

June 13, 2018

**NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution No. 2018-19, approving an amendment to the commission-adopted Conditions of Approval of P.C. Resolution No. 2017-22 for Major Wireless Telecommunications Facility Permit ASG No. 10 to accommodate the installation of two 23.3" tall tilted panel antennas affixed to a 24' tall replacement streetlight pole with the luminaire mast arm remaining at its existing height and with related vaulted mechanical equipment at:

<b>LOCATION:</b>	<b>Los Verdes Drive west of Avenida Classica</b>
<b>APPLICANT:</b>	<b>Crown Castle</b>
<b>PROPERTY OWNER:</b>	<b>City of Rancho Palos Verdes</b>

Said decision is subject to the Conditions of Approval set forth in attached P.C. Resolution No. 2018-19.

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 PM on Wednesday, June 27, 2018. A \$2,275.00 appeal fee 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 PM on Wednesday, June 27, 2018.

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 [abashmakian@rpvca.gov](mailto:abashmakian@rpvca.gov).

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Ara Mihranian, AICP  
Director of Community Development

Enclosure

cc: Crown Castle  
Project File

**P.C. RESOLUTION NO. 2018-19**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES APPROVING AN AMENDMENT TO COMMISSION-ADOPTED CONDITIONS OF APPROVAL OF P.C. RESOLUTION NO. 2017-22 FOR MAJOR WIRELESS TELECOMMUNICATIONS FACILITY ASG NO. 10 TO ACCOMMODATE THE INSTALLATION OF TWO 23.3" TALL TILTED PANEL ANTENNAS AFFIXED TO A 24' TALL REPLACEMENT STREETLIGHT POLE WITH THE LUMINAIRE MAST ARM REMAINING AT ITS EXISTING HEIGHT AND WITH RELATED VAULTED MECHANICAL EQUIPMENT AT LOS VERDES DRIVE WEST OF AVENIDA CLASSICA.**

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 a 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. 10 located on Los Verdes Drive west of Avenida Classica;

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 July 25, 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 July 25, 2017, the Planning Commission continued the public hearing to August 8, 2017;

WHEREAS, on August 8, 2017, the Planning Commission continued the public hearing to August 22, 2017;

WHEREAS, on August 22, 2017, the Planning Commission, after considering public testimony, adopted P.C. Resolution No. 2017-22 approving Major Wireless Telecommunication Facility ASG No. 10 to allow the removal of an existing 17' tall streetlight pole to accommodate the installation of an antenna encased in a 2' tall

canister mounted at the top of a 19.7' tall replacement streetlight pole with related vaulted mechanical equipment;

WHEREAS, on August 30, 2017, the Planning Commission conducted a public hearing to consider the proposed Wireless Telecommunications Facility ASG No. 09 in the public right-of-way at 30452 Camino Porvenir. At this meeting, after considering evidence introduced in the record including public testimony from the Applicant, neighbors, Staff, and the City's RF Consultant, moved to deny, without prejudice, on a vote of 2-2 with Commissioner Nelson and Chairman Cruikshank dissenting (Commissioners Leon and Tomblin, and Vice Chairman James were absent);

WHEREAS, on September 14, 2017, the Applicant filed a timely appeal of the Planning Commission's denial of Major Wireless Telecommunication Facility Permit ASG No. 09;

WHEREAS, on November 30, 2017, the City Council held a special, duly noticed, public hearing on the appeal filed by the Applicant, and after taking public testimony, the City Council voted to refer the Project back to the Planning Commission for reconsideration while maintaining its jurisdiction primarily for two reasons:

- 1) The Commission had not seen the revised slimmer canister design with the three different pole options, and therefore, the Council felt it would be appropriate to allow the Commission to review the matter again with the updated information; and,
- 2) The Council directed the Applicant to re-evaluate the gap coverage analysis to determine if ASG No. 9 is still warranted in light of the pending installation of the Commission-approved ASG No. 10 located approximately 1,000' east of ASG No. 09 on Los Verdes Drive.

WHEREAS, on January 30, 2018, at the request of the Applicant, the Planning Commission continued the public hearing for ASG No. 09 to date uncertain in order to allow the Applicant to explore collocating the proposed wireless facility on the Planning Commission-approved Wireless Telecommunication Facility Permit ASG No. 10 streetlight pole located on Los Verdes Drive;

WHEREAS, on April 6, 2018, the Applicant, pursuant to the City Council's direction, filed an application requesting to amend P.C. Resolution No. 2017-22 to allow the installation of a taller streetlight pole with tilted side mounted panel antennas which will meet the coverage objective and eliminate the need for Major Wireless Telecommunications Facility ASG No. 09 located adjacent to 30452 Camino Porvenir which is approximately 1,000' east of ASG No. 10;

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

WHEREAS, on May 24, 2018, a public notice was published in the *Palos Verdes Peninsula News* announcing that a public hearing on the proposed facility is scheduled to occur on Tuesday, June 12, 2018. Similarly, public notices were mailed to property owners within a 500' radius of the proposed site announcing the public hearing and inviting public comments on the proposed facility; and,

WHEREAS, on June 12, 2018, 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.

