

P.C. RESOLUTION NO. 2018-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES RECOMMENDING TO THE CITY COUNCIL THE APPROVAL, WITH CONDITIONS, OF WIRELESS TELECOMMUNICATIONS FACILITY ASG NO. 32 TO ALLOW THE INSTALLATION OF ANTENNAS ENCASED IN A CANISTER MEASURING 2' TALL AND 14.6" IN DIAMETER TO A REPLACEMENT STREETLIGHT POLE NOT TO EXCEED 29'-9" IN TOTAL HEIGHT AS MEASURED TO THE TOP OF THE CANISTER WITH RELATED VAULTED MECHANICAL EQUIPMENT ADJACENT TO 29716 WHITLEY COLLINS 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 (the "Project") including ASG No. 32 located adjacent to 29504 Whitley Collins Drive;

WHEREAS, the original Project called for an existing 25'-6" tall streetlight with a mast arm and luminaire to be decommissioned and replaced with a 25'-6" tall streetlight pole with two 21.4" panel antennas that would be side-mounted to the pole and the installation of above-ground mechanical equipment and meter box measuring 9.7 cubic feet in area within the public right-of-way (PROW);

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 new a new facility (14 CCR § 15303(d));

WHEREAS, on August 8, 2017, the Planning Commission continued the public hearing to August 30, 2017;

WHEREAS, on August 30, 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;

WHEREAS, on August 30, 2017, after considering testimony and evidence presented at the public hearing, 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. 32 on a vote 4-0 (Commissioners Leon and Tomblin, and Vice-Chair James were absent);

WHEREAS, on September 14, 2017, a timely appeal of the denial was filed by the Applicant for a City Council appeal hearing;

WHEREAS, on November 15, 2017, a public notice on the appeal was mailed to property owners within a 500-foot radius of the subject site and published in the Daily Breeze, pursuant to the requirements of the Rancho Palos Verdes Municipal Code. A courtesy public notice was published in the Peninsula News on November 23, 2017 and a list-serve message was sent to the subscribers;

WHEREAS, on November 30, 2017, the City Council held a duly noticed public hearing on the appeal, at which time all interested parties were given an opportunity to be heard and present evidence;

WHEREAS, on November 30, 2017, the City Council voted to refer the Project back to the Planning Commission for reconsideration while maintaining its jurisdiction because the Applicant proposed to relocate the Project to another location adjacent to 29716 Whitley Collins Drive and had provided alternative design options that the Planning Commission has not originally considered;

WHEREAS, on January 11, 2018, a public notice was mailed to property owners within a 500-foot radius of the subject site and published in the *Peninsula News*, announcing that a public hearing on the proposed facility is scheduled to occur on Tuesday, January 30, 2018.

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 adjacent to 29716 Whitley Collins Drive,
- B. Removal of an existing 29'-9" tall marbelite street light with a mast arm and luminaire to be decommissioned and replaced with a 29'-9" tall marbelite octagonal streetlight pole, as measured to the top of the canister, with antennas encased in canister measuring 2' tall and 14.6" in diameter.
- C. Install vaulted underground mechanical equipment in the PROW.

Section 2: Approval of a WTFP is warranted because the Project meets the findings required by Section 12.18.090 of the Municipal Code:

A. All notices required for the proposed installation have been given.

Crown Castle and the City have provided all notices required by the RPVMC. On January 5, 2018 property owners within 500 feet of the proposed facility were notified of the WTF mock-up which occur at least 30 days in advance of the final City Council public hearing. Further, on January 11, 2018, a public notice announcing the January 30, 2018 public hearing was provided to property owners within 500 feet of the proposed WTF stating that the City Council was referring the matter back to the Planning Commission. On December 1, 2017, the Applicant provided the City with a Shot Clock Tolling Agreement establishing a new Shot Clock Expiration date of February 28, 2018. The Applicant has notified the City 20 days prior to the expiration of the shot clock for this application, which is now February 28, 2018. Accordingly, all notice requirements have been met.

