

AGENDA NO. 5

PLANNING COMMISSION



STAFF REPORT

DATE: July 22, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMIT (CUP12-00027) AND REGULAR COASTAL PERMIT (RC13-00005) FOR UPGRADES TO AND THE CONTINUED OPERATION OF A WIRELESS COMMUNICATIONS FACILITY AT 502 OCEANSIDE BOULEVARD – SPRINT AT 502 OCEANSIDE BOULEVARD – APPLICANT: SPRINT/NEXTEL C/O ALCATEL-LUCENT**

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-P34 approving Conditional Use Permit CUP12-00027 and Regular Coastal Permit RC13-00005 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The project site is at 502 Oceanside Boulevard on top of an existing retail building. The property has a General Plan land use designation of General Commercial (GC), a Local Coastal Program land use designation of General Commercial (GC), a zoning designation of General Commercial (CG), and an LCP zoning designation of General Commercial (C-2).

Surrounding land uses include commercial to the north, south, and west, and an elementary school to the east.

Project Background: This project site was initially approved for a wireless communications facility on June 17, 2002. The original Administrative Conditional Use Permit (ACUP-14-00) and Administrative Coastal Permit (ACP-4-00) granted Sprint PCS entitlements for 9 antennas, within three antenna arrays of three antennas each.

The antennas were mounted behind the building parapet wall, the height of which was limited to 25-feet, 6-inches. Only 6 antennas were installed.

Entitlements granted by Administrative Conditional Use Permit (ACUP-14-00) and Administrative Coastal Permit (ACP-4-00) expired on June 17, 2007. The current applicant for Sprint/Nextel was submitted on August 16, 2012.

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

Conditional Use Permit CUP12-00027 represents a request for the following:

- (a) The continued operation of a wireless communications facility on a commercial retail building, with upgrades necessary to accommodate fourth generation (4G) wireless technologies. Specific facility upgrades consist of: the removal of six (6) existing antennas and the installation of three (3) new antennas; the removal of one (1) modcell 1.2/2 equipment cabinet and one power/BBU cabinet; and the installation of three (3) RRH units, new hybriflex fiber optic cables, one (1) new MMBTS equipment cabinet, one (1) new BBU cabinet, and one (1) new GPS antenna. (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 contingent upon standards, findings, and conditions articulated in Article 39 and Article 41 (Use Permits and Variances) of the City's Zoning Ordinance.

Regular Coastal Permit RC13-00005 represents a request for the following:

- (a) The continued operation of a wireless communications facility on a commercial retail building, with upgrades necessary to accommodate fourth generation (4G) wireless technologies, within the Coastal Zone.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

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

Land Use Element

Goal 2.726: Communication Systems

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

Policies:

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

Sprint seeks to make upgrades to and continue operating a wireless communications facility on a commercial retail 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 on the rooftop of an existing retail building. 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 the rooftop.

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

The project is subject to Article 39 of the City's Zoning Ordinance, which lists operation and maintenance standards, as well as locational, site development, and safety and monitoring standards for wireless communications facilities.

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.

Applicable design standards require that wireless communications facilities employ camouflage design techniques in order to minimize visual impacts. The proposed project would be behind the rooftop parapet which has 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. The location of the antennas behind the parapet extension walls would mitigate any potentially adverse visual impacts surrounding environment.

Wireless communications facilities may exceed the maximum building height of the underlying zoning district by 10 feet. In the C-2 General Commercial zone, the maximum allowed building height is 45 feet. The antennas would be mounted behind the parapet, which is 25-feet, 6-inches in height, and would be in compliance with applicable height standards.

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 exposure limits at rooftop walking/working surfaces.

3. Local Coastal Program

The Local Coastal Program, in part, aims to ensure the visual integrity of the coastal zone. The proposed project would be behind a rooftop parapet screen wall which has been designed to match the existing commercial building.

4. State of California Government Code 65850

California State Government Code 65850.6(b) states that a city shall not unreasonably limit the duration of any permit for a communication facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. The recommended 10-year conditional approval will ensure that technological enhancements, or other analyses of the site, would be accommodated. The original permit for this facility expired on June 17, 2007. The 10-year limit for the subject Conditional Use Permit and Regular Coastal Permit shall be retroactive and shall expire on June 17, 2017.

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). 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 Sprint 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 11.00 percent of the FCC's general population limit (2.20 percent of the occupational limit). At the rooftop-level walking/working surface the project exceeds general population MPE limits. The maximum power density generated by the proposed antennas at the rooftop is 101.30 percent of the general population limit (20.26 percent of the occupational limit).

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 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. In addition, a barrier shall be installed in front of the antenna installed in Sector A. With the installation of the safety signage and the barrier, the proposed project will be in compliance with FCC regulations.

Issue: Compatibility with surrounding land uses

In evaluating the compatibility of the proposed project with the surrounding environment, staff 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, roadways, and residences due to the proposed camouflage design of the facility. 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. Therefore, 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 and Regular Coastal Permit to allow for upgrades to and the continued operation of a wireless communications facility on a commercial retail 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 CEQA Class One (1), Categorical Exemption "Existing Facilities" and,
- Adopt Planning Commission Resolution No. 2013-P34 approving Conditional Use Permits CUP12-00027 and Regular Coastal Permit RC13-00005 with findings and conditions of approval attached herein (Attachment 4).

PREPARED BY:


Sally Schifman
Project Planner

SUBMITTED BY:


Marisa Lundstedt
City Planner

ML/SS/fil

Attachments:

1. Plans dated May 6, 2013
2. Signal Coverage Maps
3. Environmental Determination
4. Planning Commission Resolution No. 2013-P34
5. Other Attachments (Application Page, Description and Justification, Legal Description)

BATTERY INFORMATION / NOTES:

- BATTERY MFG: EAST FROM MANUFACTURING
- MODEL NO: 12W-145L
- ELECTROLYTE CONTENT PER BATTERY: 2.17 GALLONS
- ELECTROLYTE HAZARD CLASSIFICATION PER 49 CFR 173.135: CORROSIVE
- NO. OF BATTERIES TO BE INSTALLED: 20 MAX.
- TOTAL ELECTROLYTE CONTAINED ON SITE (2.17 x 20 = 43.4): 43.4 GALLONS MAX.

