

AGENDA NO. 4

PLANNING COMMISSION



STAFF REPORT

DATE: April 22, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMIT (CUP12-00037) FOR THE CONSTRUCTION AND OPERATION OF A WIRELESS COMMUNICATIONS FACILITY LOCATED AT 2185 VISTA WAY – T-MOBILE @ 2185 VISTA WAY – 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-P22 approving Conditional Use Permit CUP12-00037 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The project site is located at 2185 Vista Way on an existing fast food restaurant. The property has a land use designation of Special Commercial (SC) on the General Plan Land Use Map and is also zoned Special Commercial-Highway Oriented (CS-HO) on the official zoning map.

Surrounding land uses include a mix of retail buildings and restaurants to the north, east, and west and Highway 78 to the south.

Project Background: This project site was initially approved for a wireless communications facility on June 17, 2002. The original Administrative Conditional Use Permit (ACUP-24-01) granted Cingular Wireless entitlements for six (6) antennas. Two arrays of two antennas were mounted behind radiofrequency (RF) transparent material on an existing rooftop cupola and one array of two antennas were façade mounted, concealed from view with materials that match the building wall.

Entitlements granted by Administrative Conditional Use Permit (ACUP-24-01) expired on June 17, 2007.

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

Conditional Use Permit CUP12-00037 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 fast food restaurant. 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 fast food restaurant 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 on the roof and wall of an existing fast food restaurant. Commercial properties 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 behind RF transparent screening on a wall and within a rooftop cupola.

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 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 on an existing rooftop cupola and façade mounted behind RF transparent screening. These screening features have been designed to match in color, size, proportion, style, texture, and quality the exterior design and architectural character of the existing 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. There are no residential districts near the project site. The location of the antennas behind screening 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 cupola upon which four of the antennas will be mounted is 30 feet in height and is the tallest feature of the fast food building. As designed and conditioned, the proposed antennas will not extend beyond the height of the cupola.

At all times, wireless communications facilities are required to comply with the most current regulatory and operational standards including 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 and occupational 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 89.8 percent of the FCC's general population limit. At the rooftop-level walking/working surface the project exceeds general population and occupational MPE limits. The maximum power density generated by the proposed antennas at the roof-top is 1137.8 percent of the general population limit and 227.6 percent of the occupational limit. It is important to note that these over-exposed areas are in the air, at or away from the roof edge. On the roof, the highest exposure level is below the FCC's occupational limits, but still above the general population limits.

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. 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), 1970. 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 fast food restaurant 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-P22 approving Conditional Use Permits CUP12-00037 with findings and conditions of approval attached herein (Attachment 4).

PREPARED BY:


Sally Schiffman
Project Planner

SUBMITTED BY:


Marisa Lundstedt
City Planner

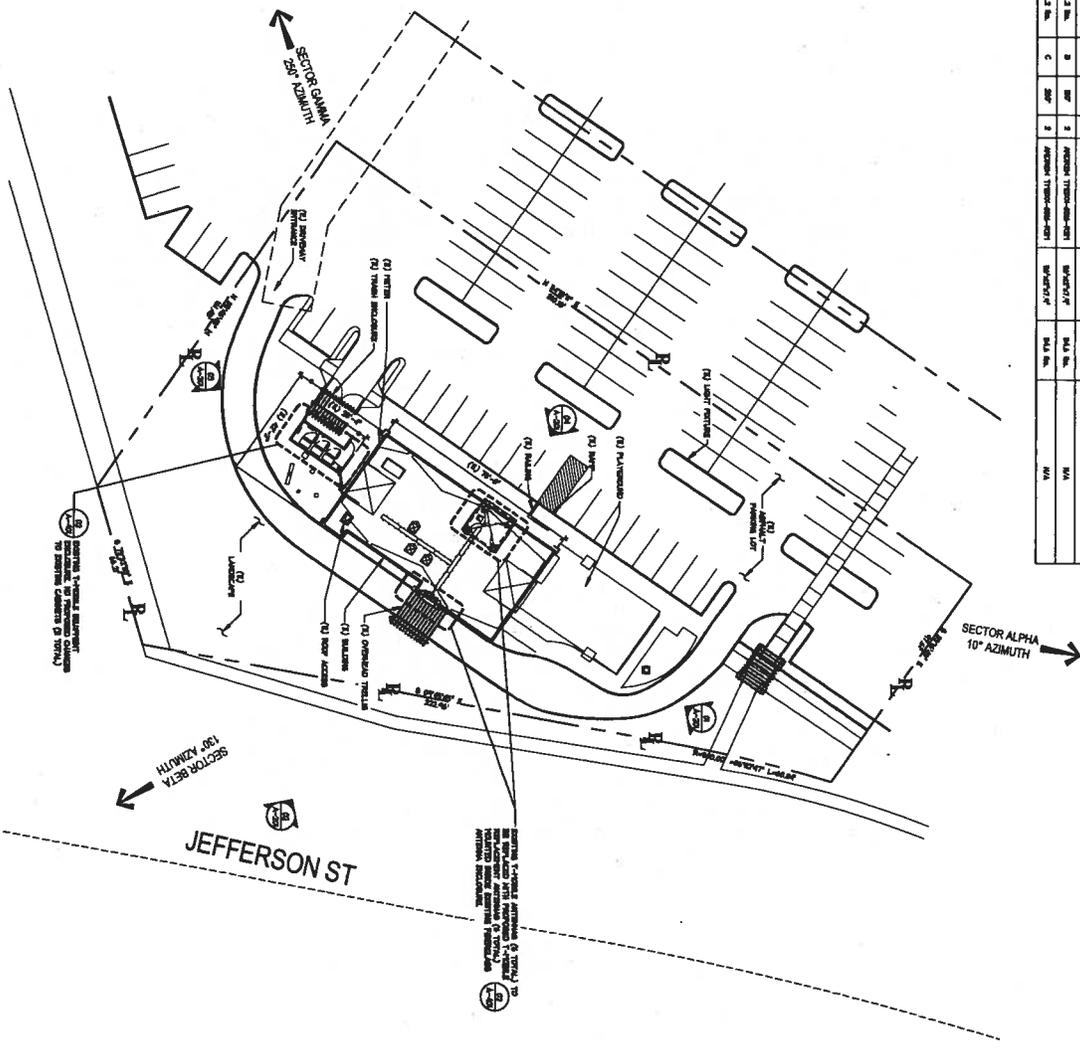
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Attachments:

1. Plans dated January 16, 2013
2. Signal Coverage Maps
3. Environmental Determination
4. Planning Commission Resolution No. 2013-P22

SITE PLAN

01



ANTENNA SCHEDULE

SECTOR	ANTENNA	TYPE	HEIGHT	COORDINATE	STATUS	DATE
A	1	ANTENNA	1.2 M.	1000000	ACTIVE	10/10/00
A	2	ANTENNA	1.2 M.	1000000	ACTIVE	10/10/00
B	1	ANTENNA	1.2 M.	1000000	ACTIVE	10/10/00
B	2	ANTENNA	1.2 M.	1000000	ACTIVE	10/10/00
C	1	ANTENNA	1.2 M.	1000000	ACTIVE	10/10/00
C	2	ANTENNA	1.2 M.	1000000	ACTIVE	10/10/00

GENERAL NOTES:
 1. ALL ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OCEANSIDE LOCAL ORDINANCE 17.01 AND 17.02.
 2. THE ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OCEANSIDE LOCAL ORDINANCE 17.01 AND 17.02.
 3. THE ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OCEANSIDE LOCAL ORDINANCE 17.01 AND 17.02.

