



Planning Division

**PLANNING COMMISSION
MEMO**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner *JM*

DATE: January 9, 2008

**SUBJECT: Planning & Zoning Permit No. 07-530-01 (Special Use Permit), Wireless
Communication Facility at 2323 Sturgis Road**

On December 6, 2007, at the request of the applicant, the Planning Commission did not consider and take action on the subject project and the public hearing was continued to a date certain (January 17, 2008). Attached, please find copies of the staff report dated December 6, 2007.



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Juan Martinez, Associate Planner
DATE: December 6, 2007
SUBJECT: Planning and Zoning Permit No. 07-530-01 (Special Use Permit); Wireless Communication Facility at 2321 Sturgis Road.

- 1. Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 07-530-01 (Special Use Permit), subject to certain finding and conditions.
- 2. Project Description and Applicant:** A request to construct and operate a wireless facility with associated equipment at 2321 Sturgis Road, located within the Northfield/Seagate Business Park. The project proposes the installation of a 43-foot high wireless monopole communication facility with six transmitting antennas stacked and mounted within a 28-inch radome canister. Filed by Brian Stotelmeyer, T-Mobile USA, Inc, 3 Imperial Promenade #1100, Santa Ana, CA 92707.
- 3. Existing Land Use:** The site is developed with an existing 8,692 square foot industrial building and the related site improvements. The existing building is occupied by an existing wholesale and distribution business.
- 4. General Plan Policies and Land Use Designation Conformance:** The land use map of the General Plan designates the subject parcel for *Limited Industrial* development, which includes uses occurring within buildings and incidental storage. Office and limited retail activities related to the principal manufacturing, wholesale, or warehousing are also permitted. In accordance with the Limited Manufacturing zoning ordinance and the adopted Northfield/Seagate Business Park Specific Plan, uses must follow higher development and performance standard than may be found in other industrial zones. The project proposes to house equipment cabinets and related equipment within a 193 square foot area inside the building toward the rear.
- 5. Environmental Determination:** The project is categorically exempt under Section 15303 of Title 14 of the California Code of Regulations involving "New Construction or Conversion of Small Structures." The Telecommunications Act of 1996 establishes specific thresholds and guidelines for wireless radio frequency emissions levels that are acceptable by the Federal Communications

Commission (FCC). The Act expressly prohibits local government from regulating personal wireless service facilities on the basis of the environmental effects of radio frequency emissions. The federal government has assumed jurisdiction in this area and the applicant is a licensee with the Wireless Telecommunications Bureau. Based on the above exemption and in accordance with the California Environmental Quality Act ("CEQA") and the Telecommunications Act of 1996, it has been determined that there is no substantial evidence that the proposed project will have a significant effect on the environment.

6. Surrounding Zoning and Land Uses:

SURROUNDING LAND USES			
DIRECTION	ZONING	GENERAL PLAN	EXISTING LAND USE
PROJECT SITE	ML	Limited Manufacturing	Industrial Building
North	ML	Limited Manufacturing	Industrial Building
East	ML	Limited Manufacturing	Industrial Building
South	M1	Light Manufacturing	Vacant
West	ML	Limited Manufacturing	Industrial Building

7. Analysis:

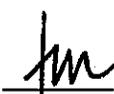
- a) **General Discussion:** The project proposes the installation of a 43-foot high wireless monopole communications facility with six transmitting antennas mounted within a 28-inch wide radome canister. The 43-foot high monopole will be installed near the back, northeast corner of the building. Six equipment cabinets and related equipment will be installed inside of the building within a 193 square foot area located near the back of the building. The monopole tower is designed to resemble a utility pole.
- b) **Relevant Project and Property History, Related Permits:** On January 21, 2004, the Planning Manager approved a development design review permit which allowed the construction of seven speculative buildings. The buildings were approved and completed construction in February of 2004 with common building walls and zero-line setbacks. The wireless communication facility will require necessary construction and related permits to erect and install the proposed monopole and necessary equipment.
- c) **Zoning Compliance:** Applicable development standards of the ML zone district for wireless communication facilities have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Height permitted	35 feet, except that height may be increased one foot for each additional one foot increase to all the required building setbacks	43' (17-feet from property line-approx)	Yes
Front yard setback for tower	30 feet from property line	191-feet approx	Yes
Side yard setback	0-line setbacks development	17 feet approx	Yes
Rear yard setback	20 feet	68-feet approx	Yes
Separation from other towers	5000 feet	Over 5000'	Yes

