



**DATE:** April 22, 2013

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Development Services Department/Planning Division

**SUBJECT:** **CONSIDERATION OF CONDITIONAL USE PERMIT (CUP12-00035) FOR THE CONSTRUCTION AND OPERATION OF A WIRELESS COMMUNICATIONS FACILITY LOCATED AT 3825 MISSION AVENUE – T-MOBILE @ 3825 MISSION AVENUE – 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-P20 approving Conditional Use Permit CUP12-00035 with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Site Review:** The project site is located at 3825 Mission Avenue within a clock tower of an existing commercial building. The property has a land use designation of Special Commercial (SC) on the General Plan Land Use Map and is also zoned Special Commercial-Limited, Historical Overlay (CS-L-H) on the official zoning map.

Surrounding land uses include commercial and residential properties to the north, commercial buildings to the east and west, and Highway 76 to the south.

**Project Background:** This project site was initially approved for a wireless communications facility on November 19, 2001. The original Administrative Conditional Use Permit (ACUP-8-01) granted Cingular Wireless entitlements for six (6) antennas. The antennas were mounted within an existing clock tower feature, behind decorative screening that matched the mission-style architecture of the building and an associated equipment shelter was built behind the building.

Entitlements granted by Administrative Conditional Use Permit (ACUP-8-01) expired on November 19, 2006.

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

Conditional Use Permit CUP12-00035 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. Project upgrades consist of the removal of six (6) existing antennas and the installation of six (6) new antennas divided into three (3) sectors. There are no proposed changes to the existing equipment cabinets. (See Attachment 1)

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.

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. 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 Special Commercial (SC). 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 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 (Attachment 2).

The project site is located in a developed area within a clock tower feature of an existing commercial building. Commercial buildings have proven to be ideal locations for wireless communications facilities because the antenna use can easily be integrated into the operation of the building without impacting on-site or surrounding land uses. The proposed antenna upgrades would be completely concealed from public view within the clock tower feature.

The Planning Division finds that the proposed project is consistent with General Plan policies pertaining to the efficient operation and aesthetics 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 communication facility standards, locational and 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.

Among facility design standards is the requirement to employ camouflage design techniques in order to minimize visual impacts. As noted earlier, the proposed project would be located within a clock tower feature. This tower 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. It is staff's position that since the

proposed facility would be more than 400 feet removed from residential neighborhoods to the north, the facility would be sufficiently separated from the surrounding residential zone districts. Furthermore, the location of the antennas within a clock tower would mitigate any potentially adverse visual impacts 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 Special Commercial zone, the maximum allowed building height is 50 feet. The clock tower upon which the antennas are mounted is 40 feet in height. As designed and conditioned, the proposed antennas will not extend beyond the height of the clock tower.

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 Federal Communications Commission (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. State of California Government Code 65850**

California State Government Code 65850.6(b) states that a city shall not unreasonably limit the duration of any permit for a communication facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. The proposed site has been given a 10-year limit with conditions that assure the City of Oceanside has the ability to request technological enhancements and aesthetic analyses of the site if they are found to be necessary.

## **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 9.8 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 164.7 percent of the general population limit and 32.9 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. Individuals entering the site or working near the antennas should receive RF safety training and be made aware of the areas exceeding the FCC's MPE limits. 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 antennas and ancillary facilities. 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 more than 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 wireless communications 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) (Attachment 3).

## 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

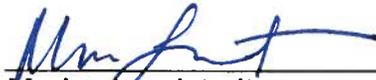
The request for approval of the Conditional Use Permit to allow for equipment upgrades necessary to accommodate fourth generation wireless technologies (4G) and the continued operation of a wireless communications facility on an existing commercial building is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. 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-P20 approving Conditional Use Permits CUP12-00035 with findings and conditions of approval attached herein (Attachment 4).

PREPARED BY:

  
Sally Schiffman  
Project Planner

SUBMITTED BY:

  
Marisa Lundstedt  
City Planner

ML/SS/fil

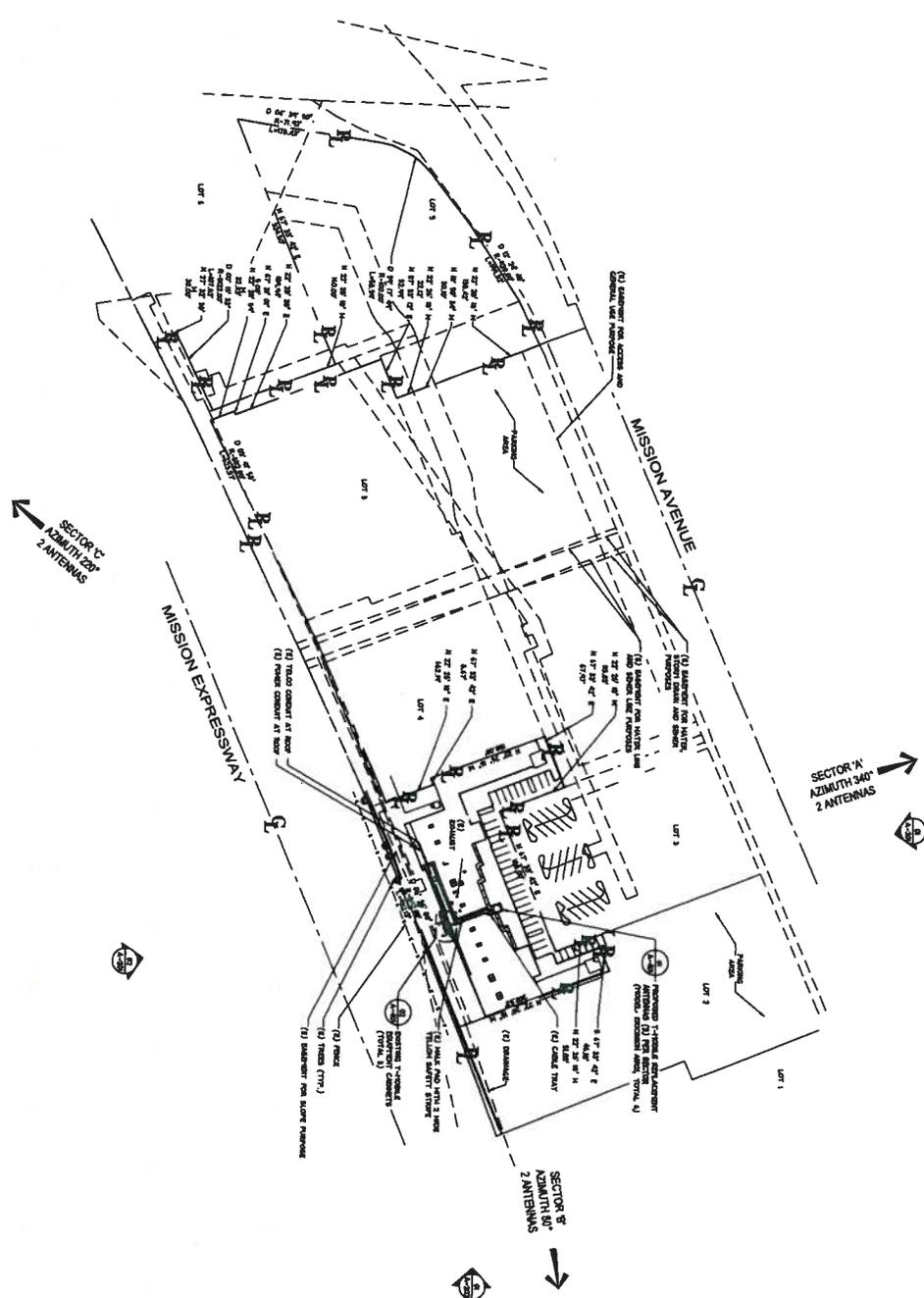
Attachments:

1. Plans dated January 4, 2013
2. Signal Coverage Maps
3. Environmental Determination
4. Planning Commission Resolution No. 2013-P20



**01 SITE PLAN**

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



**ANTENNA SCHEDULE**

SECTION	ANTENNA	TYPE	HEIGHT	SECTION	ANTENNA	TYPE	HEIGHT	SECTION	ANTENNA	TYPE	HEIGHT
A	1	ANTENNA	100'-0"	A	1	ANTENNA	100'-0"	A	1	ANTENNA	100'-0"
B	1	ANTENNA	100'-0"	B	1	ANTENNA	100'-0"	B	1	ANTENNA	100'-0"
C	1	ANTENNA	100'-0"	C	1	ANTENNA	100'-0"	C	1	ANTENNA	100'-0"

**SETTINGS**

SECTOR A: 340°  
SECTOR B: 340°  
SECTOR C: 340°  
SECTOR K: 340°

**SITE PLAN & NOTES**

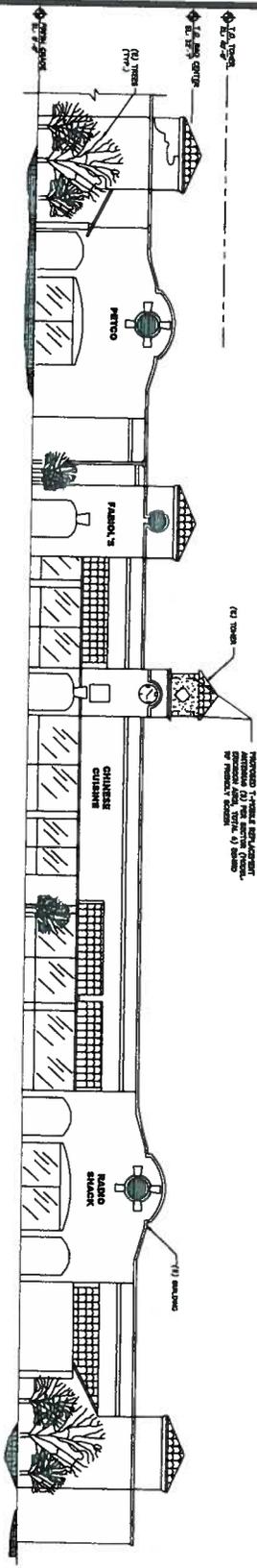
**MISSION PLAZA**  
3825 MISSION AVE  
OCEANSIDE, CA 92058

**T-Mobile**  
10500 VISTA SOLARENTO  
SAN DIEGO, CA 92131

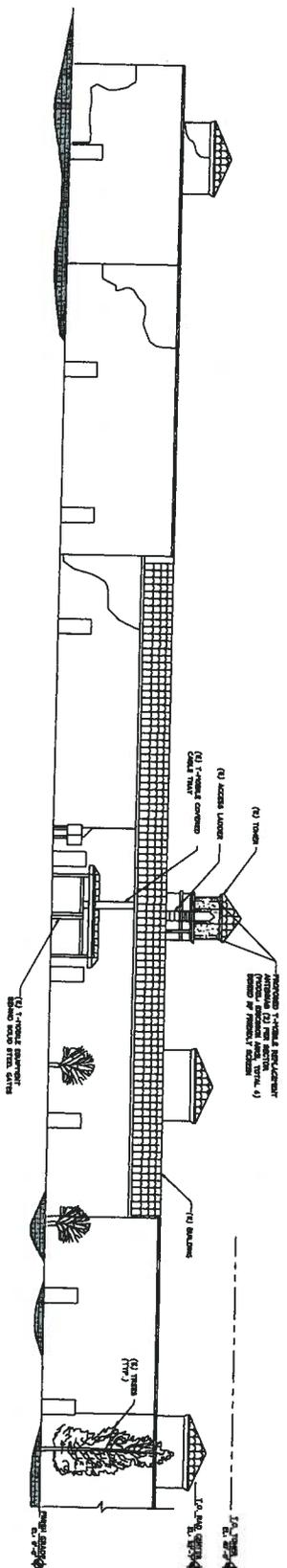
**M**  
MICHELL J ARCHITECTURE, INC.  
10500 VISTA SOLARENTO  
SAN DIEGO, CA 92131  
TEL: 619-594-1111  
WWW.MICHELLJARCHITECTURE.COM

