

November 15, 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. 2017-39, denying, without prejudice, Major Wireless Telecommunications Facility Permit ASG No. 48 to allow the installation of two 21.4" panel antennas encased in a 2' tall canister shroud on an existing 40.5' tall wood utility pole with related vaulted mechanical equipment at:

LOCATION: Terminus of Mossbank Drive west of Basswood Avenue

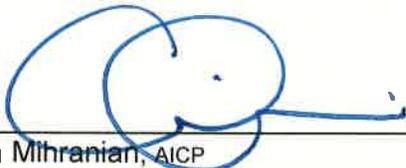
APPLICANT: Crown Castle

PROPERTY OWNER: City of Rancho Palos Verdes

Said decision is subject to P.C. Resolution No. 2017-39 (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 4:30 p.m. on Friday, December 1, 2017 (extended due to the Thanksgiving holiday). 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 4:30 p.m. on Friday, December 1, 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 Mithranian, AICP
Director of Community Development

Enclosure

cc: Crown Castle
Project File

P.C. RESOLUTION NO. 2017-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DENYING, WITHOUT PREJUDICE, WIRELESS TELECOMMUNICATIONS FACILITY ASG NO. 48 FOR THE INSTALLATION OF TWO 21.4" PANEL ANTENNAS ENCASED IN A 2' TALL CANISTER SHROUD ON AN EXISTING 40.5' TALL WOOD UTILITY POLE WITH RELATED VAULTED MECHANICAL EQUIPMENT AT THE TERMINUS OF MOSSBANK DRIVE WEST OF BASSWOOD AVENUE.

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. 48 (the "Project") located at the terminus of (lower) Mossbank Drive west of Basswood Avenue;

WHEREAS, the original proposal called for the installation of two 24" panel antennas mounted on a 26' tall replacement street light pole at the corner of Basswood Avenue and Mossbank Drive. The radio equipment and power meter were to be placed on the ground adjacent to the street light pole, consisting of 9.7 cubic feet of equipment boxes in the PROW;

WHEREAS, the revised proposal called for the installation of two 23.1" panel antennas mounted on a cross extension arm, placed at a height of 27' from the ground, on the existing 40.5' tall wood utility pole with pole mounted mechanical equipment;

WHEREAS, the Project was further revised for the installation of two 21.4" panel antennas, encased in a 2' tall canister shroud on the existing 40.5' tall utility pole;

WHEREAS, the Project was also revised to include vaulted mechanical equipment including the radio and auxiliary equipment, as well as the SCE meter box in a secondary vault. The Project consists of a total of three vaults measuring approximately 43 square feet;

WHEREAS, because the Project's location is within a residential zone and within the PROW of local streets as identified in the General Plan, approval of a WTFP also requires 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 a new facility (14 CCR § 15303(d));

WHEREAS, on September 26, 2017, the Planning Commission held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence, and, at the request of the Applicant, continued the public hearing to October 24, 2017;

WHEREAS, on October 24, 2017, the Planning Commission held the duly noticed continued public hearing, at which time all interested parties were given an opportunity to be heard and present evidence; and

WHEREAS, on October 24, 2017, the Planning Commission considered testimony and evidence presented at the public hearings, the information and findings included in the Staff Report and related attachments.

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 at the terminus of (lower) Mossbank Drive west of Basswood Avenue;
- B. Install two 21.4" panel antennas, encased in a 2' tall canister shroud measuring 2' in diameter that will be mounted on a 4' mast arm, extending from an existing 40.5' tall wood utility pole approximately 25' from the ground level; and,
- C. Install vaulted underground mechanical equipment, including the radio and auxiliary equipment, measuring approximately 43 square feet in surface area in the street.

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 Planning Commission was unable to make the Findings required by Section 12.18.090, Subsection B, of the Municipal Code 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 installation of panel antennas encased in a 2' tall canister shroud, at a height of 25' from the ground level, that would be affixed to a 40.5' tall wood utility pole, does not blend with the surrounding environment and would visually impact the character of the neighborhood, as well as visually impact the adjacent open space area known as the Malaga Canyon Reserve, a sub-area of the Palos Verdes Nature Preserve.

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 size of the proposed antenna and canister shroud that is attached to a 4' arm of a wood utility pole, in its proposed location, is a feature that is out-of-character in the surrounding neighborhood as there are no other structures or natural features in the immediate area that would lend themselves to screening or blending the facility into the built and natural environment. The area immediately to the west is an open space preserve, known as the Malaga Canyon Reserve, with hiking trails. The installation of the WTF would significantly impacts views from the nearby residents and the Preserve. A more compliant design would present equipment that is seamlessly integrated into the utility pole or a "slim-line" design that does not present the antenna nodes as the dominate feature on this wood utility 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 a large open space preserve and non-dense, upscale residential structures with well-maintained manicured landscaping and parkways. The proposed panel antennas encased in a canister shroud that would be affixed by a 4' arm to a wood utility pole exacerbates the visual clutter in the surrounding environment and would be visually intrusive as there are no similar vertical elements with similar facilities in the neighborhood.

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 which includes minimizing the number and appearance of utilities and related equipment, particularly in residential areas.

Consequently, the proposed facility is not sufficiently compatible with matters of urban design and the adjacent open space preserve 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.

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 Applicant presented no evidence of the proposed antennas being situated as close to the ground as possible. The proposed panel antennas encased in a canister shroud measuring approximately 2' tall has not been designed to be flush mounted that blends with the verticality of the pole, and is not the least intrusive design based on industry standards found for other antenna poles.

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 proposed WTF would be mounted to the 4' arm of an existing wood utility pole and would take up more right-of-way space compared to the existing utility pole and does not use other feasible "slim-line" or pole-integrated designs found in the industry.

B. The Planning Commission was unable to make the Findings required by Section 12.18.190, Subsection B.2, of the Municipal Code, 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 is the coverage of a "significant gap" in coverage. The evidence in the written record and at the public hearing did not support a finding of a significant gap. Rather, the evidence established that the target area in general has good coverage for 3G and most 4G networks. The Applicant is not entitled to seamless or perfect coverage for 4G and LTE in every area it serves, and 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 and inconsistent with the Applicant's alleged technical service objective. The installation of ASG No. 21 and its impact to the Applicant's technical service objective along Basswood Drive, remain unclear as ASG No. 21 is not currently "on-line" and therefore its impact could not be evaluated or tested until such time as ASG No. 21 is "on-line."

- C. The Planning Commission was unable to make the Findings required by Section 12.18.090, Subsection E, of the Municipal Code, 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. The Applicant failed to sufficiently demonstrate the coverage of the proposed installation in light of a recently approved WTF (ASG No. 21) on Silver Spur Road which could preclude the necessity of ASG 48 at the subject location and/or in the manner as designed.

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 29, 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 29, 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. 48 for the proposed wireless telecommunication facility installation at the terminus of Mossbank Drive, west of Basswood Avenue.

PASSED, APPROVED AND ADOPTED this 14th day of NOVEMBER 2017, by the following vote:

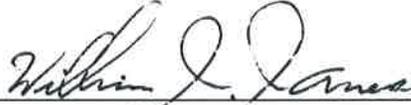
AYES: Commissioners Leon, Emenhiser, Nelson, Tomblin, and Vice Chair James

NOES: None

ABSTENTIONS: None

RECUSALS: None

ABSENT: Commissioner Bradley



William J. James
Vice-Chairman



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