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 on a replacement streetlight pole located on Los Verdes Drive west of Avenida Classica,
- B. Replace an existing 17' tall streetlight pole with a 24' tall streetlight pole, as measured from grade to the top of the pole, to accommodate two side-mounted 23.3' panel antennas with the luminaire mast arm remaining at its existing height, and
- 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 April 12, 2018, property owners within 500' of the proposed wireless facility were notified of the WTF mock-up which occurred at least 30 days in advance of the public hearing. On May 24, 2018, a public notice announcing the June 12, 2018, public hearing was provided to property owners within 500' of the proposed WTF and published in the *Palos Verdes Peninsula News*. On March 29, 2018, the Applicant provided the City with a Shot Clock Tolling Agreement (see attachment), which tolls the Shot Clock to a date of July 27, 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.*

The Project employs screening and a camouflage design with the use of 23.3" panel antennas that would be side-mounted to the 24' tall replacement streetlight pole. The Project location is not directly in front of homes or adjacent to side or rear yards of residences, there will not be potential view and visual impacts. The light standard is designed to match the light standard being replaced and other light standards in the immediate area, and the luminaire mast arm will remain at its existing height to match other streetlight poles in the area. The nearest structures are located approximately 30' higher in elevation than the proposed facility and existing mature vegetation provides visual screening. The proposal places all of the related mechanical equipment underground in a vault. To accommodate the undergrounding of the mechanical equipment, a new 4' high by 12' retaining wall will be placed adjacent to the pole. The proposed installation will not have any significant view impairment to surrounding properties pursuant to Chapter 17.02.040 of the RPVMC.

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 proposed antennas will be side-mounted 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 antennas 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. Although the replacement pole will be 7' higher, as measured to the top of the pole, when compared to the existing streetlight poles on the street, placing the facility at this location is preferred as it eliminates the need for another Wireless Facility (ASG No. 09) that was proposed in the midst of a residential neighborhood. Furthermore, this site has tall mature trees which further negate visual impacts of the facility. To accommodate the undergrounding of the mechanical equipment, a new 4' x 12' retaining wall will be placed adjacent to the streetlight pole that will be landscaped to screen and soften the appearance of the wall.

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 does not result in a significant view impairment to surrounding residences or from Los Verdes Drive west of Avenida Classica. The streetlight pole will remain approximately 25' below the grade of the neighboring residences and the existing mature foliage planted on the slope will continue to screen the wireless facility. The wireless facility is not located in a view corridor identified in the City's General Plan or Coastal Specific Plan.

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 proposed streetlight pole and affixed panel antennas will consist of colors and materials that are subdued, non-reflective and are the same as the other streetlight poles in the immediate area. The retaining wall that will be constructed to accommodate the vaulted mechanical equipment will utilize similar block material to the existing wall, and will be landscaped to soften and camouflage its appearance.

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 proposes the installation of two 23.3" tall panel antennas to the top of the replacement streetlight pole with vaulted mechanical equipment. The design would be visible, but it allows the elimination of another wireless facility (ASG No. 09) that was previously denied by the Planning Commission. In regards to collocation, 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 should be noted that collocation does not always minimize visual impact, and in most cases, would require the streetlight pole to either be increased in height that may detract from the overall appearance.

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 streets as identified in the City's General Plan and the Planning Commission finds that an Exception shall be made.

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).) Sections 12.18.080(6)(c) through (f) are not applicable.*

The Project meets this finding because it involves a replacement streetlight 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 streetlight pole is taller than the existing pole. However, the height of the tilted panel antennas will not exceed the top of the replacement streetlight pole, which will measure 24' in height. No portion of the antenna or equipment is less than 16½' above the drivable road surface. The luminaire mast arm will remain at the existing height.

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, size and dimensions of the existing streetlight pole and all other streetlight poles in the immediate area. The luminaire mast arm will remain at its existing height.

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 will be encased within the pole, thus hidden from view.

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 placement of the antennas on the side of the streetlight 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 affirmed by Staff, the proposed installation will comply 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 Project design, height and size, including the undergrounding of the mechanical equipment, will not cause an obstruction to the public's use of the PROW, does not constitute a safety hazard and/or does not interfere with the City-defined intersection visibility triangle because replacement streetlight pole provides the same lighting and setback parameters applicable to other streetlight poles, and the related mechanical equipment will be undergrounded.

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 and the proposed retaining wall will be required to utilize materials to match the existing wall with drought tolerant landscaping to minimize the visual impact of the existing and new wall.

*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 new retaining wall and the vault cover.

