AGENDA NO. 4

PLANNING COMMISSION *STAFF REPORT*

DATE: June 13, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP11-00003) FOR THE CONSTRUCTION AND OPERATION OF A TELECOMMUNICATION FACILITY CONCEALED WITHIN AN EXISTING ROOFTOP CUPOLA OF AN EXISTING BUILDING LOCATED AT 4655 FRAZEE ROAD – T-MOBILE @ 4655 FRAZEE ROAD – APPLICANT: T-MOBILE WEST CORPORATION**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Adopt Planning Commission Resolution No. 2011-P19 approving Conditional Use Permit (CUP11-00003) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is within a Rancho Del Oro Planned Unit Commercial District (PD-1) and is located within Rancho Del Oro Retail Center. The site contains five commercial buildings; a fast food restaurant known as IN-N-OUT, a 24-Hour fitness gym, inline retail suites, a drug-store, a convenience market with a gas station on a 8.58-acre site approved by the Planning Commission on January 24, 2000 under a Development Plan (D-19-99), Parcel Map (P-9-99), Conditional Use Permits (C-21-99) thru C-26-99) and a Variance (V-8-99). The surrounding land-uses include Rancho Del Oro Residential Developments (PD-1) properties to the south and west, an open space vacant parcel to the east, and Medium Density Residential (RM-B) homes to the North.

Project Description: The project application is comprised of a conditional use permit.

Conditional Use Permit CUP11-00003:
To allow the construction and operation of a telecommunication facility concealed entirely within an existing rooftop cupola on top of an existing fitness gym building, pursuant to Article 3904 of the Oceanside Zoning Ordinance.

AT&T is proposing to construct, operate and maintain a wireless telecommunication facility consisting of 16 panel antennas installed behind proposed radio frequency screens painted to and textured to match the materials of the existing cupola, in which the antennas will be concealed within. Each antenna would be screened from public view and concealed within a radio frequency material that is integrated into the design of the cupola.

The associated equipment is within an approximate 200-square foot equipment room integrated within the exiting cupola structure. The enclosure will be screened from public view and will be consistent with the design of the existing cupola.

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 for the subject property is Commercial. 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.

T-Mobile is proposing to construct, maintain and operate a telecommunication facility within an existing rooftop cupola. The proposed antennas would be completely screened and enclosed within the existing cupola allowing all 16 antennas with associated equipment to entirely be screened from public view. The proposed project cupola is located at a substantial height and located at least 100 feet from any residence and would not result in any visual impacts to them.

The project site is consistent with the objectives of the General Plan policies regarding visual conformity to surrounding land uses and features while still providing communication, broadcast, and subscription services to the public. The project is conditioned to comply with specific requirements pertaining to its appearance and maintenance. This ensures that the project will be compatible with the site and surrounding land uses.

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 Rancho Del Oro Planned Unit Commercial District. The underlying land use is Commercial. The following table summarizes proposed and applicable development standards for the project site:

	REGULATION	PROPOSED
BUILDING HEIGHT	50 ft.	36 ft.
FRONT YARD	10 ft.	More than 200 feet Existing
SIDE YARD	0 ft.	10 + feet Existing
REAR YARD	0 ft.	20 + feet Existing

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 analysis 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 Article 39 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	Commercial	PD-1	Commercial Retail center
North	MDA-R	RM-A	Single Family Homes
East	Open Space	PD-1	Vacant land
South	Residential	PD-1	Single Family Homes
West	Residential	PD-1	Single Family Homes

The proposed of a wireless telecommunication facility at this location will be compatible with surrounding land uses. The location of the proposed antennas within the rooftop cupola will be completely screened from public view at a height that will not poise a health or safety issue to the general public. The proposed Radio Frequency report ensures that the location of the proposed antennas at the subject height of 36 feet will not result in any health issues or interference with other communication facilities in the area.

The facility has been comprehensively designed and conditioned to ensure a high quality product, which shall not be visual from public view. The proposed associated equipment enclosure shall be located within the cupola with the antennas and will also be screened from public view.

The Section 3025.D.4.F of the Oceanside Zoning Ordinance states that an approved facility shall address the appearance of the entire site and shall upgrade or repair physical features as a means of minimizing view impacts to the community. The site is currently fully landscaped and the location of the antennas within the cupola will not impact the physical appearance of the building nor be negative impact to the surrounding area.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and an Initial Study and Mitigated Negative Declaration was prepared. The environmental analysis concluded that the project will not have significant effect on the environment with the implementation of project conditions and mitigation measures. The mitigation measures address noise issues related to construction and operation of the proposed telecommunication facility.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties. As of June 6, 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 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-P19 approving Conditional Use Permit CUP11-00003 with findings and conditions of approval attached herein.

PREPARED BY:

Scott Nightingale
Planner II

SUBMITTED BY:

Jerry Hittleman
City Planner

JH/SN/fil

Attachments:
1. Site Plan and Elevations
2. Planning Commission Resolution No. 2011-P19

Received

MAR 28 2011

Planning Division

T · · Mobile

SD07141C 24 HR. FITNESS

4655 FRAZEE ROAD., OCEANSIDE, CA. 92057

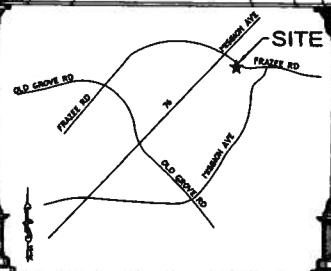
LEGAL DESCRIPTION

PARCEL 5 OF PARCEL MAP NO. 9543 RANCHO DEL ORO VILLAGE VII, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

DIRECTIONS TO SITE

1. START AT 10180 TELESIS CT, SAN DIEGO GOING TOWARD LUSK BLVD
2. TURN RIGHT TO TAKE RAMP ONTO I-805
3. MERGE ONTO I-5 NORTH
4. TAKE EXIT #54A/ COAST HWY ONTO CA-76 EAST
5. TURN RIGHT ON FRAZEE ROAD.
6. SITE IS ON RIGHT SIDE.

VICINITY MAP



CLIENT APPROVALS

RF INITIALS: _____ DATE

ZONING/PLANNING INITIALS: _____ DATE

ARCHITECT INITIALS: _____ DATE

CONSTRUCTION INITIALS: _____ DATE

SITE ACQUISITION INITIALS: _____ DATE

LANDLORD INITIALS: _____ DATE

TITLE 24 COMPLIANCE

ACCESSIBILITY DISCLAIMER

THIS PROJECT IS AN UNOCCUPIED WIRELESS TELECOMMUNICATIONS FACILITY AND, ACCORDING TO WRITTEN INTERPRETATION FROM THE CALIFORNIA DEPARTMENT OF THE STATE ARCHITECT, IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS.

PROJECT STATEMENT

I HEREBY CERTIFY THAT THIS PROJECT COMPLIES TITLE 24, PART 6 OF THE CALIFORNIA STATE CODE.

