



DATE: July 22, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMIT (CUP12-00032) FOR UPGRADES TO AND THE CONTINUED OPERATION OF A WIRELESS COMMUNICATIONS FACILITY AT 3784 MISSION AVENUE – SPRINT AT 3784 MISSION AVENUE – 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-P36 approving Conditional Use Permit CUP12-00032 with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Site Review:** The project site is at 3784 Mission Avenue on an existing commercial retail building. The property has a General Plan Land Use designation of Neighborhood Commercial (NC) and a zoning designation of CN (Neighborhood Commercial).

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

**Project Background:** This project site was initially approved for a wireless communications facility on June 17, 2002. The original Administrative Conditional Use Permit (ACUP-6-01) granted Sprint PCS entitlements for nine (9) antennas, concealed within two rooftop cupolas. Only six (6) antennas were ever installed.

Entitlements granted by ACUP-6-01 expired on June 17, 2007. The current application for Sprint/Nextel was submitted on August 23, 2012.

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

Conditional Use Permit CUP12-00032 represents a request for the following:

- (a) The continued operation of a wireless communications facility on a commercial 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 installation of new hybrid fiber optic cables, one new BTS equipment cabinet, one new BBU battery cabinet and one new GPS antenna; and the removal of a modcell equipment cabinet and a BBU cabinet. (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.

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 Neighborhood Commercial (NC). 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 building in order to provide the residents of Oceanside the latest in wireless technology by improving call quality, data transmission and speed. Signal coverage maps are attached to this staff report (Attachment 2).

The project site is located in a developed area within two cupola features on an existing commercial 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 within the cupolas.

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 within two cupolas which 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. The location of the antennas within the cupolas 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 Neighborhood Commercial zone, the maximum allowed building height is 50 feet. The antennas would be mounted within the cupolas, which are 27 feet 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.

### **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 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 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 5.30 percent of the FCC's general population limit (1.06 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 57.50 percent of the general population limit (11.50 percent of the occupational limit).

*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 to allow for upgrades to and the continued operation of a wireless communications facility on a commercial building is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets all applicable development standards and will not impact existing land uses in the immediate area. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

- Confirm issuance of a CEQA Class One (1), Categorical Exemption "Existing Facilities" and,
- Adopt Planning Commission Resolution No. 2013-P36 approving Conditional Use Permits CUP12-00032 with findings and conditions of approval attached herein (Attachment 4).

PREPARED BY:

  
Sally Schuman  
Project Planner

SUBMITTED BY:

  
Marisa Lundstedt  
City Planner

ML/SS/fil

Attachments:

1. Plans dated May 3, 2013
2. Signal Coverage Maps
3. Environmental Determination
4. Planning Commission Resolution No. 2013-P36
5. Other Attachments (Application Page, Description and Justification, Legal Description)



NETWORK VISION MMBT'S LAUNCH  
MISSION CENTER

SD34XC796

3784 MISSION AVENUE  
OCEANSIDE, CA 92058  
SAN DIEGO COUNTY

LATITUDE: 33° 13' 39.92"  
LONGITUDE: -117° 19' 53.68"

ROOFTOP  
SAN DIEGO MARKET



"PROJECT NETWORK VISION MM B'S LAUNCH"

**CALIFORNIA STATE CODE COMPLIANCE:**  
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSIDERED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

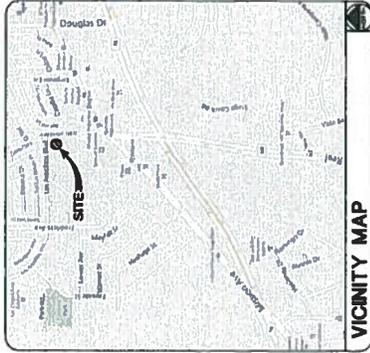
- CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25) 2010
- CITY / COUNTY ORDINANCES (LAPC 2011)
- BUILDING MECHANICAL CODES 2010
- AND / OR 2012 LIFE SAFETY CODE (MFA-101)
- CALIFORNIA ELECTRICAL CODES 2010
- CALIFORNIA FIRE CODES 2010
- LOCAL BUILDING CODES 2010

**ACCESSIBILITY REQUIREMENTS:**  
FACILITY IS UNIMPAIRED AND NOT FOR HUMAN HABITATION. UNIMPAIRED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2010 CALIFORNIA BUILDING CODE.

**CODE BLOCK**

PERSON	SCHEDULE	DATE
PROJECT MGR		
CONST MGR		
SE ENGINEER		
SITE AGL		
PLANNING CONSULTANT		
PROPERTY OWNER		
SPRINT REP		

**SIGNATURE BLOCK**



**VICINITY MAP**

**DRIVING DIRECTIONS**

FROM SAN DIEGO INTERNATIONAL AIRPORT:  
UNDEVELOP ROAD, CA  
DEPART FROM UNDEVELOP ROAD, CA  
KEEP LEFT TOWARD N HARBOR DR  
TURN LEFT ONTO N HARBOR DR  
TURN LEFT ONTO I-15 N  
TURN LEFT ONTO I-15 NORTH  
EXIT 16B (EXIT 16B) AND FOLLOW SIGNS FOR I-15 NORTH  
EXIT 16B (EXIT 16B) AND FOLLOW SIGNS FOR I-15 NORTH  
TURN LEFT ONTO S EL CAMINO REAL / OR-511  
TURN LEFT ONTO MISSION AVE  
ARRIVE AT 3784 MISSION AVE, OCEANSIDE, CA 92058

**PROJECT PROPOSER TO MODIFY AN EXISTING UNIMPAIRED TELECOMMUNICATIONS FACILITY:**

- REMOVE/REPLACE (E) PANEL ANTENNAS & ASSOCIATED
- REMOVE/REPLACE (E) MIDDLELL 1,272.0 EQUIPMENT CABINET;
- REMOVE/REPLACE (E) POWER/AVM CABINETS;
- INSTALL (M) 1900MM PANEL ANTENNAS, MODELS / APPROVED C-MOUNT & APPROVED C-MOUNT @ 23.5M RAD ANTENNA PER SECTOR; (E) SECTORS;
- INSTALL (M) 1900MM PERI UNITS ON (E) PIPE MOUNTS
- BOARD (M) ANTENNAS, (E) PER SECTOR, (E) SECTORS;
- INSTALL (M) HYBRID FIBER CABLES USING (E) COM ROUTE;
- INSTALL (M) MIDDLELL 1,272.0 EQUIPMENT CABINET TO REPLACE
- INSTALL (E) MIDDLELL 1,272.0 CABINET;
- INSTALL (E) (M) BBA CABINET;
- INSTALL (E) (M) GPS ANTENNA ON (E) ROOF CURVA.

**PROJECT DESCRIPTION**

**APPLICANT:**  
ALCATEL - LUCENT  
10000 LA JOLLA VILLAGE CENTER  
SAN DIEGO, CA 92121  
CONTACT: STEVE LAVAN  
PHONE: 619-441-1488

**PROPERTY OWNER:**  
SPRINT  
10000 LA JOLLA VILLAGE CENTER  
SAN DIEGO, CA 92121  
CONTACT: STEVE LAVAN  
PHONE: 619-441-1488

**ADDRESS:**  
3784 MISSION AVE, STE. 400  
OCEANSIDE, CA 92058

**CONTACT RE:**  
PROJECT MGR: STEVE LAVAN  
PHONE: 619-441-1488

**JURISDICTION:**  
CITY OF OCEANSIDE

**PARCEL NUMBER(S):**  
158-300-02

**ZONING CLASSIFICATION:**  
C1-HIGH-DENSITY COMMERCIAL

**GENERAL PLAN DESIGNATION:**  
HC-HIGH-DENSITY COMMERCIAL

**CONSTRUCTION TYPE:**  
1-4

**OCCUPANCY:**  
5-2

**LEGAL DESCRIPTION:**  
PARCEL 5 OF PARCEL MAP NO. 9540, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY JANUARY 2, 1988.

EXCEPT WHERE SHOWN OTHERWISE, ALL RIGHTS ARE RESERVED WITHOUT RECORD.

**PROJECT SUMMARY**

SHEET	DESCRIPTION
T1	TITLE SHEET
T2	GENERAL NOTES
T3	EXISTING AND NOTES
A1	SITE PLAN
A2	GROUNDWATER PLAN
A3	ANTENNA PLANS
A4	ANTENNA PLAN
A5	BLINDS
A6	BLINDS
A7	CABLE COLOR CODING REQUIREMENTS
A8	ANTENNA COLOR CODING
A9	DETAILS
A10	DETAILS
A11	RFPS DETAILS & EXPANSIONS
E1	CONCRETE PLANS
E2	CONCRETE DETAILS
F1	RFPS PER PLAN (SEE PLAN FOR REFERENCE ONLY)
F2	RFPS PER PLAN (SEE PLAN FOR REFERENCE ONLY)

**SHEET INDEX**

**PROJECT ARCHITECT:**  
MSA ARCHITECTURE & PLANNING  
3194-CI AIRPORT LOOP DR  
COSTA MESA, CALIFORNIA 92626  
CONTACT: MIKE SHERRIDGE  
PR: (949) 231-1177

**CONSULTING ENGINEER:**  
MSA ARCHITECTURE & PLANNING  
3194-CI AIRPORT LOOP DR  
COSTA MESA, CALIFORNIA 92626  
CONTACT: MIKE SHERRIDGE  
PR: (949) 231-1177

**SITE AGL PROJECT MANAGER:**  
ALCATEL LUCENT  
CONTACT: STEVE LAVAN  
PHONE: 619-441-1488  
EMAIL: stevelavan@lucent.com

**CONSTRUCTION MANAGER:**  
ALCATEL LUCENT  
CONTACT: ROGER C. BAU  
PHONE: 760-878-9895  
EMAIL: roger.m@lucent.com

**PLANNING CONSULTANT:**  
MIDDLELL CONSULTANTS, LLC  
3625 DESOTO AVE., STE. 102  
SAN DIEGO, CA 92121  
CONTACT: TERRY W. WATNEY - PROJECT MANAGER  
PHONE: 619-448-0368

**ELECTRICAL ENGINEER:**  
MSA ARCHITECTURE & PLANNING  
3194-CI AIRPORT LOOP DR  
COSTA MESA, CALIFORNIA 92626  
CONTACT: MIKE SHERRIDGE  
PR: (949) 231-1177

**POWER COMPANY:**  
SANTA MONICA POWER CO.  
4330 CENTURY PARK CT.  
SAN DIEGO, CA 92123  
PHONE: 659-425-3007

**TITLE CO. COMPANY:**  
ALERT TITLE CO.  
SAN DIEGO, CA 92111  
PHONE: 602-248-3632

**PROJECT SUMMARY**

**MSA**  
MSA ARCHITECTURE & PLANNING, INC.  
3194-CI AIRPORT LOOP DR  
COSTA MESA, CA 92626  
949-231-1177  
www.msa-arch.com  
Cable Modem, San Diego, San Francisco, Orange, Redding, Eugene

MISSION CENTER  
SD34XC796  
3784 MISSION AVENUE  
OCEANSIDE, CA 92054

CURRENT ISSUE DATE:  
05-01-13

ISSUED FOR:  
100% CD'S

REV.	DATE	DESCRIPTION
1	05-02-12	ISSUED FOR 90% CD'S FOR REVIEW
2	05-15-12	CLIENT COMMENTS (R)
3	05-24-12	ISSUED FOR 100% CD
4	06-15-12	ISSUED FOR 100% CD
5	07-20-12	ISSUED FOR 100% CD
6	08-01-13	PLANNING CORRECTIONS (M)

TITLE SHEET

SHEET NUMBER: T1  
REVISION: 4



**BATTERY INFORMATION / NOTES:**

- A. AN OPERATIONAL PERMIT IS REQUIRED TO STORE, TRANSPORT OR USE OF HAZARDOUS MATERIALS IN ACCORDANCE WITH SECTION 102, ARTICLE 108.120, TITLE 108.120 OF THE CFC 2010 EDITION.
- B. STATIONARY STORAGE BATTERY SYSTEMS HAVING AN ELECTROLYTE CAPACITY OF MORE THAN 30 GALLONS (108 L) FOR FLOODED LEAD-ACID, NIKEL, CADMIUM (Ni-Cd) AND VALVE-REGULATED LEAD-ACID (VRLA) OR 1000 POUNDS (454 kg) OF BATTERIES SHALL BE PROVIDED WITH AN EMERGENCY UNINTERRUPTED POWER SUPPLIES SHALL COMPLY WITH CHAPTER 6, SECTION 606, TABLE 606.1 OF THE CFC 2010 EDITION.