SITE PLAN & NOTES

McDONALD'S - JEFFERSON ST.
 SD06467A
 2185 VISTA WAY
 OCEANSIDE, CA 92056

T-Mobile
 10505 VISTA SORRENTO
 PARKWAY SUITE 206
 SAN DIEGO, CA 92131

Mitchell J. Architecture
 10505 VISTA SORRENTO PARKWAY SUITE 206
 SAN DIEGO, CA 92131
 TEL: 619-444-1111
 FAX: 619-444-1112
 WWW: WWW.MITCHELLJ.ARCHITECTURE.COM

Scale: 1" = 20'-0"

DATE: 10/10/00

PROJECT: SD06467A

DESIGNER: M. J. MITCHELL

CHECKED: M. J. MITCHELL

DATE: 10/10/00

PROJECT: SD06467A

DESIGNER: M. J. MITCHELL

CHECKED: M. J. MITCHELL

DATE: 10/10/00

PROJECT: SD06467A

DESIGNER: M. J. MITCHELL

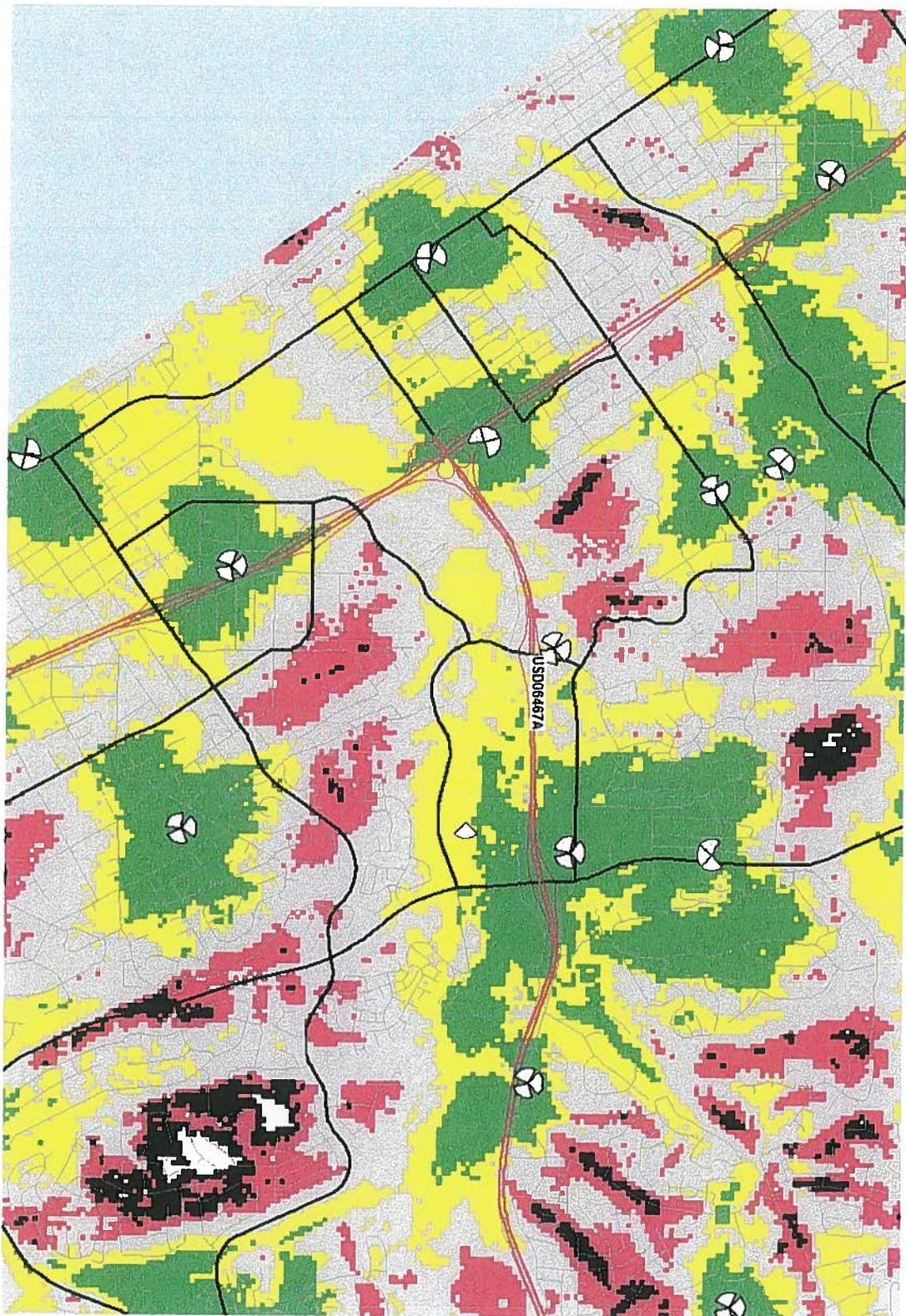
CHECKED: M. J. MITCHELL

DATE: 10/10/00

A-101

CUP12-00037

On Air neighbor sites coverage

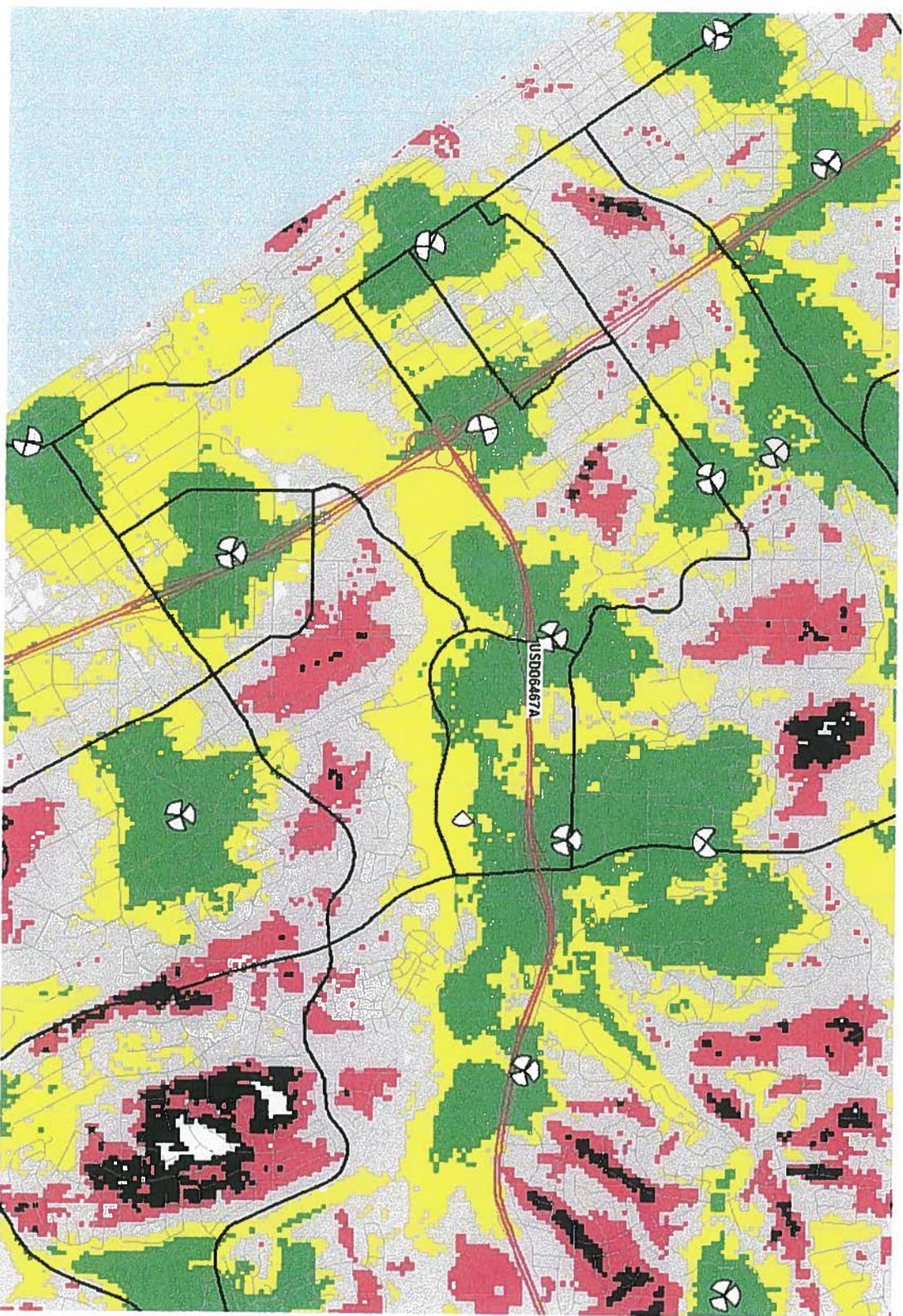


Legend: Coverage Level

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



SD06467 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 @ 2185 Vista Way (CUP12-00037)
7. **DESCRIPTION:** Consideration of a Conditional Use Permit (CUP12-00037) 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
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-P22

