Isolation valve screws
5. Isolation valve nuts
6. Isolation valve washers
7. Isolation valve spacers
8. Isolation valve pins
9. Isolation valve pins
10. Isolation valve pins

IRRIGATION SPECS.

REVISIONS	DATE	DESCRIPTION	BY
1	1/1/19	Initial Design	MSA
2	1/1/19	Final Design	MSA

1. GENERAL NOTES: The contractor shall provide all materials and labor for the installation of the irrigation system. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall ensure that the system is installed in accordance with the manufacturer's instructions and the applicable codes and standards. The contractor shall provide a detailed as-built drawing of the system upon completion of the installation.

2. MATERIALS: All materials shall be of the highest quality and shall be approved by the manufacturer. The contractor shall provide a list of all materials to be used in the system, including the manufacturer's name, model number, and quantity. The contractor shall ensure that all materials are stored properly and protected from damage during the installation process.

3. INSTALLATION: The contractor shall install the system in accordance with the manufacturer's instructions and the applicable codes and standards. The contractor shall ensure that the system is installed in a safe and secure manner and that it is protected from damage during the installation process. The contractor shall provide a detailed as-built drawing of the system upon completion of the installation.

4. TESTING: The contractor shall test the system after installation to ensure that it is operating properly. The contractor shall provide a detailed report of the test results to the owner. The contractor shall ensure that the system is tested in accordance with the manufacturer's instructions and the applicable codes and standards.

5. MAINTENANCE: The contractor shall provide the owner with a detailed manual for the system, including instructions on how to operate and maintain the system. The contractor shall ensure that the system is maintained in accordance with the manufacturer's instructions and the applicable codes and standards.

6. WARRANTY: The contractor shall provide a warranty for the system, including the materials and labor. The contractor shall ensure that the warranty is in accordance with the manufacturer's instructions and the applicable codes and standards.

7. SIGNATURES: The contractor shall sign and seal the drawings and specifications. The contractor shall ensure that the signatures and seals are in accordance with the applicable codes and standards.



**MSA**

Manufacturer of Irrigation Inc.

1939 Highway 44, Suite 301

San Diego, CA 92111

TEL: 619-441-1119

FAX: 619-441-1120

Website: www.msa-irrigation.com

**T-Mobile**

10180 Telestar Dr., Suite 333

San Diego, CA 92121

SD-06306

MELLANDO FARMS

IRRIGATION DETAILS AND NOTES

12

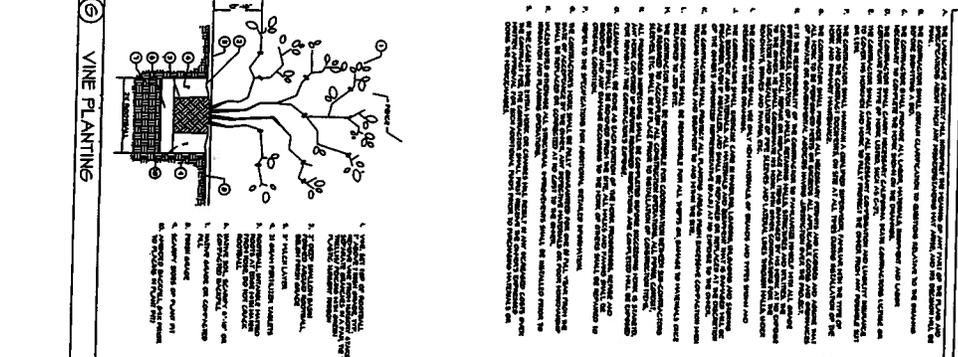
PLANTING & SPECS

GENERAL NOTES

1. The contractor shall be responsible for obtaining all necessary permits and licenses for the construction of the project. The contractor shall also be responsible for obtaining all necessary approvals from the local, state, and federal agencies. The contractor shall also be responsible for obtaining all necessary approvals from the local, state, and federal agencies. The contractor shall also be responsible for obtaining all necessary approvals from the local, state, and federal agencies.