TABLE 606.1 BATTERY REQUIREMENTS

REQUIREMENT	NONRECOMBIBANT BATTERIES		RECOMBIBANT BATTERIES		OTHER
	Flooded Lead Acid (Flooded (Wet) Cell) Batteries	Valve-Regulated Lead Acid (VRLA) Batteries	Non-Recombinant Lead Acid (NRLA) Batteries	Recombinant Lead Acid (RLA) Batteries	
Safety caps	Required (606.2.1)	Required (606.2.1)	Not required (606.2.2)	Required (606.2.2)	Not required (606.2)
Thermal runaway management	Not required (606.2)	Required (606.2)	Not required (606.2)	Required (606.2)	Not required (606.2)
Spill control	Required (606.2)	Required (606.2)	Not required (606.2)	Required (606.2)	Not required (606.2)
Neutralization	Required (606.2.1)	Required (606.2.1)	Not required (606.2.2)	Required (606.2.2)	Not required (606.2)
Ventilation	Required (606.2.1)	Required (606.2.1)	Not required (606.2.2)	Required (606.2.2)	Not required (606.2)
Signage	Required (606.2)	Required (606.2)	Not required (606.2)	Required (606.2)	Not required (606.2)
Structural protection	Required (606.2)	Required (606.2)	Not required (606.2)	Required (606.2)	Not required (606.2)
Smoke detection	Required (606.2)	Required (606.2)	Not required (606.2)	Required (606.2)	Not required (606.2)

**FIRE DEPARTMENT NOTES:**

- A. FIRE DEPARTMENT FINAL INSPECTION REQUIRED. SCHEDULE INSPECTION 2 DAYS IN ADVANCE.
- B. A CFC PERMIT TO OPERATE BATTERY SYSTEM WITH STATIONARY LEAD-ACID BATTERIES IS NOT REQUIRED FOR THE GUARINIS ON SITE.
- C. A CFC PERMIT MAY BE REQUIRED FOR THE HAZARDOUS MATERIALS ON SITE.
- D. 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 WHICH 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 BATTERIES SHALL BE IN ACCORDANCE WITH THE UNIFORM FIRE CODE STANDARDS. LOCATION AND PLACEMENT IS SUBJECT TO APPROVAL OF THE FIRE CODE REGULATIONS.
- H. STORAGE, OPERATING 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 COULD HAVE 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**

**RF SIGNAGE**

**WARNING SIGNAGE**



MISSION CENTER  
SD34XC796  
3794 MISSION AVENUE  
OCENASIDE, CA 92054

CURRENT ISSUE DATE  
05-01-13

ISSUED FOR  
100% CO'S

REV.	DATE	DESCRIPTION	BY
03-02-12		ISSUED FOR 90% CO FOR REVIEW	RU
04-15-12		CLIENT COMMENTS	RU
05-24-12		ISSUED FOR 100% CO	RU
06-15-12		ISSUED FOR 100% CO	RC
07-20-12		ISSUED FOR PLANNING	RC
08-01-13		CORRECTIONS	PHK



SHEET TITLE  
SIGNAGE AND NOTES

SHEET NUMBER  
T3

REVISION  
4

**SITE IDENTIFICATION SIGNAGE**

Sprint



MSA

Mobile Service Agency, Inc.  
3784 Mission Avenue  
Oceanside, CA 92054  
Tel: 760.431.1111  
Fax: 760.431.1111  
www.msa-inc.com

PROJECT INFORMATION

MISSION CENTER

SD34XC796

3784 MISSION AVENUE  
OCEANSIDE, CA 92054

CURRENT ISSUE DATE:

05-01-13

ISSUED FOR:

100% CO'S

REV.	DATE	DESCRIPTION	BY
05-02-12		ISSUED FOR 80% CD FOR REVIEW	RU
05-15-12		CLIENT COMMENTS	RU
05-24-12		ISSUED FOR 100% CD	RU
06-15-12		ISSUED FOR 100% CD	RC
07-20-12		ISSUED FOR 100% CD	RC
08-01-13		CORRECTIONS	JMH

LICENSEURE



Michael J. Simbeck

SHEET TITLE

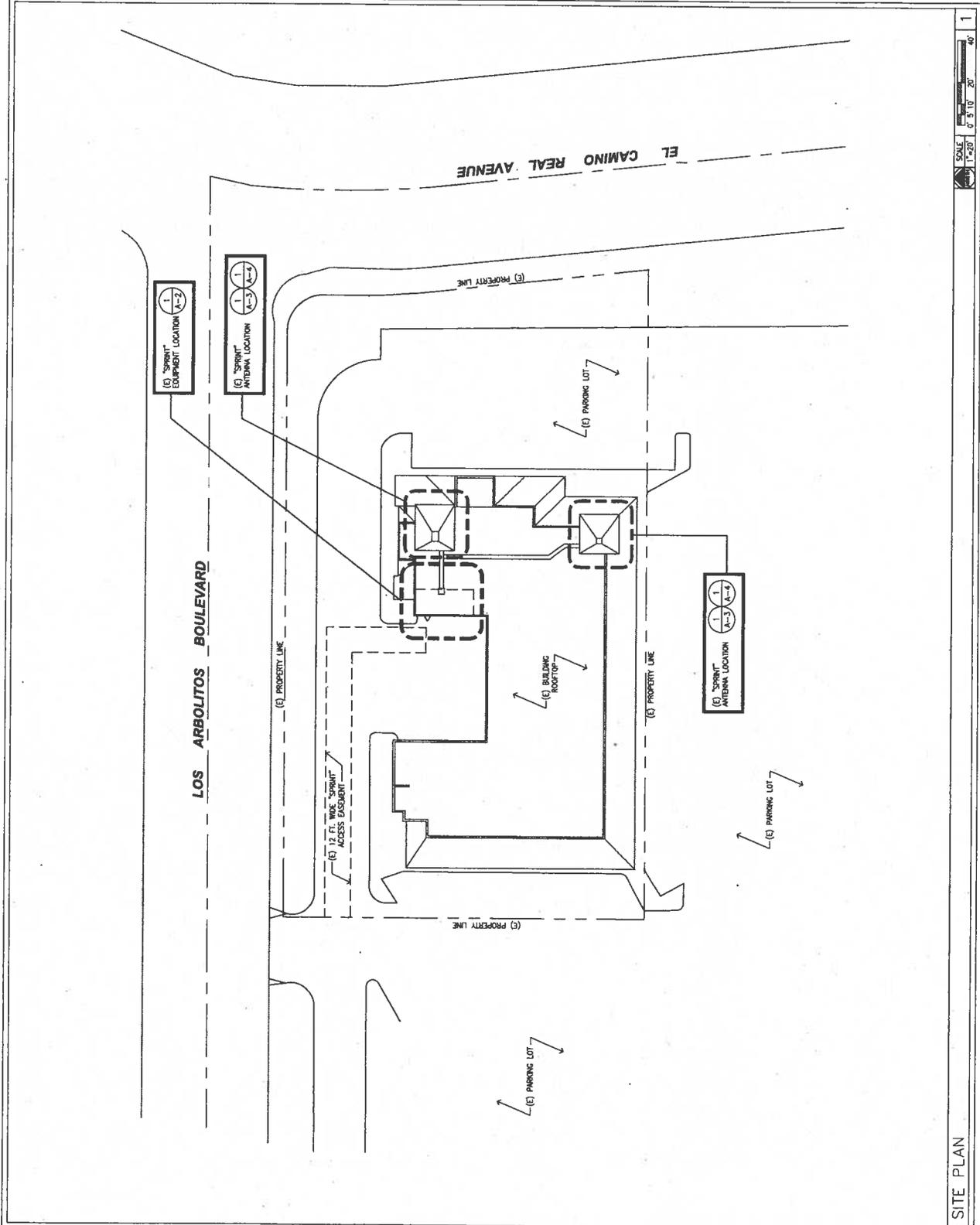
SITE PLAN

SHEET NUMBER

A1

REVISION

4



SITE PLAN

SCALE  
1"=20'  
0 5' 10' 20' 40'

Sprint



MSA

MSA  
 Project: Architecture & Planning, Inc.  
 444-234-1177  
 444-234-1178  
 444-234-1179  
 444-234-1180  
 444-234-1181  
 444-234-1182  
 444-234-1183  
 444-234-1184  
 444-234-1185  
 444-234-1186  
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 444-234-1194  
 444-234-1195  
 444-234-1196  
 444-234-1197  
 444-234-1198  
 444-234-1199  
 444-234-1200

PROJECT INFORMATION:

MISSION CENTER  
 SD34XC796  
 3784 MISSION AVENUE  
 OCEANSIDE, CA 92054

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100% CD'S

REV. DATE DESCRIPTION

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05-15-12		CLIENT COMMENTS
05-24-12		ISSUED FOR 100% CD
06-15-12		ISSUED FOR 100% CD
07-20-12		ISSUED FOR 100% CD
08-01-13		PLANNING CORRECTIONS

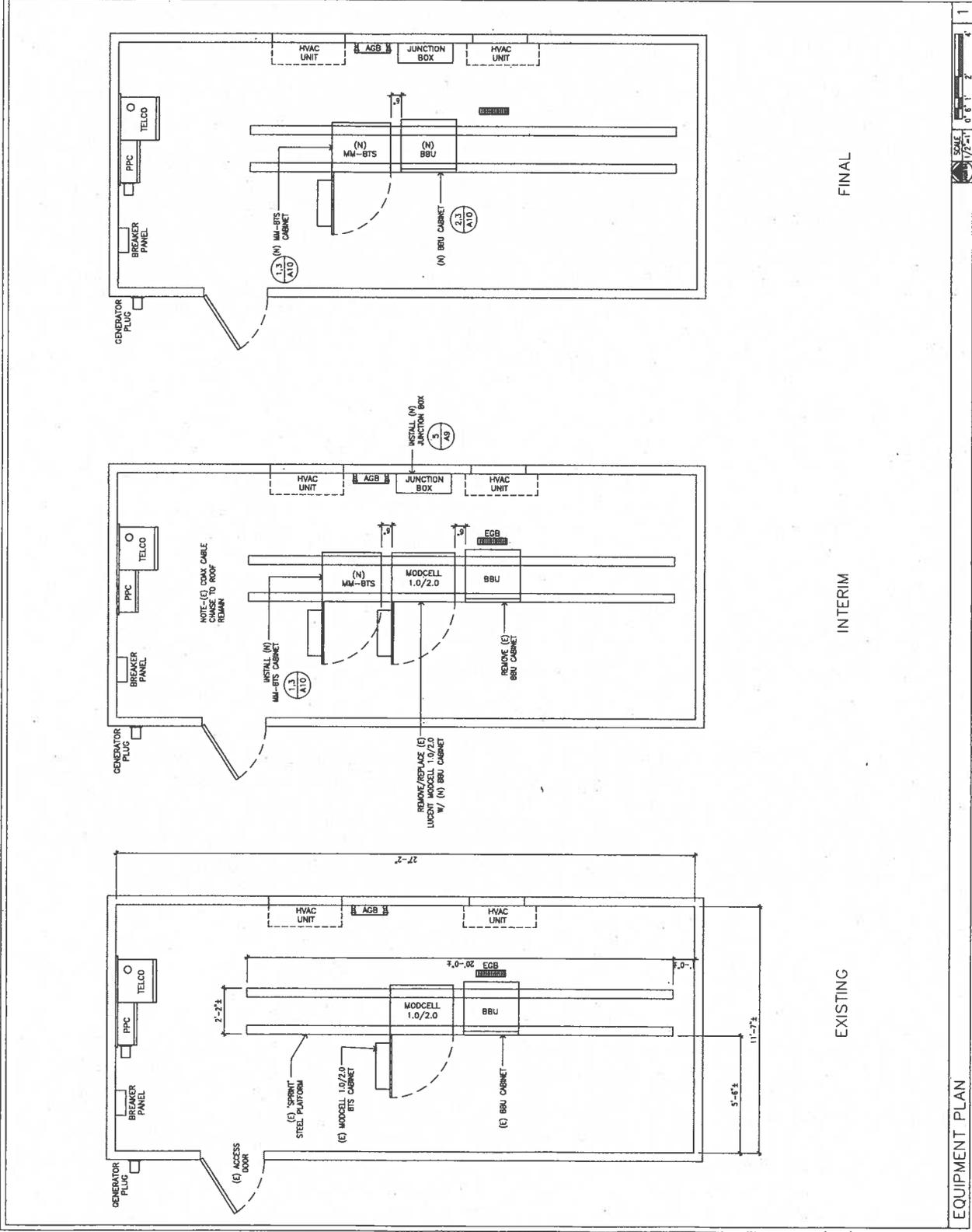
LICENSURE:



SHEET TITLE: EQUIPMENT PLAN

SHEET NUMBER: A2

REVISION: 4



FINAL

INTERIM

EXISTING

EQUIPMENT PLAN



Sprint



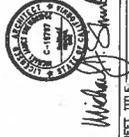
MSA  
Architectural & Planning, Inc.  
18001 Alhambra Blvd  
Suite 100  
Northridge, CA 91321  
Tel: 818.708.1177  
Fax: 818.708.1128  
www.msa-inc.com

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3784 MISSION AVENUE  
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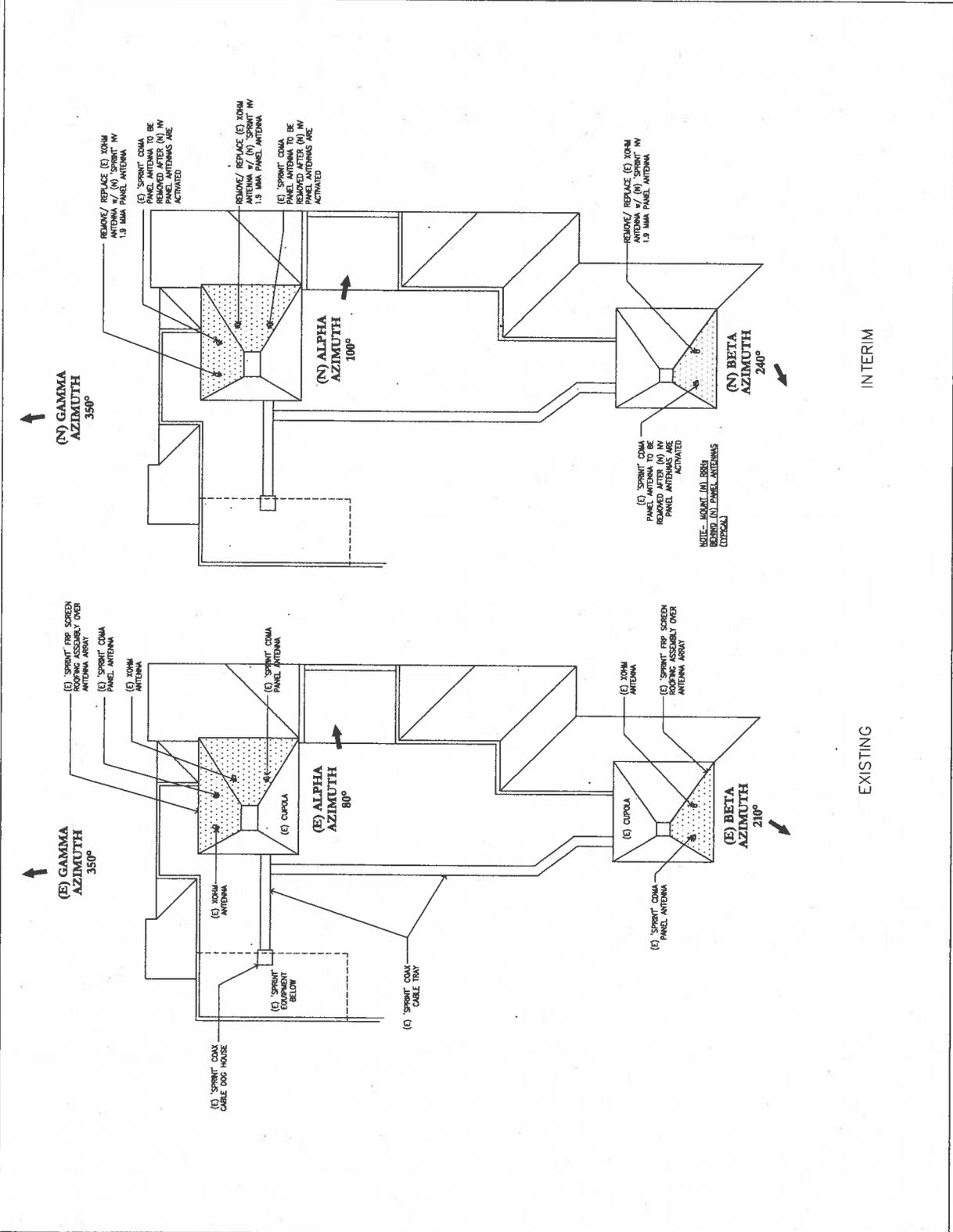
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05-02-12		ISSUED FOR 100% CD'S FOR REVIEW	RU
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06-15-12		ISSUED FOR 100% CD	RC
07-20-12		ISSUED FOR 100% CD	RC
08-01-13		PLANNING CORRECTIONS	JHW



ANTENNA PLANS

SHEET NUMBER: A3

REVISION: 4



ANTENNA PLANS

Sprint



MSA

Architectural & Planning, Inc.  
19941 Alhambra Loop Drive  
Alhambra, CA 91803  
Tel: 626-441-1177  
Fax: 626-441-1128  
Credit: 626-441-1177  
Internet: msa@msa.com

PROJECT INFORMATION:

MISSION CENTER

SD34XC796

3784 MISSION AVENUE  
OCEANSIDE, CA 92054

CURRENT ISSUE DATE:

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100% CD'S

REV.	DATE	DESCRIPTION	BY
1	05-02-12	ISSUED FOR 100% CD'S FOR REVIEW	RU
2	05-15-12	CLIENT COMMENTS	RU
3	05-24-12	ISSUED FOR 100% CD	RU
4	06-15-12	ISSUED FOR 100% CD	RC
5	07-20-12	ISSUED FOR 100% CD	RC
6	08-01-13	PLANNING CORRECTIONS	JMH

LICENSURE:



Michael J. Shubert

SHEET TITLE:

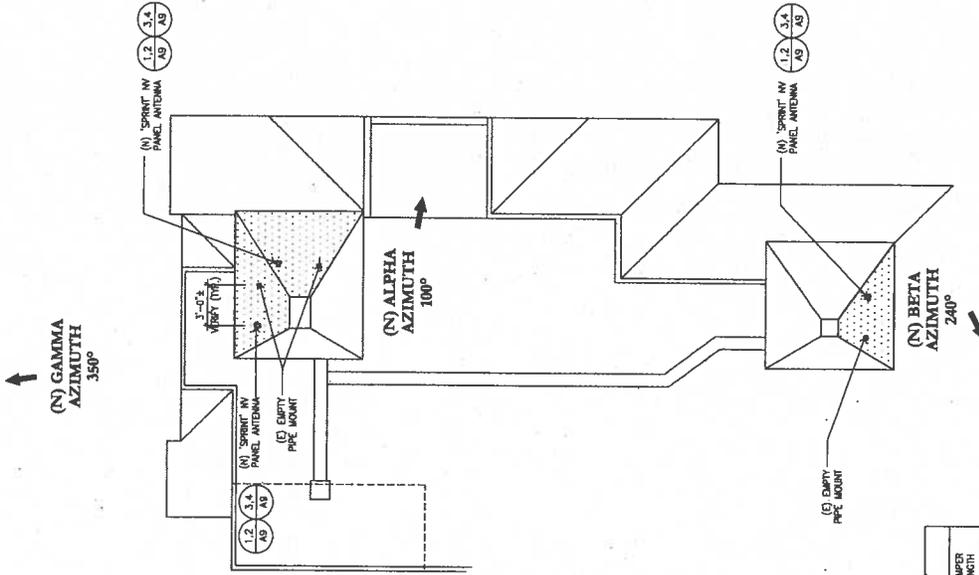
ANTENNA PLAN

SHEET NUMBER:

A4

REVISION:

4



FINAL

NETWORK WAGON ANTENNA MODIFICATION											
SECTOR	ANTENNA	RAO CENTER	AZIMUTH	ANTENNA MODEL	ELEC. TILT	MCH. TILT	RRH	COMBINER	FIBER OPTIC MODEL	FIBER OPTIC LENGTH (±5')	JUMPER LENGTH
ALPHA	1900	23.8'	100°	APVSP818-C-420	-3°	0°	1	0	(1) HYBRLEX 1 1/2" 9' HB114-L-DBM-MGF	±80'	10'
BETA	1900	23.8'	240°	APVSP818-C-420	-6°	0°	1	0	(1) HYBRLEX 1 1/2" 9' HB114-L-DBM-MGF	±130'	10'
GAMMA	1900	23.8'	350°	APVSP818-C-420	0°	0°	1	0	(1) HYBRLEX 1 1/2" 9' HB114-L-DBM-MGF	±80'	10'

ANTENNA PLAN

SCALE: 1/8" = 1' 0 2 6 12 1



MSA

3764 MISSION AVENUE  
OCGARDIE, CA 92654

PROJECT INFORMATION:

MISSION CENTER

SD.34XC796

3764 MISSION AVENUE  
OCGARDIE, CA 92654

CURRENT ISSUE DATE:

05-01-13

ISSUED FOR:

100% CD'S

REV.	DATE	DESCRIPTION	BY
Δ	05-02-12	ISSUED FOR 80% CD's FOR REVIEW	RU
Δ	05-15-12	CLIENT COMMENTS	RU
Δ	05-24-12	ISSUED FOR 100% CD	RU
Δ	06-15-12	ISSUED FOR 100% CD	RC
Δ	07-20-12	ISSUED FOR 100% CD	RC
Δ	05-01-13	ISSUED FOR CORRECTIONS	JWH

LICENSE:



Michael J. Simberly

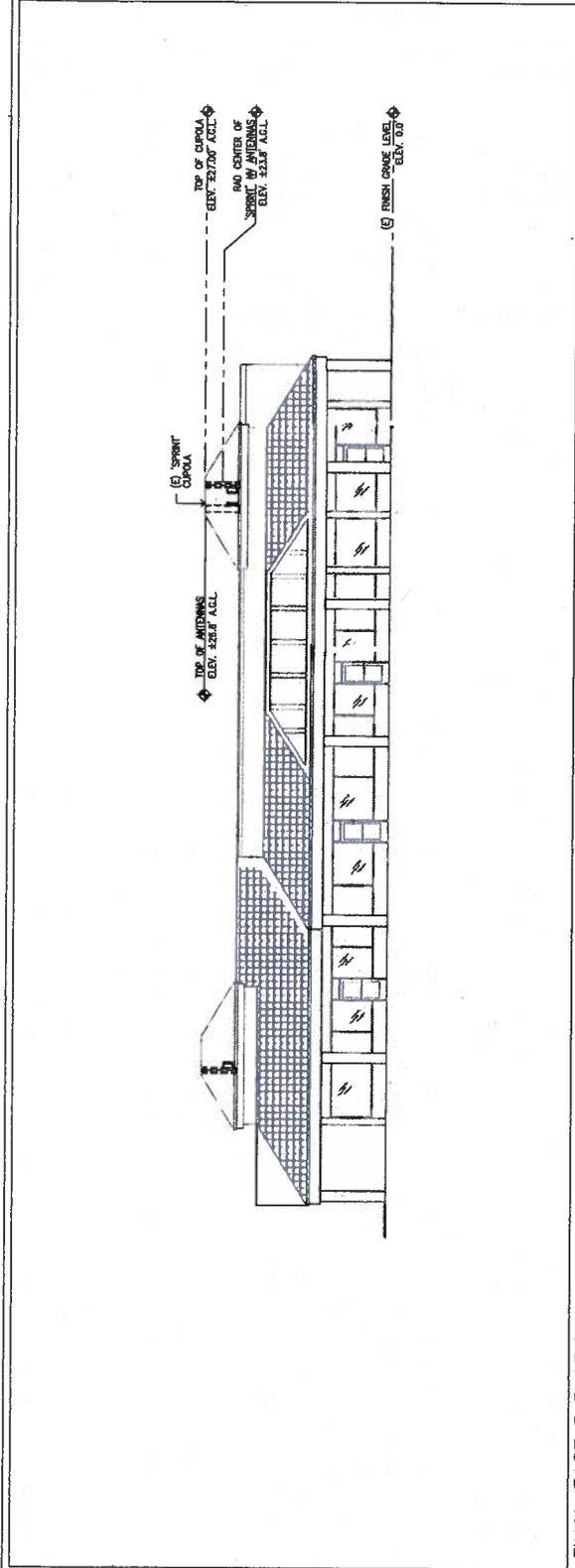
SHEET TITLE:

ELEVATIONS

SHEET NUMBER:

A5

4



FINAL EAST ELEVATION

SCALE: 1"=4'

15'

10'

5'

0'

5'

10'

15'

20'

25'

30'

35'

40'

45'

50'

55'

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1185'

1190'

1195'

1200'

1205'

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1220'

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1235'

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1300'

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1345'

1350'

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1360'

1365'

1370'

1375'

1380'

1385'

1390'

1



MSA

MISSION CENTER & PHOTOCOPY, INC.  
3784 MISSION AVENUE  
SAN JOSE, CA 95134  
408.433.1177  
www.mission-center.com

PROJECT INFORMATION:

MISSION CENTER  
SD.34XC796

3784 MISSION AVENUE  
SAN JOSE, CA 95134

CURRENT ISSUE DATE:

05-01-13

ISSUED FOR:

100% CD'S

REV.	DATE	DESCRIPTION	BY
05-02-12		ISSUED FOR 90% CD FOR REVIEW	RU
05-15-12		CLIENT COMMENTS	RU
05-24-12		ISSUED FOR 100% CD	RU
06-15-12		ISSUED FOR 100% CD	RC
07-20-12		ISSUED FOR 100% CD	RC
08-01-13		CORRECTIONS	JMP

LICENSE:

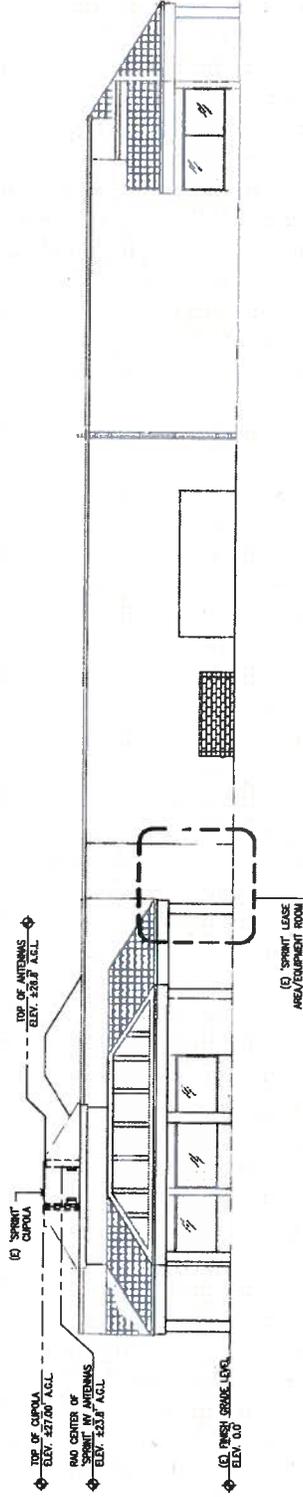


Wendy S. Sumbury

ELEVATIONS

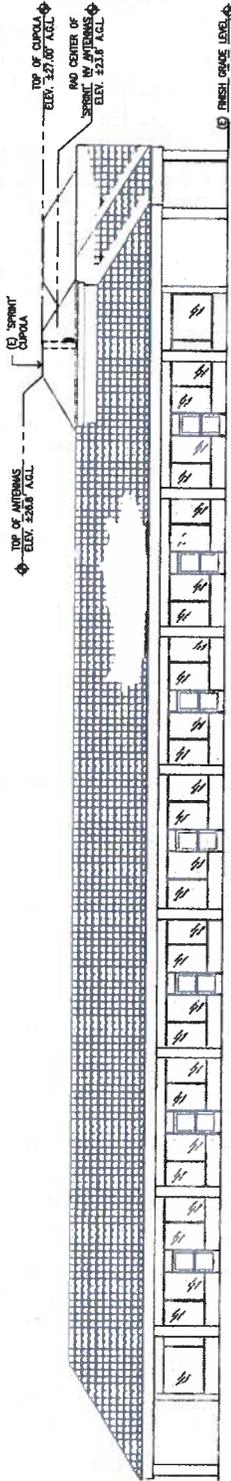
SHEET NUMBER: 4

A6



FINAL NORTH ELEVATION

SCALE 1"=8'



FINAL SOUTH ELEVATION

SCALE 1"=8'



**MSA**  
 CONSULTING & PLANNING, INC.  
 11941 Alport Loop Drive  
 Costa Mesa, CA 92626  
 949.441.1199  
 www.msa-inc.com

**MISSION CENTER**  
 SD.34XC796  
 3784 MISSION AVENUE  
 OCEANSIDE, CA 92054

CURRENT ISSUE DATE:  
 05-01-13

ISSUED FOR:  
 100% CD'S

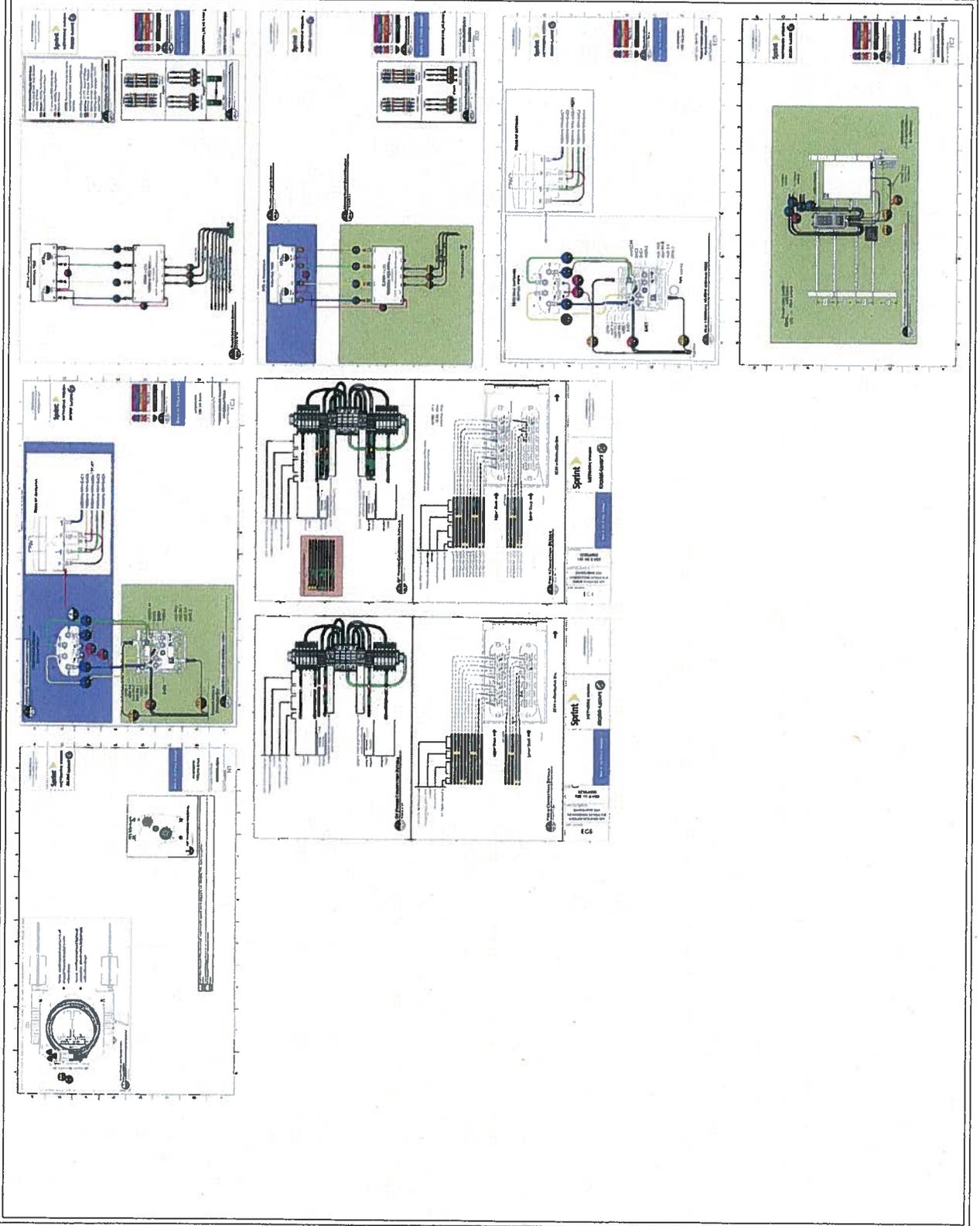
REV.	DATE	DESCRIPTION	BY
Δ	05-02-12	ISSUED FOR ROR	RU
Δ	05-15-12	CD'S FOR REVIEW	RU
Δ	05-24-12	CLIENT COMMENTS	RU
Δ	06-13-12	ISSUED FOR 100% CD	RU
Δ	07-20-12	ISSUED FOR 100% CD	RG
Δ	08-01-13	PLANNING CORRECTIONS	JMK

DESIGNER:

SHEET TITLE: **CABLE COLOR CODING REQUIREMENTS**

SHEET NUMBER: **A7**

REVISION: **4**











**MSA**  
Manufacturing & Planning, Inc.  
19611 Alport Loop Drive  
San Diego, CA 92128  
442.21.1777  
Fax: 442.21.1138  
www.msa-usa.com

