



DATE: August 13, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP12-00001) FOR THE RELOCATION OF AN EXISTING AM RADIO ANTENNA TOWER APPROXIMATELY 254.6 FEET SOUTHWEST OF ITS CURRENT LOCATION 2766 SANTA FE AVENUE – IMMACULATE HEART RADIO – APPLICANT: IMMACULATE HEART RADIO (KCEO RADIO CATHOLIC STATION)**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Adopt Planning Commission Resolution No. 2012-P36 adopting a Mitigated Negative Declaration for a AM Radio Tower Relocation, in light of the whole record that the project will not have a significant effect on the environment; and
- (2) Adopt Planning Commission Resolution No. 2012-P37 approving Conditional Use Permit (CUP12-00001) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is within a Residential Estate-B (RE-B) zone district and is located within the Guajome Neighborhood. The site consists of a combination of sloped hillsides ranging from 15 to 25 percent grade differential and relatively flat areas. The property is located at the two sections of Sagewood that dead ends into the subject site at 2766 Santa Fe Avenue. The four radio towers and the 30x60-foot non-habitable structure, which houses the related equipment for the towers are the only developed feature on-site. The radio towers have been operating since the early 1950's and have been broadcasting AM radio stations ever since.

The property is surrounded by a mixture of open space/undeveloped hillsides-canyons and single-family homes in all directions. The surrounding General Plan land use designation is Estate-B Residential (EB-R) properties in all directions.

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

Conditional Use Permit CUP12-00001:

To permit the relocation of one of the four existing AM radio towers at the property located at 2766 South Santa Fe Avenue subject to Article 19 of the Oceanside Zoning Ordinance. The subject tower to be relocated will be moved on-site approximately 254.6 feet to the southwest, in order to comply with the Federal Communication Commission's (FCC) construction permits issued on October 22, 2009. The relocation of the tower will result in better reception on Camp Pendleton and areas of San Diego County to the south. Each tower on-site as well as the relocated tower is surrounded by an eight-foot chain link fence, three guy wires exist on the tower for anchor supports, and each tower is powered by the existing and associated radio equipment housed within a non-habitable storage building on-site. The copper wires that are imbedded under the ground no more than six inches span out in a radial pattern from each tower for several yards provide the AM radio signal that is needed to broadcast the radio station.

The subject replacement tower will be the same height as the existing tower to be removed at (254 feet, six inches). The existing tower to be removed will be the tower located the farthest north on the subject property, and will be dismantled in sections. Each section dismantled will be broken down into 40-foot sections determined by the length of distance of each guy wire connected to the tower. All broken down sections of the tower will be placed on a flat bed truck and hauled off-site to be disposed of at the proper recycling facility. The new tower will be constructed in sections similar to how the old tower is to be demolished. The resulting radio tower will be of the same materials and height as the other towers on-site. The lighting on the tower will meet the FAA (Federal Aviation Administration) and shall provide the necessary cautionary lighting for aircrafts flying in the area.

Immaculate Heart (KCEO Radio) a Catholic Radio Station will operate the facility and the relocated tower will significantly improve the radio signal for the station.

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

Land Use Element

Goal 2.726: Communication Systems

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

Policies:

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

KCEO Radio Station is proposing to relocate, reconstruct, maintain and operate an existing AM radio tower 450 feet southwest on the same site in order to obtain an improved radio signal and comply with the FCC requirements for operations. The tower is used in conjunction with four other towers on-site for AM radio services, but the other three non-relocated towers will not be altered in any way. The subject relocated tower exists at a height of 254 feet and six inches as do the other three towers that exist on-site. All four towers exist with the required lighting to meet FAA regulations for safety.

The project 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 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.

2. Zoning Ordinance Compliance

This project is located in a Residential Estate-B District. The underlying land use is Residential. The proposed tower relocation is in conformance with the Oceanside Zoning Ordinance Article 3900 for Antenna Standards. The following table summarizes proposed and applicable development standards for the project site:

	REGULATION	PROPOSED
BUILDING HEIGHT	36 ft.	254.6 ft. (Existing) Private Utility
FRONT YARD	25 ft.	More than 300 feet
SIDE YARD	7.5 ft.	More than 255 feet
REAR YARD	20 ft.	More than 255 feet

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	EB-R	RE-B	Radio Tower Site primarily vacant
North	EB-R	RE-B	Single-Family Homes
East	EB-R	RE-B	Single-Family Homes & Vacant land
South	OS	OS	Vacant land
West	SFD-R & OS	RS & OS	Single-Family Homes & Open Space

The relocation of the existing 254.6-foot tall tower approximately 400 feet to the southwest on the site will be compatible with the surrounding land uses and the existing three AM radio towers on-site.

The land use impacts are minimal to none, and the only stipulated impact that exists is the visual impacts that currently exist with the existence of the four towers. The relocation of one of the towers to the southwestern portion of the site will not negatively impact the visual quality nor block any public views. The subject relocated tower currently exist at the northern most portion of the site and is in closer proximity to residential homes than the new location, so impacts to the visual quality of the site would be improved by the proposal to relocated the tower.

The facility has been comprehensively designed and conditioned to ensure a high quality product. The proposed associated equipment enclosure shall remain on-site and shall be enhanced with new paint and materials to improve its appearance.

The Section 3039 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. A radio frequency report was submitted with this application and reviewed by the City of Oceanside's RF Engineer Consultant. The RF report determined that all AM radio towers broadcasting emissions will not have a negative effect on the environment or health of individuals within close proximity to these towers.

The subject project will result in significant improvements to the site in regular maintenance and upgrades to the existing equipment structure and a replacement and relocation of an existing AM radio tower to a new location that will not pose an impact to public safety. The new tower will be constructed of stronger materials than the existing and will have a structural integrity to withstand the natural elements. The location of the new AM radio tower will be located a substantial distance away from all residential homes in the area. A fall zone analysis was conducted that analyzed if the tower were to fall no homes would be impacted. The AM radio tower will have a fall zone buffer that will not be within any residential homes, which shall be an improvement from its current location.

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 facility.

The environmental impacts will be minimal due to the tower relocation, because the new location for the tower will only disturb a very small area, approximately 4 x 5 feet, of non-native grasslands. The Mitigated Negative Declaration (MND) analyzed the potential impacts to non-grass and determined that the impact is so minimal that no environmental analysis is necessary.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties. As of August 13, 2012 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. 2012-P36 adopting a Mitigated Negative Declaration for a the subject AM Radio tower relocation, in light of the whole record that the project will not have a significant effect on the environment.

- Adopt Planning Commission Resolution No. 2012-P37 approving Conditional Use Permit CUP12-00001 with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:



Scott Nightingale
Planner II



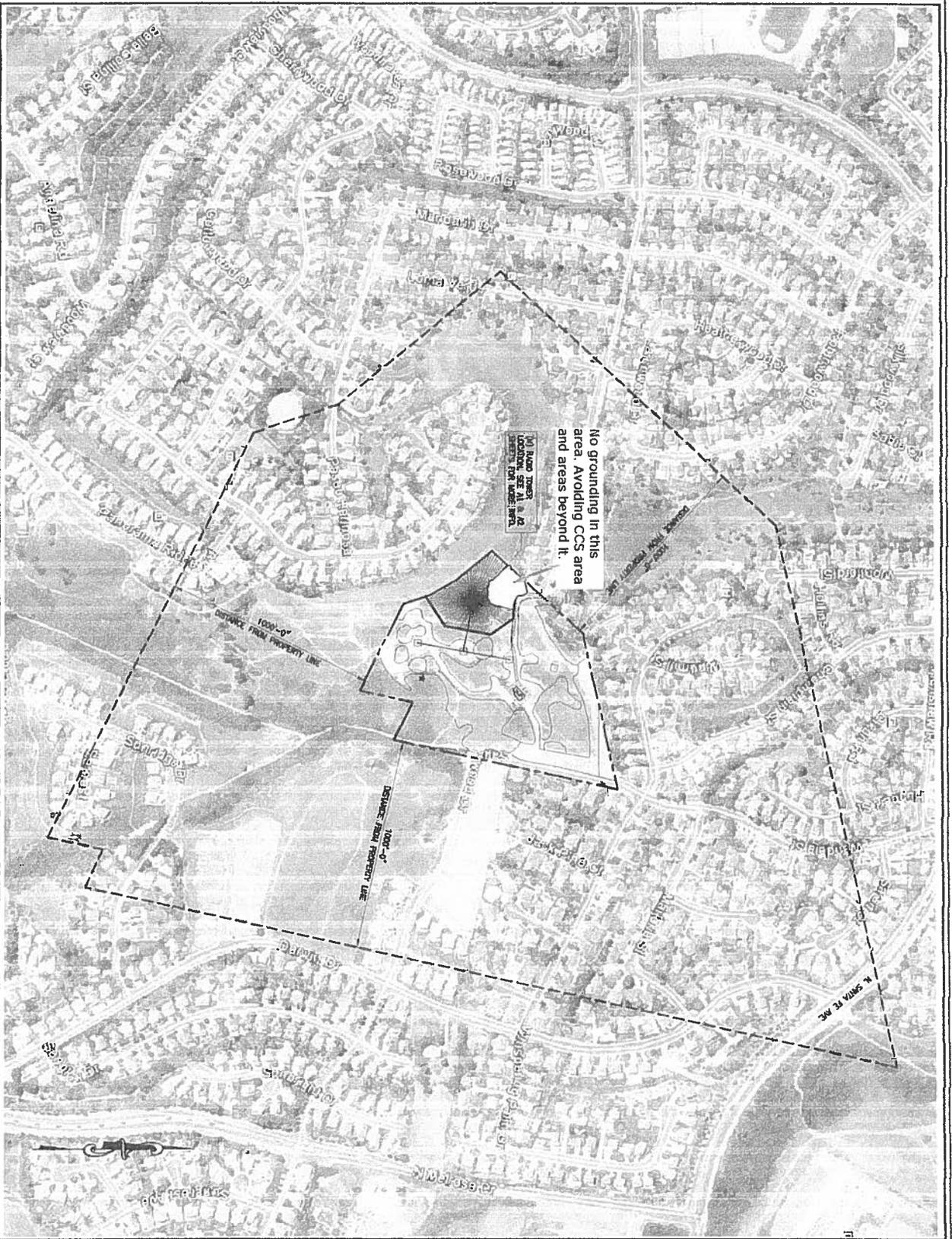
Jerry Hittleman
City Planner

JH/SN/fil

Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2012-P36
3. Planning Commission Resolution No. 2012-P37

PROJECT SITE AND SURROUNDING AREA WITHIN 1000 FT.



DCI PACIFIC
A/E/C WORKS

10000 North 10th Street, Suite 1000
Seattle, WA 98108
Tel: 206.261.1000 Fax: 206.261.1001

IMMACULATE HEART RADIO

PROJECT SUPERVISOR:
KOEO RADIO TOWER
700 N. 50th St. Suite 200
Seattle, WA 98108

ISSUED DATE: 01/20/12
ISSUED TIME: 20

APPROVALS:

APPROVED BY	INITIALS	DATE

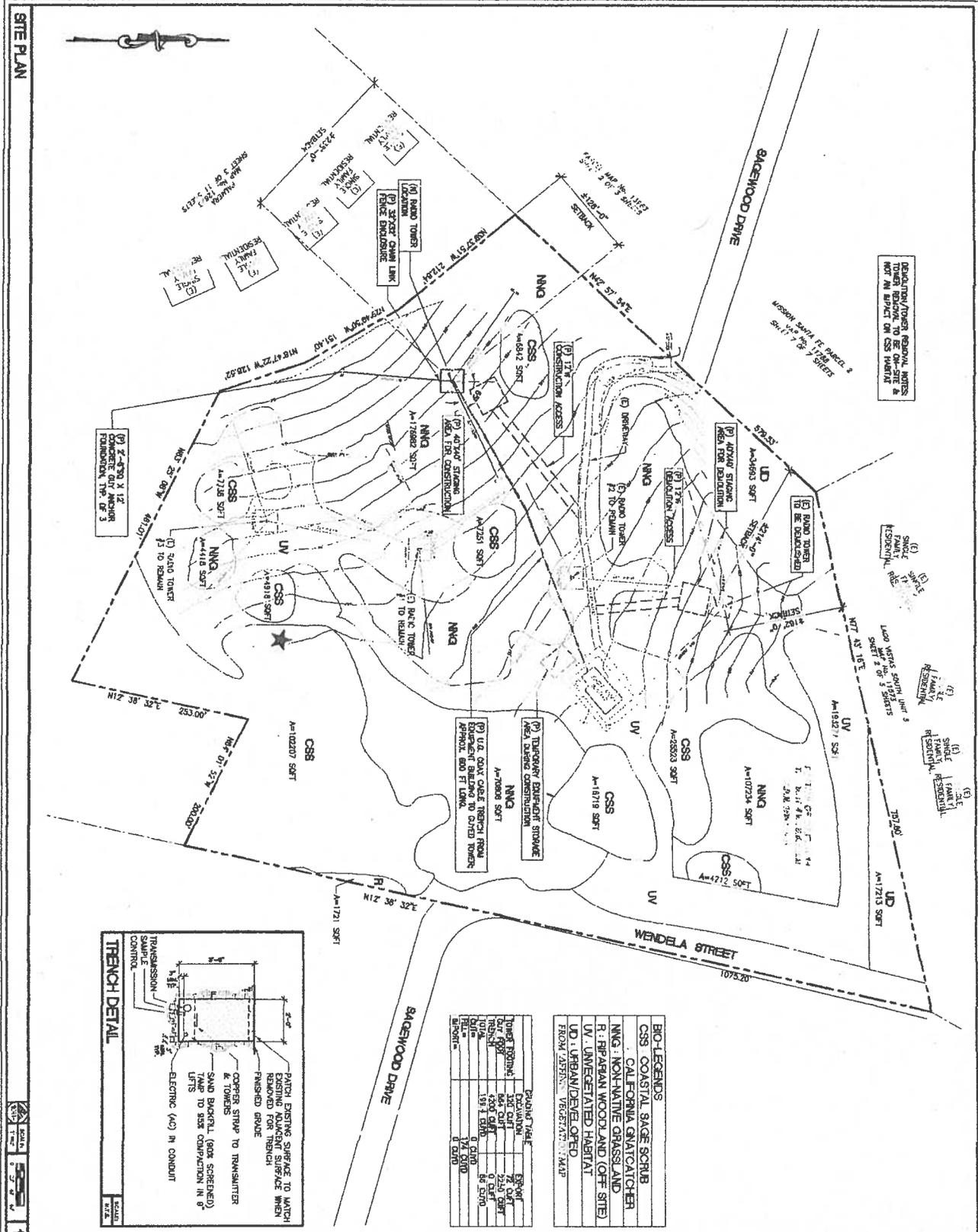
DATE	ISSUE	BY	DATE

ISSUE STATUS:

DATE	DESCRIPTION	BY
01/20/12	ISSUE 20	
01/20/12	ISSUE 20	

PROJECT TITLE:
PROJECT SITE & SURROUNDING AREA WITHIN 1000 FT.