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

APPLICATION NO: CUP12-00037
APPLICANT: T-Mobile West Corporation
LOCATION: 2185 Vista Way

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 16, 2013 and the operation of a wireless communications facility on an existing fast food restaurant;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd 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 (CUP12-00037):**

- 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 fast food restaurant.
- 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 in a rooftop cupola and façade of an existing fast food
15 restaurant building. The proposed antenna upgrades would be completely concealed from
16 public view behind radiofrequency (RF) transparent screening.
- 17 3. Alternative site locations were not analyzed as the proposed project is intended to allow for
18 equipment upgrades and continued operation of a wireless communications facility.
19 However, coverage maps were provided by the applicant demonstrating the need to
20 maintain the existing facility on the service grid.
- 21 4. All applicable requirements and standards of Article 39 will be met by the proposed project
22 either as designed or as implemented in accordance with the Conditions of Approval.

23 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
24 approve Conditional Use Permit (CUP12-00037) subject to the following conditions:

25 **Building:**

- 26 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
27 Building Division plan check.
- 28 2. The granting of approval under this action shall in no way relieve the applicant/project
29 from compliance with all State and Local building codes.

- 1 3. The building plans for this project are required by State law to be prepared by a licensed
2 architect or engineer and shall 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 shall 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 4th, 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.

24 **Fire:**

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

1 uninterrupted power supplies shall comply with Section 608 of the California Fire Code
2 current edition, and Table 608.1. 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 fast food restaurant. 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 concealed in a rooftop cupola and façade mounted
12 behind RF transparent screening; equipment upgrades would include the installation of
13 nine (9) remote radio units (RRU's). Any substantial change in the use or expansion of the
14 wireless communications facility beyond that which is approved by the Planning
15 Commission, shall require a revision to the Conditional Use Permit or new Conditional Use
16 Permit.

17 11. Conditional Use Permit (CUP12-00037) shall expire April 22, 2015 unless the applicant
18 has obtained a Building Permit and has requested an initial building inspection.

19 12. Entitlements granted for Conditional Use Permit (CUP22-00037) and approved by this
20 resolution, shall be valid until June 17, 2017.

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

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

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

- 1 16. No wireless communications facility may, by itself or in conjunction with other wireless
2 communications facilities, generate radio frequency (RF) emissions in excess of the
3 standards for permissible human exposure, as provided by applicable federal regulations
4 including 47 C.F.R. 1.1307 *et seq.*
- 5 17. Upon or prior to installation, and prior to activation, of the wireless communications
6 facility, the applicant shall submit to the City certification in a form acceptable to the City
7 that the facility will operate in compliance with all applicable Federal Communications
8 Commission (FCC) regulations including, but not limited to RF emission limitations.
9 Thereafter, upon any proposed increase of a least 10 percent in the effective radiated power
10 or any proposed change in frequency use, the applicant shall submit updated certifications
11 for review by the City. Both the initial and update certifications shall be subject to review
12 and approval by the City Planner. At the City's sole discretion, a qualified independent RF
13 engineer, selected by and under contract to the City, may be retained to review said
14 certifications for compliance with FCC regulations. All costs associated with the City's
15 review of these certifications shall be the responsibility of the applicant.
- 16 18. Within 30 calendar days following the installation of this wireless communications
17 facility, the applicant shall provide FCC documentation to the City Planner indicating
18 that the unit has been inspected and tested in compliance with FCC standards. Such
19 documentation shall include the make and model (or other identifying information) of
20 the unit tested, the date and time of the inspection, the methodology used to make the
21 determination, the name and title of the person(s) conducting the tests, and a certification
22 that the unit is properly installed and working within applicable FCC standards.
- 23 19. The applicant shall maintain the most current information from the FCC regarding the
24 allowable RF emissions and all other applicable regulations and standards. The
25 applicant/operator shall file an annual report to the permit file advising the City of any
26 regulatory changes that require modifications to the wireless communications facility and
27 of the measures taken by the applicant to comply with such regulatory changes.
- 28 20. Absent any modifications to the wireless communications facility that would cause a
29 change to the effective radiated power or frequency use, the applicant shall submit an

1 annual letter to the City Planner certifying that no such changes have been made to the site
2 and that the facility continues to operate within the range allowed by FCC regulations.

