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DATE: July 13, 2015

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMIT (CUP14-00026) TO ALLOW THE UPGRADE AND CONTINUED OPERATION OF A COMMUNICATION FACILITY; LOCATED AT 4079 CALLE PLATINO – VERIZON @ 4079 CALLE PLATINO – APPLICANT: VERIZON WIRELESS**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1 Categorical Exemption for Existing Facilities pursuant to Section 15301 of the California Environmental Quality Act; and
- (2) Approve Conditional Use Permit (CUP14-00026) by adopting Planning Commission Resolution No. 2015-P20 with findings and conditions of approval attached therein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The applicant, Verizon Wireless, proposes to continue operating an existing 85-foot tall stand-alone communication facility that is disguised as a palm tree. The original Planning Commission action approving Resolution No. 99-P58 was adopted on September 13, 1999 and was extended under C-42-98REV04, which approved an extension to September 13, 2014 under Resolution No. 2008-P17.

On September 23, 2014, an application was filed requesting a new conditional use permit because the previous CUP, C-42-98, expired September 13, 2014, and the applicant, Verizon Wireless, wanted to continue operating this facility, with upgrades. The upgrades consist of the installation of three (3) antennas on open mounts, one per sector, and removal and replacement three old generation antennas, one (1) per sector, with next generation dual band antennas. The total number of antennas would increase from four (4) antennas per sector (12 total) to

five antennas per sector (15) total). Three (3) remote radio units (RRU), one per sector, would be installed on the antenna cross-mounts and two (2) new Raycap surge demarcation junction boxes would be installed on the antenna cross-mounts on the existing monopalm. Two (2) additional power/fiber cables would be installed from the equipment shelter to the antennas, through the trunk of the existing monopalm.

**Site Review:** This 5.45-acre lot was originally developed as part of the Rancho Del Oro Master Industrial Development Plan. The project address is 4079 Calle Platino located within the Ivey Ranch/Rancho Del Oro Neighborhood. Wireless communications facilities are the secondary land use on the property. The primary land use is the manufacture of plastic products by Cal-Mil Plastic Products.

Currently, there are two wireless communications facilities operating at 4079 Calle Platino. The applicant (Verizon) operates a stand-alone communication facility that is the subject of conditional use permit C-42-98, and AT&T Wireless operates a different stand-alone communication facility under C-5-01, which was approved by Planning Commission Resolution No. 2001-P34.

Both of the existing facilities are disguised to appear similar to palm trees. The mono-palms and the equipment shelters are situated towards the rear of the lot and overlook Oceanside Boulevard west of College Drive.

**Project Description:** The existing Verizon wireless communications facility consists of three (3) arrays of four (4) panel antennas each (total of 12 panel antennas) mounted to an existing 85' high monopalm, previously approved for 15 antennas under C-42-98.

The current request would install one antenna on a spare, or open, mount, per sector, and remove and replace one other antenna per sector with upgraded antennas. There would be a total of fifteen (15) antennas. Three (3) remote radio units (RRU), one per sector, would be installed on the antenna cross-mounts and two (2) new Raycap surge demarcation junction boxes would be installed on the antenna cross-mounts on the existing monopalm. Also, two (2) new surge demarcation junction boxes would be installed, one (1) inside the existing equipment shelter and one (1) on the existing monopalm, and two (2) additional power/fiber cables would be installed from the equipment shelter to the antennas, through the trunk of the existing monopalm.

The project is subject to the following Ordinances, City Policies, and State and Federal Government Codes:

1. City of Oceanside General Plan
2. City of Oceanside Zoning Ordinance
3. Rancho del Oro Specific Plan and Master Industrial Development Plan

4. California Government Code Sections 65850 and 65964
5. FCC Regulations Applicability: Sections 332(c)(7) or 6409(a)

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan Conformance**

The General Plan Land Use Map designation on the subject property is Rancho del Oro Specific Plan S-1-84. The land use is consistent with this designation and the goals and objectives of the City's General Plan, as follows:

#### **Land Use Element II. Community Development**

##### **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.

The proposal is an upgrade to an existing stand-alone communication facility and a request to continue its operation. Mono-palms are effective disguises when grouped with other similar structures and live palms. This site notably includes an AT&T communications facility with a similar disguise and the original conditions of approval (Resolution No. 99-P58) required the planting of landscaping, including *Washingtonias*.

The existing stand-alone communication facility visually conforms to the surrounding area because the antennas are obscured by the disguise. The height of the existing monopalm is similar to the surrounding *Eucalyptus* trees. The faux palm fronds also obscure views of the antennas.

The location of the equipment shelter is towards the rear of the lot at the southeast corner and it is not easily visible from the public right-of-way. The equipment shelter's exterior is visually compatible with the existing building's architectural

style. The original approval conditioned site landscaping, including planting *Washingtonias* in proximity to the faux palm trees.

New conditions would ensure the continued viability and maintenance of the existing landscaping. In addition, Staff has included conditions requiring replacement of the existing 10-year old faux fronds and upkeep of the existing trees, other landscape, and generally the site's appearance.

## **2. Zoning Ordinance Compliance**

The land use, communication facilities, is subject to Section 3025.D *Communication facilities* of the Zoning Ordinance and Section 3005 *Nonresidential accessory structures*.

Article 30, Section 3025, A(3): This section of the Zoning Ordinance regulates the siting of communication facilities and compliance with the limitations, constraints, and policies set forth in relevant federal and state wireless telecommunication laws. The communication facility has been designed and further conditioned to comply with federal and state laws.

Pursuant to Section 3025.D.4.F, staff is recommending a condition that the existing faux fronds be removed and replaced with new fronds that are a minimum of 15 feet in length. The condition requires the installation of as many faux palm fronds as necessary to ensure the "tree" blends in with other nearby living trees.

Article 30, Section 3005. The maximum height for non-residential accessory structures is 12 feet. As such, the equipment shelter has been constructed in compliance with this requirement.

This project is located in the PC-1 – Planned Development Zoning District and, with issuance of a conditional use permit, complies with the requirements of that zone.

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

The proposed facility would be unmanned, requiring approximately one maintenance visit per month. Standard conditions of approval would ensure that the proposed facility remains in good repair and free of debris, litter, and graffiti, and that any damage or blight shall be corrected upon written notice by the City.

Among facility design standards is the requirement to employ camouflage design techniques in order to minimize visual impacts. Faux palm trees are considered a viable camouflage for tower-mounted wireless facilities.

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 an industrial area, which is the second most desirable location out of seven. There are no residential districts near the project site. The location of the antennas behind faux palm fronds would mitigate any potentially adverse visual impacts to the surrounding environment.

At all times, wireless communications facilities are required to comply with the most current regulatory and operational standards including RF radiation exposure standards adopted by the Federal Communications Commission (FCC). As proposed, the project would be in compliance with FCC standards, with the exception of general population and occupational exposure limits at antenna elevations.

### **3. Rancho del Oro Specific Plan**

The industrial lands within the Rancho del Oro Specific Plan area are zoned Planned Development (PD-1). The land use provisions which apply to the industrial sites, including 4079 Calle Platino, are those of the M-1 zone of the Zoning Ordinance in effect as of December, 1985.

The Planning Commission has previously approved two communication facilities at this site (C-42-98 and C-5-01). The 1985 Zoning Ordinance and the adopted Specific Plan did not anticipate the later FCC interpretations or federal and state telecommunications law. The stand-alone communication facility operated by Verizon Wireless under C-42-98 conforms to the Rancho del Oro Specific Plan and the Rancho del Oro Commercial Master Development Plan, with approval of a conditional use permit. City staff has determined that the upgrade and continued operation of the facility does not conflict with the Rancho del Oro Specific Plan.

### **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 stand-alone communication facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. The proposed site has been given a 10-year limit with approval of CUP14-00026.

### **5. FCC Regulations Applicability: Sections 332(c) (7) or 6409(a)**

Notwithstanding the fact that this facility was previously approved and currently operates, this project falls under the provisions of FCC Section 332(c) (7) because a discretionary action is required on part of the City of Oceanside in

order for the facility to legally operate within corporate limits. The previous CUP, C-42-98, expired September 13, 2014. Section 6409(a) applies to existing facilities that are otherwise compliant with local regulations but only require minor changes that do not alter the character of the structure onto which they are attached (e.g., a building or faux tree).

## **DISCUSSION**

*Issue:* The term for the use is 10 years.

*Recommendation:* The original approval for C-42-98 was for a five-year term, which concluded on September 13, 2004, but was extended to September 13, 2014 in March 2008. Staff recommends that a new 10-year term begin with the approval of CUP14-00026.

*Issue:* The stand-alone communication facility must be disguised as appropriate for the project site.

*Recommendation:* The applicant proposes no changes to the facility other than upgrades to next-generation technology. The stand-alone communication facility would continue to be disguised as a one of many other tall trees on-site. The site includes both palms and eucalyptus trees.

Section 3025.D.4.F states that an approved wireless communications facility shall address the appearance of the entire site and shall upgrade or repair physical features as a means of minimizing view impacts to the community. Much of the subject site is already subject to landscaping requirements. Staff has included conditions addressing improving the existing site (for example, replacing faux fronds, as appropriate). The applicant has indicated their agreement with these requirements.

## **ENVIRONMENTAL DETERMINATION**

Staff has reviewed the environmental assessment and determined that the proposed upgrade and continued operation of an existing wireless communications facility is a Class 1 Categorically Exemption from the California Environmental Quality Act pursuant to Section 15301 *Existing Facilities*, which states "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment,.... involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

## **PUBLIC NOTIFICATION**

Legal notice was published in the newspaper and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of July 6, 2015, staff had not received any inquiries regarding this project.

## **SUMMARY**

The proposed upgrade and continued operation of an existing wireless communications facility, as conditioned, is consistent with the requirements of the Zoning Ordinance, the Rancho del Oro Specific Plan, the land use policies of the General Plan, and State and Federal law. The project has been conditioned to meet or exceed all applicable development standards. Staff recommends that the Planning Commission:

- Confirm issuance of a Class 1 Categorical Exemption "Existing Facilities" pursuant to Section 15301 of the California Environmental Quality Act; and
- Adopt Planning Commission Resolution No. 2015-P20 approving Conditional Use Permit (CUP14-00026) with findings and conditions of approval attached therein.

PREPARED BY:



Richard Greenbauer  
Principal Planner

SUBMITTED BY:



Jeff Hunt  
City Planner

### Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2015-P20
3. Coverage Maps/Site Photos
4. Radio Frequency Emissions Information Report dated 06/23/2014, prepared by Dtech Communications
5. Review of Dtech Communications' Radio Frequency Emissions Information by Telecom Law Firm, 10/20/2014
6. Other Attachments (Application Page, Description and Justification, Legal Notice, Notice of Exemption)









PREPARED FOR

**verizon wireless**

P.O. BOX 18707  
 IRVINE, CA 92613-8707  
 (949) 222-7000

APPROVALS

DATE	DATE	DATE	DATE	DATE	DATE
ABC	DATE	DATE	DATE	DATE	DATE
BC	DATE	DATE	DATE	DATE	DATE
CD	DATE	DATE	DATE	DATE	DATE
DE	DATE	DATE	DATE	DATE	DATE
EF	DATE	DATE	DATE	DATE	DATE
FG	DATE	DATE	DATE	DATE	DATE
GH	DATE	DATE	DATE	DATE	DATE
HI	DATE	DATE	DATE	DATE	DATE
IJ	DATE	DATE	DATE	DATE	DATE
JK	DATE	DATE	DATE	DATE	DATE
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RST	DATE	DATE	DATE	DATE	DATE

PROJECT NAME  
**CITY OF OCEANSIDE  
 VERIZON @ CALLE PLATINO  
 "CUP14-00025"**  
**WATKINS COLLEGE  
 AWS MOD**  
 4075 CALLE PLATINO  
 OCEANSIDE, CA 91058  
**MTX - 54**  
 SAN DIEGO COUNTY

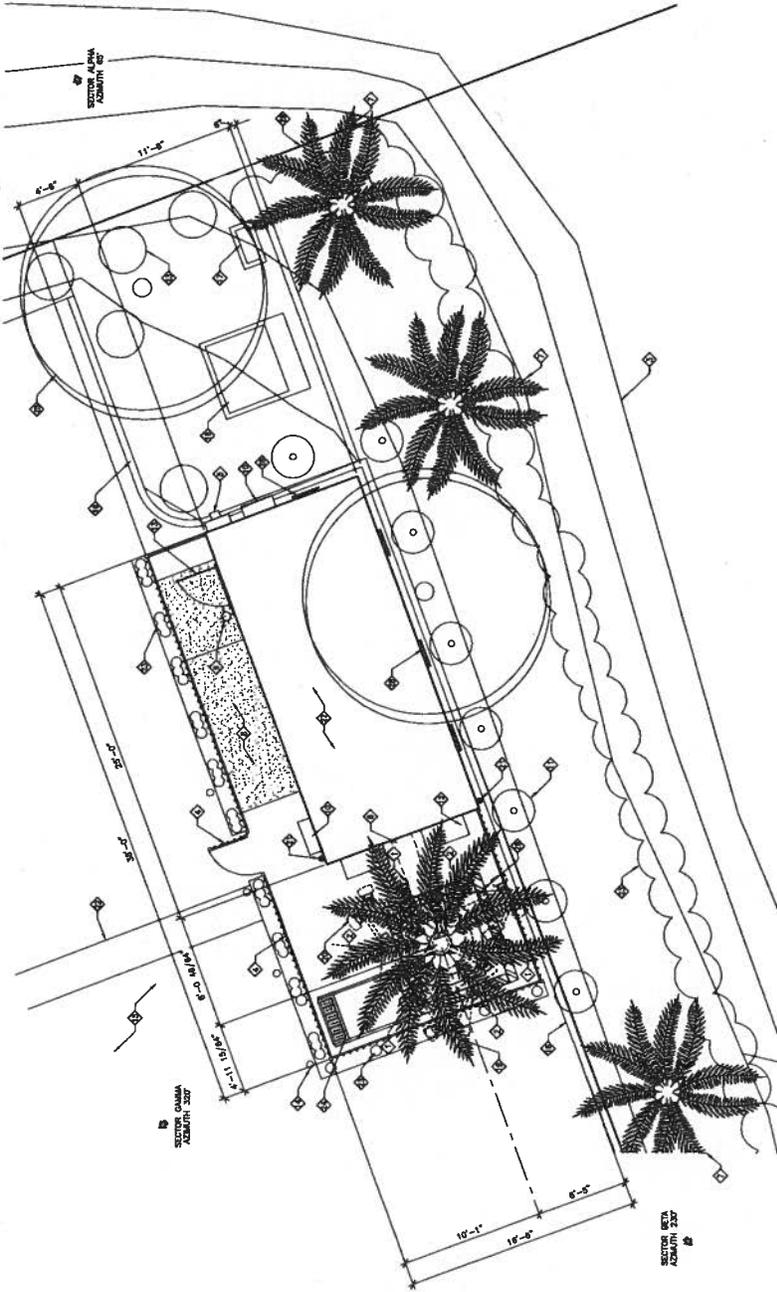
DRAWING DATES  
 04/02/14  
 07/16/14  
 11/17/14  
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 100% 2D (REV)  
 REVISED TO P (M)

SHEET TITLE

**EQUIPMENT ENCLOSURE PLAN**

PROJECT'S VERIZON 1408214

**A-2**



**EQUIPMENT ENCLOSURE PLAN**

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

**KEYED NOTES:**

- 1. PROVIDE VERIZON WIRELESS ANTENNAS MOUNTED TO EXISTING CONCRETE WALLS WITH CONCRETE FILL BOLLS (TYPICAL OF 4)
- 2. REMOVE & REPLACE VERIZON WIRELESS ANTENNA (REMOVE SHADING)
- 3. EXISTING CONTOUR LINES
- 4. EXISTING 8'-0" HIGH STEEL GATE & FENCE
- 5. EXISTING SOGUE METER PANEL MOUNTED TO BUILDING
- 6. EXISTING VERIZON WIRELESS CABLE BRIDGE PAINTED TO MATCH EXISTING PAINT
- 7. EXISTING PALMS TRUNK TO REMAIN
- 8. EXISTING CONCRETE PUMP
- 9. EXISTING WALL MOUNTED EXTERIOR LIGHT
- 10. FUTURE PROVIDED WITH EQUIPMENT BUILDING
- 11. EXISTING UTILITY CABINETS MOUNTED TO BUILDING
- 12. EXISTING CONCRETE MOUNTED PANEL UNITS WITH EQUIPMENT BUILDING
- 13. EXISTING STEEL DOOR WITH VERIZON WIRELESS BRANZE (TYPICAL OF 4)
- 14. EXISTING ASPHALT DRIVEWAY AND PARKING AREA
- 15. EXISTING CONCRETE CURB
- 16. EXISTING TIELO FOOTCURL
- 17. EXISTING SOGUE TRANSFORMER ON A CONCRETE PAD
- 18. EXISTING VERIZON WIRELESS 12'-0" HIGH MONOPILL SIZE POLE 4'-0" FROM ANTENNA PLAN
- 19. EXISTING VERIZON WIRELESS ANTENNA (REMOVE CASING)
- 20. EXISTING OPS ANTENNA MOUNTED TO BUILDING (TYPICAL OF 2)
- 21. EXISTING CONCRETE PERSON GUTTER
- 22. EXISTING LANDSCAPE SHRUBS & VINES
- 23. EXISTING EXTERIOR CONDENSATOR WITH CONCRETE SPILL CONTROL CURB (14" x 44")
- 24. EXISTING PILES TO REMAIN
- 25. EXISTING CONCRETE BACK CURB WITH BARK BALCH TO CONICAL THE EXISTING CONCRETE PAD AND BOLT.
- 26. EXISTING VERIZON WIRELESS EQUIPMENT BUILDING
- 27. EXISTING 24" WIDE x 8'-0" TALL WOOD LATTICE MOUNTED TO PROPERTY LINE (TYPICAL)