architectur **MicHELL J** architecture

**A-101**  
CUP12-00035



01 NORTH ELEVATION



02 SOUTH ELEVATION

EXTERIOR ELEVATIONS

MISSION PLAZA  
 SD 0663  
 3825 MISSION AVE.  
 OCEANSIDE, CA 92058

T-Mobile  
 10309 VISTA SORRENTO  
 PARKWAY SUITE 206  
 SAN DIEGO, CA 92121

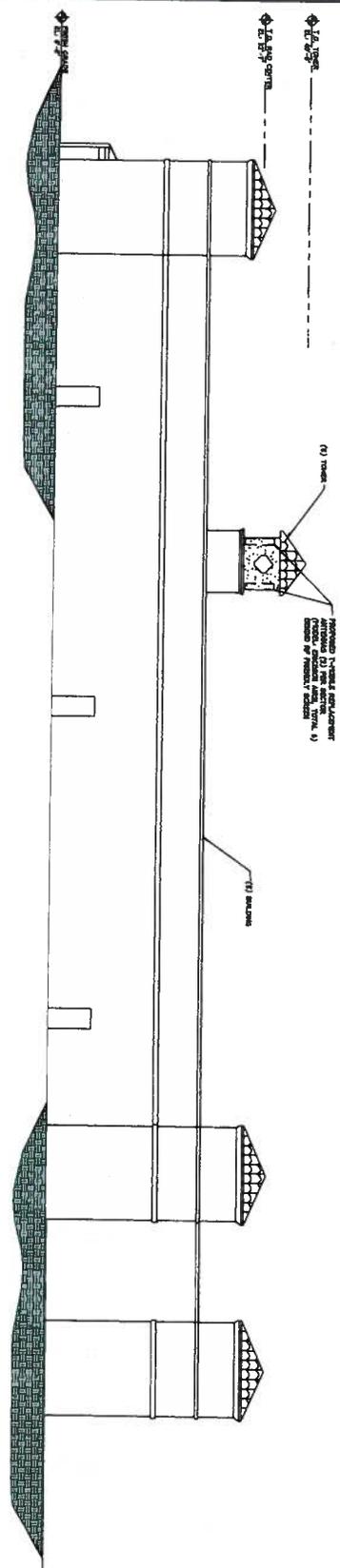
M  
 MITCHELL ARCHITECTURE INC.  
 10309 VISTA SORRENTO  
 PARKWAY SUITE 206  
 SAN DIEGO, CA 92121  
 TEL: 619-594-1111 FAX: 619-594-1112  
 WWW.MITCHELLARCHITECTURE.COM

A-201  
 CUP-12-00035

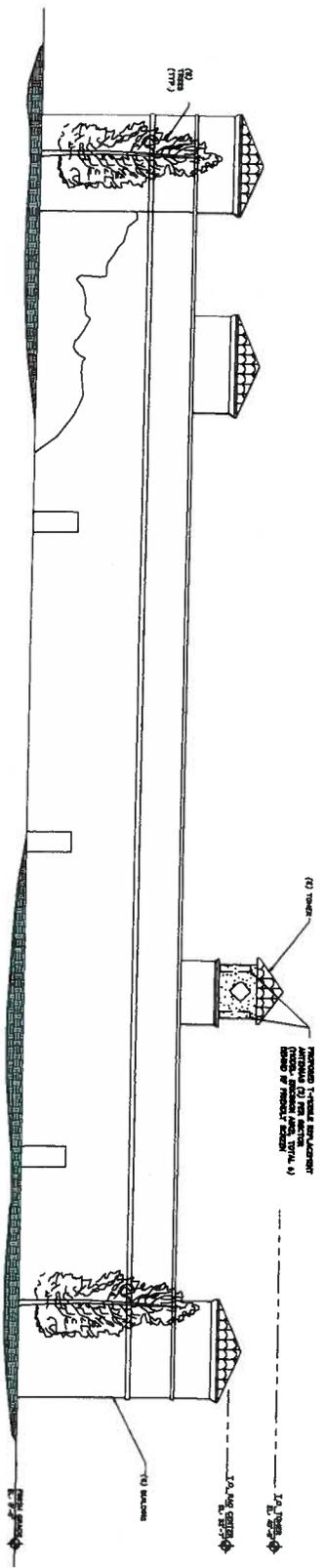


architecture Mitchell architecture

01 EAST ELEVATION



02 WEST ELEVATION



EXTERIOR ELEVATIONS

MISSION PLAZA  
 3825 MISSION AVE.  
 OCEANSIDE, CA 92058

T-Mobile  
 10505 VISTA SORRENTO  
 PARKWAY SUITE 200  
 SAN DIEGO, CA 92131

M  
 MITCHELL J ARCHITECTURE INC.  
 8880 MARINA COURT, SUITE 2  
 SAN DIEGO, CA 92121 // 619.441.1100 (ext)  
 619.441.1100 (fax) // 619.441.1100 (cell)  
 WWW.MITCHELLJARCHITECTURE.COM

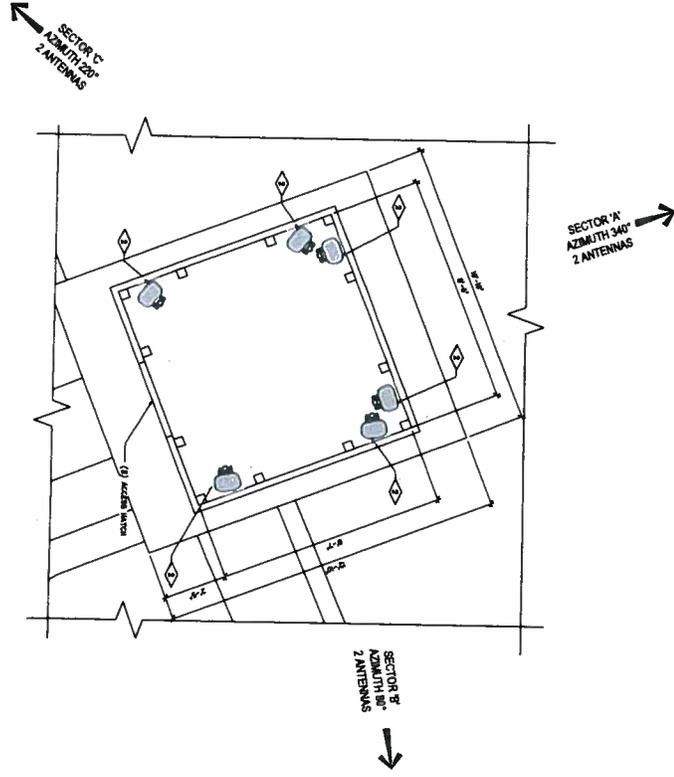
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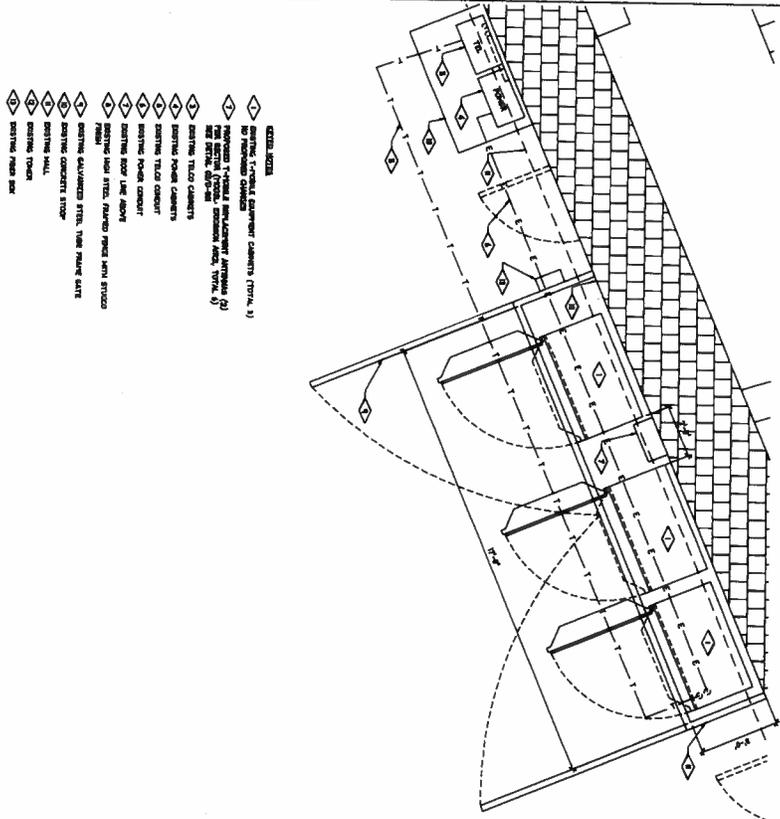
MITCHELL J. ARCHITECTURE, INC.  
 JAY SIKON

