### **REPORT TO CITY COUNCIL**

DATE: JUNE 10, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

- FROM: GREG RAMIREZ, CITY MANAGER
- BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
- **SUBJECT:** APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT CASE NO. 07-CUP-007, WHICH ALLOWS FOR THE CONSTRUCTION OF 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 **EOUIPMENT ENCLOSURE** (OMNIPOINT **COMMUNICATIONS, INC. FOR T-MOBILE, APPLICANT)**

The request before the City Council is to conduct a public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit Case No. 07-CUP-007, which allows the construction of an unmanned wireless telecommunication facility on the Lindero Canyon Middle School property, located at 5844 Larboard Lane.

The Planning Commission held two public hearings on February 5, 2009, and March 5, 2009, and approved T-Mobile's request for 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 hidden inside each pole, and six (6) associated ground-mounted equipment cabinets surrounded by an 8-foot high masonry equipment enclosure.

The applicant's proposal to the Planning Commission was to construct a new wireless telecommunication facility on three new antenna flag poles that are 18 inches in diameter. Two of the flag poles will be 40 feet tall and one will be 45 feet tall and each of the poles are located eight feet apart. Two panel antennas were proposed to be mounted in stacked pairs within each pole. In addition, six (6) associated ground-mounted equipment cabinets were proposed to be located at the parking lot level (off the Rainbow View Drive entrance), adjacent to, and ten feet below, the proposed flag pole level. The three parking spaces at the north end of the parking lot were 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 for additional screening. The facility signage is limited to warning and

informational signs. Although located on school district land, the Zoning Ordinance requires consideration of a Conditional Use Permit for this project since this cellular site is considered a commercial use that will serve T-Mobile customers and not solely serve the school and/or school district for classroom instruction purposes.

The project site consists of a leased area on the center portion of the Lindero Canyon Middle School campus, located at 5844 Larboard Lane, owned by the Las Virgenes Unified School District. The cellular site would be placed west of the athletic field and set back approximately 200 feet from the closest public street (Rainbow View Drive) and approximately 300 feet from the closest residence. No off-site or public improvements will be needed for this proposed facility. The school site is surrounded by single-family residences.

At the February 5, 2009, Planning Commission meeting, the Commission requested additional information from the applicant, as well as questions of staff in clarifying the City's discretionary review authority of wireless telecommunication facilities and continued the hearing to March 5, 2009. In response to the Planning Commission's direction, staff consulted with the City Attorney and returned to the Commission on March 5, 2009, with a memo containing analysis of the issues raised by the Planning Commission. The following is a summary of the memo for City Council's information in reviewing the appeal:

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 because it is not directly used for, or related to, student instruction and is devoted completely to ancillary, non-instructional functions. Thus, 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 recommended 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. 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.
- 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.

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 Planning Commission staff reports from the February 5, 2009, and March 5, 2009, Planning Commission meetings are attached for reference. On March 5, 2009, on a 3-1 vote (Commissioner Buckley Weber opposed and Vice Chair Zacuto was absent), the Planning Commission adopted Resolution No. 961, approving the project per the findings contained in the resolution.

On March 20, 2009, the City Council filed an application for appeal of the Planning Commission's decision.

In an effort to address aesthetic concerns, the applicant has modified the project plans to eliminate the number of flag poles from three flag poles to one flag pole to assist in mitigating the visual impacts. According to the applicant, different technology has allowed them to combine all the antennas inside one flag pole and still have the same coverage as the previously proposed three flag poles. The flag pole would still be 45 feet high, which, according to the applicant, is the lowest possible height to meet the coverage objectives. For comparison purposes, the February 5, 2009 Planning Commission staff report contains exhibits of the three-pole design.

The flag pole is also still proposed to be an 18 inch diameter cylinder design to be located on the center portion of the Lindero Canyon Middle School campus, as originally planned. The antennas will be mounted inside the flag pole, such that the antennas will not be visible outside the flag pole structure. In addition, the flag pole will be painted to match the existing buildings, and an American flag is proposed to be flown from the pole. A small light at the base of the pole will be installed to illuminate the flag. The ground-mounted equipment is proposed to be screened using landscaping.

The applicant examined several alternative locations, but states the sites would not support their coverage needs due to location. Propagation map review further concluded that service area needs could not be met using these alternate locations. The applicant also examined the palm tree design. They felt that the flag pole would better blend in and be more camouflaged than the palm tree.

The new telecommunication facility is disguised as a flag pole. Flagpoles are structures that are typically found on a school campus. It is for this reason that the applicant chose the flag pole over other options. The antennas would be hidden inside the pole and would not be visible. The project has been revised to have one antenna flag pole rather than three as originally proposed. The equipment masonry wall enclosure is also compatible with other walls in this area of the school site. From the public view, the proposed project site lease area is within a developed property, with the facility located a distance from the public right-of-way and surrounding residential developments, and obstructed from views at surrounding streets by mature

landscaping and residential developments. Additionally, according to an analysis of Radio Frequency (RF) exposure submitted by the applicant, the project will comply with the prevailing standards for limiting public exposure to radio frequency energy.

## RECOMMENDATION

It is recommended the City Council conduct a public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit No. 07-CUP-007. If the City Council votes to uphold the decision of the Planning Commission and approves the project, it is recommended that attached Resolution No. 09-1532 be adopted, subject to conditions. The resolution reflects the revised project consisting of one flag pole instead of three. If the City Council votes to overturn the Planning Commission decision and denies the project, a revised resolution will be brought back for adoption at the next earliest possible City Council Meeting.

Attachments:

- City Council Resolution No. 09-1532
- Appeal Application
- Reduced Copies of Project Plans
- Photo-Simulations of Project Site
- Planning Commission Meeting Minutes (February 5, 2009 and March 5, 2009)
- Planning Commission Resolution No. 961
- Planning Commission Staff Reports (February 5, 2009 and March 5, 2009)
- Written Correspondence Received by the Public

### **RESOLUTION NO. 09-1532**

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT CASE NO. 07-CUP-007

# THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

<u>Section 1.</u> 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 40-foot and 45-foot high antenna flag poles with three (3) 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 by the Planning Commission 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, California. Notice of the time, date and place and purpose of the aforesaid was duly given. Evidence, both written and oral, was duly presented to, and considered by, the Planning Commission at the aforesaid public hearings. On March 5, 2009, the Planning Commission approved Conditional Use Permit Case No. 07-CUP-007 on a 3-1 vote (Commissioner Buckley Weber opposed and Vice Chair Zacuto was absent), subject to conditions, per Resolution 961.

Section 2. An appeal of the Planning Commission's approval of Conditional Use Permit Case No. 07-CUP-007 was filed by the Council Member with respect to the project described in Section 1 hereof. The appellant, the City Council, appealed the decision of the Planning Commission for the following reasons: To allow the City Council the opportunity to review and consider this item at a scheduled public hearing. The applicant submitted a revised plan proposing a single 45-foot high flag pole, instead of three (3) for review and consideration by the City Council. A public hearing on the appeal was duly held and public testimony was given on June 10, 2009, in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid public hearing was duly given.

Section 3. Evidence, both written and oral, was duly presented to, and considered by, the City Council at the aforesaid public hearing.

<u>Section 4.</u> Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the City Council finds as follows:

A. The proposed use, as conditioned, 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, and the location of the antennas and ancillary equipment will comply with 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 a new antenna flag pole and screening the required ancillary equipment from public view.

G. The applicant has revised the plans from what was approved by the Planning Commission by reducing the number of antennas and flag poles from three flag poles, with two (2) antennas inside each pole, to one (1) flag pole, with three panel antennas inside the pole.

<u>Section 5.</u> 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.

<u>Section 6.</u> Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 07-CUP-007, subject

to the attached Conditions, with respect to the property described in Section 1 herein, and denies the appeal.

PASSED, APPROVED AND ADOPTED this 10th day of June, 2009, by the following vote to wit:

AYES:( )NOES:( )ABSENT:( )ABSTAIN:( )

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

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

## 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 he 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 pole shall be painted to blend with the colors of the surrounding buildings.
- 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.

Conditions of Approval (Case No. 07-CUP-007) Page 3 of 3

- 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



# **CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

# FOR THE PROPERTY LOCATED AT 5844 LARBOARD LANE, AGOURA HILLS

**APPEAL APPLICATION** 

## **APPLICATION FOR APPEAL**

CITY OF ADDURA HILLS 2009 Mar 20 pm 12: 24

NAME:	Agoura Hills City Council	<u>lerk</u>
ADDRESS:	30001 Ladyface Court, Agoura Hills, CA 91301	****
PHONE NO.:	(818) 597-7300	····
CASE NO.:	Conditional Use Permit Case No. 07-CUP-007	

Appeal to (circle one):

Planning Commission

In the following space, please briefly indicate the reasons for the appeal.