A0



DEVIATION/TOWER FEDERAL NOTES
DO NOT IMPACT ON CSS HAVIT &
NOT AN IMPACT ON CSS HAVIT &

SITE PLAN

SCALE
1" = 100'

DCI/PACIFIC
ALIC WORKS

14000 W. 14TH AVENUE, SUITE 100
DENVER, CO 80202
TEL: 303.755.1000 FAX: 303.755.1001

**IMMACULATE
HEART RADIO**

PROJECT INFORMATION

KCSD RADIO TOWER

7201 W. 14TH AVE
DENVER, CO 80202

DATE: 01/30/12

ISSUED FOR: ZD

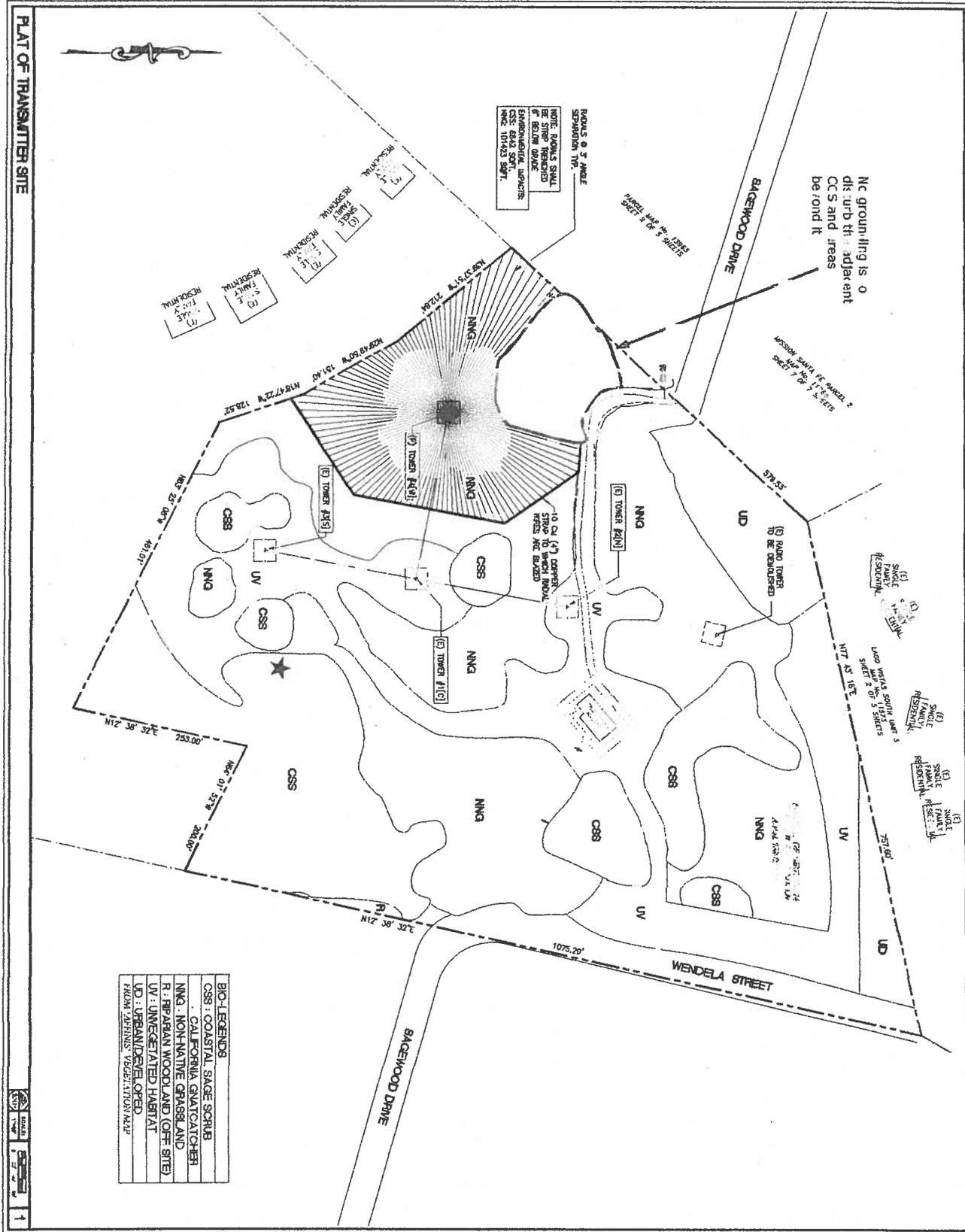
APPROVALS:

APPROVED BY:	DATE:

ISSUE STATUS:

DATE:	DESCRIPTION:	BY:
01/30/12	ISSUE FOR ZD	HM

TRENCH DETAIL



DCI PACIFIC
AIEIC WORKS

3400 CENTRAL EXPRESSWAY, SUITE 1100
SAN FRANCISCO, CA 94134
TEL: 415.774.1100 FAX: 415.774.1101

IMMACULATE HEART RADIO

PROJECT IDENTIFICATION:
KCEO RADIO TOWER

7300 N. 140TH ST. SUITE 100
KEMMERLE, CA 94558

CURRENT DATE: **01/20/12**

ISSUE NO: **20**

APPROVALS:

APPROVED BY:	DATE:

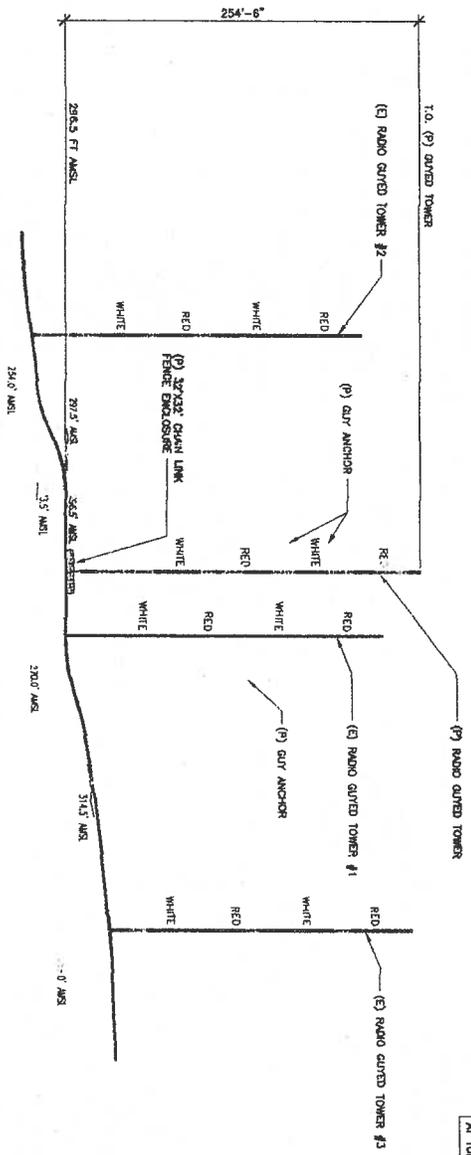
ISSUE STATUS:

DATE:	DESCRIPTION:	BY:
11/21/11	ISSUE 20	PH
11/29/11	ISSUE 20	PH

ISSUE NO: 20

DATE: 01/20/12

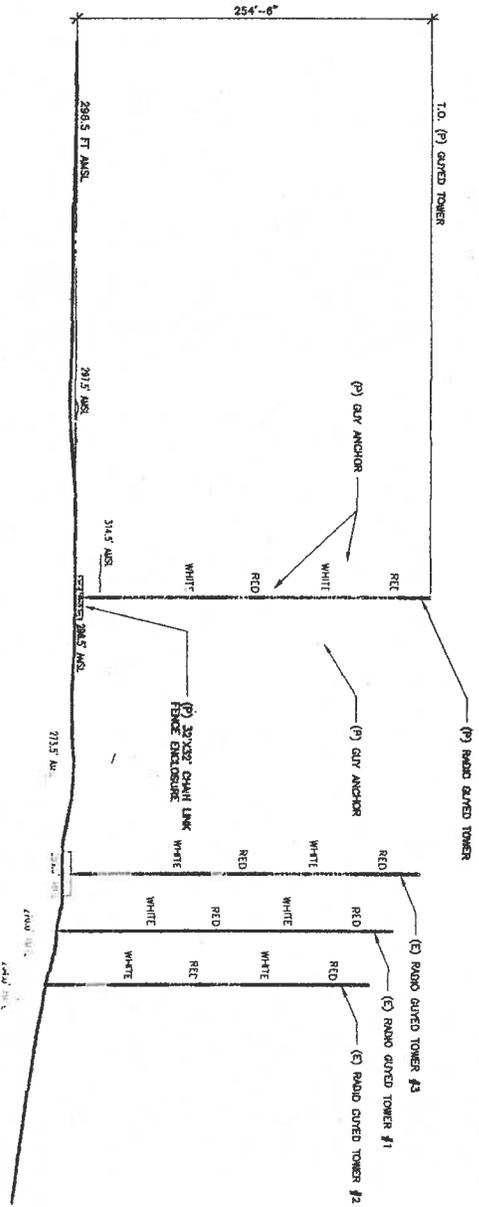
NOTE: REQUIRED BLANKING RED LIGHTS ONE AT TOP AND ONE AT MIDPOINT OF TOWER.



WEST ELEVATION

SCALE: 1" = 20'

NOTE: REQUIRED BLANKING RED LIGHTS ONE AT TOP AND ONE AT MIDPOINT OF TOWER.



SOUTH ELEVATION

SCALE: 1" = 20'

DCI PACIFIC
ALBIC WORKS
44-470014-1, IMPROVING COMMERCIAL
22 & 23 CANTON ST. 1ST FLOOR, LOS ANGELES, CA 90012
TEL: (213) 621-1921 FAX: (213) 621-1922

IMMACULATE HEART RADIO

PROJECT DEVELOPER
KCEO RADIO TOWER
3100 N. SHERIDAN ST. SUITE 200
LOS ANGELES, CA 90018

CONTRACT START DATE
01/20/12

CONTRACT NO.
20

APPROVALS:

APPROVED BY	REVISION	DATE

ISSUE NO.	CHK.	APP.