architecture Mitchell J architecture

01 ANTENNA LAYOUT  
SCALE: 1/2"=1'-0"



02 EQUIPMENT LAYOUT  
SCALE: 1/2"=1'-0"



- ◇ CENTRAL CABINET
- ◇ SERVICE 1-CENTRAL EQUIPMENT CABINETS (TYPE 1)
- ◇ SERVICE 2-CENTRAL EQUIPMENT CABINETS (TYPE 2)
- ◇ SERVICE 3-CENTRAL EQUIPMENT CABINETS (TYPE 3)
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- ◇ SERVICE 100-CENTRAL EQUIPMENT CABINETS (TYPE 100)

**EQUIPMENT & ANTENNA LAYOUT PLAN**

<p><b>MISSION PLAZA</b> SPACES 100 3825 MISSION AVE OCEANSIDE, CA 92058</p>	<p><b>T-Mobile</b> 10205 VISTA SORRENTO PARKWAY SUITE 208 SAN DIEGO, CA 92131</p>	<p><b>M</b> MITCHELL J ARCHITECTURE INC. 1405 MARINA DRIVE SUITE 200 SAN DIEGO, CA 92111 619.594.1100 / MARCHITECTURE.COM</p>
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architecture **Mitchell J** architecture

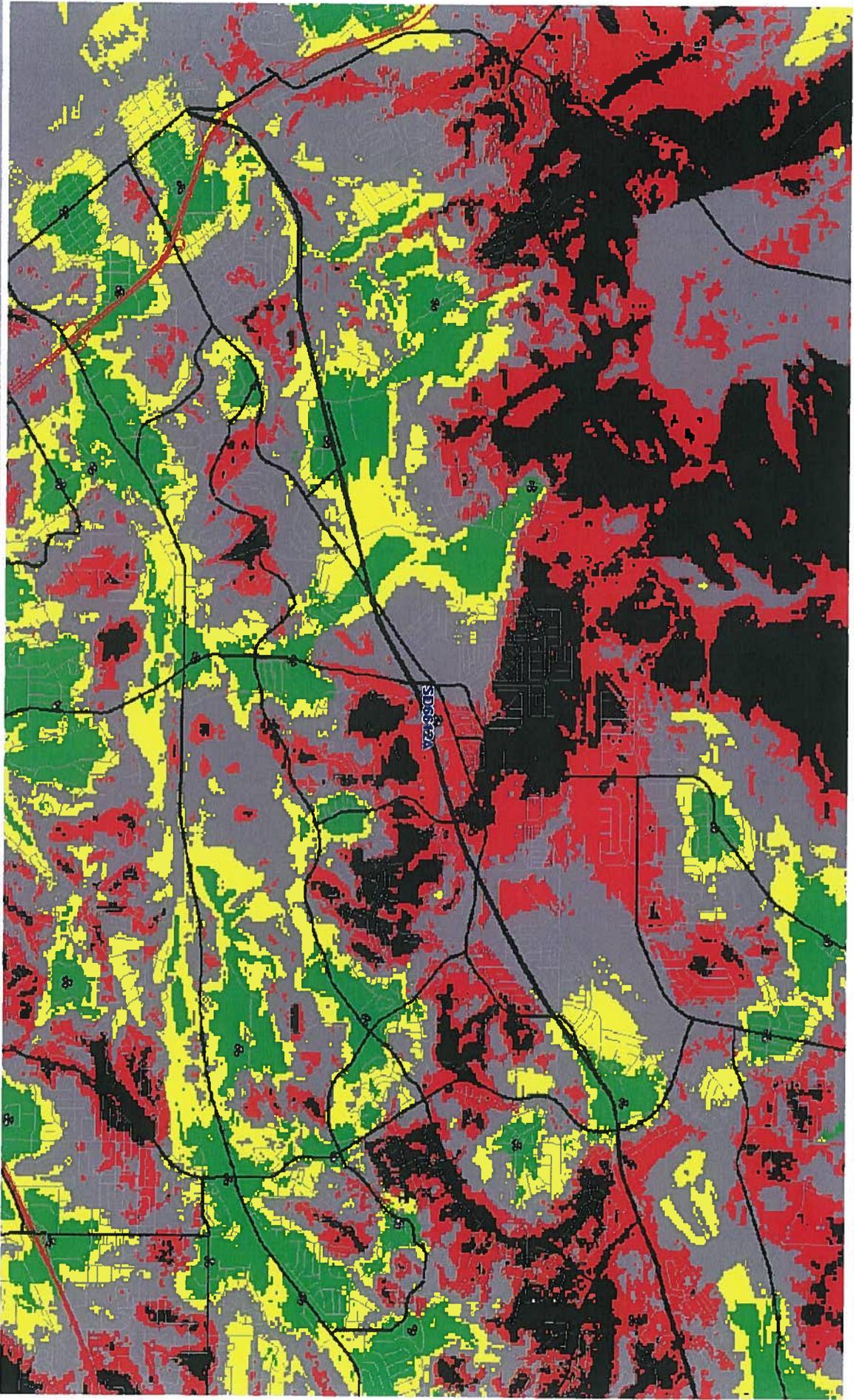
PROJECT NO. A-401  
DATE: 12-00-03

SCALE: 1/2"=1'-0"