On March 25, 2009, at the regular City Council meeting, the City Council, and unanimously approved a motion to appeal the March 5, 2009 decision of the Agoura Hills Planning Commission to approve Conditional Use Permit Case No. 07-CUP-007 (construction of T-Mobile antenna flag poles at Lindero Canyon Middle School) to allow the City Council the opportunity to review and consider this item at a scheduled public hearing.

Fir the Att City Council

Signature of Applicant

<u>NOTE</u>: Applications for appeals must be filed within <u>fifteen (15)</u> days of the <u>date of</u> <u>the decision</u>. This application, along with the appropriate filing fee, should be submitted to the Director of Community Development. As part of the appeal, applicants should be prepared to provide the Planning Department with additional sets of project plans and other pertinent materials.

\* Pursuant to AHMC 9804.6, no filing fee is required EP 3/20/2009



# **CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

# FOR THE PROPERTY LOCATED AT 5844 LARBOARD LANE, AGOURA HILLS

# **REDUCED COPIES OF PROJECT PLANS**

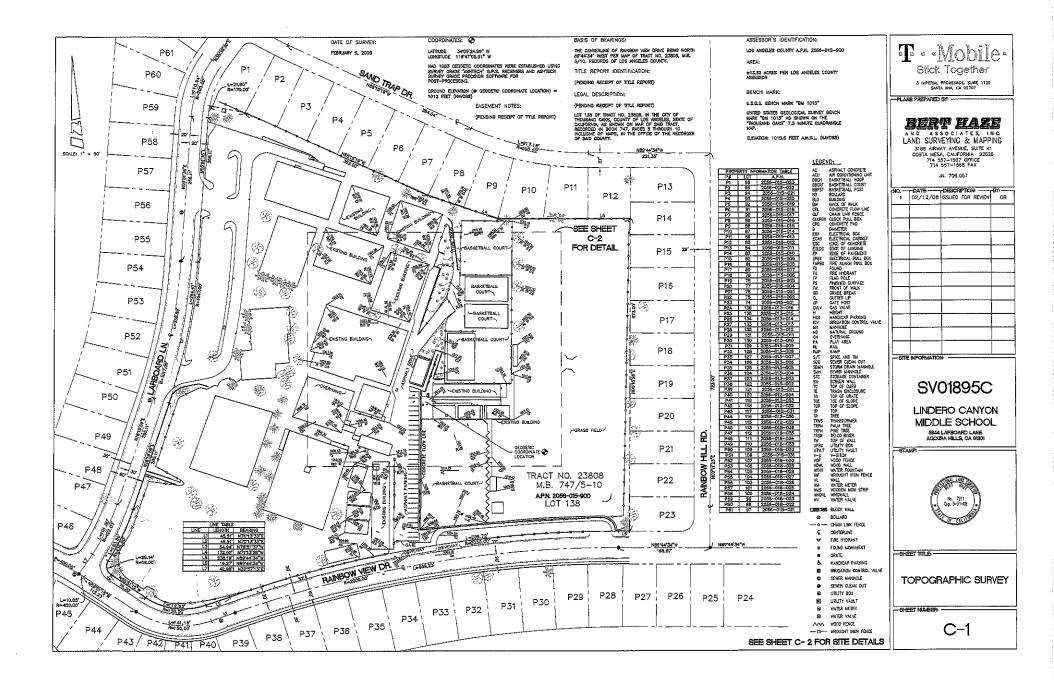
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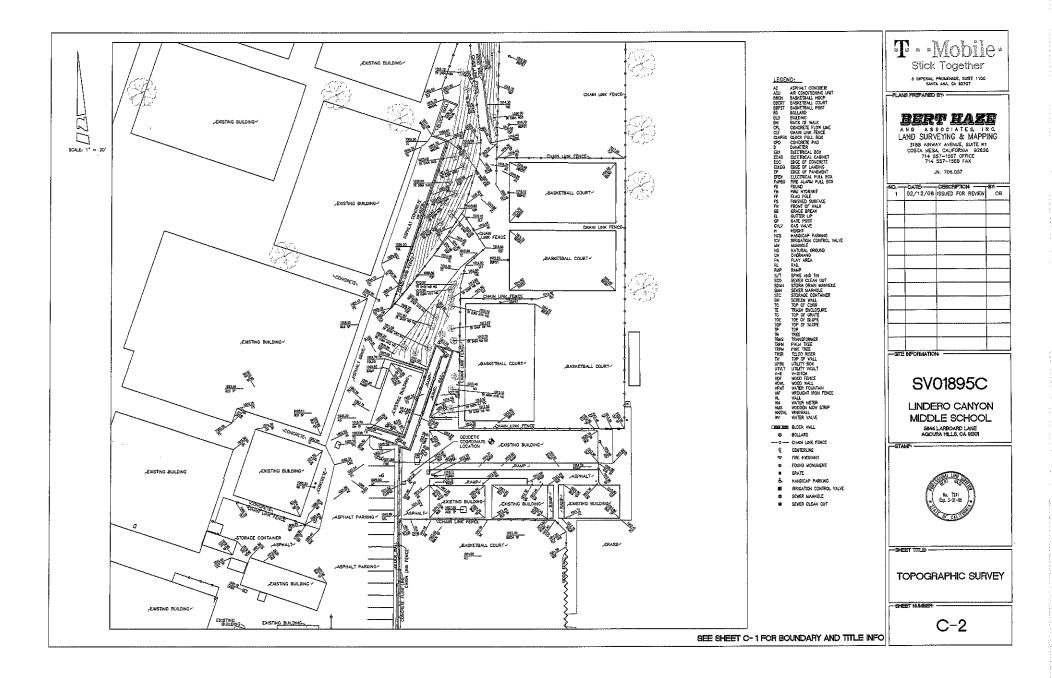
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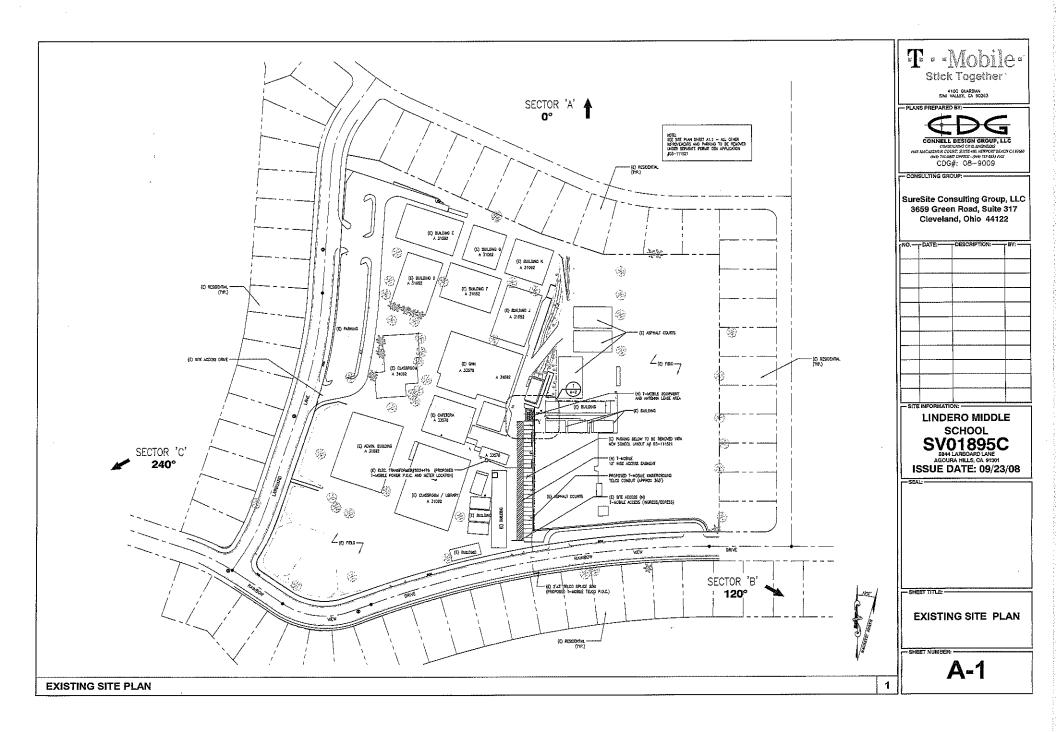
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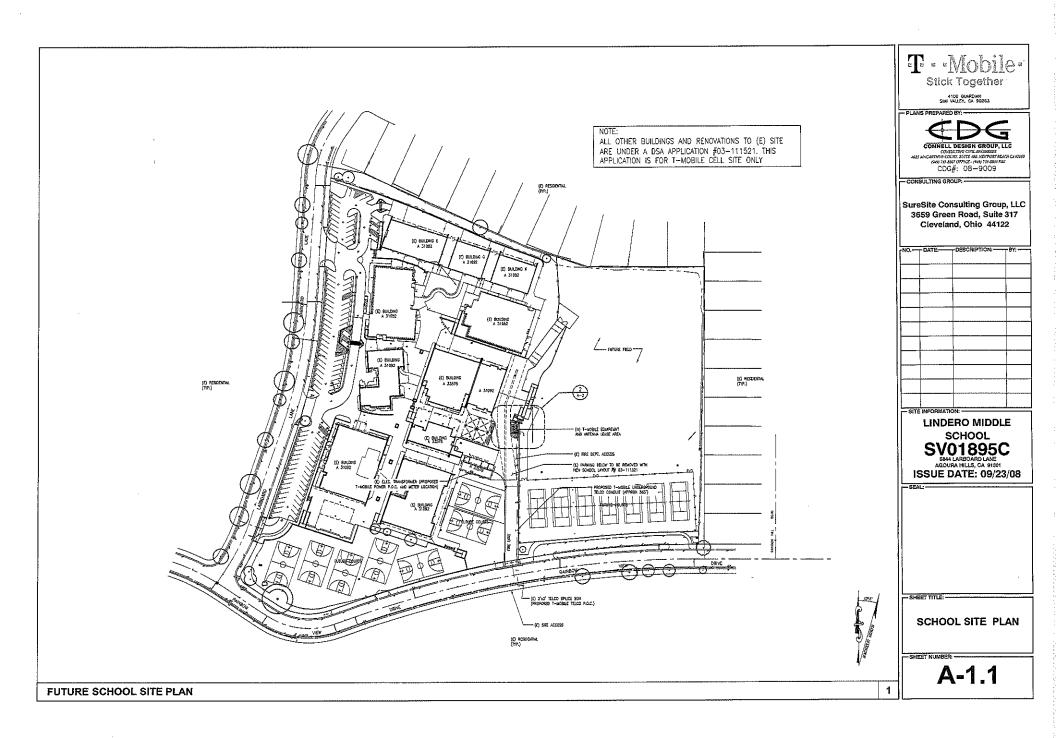
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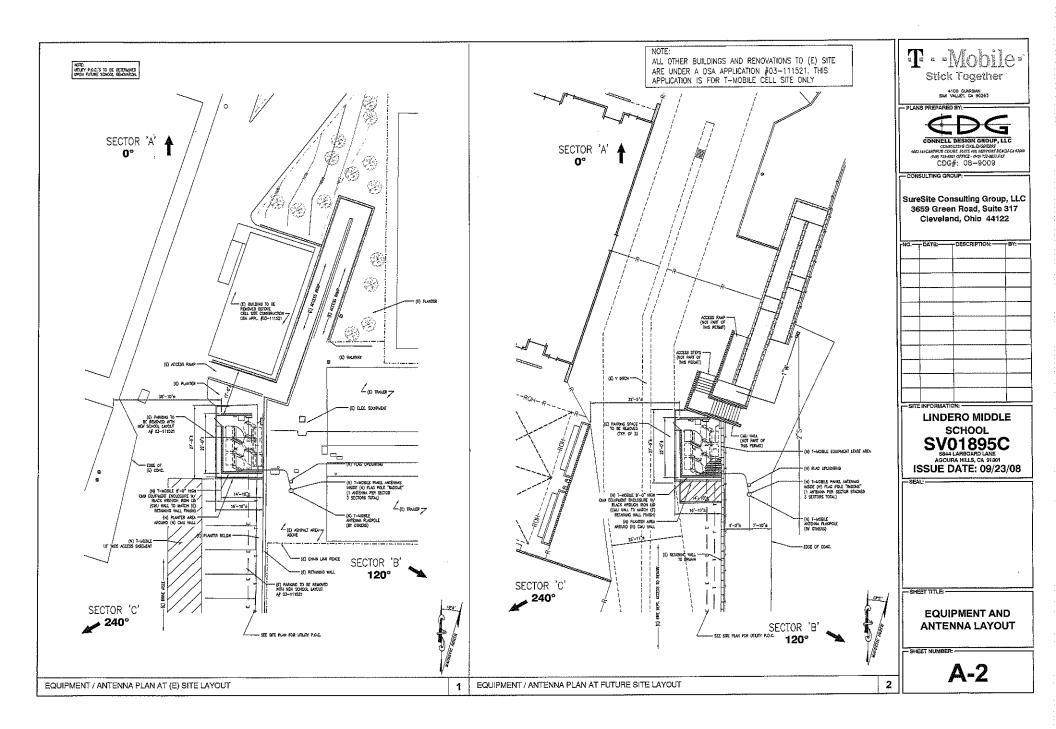
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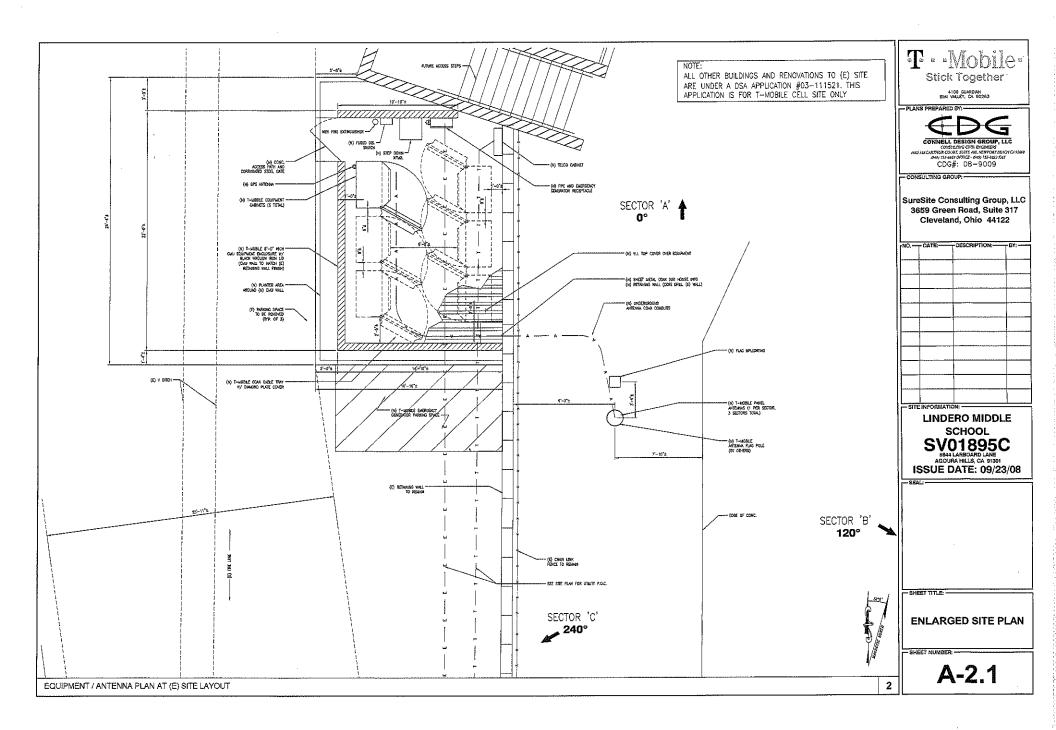