SIGNED

LICENSED ARCHITECT MITCHELL J. CARMONA No. C28335 REN. 3-31-11 STATE OF CALIFORNIA

APPLICABLE CODES

ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES: INCLUDING BUT NOT LIMITED TO:

1. CALIFORNIA BUILDING CODE - 2007 (PART 2 OF TITLE 24)
2. CALIFORNIA MECHANICAL CODE - 2007 (PART 4 OF TITLE 24)
3. CALIFORNIA PLUMBING CODE - 2007 (PART 5 OF TITLE 24)
4. CALIFORNIA ELECTRICAL CODE - 2007 (PART 3 OF TITLE 24)
5. CALIFORNIA FIRE CODE - 2007 (PART 9 OF TITLE 24)
6. LIFE SAFETY CODE - N.F.P.A. 101 - 1985 & 1991
7. NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS #34
8. RULES AND REGULATIONS OF PRIVATE AND PUBLIC UTILITIES AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)
9. AMERICAN SOCIETY OF TESTING MATERIALS (ASTM)
10. FEDERAL SPECIFICATIONS (FED. SPEC.)
11. UNDERWRITERS LABORATORIES
12. NATIONAL FIREPROTECTION ASSOCIATION (NFPA) (AS ADOPTED BY THE STATE AGENCIES)

PROJECT SUMMARY

SITE NAME
24 HR. FITNESS

SITE NUMBER
SD07141C

SITE ADDRESS
4655 FRAZEE ROAD
OCEANSIDE, CA 92057

OWNER
AVG PARTNERS

APPLICANT
T-MOBILE
10509 VISTA SORRENTO PARKWAY
SUITE 300
SAN DIEGO CA. 92121

ASSESSOR'S PARCEL NUMBER:
161-701-78-00

(E) TYPE OF CONSTRUCTION:
TYPE V - N CONSTRUCTION

TELECOMMUNICATION CARRIERS
NONE KNOWN

OWNER CONTACT
-

CURRENT ZONING:
CO-1-2

(E) OCCUPANCY:
B

PROJECT DESCRIPTION: CONDITIONAL USE PERMIT

T-MOBILE PROPOSES TO INSTALLED AN UNMANNED, DIGITAL MOBILE RADIO COMMUNICATIONS FACILITY AS FOLLOWS:

- (16) NEW FACADE ANTENNAS INSTALLED BEHIND PROPOSED FRP SCREEN
- PROPOSED EQUIPMENT ROOM ON ROOF LEVEL APPROX. 200 S.F.

THE PROPOSED PROJECT SHALL BE BUILT ON AN (E) 1 STORY + MEZZANINE BUILDING.

OPERATING FREQUENCIES:
TX (GSM) - 1960 TO 1965 MHZ
RX (GSM) - 1870 TO 1875 MHZ
TX (WCDMA) - 2150 TO 2155 MHZ
RX (WCDMA) - 1750 TO 1755 MHZ

(RICARDO -MZ)

CONSULTANT TEAM

ARCHITECTS
MITCHELL J. ARCHITECTURE
4986 RONSON COURT, SUITE H
SAN DIEGO, CA 92111
TEL: (858) 650-3130
FAX: (858) 650-3140

CONTACT : ART BROWN (PROJECT MANAGER)

APPLICANT CONTACT
ROBERT KREZAS
(858) 334-4458

SITE AQUISITION
JUSTIN BARRY
(858) 650-3130

SURVEYOR
JRN CIVIL ENGINEERS
MIGUEL A. MARTINEZ
(949) 248-4805

SHEET INDEX

Sheet List Table

Sheet Number	Sheet Title
G-001	TITLE SHEET - PROJECT INFORMATION & VICINITY MAP
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A-201	EXTERIOR ELEVATIONS
A-202	EXTERIOR ELEVATIONS
A-401	ROOF PLAN
D-101	EQUIPMENT PLAN - WALL SECTION
D-102	ANTENNA AND EQUIPMENT DETAILS
C-1	SURVEY PLAN

MCMXCVIII

Title Sheet, Project Information & Vicinity Map

24 HR FITNESS
SD07141C
4655 FRAZEE ROAD

T · · Mobile
10180 TELESIS CT.
SAN DIEGO, CA 92121

No.	Revision / Issue
A	Issued for Review
B	100% ZD's
C	100% Rev ZD's
D	Planning Comments

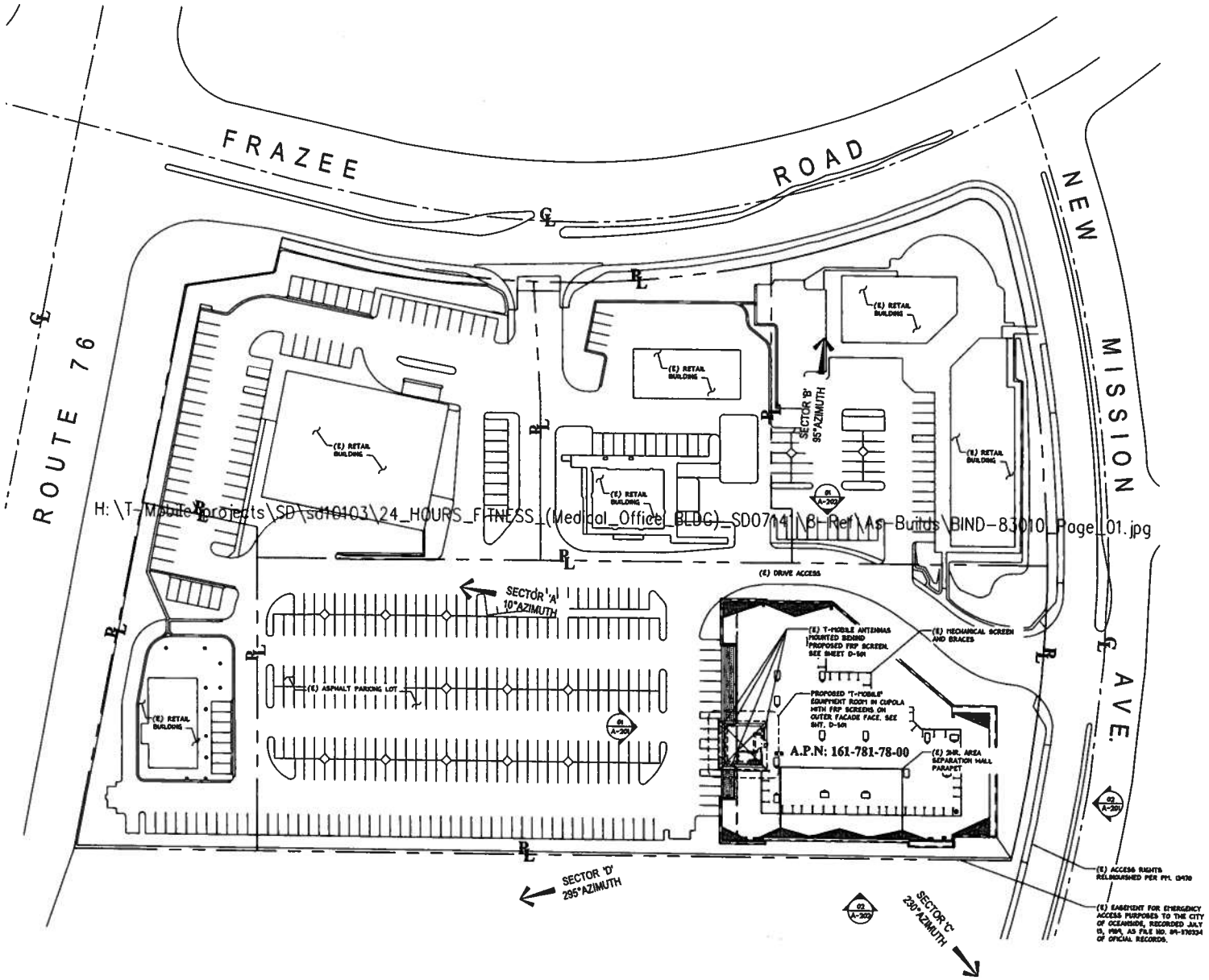
MITCHELL J. ARCHITECTURE, INC.
4986 Ronson Ct. Suite H
San Diego, CA 92111
858.650.3130 (p) / 858.650.3140 (fax)

Mitchell J. Arch

Project: 24 HR FITNESS
Date: 03-29-11
Drawn by: mll
Check-by: mjc
Scale: NO SCA

G-00

PLAN CHECK NO:



ASSUMED PARENT PARCEL LEGAL DESCRIPTION

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

PARCLE 5 OF PARCEL MAP NO. 18649 RANCHO DEL ORO VILLAGE VII.