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5 VINE PLANTING

PLANTING DETAILS AND NOTES

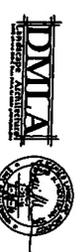
<p>THE FOLLOWING INFORMATION CONTAINS A SUMMARY OF THE PROJECT AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. FOR MORE INFORMATION, CONTACT THE ARCHITECT AT THE ADDRESS LISTED BELOW.</p>		
REV	DATE	DESCRIPTION
1	7/17/19	ISSUE FOR PERMITS
2	7/17/19	ISSUE FOR PERMITS
3	7/17/19	ISSUE FOR PERMITS

**MSA**  
ARCHITECTS & ENGINEERS  
6090 La Jolla Village Drive  
San Diego, CA 92121  
TEL: 619.594.8800  
FAX: 619.594.8801  
WWW.MSAARCHITECTS.COM

**T-Mobile**  
10180 Telegraf Ct., Suite 333  
San Diego, CA 92121

SD-06306  
MELLAND FARMS  
PLANTING DETAILS  
AND NOTES

3



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2011-P12

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

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7 APPLICATION NO: CUP10-00002  
8 APPLICANT: T-Mobile West Corporation  
9 LOCATION: 851-A Wilshire Road

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

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

15 improvements to a previously-approved wireless telecommunications facility, including six  
16 new panel antennas and one GPS antenna attached to an existing 50-foot monopalm tower,  
17 supported by three ground-mounted equipment cabinets;

18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 11<sup>th</sup> day  
20 of April, 2011 conduct a duly advertised public hearing as prescribed by law to consider said  
21 application;

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
23 Guidelines thereto; this project is categorically exempt from CEQA per Class 2 Section 15302  
24 "Replacement and Reconstruction" ;

25 WHEREAS, there is hereby imposed on the subject development project certain fees,  
26 dedications, reservations and other exactions pursuant to state law and city ordinance;

27 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the  
28 project is subject to certain fees, dedications, reservations and other exactions as provided below:

29 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that  
the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction

1 described in this resolution begins on the effective date of this resolution and any such protest must  
2 be in a manner that complies with Section 66020;

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

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

7 FINDINGS:

8 For the Conditional Use Permit:

- 9 1. That the proposed improvements to the existing wireless telecommunications (telecom)  
10 facilities are consistent with the objectives of the Zoning Ordinance and the purposes of  
11 the Agriculture district in which the subject site is located. As per Oceanside Zoning  
12 Ordinance Section 1420 telecom facilities, defined as major utilities, are permitted  
13 within Agriculture districts through approval of a Conditional Use Permit. The proposed  
14 project would utilize an existing monopalm tower and maintain an overall building  
15 footprint comparable to that of the previously-approved telecom facilities.
- 16 2. That the proposed location of the conditional use and the proposed conditions under  
17 which it would be operated or maintained will be consistent with the General Plan. The  
18 proposed telecom facilities will not be detrimental to the public health, safety or welfare  
19 of persons residing or working in the vicinity; and will not be detrimental to properties  
20 or improvements in the vicinity or to the general welfare of the City. The proposed  
21 facilities will comply with federal standards for maximum public exposure to radio  
22 frequency emissions, as determined by a radio frequency emissions report prepared by a  
23 licensed engineer and validated through third-party expert review. The proposed  
24 facilities will comply with all applicable building and safety standards intended to ensure  
25 the structural integrity of the monopalm and attendant structure. Electrical equipment  
26 will be safely housed within locked cabinets, accessible only to qualified personnel.  
27 Noise emitted by the proposed facilities will be within parameters established by the  
28 Oceanside Municipal Code.
- 29 3. That the proposed conditional use will comply with the provisions of the Zoning  
Ordinance and General Commercial District in which the property is located, including

1 any specific condition required for the proposed conditional use in the Agriculture  
2 district in which it is located.

3 4. The placement and construction of the proposed telecom facilities in the proposed location  
4 is necessary for the provision of wireless services to City residents, businesses, and their  
5 owners, customers, guests or other persons traveling in or about the City, as determined by  
6 gap coverage analysis furnished by the applicant.

7 5. The proposal demonstrates a reasonable attempt to minimize stand-alone facilities, is  
8 designed to protect the visual quality of the City, and will not have an undue adverse  
9 impact on historic resources, scenic views, or other natural or man-made resources. The  
10 proposed telecom facilities are intended to service a relatively remote area within the City  
11 where other such facilities do not currently exist. The proposed telecom facilities will be  
12 sufficiently screened and camouflaged to mitigate any off-site visual impacts.

13 6. The applicant has demonstrated that a significant gap in signal coverage exists, and that the  
14 proposed facilities constitute the least intrusive means of closing the significant gap in  
15 coverage.