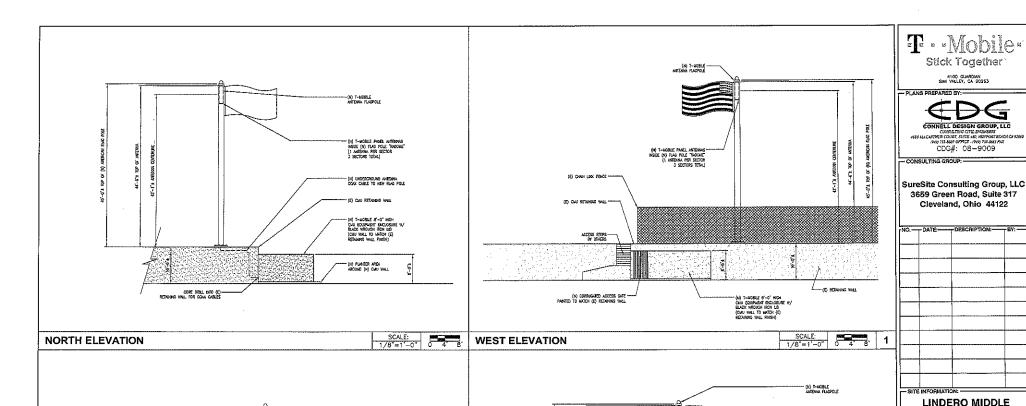




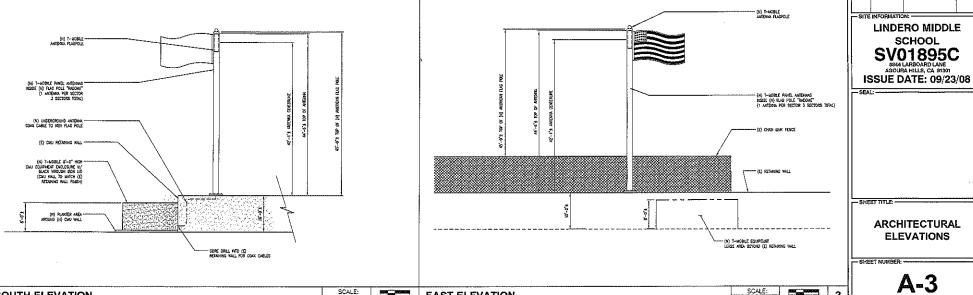


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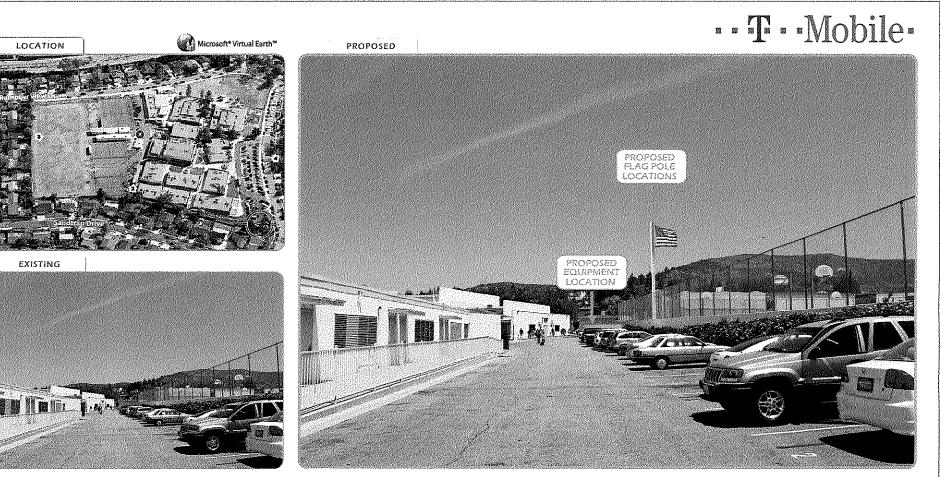
SOUTH ELEVATION



# **CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

# FOR THE PROPERTY LOCATED AT 5844 LARBOARD LANE, AGOURA HILLS

PHOTO SIMULATIONS OF PROJECT SITE



5844 Larboard Lane Agoura Hills, CA 91301

VIEW 1

#### APPLICANT

T-Mobile Barbara Saito 4100 Guardian Street Suite 101 Simi Valley, CA 93063

#### CONTACT

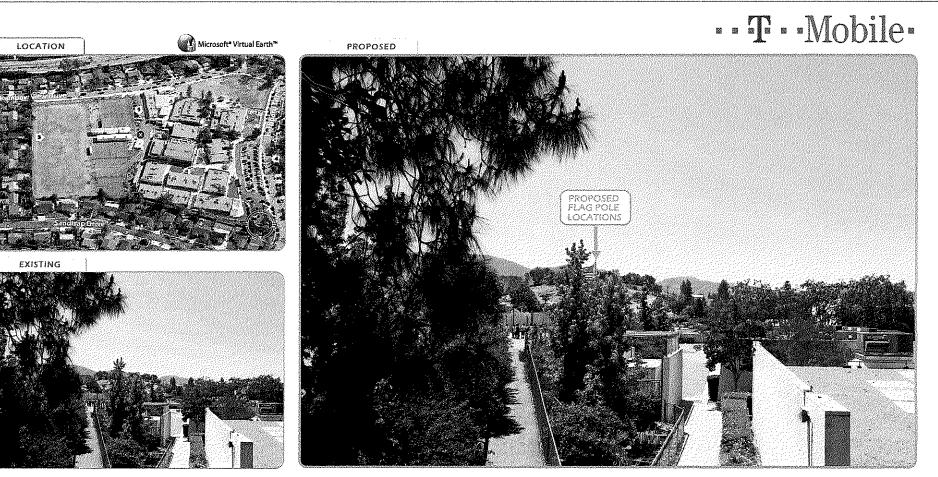
SureSite Consulting Group, LLC Courtney Schmidt 3659 Green Road, Suite 317 Cleveland, OH 44122 p 310.645.5687



BLUE WATER DESIGN 1741 Tustin Ave. 19A Costa Mesa, CA 92627 bluewater-design.net michell@bluewater-design.net

p 714.473.2942 f **949.631.2316** 

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



5844 Larboard Lane Agoura Hills, CA 91301

VIEW 2

#### APPLICANT

T-Mobile Barbara Saito 4100 Guardian Street Suite 101 Simi Valley, CA 93063

#### CONTACT

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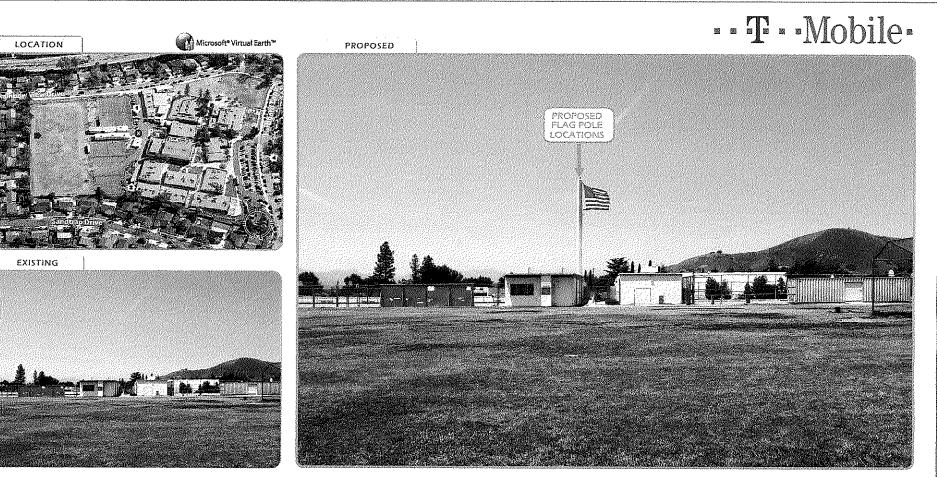


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5844 Larboard Lane Agoura Hills, CA 91301

VIEW 3

#### APPLICANT

T-Mobile Barbara Saito 4100 Guardian Street Suite 101 Simi Velley, CA 93063

#### CONTACT

SureSite Consulting Group, LLC Courtney Schmidt 3659 Green Road, Suite 317 Cleveland, OH 44122 p 310.645.5687

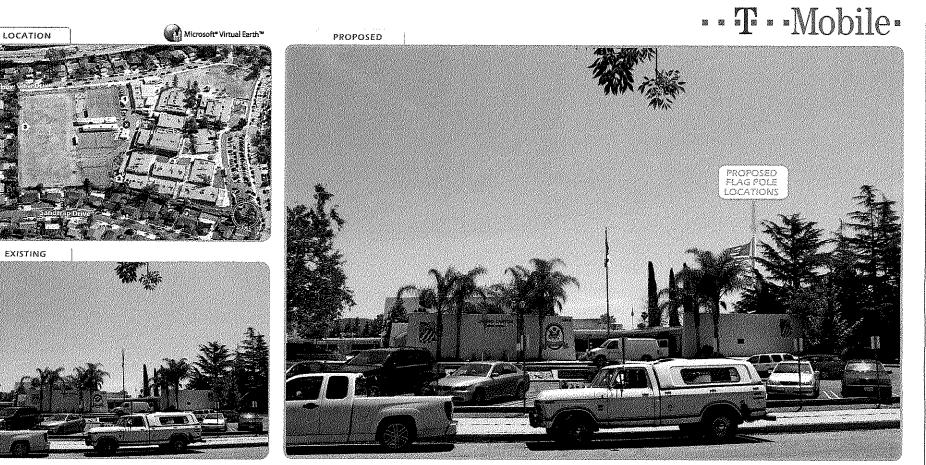


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5844 Larboard Lane Agoura Hills, CA 91301

VIEW 4

#### APPLICANT

T-Mobile Barbara Saito 4100 Guardian Street Suite 101 Simi Vatley, CA 93063

#### CONTACT

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# **CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

# FOR THE PROPERTY LOCATED AT 5844 LARBOARD LANE, AGOURA HILLS

# PLANNING COMMISSION MEETING MINUTES (FEBRUARY 5, 2009 AND MARCH 5, 2009)



# DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## 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.
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)

1.

