



DATE: April 8, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMIT (CUP12-00022) AND REGULAR COASTAL PERMIT (RC12-00018) FOR EQUIPMENT UPGRADES AND THE CONTINUED OPERATION OF A WIRELESS COMMUNICATIONS FACILITY LOCATED AT 1722 SOUTH COAST HIGHWAY –T-MOBILE @ 1722 SOUTH COAST HIGHWAY – APPLICANT: T-MOBILE WEST CORPORATION**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class One (1), Categorical Exemption “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2013-P16 approving Conditional Use Permit CUP12-00022 and Regular Coastal Permit RC12-00018 with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

**Site Review:** The project site is located at 1722 South Coast Highway on top of an existing commercial office building (former North County Times building). The property has a General Plan land use designation of General Commercial (GC), a Local Coastal Program land use designation of General Commercial (GC), a zoning designation of Limited Commercial (CL), and an LCP zoning designation of General Commercial (C-2).

Surrounding land uses include commercial to the north, south, and west, and residential to the east.

**Project Background:** This project site was initially approved for a wireless communications facility on November 4, 2002. The original Administrative Conditional Use Permit (ACUP-4-02) and Administrative Coastal Permit (ACP-5-02) granted Cingular Wireless entitlements for 12 antennas, within three antenna arrays of four antennas each. The antennas were to be façade-mounted on the north, south, and west corners of the building. The overall height of the affected portion of the building was to be 47 feet – 2 inches. Nine antennas were eventually installed.

Entitlements granted by Administrative Conditional Use Permit (ACUP-4-02) and Administrative Coastal Permit (ACP-5-02) expired on November 4, 2007.

**Project Description:** The project application is comprised of the following required entitlement:

Conditional Use Permit CUP12-00022 represents a request for the following:

- (a) Equipment upgrades necessary to accommodate fourth generation (4G) wireless technologies and the continued operation of a wireless communications facility on an existing commercial building. Facility upgrades consist of the removal of nine antennas and the installation of six new antennas divided into three sectors. The antennas will be mounted on the north, south, and west corners of a mechanical equipment plywood screen on top of the building. There are no proposed changes to the existing equipment cabinets.

Article 39 of the City's Zoning Ordinance (Wireless Communications Facility, Satellite Dish and Antenna Standards) allows the establishment and operation of single provider, building-mounted communications facilities subject to approval of a Conditional Use Permit and is contingent upon standards, findings, and conditions articulated in Article 39 and Article 41 (Use Permits and Variances) of the City's Zoning Ordinance.

Regular Coastal Permit RC12-00018 represents a request for the following:

- (a) Equipment upgrades necessary to accommodate fourth generation (4G) wireless technologies and the continued operation of a wireless communications facility on an existing commercial building within the Coastal Zone.

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

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

The General Plan Land Use Map designation for the subject property is General Commercial (GC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

#### **Land Use Element**

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

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

#### **Policies:**

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

T-Mobile seeks to upgrade equipment necessary to accommodate fourth generation (4G) wireless technologies and continue operating a wireless communications facility on an existing commercial office building in order to provide the residents of Oceanside the latest in wireless technology by improving call quality, data transmission and speed. Signal coverage maps are attached to this staff report.

The project site is located in a developed area on the roof of an existing office building. Office buildings have proven to be ideal locations for wireless communications facilities because the antenna use can easily be integrated into the operation of the office building, without impacting on-site or surrounding land uses. The proposed antenna upgrades would be completely concealed from public view behind an existing rooftop parapet screen wall.

The Planning Division finds that the proposed project is consistent with General Plan policies pertaining to the efficient operations and aesthetic functioning of communication systems within the City.

## **2. Zoning Ordinance Compliance**

As noted above, the project is subject to Article 39 of the City's Zoning Ordinance, which lists operation and maintenance standards, wireless communications facility standards, locational and site standards, site development standards, and safety and monitoring standards.

The proposed facility would be unmanned, requiring approximately one (1) maintenance visit per month. Standard conditions of approval will ensure that the proposed facility remains in good repair and free of debris, litter, and graffiti, and that any damage or blight shall be corrected upon written notice by the City. In addition, this facility would comply with Federal Communications Commission (FCC) regulations regarding radiofrequency (RF) emissions safety (see discussion below).

Zoning Ordinance design standards require that wireless communications facilities employ camouflage design techniques in order to minimize visual impacts. As noted earlier, the proposed project would be located behind a rooftop parapet screen wall. This parapet has been designed to match in color, size, proportion, style, texture, and quality the exterior design and architectural character of the existing commercial building.

Locational and siting standards establish an order of preference for properties on which wireless communications facilities are proposed. The most preferred locations for such facilities are City-owned sites and the least preferred locations are those within residential districts. The proposed project would be located within a commercial district, which is the third most desirable location out of seven. The proposed antennas would be mounted on the north, south, and west facing walls, which are the furthest locations from the residential neighborhood to the east. The height of the building (47 feet above ground level), coupled with the location of the antennas behind a parapet, would mitigate any potentially adverse visual impacts to the surrounding environment.

The zoning ordinance permits wireless communications facilities to exceed the maximum building height of the underlying zoning district by 10 feet. In the C-2 General Commercial zone, the maximum allowed building height is 45 feet. However, parapet walls may extend beyond that. As designed and conditioned, the proposed antennas will not extend beyond the rooftop parapets, which have a maximum height of 47 feet.

At all times, wireless communications facilities are required to comply with the most current regulatory and operational standards including, radiofrequency (RF) radiation exposure standards adopted by the FCC. As proposed, the project would be in compliance with FCC standards, with the exception of general population exposure limits at accessible rooftop walking/working surfaces.

### **3. Local Coastal Program**

The Local Coastal Program, in part, aims to ensure the visual integrity of the coastal zone. Wireless communications facilities are required to employ camouflage design techniques in order to minimize visual impacts. As noted earlier, the proposed project would be located behind a rooftop parapet screen wall. This parapet has been designed to match in color, size, proportion, style, texture, and quality the exterior design and architectural character of the existing commercial building.

### **4. State of California Government Code 65850**

California State Government Code 65850.6(b) states that a city shall not unreasonably limit the duration of any permit for a communication facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. The recommended 10-year conditional approval will ensure that technological enhancements, or other analyses of the site, would be accommodated.

## **DISCUSSION**

*Issue: Compliance with Federal Communications Commission (FCC) rules and regulations*

FCC guidelines establish separate maximum permissible exposure (MPE) limits for "general population/uncontrolled exposure" and for "occupational/controlled exposure." The general population/uncontrolled limits set the maximum exposure to which most people may be subjected. People in this group include the general public not associated with the installation and maintenance of the transmitting equipment. Higher exposure limits are permitted under the "occupational/controlled exposure" category, but only for persons who are exposed as a consequence of their employment (e.g., wireless radio engineers, technicians). To qualify for the occupational/controlled exposure category, exposed persons must be made fully aware of the potential for exposure (e.g., through training), and they must be able to exercise control over their exposure. In addition, people passing through a location, who are made aware of the potential for exposure, may be exposed under the occupational/controlled criteria. The MPE limits adopted by the FCC for occupational/controlled and general population/uncontrolled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects.

