

RESOLUTION NO. R16-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING THE PLANNING COMMISSION APPROVAL OF WT-125-15; WIRELESS TELECOMMUNICATION FACILITIES APPLICATION WITHIN THE CITY RIGHT-OF-WAY ON THE CORNER OF CATALUNA PLACE AND GRANVIA ALTAMIRA

The City Council of the City of Palos Verdes Estates does hereby find, order and resolve as follows:

Section 1. Recitals.

A. On August 24, 2015, Crown Castle NG West LLC submitted an application for Wireless Telecommunication Facilities application for the property located within the City right-of-way on the corner of Cataluna Place and Granvia Altamira in the City of Palos Verdes Estates, County of Los Angeles, State of California ("the Property"). The application sought approval of a new wireless telecommunications facility (the "Project").

B. On October 21, 2015, the Planning Commission conducted a hearing on the matter. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report and site plans and received and considered oral testimony from the applicant and others. Neighbors raised concerns with the height of the pole, the aesthetics, the surrounding landscaping, the appearance of the mockups, and question the gap coverage. The Planning Commission raised concerns with the proposed height of the pole and the design of a potential large underground vault for the equipment. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project to the November 17, 2015 Planning Commission meeting.

C. On November 17, 2015, the Planning Commission conducted a hearing on the matter. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report and site plans and received and considered oral testimony from the applicant and others. Neighbors raised concerns with the aesthetics, public safety and suggested alternative locations. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission approved WT-125-15; Wireless Telecommunications Facilities application for the replacement of a 8.4 foot street sign pole with a 14 foot high steel pole with two antenna panels to function as a City traffic sign support within the City right-of-way. A new ground mounted multi-purpose cabinet was approved to be installed in close proximity to the pole.

D. On December 2, 2015, an appeal was timely filed by Don Briggs and Deborah Fox ("Appellants"), neighbors who live at 1616 Cataluna Place ("Appeal"). The Appeal stated the following:

1. Crown Castle has not filed a complete and signed application as required by Palos Verdes Estates Municipal Code Section 18.55.
2. Crown Castle failed to meet its burden establishing a gap in coverage.
3. Crown Castle failed to look at any specific alternative sites and cannot claim Cataluna Place corner site is the least intrusive.

4. Crown Castle has not provided the least intrusive means as it has not adequately addressed the aesthetic concerns.
5. Other deficiencies in the process.

E. On January 26, 2016, the City Council held a duly noticed public hearing on the Appeal. At the public hearing, the City Council received and considered the written staff report which included the Appeal, plans, and visual presentations; written and oral testimony of the Appellant, the applicant and others; and documentary evidence, including, but not limited to, a staff report and the minutes of the Planning Commission hearing. The City Council received and considered information regarding environmental review of the Project and the determination that the Project is categorically exempt from CEQA.

Section 2. Based on the evidence presented and in light of the whole record, the City Council hereby finds and determines as follows:

A. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Administrative Code Title 14, Chapter 3, Section 15303 (New construction or conversion of small structures). The project proposes the replacement of an existing street sign pole with a new steel pole with antennas on the top portion of the pole. The street sign will be placed on the new pole and a new ground mounted multi-purpose cabinet will be installed adjacent to the pole.

B. As proposed, the evidence, including without limitation a number of photographs submitted for City Council review, photo simulations of the proposed project as conditioned by the Planning Commission, and observation of the mock-up erected to evaluate the impacts, demonstrates that the Project proposes the least intrusive design by proposing a smaller pole with antennas above and a multi-purpose cabinet instead of an underground vault and air ducts. This conclusion was corroborated by the City's telecommunications consultant and expert Jonathan Kramer who compared the subject proposal to other possible locations and against criteria that make a site more desirable (distance from residences, integration with existing infrastructure and poles, proximity to other such facilities).

C. Crown Castle filed adequate information for the staff to determine the application was complete and proceed with its processing. The City has encouraged Crown Castle to develop a comprehensive plan so that the City may better evaluate the aesthetic impacts of each facility. The Council finds that the application was properly made and that, even if it were not, Palos Verdes Estates Municipal Code Section 18.55 does not provide a basis for project opponents to challenge non-substantive procedural administrative requirements involving an application's completeness or whether it is signed.

D. The record demonstrates that Crown Castle coverage gap is sufficient under existing law to warrant the addition of this wireless telecommunications facility. The City's consultant and expert evaluated the coverage and reported to the City that the state of coverage met the standards. In addition, AT&T prepared radio frequency ("RF") propagation maps depicting (a) existing RF coverage at the Project site and network-wide; (b) RF coverage with the proposed Project and other proposed DAS nodes "on-air"; (c) RF coverage with both the Project, other proposed DAS nodes and existing macro-sites. The maps depict before and after RF coverage conditions for both "UMTS" (3G) and "LTE" (4G). The coverage maps show areas of weak coverage (-98dBm).

E. Crown Castle provided a site justification analysis that included a qualitative narrative of the network design features intended to result in the least intrusive means of providing coverage in response to the gap depicted in the RF propagation. In addition, Crown Castle prepared and presented photo-simulations and site plans of the project, depicting both existing and proposed conditions at Granvia Altamira and Cataluna Place and an alternatives analysis, which considered potentially viable alternative sites for the Project, including the “Mossbank easement area.” This evidence contributed to the Council’s determination that the proposed site was the least intrusive.

F. The record reflects that the City’s consultant and expert advised the Planning Commission that the original design had not adequately addressed aesthetic concerns and the Planning Commission found that Crown Castle has not provided a satisfactory design. Crown Castle redesigned the proposed project reducing its height and using equipment boxes to conceal more of the equipment. Mock-ups of the redesigns were made available for the community and the City decision makers to view. The City Council finds that the project as redesigned and as conditioned results in the least intrusive aesthetic design.