Planning Commission Meeting Minutes February 5, 2009 Page 2 of 3

	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

Planning Commission Meeting Minutes February 5, 2009 Page 3 of 3

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.



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MINUTES OF THE REGULAR SCHEDULED MEETING OF THE PLANNING COMMISSION- <u>AMENDED</u> March 5, 2009

## <u>ITEM 2:</u> Public Comments were amended MaryAnn Rush, representing Las Virgenes Unified School District to MaryAnn Rush, resident

CALL TO ORDER:	Chair O'Meara called the meeting to order at 6:34 p.m.
FLAG SALUTE:	Commissioner Nouzille
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 the Commissioners had received notification of Vice Chair Zacuto's request for an excused absence from the meeting due to his conflict of interest for agenda item no. 2. There were no objections to excusing the absence.
APPROVAL OF MINUTES:	February 19, 2009 Planning Commission Meeting
	On a motion by Commissioner Rishoff, seconded by Commissioner Buckley Weber, the Planning Commission moved to approve the Amended Minutes of the February 19, 2009 Planning Commission Meeting. Motion carried 4-0. Vice Chair Curtis Zacuto was absent.

None

## PUBLIC COMMENTS:

1.

### CONTINUED PUBLIC HEARING

ENVIRONMENTAL

- 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) 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)

# DETERMINATION: Categorically Exempt from CEQA (Class 3)

RECOMMENDATION: It was recommended that if the Planning Commission wishes to approve Conditional Use Permit Case No. 07-CUP-007, a draft Resolution and conditions of approval were prepared for adoption.

PUBLIC COMMENTS: Chair O'Meara noted the public hearing was open for this item and called for public comments.

The following persons spoke on this agenda item:

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

Pankaj Saxena, R.F. Engineering, representing T-Mobile.

Christina Hoppe, resident

Paul Bromley, resident

Julie A. Buckley, resident

Bob Minich, resident

Planning Commission Meeting Minutes Page 3 of 3 March 5, 2009 MaryAnn Rush, representing Las Virgenes Unified School **District**-resident Elisabeth Ismael, resident **REBUTTAL:** 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. ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve Conditional Use Permit Case No. 07-CUP-007, subject to amended conditions of approval. Motion carried 3-1. Commissioner Buckley Weber opposed. Vice Chair Zacuto was absent.

## ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

(Planning Commission and Staff)

None

### ADJOURNMENT

At 8:09 p.m., on a motion by Commissioner Buckley Weber, seconded by Commissioner Rishoff, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday, March 19, 2009 at 6:30 p.m. Motion carried 4-0. Vice Chair Zacuto was absent.



# **CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

# FOR THE PROPERTY LOCATED AT 5844 LARBOARD LANE, AGOURA HILLS

PLANNING COMMISSION RESOLUTION NO. 961

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### RESOLUTION NO. 961

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## 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.

<u>Section 2.</u> 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.

07-CUP-007 (T-Mobile)

Resolution No. Page 2

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.

<u>Section 4</u>. 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.

Resolution No. Page 3

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

(3) Nouzille, O'Meara, and Rishoff AYES:

(1) Buckley Weber NOES:

(0) None ABSTAIN:

(1) Zacuto 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 he 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.

Conditions of Approval (Case No. 07-CUP-007) Page 2 of 3

- 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.

Conditions of Approval (Case No. 07-CUP-007) Page 3 of 3

- 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.
- 23. Natural plant species shall be planted in the planter area around the wall that is show on the enlarged landscape plan, Sheet A-2.1 submitted by the applicant, to cover the enclosure wall. The Las Virgenes Unified School District shall accept the required landscaping for maintenance purposes.

END



# **CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

# FOR THE PROPERTY LOCATED AT 5844 LARBOARD LANE, AGOURA HILLS

# PLANNING COMMISSION STAFF REPORTS (FEBRUARY 5, 2009 AND MARCH 5, 2009)



DATE:	MARCH 5, 2009
то:	PLANNING COMMISSION
FROM:	PLANNING STAFF
SUBJECT:	CONDITIONAL USE PERMIT CASE NO. 07-CUP-007

# 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 groundmounted 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.

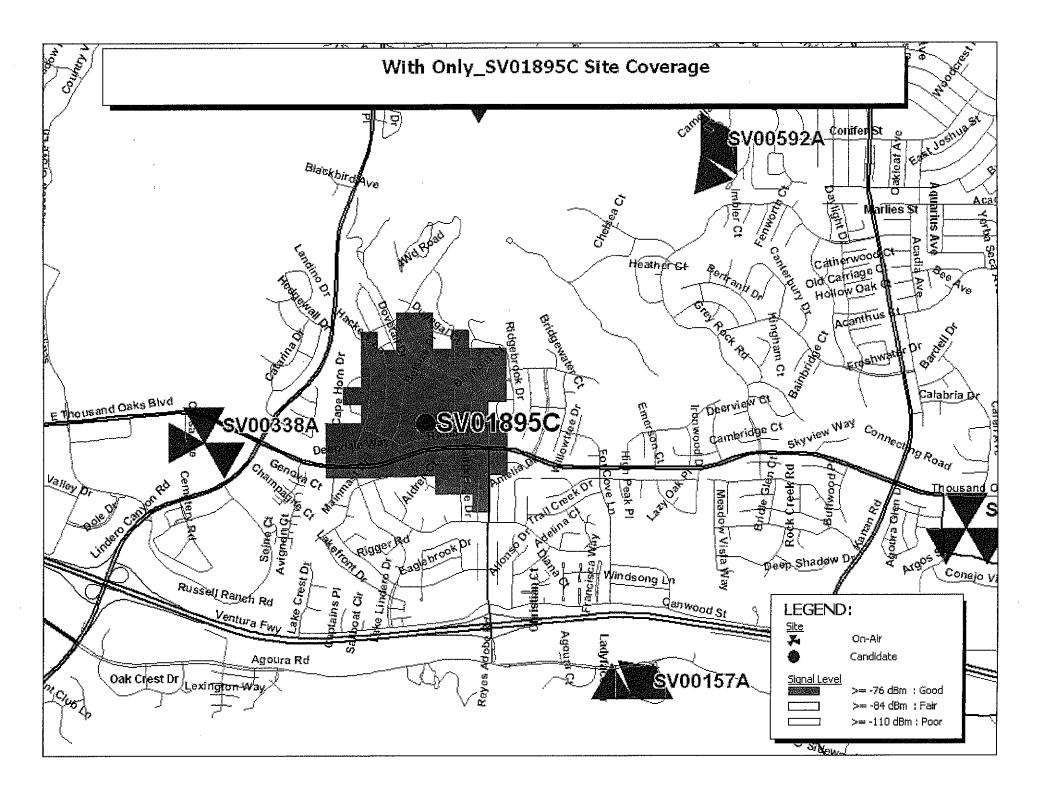
# **III. RECOMMENDATION**

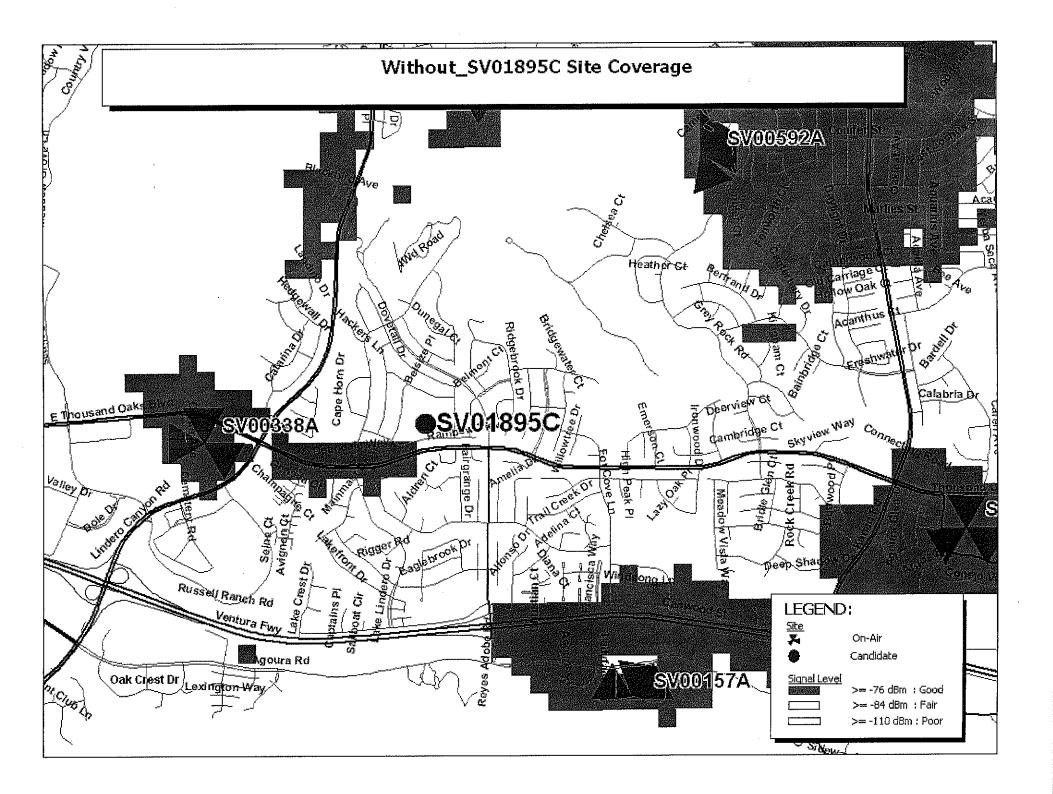
If the Planning Commission wishes to approve Conditional Use Permit Case No. 07-CUP-007, a draft Resolution and conditions of approval are attached for adoption.