TABLE 608.1 BATTERY REQUIREMENTS

REQUIREMENT	NON-RECOMBILANT BATTERIES	RECOMBILANT BATTERIES	OTHER
Safety caps	Flooded Lead Acid (Pb-Cd) Batteries	Flooded Lead Acid (Pb-Ac) (Pb-Ac) Batteries	Lithium-Ion Batteries
Thermal runaway management	Vented caps (608.2.1)	Vented caps (608.2.1)	No caps (608.2.2)
Start control	Not required (608.5)	Not required (608.3)	Not required (608.2)
Multi-tiered	Required (608.5.1)	Not required (608.5.2)	Not required (608.5.3)
Ventilation	Required (608.6.1, 608.6.2)	Not required (608.6.3)	Not required (608.6.4)
Spraying	Required (608.7)	Not required (608.7)	Not required (608.7)
Source direction	Required (608.8)	Not required (608.8)	Not required (608.8)
Smoke detection	Required (608.9)	Not required (608.9)	Not required (608.9)

FIRE DEPARTMENT NOTES:

- A. FIRE DEPARTMENT FINAL INSPECTION REQUIRED. SCHEDULE INSPECTION 2 DAYS IN ADVANCE.
- B. A CCC PERMIT TO OPERATE BATTERY SYSTEM WITH STATIONARY LEAD-ACID BATTERIES IS NOT REQUIRED FOR THE QUARTERS ON SITE.
- C. A CCC PERMIT MAY BE REQUIRED FOR THE HAZARDOUS MATERIALS ON SITE.
- D. A HAZARDOUS MATERIALS IDENTIFICATION SIGN IS REQUIRED FOR ALL ENTRANCES INTO BATTERY STORAGE AREAS. LETTERS MUST BE AT LEAST 1" IN HEIGHT AND IN A COLOR THAT CONTRASTS TO THE BACKGROUND OF THE SIGN AND LIST THE FOLLOWING:
 - CLASS 1 WATER REACTIVE LIQUID
 - TOXIC LIQUID
 - CORROSIVE LIQUID
 - OTHER HEALTH HAZARD LIQUID

- E. AN APPROVED METHOD TO NEUTRALIZE SPILLED ELECTROLYTE SHALL BE PROVIDED IN THE BATTERY ROOM.
- F. BATTERIES SHALL BE PROVIDED WITH SAFETY VENTING CAPS.
- G. LOCATIONS AND CLASSIFICATIONS OF EXTINGUISHERS SHALL BE IN ACCORDANCE WITH THE UNIFORM FIRE CODE STANDARD 10-1 AND PLACEMENT IS SUBJECT TO APPROVAL OF THE FIRE CODE REGULATIONS.
- H. STORAGE, DISPENSING OR USE OF ANY FLAMMABLE AND COMBUSTIBLE LIQUIDS, FLAMMABLE AND COMPRESSED GASES, AND OTHER HAZARDOUS MATERIALS SHALL COMPLY WITH UNIFORM FIRE CODE REGULATIONS.
- I. EXIT DOORS SHALL BE ABLE TO OPEN FROM THE INSIDE WITHOUT THE USE OF KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
- J. ADDRESS NUMBERS SHALL BE A MINIMUM 6 INCHES HIGH AND PLAINLY VISIBLE FROM ROADWAY BUILDING IS ADDRESSED ON.
- K. REQUIRED SIGNAGE SHALL INCLUDE LETTERING HEIGHT OF AT LEAST ONE INCH. IN A COLOR THAT CONTRASTS TO THE SIGN BACKGROUND, AND SHALL BE PROMINENTLY DISPLAYED.
- L. REQUIRED SIGNAGE SHALL INCLUDE, BUT MAY NOT BE LIMITED TO, APPLICABLE TYPES FROM EXAMPLES SHOWN HEREIN (SEE SIGNAGE).

BATTERY INFO & FIRE DEPT. NOTES

CAUTION
Beyond this point, Radio frequency fields at this site may exceed FCC rules for human exposure.
If at power as they are, they will provide signs and site conditions for meeting in radio frequency fields.

NOTICE
Radio frequency fields beyond this point may exceed the FCC general public exposure limit.
They will provide signs and site conditions for meeting in radio frequency fields.

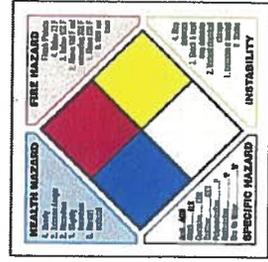
WARNING
Beyond this point, Radio frequency fields at this site may exceed FCC rules for human exposure.
They will provide signs and site conditions for meeting in radio frequency fields.

DANGER
HAZARDOUS MATERIAL STORAGE AREA

WARNING
THIS FACILITY CONTAINS CORROSIVE LIQUID TOXIC LIQUID CLASS 1 WATER REACTIVE LIQUID

DANGER
LEAD ACID BATTERIES
NO SMOKING

IN CASE OF EMERGENCY CALL
1-866-400-6040
FEL SITE
FEL LEVEL



WARNING SIGNAGE

RF SIGNAGE

MSEA
Mesa Safety & Planning, Inc.
3800 Alcatel-Lucent Drive
Costa Mesa, CA 92626
Tel: 714.441.1100
Fax: 714.441.1101
www.mesa-spa.com

PROJECT INFORMATION:
KRAGEN AUTO
SD34XC701
302 OCEANSIDE BLVD.
OCEANSIDE, CA 92034

CURRENT ISSUE DATE:
05-06-13

ISSUED FOR:
100% CD

REV.	DATE	DESCRIPTION	BY
04-24-12		ISSUED FOR 90% CD FOR REVIEW	JMK
04-28-12		ISSUED FOR 100% CD FOR REVIEW	JMK
07-09-12		ISSUED FOR 100% CD FOR REVIEW	RC
10-01-12		PRELIM FINAL CD	JC
01-08-13		100% CD	JC
05-06-13		PLANNING CORRECTIONS	JMK

SIGNAGE AND NOTES

SHEET NUMBER: T3
REVISION: 4
CUP 12-00027





MSA
Mobile Service Associates, Inc.
3114-C1 Airport Loop Drive
Costa Mesa, CA 92626
MSA 2013 © 2013
Costa Mesa • San Diego • San Francisco
www.msa-inc.com

PROJECT INFORMATION:

KRAGEN AUTO
 SD34XC701
 552 OCEANSIDE BLVD.
 OCEANSIDE, CA 92654

CURRENT ISSUE DATE:
 05-06-13

ISSUED FOR:
 100% CD

REV. DATE DESCRIPTION BY:

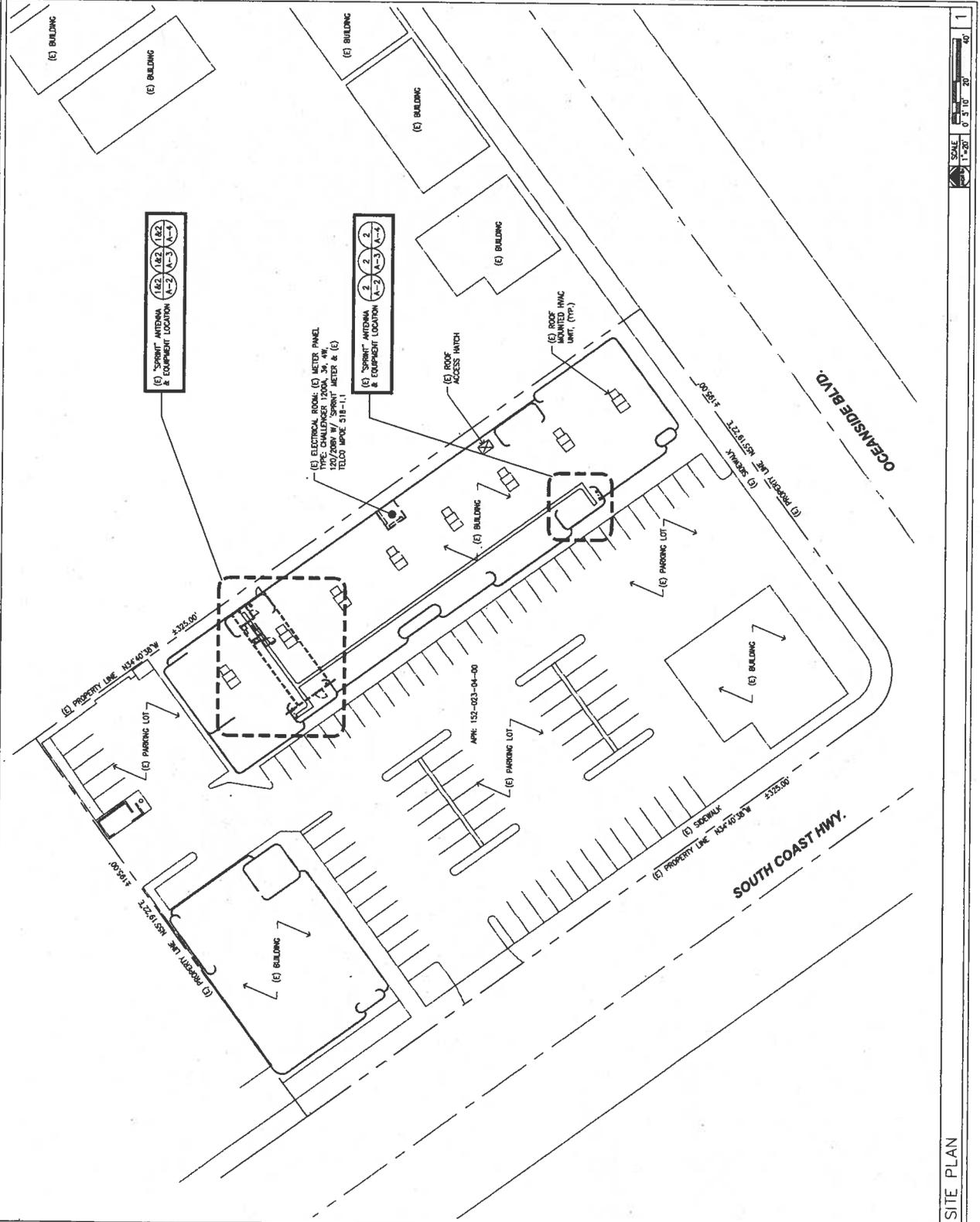
04-24-12	ISSUED FOR BOOK CD# FOR REVIEW	JMK
04-28-12	ISSUED FOR BOOK CD# FOR REVIEW	JMK
07-09-12	ISSUED FOR LOOK CD# FOR REVIEW	RC
10-01-12	PRELIM FINAL CD	UG
01-08-13	100% CD	JC
05-06-13	PLANNING CORRECTIONS	JMK



SHEET TITLE:
 SITE PLAN

SHEET NUMBER:
 A1

REVISION:
 4



MSA
Architectural & Planning, Inc.
3180 Alameda Loop Drive
San Diego, CA 92108-1428
619-594-1410 Fax 619-594-1428
www.msa-inc.com