ISSUE STATUS:

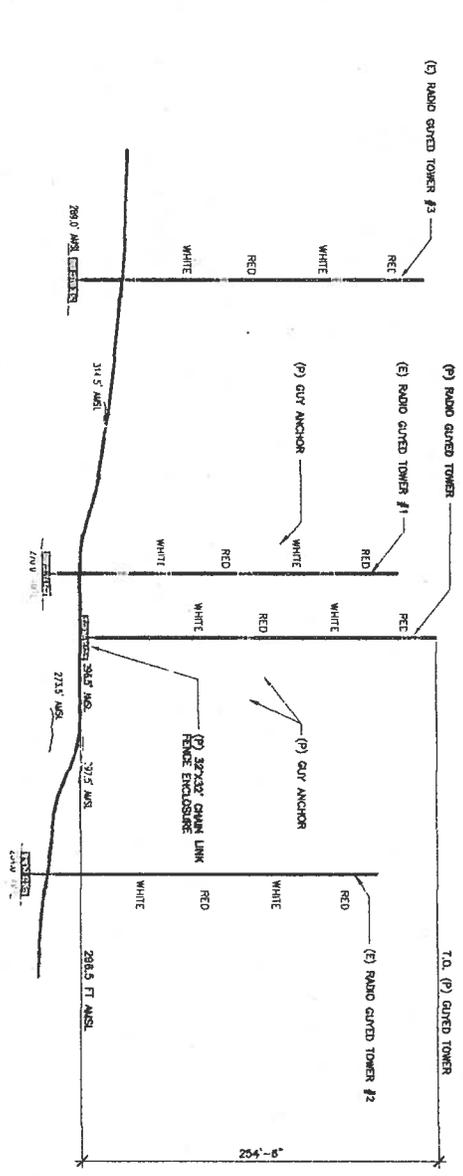
Δ	DATE	DESCRIPTION	BY

ELEVATIONS

TOWER NUMBER	2012 TOWER

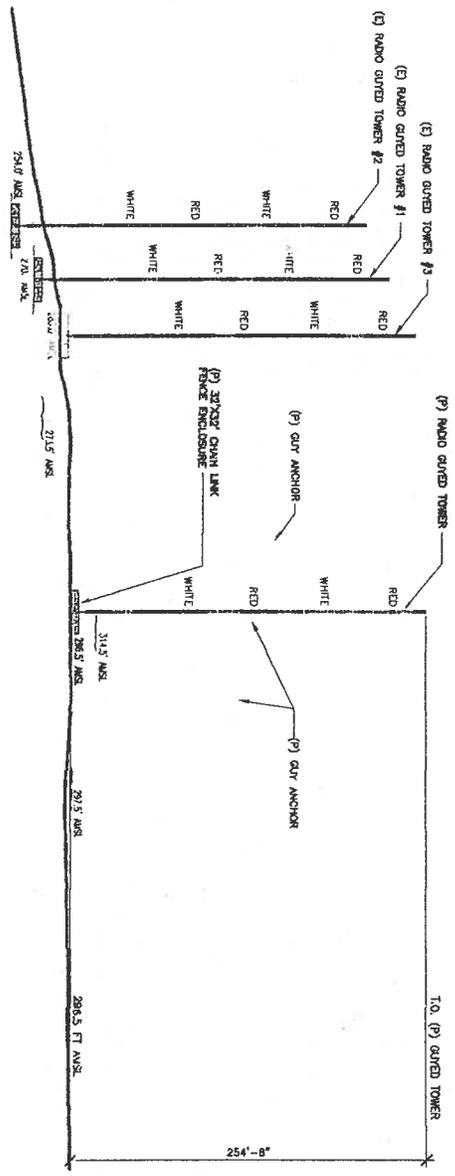
A3

NOTE: UNFOUNDED BLANKING RED LIGHTS, ONE AT TOP AND ONE AT MIDDLE OF TOWER.



EAST ELEVATION

NOTE: UNFOUNDED BLANKING RED LIGHTS, ONE AT TOP AND ONE AT MIDDLE OF TOWER.



NORTH ELEVATION

DCI PACIFIC
A/E/C WORKS

15000 BAYVIEW DRIVE, SUITE 100
SAN DIEGO, CA 92122
TEL: 619-594-1100 FAX: 619-594-1101

IMMACULATE
HEART RADIO

PROJECT IDENTIFIER:
KCED RADIO TOWER
7364 S. 5000' FT. ROAD
DORNECH, CA 92024

CONTRACT NUMBER: 210
01/20/12

ISSUED FOR:
2D

APPROVALS:

APPROVED BY	TITLE	DATE

ISSUE STATUS:

DATE	DESCRIPTION	BY
01/17/12	ISSUE 2D	
01/20/12	ISSUE 2D	

ELEVATIONS

VIEW	ISSUE LEVEL

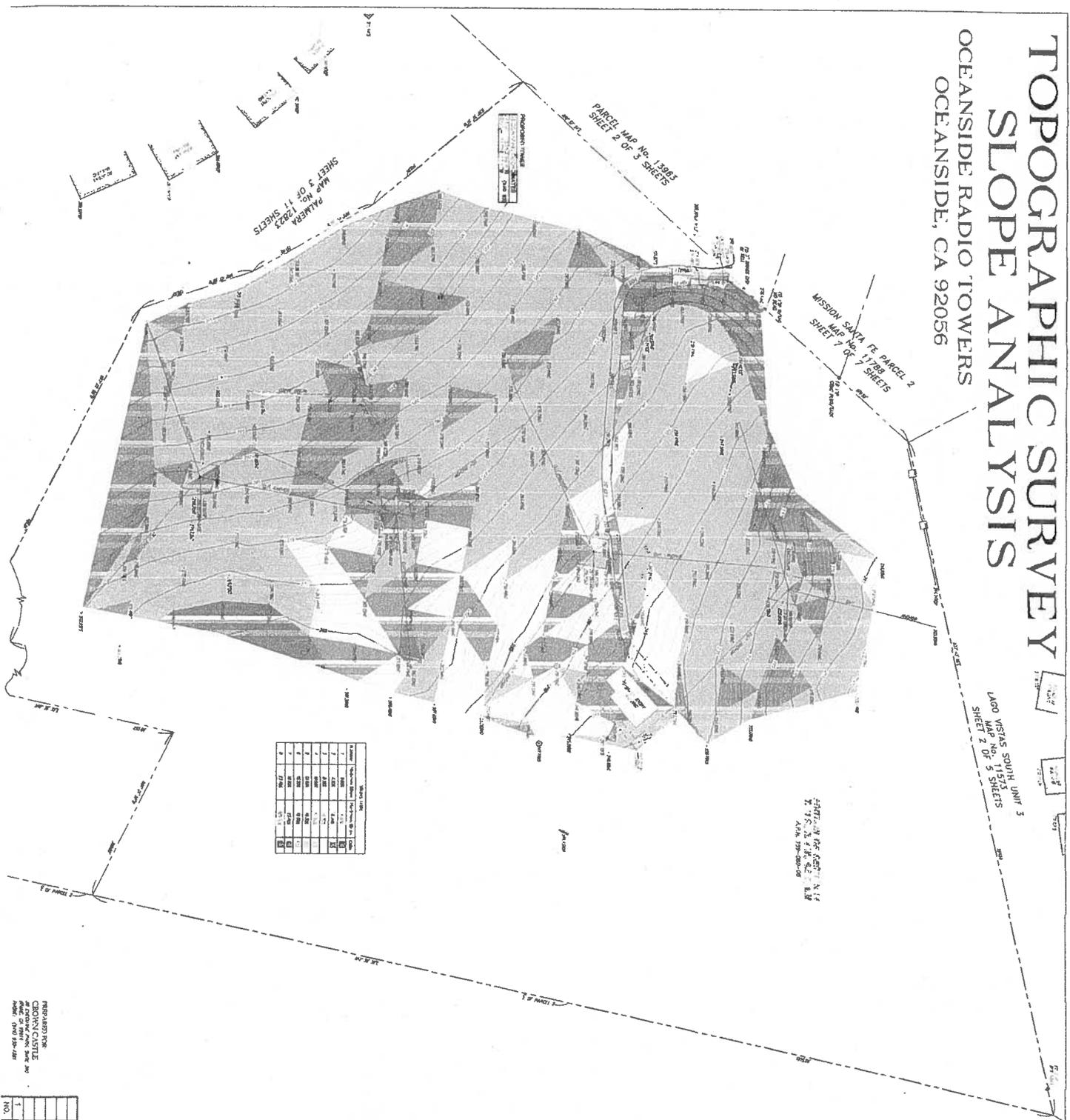
A4

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

TOPOGRAPHIC SURVEY SLOPE ANALYSIS

OCEANSIDE RADIO TOWERS OCEANSIDE, CA 92056

LAGO VISTAS SOUTH UNIT 3
MAP No. 1983
SHEET 2 OF 3 SHEETS



NO.	DESCRIPTION	DATE	BY
1	Topographic Survey	12/19/11	AL
2	Slope Analysis	12/19/11	AL
3	Final Report	12/19/11	AL

ENGINEER
Karl Vada
Professional Engineer
No. 1983
Exp. 12/31/11

REGISTRATION
KARL VADA
Professional Engineer
No. 1983
Exp. 12/31/11

LEGEND

- Survey Point
- Contour Line
- Property Boundary
- Right of Way
- Water
- Other

GRAPHIC SCALE

1" = 100'

NOTES

1. All elevations are in feet above mean sea level.
2. Contour interval is 5 feet.
3. Slope analysis is based on a 2% slope.

NO.	DATE	REVISIONS
1	12/19/11	SLOPE ANALYSIS

KARL VADA
SURVEYING, INC.

4141 Lakeside Dr., Suite 200, Oceanside, CA 92056
760-434-1111
www.karlvasurveying.com

DATE OF THIS REPORT: 12/19/11

BY: AL

DATE: DECEMBER 19, 2011, SHEET 1 OF 1

PREPARED UNDER MY SUPERVISION

BE SURE THAT COMPLETE SET OF THIS PLAN AND CONTAINS THIS &

BASE OF BEARINGS

BENCHMARK

SITE INFORMATION

NOTES CONCERNING THIS SCHEDULE OF ITEMS

NO. 1983

DATE: 12/19/11

BY: AL

DATE: DECEMBER 19, 2011, SHEET 1 OF 1

LEGAL DESCRIPTION

VICINITY MAP

SITE

TOPOGRAPHIC SURVEY

OCEANSIDE RADIO TOWERS

OCEANSIDE, CA 92056



LAJO VISTAS SOUTH UNIT 3
MAP No. 1-1983
SHEET 2 OF 3 SHEETS

PROPOSED TOWER
100'

PREPARED FOR:
CROWN CASTLE
14000 S. OCEAN BLVD. SUITE 200
OCEANSIDE, CA 92056
PHONE: (760) 434-1111

NO.	DATE	REVISIONS	BY	DATE

CALVADA
SURVEYING, INC.
1800 S. OCEAN BLVD. SUITE 200
OCEANSIDE, CA 92056
PHONE: (760) 434-1111

DATE OF SURVEY: OCTOBER 4, 2011



PREPARED UNDER MY SUPERVISION

DATE OF FIELD OBSERVATION: OCTOBER 4, 2011

DATE OF PLOTTING: OCTOBER 4, 2011

DATE OF FINAL CORRECTION: OCTOBER 4, 2011

DATE OF FINAL CHECK: OCTOBER 4, 2011

DATE OF FINAL APPROVAL: OCTOBER 4, 2011

DATE OF FINAL SIGNATURE: OCTOBER 4, 2011

DATE OF FINAL REVIEW: OCTOBER 4, 2011

DATE OF FINAL CHECK: OCTOBER 4, 2011

DATE OF FINAL APPROVAL: OCTOBER 4, 2011

DATE OF FINAL SIGNATURE: OCTOBER 4, 2011

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DATE OF FINAL CHECK: OCTOBER 4, 2011

DATE OF FINAL APPROVAL: OCTOBER 4, 2011

DATE OF FINAL SIGNATURE: OCTOBER 4, 2011

DATE OF FINAL REVIEW: OCTOBER 4, 2011



LEGAL DESCRIPTION

1 PLANNING COMMISSION
2 RESOLUTION NO. 2012-P36

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA TO ADOPT A
5 NEGATIVE DECLARATION ON CERTAIN REAL PROPERTY
6 IN THE CITY OF OCEANSIDE

7 APPLICATION NO: CUP12-00001
8 APPLICANT: Immaculate Heart Radio
9 LOCATION: 2766 S. Santa Fe Ave.

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 10, 39 and 41 of the Zoning Ordinance to permit the following:

15 to relocate one of four existing 254.6-foot tall AM radio towers to a southwestern
16 location on the existing site to enable a significant improvement in the AM radio signal
17 and to allow the facility to comply with FCC regulations;

18 WHEREAS, a Notice of Intent to Adopt a Negative Declaration was prepared and
19 circulated for public and agency review and property notification was given in accordance with
20 the California Environmental Quality Act; and

21 WHEREAS, the Planning Commission, after giving the required notice, did on the 13th
22 day of August, 2012 conduct a duly advertised public hearing on the content of the Negative
23 Declaration and reporting program; and

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

26 FINDINGS:

27 For the Negative Declaration:

- 28 1. The Negative Declaration together with all comments received incorporated into the
29 conditions of approval for the project, were presented to the Planning Commission, and
the Planning Commission reviewed and considered the information contained in these
documents prior to making a decision on the project.

1 2. It has been determined that the Negative Declaration to be accurate and adequate
2 documents, reflecting the independent judgment and analysis of the Planning
3 Commission. On the basis of the entire record before it, the Planning Commission
4 finds that there is no substantial evidence that the project will have a significant impact
5 on the environment.

6 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
7 adopt the Negative Declaration.

8 PASSED AND ADOPTED Resolution No. 2012-P36 on August 13, 2012 by the following
9 vote, to wit:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14
15 _____
16 Tom Rosales, Chairperson
Oceanside Planning Commission

17 ATTEST:

18
19 _____
20 Amy Fousekis, Secretary

21 I, AMY FOUSEKIS, Secretary of the Oceanside Planning Commission, hereby certify that this
22 is a true and correct copy of Resolution No. 2012-P36.