B. The proposed facility has been designed and located in compliance with all applicable provisions of this chapter.

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.*

As proposed, the revised Project employs screening and a camouflage design with the use of a canister shroud measuring 2' tall and 14.6" in diameter to replacement streetlight pole that will not exceed a total height of 29'-9" as measured from grade to the top of the canister. All cabling will be obscured by the use of clips or the like. The light standard will match the decommissioned light standard and those in the immediate area. All of the related mechanical equipment will be undergrounded in three vaults measuring a total of 43 square feet.

The Project will not have any significant view impairment to surrounding properties pursuant to Chapter 17.02.040 of the RPVMC. In terms of cumulative visual or view impacts, a significant view impairment will not occur if other streetlight poles in this location of the City were replaced to accommodate a similar WTF.

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 antennas will be encased in a canister shroud to a replacement streetlight pole that matches other streetlight poles in the area, and the replacement streetlight pole will utilize similar color, size, proportion, style, and quality to other street poles in the area. The canister will be painted to match the light pole with a concrete color. All cables and wires will be routed directly into the pole with no loops or exposed cables, with all cables clipped-up at the antenna-meeting point and contained within the canister. For this location, the canister installed to the top of a replacement streetlight pole is an appropriate technique that disguises and blends the facility into the environment.

12.18.080(A)(1)(c): *Facilities shall be located such that views from a residential structure are not significantly impaired. Facilities shall also be located in a manner that protects public views over city view corridors, as defined in the city's general plan, so that no significant view impairment results in accordance with this code including Section 17.02.040 (View Preservation and Restoration). This provision shall be applied consistent with local, state and federal law.*

The Project with antennas encased in a canister shroud will not result in a significant view impairment to surrounding residences, as defined in Section 17.02.040 (View Preservation and Restoration Code) of the RPVMC. City defined viewing areas such as living rooms, family rooms, dining rooms and outside rear patios are typically located on the ground floor areas of a residence. In terms of cumulative visual or view impacts, a significant view impairment will not occur if other streetlight poles in this location of the City were replaced to accommodate a similar WTF.

12.18.080(A)(3): *Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts to traffic safety.*

The proposed Project involves a replacement streetlight pole with the installation of antennas encased in a canister shroud that will be mounted to the top of a replacement streetlight pole that will be at approximately 26' above the drivable road. Additionally, the related mechanical equipment will be vaulted underground to avoid traffic safety impacts.

12.18.080(A)(4): *Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.*

The replacement streetlight pole will consist of colors and materials that are subdued and non-reflective. Further, they are the same as the existing streetlight pole and other streetlight poles in the immediate area.

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 Project includes the installation of antennas encased in a canister shroud measuring 2' tall and 14.6" in diameter to the top of a replacement streetlight pole that will not exceed a maximum height of 29'-9" as measured to the top of the canister with mechanical equipment that will be vaulted within the street. As proposed, the canister would be visible, but it would screen the antennas and cables from view. In regards to collocation, in order to accommodate additional antennas, the height of the streetlight pole would have to be increased by approximately 5' to accommodate collocation because of the size of the panel antennas combined with there being a need to provide a separation of at least 1' between antenna panels for functionality purposes. The design does not preclude the possibility of collocation by the same or other operators or carriers but it may not always minimize visual impact.

12.18.080(A)(6)(a): *Facilities shall be located consistent with Section 12.18.200 (Location Restrictions) unless an exception pursuant to Section 12.18.190 (Exceptions) is granted.*

The proposed location is within the PROW of local residential street as identified in the City's General Plan. The findings for an Exception are required.

12.18.080(A)(6)(b): *Only pole-mounted antennas shall be permitted in the right-of-way. All other telecommunications towers are prohibited, and no new poles are permitted that are not replacing an existing pole. (For exceptions see subparagraph (6)(h) below and sections 12.18.190 (Exceptions) and 12.18.220 (State or Federal Law).)*

The proposal meets this finding because it involves a replacement streetlight pole with mounted antenna panels within the right-of-way. No new pole is proposed that does not replace the existing pole.