PROJECT INFORMATION:
KRAGEN AUTO
SD34XC701
565 OCEANSIDE BLVD.
OCEANSIDE, CA 92094

CURRENT ISSUE DATE:
05-06-13

ISSUED FOR:
100% CD

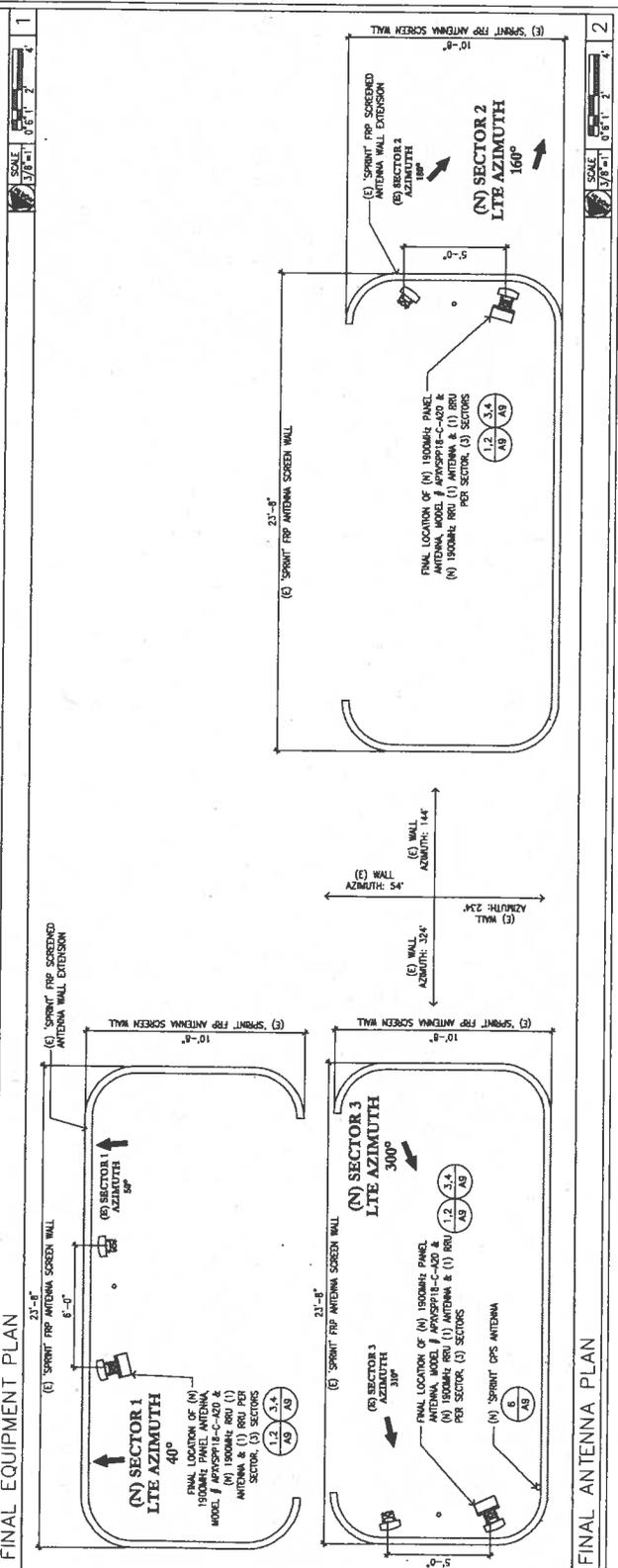
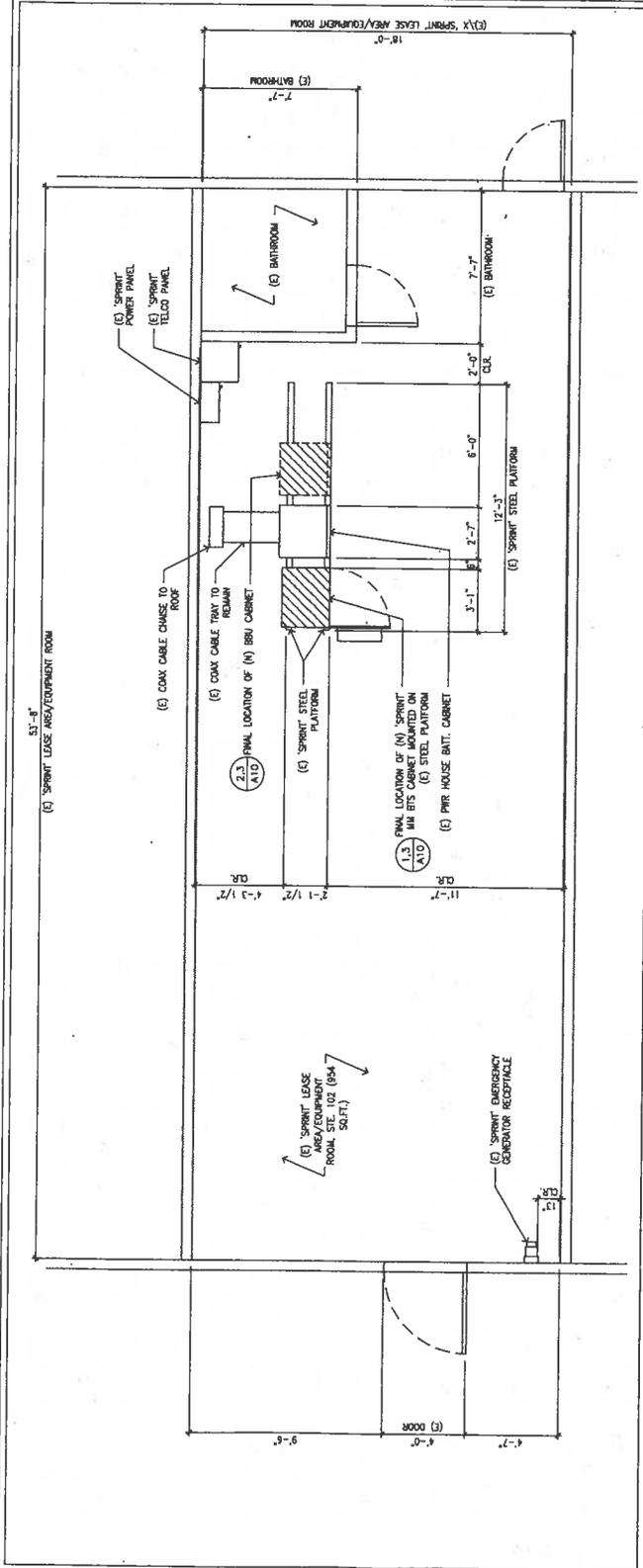
REV.	DATE	DESCRIPTION	BY
04-24-12		ISSUED FOR BDK	JMK
04-24-12		CD# FOR REVIEW	JMK
04-28-12		CD# FOR REVIEW	JMK
07-09-12		ISSUED FOR 100% RC	RC
07-09-12		CD# FOR REVIEW	RC
10-01-12		PRELIM FINAL CD	JC
01-08-13		100% CD	JC
06-06-13		PLANNING	JMK
06-06-13		CORRECTIONS	JMK

SHEET TITLE:
FINAL EQUIPMENT &
ANTENNA PLAN

SHEET NUMBER:
A4

REVISION:
4

CUP12-00027





MSA
 Mobilization & Planning, Inc.
 1984-C1 Alcatel-Lucent Drive
 Costa Mesa, CA 92626
 714.441.1118
 Costa Mesa New Office San Francisco
 www.msa-inc.com