16 7. The proposal meets all applicable requirements of Article 39 of the Oceanside Zoning  
17 Ordinance.

18 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve  
19 Conditional Use Permit (CUP10-00002) subject to the following conditions:

20 **Building:**

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

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

25 3. Site development, parking, access into buildings and building interiors shall comply with  
26 C.C.R. Title 24, Part 2 (Disabled Access - Nonresidential buildings - D.S.A.).

27 4. 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 5. The building plans for this project are required by State law to be prepared by a licensed  
2 architect or engineer and must be in compliance with this requirement prior to submittal  
3 for building plan review.
- 4 6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the  
5 plans.
- 6 7. Setbacks and Type of Construction must comply with UBC Table 5-A. Allowable area  
7 must be shown to comply with Chapter 5 of the UBC.
- 8 8. The developer shall monitor, supervise and control all building construction and supportive  
9 activities so as to prevent these activities from causing a public nuisance, including, but not  
10 limited to, strict adherence to the following:
- 11 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
12 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
13 work that is not inherently noise-producing. Examples of work not permitted on  
14 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
15 producing nature. No work shall be permitted on Sundays and Federal Holidays  
16 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
17 Christmas Day) except as allowed for emergency work under the provisions of the  
18 Oceanside City Code Chapter 38 (Noise Ordinance).
- 19 b) The construction site shall be kept reasonably free of construction debris as  
20 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
21 approved solid waste containers shall be considered compliance with this  
22 requirement. Small amounts of construction debris may be stored on-site in a neat,  
23 safe manner for short periods of time pending disposal.

23 **Fire:**

- 24 9. Cell sites are required to have a final inspection by the Fire Department.
- 25 10. Fire Department Plan Review will require the quantity of lead acid batteries proposed. In  
26 addition, the electrolyte volume will need to be provided for the batteries.
- 27 11. Stationary Storage Battery Systems having an electrolyte capacity of more than 50  
28 gallons for flooded lead acid, nickel cadmium and valve regulated lead acid, or 1000  
29 pounds for lithium-ion, used for facility standby power, emergency power or

1           uninterrupted power supplies shall comply with Section 608 of the California Fire Code  
2           current edition, and Table 608.1.

3    **Planning:**

4    12.    This Conditional Use Permit shall expire on April 11, 2014 unless implemented as  
5           required by the Zoning Ordinance.

6    13.    This Conditional Use Permit approves only the telecom facilities and associated  
7           improvements as shown on the plans and exhibits presented to the Planning Commission  
8           for review and approval. No deviation from these approved plans and exhibits shall occur  
9           without Planning Division approval. Substantial deviations shall require a revision to the  
10          Conditional Use Permit or a new Conditional Use Permit.

11   14.    The telecom facilities shall be erected, operated and maintained in compliance with Article  
12          39 of the Oceanside Zoning Ordinance.

13   15.    Within thirty (30) calendar days following the installation of the telecom facilities, the  
14          applicant shall provide FCC documentation to the City Planner indicating that the facilities  
15          have been inspected and tested in compliance with FCC standards. Such documentation  
16          shall include the make and model (or other identifying information) of the equipment  
17          tested, the date and time of the inspection, the methodology used to make the  
18          determination, the name and title of the person(s) conducting the tests, and a certification  
19          that the equipment is properly installed and working within applicable FCC standards.

20   16.    Co-location of telecom facilities pursuant to Article 39 of the Oceanside Zoning Ordinance  
21          shall be required whenever feasible.

22   17.    Screening of ground-mounted equipment cabinets shall be achieved by means of a six-foot  
23          wooden trellis supporting five separate blood red trumpet vines (minimum five-gallon  
24          container). Said vines shall be irrigated per approved planting and irrigation plans.

25   18.    Any proposed new signs shall be in conformance with the Oceanside Sign Ordinance  
26          Guidelines and shall be submitted to the Planning Division.

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

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20. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Division. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours shall recorded in the form of a covenant affecting the subject property.

21. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.

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

23. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permits C-35-08. The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

4 PASSED AND ADOPTED Resolution No. 2011-P12 on April 11, 2011 by the  
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 \_\_\_\_\_  
11 Robert Neal, Chairperson  
12 Oceanside Planning Commission

13 ATTEST:

14 \_\_\_\_\_  
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
17 this is a true and correct copy of Resolution No. 2011-P12.