- d) **Site Design Analysis:** The proposed wireless communication facility is located near the northeastern corner of the existing industrial building. The electrical distribution equipment cabinetry will be located within the inside of the building towards the back.
- e) **Building Design Analysis:** The applicant has designed the wireless communication facility in a manner that substantially conceals the antennas and places the equipment indoors to avoid visual and necessary screening requirements to conceal the associated equipment.
- f) **Landscaping Code Compliance:** The 28-inch monopole structure will be placed within an existing landscape planter and is expected that some landscape hedging material will be displaced. However, at time of building permit plan check review, the permitted will be required to provide necessary details and information regarding the affected landscaped area so that the affected landscaping material and irrigation is reinstalled and repaired.

8. **Development Advisory Committee (DAC) Consideration:** Members of the DAC reviewed the project and recommend conditions that have been incorporated into the resolution.

9. **Attachments:**
- A. Maps (Vicinity, General Plan, Zoning)
 - B. Reduced Project Plans
 - C. Resolution

Prepared by: 
 JM

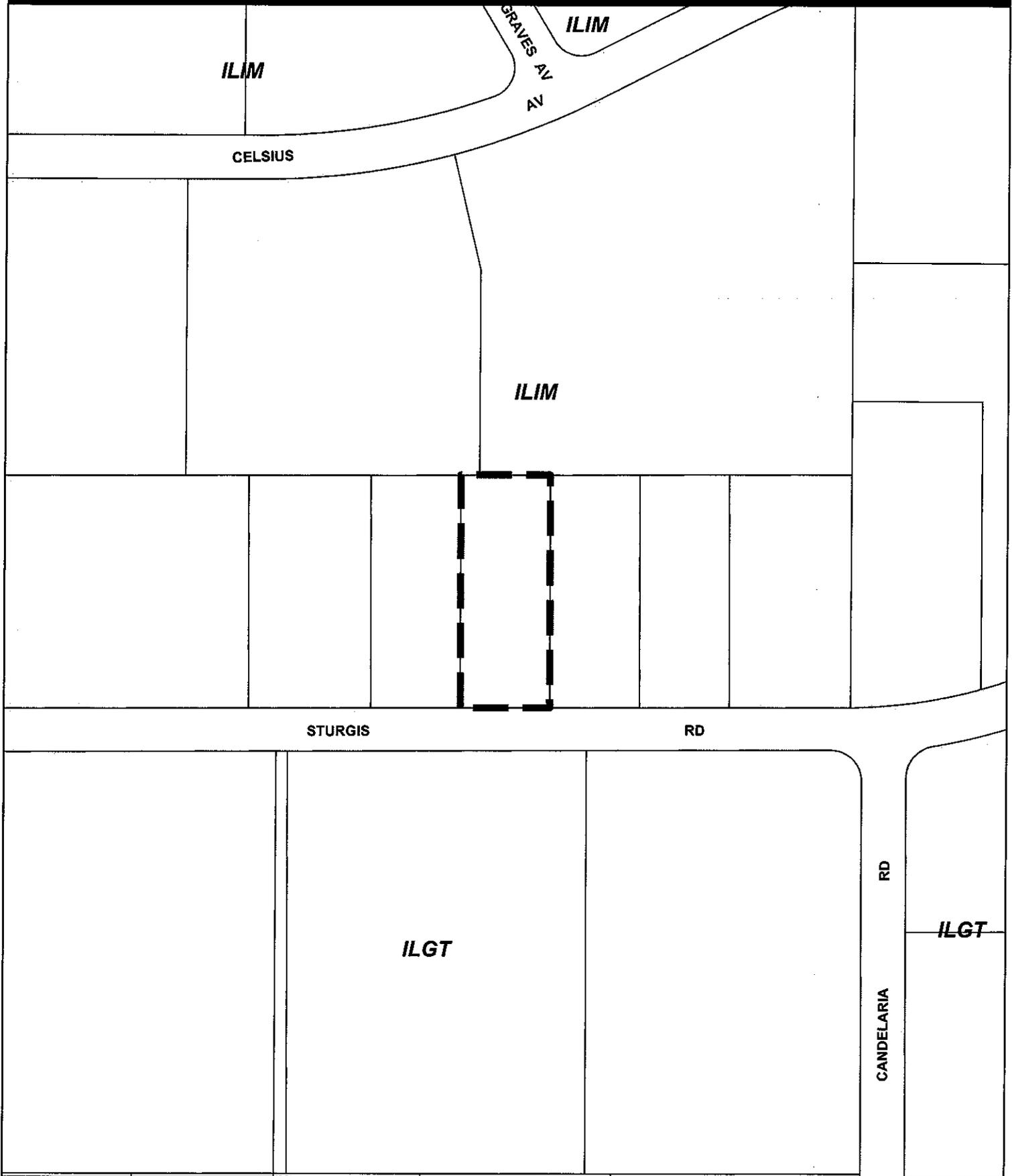
Approved by: 
 SM

ATTACHMENT A

MAPS

(VICINITY, GENERAL PLAN, ZONING)

General Plan Map



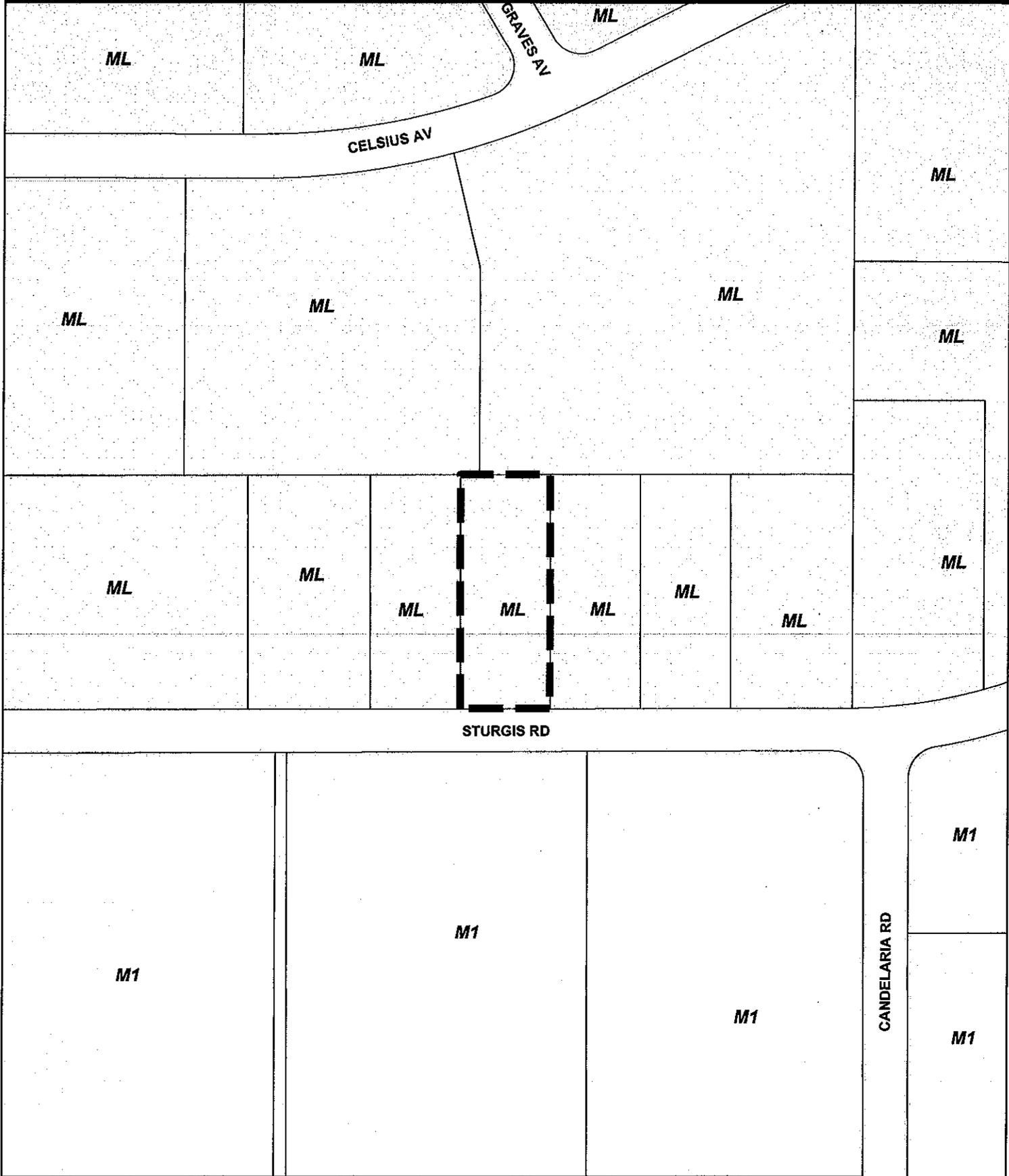
Oxnard Planning
April 23, 2007

PZ 07-530-1
Location: 2321 Sturgis Rd
APN: 216020175
T-Mobile
0 25 50 100 150 200 Feet