The compliance documentation submitted by T-Mobile indicates that based on worst-case predictive modeling there are no areas at ground level that exceed MPE limits. At ground-level, the maximum power density generated by the antennas is 4.9 percent of the FCC's general population limit. At the rooftop-level walking/working surface the project exceeds general population MPE limits and is in compliance with occupational limits. The maximum power density generated by the proposed antennas at the rooftop is 245.6 percent of the general population limit and 49.1 percent of the occupational limit.

Recommendation: A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the general population and/or occupational MPE. Therefore, the project has been conditioned to restrict public access to the wireless facility and incorporate signage to notify the public of the location of the antennas. With the implementation of the conditioned mitigation measures, the proposed project will be in compliance with FCC regulations

Issue: *Compatibility with surrounding land uses*

Recommendation: In evaluating the compatibility of the proposed project with the surrounding environment, staff has considered the visual impacts of the proposed project. Staff finds that the proposed project would not have adverse visual impacts on adjacent commercial buildings, residential neighborhoods, and roadways due to the proposed camouflage design, the height of the proposed facility, and the distance between the facility and the nearest residential properties. In addition, the facility has been in existence for 10 years and no complaints have been filed with the City in regards to visual impacts.

For the reasons established above, it has been determined that the proposed facility would be compatible with the surrounding land uses and would not diminish the aesthetic value of the surrounding area.

## **ENVIRONMENTAL DETERMINATION**

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA). Based on that review, staff finds that the proposed project constitutes operations within existing facilities that will not involve expansion beyond what exist on-site at this time, and the project is categorically exempt, Class 1, "Existing Facilities" (Section 15301).

## PUBLIC NOTIFICATION

Legal notice was published in the newspaper 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.

## SUMMARY

The request for approval of the Conditional Use Permit and Regular Coastal Permit to allow for equipment upgrades necessary to accommodate fourth generation wireless technologies (4G) and the continued operation of a wireless communications facility on an existing commercial office building is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan and the Local Coastal Program. The project meets all applicable development standards and will not impact existing land uses in the immediate area. 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:

- Confirm issuance of a Class One (1), Categorical Exemption "Existing Facilities"; and,
- Adopt Planning Commission Resolution No. 2013-P16 approving Conditional Use Permits CUP12-00022 and Regular Coastal Permit RC12-00018 with findings and conditions of approval attached herein.

PREPARED BY:

  
Sally Schifman  
Project Planner

SUBMITTED BY:

  
Marisa Lundstedt  
City Planner

ML/SS/fil

Attachments:

1. Planning Commission Resolution No. 2013-P16
2. Plans dated December 14, 2012
3. Signal Coverage Maps

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2013-P16

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

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8 APPLICATION NO: CUP12-00022 and RC12-00018  
9 APPLICANT: T-Mobile West Corporation  
10 LOCATION: 1755 South Coast Highway

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

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

17 equipment upgrades necessary to accommodate fourth generation (4G) wireless  
18 technologies as described in the Description and Justification and shown on plans dated  
19 December 14, 2012 and the operation of a wireless communications facility on an existing  
20 commercial office building;

21 on certain real property described in the project description.

22 WHEREAS, the Planning Commission, after giving the required notice, did on the 8<sup>th</sup> day  
23 of April, 2013 conduct a duly advertised public hearing as prescribed by law to consider said  
24 application.

25 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
26 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section  
27 15301 Existing Facilities;

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

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

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

6 FINDINGS:

7 For the Conditional Use Permit (CUP12-00022):

- 8 1. The placement, construction, or modification of the wireless communications facility in the  
9 proposed location is necessary for the provision of wireless services to City residents,  
10 businesses, and their owners, customers, guests or other persons traveling in or about the  
11 city. The upgraded equipment will accommodate necessary fourth generation (4G)  
12 wireless technologies and facilitate the continued operation of a wireless communications  
13 facility on an existing commercial office building.
- 14 2. The proposal demonstrates a reasonable attempt to minimize stand-alone facilities, is  
15 designed to protect the visual quality of the City, and will not have an undue adverse  
16 impact on historic resources, scenic views, or other natural or man-made resources. The  
17 project site is located in a developed area on the roof of an existing commercial office  
18 building. The proposed antenna upgrades would be completely concealed from public  
19 view behind an existing rooftop parapet screen wall.
- 20 3. Alternative site locations were not analyzed as the proposed project is intended to allow for  
21 equipment upgrades and continued operation of an existing wireless communications  
22 facility. However, coverage maps were provided by the applicant demonstrating the need  
23 to maintain the existing facility on the service grid.
- 24 4. All applicable requirements and standards of Article 39 will be met by the proposed project  
25 either as designed or as implemented in accordance with the Conditions of Approval.

26 For the Regular Coastal Permit (RC12-00018):

- 27 1. The proposed project is consistent with the policies of the Local Coastal Plan regarding  
28 protecting coastal views within the coastal zone.
- 29 2. The project is not within the appealable area of the Local Coastal Plan.

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
2 approve Conditional Use Permit (CUP12-00022) and Regular Coastal Permit (RC12-00018)  
3 subject to the following conditions:

4 **Building:**

- 5 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
6 Building Division plan check.
- 7 2. The granting of approval under this action shall in no way relieve the applicant/project  
8 from compliance with all State and Local building codes.
- 9 3. The building plans for this project are required by State law to be prepared by a licensed  
10 architect or engineer and must be in compliance with this requirement prior to submittal  
11 for building plan review.
- 12 4. Site development, parking, access into buildings and building interiors shall comply with  
13 the State's Disabled Accessibility Regulations. (2010 CBC Chapter 11B).
- 14 5. A separate/unique address shall be required to facilitate utility releases. Verification that  
15 the address has been properly assigned by the City's Planning Division must accompany  
16 the Building Permit application.
- 17 6. The developer shall monitor, supervise and control all building construction and supporting  
18 activities so as to prevent these activities from causing a public nuisance, including, but not  
19 limited to, strict adherence to the following:
  - 20 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
21 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
22 that is not inherently noise-producing. Examples of work not permitted on  
23 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
24 producing nature. No work shall be permitted on Sundays and Federal Holidays  
25 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
26 Christmas Day) except as allowed for emergency work under the provisions of the  
27 Oceanside City Code Chapter 38 (Noise Ordinance).
  - 28 b) The construction site shall be kept reasonably free of construction debris as  
29 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
approved solid waste containers shall be considered compliance with this

1 requirement. Small amounts of construction debris may be stored on-site in a neat,  
2 safe manner for short periods of time pending disposal.

3 **Fire:**

- 4 7. The quantity of lead acid batteries and their electrolyte volume(s) shall be indicated on  
5 the construction plans.
- 6 8. Stationary Storage Battery Systems having an electrolyte capacity of more than 50  
7 gallons for flooded lead acid, nickel cadmium and valve regulated lead acid, or 1000  
8 pounds for lithium-ion, used for facility standby power, emergency power or  
9 uninterrupted power supplies shall comply with Section 608 of the California Fire Code  
10 current edition, and Table 608.1. If the quantity of electrolyte solution is 10 gallons or  
11 greater, visible hazard identification signs, as specified in NFPA 704, shall be placed at  
12 the entrance to the battery storage room.
- 13 9. Prior to activation, the facility shall have a final inspection by the Fire Department.