**MISSION CENTER**  
SD34XC796  
3784 MISSION AVENUE  
OCEANSIDE, CA 92054

CURRENT ISSUE DATE:  
**05-01-13**

ISSUED FOR:  
**100% CD'S**

REV. DATE DESCRIPTION BY

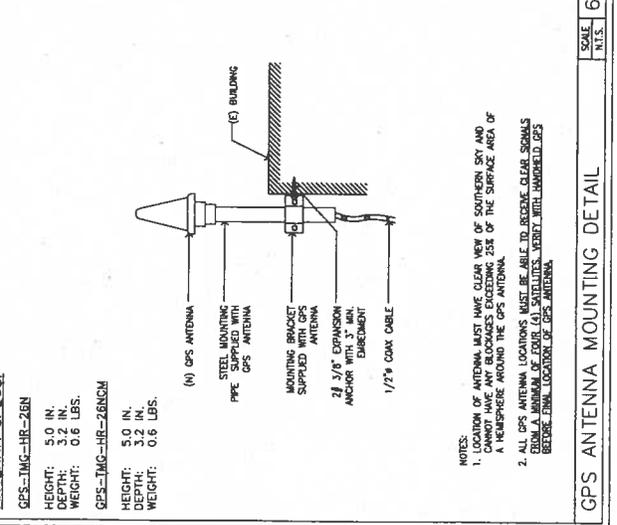
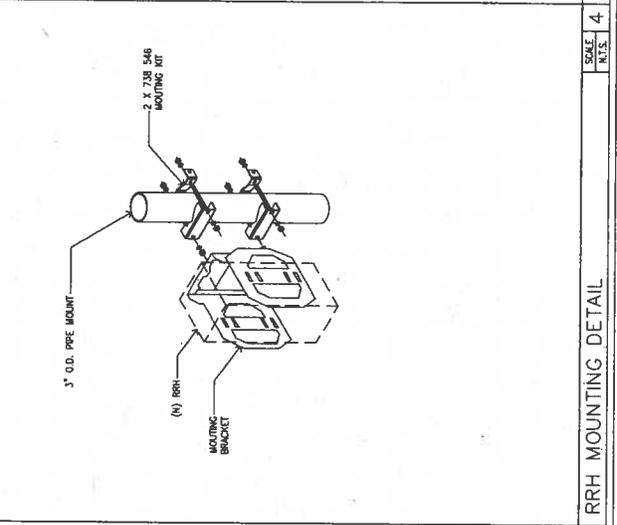
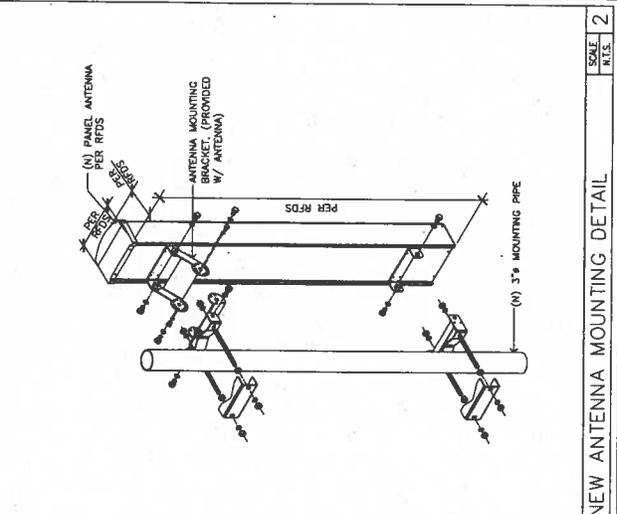
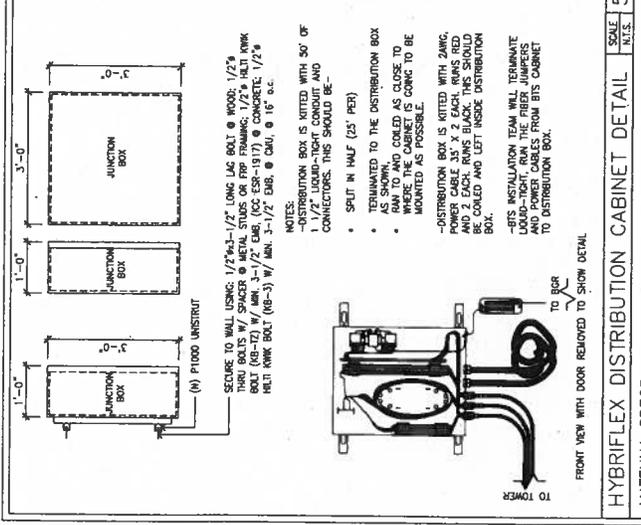
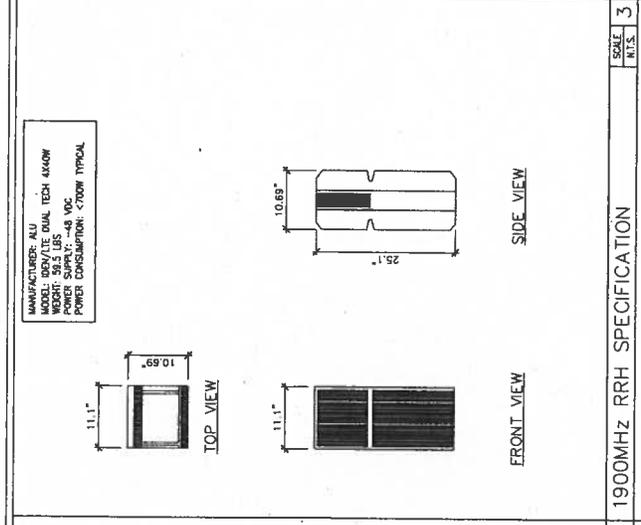
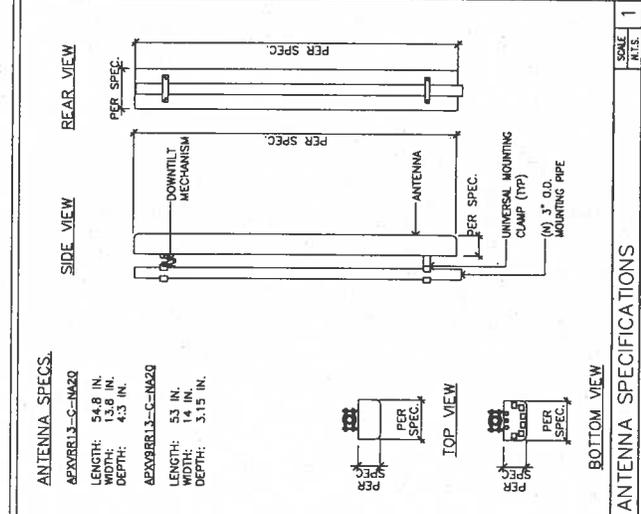
Δ	05-02-12	ISSUED FOR 100% CD FOR REVIEW	RU
Δ	05-15-12	CLIENT COMMENTS	RU
Δ	05-24-12	ISSUED FOR 100% CD	RU
Δ	06-19-12	ISSUED FOR 100% CD	RG
Δ	07-20-12	ISSUED FOR 100% CD	RG
Δ	08-01-13	PLANNING CORRECTIONS	JMH

LICENSURE:  
  
*Michael J. Stumbly*

SHEET TITLE:  
**DETAILS**

SHEET NUMBER:  
**A9**

REVISION:  
**4**



Sprint



MSA

Manufacturers & Providers, Inc.  
19441 Alport Loop Drive  
San Diego, CA 92128  
MSA 855.4777 Fax 858.4119  
Cable Mgmt. San Diego Area Provider  
www.msa-sg.com

PROJECT INFORMATION:

MISSION CENTER

SD34XC796

3784 MISSION AVENUE  
OCEANSIDE, CA 92084

CURRENT ISSUE DATE:

05-01-13

ISSUED FOR:

100% CD'S

REV.	DATE	DESCRIPTION	BY
Δ	05-02-12	ISSUED FOR NEW RU	RU
Δ	05-19-12	CLIENT COMMENTS RU	RU
Δ	05-24-12	ISSUED FOR 100% CD	RU
Δ	06-15-12	ISSUED FOR 100% CD	RU
Δ	07-20-12	ISSUED FOR 100% CD	RU
Δ	08-01-13	PLANNING CORRECTIONS	JMH

LICENSEE:



Michael J. Shultz

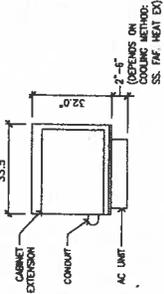
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DETAILS

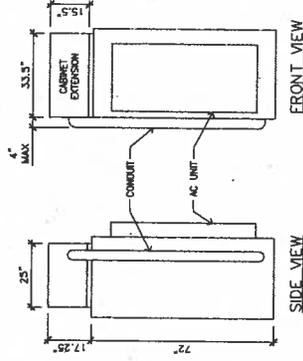
SHEET NUMBER: REVISION:

A10 4

MANUFACTURER: ALCATEL-LUCENT  
MODEL: 9217 & 9220  
CABINET DIMENSIONS  
HEIGHT: 72 IN.  
WIDTH: 33.5 IN.  
DEPTH: 32 IN.  
ESTIMATED MAX WEIGHT: 1635 LBS  
UPGRADED: 1380 LBS



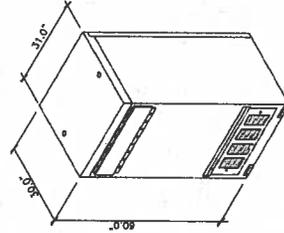
TOP VIEW



SIDE VIEW

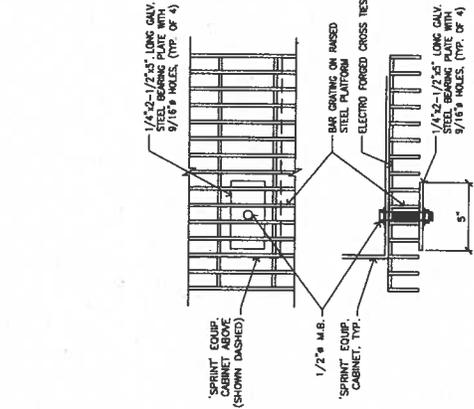
FRONT VIEW

MANUFACTURER: ANDREW (OMNISCOPE)  
MODEL: 9202Z  
CABINET DIMENSIONS:  
HEIGHT: 60 IN. (152.4 cm)  
WIDTH: 31 IN. (78.7 cm)  
DEPTH: 30 IN. (76.2 cm)  
WEIGHT: 1635 LBS. (WITH BATTERIES)  
CABINET OPERATING TEMPERATURE RANGE:  
-40 C TO 40 C



REAR VIEW

FRONT VIEW



NOTES:  
1. BEARING PLATE ON UNDERSIDE OF GRATING MUST ENJOGE (A) CONTINUOUS BARS.  
2. ONLY ONE BEARING BAR MAY BE CUT PER PANEL.  
3. ELECTRO FORGED CROSS TIES AT BE CUT, (2) PER PANEL MAX.

CABINET ANCHORAGE DETAIL

9928 CABINET SPECIFICATIONS

SCALE: N.T.S.

1

SCALE: N.T.S.

5

NOT USED

SCALE: N.T.S.

4

BATTERY BACK-UP CABINET

2

SCALE: N.T.S.

