



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MAY 11, 2015

ITEM NUMBER: PH-2

SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S DENIAL OF ZONING APPLICATION ZA-15-09 FOR A RADIO STATION WITH A 70-FOOT TALL EXTERIOR RADIO STATION ANTENNA TOWER AT 440 FAIR DRIVE

DATE: MAY 1, 2015

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov

DESCRIPTION

Zoning Application ZA-15-09, which was denied by the Zoning Administrator on March 19, 2015, is a Minor Conditional Use Permit for a Low Power FM radio station at 440 Fair Drive, Suite 217, and a 70-foot tall exterior ground-mounted radio tower and antenna mounted immediately adjacent to the rear (east side) of the same building. The tower is variously described in the application as a ham radio tower or "CB" (citizens band) tower. Screening of the proposed structure is not proposed. An appeal was filed by the applicant, the International Crusade of the Penny, on March 26, 2015.

APPLICANT/APPELLANT

The applicant and appellant is Mary L. Luna, representing Dennis Dalessio, the property owner.

RECOMMENDATION

Staff recommends that the Planning Commission uphold the Zoning Administrator's denial of ZA-15-09 by adoption of Planning Commission resolution.

BACKGROUND

Project Site/Environs

The property is located on the north side of Fair Drive, east of Harbor Boulevard, and contains a two story, 20,745 square foot medical office building originally constructed in the early 1960's. The property is zoned C1 (Local Business District) and has a general plan land use designation of Neighborhood Commercial. The property is bounded by a car dealership (zoned C1) to the north, single-family residences across Carnegie Avenue (zoned R1) to the east, an apartment complex (zoned R3) and car dealership property (zoned CL) to the south, across Fair Drive, and a service station (zoned C1) to the west.

Project Description

The applicant is proposing to construct and then operate a radio station studio within a 500 square-foot tenant space (Suite 217) of the building. The proposed tower and antenna will transmit the signal from the studio. The Federal Communications Commission (FCC) has issued a Construction Permit for the radio station. The Construction Permit is for a Low Power FM Station on frequency 90.3 MHz to be operated by The International Crusade of the Penny, a non-profit public service organization. Although the station is proposed to operate on a 24-hour, 7-days a week basis, the station will be mostly automated and would not be staffed the entire time it is in operation.

Minor Conditional Use Permit for Radio Antenna Tower

As part of the proposed radio station operation, the applicant is proposing to install a 70-foot tall exterior ground-mounted radio tower and antenna within the parking area of the site immediately adjacent to the building for the radio antenna's transmissions from the station. Zoning Code Section 13-142 (Antenna Development Standards) requires radio antennas greater than 30 feet in height to be screened in order to "lessen visual impacts to the adjacent residential zones".

Although the subject property is zoned C1, it is bounded by single-family R1-zoned properties across Carnegie Avenue to the west and a multiple-family R-3 zoned property (apartments) across Fair Drive to the south. As a result, the proposed radio transmission tower would be visible from these residentially-zoned properties and is required to be screened per the Zoning Code.

ANALYSIS

Justifications for Zoning Administrator's Denial

The Zoning Administrator denied the request based on the following:

- *The radio tower cannot be screened to minimize visual impacts to surrounding residentially zoned properties as required in City Zoning Code Section 13-142 (Antenna Development Standards).* As noted in the above code section, antennas

greater than 30 feet in height are required to be screened to lessen visual impacts to adjacent residentially-zoned properties. With respect to cellular communication antennas, they can be screened by disguising them as trees, flagpoles, etc., or they can be integrated into the roof parapets of taller buildings. However, according to the applicant's radio engineer, there is no effective method to camouflage or screen the proposed radio antenna tower without creating interference with the radio signal (see Attachment 5, Exhibit 2, letter from David Petrik, Qualified Professional Radio Engineer, dated January 20, 2015).

- *There is no basis for making findings for approval for a radio antenna tower of this height that cannot be screened to minimize visual impacts to nearby residentially-zoned properties.* The proposed 70-foot tall radio antenna tower would be the tallest structure in the surrounding area; the existing two-story building on the subject property is 25 feet in height and the surrounding Edison overhead utility poles are 38 feet in height. As a result, the radio tower would be extremely out of scale in terms of height with the surrounding structures in the area and clearly visible to nearby residential properties, creating an adverse visual impact detrimental to the surrounding area.

It should also be noted that certain types of Ham Radio antennas (such as those shown in the photos of the applicant's exhibits) are exempted from the City's antenna regulations per Zoning Code Section 13-140(a) indicated below; however, the radio tower proposed by the applicant does not fall into these categories:

CMMC Section 13-140(a) Exemption: Antennas meeting all of the following criteria are exempt from the regulations of this article:

- (1) The antenna and associated support structure are supported primarily by attachment to a building.*
 - (2) The antenna, including associated support structure, does not weigh more than eighty (80) pounds.*
 - (3) The antenna, excluding associated support structure, does not exceed four and four-tenths (4.4) square feet in effective wind load area.*
 - (4) Attachment of the antenna and associated support structure to a building does not require modification or reinforcement of load bearing elements of the building in order to support the antenna and associated support structure at wind speeds up to seventy (70) miles per hour.*
 - (5) The environmental radio frequency radiation generated by the antenna does not exceed ANSI/IEEE standards, except as categorically excluded by the Federal Communications Commission.*
- *A radio tower of this height and scale could be located in other areas of the City where it would be less visually intrusive to residential properties and would not necessarily be required to be screened.* Due to the "L" shaped configuration of the subject site, as well as the height of the proposed radio antenna tower and

its proximity to residentially-zoned properties, it would not be able to be located in any part of the site where it would be inconspicuous. The City Zoning Code requirements for screening of radio antennas over 30 feet in height applies only to antennas adjacent to residentially-zoned properties. Therefore, the applicant could locate the radio station and tower in another zoning district in the City; for example, an MG (General Industrial) or MP (Industrial Park) zoned property that is not near residentially-zoned properties and, therefore, would not be required to be screened.

Additional Analysis in Response to Appellant's Application

The following additional analysis is provided in response to the issues raised by the appellant.

- *The approval of a Federal Communications Commission (FCC) Construction Permit application for a ground-mounted, 70-foot high broadcast antenna does not preempt or bypass the City's Zoning Code nor is it a basis for a height variance or waiver of antenna screening requirements.*

The City is not obligated to approve the antenna facility AS IS simply because the applicant secured a Construction Permit from the FCC. The approval granted by FCC was for a Construction Permit, the design and location of which are still subject to approval by the local jurisdiction (in this case the City). FCC regulations with regard to radio towers, including height, do not preempt the City's Zoning regulations with regard to maximum height or screening requirements for new antenna sites. The FCC Construction Permit application was for a low power FM station, which is completely different and independent from amateur radio (ham radio) or citizens band operations. The authorized broadcast frequency (90.3 MHz) is not permitted for ham radio or CB use.

- *While the proposed 70-foot radio tower and antenna is described as an "amateur ham radio antenna", the structure is proposed to provide a significantly greater level of broadcast and transmission than is typically associated with amateur ham radio antennas.*

In the appeal, the applicant/appellant indicates that the proposed antenna is an "amateur ham radio" or citizen's band (CB) antenna, similar to other ham radio/CB antennas in the City. However, there is an important distinction between the functionality of a ham radio antenna and a communications antenna. The proposed antenna is for an FM band (frequency 90.3 MHz) which is for broadcast communications purposes. Ham radio operators and CB operators are prohibited by the FCC from broadcasting (as that term is defined by the FCC).

- *Code requires screening and sets maximum height limits for antenna facilities including ham radio antennas and communications antennas.*

As a radio communications antenna, Code specifies a maximum height of 30 feet. A request for additional height requires discretionary review and approval pursuant to a minor conditional use permit. (Title 13, Section 13-142, Table 13-142 Antenna Development Standards).

Although the proposed facility is for FM broadcasting, even if it were for a ham radio or CB radio antenna, the Code requires screening for antennas 30 feet or more in height to lessen the visual impacts on the adjacent residential zone. (Title 13, Section 13-142, Table 13-142 Antenna Development Standards).

Therefore, with respect to the aesthetics of the antenna, the proposed tower and antenna do not comply with Code requirements. Code requires screening for a ham radio antenna above 30 feet in height the antenna, and Code limits the height of a communications antenna to a maximum of 30 feet.

- *There is no evidence in the administrative record that the applicant has applied for an FCC Construction Permit for a 30-foot high antenna.*

The applicant/appellant has provided no information whether a request to the FCC for a 30-foot high, ground-mounted radio antenna has been submitted for Construction Permit consideration. For both ground-mounted ham radio antennas and communications antenna facilities, the Code does not require screening for antennas ***less than 30 feet in height*** in a nonresidential zone adjacent to a residential zone.

GENERAL PLAN CONFORMITY

Future development of all land within the City of Costa Mesa is guided by the General Plan adopted in 2002. The General Plan sets forth land use goals, policies, and objectives that guide new development and uses.

Based on the issues discussed in the previous sections, the request is not consistent with the following objectives of the General Plan.

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*
- **Objective CD-8A.6:** *Locate areas for outside equipment...in the least conspicuous part of the site. Utility and mechanical equipment...should be concealed from view of public streets, neighborhood properties, and nearby higher buildings.*

ENVIRONMENTAL DETERMINATION

If the Zoning Administrator's denial of the request is upheld, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved. If the Planning Commission approves the request, it would be categorically exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1) for Existing Facilities. Class 1 consists of:

"...the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

In this case, the proposed antenna is a freestanding structure and/or mechanical equipment that would not expand or affect the existing commercial building or use on the site.

LEGAL REVIEW

The City Attorney has reviewed the draft resolutions and they have been approved as to form by the City Attorney's Office.

ALTERNATIVES

The Planning Commission has the following alternative:

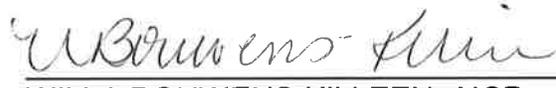
- Approve the project subject to conditions. The Planning Commission may suggest specific conditions to include in an approval of the project. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

CONCLUSION

The Zoning Administrator denied the request based on the determination that the proposed station, with the 70-foot tall radio station antenna tower, not an amateur radio station and is not compatible with the surrounding residential properties. As such, the project is not consistent with the City's Zoning Code and General Plan.



MEL LEE, AICP
Senior Planner



WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

- Attachments:
1. Draft Planning Commission Resolutions and Exhibits
 2. Location and Zoning Map
 3. Conceptual Plans
 4. Appeal Form and Exhibits
 5. Zoning Administrator Denial Letter and Attachments
 6. Correspondence From Public
 7. Site Photos

- Distribution:
- Director of Economic & Development Services/Deputy CEO
 - Assistant Development Services Director
 - Senior Deputy City Attorney
 - Public Services Director
 - City Engineer
 - Transportation Services Manager
 - Fire Protection Analyst
 - Staff (6)
 - File (2)

Mary L. Luna
12501 Jane Drive

Garden Grove, CA 92841

Dennis Dalessio
440 Fair Drive
Costa Mesa, CA 92626

**ATTACHMENT 1
DRAFT RESOLUTIONS**

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION TO DENY ZONING APPLICATION ZA-15-09 FOR A MINOR CONDITIONAL USE PERMIT FOR A RADIO STATION WITH A 70-FOOT TALL FREESTANDING RADIO TOWER AT 440 FAIR DRIVE, SUITE 217

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Mary L. Luna, representing Dennis Dalessio, the property owner, requesting approval of the following:

Zoning Application ZA-15-09 is a Minor Conditional Use Permit for a Low Power FM radio station at 440 Fair Drive, Suite 217, and a 70-foot tall exterior ground-mounted radio tower and antenna. The tower is variously described in the application as a ham radio tower or "CB" (citizens band) tower. Screening of the proposed structure is not proposed.

WHEREAS, on March 19, 2015, the Zoning Administrator denied the request; and

WHEREAS, on March 26, 2015, the Zoning Administrator's decision was appealed by the applicant; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on May 11, 2015 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, the project was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines; and it was determined that CEQA does not apply to the project, pursuant to CEQA Guidelines Section 15270(a), because the project was denied; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby upholds the Zoning Administrator's decision and **DENIES** Planning Application ZA-15-09 with respect to the property described above.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 11th day of May, 2015.

Robert L. Dickson Jr., Chair,
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (DENIAL)

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

Finding: The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

Facts in Support of Findings: The applicant's request cannot be supported based on the following:

The antenna cannot be screened to minimize visual impacts to surrounding residentially zoned properties as required in City Zoning Code Section 13-142 (Antenna Development Standards). As noted in the above code section, antennas greater than 30 feet in height are required to be screened to lessen visual impacts to adjacent residentially-zoned properties. With respect to cellular communication antennas, they can be screened by disguising them as trees, flagpoles, clock towers, etc., or can be integrated into the roof parapets of taller buildings. However, the applicant's radio engineer has asserted without introduction of any confirming evidence that there is no effective method available to camouflage or screen the proposed radio antennas without creating interference with the radio signal.

The proposed antenna is for an FM band (frequency 90.3 MHz) which is for *commercial* and non-commercial broadcast purposes; therefore the antenna would fall under the Zoning Code category of a *communication* antenna (30-foot maximum height unless a taller height is approved through a minor CUP), and not an *amateur* radio antenna (75-foot height allowed), as noted in Code Section 13-142. Nor is the proposed antenna and tower for use as a citizens band antenna, which would also be subject to the 30-foot maximum height unless a taller height is approved through a minor CUP.

Additionally, the approval granted by FCC was for a Construction Permit that is subject to land use approval by the local jurisdiction (in this case the City) and FCC regulations with regard to new broadcast radio towers, including height, do not preempt the City's Zoning regulations with regard to maximum height or screening requirements; The applicant/appellant has provided no provided no information as to if they ever submitted a request to the FCC for 30-foot high communication radio antenna in accordance with the City's Zoning Code.

Finding: Granting the minor conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: There is no basis for making findings for approval for a radio antenna tower of this height that cannot be screened to minimize visual impacts to nearby residentially-zoned properties. The proposed 70-foot tall radio tower would be the tallest structure in the surrounding area; the existing two-story building on the subject property is 25 feet in height and the surrounding Edison overhead utility poles are 38 feet in height. As a result, the radio tower would be extremely out of scale in terms of height with the surrounding structures in the area and clearly visible to nearby residential properties, creating an adverse visual impact detrimental to the surrounding area.

Finding: Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings: The request is not consistent with the following goals and objectives of the General Plan.

Objective LU-1F.1: *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

Consistency: The applicant asserts there is no effective method available to camouflage or screen the 70-foot tall radio antenna without creating interference with the radio signal. As such, the radio tower would create an incompatible and potentially disruptive land use and/or activity for surrounding residential properties and uses. Therefore, the request is not consistent with this General Plan goal.

Objective CD-8A.6: *Locate areas for outside equipment...in the least conspicuous part of the site. Utility and mechanical equipment...should be concealed from view of public streets, neighborhood properties, and nearby higher buildings.*

Consistency: Due to the “L” shaped configuration of the site, as well as the height of the proposed radio antenna tower and its proximity to residentially-zoned properties, it would not be able to be located in any part of the site where it would be inconspicuous. The proposed 70-foot tall radio tower would be the tallest structure in the surrounding area; the existing two-story building on the subject property is 25 feet in height and the surrounding Edison overhead utility poles are 38 feet in height. As a result, the radio tower would be extremely out of scale in terms of height with the surrounding structures in the area and clearly visible to nearby residential properties, creating an adverse visual impact detrimental to the surrounding area. The applicant could locate the radio station and tower in another zoning district in the City; for example, an MG (General Industrial) or MP (Industrial Park) zoned property that is not near residentially-zoned properties and therefore would not be required to be screened. Therefore, the use is not consistent with this General Plan goal.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING THE ZONING ADMINISTRATOR'S DECISION AND APPROVING ZONING APPLICATION ZA-15-09 FOR A MINOR CONDITIONAL USE PERMIT FOR A RADIO STATION WITH A 70-FOOT TALL FREESTANDING RADIO TOWER AT 440 FAIR DRIVE, SUITE 217

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Mary L. Luna, representing Dennis Dalessio, the property owner, requesting approval of the following:

Zoning Application ZA-15-09 is a Minor Conditional Use Permit for a Low Power FM radio station at 440 Fair Drive, Suite 217, and a 70-foot tall exterior ground-mounted radio tower and antenna. The tower is variously described in the application as a ham radio tower or "CB" (citizens band) tower. Screening of the proposed structure is not proposed.

WHEREAS, on March 19, 2015, the Zoning Administrator denied the request; and

WHEREAS, on March 26, 2015, the Zoning Administrator's decision was appealed by the applicant; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on May 11, 2015 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15332 for In-Fill Development.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of contained within Exhibit B, the Planning Commission hereby **APPROVES** Zoning Application ZA-15-09.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon

the activity as described in the staff report for Zoning Application ZA-15-09 and upon the applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 11th day of May, 2015.

Robert L. Dickson Jr., Chair,
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (APPROVAL)

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

Finding: The proposed use is compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Finding: Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Finding: Granting the minor conditional use permit will not allow a use, density, or intensity which is not in accordance with the General plan designation.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng. 1. The use shall be limited to the type of operation described in the staff report and applicant's letters, subject to conditions. Any change in the operational characteristics, shall be subject to Planning Division review and may require an amendment to the minor conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant acknowledges that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. Applicant and Property Owner individually and collectively shall defend, indemnify and hold harmless the City, its elected and appointed officials, agents, officers, and employees, advisors and volunteers against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval. City shall have the right to select the attorney defending it, if it elects to do so.
3. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
4. The conditions of approval and ordinance or code provisions of zoning application ZA-15-09 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of /utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
6. The Applicant and Property Owner individually and collectively shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, employees, advisors and volunteers from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by

City.

CODE REQUIREMENTS

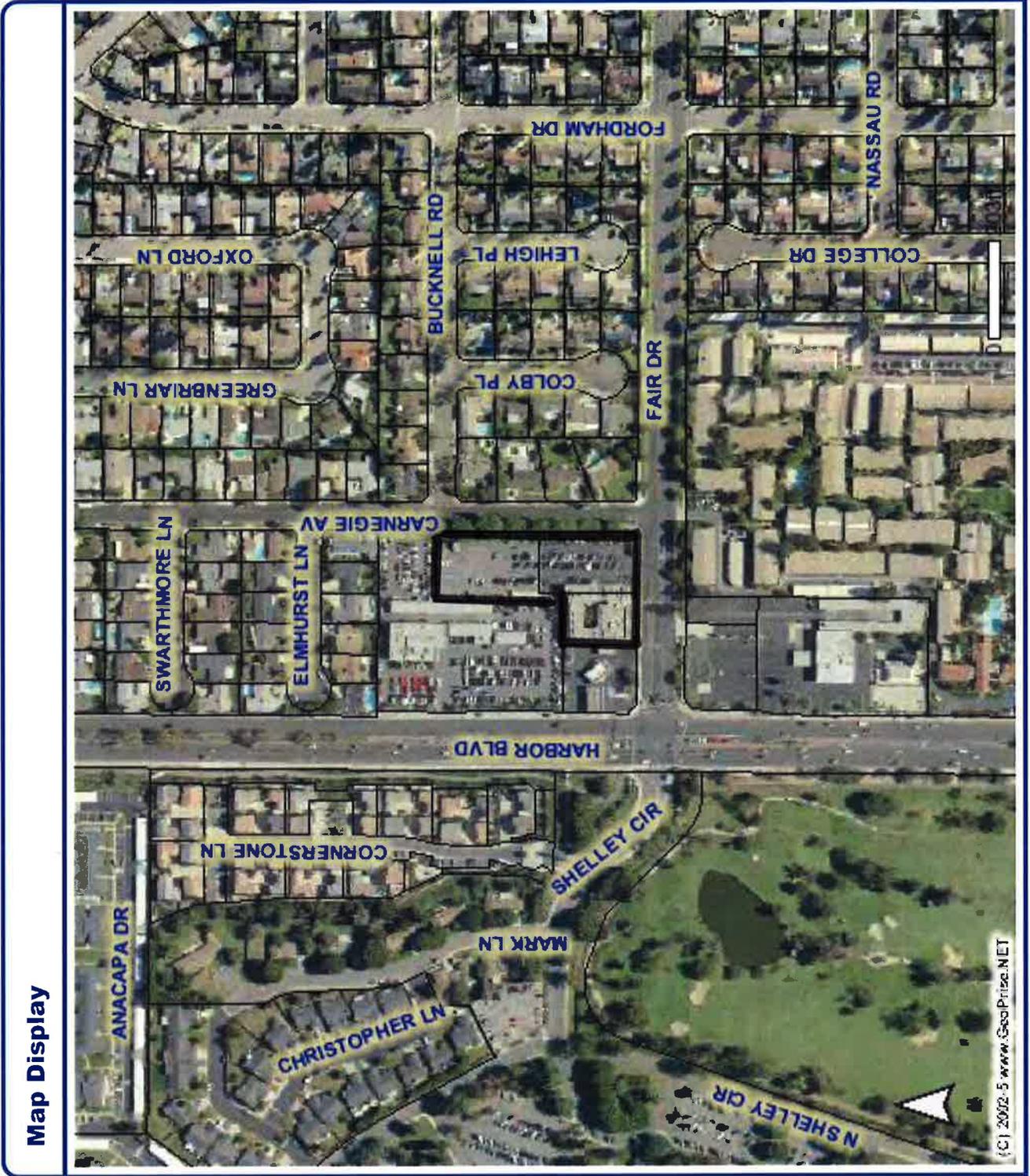
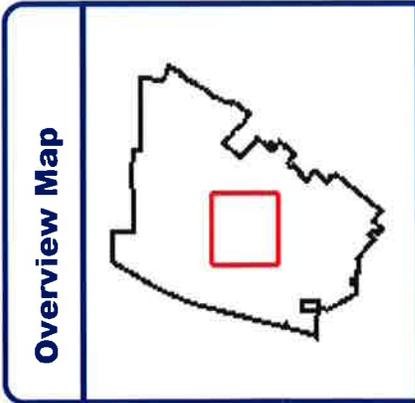
The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
 2. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
 3. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg.
4. Comply with the requirements of the 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, and 2013 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings, and elements by individuals with disability shall comply with Chapter 11B of the 2013 California Building Code.