14 **Planning:**

- 15 10. The Conditional Use Permit and Regular Coastal Permit are granted for the following use  
16 only: equipment upgrades necessary to accommodate fourth generation (4G) wireless  
17 technologies and the continued operation of a wireless communications facility on an  
18 existing commercial building. Facility upgrades consist of: removal of nine (9) existing  
19 antennas and the installation of six (6) new antennas divided into three (3) sectors. Any  
20 substantial change in the use or expansion of the wireless communications facility beyond  
21 that which is approved by the Planning Commission shall require a revision to the  
22 Conditional Use Permit and Regular Coastal Permit or new Conditional Use Permit and  
23 Regular Coastal Permit.
- 24 11. Conditional Use Permit (CUP12-00022) and Regular Coastal Permit (RC12-00018) shall  
25 expire April 8, 2015 unless the applicant/operator has obtained a Building Permit and has  
26 requested an initial building inspection.
- 27 12. Entitlements granted for Conditional Use Permit (CUP12-00022) and Regular Coastal  
28 Permit (RC12-00018) and approved by this resolution, shall be valid until November 4,  
29 2017.

- 1 13. Unless expressly waived, all current zoning standards and City ordinances and policies in  
2 effect at the time of building permit issuance shall be met by this project. The approval of  
3 this project constitutes the applicant's agreement with all statements in the project  
4 Description and Justification and other materials and information submitted with this  
5 application, unless specifically waived by an adopted condition of approval.
- 6 14. The wireless communications facility permitted by this Resolution shall be erected,  
7 operated and maintained in compliance with Article 39.
- 8 15. The installation of any wireless communications facility shall be in compliance with all  
9 applicable provisions of the State Building Standards Code and any applicable local  
10 amendments thereto.
- 11 16. No wireless communications facility may, by itself or in conjunction with other wireless  
12 communications facilities generate radio frequency (RF) emissions in excess of the  
13 standards for permissible human exposure, as provided by applicable federal regulations  
14 including 47 C.F.R. 1.1307 *et seq.*
- 15 17. Upon or prior to installation, and prior to activation, of the wireless communications  
16 facility, the applicant/operator shall submit to the City certification in a form acceptable to  
17 the City that the facility will operate in compliance with all applicable Federal  
18 Communications Commission (FCC) regulations including, but not limited to RF emission  
19 limitations. Thereafter, upon any proposed increase of a least ten (10) percent in the  
20 effective radiated power or any proposed change in frequency use, the applicant/operator  
21 shall submit updated certifications for review by the City. Both the initial and update  
22 certifications shall be subject to review and approval by the City Planner. At the City's  
23 sole discretion, a qualified independent RF engineer, selected by and under contract to the  
24 City, may be retained to review said certifications for compliance with FCC regulations.  
25 All costs associated with the City's review of these certifications shall be the responsibility  
26 of the applicant/operator.
- 27 18. Within 30 calendar days following the installation of this wireless communications  
28 facility, the applicant/operator shall provide FCC documentation to the City Planner  
29 indicating that the unit has been inspected and tested in compliance with FCC standards.  
Such documentation shall include the make and model (or other identifying information)

1 of the unit tested, the date and time of the inspection, the methodology used to make the  
2 determination, the name and title of the person(s) conducting the tests, and a certification  
3 that the unit is properly installed and working within applicable FCC standards.

4 19. The applicant/operator shall maintain the most current information from the FCC regarding  
5 the allowable RF emissions and all other applicable regulations and standards. The  
6 applicant/operator shall file an annual report to the permit file advising the City of any  
7 regulatory changes that require modifications to the wireless communications facility and  
8 of the measures taken by the applicant/operator to comply with such regulatory changes.

9 20. Absent any modifications to the wireless communications facility that would cause a  
10 change to the effective radiated power or frequency use, the applicant/operator shall submit  
11 an annual letter to the City Planner certifying that no such changes have been made to the  
12 site and that the facility continues to operate within the range allowed by FCC regulations.

13 21. Any substantial change in the type of antenna and/or facility installed in a particular  
14 location shall require the prior approval of the City Planner or his designee. Failure to  
15 obtain the prior approval of the City Planner or his designee may be grounds for  
16 institution of revocation proceedings as well as grounds to institute any other  
17 enforcement action available under federal, state, or local law.

18 22. Public access to the subject wireless communications facility shall be restricted. Required  
19 security measures shall include:

20 a) Access to the roof deck shall be locked to restrict routine access by the general  
21 public.

22 b) RF advisory signage shall be installed at access point(s) or path(s) to the antennas  
23 and/or at each sector to establish awareness for potential exposure.

24 c) Individuals entering the site or working near/in front of the antennas must receive  
25 appropriate RF safety training and be made aware of the potential areas exceeding  
26 the FCC's Maximum Permissible Exposure limits. In addition, contact information  
27 should be made available in the event work is required within these areas.

28 23. All required and proposed signage shall be shown on approved building plans.

29 24. The permittee(s) shall exercise a good-faith effort to incorporate the best available  
equipment technology to effect a reduction in the visual presence of the approved antennas

1 and equipment. Any modifications requested to this facility shall permit the City Planner  
2 or his designee to review the existing facility to determine whether requiring new  
3 equipment or applying new screening techniques that reduce visual impacts is appropriate,  
4 if technically feasible. Upon the City's request and discretion, the permittee(s) shall be  
5 required to provide an independently prepared technical analysis demonstrating compliance  
6 with this condition. The permittee(s) inability to demonstrate the use of current  
7 technologies may be grounds for the institution of revocation proceedings of the  
8 Conditional Use Permit and Regular Coastal Permit.

9 25. Co-location of wireless communications facilities pursuant to Article 39 shall be  
10 required whenever feasible. The permittee(s) shall exercise a good-faith effort to  
11 cooperate with other communication providers and services in the operation of a  
12 multiple-provider facility, provided such shared usage does not impair the operation of  
13 the approved facility. Upon the City's request and discretion, the permittee(s) shall  
14 provide an independently prepared technical analysis to substantiate the existence of any  
15 technical prohibitions against the operation of a co-use facility. The permittee(s)' non-  
16 compliance with this requirement may be grounds for the institution of revocation  
17 proceedings of the Conditional Use Permit and Regular Coastal Permit.

18 26. A Maintenance & Facility Removal Agreement shall be executed by the operator and the  
19 property owner prior to the issuance of building permits. No permit shall become  
20 effective until such agreement has been executed. Said agreement shall bind the operator  
21 and property owner and their successors and assigns to the facility to the following:

- 22 a) Maintain the facility in good condition, which shall include but not be limited to  
23 regular cleaning, painting, and general upkeep and maintenance of the site;
- 24 b) Remove the facility when required by Article 39 or by any condition of approval,  
25 or when it is determined that the facility will not have been used during any  
26 current consecutive six-month period, or if the facility will be abandoned;
- 27 c) Pay all costs the City reasonably incurs to monitor a facility's compliance with  
28 conditions of approval and applicable law;
- 29 d) Reimburse the City for any and all costs incurred for work required by Article  
30 39, applicable law, or the conditions of a permit issued by the City for the facility

1 which the operator and property owner fail to perform within 30 days after  
2 written notice from the City to do so or sooner if required by the City for good  
3 cause;

4 e) Where the City Planner or Planning Commission or City Council, as the case  
5 may be, determines that it is necessary to ensure compliance with the conditions  
6 of approval or otherwise provide for removal of a facility that is temporary in  
7 nature or upon its disuse, the operator or owner may be required to post a  
8 performance bond, cash or a letter of credit or other security acceptable to the  
9 City Planner in the amount of ten thousand dollars (\$10,000), or such higher  
10 amount as the City Planner reasonably determines is necessary to ensure  
11 compliance with the Maintenance & Facility Removal Agreement.