General Plan Map



Zone Map



PZ 07-530-1
Location: 2321 Sturgis Rd
APN: 216020175
T-Mobile

0 25 50 100 150 200 Feet

Zone Map



ATTACHMENT B

REDUCED PROJECT PLANS

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4100 COLUMBIAN STREET, SUITE 101
540 VALLEY, CA 94551



Synergy
CONSULTING GROUP
1100 EAST INDIAN AVENUE
FREMONT, CA 94539
PHONE: 781.433.2000 FAX: 781.433.2001

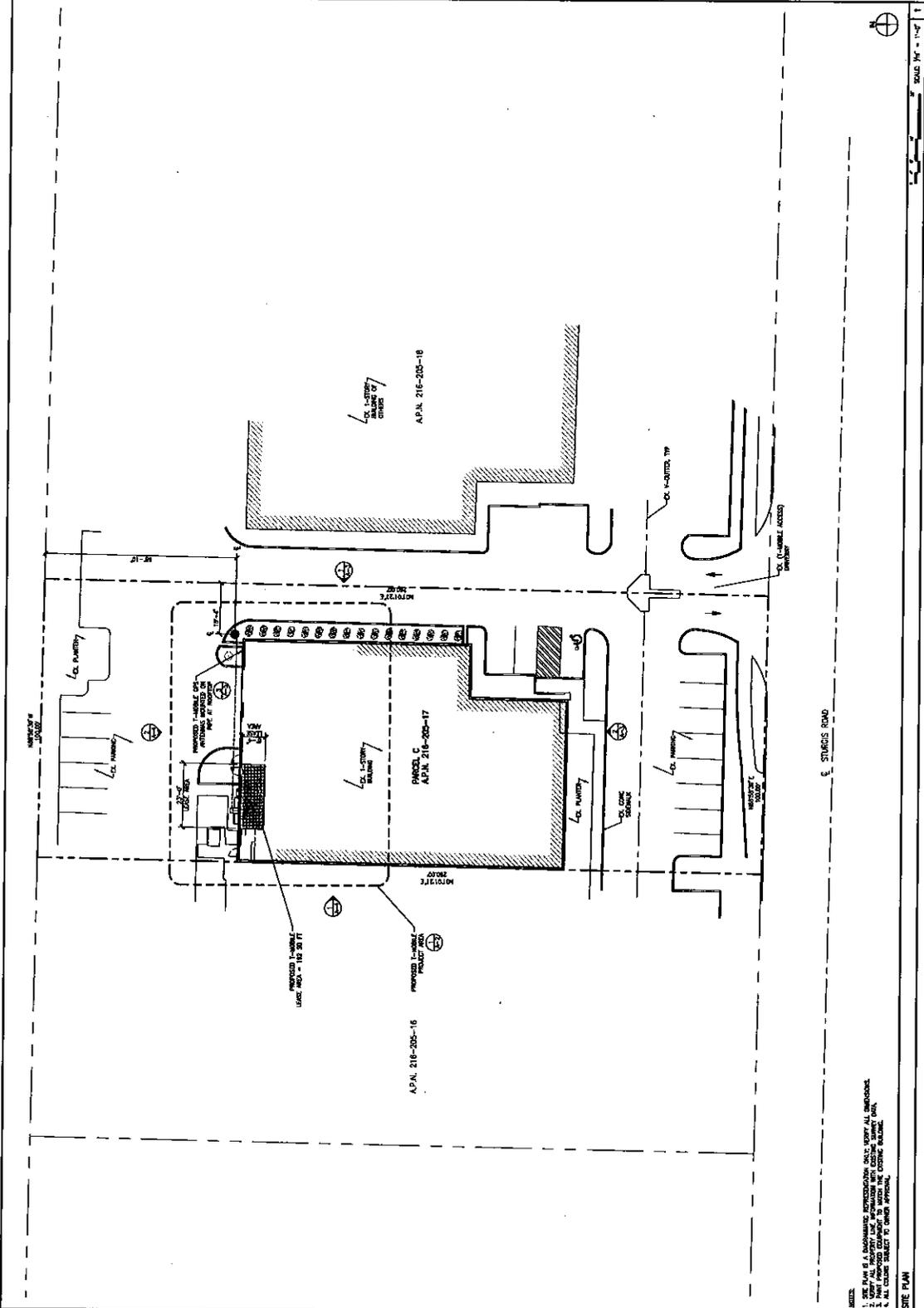
NO.	DATE	DESCRIPTION	BY
1	03/07/06	CD REVIEW	RBF
2	13/09/06	CD FINAL	SC
3	23/04/07	LUP SUBMITTAL	RBF
4	10/01/07	ZD REVIEW	RBF
5	16/04/07	ZD FINAL	RBF
6	19/03/07	ZD FINAL REV. 1	TM