12.18.080(A)(6)(d): *Light Poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.*

The replacement pole will be the same height as the existing streetlight pole and the canister will be within that height. No portion of the antenna or equipment is less than 16½' above the drivable road surface.

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 streetlight pole will match the appearance, in terms of color, height, size and dimensions of the existing pole and all other light poles in the immediate area. The replacement streetlight pole and related equipment will consist of a Marbelite finish and painted in a concrete color to match the existing street light poles in the area. A smaller antenna technology is possible, but smaller antennas will require the installation of many more poles in the neighborhood to achieve the same coverage and capacity.

12.18.080(A)(6)(f): Pole mounted equipment, exclusive of antennas, shall not exceed six cubic feet in dimension.

There will not be pole mounted equipment, excluding antennas. The related mechanical equipment will be vaulted.

12.18.080(A)(6)(i): All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the pole and shall be camouflaged or hidden to the fullest extent feasible.

All cables and wires are required to be short, encased in the shroud and directly routed to the pole in order to be hidden from view with no loops, exposed cables, splitters or unsightly wires.

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 streetlight pole is similar in dimension to the existing streetlight pole. The placement of the antennas on the side of the pole will occupy limited air space above the right-of-way. The supporting mechanical equipment will be undergrounded and the vault necessary to house the equipment measures approximately 43 square feet of total surface area. This space is the least amount of space that is technically feasible for equipment owned by AT&T. Furthermore, the space that will be occupied is below the surface with minimum exhaust vents that will be flush to the surrounding ground.

12.18.080(A)(8): *Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.*

Based on the information submitted by the Applicant and as confirmed by the City's consultants, the Planning Commission finds that the proposed installation complies with all building codes related to wind loads.

12.18.080(A)(9): *Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the right-of-way, or safety hazards to pedestrians and motorists and in compliance with Section 17.48.070 (Intersection Visibility) so as not to obstruct the intersection visibility triangle.*

The design, height and size of the proposed installation, including the undergrounding of the mechanical equipment, will not cause an obstruction to the public's use of the PROW, constitute a safety hazard and/or does not interfere with the City-defined intersection visibility triangle. The proposed replacement streetlight pole provides the same lighting, height and setback parameters applicable to other streetlight poles. The mechanical equipment will be vaulted under the existing parkway, and conditions are proposed to ensure the vents do not physically obstruct the safe use of the parkway.

12.18.080(A)(10): *Public Facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.*

The installation, including the undergrounding of the mechanical equipment, will not interfere with fire hydrants, fire stations, water lines or any other public health or safety facilities as determined by the Public Works Department. Furthermore, part of the plan check review process and site inspections, Public Works staff will ensure that the Project will not interfere with any of the stated utilities.

12.18.080(A)(11): *Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.*

The Project does not have pole-mounted equipment, excluding the antennas. The related mechanical equipment will be undergrounded.

12.18.080(A)(12): *Accessory Equipment. Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground, except as provided below.*

The related accessory equipment, including the meter, will be located underground.

12.18.080(A)(13): *Landscaping. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.*

Conditions have been added requiring the installation of landscaping within parkway to help soften, as well as screen, the appearance of the Project.

12.18.080(A)(14) *Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.*

The facility does not include any signs or advertising devices other than certification, warning or other signage required by law. This is reinforced through the conditions of approval.

12.18.080(A)(15)(a-e) *Lighting.*

The facility does not include any such lighting other than the luminary on the light pole. This is reinforced through the conditions of approval.

C. If applicable, the applicant has demonstrated its inability to locate on existing infrastructure.

Not applicable as the proposed WTF antennas are proposed to be installed on a replacement street light pole that's currently an existing infrastructure.

D. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.

The Applicant has submitted to the City a Right of Way Use Agreement (RUA) entered into with the City in 2011, which allows the Applicant to install wireless antennas in the PROW. Further, the Applicant has submitted a Certificate of

Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission (CPUC) which provides that the Applicant has been authorized to install wireless telecommunications infrastructure in the PROW.

E. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible and supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not available.

Alternative locations were identified in the application review process. The design, which includes the installation of antennas encased in a canister shroud that would be affixed to the top of the pole is the least intrusive means of those alternatives. There is technology that is possible to use but that would require a greater number of facilities throughout the community to provide equal coverage and capacity. This may require the introduction of new pole structures where there are no streetlights or utility poles and may require associated accessory equipment at every location. The supporting mechanical equipment would be vaulted meeting the objective of installing the least intrusive facility. Other locations and designs considered for purposes of filling the coverage gap claimed by the Applicant and discussed by the City's RF Consultant presented the following intrusions, which will be more intrusive than the Project:

- Locations that utilize an existing or replacement pole to be preferable to a whole new pole.
- A smaller or lower pole could be utilized, but it would require a multiplicity of wireless poles in the gap area claimed by the Applicant and discussed by the City's RF Consultant, as opposed to having one AT&T pole in this area.
- Alternate antenna designs, such as the canister shroud with a tapered sleeve, were found to be bulkier in appearance and less streamlined than the vertical slim-line flush and side-mounted panel antennas proposed
- The other pole options are significantly wider (14" and 16") and therefore negate the objective of utilizing the least visible design option. While some carriers offer antenna panels that may be smaller in overall size, such designs from other carriers are not engineered to carry the bandwidths owned by AT&T.

Section 3: 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. The Project meets the findings for an exception as required by Section 12.18.190(B) of the Municipal Code:

- 1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, section 332(c)(7)(C)(ii).**

The WTF meets the definition of "personal wireless services facility" as defined by the United States Code.

- 2. The applicant has provided the city with a clearly defined technical service objective and a clearly defined potential site search area.**

The "technical service objective" identified by the Applicant in all application documents is the coverage of a "significant gap" in service. This application information was provided to the City's RF Consultant who reviewed the information, as well as conducted both on-site walkouts of the area and a computerized terrain study to determine if the proposed site will address a coverage gap as identified in the application. Based on the terrain profile characteristics and the field measurement data provided by Crown Castle, the City's consultant concluded that the proposal as provided will address coverage deficiencies within the target area. Furthermore, according to the City's RF Consultant, the Applicant has provided engineering details related to the wireless bands that will be used for the DAS deployment, including identifying transmitting equipment, power levels for each band and specifics regarding the radiation patterns of the antennas to be installed. However, information provided about existing and proposed coverage in the service area for each of the three AT&T licensed wireless bands (700 MHz, PCS and AWS) are less clearly defined; this is due to the varied terrain associated with the surrounding landscape.

The City's RF Consultant also concluded that from an engineering perspective, Crown Castle has provided engineering measurement data defining gaps in AT&T coverage in small pocketed areas. This has been independently examined by the City's consultant who determined that the signal levels are lower than industry recommended levels to support modern 3G/4G customer needs. Further, the engineering design provided by Crown Castle supports that, if constructed, DAS site ASG No. 32 will provide ample signal intensity (signal level in excess of -95 dBm) to support AT&T's 3G/4G wireless services.

- 3. The applicant has provided the City with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or potentially available.**

Similar antennas proposed on street light poles at the following 3 alternative locations:

- Replacement of an existing street light pole on the west side of Whitley Collins, approximately 190 feet to the northwest of the original Primary.
- Street stop sign replacement located approximately 45 feet north of the original Primary on the opposite side of Scotwood Dr.
- Replacement of an existing street light pole approximately 100' west of the original Primary site on the west side of Whitley Collins.