12 27. The wireless communications facility shall include signage approved by the City Planner  
13 identifying the name and phone number of a party to contact in the event of an emergency.  
14 Such signage must comply with any applicable provisions of Article 39 and Article 33  
(sign ordinance).

15 28. The wireless communications facility and the site on which it is located shall be maintained  
16 in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any  
17 damage from any cause shall be corrected within five days of written notice by the City.  
18 Graffiti shall be removed as soon as practicable, and in no event longer than 48 hours after  
19 notice by the City.

20 29. The wireless communications facility shall be operated to minimize noise impacts to  
21 surrounding residents and persons using nearby facilities and recreation areas. All  
22 equipment that may emit noise in excess of the levels permitted by Article 38 of the City  
23 Municipal Code (noise ordinance) shall be enclosed. Backup generators shall only be used  
24 during periods of power outages or for testing.

25 30. Temporary power may be allowed during the initial construction or major repair of the  
26 facility for the minimal amount of time necessary to complete the work. The operator shall  
27 provide a timeline to the City Planner and keep staff updated as to the time of completion.  
28  
29

- 1 31. The wireless communications facility shall be installed and maintained in compliance with  
2 the requirements of the Uniform Building Code, National Electrical Code, noise ordinance,  
3 and other applicable codes, as well as other restrictions specified in Article 39.
- 4 32. This Conditional Use Permit and Regular Coastal Permit may be revised in accordance  
5 with the provisions of the Zoning Ordinance. Any application for a revision to Conditional  
6 Use Permit (CUP12-00022) and Regular Coastal Permit (RC12-00018) shall be evaluated  
7 against the existing land use policies and any site area and neighborhood changes.
- 8 33. The Conditional Use Permit and Regular Coastal Permit may be called for review by the  
9 Planning Commission if complaints are filed and verified as valid by the City Planner or  
10 Code Enforcement Officer concerning the violation of any of the approved conditions or  
11 the project assumptions demonstrated under the application approval.
- 12 34. All costs reasonably incurred by the City in verifying compliance and in extending or  
13 revoking an approval shall be borne by the applicant and/or permit holder.
- 14 35. Failure to meet any conditions of approval for this development shall constitute a violation  
15 of this Conditional Use Permit and Regular Coastal Permit. Conditional Use Permit  
16 (CUP12-00022) and Regular Coastal Permit (RC12-00018) may be revoked pursuant to  
17 Article 47 of the Zoning Ordinance.
- 18 36. If the operator of this facility intends to abandon or discontinue the use of this facility, the  
19 City shall be notified of such intention no less than 60 days prior to the final day of use.
- 20 37. If the use of this facility is discontinued, it shall be considered abandoned 90 days  
21 following the final day of use.
- 22 38. All abandoned facilities shall be physically removed by the operator no more than 90 days  
23 following the final day of use or of determination that the facility has been abandoned,  
24 whichever occurs first. When a wireless communications facility has been abandoned, but  
25 not removed, the City may cause such facilities to be removed and charge all expenses  
26 incurred in such removal to the provider.
- 27 39. The approved facility shall be subject to, and governed by, any and all licensing authority  
28 by any governmental agency having jurisdiction. The City's local approval of the wireless  
29 communications facility shall not exempt the permittee(s) from any such pre-emptive  
regulations.

1 40. Prior to the transfer of ownership and/or operation of the use, the owner and/or operator  
2 shall provide a written copy of the application, staff report, and resolution for the project to  
3 the new owner and/or operator. This notification requirement shall run with the life of the  
4 project.

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

9 PASSED AND ADOPTED Resolution No. 2013-P16 on April 8, 2013 by the following

10 vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15  
16  
17 \_\_\_\_\_  
Tom Rosales, Chairperson  
Oceanside Planning Commission

18  
19 ATTEST:

20  
21 \_\_\_\_\_  
Marisa Lundstedt, Secretary

22 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
23 that this is a true and correct copy of Resolution No. 2013-P16.

24  
25 Dated: April 8, 2013



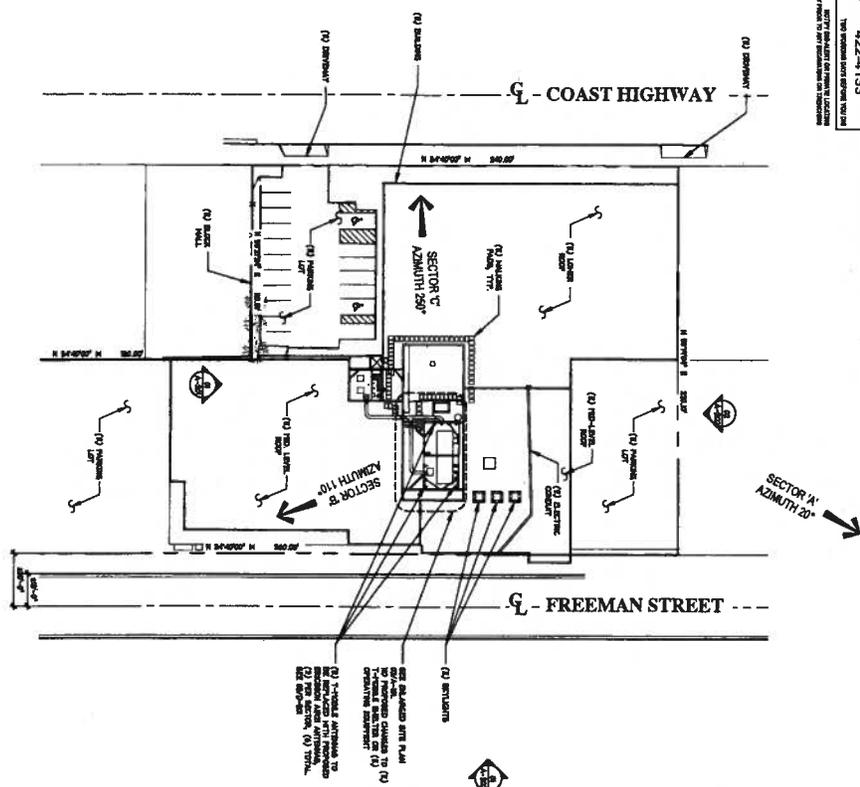
### ANTENNA SCHEDULE

SECTION ANTENNA		PROPOSED ENLARGED ANTENNA		CURRENT ANTENNA		CURRENT ANTENNA	
SECTION	ANTENNA	SECTION	ANTENNA	SECTION	ANTENNA	SECTION	ANTENNA
A	3	A	3	A	3	A	3
B	3	B	3	B	3	B	3
C	3	C	3	C	3	C	3