23
24 Dated: August 13, 2012
25
26
27
28
29

1 PLANNING COMMISSION
2 RESOLUTION NO. 2012-P37

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

7 APPLICATION NO: CUP12-00001
8 APPLICANT: Immaculate Heart Radio
9 LOCATION: 2766 S. Sante Fe Ave.

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 10, 39 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 to relocate one of four existing 254.6-foot tall AM radio towers to a southwestern location
16 on the existing site to enable a significant improvement in the AM radio signal and to
17 allow the facility to comply with FCC regulations;

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 13th day
19 of August, 2012 conduct a duly advertised public hearing as prescribed by law to consider said
20 application;

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, a Mitigated
22 Negative Declaration (MND) has been prepared for this application, addressing environmental
23 impacts and establishing mitigation measures to reduce said impacts to less than significant levels;
24 and

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 ////////////////

//////////////////

1 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
2 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
3 described in this resolution begins on the effective date of this resolution and any such protest must
4 be in a manner that complies with Section 66020;

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

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

9 FINDINGS:

10 For the Conditional Use Permit:

- 11 1. The proposed relocation of the AM radio tower and the existing three towers are
12 consistent with the objectives of the Zoning Ordinance and the purposes of the zoning
13 district in which the subject site is located. As per Oceanside Zoning Ordinance Section
14 3900, communication facilities and antennas, defined as major utilities, are permitted
15 within Residential Estate-B zoning districts through approval of a Conditional Use
16 Permit. Through appropriate siting and design, the proposed project would preserve the
17 character and quality of the adjacent residential neighborhoods while providing an
18 essential service to the community.
- 19 2. The proposed location of the conditional use, and the proposed conditions under which it
20 would be operated or maintained, will be consistent with the General Plan. The
21 proposed relocation of the existing AM radio tower will not be detrimental to the public
22 health, safety, or welfare of persons residing or working in the vicinity; and will not be
23 detrimental to properties or improvements in the vicinity or to the general welfare of the
24 City. The proposed facilities will comply with federal standards for maximum public
25 exposure to radio frequency emissions, as determined by a radio frequency emissions
26 report prepared by a licensed engineer and validated through third-party expert review.
27 The proposed facilities will comply with all applicable building and safety standards
28 intended to ensure the structural integrity of the attendant structures. Electrical
29 equipment will be safely housed within secured enclosure located on-site. Noise emitted

1 by the proposed facilities will be within parameters established by the Oceanside
2 Municipal Code.

3 3. The proposed conditional use will comply with the provisions of the Zoning Ordinance
4 and residential zoning district in which the property is located, including any specific
5 condition required for the proposed conditional use in the commercial district in which it
6 is located.

7 4. The placement and construction of relocated tower in the proposed location is necessary
8 for improved reception for the AM radio station and to meet the Federal Communication
9 Commission regulations. The relocated tower in conjunction with all towers on-site will
10 provide the provision AM radio services to City residents, businesses, and their owners,
11 customers, guests or other persons traveling in or about the City, as determined by the
12 applicant.

13 5. The proposal demonstrates a reasonable attempt to minimize construction of an additional
14 tower. The proposal will be sufficiently screened and camouflaged to protect the visual
15 quality of the City, and will not have an adverse visual impact on historic resources, scenic
16 views, or other natural or man-made resources.

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

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

22 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
23 approve Conditional Use Permit (CUP12-00001) subject to the following conditions:

24 **Building:**

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

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

29 ////////////////

//////////////////

- 1 3. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
2 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
3 other such lights may be utilized and shall be shown on building and electrical plans.
- 4 4. The building plans for this project are required by State law to be prepared by a licensed
5 architect or engineer and must be in compliance with this requirement prior to submittal
6 for building plan review.
- 7 5. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
8 plans.
- 9 6. Setbacks and Type of Construction must comply with UBC Table 5-A. Allowable area
10 must be shown to comply with Chapter 5 of the UBC.
- 11 7. The developer shall monitor, supervise and control all building construction and supportive
12 activities so as to prevent these activities from causing a public nuisance, including, but not
13 limited to, strict adherence to the following:
 - 14 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
15 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
16 work that is not inherently noise-producing. Examples of work not permitted on
17 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
18 producing nature. No work shall be permitted on Sundays and Federal Holidays
19 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
20 Christmas Day) except as allowed for emergency work under the provisions of the
21 Oceanside City Code Chapter 38 (Noise Ordinance).
 - 22 b) The construction site shall be kept reasonably free of construction debris as
23 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
24 approved solid waste containers shall be considered compliance with this
25 requirement. Small amounts of construction debris may be stored on-site in a neat,
26 safe manner for short periods of time pending disposal.

Fire:

- 27 8. The project is required to have a final inspection by the Fire Department.

1 **Planning:**

- 2 9. This Conditional Use Permit shall expire on August 13, 2014, unless implemented as
3 required by the Zoning Ordinance.
- 4 10. This Conditional Use Permit approves only the relocation of an existing AM radio tower to
5 another location on the property to the South West as shown on the plans and exhibits
6 presented to the Planning Commission for review and approval. No deviation from these
7 approved plans and exhibits shall occur without Planning Division approval. Substantial
8 deviations shall require amendment of the Conditional Use Permit or a new Conditional
9 Use Permit.
- 10 11. The facility shall be erected, operated and maintained in compliance with Article 39 of the
11 Oceanside Zoning Ordinance.
- 12 12. Any proposed new signs shall be in conformance with the Oceanside Sign Ordinance
13 Guidelines and shall be submitted to the Planning Division.
- 14 13. A covenant or other recordable document approved by the City Attorney shall be prepared
15 by the applicant and recorded prior to the issuance of building permits. The covenant shall
16 provide that the property is subject to this resolution, and shall generally list the conditions
17 of approval.
- 18 14. Prior to the issuance of building permits, compliance with the applicable provisions of the
19 City's anti-graffiti ordinance (Ordinance No. 93-19/Section 20.25 of the City Code) shall
20 be reviewed and approved by the Planning Division. These requirements, including the
21 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
22 recorded in the form of a covenant affecting the subject property.
- 23 15. Prior to the transfer of ownership and/or operation of the facilities the owner shall provide
24 a written copy of the applications, staff report and resolutions for the project to the new
25 owner and or operator. This notification's provision shall run with the life of the project
26 and shall be recorded as a covenant on the property.
- 27 16. Failure to meet any conditions of approval for this development shall constitute a violation
28 of the Conditional Use Permit.
- 29 17. 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

1 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
2 annul an approval of the City, concerning Conditional Use Permit CUP12-0001. The City
3 will promptly notify the applicant of any such claim, action or proceeding against the
4 city and will cooperate fully in the defense. If the City fails to promptly notify the
5 applicant of any such claim action or proceeding or fails to cooperate fully in the
6 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
7 harmless the City.

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

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

17 20. In the event of incidental discovery of archaeological resources, the applicant shall follow
18 the state-prescribed notification process outlined in Public Resources Code Section
19 5097.98, California Government Code 27491 and Health and Safety Code Section 7050.5.

20 21. Prior to the issuance of building permits, the applicant shall provide to state and federal
21 wildlife agencies proof of purchase of 0.06 acres of coastal sage scrub habitat within the
22 City's Wildlife Corridor Planning Zone.

23 22. Prior to the issuance of building permits, the applicant shall conduct a Phase One
24 environmental site assessment to determine if soil contaminants are present within those
25 portions of the site where the wireless telecommunications facilities will be located.
26 Should soil contamination be discovered, the applicant shall provide a mitigation plan to
27 be reviewed and approved by the City.

28 23. A qualified biologist shall be retained by the applicant to review the final grading plans,
29 access routes and staging areas, monitor all aspects of construction, educate contractors

1 about the biological sensitivities associated with the area and ensure compliance with
2 mitigation measures.

3 24. The qualified biologist shall conduct a training session for all project personnel prior to any
4 grading/construction activities. At a minimum, the training shall include a description of
5 the target species of concern, its habitats, the general provisions of the Endangered Species
6 Act (Act) and the MHCP, the need to adhere to the provisions of the Act, the general
7 measures that are being implemented to conserve the target species of concern as they
8 relate to the project, any provisions for wildlife movement, and the access routes to and
9 project site boundaries within which the project activities must be accomplished.

10 25. Equipment storage, fueling and staging areas shall be located to minimize risks of direct
11 drainage into riparian areas or other environmentally sensitive habitats. These designated
12 areas shall be located in such a manner as to prevent runoff from entering sensitive
13 habitats. All necessary precautions shall be taken to prevent the release of cement or other
14 toxic substances into surface waters. All project related spills of hazardous materials shall
15 be reported to appropriate entities including but not limited to the City of Oceanside, FWS,
16 CDFG, and SWQCB, and shall be cleaned up immediately and contaminated soils
17 removed to approved disposal areas.

18 26. Stockpiling of materials and other aspects of construction staging shall be limited to
19 disturbed areas without native vegetation, areas to be impacted by project development or
20 in non-sensitive habitats.

21 27. "No fueling zones" shall be established within a minimum of 10 meters (33 feet) from all
22 drainages and fire sensitive areas.

23 28. Artificial lighting adjacent to the preserve area shall be eliminated except where essential
24 for roadway, facility use and safety and security purposes. Where use of artificial lighting
25 is necessary it shall be limited to low-pressure sodium sources. Use of low voltage outdoor
26 or trail lighting, spotlights or bug lights is prohibited. All light sources shall be shielded so
27 that lighting is focused downward to restrict any light spillover onto sensitive habitat.

28 29. The qualified biologist shall monitor construction activities throughout the duration of the
29 project to ensure that all practicable measures are being employed to avoid incidental
disturbance of habitat and any target species of concern outside the project footprint.

1 Construction monitoring reports shall be completed and provided to the City of Oceanside
2 summarizing how the project is in compliance with applicable conditions. The project
3 biologist shall be empowered to halt work activity if necessary and to confer with staff
4 from the City of Oceanside to ensure the proper implementation of species and habitat
5 protection measures.

6 30. The removal of native vegetation shall be avoided and minimized to the maximum extent
7 practicable. Temporary impacts shall be returned to pre-existing contours and re-vegetated
8 with appropriate native species. All re-vegetation plans shall be prepared and implemented
9 consistent with Appendix C (Re-vegetation Guidelines of the Final MHCP Plan – Volume
10 II) and shall require written concurrence of the FWS and CDFG.

11 31. Construction employees shall strictly limit their activities, vehicles, equipment, and
12 construction materials to the proposed footprint and designated staging areas and routes of
13 travel. The construction area(s) shall be the minimal area necessary to complete the project
14 and shall be specified in the construction plans. Construction limits shall be fenced with
15 orange snow screen. Exclusion fencing shall be maintained until the completion of all
16 construction activities. All employees shall be instructed that their activities are restricted
17 to the construction areas.

18 32. Any habitat destroyed that is not in the identified project footprint shall be disclosed
19 immediately to the City of Oceanside, FWS, and CDFG and shall be compensated at a
20 minimum ratio of 5:1.

21 33. Impacts to Diegan coastal sage scrub will be mitigated through the off-site purchase of in-
22 kind habitat at a 2:1 replacement ratio consistent with the current provisions under the
23 City's draft MHCP Subarea Plan (2009).

24 34. Equipment will use available noise suppression devices and properly maintained mufflers.
25 Construction noise will be reduced by using quiet or "new technology", equipment,
26 particularly the quieting of exhaust noises by use of improved mufflers where feasible. All
27 internal combustion engines used at the project site will be equipped with the type of
28 muffler recommended by the vehicle manufacturer. In addition, all equipment will be
29 maintained in good mechanical condition so as to minimize noise created by faulty or
poorly maintained engine, drive-train and other components.

- 1 35. During all site preparation, grading and construction, contractors shall minimize the
2 staging of construction equipment and unnecessary idling of equipment in the vicinity of
3 residential land uses.
- 4 36. The equipment staging area will be situated so as to provide the greatest distance
5 separation between construction-related noise sources and noise-sensitive receptors nearest
6 the project site during all project construction.
- 7 37. Temporary walls/barriers/enclosures will be erected around stationary construction
8 equipment when such equipment will be operated for an extended period of time and
9 where there are noise sensitive receptors substantially affected. Noise barriers and
10 enclosures will consist of absorptive material in order to prevent impacts upon other land
11 uses due to noise reflection. In addition, complete enclosure structures will close or secure
12 any openings where pipes, hoses or cables penetrate the enclosure structure.
- 13 38. Notification will be given to residences within 91 meters (300 feet) of planned construction
14 activities thirty (30) days prior to commencement of demolition activity, and will include a
15 brief description of the project, the overall duration of the various construction stages,
16 noise abatement measures that will be taken, and the name and phone number of the
17 construction site supervisor or his designee to report any violation of a noise or mitigation
18 standard.

18 **Engineering:**

- 19 39. For the demolition of any existing structure or surface improvements; grading plans shall
20 be submitted and erosion control plans be approved by the City Engineer prior to the
21 issuance of a demolition permit. No demolition shall be permitted without an approved
22 erosion control plan.
- 23 40. Design and construction of all improvements shall be in accordance with the City of
24 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
25 engineering and specifications of the City of Oceanside and subject to approval by the City
26 Engineer.
- 27 41. A precise grading plan shall be prepared, reviewed, secured and approved prior to the
28 issuance of any building permits. Prior to the issuance of a grading permit, the
29 owner/developer shall notify and host a neighborhood meeting with all of the area residents

1 located within 300 feet of the project site, to inform them of the grading and construction
2 schedule, and to answer questions.