SV11397A
JG DISTRIBUTING
2321 STURGEON ROAD
DUBLINO, CA 94568
PRT. JOB NUMBER: 250695

STAMP:

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A-1



NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. VERIFY ALL DIMENSIONS AND CONDITIONS WITH LOCAL AGENCIES.
3. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
4. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

SITE PLAN

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1100 QUINCY STREET, SUITE 101
SHELVILLE, OH 45076

PLANS PREPARED BY:

1150 DUNE HAVEN AVENUE
PHOENIX, ARIZONA 85024
CONSULTING GROUP

Synergy
Development Services, LLC
7000 WILSON AVENUE
PHOENIX, ARIZONA 85024
PHONE: 602.998.8800 FAX: 602.998.8800

NO.	DATE	DESCRIPTION	BY
1	03/02/06	CD REVIEW	RBF
2	12/06/06	CD FINAL	SC
3	23/04/07	LUP SUBMITTAL	RBF
4	19/04/07	2D REVIEW	RBF
5	15/03/07	2D FINAL	RBF
6	19/03/07	2D FINAL REV 1	TM

SV11397A
JG DISTRIBUTING
2221 STURGIS ROAD
COMBARD, CA 95021
PLOT JOB NUMBER: 260955

STAMP

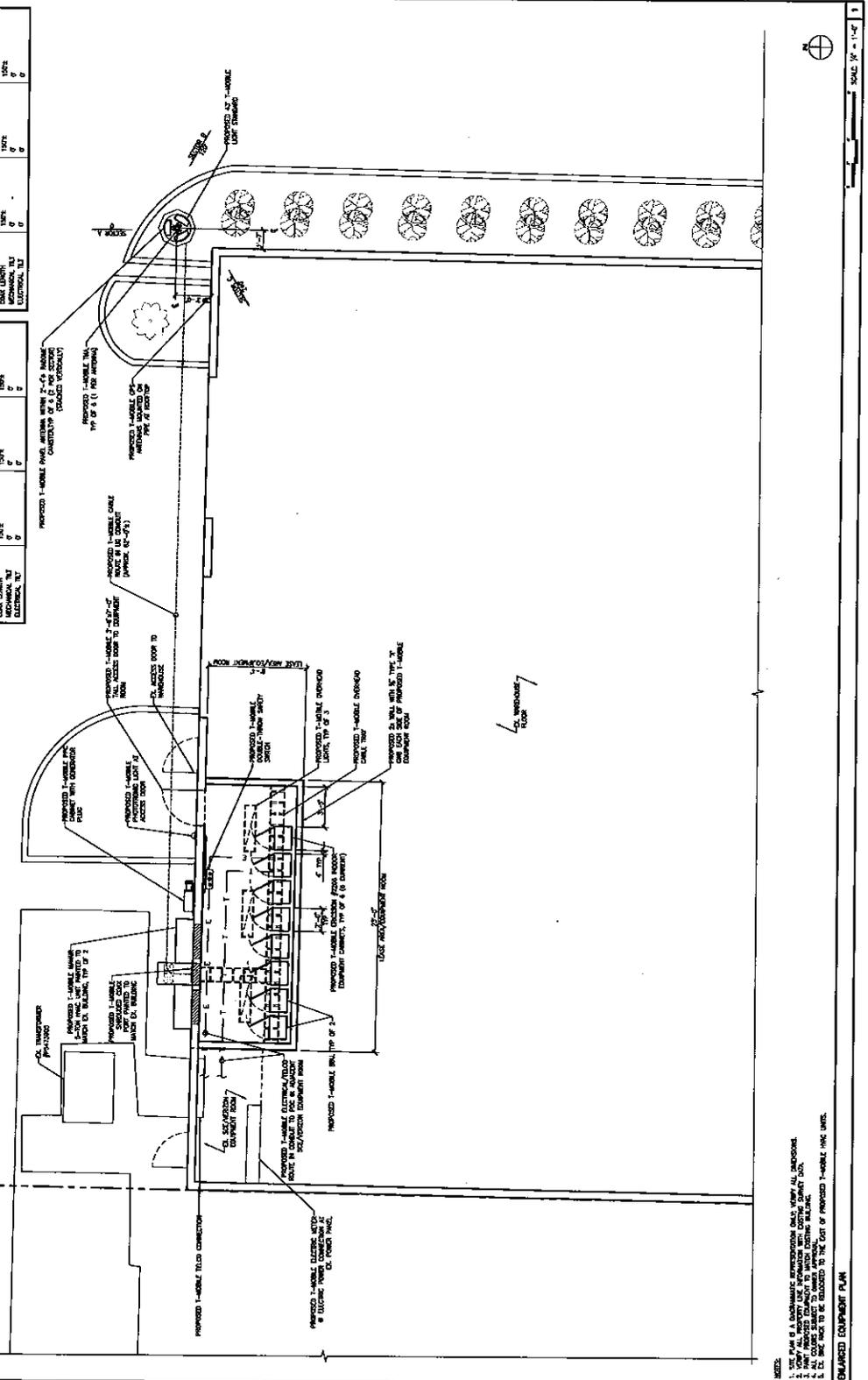
ENLARGED EQUIPMENT PLAN

A-2

SECTION	NO.	NAME	DATE