**Underground Services Alert!**  
 Call TOLL FREE  
 1-800  
 422-4133

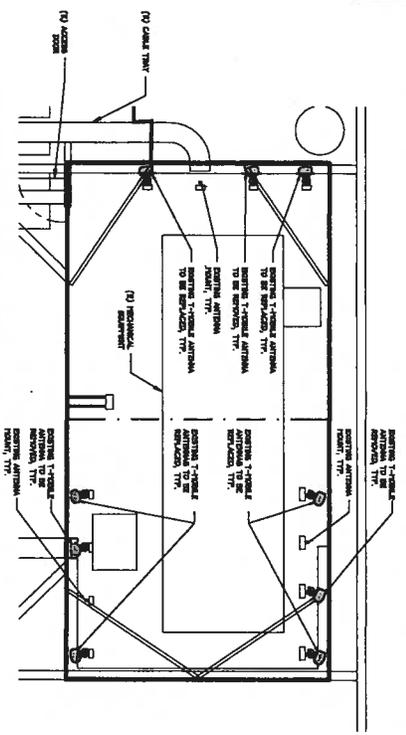
ANY WORK SHALL BE DONE UNDER THE SUPERVISION OF A LICENSED CONTRACTOR.

ALL PROPOSED ANTENNAS, STRUCTURES AND SUPPORTS SHALL BE CONFORMANT WITH THE CITY OF SAN DIEGO ANTENNA SCHEDULE AND ALL APPLICABLE ORDINANCES.

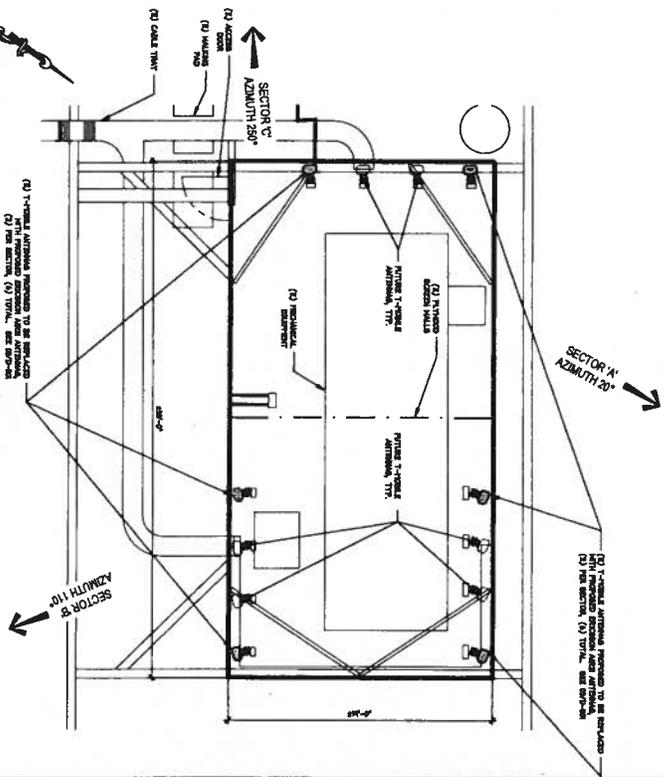


**01 SITE PLAN**  
 SCALE: 1/8" = 1'-0"

**02 CURRENT SITE PLAN (ENLARGED)**  
 SCALE: 1/8" = 1'-0"



**03 PROPOSED SITE PLAN (ENLARGED)**  
 SCALE: 1/8" = 1'-0"



## SITE PLAN & NOTES

**NORTH COUNTY TIMES**  
 SD06443A  
 1722 SOUTH COAST HWY  
 OCEANSIDE, CA 92054

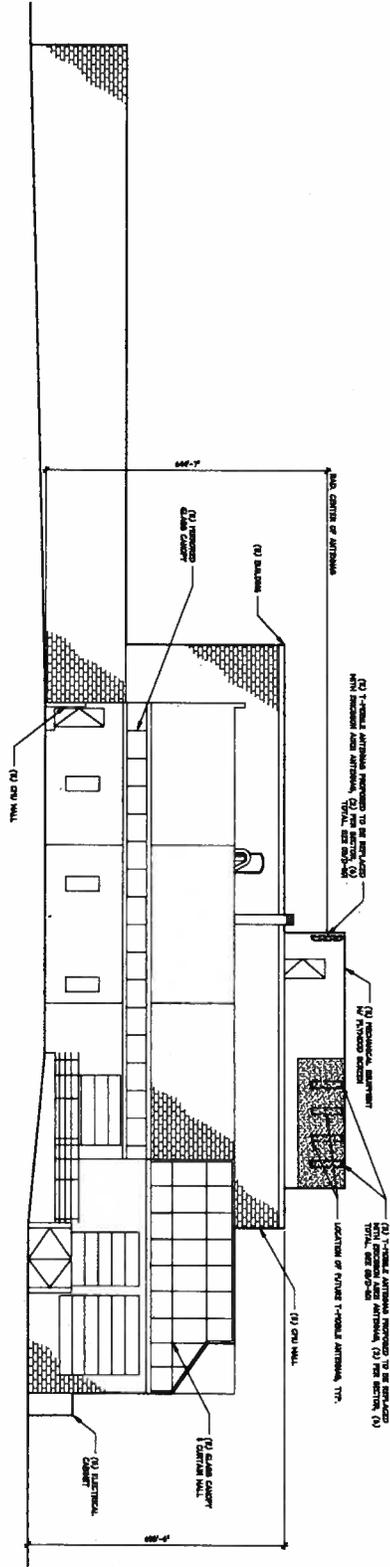
**T-Mobile**  
 10009 VISTA A SPRINGTO  
 PARKWAY, SUITE 200  
 SAN DIEGO, CA 92121

**Mitchell J architecture**

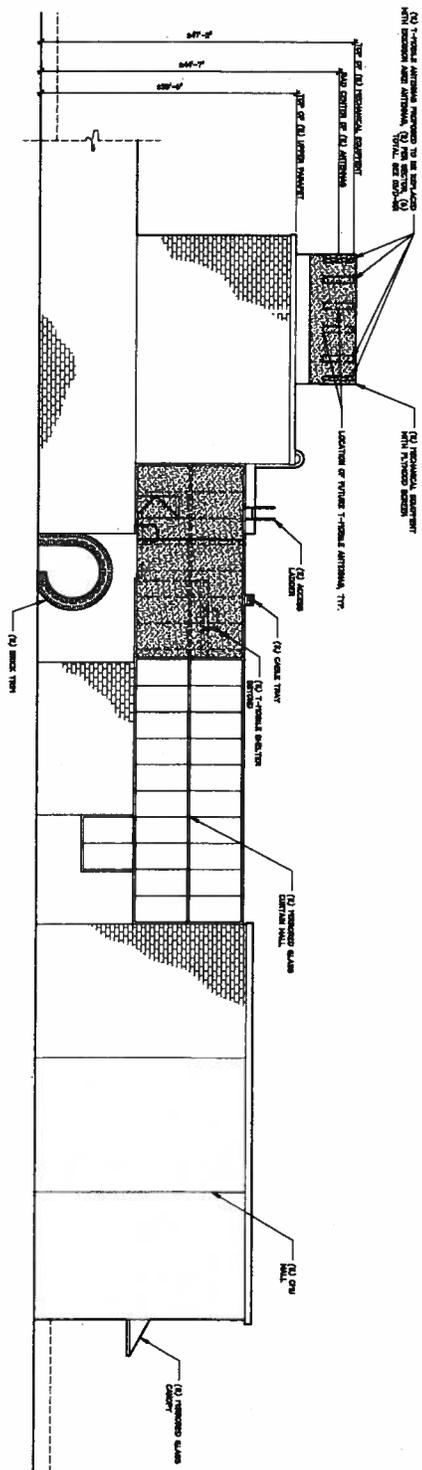
**A-101**

CIP-12-0022 RC12-0018

**01 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**02 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**EXTERIOR ELEVATIONS**