APPROVALS

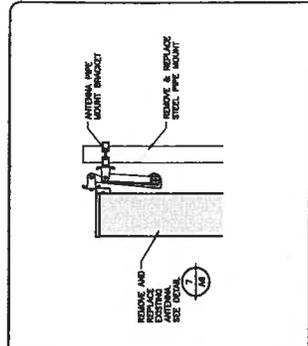
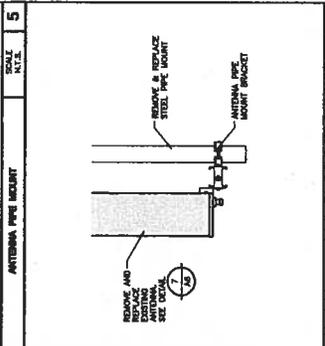
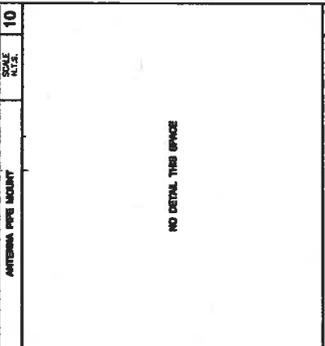
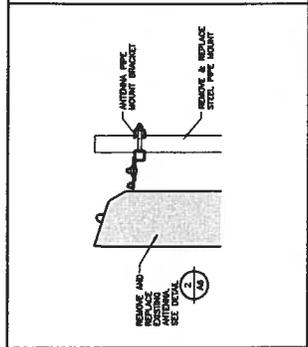
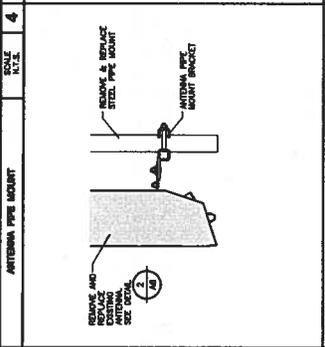
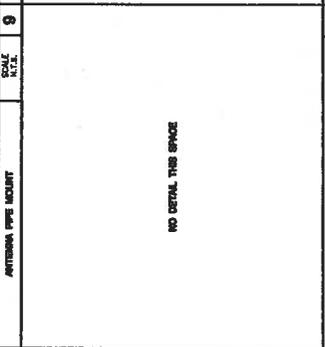
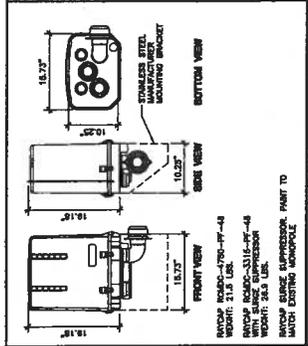
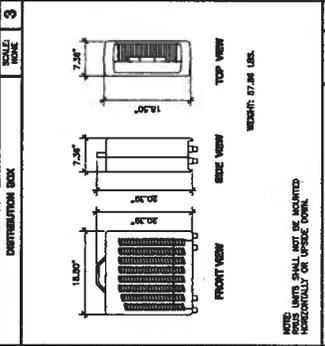
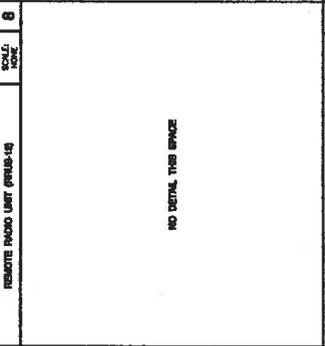
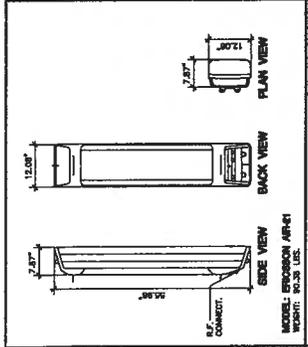
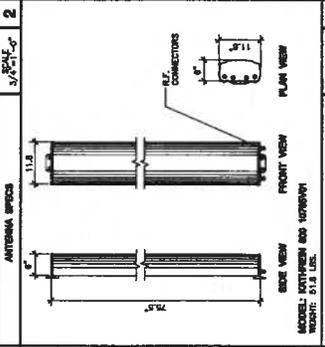
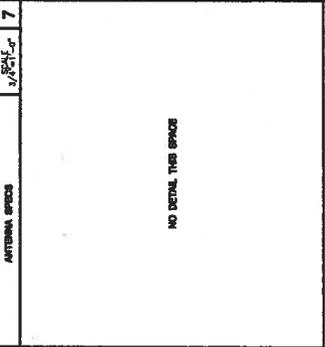
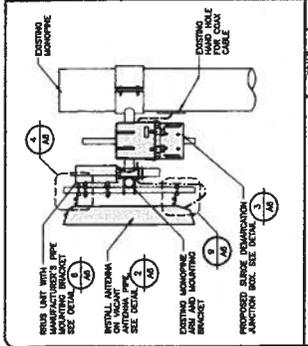
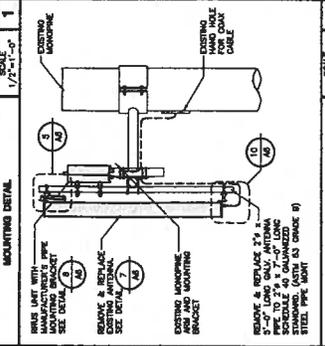
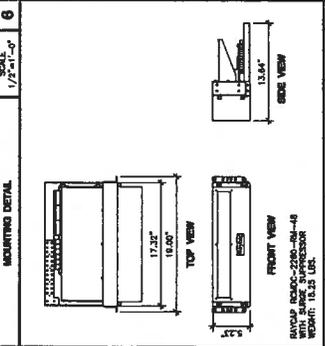
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PROJECT NAME  
**CITY OF OCEANSIDE  
 VERIZON @ CALLE PLATINO  
 "CUP14-00028"**  
**WATKINS COLLEGE  
 AWS MOD**  
 4870 CALLE PLATINO  
 OCEANSIDE, CA 91055  
**MTX - 54**  
 SAN DIEGO COUNTY

DRAWING DATES  
 04/07/14  
 07/16/14  
 11/17/14  
 FROM TO REVIEW (w)  
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SHEET TITLE  
**DETAILS**

PROJECT/VISUAL LABEL  
**A-6**

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PLANNING COMMISSION  
RESOLUTION NO. 2015-P20

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

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APPLICATION NO: CUP14-00026  
APPLICANT: Verizon Wireless  
LOCATION: 4079 Calle Platino

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 11, 30, 39, and 41 of the Zoning Ordinance of the City of Oceanside and under the provisions of the Rancho del Oro Specific Plan S-1-84 to permit the following:

the upgrade and continued operation of a wireless communications facility, approximately 85 feet in overall height, and designed to replicate the appearance of a palm tree and having a maximum of 15 antennas;

on certain real property described in the project description; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 13<sup>th</sup> day of July, 2015 conduct a duly advertised public hearing as prescribed by law to consider said application; and

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"; and

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; and

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; and

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 (CUP14-00026):

- 5 1.       The location of the stand-alone communication facility, 4079 Calle Platino, is in accord  
6 with the objectives of the Zoning Ordinance Section 3025, the Rancho del Oro Specific  
7 Plan and the Rancho del Oro Industrial Master Development Plan (PD-1). As per  
8 Oceanside Zoning Ordinance Section 1120 telecom facilities, defined as major utilities, are  
9 permitted within the PD-1 (Light Industrial) district subject to approval of a Conditional  
10 Use Permit.
- 11 2.       The location of the stand-alone communication facility, 4079 Calle Platino, and the  
12 proposed conditions under which it would be maintained will be consistent with the  
13 General Plan including Objective 2.726 *Communication systems*; the stand-alone  
14 communication facility will not be detrimental to the public health, safety or welfare of  
15 persons working in or adjacent to the neighborhood of such use; and the stand-alone  
16 communication facility will not be detrimental to properties or improvements in the vicinity  
17 or to the general welfare of the city.
- 18 3.       The stand-alone communication facility will comply with the provisions of the Zoning  
19 Ordinance, including any specific condition required for the proposed use in Article 39 and  
20 the Rancho del Oro Planned Development (PD-1).
- 21 4.       The stand-alone wireless communications facility visually conforms to the surrounding  
22 natural features. The location of the stand-alone communication facility, 4079 Calle  
23 Platino, is surrounded by trees, which effectively mitigate view impacts from the primary  
24 view corridors. The stand-alone communication facility is designed to replicate the  
25 appearance of an actual palm tree, which effectively supplements the project's visual  
26 mitigation and renders the facility to be visually conforming to the surrounding land forms.  
27 As such, the project site is consistent with the objectives of the effective zoning regulations.
- 28 5.       The project is conditioned to comply with specific requirements pertaining to its  
29 appearance and maintenance of its visual mitigation for sustained conformation with the  
surrounding landforms. The conditions of project approval include requirements for

1 replacing weathered or damaged faux fronds and the maintenance of surrounding live trees,  
2 consistent with the sizes of the surrounding and view mitigating trees, to further ensure for  
3 the overall visual conformation of the project.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
5 approve Conditional Use Permit (CUP14-00026) subject to the following conditions:

6 **Building:**

- 7 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
8 Building Division plan check.
- 9 2. The granting of approval under this action shall in no way relieve the applicant/project  
10 from compliance with all State and Local building codes.
- 11 3. The building plans for this project shall be prepared by a design professional, licensed  
12 architect or engineer and shall be in compliance with this requirement prior to submittal  
13 for building plan review.
- 14 4. Compliance with the Federal Clean Water Act BMP's shall be demonstrated on all  
15 appropriate plans.
- 16 5. A separate/unique address shall be required to facilitate utility releases. Verification that  
17 the address has been properly assigned by the City's Planning Division shall accompany  
18 the Building Permit application.
- 19 6. As appropriate, complete soils report, structural calculations, & energy calculations or  
20 documentation shall be required at time of plan submittal to the Building Division for  
21 plan check.
- 22 7. The developer shall monitor, supervise and control all building construction and supportive  
23 activities so as to prevent these activities from causing a public nuisance, including, but not  
24 limited to, strict adherence to the following:
  - 25 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
26 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
27 that is not inherently noise-producing. Examples of work not permitted on  
28 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
29 producing nature. No work shall be permitted on Sundays and Federal Holidays  
(New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and

1 Christmas Day) except as allowed for emergency work under the provisions of the  
2 Oceanside City Code Chapter 38 (Noise Ordinance).

- 3 b) The construction site shall be kept reasonably free of construction debris as  
4 specified in Section 13.17 of the Oceanside Municipal Code. Storage of debris in  
5 approved solid waste containers shall be considered in compliance with this  
6 requirement. Small amounts of construction debris may be stored on-site in a neat,  
7 safe manner for short periods of time pending disposal.

8 **Fire:**

- 9 8. Provide sheet index.  
10 9. Add the following notes to the plans:  
11 (a) Fire Department final inspection required.  
12 (b) Battery Systems with an electrolyte capacity of more than 50 gallons for flooded  
13 lead acid, nickel cadmium and valve regulated lead acid, or 1000 pounds for  
14 lithium-ion must comply with California Fire Code Section 608.  
15 (c) Visible hazard identification signs as specified in NFPA 704 shall be placed at  
16 entrance to the battery storage room.  
17 10. Note type of battery proposed.  
18 11. Add total quantity of electrolyte solution to the plans. Quantity includes all carriers in  
19 the building.  
20 12. Provide NFPA placard reflecting electrolyte hazard on all entrances to the equipment  
21 room. Show sign locations on the elevation plan and provide sign detail. Indicate  
22 Hazard Categories as follows: Health = 3, Flammability = 0, Reactivity = 1, Special =  
W.

23 **Planning:**

- 24 13. The Conditional Use Permit is granted for the following: The upgrade and continued  
25 operation of an existing wireless communication facility, described as follows: Upgrades  
26 consist of the installation of three (3) antennas on open mounts, one per sector, and  
27 removal and replacement three old generation antennas, one (1) per sector, with next  
28 generation dual band antennas. The total number of antennas will increase from four (4)  
29 antennas per sector (12 total) to five antennas per sector (15 total). Three (3) remote

1 radio units (RRU), one per sector, will be installed on the antenna cross-mounts and two  
2 (2) new Raycap surge demarcation junction boxes will be installed on the antenna cross-  
3 mounts on the existing monopalm. Two (2) additional power/fiber cables will be  
4 installed from the equipment shelter to the antennas, through the trunk of the existing  
5 monopalm.

6 14. Any substantial change in the use or expansion of the wireless communications facility  
7 beyond that, which is approved by the Planning Commission, shall require a modification  
8 to the Conditional Use Permit or new Conditional Use Permit.

9 15. Conditional Use Permit CUP14-00026 shall expire July 13, 2017 unless the applicant has  
10 obtained a Building Permit and has requested an initial building inspection.

11 16. Entitlements granted for Conditional Use Permit CUP14-00026 and approved by this  
12 resolution, shall be valid until July 13, 2025.

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

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

20 19. The installation or upgrade of any wireless communications facility shall be in  
21 compliance with all applicable provisions of the State Building Standards Code and any  
22 applicable local amendments thereto.

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

27 21. Upon or prior to installation, and prior to activation, of the wireless communications  
28 facility, the applicant shall submit to the City certification in a form acceptable to the City  
29 that the facility will operate in compliance with all applicable Federal Communications  
Commission (FCC) regulations including, but not limited to RF emission limitations.

1           Thereafter, upon any proposed increase of a least 10 percent in the effective radiated power  
2 or any proposed change in frequency use, the applicant shall submit updated certifications  
3 for review by the City. Both the initial and update certifications shall be subject to review  
4 and approval by the City Planner. At the City's sole discretion, a qualified independent RF  
5 engineer, selected by and under contract to the City, may be retained to review said  
6 certifications for compliance with FCC regulations. All costs associated with the City's  
7 review of these certifications shall be the responsibility of the applicant.

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

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

20           24. Absent any modifications to the wireless communications facility that would cause a  
21 change to the effective radiated power or frequency use, the applicant shall submit an  
22 annual letter to the City Planner certifying that no such changes have been made to the site  
23 and that the facility continues to operate within the range allowed by FCC regulations.  
24 Any substantial change in the type of antenna and/or facility installed in a particular  
25 location shall require the prior approval of the City Planner or his designee, unless the  
26 request qualifies as an eligible facilities request pursuant Section 6409(a) of the Middle  
27 Class Tax Relief and Job Creation Act of 2012 is applicable. Failure to obtain the prior  
28 approval of the City Planner or his designee may be grounds for institution of revocation  
29 proceedings as well as grounds to institute any other enforcement action available under  
federal, state, or local law.

1 25. Public access to the subject wireless communications facility shall be restricted. Required  
2 security measures shall be provided as follows:

- 3 a) Permittee shall keep the access point(s) to the site enclosure locked at all times,  
4 except when Permittee performs active maintenance at the site;
- 5 b) Permittee shall install and at all times maintain in good condition an "RF Notice"  
6 and "Network Operations Center Information" sign on the access point(s) to the  
7 equipment enclosure. Permittee shall install the sign(s) required under this  
8 condition so that a person may clearly see and understand the sign before he or  
9 she enters into the equipment enclosure area;
- 10 c) Permittee shall install and at all times maintain in good condition an "RF Notice"  
11 and "Network Operations Center Information" sign on the base of the  
12 monopalm. Permittee shall install the sign(s) required under this condition so that  
13 a person may clearly see and understand the sign as he or she approaches the  
14 monopalm; and
- 15 d) Permittee shall ensure that all signage complies with FCC OET Bulletin 65 or  
16 ANSI C95.2 for color, symbol, and content conventions. All such signage shall  
17 at all times provide a working local or toll-free telephone number to its network  
18 operations center, and such telephone number shall be able to reach a live person  
19 who can exert transmitter power-down control over this site as required by the  
20 FCC.

21 26. All required and proposed signage shall be shown on approved building plans.

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

1 technologies may be grounds for the institution of revocation proceedings of the  
2 Conditional Use Permit.

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

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

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

1 nature or upon its disuse, the operator or owner may be required to post a  
2 performance bond, cash or a letter of credit or other security acceptable to the  
3 City Planner in the amount of \$10,000, or such higher amount as the City  
4 Planner reasonably determines is necessary to ensure compliance with the  
5 maintenance and facility removal agreement.

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

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

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

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

22 34. This Conditional Use Permit may be modified in accordance with the provisions of the  
23 Zoning Ordinance. Any application for a revision to Conditional Use Permit CUP14-  
24 00026 shall be evaluated against the existing land use policies and any site area and  
25 neighborhood changes.

26 35. The Conditional Use Permit may be called for review by the Planning Commission if  
27 complaints are filed and verified as valid by the City Planner or Code Enforcement Officer  
28 concerning the violation of any of the approved conditions or the project assumptions  
29 demonstrated under the application approval.