SECTION 1	01	ANDREW ANDREW	1/20/06-01/10/06
SECTION 2	02	ANDREW ANDREW	1/20/06-01/10/06
SECTION 3	03	ANDREW ANDREW	1/20/06-01/10/06
SECTION 4	04	ANDREW ANDREW	1/20/06-01/10/06
SECTION 5	05	ANDREW ANDREW	1/20/06-01/10/06

SECTION	NO.	NAME	DATE
SECTION 1	01	ANDREW ANDREW	1/20/06-01/10/06
SECTION 2	02	ANDREW ANDREW	1/20/06-01/10/06
SECTION 3	03	ANDREW ANDREW	1/20/06-01/10/06
SECTION 4	04	ANDREW ANDREW	1/20/06-01/10/06
SECTION 5	05	ANDREW ANDREW	1/20/06-01/10/06

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SECTION 1	01	ANDREW ANDREW	1/20/06-01/10/06
SECTION 2	02	ANDREW ANDREW	1/20/06-01/10/06
SECTION 3	03	ANDREW ANDREW	1/20/06-01/10/06
SECTION 4	04	ANDREW ANDREW	1/20/06-01/10/06
SECTION 5	05	ANDREW ANDREW	1/20/06-01/10/06



NOTES:
1. THIS PLAN IS A GRAPHIC REPRESENTATION ONLY. VERIFY ALL DIMENSIONS.
2. VERIFY ALL DIMENSIONS TO MATCH WITH EXISTING SURVEY DATA.
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SAN VALLEY, CA 94682

PLANS PREPARED BY:

IN TELECOM
1150 GARDEN CITY BLVD
FREMONT, CALIFORNIA 94538
CONSULTING GROUP:

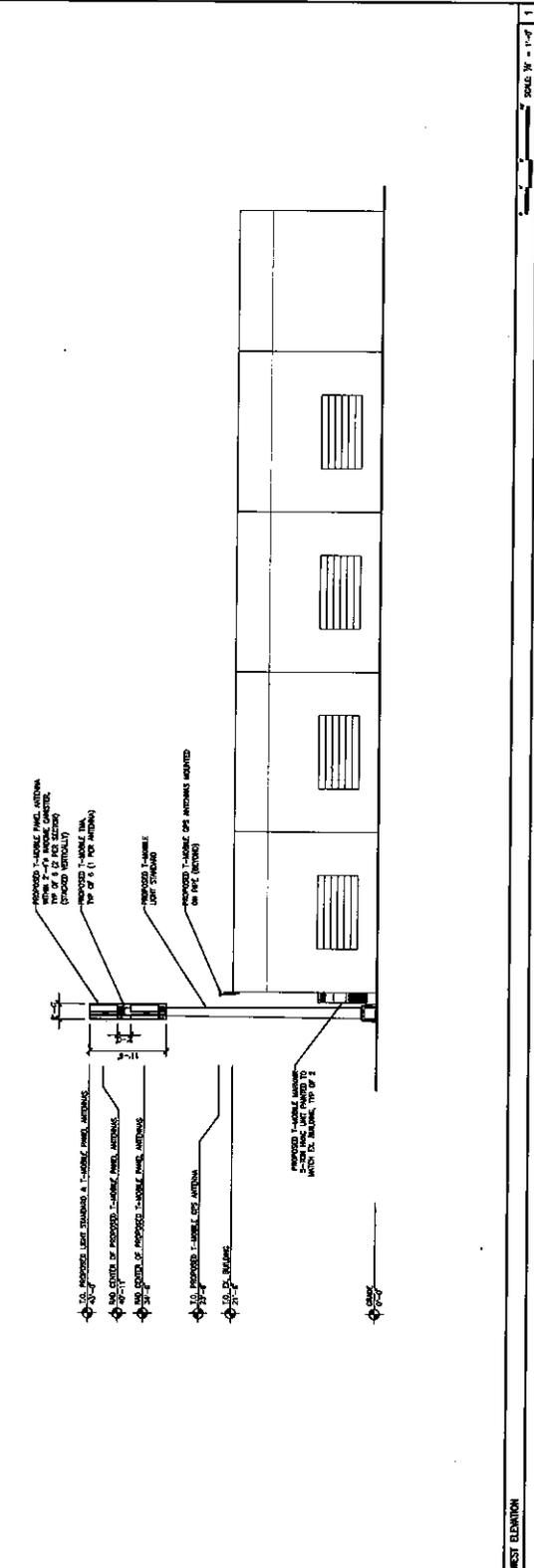
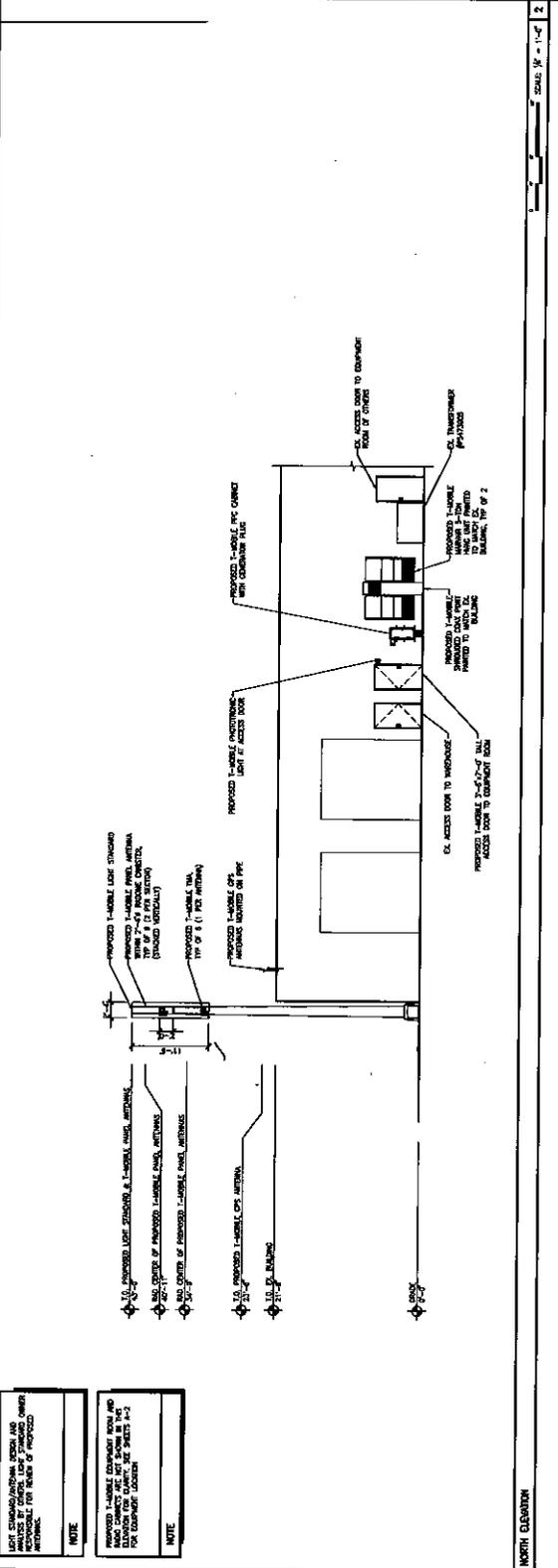
Synergy
TELECOM GROUP, LLC
7000 WILLOW AVENUE
NEWARK, CA 94620