18  
19 Dated: April 11, 2011

20  
21 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees  
22 may be required as stated herein:

23  
24 \_\_\_\_\_ Date: \_\_\_\_\_  
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# T-Mobile @ Mellano Farms

CUP10-00002



Nearest off-site residential use

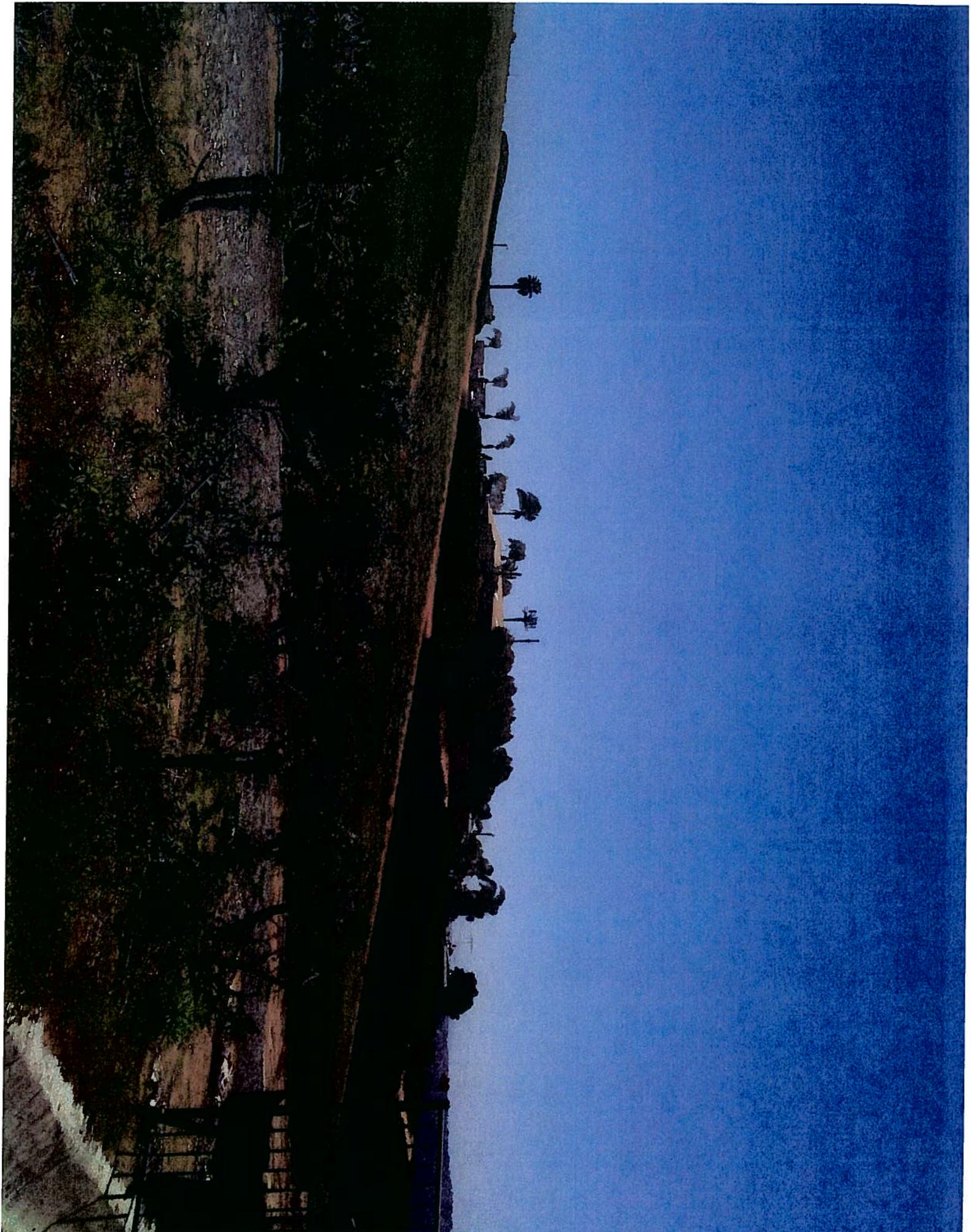
Workforce housing

Existing monopalm

100 feet

25 m

@ AIB © 2010 NAVECO © 2011 Microsoft Corporation  
Pictometry Bird's Eye © 2010 Pictometry International Corp







**Application for Public Hearing**  
 Community Development Department / Planning Division  
 (760) 435-3520  
 Oceanside Civic Center 300 North Coast Highway  
 Oceanside, California 92054-2885

**STAFF USE ONLY**  
 ACCEPTED **2/23/10**  
 Received  
 FEB 23 2010  
 Planning Division  
 Resubmittal 7/8/10  
 BY **SAL**

Please Print or Type All Information

**HEARING**  
 GPA  
 MASTER/SP.PLAN  
 ZONE CH.  
 TENT. MAP  
 PAR. MAP  
 DEV. PL.  
 C.U.P. **CUP10-00002**  
 VARIANCE  
 COASTAL  
 O.H.P.A.C.