- 1 36. All costs reasonably incurred by the City in verifying compliance and in extending or  
2 revoking an approval shall be borne by the applicant and/or permit holder.
- 3 37. Failure to meet any conditions of approval for this development shall constitute a violation  
4 of this Conditional Use Permit. Conditional Use Permit CUP14-00026 may be revoked  
5 pursuant to Article 47 of the Zoning Ordinance.
- 6 38. If the operator of this facility intends to abandon or discontinue the use of this facility, the  
7 City shall be notified of such intention no less than 60 days prior to the final day of use.
- 8 39. If the use of this facility is discontinued, it shall be considered abandoned 90 days  
9 following the final day of use.
- 10 40. All abandoned facilities shall be physically removed by the operator no more than 90 days  
11 following the final day of use or of determination that the facility has been abandoned,  
12 whichever occurs first. When a wireless communications facility has been abandoned, but  
13 not removed, the City may cause such facilities to be removed and charge all expenses  
14 incurred in such removal to the provider.
- 15 41. The wireless communications facility shall be subject to, and governed by, any and all  
16 licensing authority by any governmental agency having jurisdiction. The City's local  
17 approval of the facility shall not exempt the permittee(s) from any such pre-emptive  
18 regulations.
- 19 42. Prior to the transfer of ownership and/or operation of the use, the owner and/or operator  
20 shall provide a written copy of the application, staff report, and resolution for the project to  
21 the new owner and/or operator. This notification requirement shall run with the life of the  
22 project.
- 23 43. A covenant or other recordable document approved by the City Attorney shall be prepared  
24 by the applicant and recorded prior to the issuance of building permits. The covenant shall  
25 provide that the property is subject to this resolution, and shall generally list the conditions  
26 of approval.
- 27 44. The final design, aesthetic devices, and construction of the facility shall be in accordance  
28 with the plans representing the approved project and the conditions of approval. In  
29 addition, the final construction plans shall demonstrate consistency with the plans and other  
exhibit materials approved by the Planning Commission. These requirements shall be

1 shown and demonstrated on the plans submitted for building permits and shall be reviewed  
2 and approved by the City Planner prior to the issuance of building permits. The following  
3 requirements shall be met:

- 4 a) Existing weathered or damaged faux fronds shall be removed and new fronds  
5 installed no later than 120 days following the date of project approval.
- 6 b) The monopole shall not exceed 85 feet in height. The pole shall be a maximum of  
7 36 inches in diameter.
- 8 c) The replacement faux fronds shall be a minimum of 15 feet in length. The fronds  
9 shall reach a minimum of 24 inches beyond the farthest reaching antennas,  
10 including a minimum of 24 inches above the top of the pole and below the base of  
11 the antennas. The overall height of the facility shall not exceed 85 feet.
- 12 d) The replacement faux fronds shall be shades of forest green and brown, similar to  
13 the colors of a real palm tree.
- 14 e) There shall be a minimum of 60 fronds incorporated with the mono-palm disguise.  
15 The faux fronds shall be arranged to simulate a real palm tree.
- 16 f) The mono-palm trunk and frond ball shall be finished with bark texture and color  
17 (full cladding) similar to a real palm tree.
- 18 g) The equipment shelter shall remain as it currently exists and as shown on the  
19 materials and information submitted with this application. All mechanical  
20 equipment shall be placed inside the structure.
- 21 h) No permanent generators shall be permitted. The emergency back-up generator  
22 shall not exceed local noise limits and shall be operated on a limited basis.
- 23 i) The natural landscaping shall be maintained in excellent condition at all times.  
24 Irrigation shall be operable at all times and shall sufficiently water the landscaping  
25 associated with this Conditional Use Permit.

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

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

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

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

1 45. Upon termination of the approved communication facility use, the permittee shall be  
2 responsible to removing the entire facility from the premises and repairing the site to its  
3 original condition with pavement, curb, and gutters.

4 PASSED AND ADOPTED Resolution No. 2015-P20 on July 13, 2015 by the following  
5 vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 \_\_\_\_\_  
11 Louise Balma, Chairperson  
12 Oceanside Planning Commission

13 ATTEST:

14 \_\_\_\_\_  
15 Jeff Hunt, Secretary

16 I, JEFF HUNT , Secretary of the Oceanside Planning Commission, hereby certify that this is a  
17 true and correct copy of Resolution No. 2015-P20.

18 Dated: July 13, 2015  
19 \_\_\_\_\_

20 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
21 be required as stated herein:

22 \_\_\_\_\_  
23 Date: \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_  
29 \_\_\_\_\_

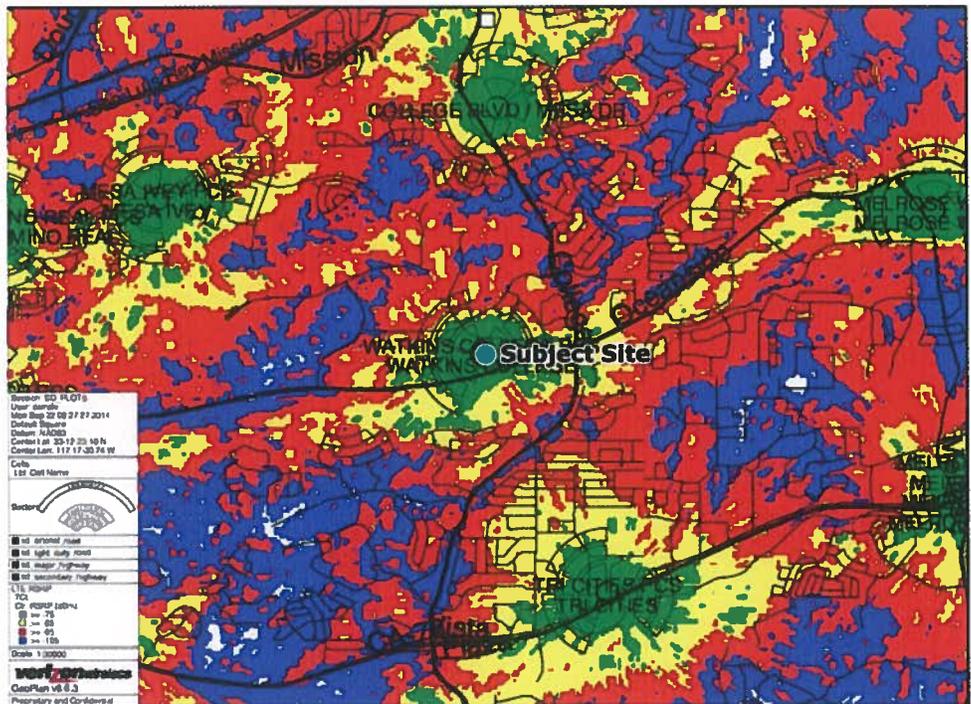
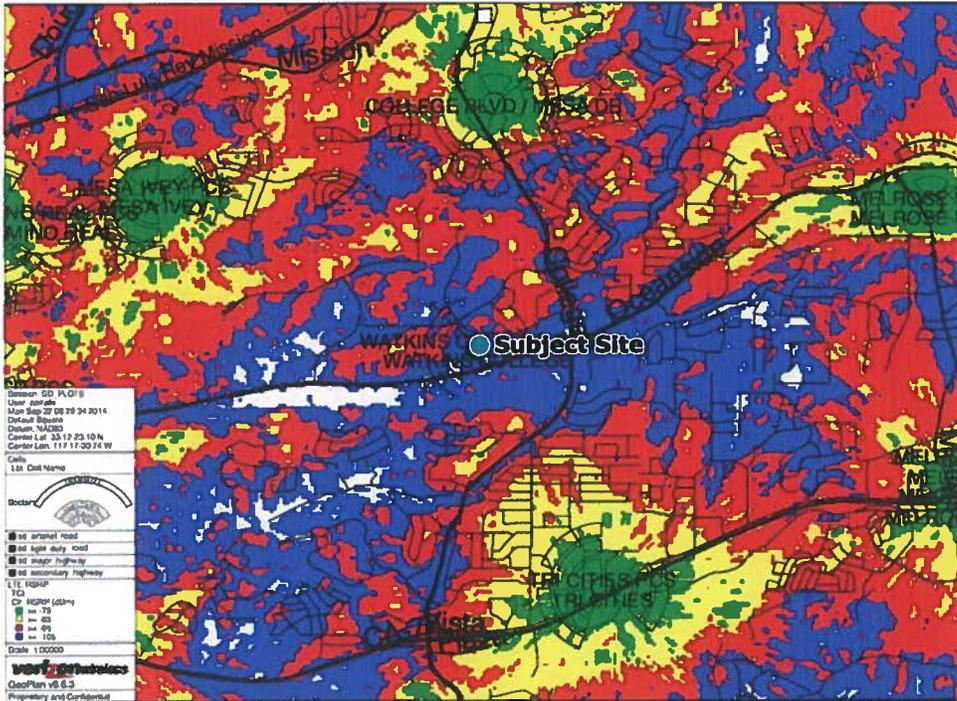
RECEIVED

DEC 09 2014

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

**Coverage without site**

**Watkins College AWS Mod**  
4079 Calle Platino  
Oceanside, CA 91056  
MTX-54



**Coverage Levels:**

- Excellent
- Good/Variable
- Poor

9/22/2014

**Coverage with site**



## PHOTO STUDY

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### PROPOSAL TO MODIFY PERMIT FOR WIRELESS COMMUNICATIONS FACILITY

**Verizon Wireless**  
**Watkins College**  
4079 Calle Platino  
Oceanside, CA 92056

Prepared for:  
**City of Oceanside**  
**Development Services Department**  
300 N. Coast Highway  
Oceanside, CA 92054

Prepared by:

**PlanCom, Inc.**  
*Contractor Representatives for*  
**Verizon Wireless**

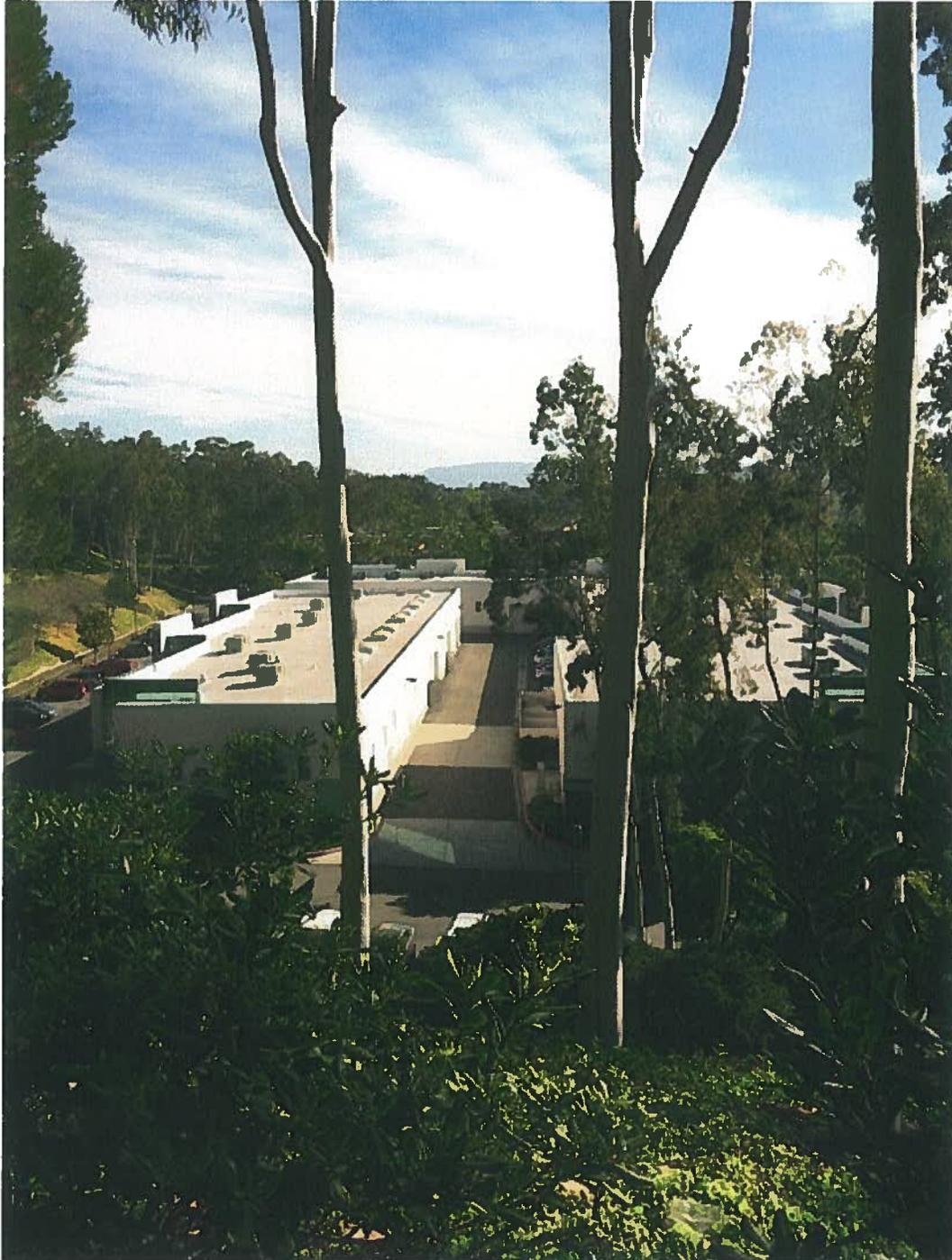
302 State Place  
Escondido, CA 92029  
Contact: Margie Sullivan, Planning Consultant  
(760) 613-3488

September 10, 2014

RECEIVED  
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CITY OF OCEANSIDE  
DEVELOPMENT SERVICES



View looking north from site



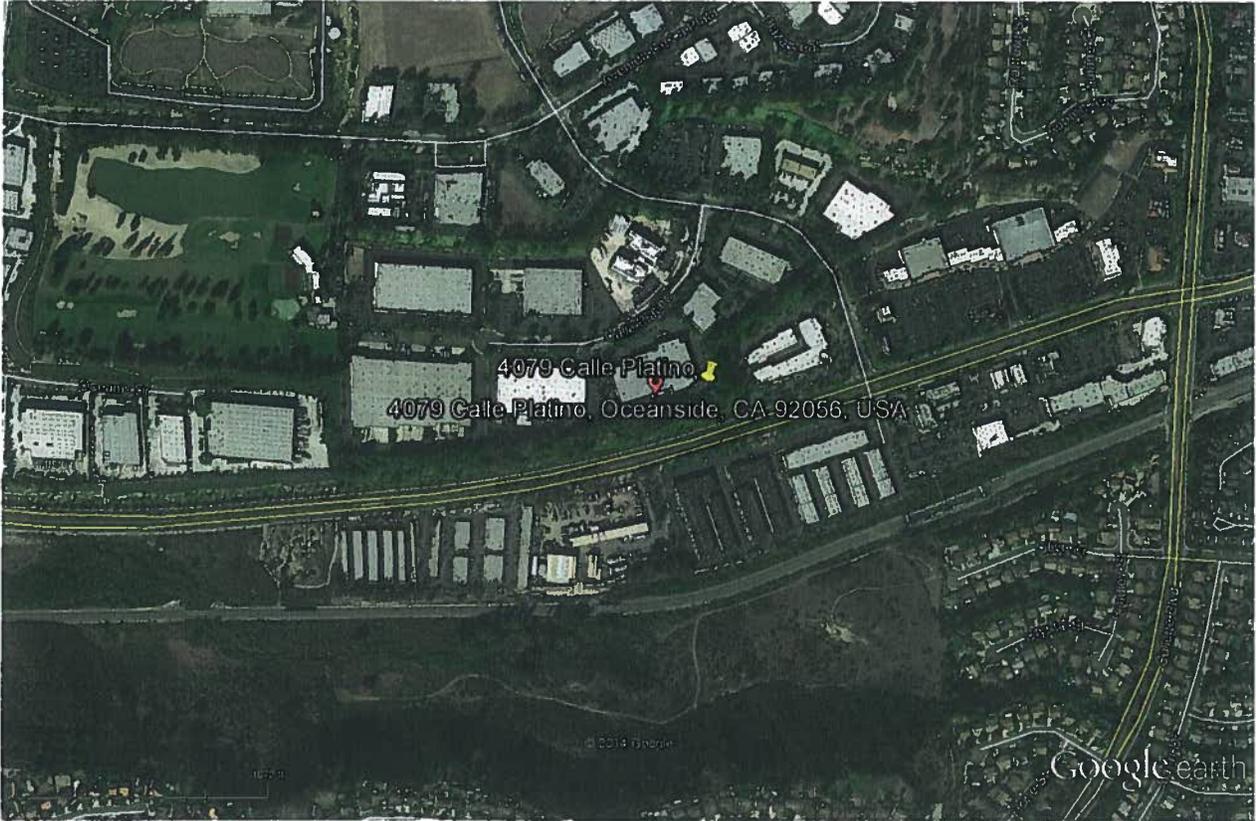
View looking east from site



View looking south from site

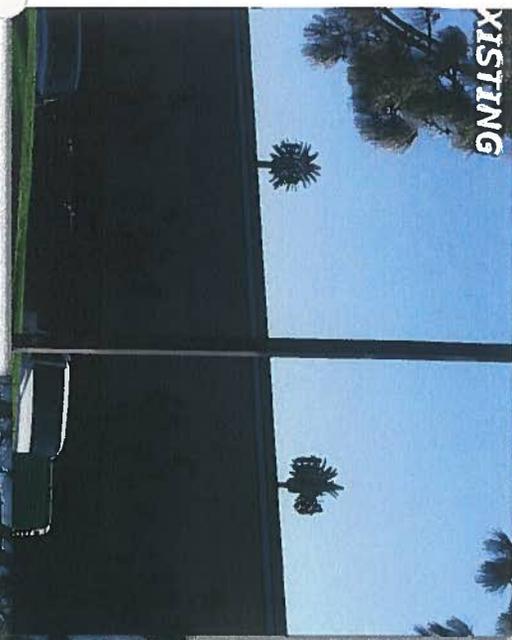


View of looking west from site



Aerial View of project area

**EXISTING**



**RECEIVED**

**DEC 09 2014**

**CITY OF OCEANSIDE  
DEVELOPMENT SERVICES**

Existing and proposed replacement  
antennas and new RRUs and surge box  
mounted to existing monopalm

**Watkins College AWS Mod**  
4079 Calle Platino  
Oceanside, CA 91056  
MTX-54



**PROPOSED**

**Photosimulation of proposed telecommunications site**

These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings

1/19/2014



YOUR RF SAFETY PARTNER

## RADIO FREQUENCY ELECTROMAGNETIC FIELDS EXPOSURE REPORT

Prepared for Verizon

c/o PlanCom, Inc.