NOTE:

ALL PROPERTY LINES, EASEMENTS AND BUILDINGS, (E) & PROPOSED ARE SHOWN ON THIS PLAN

01 SITE PLAN

SCALE: 1'-0" = 40'-0"

North

SITE PLAN & NOTES

24 HR FITNESS
SD0714 LC
4655 FRAZEE ROAD

T-Mobile
10180 TELESIS CT.
SAN DIEGO, CA 92121

MICHELL J. ARCHITECTURE, INC.
4640 Mission Gorge Place, Suite 9
San Diego, CA 92120
858.693.3148 (w) / 858.693.3149 (fax)

No.	Revision / Issue
A	Issued for Review
B	100% ZD's
C	100% Rev ZD's
D	Planning Comments

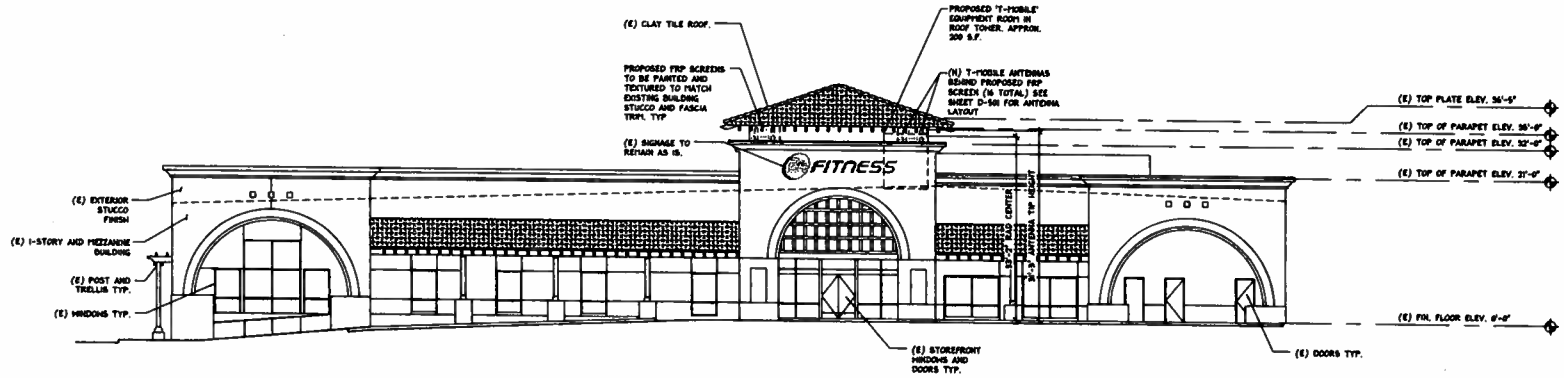
LICENSED ARCHITECT
MITCHELL S. CHAN
No. C 28350
EXP. 3-31-13
STATE OF CALIFORNIA

Project	
Date	03-29-11
Drawn By	mll
Checked By	mjc
Scale	AS NOT

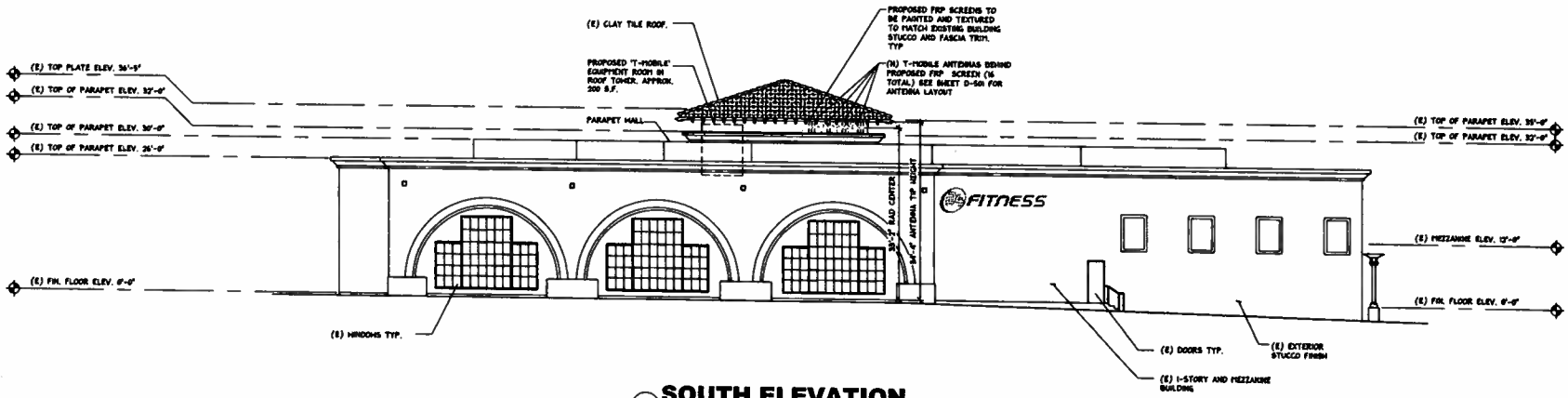
Mitchell S. Arch

A-1(

PLAN CHECK NO:



01 **NORTH ELEVATION**
SCALE: 3/32" = 1'-0"



02 **SOUTH ELEVATION**
SCALE: 3/32" = 1'-0"

EXTERIOR ELEVATIONS

24 HR FITNESS
SD07141C
4655 FRAZEE ROAD

T-Mobile
10180 TELESIS CT.

No.	Revision / Issue
A	Issued for Review
B	100% ZD's
C	100% Rev ZD's
D	Planning Comment