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

8 22. Public access to the subject wireless communications facility shall be restricted. Required
9 security measures shall be provided as follows:

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

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

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

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

20 24. The permittee(s) shall exercise a good-faith effort to incorporate the best available
21 equipment technology to effect a reduction in the visual presence of the approved antennas
22 and equipment. Any modifications requested to this facility shall permit the City Planner
23 or his designee to review the existing facility to determine whether requiring new
24 equipment or applying new screening techniques that reduce visual impacts is appropriate,
25 if technically feasible. Upon the City's request and discretion, the permittee(s) shall be
26 required to provide an independently prepared technical analysis demonstrating compliance
27 with this condition. The permittee(s) inability to demonstrate the use of current
28 technologies may be grounds for the institution of revocation proceedings of the
29 Conditional Use Permit.

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

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

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

1 City Planner in the amount of \$10,000, or such higher amount as the City
2 Planner reasonably determines is necessary to ensure compliance with the
3 maintenance and facility removal agreement.

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

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

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

18 30. Temporary power may be allowed during the initial construction or major repair of a
19 Facility for the minimal amount of time necessary to complete the work. The operator shall
20 provide a timeline to the City Planner and keep staff updated as to the time of completion.

21 31. The wireless communications facility shall be installed and maintained in compliance with
22 the requirements of the Uniform Building Code, National Electrical Code, noise ordinance,
23 and other applicable codes, as well as other restrictions specified in Article 39.

24 32. This Conditional Use Permit may be revised in accordance with the provisions of the
25 Zoning Ordinance. Any application for a revision to Conditional Use Permit (CUP12-
26 00037) shall be evaluated against the existing land use policies and any site area and
27 neighborhood changes.

28 33. The Conditional Use Permit may be called for review by the Planning Commission if
29 complaints are filed and verified as valid by the City Planner or Code Enforcement Officer

1 concerning the violation of any of the approved conditions or the project assumptions
2 demonstrated under the application approval.

3 34. All costs reasonably incurred by the City in verifying compliance and in extending or
4 revoking an approval shall be borne by the applicant and/or permit holder.

5 35. Failure to meet any conditions of approval for this development shall constitute a violation
6 of this Conditional Use Permit. Conditional Use Permit (CUP12-00037) may be revoked
7 pursuant to Article 47 of the Zoning Ordinance.

8 36. If the operator of this facility intends to abandon or discontinue the use of this facility, the
9 City shall be notified of such intention no less than 60 days prior to the final day of use.

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

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

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

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

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-P22 on April 22, 2013 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11
12
13 _____
Tom Rosales, Chairperson
Oceanside Planning Commission

14
15 ATTEST:

16
17 _____
Marisa Lundstedt, Secretary

18 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify
19 that this is a true and correct copy of Resolution 2013-P22.
20

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

SD06467A McDonalds - Jefferson St

email: Lynnea.Barrett@Mitchell.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	BY
12/19/12	SS & TM
Developer Deposit Account	
#100677 - TMOBILE RENEWAL	

Please Print or Type All Information

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)

HEARING

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P. CUP12-00037
VARIANCE
COASTAL
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 2185 Vista Way, Oceanside, CA 92054			9. SIZE
10. GENERAL PLAN SC	11. ZONING CS-HO	12. LAND USE commercial	13. ASSESSOR'S PARCEL NUMBER 154-130-35
14. LATITUDE 33°10'55.9 N		15. LONGITUDE 117°20'24.83 W	

