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**DATE:** MARCH 5, 2009

**TO:** PLANNING COMMISSION

**FROM:** PLANNING STAFF

**SUBJECT:** CONDITIONAL USE PERMIT CASE NO. 07-CUP-007

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## **I. BACKGROUND AND DISCUSSION**

On February 5, 2009, the Planning Commission held a public hearing to consider T-Mobile's request for a Conditional Use Permit (Case No. 07-CUP-007) to construct an unmanned wireless telecommunication facility consisting of three (3) new T-Mobile antenna flag poles with two (2) antennas inside each pole, and six (6) associated ground-mounted equipment cabinets surrounded by an eight (8) foot high masonry equipment enclosure on the Lindero Canyon Middle School property, located at 5844 Larboard Land, owned by the Las Virgenes School District.

After reviewing the project and taking public testimony, the Planning Commission continued the public hearing to March 5, 2009, and requested additional information from the applicant, as well as questions for staff in clarifying the City's discretionary review authority of wireless telecommunication facilities. Specific questions raised by the Commission included: 1) Does the City have discretionary review authority on telecommunications facilities placed on public school property? 2) Does the Planning Commission have discretionary review authority on the aesthetic impacts of the facilities? 3) Can the Planning Commission request the applicant to justify the need for the facility at the proposed location? 4) Can the Planning Commission request the applicant to consider alternative sites or explain whether other sites were considered? 5) Does the Planning Commission have discretion regarding the on-site location of the facility? 6) If the facility is subject to emission standards, does the Planning Commission have discretion in considering the public health, safety, and welfare impacts of the project? Should draft finding "C" in the draft resolution be revised to clarify the City's lack of discretion on this issue? The project staff report and meeting minutes from the February 5, 2009 Planning Commission meeting are attached for reference. Also attached are Site Coverage Maps provided by the applicant.

## II. STAFF ANALYSIS

Upon consultation with the City Attorney, staff's analysis of the issues raised by the Planning Commission is as follows:

1. The City has discretionary review authority over telecommunications facilities placed on public school property because the proposed flag poles are non-classroom facilities.

Although cities do not always have discretionary review authority on public school property, the City's zoning code applies to this use and the City may validly require a discretionary permit for the use. Neither the applicant nor the Las Virgenes Unified School District has contested this authority.

2. The Planning Commission has limited discretionary review authority over the aesthetic impacts of the facilities.

An application cannot be completely denied for aesthetic reasons, but it can be conditioned to provide reasonable aesthetic improvements, such as landscaping or screening.

Aesthetic regulations do not threaten the policy behind the Federal Telecommunications Act of 1996 (the "TCA"). The TCA's purpose was to reserve local agencies' power to regulate while providing a pro-competitive, de-regulated telecommunications market. As long as service is not effectively prohibited and the regulations do not reflect favoritism for a particular provider, the competitive markets that the Federal Communications Commission (FCC) has sought to construct are protected. Put differently, if a single siting denial does not create significant gaps in provider coverage and reflects no unreasonable discrimination among providers, market dynamics and FCC authority are not threatened in the first place.

Staff cannot state with clear certainty how much discretion is too much in this context. As such, staff recommends that the Commission limit its aesthetic regulations to reasonable exactions such as screening and landscaping where justified by substantial evidence in the record.

3. The Planning Commission may request the applicant to justify the need for the facility at the proposed location. However, a denial of the application would require a written response supported by substantial evidence.

A local government has the authority to make decisions regarding the placement, construction, and modification of personal wireless service facilities, but the regulation can not actually or effectively prohibit the provision of personal wireless services. Thus, a city may not impose a general ban or, through a denial, prevent a provider from filling a "significant gap" in its own coverage. After demonstrating that such a significant gap in coverage exists, the provider must make some showing

of the necessity of its proposed means of closing that gap. The provider may demonstrate this with a coverage map which the applicant has provided and is included as an attachment to this report. The Planning Commission may question this evidence and attempt to confirm the need, but the Commission must rely on expertise or evidence to rebut the provider's evidence.

To deny an application on the basis of an unnecessary location, the Planning Commission must make written findings of denial, supported by substantial evidence in the record, that there was no actual need to close a "significant gap" in coverage. Non-expert impressions in this regard are not evidence, and neither is the lay testimony of the public.

4. The Planning Commission may request the applicant to consider alternative sites or explain whether other sites were considered, but may not deny the application because the Commission believes another site would be more suitable aesthetically.

The Planning Commission can request the applicant to consider alternative sites or explain whether other sites were considered as a matter of demonstrating need. However, the provider's proposed solution need not be the most acceptable option for the community in question, nor need it demonstrate that there are no alternative sites which would resolve the problem. The current "least intrusive" standard allows for a meaningful comparison of alternative sites, but this comparison must take into account federal law's emphasis on the "gap filling" requirement. A less-intrusive site aesthetically may not be imposed over the technically superior site.

5. The Planning Commission has discretion regarding the on-site location of the facility, but may not deny the application because the Commission believes another on-site location would be more suitable (reference the previous answers to Questions 3 and 4).
6. Because the facility is subject to FCC and the Public Utilities Code emission standards, the Planning Commission has no discretion to regulate based on emission-related concerns. However, the Planning Commission may condition the Conditional Use Permit (CUP) on compliance with applicable emission standards. Thus, draft finding "C" in the draft resolution should be revised to clarify this condition.

In general, the City may regulate for public health, safety, and welfare impacts of a proposed project. However, the TCA expressly prohibits a city's authority to regulate on the basis of concerns over radio frequency emissions so long as the proposed facility complies with FCC emission requirements. Thus, while the Planning Commission cannot regulate on this basis, the Commission may require compliance with FCC and the Public Utilities Code emission standards. The draft conditions of approval include this requirement. If the Planning Commission conditioned the application of the CUP on compliance with emissions standards, it would not be regulating on this basis but rather emphasizing the significance of controlling EMF

emissions. In order to clarify this point in the draft resolution, draft finding "C" should be revised since the last public hearing on this project to state:

"The proposed use, as conditioned, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare. Wireless telecommunication facilities are regulated through the State Public Utilities Commission as a public utility, which has addressed health and safety issues. The antenna installation will comply with FCC regulations, the National Electric Code, ANSI, and any applicable published federal standards that pertain to electromagnetic field exposure limits and the safe installation and maintenance of electric and radio frequency equipment. ***Compliance with the aforementioned regulations and standards is a condition of the conditional use permit, and any noncompliance may result in an immediate revocation of the permit.*** The proposed antenna and equipment will be installed such that they are incorporated into existing school facilities and no additional traffic or parking demand for this use is anticipated."

The only change to draft finding "C" is the additional sentence in bold italics.

### III. RECOMMENDATION

If the Planning Commission wishes to approve Conditional Use Permit Case No. 07-CUP-007, a draft Resolution and conditions of approval are attached for adoption.

### IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Site Coverage Maps
- February 5, 2009 Meeting Minutes
- February 5, 2009 Staff Report

Case Planner: Renee Madrigal, Assistant Planner

DRAFT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING CONDITIONAL USE PERMIT CASE NO. 07-CUP-007

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY  
FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by Omnipoint Communications, Inc., for T-Mobile with respect to the real property located at 5844 Larboard Lane (Lindero Middle School), Assessor's Parcel Number 2056-015-900, requesting the approval of a Conditional Use Permit (Case No. 07-CUP-007) to construct an unmanned wireless telecommunication facility consisting of three (3) new T-Mobile antenna flag poles with two (2) antennas inside each pole, and six (6) associated ground-mounted equipment cabinets surrounded by an eight (8) foot high masonry equipment enclosure. Public hearings were duly held on February 5, 2009 and March 5, 2009, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section 3. The Planning Commission, pursuant to the Agoura Hills Zoning Ordinance, finds as follows:

A. The proposed use, as conditioned, is consistent with the objectives and the provisions of the Zoning Ordinance and the purposes of the School District (SH) zone in which the use is located. Wireless telecommunication facilities are allowed in the School District (SH) zone, subject to the issuance of a Conditional Use Permit. The proposed antennas will be hidden within a pole design, which appears as a flag pole and does not have the visual mass of the typical monopole array antennas.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The proposed antennas will be concealed within the top of an 18 inch wide galvanized steel flag pole "radome". Consequently, the project would not visually impact the surrounding residential community in that the antennas appear as only a flag pole, typically found on a school campus. The visibility of the equipment will be limited as it is located more than 200 feet from the closest public right-of-way (Rainbow View Drive), bordering the school on the south. The overall project is obstructed from views at surrounding streets (Larboard Lane, Sandtrap Drive, Rainbow Hill Road, and Rainbow View Drive) by mature landscaping and surrounding residential developments.