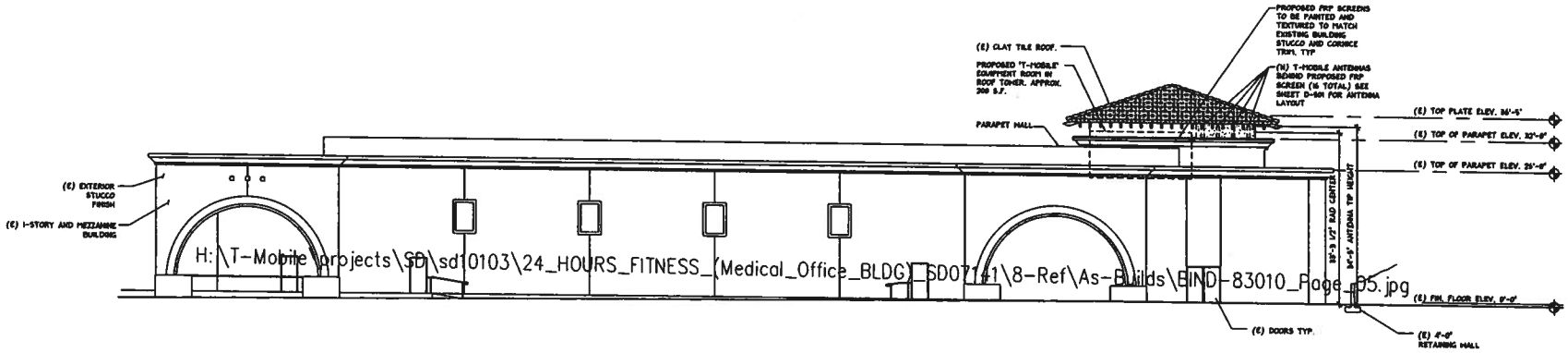
Mitchell S. Arch

03-29-11

AS NOT

A-20

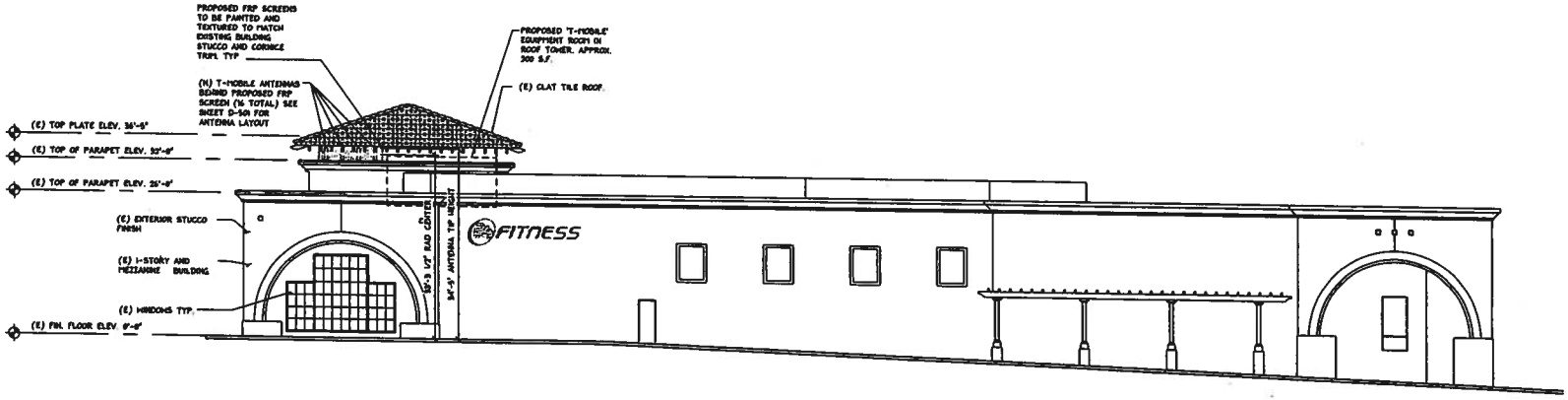
PLAN CHECK NO:



H:\T-Mobile\projects\SD\sd10103\24_HOURS_FITNESS_(Medical_Office_BLDG)_SD07141\8-Ref\As-Builds\BIND-83010_Page_05.jpg

01 EAST ELEVATION

SCALE: 3/32" = 1'-0"



02 WEST ELEVATION

SCALE: 3/32" = 1'-0"

No.	Revision / Issue
A	Issued for Review
B	100% ZD's
C	100% Rev ZD's
D	Planning Comment

EXTERIOR ELEVATIONS

24 HR FITNESS

SDD07141C

4655 FRAZEE ROAD

T-Mobile

10180 TELESIS CT.

SAN DIEGO, CA 92121

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4655 Ronson Court, Suite B

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Mitchell J. Architecture, Inc. assumes no responsibility for the use of this plan set for purposes other than those authorized by the Architect.

LICENSED ARCHITECT

MITCHELL J. CARR

No. C28358

REN. 3-31-13

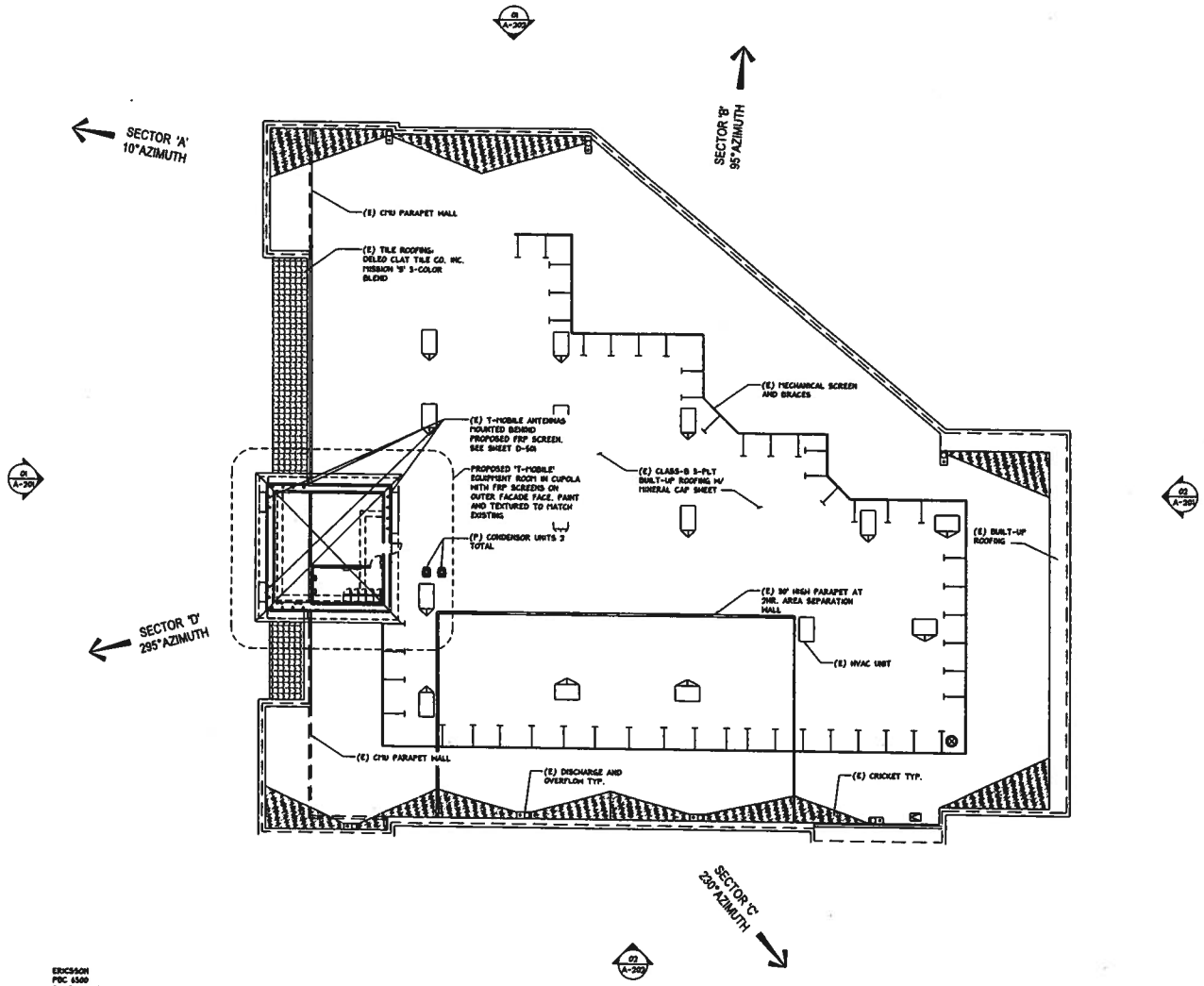
STATE OF CALIFORNIA

Project	
Date	03-29-11
Drawn By	bell
Checked By	mjc
Scale	AS NOT

Mitchell J. Arch

A-2

PLAN CHECK NO:



BATTERY NOTES:

BATTERY MFG.	ERICSSON
MODEL NO.	PBC 4500
ELECTROLYTE CONTENT PER BATTERY	2.6 GALLONS
ELECTROLYTE HAZARD CLASSIFICATION	CORROSIVE
BATTERIES TO BE INSTALLED	1
TOTAL ELECTROLYTE CONTAINED ON SITE	2.6 GALLONS

THE PROPOSED ELECTROLYTE CAPACITY IS LESS THAN 50 GALLONS; THEREFORE, SECTION 608 AND TABLE 608.1 (CALIFORNIA FIRE CODE 2010) DOESN'T APPLY TO THIS PROJECT