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	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	<input checked="" type="checkbox"/> 30. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 31. PLOT PLANS
<input checked="" type="checkbox"/> 32. FLOOR PLANS AND ELEVATIONS	<input type="checkbox"/> 33. CERTIFICATION OF POSTING	<input type="checkbox"/> 34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print): Lynnea Barrett	36. DATE 8/28/12	37. OWNER (Print) please see attached letter of authorization	38. DATE
Sign: 	Sign:		

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



RECEIVED
FEB 27 2013
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

BOARD
MEMBERS

Mitchell J.
Campagna, RA
CEO

Bodie C. Campagna
CFO

PROJECT DESCRIPTION & JUSTIFICATION

February 25, 2013

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

RE: T-Mobile SD06467A McDonald's Jefferson St. @ 2185 Vista Way, Oceanside
CUP12-00037; APN: 154-130-35

Background

The existing T-Mobile wireless communication facility located at 2185 Vista Way in Oceanside ("Subject Property") was originally approved on June 17, 2002 under Administrative Conditional Use Permit ACUP-24-01. 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) Andrew TMBXX-6516-R2M replacement antennas measuring 59" by 11.9" by 6.3." Sector A is oriented to azimuth 10°, Sector B is oriented to azimuth 130°, and Sector C is oriented to azimuth 250°.

In order to minimize signal loss in the antennas, three (3) Remote Radio Units (RRUs) are proposed at each of the three (3) sectors for a total of nine (9) RRUs. This enables better wireless coverage with fewer service gaps and higher capacity.

2. Heights of proposed facilities;
Two (2) sectors of antennas are concealed in a rooftop cupola and one (1) sector of antennas is façade mounted behind RF transparent screening. The top of the rooftop enclosure located at the northwest area of the building is 30'0" from the ground.



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3. Equipment enclosure type and size;

Cabinets and equipment for this site are located in a ground level equipment enclosure located at the southwest corner of the building next to an existing trash enclosure. The equipment shelter is 23'4" by 8'8" in size.

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 to the public because they are concealed in either the rooftop cupola or behind RF transparent screening.

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 rooftop 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 cabinets and equipment are enclosed by a CMU block wall and access to the area is through a locked gate. The antennas in the rooftop cupola are accessed through a locked roof access door hatch.



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. This particular site is located just north of Highway 78 and provides coverage along the busy and well-traveled highway.

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 traveling in the area. As shown on the map, this site provides coverage in the area along Highway 78 between Interstate 5 and El Camino Real. This includes coverage to many commercial businesses located in the shopping center off of Vista Way. The second map illustrates the coverage without the site on air. The red area represents outdoor coverage only and the gray area represents coverage provided to vehicles traveling in the area. Without the site, there is only outdoor coverage in the area north of Highway 78 and west of Jefferson Street and very spotty indoor coverage around the site. This is indicated by the lack of green and yellow areas surrounding the Subject Property area. 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.



Page Five

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 SD06467A, MCDONALD'S – JEFFERSON ST.

The property is described as follows:

2185 Vista Way
Oceanside, CA 92054
APN: 154-130-35

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

Parcel A:

Parcel 13 of Parcel Map No. 17735, in the City of Oceanside, County of San Diego, filed in the Office of the County Recorder of San Diego County, July 31, 1996 as File No. 1996-0387495, of Official Records.

Parcel B:

Easements for ingress, egress, driveway use, parking, loading and unloading of commercial and other vehicles, installation and maintenance of signs and incidental purposes, for the enjoyment, comfort and convenience of customers, invitees, licensees, tenants and employees of all business, occupants and owners of the buildings and or land, to pass over and through, and use the common area in the project, including, but not limited to, the right to use driveways, roadways, walkways, parking spaces and other facilities constituting the common area, together with a non-repair, remove and replace common utility facilities within and upon the common area of the shopping center, at such places as may be necessary for the orderly development and operation of the shopping center as conveyed, set forth and described in that certain declaration of covenants, conditions, restrictions and reciprocal easements for Pacific Coast Plaza recorded July 31, 1996 as File No. 1996-0387510 of Official Records in the Office of the County Recorder of San Diego County, California.