

October 25, 2017

NOTICE OF DECISION

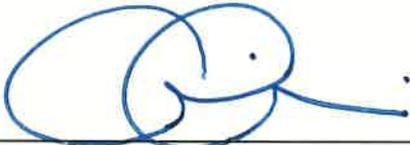
NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution No. 2017-37, denying, without prejudice, Major Wireless Telecommunications Facility Permit ASG No. 69 to allow the replacement of an existing 24.5' tall streetlight with a 24' tall streetlight with two 21.4" side-mounted panel antennas flush with the pole and related vaulted mechanical equipment at:

LOCATION: Across 3486 Seaglen Drive
APPLICANT: Crown Castle
PROPERTY OWNER: City of Rancho Palos Verdes

Said decision is subject to the Conditions of Approval set forth in P.C. Resolution No. 2017-37 (available on the City's website at <http://www.rpvca.gov/916/Wireless-Telecommunications-Facilities>).

This decision may be appealed, in writing, to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the approval date, or by 5:30 p.m. on Wednesday, November 8, 2017. A \$2,275.00 appeal fee (or a \$1,275.00 appeal fee for residents) must accompany any appeal letter. If no appeal is filed in a timely manner, the Planning Commission's decision will be final at 5:30 p.m. on Wednesday, November 8, 2017.

If you have any questions, or would like to discuss the project further in detail, please contact Art Bashmakian at (310) 544-5227 or via email at wirelessTF@rpvca.gov.



Ara Mihranian, AICP
Director of Community Development

Enclosure

cc: Crown Castle
Project File

P.C. RESOLUTION NO. 2017-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DENYING, WITHOUT PREJUDICE, MAJOR WIRELESS TELECOMMUNICATIONS FACILITY PERMIT ASG NO. 69 TO ALLOW THE REPLACEMENT OF AN EXISTING 24.5' TALL STREETLIGHT WITH A 24' TALL STREETLIGHT WITH TWO 21.4" SIDE-MOUNTED PANEL ANTENNAS FLUSH WITH THE POLE WITH RELATED VAULTED MECHANICAL EQUIPMENT ACROSS FROM 3486 SEAGLEN DRIVE.

WHEREAS, Chapter 12.18 of the Rancho Palo Verde Municipal Code (RPVMC or Municipal Code) governs the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities ("WTFs") in the city's public right-of-way ("PROW") (RPVMC § 12.18.010);

WHEREAS, beginning in May of 2016, Crown Castle (the "Applicant") applied to the City for an Wireless Telecommunications Facility Permit ("WTFP"), pursuant to Section 12.18.040(A) of the Municipal Code, to install 26 antennas in the public right-of-way (PROW) to service AT&T customers throughout the City including ASG No. 69 ("Project") located across from 3486 Seaglen Drive;

WHEREAS, the Project calls for the replacement of the existing 24.5' tall concrete streetlight with a 24' tall streetlight with mast arm and luminaire to accommodate the installation of two 21.4" flush side-mounted panel antennas that would be affixed to the side of the pole with accessory equipment to be vaulted in the PROW;

WHEREAS, because the Project's location is within a residential zone and within the PROW of a local street as identified in the General Plan, approval of a WTFP also requires the Planning Commission make the appropriate findings for an Exception under Section 12.18.190 of the Municipal Code;

WHEREAS, the Project is exempt from review under the California Environmental Quality Act ("CEQA") because the Project constitutes a small scale installation of new a new facility (14 CCR § 15303(d));

WHEREAS, on October 10, 2017, after considering testimony and evidence presented at the public hearings, the information and findings included in the Staff Report, and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes moved to deny, without prejudice, ASG No. 69 and directed Staff to come back with a denial resolution for adoption at its October 24, 2017 meeting.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The proposed Project is a request to:

- A. Install a WTF across from 3486 Seaglen Drive.
- B. Removal of an existing 24.5' tall streetlight pole with a mast arm and luminaire to be decommissioned and replaced with a 24' (total pole height) tall streetlight pole with two 21.4" panel antennas that will be side-mounted to the new streetlight pole.
- C. Install vaulted mechanical equipment in the PROW.