**NORTH COUNTY TIMES**  
SD06443A  
1722 SOUTH COAST HWY  
OCEANSIDE, CA 92054

**T-Mobile**  
10509 VISTA SORRENTO  
PARKWAY, SUITE 200  
SAN DIEGO, CA 92121

**M**  
MITCHELL J ARCHITECTURE  
10509 VISTA SORRENTO  
PARKWAY, SUITE 200  
SAN DIEGO, CA 92121  
TEL: 619-444-1111  
FAX: 619-444-1112  
WWW.MITCHELLJARCHITECTURE.COM

A-201  
CIP-12-00022 RCI-2-00118

**Architectural Record**

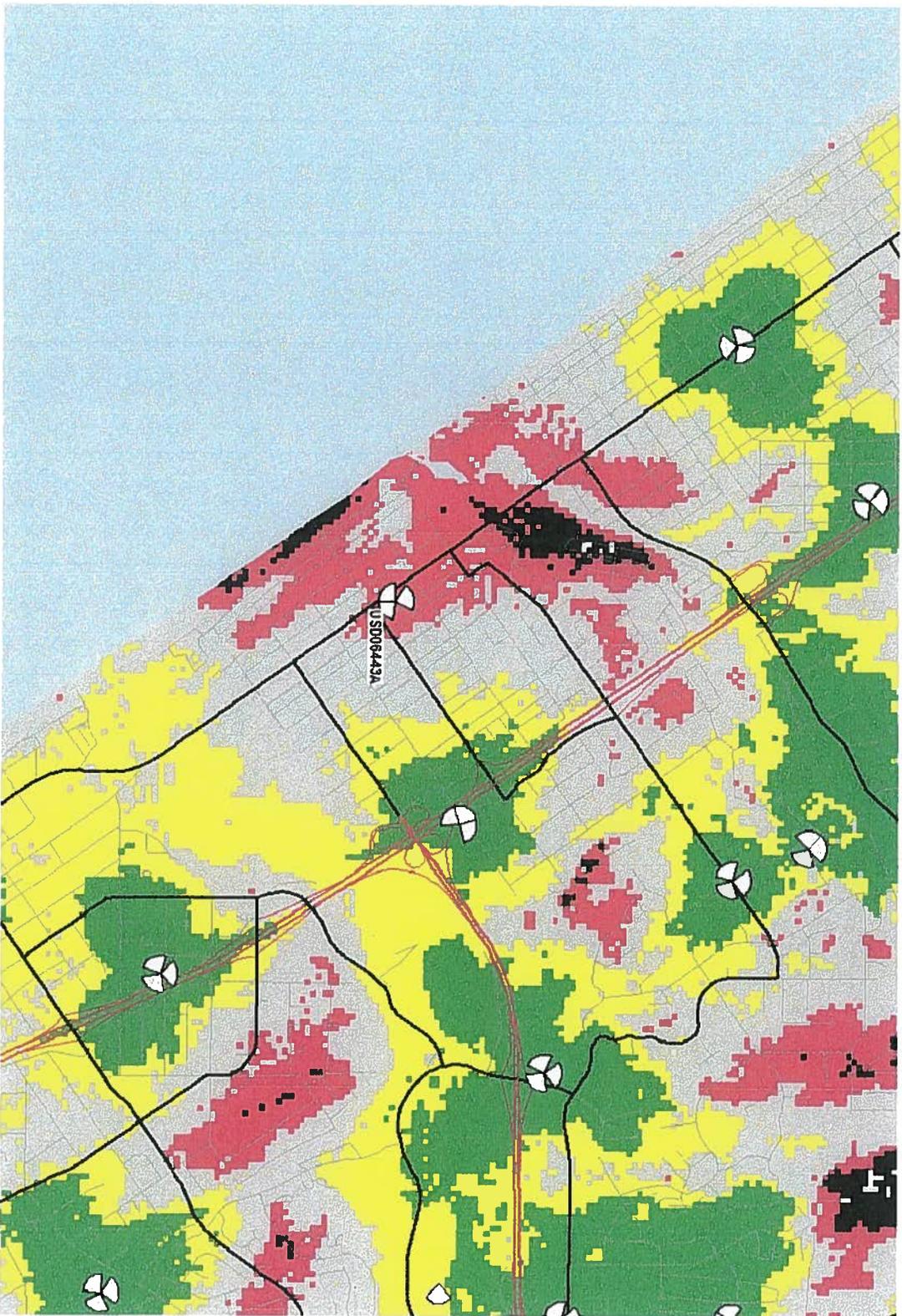
Project	1722 SOUTH COAST HWY
Client	NORTH COUNTY TIMES
Architect	MITCHELL J ARCHITECTURE
Date	12/20/11
Scale	1/8" = 1'-0"
Sheet	A-201
Drawn by	AS SLOWIN
Checked by	
Approved by	

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/20/11
2	REVISED PER COMMENTS	12/20/11
3	REVISED PER COMMENTS	12/20/11
4	REVISED PER COMMENTS	12/20/11
5	REVISED PER COMMENTS	12/20/11
6	REVISED PER COMMENTS	12/20/11
7	REVISED PER COMMENTS	12/20/11
8	REVISED PER COMMENTS	12/20/11
9	REVISED PER COMMENTS	12/20/11
10	REVISED PER COMMENTS	12/20/11