C. The proposed use, as conditioned, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare. Wireless telecommunication facilities are regulated through the State Public Utilities Commission as a public utility, which has addressed health and safety issues. The antenna installation will comply with FCC regulations, the National Electric Code, ANSI, and any applicable published federal standards that pertain to electromagnetic field exposure limits and the safe installation and maintenance of electric and radio frequency equipment. Compliance with the aforementioned regulations and standards is a condition of the conditional use permit, and any noncompliance may result in an immediate revocation of the permit. The proposed antenna and equipment will be installed such that they are incorporated into existing school facilities and no additional traffic or parking demand for this use is anticipated.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. Telecommunication facilities are allowed in the School District (SH) zone, subject to the issuance of a Conditional Use Permit. The location of the antennas and ancillary equipment will comply with the state and federal requirements.

E. The proposed use, as conditioned, will maintain the diversity of the community. The nearest wireless telecommunication facility is located at Kanan Road and Thousand Oaks Boulevard, as such, the new facility would not contribute to the over-concentration of similar uses.

F. The proposed use is consistent with the goals, objectives and policies of the General Plan. The General Plan Community Design Element calls for an efficiently organized and aesthetically pleasing City. The project meets this goal by locating the new antennas on new antenna flag poles and screening the required ancillary equipment from public view.

Section 4. The project is exempt from the California Environmental Quality Act (CEQA), as defined in Section 15303, Class 3, and does not require the adoption of an environmental impact report or negative declaration.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 07-CUP-007, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 5<sup>th</sup> day of March, 2009, by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
John O'Meara, Chairperson

ATTEST:

\_\_\_\_\_  
Doug Hooper, Secretary

## CONDITIONS OF APPROVAL (CASE NO. 07-CUP-007)

### STANDARD CONDITIONS

1. This decision, or any aspects of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of Approval of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete confirmation to the approved Site Plan, Elevation Plans, and Equipment Details Plans.
4. It is hereby declared to be the intent that if any provision of this permit is held or declared invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so within thirty (30) days.
6. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
7. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.
8. The SWPPP shall be prepared in compliance with the Development Construction Model Program for Stormwater Management within the County of Los Angeles, and shall be subject to approval by the City Engineer. The SWPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in stormwater discharges from the construction site during the construction period, and after construction as required.
9. Operation of the use shall not be granted until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.



10. Unless this permit is used within two (2) years from the date of City approval, these permits will expire. A written request for a one-year extension may be considered prior to the expiration date.
11. It is the responsibility of the applicant and/or his or her representatives to report to the City any changes related to any aspects of the construction prior to undertaking the changes.

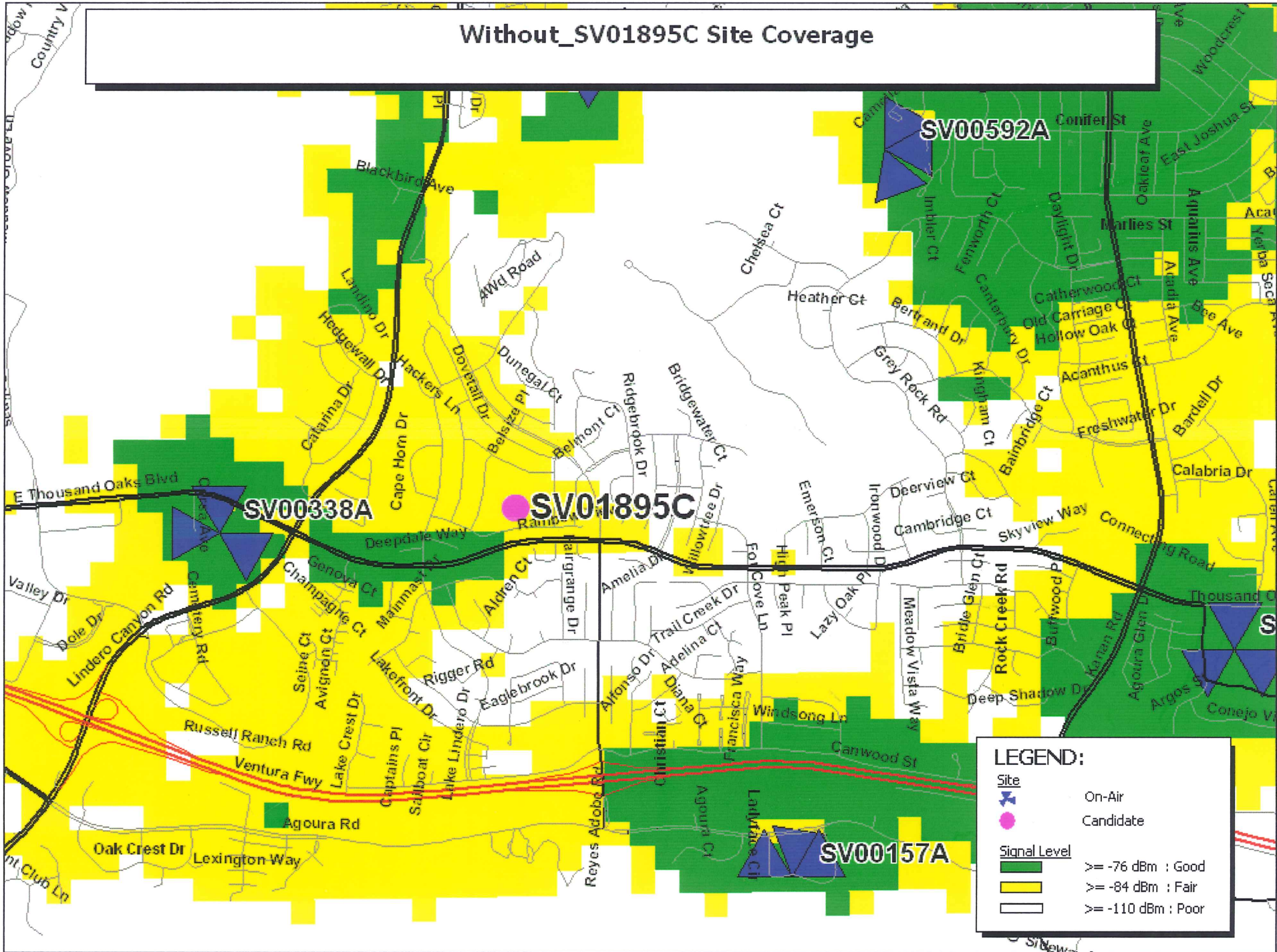
#### SPECIAL CONDITIONS

12. Prior to the issuance of building permits, all requirements of the Los Angeles County Fire Department shall be satisfied.
13. The antenna flag poles shall be painted gray.
14. The proposed equipment shall be screened from public view with a masonry equipment enclosure to match the existing retaining wall finish and approved by the Director of Planning and Community Development.
15. No wire or cable shall be visible on the outside of the equipment shelter. All wires and cables shall be located inside the new antenna flag poles.
16. The antenna installation shall comply with Federal Communication Commission regulations, the National Electric Code, the American National Standard Institute, Public Utilities Code, and any applicable published federal standards that pertain to electromagnetic field exposure limits and the safe installation and maintenance of electric and radio frequency equipment.
17. Upon installation of the facility, the applicant shall provide written verification for review and approval by the Director of Planning and Community Development that the antennas installation complies with Federal Communication Commission regulations, the National Electric Code, the American Standards Institute, Public Utilities Code, and any applicable published federal standards that pertain to electromagnetic field exposure limits and the safe installation and maintenance of electric and radio frequency equipment. The power levels of each antenna shall be verified by the applicant and approved by the Director of Planning and Community Development.
18. If any future inspection discloses that the subject property is being used in violation of any one of the Conditions of Approval, the applicant shall be financially responsible and shall reimburse the City of Agoura Hills for all additional enforcement efforts necessary to bring the subject use into compliance.
19. The antennas and appurtenant equipment shall be removed from the property within 60 days in the event the wireless telecommunication facility ceases operation.

20. If any circumstance or change to the site results in greater visibility of the facility, the approval of this Conditional Use Permit shall be subject to re-evaluation which may result in the revocation of the Conditional Use Permit or modifications to the Conditions of Approval.
21. As part of the approval, the Planning Department must receive from the applicant a copy of the notice of completion registered with the State Public Utility Commission.
22. Compliance with the Federal Communication Commission and the Public Utilities Code emission regulations and standards is a condition of this permit, and any noncompliance may result in an immediate revocation of the permit.

END

Without\_SV01895C Site Coverage

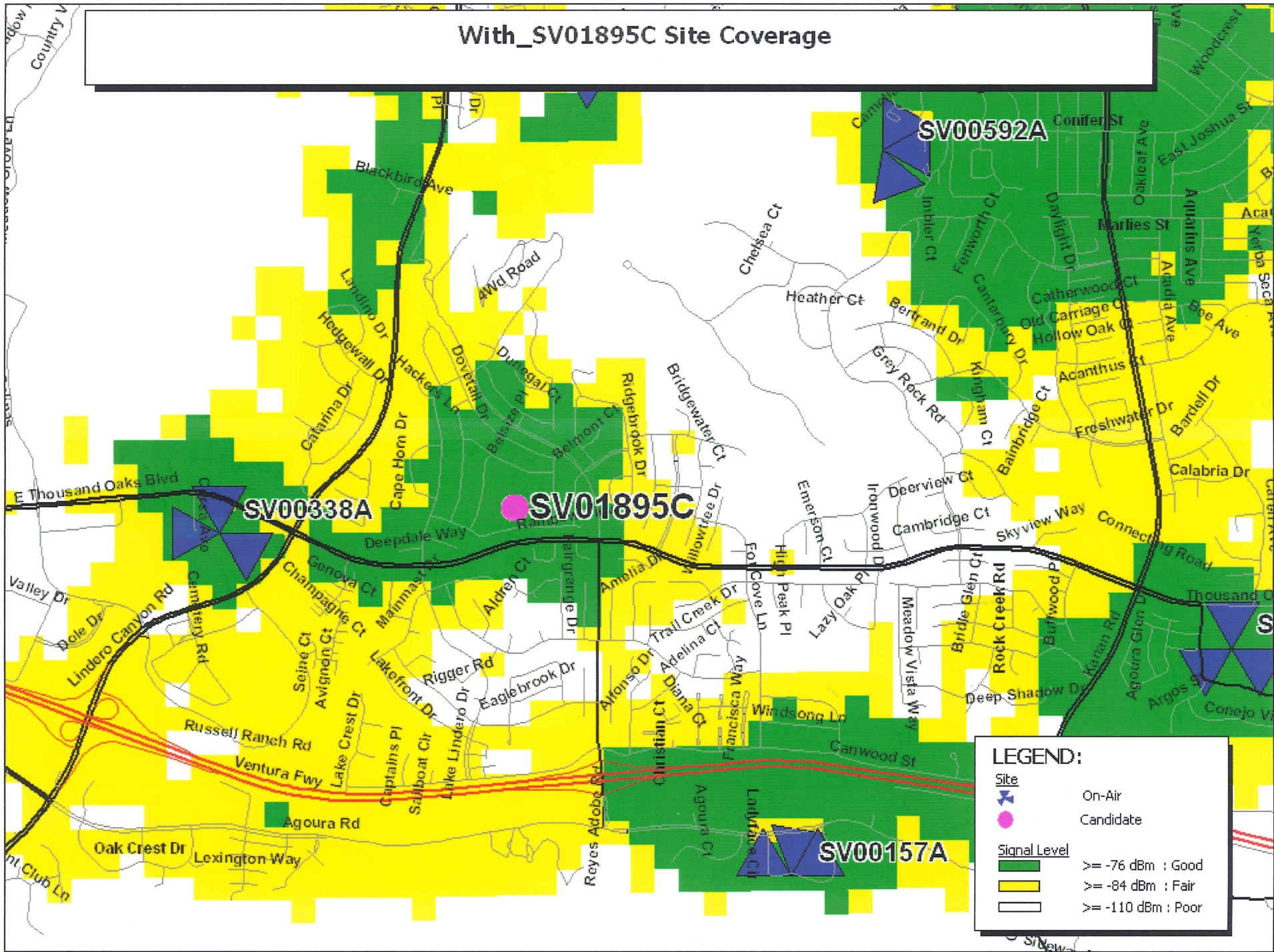


**LEGEND:**

<b>Site</b>	
	On-Air
	Candidate
<b>Signal Level</b>	
	>= -76 dBm : Good
	>= -84 dBm : Fair
	>= -110 dBm : Poor



# With\_SV01895C Site Coverage

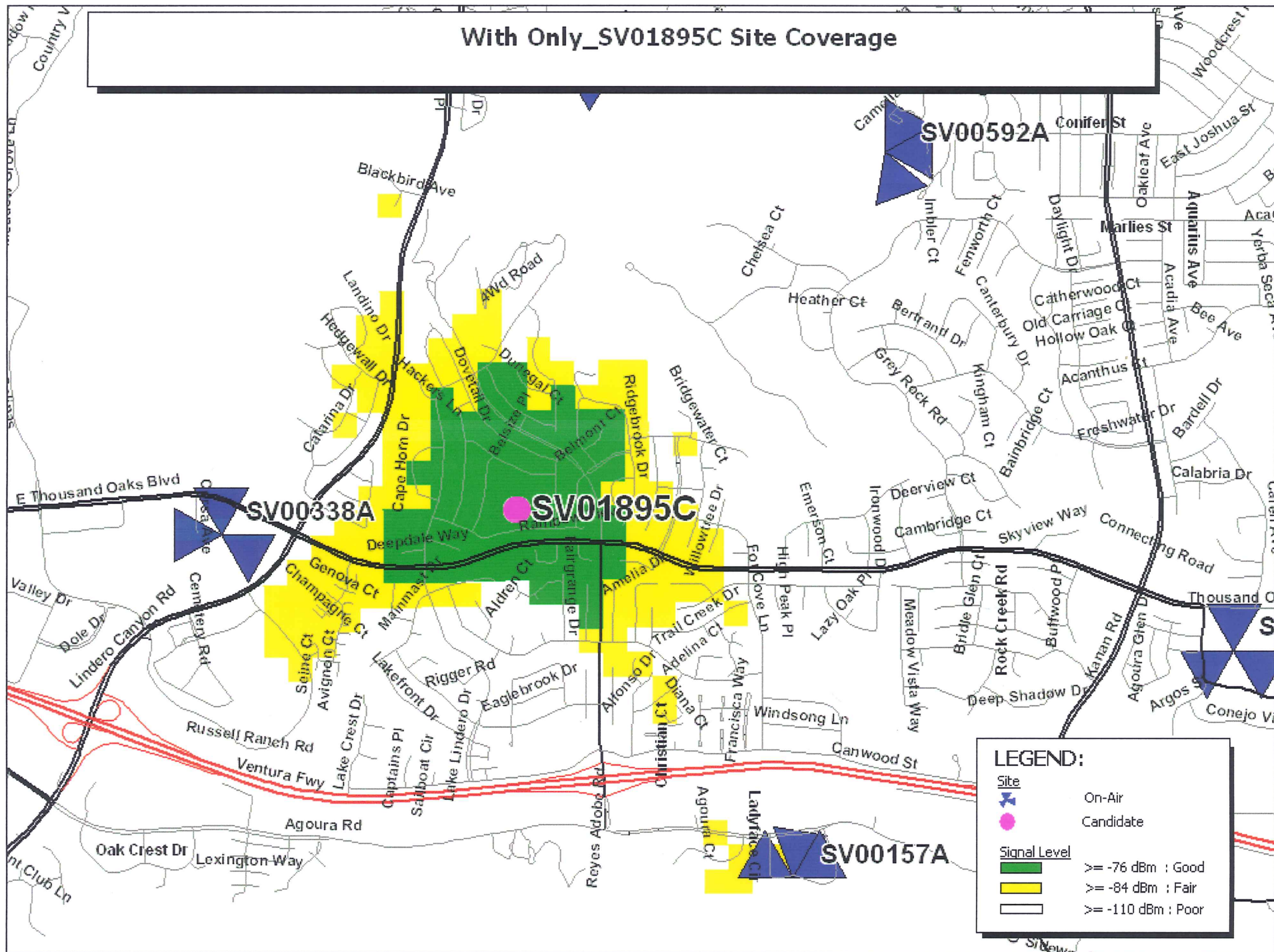


## LEGEND:

- Site
  - On-Air (Blue Triangle)
  - Candidate (Pink Circle)
- Signal Level
  - Dark Green:  $\geq -76$  dBm : Good
  - Yellow:  $\geq -84$  dBm : Fair
  - White:  $\geq -110$  dBm : Poor



# With Only\_SV01895C Site Coverage



## LEGEND:

- | Site |           |
|------|-----------|
|      | On-Air    |
|      | Candidate |
- 
- | Signal Level |                        |
|--------------|------------------------|
|              | $\geq -76$ dBm : Good  |
|              | $\geq -84$ dBm : Fair  |
|              | $\geq -110$ dBm : Poor |



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**MINUTES OF THE REGULAR SCHEDULED MEETING OF  
THE PLANNING COMMISSION  
February 5, 2009**

**CALL TO ORDER:**

Chair O'Meara called the meeting to order at 6:30 p.m.

**FLAG SALUTE:**

Commissioner Rishoff

**ROLL CALL:**

Chair John O'Meara, Commissioners Illece Buckley Weber, Cyrena Nouzille, and Steve Rishoff. Vice Chair Curtis Zacuto was absent.

Also, present were Assistant Community Development Director Doug Hooper, Assistant Planner Renee Madrigal, and Recording Secretary Sheila Keckhut.

Chair O'Meara stated that staff had received notification of Vice Chair Zacuto's absence prior to the meeting. There were no objections to excusing the absence.

**1. APPROVAL OF MINUTES:**

January 15, 2009 Planning Commission Meeting

On a motion by Commissioner Rishoff, seconded by Commissioner Buckley Weber, the Planning Commission moved to approve the Minutes of the January 15, 2009 Planning Commission Meeting. Motion carried 4-0. Vice Chair Curtis Zacuto was absent.

**PUBLIC COMMENTS:**

None

**NEW PUBLIC HEARING**

**2. REQUEST:**

Request for approval of a Conditional Use Permit to construct an unmanned wireless telecommunication facility consisting of three (3) new T-Mobile antenna flag poles with two (2) antennas inside each pole, and six (6)

Thomas Silk, resident

Elizabeth Mathieu, resident

REBUTTAL: Frank Koppala, Suresite Consulting Group, LLC and Jim Lee, Omni-Point Communications, Inc., representing the applicant, gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Chair O'Meara closed the public hearing.

RECESS: Chair O'Meara called for a recess at 8:08 p.m.

RECONVENE: Chair O'Meara reconvened the meeting at 8:35 p.m.

Chair O'Meara reopened the public hearing and the applicant, Frank Koppala, Suresite Consulting Group, LLC and Jim Lee, Omni-Point Communications, Inc., representing, T-Moible, spoke.

ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Buckley Weber, the Planning Commission moved to continue Conditional Use Permit Case No. 07-CUP-007 to the March 5, 2009 Planning Commission meeting. Motion carried 4-0. Vice Chair Zacuto was absent.

**ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA**

*(Planning Commission and Staff)*

**ADJOURNMENT**

At 8:49 p.m., on a motion by Commissioner Buckley Weber, seconded by Commissioner Nouzille, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday, February 19, 2009 at 6:30 p.m. Motion carried 4-0. Vice Chair Zacuto was absent.

associated ground-mounted equipment cabinets surrounded by an eight (8) foot high masonry equipment enclosure.

APPLICANT: Omnipoint Communications, Inc. for T-Mobile  
3659 Green Road, Suite 317 (Sure Site)  
Beachwood, OH 44122

CASE NO.: 07-CUP-007

LOCATION: 5844 Larboard Lane (Lindero Middle School)  
(A.P.N. 2056-015-900)

ENVIRONMENTAL  
DETERMINATION: Categorically Exempt from CEQA (Class 3)

RECOMMENDATION: Staff recommended approval of Conditional Use Permit  
Case No. 07-CUP-007, subject to conditions, based on the  
findings of the resolution.

PUBLIC COMMENTS: Chair O'Meara opened the Public Hearing.

The following persons spoke on this agenda item:

Frank Koppala, Suresite Consulting Group, LLC,  
representing T-Mobile.

Jim Lee, Omni-Point Communications, Inc., representing T-Mobile.

Nancy Burns, resident

Lisa Minich, resident

Bob Minich, resident

Paul Bromley, resident

MaryAnn Rush, representing Lindero Canyon Middle  
School, and Willow Elementary.

Julie A. Buckley, resident

Christina Hoppe, resident

Elisabeth Ismael, resident

Theresa Chiarelli, resident





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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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DATE: February 5, 2009

APPLICANT: Omnipoint Communications, Inc. for T-Mobile  
3659 Green Road, Suite 317 (Sure Site)  
Beachwood, OH 44122

TO: Planning Commission

CASE NO.: 07-CUP-007

LOCATION: 5844 Larboard Lane (Lindero Middle School)  
(A.P.N. 2056-015-900)

REQUEST: Request for approval of a Conditional Use Permit to construct an unmanned wireless telecommunication facility consisting of three (3) new T-Mobile antenna flag poles with two (2) antennas inside each pole, and six (6) associated ground-mounted equipment cabinets surrounded by an eight (8) foot high masonry equipment enclosure.

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA (Class 3)

RECOMMENDATION: Staff recommends approval of Conditional Use Permit Case No. 07-CUP-007, subject to conditions, based on the findings of the attached resolution.

ZONING DESIGNATION: SH (School District)

GENERAL PLAN DESIGNATION: PF (Public Facility)

**I. PROJECT BACKGROUND AND DESCRIPTION**

The applicant, Omnipoint Communication, Inc., an authorized agent for T-Mobile, is proposing to install an unmanned wireless telecommunication facility on the Lindero

Middle School property, located at 5844 Larboard Lane, owned by the Las Virgenes School District. As a State agency, the school district can exempt itself from City regulations. However, since this cellular site is considered a commercial use that will serve the T-Mobile customers and not solely serve the school and/or school district, although located on school district land, it is subject to a Conditional Use Permit from the City prior to installation as required by the Zoning Ordinance.

T-Mobile has applied for a Conditional Use Permit to construct an unmanned wireless telecommunication facility on the center portion of the Lindero Middle School campus. Road access to the facility would be via Larboard Lane. The school site is surrounded by single-family residences. The closest distance from the telecommunication facility is approximately 300 feet.

The applicant is proposing to install a new wireless telecommunication facility on three (3) new 40 and 45-foot high T-Mobile flag poles that encase the antennas, 18 inches in diameter. Two (2) PCS panel antennas are proposed to be mounted in stacked pairs at effective heights of no more than 40 feet above ground within each pole. A GPS antenna is proposed to be mounted to one of the equipment cabinets. PCS antennas are used to transmit and receive the actual data to and from the handheld (cellular) phones.

In addition, six (6) associated ground-mounted equipment cabinets are proposed to be located at the parking lot level (off the Rainbow View Drive entrance), adjacent and ten feet below the proposed flag pole level. The three parking spaces at the north end of the parking lot are proposed to be removed to accommodate the equipment cabinets. The cabinets will be surrounded by an eight (8) foot high masonry equipment enclosure to match the existing retaining wall finish, with a black wrought iron lid and 4-foot wide corrugated steel gate. In addition, a new planter area will be installed on the north and west elevations of the new equipment enclosure. No off-site or public improvements will be needed for this proposed facility.

T-Mobile is considered a public utility and is regulated and licensed by the Federal Communications Commission (FCC). The FCC authorizes a utility's initial system and then delegates its authority to local agencies to regulate the location, construction and aesthetics of the wireless telecommunication facilities. In the event of a natural disaster, T-Mobile will assist in providing emergency communication for the community. Therefore, while the intent of the wireless telecommunication facility is for private commercial use, the service provided will benefit the public at large.

Furthermore, the Telecommunication Act of 1996 states that: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission regulations concerning such emission."

The applicant has provided staff with specifications of the equipment to be installed and certifies that the proposed facility meets FCC standards. The FCC relies on standards

developed by a non-profit privately funded organization known as the American National Standards Institute (ANSI). Standards are continually reviewed to account for new research findings and modified when appropriate. In addition, the State Public Utilities Commission (PUC) requires the applicant to submit notification to the PUC when local approval of a facility is obtained. It also requires quarterly updates of new cellular sites approved by local governmental agencies and built as a result of the approval.

## II. STAFF ANALYSIS

### Potential Visual Impacts

T-Mobile will install its antennas within an 18 inch new galvanized steel pole, with a flag attached. The antennas will not be constructed higher than 45 feet above ground. The maximum allowable height in the School zone is 35 feet. The code allows towers and antennas to be 10 feet above the maximum allowable height for the zone. Thus, the proposed 45 foot antenna is within the limits of the code. In order to prevent access to the cabinets, the equipment will be enclosed in a free-standing masonry structure, with both a protective and decorative wrought iron cover. Additional landscaping will be placed on the west and south sides of the equipment enclosure for additional screening.

### Design Requirements

The new flag poles will be painted gray. The material finish is non-reflective. In addition, the new concrete masonry wall around the equipment cabinets will match the existing retaining wall finish. Signage is proposed to be placed on the gates to the equipment according to federal standards.

## III. FINDINGS

In order for a Conditional Use Permit to be approved, the proposed project must show substantial evidence to demonstrate that the use will satisfy the five findings listed below.

The Planning Commission must find that the proposed use is consistent with the objectives of the Zoning Ordinance and the purposes of the School District (SH) zone in which the use is located. Wireless telecommunication facilities are allowed in the School District (SH) zone, subject to the issuance of a Conditional Use Permit. Although the City's jurisdiction is limited on school properties, the development standards defined in the Zoning Ordinance apply to any commercial activity. As such, applicants are encouraged to camouflage telecommunication antennas by incorporating the apparatus in an architectural feature of an existing building. The use of monopoles for wireless telecommunication antennas is typically discouraged by policy unless sufficiently screened from view. In this case, the applicant has designed the proposed antennas to be

hidden within a pole design, which appears as a flag pole and does not have the visual mass of the typical monopole array antennas.

Another finding that the Planning Commission must make is that the proposed use is compatible with the surrounding properties. The proposed antennas will be concealed within the top of an 18 inch wide galvanized steel flag pole "radome". Consequently, the project would not visually impact the surrounding residential community in that the antennas appear as only a flag pole, typically found on a school campus. The visibility of the equipment will be limited as it is located more than 200 feet from the closest public right-of-way (Rainbow View Drive), bordering the school on the south. The overall project is obstructed from views at surrounding streets (Larboard Lane, Sandtrap Drive, Rainbow Hill Road, and Rainbow View Drive) by mature landscaping and surrounding residential developments.

The Planning Commission must also find that the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare. Wireless telecommunication facilities are regulated through the State Public Utilities Commission as a public utility, which has addressed health and safety issues. The antenna installation will comply with FCC regulations, the National Electric Code, ANSI, and any applicable published federal standards that pertain to electromagnetic field exposure limits and the safe installation and maintenance of electric and radio frequency equipment. The proposed antenna and equipment will be installed such that they are incorporated into existing school facilities and no additional traffic or parking demand for this use is anticipated.

Another finding must demonstrate that the proposed use will comply with each of the applicable provisions of the Zoning Ordinance. Telecommunication facilities are allowed in the SH zone, subject to the issuance of a Conditional Use Permit. The location of the antennas and ancillary equipment will comply with State and Federal requirements.

A finding must also be made that the distance from other similar and like uses is sufficient to maintain the diversity of the community. T-Mobile has informed the City that the nearest wireless telecommunication facility is located at Kanan Road and Thousand Oak Boulevard, as such, the new facility would not contribute to the over-concentration of similar uses.

Finally, a finding must be made that the proposed use is consistent with the goals, objectives and policies of the General Plan. The General Plan Community Design Element calls for an efficiently organized and aesthetically pleasing City. The project meets this goal by locating the new antennas on new antenna flag poles and screening the required ancillary equipment from public view.

#### **IV. RECOMMENDATION**

Based on the above analysis, staff recommends approval of Conditional Use Permit Case No. 07-CUP-007, subject to conditions of the attached draft resolution.

**V. ATTACHMENTS**

- Draft Resolution and Conditions of Approval
- Reduced Photocopies of Plans
- Photo Simulations
- Vicinity Map

CASE PLANNER: Renee Madrigal, Assistant Planner



















**T-Mobile**  
Stick Together  
4100 COLUMBIAN  
SARASOTA, FL 34230

PLANS PREPARED BY:  
**CDG**  
CONNELL DESIGN GROUP, LLC  
CONSULTING ENGINEERS  
400 MARYLAND DRIVE, SUITE 400, ASTORIA, OREGON 97103  
PH: 503.325.8700 FAX: 503.325.8702  
CDG#: 08-9009

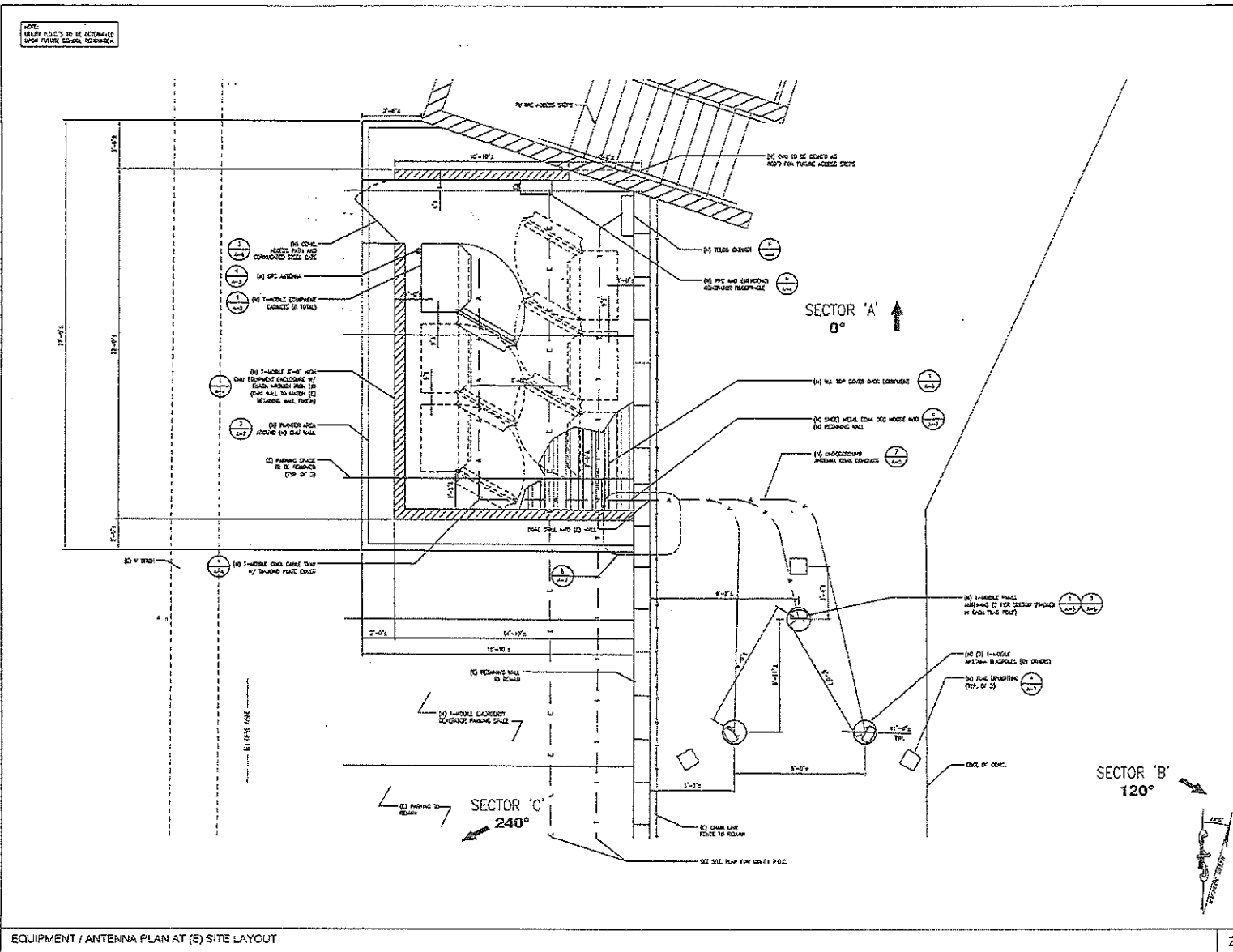
CONSULTING GROUP:  
**SureSite Consulting Group, LLC**  
3659 Green Road, Suite 317  
Cleveland, Ohio 44122

NO.	DATE	DESCRIPTION	BY

SITE INFORMATION:  
**LINDERO MIDDLE SCHOOL**  
**SV01895C**  
6844 LARBOARD LANE  
ADOUVA HILLS, CA 91301  
ISSUE DATE: 09/23/08

SEAL:  
  
SHEET TITLE:  
**ENLARGED SITE PLAN**

SHEET NUMBER:  
**A-2.1**

















**T-Mobile**  
Stick Together

4100 COLUMBIAN  
2ND VALLEY, OH 43082

PLANS PREPARED BY:



**CONNELL DESIGN GROUP, LLC**  
CONSULTING ELECTRICAL ENGINEERS  
4400 LANGFORD BLVD., SUITE 400, CLEVELAND, OH 44131  
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CDG#: 08-3009

CONSULTING GROUP:

**SureSite Consulting Group, LLC**  
3659 Green Road, Suite 317  
Cleveland, Ohio 44122

NO.	DATE	DESCRIPTION	BY:

SITE INFORMATION:

**LINDERO MIDDLE SCHOOL**  
**SV01895C**  
2544 LARBOARD LANE  
AGOURA HILLS, CA 91301  
ISSUE DATE: 09/23/08

SCALE:



SHEET TITLE:

**ELECTRICAL SITE PLAN, POWER & RF CONFIGURATION**

SHEET NUMBER:

**E-1**

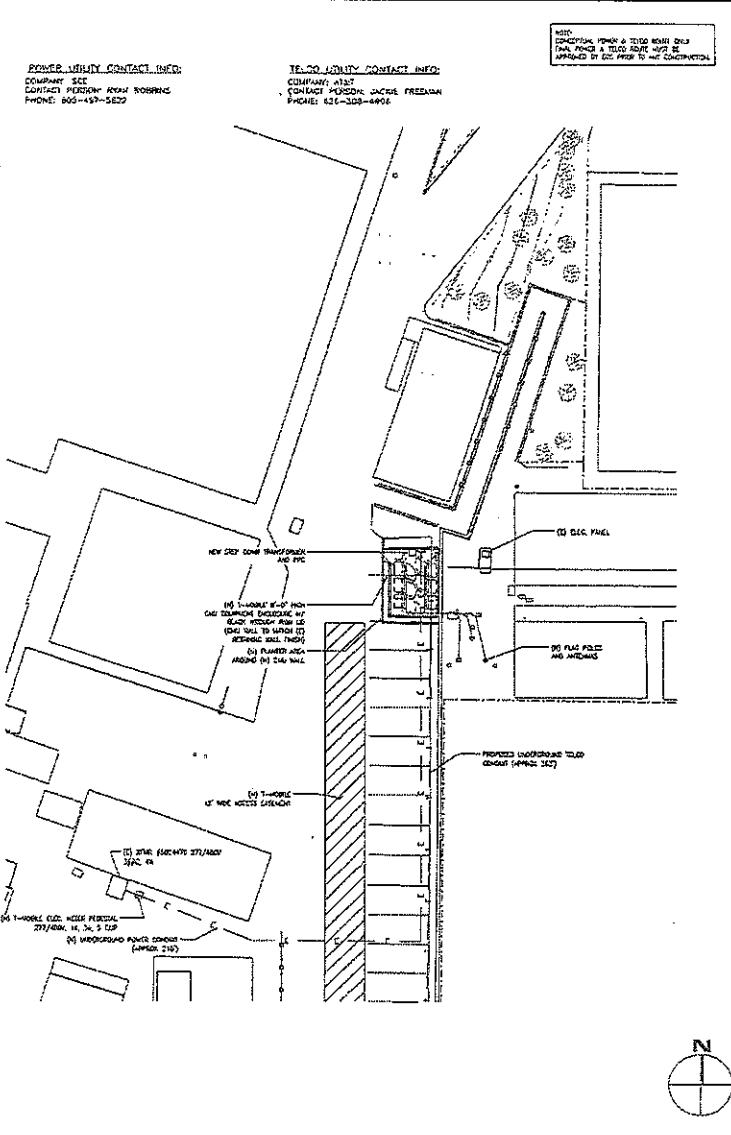
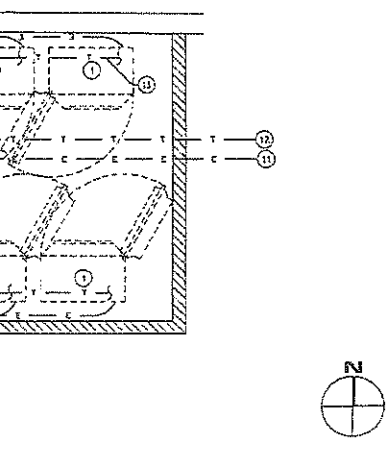
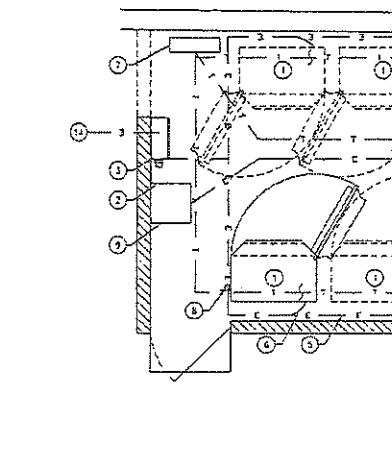
- GROUNDING WIRE, DASHED LINE INDICATES UNDERGROUND
- POWER LINE, DASHED INDICATES UNDERGROUND, 1/4" = 120V/240V, 1/2" = 480V, 3/4" = 13.8KV, 1" = 33KV
- TELEPHONE LINE, DASHED LINE INDICATES UNDERGROUND
- COAXIAL CABLE, DASHED LINE INDICATES UNDERGROUND
- ⊙ DETAIL REFERENCE DETAIL NO. 3 ON SHEET 03
- ⊙ GROUND ROD
- ⊕ RAINING ROD WITH ACCESS
- ⊕ FUSED DISCONNECT SWITCH
- ⊕ 240V, 2P, 20A WEATHERPROOF
- ⊕ GROUND BREAKER
- ⊕ FUSE
- ⊕ SUPPLY RECEPTACLE WITH GFCI IN WEATHERPROOF ENCLOSURE
- ⊕ SWITCH: 120VAC, 20A
- ⊕ = SWITCH LEG
- ⊕ = MANUAL MOTOR STARTER
- ⊕ CLAMP OR DOUBLE HOLE LUG TYPE GROUND CONNECTION
- ⊕ DISCONNECT CONNECTION RECOMMENDED TO GROUND RING AND CONNECTION CONNECTION TO GROUND WELD

- ⊕ 1/4" = 120V/240V
- ⊕ 1/2" = 480V
- ⊕ 3/4" = 13.8KV
- ⊕ 1" = 33KV
- ⊕ 1/4" = 120V/240V
- ⊕ 1/2" = 480V
- ⊕ 3/4" = 13.8KV
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- ⊕ 1/2" = 480V
- ⊕ 3/4" = 13.8KV
- ⊕ 1" = 33KV

**SYMBOLS** SCALE: 1/8" = 1'-0" 2

**ABBREVIATIONS** SCALE: N.T.S. 3

- CONSTRUCTION KEY NOTES:**
- 1 NEW T-MOBILE (6) ERICSSON RBS 2100 EQUIPMENT CABINETS
  - 2 NEW T-MOBILE EMERGENCY GENERATOR RECEPTACLE
  - 3 NEW T-MOBILE POWER PROTECTION CABINET (PANEL "A")
  - 4 NOT USED
  - 5 1/4" RISE CONDUIT FOR POWER (EACH CABINET)
  - 6 FROM SEE COMMENTS USE PLEX TO BACK OF PEDestal (APPLIES TO ALL CONDUIT RUNS TO EQUIPMENT TYPE)
  - 7 NEW JST TELE CABINET
  - 8 NEW DPC ANTENNA
  - 9 NEW T-MOBILE STEP DOWN TRANSFORMER (277/480V-120/240V)
  - 10 NOT USED
  - 11 NEW T-MOBILE U.S. POWER RUN (SEE SITE PLAN)
  - 12 NEW T-MOBILE U.S. TELECO RUN (SEE SITE PLAN)
  - 13 MULTIPLE TELECO CABLES ROUTED THREE BASE PEDESTALS
  - 14 TO FLAG POLE UPDATING



**ELECTRICAL SITE PLAN** SCALE: N.T.S. 1 **POWER PLAN** SCALE: 3/8" = 1'-0" 4

**POWER UTILITY CONTACT INFO:**  
COMPANY: SCE  
CONTACT PERSON: KEVIN ROBBINS  
PHONE: 805-457-5622

**TELECO UTILITY CONTACT INFO:**  
COMPANY: AT&T  
CONTACT PERSON: JACQUE FREEDMAN  
PHONE: 616-308-4906

**NOTE:**  
CONSTRUCTION POWER & TELECO RINGS ONLY  
FINAL POWER & TELECO RINGS MUST BE  
APPROVED BY SCE AND AT&T



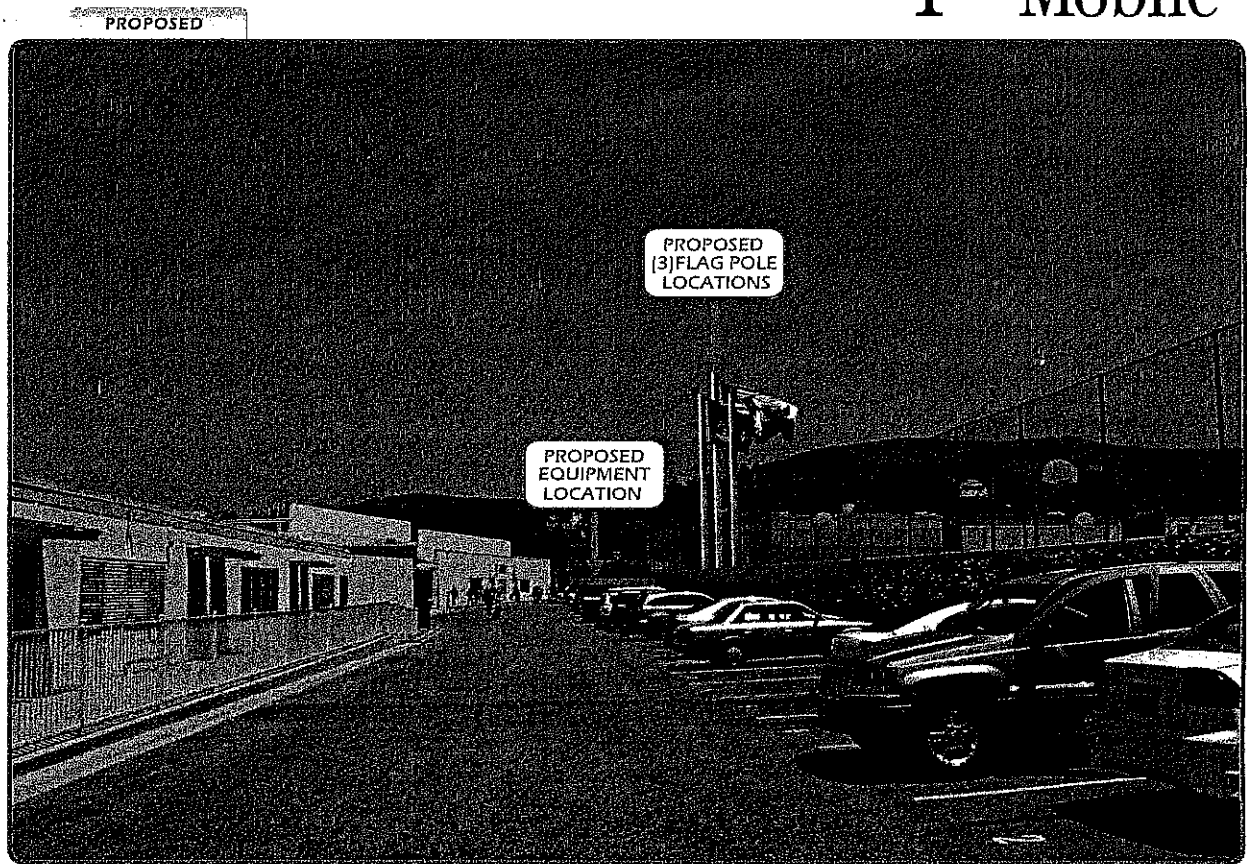
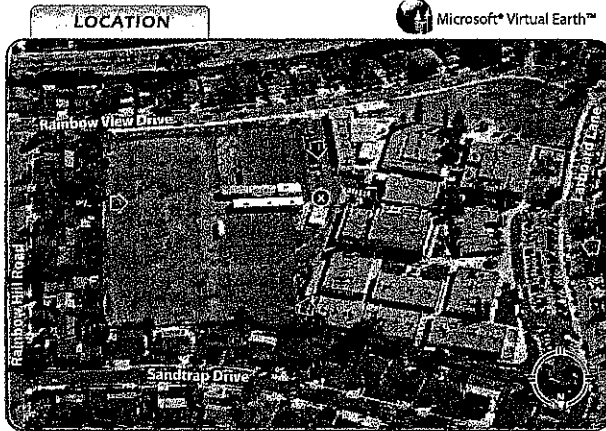








.. T .. Mobile ..



**SV01895C**  
**Lindero Canyon Middle School**  
5844 Larboard Lane  
Agoura Hills, CA 91301

**VIEW 1**

**APPLICANT**

T-Mobile  
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**CONTACT**

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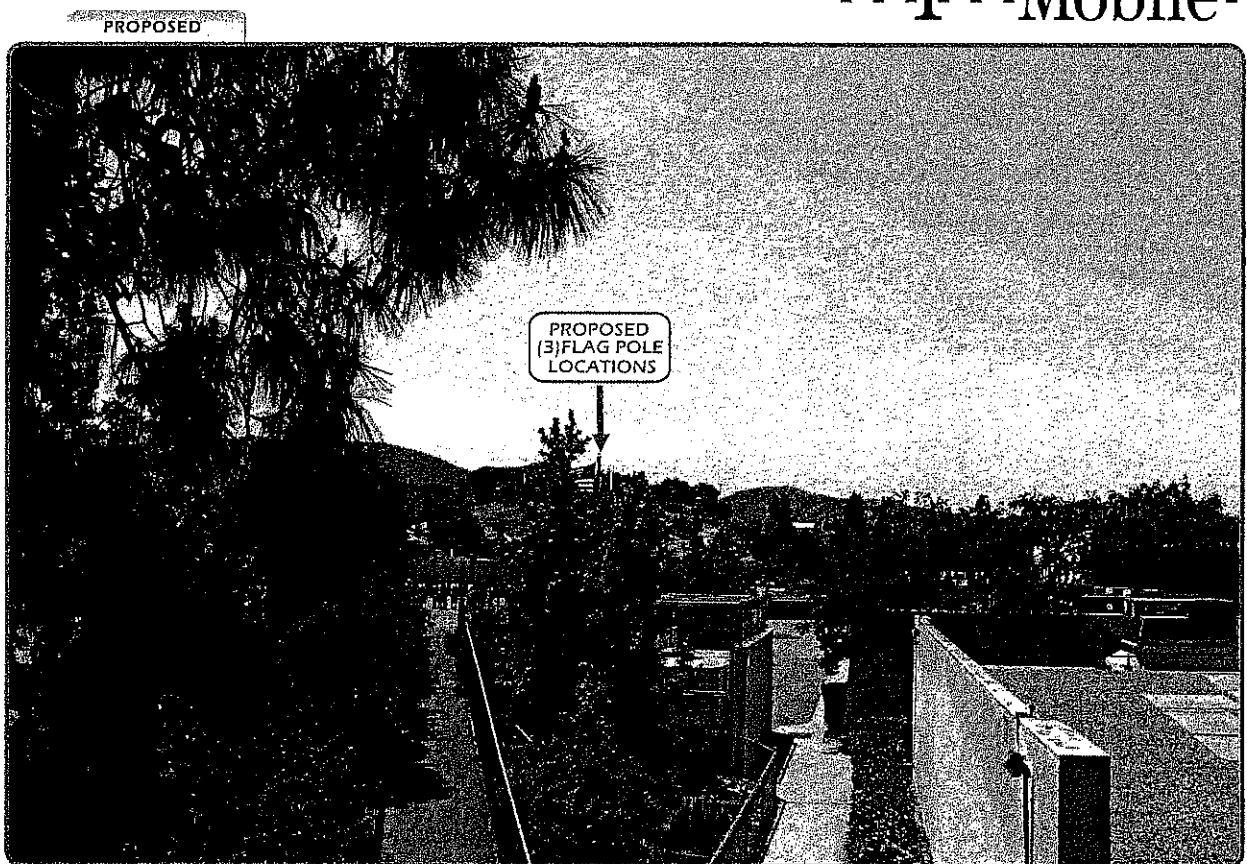
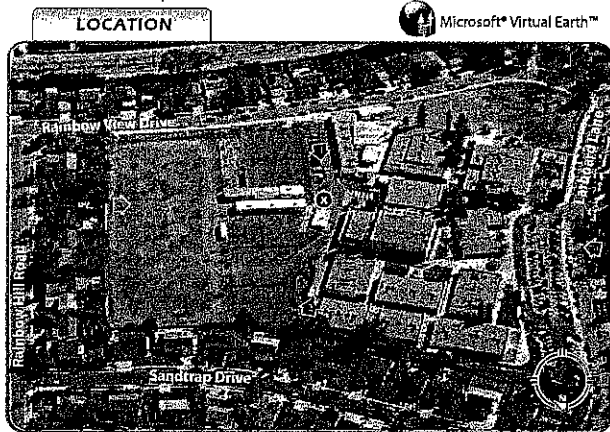


**BLUE WATER DESIGN**

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Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

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**VIEW 2**

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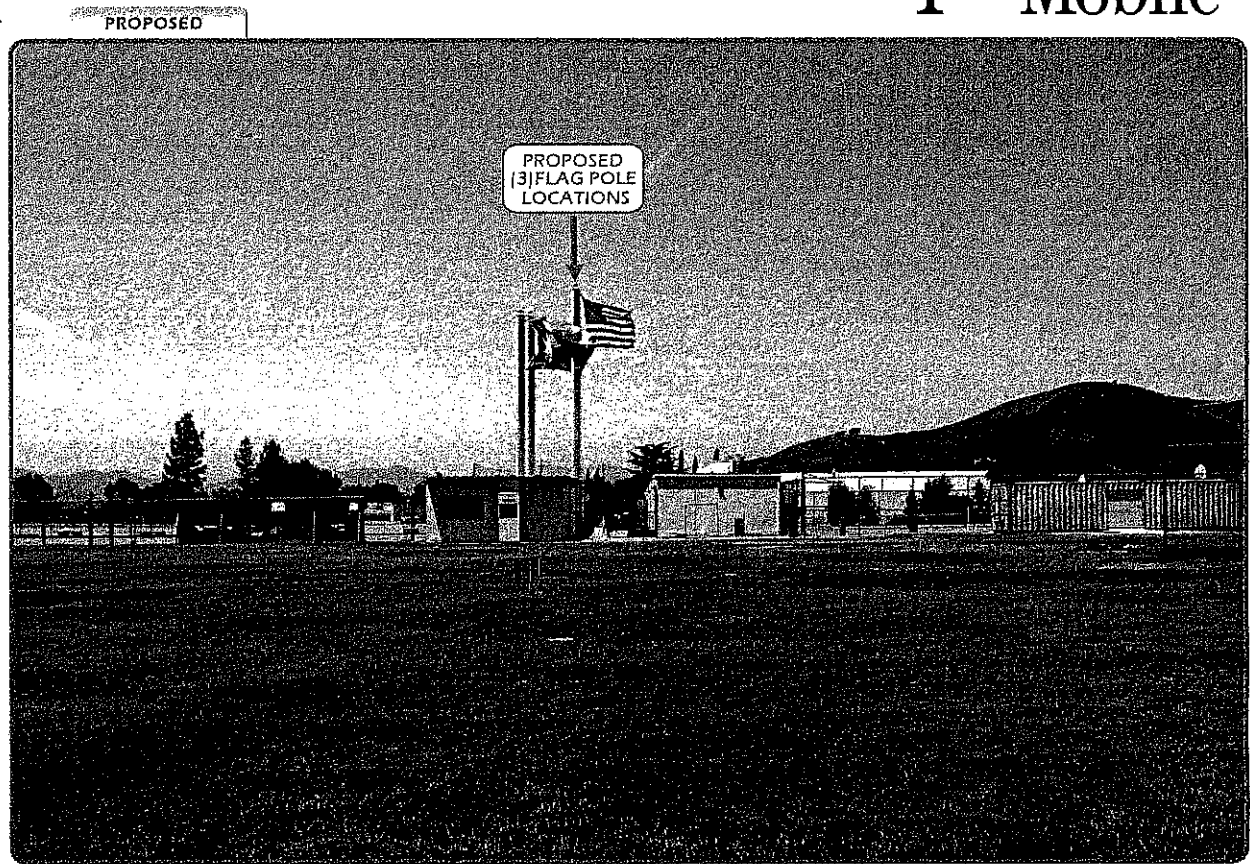
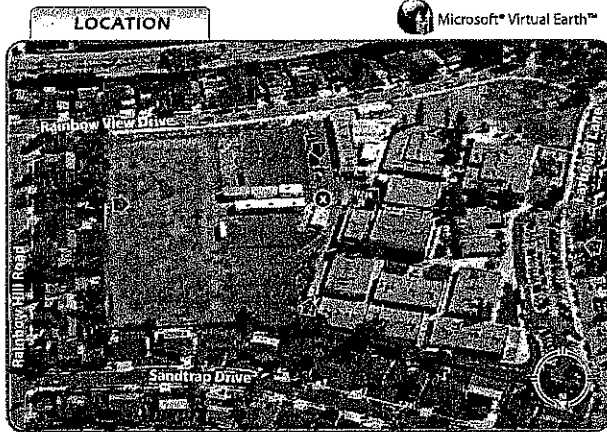
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**VIEW 3**

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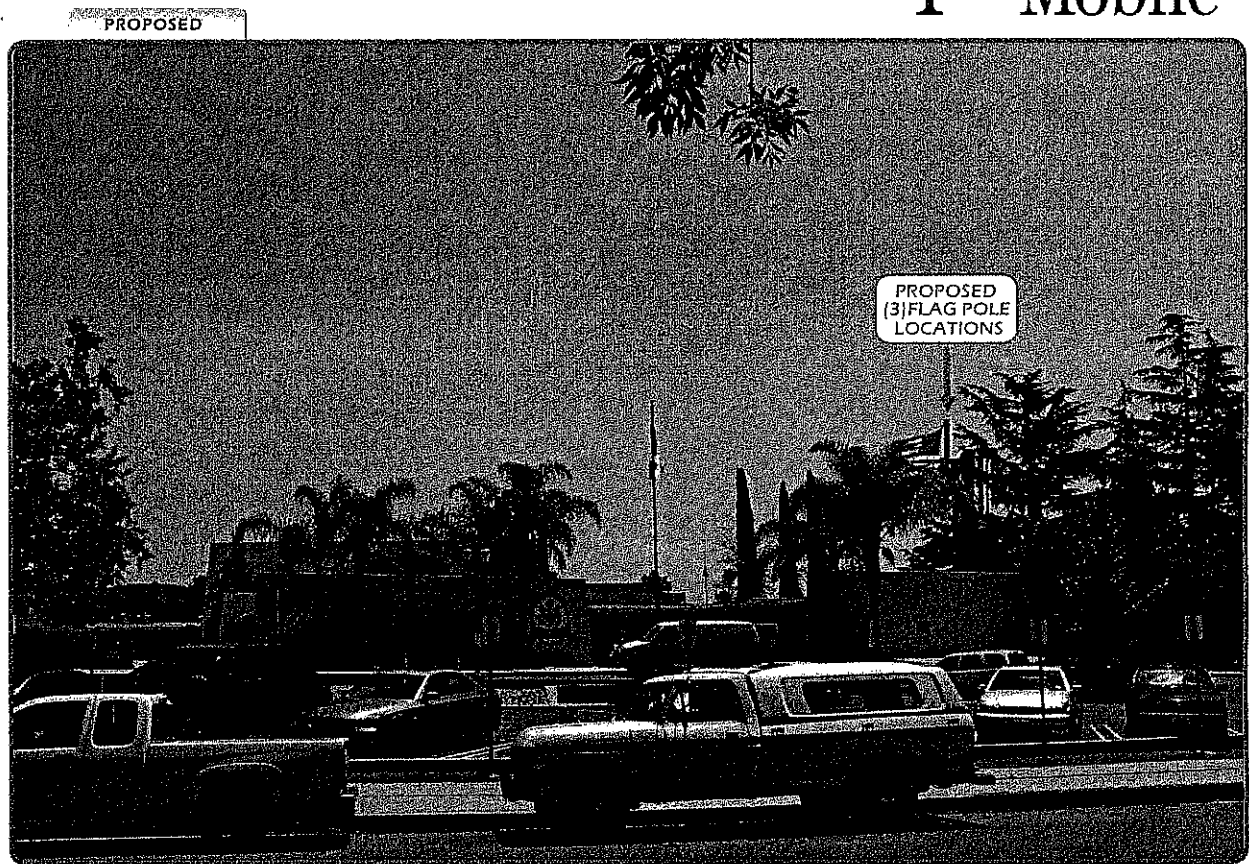
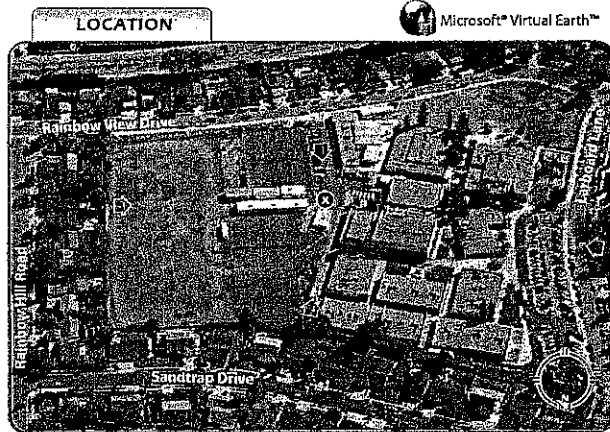
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CONDITIONAL USE PERMIT CASE NO. 07-CUP-007 (T-MOBILE)