Section 2: The findings required to be made by the Planning Commission for the approval of a WTF permit, as set forth in Chapter 12.18 of the RPVMC, have not been made as follows:

- A. **The Project does not meet the Findings required by Section 12.18.090, Subsection B, of the Municipal Code, which particularly requires that “[t]he proposed facility has been designed and located in compliance with all applicable provisions of this chapter,” as follows:**

12.18.080(A)(1)(a): The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties all in a manner that achieves compatibility with the community and in compliance with Section 17.02.040 (View Preservation and Restoration) of this code.

The proposed replacement pole with two 21.4" panel antennas that will be side-mounted to the new streetlight pole, at a height of 24' (total pole height), does not blend with the surrounding environment and would visually impact the character of the neighborhood as experienced from the PROW and private properties.

The proposed installation and support equipment does not meet the “non-dominant design” standard requiring a facility to be compatible with the surrounding environment. The overall appearance of the proposed side-mounted antenna to the new streetlight replacement pole, in its proposed location, is a dominant feature that is out-of-character to the surrounding neighborhood as there are no other structures or natural features in the immediate area with a similar size and shape that would lend themselves to screening or blending the facility into the built and natural environment. The proposed antenna design is of a size and shape that the streetlight would be dominated by said antenna, thus making the proposed facility the dominant feature at this residential street area. A

preferred design would present equipment that is seamlessly integrated into the street light pole or a “slim-line” design that does not present the antenna nodes as the dominate feature on this street light pole.

12.18.080(A)(1)(b): *Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.*

The area in which this project is proposed consists of non-dense, upscale residential structures with well-maintained manicured landscaping. Consistent with this surrounding environment, all utilities in the neighborhood have been undergrounded. As such, the proposed side-mounted panel antennas will not visually blend with the surrounding environment. The antennas will be visually intrusive as there are no similar vertical elements with similar facilities in the neighborhood, thus making the proposed facility the dominant feature on this residential street. The “industrial-utility” looking style of the proposed facility is incompatible with the style and quality of the surrounding residential neighborhood. Adequate screening and fairing measures were not taken to blend the side-mounted panel antennas with the pole. This has the effect of creating greater mass and bulk than now exists and will have the negative effect of being more visible. This will draw more attention to this facility and will reduce the desirability, including the potential to reduce property values, of this residential neighborhood.

The proposed installation is not compatible with the surrounding environment. The overall appearance of the proposed side-mounted panel antennas to the streetlight pole, in its proposed location, is a dominant feature that is out-of-character to the surrounding neighborhood or natural features in the immediate area with a similar size and shape that would lend themselves to screening or blending the facility into the built and natural environment. The City of Rancho Palos Verdes’ streets, parkway- and median- landscaping, and public utilities within the rights-of-way have been planned and constructed to achieve an attractive appearance that includes minimizing the number and appearance of utilities and related equipment, particularly in residential areas, especially wherein all utilities have been undergrounded. This proposed antennas will detract from the visual appearance of the streetscape. These incremental changes to the improvements in the right-of-way will lead to the deterioration of the City's well-maintained streetscapes. The proposed facility is not sufficiently compatible with matters of urban design and the long-term maturation of this residential neighborhood—especially in light of the fact that the Applicant did not establish the presence of a significant gap in coverage that would necessitate the proposed facility (discussed below).

12.18.080(A)(5): *Equipment. The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted, to the extent feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this section, antennas shall be situated as close to the ground as possible.*

The record presented no evidence of the proposed antennas being situated as close to the ground as possible. The replacement streetlight pole will be approximately 24' in height and would support two side-mounted panel antennas that are not adequately screened to blend with the pole nor does the project utilize a slim design to an extent that maximally blends with the verticality of the pole, and is not the least intrusive design based on industry standards found for other antenna poles. This has the effect of creating greater mass and bulk than now exists and will have the negative effect of being more visible. This will draw more attention to this facility and will reduce the desirability of this residential neighborhood.

12.18.080(A)(6)(e): *Replacement Poles. If an applicant proposes to replace a pole in order to accommodate a proposed facility, the pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.*

The proposed replacement pole with the side-mounted panel antennas, at a height of 24', does not blend with the surrounding environment and would visually impact the character of the neighborhood as experienced from the PROW and private property.