Site Name: **Watkins College**  
Site Type: **Monopalm**

Located at:

4079 Calle Platino  
Oceanside, CA 92056  
Latitude: 33.2057 / Longitude: -117.2916

Report Date: **6/23/2014**  
Report By: **Jamie Santos**

**Based on FCC Rules and Regulations, Verizon Wireless will be compliant provided recommendation(s) are implemented.**

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## 1. GENERAL SUMMARY

Dtech Communications, LLC (“Dtech”) has been retained by PlanCom Inc., contractors to Verizon, to determine whether its wireless communications facility complies with the Federal Communications Commission (“FCC”) Radio Frequency (“RF”) Safety Guidelines. This report contains a computer-simulated analysis of the Electromagnetic Fields (“EMF”) exposure resulting from the facility. The table below summarizes the result at a glance:

*Table 1: EMF Summary*

Verizon	Summary
<b>Access Type</b>	Gate
<b>Access to antennas locked</b>	Recommended
<b>RF Sign(s) @ access point(s)</b>	NOC Information, Guidelines, Caution (recommended)
<b>RF Sign(s) @ antennas</b>	None
<b>Barrier(s) @ sectors</b>	NA
<b>Max cumulative EMF level for Verizon on Ground</b>	2.6% General Population
<b>Max cumulative EMF level for facility on Ground</b>	2.6% General Population
<b>Max cumulative EMF level for Verizon on adjacent Roof</b>	<5% General Population
<b>Max cumulative EMF level for facility on adjacent Roof</b>	<5% General Population

The wireless telecommunication facility is located on the ground. The antennas are mounted on a monopalm tower and connected to the equipment via coaxial cables.

## 2. SITE MAP

Figure 1: Site Map



### 3. ANTENNA INVENTORY

Technical specifications provided below are gathered from physical field surveys where possible, provided drawings and/or other documents provided by our clients, site/building managers and other licensees at this facility. "Generic", "Others", "Unknown" and conservative estimates are used where information is not available.

AT&T is co-located at this facility.

Table 2: Site Technical Specifications

Antenna ID	Operator	Antenna Mfg.	Antenna Model	Type	Frequency (MHz)	Orientation (°)	Horizontal B-Width (°)	Antenna Aperture (ft)	Antenna Gain (dBi)	CDMA Radios	EVDO Radios	LTE Radios	Total ERP (Watts)	Bottom Tip Height Above Ground (ft)	Bottom Tip Height Above Adj. Roof (ft)
A1	Verizon	Antel	BXA80063/4CF	Panel	850	85	83	4	13	6			1711	71.5	51.5
A2	Verizon	Ericsson	AIR 21	Panel	2100	85	85	4.5	15.4		2		1151	71.3	51.3
A3	Verizon	Amphenol	BXA-185060/BCF_4	Panel	1900	85	80	4	16.4		6		3077	71.5	51.5
A4	Verizon	Kathrein	800 10785V01	Panel	700	85	88	8.3	13.2		2		1321	70.4	50.4
A5	Verizon	Antel	BXA80063/4CF	Panel	850	85	83	4	13	0			0	71.5	51.5
B1	Verizon	Antel	BXA80063/4CF	Panel	850	230	83	4	13	6			1711	71.5	51.5
B2	Verizon	Ericsson	AIR 21	Panel	2100	230	85	4.5	15.4		2		1151	71.3	51.3
B3	Verizon	Amphenol	BXA-185060/BCF_4	Panel	1900	230	80	4	16.4		6		3077	71.5	51.5
B4	Verizon	Kathrein	800 10785V01	Panel	700	230	88	8.3	13.2		2		1321	70.4	50.4
B5	Verizon	Antel	BXA80063/4CF	Panel	850	230	83	4	13	0			0	71.5	51.5
C1	Verizon	Antel	BXA80063/4CF	Panel	850	320	83	4	13	6			1711	71.5	51.5
C2	Verizon	Ericsson	AIR 21	Panel	2100	320	85	4.5	15.4		2		1151	71.3	51.3
C3	Verizon	Amphenol	BXA-185060/BCF_4	Panel	1900	320	80	4	16.4		6		3077	71.5	51.5
C4	Verizon	Kathrein	800 10785V01	Panel	700	320	88	8.3	13.2		2		1321	70.4	50.4
C5	Verizon	Antel	BXA80063/4CF	Panel	850	320	83	4	13	0			0	71.5	51.5
1	AT&T	Generic	Generic	Panel	850	10	80	4	12	Generic	Generic	Generic	500	75.0	55.0
2	AT&T	Generic	Generic	Panel	1900	10	80	4	15	Generic	Generic	Generic	750	75.0	55.0
3	AT&T	Generic	Generic	Panel	850	10	80	4	12	Generic	Generic	Generic	500	75.0	55.0
4	AT&T	Generic	Generic	Panel	1900	10	80	4	15	Generic	Generic	Generic	750	75.0	55.0
5	AT&T	Generic	Generic	Panel	850	130	80	4	12	Generic	Generic	Generic	500	75.0	55.0
6	AT&T	Generic	Generic	Panel	1900	130	80	4	15	Generic	Generic	Generic	750	75.0	55.0
7	AT&T	Generic	Generic	Panel	850	130	80	4	12	Generic	Generic	Generic	500	75.0	55.0
8	AT&T	Generic	Generic	Panel	1900	130	80	4	15	Generic	Generic	Generic	750	75.0	55.0
9	AT&T	Generic	Generic	Panel	850	250	80	4	12	Generic	Generic	Generic	500	75.0	55.0
10	AT&T	Generic	Generic	Panel	1900	250	80	4	15	Generic	Generic	Generic	750	75.0	55.0
11	AT&T	Generic	Generic	Panel	850	250	80	4	12	Generic	Generic	Generic	500	75.0	55.0
12	AT&T	Generic	Generic	Panel	1900	250	80	4	15	Generic	Generic	Generic	750	75.0	55.0

#### 4. EMISSIONS PREDICTIONS

Figure 2: Results- The top (bird's eye) view of the resulting FCC General Population MPE (Maximum Permissible Exposure) map surrounding the facility.

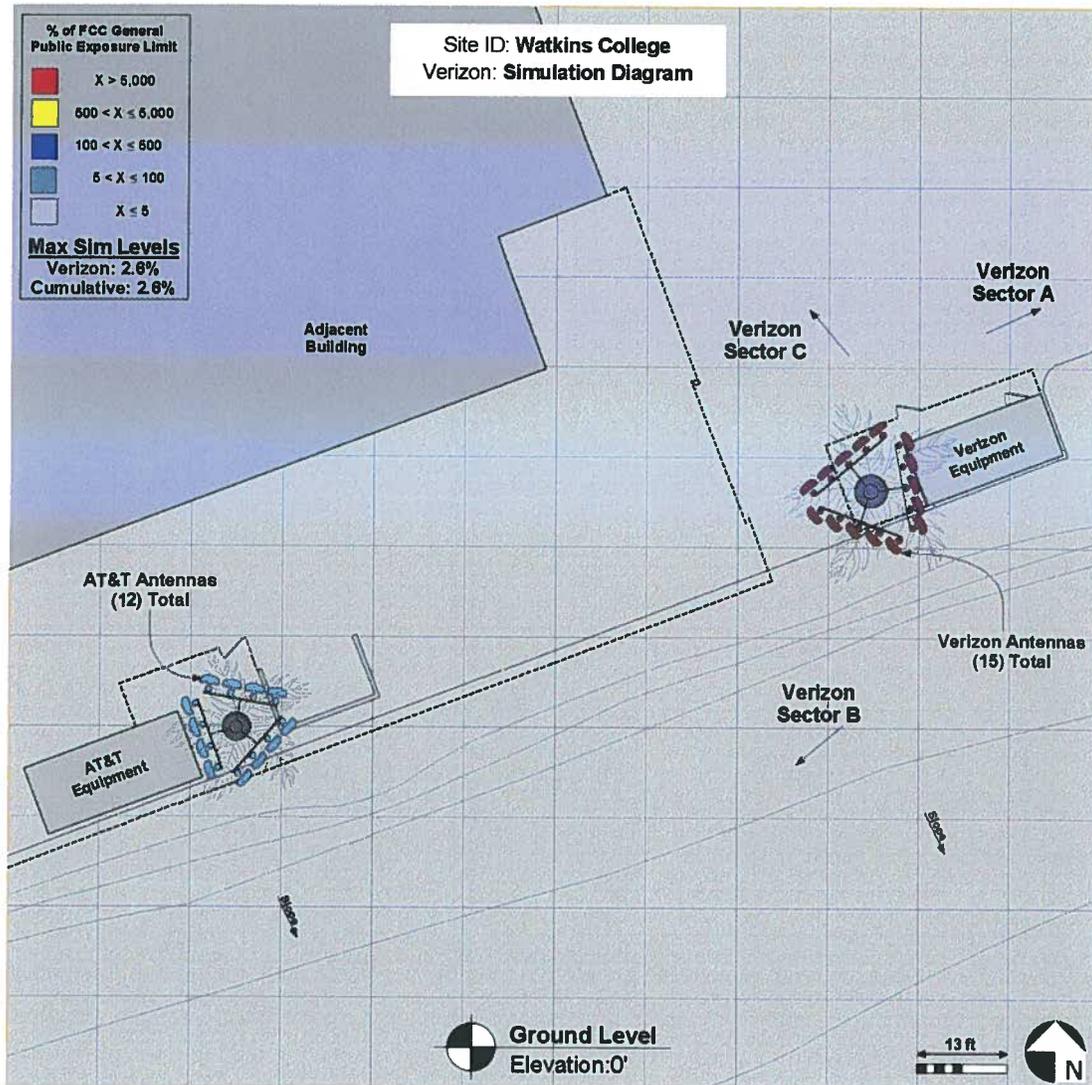
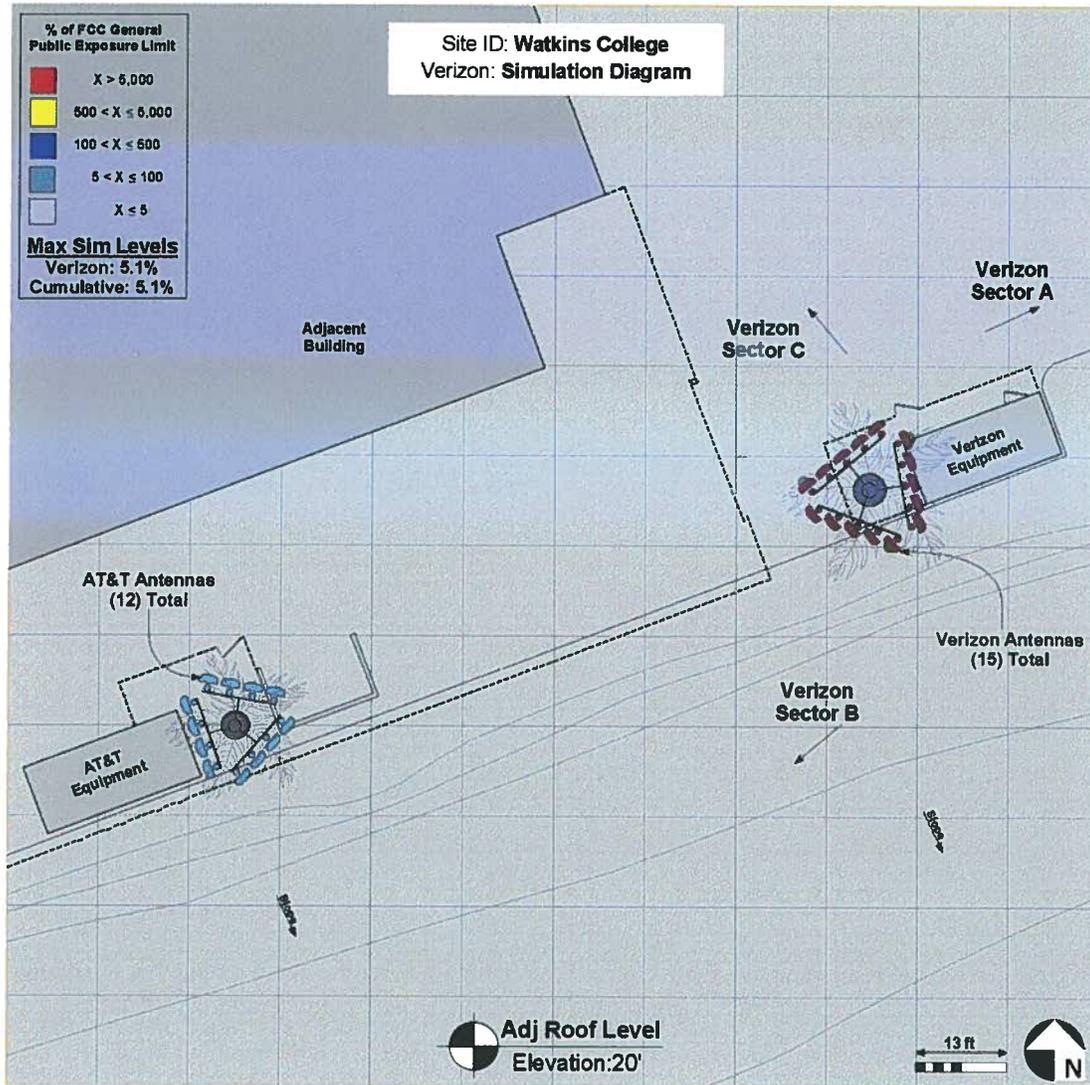


Figure 3: Results- The top (bird's eye) view of the resulting FCC General Population MPE (Maximum Permissible Exposure) map surrounding the facility.



## 5. STATEMENT OF COMPLIANCE

Calculations for Verizon's site including contributions from existing carriers resulted in exposure levels below the FCC's most stringent General Population MPE Limits in accessible areas on both the ground and adjacent roof.

### 5.1 Recommendation(s)

The antennas are mounted on a tall tower and therefore not accessible by the general public. It is presumed that Verizon employees and contractors are aware of the transmitting antennas and will take appropriate precautions when working near them. In accordance with the FCC's and Verizon's RF Safety Guidelines<sup>1</sup> the following action(s) are recommended (see figure 3):

- 1) Access to the facility must be kept locked to restrict routine access by the general public.
- 2) Install NOC INFORMATION Sign(s), GUIDELINES Sign(s) and CAUTION Sign(s) at each tower climbing access point or base of the tower, where they will be clearly visible to tower climbers.

Compliance actions, if necessary, for the other carrier(s) at this site have not been determined as part of this study since estimates were used for their site specifications.

---

<sup>1</sup> Verizon Radio Frequency Compliance (RFC) Signage & Demarcation Policy – December 2012



## 5.2 Conclusion

Based on the above results, analysis and recommendation(s), it is the undersigned's professional opinion that Verizon Wireless' site including contributions from existing carriers will be compliant with the FCC's RF Safety Guidelines provided recommendation(s) are implemented.

## 5.3 Certification

This report has been prepared by or under the direction of the following Registered Professional Engineer: Darang Tech, holding California registration number 16000, with renewal date of 06/30/15.

  
Darang Tech, P.E.



## Appendix A: Background

Dtech uses the FCC's guidelines described in detail in Office of Engineering & Technology, Bulletin No. 65 ("OET-65") "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields." The table below summarizes the current Maximum Permissible Exposure ("MPE") safety limits classified into two groups: General population and Occupational.

Table 3: FCC MPE Limits (from OET-65)

Frequency (Mhz)	General Population/ Uncontrolled MPE (mW/cm <sup>2</sup> )	Averaging Time (minutes)	Occupational/ Controlled MPE (mW/cm <sup>2</sup> )	Averaging Time (minutes)
30 - 300	0.2	30	1.0	6
300 - 1500	Frequency (Mhz)/1500 (0.2 – 1.0)	30	Frequency (Mhz)/300 (1.0 – 5.0)	6
1500 - 100,000	1.0	30	5.0	6

**General population/uncontrolled** limits apply in situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment, and may not be fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

**Occupational/controlled** limits apply in situations in which persons are exposed as a consequence of their employment, and those persons have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

It is important to understand that the FCC guidelines specify *exposure* limits not *emission* limits. For a transmitting facility to be out of compliance with the FCC's RF safety guidelines an area or areas where levels exceed the MPE limits must, first of all, be in some way *accessible* to the public or to workers. When accessibility to an area where excessive levels is appropriately restricted, the facility or operation can certify that it complies with the FCC requirements.

## **Appendix B: Measurement and/or Computer Simulation Methods**

Spatial averaging measurement technique is used. An area between 2 and 6 feet, approximately the size of an average human, is scanned in single passes from top to bottom in multiple planes. When possible, measurements were made at very close proximity to the antennas and inside the main beam where most of the energy is emitted. The spatial averaged values were recorded.

Dtech uses an industry standard power density prediction computer model<sup>2</sup> to assess the worse-case, cumulative EMF impact of the surrounding areas of the subject site. For purposes of a cumulative study, nearby transmitters are included where possible. In addition, the analysis is performed at 100% duty cycle-all transmitters are active at all times and transmitting at maximum power. The result is a surrounding area map color-coded to percentages of the applicable FCC's MPE Limits. A result higher than 100% exceeds the Limits.

## **Appendix C: Limitations**

Dtech performed this analysis based on data provided by our clients that Dtech believes to be true and correct. Estimates where noted, are based on common industry practices and our best interpretation of available information. As mobile technologies continuously change, these data and results may also change. Therefore, Dtech disclaims all other warranties either expressed or implied. Any use of this document constitutes an agreement to hold Dtech and its employees harmless and indemnify it for any and all liability, claims, demands, litigation expenses and attorneys fees arising from such use. This is a technical document and may contain minor grammatical and/or spelling errors.