01 **ROOF PLAN**
SCALE: 1/16" = 1'-0"

North

No.	Revision / Issue
A	Issued for Review
B	100% ZD's
C	100% Rev ZD's
D	Planning Comments

MITCHELL J. ARCHITECTURE, INC.
4650 Barranca Pkwy, Suite 11
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T-Mobile

24 HR FITNESS
SD07141C
4655 FRAZEE ROAD
10180 TELESIS CT.
SAN DIEGO, CA 92121

ROOF PLAN

LICENSED ARCHITECT
MITCHELL J. CARR
No. C26350
REV. 3-31-10
STATE OF CALIFORNIA

Project	
Date	03-29-11
Drawn By	mll
Checked By	mjc
Scale	AS NOTED

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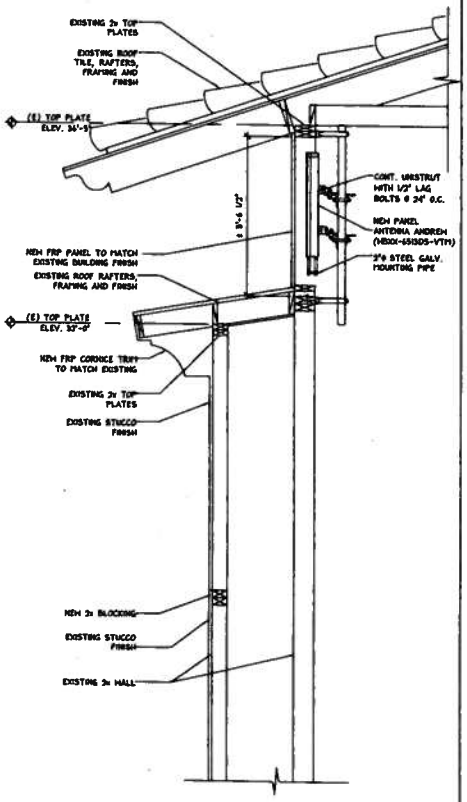
A-4

PLAN CHECK NO:



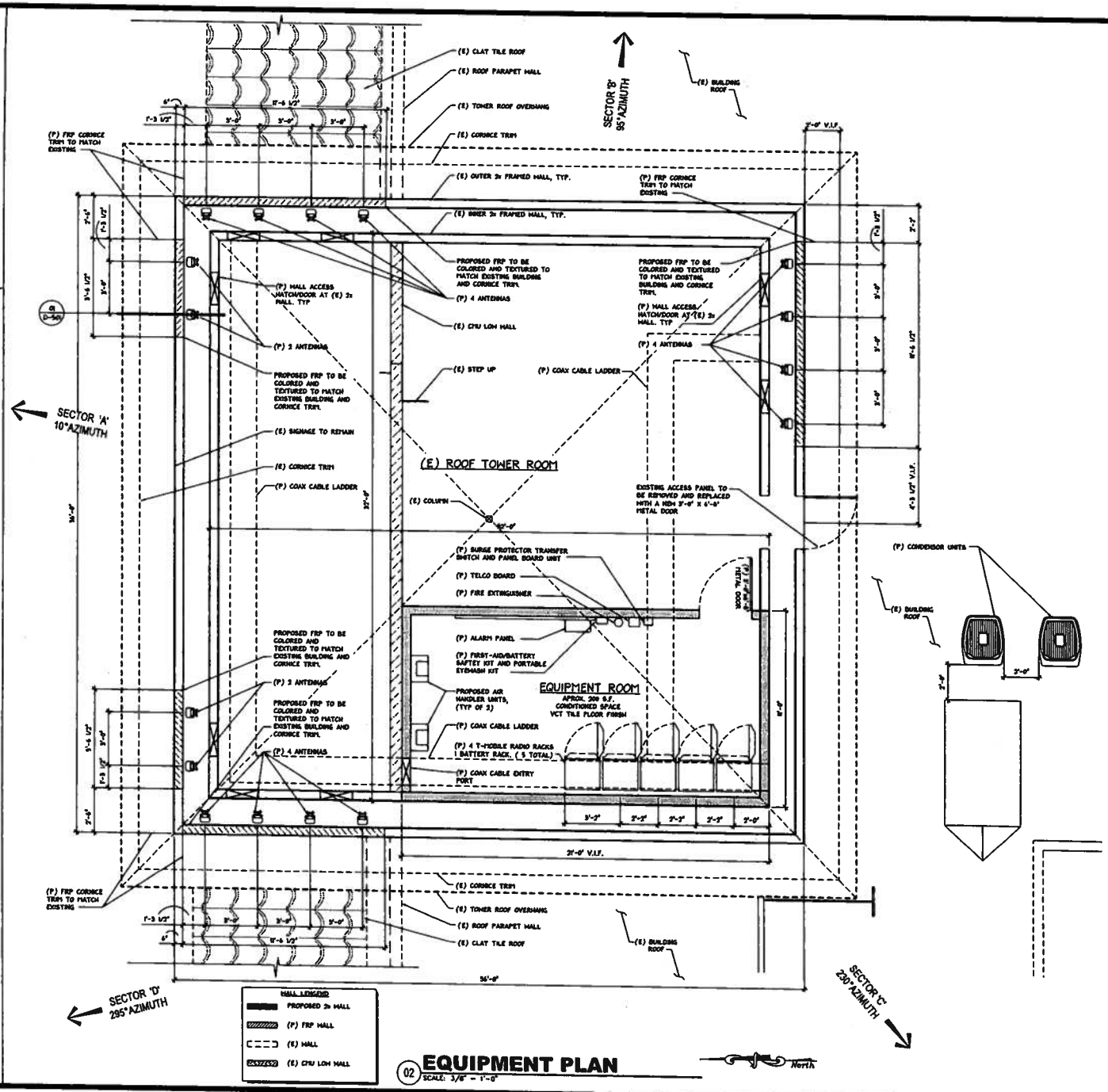
BATTERY NOTES:

BATTERY MFG.	ERICSSON
MODEL NO.	PBC 6500
ELECTROLYTE CONTENT PER BATTERY	2.5 GALLONS
ELECTROLYTE HAZARD CLASSIFICATION	CORROSIVE
BATTERIES TO BE INSTALLED	1
TOTAL ELECTROLYTE CONTAINED ON SITE	2.5 GALLONS

THE PROPOSED ELECTROLYTE CAPACITY IS LESS THAN 50 GALLONS; THEREFORE, SECTION 608 AND TABLE 608.1 (CALIFORNIA FIRE CODE 2010) DOESN'T APPLY TO THIS PROJECT.