2





Sprint



MSA

319457 Alcatel-Lucent, Inc.  
 3794 Mission Avenue  
 Redwood City, CA 94063  
 650-753-1111  
 www.alcatel-lucent.com

PROJECT INFORMATION:

MISSION CENTER

SD.34XC796

3794 MISSION AVENUE  
 REDWOOD CITY, CA 94063

CURRENT ISSUE DATE:

05-01-13

ISSUED FOR:

100% CD'S

REV.	DATE	DESCRIPTION	BY
1	05-02-12	ISSUED FOR BOX CD'S FOR REVIEW	RU
2	05-15-12	CLIENT COMMENTS	RU
3	05-24-12	ISSUED FOR 100% CD	RU
4	06-15-12	ISSUED FOR 100% CD	RG
5	07-20-12	ISSUED FOR PLANNING	RG
6	05-01-13	CORRECTIONS	JMH

LICENSEURE:



Michael J. Shinsky

SHEET TITLE:

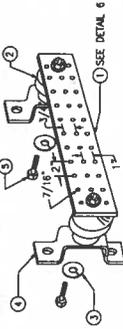
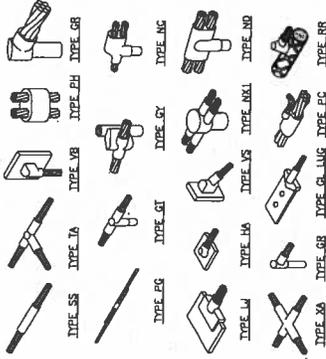
GROUNDING DETAILS

SHEET NUMBER:

E2

REVISION:

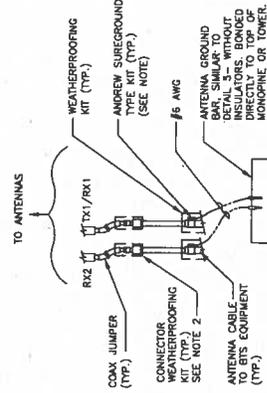
4



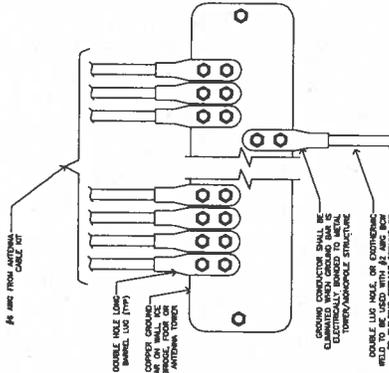
- 1- COPPER GROUND BAR, 1/2"x4"x24", NEWTON INSTRUMENT CO. ALL HOLE CENTERS TO MATCH BMA DOUBLE LUG CONFIGURATION (ALL HOLE SIZES WILL VARY BASED ON NUMBER OF GROUND CONNECTIONS)
- 2- INSULATORS, NEWTON INSTRUMENT CAT. NO. 3081-4 OR EQUAL
- 3- 5/8" LOCKWASHERS, NEWTON INSTRUMENT CO. CAT. NO. 3015-B OR EQUAL
- 4- WALL MOUNTING BRACKET, NEWTON INSTRUMENT CO. CAT. NO. A-5036 OR EQUAL
- 5- 5/8"-11 x 1" HUCKS BOLTS, NEWTON INSTRUMENT CO. CAT. NO. 3012-1 OR EQUAL
- 6- INSULATORS SHALL BE ELIMINATED WHEN BONDING DIRECTLY TO THE STRUCTURE. REFER TO MANUFACTURER'S RECOMMENDATIONS. STRUCTURE SHALL BE PER MANUFACTURERS RECOMMENDATIONS.

1 EXOTHERMIC WELD

- NOTES:
1. DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO ANTENNA GROUND BAR.
  2. WEATHER PROOFING SHALL BE ANDREEM TWO-PART KIT. COLD SHRINK SHALL NOT BE USED.



3 GROUND BAR DETAIL



5 NOT USED

7 NOT USED

2 GROUND CABLE CONNECTION

4 GROUND WIRE INSTALLATION

6 NOT USED

8 NOT USED



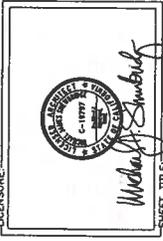
**MSA**  
 CONSULTING & PLANNING, INC.  
 17441 Airport Loop Drive  
 Costa Mesa, CA 92626  
 (714) 440-1111  
 www.msa-inc.com

**PROJECT INFORMATION:**  
 MISSION CENTER  
 SD34XC796  
 3794 MISSION AVENUE  
 OCEANSIDE, CA 92054

**CURRENT ISSUE DATE:**  
 05-01-13

**ISSUED FOR:**  
 100% CD'S

REV.	DATE	DESCRIPTION	BY
05-02-12		ISSUED FOR 80% CD'S FOR REVIEW	RU
06-15-12		CLIENT COMMENTS	RU
06-24-12		ISSUED FOR 100% CD	RU
06-15-12		ISSUED FOR 100% CD	RG
07-20-12		ISSUED FOR 100% CD	RG
08-01-13		PLANNING CORRECTIONS	JMS



**SHEET TITLE:**  
 FIBER SITE PLAN  
 (FOR REFERENCE ONLY)

**SHEET NUMBER:** F1  
**REVISION:** 4



**PROJECT INFORMATION:**  
 SPRINT NETWORK WIRE NETWORK PROJECT  
 MISSION CENTER  
 SD34XC796  
 3794 MISSION AVE  
 OCEANSIDE, CA 92056  
 SAN DIEGO COUNTY

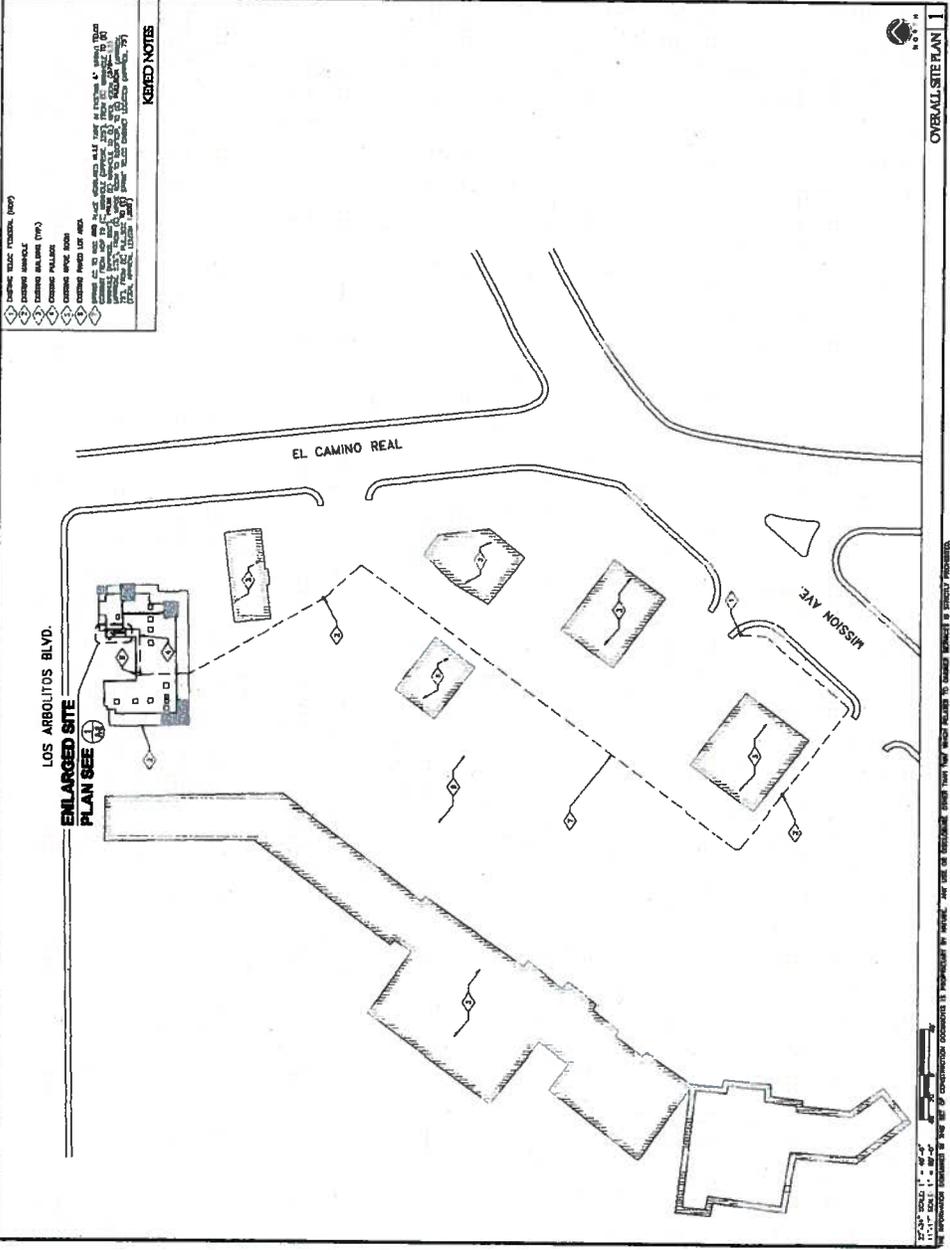
**DATE:** 06/02/12  
**SCALE:** AAV 100% CD

NO.	DATE	REVISIONS
1	06/02/12	ISSUED FOR 100% CD

**NOT FOR CONSTRUCTION UNLESS ISSUED AS CORRECTIONS SET**

NO.	DATE	REVISIONS

**SHEET TITLE:** SITE PLAN  
**SHEET NUMBER:** A-1  
**DATE:** 22-02-12



FIBER SITE PLAN (FOR REFERENCE ONLY)

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



**MSA**  
 ARCHITECTURE & PLANNING, INC.  
 5900  
 4443 S. 1777  
 Costa Mesa, San Diego San Francisco  
 Denver, Portland, Chicago

**MISSION CENTER**  
 SD34XC796

3784 MISSION AVENUE  
 OCEANSIDE, CA 92054

CURRENT ISSUE DATE:  
 05-01-13

ISSUED FOR:  
 100% CD'S

REV.	DATE	DESCRIPTION	BY
05-02-12		ISSUED FOR 100% CD'S FOR REVIEW	RU
05-15-12		CLIENT COMMENTS	RU
05-24-12		ISSUED FOR 100% CD	RU
06-15-12		ISSUED FOR 100% CD	RG
07-20-12		ISSUED FOR 100% CD	RG
08-01-13		PLANNING CORRECTIONS	JRW



SHEET TITLE:  
 FIBER ENLARGED SITE PLAN  
 (FOR REFERENCE ONLY)

SHEET NUMBER: F2  
 REVISION: 4



**MSA**  
 ARCHITECTURE & PLANNING, INC.  
 5900  
 4443 S. 1777  
 Costa Mesa, San Diego San Francisco  
 Denver, Portland, Chicago

**MISSION CENTER**  
 SD34XC796

3784 MISSION AVE.  
 OCEANSIDE, CA 92054  
 SAN DIEGO COUNTY

BUILDING: 06/02/12

ISSUED FOR: 100% CD

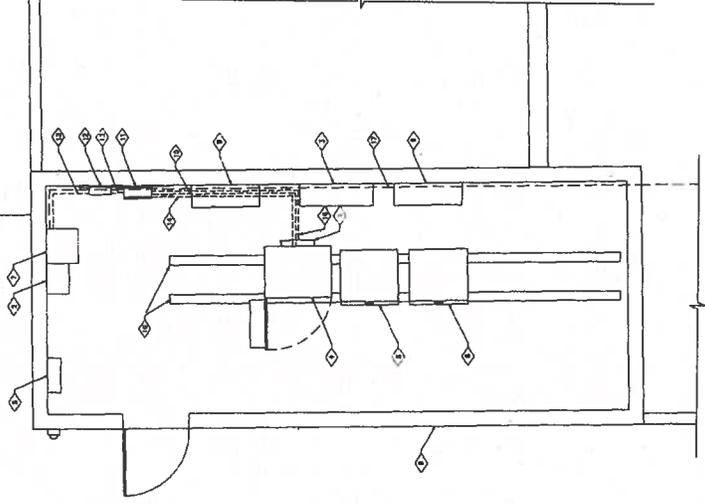
NO.	DATE	DESCRIPTION	BY
06-02-12		ISSUED FOR 100% CD FOR REVIEW	RU
06-15-12		CLIENT COMMENTS	RU
06-24-12		ISSUED FOR 100% CD	RU
07-15-12		ISSUED FOR 100% CD	RG
07-20-12		ISSUED FOR 100% CD	RG
08-01-13		PLANNING CORRECTIONS	JRW