None of the alternative sites meet the RF coverage objective as confirmed by the City's RF Consultant. The alternative site analysis submitted by the Applicant demonstrates that the proposed Project is likely the least intrusive location for the wireless telecommunications facility in the immediate area because of the surrounding slopes and vegetation. The proposed location is at the intersection of an arterial (Crest Road) compared to the original location which was in dense developed residential neighborhood. The WTF is also being proposed to be installed on a replacement streetlight pole that replaces existing infrastructure. And while the proposed location is adjacent to a residential zone, the proposed location does not interfere with any public or residential views. The City's technical consultants have reviewed the Applicant's documents and support this conclusion.

Other locations and designs were found to be more intrusive than the proposed Project:

- Locations that utilize an existing or replacement pole to be preferable to a whole new pole.
 - A smaller or lower pole could be utilized, but it would require a multiplicity of wireless poles in the gap area claimed by the Applicant and discussed by the City's RF Engineer (attached), as opposed to having one AT&T pole in this area.
 - Alternate antenna designs, such as the canister shroud with a tapered sleeve, were found to be bulkier in appearance and less streamlined than the vertical slim-line flush and side-mounted panel antennas proposed.
 - Staff looked at other design options from other (non-AT&T) carriers. While some carriers offer antenna panels that may be smaller in overall size, such designs from other carriers are not engineered to carry the bandwidths owned by AT&T.
- 4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable technical service objectives.**

The proposed WTF installation will be installed on a replacement streetlight pole that will match other streetlight poles in the immediate area. The 29'-9" tall streetlight pole will match the height of the existing pole. The location is necessary to meet the Applicant's service objective, as affirmed by the City's RF Consultant. The limited commercially zoned areas and limited number of collector or arterial streets require the use of local residential streets in order to provide proper coverage and capacity to various portions of the City. There are no commercial zones within the signal reach of the identified gap.

Section 4: Conditions regarding any of the requirements listed above which the Planning Commission finds to be necessary to protect the health, safety and general welfare, have been included in the attached Exhibit A.

Section 5: 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)).

Section 6: For the foregoing reasons and based on 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 conditionally recommends that the City Council approve the WTFP application and an exception for the proposed installation adjacent to 29716 Whitley Collins Drive (ASG NO. 32).

PASSED, APPROVED AND ADOPTED this 30th day of January 2018, by the following vote:

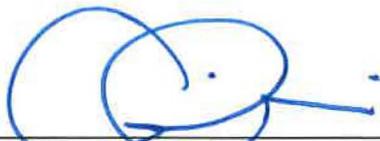
AYES: COMMISSIONERS BRADLEY, EMENHISER, NELSON, TOMBLIN, LEON, AND VICE CHAIRMAN JAMES

NOES: NONE

ABSTENTIONS: NONE

RECUSALS: NONE

ABSENT: None



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



William J. James
Vice Chairman

Exhibit "A"
Conditions of Approval
WTF ASG NO. 32
Adjacent to 29716 Whitley Collins Drive

General Conditions:

1. Prior to obtaining a permit from the Public Works Department to install the street light pole, the applicant and the property owner shall submit to the City a statement, in writing, that they have read, understand, and agree to all conditions of approval contained in this Resolution. Failure to provide said written statement within ninety (90) days following the date of this approval shall render this approval null and void.
2. The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the Project.
3. Prior to conducting any work in the public right of way (PROW), such as for curb cuts, dumpsters, temporary improvements and/or permanent improvements, the applicant shall obtain an encroachment permit from the Director of Public Works.
4. Approval of this permit shall not be construed as a waiver of applicable and appropriate zoning regulations, or any Federal, State, County and/or City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Rancho Palos Verdes Municipal Code (RPVMC) shall apply.
5. The Public Works Director or Director of Community Development are authorized to make minor modifications to the approved plans and any of the conditions of approval if such modifications will achieve substantially the same results as would strict compliance with the approved plans and conditions. Otherwise, any substantive change to the Project shall require approval of a revision by the final body that approved the original Project, which may require new and separate environmental review.
6. Failure to comply with and adhere to all of these conditions of approval may be cause to revoke the approval of the Project pursuant to the RPVMC.