---

<sup>2</sup> RoofView Version 4.15, Richard Tell Associates, Inc. © 1996-2000.

## Appendix D: Verizon RF advisory signs



**GUIDELINES Sign**



**NOC INFORMATION Sign**



**NOTICE Sign**



**CAUTION Sign**



**WARNING Sign**

**Planning  
Memorandum**

To: Martin Miller  
From: Tripp May  
Reviewed by: Jonathan L. Kramer  
Date: October 20, 2014  
RE: CUP 14-00026 (Verizon Wireless)  
4079 Calle Platino, Oceanside, California 91056

The City of Oceanside (“City”) requested a review of the Verizon Wireless (“Verizon”) permit request to upgrade its monopalm wireless site located at 4079 Calle Platino. This property also hosts an AT&T Mobility (“AT&T”) monopalm.

**1. Current Project**

Verizon currently operates a 85-foot monopalm with twelve panel antennas center mounted at approximately 73.5 feet above ground level (“AGL”), a ground-mounted equipment shelter, and diesel back-up generator within a steel fence. This section briefly describes the proposed changes as depicted in the plans dated April 7, 2014, and submitted with the permit request.

On the monopalm, Verizon proposes to install one new panel antenna and two new remote radio units (“RRUs”) per sector. Additionally, Verizon proposes to place one fiber/power demarcation box adjacent to the panel antennas. The plans show no proposed changes to the ground equipment, but the applicant describes an additional demarcation box inside the shelter.<sup>1</sup>

**2. Section 6409(a) Analysis**

As a threshold matter, the City must determine whether Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. § 1455(a) (“Section 6409(a)”), governs this permit request. Generally, Section 6409(a) requires that local governments “may not deny, and shall approve,” certain requests to collocate with or modify an existing wireless tower or base station so long as that request will not “substantially change the physical dimensions” of the existing facilities.<sup>2</sup> Thus, Section 6409(a) may be outcome-determinative.

Telecom Law Firm, PC

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Counsel for Government Agencies  
and Private Institutions

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2001 S. Barrington Avenue  
Los Angeles, California  
90025-5379

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<sup>1</sup> See PlanCom, Inc., *Project Description 2* (undated), on file with City of Oceanside.

<sup>2</sup> Section 6409(a) states in full:

(a) FACILITY MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding Section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or

To determine whether Section 6409(a) applies, the City must apply the two-prong test to the permit request as described below. The statute applies only when:

- (1) the applicant requests to collocate, remove, or replace transmission equipment from an existing tower or base station;  
and
- (2) the proposed project will not “substantially change the physical dimensions” of that tower or base station.

Critically, Section 6409(a) applies only when the applicant demonstrates both prongs are true. The statute does not apply when the applicant desires to construct an entirely new wireless communication facility or when the applicant desires to modify an existing site that substantially changes the physical dimensions of the existing tower or base station. Thus, local governments should always apply these prongs in the correct order.

### ***2.1. Prong 1: Did the Applicant Submit an “Eligible Facilities Request”?***

First, the applicant must demonstrate that its proposed project constitutes an eligible facilities request. Section 6409(a) defines an “eligible facilities request” as a permit application to collocate, remove, or replace transmission equipment on an existing wireless tower or base station.

The FCC defines a “wireless tower” as a structure solely or primarily constructed to support FCC-licensed antennas and their associated facilities.<sup>3</sup> No legally authoritative definition exists for a “base station” but, as an industry term of art, it generally refers to a complete system of transmission equipment in a fixed location.

Here, Verizon submitted an “eligible facilities request” because it seeks to remove and replace antennas and collocate new RRUs and demarcation boxes on its

---

base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

<sup>3</sup> See *id.*

existing wireless tower. The monopalm very likely constitutes a “wireless tower” because Verizon constructed it solely to support FCC-licensed antennas and their associated facilities. Accordingly, Verizon submitted an eligible facilities request that satisfies the first prong in this analysis.

***2.2. Prong 2: Does the Applicant Propose to “Substantially Change the Physical Dimensions of the Existing Wireless Tower or Base Station”?***

Even when an applicant submits an eligible facilities request, Section 6409(a) does not mandate approval unless the request will not substantially change the physical dimensions of the wireless tower or base station. In other words, the City need not approve a project merely because it qualifies as an eligible facilities request.

As of the date of this memorandum, no authoritative source has articulated any standard to determine whether a proposed design constitutes a substantial change in the physical dimensions of an existing wireless tower or base station. Without an authoritative statutory definition, local governments may apply the phrase “substantial change in physical dimensions” in a manner consistent with its plain dictionary meaning. Merriam-Webster defines “substantial” as “large in amount, size, or number; important or essential.” The phrase “physical dimensions” fairly includes weight, height, width, visibility, depth and/or density. Thus, a substantial change would likely occur when an applicant seeks a large, important, or essential change in the weight, height, width, visibility, depth and/or density of its facilities or equipment.

Additionally, local governments may elect to follow nonbinding and informal policy guidance from the Federal Communications Commission’s (“FCC”) Wireless Telecommunications Bureau (“**Informal Guidance**”), which sets out four individually sufficient criteria for a substantial change.<sup>4</sup> Under the Informal Guidance standard, a substantial change occurs when:

[1] [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

---

<sup>4</sup> See Wireless Telecommunication Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, *Public Notice*, DA 12-2047 (rel. Jan. 25, 2013).

[2] [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

[3] [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

[4] [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

However, the Informal Guidance does not represent the formal policy of the FCC and therefore does not carry the force of law and does not preempt local standards consistent with the plain meaning of “substantially change the physical dimensions.”<sup>5</sup> Indeed, the Informal Guidance seems particularly unreliable given that it considers only increases in physical dimensions when the plain words in Section 6409(a) explicitly refer to “removal[s]” which are decreases. Nevertheless, a local government may consider these factors when it evaluates whether a given eligible facilities request “substantially changes the physical dimensions of the existing wireless tower or base station.”

Here, Verizon very likely does not propose to substantially change the physical dimensions of the existing wireless tower. Although Verizon proposes to install additional antennas and increase the overall bulk with the new RRUs and demarcation boxes, the overall visual change shown in the photo simulations does not appear to defeat the current camouflage. Additionally, the project does not increase the overall height, increase the visible width, involve more than four equipment cabinets, or require excavation outside the existing lease areas. Thus, Verizon very likely satisfies this second prong under either the Informal Guidance or a plain-meaning approach to what constitutes a “substantial” change.

---

<sup>5</sup> See *Christensen v. Harris Cnty.*, 529 U.S. 576, 587–88 (2000) (citing *Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944)).

### 2.3. Section 6409(a) Summary

We conclude that Section 6409(a) likely applies to this permit request because Verizon submitted an eligible facilities request that will not substantially change the physical dimensions of the base station. Accordingly, federal law likely requires that the City shall approve and may not deny this permit request.

### 3. RF Emissions Compliance Evaluation

Even when Section 6409(a) requires zoning approval, the applicant must nevertheless comply with national RF emissions standards. The FCC completely occupies the field of radio frequency (“RF”) safety standards in the United States. State and local governments cannot legally establish or enforce RF emissions standards—whether more strict, more lenient, or the same as the FCC standards. The FCC does, however, permit the City to determine whether a proposed wireless project meets the federal safety standards found at 47 C.F.R. §§ 1.1307 *et seq.* (“FCC Rules”) and FCC Office of Engineering and Technology Bulletin 65 (“OET 65”) RF safety requirements.

Wireless antennas generally do not require an in-depth environmental analysis when virtually inaccessible to the general public. The FCC Rules “categorically exclude” wireless antennas for “cellular radiotelephone services” when mounted (1) on a structure constructed solely to support wireless antennas and (2) more than ten meters AGL.<sup>6</sup>

Here, the FCC Rules categorically exclude the antennas because Verizon proposes to mount them approximately 21.3 meters AGL on a structure solely or primarily designed to support wireless antennas. Accordingly, the City can conclude the Verizon demonstrated planned compliance with the FCC Rules without additional analysis so long as Verizon installs appropriate signage.

Nevertheless, Verizon submitted a *Radio Frequency Electromagnetic Fields Exposure Report* dated June 23, 2014 and prepared by Dtech Communications (“Dtech Report”). We regard the Dtech Report as accurate for this analysis because it correctly describes the proposed upgrades and is a current document produced by a firm known to do this work. The Dtech Report concludes that the Verizon antennas will comply with the FCC Rules and recommends that Verizon keep the enclosure locked and post certain signage.<sup>7</sup>

The Dtech Report contains sufficient data to allow an independent analysis. Based on the frequency and transmitter power disclosed, a “controlled access zone” will

---

<sup>6</sup> See 47 C.F.R. § 1.1307(b)(1).

<sup>7</sup> Dtech Report at 8.

extend approximately 39 feet from the face of the panel antennas at approximately the same height.

The fact that a site creates a controlled access zone does not necessarily mean that it violates the FCC Rules. Rather, a controlled access zone means that the carrier must affirmatively restrict public access to that area so that members of the general population (including trespassers) cannot unknowingly enter and be exposed to radio emissions in excess of those allowed by the FCC.

In general, we concur with the Dtech Report. However, in an abundance of caution, we recommend that the City adopt more specific conditions of approval to promote planned compliance with the FCC Rules. We therefore recommend that the City require, as conditions of approval, the following:

1. Permittee shall keep the access point(s) to the site enclosure locked at all times, except when Permittee performs active maintenance at the site;
2. Permittee shall install and at all times maintain in good condition an "RF Notice" and "Network Operations Center Information" sign on the access point(s) to the equipment enclosure. Permittee shall install the sign(s) required under this condition so that a person may clearly see and understand the sign before he or she enters into the equipment enclosure area;
3. Permittee shall install and at all times maintain in good condition an "RF Notice" and "Network Operations Center Information" sign on the base of the monopalm. Permittee shall install the sign(s) required under this condition so that a person may clearly see and understand the sign as he or she approaches the monopalm; and
4. Permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.

If Verizon complies with the above conditions described in this memorandum, then the City will have no basis to deny or further condition the project on the basis of RF emissions.

#### **4. Conclusion**

We conclude that Section 6409(a) likely requires that the City “shall approve, and may not deny” this permit request so long as the actually constructed upgrade does not defeat the palm tree camouflage. Additionally, subject to the recommended conditions of approval above, Verizon can demonstrate planned compliance with the FCC Rules for RF emissions. Accordingly, we recommend that the City advance this permit request to the next stage in the permit review process.

TM/jlk





APPROVALS

DATE	DATE

PROJECT NAME  
**CITY OF OCEANSIDE  
 VERIZON @ CALLE PLATING  
 "CJP14-00028"**  
**WATKINS COLLEGE  
 AWS MOD**  
 4874 CALLE PLATING  
 OCEANSIDE, CA 91956  
**MTX - 54**  
 SAN DIEGO COUNTY

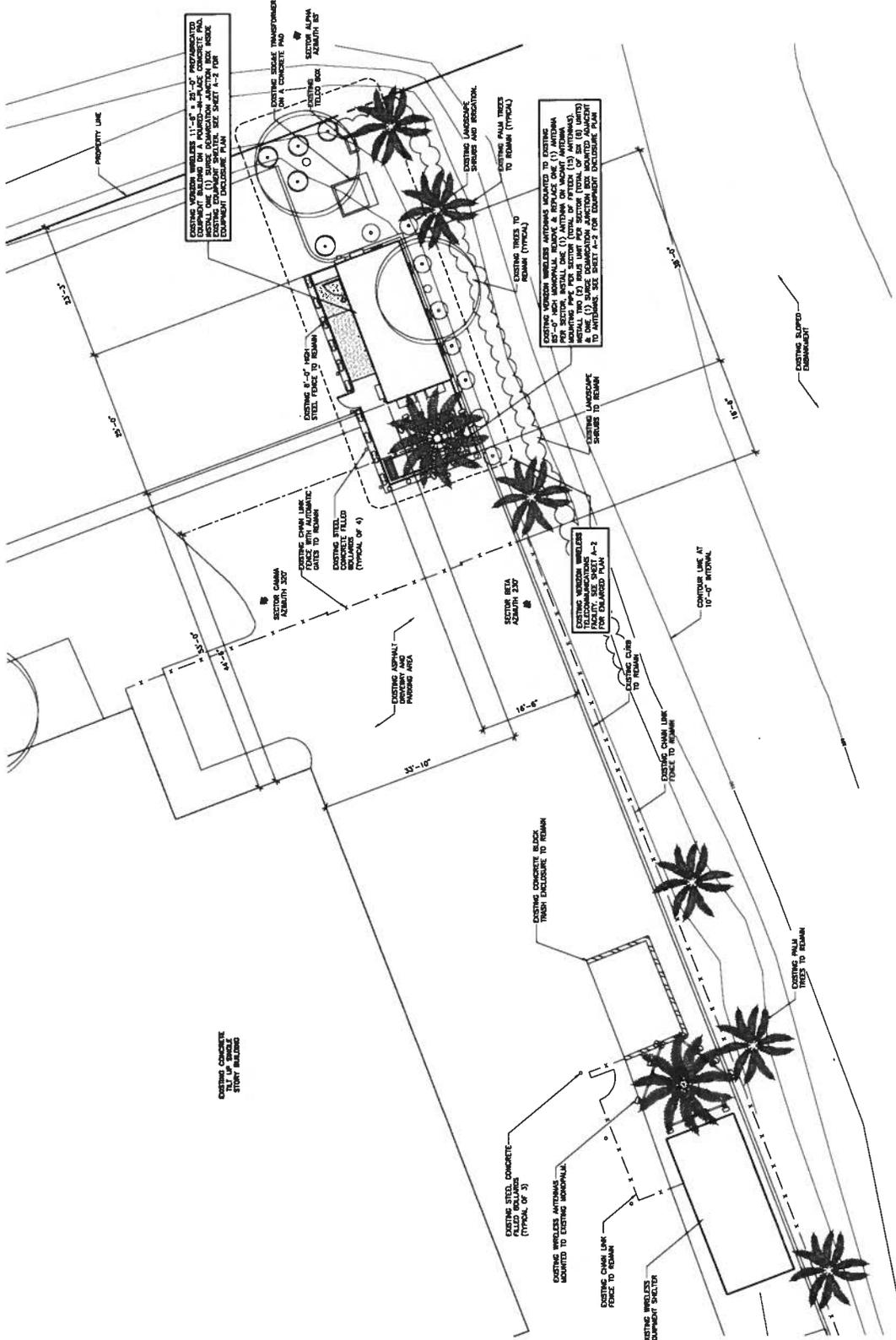
DRAWING DATES  
 04/02/14  
 06/10/14  
 11/17/14

SHEET TITLE

**ENLARGED SITE PLAN**

PROJECT: VERIZON @ CALLE

**A-1**



NOTE: EXISTING LANDSCAPE TREES & EXISTING TREES ON ADJACENT PROPERTY TO BE MAINTAINED. EXISTING TREES WITH A HEIGHT FROM 30'-0" TO 30'-0"



**ENLARGED SITE PLAN**  
 SCALE: 1/4" = 1'-0"







APPROVALS

ASC	DATE
RE	DATE
RF	DATE
INT	DATE
EA/N	DATE
OPS	DATE
EA/OUT	DATE

PROJECT NAME  
**CITY OF OCEANSIDE  
 VERIZON @ CALLE PLATINO  
 "CJF14-00028"**  
**WATKINS COLLEGE  
 AWS MOD**  
 4078 CALLE PLATINO  
 OCEANSIDE, CA 91036  
**MTX - 54**  
 SAN DIEGO COUNTY

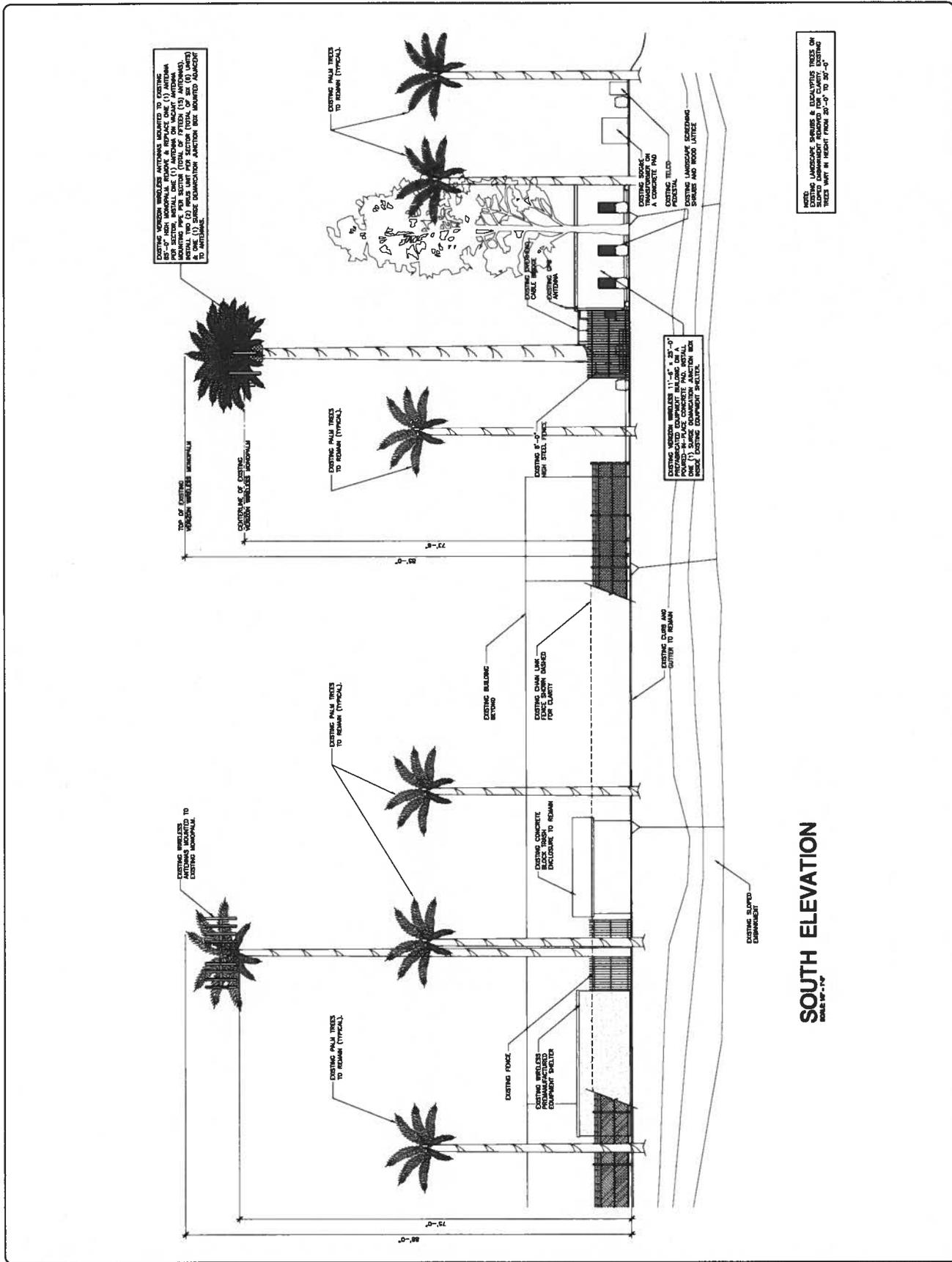
DRAWING DATES  
 04/07/14 PRELIM 2D REVIEW (ea)  
 09/16/14 100% 2D (VMT)  
 11/17/14 REVISED 2D (V) (ea)

SHEET TITLE

EXTERIOR ELEVATIONS

PROJECT: VERIZON | 14062814

**A-3**



**SOUTH ELEVATION**  
 SCALE 1/4" = 1'-0"

NOTE:  
 EXISTING LANDSCAPE SHRUBS & PALM TREES TO REMAIN. EXISTING TREES MUST BE MAINTAINED TO A MINIMUM HEIGHT FROM 20'-0" TO 25'-0".