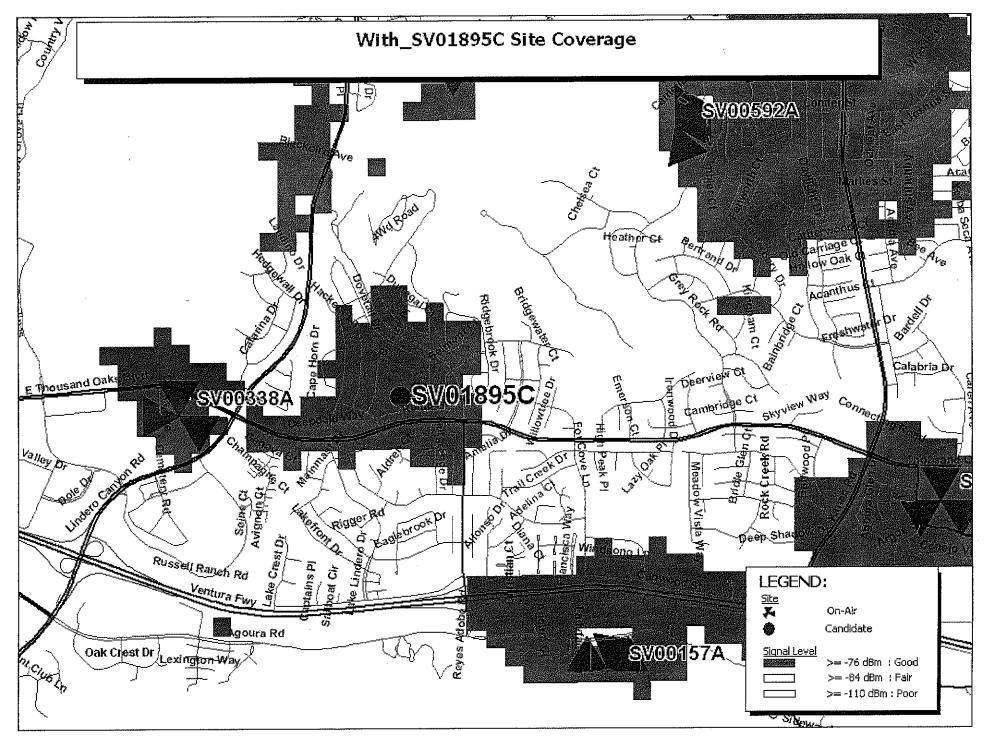
# IV. ATTACHMENTS

- 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









# DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

# 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.
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	

1.

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) Planning Commission Meeting Minutes February 5, 2009 Page 2 of 3

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** Categorically Exempt from CEQA (Class 3) **DETERMINATION: RECOMMENDATION:** Staff recommended approval of Conditional Use Permit Case No. 07-CUP-007, subject to conditions, based on the findings of the resolution. Chair O'Meara opened the Public Hearing. PUBLIC COMMENTS: The following persons spoke on this agenda item: Koppala, Suresite Consulting Frank 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

Planning Commission Meeting Minutes February 5, 2009 Page 3 of 3

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.



# DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE:	February 5, 2009	
APPLICÀNT:	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)	
DETERMINATION.	Categoricany 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

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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 overconcentration 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.

Case No. 07-CUP-007 (T-Mobile)

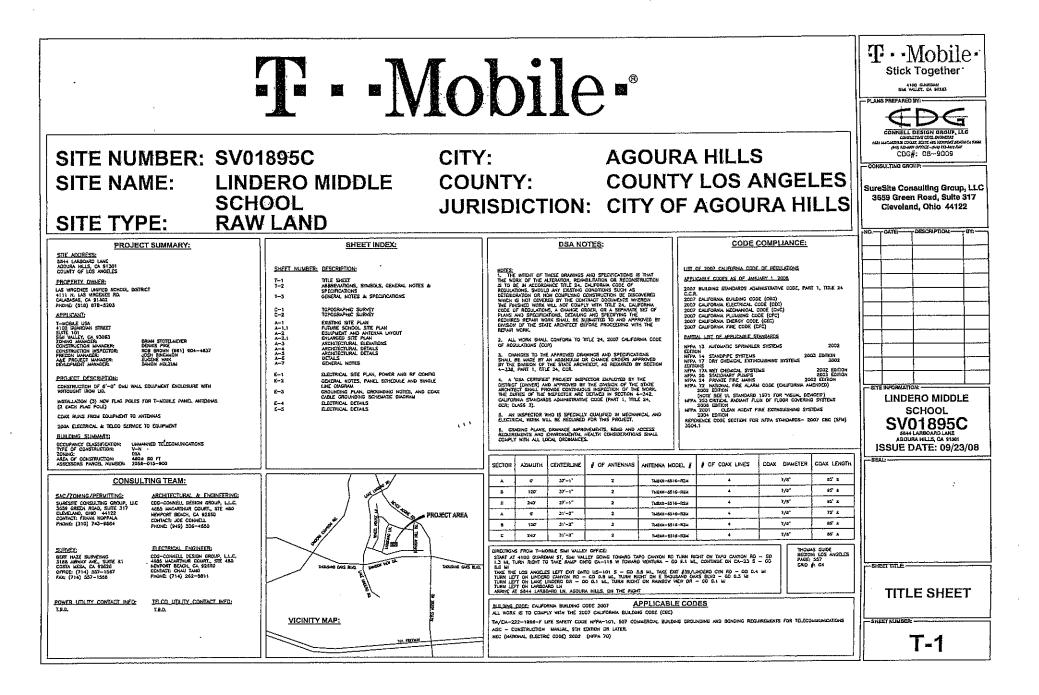
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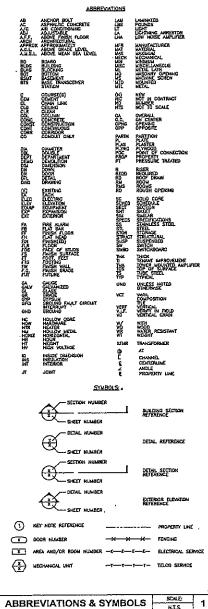
Planning Commission Page 5

# V. ATTACHMENTS

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

CASE PLANNER: Renee Madrigal, Assistant Planner





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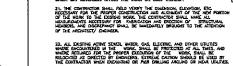
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**GENERAL NOTES & SPECIFICATIONS** 

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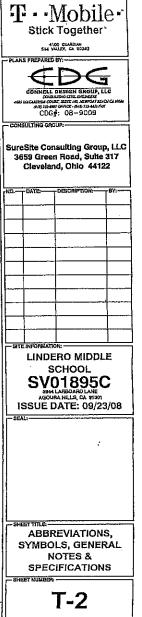
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A LOSS OF THE ARMOND BY IN STATE STATE THE CONTRAIN ADDRCY, AND SH LASS SHALL BE KINGLED AT A THE CONTRAIN ADDRCY, AND SH LASS SHALL BE KINGLED AT STATES, BUTLET IN SAME AND SHALL BE ANNAULD FOR LASS STATES STATES, STATEST ADDRCY, AND SHALL ADDRCH ADDRCH ADDRCH ADDRCH STATEST, STATEST ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH STATEST, STATEST ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH STATEST ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH STATEST ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH ADDRCH STATEST ADDRCH ADDRCH

1. The compactor shall be responsible for the complete security of the site from start of project to completion of project.