PROJECT NO. A-401



On Air neighbor sites coverage

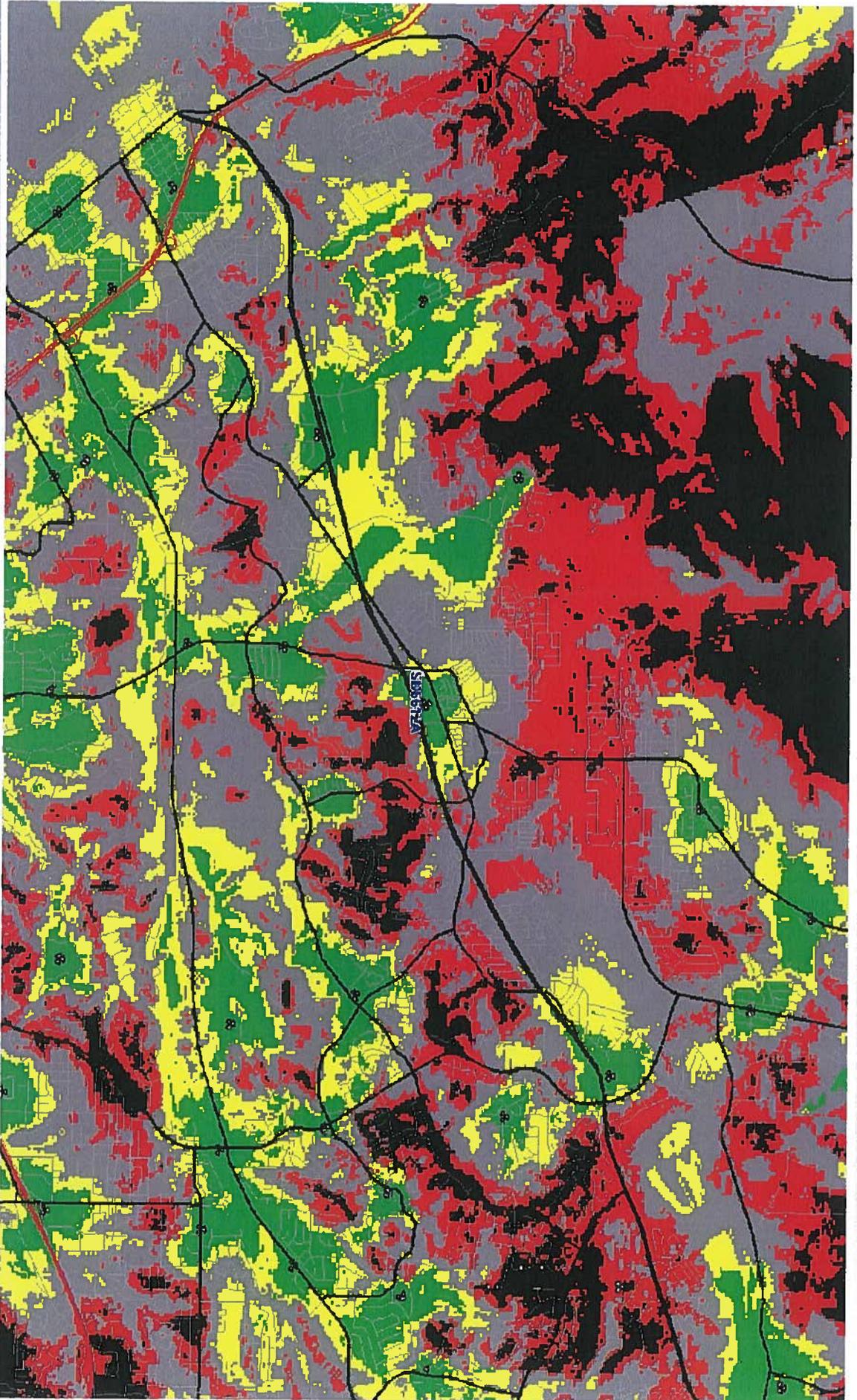


Legend: Coverage Level

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



SD06612A with On Air neighbor sites coverage



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





## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 04/23/2013  
Removal: 10/23/2013  
(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 @ 3825 Mission Avenue (CUP12-00035)
7. **DESCRIPTION:** Consideration of a Conditional Use Permit (CUP12-00035) for equipment upgrades and the continued operation of a wireless communications facility. Project upgrades consist of the removal of six (6) existing antennas and the installation of six (6) new antennas divided into three (3) sectors. 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 23, 2013

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

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PLANNING COMMISSION  
RESOLUTION NO. 2013-P20

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

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APPLICATION NO: CUP12-00035  
APPLICANT: T-Mobile West Corporation  
LOCATION: 3825 Mission Avenue

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

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

equipment upgrades necessary to accommodate fourth generation (4G) wireless technologies as described in the Description and Justification and shown on plans dated January 4, 2013 and the operation of a wireless communications facility on an existing commercial building;

on certain real property described in the project description.

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

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

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

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

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

3 **FINDINGS:**

4 **For the Conditional Use Permit (CUP12-00035):**

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

22       NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
23 approve Conditional Use Permit (CUP12-00035) 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. The building plans for this project are required by State law to be prepared by a licensed  
2 architect or engineer and must be in compliance with this requirement prior to submittal  
3 for building plan review.
- 4 4. Site development, parking, access into buildings and building interiors shall comply with  
5 the State's Disabled Accessibility Regulations. (2010 CBC Chapter 11B).
- 6 5. A separate/unique address shall be required to facilitate utility releases. Verification that  
7 the address has been properly assigned by the City's Planning Division must accompany  
8 the Building Permit application.
- 9 6. The developer shall monitor, supervise and control all building construction and supporting  
10 activities so as to prevent these activities from causing a public nuisance, including, but not  
11 limited to, strict adherence to the following:
- 12 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
13 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
14 that is not inherently noise-producing. Examples of work not permitted on  
15 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
16 producing nature. No work shall be permitted on Sundays and Federal Holidays  
17 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
18 Christmas Day) except as allowed for emergency work under the provisions of the  
19 Oceanside City Code Chapter 38 (Noise Ordinance).
- 20 b) The construction site shall be kept reasonably free of construction debris as  
21 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
22 approved solid waste containers shall be considered in compliance with this  
23 requirement. Small amounts of construction debris may be stored on-site in a neat,  
24 safe manner for short periods of time pending disposal.