APPROVALS

ASC	DATE
TE	DATE
RF	DATE
WF	DATE
TE/PM	DATE
OPS	DATE
TE/INT	DATE

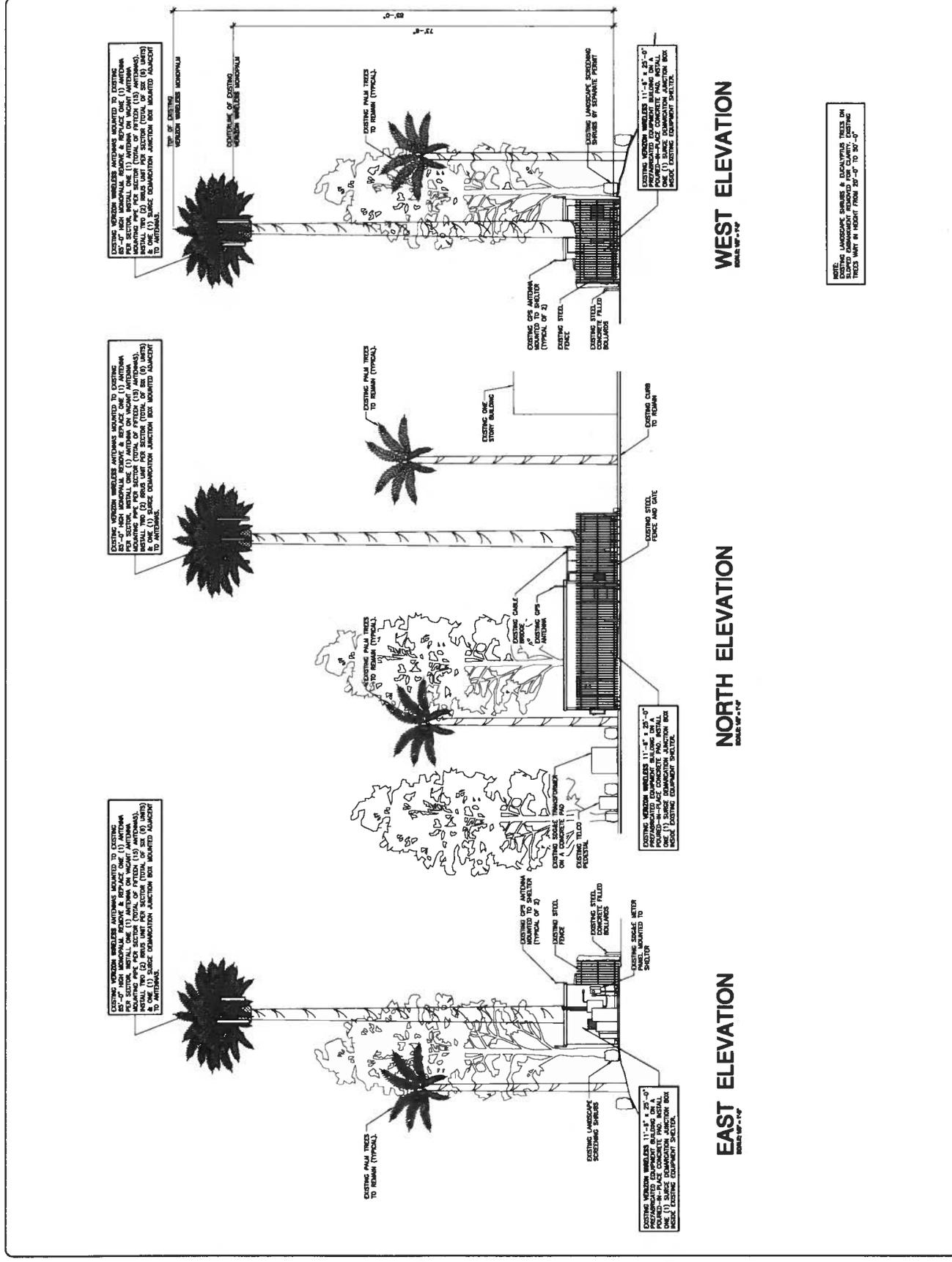
PROJECT NAME  
**CITY OF OCEANSIDE  
 VERIZON @ CALLE PLATINO  
 "CJP14-00028"**  
**WATKINS COLLEGE  
 AWS MOD**  
 4079 CALLE PLATINO  
 OCEANSIDE, CA 92056  
**MTX - 54**  
 SAN DIEGO COUNTY

DRAWING DATES  
 04/27/14  
 09/16/14  
 11/17/14  
 ISSUE NO. 1 (w)  
 ISSUE NO. 2 (w)  
 REVISION 20 #1 (w)

SHEET TITLE  
**EXTERIOR ELEVATIONS**

PROJECT: VERIZON @ 140228

**A-4**



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

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

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

NOTE: EXISTING LANDSCAPE SCREENS & DECIDUOUS TREES ON SLOPE REMOVED FOR CLARITY. EXISTING TREES MAY BE HEIGHT FROM 20'-0" TO 30'-0"

PREPARED FOR



P.O. BOX 18707  
IRVINE, CA 92623-9707  
(949) 222-7000

APPROVALS

DATE	DATE
DATE	DATE

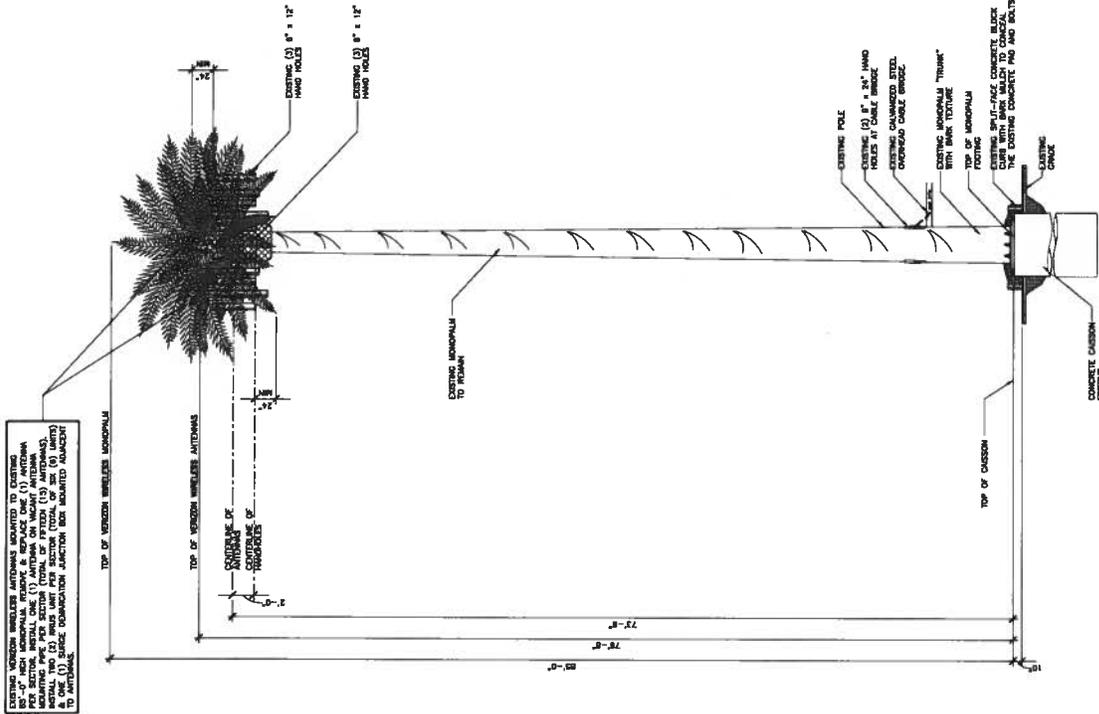
PROJECT NAME  
**CITY OF OCEANSIDE  
VERIZON @ CALLE PLATINO  
"CUP14-00028"**  
**WATKINS COLLEGE  
AWS MOD**  
4075 CALLE PLATINO  
OCEANSIDE, CA 91956  
**MTX - 54**  
SAN DIEGO COUNTY

DRAWING DATES  
PREPARED BY (m)  
09/16/14  
CHECKED BY (m)  
10/20/14  
REVISED BY (m)  
11/17/14

SHEET TITLE  
**ANTENNA PLAN  
&  
MONOPALM DETAILS**

PROJECT/VENDOR/URESH

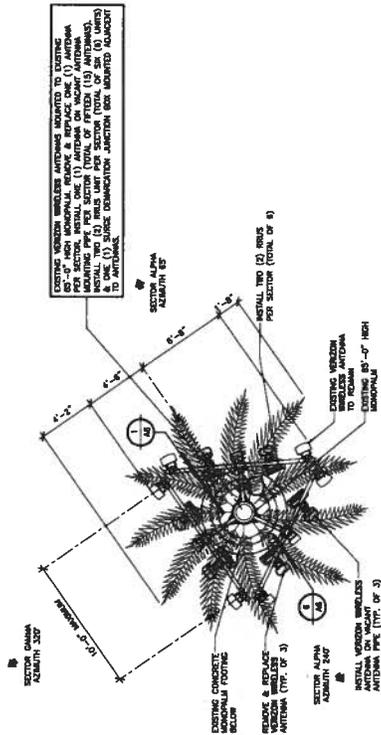
**A-5**



**MONOPALM DETAIL**  
SCALE 3/4" = 1'-0"

SECTOR	ANTENNA	MODEL NUMBER	TYPE	CONTROL	BASE	SECTOR NUMBER	NUMBER OF SECTORS	FEED	EQUIPMENT LENGTH	ANTENNA LENGTH	FEED/COIL
ALPHA 1	SECTOR ALPHA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
ALPHA 2	SECTOR ALPHA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
ALPHA 3	SECTOR ALPHA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
BETA 1	SECTOR BETA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
BETA 2	SECTOR BETA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
BETA 3	SECTOR BETA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
GAMMA 1	SECTOR GAMMA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
GAMMA 2	SECTOR GAMMA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE
GAMMA 3	SECTOR GAMMA	800-1070801	1	1	1	1	1	10'-0"	10'-0"	6'-0"	FEED CABLE

- NOTES:  
 1) INSTALL (3) ADDITIONAL (6x12) POWER/FEED CABLES  
 2) REMOVE & REPLACE ONE (1) ANTENNA PER SECTOR (TOTAL OF THREE (3) ANTENNAS)  
 ANTENNA: 800-1070801 (72.50" LENGTH X 11.25" WIDE X 8.50" DEEP, WEIGHT: 51.20 LBS.)  
 3) INSTALL ONE (1) ANTENNA PER SECTOR ON EXISTING WIGWAG ANTENNA MOUNTING PIPE (TOTAL OF THREE (3) ANTENNAS)  
 DIMENSIONS: 800-21 804-SEP (53.00" LENGTH X 12.50" WIDE X 7.25" DEEP, WEIGHT: 90.30 LBS.)



**ANTENNA PLAN**  
SCALE 3/4" = 1'-0"



### Application for Discretionary Permit

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

#### STAFF USE ONLY

ACCEPTED	BY

Please Print or Type All Information

HEARING

#### PART I - APPLICANT INFORMATION

1. APPLICANT Verizon Wireless	2. STATUS
3. ADDRESS 15505 Sand Canyon Ave. Irvine, CA 92618	4. PHONE/FAX/E-mail 760-613-3488
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Margie Sullivan, Agent	
6. ADDRESS 302 State Place, Escondido, CA 92029	7. PHONE/FAX/E-mail margie.sullivan@plancominc.com

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

#### PART II - PROPERTY DESCRIPTION

8. LOCATION 4079 Calle Platino, Oceanside CA 92056	9. SIZE
10. GENERAL PLAN M1-Light Industrial	11. ZONING PD-1 Industrial
12. LAND USE commercial	13. ASSESSOR'S PARCEL NUMBER 162-503-29 162-503-34
14. LATITUDE	15. LONGITUDE

#### PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION: Remove and replace one (1) antenna per sector and install one (1) antenna on vacant antenna on mounting pipe per sector (15 total antennas). Install two (2) RRU's per sector behind antenna (6 total), two (2) surge demarcation fiber junction boxes (1 inside existing shelter and 1 on existing monopole), and 2 additional power/fiber cables from equipment shelter to antennas.

17. PROPOSED GENERAL PLAN no change	18. PROPOSED ZONING no change	19. PROPOSED LAND USE wireless communication facility	20. NO. UNITS n/a	21. DENSITY n/a
22. BUILDING SIZE 288 s.f.	23. PARKING SPACES n/a	24. % LANDSCAPE 0	25. % LOT COVERAGE or FAR 0	

#### PART IV - ATTACHMENTS

26. DESCRIPTION/JUSTIFICATION	27. LEGAL DESCRIPTION	28. TITLE REPORT
29. NOTIFICATION MAP & LABELS	30. ENVIRONMENTAL INFO FORM	31. FLOT PLANS
32. FLOOR PLANS AND ELEVATIONS	33. CERTIFICATION OF POSTING	34. OTHER (See attachment for required reports)

#### PART V - SIGNATURES

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

35. APPLICANT OR REPRESENTATIVE (Print): Margie Sullivan, Agent	36. DATE 9/11/14	37. OWNER (Print): Cal Mil Plastic Products Inc	38. DATE 9/15/14
Sign: <i>Margie Sullivan, Agent</i>		Sign: <i>Barney Callahan, VP</i>	

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.



# PROJECT DESCRIPTION

PROPOSAL TO REMOVE AND REPLACE  
ANTENNAS AND ADD FIBER CONNECTION  
WIRELESS COMMUNICATIONS FACILITY

**Watkins College**  
4079 Calle Platino  
Oceanside, CA 92056

Prepared for:

**City of Oceanside**  
300 N. Coast Highway  
Oceanside, CA 92054

Prepared by:

**PlanCom, Inc.**  
*Contractor Representatives for Verizon Wireless*  
302 State Place  
Escondido, CA 92029

Contact:

Margie Sullivan, Planning Consultant  
(760) 613-3488

May 18, 2015



## PROJECT DESCRIPTION

Verizon Wireless (VZW) is proposing to modify, within the approved project limits, an existing Verizon Wireless communications facility previously permitted by the City of Oceanside under Conditional Use Permit CUP-42-98 at 4079 Calle Platino in the Rancho Del Oro Planned Development. The existing Verizon facility is situated on a property owned by Cal-Mil Plastic Product, Inc. and zoned PD-1 (Industrial – Rancho Del Oro).

The existing Verizon wireless communications facility consists of three (3) arrays of four (4) panel antennas each (total of 12 panel antennas) mounted to an existing 85' high monopalm, previously approved for fifteen (13) antennas. The current request will remove and replace one antenna per sector and install one antenna on the vacant antenna mounting pipe per sector (total of 13 panel antennas), two (2) remote radio unit (RRU) per sector behind the antenna (total of 6 RRU's). Also installed will be two (2) new surge demarcation junction boxes (one (1) inside the existing equipment shelter and one (1) on the existing monopalm) and two (2) additional power/fiber cables from the equipment shelter to the antennas.