3 42. The owner/developer shall monitor, supervise and control all construction and
4 construction-supportive activities, so as to prevent these activities from causing a public
5 nuisance, including but not limited to, insuring strict adherence to the following:

6 Dirt, debris and other construction material shall not be deposited on any public street or
7 within the City's stormwater conveyance system.

- 8 a) All grading and related site preparation and construction activities shall be limited
9 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering
10 related construction activities shall be conducted on Saturdays, Sundays or legal
11 holidays unless written permission is granted by the City Engineer with specific
12 limitations to the working hours and types of permitted operations. All on-site
13 construction staging areas shall be as far as possible (minimum 100 feet) from any
14 existing residential development. Because construction noise may still be intrusive
15 in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits
16 "any disturbing excessive or offensive noise which causes discomfort or annoyance
17 to reasonable persons of normal sensitivity."
- 18 b) The construction site shall accommodate the parking of all motor vehicles used by
19 persons working at or providing deliveries to the site. An alternate parking site can
20 be considered by the City Engineer in the event that the lot size is too small and
21 cannot accommodate parking of all motor vehicles.
- 22 c) The owner/developer shall complete a haul route permit application (if required for
23 import/export of dirt) and submit to the City of Oceanside Engineering Division 48
24 hours in advance of beginning of work. Hauling operations (if required) shall be
25 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 26 d) It is the responsibility of the owner/developer to evaluate and determine that all soil
27 imported as part of this development is free of hazardous and/or contaminated
28 material as defined by the City and the County of San Diego Department of
29 Environmental Health. Exported or imported soils shall be properly screened,
tested, and documented regarding hazardous contamination.

- 1
- 2 43. A traffic control plan shall be prepared according to the City traffic control guidelines and
- 3 approved to the satisfaction of the City Engineer prior to the start of any work within the
- 4 public right-of-way. Traffic control during construction of streets that have been opened to
- 5 public traffic shall be in accordance with construction signing, marking and other
- 6 protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines.
- 7 Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved
- 8 otherwise.
- 9 44. Any existing public or private pavement, concrete driveways, pedestrian ramps and
- 10 sidewalk within the project, or adjacent to the project boundary that are damaged during
- 11 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 12 45. Prior to any grading of any part of this project, a comprehensive soils and geologic
- 13 investigation shall be conducted of the soils, slopes, and formations in the project. All
- 14 necessary measures shall be taken and implemented to assure slope stability, erosion
- 15 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
- 16 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
- 17 the City Engineer.
- 18 46. The drainage design shown on the site plan or preliminary grading plan, and the drainage
- 19 report for this project is conceptual only. The final drainage report and drainage design
- 20 shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San
- 21 Diego County Hydrology and Drainage Manual to be approved by the City Engineer
- 22 during final engineering. All drainage picked up in an underground system shall remain
- 23 underground until it is discharged into an approved channel, or as otherwise approved by
- 24 the City Engineer. All public storm drains shall be shown on City standard plan and
- 25 profile sheets. All storm drain easements shall be dedicated where required. The
- 26 owner/developer shall be responsible for obtaining any off-site easements for storm
- 27 drainage facilities.
- 28 47. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
- 29 disposed of in accordance with all state and federal requirements, prior to stormwater
- discharge either off-site or into the City drainage system.

1 48. The owner/developer shall obtain any necessary permits and clearances from all public
2 agencies having jurisdiction over the project due to its type, size, or location, including but
3 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
4 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
5 (including NPDES), San Diego County Health Department, prior to the issuance of grading
6 permits.

7 49. The owner/developer shall comply with the provisions of National Pollution Discharge
8 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
9 with Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ.
10 The General Permit continues in force and effect until a new General Permit is issued or
11 the SWRCB rescinds this General Permit. Only those owner/developers authorized to
12 discharge under the expiring General Permit are covered by the continued General
13 Permit. Construction activity subject to the General Permit includes clearing, grading,
14 and disturbances to the ground such as stockpiling, or excavation that results in land
15 disturbances of equal to or greater than one acre. The owner/developer shall obtain
16 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining
17 a Waste Discharge Identification Number (WDID#) from the State Water Resources
18 Control Board (SWRCB). In addition, coverage under the General Permit shall not
19 occur until an adequate SWPPP is developed for the project as outlined in Section A of
20 the General Permit. The site specific SWPPP shall be maintained on the project site at
21 all times. The SWPPP shall be provided, upon request, to the United States
22 Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control
23 Board (RWQCB), City of Oceanside, and other applicable governing regulatory
24 agencies. The SWPPP is considered a report that shall be available to the public by the
25 RWQCB under section 308(b) of the Clean Water Act. The provisions of the General
26 Permit and the site specific SWPPP shall be continuously implemented and enforced
27 until the owner/developer obtains a Notice of Termination (NOT) for the SWRCB. The
28 owner/developer is required to retain records of all monitoring information, copies of all
29 reports required by this General Permit, and records of all data used to complete the NOI
for all construction activities to be covered by the General Permit for a period of at least

1 three years from the date generated. This period may be extended by request of the
2 SWRCB and/or RWQCB.

3 50. The owner/developer shall provide a copy of the title/cover page of an approved SWMP
4 with the first engineering submittal package. If the project triggers the City's Stormwater
5 requirements but no approved Stormwater document (SWMP) exists, the appropriate
6 document shall be submitted for review and approval by the City Engineer. The SWMP
7 shall be prepared by the owner/developer's Civil Engineer. All Stormwater documents
8 shall be in compliance with the latest edition of submission requirements.

9 51. Prior to occupancy and in lieu of submitting a Storm Water Operation and Maintenance
10 Plan (O&M Plan), the project is required to provide City Engineering Staff with
11 documentation that demonstrates compliance with the "Conditions for Termination of
12 Coverage" as cited in the Statewide Construction General Permit (CGP), State Water
13 Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, Section II.D.f. which
14 states; "Post-construction storm water management measures have been installed and a
15 long-term maintenance plan⁷ has been established..." Footnote 7 states "For the
16 purposes of this requirement a long-term maintenance plan will be designed for a
17 minimum of five years, and will prescribe the procedures to ensure that a post-
18 construction storm water management measures are adequately maintained."

19 52. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project
20 will be subject to prevailing wage requirements as specified by Labor Code section
21 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the
22 prevailing wage requirements prior to the granting of any fee reductions or waivers.

23 53. Approval of this project is conditioned upon payment of all applicable impact fees and
24 connection fees in the manner provided in chapter 32B of the Oceanside City Code. All
25 traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements,
26 and other applicable charges, fees and deposits shall be paid prior to the issuance of any
27 building permits, in accordance with City Ordinances and policies. The owner/developer
28 shall also be required to join into, contribute, or participate in any improvement, lighting,
29 or other special district affecting or affected by this project. Approval of this project shall
constitute the owner/developer's approval of such payments, and his agreement to pay for

1 any other similar assessments or charges in effect when any increment is submitted for
2 final map or building permit approval, and to join, contribute, and/or participate in such
3 districts.

4 54. In the event that the conceptual plan does not match the conditions of approval, the
5 resolution of approval shall govern.

6 PASSED AND ADOPTED Resolution No. 2012-P37 on August 13, 2012 by the following
7 vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12 _____
13 Tom Rosales, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Amy Fousekis, Secretary

18 I, AMY FOUSEKIS, Secretary of the Oceanside Planning Commission, hereby certify that this
19 is a true and correct copy of Resolution No. 2012-P37.

20 Dated: August 13, 2012

21
22 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees
23 may be required as stated herein:
24

25 _____ Date: _____
26
27
28
29

Developer Deposit Account



Application for Discretionary Permit

Development Services Department / Planning Division
 (760) 435-3520
 Oceanside Civic Center 300 North Coast Highway
 Oceanside, California 92054-2885

STAFF USE ONLY - 100612

ACCEPTED 1/25/12 BY SN. ? D.W.

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT Immaculate Heart Radio, Douglas M. Sherman, President	2. STATUS Property Owner (In escrow to purchase)
3. ADDRESS 3256 Penryn Road, Suite 100 Loomis, CA 95650	4. PHONE/FAX/E-mail P: 916-636-0600; F: 916-636-0604; E: dsherman@ihradio.org
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Sean Scully, Planning & Permit Technologies, Inc.	
6. ADDRESS 800 S. Pacific Coast Hwy # 448 Redondo Beach, CA 90277	7. PHONE/FAX/E-mail P: 818-426-8028; F: 310-373-0011; E: permittech@verizon.net

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P. <u>CUP12-00001</u>
VARIANCE
COASTAL
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 2766 S. Santa Fe Avenue Oceanside, CA 92069	9. SIZE 17.05 Acres
10. GENERAL PLAN EB-R	11. ZONING RE-B
12. LAND USE AM Radio Tower Facilities	13. ASSESSOR'S PARCEL NUMBER 159-060-06-00
14. LATITUDE 33.233	15. LONGITUDE -117.271417

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
 To remove one (1) of four (4) existing "AM Radio Antenna Towers" and relocate/reconstruct said "AM Radio Antenna Tower" at a new location on the subject/same property approximately 300' to the southwest in order to comply with FCC Construction Permit issued October 22, 2009. The resulting number and design of the existing radio towers will be unchanged. The resulting radio signal will significantly improve as a result of this "project" and is required by the FCC.

17. PROPOSED GENERAL PLAN NA	18. PROPOSED ZONING NA	19. PROPOSED LAND USE Unchanged.	20. NO. UNITS NA	21. DENSITY NA
22. BUILDING SIZE NA	23. PARKING SPACES NA	24. % LANDSCAPE NA	25. % LOT COVERAGE or FAR NA	

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/> 26. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 27. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 28. TITLE REPORT
<input checked="" type="checkbox"/> 29. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 30. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 31. PLOT PLANS
<input checked="" type="checkbox"/> 32. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 33. CERTIFICATION OF POSTING	<input checked="" type="checkbox"/> 34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM 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).

35. APPLICANT OR REPRESENTATIVE (Print): Sean Scully	36. DATE 1-18-12	37. OWNER (Print): See attached Letters of Authorization	38. DATE
Sign:		Sign:	

• I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
 • I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

January 24

KCEO Radio Tower Relocation_Conditional Use Permit Application

2012

Project Description:

To remove one (1) of four (4) existing "AM Radio Antenna Towers" and relocate/reconstruct said "AM Radio Antenna Tower" at a new location on the subject/same property approximately 450' to the southwest in order to comply with FCC Construction Permit issued October 22, 2009. The resulting number and design of the existing radio towers will be unchanged. The resulting radio signal will significantly improve as a result of this "project" and has been granted a permit by the FCC that requires the tower be operational by October 22, 2012.

Site Name:

KCEO Radio Tower
Relocation

Applicant:

Immaculate Heart
Radio (KCEO
Radio_Catholic Radio
Station)

Applicants

Representative:
Crown Castle/PPTi

Project Location:

2766 S. Santa Fe
Avenue Oceanside,
CA 92069

APN:

159-060-06-00



**PLANNING & PERMIT
TECHNOLOGIES, INC.**

Building - Planning/Zoning - Permitting - Consulting Services

Sean Scully, Principal
800 S. Pacific Coast Hwy, # 448
Redondo Beach, CA 90277
Phone: (818) 426-6028
Fax: (310) 373-0011
E-Mail: permittech@verizon.net



City of Oceanside
Development Services Department, Planning Division
Jerry Hittleman, City Planner
300 North Coast Highway
Oceanside, CA 92054

Re: Proposed "AM Radio Tower" Relocation at 2766 S. Santa Fe Avenue, Oceanside CA 92069_APN 159-060-06-00

Dear Mr. Hittleman:

Enclosed herein is a narrative "BACKGROUND", "PROJECT OBJECTIVE", "PROJECT DESCRIPTION", and "ANALYSIS" associated with the attached "Conditional Use Permit" application package for the project described above. In summary, this correspondence will serve to provide the necessary background and information, supplemental to the application and other required materials, in order for the City of Oceanside to make the necessary findings in the affirmative and approve this entitlement to ensure that the critical infrastructure that is this land use can be significantly improved and the predominately "open space/passive recreational" nature of the subject property can be preserved for the continued enjoyment of the property by the surrounding neighborhood(s).

Before presenting the components of information introduced above there are a number of critical factors that frame the circumstances surrounding this "Project" and require attention at the outset:

1. The "Project" described herein has previously been approved by the FCC. Attached to this correspondence is a copy of said FCC's "Construction Permit". Pursuant to the FCC's approval the facilities associated with this application must be in OPERATION BY 10-22-12 and therefore we ask that every effort be made to process, review, and approve this application in the most expeditious manner possible.
2. The scope of the subject "Project" will not result in the development of any new additional facilities but rather only serves to move an existing "AM Radio Tower" from one location on the subject property to another location on the same property.
3. Pursuant to the Developers Conference held on October 12, 2011, between the applicant, Immaculate Heart Radio, and City Staff, regardless of the decision by the City on this CUP, the existing "AM Radio Towers" can remain on-site.
4. The existing "AM Radio Towers" predate the development and establishment of all the surrounding single family residential neighborhoods.
5. Although the City has a body of regulations into which this land use falls (Article 39 Wireless Facility, Satellite Dish and Antenna Standards), the majority of the regulations within Article 39 are intended to regulate wireless communications associated with cellular phones and other wireless technologies, and are not applicable to "AM Radio Towers".

BACKGROUND

The section herein provides a summary of important background information necessary to better understand the most relevant and critical parameters surrounding and driving this very important project.