25 **Fire:**

- 26 7. The quantity of lead acid batteries and their electrolyte volume(s) shall be indicated on  
27 the construction plans.
- 28 8. Stationary Storage Battery Systems having an electrolyte capacity of more than 50  
29 gallons for flooded lead acid, nickel cadmium and valve regulated lead acid, or 1000  
pounds for lithium-ion, used for facility standby power, emergency power or

1           uninterrupted power supplies shall comply with Section 608 of the California Fire Code  
2           current edition, and Table 608.1. If the quantity of electrolyte solution is 10 gallons or  
3           greater, visible hazard identification signs, as specified in NFPA 704, shall be placed at  
4           the entrance to the battery storage room.

5           9.     Prior to activation, the facility shall have a final inspection by the Fire Department.

6           **Planning:**

7           10.    The Conditional Use Permit is granted for the following: equipment upgrades necessary to  
8           accommodate fourth generation (4G) wireless technologies and the continued operation of  
9           a wireless communications facility on an existing commercial building. Facility upgrades  
10          consist of the removal of six (6) existing antennas and the installation of six (6) new  
11          antennas divided into three (3) sectors within a clock tower. Any substantial change in the  
12          use or expansion of the wireless communications facility beyond that which is approved by  
13          the Planning Commission, shall require a revision to the Conditional Use Permit or new  
14          Conditional Use Permit.

15          11.    Conditional Use Permit (CUP12-00035) shall expire April 22, 2015 unless the applicant  
16          has obtained a Building Permit and has requested an initial building inspection.

17          12.    Entitlements granted for Conditional Use Permit (CUP12-00035) and approved by this  
18          resolution, shall be valid until November 19, 2016.

19          13.    Unless expressly waived, all current zoning standards and City ordinances and policies in  
20          effect at the time of building permit issuance shall be met by this project. The approval of  
21          this project constitutes the applicant's agreement with all statements in the project  
22          Description and Justification and other materials and information submitted with this  
23          application, unless specifically waived by an adopted condition of approval.

24          14.    The wireless communications facility permitted by this Resolution shall be erected,  
25          operated and maintained in compliance with Article 39.

26          15.    The installation of any wireless communications facility shall be in compliance with all  
27          applicable provisions of the State Building Standards Code and any applicable local  
28          amendments thereto.

29          16.    No wireless communications facility may, by itself or in conjunction with other wireless  
              communications facilities, generate radio frequency (RF) emissions in excess of the

1 standards for permissible human exposure, as provided by applicable federal regulations  
2 including 47 C.F.R. 1.1307 *et seq.*

3 17. Upon or prior to installation, and prior to activation, of the wireless communications  
4 facility, the applicant shall submit to the City certification in a form acceptable to the City  
5 that the facility will operate in compliance with all applicable Federal Communications  
6 Commission (FCC) regulations including, but not limited to RF emission limitations.  
7 Thereafter, upon any proposed increase of a least 10 percent in the effective radiated power  
8 or any proposed change in frequency use, the applicant shall submit updated certifications  
9 for review by the City. Both the initial and update certifications shall be subject to review  
10 and approval by the City Planner. At the City's sole discretion, a qualified independent RF  
11 engineer, selected by and under contract to the City, may be retained to review said  
12 certifications for compliance with FCC regulations. All costs associated with the City's  
13 review of these certifications shall be the responsibility of the applicant.

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

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

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

- 1 21. Any substantial change in the type of antenna and/or facility installed in a particular  
2 location shall require the prior approval of the City Planner or his designee. Failure to  
3 obtain the prior approval of the City Planner or his designee may be grounds for  
4 institution of revocation proceedings as well as grounds to institute any other  
5 enforcement action available under federal, state, or local law.
- 6 22. Public access to the subject wireless communications facility shall be restricted. Required  
7 security measures shall be provided as follows:
- 8 a) Access to the roof deck shall be locked to restrict routine access by the general  
9 public.
  - 10 b) RF advisory signage shall be installed at access point(s) or path(s) to the antennas  
11 and/or at each sector to establish awareness for potential exposure.
  - 12 c) Individuals entering the site or working near/in front of the antennas shall receive  
13 appropriate RF safety training and shall be made aware of the potential areas  
14 exceeding the FCC's Maximum Permissible Exposure limits. In addition, contact  
15 information should be made available in the event work is required within these  
16 areas.
- 17 23. All required and proposed signage shall be shown on approved building plans.
- 18 24. The permittee(s) shall exercise a good-faith effort to incorporate the best available  
19 equipment technology to effect a reduction in the visual presence of the approved antennas  
20 and equipment. Any modifications requested to this facility shall permit the City Planner  
21 or his designee to review the existing facility to determine whether requiring new  
22 equipment or applying new screening techniques that reduce visual impacts is appropriate,  
23 if technically feasible. Upon the City's request and discretion, the permittee(s) shall be  
24 required to provide an independently prepared technical analysis demonstrating compliance  
25 with this condition. The permittee(s) inability to demonstrate the use of current  
26 technologies may be grounds for the institution of revocation proceedings of the  
27 Conditional Use Permit.
- 28 25. Co-location of wireless communications facilities pursuant to Article 39 shall be  
29 required whenever feasible. The permittee(s) shall exercise a good-faith effort to  
cooperate with other communication providers and services in the operation of a

1 multiple-provider facility, provided such shared usage does not impair the operation of  
2 the approved facility. Upon the City's request and discretion, the permittee(s) shall  
3 provide an independently prepared technical analysis to substantiate the existence of any  
4 technical prohibitions against the operation of a co-use facility. The permittee(s)' non-  
5 compliance with this requirement may be grounds for the institution of revocation  
6 proceedings of the Conditional Use Permit.