**PART I - APPLICANT INFORMATION**

1. APPLICANT **T-Mobile West Corporation Lessee**  
 2. STATUS  
 3. ADDRESS **#333 1080 Telesis Ct., S.D. 92121**  
 4. PHONE/FAX/E-mail **858 334-6158**  
 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) **Becky Siskowski**  
 6. ADDRESS **S.M. 1747 Victoria Way 92069**  
 7. PHONE/FAX/E-mail **858 2432900**

**PART II - PROPERTY DESCRIPTION**

8. LOCATION **851-A Wilshire Road**  
 9. SIZE **130 sq. ft. 14.84 acres**  
 10. GENERAL PLAN  
 11. ZONING **AG 2.5**  
 12. LAND USE **Agriculture**  
 13. ASSESSOR'S PARCEL NUMBER **122-020-55**

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION **T-Mobile proposes to Replace 6 Existing antennas and 3 cabinets with like for like equipment. Add 1 microwave to existing site.**

15. PROPOSED GENERAL PLAN **NA**  
 16. PROPOSED ZONING **NA**  
 17. PROPOSED LAND USE **wireless telecom**  
 18. NO. UNITS **NA**  
 19. DENSITY **NA**  
 20. BUILDING SIZE **NA**  
 21. PARKING SPACES **NA**  
 22. % LANDSCAPE **NA**  
 23. % LOT COVERAGE or FAR **NA 108 Feet**

**PART IV - ATTACHMENTS**

24. DESCRIPTION/JUSTIFICATION  25. LEGAL DESCRIPTION  26. TITLE REPORT  
 27. NOTIFICATION MAP & LABELS  28. ENVIRONMENTAL INFO FORM  29. PLOT PLANS  
 30. FLOOR PLANS AND ELEVATIONS  31. CERTIFICATION OF POSTING  32. OTHER (See attachment for required reports) **Rf Study**

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): **Becky Siskowski** 34. DATE **2/22/10**  
 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).  
 Sign: **[Signature]** 35. OWNER (Print) **SEE LOA** 36. DATE

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

## Description and Justification

Re: T-Mobile SD06306 Mellano Farms

### General Plan Policies

#### A. How does the project conform to 1.12(B) and 1.12(C) Land Use Compatibility

**1.12 (B) The use of land shall not create negative visual impacts to surrounding land uses.**

T-Mobile has an existing wireless telecom facility at this site. The existing and proposed replacement antennas are and will be camouflaged within a faux palm tree. The replacement equipment cabinets will have screening provided by a wood lattice fence with new evergreen vines planted for landscaping. The lattice fence and landscaping will conceal the cabinets from the neighboring properties.

**1.12 (C) The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials.**

T-Mobile's equipment will be replaced with like for like equipment. The existing and proposed cabinets and antennas do not produce objectionable noise, light, odors or other emissions nor do they emit toxic, radioactive or other dangerous materials.

#### B. How does the project conform to 1.14(A) Noise Control

**1.14 (A) Noise emissions shall not reach levels that pose a danger to the public health.**

T-Mobile's existing cabinets are almost completely silent. These cabinets were built for outdoor use and do not require HVACs. The proposed replacement cabinets will have the same noise level. In addition, the new lattice tower with evergreen vines will not only assist with concealing the cabinets, but will also provide a noise barrier to the neighboring properties.

#### C. How does the project conform to 1.22(A) and 1.22(B) Landscaping

**1.22 (A) Existing mature trees shall be retained wherever possible.**

No ground disturbance is proposed with this project. Cabinets on existing pad will be replaced. No mature trees will be disturbed.

**1.22 (B) Mature trees removed for development shall be mitigated by replacement with an appropriate type, size and number of trees.**

No mature trees are being removed.