The existing AM Radio Towers were originally approved and developed on the subject property in the mid 1960's. The exact date is not known as the City's records on this property are incomplete. At the time the "AM Radio Towers" were originally developed it appears that access to the site was directly from Santa Fe Avenue, hence the address assigned to this property is 2766 S. Santa Fe Avenue. Since the original development of the "AM Radio Towers" the surrounding areas have been developed with single family residential neighborhoods. The subject 17 acre property has since become an accessible passive open space and recreational area regularly/heavily utilized by many dog walkers and hikers from the surrounding neighborhoods. The approval of this project would ensure that the original use of this property could remain resulting in the continued use of the property by the surrounding neighborhoods.

Currently the subject "AM Radio Towers" are owned and operated by North County Broadcasting Corporation. The AM frequency is 1000 and the existing station's call sign is KCEO. The existing programming is primarily business talk radio. The subject property along with the existing AM Radio Towers and the use of AM 1000 KCEO is being purchased by Immaculate Heart Radio (Catholic Radio Station) and the transaction is expected to conclude in February of 2012. Immaculate Heart Radio is the applicant for this CUP.

Crown Castle, a wireless communications infrastructure and radio tower Management Company, is serving as the applicant's consultant on this matter and Sean Scully with Planning & Permit Technologies, Inc. is serving as the applicant's and consultant's "agent/representative". All responsibility for processing land use entitlements for this project will be assumed by Planning & Permit Technologies, Inc.. Attached are the "Letter(s) of Authorization for Zoning and Building Permit Approval Purposes" from the current property owner (Art Astor) and the future property owner and applicant (Immaculate Heart Radio), authorizing Sean Scully (PPTi) to serve as both the property owner's and the applicant's representative on this matter.

Immaculate Heart Radio (Applicant_1000 AM KCEO Catholic Radio Station)

Immaculate Heart Radio will be providing programming to the Catholic population of Oceanside and San Diego County, who until this time have not had a radio station of their own. Immaculate Heart Radio owns and operates 25 Catholic radio stations and translators in five western states. Immaculate Heart Radio opened their first station 15 years ago.

Attached to this correspondence is a letter from Immaculate Heart Radio's president, Douglas M. Sherman, which provides additional background on the programming that will be offered if this application is approved. Mr. Sherman's letter also provides compelling testimony on the impact of their programming on the communities where they currently broadcast.

Letters in Support

Attached to this correspondence are seven (7) letters in support of this application. The following is a summary of each letter with an identification of the author/organization they represent:

- **San Diego Catholic Radio Inc. (Stephen C. Beuerle, President):**
 - San Diego Catholic Radio, Inc., a "non-profit", has been working for over three (3) years towards acquiring a local radio station that can provide 24/7 Catholic radio programming in San Diego County;
 - Approximately 1/3 (or 1 million) of the population in San Diego County are Catholic, and there is not currently a Catholic radio station (in English); and

- San Diego Catholic Radio, Inc. is looking forward to Immaculate Heart Radio providing Catholic radio programming and supports the moving of Tower #4 at the subject property as this is critical to providing adequate coverage of greater San Diego Community.
- **Office of the Command Chaplain and Pastoral Care Services Naval Hospital Camp Pendleton (Fr. Christopher Merris CDR, CHC, USN Command Chaplain):**
 - Father Christopher Merris is one (1) of three (3) Roman Catholic Chaplains stationed at Camp Pendleton;
 - The proposed radio station will be a great aid to Father Christopher in communicating with service men and women;
 - Of the 38,000 families who live on base, approximately 10-15 thousand are Catholic;
 - There are currently three (3) very active Catholic communities on base, including one (1) at the very northern end of the base near San Onofre;
 - The existing station, 1000 AM KCEO, cannot be heard reliably at night on Camp Pendleton and therefore the proposed project to move one (1) of the existing towers on the subject property, which has already been approved by the FCC, is critical to improving the coverage over the entire base; and
 - Please act expeditiously and allow the proposed tower relocation.
- **Prince of Peace, A Benedictine Monastery, Office of the Abbot (Rt. Rev. Charles Wright, O.S.B. Abbot):**
 - Prince of Peace Abbey is a "Catholic Benedictine" monastery that has been located in Oceanside since 1958;
 - "This station will be a great aid to us in ministering to the members of our community and the hundreds of North County residents currently associated with us.";
 - "We would also like to reach service members in Camp Pendleton and the proposed new coverage will do that."; and
 - "Time is of the essence and the permission to move one tower a few hundred feet is all that is required of the City."
- **St. Mary Star of the Sea Parish (609 Pier View Way Oceanside, CA 92054, Reverend Michael A. Diaz, Pastor):**
 - "We are a Catholic Church in Oceanside and welcome the first Catholic radio station into our community.";
 - "This station will be a great help to us in communicating with our congregation. We have twenty-eight hundred (2,800) families currently in our Parish Community.";
 - "In addition we would also like to reach service members and the families living aboard Camp Pendleton and the coverage will do that."; and
 - "I therefore urge you to please act expeditiously and grant permission to move the tower."
- **St. Margaret Parish (4300 Oceanside Blvd. Oceanside, CA 92056, Father Cavana Wallace, Pastor):**
 - "As pastor of St. Margaret's for over ten years, and especially, since the completion of this church in 2007 which has become a landmark for this part of Oceanside, our membership has increased to well over 1500 families and households....We also have a large presence of military personnel, along with other parishioners, who came to St. Margaret's from the Camp Pendleton, Vandergrift and North River areas.";
 - "It is therefore with great interest we have noted and welcome the first Catholic radio station in this area. We anticipate it will do much good to connect our people together.";
 - "Unfortunately, I understand this important asset cannot be fully utilized during the evening hours in the north Oceanside area, although the FCC has granted authority to KCEO to increase their coverage, especially at night."; and

- "In the interest of what we both share in our contribution to community service, I would ask you to generously consider and grant the request to move one broadcasting tower a few hundred feet to facilitate better outreach, especially during the evening hours, to our church members and Catholic listeners in the northern part of Oceanside."
- **Mission San Luis Rey Parish (4070 Mission Avenue Oceanside, CA 92057, Father Charles Talley, Pastor):**
 - "I am writing on behalf of a group attempting to bring a quality broadcast signal of Catholic radio to north Oceanside. As you are well aware ours is the northern most parish in Oceanside serving the area in the San Luis Rey river valley and in to Camp Pendleton. We currently serve just over 5000 registered families but also reach out to hundreds of unregistered Catholics in the area and stationed aboard Camp Pendleton.";
 - "Improved signal strength for a Catholic radio station would benefit not just our parish but the many unaffiliated Catholics in the region."; and
 - "I understand that a building permit is necessary to relocate a tower for this new station and I urge you to act positively on our behalf as this project moves through the city approval process."
- **Diocese of San Diego, Office for Social Ministry (Pastoral Center, P.O. Box 85728, San Diego, CA 92186-5728, Kent Peters, Director):**
 - "Immaculate Heart Radio is purchasing radio station KCEO AM 1000 in Oceanside, CA, in order to serve the Catholic community in Oceanside, but also to serve the Catholic community throughout the Diocese of San Diego, which includes all of San Diego and Imperial Counties.";
 - "We are very much looking forward to this new station which will significantly enhance communication with parishioners throughout the San Diego County portion of the Diocese of San Diego.";
 - "I also understand that Immaculate Heart Radio is making application to you for one of the four existing towers to be moved to a new location, so that the signal coverage can be improved in Oceanside, but also be strengthened throughout the greater San Diego area."; and
 - "This will provide a substantial improvement and we hope that your approval will be forthcoming, as the FCC permit expires in October of this year."

Developers Conference Summary

On Tuesday October 18, 2011, the applicant, Doug Sherman from "Immaculate Heart Radio", and his representative at that time, Jon Dohm from Crown Castle, met with key staff members from the City of Oceanside as part of a "Developers Conference". At said "Developers Conference", and confirmed with subsequent e-mails and phone communications, the applicant and the city identified the scope and expectations of the project, application and submittal requirements, and applicable City of Oceanside regulations to which the project would be measured against. We believe we have more than met the expectations with respect to the information provided herein and attached to this application that resulted from the initial "Developers Conference" and numerous communications with City staff since.

As a result of the "Developers Conference" and subsequent correspondences noted above, it is clear that although the subject "AM Radio Tower" does fall under the purview of "Article 39 Wireless Communications Facility, Satellite Dish and Antenna Standards" there are very few "relevant" sections and "development standards" as the majority of the regulations articulated in this "Article" are not applicable to this project/land use as they are more intended to regulate "Wireless Communications" associated with cellular telephones and other mobile devices.

Therefore the "ANALYSIS" contained later in this correspondence will primarily focus on the following elements:

- The specific "findings" required for exceeding the height limit pursuant to Section 3907 B., (per the direction of your office); and
- The general "findings" required pursuant to Section 4105 within "Article 41 Use Permits and Variances".

In addition to demonstrating compliance with City's applicable/relevant ordinances, the subsequent "ANALYSIS" will also present information that further supports the project as proposed:

- Federal Government (FCC) authorities and rationale for their approval of this project;
- General planning principals most relevant to the proposed project that clearly demonstrate the "minor" nature of this project as well as the improvements resulting from this project in terms of the following:
 - Fall zone analysis;
 - View shed analysis;
- Preliminary Biological and Archeological surveys;
- Consistency/compliance with the General Plan and applicable/determined relevant zoning ordinance regulations:
 - Required "Findings" in the affirmative:
 - Section 3907 B.; and
 - Section 4105.

PROJECT OBJECTIVE(S)

The primary objective for the proposed "AM Radio Tower Relocation" is to significantly improve the "coverage" of the proposed radio station, KCEO Immaculate Heart Radio (Catholic Radio Station), that has purchased the existing radio station (Business/Economy Radio Station) located on the subject property. In order for the stated objective herein to be met, the applicant, has been issued a permit from the FCC to increase the power of the facility and to relocation one (1) of the four (4) existing radio towers, the tower located furthest north and at the lowest elevation, to a new location upslope at a higher elevation. Attached to this correspondence is a copy of the FCC's "Construction Permit" for said project.

The end result will be the establishment of the first and only Catholic Radio Station (English Language) within San Diego County. It is estimated that this new AM Radio Station will serve a regional Catholic population of approximately 1 million persons. Attached to this correspondence is a communication from "San Diego Catholic Radio, Inc." (included with "Letters in Support"), a San Diego based non-profit that has been working on bringing a Catholic radio station to San Diego County for over three (3) years, that presents the potential listeners data in support of the project.

PROJECT DESCRIPTION

The existing facilities on the subject property consist of the following "Radio Station Broadcasting" facilities:

- Four (4) AM Radio Guyed Towers, each approximately 250' in height;
 - Each Tower is surrounded by an 8' chain link fence, approximately 30' square; and



- Each Tower also has three (3) guyed wire anchors.
- One (1) radio equipment facility;
 - The existing radio equipment facility is also surrounded by an 8' chain link fence.

The proposed project is to relocate one (1) of the four (4) existing AM Radio Guyed Towers, identified as Tower 4 on the accompanying plan sets, which is the Tower furthest north and at the lowest elevation on the subject property, approximately 450' to the southwest further up slope. **The resulting development on-site will not change from what is existing except with respect to the location/configuration of the Radio Guyed Towers for one (1) of the four (4) existing radio towers.** See the attached plan sets for specific details on the resulting site development.

As is clearly demonstrated in the following section of this correspondence, the "ANALYSIS" section, the proposed Radio Tower relocation will result in the following:

1. Significantly better coverage than what is existing for the current radio station (as required by the FCC);
2. The removal of "worst case scenario" potential fall zone impacts; and
3. Overall reduced visual impacts for the majority of the surrounding residential neighborhoods in proximity.

ANALYSIS

As stipulated previously in this correspondence the "ANALYSIS" herein presents the following component discussions that will individually and collectively serve to provide the necessary evidence for the City of Oceanside to support and approve this very important project:

- Federal Government (FCC) authorities and rationale for their approval of this project;
- General planning principals most relevant to the proposed project that clearly demonstrate the "minor" nature of this project and the resulting improvements with respect to the following:
 - Fall zone analysis;
 - View shed analysis;
- Preliminary Biological and Archeological surveys;
- Consistency/compliance with the General Plan and applicable/determined relevant zoning ordinance regulations:
 - Required "Findings" in the affirmative:
 - Section 3907 B.; and
 - Section 4105.

Federal Communications Commission (FCC) Authorities/Approval

Section 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. Sec. 307(b), mandates that the FCC allocate broadcast frequencies among the states and communities in a fair, efficient and equitable manner. Recently, the FCC granted an application and referred to its "continued efforts to revitalize the AM service and to make the most efficient use of limited spectrum". ***The Cromwell Group of Illinois, Inc.***, 26 FCC Rcd 12685 (2011). In fact, the FCC has held that it is not "sound public policy" to enact rules or grant waivers where the result would be to encourage broadcasters to operate with less than maximum facilities. ***NewCity Communications of Massachusetts, Inc.***, 10 FCC Rcd 4985 (1995). Therefore, any improvements to AM stations which result in maximizing the facilities of a station but which do not cause impermissible interference to other stations are by their nature in the public interest, convenience and necessity as they implement a more efficient use of the spectrum.