SHEET TITLE:  
 ENLARGED SITE PLAN

SHEET NUMBER:  
 A-2

DATE:  
 22-02-12

- KEYED NOTES**
- 1. LOCATE AND ENLARGE THE PLAN
  - 2. ENLARGE THE PLAN
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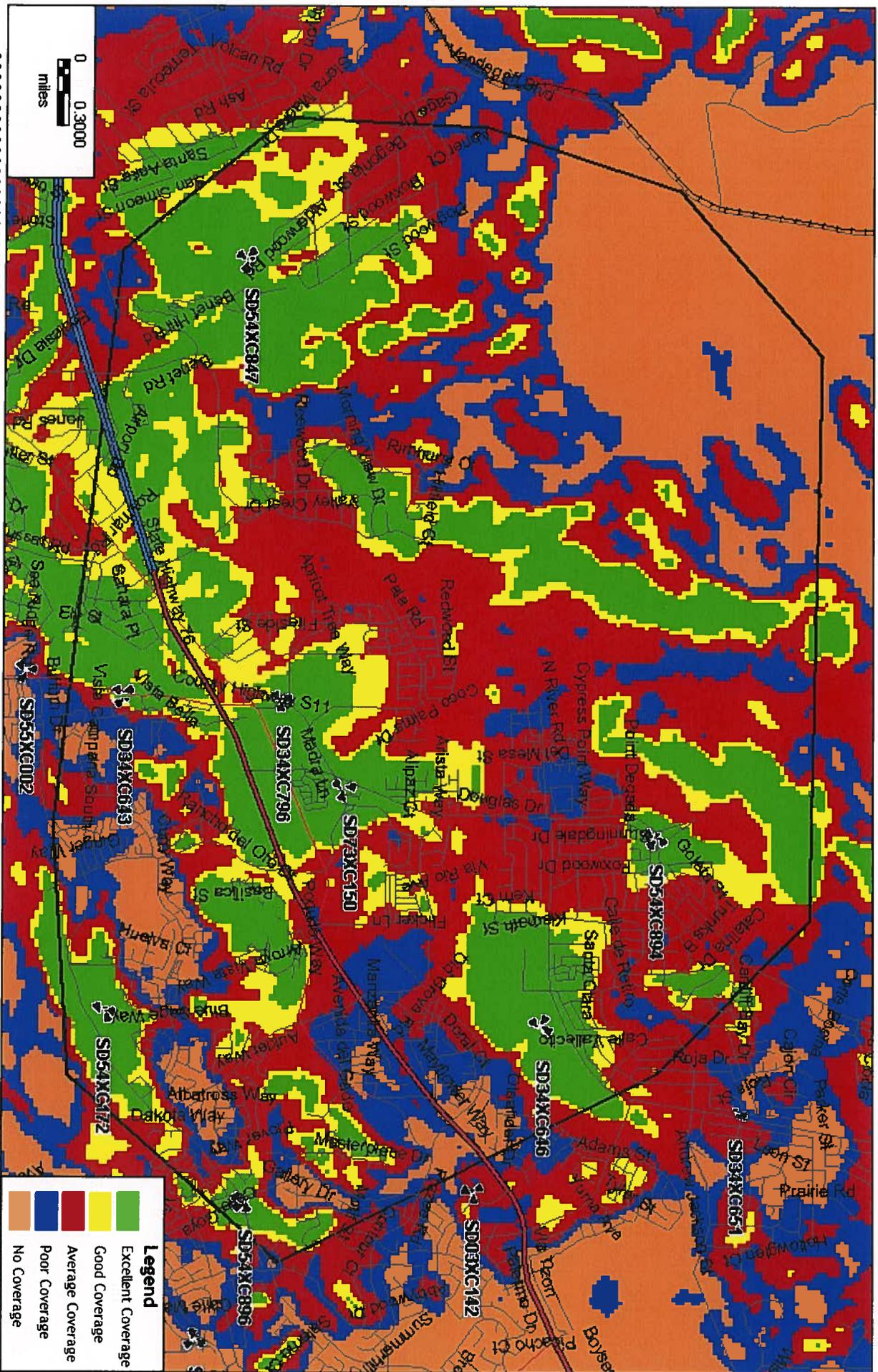


ENLARGED SITE PLAN

FIBER ENLARGED SITE PLAN (FOR REFERENCE ONLY)

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

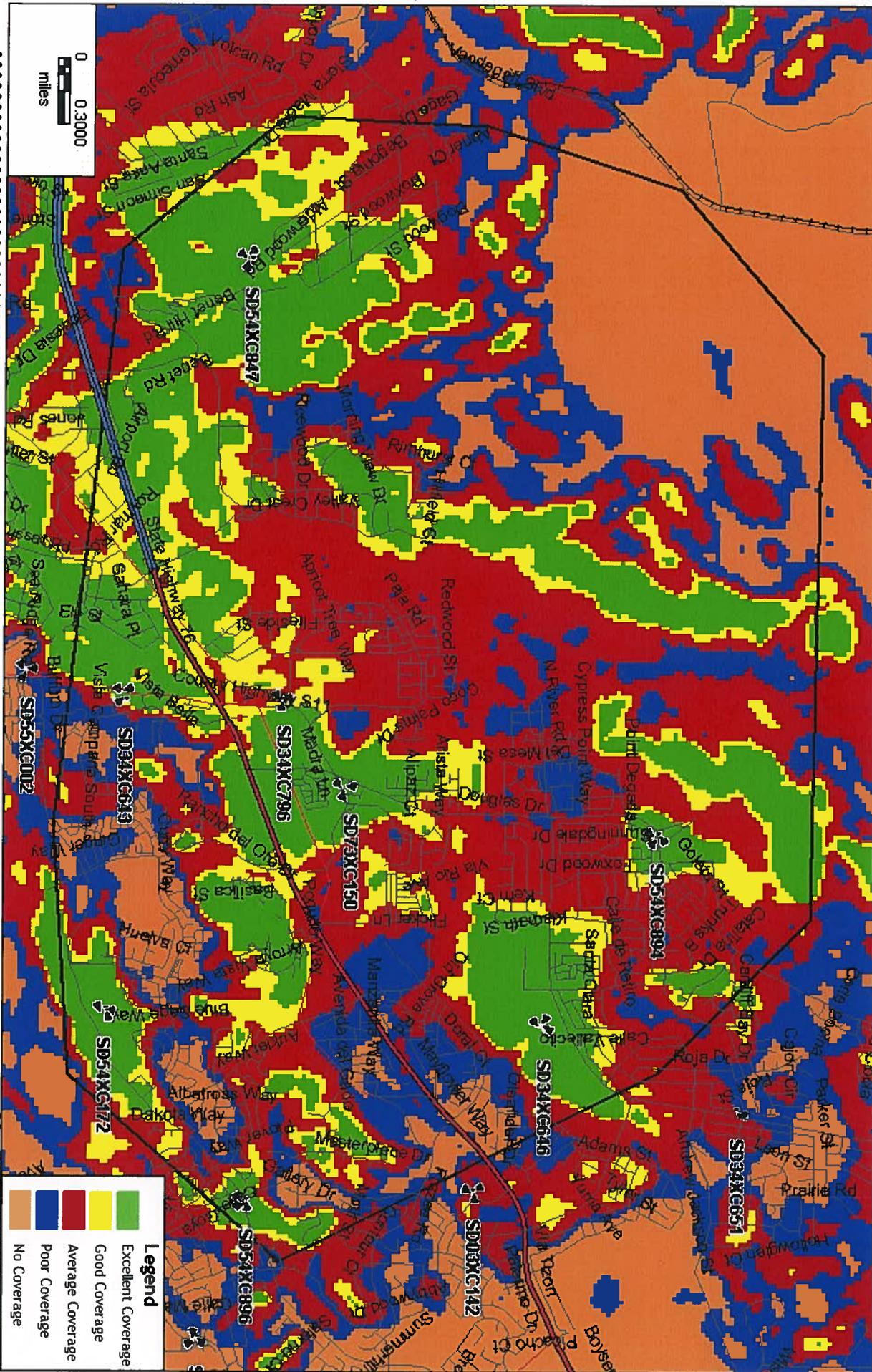
SD34XC796 Coverage with tier1 neighboring sites : with Site



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SD34XC796 Coverage with tier1 neighboring sites : Without Site



COPYRIGHT © 2011 ALCATEL-LUCENT. ALL RIGHTS RESERVED.





## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 07/23/2013  
Removal: 01/23/2014  
(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 @ 3784 Mission Avenue (CUP12-00032)
7. **DESCRIPTION:** Consideration of a Conditional Use Permit (CUP12-00032) for equipment upgrades necessary to accommodate fourth generation wireless technologies (4G) and the continued operation of a wireless communications facility. The proposed project consists of the removal of six (6) existing antennas and the installation of three (3) new antennas located behind a rooftop parapet of a commercial retail building.

**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).

Date: July 23, 2013

\_\_\_\_\_  
Sally Schiffman, Consulting Assistant

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

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PLANNING COMMISSION  
RESOLUTION NO. 2013-P36

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: CUP12-00032  
APPLICANT: Sprint Nextel c/o Alcatel Lucent  
LOCATION: 3784 Mission Avenue

---

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:

the continued operation of a wireless communications facility on a commercial building, with upgrades necessary to accommodate fourth generation (4G) wireless technologies as described in the Description and Justification and shown on plans dated May 3, 2013; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22<sup>nd</sup> day of 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.

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 (CUP12-00032):**

- 5 1.       The placement, construction, or modification of the wireless communications facility in the  
6 proposed location is necessary for the provision of wireless services to City residents,  
7 businesses, and their owners, customers, guests or other persons traveling in or about the  
8 city. The upgraded equipment will accommodate necessary fourth generation (4G)  
9 wireless technologies and facilitates the continued operation of a wireless communications  
10 facility on an existing commercial building.
- 11 2.       The proposal demonstrates a reasonable attempt to minimize stand-alone facilities, is  
12 designed to protect the visual quality of the City, and will not have an undue adverse  
13 impact on historic resources, scenic views, or other natural or man-made resources. The  
14 project site is in a developed area on the roof of an existing commercial building. The  
15 proposed antenna upgrades would be completely concealed from public view within two  
16 cupolas.
- 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 (CUP12-00032) 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 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
18 Christmas Day) except as allowed for emergency work under the provisions of the  
19 Oceanside City Code Chapter 38 (Noise Ordinance).
- 20 b) The construction site shall be kept reasonably free of construction debris as  
21 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
22 approved solid waste containers shall be considered in compliance with this  
23 requirement. Small amounts of construction debris may be stored on-site in a neat,  
24 safe manner for short periods of time pending disposal.

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.    Conditional Use Permit (CUP12-00032) is granted for the continued operation of a wireless  
8           communications facility on an existing commercial building, with upgrades necessary to  
9           accommodate 4G wireless technologies. Any substantial change in the use or expansion of  
10          the wireless communications facility beyond that which is approved by the Planning  
11          Commission, shall require a revision to the Conditional Use Permit or new Conditional Use  
12          Permit.

13          11.    Conditional Use Permit (CUP12-00032) shall expire July 22, 2015 unless the applicant has  
14          obtained a Building Permit and has requested an initial building inspection.

15          12.    Entitlements granted for Conditional Use Permit (CUP12-00032) and approved by this  
16          resolution, shall be valid until June 17, 2017.

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

22          14.    The project description on the building plans shall accurately reflect the intent of the  
23          applicant to remove all six (6) existing antennas.

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

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

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

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

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

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

20. Upon any proposed increase of a least ten (10) percent in the effective radiated power or any proposed change in frequency use, the applicant shall submit updated certifications for review by the City. Update certifications shall be subject to review and approval by the City Planner.

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

22. Absent any modifications to the wireless communications facility that would cause a 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 23. 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 24. Public access to the subject wireless communications facility shall be restricted. In addition,  
9 RF advisory signage shall be installed at access point(s) or path(s) to the antennas and/or at  
10 each sector to establish awareness for potential exposure.

11 25. All required and proposed signage shall be shown on approved building plans.

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

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

1 28. A Maintenance and Facility Removal Agreement shall be executed by the operator and  
2 the property owner. Proof of such agreement shall be submitted to the City prior to the  
3 issuance of building permits. Said agreement shall bind the operator and property owner  
4 and their successors and assigns to the facility to the following:

- 5 a) Maintain the facility in good condition, which shall include but not be limited to  
6 regular cleaning, painting, and general upkeep and maintenance of the site;
- 7 b) Remove the facility when required by Article 39 or by any condition of approval,  
8 or when it is determined that the facility will not have been used during any  
9 current consecutive six (6) month period, or if the facility will be abandoned;
- 10 c) Pay all costs the City reasonably incurs to monitor a facility's compliance with  
11 conditions of approval and applicable law;
- 12 d) Reimburse the City for any and all costs incurred for work required by Article  
13 39, applicable law, or the conditions of a permit issued by the City for the facility  
14 which the operator and property owner fail to perform within 30 days after  
15 written notice from the City to do so or sooner if required by the City for good  
16 cause;
- 17 e) Where the City Planner or Planning Commission or City Council, as the case  
18 may be, determines that it is necessary to ensure compliance with the conditions  
19 of approval or otherwise provide for removal of the facility that is temporary in  
20 nature or upon its disuse, the operator or owner may be required to post a  
21 performance bond, cash or a letter of credit or other security acceptable to the  
22 City Planner in the amount of ten thousand dollars (\$10,000), or such higher  
23 amount as the City Planner reasonably determines is necessary to ensure  
24 compliance with the maintenance and facility removal agreement.

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

27 30. The wireless communications facility and the site on which it is located shall be maintained  
28 in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any  
29

1 damage from any cause shall be corrected within five (5) days of written notice by the City.  
2 Graffiti shall be removed as soon as practicable, and in no event longer than 48 hours after  
3 notice by the City.

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

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

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

15 34. This Conditional Use Permit may be revised in accordance with the provisions of the  
16 Zoning Ordinance. Any application for a revision to Conditional Use Permit (CUP12-  
17 00032) shall be evaluated against the existing land use policies and any site area and  
18 neighborhood changes.

19 35. Conditional Use Permit (CUP12-00032) may be called for review by the Planning  
20 Commission if complaints are filed and verified as valid by the City Planner or Code  
21 Enforcement Officer concerning the violation of any of the approved conditions or the  
22 project assumptions demonstrated under the application approval.

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

25 37. Failure to meet any conditions of approval for this development shall constitute a violation  
26 of this Conditional Use Permit. Conditional Use Permit (CUP12-00032) may be revoked  
27 pursuant to Article 47 of the Zoning Ordinance.

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



1 43. 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-P36 on July 22, 2013 by the following

6 vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11  
12  
13 \_\_\_\_\_  
14 Robert Neal, Chairperson  
Oceanside Planning Commission

15 ATTEST:

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

19 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
20 that this is a true and correct copy of Resolution No. 2013-P36.

21 Dated: July 22, 2013  
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ACCEPTED

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8/23/12

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

BY  
SN  
TM

**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 San Diego, CA 92121	4. PHONE/FAX/E-mail 619-417-6295
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Surf Site, Ed Gafa Agent</i>	
6. ADDRESS <i>20612 Kelvin Lane Huntington Beach, CA 92641</i>	7. PHONE/FAX/E-mail <i>714-709-1523 e.gafa@surf-site.com</i>

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P. <i>ACUP12-00011</i>
VARIANCE
COASTAL
O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

8. LOCATION 3784 Mission Ave., Oceanside, CA 92058	9. SIZE
10. GENERAL PLAN <i>Oceanside NC</i>	11. ZONING <i>CH CN</i>
12. LAND USE <i>Commercial</i>	13. ASSESSOR'S PARCEL NUMBER 158-390-02-00
14. LATITUDE 33 13 39.92	15. LONGITUDE -117 19 53.68

**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 & cabinet; installing BBU cabinet; installing 3 RRH's				
17. PROPOSED GENERAL PLAN <i>same</i>	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**

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

**PART V - SIGNATURES**

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

35. APPLICANT OR REPRESENTATIVE (Print): <i>Ed Gafa</i>	36. DATE <i>8/17/12</i>	37. OWNER (Print): <i>see LOA</i>	38. DATE
Sign: <i>[Signature]</i>	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.



Infrastructure Development Services

Authorized Agent for **Sprint Nextel and  
Alcatel Lucent**  
CUP12-00032

Sprint Nextel Project Number: SD34XC796  
Sprint Nextel Project Name: Mission Center

**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: 3784 Mission Avenue, Oceanside, CA 92058

APN: 158-390-02-00

Zoning: CN Neighborhood Commercial

General Plan: NC Neighborhood Commercial

**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](mailto: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](mailto:steve.layman@alcatel-lucent.com)

**Project Description**

Proposed is the removal of six existing panel antennas mounted behind rooftop screen walls of an existing one story retail commercial building and the reinstallation of one new 4G antenna per sector (3 antennas total) and the placement of one RRU unit behind each antenna. One existing radio equipment cabinet will be removed and replaced with a new 4G cabinet. One existing battery cabinet will be removed and replaced with a new BBU cabinet. There will be a net reduction in the number of antennas with this project from six to three.

**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

## Improvements listed below:

- Remove 6 existing panel antennas and associated copper wire coaxial cable.
- Remove existing modcell equipment cabinet.
- Remove existing power/BBU cabinet.
- Install 3 new 4G antennas, one per sector, three sectors.
- Install 3 new hybrid fiber optic coaxial cables.
- Install one new BTS equipment cabinet.
- Install one new BBU battery cabinet.
- Install 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 commercial 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 shopping 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 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

**EXHIBIT "A"**  
**Legal Description**

9644

PARCEL 1: (APN: 158-390-6, 7, 8, 14 & 15)

PARCELS 1, 2, 3, AND 4 OF PARCEL MAP NO. 10773, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON DECEMBER 5, 1980.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES (EXCEPT WATER) LYING NOT LESS THAN 100 FEET BELOW THE SURFACE OF THE HEREINAFTER DESCRIBED LAND, BUT WITHOUT THE RIGHT TO GO UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND FOR THE PURPOSE OF EXTRACTING SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES, NOR FOR ANY PURPOSE IN CONNECTION THEREWITH, BUT WITH THE RIGHT TO EXTRACT AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BY MEANS OF SLANT-DRILLED WELLS LOCATED ON OR ADJACENT OR NEARBY LAND, OR BY ANY OTHER MEANS NOT REQUIRING ENTRY UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND. SAID LAND BEING THOSE PORTIONS OF SAID PARCELS 3, 4 AND 5 WHICH LIES WITHIN THAT 100.00 FEET WIDE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED AUGUST 3, 1948 AS DOCUMENT NO. 76589 IN BOOK 2897, PAGE 1 OF OFFICIAL RECORDS, AND ON SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES WERE EXPECTED BY THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY IN SAID DEED HEREINABOVE REFERRED TO.

PARCEL 2: (APN: 158-390-02)

PARCEL 5 OF PARCEL MAP NO. 9560, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JANUARY 2, 1980.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES (EXCEPT WATER) LYING NOT LESS THAN 100 FEET BELOW THE SURFACE OF THE HEREINAFTER DESCRIBED LAND, BUT WITHOUT THE RIGHT TO GO UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND FOR THE PURPOSE OF EXTRACTING SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES, NOR FOR ANY PURPOSE IN CONNECTION THEREWITH, BUT WITH THE RIGHT TO EXTRACT AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BY MEANS OF SLANT-DRILLED WELLS LOCATED ON OR ADJACENT OR NEARBY LAND, OR BY ANY OTHER MEANS NOT REQUIRING ENTRY UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND. SAID LAND BEING THOSE PORTIONS OF SAID PARCELS 3, 4 AND 5 WHICH LIES WITHIN THAT 100.00 FEET WIDE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED AUGUST 3, 1948 AS DOCUMENT NO. 76589 IN BOOK 2897, PAGE 1 OF OFFICIAL RECORDS, AND ON SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES WERE EXPECTED BY THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY IN SAID DEED HEREINABOVE REFERRED TO.

PARCEL 3: (APN: 158-390-11)

PARCEL A OF PARCEL MAP NO. 12194, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JUNE 23, 1982.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES (EXCEPT WATER) LYING NOT LESS THAN 100 FEET BELOW THE SURFACE OF THE HEREINAFTER DESCRIBED LAND, BUT WITHOUT THE RIGHT TO GO UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND FOR THE PURPOSE OF EXTRACTING SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES, NOR FOR ANY PURPOSE IN CONNECTION THEREWITH, BUT WITH THE RIGHT TO EXTRACT AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BY MEANS OF SLANT-DRILLED WELLS LOCATED ON OR ADJACENT OR NEARBY LAND, OR BY ANY OTHER MEANS NOT REQUIRING ENTRY UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND. SAID LAND BEING THOSE PORTIONS OF SAID PARCELS 3, 4 AND 5 WHICH LIES WITHIN THAT 100.00 FEET WIDE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED AUGUST 3, 1948 AS DOCUMENT NO. 76589 IN BOOK 2897, PAGE 1 OF OFFICIAL RECORDS, AND ON SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES WERE EXPECTED BY THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY IN SAID DEED HEREINABOVE REFERRED TO.

PARCEL 4: (APN: 158-390-16)

PARCEL A OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 21, 2006 AS FILE NO. 2006-0829249, OFFICIAL RECORDS, BEING PARCEL B OF PARCEL MAP NO. 12194, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JUNE 23, 1982.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL B MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID PARCEL B OF SAID PARCEL MAP NO. 12194; THENCE SOUTH 37°50'32" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL B 82.76 FEET; THENCE SOUTH 52°09'28" EAST 143.67 FEET; THENCE SOUTH 82°08'11" EAST 165.11 FEET; THENCE NORTH 37°50'32" EAST 0.26 FEET; THENCE NORTH 52°09'28" WEST 286.69 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES (EXCEPT WATER) LYING NOT LESS THAN 100 FEET BELOW THE SURFACE OF THE HEREINAFTER DESCRIBED LAND, BUT WITHOUT THE RIGHT TO GO UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND FOR THE PURPOSE OF EXTRACTING SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES, NOR FOR ANY

PURPOSE IN CONNECTION THEREWITH, BUT WITH THE RIGHT TO EXTRACT AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BY MEANS OF SLANT-DRILLED WELLS LOCATED ON OR ADJACENT OR NEARBY LAND, OR BY ANY OTHER MEANS NOT REQUIRING ENTRY UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND. SAID LAND BEING THOSE PORTIONS OF SAID PARCELS 3, 4 AND 5 WHICH LIES WITHIN THAT 100.00 FEET WIDE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED AUGUST 3, 1948 AS DOCUMENT NO. 76589 IN BOOK 2897, PAGE 1 OF OFFICIAL RECORDS, AND ON SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES WERE EXPECTED BY THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY IN SAID DEED HEREINABOVE REFERRED TO.

PARCEL 5: (APN: 158-390-17)

PARCEL B OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 21, 2006 AS FILE NO. 2006-0829249, OFFICIAL RECORDS, BEING PARCEL 5 OF PARCEL MAP NO. 10773, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON DECEMBER 5, 1980.

TOGETHER WITH THAT PORTION OF PARCEL B OF PARCEL MAP NO. 12194, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JUNE 23, 1982 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID PARCEL B OF SAID PARCEL MAP NO. 12194; THENCE SOUTH 37°50'32" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL B 82.76 FEET; THENCE SOUTH 52°09'28" EAST 143.67 FEET; THENCE SOUTH 82°08'11" EAST 165.11 FEET; THENCE NORTH 37°50'32" EAST 0.26 FEET; THENCE NORTH 52°09'28" WEST 286.69 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES (EXCEPT WATER) LYING NOT LESS THAN 100 FEET BELOW THE SURFACE OF THE HEREINAFTER DESCRIBED LAND, BUT WITHOUT THE RIGHT TO GO UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND FOR THE PURPOSE OF EXTRACTING SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES, NOR FOR ANY PURPOSE IN CONNECTION THEREWITH, BUT WITH THE RIGHT TO EXTRACT AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BY MEANS OF SLANT-DRILLED WELLS LOCATED ON OR ADJACENT OR NEARBY LAND, OR BY ANY OTHER MEANS NOT REQUIRING ENTRY UPON THE SURFACE OF THE THOSE PORTIONS OF SAID LAND WHICH LIE WITHIN THAT 100.00 FEET WIDE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED AUGUST 3, 1948 AS DOCUMENT NO. 76589 IN BOOK 2897, PAGE 1 OF OFFICIAL RECORDS. SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES WERE EXCEPTED BY THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY IN SAID DEED HEREINABOVE REFERRED TO.

END OF LEGAL DESCRIPTION