#### D. How does the project conform to 2.5 (C) and 2.5(D) Agriculture

**2.5 (C) The City shall, in all proposed actions converting agricultural lands to other land uses, consider the loss of those lands to the potential agricultural productivity to the community; and shall assure that land use compatibility to agricultural lands is fully defined and assured.**

T-Mobile's existing site does not in any way interfere with the designated land used for agricultural purposes. T-Mobile's site is located closer to existing buildings rather than on or near the fields used for agriculture.

**2.5 (D) Land use compatibility is of primary importance to agricultural areas, since land use conflicts between agricultural and non-agricultural uses can force the economic nonviability of agricultural areas.**

T-Mobile's existing site does not in any way interfere with the designated land used for agricultural purposes. T-Mobile's site is located closer to existing buildings rather than on or near the fields used for agriculture. The current agricultural use of the property shall remain as such.

## Description and Justification

Received

FEB 28 2010

Planning Division

Re: T-Mobile SD06306 Mellano Farms

T-Mobile is requesting to re-permit/modify an existing wireless telecommunications facility at 851-A Wilshire Road. There are currently six (6) panel antennas on a monopalm and three (3) cabinets at ground level on a slab. T-Mobile will be replacing all six antennas and all three cabinets with like for like equipment. T-Mobile is also proposing to add one (1) microwave dish.

There will be no ground disturbance. Existing conduit will be used for the new antennas.

### Development Plans

- a) The physical design of the site is consistent with the zoning ordinance. The faux palm is made to look and blend in with the surrounding environment. There are multiple palms existing in the immediate vicinity of the monopalm.
- b) The development plans conform to the general plan. Page 5 "Proactively facilitate access to user friendly, state-of-the art, two-way interactive telecommunications services, affordably priced, and accessible to the community.
- c) That the area is adequately and reasonably served by existing and planned public services, utilities and public facilities. This site is easily accessible by all services.
- d) The project is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood. This site does not affect future or existing developments.
- d) The site plan and physical design is consistent with the policies within the Land Use Element of the General Plan, the guidelines for hillsides and section 3039 of this ordinance. The site is an existing site and conforms to all policies.

### Coastal Development Permits – NA

### Variances – NA

### Conditionall Use Permits

- a) The proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which this site is located. Yes, this site conforms to this ordinance.
- b) This site is consistent with the General Plan. See letter "b" in the Development Plans section above.
- c) This proposed conditional use will comply with the provisions of this ordinance.

Exhibit A

**Parcel 1: The North Half of the Northeast Quarter of the Southeast Quarter of Section 27, Township 10 South, Range 4 West, San Bernardino Meridian, according to United States Government Survey approved April 5, 1881.**

**Parcel 2: The North Half of the South Half of the Northeast Quarter of the Southeast Quarter of Section 27, Township 10 South, Range 4 West, San Bernardino Meridian, According to United States Government Survey approved April 5, 1881.**

**Excepting therefrom the South 15 acres of the North  $\frac{3}{4}$  of the Northeast Quarter of the Southeast Quarter of Section 27, Township 10 South, Range 4 West, San Bernardino Meridian in the City of Oceanside, County of San Diego, State of California, according to official Plat thereof.**



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** T-Mobile West Corporation
2. **ADDRESS:** 10180 Telesis Court #333 San Diego, CA 92121
3. **PHONE NUMBER:** (858) 334-6158
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham, Senior Planner
6. **PROJECT TITLE:** C10-00002 T-Mobile @ Mellano Farms
7. **DESCRIPTION:** A Conditional Use Permit to allow improvements to previously-approved wireless telecommunications facilities at 851-A Wilshire Road

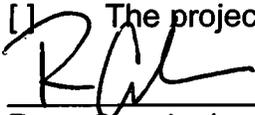
**ADMINISTRATIVE DETERMINATION:** Planning Division staff has reviewed this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Planning Division finds that the proposed project is generally for replacement of existing structures where the new structures will be located on the same site as the structures replaced and will have substantially the same purpose and capacity as the structures replaced. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

Per Article 19, the project is categorically exempt, in accordance with Section 15302, Class 2(c), replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

"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 of section] (Section xxxxx); or,

The project does not constitute a "project" as defined by CEQA (Section 15378).

  
\_\_\_\_\_  
Russ Cunningham, Senior Planner

Date: April 4, 2011

cc:

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

Posting: