

## RESOLUTION NO. R17-05

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DENYING THE APPEAL AND AFFIRMING PLANNING COMMISSION DECISION TO DENY CDP-102/WT-133-15; COASTAL DEVELOPMENT PERMIT AND WIRELESS TELECOMMUNICATION FACILITIES APPLICATIONS FOR NEW EQUIPMENT WITHIN THE CITY RIGHT-OF-WAY ACROSS FROM 500 PASEO DEL MAR**

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

#### Section 1. Recitals.

A. On October 16, 2015, Crown Castle NG West, LLC, submitted an application to install new wireless equipment on the property located within the City right-of-way across from 500 Paseo Del Mar and in front of 415 Paseo Del Mar in the City of Palos Verdes Estates, County of Los Angeles, State of California, (the "Property"). The application sought approval of Coastal Development Permit No. CDP-102-15 and Wireless Telecommunication Facilities application WT-133-15 (the "Project").

B. On June 21, 2016, the Planning Commission publicly considered the Project at a properly noticed public hearing. At such hearing the Commission received and considered documentary evidence including, but not limited to, staff reports and site plans and received and considered oral testimony from the applicant, and oral and written testimony from City residents, among others. The Planning Commission raised concerns with the view impacts to surrounding neighbors and recommended alternative locations for the proposed facility be explored. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission continued the Project.

C. On October 5, 2016, the Planning Commission publicly considered the Project at a properly noticed public hearing. At such hearing the Commission received and considered documentary evidence including, but not limited to, staff reports and site plans and received and considered oral testimony from the applicant, and oral and written testimony from City residents, among others. Several changes were made to the original plans, which included reducing the height of the facility from 17 ft. to 14 ft. and moving the location of the pole approximately 8 ft. to the south west. The Planning Commission raised concerns with the proposed location, potential view impacts to surrounding neighbors, and recommend alternative locations for the proposed facility be explored. Following the conclusion of the public testimony and thorough deliberation of the subject matter, the Planning Commission denied the Project by a vote of 5 to 0.

D. On November 2, 2016, an appeal was timely filed by the applicant, Crown Castle NG West, LLC ("Appellant").

E. On January 24, 2017, 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 and others; and documentary evidence, including, but not limited to, a staff report of the Planning Commission hearing. The

City Council received and considered the 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. Each fact set forth in the recitals above is true and correct.

B. Each fact set forth in the memorandum from Planning staff for Agenda Item Number 16 for the June 21, 2016 hearing date, and for Agenda Item 2 for the October 5, 2016, hearing date, which were presented to the Planning Commission on said dates, is true and correct.

C. Each fact set forth in the memorandum from Planning staff for Agenda Item Number 9 for the January 24, 2017 hearing date, which was presented to the City Council on said date, is true and correct.

D. The City of Palos Verdes Estates was established as a planned community and the public rights-of-way in the City were established as part of that comprehensive land use planning. They serve both a vital transportation function and add to the beauty and aesthetics of the community. The proper development and maintenance of the City rights-of-way are significant factors in maintaining the high property values for properties in the City and maintaining the rural character of certain City neighborhoods.

E. Since incorporation, the City has undertaken actions to protect the aesthetic integrity of the community generally and the public rights-of-way specifically. These actions include prompt replacement and rehabilitation of right-of-way surfaces, extensive maintenance of street trees, strict regulation of permissible encroachments by private property owners, and the general restriction of facilities such as walls, pilasters and gates, trellises, large stones, and utility boxes in the public right-of-way. Where the City has in the past approved wireless telecommunication facilities in the City right-of-way, every effort has been made to ensure that the project is minimally visible from nearby residences and is screened to the maximum extent feasible.

F. The Project is proposed to locate in the right-of-way next to Neighborhood Church. Built as a residence in 1927, the Church purchased the already historic property and converted it into a church in 1950. The Church houses one of the City's most visible landmarks -- the Church tower. The Italianate-architecture Church is also framed by a scalloped rock wall entranceway along a circular drive, and lush landscaping. The Project would be incompatible with the adjacent Church and would significantly degrade the aesthetic attributes of that historic building and property, as well as the immediately-surrounding landscaping originally designed by the Olmsted Brothers.

G. The Project would result in view impacts to nearby residences and the proposed facility is therefore not compatible with the surrounding neighborhood. The height and location of the antenna result in a visual impact of scenic ocean views that cannot be mitigated through design alterations or additional landscaping or screening. The existing Carob tree located adjacent to the proposed Project was noted as being the last of four Carob trees in the area and likely prone to removal or death as a result of age. The remaining landscape would not be sufficient to provide adequate screening and the planting of new trees would be restricted due to view protection policies.

Section 3. The City Council makes the additional following statutory findings regarding the Applicant's Coastal Development Permit Application:

1. The project is located within the Coastal Zone.
2. The proposed use is visually intrusive from public viewpoints:
  - a. The development is not located on the least visible portion of the Property as seen from public viewpoints;
  - b. The project does not incorporate adequate landscaping to screen the structure at this historic property;
  - c. The Proposed project impairs historic views of Neighborhood Church and of the Ocean from several public view points;
  - d. The project is not compatible with its natural surroundings; and
  - e. The record does not contain substantial evidence that alternative, lesser intrusive sites were not available to house the Project.
3. The project is inconsistent with the City's Local Coastal Plan ("LCP").
4. The proposed use will be visually intrusive from public view points.

Section 4. The City Council makes the additional following statutory findings regarding the Applicant's Wireless Telecommunications Facility Application:

1. The Project as proposed does not adequately mitigate the facility's impact on the health, safety or welfare of the community including, but not limited to, aesthetic impacts of both scenic vistas and of adjacent historic buildings arising from the proposed use of the public property. Additionally, there are feasible alternate locations or designs that would mitigate the project's aesthetic impacts, which have been verbally rejected by the applicant without technical substantiation;
2. The Project does not meet several of the City design guidelines applicable to wireless telecommunications facilities, including without limitation, the following guidelines: (a) that the project be designed to be as visually unobtrusive as possible; (b) that the project utilize innovative design methods to minimize visual impact; and (c) that the project include adequate landscaping and screening to minimize the visibility to the greatest extent possible.
3. The application materials do not appropriately clarify the need for the facility to close a significant gap in coverage.

4. The City's expert has independently determined and disclosed to the Planning Commission and City Council that the Project, if constructed, would fully comply with the FCC radio frequency emission safety standards at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering and Technology Bulletin 65.

Section 5. Pursuant to the foregoing recitations and findings, the City Council denies the Applicant's appeal of the Planning Commission's determination and denies Application Numbers CDP-102-15 and WT-133-15.

Section 6. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of February, 2017.

  
JAMES D. VANDEVER, Mayor Pro Tempore

ATTEST:

  
VICKIE KRONEBERGER, City Clerk

APPROVED AS TO FORM:

  
CHRISTI HOGIN, City Attorney

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

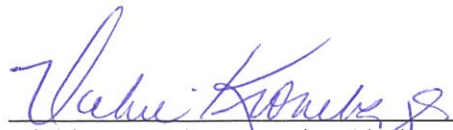
I, Vickie Kroneberger, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R17-05** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 14<sup>th</sup> day of February, 2017, by the following vote:

AYES: COUNCILMEMBERS: Vandever, Goodhart, Rea, Peterson

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: King

RECUSED: COUNCILMEMBER: None

  
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Vickie Kroneberger, City Clerk