**ATTACHMENT 2
LOCATION AND ZONING MAPS**

City of Costa Mesa

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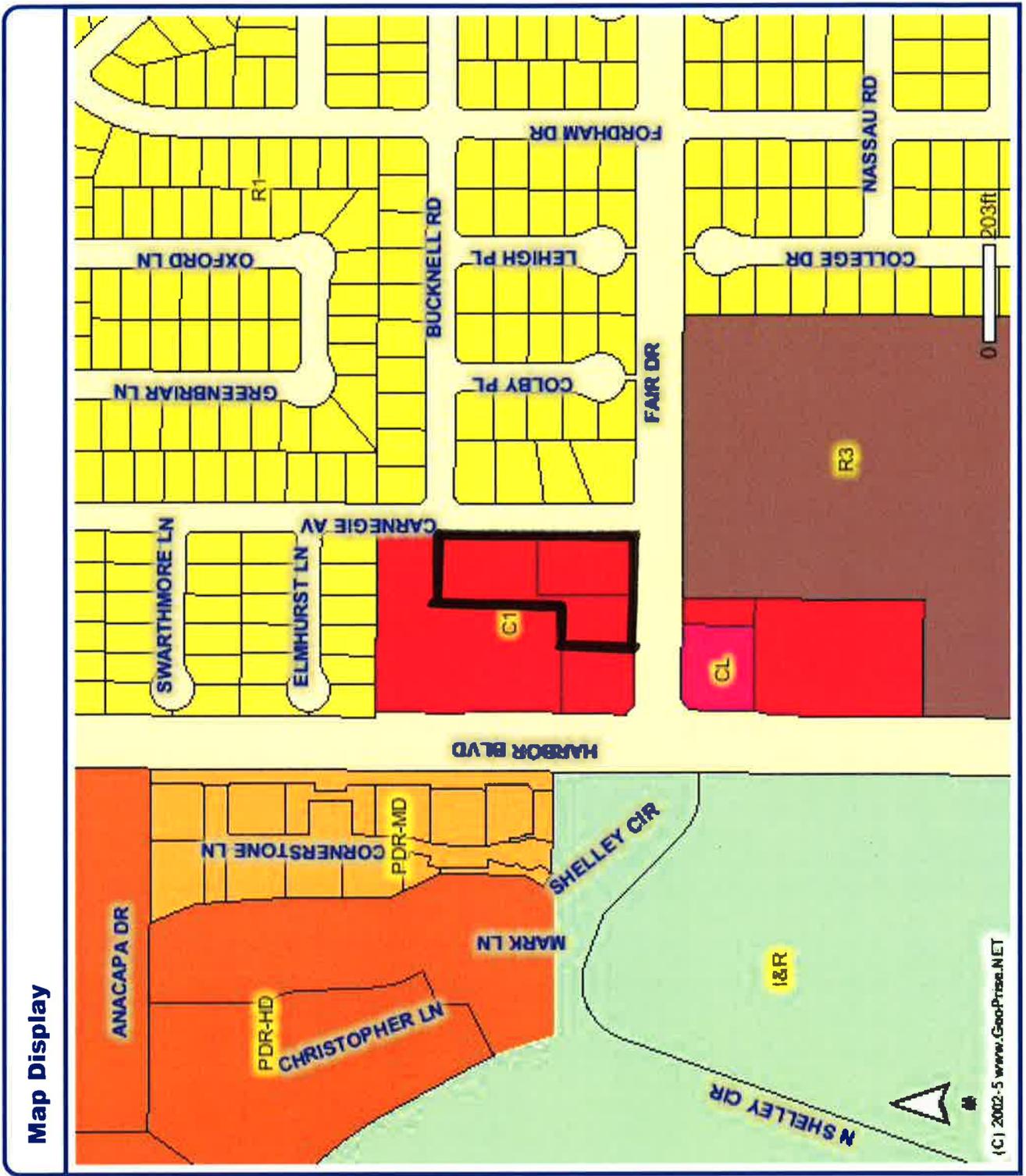
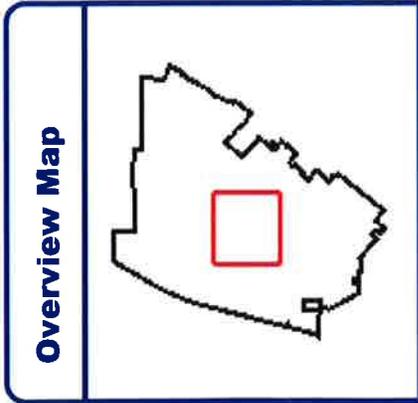


Legend

Hydrology Channels	Water Ways
Street Names	Ortho 2010 Level 3
Parcel Lines	Ortho 2008 Level 3
City Boundary	Ortho 2006 Level 3
	Parcels

City of Costa Mesa

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Legend

Hydrology Channels	Water Ways
Street Names	Parcel Lines
City Boundary	Boundary

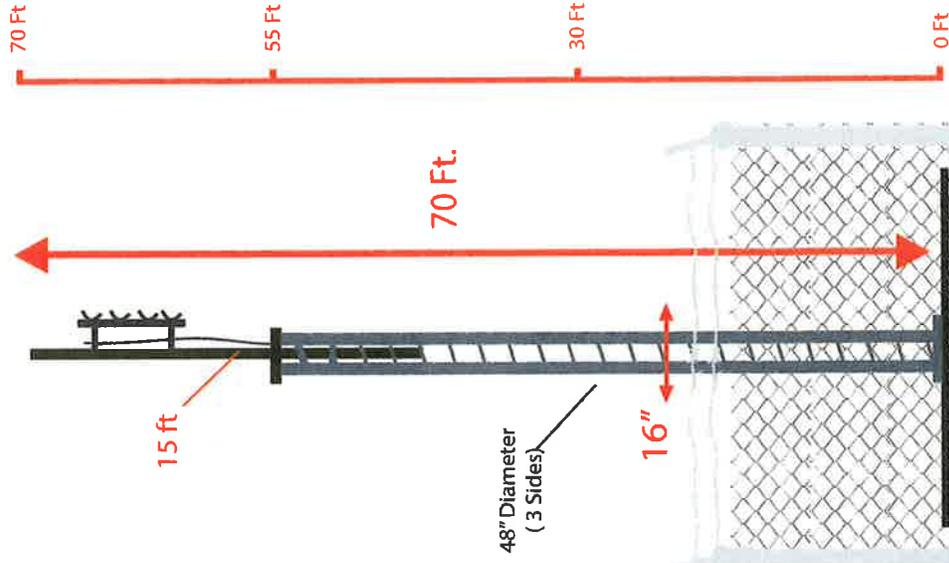
Zoning

AP	C1	C1-S	C2	CL	I&R	I&R-S	MG	MP (cont)
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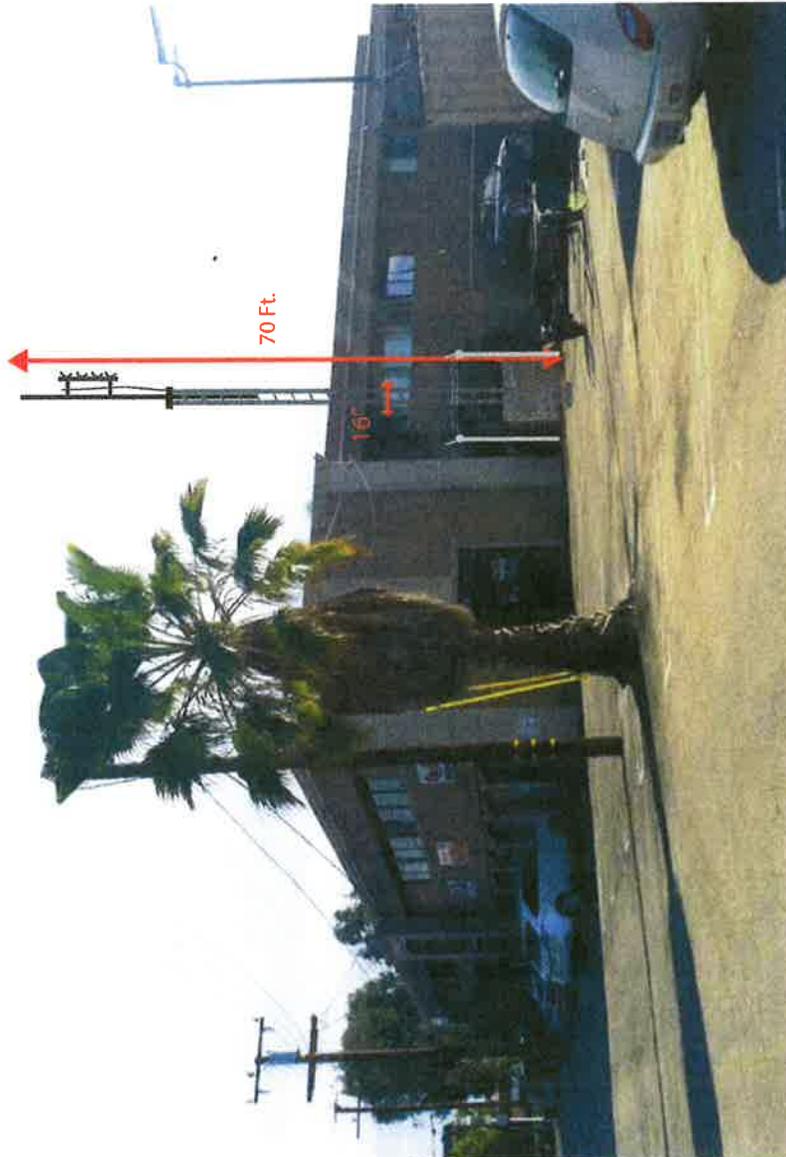
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**ATTACHMENT 3
CONCEPTUAL PLANS**

**Installation Type:
Self Support Ham Radio Tower WT-51**

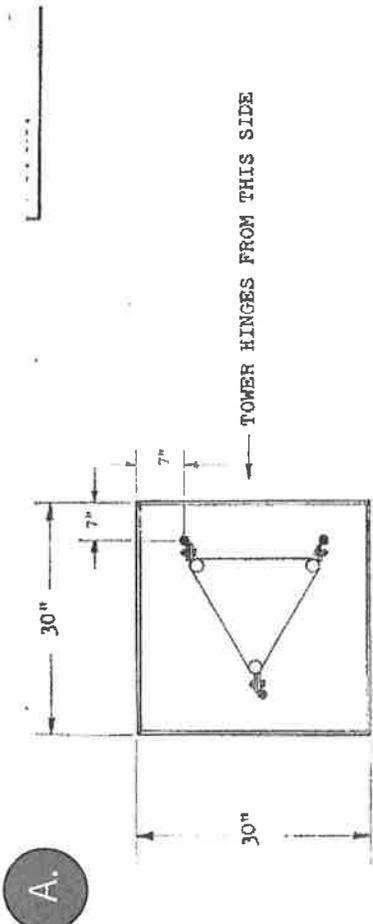


Surrounded by a 5 ft Barbed wire fence

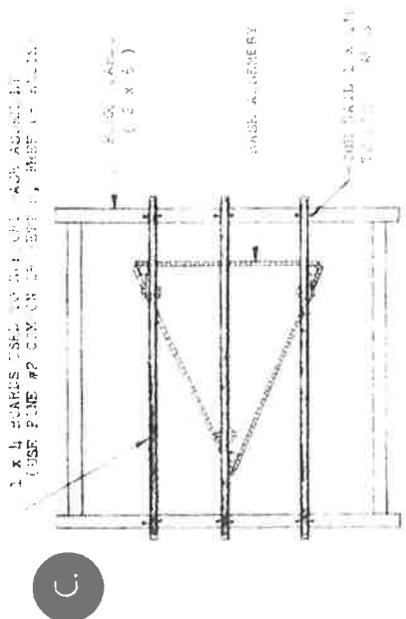


Contact: Mary Luna
International Crusade of the penny
Since 1987
Qualified 501(C)3 org.
12501 Jane Dr
Garden Grove Ca 92841
(714) 818-7839
email: crusadeofpenny@aol.com

Install Address:
440 Fair Drive
Costa Mesa Ca 92626-6229

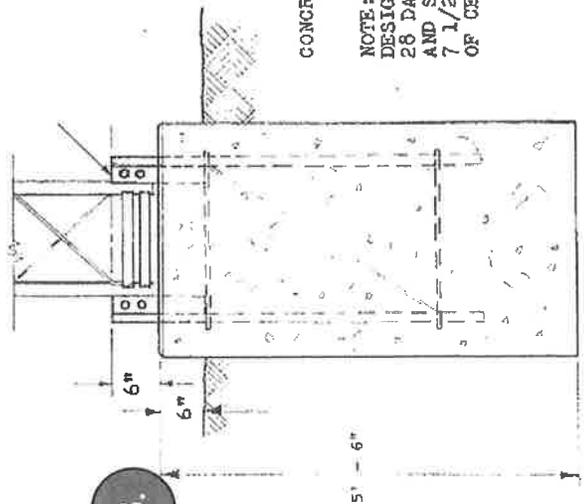


A.



C.

PLAN VIEW



B.



D.

CONCRETE REQUIRED: 1.3 Cu. Yd.

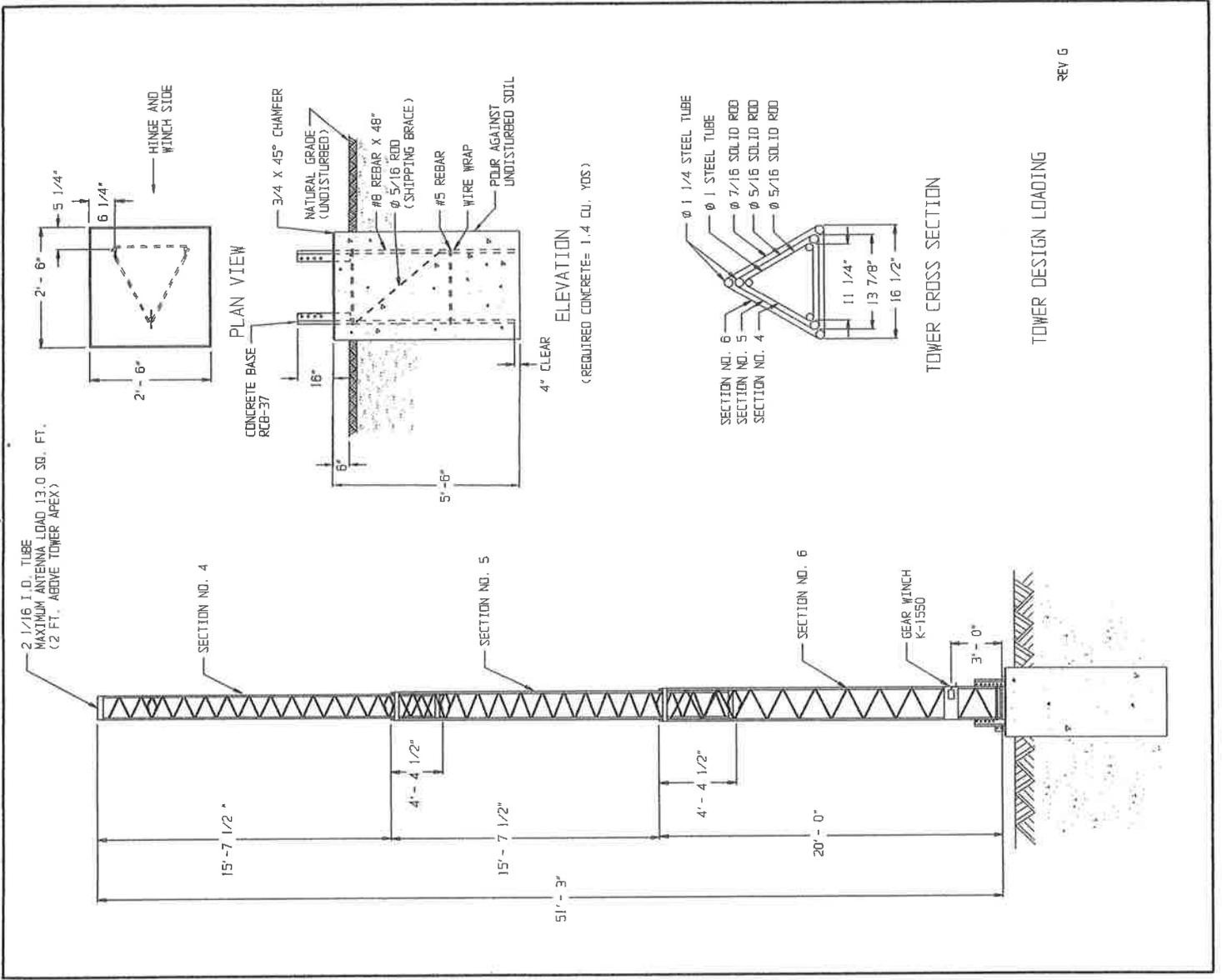
NOTE: CONCRETE MIX SHALL BE DESIGNED TO PROVIDE A MINIMUM 28 DAY STRENGTH OF 2,000 PSI. AND SHALL CONTAIN NOT MORE THAN 7 1/2 GALLONS OF WATER PER SACK OF CEMENT.

A. Aerial View Of Tower

B. Concrete Foundation

C. Where Base Assembly Will be attached

D. Elevation View



REINFORCED CONCRETE BASE

The base mount and the tower base are designed so that two bolts may be inserted into the base mount and the tower base while the tower is laying horizontally on the ground. Then the base mount and the tower base are hinged. This allows the tower to be tilted upwards to the vertical position where the final bolt can be inserted, thus locking the tower in the vertical position. The purpose of this design is to make it easier and safer to erect the tower. To access the antenna for maintenance, a tilt over accessory is required to position the antenna in a working elevation.

APPLICATIONS: General communications, amateur radio, two-way radio, light cellular antennas, citizen band radio, television, cameras, and environmental monitoring instrument installation.

FINISH: All crank up towers are **HOT DIPPED GALVANIZED** after fabrication. They are galvanized in accordance with ATSM A123. The towers are galvanized, hot-dipped, after fabrication in molten zinc so that tube legs are zinc coated inside the tubes as well as outside and completely covering all the steel tower. Drain holes shall be kept clear.

MATERIAL: The towers are made of ASTM-36 structural shapes, ASTM A513 Tubing, ASTM A53 Grade B pipe. Hardware is hot dipped galvanized or Stainless Steel. No plated hardware is used.

WELDING: Welding is done in accordance with AWS D1.1 the latest Revision. Welding rod and gas are selected to insure the highest ductility and to insure embrittlement does not occur during the galvanizing process. Certified AWS welders are used and they certification kept on file.

DESIGN AND ENGINEERING

The crank up towers meets the American Institute of Steel Construction standards for steel structures. The concrete design meets the American Institute of Concrete requirement for concrete and reinforcement. The tower design meets the 1997 Uniformed Building Code as stated in the calculations.

Karl Tashjian is a licensed Registered Civil Engineer.

WT-51

Tower Specs :

TYPE: Self-supporting, extendable, manual crank-up tower.

SPECIFICATIONS:

TOWER HEIGHT: Extended 51 feet (15.5M). Retracted 21 feet (6.4m).

TOWER SUPPORT: Self-supporting, no guys.

WIND LOADING: Engineering analysis indicates the tower will support 13 Square feet of projected area at winds of 85 MPH 3 second gust wind speed per ANSITIA EIA RS 222 Rev. G.

DEAD LOAD: The maximum dead load is 300 lbs.

WEIGHT: The tower with the base weighs 355 pounds (161kg).

SECTIONS: The tower is made from three each 20 foot sections, #4, #5, and #6 is the base.

DESCRIPTION:

Tower is complete with a manual crank-up winch and hoisting cables, and a rigid concrete base mount. The tower is designed to extend the tower telescopic sections uniformly. With your purchase, a user manual one and stamped set of drawings and calculation is provided.

This tower has pulley frame on one face only. The lifting cable is 3/16 x 7 x 19 aircraft cable.

Because of high strength tubing and the bracing of solid rod, this design is considered to be the strongest engineering configuration for towers, yet saves weight, resists torsion load and reduces wind resistance, allowing more useful load to be installed on the tower.

ACCESSORIES:

RCB-37 LI (#6 Wide Section)

CO-3 for WT-51

TA-51

#4 rotor plates

Cable Kit for WT-51

Manual Winch 1,500 Pound

TB-2 Trust Bearing

Maas

WT-51 Manual, Drawings, Calculations

Replacement Pulleys

- Height of ground above mean sea level at site: 22.0 meters.**
- Overall height of tower above ground: 21.3 meters (or 70 feet).**
- Center of Radiation above Ground: 17.8 meters**
- Center of Radiation above Mean Sea Level: 39.8 meters (This is 22.0 m plus 17.8 meters)**
- HAAT (Height Above Average Terrain): 15 meters**
- ERP (Effective Radiated Power): 100 watts**

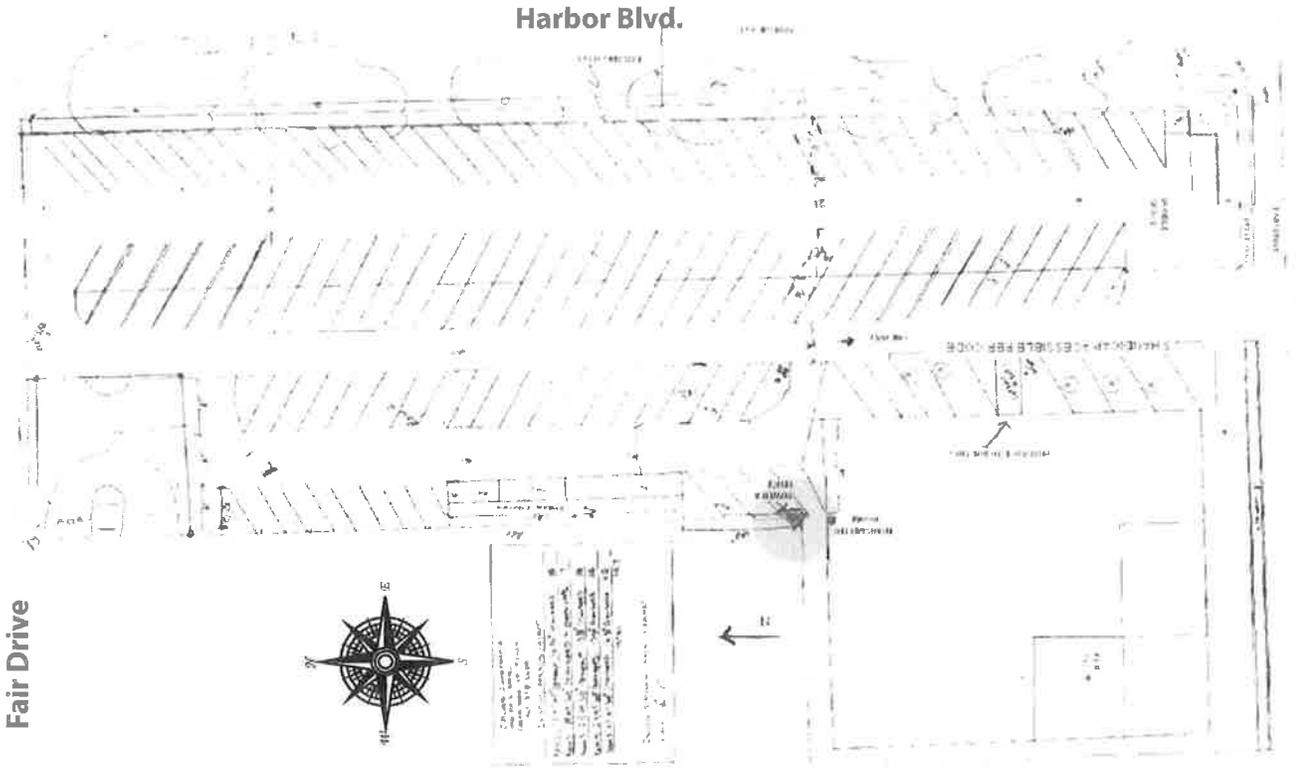
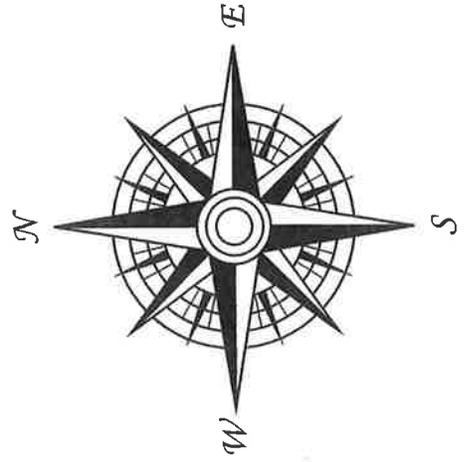
Harbor Blvd.



Fair Drive



Property Map / Street View
440 Fair Drive
Costa Mesa Ca 92626-6229



**ATTACHMENT 4
APPEAL FORM AND EXHIBITS**



City of Costa Mesa

- Appeal of Planning Commission Decision/Rehearing - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Mary L. Luna
 Address 12501 Jane Drive - Garden Grove, Ca.
 Phone (714) 818-1739 Representing Int. Crusade of the Penny

REQUEST FOR: REHEARING APPEAL REVIEW**

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

March 19, 2015

Decision by: Mary Luna of Board of ICOP
 Reasons for requesting appeal, rehearing, or review:

Disagree on Memo of denial Request to go to City Council & Public hearing

Date: 3/26/2015 Signature: Mary Luna

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
 **Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
 If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

ZA-15-09 440 FAIR DRIVE SUITE 217

ZONING ADMINISTRATION DECISION

MARCH 26, 2015

COMMENT ON FIRST SENTENCES: MINOR CONDITIONAL PERMIT? HOW AND WHY DID WE GET TO MINOR FROM A CUP? FROM DAY ONE THERE WAS SO MUCH CONFUSION..FILL IN A MINOR...FILL IN A CUP...MINOR CONDITIONAL PERMIT AND FINALLY A CUP..AND NOW ON MARCH WE GET CHANGED TO A MINOR CONDITIONAL PERMIT.

After thoroughly and carefully reading your Memo, WE don't see any findings made for the denial in your Memo to us.

We're also appealing the decision you made against us, for many reasons. The main one is that we're very tired of being bounced like a ball back and forth wasting a lot of our time, money, energy and you continue saying that you deny us. We're very tired and we're requesting that we get a public hearing with The City Concl. We've had enough. At the beginnig you said it was ok to get a Ham Tower address was given, this is why we purchased the Amatuer Radio Tower because we were even told we fell under the Amateur Radio. And that's another reason a Study was done with a Professional Radio Engineer Mr. Charles Ellis a well known and very Respected Engineer. I have provided that study other times to you but I will include it again today because it's important that the Residents be aware that it's not a Rsdio Tower that we're proposing, it's a Ham Radio Tower. Huge difference.

It's an insult and humuliating that you treat us unfair and unjustly when another station is airing out with no problem, and confirmed by your Department of the Planning Commission that they never filed for a DBA nor a CUP. Not very nice.

The only reason we bought the Ham tower was because we were led to believe through one of your Planning Commissioners that it was ok to put one up as long as it didn't go any higher than 75 feet. Why have you been humuliating us all along and discriminating us. Why did you wait so long, we've been in touch with you since the latter part of February 2014, and here we're March 2015.

If after so many months have gone by and we've jumped all of the hoops you requested, we spend our monies applying for a liscence to do the Honorable and Honest way in the correct and upmost way, getting approvals. Not once have you bothered to tell us that it wasn't zoned to put up a Ham Tower. And yet you tell us that it's not zoned to put up an antenna because of degrading the Residential area. The way we see it, it's zoned because as you can see the exhibit that I'm providing for you is that Costa Mesa alone has 900 FCC Registered Amateur Licenses in Costa Mesa. Not just that, there's a huge Ham Tower in 1001 Presidio Square as a Transmitter, it's commercial and it's not no 40ft, nor 60, nor 70 feet in length it's more like a 100! Now, if you happen to say that it's an exempt Ham Tower it's still commercial and it has two accounts. The Tower is not camouflaged, the antennas are much bigger than ours and are not camouflaged either. And if it is Exempt you show by example if you don't have double standards in the rules and regulations on the city codes. I have provided the coordinates of the Transmitter which is much higher than 70 feet in the same zip code as ours.