The proposed installation and support equipment does not meet the design standard requiring a facility to be compatible with the surrounding environment. The overall appearance of the side-mounted panel antennas to the streetlight pole, in its proposed location, is a dominant feature that does not resemble in appearance or dimension any other features in the surrounding neighborhood because there are no other structures or natural features in the immediate area with a similar size and shape that would lend themselves to screening or blending the facility into the built and natural environment. The proposed antenna design is of a size and shape that the streetlight pole itself would be dominated by said antenna, and the street at which the installation is proposed would be dominated by the antenna, thus making the proposed facility a non-conforming feature in appearance and dimension. A preferred design would present equipment that is fully integrated into the street light pole or a "slim-line" design that much more closely resembles an actual residential street light pole, as opposed to the proposed antenna installation.

12.18.080(A)(7): *Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.*

The replacement pole would take up much more right-of-way space compared to the existing streetlight pole occupying much more air space above the right-of-way than other feasible “slim-line” or pole-integrated designs found in the industry.

- B. The Project does not meet the Findings required by Section 12.18.190, Subsection B.2, of the Municipal Code, which particularly requires that “[t]he applicant has provided the city with a clearly defined technical service objective and a clearly defined potential site search area,” as follows:**

The “technical service objective” identified by the Applicant in all application documents alleges the need to address of a “significant gap” in coverage. The wireless service area to be served by the proposed facility only encompasses approximately 32 homes and is not located upon a major highway or thoroughfare serving many in-vehicle users. Further, the proposed installation only covers a relatively small portion of the technical service objective. In addition, the proposed installation will only cover a small local street (Seaglen Drive) that ends with a cul-de-sac, and thus will not be providing service to a significant number of in-vehicle end users. To the extent any dead zone or dropped-call area was found to exist, such area was not found to be significant. Even if the Applicant’s allegations are correct, the Applicant is not entitled to seamless or perfect coverage in every area it serves. At most, the record reveals the existence of a small “dead spot” in coverage is hereby found to be an insignificant deficiency in Applicant’s existing coverage in the area. It was found that the proposed installation would only service a small number of potential residents.

- C. The Project does not meet the Findings required by Section 12.18.090, Subsection E, of the Municipal Code, which particularly requires that “[t]he applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable technical service objectives,” as follows:**

The Applicant has not provided a meaningful alternative comparative analysis and the proposed project is not found to be the preferred design. See above discussions in regards to RPVMC §12.18.080 for further detail, which discussions are incorporated here.

Furthermore, there is inadequate documentation to support a conclusion that no other design alternative exists that might better conceal the proposed facilities from public view. Opportunities to locate wireless facilities in remote locations deserve greater consideration as an alternative. This could result in the identification of remote wireless installations that provide adequate coverage to homes in this residential neighborhood. One such location raised at the hearing, suggested locating the proposed installation up the hillside from its current location such that it can be screened by the natural landscaping.

Section 3: Pursuant to Section 12.18.060 of the Municipal Code (referencing Chapter 17.80 of the Municipal Code), any interested person aggrieved by this decision or any portion of this decision may appeal to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the date of this decision, or by 5:30 p.m. on Wednesday, November 8, 2017. The Council-approved appeal fee must accompany any appeal letter. If no appeal is filed timely, the Planning Commission's decision will be final at 5:30 p.m. on Wednesday, November 8, 2017.

Section 4: For the foregoing reasons and based on testimony and evidence presented at the public hearings, the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby denies, without prejudice, ASG No. 69 for the proposed wireless telecommunication facility installation across from 3486 Seaglen Drive.

PASSED, APPROVED AND ADOPTED this 24th day of October 2017, by the following vote:

AYES: Commissioners Bradley, Emenhiser, Nelson, Tomblin, and Vice-Chair James

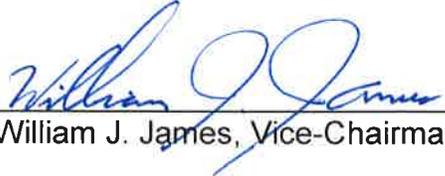
NOES: None

ABSTENTIONS: Chairman Cruikshank

RECUSALS: None

ABSENT: Commissioner Leon


Ara Mihranian, AICP
Community Development Director; and,
Secretary of the Planning Commission


William J. James, Vice-Chairman