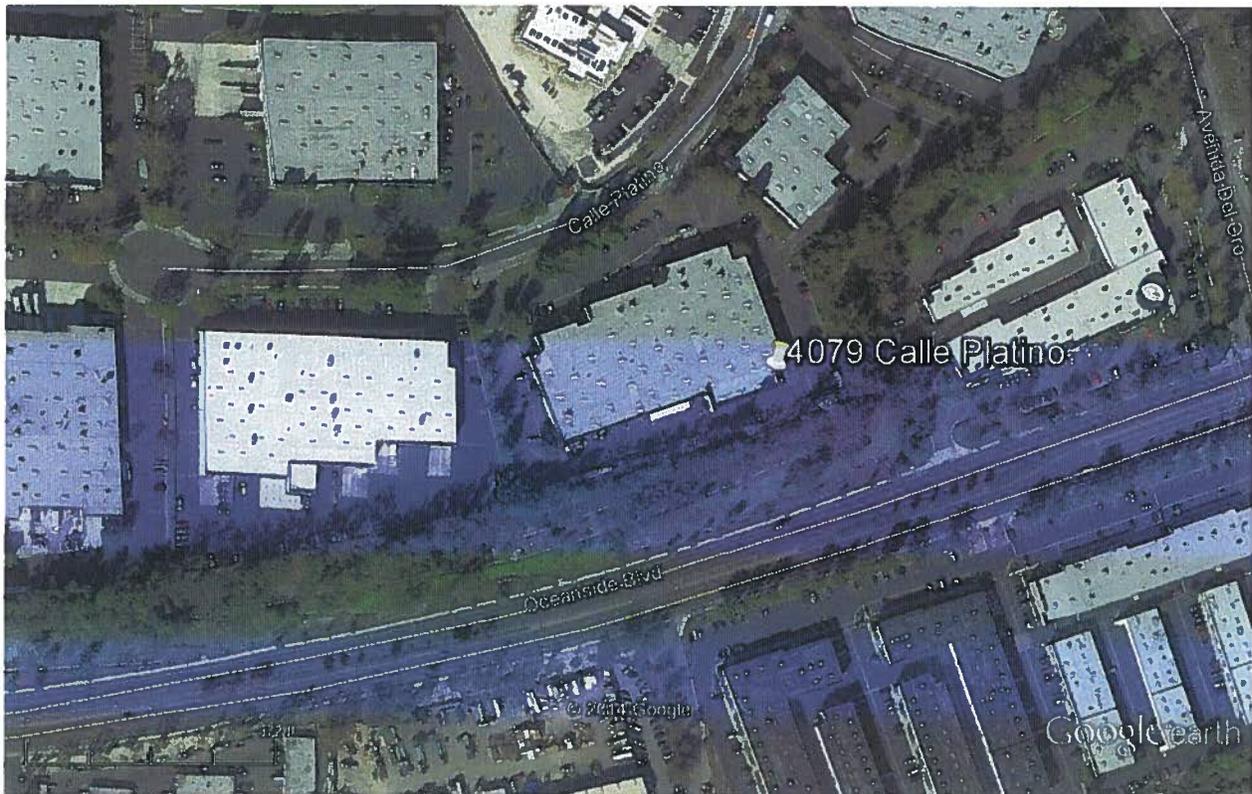
Consistent with the original permit approval, all antennas shall visually conform to replicate the appearance of an actual palm tree as shown in the photo simulation that accompanies this application. The supporting equipment is contained in a prefabricated 11'-6" x 16'-0" equipment shelter and the standby generator and monopalm are located inside an existing decorative fence enclosure. One (1) new surge demarcation junction box will be installed inside the existing equipment shelter.

A Photo Study and set of photo simulations have been provided with the application to depict the existing Verizon installation and existing site conditions and surroundings. Additionally, the coverage area will not change as a result of the proposed antenna modifications. Further specifics concerning the location and design of the existing Verizon facility is contained in the site plan and elevation drawings accompanying this application.

## SITE CHARACTERISTICS

The project site is zoned PD-1 (Industrial – Rancho Del Oro) and is currently developed with an industrial building, as well as a large asphalt parking lot and other commercial/industrial buildings. The existing Verizon facility is a stand-alone communication facility surrounded by trees and has a significant buffer area with adjoining development on all sides. The nearest residences are situated approximately 1,285 feet to the southeast, approximately 1,477 feet to the northeast, and approximately 1,669 feet to the south. As noted, the existing Verizon antennas are mounted on a monopalm. A second wireless carrier also has existing antennas mounted on a second monopalm near the Verizon monopalm. No visual change to the existing ground-level equipment enclosure is proposed. As such, the existing Verizon facility will continue to have little or no visible affect on surrounding properties. Surrounding land uses include the following:

North:	Industrial
South:	Industrial/Light Industrial
East:	Commercial/Industrial
West:	Industrial



## **OPERATIONS & MAINTENANCE**

The existing VZW wireless communications facility is unmanned, and as such does not generate additional traffic with the exception of periodic visits by maintenance or other authorized personnel. The proposed communications facility will transmit at frequency ranges between 700 MHz to 850 MHz and 1900 to 2100 MHz. The power required to operate the facility typically does not exceed 200 watts per channel. By design, the VZW facility is a low-power system and, depending upon characteristics of the site, the actual power requirements may be reduced. When operational, the transmitted signals from the site consist of non-ionizing waves generated at less than one (1) microwatt per square centimeter, which is significantly lower than the Federal Communications Commission (FCC) standard for continuous public exposure of 900 microwatts per square centimeter. The proposed PCS communications facility will operate in full compliance with the standards for radio frequency emissions as adopted by the FCC. An updated Radio Frequency Emissions report has been prepared and is included with this application for the City's review.

CUP14-00026

File No: 08023743

**EXHIBIT "A"**

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

**Parcel "E" of Parcel Map No. 13489, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, September 17, 1984.**

Assessor's Parcel Number:      **162-503-34-00**



## PHOTO STUDY

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### PROPOSAL TO MODIFY PERMIT FOR WIRELESS COMMUNICATIONS FACILITY

**Verizon Wireless**  
**Watkins College**  
4079 Calle Platino  
Oceanside, CA 92056

Prepared for:  
**City of Oceanside**  
**Development Services Department**  
300 N. Coast Highway  
Oceanside, CA 92054

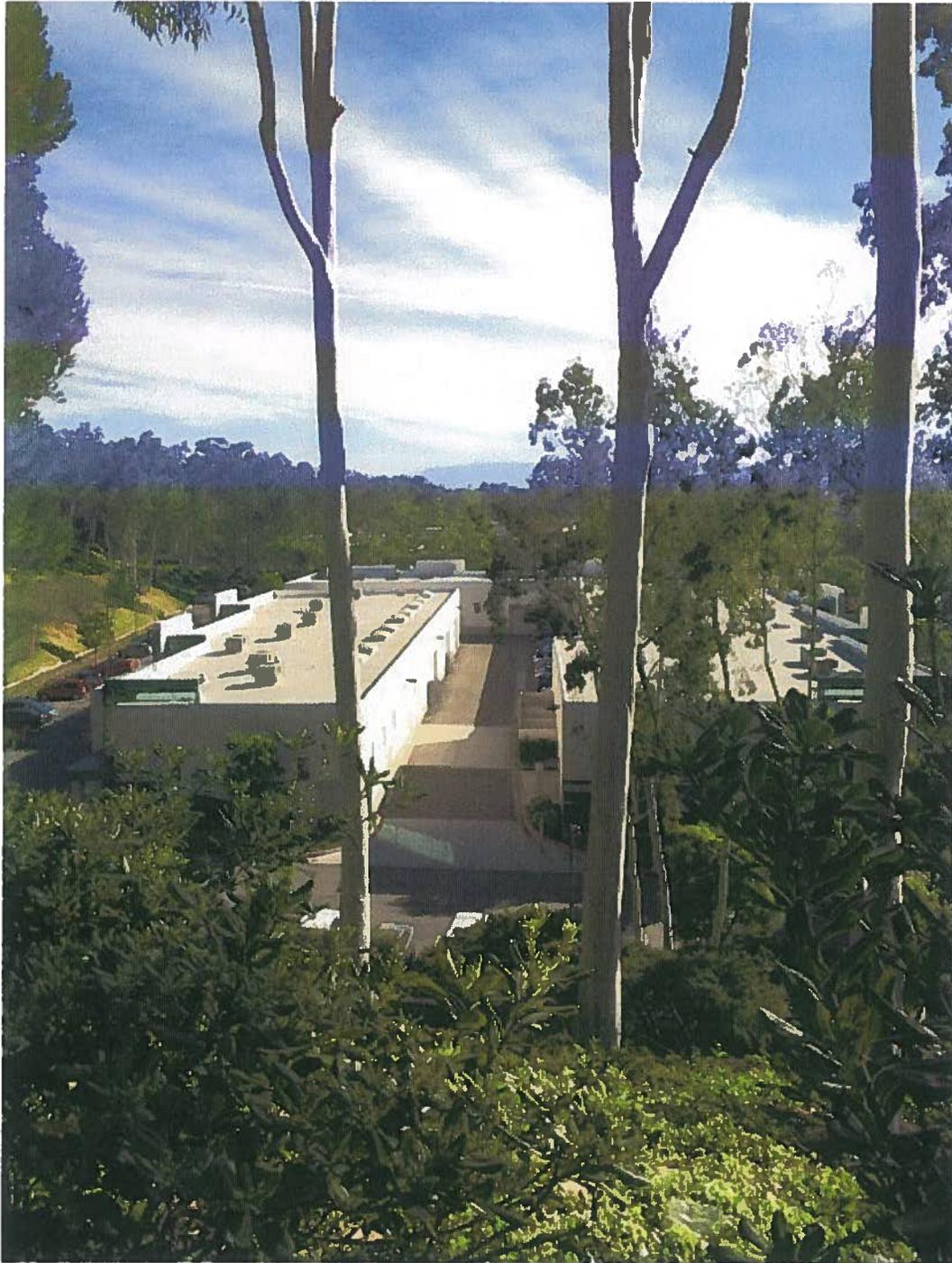
Prepared by:  
**PlanCom, Inc.**  
*Contractor Representatives for*  
**Verizon Wireless**

302 State Place  
Escondido, CA 92029  
Contact: Margie Sullivan, Planning Consultant  
(760) 613-3488

May 18, 2015



View looking north from site



View looking east from site



View looking south from site



View of looking west from site



Aerial View of project area

**Planning  
Memorandum**

To: Martin Miller  
From: Tripp May  
Reviewed by: Jonathan L. Kramer  
Date: October 20, 2014  
RE: CUP 14-00026 (Verizon Wireless)  
4079 Calle Platino, Oceanside, California 91056

The City of Oceanside (“City”) requested a review of the Verizon Wireless (“Verizon”) permit request to upgrade its monopalm wireless site located at 4079 Calle Platino. This property also hosts an AT&T Mobility (“AT&T”) monopalm.

**1. Current Project**

Verizon currently operates a 85-foot monopalm with twelve panel antennas center mounted at approximately 73.5 feet above ground level (“AGL”), a ground-mounted equipment shelter, and diesel back-up generator within a steel fence. This section briefly describes the proposed changes as depicted in the plans dated April 7, 2014, and submitted with the permit request.

On the monopalm, Verizon proposes to install one new panel antenna and two new remote radio units (“RRUs”) per sector. Additionally, Verizon proposes to place one fiber/power demarcation box adjacent to the panel antennas. The plans show no proposed changes to the ground equipment, but the applicant describes an additional demarcation box inside the shelter.<sup>1</sup>

**2. Section 6409(a) Analysis**

As a threshold matter, the City must determine whether Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. § 1455(a) (“Section 6409(a)”), governs this permit request. Generally, Section 6409(a) requires that local governments “may not deny, and shall approve,” certain requests to collocate with or modify an existing wireless tower or base station so long as that request will not “substantially change the physical dimensions” of the existing facilities.<sup>2</sup> Thus, Section 6409(a) may be outcome-determinative.

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Counsel for Government Agencies  
and Private Institutions

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Suite 306  
2001 S. Barrington Avenue  
Los Angeles, California  
90025-5379

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<sup>1</sup> See PlanCom, Inc., *Project Description 2* (undated), on file with City of Oceanside.

<sup>2</sup> Section 6409(a) states in full:

(a) FACILITY MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding Section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or

To determine whether Section 6409(a) applies, the City must apply the two-prong test to the permit request as described below. The statute applies only when:

- (1) the applicant requests to collocate, remove, or replace transmission equipment from an existing tower or base station;  
and
- (2) the proposed project will not “substantially change the physical dimensions” of that tower or base station.

Critically, Section 6409(a) applies only when the applicant demonstrates both prongs are true. The statute does not apply when the applicant desires to construct an entirely new wireless communication facility or when the applicant desires to modify an existing site that substantially changes the physical dimensions of the existing tower or base station. Thus, local governments should always apply these prongs in the correct order.

### ***2.1. Prong 1: Did the Applicant Submit an “Eligible Facilities Request”?***

First, the applicant must demonstrate that its proposed project constitutes an eligible facilities request. Section 6409(a) defines an “eligible facilities request” as a permit application to collocate, remove, or replace transmission equipment on an existing wireless tower or base station.

The FCC defines a “wireless tower” as a structure solely or primarily constructed to support FCC-licensed antennas and their associated facilities.<sup>3</sup> No legally authoritative definition exists for a “base station” but, as an industry term of art, it generally refers to a complete system of transmission equipment in a fixed location.

Here, Verizon submitted an “eligible facilities request” because it seeks to remove and replace antennas and collocate new RRUs and demarcation boxes on its

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base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

<sup>3</sup> See *id.*

existing wireless tower. The monopalm very likely constitutes a “wireless tower” because Verizon constructed it solely to support FCC-licensed antennas and their associated facilities. Accordingly, Verizon submitted an eligible facilities request that satisfies the first prong in this analysis.

***2.2. Prong 2: Does the Applicant Propose to “Substantially Change the Physical Dimensions of the Existing Wireless Tower or Base Station”?***

Even when an applicant submits an eligible facilities request, Section 6409(a) does not mandate approval unless the request will not substantially change the physical dimensions of the wireless tower or base station. In other words, the City need not approve a project merely because it qualifies as an eligible facilities request.

As of the date of this memorandum, no authoritative source has articulated any standard to determine whether a proposed design constitutes a substantial change in the physical dimensions of an existing wireless tower or base station. Without an authoritative statutory definition, local governments may apply the phrase “substantial change in physical dimensions” in a manner consistent with its plain dictionary meaning. Merriam-Webster defines “substantial” as “large in amount, size, or number; important or essential.” The phrase “physical dimensions” fairly includes weight, height, width, visibility, depth and/or density. Thus, a substantial change would likely occur when an applicant seeks a large, important, or essential change in the weight, height, width, visibility, depth and/or density of its facilities or equipment.

Additionally, local governments may elect to follow nonbinding and informal policy guidance from the Federal Communications Commission’s (“FCC”) Wireless Telecommunications Bureau (“**Informal Guidance**”), which sets out four individually sufficient criteria for a substantial change.<sup>4</sup> Under the Informal Guidance standard, a substantial change occurs when:

[1] [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

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<sup>4</sup> See Wireless Telecommunication Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, *Public Notice*, DA 12-2047 (rel. Jan. 25, 2013).

[2] [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

[3] [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

[4] [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

However, the Informal Guidance does not represent the formal policy of the FCC and therefore does not carry the force of law and does not preempt local standards consistent with the plain meaning of “substantially change the physical dimensions.”<sup>5</sup> Indeed, the Informal Guidance seems particularly unreliable given that it considers only increases in physical dimensions when the plain words in Section 6409(a) explicitly refer to “removal[s]” which are decreases. Nevertheless, a local government may consider these factors when it evaluates whether a given eligible facilities request “substantially changes the physical dimensions of the existing wireless tower or base station.”

Here, Verizon very likely does not propose to substantially change the physical dimensions of the existing wireless tower. Although Verizon proposes to install additional antennas and increase the overall bulk with the new RRUs and demarcation boxes, the overall visual change shown in the photo simulations does not appear to defeat the current camouflage. Additionally, the project does not increase the overall height, increase the visible width, involve more than four equipment cabinets, or require excavation outside the existing lease areas. Thus, Verizon very likely satisfies this second prong under either the Informal Guidance or a plain-meaning approach to what constitutes a “substantial” change.

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<sup>5</sup> See *Christensen v. Harris Cnty.*, 529 U.S. 576, 587–88 (2000) (citing *Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944)).

### 2.3. Section 6409(a) Summary

We conclude that Section 6409(a) likely applies to this permit request because Verizon submitted an eligible facilities request that will not substantially change the physical dimensions of the base station. Accordingly, federal law likely requires that the City shall approve and may not deny this permit request.

### 3. RF Emissions Compliance Evaluation

Even when Section 6409(a) requires zoning approval, the applicant must nevertheless comply with national RF emissions standards. The FCC completely occupies the field of radio frequency (“RF”) safety standards in the United States. State and local governments cannot legally establish or enforce RF emissions standards—whether more strict, more lenient, or the same as the FCC standards. The FCC does, however, permit the City to determine whether a proposed wireless project meets the federal safety standards found at 47 C.F.R. §§ 1.1307 *et seq.* (“FCC Rules”) and FCC Office of Engineering and Technology Bulletin 65 (“OET 65”) RF safety requirements.

Wireless antennas generally do not require an in-depth environmental analysis when virtually inaccessible to the general public. The FCC Rules “categorically exclude” wireless antennas for “cellular radiotelephone services” when mounted (1) on a structure constructed solely to support wireless antennas and (2) more than ten meters AGL.<sup>6</sup>

Here, the FCC Rules categorically exclude the antennas because Verizon proposes to mount them approximately 21.3 meters AGL on a structure solely or primarily designed to support wireless antennas. Accordingly, the City can conclude the Verizon demonstrated planned compliance with the FCC Rules without additional analysis so long as Verizon installs appropriate signage.