Search engine shows 900 Ham towers Registered with the FCC That shows that it's already Zoned for a Ham Tower.

We have come to the Conclusion that this is a Racial decision and a Discrimination one. We saw it coming when Claire Flynn had Mel Lee sent us a letter denying us as I provided in an exhibit but never mentioned that it wasn't zoned or actual reasons of denial. It stated in the the denial and our monies would get refunded. And when we had the meeting in person with Claire and two more Commissioners, again not a word about not being Zoned, except about having it camouflaged.

Are we being discriminated because of a Racial issue? Is it because it's a bi-lingual Radio Station? Spanish and English? Is it because we're a mixture of Latinos and Black race? And why am I also making those questions is because Claire asked for sure two times of "Why Costa Mesa?" and why couldn't we've had to come up just like we did then before we applied with the FCC and she would of told us.

Yet when the Founder of the Organization asked Claire when she said we had to camouflaged our Ham Tower he asked her that if we did camouflaged it, would we get approved? The answer was that there would be no guarantee. Again she should of told us that it was not Zoned and it didn't happen.

Yes, through no choice of ours, the tower and antenna cannot be camouflaged. It will kill the signal. Look around and see how many Radio Stations and Antennas get camouflaged. None are.

Sure you have cell towers camouflaged but those are different signals. Those are Cell Towers. Not Radio, Not Ham signals.

There's several things that are misunderstood and express wrongly on your scripts.

1. We're not, and never requested nor did it crossed our heads to propose for a Radio Tower. That's a total no-no with the FCC. Our application would have been thrown out. A Radio Tower is easily over 200 feet. The FCC would have to issue a declaration of NO HAZARD and the FAA evaluate all obstruction, Air Traffic Patterns etc. etc.
2. From the Start and through your suggestion of a Ham Tower being ok as long as it didn't go past 75feet we purchased the Tower. Again, let me point out something to you Tower is one thing and the antenna is another.
3. For doing things correctly the only thing you've done to us is rejecting us, not willing to welcome us to your City, and questioning the Fact of "Why Costa Mesa". You should feel complimented because we have shown you our Honesty and Integrity by doing things correctly and all you've done is punish us when in fact another station is airing out illegally if you will. And yet you've been very much involved with them to the point that it's known that you also have funded them with a monetary grant. Which honestly we're happy for them and congratulations to KOCI they're doing a fantastic job. Is it equal treatment for our Group? Of course not. We're Latinos and Blacks and that seems to make a big difference.
4. Let me also correct the Fact that you have tagged us and labeled us as Amateur Radio. We're not Amateur, we're
5. Professionals in our fields, some of us with Degrees in Communications. The Group is composed of Professional Radio Disc Jockeys, Television Hosts, Famous Singers, Famous Actors. Other Members are into the Medical,

Educational, and Engineering Fields. Therefore, please don't tag us or label us differently of what we actually are.

6. When Claire Flynn asked about our work with the Philonthropic Org. I shared about the work we provide and assist the less fortunate, and the handicap. Let's make it clear, you have the misconception that the Radio is for that. No, the Organization is not going to be brought to Costa Mesa. The Organizations home is in the City of Garden Grove. What we're bringing to Costa Mesa is only the Radio Station. And the Radio Station will focus only on Informing, and Entertaining and Serving the Community of Costa Mesa making sure that the City informs all Residents of Activities, changes, inviting and interviewing all of the City Departments to come and air out. Our Guests will be Doctors, Psychologists, Attorney and of course Celebrities. We're all Proud American Citizens.
7. If you don't allow us to put our Ham Tower, then we're proposing to put up a Pole with the USA Flag, a City Flag, or any flag you choose. As Citizens, we're aware of all of the requirements of our Flag.
8. Part of the application and requirements state that you'd have an answer for us in 8 to 12 weeks that went farther than that.
9. Your very last Memo shows no findings made for the denial.
10. We want to go in front of the City Coucil and go Public

PROJECT DISCRPTION

THIS IS THE CORRECT DISCRPTION BECAUSE THERE SEEMS TO BE LOTS OF CONFUSION IN YOUR DEPARTMENT

. An explanation of how programming will further the goals of educating and when the Org. was established and qualified.

By the State of California: 02/16/1988 Tax-Exempt: 03/15/1999

Programming for the proposed LP KLIE 90.3fm by The International Crusade of the Penny will design its program to benefit all of the diversified Nationalities within the needs of our Community. It will be Bi-lingual English/ Spanish, which will be designed to reach a wider audience with the above-mentioned areas of necessity, which will help tremendously and compliment all of our efforts.

It will increase public awareness of the needs and support that's needed for a better Community and for a better America. It will encourage our Medical Professionals, our Law Enforcement, Local Elementary and High Schools and all of the right departments of the proper authorities to have more educational programs and increase awareness not just for the needs but to make solutions to any problems that need to be resolved in our Community.

The LP FM station will make many positive needs for Education in different areas of life for our Children, Youth which is the future of tomorrow, Adults educating them in areas that are needed, solutions for employments, Medical Health etc. We will partner with our City, Law officials, Medical and others that would be interested in educating the Community for a better quality of life. It would also, make awareness to those who are able to fund and give to the right Organizations for the solutions needed within the Community.

Our Station will air out 24 hours 7 days a week providing entertainment and informing the Public in the scope of our daily lives and getting education for better employment. The advantage is that some of our volunteers and members are Educators. Exceptional Citizens .Our format in the 90.3fm will be bi-lingual Spanish and English.

Our priorities are to expand the Education in the Community(s) are the following, and as time goes by and whatever the needs are will continue expanding as needed.

The priorities for 90.3fm are the following:

- .Localism and offer everything that the “Commercial” radio stations can’t for Organizations and their goals.
- Children’s hour where stories are read and a Q&A about solutions to homework
- Having “public affairs,” this will serve the local community needs.
- Working partnership with all of the local educational institutions in the communities at all levels, elementary, high school, colleges, universities and their key individuals in the districts exclusively for educational purpose(s) and exchanging and promoting/ addressing those concerns.
- To support and get the community involvement in educational programs for job training and self-supporting especially the single parents.
- Interviews with civic leaders, our police, fireman, water department, medical professionals, law professionals, schools.

In our programming we will include other nonprofits, or organizations to voice out their goals and needs. This integration

We will support community services, civic awareness, and public

information.

We will promote zero cruelty to animals, children, and senior citizens.

The station will be mostly automated.

COMMENT ON MINOR CONDITIONAL USE PERMIT FOR RADIO ANTENNA TOWER

***We applied for a CUP not Minor, I don't know why it was changed by your Department.**

Residents seem to also be confused. We're not proposing a Cell Tower, a Radio Tower, nor a Transmitter . We're not proposing a Ham Radio Tower as per okayed at the beginning, when we first came into the Planning Department no higher than 75 feet.

.TOWER IS SEPARATE FROM ANTENNA. YOUR CONFUSION AND PERCEPTION OF WHAT OUR ANTENNA LOOKS LIKE, WEIGHTS, IS FAR FROM YOUR UNDERSTANDING. OUR ACTUAL ANTENNA IS VERY SMALL AS PICTURED BELOW. A LOT SMALLER AND LESS VISIBLE THAN THE ONES SEEN IN YOUR AREA. OUR 4 BAY ANTENNA IN WEIGHT IS A TOTAL 4 POUNDS, THE SIZE OR LENGTH ARE APPROXIMATEDLY 12 INCHES.



- LETTERS WERE PROVIDED TO YOU. AND NOT FROM US, FROM COMPANIES SPECIALIZING IN CAMOUFLAGES, AND A PROFESSIONAL ENGINEER EXCLUSIVELY IN THE RADIO FIELD, THAT IT'S IMPOSSIBLE TO CAMOUFLAGE A RADIO ANTENNA, IT WOULD KILL THE SIGNAL.

WHY IS IT THAT THE OTHER TWO RADIO STATIONS IN THE CITY OF COSTA MESA, KOCI 101.5 FM AND KBRT 740 DO NOT HAVE THEIR ANTENNAS CAMOUFLAGED? HOW COME THEIRS AREN'T CAMOUFLAGED? THIS IS NOT FAIR. DOUBLE STANDARDS AND SELECTIVE IT SEEMS. IT'S UNFAIR AND UNJUST IN YOUR PART TO HAVE US GO THROUGH SO MUCH AND YET HAVE US WAITING FOR MANY MONTHS WHILE WE HAVE GONE THROUGH SO MANY EXPENSES, AND A LEASE THAT MUST BE PAID FOR A YEAR. YOU NEVER SHOULD HAVE TOLD US THAT A HAM RADIO TOWER WAS OK.

- IF A HAM TOWER IS SO DETRIMENTAL TO RESIDENTIAL PROPERTIES, AND HARMFUL TO THE HEALTH WHY ARE YOU ALLOWING SO MANY HAM TOWERS IN THE CITY? TOTAL OF 900 IN COSTA MESA. IF THERE'S SO MUCH CONCERN WHY DID YOU ALLOW 900? THAT'S A CONCERN ESPECIALLY IN THEIR BACKYARD, OR SIDE OF THEIR HOMES, 900 FILED LISCENSES IN THE FCC?
- IS THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ECTION 15270(A) NOT APPLIED TO THE PROPERTY OWNERS AND HAM RADIO OWNERS?
- HAM TOWERS ARE NOT COMPATIBLE FOR US BUT FOR THE HOMES IN NEARBY NEIGHBORHOODS WITH HAM TOWERS ARE?

OVER AND OVER AGAIN, YOU KEEP STATING THAT WE'RE APPLYING FOR A RADIO TOWER.... AND AGAIN WE'RE CORRECTING YOU. OUR APPLICATION WITH THE FCC WOULD HAVE BEEN THROWN OUT IF WE WERE TO HAVE A RADIO TOWER. A RADIO TOWER NORMALL IS 200 FEET OR MORE, IT'S REALLY A MONSTROUS SIZE IN COMPARISON TO A HAM RADIO TOWER. A RADIO TOWER MUST BE REGISTERED AND FILED WITH THE FCC.

- I CAN ASSURE YOU THAT A LP 100-WATT RADIO STATION WILL NOT ENCROACH ANY SIGNAL. YOU HAVE THE REPORT FROM A VERY WELL KNOWN AND RESPECTED MR. CHARLES ELLIS. THE FCC NEVER WOULD HAVE GRANTED OR APPROVED THE CP FOR OUR ORGANIZATION. YOU'RE MICROWAVE HAS MORE WATTAGE AND DOESN'T CREATE INTERFERENCE, NOR A 100-WATT LIGHTBULB. NO MATTER WHAT, FOR US BASICALLY IS NOT ACCEPTABLE.

COMMENT ON CONSISTENCY:

THE STRATEGY USED ON US ON YOUR FINAL STATEMENT IS.IT HAS BEEN REJECTED AND WILL NOT BE CARRIED OUT. YOU COULDN'T OF TOLD US

THIS AT THE VERY BEGINNING?

TRUE FACT IS THAT YOU'RE DISCRIMINATING AND RAITST BECAUSE YOU SAW LATINOS AND LATINO BLACK? FYI OUR GROUP DOESN'T DICRIMINATE IT CONSIST ALSO DIFFERENT NATIONALITIES.

You're unfair and discrementating against

LIKE IN THE PREVIOUS COMMENT, IF THE HAM TOWER IS TOTALLY REJECTED, WE'RE PROPOSING A FLAGPOLE WITH AN AMERICAN FLAG, A CITY FLAG, OR A FLAG OF YOUR CHOICE.

PLEASE SEE

AS PROUD AMERICANS I HOPE THAT PROPOSING THIS ONE IT DOESN'T GET REJECTED.

THE FLAG WILL BE ALL-WEATHER. WE'LL LIGHT IT SINCE IT WILL BE DISPLAYES 24 HOURS. WE WILL ABIDE BY THE FLAG CODE WITH HIGHEST POSITION OF HONOR.



**Install Address:
440 Fair Drive
Costa Mesa Ca 92626-6229**

**Contact: Mary Luna
Radio Suerte
12501 Jane Dr
Garden Grove Ca 92841
(714) 818-8808**

COMMENT ON THE FOUR COMPLAINTS

THE FOUR COMPLAINTS

- FOR THE COMPLAINT OF: CLAIRE FLYNN-WHEN SHE SENT HER WRITTEN DENIAL FOR OUR APPLICATION WAS THAT POSTED PUBLICLY? NOT SURE HOW YOU WORK, OR YOUR PROCEDURES BUT IF IT WAS PUBLICLY POSTED, THIS INFLUENCES OTHERS TO TAKE SIDES. OF COURSE THE "NEW KID IN THE BLOK" WOULD NOT BE THE POPULAR VOTE.
- OBSERVING THE ACTIVITY AND RUMORS OF THE CITY OF COSTA MESA IS THAT THE RESIDENTS TEND TO HAVE "CLUBS" NEIGHBORHOOD ORGANIZATION WHERE IF ONE, OR A LEADER OF THE GROUP FAVORS SOMETHING, THEN THEY ALL AGREE, IF SOMETHING IS DISAGREED, THEY ALL DISAGREE. AROUND THE IMMEDIATE AREA IS THE NEXT DOOR PRINCETON GROUP, AND THE OTHER IS THE COLLEGE PARK. WHICH THEY COME TOGETHER FOR ACTIVITIES SUCH AS RALLY'S, IN THE CITY, MOVEMENTS WITHIN THE AREA. THEY SEEM TO KNOW EACH OTHER PRETTY MUCH.
- FOLLOWING COMPLAINTS ARE:

1. JANET AND ALASTAIR ROBERTSON
308 HANOVER DRIVE,
COSTA MESA, CA.

*NOTE NOT ON THE 500 RADIUS LIST AROUND US. LIVING AROUND ANTENNAS AND HAM TOWERS INSIDE HOMES????

2. CAROL AND JACK MORRISON

275 PRINCETON DRIVE
COSTA MESA, CA.-NEXT DOOR PRINCETON GROUP

*NOT ON THE 500 RADIUS. BELONGS TO THE NEXT DOOR PRINCETON GROUP TALKS ABOUT A DISCUSSION AND LIVING IN THE COLLEGE PARK AREA WHEN TWO HOMES IN THE COLLEGE DRIVE HOME AREA AS PICTURED HAVE HAM TOWER LIKE OURS AND ONE OF THEM IS HIGHER THAN 70 FEET. ??? HEIGHT IS TOTALLY OUT OF CHARACTER TO THE RESEDENTIAL AREA????

3. MRS ANTONIA NINA LUKE—SHE DOES FALL INTO THE 500 FT. RADIUS

2532 CARNEFIE AVE.
COSTA MESA 92626

HER CONCERN IS TO POSSIBLE INTERFERENCE WITH THEIR TV ANTENNA. I CERTAINLY DON'T BLAME HER FOR THINKING THAT WAY WHEN WHAT GOT POSTED IS GOING AGAINST US, TALKS ABOUT A RADIO TOWER WHICH A RADIO TOWER IS A "MONSTER" NEXT TO A HAM TOWER WHICH THAT'S WHAT WE'RE IN ACTUALITY

APPLYING FOR, AND OUR 4 BAY ANTENNA TOTAL WEIGHT IS 4 POUNDS AND ARE ONLY 12 INCHES IN LENGTH. HUGEEEEEE DIFFERENCE! FCC WOULD OF THROWN OUR APPLICATION OUT IF WE WOULD EVEN THINK OF HAVING A RADIO TOWER. RADIO TOWERS ARE 200 FEET OR MORE AND MUST BE REGISTERED WITH THE FAA AND FCC. THE LOW POWER RADIO WILL NOT CAUSE INTERFERENCE WITH THE TV. NOT TO WORRY, THE FCC AGAIN WOULD HAVE NOT APPROVED IT IF THAT WERE HAPPENING. OF COURSE IF YOUR PROFESSION AND CAREER IS NOT RADIO THEN IT CAN'T BE UNDERSTOOD. THE FCC IS FEDERAL AND IT WILL NOT ALLOW THOSE THINGS TO HAPPEN.

4. TERESA DRAIN
427 PRINCETON DR.
COSTA MESA, 92626-6164

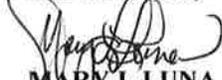
TERESA CALLED IN MARCH 16, AND ON MARCH 19 SHE SENT IN A GMAIL WITH HER ANTI APPROVAL AND COMMENTS THAT DON'T HAVE VALIDITY WITH RADIO, ESPECIALLY "COMMUNITY RADIO". IT'S SAD THAT YOU AND THE RESIDENTS SEEM TO HAVE NO IDEA WHAT "COMMUNITY RADIO" IS. COMMUNITY SAIDS IT ALL. TO BENEFIT THE COMMUNITY. IT'S TO SERVE, INFORM, AND ENTERTAIN. AND YET IT'S VERY CONTRADICTIVE BECAUSE RADIO 101.5 KOCI OF COSTA MESA IS COMMUNITY RADIO AND YOU'RE THEIR GUESTS THROUGHOUT THE TIME AIRING OUT. TWO COMMUNITY RADIO STATIONS IN COSTA MESA IS A COMPLIMENT FOR THE CITY, A POWERFUL STRENGTH AND NIETHER ONE OF US ARE COMPETITION. THAT'S NOT THE WAY COMMUNITY RADIO IS.

CONCLUSION: STOP DISCRIMINATING, DON'T TAG US, WE'RE PROFESSIONALS, AND OUR ORG IS A RANBOW OF INDIVIDUALS ALL AMERICAN CITIZENS, ALL KINDS OF NATIONALITIES, ALL COLORS, AND ALL WALKS OF PROFESSIONALS. WE'RE NOT HERE TO HURT OR MAKE THE CITY LESS ON THE CONTRARY WE WANT TO BE PART OF YOU EVEN THOUGH YOU'VE SHOWN LOTS OF REJECTION. LATINOS, BLACKS, ASIANS, WHITES AND OTHERS ARE HERE TO STAY.

AFTER ALL COSTA MESA IS A SPANISH WORD MEANING COAST TABLE.

IF NOT ACCEPTED WITH A HAM TOWER THAN WE WANT TO PUT A POST AND VERY PROUDLY DISPLAY THE USA FLAG, OR CITY FLAG, OR ANY FLAG YOU WISH.3/23/15

THANK-YOU,


MARY L. LUNA
SECRETARY

FCC Registered Amateur Radio Licenses in Costa Mesa, California

Back to: [Costa Mesa, CA](#), [California](#), [California forum](#), [All US cities](#).

HAM Radio Just like ours.

Jump to a detailed profile or search site with [Google™](#) Custom Search

City, County or Zip Code

Search

Full list of 900 FCC Registered Amateur Radio Licenses in Costa Mesa, CA:

Business Search

14 Million Businesses in **12,000** Categories

Find:

Near:

Search

Call Sign: AA6TN, Licensee ID: L00763013
Grant Date: 11/03/2003, Expiration Date: 01/18/2014, Certifier: Terrance M Neal
Registrant: Terrance M Neal, 1127 Salvador St, Costa Mesa, CA 92626-5566

Call Sign: AA6XX, Licensee ID: L00418216
Grant Date: 10/14/2004, Expiration Date: 12/20/2014
Registrant: Rex G Trobridge, 3240 Indiana Ave, Costa Mesa, CA 92626

Call Sign: AB6PI, Licensee ID: L00331188
Grant Date: 02/12/2013, Expiration Date: 02/12/2023, Certifier: William P Bees
Registrant: William P Bees, 272 Villanova Road, Costa Mesa, CA 92626

46

Call Sign: AC6HI, Previous Call Sign: KN6ZO, Licensee ID: L00899363
Grant Date: 08/04/2004 Expiration

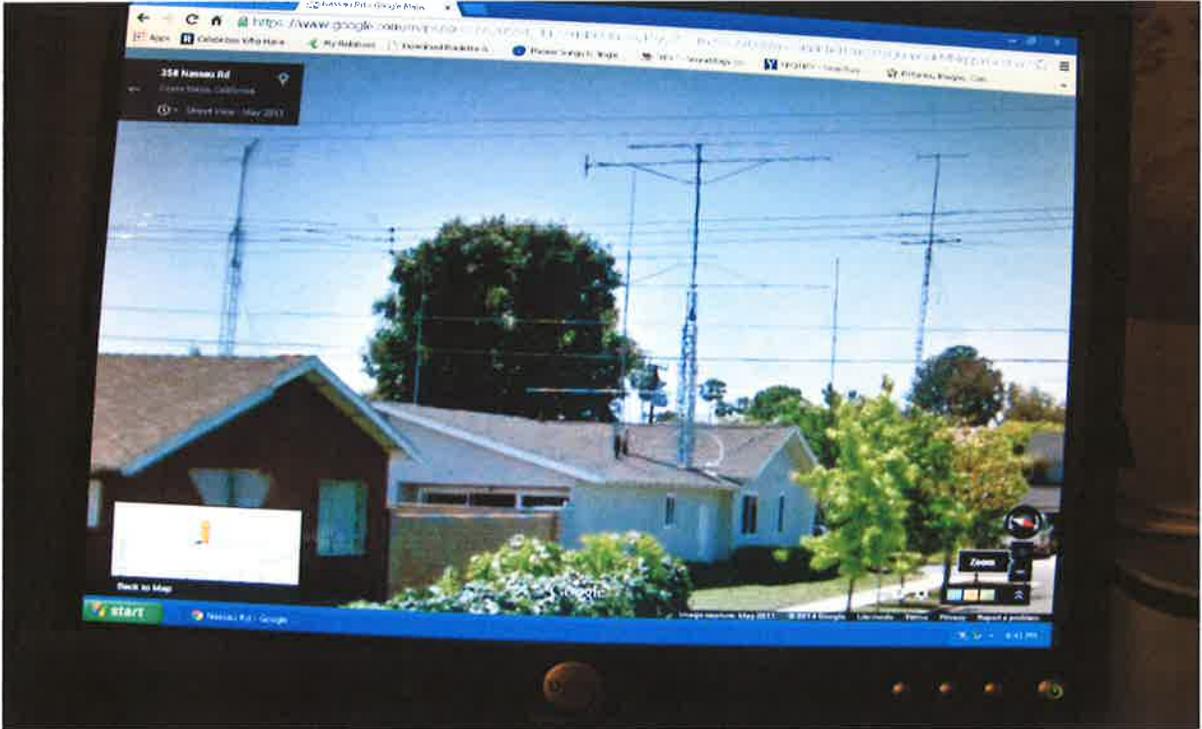
Exhibits of what were applying for
a Ham Radio Antennas.

Proof others in our radius Zip Code

92626

This is a Radio Tower - you (13)
stated that we're proposing a
Radio Tower... WRONG -
NO, we're proposing a Ham
Amateur Radio Tower

48



WHY DO YOU INSIST THAT WE'RE GOING TO PUT UP A RADIO TOWER WHEN OURS IS EXACTLY LIKE THESE ONES. THIS IS THE SAME TYPE OF HAM TOWER THAT WE HAVE. THIS TOWER IS HIGHER THAN THE 70 FEET AS REQUESTED. DOES THIS BRING PROPERTY VALUE DOWN? IS THIS WHAT YOU SAY IS AN IMPACT IN THE NEIGHBORHOODS? WHAT IS THE DIFFERENCE WITH US?

15

10/4/2014 RE: USAS CLEARCHAN 2014/10/01 #00019A A42740977-00A NORM NEW

From: Kocic, Kevin <KevinKocic@clearchannel.com>
To: CRUSADEOPPENNY <CRUSADEOPPENNY@AOL.COM>
Subject: RE: USAS CLEARCHAN 2014/10/01 #00019A A42740977-00A NORM NEW
Date: Thu, Oct 2, 2014 7:43 am

No conflict

-----Original Message-----

From: Notification@dinalert.org [<mailto:Notification@dinalert.org>]
Sent: Wednesday, October 01, 2014 1:57 PM
To: Kocic, Kevin
Subject: USAS CLEARCHAN 2014/10/01 #00019A A42740977-00A NORM NEW

CLEARCHAN 00019A USAS 10/01/14 13:56:46 A42740977-00A NORM NEW GRID

Ticket : A42740977 Date: 10/01/14 Time: 13:47 Oper: KKP Chan: 100 Old Tkt: A42740977 Date: 10/01/14 Time: 13:56 Oper: KKP Revision: 00A

State: CA County: ORANGE Place: COSTA MESA
Delineated: Y
Delineated Method: WHITEPAINT
Address: 440 Street: FAIR DR
X/ST 1 : HARBOR BLVD
MPM 1: MPM 2:
Locat: IN REAR OF PARKING LOT AT N/E SIDE OF BUILDING AT ADDRESS

Excav Enters Into St/Sidewalk: N

Grids: 0858J074 0888J012 Delineated: Y
Lat/Long : 33.664919/-117.919017 33.664940/-117.917610
: 33.662992/-117.918988 33.663013/-117.917581 Caller GPS:

Boring: N Explosives: N Vacuum: N
Re-Mark: N

Work : INSTALL CEMENT FOR C B TOWER
Wkend: Y Night: N
Work date: 10/03/14 Time: 13:47 Hrs notc: 047 Work hrs: 048 Priority: 2
Instruct : MEET AND MARK Permit: NOT REQUIRED
Done for : INT'L CRUSADE OF THE PENNY

Company: INT'L CRUSADE OF THE PENNY-VOLUNTEER Caller: MARY L LUNA Co Addr: 12501 JANE DR
City&St: GARDEN GROVE, CA Zip: 92841
Phone: 714-818-7839 Ext: Call back: ANYTIME
Formn: MARY L LUNA
Email: CRUSADEOPPENNY@AOL.COM

Tkt Exp: 10/29/14

Mbrs : ATTD SOUTH CLEARCHAN MCW07 SCG28T SCG2XQ USCE01 UTWCSORG

<https://mail.acl.com/38771-418/acl-0/en-us/mail/PrintMessage.aspx>

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THIS IS PROOF OF AREA GETTING CLEARANCE THAT IT WAS OK FOR HAM TOWER NO CONFLICT.