01 WALL SECTION A

SCALE: 3/4" = 1'-0"



02 EQUIPMENT PLAN

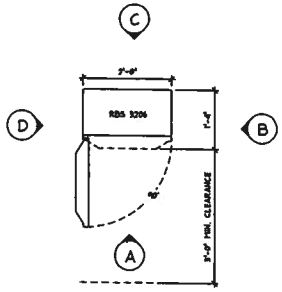
SCALE: 3/8" = 1'-0"

EQUIPMENT PLAN - WALL SECTION

24 HR FITNESS

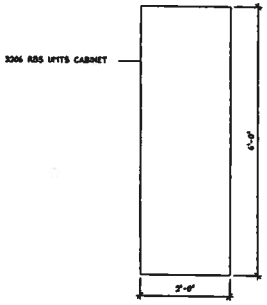
T-Mobile

PLAN CHECK NO:

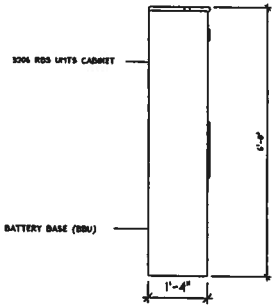


RBS UNITS 3206 INDOOR SPECIFICATIONS
WEIGHT: 448 LBS

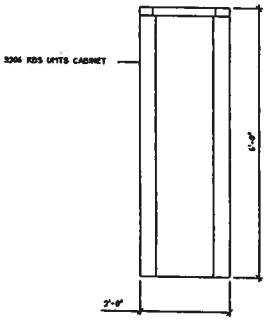
PLAN



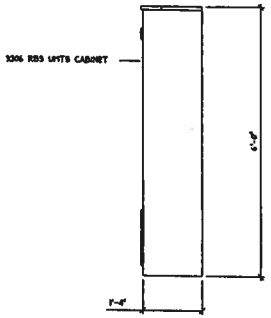
ELEV-C- BACK SIDE VIEW



ELEV-D- SIDE VIEW

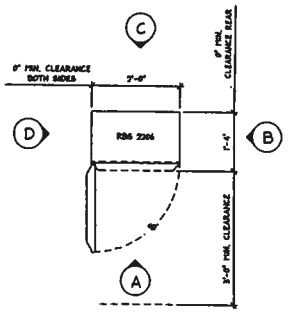


ELEV-A- FRONT SIDE VIEW



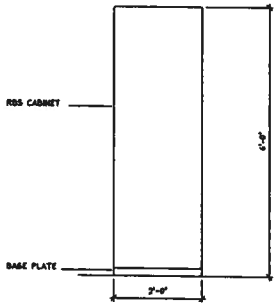
ELEV-B- SIDE VIEW

04 RBS 3206
SCALE: 3/4" = 1'-0"

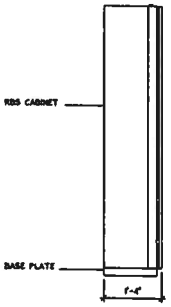


RBS INDOOR CABINET SPECIFICATIONS:
WEIGHT: 250 LBS. MAX.
POWER SUPPLY: 120-250V AC, 50 Hz
-48 - -72V DC
+20.5 - +29V DC
BATTERY BACKUP: OPTIONAL EXTERNAL

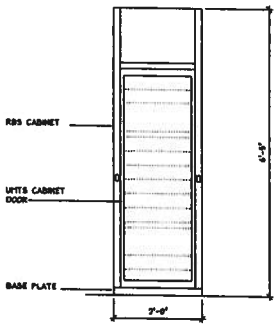
PLAN



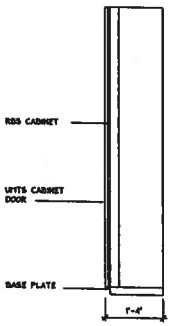
ELEV-C- BACK SIDE VIEW



ELEV-D- SIDE VIEW

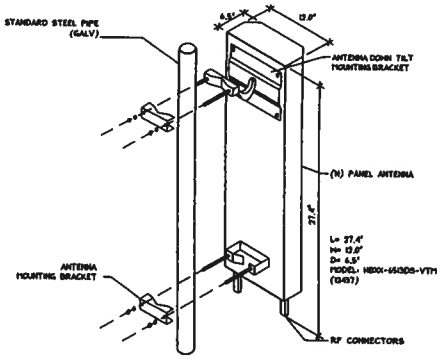


ELEV-A- FRONT SIDE VIEW



ELEV-B- SIDE VIEW

03 RBS 2206
SCALE: 3/4" = 1'-0"



01 ANTENNA ATTACHMENT DETAIL
SCALE: N.T.S.

02 NOT USED
SCALE: N.T.S.

No.	Revision / Issue
A	Issued for Review
B	100% ZD's
C	100% Rev ZD's
D	Planning Comments

MITCHELL J. ARCHITECTURE, INC.
4665 Nexus Center Drive, Suite H
San Diego, CA 92115
Tel: (619) 528-1340 (voice)
Fax: (619) 528-1341 (fax) / 888.528.3140 (fax)
Email: mitchell@mjarchitecture.com
Web: www.mjarchitecture.com

T-Mobile

ANTENNA & EQUIPMENT DETAILS

24 HR FITNESS
SDC07141C
4655 FRAZEE ROAD
10180 TELESIS CT.
SAN DIEGO, CA 92121

LICENSED ARCHITECT
MITCHELL J. CARR
No. C26336
EXP. 3-30-13
STATE OF CALIFORNIA

Project	
Date	03-29-11
Drawn By	mjc
Checked By	mjc
Scale	AS NOTED

Mitchell J. Archi

D-5

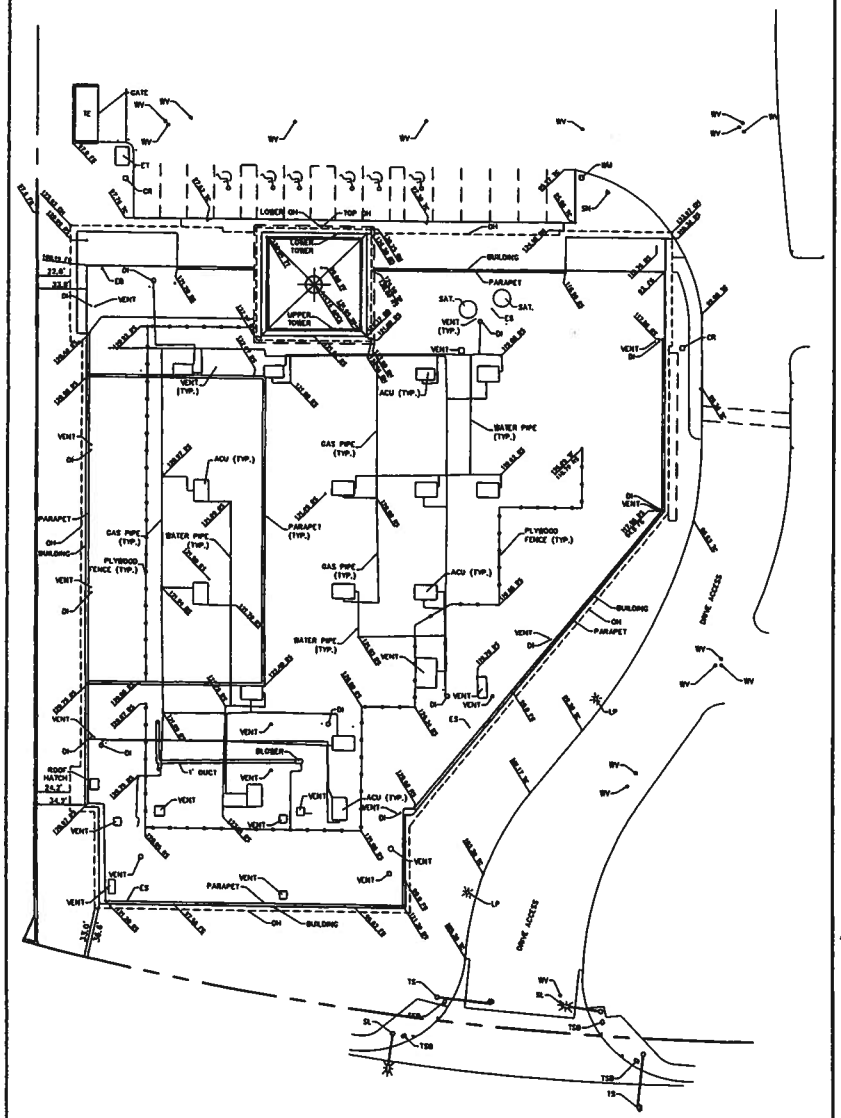
PLAN CHECK NO:

SD 07141 CELL SITE SURVEY

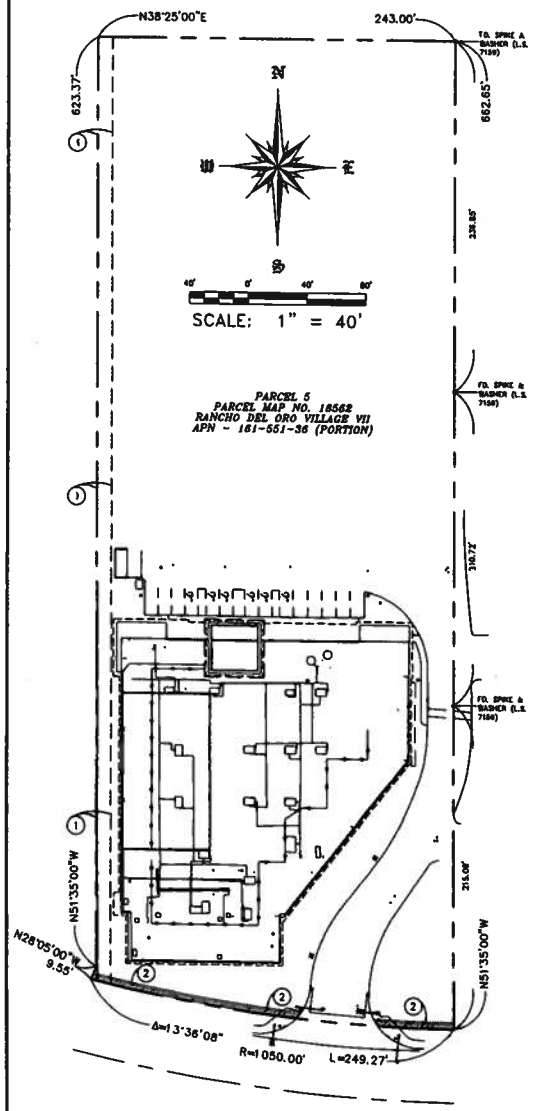
4655 FRAZEE ROAD
OCEANSIDE, CALIFORNIA

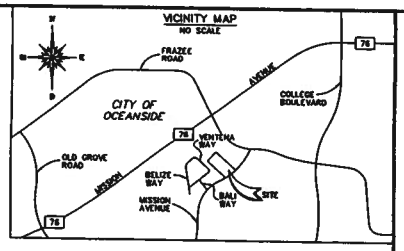
PROJECT AREA DETAIL:

SCALE: 1" = 20'



SITE OVERVIEW:





ASSUMED PARENT PARCEL LEGAL DESCRIPTION

PARCEL 5 OF PARCEL MAP NO. 18562 RANCHO DEL ORO VILLAGE VII, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

TITLE REPORT:

A TITLE REPORT WAS NOT AVAILABLE AT THE TIME OF SURVEY. ADDITIONAL EASEMENTS AND ENCUMBRANCES MAY EXIST AFFECTING THE PARENT PARCEL WHICH ARE NOT SHOWN HEREON.

BOUNDARY NOTE:

THE BOUNDARY SHOWN HEREON IS BASED ON RECORD INFORMATION AS COLLECTED FROM THE ASSESSORS PARCEL MAP. IT IS NOT THE RESULT OF A COMPLETE BOUNDARY SURVEY. VACATIONS, EASEMENTS AND OTHER DEEDS OF RECORD MAY AFFECT THE LOCATION OF TRUE BOUNDARY/RIGHT OF WAY LINES.

EASEMENT PER MAP 13970

(1) EXISTING EASEMENT FOR EMERGENCY ACCESS PURPOSES TO THE CITY OF OCEANSIDE, RECORDED JULY, 13, 1989, AS FILE NO. 89-370334 OF OFFICIAL RECORDS.

PARCEL MAP 18562

(2) ACCESS RIGHTS RELINQUISHED PER P.M. 13970.

DATUM STATEMENT:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6, EPOCH 1991.35 ADJUSTED, GRID BEARING BETWEEN FIRST ORDER STATION 'ROS 14023 PT 2028' AND 'ROS 15376 PT 3100' AS SHOWN ON RECORD OF SURVEY 14023 & 15376.

BENCHMARK FOR THIS SURVEY IS THE NAVD 88 ELEVATION AT STATION STAMPED 'SDG-47 1992' PER METROPOLITAN WATER DISTRICT MONUMENT OF SOUTHERN CALIFORNIA AND NATIONAL GEODETIC SURVEY NOTES. NAVD88 ELEV=78.21.

ASSESSOR'S PARCEL NO.

PORTION OF 161-551-36

DATE OF SURVEY

AUGUST 25, 2010

COORDINATES:

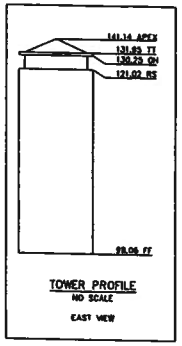
(CENTER OF EXISTING TOWER)

LATITUDE: 33°14'13.20083" N
LONGITUDE: 117°17'52.81249" W

DATUM: NAD83

LEGEND:

ACU	- AIR CONDITIONING UNIT
APN	- ASSESSORS PARCEL NUMBER
BD.	- BUILDING
CR	- COMMUNICATIONS RISER
DI	- DRAIN INLET
EB	- ELECTRIC BOX
ES	- ELECTRIC STUB
ET	- ELECTRIC TRANSFORMER
FD.	- FOUND
FG	- FINISHED GRADE
LP	- LIGHT POST
NO.	- NUMBER
OH	- OVERHANG
RS	- ROOF SURFACE
SAT.	- SATELLITE
SL	- STREET LIGHT
SN	- SIGN
TC	- TOP OF CURB
TE	- TRASH ENCLOSURE
TF	- TOP OF FENCE
TP	- TOP OF PARAPET
TS	- TRAFFIC SIGNAL
TSB	- TRAFFIC SIGNAL BOX
TT	- TOP OF TOWER
(TYP.)	- TYPICAL
WM	- WATER METER
WV	- WATER VALVE
W/	- WITH
	- CONCRETE



TOWER PROFILE
NO SCALE
EAST VIEW

MIGUEL A. MARTINEZ L.S. 7443

PROFESSIONAL LAND SURVEYOR MIGUEL A. MARTINEZ L.S. 7443 Exp. 06/30/12 STATE OF CALIFORNIA

REVISIONS

JRN CIVIL ENGINEERS
333 AVENIDA FABRICANTE, SUITE 107

SD07141 CELL SIITE SURVEY
4655 FRAZEE ROAD

SCALE: AS NOTED
DATE: 08/26/10

SHEET 1 OF 1

PLANNING COMMISSION
RESOLUTION NO. 2011-P19

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

APPLICATION NO:	CUP11-00003
APPLICANT:	T-Mobile @ 4655 Frazee Road
LOCATION:	4655 Frazee Road

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 11, 39 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction and operation of a wireless telecommunications facility, consisting of 16 panel antennas and associated equipment concealed within an existing roof-top cupola of an existing building located at 4655 Frazee Road;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 13th day of June, 2011 conduct a duly advertised public hearing as prescribed by law to consider said application;

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

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

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

///////////

///////////

///////////

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

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

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

FINDINGS:

For the Conditional Use Permit:

1. The proposed improvements to the existing wireless telecommunications (telecom) facilities are consistent with the objectives of the Zoning Ordinance and the purposes of the Rancho Del Oro Commercial Plan Unit Development district in which the subject site is located. As per Oceanside Zoning telecom Ordinance facilities, defined as major utilities, are permitted within Planned Unit Commercial districts through approval of a Conditional Use Permit. The proposed project would utilize an existing commercial building to attach telecommunication antennas within the inside walls of a roof-top cupola.