Nevertheless, Verizon submitted a *Radio Frequency Electromagnetic Fields Exposure Report* dated June 23, 2014 and prepared by Dtech Communications (“Dtech Report”). We regard the Dtech Report as accurate for this analysis because it correctly describes the proposed upgrades and is a current document produced by a firm known to do this work. The Dtech Report concludes that the Verizon antennas will comply with the FCC Rules and recommends that Verizon keep the enclosure locked and post certain signage.<sup>7</sup>

The Dtech Report contains sufficient data to allow an independent analysis. Based on the frequency and transmitter power disclosed, a “controlled access zone” will

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<sup>6</sup> See 47 C.F.R. § 1.1307(b)(1).

<sup>7</sup> Dtech Report at 8.

extend approximately 39 feet from the face of the panel antennas at approximately the same height.

The fact that a site creates a controlled access zone does not necessarily mean that it violates the FCC Rules. Rather, a controlled access zone means that the carrier must affirmatively restrict public access to that area so that members of the general population (including trespassers) cannot unknowingly enter and be exposed to radio emissions in excess of those allowed by the FCC.

In general, we concur with the Dtech Report. However, in an abundance of caution, we recommend that the City adopt more specific conditions of approval to promote planned compliance with the FCC Rules. We therefore recommend that the City require, as conditions of approval, the following:

1. Permittee shall keep the access point(s) to the site enclosure locked at all times, except when Permittee performs active maintenance at the site;
2. Permittee shall install and at all times maintain in good condition an "RF Notice" and "Network Operations Center Information" sign on the access point(s) to the equipment enclosure. Permittee shall install the sign(s) required under this condition so that a person may clearly see and understand the sign before he or she enters into the equipment enclosure area;
3. Permittee shall install and at all times maintain in good condition an "RF Notice" and "Network Operations Center Information" sign on the base of the monopalm. Permittee shall install the sign(s) required under this condition so that a person may clearly see and understand the sign as he or she approaches the monopalm; and
4. Permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.

If Verizon complies with the above conditions described in this memorandum, then the City will have no basis to deny or further condition the project on the basis of RF emissions.

#### **4. Conclusion**

We conclude that Section 6409(a) likely requires that the City “shall approve, and may not deny” this permit request so long as the actually constructed upgrade does not defeat the palm tree camouflage. Additionally, subject to the recommended conditions of approval above, Verizon can demonstrate planned compliance with the FCC Rules for RF emissions. Accordingly, we recommend that the City advance this permit request to the next stage in the permit review process.

TM/jlk



**Application for Discretionary Permit**

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

**STAFF USE ONLY**

ACCEPTED	BY

**Please Print or Type All Information**

HEARING

**PART I – APPLICANT INFORMATION**

1. APPLICANT Verizon Wireless	2. STATUS
3. ADDRESS 15505 Sand Canyon Ave. Irvine, CA 92618	4. PHONE/FAX/E-mail 760-613-3488
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Margie Sullivan, Agent	
6. ADDRESS 302 State Place, Escondido, CA 92029	7. PHONE/FAX/E-mail margie.sullivan@plancominc.com

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

**PART II – PROPERTY DESCRIPTION**

8. LOCATION 4079 Calle Platino, Oceanside CA 92056		
10. GENERAL PLAN M-1 Light Industrial	11. ZONING PD-1 Industrial	12. LAND USE commercial
14. LATITUDE	15. LONGITUDE	

9. SIZE 5.4 acres
13. ASSESSOR'S PARCEL NUMBER 162-503-34

**PART III – PROJECT DESCRIPTION**

16. GENERAL PROJECT DESCRIPTION Remove and replace one (1) antenna per sector and install one (1) antenna on vacant antenna on mounting pipe per sector (15 total antennas). Install two (2) RRU's per sector behind antenna (6 total), two (2) surge demarcation fiber junction boxes (1 inside existing shelter and 1 on existing monopalm), and 2 additional power/fiber cables from equipment shelter to antennas.

17. PROPOSED GENERAL PLAN no change	18. PROPOSED ZONING no change	19. PROPOSED LAND USE wireless communication facility	20. NO. UNITS n/a	21. DENSITY n/a
22. BUILDING SIZE 288 s.f.	23. PARKING SPACES n/a	24. % LANDSCAPE 0	25. % LOT COVERAGE or FAR 27%	

**PART IV – ATTACHMENTS**

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

**PART V – SIGNATURES**

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

25. APPLICANT OR REPRESENTATIVE (Print) Margie Sullivan, Agent	36. DATE 9/11/14	27. OWNER (Print) Cal Mil Plastic Products Inc	38. DATE 9/15/14
Sign: <i>[Signature]</i>		Sign: <i>Barney Callahan, VP</i>	

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.



# PROJECT DESCRIPTION

PROPOSAL TO REMOVE AND REPLACE  
ANTENNAS AND ADD FIBER CONNECTION  
WIRELESS COMMUNICATIONS FACILITY

**Watkins College**  
4079 Calle Platino  
Oceanside, CA 92056

RECEIVED  
DEC 09 2014  
CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

Prepared for:

**City of Oceanside**  
300 N. Coast Highway  
Oceanside, CA 92054

Prepared by:

**PlanCom, Inc.**  
*Contractor Representatives for **Verizon Wireless***  
302 State Place  
Escondido, CA 92029

Contact:

Margie Sullivan, Planning Consultant  
(760) 613-3488

December 4, 2014



### **PROJECT DESCRIPTION**

Verizon Wireless (VZW) is proposing to modify, within the approved project limits, an existing Verizon Wireless communications facility previously permitted by the City of Oceanside under Conditional Use Permit CUP-42-98 at 4079 Calle Platino in the Rancho Del Oro Planned Development. The existing Verizon facility is situated on a property owned by Cal-Mil Plastic Products, Inc. and zoned PD-1 (Industrial – Rancho Del Oro).

The existing Verizon wireless communications facility consists of three (3) arrays of four (4) panel antennas each (total of 12 panel antennas) mounted to an existing 85' high monopalm, previously approved for 15 antennas. The current request will install one Ericsson AIR-21 antenna on a spare, or open, mount, and remove and replace one 700 LTE antenna with a Kathrein 800 dual band antenna. Three (3) remote radio units (RRU), one per sector, will be installed on the antenna cross-mounts and two (2) new Raycap surge demarcation junction boxes will be installed on the antenna cross-mounts on the existing monopalm. Two (2) additional power/fiber cables will be installed from the equipment shelter to the antennas, through the trunk of the existing monopalm.

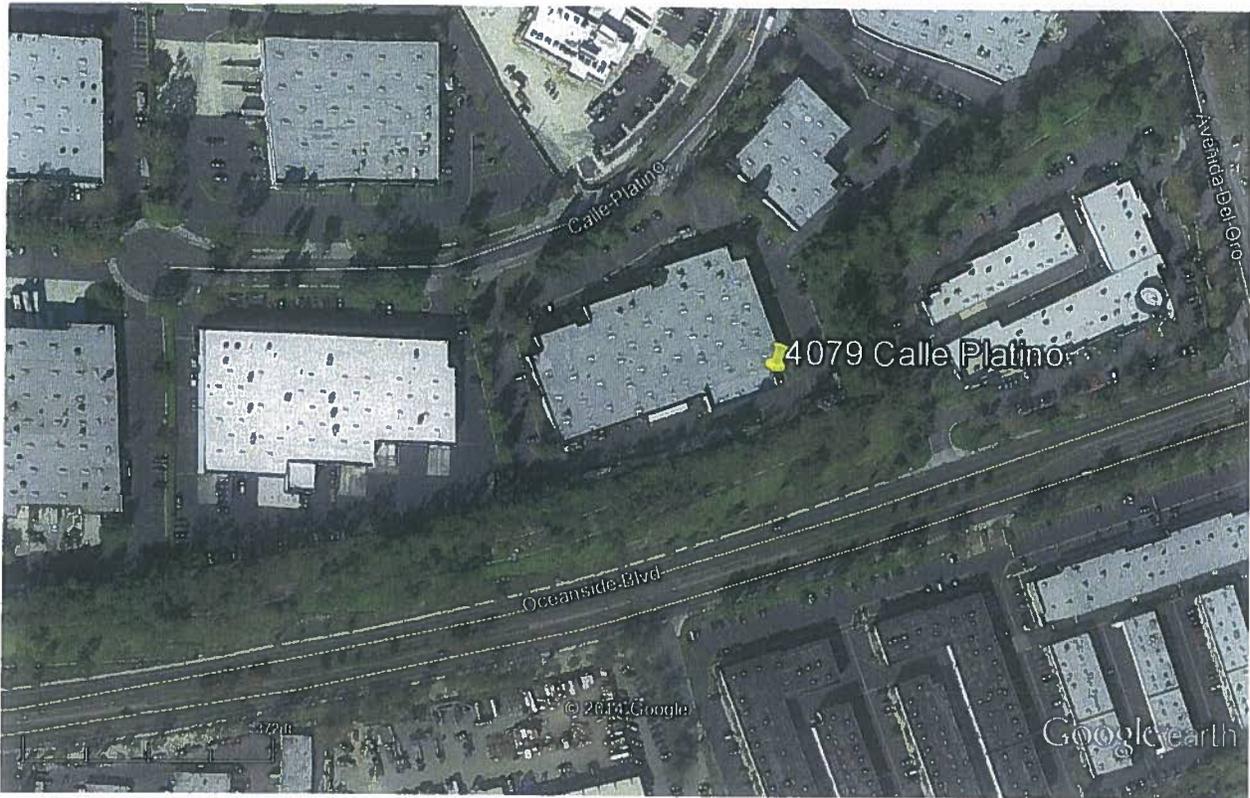
Consistent with the original permit approval, all antennas shall visually conform to replicate the appearance of an actual palm tree as shown in the photo simulation that accompanies this application. The supporting equipment is contained in a prefabricated 11'-6" x 16'-0" equipment shelter and the standby generator and monopalm are located inside an existing decorative fence enclosure.

A Photo Study and set of photo simulations have been provided with the application to depict the existing Verizon installation and existing site conditions and surroundings. Additionally, the coverage area will not change as a result of the proposed antenna modifications. Further specifics concerning the location and design of the existing Verizon facility is contained in the site plan and elevation drawings accompanying this application.

### **SITE CHARACTERISTICS**

The project site is zoned PD-1 (Industrial – Rancho Del Oro) and is currently developed with an industrial building, as well as a large asphalt parking lot and other commercial/industrial buildings. The existing Verizon facility is a stand-alone communication facility surrounded by trees and has a significant buffer area with adjoining development on all sides. The nearest residences are situated approximately 1,285 feet to the southeast, approximately 1,477 feet to the northeast, and approximately 1,669 feet to the south. As noted, the existing Verizon antennas are mounted on a monopalm. A second wireless carrier also has existing antennas mounted on a second monopalm near the Verizon monopalm. No visual change to the existing ground-level equipment enclosure is proposed. As such, the existing Verizon facility will continue to have little or no visible affect on surrounding properties. Surrounding land uses include the following:

North:	Industrial
South:	Industrial/Light Industrial
East:	Commercial/Industrial
West:	Industrial



## **OPERATIONS & MAINTENANCE**

The existing VZW wireless communications facility is unmanned, and as such does not generate additional traffic with the exception of periodic visits by maintenance or other authorized personnel. The proposed communications facility will transmit at frequency ranges between 700 MHz to 850 MHz and 1900 to 2100 MHz. The power required to operate the facility typically does not exceed 200 watts per channel. By design, the VZW facility is a low-power system and, depending upon characteristics of the site, the actual power requirements may be reduced. When operational, the transmitted signals from the site consist of non-ionizing waves generated at less than one (1) microwatt per square centimeter, which is significantly lower than the Federal Communications Commission (FCC) standard for continuous public exposure of 900 microwatts per square centimeter. The proposed PCS communications facility will operate in full compliance with the standards for radio frequency emissions as adopted by the FCC. An updated Radio Frequency Emissions report has been prepared and is included with this application for the City's review.

## **3907 Findings for Approval**

*In addition to any general findings otherwise required by this Article or any other provision of the Zoning Ordinance and the City's certified Local Coastal Program, the following findings must be made prior to the approval of a Conditional Use Permit or Administrative Conditional Use Permit for Wireless Communications Facilities (except for Amateur Radio Antennas):*

1. *The placement, construction, or Wireless Communications Facility modification of a Wireless Communications Facility in the proposed location is necessary for the provision*



*of wireless services to City residents, businesses, and their owners, customers, guests or other persons traveling in or about the City;*

The location of the proposed facility will provide wireless service to residents, businesses and travelers within the project service area where existing services are marginal or not available.

2. *The proposal demonstrates a reasonable attempt to minimize stand-alone facilities, is designed to protect the visual quality of the City, and will not have an undue adverse impact on historic resources, scenic views, or other natural or man-made resources;*

The proposed project is a stand-alone facility, a monopalm, located in an industrial zoning district. The monopalm is located within a line of very tall eucalyptus trees and is camouflaged to minimize visual impacts. An existing AT&T monopalm facility is currently located on the property. The design of the antenna screens monopalm will blend with the surrounding landscaping and trees to minimize visual impacts to the surrounding properties and roadways. The proposed facility will not impact historic resources, scenic views or other natural or man-made resources.

3. *Where an applicant claims a significant gap in its coverage, that gap must be geographically defined and the gap proved by clear and convincing evidence. The burden of objectively proving a significant gap in its coverage rests solely with the applicant. Where a significant gap in the applicant's coverage is so proven, the applicant must also prove by clear and convincing evidence that the facility proposed is the least intrusive means of closing the significant gap in coverage;*

The proposed site is intended to fill a gap in coverage that exists between the existing sites at 3036 Oceanside Boulevard to the west and 1890 Ord Way to the east. The location of these sites and the existing gap in coverage is shown on the attached predicted coverage plot of the existing conditions. The coverage provided by the proposed site is shown on the attached coverage plot of the proposed conditions. The coverage provided by the proposed site eliminates the existing gap in coverage between the two existing sites and will provide improved service within the area.

4. *That at least one of the following is true:*

- a) *All applicable requirements and standards of this Article have been met;*

True.

- b) *A variance has been granted from any requirement or standard of this Article which has not been met;*

A variance for height was granted with the original approval CUP-42-98.

- c) *Strict compliance with the requirements and standards of this Article would prevent a Telecom Operator from closing a proven significant gap in its service, and no other*



*alternative and less intrusive design of the facility that would meet the development standards is feasible; or*

The proposed project is the least intrusive method of closing the significant gap in service. Replacing the facility will require the addition of several more wireless facilities, creating more visual impact than is demonstrated with the proposed project.

- d) *Strict compliance with the requirements and standards of this Article would prohibit or have the effect of prohibiting the provision of personal wireless services or would unreasonably discriminate among providers of functionally equivalent wireless communications services.*

True.

### **REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT**

*Section 4105 of the Zoning Ordinance requires that proof be submitted in support of the following statements:*

- (a) *That the proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located.*

The proposed project is an allowed use provided that an administrative conditional use permit is approved according to Zoning Ordinance Section 3904. The proposed installation meets the development standards for the PD1, Industrial, zoning district.

- (b) *That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.*

The proposed wireless communication facility as proposed will be completed in accordance with the Oceanside Municipal Code, which is consistent with the Oceanside General Plan. The proposed facility is a stealth design and will camouflage the antennas from surrounding views by use of a faux palm tree design, or monopalm. The project will have minimal visual impact on the surrounding area and will therefore preserve the aesthetic quality of the surrounding business and retail community. The project is constructed in accordance with FCC regulations for radio-frequency and does not therefore pose a detriment to the health and safety of the community, and it will be installed in accordance with all state and local building, fire, and electrical codes. Furthermore, the proposed wireless communication facility will enhance the quality of communications coverage available to the residents and commuters in the surrounding area and will therefore benefit the community.



*(c) That the proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.*

The proposed conditional use will comply with the provisions of the Oceanside Zoning Ordinance because the proposed wireless communications facility is allowed with an approved conditional use permit as set forth the Ordinance. The operational conditions set forth by the conditional use permit process will ensure that the proposed facility will remain in compliance with the Ordinance.

LEGAL DESCRIPTION OF PROPERTY

4079 Calle Platino, Oceanside, California  
(APN 162-503-29)

ORDER NO.: 232338-02

SCHEDULE A

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

Parcel "E" of Parcel Map No. 13489, in the City of Oceanside, County of San  
Diego, State of California, filed in the Office of the County Recorder of San  
Diego County, September 17, 1984 as File/Page No. 84-355554 of Official Records.

END OF SCHEDULE A



**NOTICE OF EXEMPTION**  
 City of Oceanside, California

Post Date:  
 Removal:  
 (180 days)

1. **APPLICANT:** Verizon Wireless
2. **ADDRESS:** 15505 Sand Canyon Ave., Irvine, CA 92618
3. **PHONE NUMBER:** Kerrigan Diehl, (760) 587-3003
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Martin Miller, Consulting Assistant
6. **PROJECT TITLE:** Verizon @ 4079 Calle Platino (CUP14-00026)
7. **DESCRIPTION:** A request for approval of a Conditional Use Permit (CUP14-00026) to allow for the upgrade and continued operation of an existing wireless communications facility at 4079 Calle Platino, Oceanside, California. More specifically, the upgrades consist of the installation of three (3) antennas on open mounts, one per sector, and removal and replacement three old generation antennas, one (1) per sector, with next generation dual band antennas. The total number of antennas will increase from four (4) antennas per sector (twelve (12) total) to five antennas per sector (fifteen (15) total). Three (3) remote radio units (RRU), one per sector, will be installed on the antenna cross-mounts and two (2) new Raycap surge demarcation junction boxes will be installed on the antenna cross-mounts on the existing monopalm. Two (2) additional power/fiber cables will be installed from the equipment shelter to the antennas, through the trunk of the existing monopalm.

**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 staff 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).

  
 Martin Miller, Consulting Assistant

Date: May 18, 2015

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