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I TRULY DISAGREE THAT OUR TOWER WOULD BE THE HIGHEST. HOW ABOUT THIS ONE? OVER WAY OVER 70 FEET. ANTENNAS HANGING ON IT TOO. OURS ARE MUCH SMALLER NO BIGGER THAN A FOOT.



GRASS THIS TOWER IN C.M. ON 1001 PRESIDIO SQUARE IS MUCH TALLER THAN 70 FEET. HOMES AROUND. 2 DIFFERENT VIEWS DIFFERENT DAYS FROM STANDING ON THE AREA AS YOU SEE ON THE LEFT. DID IT BRING PROPERTY VALUE DOWN? WHY IS THIS OK TO HAVE? IT'S NOT AN IMPACT IN THE RESIDENTIAL AREA? IT'S NOT CAMOFLOUGED. WHY NOT? WHY IS IT HIGHER THAN 70 FEET? OURS IS NO DIFFERENT EXCEPT SMALLER. HAS NO RADIATION CONCERN LIKE OURS?



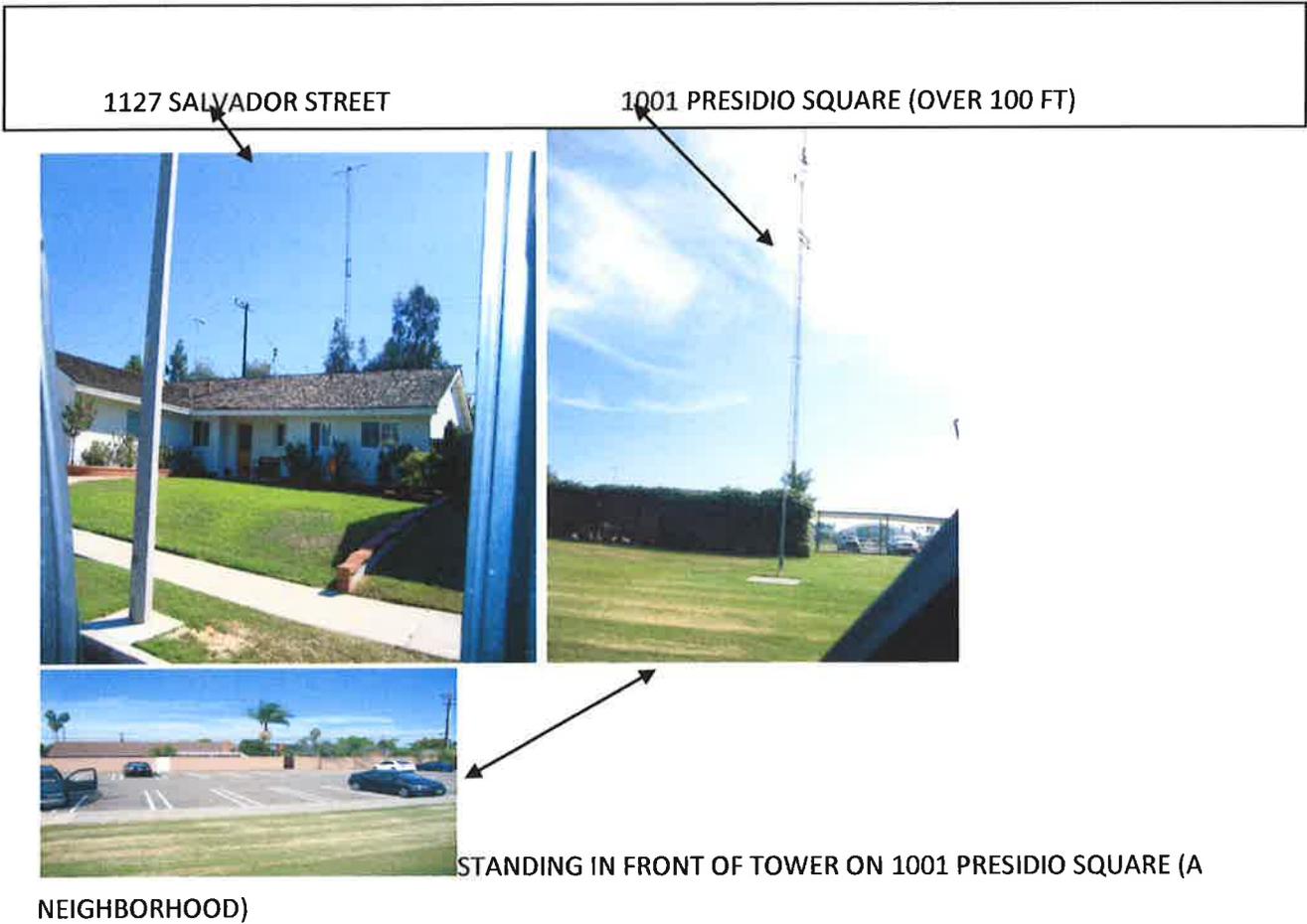
❖ **NOTE: None of these towers nor antennas are camouflaged like they're requesting from us. There's more nearby. These are only a few.**

ONE ANTENNA AND ONE TOWER ON SAME SITE: 2075 HARBOR BLVD. COSTA MESA (THIS IS A BUSINESS) APARTMENTS AND HOMES ON BACK.



Our requested cb ham tower is less than what the city planning approves of the 75feet. Ours is only 70 feet some in the city are even higher than 75 feet. And it doesn't look any different than the ones already up.

❖ NOTE NON ARE CAMOUFLAGED

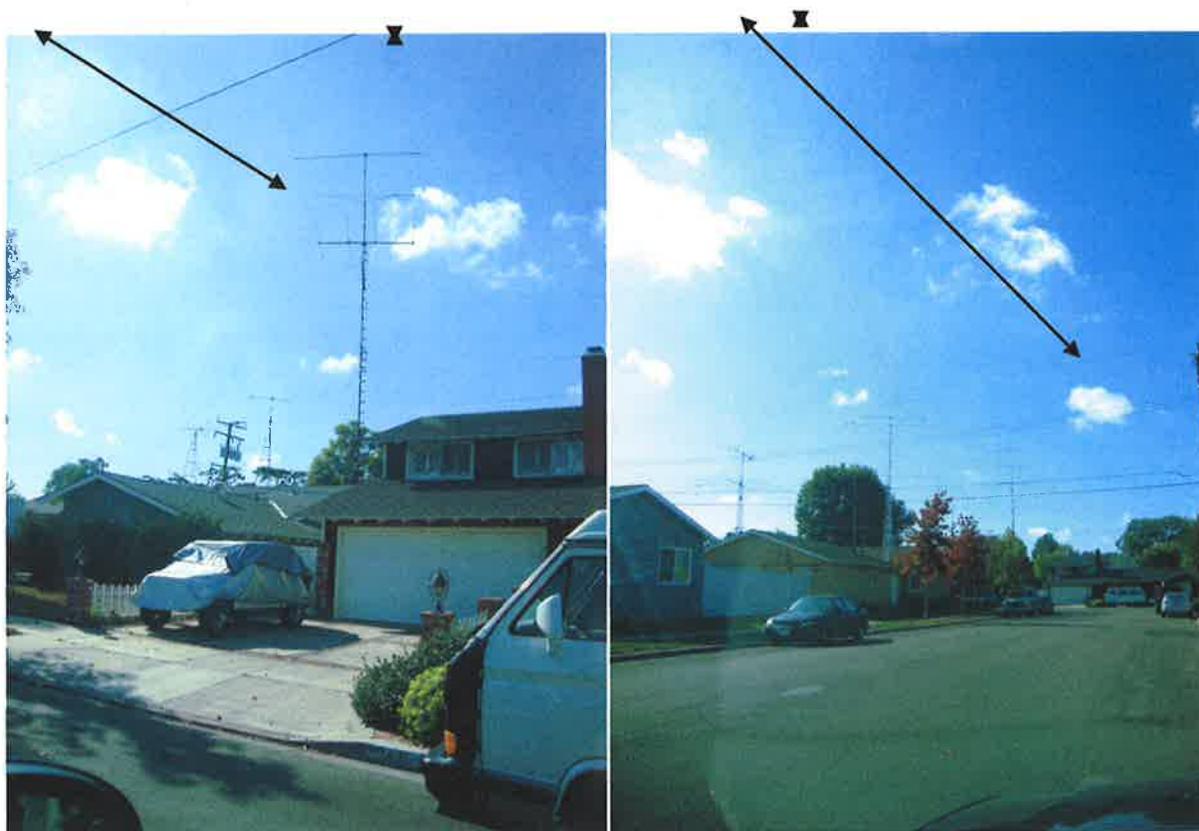


❖ **NOTE: NON ARE CAMOUFLAGED LIKE THEY'RE REQUESTING FROM US**

Our requested cb ham tower is less than what the city planning approves of the 75feet. Ours is only 70 feet some in the city are even higher than 75 feet. And it doesn't look any different than the ones already up.

2415 COLLEGE (TOWER HIGHER THAN 70 FEET)

CORNER OF NASSAU AND COLLEGE 2014 COLLEGE



The site for the Radio Station In the back / behind of building where cb ham tower will be.



next street behind parking lot of site.

how it looks behind the building

THIS IS THE STATION THAT IS ON AIR WITH NO DBA OR CUP ADMITTED FROM YOUR DEPARTMENT. HAS THE SAME FCC LICENSE EXACTLY LIKE OURS. ANTENNA NOT CAMOUFLAGED, AND HAVE NOT BEEN THROUGH WHAT WE'RE GOING THROUGH. AND IF ANTENNA WAS CAMOFLAGED, IT WOULD KILL THE SIGNAL.

. Koci

• **Address:** 485 E 17th St #370, Costa Mesa, CA 92627

Phone: (949) 650-1015

[Welcome to 101.5 KOCI FM Radio](#)

www.kociradio.com

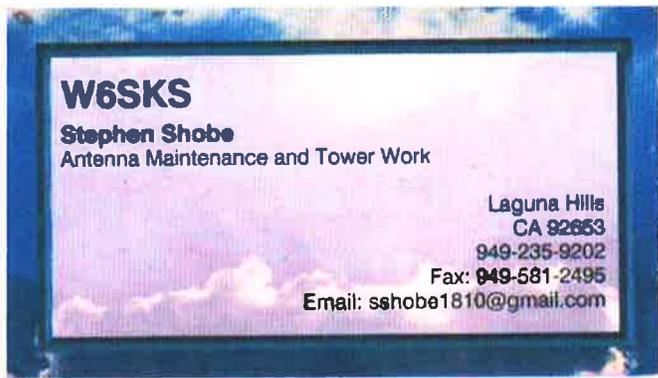


THIS IS THE OTHER RADIO STATION IN COSTA MESA WHICH THEIR ANTENNA IS NOT CAMOUFLAGED. IT WOULD KILL THE SIGNAL

On the back side of John Wayne/Orange County Airport in Costa Mesa, Crawford Broadcasting's studios at 3183-D Airway Ave. previous incarnations (as KBIG and KGLM)



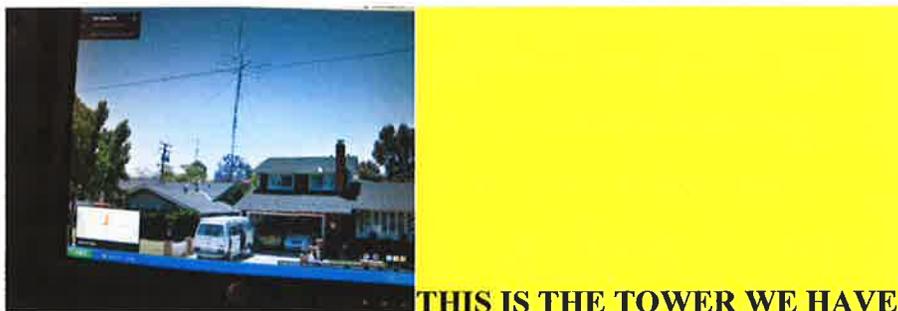
WE PROVIDED THIS INFORMATION TO YOU ALREADY, BUT ONCE AGAIN WE ASSURE YOU THAT OUR TOWER ENGINEER MR STEPHEN SHOBE, IS THE UPMOST QUALIFIED IN THIS FIELD AND WILL BE WORKING HAND IN HAND WITH US TO COMPLY WITH EVERYTHING THAT IS REQUIRED AND ABIDE BY ALL RULES AND REGULATIONS. PERHAPS YOU SHOULD ALSO GIVE HIM A CALL TO CLEAR THE CONFUSION ABOUT OUR TOWER. OUR TOWER IS NOT A RADIO TOWER, IT'S NOT A CELL TOWER. YOU KEEP STATING THAT OUR TOWER IS A RADIO TOWER AND IT'S NOT. PLEASE GIVE MR. STEPHEN SHOBE A CALL TO CLEAR YOUR MISUNDERSTANDING.



YOU SEEM TO BE CONFUSED OVER AND OVER AGAIN. YOU KEEP SAYING THAT WE'RE PUTTING UP A RADIO TOWER. TO CLEAR THINGS UP AGAIN, WE'RE NOT PUTTING IN A RADIO TOWER YOU OKEYD US AND LABELED US FROM DAY ONE THAT WE QUALIFIED AS AN AMATEUR RADIO AND THAT HAVING A HAM TOWER WOULD BE OK BECAUSE COSTA MESA HAS A HEIGHT LIMIT OF 75 FEET TO BE ACCEPTED. BELOW IS EXAMPLES OF CELL OR RADIO TOWERS.

A RADIO TOWER MUST BE REGISTERED WITH THE FAA AND FCC. IF WE WOULD OF NOT ABIDED BY THE LAWS OF THE FCC WE NEVER WOULD OF GOTTEN GRANTED A CP. THEY WOULD OF THROWN THE APPLICATION OUT.

PLEASE, DON'T SAY THAT WE'RE SETTING UP A RADIO TOWER. THE FCC WOULD OF THROWN OUT OUR APPLICATION. A HUGE DIFFERENCE FROM A RADIO TOWER TO A *HAM TOWER*.



THIS IS THE TOWER WE HAVE. THIS ONE IS HIGHER THAN 70 FEET. AND THIS IS NOT TOO FAR FROM OUR SITE.

THIS IS THE AREA THAT THE HAM TOWER WOULD SIT AS YOU CAN SEE THE CONCERN ABOUT THE PARKING LOT BEING DESTROYED IN NOT WHAT WAS PRESENTED TO THE PUBLIC. A HAM RADIO IS NOT A RADIO TOWER.



THE TOWER WOULD SIT WHERE THE POT IS..IN THE BACK OF BUILDING. NO OBSTRUCTION TO THE VIEW. THE CAR LOT? ON THE BACK OF THE BUILDING ARE NOTHING BUT TREES ON CARNEGIE AVE.



Engineer Eshel

INTERNATIONAL CRUSADE OF THE PENNY

KLIE-LP

LPFM Allocation Study

International Crusade of the Penny ("ICP") desires to mount a Channel 212 Shively 6812B four bay LPFM antenna on a 21.34 meter (70') tower. The tower is located at 440 Fair Drive, Costa Mesa, CA, 92626-6229. Figure A is a picture¹ of the site.

Figure B of this document is an LPFM Allocation Spacing Study from the proposed site. The ICP facility is short spaced to one second adjacent facility, KPFK, Facility ID 51252, Channel 214B in Los Angeles, CA. The ICP facility must not cause interference to this second adjacent facility. ICP proposes to use a four bay Shively 6812B low power antenna with 0.7039 wavelength bay spacing to eliminate downward radiation. The effective radiated power ("ERP") will be 100 watts. Figure C shows the 79.4 dbμ contour of the KLIE-LP License. Second adjacent channels are protected to a value 40 dbμ higher than the coverage contour. Therefore, it would require a signal level of 119.4 dbμ to interfere with KPFK. The ICP facility will not interfere with this facility if the 119.4 dbμ signal of the proposed LPFM does not reach any occupied area around the tower site.

Figures D through G define the design of the proposed Shively antenna². The antenna is mounted at the top of the 21.3 meter tower. The center of radiation ("COR") of the antenna is 3.5 meters below the top of the tower or 17.8 meters above ground. The main roof of the building is 8 meters above the ground or 9.8 meters below the COR of the antenna. Figure H shows the level of the ICP signal at 9.8 meters below the COR. The maximum radiation of 118.44 dbμ occurs at a distance of 19.6 m at a 30 degree down tilt from the site. This field strength occurs at a horizontal distance of 16.57 meters from the tower. Occupied portions of any nearby building receive less than the interfering signal level even without taking material and other building losses into account. There are no buildings over two stories in height anywhere near the site. The roof of the building and elevator equipment room is unoccupied on a general basis. Therefore, this proposal causes no interference to any second adjacent

¹ Picture obtained from Google Earth.

² This design spreadsheet was obtained from Shively Laboratories. The calculations of field strength are based on the free space formula. The field strength spreadsheet was derived by Ellis Engineering using data from the Shively Laboratories output and additions from Clarence Beverage with Communications Technologies, Inc. The antenna design has been checked and approved by Shively Laboratories.

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facility within their protected service contour. All occupied buildings, residences, roadways, highways and vehicles are protected from second adjacent channel interference to KPFK.

ICP meets all co-channel, first adjacent, and third adjacent spacing requirements. ICP respectfully requests a waiver of the second adjacent spacing requirements due to the fact that this proposed facility will cause no interference to any second adjacent channel shortspaced facility. International Crusade of the Penny will perform any test or measurements required should the Commission grant a Construction Permit with conditions requiring tests or measurements.



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Proposed KLIE-LP Site
 21.336 M Tower
 440 Fair Drive
 Costa Mesa, CA

Figure A

Figure B

KLIE-LP LPFM Spacing Study

Client: KLIE-LP
 170 Dunes, No. Proposed Site: 33-39-48-7100, 311-353-3500
 Covered City: LA
 Channel: 213 Frequency: 96.3 MHz

Channel	Facility/Application ID	City	State	Call Sign	Licensee	Facility Status	Class	Service	Latitude	Longitude	Distance Between Facilities	Direction True North	Required Distance	Spacing Status	Separation Distance	Notes
209	15400	LOS ANGELES	CA	KLIE-LP	KLIE-LP	LP	A	FM	34-01-26.000000	-117-17-10.000000	83.1466	74.0281	780K	OK	54.1446	
209	15400	LOS ANGELES	CA	KLIE-LP	KLIE-LP	LP	B	FM	34-01-26.000000	-117-17-10.000000	83.1466	74.0281	780K	OK	54.1446	
210	59865	SANTA MONICA	CA	KCRW	SANTA MONICA COMMUNITY COLLEGE DISTRICT	LC	B	FM	34-07-18.000000	-118-23-30.000000	66.8787	131.0000	67K	OK	-0.1213	South to 67 km
210	59865	SANTA MONICA	CA	KCRW	SANTA MONICA COMMUNITY COLLEGE DISTRICT	LC	B	FM	34-07-18.000000	-118-23-30.000000	66.8787	131.0000	67K	OK	-0.1213	South to 67 km
211	60148	BUENA PARK	CA	KBPB	BUENA PARK SCHOOL DISTRICT	LC	D	FM	33-23-35.000000	-118-0-33.000000	23.5269	337.4624	110K	OK	10.9268	
211	60148	BUENA PARK	CA	KBPB	BUENA PARK SCHOOL DISTRICT	LC	D	FM	33-23-35.000000	-118-0-33.000000	23.5269	337.4624	110K	OK	10.9268	
211	83232	SANTA ANA	CA	K232DK	EDUCATIONAL MEDIA FOUNDATION	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
211	83232	SANTA ANA	CA	K232DK	EDUCATIONAL MEDIA FOUNDATION	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
211	80232	LOS ANGELES	CA	K232DK	THE ASSOCIATION FOR COMMUNITY EDUCATION, INC.	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
211	80232	LOS ANGELES	CA	K232DK	THE ASSOCIATION FOR COMMUNITY EDUCATION, INC.	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
211	60148	BUENA PARK	CA	KBPB	EDUCATIONAL MEDIA FOUNDATION	LC	B	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
211	60148	BUENA PARK	CA	KBPB	EDUCATIONAL MEDIA FOUNDATION	LC	B	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
211	49748	WALNUT	CA	K54AK	EDUCATIONAL MEDIA FOUNDATION	LC	B	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
211	49748	WALNUT	CA	K54AK	EDUCATIONAL MEDIA FOUNDATION	LC	B	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	76689	WATSONVILLE	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	76689	WATSONVILLE	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	89511	COACHELLA	CA	KVLA-FM	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	89511	COACHELLA	CA	KVLA-FM	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	10708	TUJUNGA	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	10708	TUJUNGA	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	90202	TRAPPEL CITY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	90202	TRAPPEL CITY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	17363	STANFORD	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	17363	STANFORD	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	18812	CAMARILLO	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	18812	CAMARILLO	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	65482	CAMARILLO	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	65482	CAMARILLO	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	19383	FOUNTAIN VALLEY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	19383	FOUNTAIN VALLEY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	19383	FOUNTAIN VALLEY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	19383	FOUNTAIN VALLEY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	60139	PALM SPRINGS	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	60139	PALM SPRINGS	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	60139	PALM SPRINGS	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	60139	PALM SPRINGS	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	51352	LOS ANGELES	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	51352	LOS ANGELES	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	51352	LOS ANGELES	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	51352	LOS ANGELES	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	15878	MAJORITY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	15878	MAJORITY	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	59206	BEAUFORT	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	
212	59206	BEAUFORT	CA	K232FK	SACRAMENTO COMMUNITY COLLEGE DISTRICT	LC	D	FM	34-02-24.000000	-117-52-1.000000	93.0833	63.1702	560K	OK	35.0813	

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KLIE-LP 2nd Adjacent Channel Protection

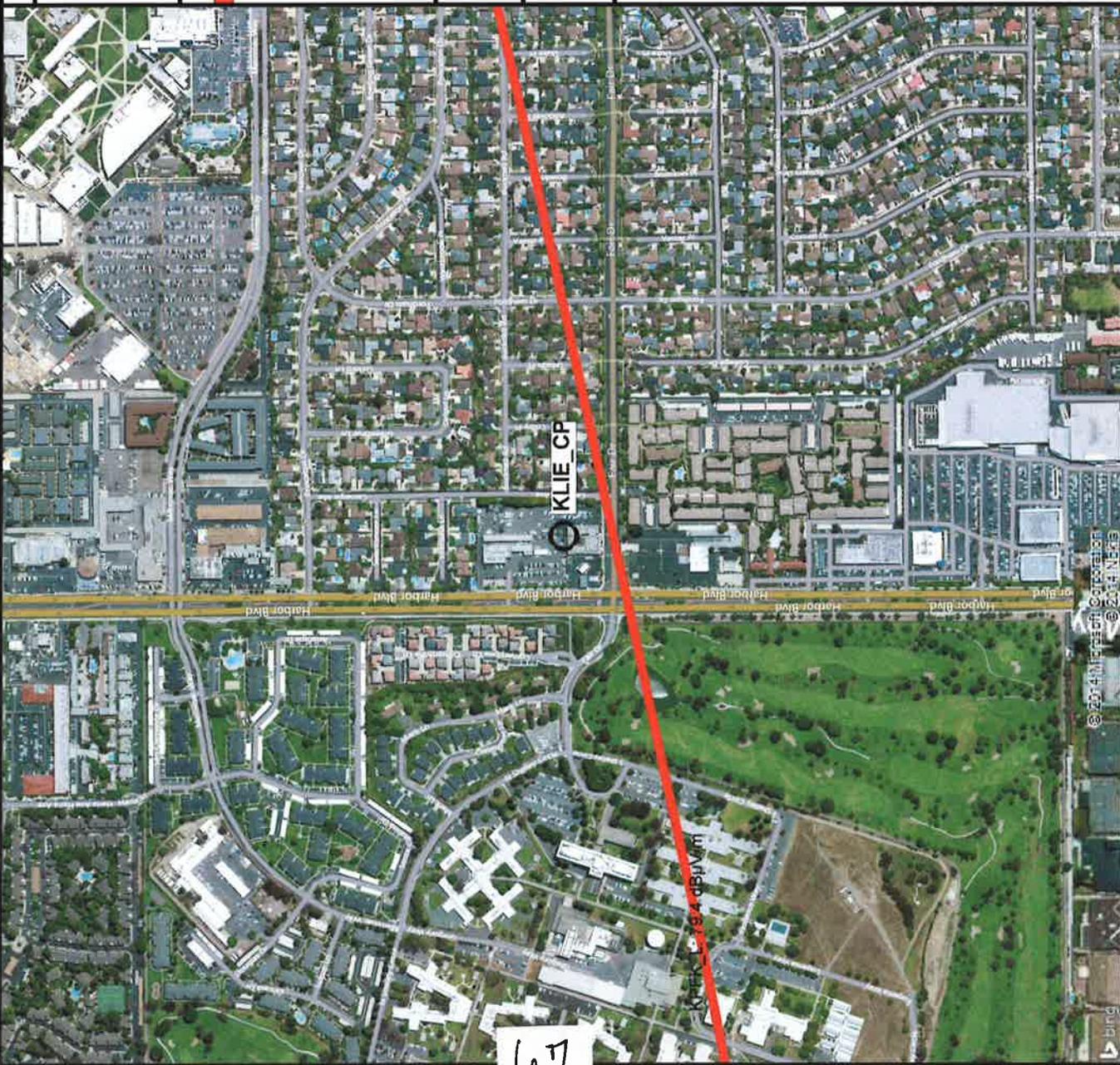
Prop. model 1: FCC
 Time: 50.0% Loc.: 50.0%
 Prediction Confidence Margin: 0.0dB
 Climate: Continental Temperate
 Land use (clutter): none
 Atmospheric Abs.: none
 K Factor: 1.333