8. THE CONTRACTOR IS RESPONSIBLE TO PRIMOE TEMPORARY POWER, MATER, AND TOLET FACURES.

7. All construction through the project shall conform to the latest u.g.c. and all citest construct denses.

A. THE CONTRACTOR SHALL BE RESPONSELE FOR COMPLYING WITH ALL SAFETY PRECULTIONS AND RECILLIFIONS DURING THE WORK. THE DARLED WILL NOT ADVISE ON HOR PROVIDE DIRECTION AS TO SAFETY INFECUTIONS AND PROSPANS.

I. THE CONTINUENTS SIMIL SUPPONES AND EXORPORT ALL WORK USED IN BRITESTADIL, WORKTOOK AND EXORED ALL & IS SALEN MESTORERSE FOR ALL DOCKNICTON ULUXE ULENDAS, TECHNOLOGUES AND SECONDERING AND ECONOMICATION SIMILS OF RESPONSES FOR THE PROPERTY AND TO, JIE DOCKNICTON SIMILS OF RESPONSES AND INCOMENTS AND TO, JIE DOCKNICTON SIMILS OF RESPONSES AND AND PROTOK ALL TO, JIE DOCKNICTON SIMILS OF RESPONSES AND AND PROTOK ALL TO, JIE DOCKNICTON SIMILS OF RESPONSES AND AND PROTOK ALL TO, JIE DOCKNICTON SIMILS OF REAL TO ALL TO ALL TO PROTOKING DOCUMENT.

PARLENT OF SAG ODCUMENT. 11. ALL OMENSIONS TAKE PRECEDENCE OVER SCALE UNLESS OTHERWISE NOTION.

12. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BLOCKING, BACKING, FRANKING, MUNICIPIS ON SUPPORTS FOR INSTALLATION OF ITEMS INDUCTED ON THE DRAWING.

13. The compactor shall provae the fre largual approved watched to Fil/Sol pertradicies through fre rated assemblies,

14. NEW CONSTRUCTION ACCOUNT OF DOSTING CONSTRUCTION SPALL BE MATCHED IN FORM TEXTURE INTERNAL AND PART COLOR DECET AS NOTED IN DR. PLANS.

14. WHERE SPECIFIED, MATCHINES TESTING SHALL BE TO THE LATEST STANDARDS MAILABLE AS RECURSED BY THE LOCAL CONTINUE AGENCY RESPONSIBLE FOR RECORDER DER RESULTS.

THE ALL GENERAL NOTES AND STANDARD DETAILS ARE THE MARANAM REGULIREMENTS TO BE USED IN CONDITIONS WHICH ARE NOT SPECIFICALLY SHOWN OTHERMES.

17. M.L. DEBRIT AND REFLICE IS TO BE REWOVED FROM THE PROJECT DALLY. PREMISES SHALL BE LEFT IN A CLEAN BROOM FINISHED CONDITION AT A.L. TIMES.

11. ALL STABOLS AND ADDREVANDORS ARE CONSIDERED CONSTRUCTION MOUSTRY STANDARDS IF A CONTRACTOR MAS A OUSSION RECARDING THEM EXACT MEANING THE ARCHITECT/DENERS SHALL BE NOTIFIED FOR OLARIMONDONS.

18. DRY EMEMBER SHALL NOT BE RESPONSIBLE FOR THE METHODS, TELEVISION AND SEDIENCES OF PROCEDURES TO PERFORM THE WORK. THE SUPERVISION OF the work of the Source RESPONSEDLY OF THE CONTINUEDD.

20. CONTRACTORS SHALL WITH THE SITE PRIOR TO BED TO ASCRETAN CONDITIONS WHICH MAY ADVESSEL WITH WITH THE SITE PRIOR TO BED TO ASCRETAN CONDITIONS

3). THE CONTRACTOR SHALL ADD VERY THE DALMESING, SLOUTON, ETC. MEDISINF, FOR THE PREDIC CONSTRUCTION WIR ALGORIZED IN THE WEIP PORTION DESCRIPTION RESISTORY THE ADDRESSION FOR DESCRIPTION OF THE ANTONICINAL DESCRIPTION RESISTORY THE ADDRESSION FOR DESCRIPTION OF THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICING OF THE ANOTHER'S BARRY SHALL IN MAILTANELY BROADING TO THE ANTONICON

22, ALL DUSTING ACTIVE SEMEN, WATER, GAS, ELECTRIC, AND GIVER VOLUMES where successfunctions in the, "work, small, representations of all traces, and where recovered for the "more sections" of the "work, small be related to the the traces of the section of the section of the the construction when determined of for the time, and one are successful the construction when determined of for the time, and one are successful the construction when determined on for the time, and one of the sections.

23. ALL COSTING WACTING SEMAR, WHER, GAS, ELECTRIC AND DIVER LITLITES, WHICH INTERFER WITH THE DECLIVION OF THE WORK, SMALL BE ARABIDD AND SMALL BE CAMED, RUBGED OR OF DIVERSES DOCUMENTED AT PONTS WHICH WITH NOT MUTURER WITH THE ELECTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE INSMERER.

24. NO CHANCES ARE TO BE WAR TO THESE PLANS WITHOUT THE KNOWLEDGE and Wanter Consent of the Architect/ Engliser. Unutifieded chances regular these Engineers you.

25. ANY REFERENCE TO THE WORDS APPROVED, OR APPROVAL IN THESE DOCUMENTS SHALL BE HERE DEFINED TO LIENN COMPANY. ACCEPTANCE OR REFERE and Shall not relieve the companyor and/or his sign-company. Any linguity in transitions the nounded incernals of light steather.

27. SEE OFC ARRICLE 14 FOR ARE SAFETY DURING CONSTRUCTION.

SITE PREPARATION NOTES:

 The preparation of the SDE For constituction shall include the removal of all benefit orderett their tranks and and dimen debres that would be damagned to the footness of the investmentary.

2. BACK YALING AT WEOKDOGS SHALL BE DY D. DAN, STERLE SOL YANNO A SAND EQUIVALENT DY 30 OF DESTREE HOLK FALING SHALL BE DONE HI & HON LATERS ASSENSE CONDITIONED AND PROPERTY COMPACED ADERIATE DRAINAGE SHALL BE MONORED SHOT THAT NO POLICIAL DECIRE.

1. А.L. FOUHDATION FOOTNES SHALL EXTERS INTO AND BEAR ACAMST HATLING, Industryance Sol, or approved compacted all footness shall extend into sol, define as industrie in Flans.

4. SHOULD ANT LOOSE FILL DEPARSIVE SCILL BROWN WHERE OR ANY OTHER INSUFFICTED CONSIDENCE BE ENCOUNTERED DURING THE EXCLUSION FOR THE REV FOUNDATION, THE ARCHITELT/DIGNEERS SHALL BE MORPED AND ALL FOLIDATION WORK SHALL EXCE MARDINGLY.

3. WITHOU AN AND A LOURDLY OF 5 FET PETOND THE BUILDING LIMITS, DECAUNT A signaling of 4" of dosting sole, ready all organics, particidat, roots, degris and therefore unsufface unstandle unsteam.

e. The surface of the opposed subdiade shall be inspected by preibing or teenas to check for pockets of soft or unsatable inspeak. Exchange unsurfable soil as oriected by the redtechnical dispectations above,

7. PROOFFOLL THE SUBJACE OF THE EXPOSED SLOCADE WITH A LOADED THIOEN ANLE DURP TRUCK, RELIGIE ALL SOLS WHICH PLUF OR DO NOT COMPACY PROPERTY AS DRIFTED AT THE COSTEMULA. EXAMPLEMENTS ING ADENCE.

5. PLI ALL EXCAVITED AREAS WITH APPREVED CONTROLLED PLL. PLACE IN 5° LOOSE DATS AND THE MAXBUM DAY DENSITY IN ACCORDANCE WITH ASTIN D-458. COMPACT TO A LINGUIL OF BOX RELATING COMPACTION

4. THE STRUCTURAL DRAWNES HOLE IN REPRESENT THE PROVED STRUCTURE THE CONTRICTOR SHALL PROVED ALL TRAVENED STATES AND ADDRESS TO ADDRESS AND ADDRESS ADDRESS AND ADDRESS AND ADDRESS AND ADDRESS AND

THE PERK TO STATING CASSIFICTION, THE CONTINUEDR SHILL PROTECT ALL AREAS FROM DAILOG WHICH MAY OCCUR DIRENE CONTINUED TO AREAS FROM DAILOG WHICH THE THE DIRENE CONTINUED TO AREAS AND ALL AND ALL AND ALL AND ALL AND ALL AND ALL AND CONTINUEDR SHILL SHAR THE DISCUSSE OF REPAIRING OR REPLICING MY DAILOG AREAS.