7. If the applicant has not obtained approvals from Public Works for the approved Project or not commenced the approved Project within one year of the final effective date of this Resolution, approval of the Project shall expire and be of no further effect unless, prior to expiration, a written request for extension is filed with the Public Works Department and approved by the Director.
8. In the event that any of these conditions conflict with the recommendations and/or requirements of another permitting agency or City department, the stricter standard shall apply.
9. The construction site and adjacent public and private properties and streets shall be kept free of all loose materials resembling trash and debris in excess of that material used for immediate construction purposes. Such excess material may include, but not be limited to: the accumulation of debris, garbage, lumber, scrap metal, concrete asphalt, piles of earth, salvage materials, abandoned or discarded furniture, appliances or other household fixtures.
10. Permitted hours and days for construction activity are 7:00 AM to 6:00 PM, Monday through Friday, 9:00AM to 5:00PM on Saturday, with no construction activity permitted on Sundays or on the legal holidays specified in Section 17.96.920 of the Rancho Palos Verdes Development Code. During demolition, construction and/or grading operations, trucks shall not park, queue and/or idle at the Project site or in the adjoining street rights-of-way before 7AM Monday through Friday and before 9AM on Saturday, in accordance with the permitted hours of construction stated in this condition. When feasible to do so, the construction contractor shall provide staging areas on-site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between staging activities and neighboring properties, subject to approval by the building official.
11. All grading, landscaping and construction activities shall exercise effective dust control techniques, either through screening and/or watering.
12. Prior to commencement work, the Applicant shall obtain approval of a haul route from the Director of Public Works.
13. All construction sites shall be maintained in a secure, safe, neat and orderly manner, to the satisfaction of the City's Inspector. All construction waste and debris resulting from a construction, alteration or repair Project shall be removed on a weekly basis by the contractor or property owner.
14. Unless otherwise designated in these conditions, all construction shall be completed in substantial conformance with the plans stamped APPROVED by the City with the effective date of this Resolution.

15. The mockup shall be removed within seven (7) days after all appeal periods have been exhausted.

Project-specific Conditions:

16. This approval allows for the following:
 - A. Installation of a Wireless Telecommunication Facility WTF adjacent to 29716 Whitley Collins Drive.
 - B. Removal of an existing 29'-9" tall marbelite street light with a mast arm and luminaire to be decommissioned and replaced with a 29'-9" tall marbelite octagonal street light, as measured to the top of the canister, with antennas encased in a canister shroud measuring 2' tall and 14.6" in diameter to the top of the pole.
 - C. The installation of three separate vaults to house the required accessory equipment in the PROW, including vents and meter boxes that shall be flush to the ground and that shall not exceed 43 square feet in total surface area.
17. The proposed Project is subject to the following Conditions to the satisfaction of the Director of Public Works and the Director of Community Development:
 - o The proposed WTF shall be installed on a new light standard that matches the other light standards in the area in terms of color, size, proportion, style, and quality. The antenna shroud and any related exposed structures shall be painted and maintained to match the light pole.
 - o The facility shall be designed and located in such a manner as to avoid adverse impacts on traffic safety; construction and operation of the facility shall comport with a duly-approved traffic control plan as required.
 - o Colors and materials shall be subdued and non-reflective, and shall be the same as the existing light standard and other lights standards in the nearby area.
 - o The replacement pole shall match the appearance and dimensions of the existing pole and all other light standards near the location.
 - o All cables and wires shall be encased within the pole and/or canister, and hidden from view. No loops, exposed cables, splitters or unsightly wires shall be permitted