PROJECT INFORMATION:
 KRAGEN AUTO
 SD34XC701
 565 OCEANSIDE BLVD
 OCEANSIDE, CA 92054

CURRENT ISSUE DATE:
 05-06-13

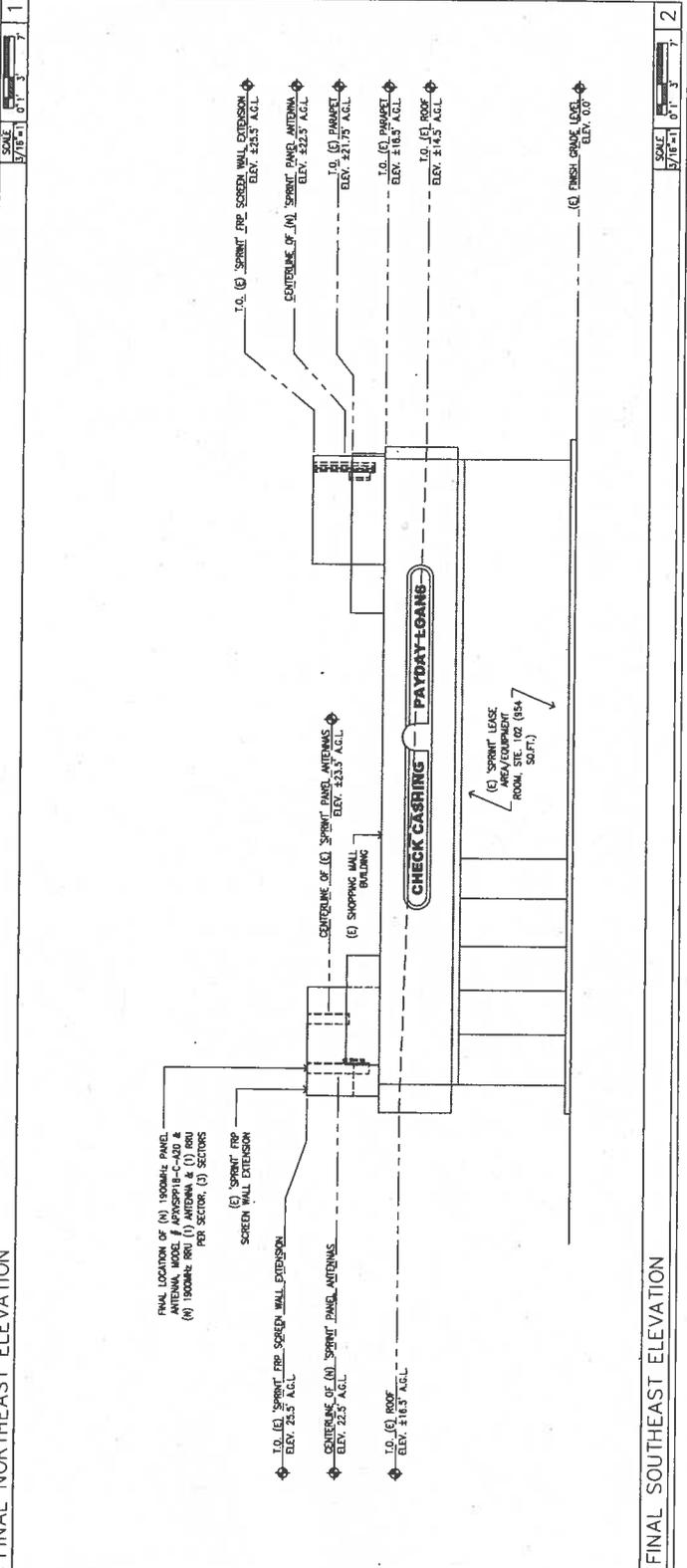
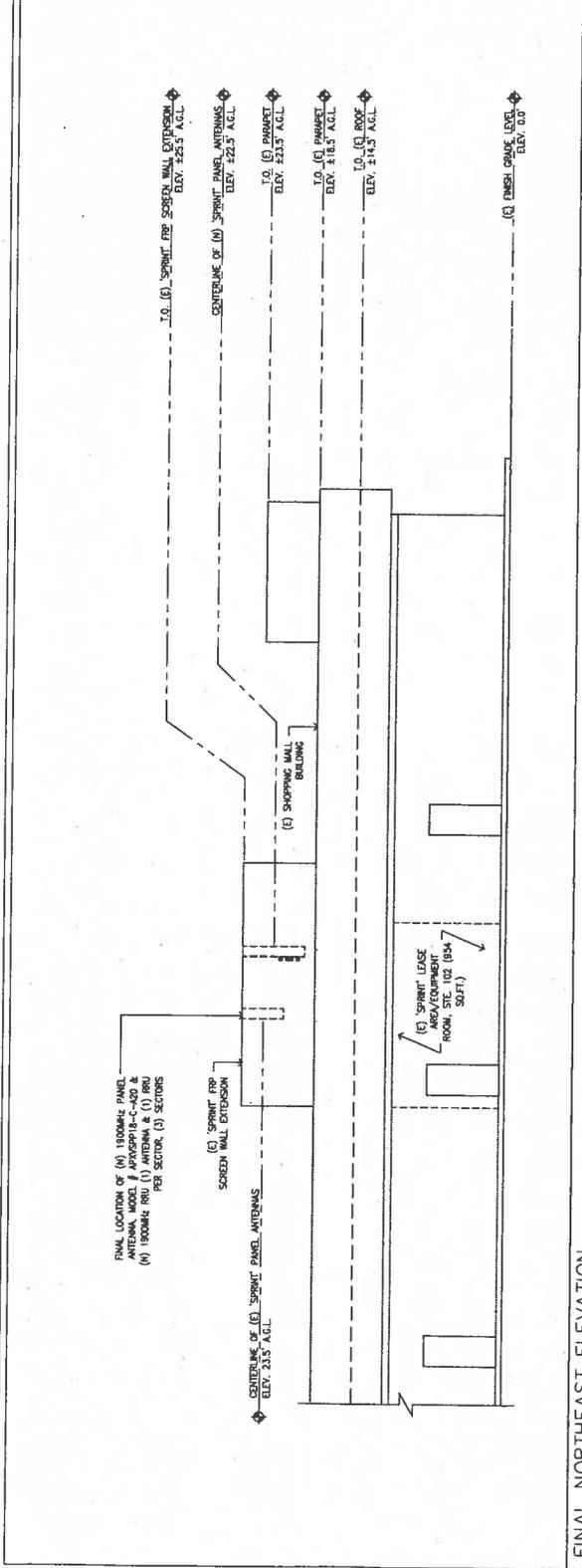
ISSUED FOR:
 100% CD

REV.	DATE	DESCRIPTION	BY
04-24-12		ISSUED FOR 90% CD FOR REVIEW	JWH
04-28-12		ISSUED FOR 90% CD FOR REVIEW	JWH
07-09-12		ISSUED FOR 100% CD FOR REVIEW	RC
10-01-12		PRELIM FINAL CD	JG
01-08-13		100% CD	JG
05-06-13		PLANNING CORRECTIONS	JWH