To this end the FCC granted an "AM Broadcast Station Construction Permit" for the proposed project on October 22, 2009.

Land Use Impacts_Fall Zone Analysis

The most significant potential impacts associated with tower development would be those impacts resulting from the unlikely event of tower failure. It is critically important to understand that in the highly unlikely event of any such failure, the towers, existing and proposed, are designed to "twist and crumble" onto themselves and therefore pose very little hazard towards adjacent properties and structures. To this end, a structural engineer has provided an explanation of the engineering and calculations that supports this statement. Said engineer's statement is attached to this correspondence and will also be confirmed by the City as part of their review during the building permit plan check process.

With the above engineering clearly substantiated, this project will ultimately serve to significantly improve and further "safeguard" those adjacent residences that are currently located within the "fall zone" of the existing Tower to be relocated. As a result of the proposed re-location of "Tower 4" (existing Tower furthest north on the subject property) no surrounding residential properties will be within the "fall zone" of any of the towers. Attached to this correspondence is an exhibit that includes a series of illustrations that represent the "safer" tower configuration resulting from this project.

In summary:

1. The existing Tower 4 location is within the worst case scenario "fall zone" of four (4) adjacent residential properties to the north of the subject property.
 - a. It is significant to note that of the four (4) residential properties impacted, two (2) of the actual residences on the identified residential properties are also within the worst case scenario "fall zone".
2. The worst case scenario "fall zone" of the proposed new location of Tower 4 does not fall within the boundaries of any adjacent residential properties let alone any actual residences on the nearest adjacent properties.
3. See attached "Fall Zone Analysis" for evidence in support of this summary.

Land Use Impacts_View Shed Analysis

In addition to the potential impact(s) resulting from tower failure (public safety issue) the next most potentially significant impact associated with this project would be upon the area's "views". Before critically breaking down the potential impacts upon the surrounding neighborhoods' "views" resulting from this proposed tower relocation project there are some basic parameters and general criteria that must first be presented with respect to the quantification of visual impacts.

It's important to note that the observations articulated below for measuring visual impacts are consistent with how the professional planning community generally measures this issue and is consistent with my own professional experiences when analyzing visual impacts for like facilities.

- The visual range or distance at which the antenna and tower structure can be seen is based on its height and visual mass.
- In an urban or semi-urban environment, the distance at which a radio tower similar to the mass and height of the existing/proposed tower is no longer a visually dominant part of the view is approximately one-half mile.
 - This is the approximate distance at which the scale of the antenna is diminished (mid-ground) and features in the foreground view become more detectable to the observer.
 - The half mile distance from the project is a representative distance of a transition zone from foreground to mid-ground view.

- The visual impacts of the project depend on its visibility which in turn is dependent on the project design characteristics and on the physical features surrounding the project.
- The project's visual background can also influence the detectability and visual range of the antenna tower.
 - For example, in situations where a hill or other feature is behind the antenna, it will tend to blend into the background, thereby reducing the distance at which it is a prominent feature in the landscape.
- The color of the tower contributes to the project's visibility with respect to the background/setting. A color similar to the setting and background will reduce its visibility. It is important to note that in this case the color of the towers are required by the FCC/FAA and cannot be changed.
- The setting is important in conducting visual analysis, since it is the contrast of the project with its environment that is a major component of the visual impact. The more dissimilar the project is with its setting, the more visible it is. Settings vary from urban to rural, and hence, a project with man-made features is generally a normal part of an urban setting and out of context within a rural setting.
- Other factors which pertain to visual impacts are the change the project introduces to the visual setting and whether people will see it.

A critically important element to understand when reviewing the conclusions of any visual impact analysis is that they can be highly subjective. The key for the analyst conducting the review is to maintain a high level of objectivity and incorporate and consider all the surroundings to ensure the most accurate conclusions are represented. A common misrepresentation is to view the visual element under investigation without accurately considering the entirety of the surrounding environment.

With an understanding of the parameters utilized to measure visual impacts established above we can now more accurately measure and quantify the impact of the proposed tower relocation with respect to this issue.

At the outset we can eliminate many of the parameters associated with visual impact analysis for this project since the environmental setting on and surrounding the subject property will be unchanged and the design, height, and mass of the proposed tower is identical to that of the existing tower. Therefore, what becomes the most important factor with respect to the visual impacts associated with the tower relocation is whether the proposed new tower location is more or less of a visual impact to the neighborhoods within the ½ mile radius of the subject property.

In order to assess the most salient issue posed above numerous field visits to the neighborhoods surrounding the subject property were conducted and the areas with the potential for an increased visual impact resulting from the tower relocation were mapped. In addition, the areas surrounding the subject property that would result in a potential improved visual impact were also mapped. Attached to this report is a document entitled, "Visual Impact Analysis". In review of the evidence, the relocation of Tower 4 to the proposed new location on the subject property will result in a net reduction in the overall visual impacts of the subject project on the surrounding neighborhoods. This is explained most simply by the fact that because of the topography within the total view shed area (defined as being within ½ mile of the subject property) there are more areas (residences) to the north and east of the subject property, with views of the existing Towers, that are closer to the existing Tower 4 location and will therefore benefit from the relocation of Tower 4 to location further away to the southwest.

Based upon the aforementioned "Visual Impact Analysis" the following summary is presented in support of the conclusions herein:

1. Number of residences with potentially “increased visual impacts” (Negative Visual Impacts):
 - a. 225
2. Number of residents with potentially “decreased visual impacts” (Positive Visual Impacts):
 - a. 465

As is clearly demonstrated in this analysis there are over twice as many residences within the surrounding neighborhoods that will benefit from the project in terms of “visual impacts”.

Preliminary Biological and Archeological Surveys

At the Developers Conference back on October 18, 2011, it was determined that some biological and archaeological survey work would be required early in the process as there were known resources for both these resources in proximity to the project site. As a result a City approved Biological and Archeological consultant was retained, Affinis environmental services, and surveys of the subject property were conducted in December of 2011. Attached to this correspondence are the completed Archaeological Survey and a preliminary letter stipulating the initial findings with respect to the biological habitats on-site.

It’s important to note that numerous consultations have been held between the Radio Tower design and construction team and the Biological and Archeological consultant, Affinis, in the development of the final design illustrated on the attached plans. Also, at the time the geotechnical work was done on-site a archaeologist was present and monitored all the site work and did not witness any significant archeological resources.

The final Biological Report is anticipated within 2 weeks of the submittal of this application. This slight delay has been confirmed acceptable with the City of Oceanside and should not result in a delay of the processing of this application.

Findings_Section 3907 B. (Required for Exceeding the Height Limit)

The following analysis provides the necessary explanations/justifications/evidence in-order to make the required “findings” in the affirmative pursuant to Section 3907 B. for approving a Conditional Use Permit increasing the allowable height stipulated by the RE-B zoning designation that is required for the proposed AM Radio Tower. Section 3907 B. reads as follows:

“3907 B. The following additional findings must be made prior to approving a Conditional Use Permit increasing the allowable height as provided in this Article (except amateur radio antennas):...”

Each of the “findings” is first presented and following each is the required evidence/justifications.

“(Required Finding)...1. Alternatives have been provided to staff, including but not limited to additional and/or different locations and designs, and staff has determined that the application as approved would have a lesser impact on the aesthetics and welfare of the surrounding community as compared to other alternatives;”

Justification/Evidence in Support of Finding:

The subject AM Radio Tower will be identical to the existing tower that is to be removed as well as the three (3) towers that will remain as they currently exist. The design of the proposed relocated tower is as “minimal”, in terms of mass/visuals, as is structurally safe. Any alternatives, in terms of design would ultimately serve to draw attention to the towers through the resulting “contrast” and is not advisable.

In addition, the design and location of the proposed relocated tower is required by the FCC, pursuant to their issuance of the "Construction Permit" on October 22, 2009. The design, height and new location on-site is required in order to improve and maximize the frequency/signal strength and at the same time not cause interference to other stations. See the previous discussion within this Analysis entitled, "**Federal Communications Commission (FCC) Authorities/Approval**" for additional background on the consistency that this project represents with respect to FCC regulations.

Also in support of the proposed design and location is the evidence presented with respect to the "fall zone" and overall "visual impacts". With respect to the evidence concerning the worst case impacts in the extremely unlikely event of tower failure the new location is superior to all other locations on the subject property that will serve to improve the signal and further safeguard surrounding residences. With respect to the visual impacts again the proposed new location on the subject property results in a net improvement of the visual impacts for the surrounding residential neighborhoods. See the prior analyses' entitled, "**Land Use Impacts_Fall Zone Analysis**" and "**Land Use Impacts_View Shed Analysis**" for additional evidence in support of the project as proposed.

As a result of the above evidence, although no alternatives have been provided to staff, there is convincing and compelling evidence for the project as proposed that support the finding that, "...the application as approved (proposed) would have a lesser impact on the aesthetics and welfare of the surrounding community as compared to other alternatives."

Therefore this finding can be made in the affirmative.

"(Required Finding)...2. Based on evidence presented the additional height greater than ten (10) feet above the maximum building height for the applicable zone is reasonably necessary for co-location of facilities for the efficient operation of the proposed facility. (This finding is not applicable to stand-alone Facilities that exist on the effective date of this Ordinance and that are in full compliance with the conditions of approval and all other applicable federal, state and local laws.); and"

Justification/Evidence in Support of Finding:

Pursuant to the following statement within this finding, "...(This finding is not applicable to stand-alone Facilities that exist on the effective date of this Ordinance and that are in full compliance with the conditions of approval and all other applicable **federal**, state and local laws.)", this finding is **not applicable**. The existing Radio Towers are "stand-alone facilities", predate the "effective date" of this Ordinance by at least 30 years, and are in compliance with all **applicable** regulations, particularly **federal**. Although **not applicable**, the following brief statements are presented in support of this finding.

The underlying zoning of the subject property is RE-B (Residential Estate B), the height limit for this zoning is 36'. The required height, pursuant to the FCC's recently issued "Construction Permit", is 254'. As previously stated herein the height of the "to be relocated tower" is necessary for the maximization of the utilization of the subject radio station facilities/frequencies and as proposed is necessary "...for the efficient operation of the proposed facility....".

Therefore, although not applicable, this finding can be made in the affirmative.

“(Required Finding)...3. Any negative impacts of the proposed facility are properly mitigated.”

Justification/Evidence in Support of Finding:

As previously presented, the resulting existing impacts with respect to potential “fall zone” and “visuals” are significantly improved by the project. In addition, the FCC requirement to maximize the utilization of the AM frequencies, without causing interference to other stations, is also significantly improved as a result of this project.

Regarding the potential impacts to any determined environmentally sensitive habitats on-site, these have been “mapped” and the project has been designed to avoid known/determined habitats at the time of the submittal of this application. Any future potential impacts associated with the short term construction activities will be mitigated to levels that are less than significant as determined by the commissioned biological and archaeological surveys pursuant to the extensive CEQA process that is to be conducted. Said biological and archeological reports in support of the above conclusions are included with the application.

Therefore this finding can be made in the affirmative.

Findings_Section 4105 (Use Permit Findings)

In addition to the “findings” presented above pursuant to “Section 3907 B.”, “Section 4105” also requires “findings” be made in the affirmative in order for the approval of the subject “Conditional Use Permit” application. The following analysis, in addition to the accompanying “application, plans, materials and testimonies submitted” with this application provides the necessary explanations/justifications/evidence in order to make the stipulated “findings” in the affirmative as required by Section 4105.

As was provided in the “findings” analysis above, each of the “findings” required for the issuance of the subject “Conditional Use Permit” is first presented and following each is the required evidence/justifications necessary to support said finding in the affirmative.

“(Required Finding)...1. That the proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located.”

Justification/Evidence in Support of Finding:

Pursuant to “Section 3904”, the land use that is the subject of this application is conditionally permitted in all zones within the City of Oceanside, including residential. In addition, pursuant to “Section 1010 G.” one of the “Specific Purposes” within residential districts reads as follows:

- “Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.”

To understand how the above “Specific Purpose” is met by the subject project, some historical perspective is necessary that will serve to connect and fully appreciate the synergies and compatibilities of the subject land use, at the subject location, with what is now a largely residential land use pattern in this area.

As noted above the predominant land uses in the area surrounding the subject property currently consist primarily of single family residential development, however when the existing Radio Antenna Towers were originally developed, circa mid 1960’s, the surrounding area was largely undeveloped. ***The***

existing Radio Antenna Towers/Facilities predate the development of the surrounding residential neighborhoods. Since the development over time of the surrounding residential neighborhoods, an indirect benefit of the subject “passive development” has occurred in that the subject 17.05 acres property is largely vacant and remains undeveloped and “natural” except for the radio towers and radio equipment shack which collectively take up only a small area of the entire parcel. Over time, the subject property has become a highly utilized “natural open space” frequently visited by hikers, dog walkers, joggers and others living in the surrounding neighborhoods. This additional utilization of the subject property as a passive natural open space area serves to meet the cited “Special Purpose” above in that the property serves to “complement the residential development” surrounding the property. This is a significant benefit to the surrounding neighborhood and can continue to be utilized with the approval of this application.