- 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.**

The Applicant has demonstrated, and the City's RF Consultant has confirmed, that the modification to ASG No. 10 to accommodate tilted panel antennas will meet the Applicant's coverage objective for ASG No. 09, thus allowing for the withdrawal of ASG No. 09.

Alternative locations were identified in the application review process, however, the present design and location, 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 street lights or utility poles and may require associated accessory equipment at every location. The supporting mechanical equipment, even if placed in vaults underground, would require additional fans that may result in adverse cumulative noise impacts negating the objective of installing the least intrusive systems.

**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 the Applicant, the proposal as provided will address coverage deficiencies within the target area. 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.

The Applicant has provided engineering measurement data defining gaps in AT&T coverage in small pocketed areas. This has been independently examined by the City's RF Consultant who determined that the signal levels are lower than industry recommended levels to support modern 3G/4G customer needs. The engineering design provided by Crown Castle supports that, if constructed, DAS site ASG 10 will provide ample signal intensity (signal level in excess of -95 dBm) to support AT&T's 3G/4G wireless services. Currently, approximately half the service area is served with legacy 3G service with inadequate capacity issues.

**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.**

Only three out of the five alternative sites (including the primary ASG No. 09), meet the Applicant's coverage objective as confirmed by the City's RF Consultant. The alternative site analysis submitted by the Applicant demonstrates that the modification of ASG No. 10, as currently proposed, is likely the least intrusive location for the wireless telecommunications facility in the immediate area and eliminated the need for the installation of ASG No. 09. The Project is the least intrusive location for the wireless telecommunications facility in the immediate area because of the surrounding slopes and mature vegetation. There are no major collector or arterial streets in the immediate area.

**4. The 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.**

The Applicant has established, and the City's RF Consultant has confirmed, that to meet its technical service objective, the proposed installation must be installed in a residential zone. As the City consists primarily of residential zones, it's not always possible to avoid residential zones in order to effectively deploy an effective wireless network in the area. Notably, the Applicant has provided a meaningful alternative comparative analysis and the proposed Project is found to be the preferred design by being installed on existing vertical infrastructure, adjacent to tall mature trees and away from dense residential neighborhoods.

**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 imposed 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 a new facility (14 CCR § 15303(d)).

**Section 6:** 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 PM on Wednesday, June 27, 2018. 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 PM on Wednesday, June 27, 2018.

**Section 7:** For the foregoing reasons and based on the testimony and evidence presented at the public hearings, 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 approves an amendment to the Conditions of Approval of P.C. Resolution No, 2017-22 for the proposed installation of a wireless facility on Los Verdes Drive west of Avenida Classica (Case No. ASG 10).

PASSED, APPROVED AND ADOPTED this 12<sup>th</sup> day of June 2018, by the following vote:

**AYES: COMMISSIONERS NELSON, PERESTAM, SAADATNEJADI, VICE CHAIRMAN BRADLEY, AND CHAIRMAN JAMES**

**NOES: NONE**

**ABSTENTIONS: NONE**

**RECUSALS: NONE**

**ABSENT: COMMISSIONER LEON**



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William J. James  
Chairman



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

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**WTF ASG NO. 10**  
**LOS VERDES DRIVE WEST OF AVENIDA CLASSICA**

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.

Unless appealed, within 10 calendar days of June 12, 2018, the Applicant shall submit in writing the formal withdrawal of all applications related to ASG No. 09.

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 mock-up shall be removed within seven (7) days after all appeal periods have been exhausted.

Project-specific Conditions:

16. This approval shall allow for the following:
  - A. Install a WTF on a replacement streetlight pole located on Los Verdes Drive west of Avenida Classica,
  - B. Replace an existing 17' tall streetlight pole with a 24' tall streetlight pole, as measured from grade to the top of the pole, to accommodate two side-mounted 23.3' panel antennas with the luminaire mast arm remaining at its existing height, and
  - C. Install vaulted underground mechanical equipment in the PROW.
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:
  - 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 panel antennas and any related exposed structures shall be painted and maintained to match the light pole.
  - The luminaire mast arm shall remain at its existing height.
  - Applicant shall install drought tolerant landscaping surrounding the existing retaining wall and proposed retaining wall and equipment cabinet to screen the equipment and improvements.
  - 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.
  - 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.
  - The replacement streetlight pole shall match the appearance and dimensions of the existing pole and all other light standards near the location.

- All cables and wires shall be encased within the pole, and hidden from view.
- 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 streetlight 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 Applicant, owner, operator or any designated maintenance agent within 48 hours:
  - After discovery of the need by the Applicant, owner, operator or any designated maintenance agent; or
  - After Applicant, owner, operator or any designated maintenance agent receives notification from the city.
18. Each Applicant 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 Applicant, 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 Applicant 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 Applicant 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. Applicant 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 Applicant, 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 Applicant 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 Applicant 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 Applicant 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 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 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 Applicant, 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 Applicant, 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 Applicant 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 Applicant 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 Applicant, 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.