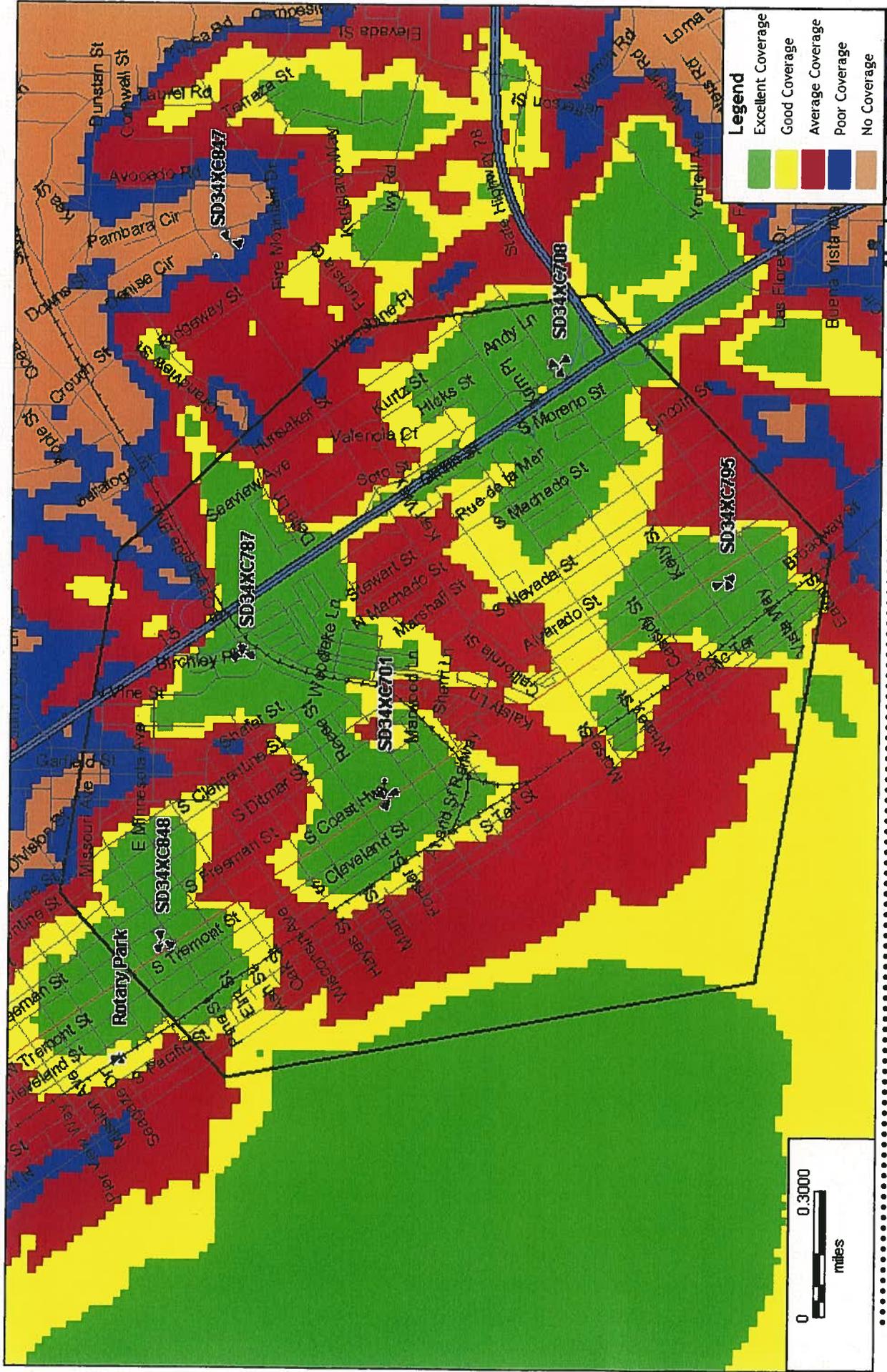
SHEET TITLE:
 ELEVATIONS

SHEET NUMBER: A5
REVISION: 4
 CUP12-00027



SD34XC701

Coverage with neighboring sites : with Site





NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 06/25/2013
Removal: 12/25/2013
(180 days)

1. **APPLICANT:** Sprint Nextel c/o Alcatel
2. **ADDRESS:** 9605 Scranton Road #400, San Diego, CA 92121
3. **PHONE NUMBER:** (619) 417-6295
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schiffman
6. **PROJECT TITLE:** Sprint @ 502 Oceanside Boulevard (CUP12-00027, RC13-00005)
7. **DESCRIPTION:** Consideration of a Conditional Use Permit (CUP12-00027) and a Regular Coastal Permit (RC13-00005) for equipment upgrades necessary to accommodate fourth generation wireless technologies (4G) and the continued operation of a wireless communications facility. Project upgrades consist of the removal of six (6) existing antennas and the installation of three (3) new antennas divided into three (3) sectors. Two existing equipment cabinets will be removed and replaced with new 4G 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 Schiffman, Consulting Assistant

Date: June 25, 2013

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

PLANNING COMMISSION
RESOLUTION NO. 2013-P34

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

APPLICATION NO: CUP12-00027 and RC13-00005
APPLICANT: Sprint/Nextel c/o Alcatel Lucent
LOCATION: 502 Oceanside Boulevard

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 and Regular Coastal Permit under the provisions of Articles 39 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

the continued operation of a wireless communications facility on a commercial retail building, with upgrades necessary to accommodate fourth generation (4G) wireless technologies as described in the Description and Justification and shown on plans dated May 6, 2013;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of July, 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.

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

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

6 FINDINGS:

7 For the Conditional Use Permit (CUP12-00027):

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

26 For the Regular Coastal Permit (RC13-00005):

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

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
2 approve Conditional Use Permit (CUP12-00027) and Regular Coastal Permit (RC13-00005)
3 subject to the following conditions:

4 **Building:**

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

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

3 **Fire:**

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

14 **Planning:**

- 15 10. Conditional Use Permit (CUP12-00027) and Regular Coastal Permit (RC13-00005) are
16 granted for the continued operation of a wireless communications facility on a commercial
17 retail building, with upgrades necessary to accommodate fourth generation (4G) wireless
18 technologies. Any substantial change in the use or expansion of the wireless
19 communications facility beyond that which is approved by the Planning Commission shall
20 require a revision to the Conditional Use Permit and Regular Coastal Permit or new
21 Conditional Use Permit and Regular Coastal Permit.
- 22 11. Conditional Use Permit (CUP12-00027) and Regular Coastal Permit (RC13-00005) shall
23 expire July 22, 2015 unless the applicant/operator has obtained a Building Permit and has
24 requested an initial building inspection.
- 25 12. Entitlements granted for Conditional Use Permit (CUP12-00027) and Regular Coastal
26 Permit (RC13-00005) and approved by this resolution, shall be valid until June 17, 2017.
- 27 13. Unless expressly waived, all current zoning standards and City ordinances and policies in
28 effect at the time of building permit issuance shall be met by this project. The approval of
29 this project, as conditioned herein, constitutes the applicant's agreement with all statements

1 in the project Description and Justification and other materials and information submitted
2 with this application, unless specifically waived by an adopted condition of approval.

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

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

8 16. No wireless communications facility may, by itself or in conjunction with other wireless
9 communications facilities generate radio frequency (RF) emissions in excess of the
10 standards for permissible human exposure, as provided by applicable federal regulations
11 including 47 C.F.R. 1.1307 *et seq.*

12 17. Upon or prior to installation, and prior to activation, of the wireless communications
13 facility, the applicant/operator shall submit to the City certification in a form acceptable to
14 the City that the facility will operate in compliance with all applicable Federal
15 Communications Commission (FCC) regulations including, but not limited to, RF emission
16 limitations. At the City's sole discretion, a qualified independent RF engineer, selected by
17 and under contract to the City, may be retained to review said certifications for compliance
18 with FCC regulations. All costs associated with the City's review of these certifications
19 shall be the responsibility of the applicant/operator. FCC compliance certifications shall be
20 subject to review and approval by the City Planner.