Field strength at remote
 = 79.4 dBuV/m
 Display threshold level: -120.0 dBmW

Site: KPFK_L
 N34°13'45.00" W118°04'03.00" 1716.0 m
 KPFK_L Tx.Ht.AGL: 46.0 m Total ERPd: 110.00 kW
 Model: 1 Isotropic-horizontal/0.0° 90° 7000 MHz

METERS
 -100 0 200

Figure C
 KPFK 79.4 dBu Contour and KLIE-LP Site
 Fri Sep 05 12:21:55 2014
 Figure C



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Figure C

Figure D

Shively 6812B Specifications

User specified data is entered only in yellow highlighted cells

Antenna Manufacturer	Shively Labs
Antenna Type	6812B
Station	KLIE-LP
Frequency (MHz)	90.3
Channel #	212
Wavelength (in)	130.7
Number of Bays	4
Bay Spacing (in)	92
Beam Tilt Angle (Deg)	0
Center (1) or End (0) Fed	1
End Bay Line Length Delta (in)	0
Tee Offset Length for Center Fed (in)	0
Computed (0) or Custom (1) Excitation	0
Figure	FIGURE 1

Total Gain 1.781

Azimuth Gain 1

Computed Elevation Gain 1.781

Computed Array Excitation		
Bay #	Bay Amp.	Bay Phase (Deg)
1	1	0.00
2	1	0.00
3	1	0.00
4	1	0.00

Custom Excitation		
Bay Amp.	Bay Phase (Deg)	Phase for Null Fill
1		0.00
1		0.00
1		0.00
1		0.00
1		0.00

Phase for Beam Tilt		
Null Fill	Beam Tilt	Phase for Beam Tilt
0.00		0.00
0.00		0.00
0.00		0.00
0.00		0.00

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Figure E

Antenna Mfg.: Shively Labs
Antenna Type: 6812B
Station: KLIE-LP
Frequency: 90.3
Channel #: 212
Figure: FIGURE 1

Date: 9/5/2014

Beam Tilt	0	
Gain (Max)	1.781	2.506 dB
Gain (Horizon)	1.781	2.506 dB

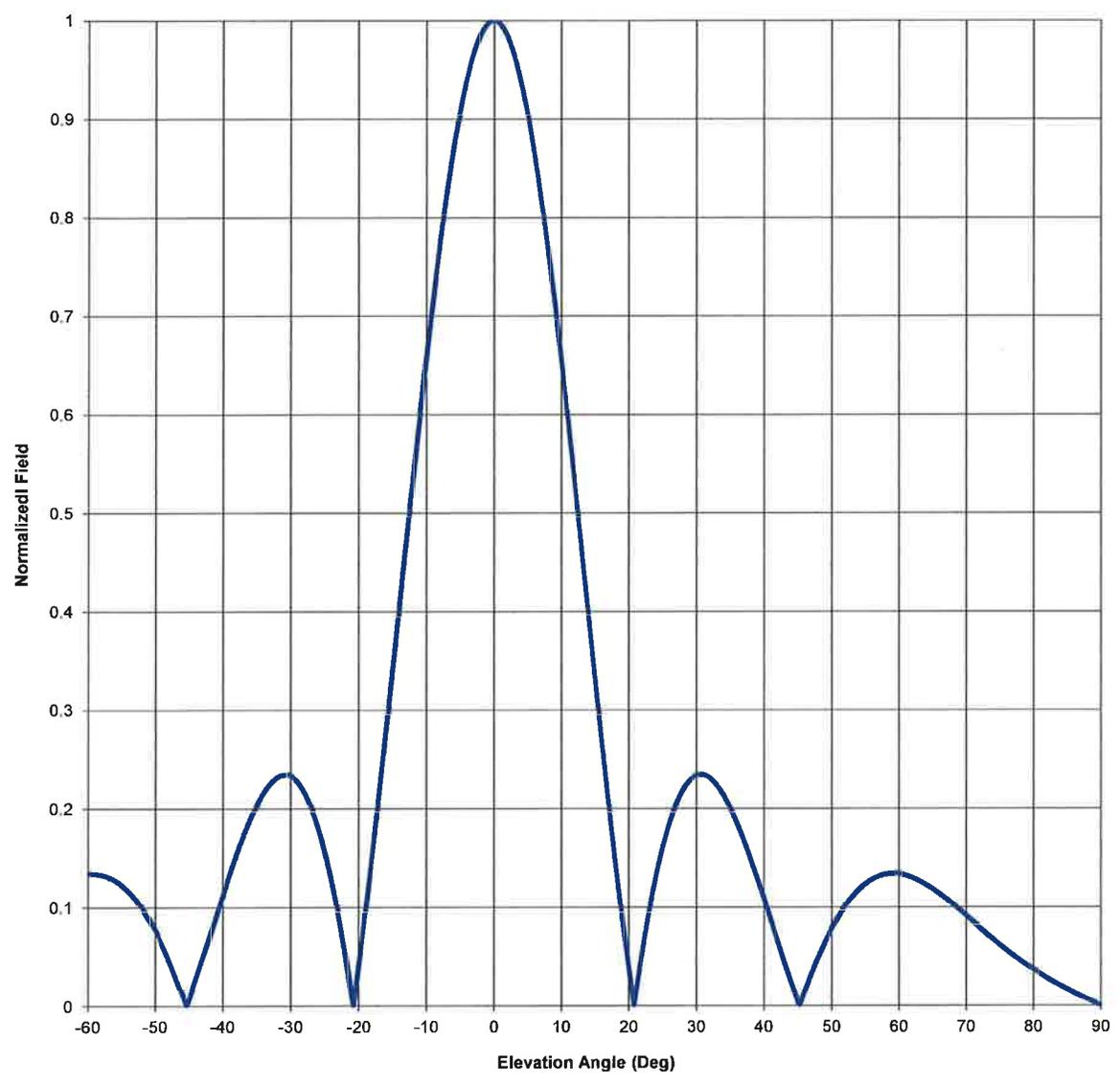


Figure F

Date: 9/5/2014

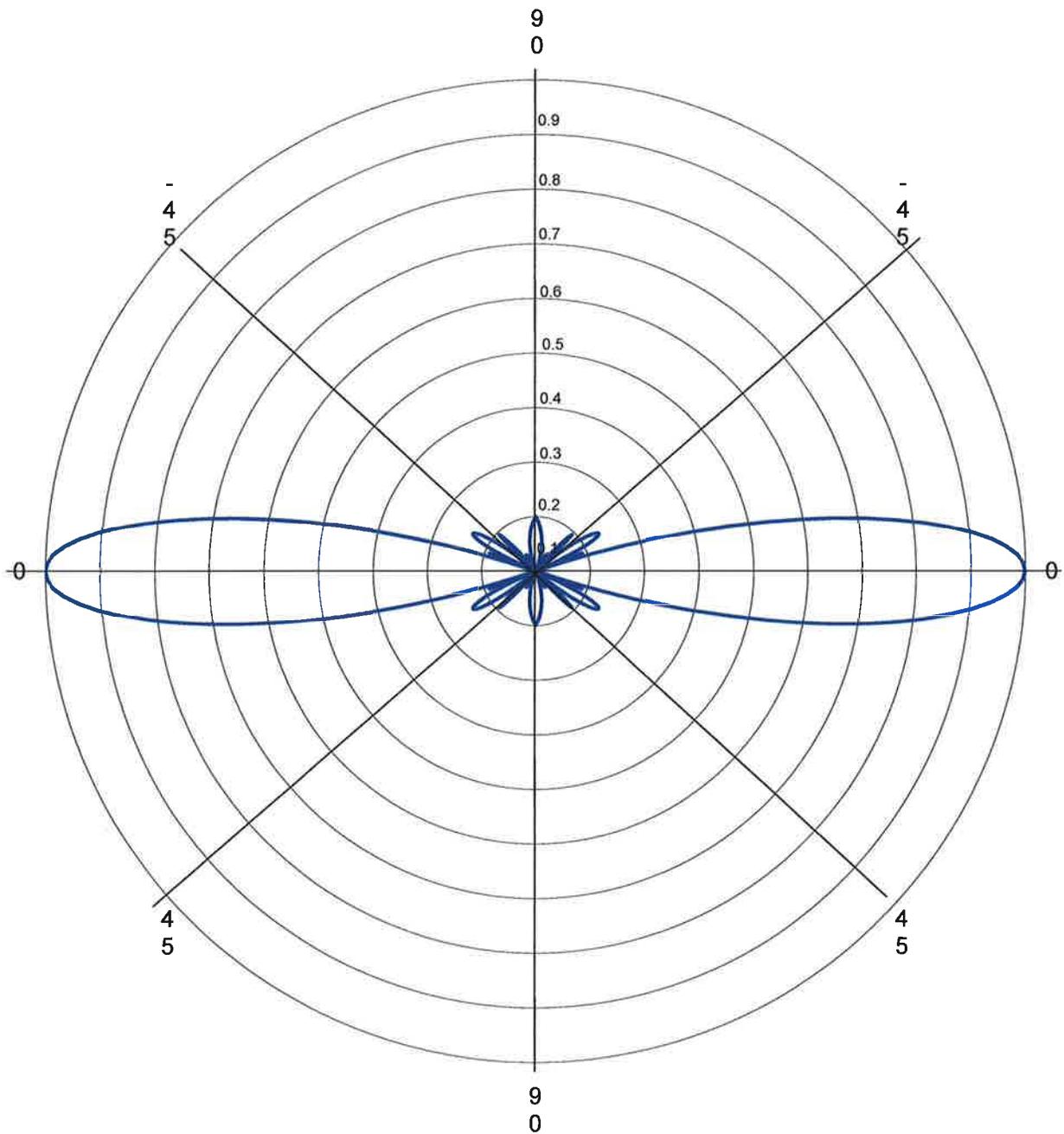
Beam Tilt 0
 Gain (Max) 1.781 2.506 dB
 n (Horizon) 1.781 2.506 dB

Angle of Depression (Deg)	Relative Field	Angle of Depression (Deg)	Relative Field
0	1.000	46	0.014
1	0.996	47	0.032
2	0.985	48	0.049
3	0.966	49	0.064
4	0.939	50	0.078
5	0.906	51	0.090
6	0.867	52	0.101
7	0.821	53	0.110
8	0.771	54	0.118
9	0.716	55	0.124
10	0.657	56	0.128
11	0.596	57	0.132
12	0.532	58	0.134
13	0.467	59	0.134
14	0.401	60	0.134
15	0.336	61	0.133
16	0.272	62	0.130
17	0.210	63	0.127
18	0.150	64	0.123
19	0.093	65	0.119
20	0.040	66	0.114
21	0.009	67	0.109
22	0.054	68	0.103
23	0.094	69	0.097
24	0.129	70	0.092
25	0.159	71	0.086
26	0.184	72	0.080
27	0.203	73	0.074
28	0.218	74	0.068
29	0.228	75	0.062
30	0.233	76	0.057
31	0.235	77	0.052
32	0.232	78	0.047
33	0.225	79	0.042
34	0.215	80	0.037
35	0.202	81	0.033
36	0.187	82	0.029
37	0.170	83	0.025
38	0.151	84	0.021
39	0.131	85	0.017
40	0.110	86	0.014
41	0.089	87	0.010
42	0.067	88	0.007
43	0.046	89	0.004
44	0.025	90	0.000
45	0.005		

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Figure G

ANTENNA ELEVATION PATTERN



Polar Plot

Antenna Mfg: Shively Labs
Antenna Type: 6812B
Station: KLIE-LP
Frequency: 90.3
Channel: 212
Figure: FIGURE 1

Date: 9/5/2014

Beam Tilt	0	
Gain (Max)	1.781	2.506 dB
Gain (Horizon)	1.781	2.506 dB



Figure H

Analysis of Signal Levels At Roof Level

Translator H Above Roof Level	9.8
Translator ERP	100
Translator channel	212
Translator HAAT	-6
Interference Contour	119.4
Highest signal at 8 M above ground	118.44
	Adequate Choice

Depression Angle, Degrees	Relative Field	ERP Watts	dBk	Kilometers	Free Space Signal
90	0.000	0.0000	-336.6		-189.54
85	0.017	0.0294	-45.3		101.74
80	0.037	0.1378	-38.6		108.36
75	0.062	0.3893	-34.1		112.70
70	0.092	0.8390	-30.8		115.79
65	0.119	1.4139	-28.5		117.75
60	0.134	1.7946	-27.5		118.39
55	0.124	1.5342	-28.1		117.22
50	0.078	0.6072	-32.2		112.61
45	0.005	0.0027	-56.7		88.35
40	0.110	1.2135	-29.2		114.10
35	0.202	4.0931	-23.9		118.39
30	0.233	5.4512	-22.6		118.44
25	0.159	2.5238	-26.0		113.63
20	0.040	0.1589	-38.0		99.79
15	0.336	11.2987	-19.5		115.89
10	0.657	43.1936	-13.6		118.24
5	0.906	82.1112	-10.9		115.05
4	0.939	88.2240	-10.5		113.42
3	0.966	93.2288	-10.3		111.17
2	0.985	96.9429	-10.1		107.82
1	0.996	99.2285	-10.0		101.90

Notes:

Antenna radiation center above ground (meters):	9.8
Maximum ERP (watts) at 0° Depression angle:	100
Free Space Signal = $106.92 - 20 \cdot \log(\text{distance in km}) + \text{dBk}$	

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**ATTACHMENT 5
ZONING ADMINISTRATOR DENIAL
LETTER AND ATTACHMENTS**



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

March 19, 2015

Mary L. Luna
12501 Jane Drive
Garden Grove, CA 92841

**RE: ZONING APPLICATION ZA-15-09 MINOR CONDITIONAL USE PERMIT FOR
A 70-FOOT TALL RADIO STATION ANTENNA TOWER
440 FAIR DRIVE, COSTA MESA**

Dear Ms. Luna:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been denied, based on the findings attached. The decision will become final at 5:00 p.m. on March 26, 2015, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5611, or at mel.lee@costamesaca.gov.

Sincerely,


WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
 Findings
 Conceptual Plans
 Applicant's Project Description and Exhibits

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

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ZA-15-09
March 19, 2015
Page 2 of 3

Dennis Dalessio
440 Fair Drive
Costa Mesa, CA 92626

BACKGROUND

Project Site/Environs

The property is located on the north side of Fair Drive, east of Harbor Boulevard, and contains a two story, 20,745 square foot medical office building originally constructed in the early 1960's. The property is zoned C1 (Local Business District) and has a general plan land use designation of Neighborhood Commercial. The property is bounded by a car dealership (zoned C1) to the north, single-family residences across Carnegie Avenue (zoned R1) to the east, an apartment complex (zoned R3) and car dealership property (zoned CL) to the south, and a service station (zoned C1) to the west.

PROJECT DESCRIPTION

The applicant is proposing to operate a radio station within Suite 217 of the building. The radio station would be a Federal Communication Commission (FCC) Licensed, low power (100 watt) FM Station (frequency 90.3 MHz) operated by The International Crusade of the Penny, a non-profit public service organization providing bi-lingual (English/Spanish) programming to the community. According to the applicant's description of the use, a copy of which is attached to this letter, the programming would provide information and education to handicap, children and less fortunate within the community. Although the station operates on a 24-hour, 7-days a week basis, the station is mostly automated and would not be manned the entire time it is in operation.

Minor Conditional Use Permit for Radio Antenna Tower

As part of the proposed radio station operation, the applicant is proposing to install a freestanding 70-foot tall radio transmission tower within the parking area of the site for the antennas transmitting from the station. Zoning Code Section 13-142 (Antenna Development Standards) requires radio antennas greater than 30 feet in height to be screened in order to "lessen visual impacts to the adjacent residential zones".

Although the subject property is zoned C1, it is bounded by single-family R1-zoned properties across Carnegie Avenue to the west and multiple-family R-3 zoned properties across Fair Drive to the south. As a result, the proposed radio transmission tower would be visible from these residentially-zoned properties and is required to be screened per the Zoning Code.

ANALYSIS

Justifications for Denial

Staff has reviewed the applicant's request and does not support the request based on the following:

- The radio tower cannot be screened to minimize visual impacts to surrounding residentially zoned properties as required in City Zoning Code Section 13-142 (Antenna Development Standards). As noted in the above code section, antennas greater than 30 feet in height are required to be screened to lessen visual impacts to adjacent residentially-zoned properties and the proposed antenna does not fall within any exception to this requirement. With respect to cellular communication antennas, they can be screened by disguising them as trees, flagpoles, etc., or can be integrated into the roof parapets of taller buildings. However, according to the applicant's radio engineer, there is no effective method available to camouflage or screen the proposed radio antenna tower without creating interference with the radio signal (see Exhibit 2, letter from David Petrik, Qualified Professional Radio Engineer, dated January 20, 2015).
- There is no basis for making findings for approval for a radio antenna tower of this height that cannot be screened to minimize visual impacts to nearby residentially-zoned properties. The proposed 70-foot tall radio antenna tower would be the tallest structure in the surrounding area; the existing two-story building on the subject property is 25 feet in height and the surrounding Edison overhead utility poles are 38 feet in height. As a result, the radio tower would be extremely out of scale in terms of height with the surrounding structures in the area and clearly visible to nearby residential properties, creating an adverse visual impact detrimental to the surrounding area.

It should also be noted that certain types of Ham Radio antennas (such as those shown in the photos of the applicant's Exhibit 3) are exempted from the City's antenna regulations per Code Section 13-140(a) as indicated below, and the radio tower proposed by the applicant does not fall into these categories:

Exemption. Antennas meeting all of the following criteria are exempt from the regulations of this article:

- (1) *The antenna and associated support structure are supported primarily by attachment to a building.*
- (2) *The antenna, including associated support structure, does not weigh more than eighty (80) pounds.*
- (3) *The antenna, excluding associated support structure, does not exceed four and four-tenths (4.4) square feet in effective wind load area.*
- (4) *Attachment of the antenna and associated support structure to a building does not require modification or reinforcement of load bearing elements of the building in order to support the antenna and associated support structure at wind speeds up to seventy (70) miles per hour.*

- (5) *The environmental radio frequency radiation generated by the antenna does not exceed ANSI/IEEE standards, except as categorically excluded by the Federal Communications Commission.*
- *A radio tower of this height and scale could be located in other areas of the City where it would be less visually intrusive to residential properties and would not necessarily be required to be screened.* The City Zoning Code requirements for screening of radio antennas over 30 feet in height applies only to antennas adjacent to residentially-zoned properties. Therefore, the applicant could locate the radio station and tower in another zoning district in the City; for example, an MG (General Industrial) or MP (Industrial Park) zoned property that is not near residentially-zoned properties and therefore would not be required to be screened.

GENERAL PLAN CONFORMITY

Future development of all land within the City of Costa Mesa is guided by the General Plan adopted in 2002. The General Plan sets forth land use goals, policies, and objectives that guide new development and uses.

Based on the issues discussed in the previous sections, the request is not consistent with the following goals and objectives of the General Plan.

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*
- **Objective CD-8A.6:** *Locate areas for outside equipment...in the least conspicuous part of the site. Utility and mechanical equipment...should be concealed from view of public streets, neighborhood properties, and nearby higher buildings.*

ENVIRONMENTAL DETERMINATION

Because the request cannot be approved, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

FINDINGS

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

Finding: The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

Facts in Support of Findings: The applicant's request cannot be supported based on the following:

- *The antenna cannot be screened to minimize visual impacts to surrounding residentially zoned properties as required in City Zoning Code Section 13-142 (Antenna Development Standards).* As noted in the above code section, antennas greater than 30 feet in height are required to be screened to lessen visual impacts to adjacent residentially-zoned properties and the proposed antenna does not fall within any exception to this requirement. With respect to cellular communication antennas, they can be screened by disguising them as trees, flagpoles, etc., or can be integrated into the roof parapets of taller buildings. However, according to the applicant's radio engineer, there is no effective method available to camouflage or screen radio antennas without creating interference with the radio signal.

Finding: Granting the minor conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: *There is no basis for making findings for approval for a radio antenna tower of this height that cannot be screened to minimize visual impacts to nearby residentially-zoned properties.* The proposed 70-foot tall radio tower would be the tallest structure in the surrounding area; the existing two-story building on the subject property is 25 feet in height and the surrounding Edison overhead utility poles are 38 feet in height. As a result, the radio tower would be extremely out of scale in terms of height with the surrounding structures in the area and clearly visible to nearby residential properties, creating an adverse visual impact detrimental to the surrounding area.

Finding: Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings: The request is not consistent with the following goals and objectives of the General Plan.

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

Consistency: Because there is no effective method available to camouflage or screen the 70-foot tall radio antenna without creating interference with the radio signal, the radio tower would create an incompatible and potentially disruptive land use and/or activities for surrounding residential properties and uses. Therefore, the request is not

consistent with this General Plan goal.