NO.	DATE	DESCRIPTION	BY
1	03/01/06	CD REVIEW	RFJ
2	13/NOV/05	CD FINAL	SC
3	23/JAN/07	LUP SUBMITTAL	RFJ
4	10/JUL/07	ZD REVIEW	RFJ
5	15/JUL/07	ZD FINAL	RFJ
6	15/JUL/07	ZD FINAL REV 1	TM

SV11397A
JG DISTRIBUTING
2221 STUBBS ROAD
CARMEL, CA 95008
JOB NUMBER: 25056

SHEET TITLE:
NORTH ELEVATION
WEST ELEVATION

PROJECT NUMBER:
A-4



NOTE:
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ATTACHMENT C

RESOLUTION

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-530-01 (SPECIAL USE PERMIT), TO ALLOW THE INSTALLATION OF A MONOPOLE WIRELESS COMMUNICATION FACILITY AND RELATED EQUIPMENT, LOCATED AT 2321 STURGIS RD, WITHIN THE NORTHFIELD/SEAGATE BUSINESS PARK (APN 216-0-205-175), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY BRIAN STOTELMEYER, T-MOBILE USA, INC, 3 IMPERIAL PROMENADE #1100, SANTA ANA, CA 92707.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-530-01, filed by Brian Stotelmeyer, T-Mobile Use, Inc. in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15303 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing that the following circumstances exist:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated December 6, 2007, on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements, or the beginning of the proposed use. (PL, *G-3*)
4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement

of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)

6. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning Manager. (PL, G-8)
7. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
8. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
9. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
10. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
11. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

12. The final building plans submitted by Developer with the building permit application shall depict all building materials and colors to be used in construction. (PL/B, PL-1)
13. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission in all sets of construction documents and specifications for the project. (PL, PL-3)
14. Prior to issuance of building permits, Developer shall pay a document-imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).
15. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, PL-43)
16. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the

reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18, PL)

PLANNING DIVISION SPECIAL CONDITIONS

17. The tower shall be designed and constructed so that other wireless carriers can co-locate antennas within the monopole. (PL)
18. The equipment mounted on the back wall of the building shall be installed on the roof. (PL)
19. Any future wire communication facility proposed for the subject property shall co-locate its associated antennas within or on the subject monopole. Future antennas within the monopole shall be installed to be concealed from public view. (PL)
20. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)
21. Wireless communication site shall be kept clean and free of litter. (PL)
22. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems. (PL)
23. The mounting pipe for the GPS antenna shall be painted to match the building color and mounted on the inside of the parapet wall. (PL)
24. The proposed new access door at the rear shall be of the same type, design and color to that existing access door adjacent. (PL)
25. All wireless carriers who intend to abandon or discontinue the use of any wireless communication facility shall notify the Planning Division of such intention no less than 60 days prior to the final day of use. (PL)
26. If the site is abandoned, the Developer shall restore the site to its preexisting condition. (PL)
27. Abandoned site shall restore all areas back to their preexisting and former conditions, such as but not limited to grading, landscaping, and any other site or building changes. (PL)

28. Noise from any equipment used for the wireless communication facility shall meet the City's Noised Ordinance. (PL)
29. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1, PL)
30. Developer shall remove and replace all improvements that are damaged during construction. (DS-6, PL)
31. Developer shall comply with all applicable requirements and laws of the Federal Communications Commission and any other governmental entity with jurisdiction over the project. (DS, PL)

POLICE DEPARTMENT SPECIAL CONDITIONS

32. Developer shall allow installation of public safety radio equipment in or on the tower if the City of Oxnard Police Department or Fire Department finds it necessary. Such equipment shall not conflict with the architectural design of the tower or interfere with the approved wireless communication facility. Such equipment shall comply with zoning and planning requirements and conditions (PD).

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of December 2007, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Sonny Okada, Chairman

ATTEST: _____
Susan L. Martin, Secretary