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

29 19. Upon any proposed increase of a least ten (10) percent in the effective radiated power or
any proposed change in frequency use, the applicant/operator shall submit updated

1 certifications for review by the City. Update certifications shall be subject to review and
2 approval by the City Planner.

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

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

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

17 23. Access to the subject wireless communications facility shall be restricted. Required security
18 measures shall include:

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

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

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

27 d) A physical barrier shall be erected in front of the antennas in Sector A.

28 24. All required and proposed signage and physical barriers shall be shown on approved
29 building plans.

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

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

20 27. A Maintenance & Facility Removal Agreement shall be executed by the operator and the
21 property owner. Proof of such agreement shall be submitted to the City prior to the
22 issuance of building permits. Said agreement shall bind the operator and property owner
23 and their successors and assigns to the facility to the following:

- 24 a) Maintain the facility in good condition, which shall include but not be limited to
25 regular cleaning, painting, and general upkeep and maintenance of the site;
- 26 b) Remove the facility when required by Article 39 or by any condition of approval,
27 or when it is determined that the facility will not have been used during any
28 current consecutive six (6) month period, or if the facility will be abandoned;
- 29 c) Pay all costs the City reasonably incurs to monitor a facility's compliance with
conditions of approval and applicable law;

1 d) Reimburse the City for any and all costs incurred for work required by Article
2 39, applicable law, or the conditions of a permit issued by the City for the facility
3 which the operator and property owner fail to perform within 30 days after
4 written notice from the City to do so or sooner if required by the City for good
5 cause;

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

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

18 29. The wireless communications facility and the site on which it is located shall be maintained
19 in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any
20 damage from any cause shall be corrected within five (5) days of written notice by the City.
21 Graffiti shall be removed as soon as practicable, and in no event longer than 48 hours after
22 notice by the City.

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

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

- 1 32. The wireless communications facility shall be installed and maintained in compliance with
2 the requirements of the Uniform Building Code, National Electrical Code, noise ordinance,
3 and other applicable codes, as well as other restrictions specified in Article 39.
- 4 33. Conditional Use Permit (CUP12-00027) and Regular Coastal Permit (RC13-00005) may be
5 revised in accordance with the provisions of the Zoning Ordinance. Any application for a
6 revision to Conditional Use Permit (CUP12-00027) and Regular Coastal Permit (RC13-
7 00005) shall be evaluated against the existing land use policies and any site area and
8 neighborhood changes.
- 9 34. Conditional Use Permit (CUP12-00027) and Regular Coastal Permit (RC13-00005) may be
10 called for review by the Planning Commission if complaints are filed and verified as valid
11 by the City Planner or Code Enforcement Officer concerning the violation of any of the
12 approved conditions or the project assumptions demonstrated under the application
13 approval.
- 14 35. All costs reasonably incurred by the City in verifying compliance and in extending or
15 revoking an approval shall be borne by the applicant and/or permit holder.
- 16 36. Failure to meet any conditions of approval for this development shall constitute a violation
17 of this Conditional Use Permit and Regular Coastal Permit. Conditional Use Permit
18 (CUP12-00027) and Regular Coastal Permit (RC13-00005) may be revoked pursuant to
19 Article 47 of the Zoning Ordinance.
- 20 37. If the operator of this facility intends to abandon or discontinue the use of this facility, the
21 City shall be notified of such intention no less than sixty (60) days prior to the final day of
22 use.
- 23 38. If the use of this facility is discontinued, it shall be considered abandoned ninety (90) days
24 following the final day or use.
- 25 39. All abandoned facilities shall be physically removed by the operator no more than ninety
26 (90) days following the final day of use or of determination that the facility has been
27 abandoned, whichever occurs first. When a wireless communications facility has been
28 abandoned, but not removed, the City may cause such facilities to be removed and charge
29 all expenses incurred in such removal to the provider.

1 40. The approved facility shall be subject to, and governed by, any and all licensing authority
2 by any governmental agency having jurisdiction. The City's local approval of the wireless
3 communications facility shall not exempt the permittee(s) from any such pre-emptive
4 regulations.

5 41. Prior to the transfer of ownership and/or operation of the use, the owner and/or operator
6 shall provide a written copy of the application, staff report, and resolution for the project to
7 the new owner and/or operator. This notification requirement shall run with the life of the
8 project.

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

13 PASSED AND ADOPTED Resolution No. 2013-P34 on July 22, 2013 by the following

14 vote, to wit:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 _____
20 Robert Neal, Chairperson
21 Oceanside Planning Commission

22 ATTEST:

23 _____
24 Marisa Lundstedt, Secretary

25 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify
26 that this is a true and correct copy of Resolution No. 2013-P34.

27 Dated: July 22, 2013



RECEIVED

OCT 23 2012

CITY OF OCEANSIDE DEVELOPMENT SERVICES

STAFF USE ONLY

ACCEPTED

BY

CH

Application for Discretionary Permit

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

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT Sprint Nextel c/o Alcatel Lucent 2. STATUS 3. ADDRESS 9605 Scranton Road, #400 4. PHONE/FAX/E-mail

GPA MASTER/SP.PLAN ZONE CH. TENT. MAP PAR. MAP

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Sure Site, Ed Gaha

DEV. PL. C.U.P.

ACUP12-00006

6. ADDRESS 20612 Kelvin, Ln HB92016 7. PHONE/FAX/E-mail 760-4237

VARIANCE COASTAL

AC12-00004

PART II - PROPERTY DESCRIPTION

8. LOCATION 502 Oceanside Blvd., Ste 102

9. SIZE 319 sqft, 30 sqft

10. GENERAL PLAN GC 11. ZONING CG 12. LAND USE Commercial

13. ASSESSOR'S PARCEL NUMBER 152-023-04-00

14. LATITUDE 15. LONGITUDE

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION Request for Administrative Use Permit for existing wireless base station. Also, modernization of the existing base station including replacing existing antennas, add RRHs and replacement of existing equipment cabinet.

17. PROPOSED GENERAL PLAN Same 18. PROPOSED ZONING same 19. PROPOSED LAND USE same 20. NO. UNITS N/A 21. DENSITY N/A 22. BUILDING SIZE N/A 23. PARKING SPACES no change 24. % LANDSCAPE no change 25. % LOT COVERAGE or FAR N/A

PART IV - ATTACHMENTS

X 26. DESCRIPTION/JUSTIFICATION X 27. LEGAL DESCRIPTION X 28. TITLE REPORT X 29. NOTIFICATION MAP & LABELS X 30. ENVIRONMENTAL INFO FORM X 31. PLOT PLANS X 32. FLOOR PLANS AND ELEVATIONS 33. CERTIFICATION OF POSTING X 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 PAGAS AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print): Ed Gaha 36. DATE 10/23/12 37. OWNER (Print) see LOA 38. DATE

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.