- All ground-mounted facilities including mechanical equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18" from the curb and gutter flow line.
- All accessory equipment shall be located underground including meter boxes and cabinets.
- The facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by Applicant where such landscaping is feasible and deemed necessary by the City to provide screening or to conceal the facility.
- The facility shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.
- The facility shall not be illuminated except for the standard street-light luminaire replacing the existing street light. All other illumination shall be restricted pursuant to RPVMC § 12.18.080(A)(15).
- Noise:
 - Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - At no time shall equipment noise from any facility exceed an exterior noise level of 55 dBA three feet from the source of the noise if the facility is located in the public right-of-way adjacent to a business, commercial, manufacturing, utility or school zone; provided, however, that for any such facility located within 500 feet of any property zoned residential or improved with a residential use, such equipment noise shall not exceed 45 dBA three feet from the sources of the noise. The foregoing noise level limitations shall govern facilities subject to RPVMC Chapter 12.18.080(A)(16) until such time that a specific noise regulation ordinance is adopted and effective in this code, at which time such noise ordinance shall govern.
- The facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The Public Works Director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an

attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.

- Consistent with current state and federal laws and if permissible under the same, at the time of modification of the facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
 - The installation and construction of the facility shall begin within one year after its approval or it will expire without further action by the city.
17. All wireless telecommunications facilities shall comply at all times with the following operation and maintenance standards:
- Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent within 48 hours:
 - After discovery of the need by the permittee, owner, operator or any designated maintenance agent;
 - After permittee, owner, operator or any designated maintenance agent receives notification from the city.
18. Each permittee of a wireless telecommunications facility shall provide the Public Works Director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility ("contact information"). Contact information shall be updated within seven days of any change.
19. Prior to any construction activities, the permittee shall submit a security instrument (bond or letter of credit as approved by the City Attorney) in an amount determined by the City to be sufficient to cover all potential costs listed herein or in the RPVMC.
20. The permittee shall provide additional information to establish that the proposed accessory equipment is designed to be the smallest equipment technologically feasible. The City may consider equipment installed or proposed to be installed in other jurisdictions.
21. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:

- a. General dirt and grease;
 - b. Chipped, faded, peeling, and cracked paint;
 - c. Rust and corrosion;
 - d. Cracks, dents, and discoloration;
 - e. Missing, discolored or damaged artificial foliage or other camouflage;
 - f. Graffiti, bills, stickers, advertisements, litter and debris;
 - g. Broken and misshapen structural parts; and
 - h. Any damage from any cause.
22. Permittee shall install, to the satisfaction of the Public Works Director or Director of Community Development, drought tolerant landscaping near the proposed installation of the vaulted accessory equipment and retaining wall enclosure to screen the equipment consistent with existing landscaping prior to final inspection.
23. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the Public Works Director or the Director of Community Development.
24. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
25. Each facility shall be operated and maintained to comply with all conditions of approval. Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the same and the standards set forth in the RPVMC.
26. No person shall install, use or maintain any facility which in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic

signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

27. Unless California Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten years, unless pursuant to another provision of the RPVMC or these Conditions of Approval, it lapses sooner or is revoked. At the end of ten years from the date of issuance, such permit shall automatically expire.
28. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current Code requirements for WTF's.
29. A WTF is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
30. The operator of a facility and/or permittee shall notify the City in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility and/or permittee shall provide written notice to the director of any discontinuation of operations of 30 days or more.
31. Failure to inform the director of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:
 - a. Litigation;
 - b. Revocation or modification of the permit;
 - c. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - d. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 - e. Any other remedies permitted by law.

32. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permittee, owner or operator shall remove its WTF and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the City. The facility shall be removed from the property, at no cost or expense to the City.
33. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of these conditions of approval. Upon a showing of good cause, an extension may be granted by the Public Works Director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this section shall be grounds for:
 - a. Prosecution;
 - b. Acting on any security instrument required by the RPVMC or conditions of approval of permit;
 - c. Removal of the facilities by the city in accordance with the procedures established under the RPVMC for abatement of a public nuisance at the owner's expense; and/or
 - d. Any other remedies permitted by law.
34. In the event the Public Works Director or City Engineer determines that the condition or placement of a WTF located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), the Director or City Engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the facility shall be treated as abandoned property.
35. In the event the City removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted

and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with the RPVMC. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the Applicant, owner or operator after notice, or removed by the city due to exigent circumstances.

36. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a WTF, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.