7 26. A Maintenance and Facility Removal Agreement shall be executed by the operator and  
8 the property owner. No permit shall become effective until such agreement has been  
9 executed. Said agreement shall bind the operator and property owner and their  
10 successors and assigns to the facility to the following:

- 11 a) Maintain the facility in good condition, which shall include but not be limited to  
12 regular cleaning, painting, and general upkeep and maintenance of the site;
- 13 b) Remove the facility when required by Article 39 or by any condition of approval,  
14 or when it is determined that the facility will not have been used during any  
15 current consecutive six-month period, or if the facility will be abandoned;
- 16 c) Pay all costs the City reasonably incurs to monitor a facility's compliance with  
17 conditions of approval and applicable law;
- 18 d) Reimburse the City for any and all costs incurred for work required by Article  
19 39, applicable law, or the conditions of a permit issued by the City for the facility  
20 which the operator and property owner fail to perform within 30 days after  
21 written notice from the City to do so or sooner if required by the City for good  
22 cause;
- 23 e) Where the City Planner or Planning Commission or City Council, as the case  
24 may be, determines that it is necessary to ensure compliance with the conditions  
25 of approval or otherwise provide for removal of the facility that is temporary in  
26 nature or upon its disuse, the operator or owner may be required to post a  
27 performance bond, cash or a letter of credit or other security acceptable to the  
28 City Planner in the amount of \$10,000, or such higher amount as the City  
29 Planner reasonably determines is necessary to ensure compliance with the  
maintenance and facility removal agreement.

- 1 27. The wireless communications facility shall include signage approved by the City Planner  
2 identifying the name and phone number of a party to contact in the event of an emergency.  
3 Such signage shall comply with any applicable provisions of Article 39 and Article 33 (sign  
4 ordinance).
- 5 28. The wireless communications facilities and the site on which it is located shall be  
6 maintained in good repair, free from trash, debris, litter and graffiti and other forms of  
7 vandalism. Any damage from any cause shall be corrected within five days of written  
8 notice by the City. Graffiti shall be removed as soon as practicable, and in no event longer  
9 than 48 hours after notice by the City.
- 10 29. The wireless communications facility shall be operated to minimize noise impacts to  
11 surrounding residents and persons using nearby facilities and recreation areas. All  
12 equipment that may emit noise in excess of the levels permitted by Article 38 of the City  
13 Municipal Code (noise ordinance) shall be enclosed. Backup generators shall only be used  
14 during periods of power outages or for testing.
- 15 30. Temporary power may be allowed during the initial construction or major repair of a  
16 Facility for the minimal amount of time necessary to complete the work. The operator shall  
17 provide a timeline to the City Planner and keep staff updated as to the time of completion.
- 18 31. The wireless communications facility shall be installed and maintained in compliance with  
19 the requirements of the Uniform Building Code, National Electrical Code, noise ordinance,  
20 and other applicable codes, as well as other restrictions specified in Article 39.
- 21 32. This Conditional Use Permit may be revised in accordance with the provisions of the  
22 Zoning Ordinance. Any application for a revision to Conditional Use Permit (CUP12-  
23 00035) shall be evaluated against the existing land use policies and any site area and  
24 neighborhood changes.
- 25 33. The Conditional Use Permit may be called for review by the Planning Commission if  
26 complaints are filed and verified as valid by the City Planner or Code Enforcement Officer  
27 concerning the violation of any of the approved conditions or the project assumptions  
28 demonstrated under the application approval.
- 29 34. All costs reasonably incurred by the City in verifying compliance and in extending or  
revoking an approval shall be borne by the applicant and/or permit holder.

1 35. Failure to meet any conditions of approval for this development shall constitute a violation  
2 of this Conditional Use Permit. Conditional Use Permit (CUP12-00035) may be revoked  
3 pursuant to Article 47 of the Zoning Ordinance.

4 36. If the operator of this facility intends to abandon or discontinue the use of this facility, the  
5 City shall be notified of such intention no less than sixty (60) days prior to the final day of  
6 use.

7 37. If the use of this facility is discontinued, it shall be considered abandoned 90 days  
8 following the final day or use.

9 38. All abandoned facilities shall be physically removed by the operator no more than 90 days  
10 following the final day of use or of determination that the facility has been abandoned,  
11 whichever occurs first. When a wireless communications facility has been abandoned, but  
12 not removed, the City may cause such facilities to be removed and charge all expenses  
13 incurred in such removal to the provider.

14 39. The wireless communications facility shall be subject to, and governed by, any and all  
15 licensing authority by any governmental agency having jurisdiction. The City's local  
16 approval of the facility shall not exempt the permittee(s) from any such pre-emptive  
17 regulations.

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

22 //////////////

23 //////////////

24 //////////////

25 //////////////

26 //////////////

27 //////////////

28 //////////////

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

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

5 PASSED AND ADOPTED Resolution No. 2013-P20 on April 22, 2013 by the  
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11  
12  
13 \_\_\_\_\_  
14 Tom Rosales, Chairperson  
Oceanside Planning Commission

15 ATTEST:

16  
17 \_\_\_\_\_  
18 Marisa Lundstedt, Secretary

19 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
20 that this is a true and correct copy of Resolution No. 2013-P20.

21 Dated: April 22, 2013  
22  
23  
24  
25  
26  
27  
28  
29

SD06612 Mission Plaza

e-mail: Lynnea.Barrett@mitchellj.com

DDA1006db



**Application for Discretionary Permit**

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

**Developer Deposit Account**

#1006db

STAFF USE ONLY	
ACCEPTED	BY
12/5/12	SN
T-MOBILE RENEWAL	SS
	E
	<del>SN</del>

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. ACUP12-00019
VARIANCE
COASTAL
O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

8. LOCATION  
3825 Mission Ave., Oceanside, CA 92058

9. SIZE

10. GENERAL PLAN San Luis Rey SC	11. ZONING CS-L-H	12. LAND USE Commercial
-------------------------------------	----------------------	----------------------------

13. ASSESSOR'S PARCEL NUMBER  
160-560-14-00

14. LATITUDE  
33°13'34.01"

15. LONGITUDE  
117°19'39.92"

**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 Same	18. PROPOSED ZONING N/A Same	19. PROPOSED LAND USE Commercial	20. NO. UNITS N/A	21. DENSITY N/A
22. BUILDING SIZE N/A	23. PARKING SPACES N/A	24. % LANDSCAPE N/A	25. % LOT COVERAGE or FAR N/A	

**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 (cd)	<input checked="" type="checkbox"/> 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 9/24/12	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.