Infrastructure Development Services

Authorized Agent for **Sprint Nextel and
Alcatel Lucent**

CUP12-00027/RC13-00005
Sprint Nextel Project Number: SD34XC701
Sprint Nextel Project Name: Kragen Auto

City of Oceanside
Conditional Use Permit Application
Project Information and Justification

Sprint Nextel is requesting approval of a conditional use permit application to allow the maintenance, upgrading and continued operation of an unmanned wireless telecommunications facility on property already authorized for wireless telecommunication use in the City of Oceanside and presents the following project information for your consideration.

Project Location

Address: 502 Oceanside Blvd., Oceanside, CA 92054
APN: 152-023-04-00
Zoning Designation: CG
General Plan Designation: GC

Project Representative

Name: SureSite Consulting Group, LLC
Address: 20612 Kelvin Lane, Huntington Beach, CA 92646
Contact Information: Ed Gala, 714-709-1523, e.gala@sure-site.com

Sprint Contact

Name: Steve Layman
Alcatel Lucent
9605 Scranton Road, Suite 400, San Diego, CA 92121
(619) 417-6295
steve.layman@alcatel-lucent.com

Project Description

Proposed is the removal of all existing panel antennas (6 total) mounted behind RF transparent screen walls located on the roof of a one story commercial building and the reinstallation of one new 4G antenna per sector and the placement of one RRU unit behind each new 4G antenna. Two existing radio equipment cabinets will be removed and replaced with a new 4G cabinets. There will be three antennas remaining on site at ultimate build out.

SureSite Consulting Group, LLC

Corporate Office: 3659 Green Road, Suite 214 * Cleveland, OH 44122 * tel 216-593-0400 * fax 216-593-0401
Western Region Office: 5955 DeSoto Avenue, Suite 142 * Woodland Hills, CA 91367

Submitted plans detail the following improvements:

Remove (6) Existing Panel antennas, one modcell 1.2/2 equipment cabinet, remove one power/BBU cabinet.

Install (3) New panel antennas behind screen wall extension, three new RRH's, three new fiber optic cables using existing coax routes, one new MMBTS equipment cabinet, one new BBU cabinet, one new GPS antenna.

Project Objectives

The proposed site maintenance and technology upgrade is intended to provide the residents of Oceanside who are served by this facility, the latest in wireless technology by improving call quality, data transmission and speed.

Alternative Site Analysis

The following locations were evaluated for possible locations for the facility:

NA. Proposed is the modification and maintenance upgrade to an existing Sprint installation

Findings/Burden of Proof

The project site is located in an established retail center. Retail centers have proved themselves to be ideal locations for wireless telecommunication facilities because the antenna use can easily be integrated into the operation of the center, having no negative impact to the functioning of this land use or surrounding land uses. Wireless telecommunication is now an indispensable part of everyday life and wireless customers expect to be provided nearly flawless radio coverage at all locations and at all times. The subject project will provide improved radio coverage, improved data reception and transmission and improved data download speeds within the surrounding area to the benefit of the general health, safety, welfare and convenience of the public in the vicinity of this facility. The proposed project will reduce the number of antennas currently built on site and as such any visual impact that the existing antennas may have generated will be greatly reduced.

The proposed project is in conformance with all city General Plan goals by furthering the health, safety, welfare and convenience of city residents with the improvement and continued operation of a wireless telecommunication facility in an area of the city currently experiencing diminished wireless service. The proposed project is in conformance with all Federal Communications Commission (FCC) regulations and standards for wireless telecommunication facilities as documented in the attached FCC RF Certification form. All height, site and screening requirements have been met by this project. The installation is emergency 911 compatible with all wireless carriers.

Sprint is authorized and regulated by the Federal Communications Commission (FCC) to operate their wireless systems in the Southern California market area. Transmit power is typically

SureSite Consulting Group, LLC

Corporate Office: 3659 Green Road, Suite 214 * Cleveland, OH 44122 * tel 216-593-0400 * fax 216-593-0401

Western Region Office: 5955 DeSoto Avenue, Suite 142 * Woodland Hills, CA 91367



between 100 to 500 watts per antenna sector, transmitting and receiving at a frequency of 1850.0 -1865.0, and 1930.0-1945.0 MHz. These levels are well below the safety standards established by the FCC and no health impacts are anticipated with this project in conformance with city goals for telecommunication uses. In addition, Sprint does not oppose co-location on the subject building or project site and has left space for additional wireless carriers. This project design will provide mitigation of future wireless development in the area by allowing for the concentration of additional facilities at one location, thereby minimizing the spread of these facilities throughout the community and providing mitigation of the potential visual impact in more view sensitive locations.

The proposed facility will be unmanned requiring approximately one maintenance visit per month and will not have any significant impact to existing roadways and on and off site circulation nor have any impact on the character of existing development in the neighborhood

Sprint Nextel Company Information

Sprint Nextel is one of the fastest growing nationwide service providers offering all digital voice, messaging and high-speed data services to nearly 30 million customers in the United States.

Sprint Nextel is a "telephone corporation", licensed by the Federal Communications Commission (FCC) to operate in the 1850.0 -1865.0, and 1930.0-1945.0 MHz frequencies, and a state-regulated Public Utility subject to the California Public Utilities Commission (CPUC). The CPUC has established that the term "telephone corporation" can be extended to wireless carriers, even though they transmit signals without the use of telephone lines.

Sprint Nextel will continue to operate this facility in full compliance with the regulations and licensing requirements of the FCC, Federal Aviation Administration (FAA) and the CPUC, as governed by the Telecommunications Act of 1996, and subsequent modifications, the Middle Class Tax Relief and Job Creation Act of 2012 (Section 6409) and other applicable laws.

The enclosed application is presented for your consideration. Sprint Nextel requests a favorable determination and approval of a substantial conformance to modify its existing base station. Please contact me with any questions or requests for additional information.

Respectfully submitted,

Edward Gala
Authorized Agent for Sprint Nextel and
Alcatel Lucent

Sprint @ 502 Oceanside Boulevard

Kragen Auto

Administrative Conditional Use Permit – ACUP12-00006

Administrative Coastal Permit – ACP12-00004

(ACUP-14-00; 6-17-02)

LEGAL DESCRIPTION

THAT CERTAIN LAND IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS THE SOUTHWESTERLY 220.00 FEET OF THE SOUTHEASTERLY 372.50 FEET OF ACRE LOT 8 OF MYERS ADDITION TO OCEANSIDE, ACCORDING TO MAP THEREOF NO. 340, FILED IN THE OFFICE OF THE SANDIEGO COUNTY RECORDER ON AUGUST 28, 1885, EXCEPTING THE SOUTHEASTERLY 22.50 FEET THEREOF.