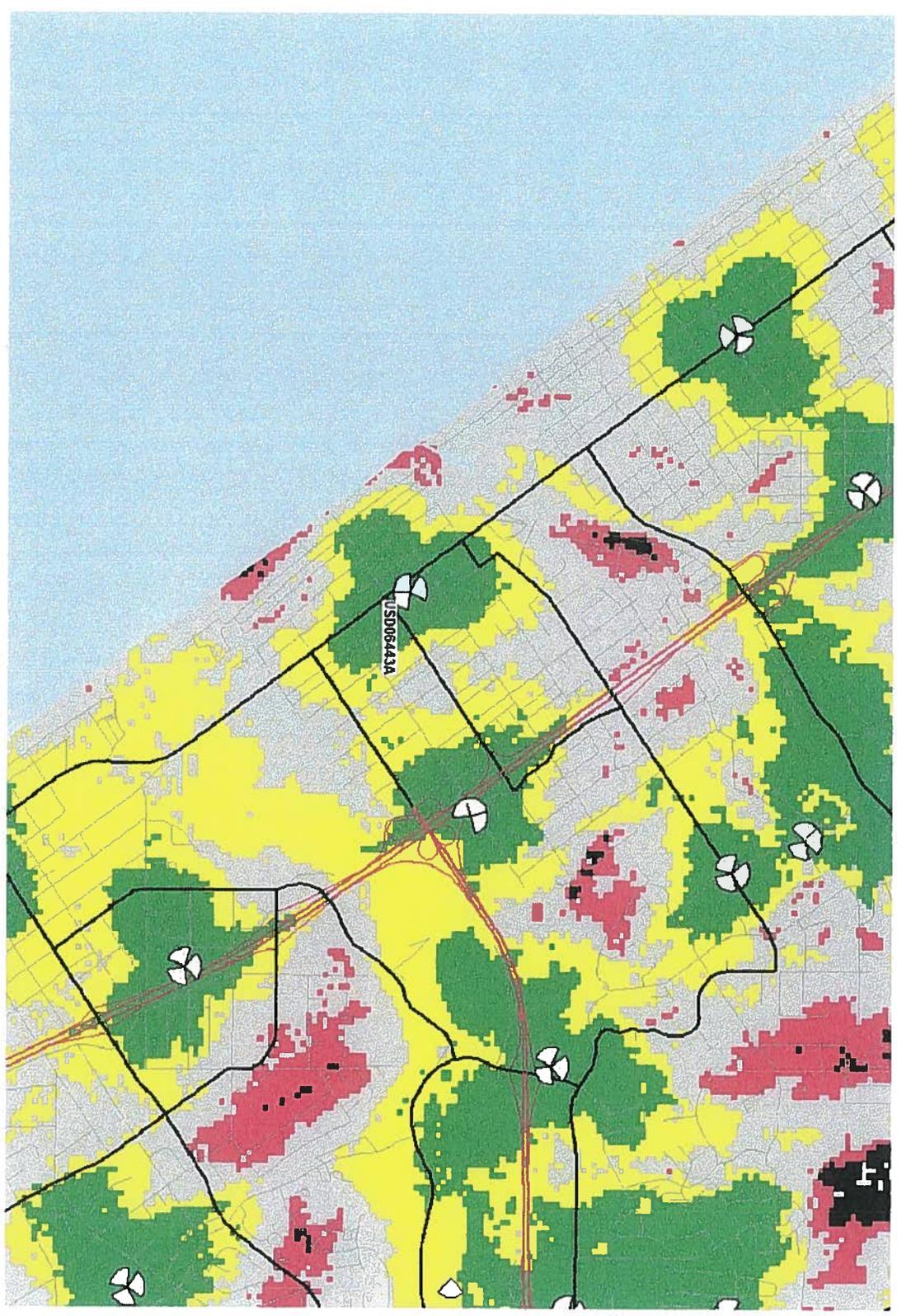
On Air neighbor sites coverage



- Legend: Coverage Level**
- In Building Commercial
  - In Building Residential
  - In Car
  - Outdoor
  - Poor to No Signal
  - No Coverage



SD06443 with On Air neighbor sites coverage



**Legend: Coverage Level**

- In Building Commercial
- In Building Residential
- In Car
- Outdoor
- Poor to No Signal
- No Coverage



SD06443A North County Times → e-mail: Lynnea.Barrett@mitchellj.com



**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**

ACCEPTED  
**RECEIVED**  
 NOV 15 2012  
 CITY OF OCEANSIDE  
 DEVELOPMENT SERVICES

BY  
 RC  
 E  
 PM

Please Print or Type All Information

HEARING

**PART I – APPLICANT INFORMATION**

1. APPLICANT  
 T-Mobile West Corporation

2. STATUS  
 Lessee

3. ADDRESS  
 10509 Vista Sorrento Pkwy  
 San Diego, CA 92121

4. PHONE/FAX/E-mail  
 (858)334-6139

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)  
 Lynnea Barrett, Mitchell J Architecture

6. ADDRESS  
 4883 Ronson Ct, Ste N  
 San Diego, CA 92111

7. PHONE/FAX/E-mail  
 (858)650-3130  
 (858)650-3140 (fax)

GPA

MASTER/SP.PLAN

ZONE CH.

TENT. MAP

PAR. MAP

DEV. PL.

C.U.P. CUP12-00022

VARIANCE

COASTAL PC12-00018

O.H.P.A.C.

**PART II – PROPERTY DESCRIPTION**

8. LOCATION  
 1722 S. Coast Hwy, Oceanside, CA 92054

10. GENERAL PLAN  
 South Oceanside GC

11. ZONING  
 CL

12. LAND USE  
 commercial

14. LATITUDE  
 33°10'34.4N

9. SIZE

13. ASSESSOR'S PARCEL NUMBER  
 153-213-42

15. LONGITUDE  
 117°21'44.7W

**PART III – PROJECT DESCRIPTION**

16. GENERAL PROJECT DESCRIPTION  
 Renew zoning permit for T-Mobile wireless communication facility. T-Mobile also proposes to replace existing antennas with antennas in the same quantity, dimension, + physical characteristic of antennas being replaced.

17. PROPOSED GENERAL PLAN  
 N/A

18. PROPOSED ZONING  
 N/A

19. PROPOSED LAND USE  
 commercial

22. BUILDING SIZE  
 N/A

23. PARKING SPACES  
 N/A

24. % LANDSCAPE  
 N/A

20. NO. UNITS  
 N/A

21. DENSITY  
 N/A

25. % LOT COVERAGE or FAR  
 N/A

**PART IV – ATTACHMENTS**

26. DESCRIPTION/JUSTIFICATION

27. LEGAL DESCRIPTION

28. TITLE REPORT

29. NOTIFICATION MAP & LABELS

30. ENVIRONMENTAL INFO FORM

31. PLOT PLANS

32. FLOOR PLANS AND ELEVATIONS

33. CERTIFICATION OF POSTING

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):  
 Lynnea Barrett

36. DATE  
 8/28/12

37. OWNER (Print)  
 please see attached letter of authorization

38. DATE

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.



BOARD  
MEMBERS

Mitchell J.  
Campagna, RA  
*CEO*

Bodie C. Campagna  
*CFO*

## PROJECT DESCRIPTION & JUSTIFICATION

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January 21, 2013

City of Oceanside  
Development Services Department / Planning Division  
300 North Coast Highway  
Oceanside, CA 92054

RE: T-Mobile SD06443A North County Times @ 1722 South Coast Hwy.  
CUP12-0002/RC12-00018

### Background

The existing T-Mobile wireless communication facility located at 1722 South Coast Highway in Oceanside ("Subject Property") was originally approved on November 3, 2002 under Administrative Conditional Use Permit ACUP-4-02 and Administrative Coastal Permit ACP-5-02. The site was approved for a total of twelve (12) antennas with three (3) sectors of four (4) antennas each.

### Project Description (Article 39, Section 3906(B) of the Oceanside Zoning Ordinance)

1. Number, size, and approximate orientation of antennas;  
Currently, there are nine (9) existing Andrew TMBX-6516-R2M panel antennas measuring 60.1" by 6.6" by 3.3." T-Mobile proposes to replace the existing antennas with six (6) Ericsson AIR21 replacement antennas measuring 56" by 12" by 7.9." As a result of the replacement, there will be three (3) less antennas than currently exist. Sector A is oriented to azimuth 20°, Sector B is oriented to azimuth 110°, and Sector C is oriented to azimuth 250°.
2. Heights of proposed facilities;  
The antennas are mounted behind a mechanical equipment plywood screen located on the rooftop of a commercial building. The top of the existing mechanical equipment screen on the roof is 47'2" from the ground.