- **Objective CD-8A.6:** *Locate areas for outside equipment...in the least conspicuous part of the site. Utility and mechanical equipment...should be concealed from view of public streets, neighborhood properties, and nearby higher buildings.*

Consistency: The proposed 70-foot tall radio tower would be the tallest structure in the surrounding area; the existing two-story building on the subject property is 25 feet in height and the surrounding Edison overhead utility poles are 38 feet in height. As a result, the radio tower would be extremely out of scale in terms of height with the surrounding structures in the area and clearly visible to nearby residential properties, creating an adverse visual impact detrimental to the surrounding area. The applicant could locate the radio station and tower in another zoning district in the City; for example, an MG (General Industrial) or MP (Industrial Park) zoned property that is not near residentially-zoned properties and therefore would not be required to be screened. Therefore, the use is not consistent with this General Plan goal.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

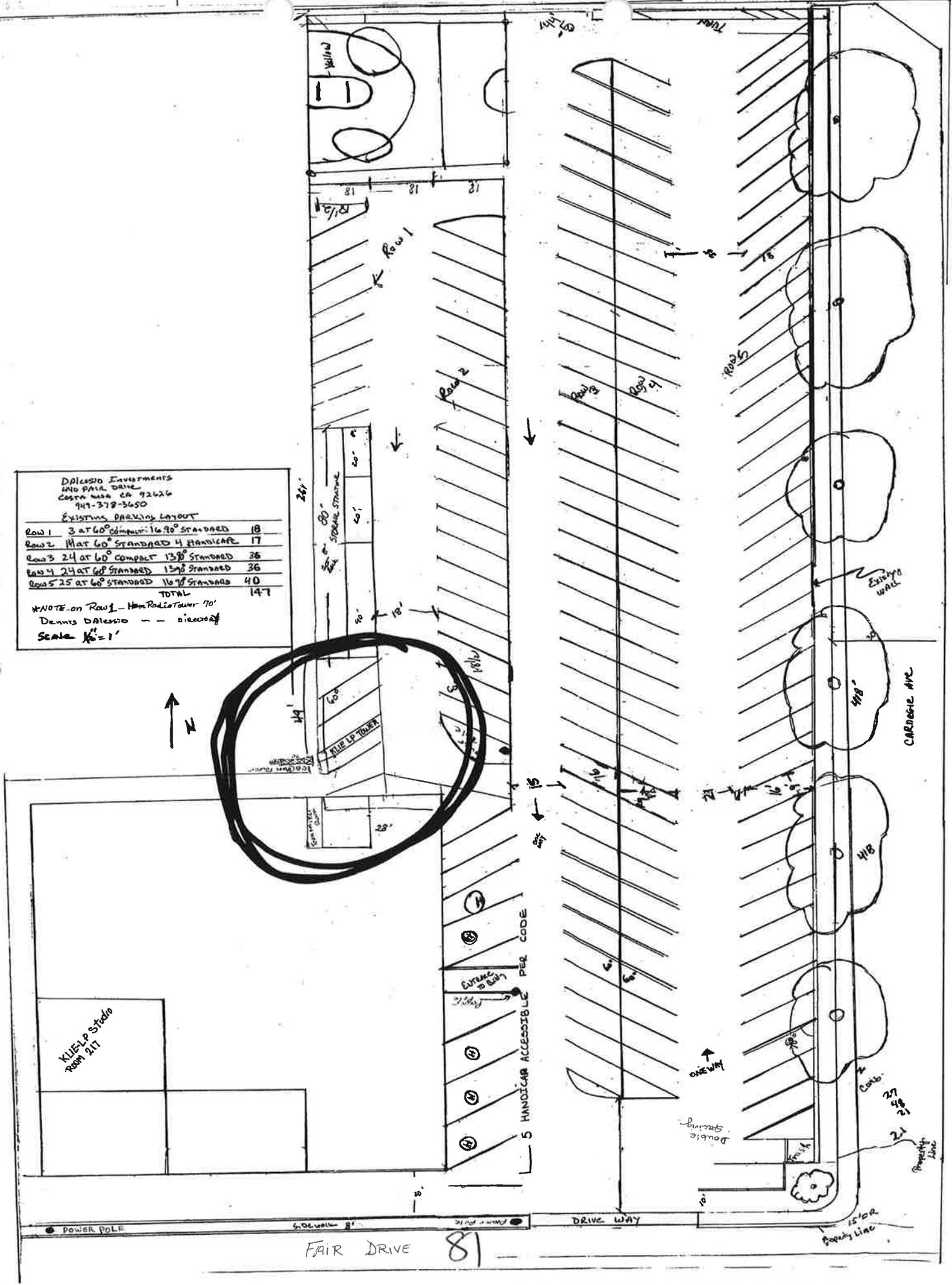
HARBOR BLVD

DALOSSO INVESTMENTS
240 FAIR DRIVE
COSTA MESA CA 92626
949-378-3650

EXISTING PARKING LAYOUT

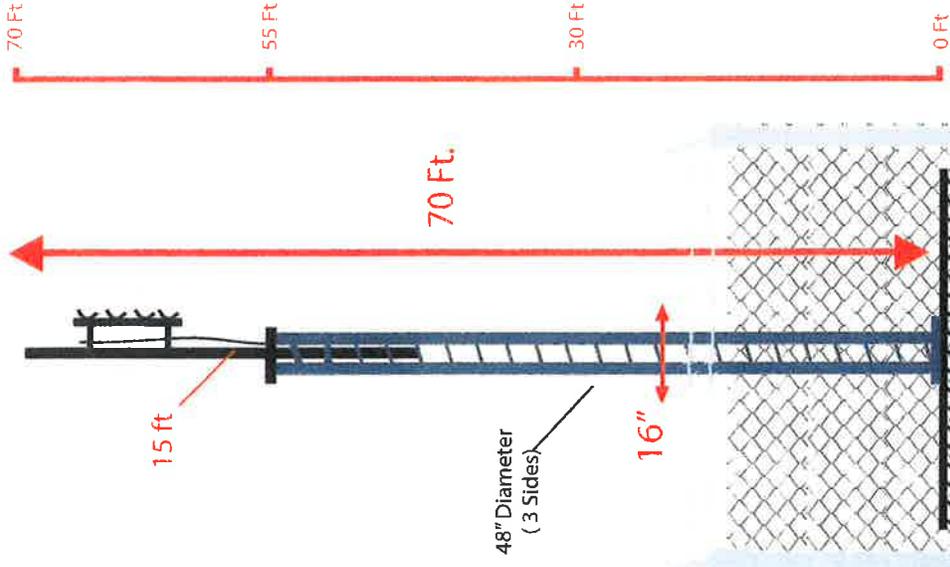
Row 1	3 at 60° compact 16 90° STANDARD	18
Row 2	14 at 60° STANDARD 4 HANDICAP	17
Row 3	24 at 60° COMPACT 13 90° STANDARD	36
Row 4	24 at 60° STANDARD 13 90° STANDARD	36
Row 5	25 at 60° STANDARD 16 90° STANDARD	40
TOTAL		147

*NOTE on Row 1 - Handicap 70'
Dennis Dalosso - - direction
Scale 1/8" = 1'



FAIR DRIVE 81

**Installation Type:
Self Support Ham Radio Tower WT-51**



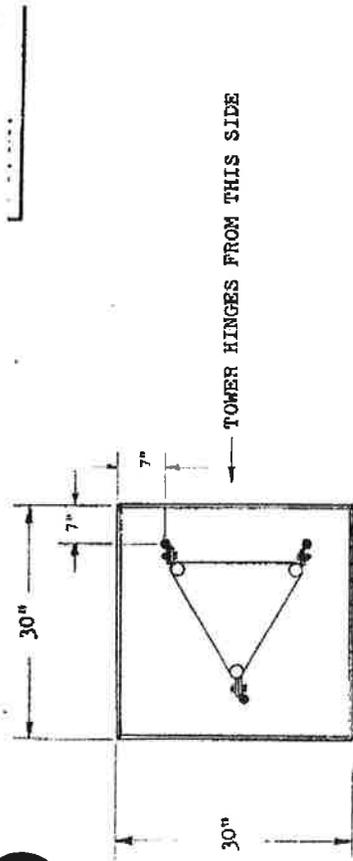
Surrounded by a 5 ft Barbed wire fence



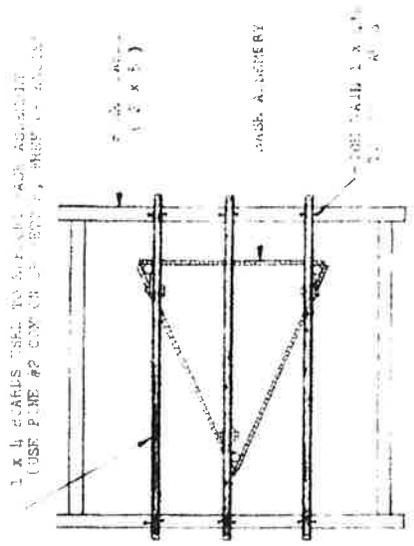
Contact: Mary Luna
International Crusade of the penny
Since 1987
Qualified 501(C) 3 org.
12501 Jane Dr
Garden Grove Ca 92841
(714) 818-7839
email: crusadeofpenny@aol.com

Install Address:
440 Fair Drive
Costa Mesa Ca 92626-6229

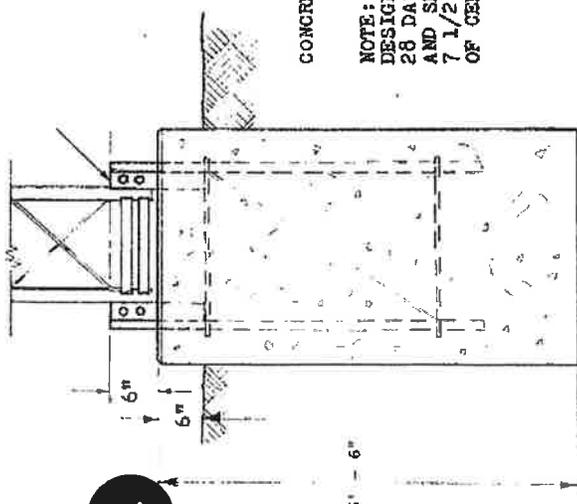
82



A.



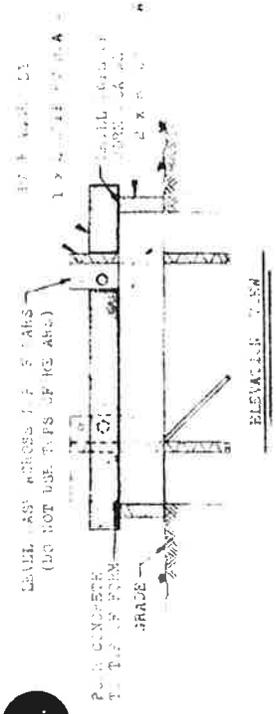
C.



B.



D.



A.

Aerial View Of Tower

B.

Concrete Foundation

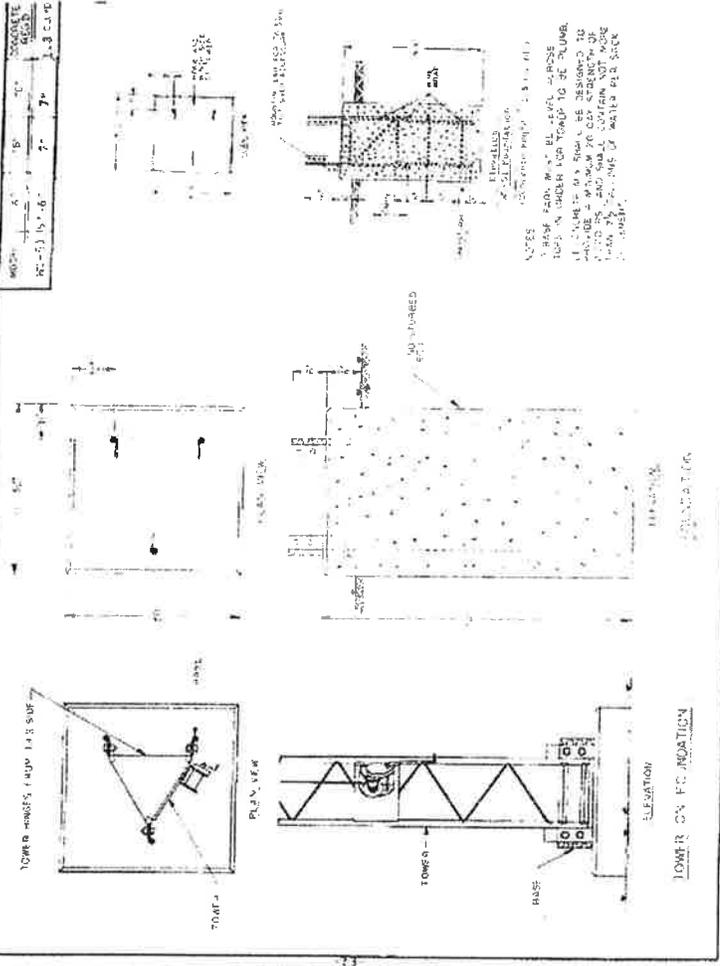
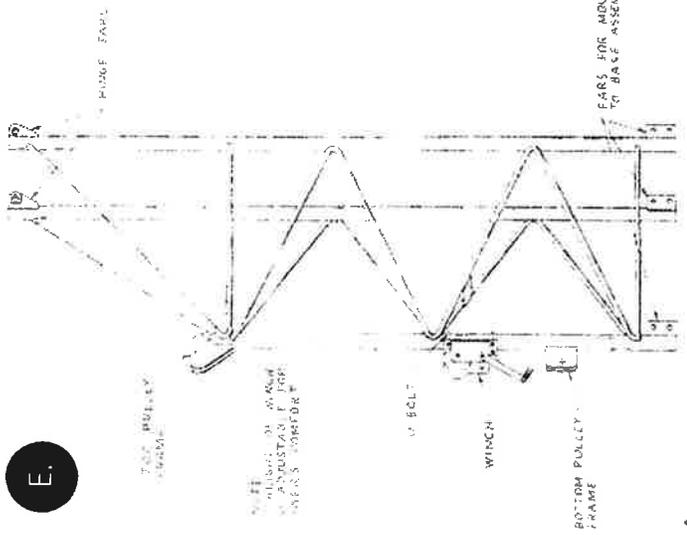
C.

Where Base Assembly Will be attached

D.

Elevation View

E.

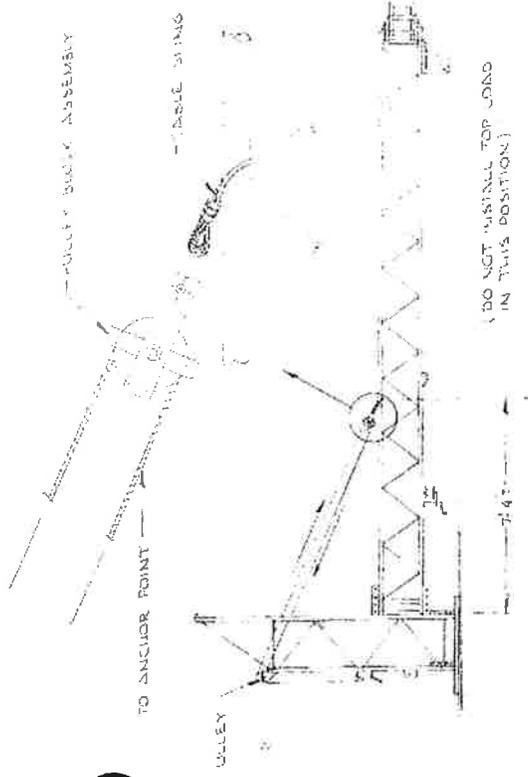


F. Base Assembly Diagram

F. Elevation View for Joining Of Base Assembly

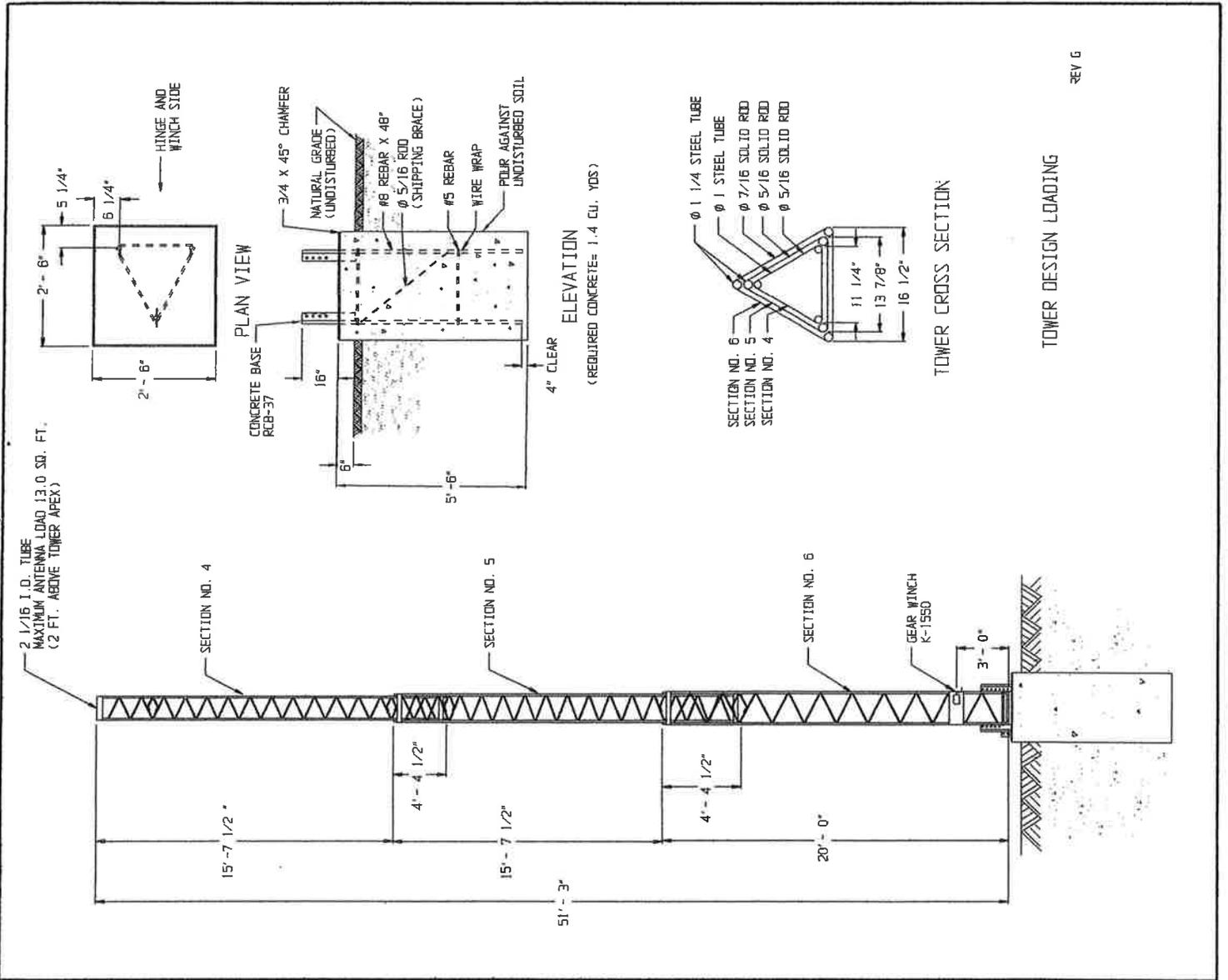
G. Tilt Over Accessory Used to Erect Tower.

G.



TILT-OVER ACCESSORY ILLUSTRATION

84



85

REINFORCED CONCRETE BASE

The base mount and the tower base are designed so that two bolts may be inserted into the base mount and the tower base while the tower is laying horizontally on the ground. Then the base mount and the tower base are hinged. This allows the tower to be tilted upwards to the vertical position where the final bolt can be inserted, thus locking the tower in the vertical position. The purpose of this design is to make it easier and safer to erect the tower. To access the antenna for maintenance, a tilt over accessory is required to position the antenna in a working elevation.

APPLICATIONS: General communications, amateur radio, two-way radio, light cellular antennas, citizen band radio, television, cameras, and environmental monitoring instrument installation.

FINISH: All crank up towers are HOT DIPPED GALVANIZED after fabrication. They are galvanized in accordance with ATSM A123. The towers are galvanized, hot-dipped, after fabrication in molten zinc so that tube legs are zinc coated inside the tubes as well as outside and completely covering all the steel tower. Drain holes shall be kept clear.

MATERIAL: The towers are made of ASTM-36 structural shapes, ASTM A513 Tubing, ASTM A53 Grade B pipe. Hardware is hot dipped galvanized or Stainless Steel. No plated hardware is used.

WELDING: Welding is done in accordance with AWS D1.1 the latest Revision. Welding rod and gas are selected to insure the highest ductility and to insure embrittlement does not occur during the galvanizing process. Certified AWS welders are used and they certification kept on file.

DESIGN AND ENGINEERING

The crank up towers meets the American Institute of Steel Construction standards for steel structures. The concrete design meets the American Institute of Concrete requirement for concrete and reinforcement. The tower design meets the 1997 Uniformed Building Code as stated in the calculations.

Karl Tashjian is a licensed Registered Civil Engineer.

WT-51

Tower Specs :

TYPE: Self-supporting, extendable, manual crank-up tower.

SPECIFICATIONS:

TOWER HEIGHT: Extended 51 feet (15.5M). Retracted 21 feet (6.4m).

TOWER SUPPORT: Self-supporting, no guys.

WIND LOADING: Engineering analysis indicates the tower will support 13 Square feet of projected area at winds of 85 MPH 3 second gust wind speed per ANS/ITIA EIA RS 222 Rev. G.

DEAD LOAD: The maximum dead load is 300 lbs.

WEIGHT: The tower with the base weighs 355 pounds (161kg).

SECTIONS: The tower is made from three each 20 foot sections, #4, #5, and #6 is the base.

DESCRIPTION:

Tower is complete with a manual crank-up winch and hoisting cables, and a rigid concrete base mount. The tower is designed to extend the tower telescopic sections uniformly. With your purchase, a user manual one and stamped set of drawings and calculation is provided.

This tower has pulley frame on one face only. The lifting cable is 3/16 x 7 x 19 aircraft cable.

Because of high strength tubing and the bracing of solid rod, this design is considered to be the strongest engineering configuration for towers, yet saves weight, resists torsion load and reduces wind resistance, allowing more useful load to be installed on the tower.

ACCESSORIES:

- RCB-37 LT (#6 Wide Section) Masis
- CO-3 for WT-51 WT-51 Manual, Drawings, Calculations
- TA-51 Replacement Pulleys
- #4 rotator plates
- Cable Kit for WT-51
- Manual Winch 1,500 Pound
- TB-2 Trust Bearing

Height of ground above mean sea level at site: 22.0 meters.
Overall height of tower above ground: 21.3 meters (or 70 feet).
Center of Radiation above Ground: 17.8 meters
Center of Radiation above Mean Sea Level: 39.8 meters (This is 22.0 m plus 17.8 meters)
HAAT (Height Above Average Terrain): 15 meters
ERP (Effective Radiated Power): 100 watts

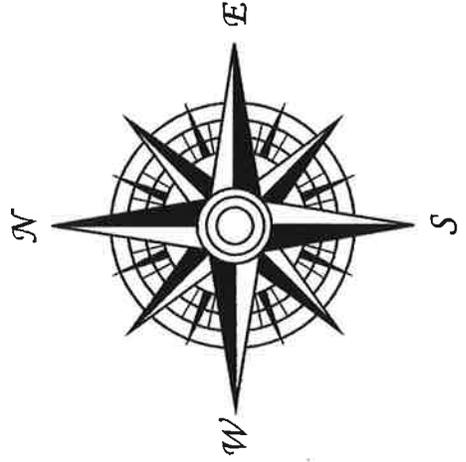
87

Harbor Blvd.

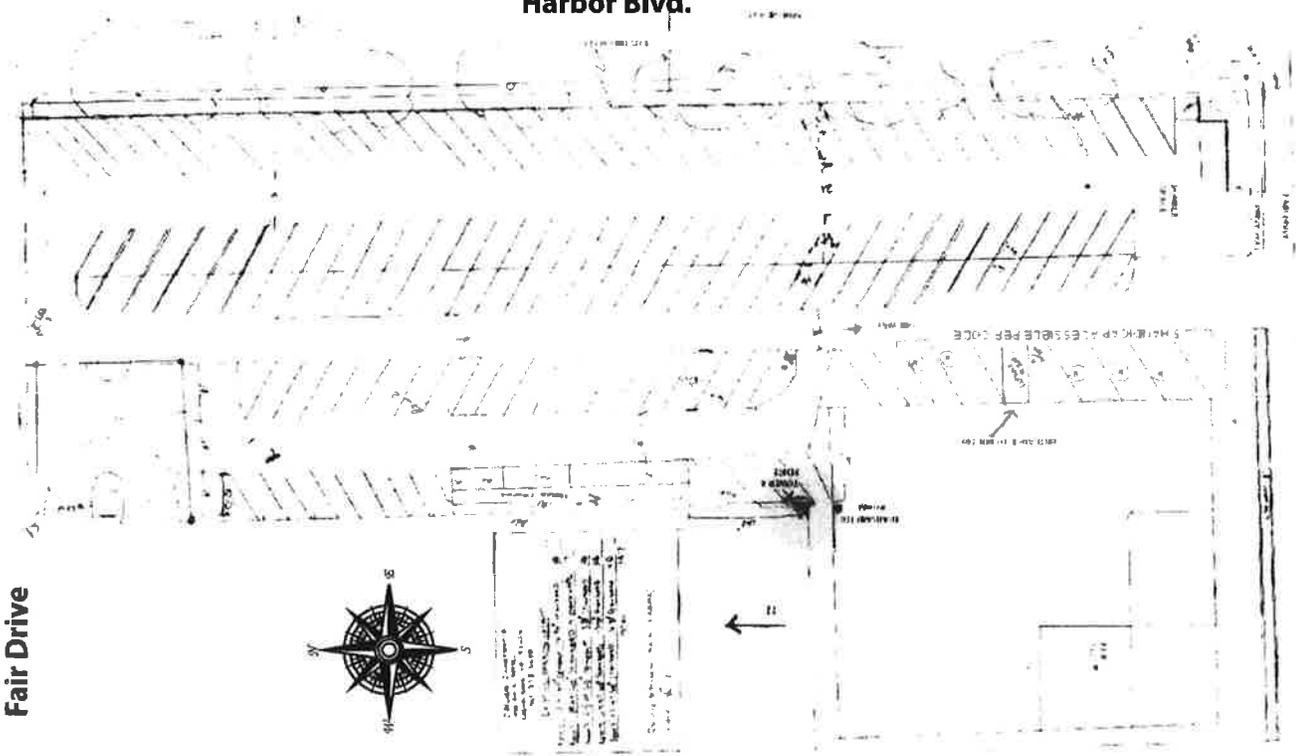
Fair Drive



Property Map / Street View
440 Fair Drive
Costa Mesa Ca 92626-6229



Harbor Blvd.



Fair Drive

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Callsign: KLIE-LP

Permit No.: BMPL-20140911ABI

Transmitter: Type Certified. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to operate within authorized range of effective radiated power.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 33 deg 39 min 50 sec
West Longitude: 117 deg 55 min 03 sec

Maximum Effective radiated power in the Horizontal Plane (watts): 100

Minimum Effective radiated power in the Horizontal Plane (watts): 50

Height of radiation center above ground (Meters): 18

Height of radiation center above mean sea level (Meters): 40

Height of radiation center above average terrain (Meters): 23

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 21 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***

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Qualified 501 © Since 1987

Friday, January 30, 2015

City of Costa Mesa Planning Commission
77 Fair Drive
Costa Mesa, Ca.92626-1200
C/O Ms Claire Flynn

Dear Ms Claire Flynn, Mr. Mel Lee, Mr. Antonio Gardea,

After the recess since we met on Nov.14, 2014 we continue with our application. Before I start the letter I want to point out to you that I'm attaching Exhibits and explanations of your request and assuring you that we're coming in to Costa Mesa as outstanding American Citizens and coming in with high profile individuals, as you see the Exhibits.