The project herein of simply relocating one (1) of the four (4) existing radio towers will not diminish or alter in any meaningful way the above cited additional benefit that this project brings to the surrounding existing residential neighborhoods and in fact will help ensure that the complementary use of the site as a natural open space and recreational area can continue for the foreseeable future.

Therefore this finding can be made in the affirmative.

“(Required Finding)...2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.”

Justification/Evidence in Support of Finding:

Within the City of Oceanside’s Land Use Element of its General Plan are various “Goals, Objectives, and Policies” with which this land use at this location is consistent with. Below are multiple policy statements from the City’s Land Use Element, some of which reference and support the primary benefits that will be realized from the great works anticipated from “Immaculate Heart Radio” and the programming that will be available to the entire City of Oceanside and surrounding greater San Diego Regions and other policy statements clearly recognize the importance of preserving the open space/natural resources/recreational area that this land use as designed and operated also brings to the surrounding neighborhood(s).

- **I. Community Enhancement, 1.1 Community Values**
 - **Objective:** To ensure the enhancement of long term community and neighborhood values through effective land use planning.
 - **Policy D.** The City shall support and encourage the fulfillment of widespread neighborhood and community values.
- **I. Community Enhancement, 1.11 Balanced Land Use**
 - **Objective:** To develop and use lands for the long-term provision of a balanced, self-sufficient, and efficient community.
 - **Policy B.** The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses with the community or provide a significant benefit to the community.
- **I. Community Enhancement, 1.2 Site Design**

- **Objective:** To provide high-quality site design, all proposed land development projects shall take advantage of natural or manmade environments to maximize energy conservation, natural air circulation, public safety, visual aesthetics, private and common open spaces, privacy, and land use compatibility.
- **Policy A.** 4) The placement of all proposed structural components, landscaping, accessways, etc. shall be oriented on the site in such a manner to maximize the quality of views and vistas of the site from surrounding land uses.
- **Policy C.** New development or land uses shall provide coordinated site design wherever possible with existing or proposed adjacent land uses to provide complimentary site design, unified circulation access, and joint use of ancillary facilities.
- **I. Community Enhancement, 1.21 Common Open Space**
 - **Objective:** To provide and maintain common open areas for a wide range of uses.
 - **Policy A.** Common open space must be accessible and usable by potential users of the common open space.
 - **Policy C.** Where feasible, common open space shall be integrated with adjacent common or public open spaces, trails, or bicycle transit systems to promote an open space or trails network throughout the City.
- **II. Community Development, 2.6 Open Space**
 - **Objective:** To identify and preserve a variety of land that, due to their topography, use, natural resources, values, and/or limitations, are best left in an open or natural state.
 - **Policy D.** The City shall encourage the preservation of contiguous natural open space that provides wildlife habitat.
- **II Community Development, 2.726 Communication Systems**
 - **Objective:** To provide for the efficient and aesthetic functioning of communication systems within the City.
 - **Policy A.** The City shall encourage planning for the future communication system needs of individual land developments or uses and the City in general.
- **II Community Development, 2.74 Public Recreation Facilities**
 - **Objective:** To enhance the well-being of City residents by providing opportunities for relaxation, rest, activity, and education through a well-balanced system of private and public park and recreation facilities distributed to serve the entire community.
 - **Policy A.** Enrich the quality of life for all citizens of Oceanside while providing constructive and creative leisure opportunities.
 - **Policy B.** Provide recreational experience and programs that contribute to the total health of the individual while meeting the desires of the community as a whole.
 - **Policy C.** Provide adequate parkland acreage in both location and size to meet the recreation needs of existing and future residents and to preserve natural resources within the City.
 - **Policy L.** Define basic objectives, financing, and alternative/nontraditional means for timely and balanced development of park and recreation facilities in Oceanside.
- **III Natural Resource Management**
 - **Goal:** Continual evaluation of the state of the environment and formulation of a program of planned management, wise utilization and preservation of natural resources to ensure the health, safety, and welfare of present and future generations.
 - **Policy D.** The City shall recognize the importance of sensitive or potentially valuable wildlife habitats and support efforts to preserve these resources.

Clearly there is ample evidence referenced above to affirm that the project “will be consistent with the General Plan”.



With respect to the other elements of this “finding” that require the project “will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use” and that the project “will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city” as has been evidenced throughout this analysis the welfare in terms of the programming of “Immaculate Heart Radio” and the use of the site as a critical passive open space and recreational area for the surrounding neighborhood, and the “net” overall improved views afforded the majority of the surrounding residences, and particularly the additional safeguards the project results in with respect to potential “fall zone” issues, this project clearly affirms an overall benefit for the neighborhood and the City of Oceanside, as well as Camp Pendleton and the service men and women stationed there, and the greater San Diego Region.

Therefore this finding can be made in the affirmative.

“(Required Finding)...3. That the proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.”

Justification/Evidence in Support of Finding:

As is articulated in the “BACKGROUND” section of this correspondence, at the outset of the initiation of this project, the specific “applicable and relevant” sections of the City’s ordinance were determined by the City’s Planning Department. All the determined “applicable and relevant” sections of the City’s ordinance are met by the project and the analysis contained throughout this correspondence documents said compliance and/or justifications for deviations.

In addition, the applicant is aware there may be subsequently determined conditions necessary for the approval of this project and provided there is a rational nexus for said additional conditions that is driven by a reasonable application of city’s environmental review process, the applicant will comply.

Therefore this finding can be made in the affirmative.

In closing, the body of evidence that is presented within this “report” as well as the additional information, documents, and “testimonials” attached clearly demonstrate the significant benefits that will result from this project. In addition, all the necessary findings can be made in the affirmative. Therefore we ask for your continued support and expeditious review of the project as designed and we respectfully request that the Planning Commission approve this application.

Please contact me if you have any questions or comments about this submittal, or the project in general.

We look forward to working with your office and the City of Oceanside on improving this critical and important infrastructure, consistent the FCC’s construction permit, improving the overall views in the neighborhood, further safeguarding the immediately surrounding residences from potential radio tower failure, as well as maintaining and preserving this important and heavily utilized open space/passive recreational use that has been a fixture of the surrounding residential neighborhood since they were originally developed.

Sincerely,



Sean Scully

Principal, Planning & Permit Technologies, Inc. (authorized agent for Immaculate Heart Radio and Crown Castle)

T: (818) 426-6028

F: (310) 373-0011

E-mail: permittech@verizon.net

Attachments:

Completed "Application for Discretionary Permit" (CUP Application);
Environmental Information Form;
Storm Water Quality Assessment_Discretionary Application;
Oceanside Submittal Requirements/Plan Info;
"FCC Construction Permit" (Grant Date October 22, 2009);
Letters of Authorization_Property Owner(s) (existing and future) and Immaculate Heart Radio_Grantee representation to Mr. Sean Scully (PPTi);
Letter from Applicant_Immaculate Heart Radio;
Letters in Support of Project_Seven (7);
Letter from Engineer Regarding Potential Fall Radius;
Letter from Tower Engineer Citing Existing Conditions of Towers;
"Fall Zone" Analysis;
"View Shed" Analysis;
Property Title Report;
Legal Description;
Geotechnical/Soils Report_Three (3) sets;
EME Report_Three (3) sets;
Preliminary Biological Report/Letter_Three (3) sets;
Archeological Report_Three (3) sets;
Property Owners/Occupants Mailing Labels/Noticing Package;
Plan sets with all Required Details_20 Copies;
Colored Photographic Simulations_Three (3) Sets; and
CUP Fee in the Amount of \$ 12,196.20

LEGAL DESCRIPTION

PARCEL A1: APN 159-060-06

A PARCEL OF LAND BEING A PORTION OF LOT 5 OF THE PARTITION OF THE RANCHO GUAJOME, AND DESIGNATED ON THE PARTITION MAP ATTACHED TO AND MADE A PART OF THE REPORT OF REFERRED IN PARTITION OF SAID RANCHO AND ADJOINING LANDS IN THAT ACTION IN SUPERIOR COURT OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WHEREIN SUSIE G. COURTS WAS PLAINTIFF AND RICHARD O'NEILL, SR., ET AL, WERE THE DEFENDANTS, WHICH REPORT AND MAPS ARE ON FILE IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT (CASE NO. 10201) IN SAID COUNTY, AND A PORTION OF SECTION 11, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED DECEMBER 27, 1870, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 14, IN SAID TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN; THENCE ALONG THE NORTH LINE OF SAID SECTION 14, SOUTH 88°44'20" WEST 278.56 FEET TO AN ANGLE POINT IN THE SOUTHEASTERLY BOUNDARY LINE OF LAND CONVEYED TO JEROME BUTEYN, ET UX, BY DEED DATED MAY 5, 1944 AND RECORDED JUNE 13, 1944 IN [BOOK 1704, PAGE 32](#) OF OFFICIAL RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID LAND, NORTH, 9°55' EAST, 692.55 FEET; THENCE NORTH 33°20' EAST 297.92 FEET TO A POINT; THENCE CONTINUING NORTH 33°20' EAST, 752.40 FEET; THENCE LEAVING SAID EASTERLY LINE NORTH 64°05'54" WEST 200 FEET TO THE TRUE POINT OF BEGINNING; THENCE PARALLEL WITHIN SAID EASTERLY LINE NORTH 12°34'30" EAST 253 FEET; THENCE SOUTH 64°05'54" EAST 200 FEET TO SAID EASTERLY LINE; THENCE NORTH 12°34'30" EAST 1075.20 FEET TO THE MOST EASTERLY CORNER OF SAID LAND; SAID CORNER BEING ALSO THE SOUTHEASTERLY CORNER OF LAGO VISTA SOUTH UNIT NO. 3, ACCORDING TO MAP THEREOF NO. [11573](#), FILED JULY 18, 1986 WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTHERLY ALONG THE SOUTHERLY BOUNDARY OF SAID MAP NO. [11573](#), SOUTH 77°01'19" WEST 757.67 FEET TO A 2" PIPE WITH TAG L.S. 4384 AS SHOWN ON SAID MAP NO. [11573](#), BEING THE MOST SOUTHERLY BOUNDARY CORNER OF SAID MAP; THENCE LEAVING SAID BOUNDARY NORTH 56°48'04" WEST 2.02 FEET TO AN ANGLE POINT IN THE BOUNDARY OF, AND MOST EASTERLY CORNER OF MISSION SANTA FE PARCEL 2, ACCORDING TO MAP NO. 11788, FILED APRIL 21, 1987 WITH THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, SAID CORNER BEARS SOUTH 77°07'55" EAST, 759.07 FEET FROM THE ABOVE MENTIONED SOUTHEASTERLY CORNER OF MAP NO. [11573](#); THENCE SOUTH 42°13'40" WEST (RECORD SOUTH 42°12'40" WEST) 579.70 FEET TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO MICHAEL E. FEENEY, ET UX, RECORDED JANUARY 10, 1958 IN BOOK 6901, PAGE 102 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE OF SAID LAND AS FOLLOWS:

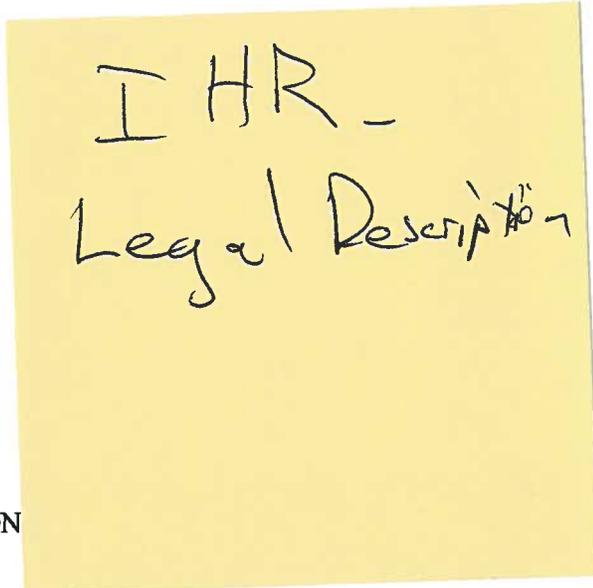
SOUTH 40°25' EAST 211.22 FEET; SOUTH 30°42' EAST, 151.80 FEET; SOUTH 19°30' EAST, 128.88 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTHEASTERLY IN A DIRECT LINE TO THE TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION
(continued)

PARCEL A2:

AN EASEMENT FOR ROAD PURPOSES TO BE USED IN COMMON WITH THE GRANTOR AND OTHERS, ALONG THE PRESENT TRAVELED ROAD WHICH MEANDERS ALONG A LINE BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, WHICH IS 278.56 FEET WESTERLY OF THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 9°55' EAST 692.55 FEET; THENCE NORTH 33°20' EAST, 1050.32 FEET; THENCE NORTH 12°34'30" EAST 1328.20 FEET; THENCE NORTH 28°51'30" EAST 261.85 FEET; THENCE NORTH 0°19'30" WEST 259.15 FEET; THENCE NORTH 28°58' EAST, 521.76 FEET; THENCE NORTH 17°28' WEST, 759.32 FEET, MORE OR LESS, TO A POINT OF INTERSECTION IN THE COUNTY ROAD ESTABLISHED UNDER ROAD SURVEY NO. 392, IN THE COUNTY SURVEYOR'S OFFICE OF SAN DIEGO COUNTY.

PLAT MAP



IHR -
Legal Description

END OF LEGAL DESCRIPTION