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DEVELOPMENT SERVICES

BOARD  
MEMBERS

Mitchell J.  
Campagna, RA  
CEO

Bodie C. Campagna  
CFO

## PROJECT DESCRIPTION & JUSTIFICATION

February 12, 2013

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

RE: T-Mobile SD06612A Mission Plaza @ 3825 Mission Avenue  
CUP12-00035 (formerly ACUP 12-00019)

### Background

The existing T-Mobile wireless communication facility located at 3825 Mission Avenue in Oceanside ("Subject Property") was originally approved on November 19, 2001 under Administrative Conditional Use Permit ACUP-8-01. The site was approved for a total of six (6) antennas with three (3) sectors of two (2) 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 six (6) 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." Sector A is oriented to azimuth 340°, Sector B is oriented to azimuth 80°, and Sector C is oriented to azimuth 220°.
2. Heights of proposed facilities;  
The antennas are concealed within a clock tower above a commercial building. The top of the clock tower is at 40'0. The centerline of the rad for the proposed replacement antennas is at 32'7."



Page Two

3. Equipment enclosure type and size;  
Cabinets and equipment for this site are located in the back of the commercial building behind solid steel gates. The equipment area is 17'0" by 3'0" in size. There are no proposed changes to the existing equipment cabinets.
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 in the clock tower.
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 steel gate enclosing the equipment cabinets is posted with a notice sign. The gate is also posted with the site name and emergency contact phone number. Please see attached site signage.
10. Description of access to the facility;  
The equipment cabinets are located on the ground level behind steel gates. The ladder providing access from the ground to the rooftop is located in a locked storage room. There is another ladder on the south side of the clock tower from the rooftop to the clock tower to access the antennas.



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 indoor coverage along Mission Avenue between El Camino Real and Rancho Del Oro Drive. The site also provides extensive coverage to vehicles traveling along Highway 76 and north of El Camino Real and Douglas Drive.

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 no indoor coverage in the area around the Subject Property along Mission Avenue between El Camino Real and Rancho Del Oro Drive and north of Highway 76.

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. As depicted on the map, coverage is greatly improved along well-traveled routes including Mission Avenue and Highway 76.

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.



Page Five

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

This project will provide 4G wireless service to the area. In conjunction with the wireless communication facility, the building at the Subject Property is used as a commercial building.



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CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

BOARD  
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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 SD06612A Mission Plaza @ 3825 Mission Ave., Oceanside  
CUP12-00035 (formerly ACUP 12-00019)

### 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

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T-MOBILE SD06612A, MISSION PLAZA

The property is described as follows:

3825 Mission Avenue  
Oceanside, CA 92054  
APN: 160-560-14

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

LOT 5 OF MISSION PLAZA REAL, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11653, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NOVEMBER 17, 1986, TOGETHER WITH THAT PORTION OF LOT 4 OF SAID MAP NO. 11653, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 4, BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 920.00 FEET A RADIAL FROM SAID POINT BEARS SOUTH 28°20'40" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE 57.66 FEET THROUGH A CENTRAL ANGLE OF 03°35'28"; THENCE PARALLEL WITH THE MOST WESTERLY LINE OF SAID LOT 4 SOUTH 22°25'31" EAST RECORD SOUTH 22°26'18" EAST 136.42 FEET; THENCE SOUTH 18°50'34" EAST, 30.10 FEET; THENCE PARALLEL WITH SAID WESTERLY LINE OF SAID LOT 4 SOUTH 22°25'31" EAST 22.11 FEET TO THE SOUTHERLY LINE OF THAT PORTION OF SAID LOT 4; THENCE ALONG SAID SOUTHERLY LINE SOUTH 67°34'29" WEST (RECORD SOUTH 67°33'42" WEST) 55.62 FEET TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE MOST WESTERLY LINE OF SAID LOT 4 NORTH 22°25'31" WEST 184.43 FEET (RECORD NORTH 22°26'18" WEST 184.45 FEET) TO THE POINT OF BEGINNING.

EXCEPTING FROM SAID LOT 5 THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE ON THE COMMON LINE BETWEEN SAID LOT 4 AND 5 THAT BEARS SOUTH 22°25'31" EAST 184.43 FEET (RECORD SOUTH 22°26'18" EAST 184.45 FEET) FROM THE MOST WESTERLY CORNER OF SAID LOT 4; THENCE NORTHEASTERLY ALONG SAID COMMON LINE NORTH 67°34'29" EAST (RECORD NORTH 67°33'42" EAST) 2.63 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID COMMON LINE NORTH 67°34'29" EAST (RECORD NORTH 67°33'42" EAST) 235.31 FEET TO AN ANGLE POINT; THENCE NORTH 22°25'31" WEST (RECORD NORTH 22°26'18" WEST) 12.13 FEET TO AN ANGLE POINT; THENCE NORTH 67°34'29" EAST (RECORD NORTH 67°33'42" EAST) 44.08 FEET TO AN ANGLE POINT; THENCE SOUTH 22°25'31" EAST 136.02 FEET (RECORD SOUTH 22°26'18" 136.00 FEET) TO AN ANGLE POINT; THENCE SOUTH 67°34'29" WEST (RECORD SOUTH 67°33'42" WEST) 10.00 FEET TO AN ANGLE POINT; THENCE SOUTH 22°25'17" EAST 82.53 FEET (RECORD SOUTH 22°26'18" EAST 82.54 FEET) TO AN ANGLE POINT ON SAID COMMON LINE, BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 8112.00 FEET A RADIAL TO SAID POINT BEARS NORTH 24°46'12" WEST; THENCE ON THE SOUTHWESTERLY PROLONGATION OF THE SOUTHERLY LINE SAID LOT 4 ALONG SAID CURVE 274.66 FEET THROUGH A CENTRAL ANGLE OF 01°56'24"); THENCE NORTH 22°28'36" WEST 32.33 FEET; THENCE NORTH 67°31'24" EAST 5.00 FEET; THENCE NORTH 22°28'36" 189.96 FEET TO THE TRUE POINT OF BEGINNING.

SAID LEGAL DESCRIPTION IS PURSUANT TO CERTIFICATE OF COMPLIANCE NO. PLACENTIA-04-97, RECORDED MARCH 24, 1998 AS FILE NO. 1998-0160326 OF OFFICIAL RECORDS.