Attach to this letter are Exhibits as follows:

Exhibit 1: Copy from prior requests

- 1) Copy of letter submitted with previous request dated Oct.27, 2014 also requesting approval of our applications

Exhibit 2: Letters from Companies and Radio Engineer against camouflaging our CB Ham Tower

- 1) Letter from Company Custom Made Designs for Camouflaging
- 2) Letter from Company that makes designs
- 3) Letter from a Licensed Radio Engineer

Exhibit 3: Pictures of a few of the Towers that Exist in Costa Mesa and Radio Stations with antennas and neither camouflaged

- 1) A few pictures of Towers already existing in Costa Mesa
- 2) Pictures of Radio Stations antennas not covered or camouflaged in the Costa Mesa

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12501 Jane Drive Garden Grove, Ca.92841 e-mail: crusadeofpenny@aol.com
Cell phone: (714)818-7839 90



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Exhibit 4: FYI how a Nonprofit qualifies for extra point in having site for Main Studio

- ↓ 1) Section III of the FCC application showing about having a site
- ↓ 2) Explanation of Point System
- ↓ 3) Article FYI of how the FCC granted almost 2,000 applicants in the USA CP to nonprofit Org. for Community Purpose not Commercial as you believe.

Exhibit 5: FYI FCC 47 CFR Ch. 1 Proof of Emergency Alert System Protocol on how it's required of Broadcaster as a main priority to be carried out.

- ↓ 1) First Article FCC on how Broadcaster must, and have to obey about the EAS
- ↓ 2) Second Article of the expectation from the FCC

Exhibit 6: Letter from Mark A. Lowry Director of the Orange County Food Bank to you. And who the High Profile individuals supporting us 100% letters provided to you upon request.

- ↓ 1) Letter from Mark A. Lowry Director of the Orange County Food Bank
- ↓ 2) Who is Jerry Velasco Supporter in favor of us.
- ↓ 3) Who is Janet Napolitano Supporter in favor of us.
- ↓ 4) Who is "Angelica Maria" Supporter in favor of us.
- ↓ 5) Who is Victor Mendez Founder of the Org.
- ↓ 6) Who are the individuals behind and active with the Organization before and now.



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Ms. Flynn,

First of all I want to thank-you for sending us the information on how you wanted our CB Ham tower camouflaged. But as you see and read the Exhibit a CB Tower and antennas for Radio cannot be covered or camouflaged as you're requesting from our Organization. Doing that, it would kill the Radio signal. Not only that, if you, or your staff hadn't pointed out to us that it would be ok to have a ham tower when we asked, and it was approved as long as it didn't go past 75 feet we'd wouldn't of gone through the expense. We believed and trusted your word.

Second, during our meeting in person with you and your associates, in conclusion, once again you stated that you'd be recommending our application for **denial and incomplete**. As I stated previously how could anything be incomplete when we've practically have gone back and forth with your department fulfilling all your requests. During this period we have dealt with three different of your commissioners and each provides different information. Grant you they're all wonderful.

I want you to know that our CB Ham Tower will not be different nor it will be any higher that what is already as in existent in the City of Costa Mesa as you can see the exhibit in the pictures. We will do just like the rest in the City and obey the rules and regulations just like they're doing.

Ms Flynn, there's seem to be a conflict of interest with you and the FCC and insisted that we should of gone to you first and you would of told us. We're new to your City and you kept asking "Why Costa Mesa?" The way you kept asking and commenting it was obvious that you don't want us in your City. My answer to you is Why not? It's a free Enterprise. All of us are American Citizens in good standing. We're coming in with High Profile Individuals such as supporters as Jerry Velasco, and through Jerry Velasco we have Janet Napolitano, The Orange County Food Bank, Famous Movie Star, Singer, Producer, Angelica Maria, The Founder of the Org. Victor Mendez, and the staff are Popular TV and Radio Celebrities. These individuals and Companies will be very instrumental to the City of Costa Mesa. We're filling in the void that the City of Costa Mesa needs. (See Exhibit of who they're)

- I'm attaching Exhibit proof that a Nonprofit to qualify for an extra point for a CP from the FCC you must have a main studio. We have been very honest from the start.
- Our original site was on the Americana Tower but when we finally got granted our permit there was no room for our antenna, and we honestly do not have options to go elsewhere because we can only move 3.5 miles from the original site. Which is and was very hard to find a site that the Landlord would approve having an antenna or tower approved.

Another comment you made was that you we would be able to carry out and comply with the Emergency Alert System of the CB Ham Towers would. For your information that's one of the prerequisites of Priority of Importance that all Broadcasters must comply with and we have to have



Int. Crusade of the Penny Org.

Qualified 501©33 Since 1987

especial equipment installed in the studio. We explained it to you but you seemed not to believe us so please see the attachment. I know that expressed look at the CB Towers much different and you should, but you should also be fair about broadcasters. (47CFR) PART 11

Finally once more I'm pleading as I have also in the past is to give us that "Just and Fair Opportunity" and approve us like the rest in your City. Please see Exhibit at the end of the High Profile of individuals that we're involved with and gives you the Potential we have to come in to Costa Mesa making a HUGE Compliment to the City and Stand our above the rest.

Sincerely,

Mary L. Luna

Sec. of ICOP

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Qualified 501 ©3 Since 1987

High Profile Individuals:



PROVIDING HOPE
STRENGTHENING FAMILIES
ALLEVIATING HUNGER
EDUCATING YOUTH
CREATING FINANCIAL STABILITY
ENERGY CONSERVATION
BUILDING SAFE & HEALTHY COMMUNITIES
SUPPORTING SENIOR INDEPENDENCE

(LETTER INCLUDED ALREADY)

We have Jerry Velasco is supporting us 100% along and through him Ms Janet Napolitano. We also have Movie Star, Singer and Celebrity "Angelica Maria" known International, and USA

***MS. JANET NAPOLITANO: University of California President Janet Napolitano with the 2015 *Inspiration Award*. Her leadership personifies Meritus values: persistence, academic scholarship, and contributions to the community.

Janet Napolitano began her tenure as President of the University of California in September 2013. She is a distinguished public servant with a record of leading large, complex organizations at the federal and state levels. She served as Secretary of Homeland Security from 2009-13, as Governor of Arizona from 2003-09, as Attorney General of Arizona from 1998-2003, and as U.S. Attorney for the District of Arizona from 1993-97. Before that, she practiced at the law firm of Lewis & Roca in Phoenix, where she became a partner in 1989. She began her career in 1983 as a clerk for Judge Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit.

***Jerry Velasco Treasurer of City of El Monte

Mr. Velasco is the Board Vice President of El Monte Promise Foundation and was Planning Commissioner of the City of El Monte. As a prominent actor, producer, and publicist, he is considered the "Information Voice" of Hollywood and Hispanics and is sought after as a speaker in the United States, Mexico, and Latin America. He is a successful actor who appears in both American and Mexican television and films. Mr. Velasco is involved with many local, national, and international non-profit organizations. Mr. Velasco was raised in the city of Los Angeles and is a native of Jalisco Mexico.

***ANGELICA MARIA

Angélica María is an American-born Mexican actress and a Grammy Award-winning singer-songwriter. Who has had 5 Shows, 58 Films, 20 TV Soap Operas, 16 Plays, 56 video songs, recorded 64 CD's, 244 awards in America, 64 soap operas, and over 600 TV Shows, 500 songs and several Grammy Awards

***VICTOR MENDEZ

Practically born behind the microphone was in television since the age of 8. Comes from a Family of Singers, Celebrities and all kinds of Talents. Is a very popular Radio Disc Jockey in the Hispanic Media with high ratings. Has had his own Television Shows which Network across all of the United States including a Network going to Mexico and 16 countries in South America.

He's the founder and President of a Qualified Tax Exempt Nonprofit Organization Int, Crusade of the Penny is not only well known with the Public, his fans but also known and respected by Celebrities in the communications field of Television, Radio and Newspapers.

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Int. Crusade of the Penny Org.

Qualified 501(c)(3) Since 1987

I ASSURE YOU THAT THE REST OF THE INDIVIDUALS INVOLVED WITH THE PROJECT BEHIND THE MICROPHONES ARE ALSO VERY POPULAR, PROFESSIONAL TELEVISION AND RADIO HOSTS. OUR PROGRAM WILL BE BI-LINGUAL WHICH WILL BE TOTALLY DEDICATED TO THE COMMUNITY AND FOR THE COMMUNITY.

WE WILL BE VERY DEDICATED AND ARE A NON-PROFIT STATUS.

THANK-YOU

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6

12501 Jane Drive Garden Grove, Ca.92841 e-mail: crusadeofpenny@aol.com
Cell phone: (714)818-7839



Int. Crusade of the Penny Org.

INTERNATIONAL CRUSADE OF THE PENNY EXHIBITS FOR THE CITY OF COSTA MESA PLANNING
COMMISSION DATED JANUARY 30, 2015 FOR CONTINUATION OF OUR APPLICATION

EXHIBIT 1

(A) PRIOR LETTER THAT WAS SUBMITTED OCTOBER 27, 2014 AFTER THAT
MEETING IN PERSON NOVEMBER 14, 2014



International Crusade of the Penny
Founded 1987

October 27, 2014

Costa Mesa Planning Commission

77 Fair Drive, Costa Mesa, CA92626

To Whom It May Concern:

On behalf of the Board of Directors and Members of the nonprofit Organization which is a Qualified 501(c)3 (Int. Crusade of the Penny) Org. since 1987 am submitting the pending forms required for the application of the CUP already in your hands.

The FCC granted the Organization a CP license for a LP radio station particularly approved on the site of 440 Fair Drive.

A ham radio tower of 70' tall was also approved on this site by the FCC.

The LP fm is 100 watts. All studies and approval proof(s) copies area being provided to you.

We have no option to go to another City. We're assigned here at Costa Mesa and on this site.

This project will incorporate with other organizations in this City for the purpose of serving needs in the Community.

We're asking you for your approval and supporting this project. The second page will list items listed that today are being turned in to complete application project PA-14-37 DATED: 09/18/2014

visit our website at www.icopenny.org. I can also be reached at 714-818-7839

Thank you for your consideration.

Sincerely,

Mary L. Luna

Sec. to ICOP



International Crusade of the Penny

Founded 1987

Page2

ITEMS SUBMITTED AND LISTED WHICH ARE PENDING TO: PA-14-37 DATED: 09/16/2014

- PLANNING TRANSACTION RECEIPT
- PICTURED APPROVAL OF 811
- E-MAIL OF 811 OF NO CONFLICT
- COPY OF BUSINESS CARD OF PROFESSIONAL ENGINEER TO SET UP HAM RADIO TOWER
- COPY OF LANDLORD APPROVAL OF PLACING HAM RADIO TOWER ON NORTH EAST SIDE BACK OF BUILDING
- PICTURE AND DEFENITION OF FOUR BAY ANTENNA
- PICTURE, EXPLANATIONS, DETAIL S OF INSTALLATION, MEASUREMENTS OF HAM RADIO TOWER/8PAGES
- ALLOCATION STUDY DONE BY A PROFESSIONAL ENGINEER OF AREA,OF HAM RADIOTOWER, SITE, NO RADIATION,CONTOUR, ELEVATIONS OF METER OF HAM RADIO TOWER,HEIGHT AND STUDY OF SITE, FOUR BAY ANTENNA.
- DRAWINGS TO SCALE OF BUILDING / PROJECT

*NOTE: NO CHANGES WILL NOT BE MADE TO THE OFFICE

12501 Jane Drive Garden Grove, Ca.92841 Tel Number: (714)818-7839
e-mail:crusadeofpenny@aol.com website: icopenny.org

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EXHIBIT 2

PROOF OF LETTERS FROM COMPANIES NOT IN FAVOR A RADIO ANTENNA TOWER
OR INCLUDING RADIO ANTENNAS CAMOFLOUGED

- (1) LETTER FROM COMPANY
- (2) LETTER FROM SECOND COMPANY
- (3) LETTER FROM LISCENSED RADIO ENGINEER

From: Michael Beringer <custompalms1201de@sbcglobal.net>

To: crusadeofpenny <crusadeofpenny@aol.com>

Subject: CB Antanna Tower

Date: Mon, Jan 5, 2015 12:52 pm

Hi Mary

As per our conversation earlier today, I just wanted to confirm that any and all materials used to conceal the antenna in question must not contain metal. I spoke to Shively, the manufacturer, and they told me that there must be no metal 5 feet in front, above or below the antenna. The tower itself can be metal since this is a directional antenna and the main RF signal flows from the front of the antenna and the tower is behind the antenna and the RF signal. My suggestion is that only PVC and fiberglass materials be used within that space in front, above or below the antenna. I have been in the wireless business for over 18 years and the one thing that RF engineers all agree on and have told me is that there should NEVER be any metallic materials near the radiating side of the antenna. Metal will cause interference with the RF signal as it propagates through the air. I hope this helps. We are currently working on a design that will work for your application and should have a Proposal soon for your review. Thank You

Best regards,

Pieter Stappers
Michael Beringer
Director of Concealment
Product Sales & Marketing

Custom Made Palm Trees & Tiki Hut Co.,LLC

Michael A. Beringer

V.P. Sales/Marketing

Ph: (330)633.0063

Fax(330)633.1515

Toll Free 1(866)349.4582

Website: www.custompalmtrees.com

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Jan, 18th 2015



Hello Mary,

I hope all is well. I have reviewed your project and came up with the following:

Unfortunately we do not recommend covering up (camouflage) your radio antenna for several reasons.

1.) In order for us to cover the antenna we would have to use what is called max metal.

The sheets are 4'x8' and 3mm thick. We would have to lay several layers around the tower and fasten them to the tower. This being the case two things would happen.

a.) they would weigh too much. b.) this would block your signal.

2.) there are also wind factors involved which would prevent us from covering the tower.

Max metal sheets are solid sheets with no room for the air to escape this might cause it to fail.

The only other option I would have would be key banner? This would mean we would wrap the tower in a pattern of banner and create wind channels thru it. I am sorry we could not help you with this project.

Best Regards,
Mark Sanchez
714.739.2855

6061 Dale Street Unit G Buena Park CA 90621

Phone (714) 739-2855

Fax: 714 739-2815

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QUALIFIED PROFESSIONAL RADIO ENGINEER

License No. PG-11-32409

January 20, 2015

To the City Planning of Costa Mesa,

To Whom It May Concern:

My name is David Petrik, I'm a Professional Radio Engineer for over 20 years and continue being one of the Engineers for Radio project for the Community which was granted to the Nonprofit Org. Int. Crusade of the Penny.

Studying and analyzing the request for the tower as being camouflaged by your Department, I do not recommend it for many reasons one of the main ones is that an antenna cannot be touching other metal or be near metal. The suggested camouflaging is seen only on cell towers, much different than a radio tower, and are in a different channel. If you notice, no tower that holds antennas for radio are ever covered. As a Professional, I'm personally against the thought, and through my experience which is very extensive, have never ever seen a radio station do that, not anywhere. I'm providing a copy of one of my licenses for your view and information that I'm qualified.

Your concern that we will not air out or make it a priority of the Emergency Alert, the FCC mandates all Broadcasters to abide by it.

The LPFM is also mandated by the FCC and IEEE to have all equipment that must be used is held to the highest standard than even big high power station that are currently on the air. Also all of the LPFM have to operate at all times. The equipment that ties The Emergency Alert System to the direct output of the station to serve the purpose if something should arise that would have direct effect to the population the stations programming is interrupted for announcements to direct the people on what to do.

If you have any questions please feel free to call anytime.

Sincerely,

Mr. David Petrik

Phone number 541- 367- 0556 or dpetrik@centurytel.net

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The United States of America

Federal Communications Commission

GENERAL RADIOTELEPHONE OPERATOR LICENSE

(General Radiotelephone Certificate)

This certifies that the individual named below is a licensed radio operator and is authorized to operate licensed radio stations for which this class of license is valid. The authority granted is subject to any endorsement placed on this license. The authority granted is also subject to the orders, rules, and regulations of the Federal Communications Commission, the statutes of the United States, and the provision of any treaties to which the United States is a party, which are binding upon radio operators.

This license may not be assigned or transferred to any other person. This license is valid for the lifetime of the holder unless suspended by the FCC.

Endorsement: NONE

Licensee: DAVID A. PETRIK

Date of Birth JUNE 12, 1949	Issuance Date JAN 02 1985	Place of Issuance LONG BEACH, CALIFORNIA
		License Number PG-11-32409



David A. Petrik

Signature of Licensee

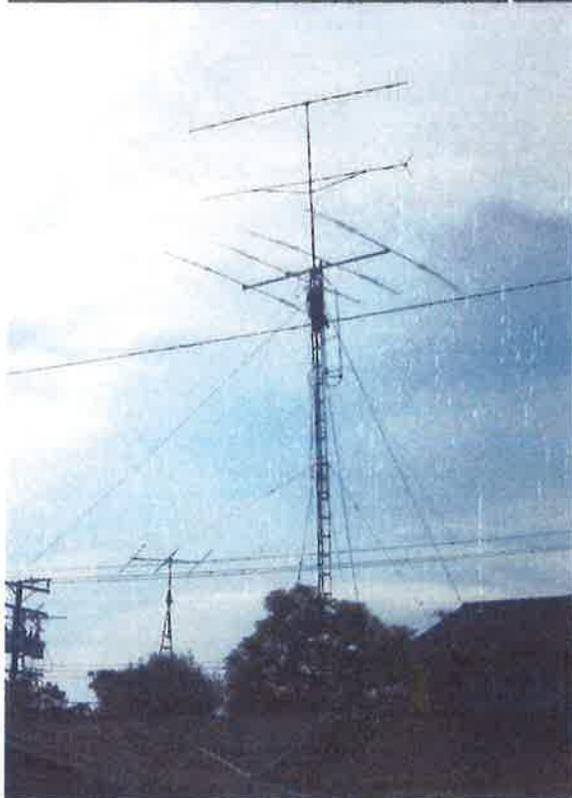


EXHIBIT 3

PICTURES OF COSTA MESA TOWERS AND ANTENNAS

- 1) PICTURES OF TOWERS LIKE OURS NEARBY OUT SITE NOT CAMOFLOUGED NOR ANTENNAS COVERED
- 2) PICTURES OF RADIO ANTENNAS NOT CAMOFLOUGED OR COVERED

Our CB Ham tower will be self support and will not be any higher than the ones already in existence in the City of Costa Mesa. No antennas or CB towers in the City are covered or camouflaged. Your request is only applicable to us. These are very close to the address we provided to put up ours, and doesn't look much different than the one we purchased when you told us we could put one up but no higher than 75 feet. They don't seem to create an impact like you told us that ours would.



ANTENNAS IN RADIO STATIONS IN COSTA MESA ARE NOT COVERED OR CAMOFLOUGED LIKE YOU'RE REQUESTING OF US...RADIO ANTENNAS ARE NEVER COVERED...IT WOULD KILL THE SIGNAL

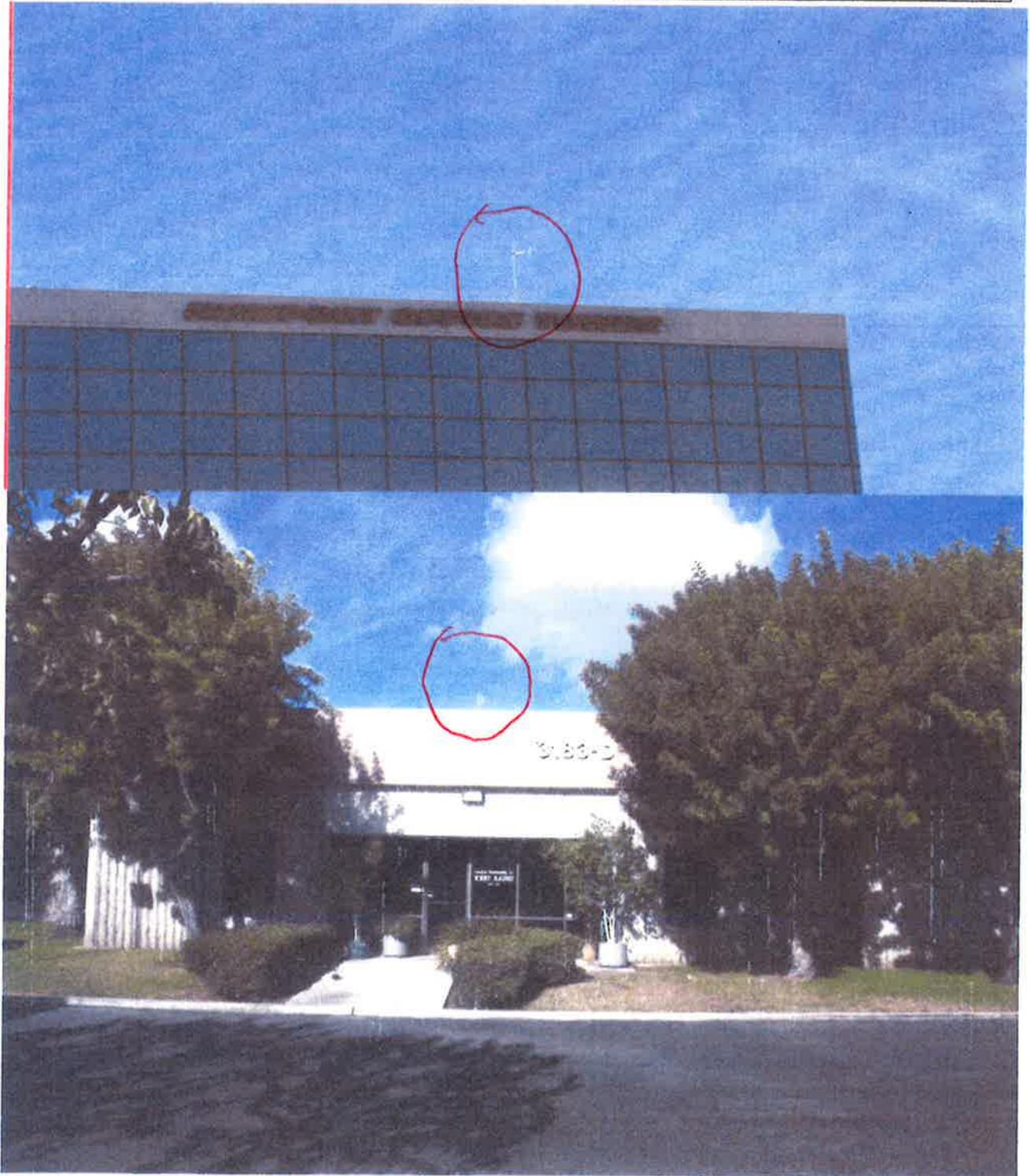




EXHIBIT 4

FYI SHOWING YOU HOW A NONPROFIT QUALIFIES FOR EXTRA POINTS IN HAVING A STUDIO FOR A CP

- 1) SAMPLE OF APPLICATION THAT MUST BE FILLED WITH THE FCC FROM EVERYONE APPLYING FOR QUALIFICATIONS
- 2) ARTICLE ON HOW FCC GRANTED CP TO ALMOST 2,000 APPLICANTS IN OUR NATION

disposition of the previously reported matter.	
8. Unlicensed Operation. The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	<input checked="" type="radio"/> Yes <input type="radio"/> No
9. Anti-Drug Abuse Act Certification. Applicant certifies that neither the applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

Section III - Point System Factors

New station and major change applicants must complete the following questions.

Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded a point for each of the following:

1. Established community presence.		
a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna. An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.	<input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 10]	
b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.	<input type="radio"/> Yes <input checked="" type="radio"/> No	
c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.	<input type="radio"/> Yes <input checked="" type="radio"/> No	
2. Local program origination. The applicant pledges to originate locally at least eight hours of programming per day.	<input checked="" type="radio"/> Yes <input type="radio"/> No	
3. Main studio. The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.	<input checked="" type="radio"/> Yes <input type="radio"/> No	
The applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.		
Address: 440 FAIR DRIVE		
City COSTA MESA,	State or Country (if foreign address) CA	Zip Code 92626-6229
Telephone Number (include area code) 7146362626	E-Mail Address (if available) CRUSADEOFPENNY@AOL.COM	

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FCC LPFM POINT SYSTEM

The commission uses a point system to award LPFM CP grants in cases of mutually exclusive applications where competing groups cannot resolve. According to Tracy Rosenberg, executive director of Media Alliance, points are awarded for:

- 1) An established presence in the community as a 501c3 organization for at least two years;
- 2) A pledge to air at least 8 hours a day of locally originated programming;
- 3) A pledge to maintain a local main studio that is inside the signal area, publicly accessible and able to generate locally originated programming from that site;
- 4) Qualifying under points 2 and 3 in the same application, which earns an extra point;
- 5) Having no interest in any other broadcast outlet;
- 6) Being a tribal applicant that plans to broadcast on tribal lands.