G. Crown Castle’s application has undergone a robust review by the City and the public. The Planning Commission held two duly noticed public hearings, afforded all interested parties a meaningful opportunity to address the Commission in writing and at the hearing, and was benefitted by the participation of both project proponents and opponents. The process resulted in significant changes to the originally proposed design.

Section 3. The City Council makes the additional following statutory findings with respect to the application for approval submitted for the Project:

WIRELESS TELECOMMUNICATION FACILITIES APPLICATION:

1. The application adequately mitigates the facility’s impact on the health, safety or welfare of the community including, but not limited to, aesthetic impacts arising from the proposed time, place, and manner of use of the public property. Based on a radio frequency report submitted by the applicant and reviewed by the City’s wireless consultant, the proposed project demonstrates planned compliance with the FCC rules. In addition, the proposed pole will replace an existing street sign and is designed to be disguised as a street sign. The proposed cabinet will be placed adjacent to the pole.

2. The proposed facility meets the City design guidelines applicable to wireless telecommunications facilities, including without limitation (a) it is designed to be as visually unobtrusive as possible, having been both lowered from original proposal and making maximum use of equipment box and existing poles; (b) the project utilizes innovative design methods to minimize visual impact; and (c) the project includes adequate landscaping and screening to minimize the visibility to the greatest extent possible. As conditioned, appropriate landscaping will be installed to screen the ground mounted multi-purpose cabinet.

3. The application materials appropriately clarify the need for the facility to close a significant gap in coverage. Based on coverage maps and other documentation submitted by the applicant, the Project demonstrates a significant gap exists.

Section 4. The City Council hereby adopts the Planning Commission's findings and approves Application Number WT-125-15, subject to the following conditions:

1. This approval is granted for the land or land use as described in the application and any attachments thereto.
2. All buildings, fences, signs, roadways, parking areas, and other facilities or features shall be located and maintained as shown on the approved plans.
3. All buildings and structures shall be of the design as shown on the approved plans.
4. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Planning.
5. Expiration of the Wireless Telecommunication Application approval shall be governed by the provisions of the City of Palos Verdes Estates Municipal Code that are applicable to the expiration of the Neighborhood Compatibility approval.
6. All requirements of any law, ordinance, or regulation of the State of California, City of Palos Verdes Estates, and any other governmental entity shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of Palos Verdes Estates, as required by Ordinance.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all cost of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amiably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void, or annul approval of this application. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. The steel pole shall be burnished prior to painting. The pole and antennas must be painted a flat dark brown, and maintained in the same condition thereafter.

12. All cables interconnecting the antennas and all transmission equipment should run within the replacement pole. No interconnecting cables should run adjacent to the replacement pole except as minimally required to connect to the antennas.
13. The replacement steel pole is not a wireless tower for any purpose, but rather it is considered only a replacement City street sign pole.
14. The steel pole shall be designated as a replacement for the existing pole to be removed, and after installation, the replacement pole shall be dedicated to the City for a fee of \$1.00 so that it is clear for federal law purposes that replacement pole maintain its primary use and function as a City traffic sign support.
15. The equipment cabinet should be painted a color and be of a size selected by the City to blend in with the existing surrounding environment and nearby meter cabinet in the public right-of-way.
16. Permittee shall install and at all times maintain in good condition an "RF Notice" and "Network Operations Center Information" sign on the steel pole at approximately 14 feet AGL.
17. Permittee shall ensure that all RF signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions.
18. Attached speed limit sign shall be installed in accordance with the MUTCD (Manual Uniform Traffic Control Devices) California Edition.
19. Attached speed limit sign shall be with approved hardware per the City's Maintenance Foreman.
20. A multi-purpose cabinet shall be installed in lieu of an underground vault and air vents.
21. The multi-purpose cabinet shall be relocated to be placed in the proximity of the mocked up vent closest to the location of the proposed replacement pole at the discretion of staff.
22. Appropriate landscaping shall be installed to screen the multi-purpose cabinet, including the Southern California Edison cabinet.
23. The applicant shall work with City staff to provide appropriate landscape screening in the general area.

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 9th day of February, 2016.



JAMES F. GOODHART, Mayor

ATTEST:



VICKIE KRONEBERGER, City Clerk

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

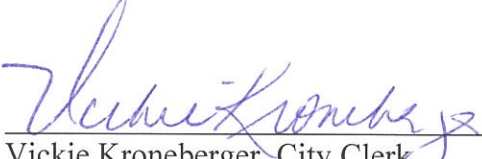
I, Vickie Kroneberger, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R16-05** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 9th day of February, 2016, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, King, Peterson, Rea, Vandever

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None


Vickie Kroneberger, City Clerk

CERTIFICATE OF MAILING

I, Melissa Castillo, am employed by the City of Palos Verdes Estates as Office Specialist. On February 12, 2016, in the course of my duties as Office Specialist, I placed a true copy or copies of **Resolution No. R16-05** in a sealed envelope or envelopes addressed as follows:

Deborah Fox
1616 Cataluna Place
Palos Verdes Estates, CA 90274

Stephen Garcia
Crown Castle
300 Spectrum Center Dr.
Suite 1200
Irvine, CA 92618

I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with adequate postage thereon fully prepaid at Palos Verdes Estates, California, in the ordinary course of business.

Executed on February 12, 2016 at Palos Verdes Estates, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Melissa Castillo
(Type or print name)


(Signature)