Page Two

3. Equipment enclosure type and size;  
Cabinets and equipment for this site are located in an equipment shelter on the second floor rooftop of the building. The equipment shelter is 17'8" by 12'0" in size and located behind a mirror glass curtain wall.
4. Construction timeframe for equipment enclosure;  
This is an existing wireless communication facility. The equipment enclosure already exists and there will be no additional construction. There are no proposed changes to the equipment enclosure or equipment cabinets.
5. Materials and colors of antennas;  
The proposed replacement antennas are off-white in color but will not be visible because they are concealed behind a plywood screen wall.
6. Description of structures necessary to support the proposed antennas and to house ancillary equipment;  
No additional structures are necessary to support the replacement antennas or house equipment.
7. Description of lighting;  
No additional lighting is necessary for this project.
8. Description of noise/acoustical information for equipment such as air conditioning units and back-up generators;  
All equipment shall be designed and operated consistent with the City noise ordinance. No backup generators are proposed for this project.
9. Description of identification and safety signage;  
The access ladder from the ground level to the second floor is posted with a notice sign. In addition, the access door to the equipment area is posted with the site name and emergency contact phone number. Please see attached site signage photos.
10. Description of access to the facility;  
The equipment and antennas are accessed by a locked ladder. A ladder attached to the building provides access from the ground level to the second floor. A second ladder on the second floor provides access to the antennas. Access into the equipment room is also through a locked door.



Page Three

11. Description of utility line extensions needed to serve the facility;  
No utility extensions are needed to serve the facility.

12. Backup power sources, if proposed;  
No backup power sources are proposed.

13. Proposed radio frequency emissions information.  
The radio frequency emissions information is as follows:

TX (GSM) – 1950 to 1965 MHZ

RX (GSM) – 1870 to 1895 MHZ

TX (WCDMA) – 2150 to 2155 MHZ

RX (WCDMA) – 1750 to 1755 MHZ

Landscape Plan (Article 39, Section 3906(E))

A landscape plan pursuant to Article 39, Section 3906(E) is not required for this project.

Maintenance Plan (Article 39, Section 3906(F))

T-Mobile shall maintain the wireless communication facility in good working order; free from trash, debris, and graffiti; and designed to discourage vandalism. A T-Mobile technician will service the site on an as-needed basis. Any damaged equipment will be repaired or replaced upon notification by the City of Oceanside.



Page Four

Project Justification (Article 39, Section 3906(H))

As depicted in the attached coverage maps, the existing wireless communication facility provides essential communication and improved service to the surrounding area. The facility ensures uninterrupted wireless service in the area. Without the facility in the current location, there would be a significant gap in coverage that would negatively impact the surrounding community.

The first map illustrates the coverage provided by the site alone. The green and yellow areas represent indoor coverage provided by the site and the gray area represents coverage provided to vehicles travelling in the area. As shown on the map, this site provides coverage along the stretch of South Coast Highway from Oceanside Boulevard to Vista Way. The second map illustrates the coverage without the site on air. The black area represents poor to no signal and the red area represents outdoor coverage. Without the site, there is poor to no signal just south of Oceanside Boulevard and there is no indoor coverage in the area around the Subject Property along South Coast Highway. The third map illustrates the coverage provided by the site in combination with coverage provided by neighboring T-Mobile sites in the area. The areas covered by these sites overlap so a call can pass seamlessly from one cell site to another as a caller moves around.

Replacement antennas are needed in order to keep pace with increasing consumer demand and prevent dropped calls, poor call clarity, and spotty coverage. With continuous growth in cell phone use and capabilities, providing reliable coverage requires the network infrastructure be continually upgraded.

Co-Location (Article 39, Section 3906(J))

T-Mobile shall exercise a good faith effort in co-locating with other communications companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical level or quality of service impairment of the permitted use.

Description of Services Offered (Article 39, Section 3906(K))

In conjunction with the wireless communication facility, the building at the Subject Property is used as a commercial building.



RECEIVED  
FEB 27 2013  
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DEVELOPMENT SERVICES

BOARD  
MEMBERS

Mitchell J.  
Campagna, RA  
*CEO*

Bodie C Campagna  
*CFO*

## PROJECT JUSTIFICATION – 4G LTE

---

February 25, 2013

City of Oceanside  
Development Services Department / Planning Division  
300 North Coast Highway  
Oceanside, CA 92054

RE: T-Mobile SD06443A North County Times @ 1722 South Coast Hwy.  
CUP12-0002/RC12-00018

### Description of Services Offered (Article 39, Section 3906(K))

This project is part of T-Mobile's Long Term Evolution (LTE) project to upgrade to 4G wireless communication service in the area. 4G service is the term used to describe the fourth-generation of wireless service and is more advanced than 3G wireless service. Upgraded technology is needed to keep pace with consumer demand as more wireless communication subscribers use 4G smartphones, tablets, and other 4G devices to not only make calls, but text, send photos, stream music, watch videos, and search the Internet. 4G technology provides more widespread, high-speed service. The 4G network is designed to provide improved coverage both indoors and outdoors and while traveling in a vehicle. The upgraded technology is also designed to provide more seamless service and fewer dropped calls.

# LEGAL DESCRIPTION

---

T-MOBILE SD06443A, NORTH COUNTY TIMES

The property is described as follows:

1722 South Coast Highway  
Oceanside, CA 92054  
APN: 153-213-42-00

All that real property located in the State of California, County of San Diego, described as follows:

Parcel 1:

Parcel A of Parcel Map No. 14818, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, May 22, 1987 as File/Page No. 87-285271 of Official Records.

Parcel 2:

Lot E in Block 24 of South Oceanside, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 622, filed in the Office of the County Recorder of San Diego County, February 7, 1890, together with that portion of the Northeasterly one-half of the alley adjoining said lot on the Southwest, as vacated and closed to public use.



## NOTICE OF EXEMPTION

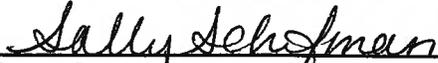
City of Oceanside, California

Post Date: 04/09/2013  
Removal: 10/09/2013  
(180 days)

1. **APPLICANT:** T-Mobile West Corporation
2. **ADDRESS:** 10509 Vista Sorrento Parkway, San Diego CA 92121
3. **PHONE NUMBER:** (858) 334-6139
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** T-Mobile @ 1722 South Coast Hwy (CUP12-00022; RC12-00018)
7. **DESCRIPTION:** Consideration of a Conditional Use Permit (CUP12-00022) and Regular Coastal Permit (RC12-00018) for equipment upgrades and the continued operation of an existing, but expired wireless telecommunication facility. The proposed project consists of the removal of nine antennas and the installation of six new antennas. The antennas would be mounted on the north, south, and west corners of a mechanical equipment plywood screen on top of an existing building. There are no proposed changes to the existing equipment cabinets.

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

- The project is categorically exempt, Class 1, Existing Facility (Section 15301); or,
- The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , <name> ( Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

  
\_\_\_\_\_  
Sally Schifman, Consulting Assistant

Date: April 9, 2013

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