Rosenberg said many LPFM applicants in the recent window worked hard to make sure they could maximize their number of points in the 4-to-5 range to be competitive for a license.

"Sometimes two applicants will join together and merge their applications in order to combine the points in both original applications and thus achieve a higher total number," she said. "The final FCC decision is awarded on the basis of which application has the highest number of points."

If there is a tie and no voluntary sharing agreement, Rosenberg said, the commission will determine a sharing agreement.

"Most people agree that voluntary sharing agreements are more likely to work out well than involuntary ones. In most cases, an objection or petition to deny will be filed on the basis that competing applicants have been awarded points they don't deserve," Rosenberg said.

— Randy J. Stine

RADIO WORLD



JANUARY 1, 2015 | The News Source for Radio Managers and Engineers | \$2.50 | RADIOWORLD.COM

LPFMs Look Ahead to 2015

Advocates are keeping track of new strategies, peer support groups

BY RANDY J. STINE

Low-power FM faithful expect 2015 to be the year of major station build-outs — a flurry of facility launches as community broadcasters stake claim to more space on the FM band.

At the same time, advocates are watching how these new broadcasters raise money for equipment, adapt to new management strategies and create peer support groups.

Close to 2,000 new LPFMs could be on air within 18 months as result of the application filing window in 2013, LPFM advocates estimate. About 150 of those are now on the air.

Observers said the FCC was quick to assess and process LPFM applications during the past year. The commission in early 2014 began issuing construction permits where there was only one clear, qualified applicant. In fact, CP grants for LPFMs were seemingly “fast-tracked” in 2014, according to several observers.

The commission is expected to finish sorting through the mutually exclusive, or MX, applications from that filing window in the first half of 2015, according to observers. MX applications are

cases where entities are vying for the same frequency. Conflicts among MX applications can be resolved by technical amendments eliminating mutual exclusivity, by settlement or by time-share agreement. The MX period thus brings a lot of negotiation, coordination and amendment filing among hopeful low-power broadcasters.

Two regional MX settlement windows have closed, according to the FCC. Observers believe the agency will open a final MX settlement window, covering mostly southern states, by early 2015. This will include several large MX groupings in desirable areas like Houston, Dallas/Fort Worth and Orlando, observers said.

LONG-AWAITED WINDOW

Space on the FM dial remains a sought-after commodity, and some settlements of MX applications could take years to work out. If voluntary timeshare agreements can't be reached among the mutually exclusive applicants, a commission point system point system is used to determine the grantee. The system is a set of criteria used to score applications and break ties (see sidebar on page 6).

Low-power FM stations, which broadcast at a maximum of 100 watts and typically reach seven to 10 miles from the antenna, must be licensed to non-profit entities. These proliferating new micro FM stations promise to air programming that ranges from art and culture to education and hobbies with a hyper-local focus. Churches, civic groups and foreign-language stations make up a large number of the CPs.

For instance, the Center for Hmong Arts and Talent in St. Paul, Minn., aims to nurture, explore and illuminate the Hmong American experience through artistic expression, according to its website. The Flint Odyssey House in Flint, Mich., is concerned about addiction services and drug education; the Women's Civic Improvement Club of Sacramento, Inc., in Sacramento, Calif., will air programming related to the group's work in the community, according to the website Radio Survivor.

In the first LPFM window 15 years ago, 3,258 applications were filed; from (continued on page 6)

Cumulus Settles In at New Ops Center Page 24





EXHIBIT 5

FYI SHOWING ARTICLES ABOUT YOUR CONCERN THAT WE'RE NOT AS IMPORTANT GIVING OUT THE EMERGENCY ALERT...THE FCC REQUIRES IT FOR ALL BROADCASTERS (47CFR) 11

- 1) REQUIREMENTS OF EAS**
- 2) ARTICLE 2 OF EAS THAT'S EXPECTED FROM THE FCC**

Federal Communications Commission

§ 11.2

part 10 that include a vibration cadence capability that meets the requirements of this section.

(a) The vibration cadence must have a temporal pattern of one long vibration of two (2) seconds, followed by two short vibrations of one (1) second each, with a half (0.5) second interval between each vibration. The entire sequence must be repeated twice with a half (0.5) second interval between each repetition.

(b) The vibration cadence must be restricted to use for Alert Messages under part 10.

(c) A device may include the capability to mute the vibration cadence.

§ 10.540 Attestation requirement. [Reserved]

PART 11—EMERGENCY ALERT SYSTEM (EAS)

Subpart A—General

- Sec.
- 11.1 Purpose.
- 11.2 Definitions.
- 11.11 The Emergency Alert System (EAS).
- 11.12 Two-tone Attention Signal encoder and decoder.
- 11.13 Emergency Action Notification (EAN) and Emergency Action Termination (EAT).
- 11.14 Primary Entry Point (PEP) System.
- 11.15 EAS Operating Handbook.
- 11.16 National Control Point Procedures.
- 11.18 EAS Designations.
- 11.19 EAS Non-participating National Authorization Letter.
- 11.20 State Relay Network.
- 11.21 State and Local Area plans and FCC Mapbook.

Subpart B—Equipment Requirements

- 11.31 EAS protocol.
- 11.32 EAS Encoder.
- 11.33 EAS Decoder.
- 11.34 Acceptability of the equipment.
- 11.35 Equipment operational readiness.

Subpart C—Organization

- 11.41 Participation in EAS.
- 11.42 Participation by communications common carriers.
- 11.43 National level participation.
- 11.44 EAS message priorities.
- 11.45 Prohibition of false or deceptive EAS transmissions.
- 11.46 EAS public service announcements.
- 11.47 Optional use of other communications methods and systems.

Subpart D—Emergency Operations

- 11.51 EAS code and Attention Signal Transmission requirements.
- 11.52 EAS code and Attention Signal Monitoring requirements.
- 11.53 Dissemination of Emergency Action Notification.
- 11.54 EAS operation during a National Level emergency.
- 11.55 EAS operation during a State or Local Area emergency.
- 11.56 EAS Participants receive CAP-formatted alerts.

Subpart E—Tests

- 11.61 Tests of EAS procedures.

AUTHORITY: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

SOURCE: 59 FR 67092, Dec. 28, 1994, unless otherwise noted.

Subpart A—General

§ 11.1 Purpose.

This part contains rules and regulations providing for an Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the National, State and Local Area levels during periods of national emergency. The rules in this part describe the required technical standards and operational procedures of the EAS for analog AM, FM, and TV broadcast stations, digital broadcast stations, analog cable systems, digital cable systems, wireline video systems, wireless cable systems, Direct Broadcast Satellite (DBS) services, Satellite Digital Audio Radio Service (SDARS), and other participating entities. The EAS may be used to provide the heads of State and local government, or their designated representatives, with a means of emergency communication with the public in their State or Local Area.

[72 FR 62132, Nov. 2, 2007]

§ 11.2 Definitions.

The definitions of terms used in part 11 are:

(a) *Primary Entry Point (PEP) System.* The PEP system is a nationwide network of broadcast stations and other entities connected with government

§ 11.11

activation points. It is used to distribute the EAN, EAT, and EAS national test messages and other EAS messages. FEMA has designated 34 of the nation's largest radio broadcast stations as PEPs. The PEPs are designated to receive the Presidential alert from FEMA and distribute it to local stations.

(b) *Local Primary One (LP-1)*. The LP-1 is a radio station that acts as a key EAS monitoring source. Each LP-1 station must monitor its regional PEP station and a back-up source for Presidential messages.

(c) *EAS Participants*. Entities required under the Commission's rules to comply with EAS rules, e.g., analog radio and television stations, and wired and wireless cable television systems, DBS, DTV, SDARS, digital cable and DAB, and wireline video systems.

(d) *Wireline Video System*. The system of a wireline common carrier used to provide video programming service.

(e) *Participating National (PN)*. PN stations are broadcast stations that transmit EAS National, state, or local EAS messages to the public.

(f) *National Primary (NP)*. Stations that are the primary entry point for Presidential messages delivered by FEMA. These stations are responsible for broadcasting a Presidential alert to the public and to State Primary stations within their broadcast range.

(g) *State Primary (SP)*. Stations that are the entry point for State messages, which can originate from the Governor or a designated representative.

[72 FR 62132, Nov. 2, 2007]

47 CFR Ch. I (10-1-09 Edition)

§ 11.11 The Emergency Alert System (EAS).

(a) The EAS is composed of analog radio broadcast stations including AM, FM, and Low-power FM (LPFM) stations; digital audio broadcasting (DAB) stations, including digital AM, FM, and Low-power FM stations; analog television broadcast stations including Class A television (CA) and Low-power TV (LPTV) stations; digital television (DTV) broadcast stations, including digital CA and digital LPTV stations; analog cable systems; digital cable systems which are defined for purposes of this part only as the portion of a cable system that delivers channels in digital format to subscribers at the input of a Unidirectional Digital Cable Product or other navigation device; wireline video systems; wireless cable systems which may consist of Broadband Radio Service (BRS), or Educational Broadband Service (EBS) stations; DBS services, as defined in 47 CFR 25.701(a) (including certain Ku-band Fixed-Satellite Service Direct to Home providers); SDARS, as defined in 47 CFR 25.201; participating broadcast networks, cable networks and program suppliers; and other entities and industries operating on an organized basis during emergencies at the National, State and local levels. These entities are referred to collectively as EAS Participants in this part, and are subject to this part, except as otherwise provided herein. At a minimum EAS Participants must use a common EAS protocol, as defined in § 11.31, to send and receive emergency alerts in accordance with the effective dates listed above and in the following tables:

Monthly and Weekly EAS Tests (All Stations)

Weekly Tests

- 1. Receive test**
Receive and log the weekly test from all of your EAS monitoring assignments.
- 2. Transmit weekly test**
Weekly tests must be conducted by EAS participants on different days and at different times.
- 3. Discontinue normal programming**

Sample Audio Message

This is a test of the Emergency Alert System.

Transmit weekly tests codes and transmit EOM codes.

Use the station EAS encoder to transmit the EAS header code and the EOM code.

Resume normal programming and log receipt and transmission of test.

- 4. Resume normal programming and log**



Emergency Alert System (EAS)

The Emergency Alert System is a national public warning system that requires TV and radio broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service providers, direct broadcast satellite service providers and wireline video service providers to offer to the President the communications capability to address the American public during a national emergency. The system also may be used by state and local authorities to deliver important emergency information such as AMBER (missing children) alerts and emergency weather information targeted to a specific area.

How does the EAS work?

The FCC works with the Federal Emergency Management Agency and the National Oceanic and Atmospheric Administration's National Weather Service to implement the EAS at the national level. Only the President determines when the EAS will be activated at the national level, and has delegated the administration of this function to FEMA. Accordingly, FEMA activates the national EAS, and directs national EAS tests and exercises. The NWS uses the EAS on a local and statewide basis to provide the public with alerts and warnings regarding dangerous weather and other emergency conditions.

The EAS allows participating providers to send and receive emergency information quickly and automatically, even if their facilities are unattended. If one link in the system for spreading emergency alert information is broken, members of the public have multiple alternate sources of warning. EAS equipment also provides a method for automatic interruption of regular programming, and in certain instances is able to relay emergency messages in languages other than English.

What is the FCC's role in EAS?

The FCC's role includes prescribing rules establishing technical standards for the EAS, procedures for EAS participants to follow in the event the EAS is activated and EAS testing protocols. Additionally, the FCC ensures that state and local EAS plans developed by industry conform to the FCC's EAS rules and regulations. The FCC's goal is to make the EAS capable of distributing emergency information as quickly as possible to as many people as possible.

How can state and local authorities use EAS?

Along with its capability of providing an emergency message to the entire nation simultaneously, the EAS allows authorized state and local authorities to quickly distribute important local emergency information. A state emergency manager can use the EAS to broadcast a warning from one or more major radio stations in a particular state. EAS equipment in other radio and television stations, as well as in cable television systems in that state, can automatically monitor and rebroadcast the warning.

What about weather emergencies?

Additionally, EAS equipment can directly monitor the NWS for local weather and other emergency alerts, which local broadcast stations, cable systems, and other EAS participants can then rebroadcast, providing an almost immediate relay of local emergency messages to the public.



EXHIBIT 6

LETTERS OF SUPPORT

**FROM ORANGE COUNTY FOOD BANK AND SUPPORTERS THAT ARE
HIGH PROFILE INDIVIDUALS:**

- 1) LETTER OF SUPPORT FROM MARK A. LOWRY ORANGE COUNTY FOOD
BANK
SUPPORTERS:**
- 2) (1)ORANGE COUNTY FOOD BANK,
(2)JERRY VELASCO,
(3)JANET NAPOLITANO,
(4)ANGELICA MARIA,
(5)VICTOR MENDEZ**



Helping People. Changing Lives.

Community Action Partnership of Orange County

January 22, 2015

To Whom It May Concern,

Representatives of the OC Food Bank have been made aware that Victor Mendez has secured an FCC license, a facility, and related equipment to operate Radio Suerte 90.3 FM in the City of Costa Mesa. Radio Suerte will be operating under a nonprofit with a (501) c3 and has been described to us as a Bi-Lingual station focused on community service.

The OC Food Bank is familiar with Mr. Mendez. He has demonstrated his commitment to community service by picking up food from the OC Food Bank and providing that food to vulnerable Orange County Families.

Mr. Mendez has described his vision for Radio Suerte. This includes regular public service announcements that would feature community based organizations such as the OC Food Bank. Any group, organization, or persons serving to meet the needs of the surrounding community will be given time on Radio Suerte to inform the public of their program. Such public service announcements have the potential to both inform low income families of needed services and to inform others of opportunities for charitable giving and volunteerism.

We understand that there is an issue involving the stations antenna that has delayed the launch of Radio Suerte. We respectfully request your attention to this matter, with hopes that there will be a resolution that will permit Radio Suerte to realize their goal of providing community service based programming.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Lowry".

Mark A. Lowry
Director
OC Food Bank

ML/jh



PROVIDING HOPE
STRENGTHENING FAMILIES
ALLEVIATING HUNGER
EDUCATING YOUTH
CREATING FINANCIAL STABILITY
ENERGY CONSERVATION
BUILDING SAFE & HEALTHY COMMUNITIES
SUPPORTING SENIOR INDEPENDENCE

(LETTER INCLUDED ALREADY)

***We have Jerry Velasco is supporting us 100% along and through him Ms Janet Napolitano. We also have Movie Star, Singer and Celebrity "Angelica Maria" known International, and USA, Mr. Victor Mendez, and other TV and Radio Celebrities.

***MS. JANET NAPOLITANO: [University of California President Janet Napolitano](#) with the 2015 *Inspiration Award*. Her leadership personifies Meritus values: persistence, academic scholarship, and contributions to the community.

Janet Napolitano began her tenure as President of the University of California in September 2013. She is a distinguished public servant with a record of leading large, complex organizations at the federal and state levels. She served as Secretary of Homeland Security from 2009-13, as Governor of Arizona from 2003-09, as Attorney General of Arizona from 1998-2003, and as U.S. Attorney for the District of Arizona from 1993-97. Before that, she practiced at the law firm of Lewis & Roca in Phoenix, where she became a partner in 1989. She began her career in 1983 as a clerk for Judge Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit.

***Jerry Velasco Treasurer of City of El Monte

Mr. Velasco is the Board Vice President of El Monte Promise Foundation and was Planning Commissioner of the City of El Monte. As a prominent actor, producer, and publicist, he is considered the "Information Voice" of Hollywood and Hispanics and is sought after as a speaker in the United States, Mexico, and Latin America. He is a successful actor who appears in both American and Mexican television and films. Mr. Velasco is involved with many local, national, and international non-profit organizations. Mr. Velasco was raised in the city of Los Angeles and is a native of Jalisco Mexico.

***ANGELICA MARIA

Angélica María is an American-born Mexican actress and a Grammy Award-winning singer-songwriter. Who has had 5 Shows, 58 Films, 20 TV Soap Operas, 16 Plays, 56 video songs, recorded 64 CD's, 244 awards in America, 64 soap operas, and over 600 TV Shows, 500 songs and several Grammy Awards

***VICTOR MENDEZ

Practically born behind the microphone was in television since the age of 8. Comes from a Family of Singers, Celebrities and all kinds of Talents. Is a very popular Radio Disc Jockey in the Hispanic Media with high ratings. Has had his own Television Shows which Network across all of the United States including a Network going to Mexico and 16 countries in South America.

He's the founder and President of a Qualified Tax Exempt Nonprofit Organization Int, Crusade of the Penny is not only well known with the Public, his fans but also known and respected by Celebrities in the communications field of Television, Radio and Newspapers.

**ATTACHMENT 6
CORRESPONDENCE FROM PUBLIC**

LEE, MEL

Subject: FW: Installation of 40' Tower at 400 Fair Drive

From: Carol Morrison [<mailto:275cam.m@gmail.com>]

Sent: Monday, March 16, 2015 8:07 PM

To: FLYNN, CLAIRE

Subject: Installation of 40' Tower at 400 Fair Drive

Dear Ms. Flynn,

There has been discussion in the NextDoor Princeton Group about the application to install a radio station antenna at the above location. We've been informed that it is the City's plan to deny the application. My husband and I live in the College Park area and are firmly against this tower since something of this height is totally out of character in a residential area. We appreciate your intent to deny this application. Carol and Jack Morrison, 275 Princeton Drive, Costa Mesa, CA.

LEE, MEL

Subject: FW: Cell phone tower

From: robe465@sbcglobal.net [mailto:robe465@sbcglobal.net]

Sent: Monday, March 16, 2015 3:40 PM

To: FLYNN, CLAIRE

Subject: Cell phone tower

Please deny the application for the 70' tower at 440 Fair drive. We are a residential neighborhood in close proximity to a commercial area but that does not mean we have to have this type of development near by. Thank you for considering this.

Janet and Alastair Robertson
308 Hanover Drive
Costa Mesa

Sent from Samsung tablet

LEE, MEL

From: Teresa Drain <teresadrain@gmail.com>
Sent: Monday, March 16, 2015 11:46 AM
To: FLYNN, CLAIRE
Cc: ARMSTRONG, GARY; BOUWENS-KILLEEN, WILLA; LEE, MEL
Subject: Fwd: ZA Decision for 3/19/2015

Dear Claire,

I see by the attached note that the Zoning Administrator will be recommending denial of the antenna at 440 Fair Drive on March 19, 2015.

I want to thank you, the Zoning Administrator, and any and all of the staff involved for the recommendation for denial of this project.

Your support for keeping the aesthetics and character of our neighborhoods free of this type of installation is greatly appreciated. Our neighbors have shown a lot of concern about the installation of a a 70-foot tall antenna adjacent to our homes.

I will be sure to let the neighbors know of your consideration. Again, thank you for recommending denial of this project.

Best, Teresa

Begin forwarded message:

From: "ARMSTRONG, GARY" <GARY.ARMSTRONG@costamesaca.gov>
Date: March 16, 2015 8:51:30 AM PDT
To: Teresa Drain <teresadrain@gmail.com>
Cc: "LEE, MEL" <MEL.LEE@costamesaca.gov>
Subject: FW: ZA Decision for 3/19/2015

Teresa,

I have asked Mel Lee, the Project Planner for this item, to respond to your inquiry, but the notice is provided below.

Gary

Gary Armstrong, AICP
Economic and Development Services
Director / Deputy CEO
City of Costa Mesa
(714) 754-5182

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From: FLYNN, CLAIRE
Sent: Friday, March 13, 2015 3:26 PM
To: ARMSTRONG, GARY
Cc: BOUWENS-KILLEEN, WILLA; LEE, MEL
Subject: ZA Decision for 3/19/2015

The Zoning Administrator will be recommending denial of this request: Please see the notice card on the website:

<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=17428>

<image001.jpg>

Thanks.

<image002.png> AICP

Asst. Development Services Director
Development Services Department
City of Costa Mesa
77 Fair Drive, Costa Mesa, CA 92626
(714) 754-5278

<image003.jpg>

LEE, MEL

Subject: FW: ZA-15-09 objection

From: LOOMIS, RYAN
Sent: Wednesday, March 18, 2015 3:56 PM
To: LEE, MEL
Subject: ZA-15-09 objection

Mel,

I received a phone call from Mrs. Luke in objection to ZA-15-09 due to possible interference with their TV antenna. She lives near project.

If you have any questions or concerns, please contact me.

Thank you,

Ryan Loomis | Associate Planner
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92628
Ph. (714) 754-5608 Fax. (714) 754-4913
ryan.loomis@costamesaca.gov



From: Teresa Drain <teresadrain@gmail.com>
Sent: Thursday, March 19, 2015 8:59 AM
To: ARMSTRONG, GARY; FLYNN, CLAIRE
Subject: Antenna at 440 Fair ZA-15-09

Gary and Claire,

I wanted to thank you, and staff, for your prompt responses to the many questions regarding the installation of an antenna at 440 Fair Drive.

This note is just to recap some of the many concerns about this installation from the neighbors in College Park. In the unlikely event that this application is approved, the notice indicated that we may be limited to the concerns raised prior to the decision. Concerns included:

- Unsightly antenna without screening
- Interference with reception of other local stations
- Radiation effects on health
- Safety in inclement weather (wind, lightning)
- Parking space removed for installation
- Potential loss to property values
- Loss of clear view
- Size of antenna is a lot taller than surrounding structures
- This antenna is incompatible with the character and nature of the surrounding neighborhood
- Potential hazard for helicopter flight paths
- Installation of unsightly and unscreened cell antennas on this antenna
- potential height increases with additional antennas added to this structure
- CUP approval would change the land use of this parcel
- structure is incompatible with the scale, character, and nature of our established neighborhood, being installed adjacent to our R-1 neighborhood
- we wish to preserve and protect the value and identity of the established residential neighborhoods
- CEQA compliance (the new installation of an antenna; is not an existing structure)

Therefore, with the recommendation of staff to deny this application, the above concerns will be moot. As such, the neighbors of College Park support the denial of this application and thank you for your consideration.

Teresa Drain

LEE, MEL

Subject: FW: Planning application ZA-15-09

-----Original Message-----

From: tr4afan@netzero.net [mailto:tr4afan@netzero.net]

Sent: Thursday, March 19, 2015 7:41 AM

To: ARMSTRONG, GARY

Subject: Planning application ZA-15-09

TO THE ZONING ADMINISTRATOR ---

I also entered this comment onto the Costa Mesa Connect website before I found your email address.

Concerning application No. ZA-15-09 (70 foot tall FM radio tower). Even though it is located on Harbor Blvd, it is still in a residential area! Homes are very close to this location. A large commercial antenna should be restricted to an antenna farm or another unobtrusive area away from residential homes.

Bob White

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**ATTACHMENT 7
SITE PHOTOS**

**LOCATION OF
PROPOSED
RADIO
TOWER**



PHOTOS OF SUBJECT PROPERTY

PH-2

COLGAN, JULIE

From: Carol Morrison <275cam.m@gmail.com>
Sent: Friday, May 08, 2015 6:51 PM
To: PLANNING COMMISSION
Subject: Radio tower appeal on Fair Drive

My husband and I have lived in College Park on Princeton Drive for 45 years, and we would like to express our objection to a 70' radio tower in this area. It is very inappropriate for a residential area and should be installed in a commercial or industrial area instead. Carol and Jack Morrison

Sent from my iPad

PH-2

COLGAN, JULIE

From: Lori Robnett <lorirobnett@aol.com>
Sent: Monday, May 11, 2015 10:29 AM
To: PLANNING COMMISSION
Subject: tower

I am emailing my objection a tower being installed down the street from me

Lori Robnett
College Park Home Owner

PH-2

COLGAN, JULIE

From: Eleanor Egan <mamalili@pacbell.net>
Sent: Monday, May 11, 2015 10:33 AM
To: PLANNING COMMISSION
Subject: Radio antenna

Gentlemen:

Please support the integrity of the residential neighborhood and Costa Mesa's regulations by affirming the decision of the zoning administrator to deny a permit for an out-of-scale broadcast antenna, on your agenda this evening.

Thank you.

"Be convinced that to be happy means to be free and that to be free means to be brave." -
Thucydides

PH-2

COLGAN, JULIE

From: Teresa Drain <teresadrain@gmail.com>
Sent: Monday, May 11, 2015 12:54 PM
To: PLANNING COMMISSION
Subject: Support of Denial of ZA-15-09

As residents of the College Park neighborhood since 1998, we are writing in support of the Zoning Administrator's denial of the 70' tall ground mounted radio tower at 440 Fair Drive. The size and scale of a tower of this size is not compatible with the City of Costa Mesa's Zoning Codes, nor the General Plan for Land Use and Community Design.

We also have concerns with the proximity of this tower to the existing overhead telephone lines at 440 Fair Drive, and a heliport.

We admire and support the applicant's desire for increasing awareness and support for a better community. We would support this low-power FM radio station if it were to be installed in an appropriate location in the city, and in compliance with all zoning codes.

Thank you,
Jim and Teresa Drain
427 Princeton Drive