2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan. The proposed telecom facilities will not be detrimental to the public health, safety or welfare of persons residing or working in the vicinity; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. The proposed facilities will comply with federal standards for maximum public exposure to radio frequency emissions, as determined by a radio frequency emissions report prepared by a licensed engineer and validated through third-party expert review. The proposed facilities will comply with all applicable building and safety standards intended to ensure the structural integrity of the attendant structure. Electrical equipment will be safely housed within locked cabinets inside the cupola, accessible only to qualified personnel.

Noise emitted by the proposed facilities will be within parameters established by the Oceanside Municipal Code.

3. The proposed conditional use will comply with the provisions of the Zoning Ordinance and General Commercial District in which the property is located, including any specific condition required for the proposed conditional use in the commercial district in which it is located.

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

5. The proposal to conceal the antennas within an existing roof-top cupola demonstrates a reasonable attempt to minimize stand-alone facilities, is designed to protect the visual quality of the City, and will not have an undue adverse impact on historic resources, scenic views, or other natural or man-made resources. The proposed telecom facilities will be sufficiently screened and camouflaged to mitigate any off-site visual impacts.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Conditional Use Permit (CUP11-00003) subject to the following conditions:

Building:

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

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

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

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

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

6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.

7. Setbacks and Type of Construction must comply with UBC Table 5-A. Allowable area must be shown to comply with Chapter 5 of the UBC.

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

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

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

Fire:

9. Cell sites are required to have a final inspection by the Fire Department.

10. Fire Department Plan Review will require the quantity of lead acid batteries proposed. In addition, the electrolyte volume will need to be provided for the batteries.

11. Stationary Storage Battery Systems having an electrolyte capacity of more than 50 gallons for flooded lead acid, nickel cadmium and valve regulated lead acid, or 1000 pounds for lithium-ion, used for facility standby power, emergency power or uninterrupted power supplies shall comply with Section 608 of the California Fire Code current edition, and Table 608.1.

Planning:

12. This Conditional Use Permit shall expire on June 13, 2014, unless implemented as required by the Zoning Ordinance.

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

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

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

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

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

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

19. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti ordinance (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 be recorded in the form of a covenant affecting the subject property.

20. 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.

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

22. 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 CUP11-00003. 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.

23. The CUP shall be limited to an operational term of 10 years since the day of the expiration of this date, expiring on June 13, 2021. However, the Conditional Use Permit may be revised or renewed in accordance with the provisions of the Zoning Ordinance. The application for Conditional Use Permit revision shall also be evaluated against the existing land use policies and any site area and neighborhood changes.

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.

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

26. The applicant will ensure that the panel and GPS antennas are camouflaged from public view to the maximum extent feasible without signal interference, through the use of state-of-the-art screening materials consistent with the existing roof-top cupola. Prior to issuance of final building permits, camouflaging elements shall be field inspected and approved by the Planning Division.

PASSED AND ADOPTED Resolution No. 2011-P21 on June 13, 2011 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2011-P19.

Dated: June 13, 2011

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

_____ Date: _____

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 2/3/11	BY SNI.

Please Print or Type All Information

HEARING	
GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P. CUP11-00003	
VARIANCE	
COASTAL	
O.H.P.A.C.	

PART I – APPLICANT INFORMATION

1. APPLICANT: T-Mobile West Corporation
2. STATUS:
3. ADDRESS: 10509 Vista Sorrento Pkwy Suite 206 San Diego, CA 92121
4. PHONE/FAX/E-mail: 858 334-6158
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): Mitchell J Architecture – Justin Barry
6. ADDRESS: 4883 Rawson Court Suite N, San Diego, CA 92111
7. PHONE/FAX/E-mail: 858-650-3130

PART II – PROPERTY DESCRIPTION

8. LOCATION: 4655 Frazee Road Oceanside, CA 92057
9. SIZE: 200 square feet
10. GENERAL PLAN: PD-1 Rancho Del Oro
11. ZONING: PD-1
12. LAND USE: WCF
13. ASSESSOR'S PARCEL NUMBER: 161-781-78-00

PART III – PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION: T-Mobile proposes to install (16) panel antennas; (4) radio racks, (1) battery rack inside existing cupola on roof. All antennas will be screened with RF friendly FRP material.

15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY

20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE or FAR

PART IV – ATTACHMENTS

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

PART V – SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): Mitchell J Architecture Justin Barry
34. DATE: 12/5/10

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:

35. OWNER (Print): AVB Partners
36. DATE: 12/4/10

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

Sign:

Lat. 33.237997
Long. -117.297147

Mitchell J
architecture

TRANSMITTAL

JURISDICTION: **Oceanside** DATE: **February 3, 2011**
PLAN CHECK No.: CUP—11-00003
ADDRESS: **4655 FRAZEE ROAD, OCEANSIDE, CA 92057**
TITLE: **T-Mobile 24 HR FITNESS**

PROPOSED WORK:

T-MOBILE PROPOSES TO INSTALL AND OPERATE AN UNMANNED, DIGITAL MOBILE RADIO COMMUNICATIONS FACILITY AS FOLLOWS:

- (16) NEW ANTENNAS INSTALLED BEHIND PROPOSED FRP SCREENS. FRP SCREENS PAINTED AND TEXTURED TO MATCH
- PROPOSED EQUIPMENT ROOM ON ROOF LEVEL, APPROX. 200 S.F. FOUR (4) RADIO RACKS AND ONE (1) BATTERY RACK TO BE INSTALLED WITHIN EQUIPMENT ROOM.

  PROPOSED ELECTRICAL TELCO CONDUITS ROUTED FROM PROPOSED EQUIPMENT ROOM DOWN TO EXISTING ELECTRICAL ON GRADE LEVEL.

  TWO CONDENSER UNITS TO BE INSTALLED ON ROOF, WILL BE SCREENED BY EXISTING MECHANICAL SCREEN ON ROOF.

THE PROPOSED PROJECT SHALL BE BUILT ON AN (E) 1 STORY + MEZZANINE BUILDING.

4883 Ronson Court ▪ Suite N ▪ San Diego ▪ California ▪ 92111 ▪ 858.650.3130 ▪ Fax.650.3140
Mitchell J Architecture, Inc. ▪ A California Corporation ▪ Mitchell J Campagna ▪ Architect ▪ www.mitchellj.com

T-Mobile Proposed Site SD07141 24 HR Fitness

4655 Frazee Road, Oceanside, CA

LEGAL DESCRIPTION

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

Parcel A:

Parcel 5 of Parcel Map No. 18562, in the City of Oceanside, County of San Diego, State of California, recorded in the Office of the County Recorder for San Diego County on October 16, 2000 as instrument no. 2000-0553645 of Official Records.

Parcel B:

Those certain non-exclusive easements appurtenant to Parcel A above as set forth in and made subject to the Terms, Conditions, and Restrictions of that certain "Declaration of Restrictions and Grant of Easements" establishing Restrictions and Covenants affecting land shown as Plaza Del Oro Center recorded October 16, 2000 as instrument no. 2000-0553647 of Official Records of San Diego County.

APN: 161-781-78-00

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.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** C11-00003, T-Mobile @ 4655 Frazee Rd.
7. **DESCRIPTION:** A Conditional Use Permit to allow the construction and operation of wireless telecommunication facility concealed within an existing rooftop cupola at 4655 Frazee 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:

[X] 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).

Date: 6/13/11

Scott Nightingale, Planner

cc: [x] Project file [x] Counter file [x] Library Posting: [X]
County Clerk $50.00 Admin. Fee