II. WHEN RECOMPED STORAGE OF MOTERALS OCCURS, THEY SMULL BE EVENLY DESTINATED OVER THE FLOOR OF ROOF SO AS NOT TO EXCEED THE DESIGNED ONE LAADS FOR THE STRUCTURE OR SOL HAS NOT ATLAND THE DESIGN PROVIDED WHERE THE STRUCTURE OR SOL HAS NOT ATLAND THE DESIGN STRUCTURE FOR THE CONTINUES PRESENT.

1.2. STOTE PROCEEDIng BY ANY HOME WONE WE DETING ACCUTY, DG SINGHOLTS HOLD, NELLARGEY HOLD, WHI DESTING TRUCKARL, NG SINGH COMMONS, IT SHALL BE THE CONTINUENDES SEPARABLEY'T TO FRANCE ALL RESEART REACTING, SINGHAN AND ONLY SATISTICATE TO LARGEN A LA DATE OF ANY DECONSTRUCTION AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND TO PROTECT FRAM DAVAGE THESE PORTIONS OF THE DESTING WORK WHICH AND THE DESTING WHICH AND THE DESTING THE PORTIONS OF THE DESTING WORK WHICH AND THE DESTING WHICH AND THE DESTING WORK WHICH AND THE DESTING WHICH AND THE DESTING WHICH AND THE DESTING WORK WHICH AND THE DESTING WORK WHICH AND THE DESTING WHICH AND

13. The foundation design is based on the geotechnical report of 10mg International Theod Trest Valley Mich School - 1225559" Dated 12/14/2007.

### SUBMITTALS:

SUBMITALS: DAMANTALS FOR SHAP DRAWNES, MALL TESTS, PROJECT DAY, LTC. FOR TEDS DESIGNED BY THE AND METERY DAMANDS OF REDMOS SHALL BE NOTE DESIGNED THE SUBMITAL REDME REDMEMBER DO HIS AND THE DAMANDS DECIMAN OF THE SUBMITAL REDMEMBER DO HIS AND THE DAMANDS RETAILD OF DESIGNED REDMEMBER, STANDATORS AND AND FEE DAMA RETAILD OF DESIGNED REDMEMBER, STANDATORS AND AND FEE DAMA RETAILD OF DESIGNED REDMEMBER, STANDATORS AND AND FEE DAMANDS RETAILD OF DESIGNED REDMEMBER, STANDATORS AND AND FEE DAMANDS RETAILD OF DESIGNED REDMEMBER, STANDATORS AND AND FEE DAMANDS RETAILD OF DESIGNED RETAILS STATUM.

SHOP DRAWING REVIEW:

ROVEN BY THE ARCHITET, DUNNERS IS FOR SCHEME, COMPLAND WITH THE DESIDE CONCERT AND THE COMPLACT BOCHMERTS, MARKING ON COMPLANTS SHILL READED FLOW AND SCHEMENTS, AND ROMANNESS THEREFORM READED FLOW AND SCHEMENTS, AND ROMANNESS THEREFORM AND CONCELLUTER ALL DUNNESS, AND ROMANNESS THEREFORM AND CONCELLUTER ALL DUNNESS, AND ROMANNESS THEREFORM AND CONCELLUTER ALL DUNNESS AND ROMANNESS THEREFORM AND CONCELLUTER ALL DUNNESS AND ROMANNESS THEREFORM AND CONCELLUTER ALL DUNNESS AND ROMANNESS THEREFORM

### ACCESSIBILITY\_NOTE:

The transmission equivalent space shown herein these planes is not experiment decomponent of the properties of the properties of the plane the plane of the plan

### STRUCTURAL STEEL:

 All materials and worklandler single by accordingle with the lutest reverse pation of the asc manna, of steel construction, which would be the specification for structures, steed belowers, the code of structures practice and the ans structures, welding code, iddney and mark steel per cole 2003.

 Structural, STOP, Shop drawings shull be reveared by The Engineer/Architect prior to fabrication.

1. GROUNDS OF COLLINN MAST PLATES: BASE PLATES SHALL BE DRIVACKED OR ERGUIDED WITH NON-DRIVIN, NON-PERROUS CROIT, IMMAND COMPRESSIVE STREAMED BOLL BE 4,000 PLAT 20 AVX. ALL SUMFACES SHALL BE PROPERLY CLEMED OF FORSION WATERIAL PROF TO GROUTING.

4, JLL DOPOSED WELDS SHALL BE FLLED AND GROUND SHOOTH WHERE WELL EDULD COME IN CONTACT WITH THE FUBLIC.

5. NO HOLES OTHER THAN THESE SPECIFICALLY DETAILED SHALL BE ALLWED THAN STRUCTURAL STELL ALLWERS, BOLT HALES SHALL DARABLE TO ASS SPECIFICATION, MO SHALL BE STANDARD HOLES MUSICS DIFFERENCE ANTIOL, NO CLITTLE OR ALREASE OF STRUCTURAL STELL WILL BE PERMITTED WITHOUT PROR DARABLE OF STRUCTURAL STELL WILL BE PERMITTED WITHOUT PROR DARABLE OF STRUCTURAL STELL WILL BE PERMITTED WITHOUT PROR

S. WELDING. COMPORE TO ANS DI 1. WELDERS SHULL BE COMPOD AN ACCORDANCE WITH WHIC RECURSIGNER, USE CTO ELECTRODES OF THE REDLARED FOR WATERVIS. TO BE PREDEN.

7. BOLTING: ASTH ANDY BOLTS SHALL BE INSTALLED "SHUG DIGHT" PER ASC, SECTION ROSC A(C) ASTH ANDS BOLTS SHALL CONFIRM TO THE ROSC SPECIFICATION SECTION & (D).

5. FABROATION: CONFORM TO ASS SPICIFICATION SED AS "FABRICATION" AND ANS: CODE SED 5 "FABRICATION AND DELANGET FEATORAL MUCH ON PREMISES OF A FABRICATION APPRIVATE THE BUILDING DIFFICUL.

2. GALVANICHIC: ALL EXPOSED STEEL DUTSIDE THE SCHLONG DIVELOPE SHALL BE NOT-DOPED GALVANICED, APPLY THED TOLCH-UPS PER SPECIFICATIONS, PER ASTM

STRUCTURAL STEEL:	
MATERIALS: CONFORM TO	
ANCHOR BOLTS (HEADED): ANCHOR BOLTS (#-TOPE):	ASTRE A307 ASTRE A36
BARS & PLATES: BOLTS:	ASTUL A36 ASTUL A307
C-, M-, AND ARGLE SHAPES:	ASTA ADE
DEFORMED WELDED WIRE FABRIC:	ASTAL ALET
EPOUT & EXPANSION ANCHORS!	HILT OF EQUIVALENT
GROUT;	DARECO OR EQUIVALENT
HIGH-STRENGTH BOLTS:	ASTM A3255C OR (A325H)
OTHER STRUCTURE, SHUPLES	AST# A35
REINFORCING BARS:	ASTU ANTS, GRADE 60, DEFORMED BARS
SMOOTH WILDED MIRE FABRIC.	AST# A185
STRUCTURAL WE SHAPES: STEEL PIPE:	ASTN AS72-ORSO ASTN AS3, GRADE 8
The ware: There steen a pipe columns:	18.5 GAGE OR HEAVER, BLACK ANNEALED ASTR ASOO, GRADE B
WELDING ILLICTRODICS: W - SHAPES:	ETOXX ASTU ANNZ, CRADE SO

STRUCTURAL STEEL NOTES:

#### 1. HOLES IN STEEL SHALL BE DRILLED OF PUNCHED, ALL SLOTTED HOLES SHALL BE PROVIDED WITH SLODIN ECCESS. BURKING OF HOLES AND TORCH EATTING AT THE STEE IS NOT PORMITTED.

2. All fraining connectors such as concrete anchors, nol-downs, pos Bases, fraining cars, manger and other miscollaneous structura, metals shall be as manufactured by supson strong the co. or approved exam

### CONCRETE REINFORCEMENT:

I. REMEDICING STEEL SHALL BE SPUCCE AS SHAWN OR NOTED BOLOW. SPUCES At Other Locations Shall be realized by the Structural Sicander. All Voltacia. Will remercication shall be continuous between spuce Licentons bedge in the defines.

2. ALL REMPORENCE STEEL SHALL BE NEW DETERMED BARS CONFORMING TO ASTM A-ETS GREE SO. LAP REINFORCING STEEL AT SPILLES TO THE FOLLOWING WINNING LEARTHS WILLSS HOTED OTHERWISE

# 

L BARS SHULL BE CLEAN OF HUD, OH, OR OTHER COATHER LIKELY TO HAVER BORDING.

4. All renforms shall be secured in place prior to inspections, placing concrete, or grouting inschart.

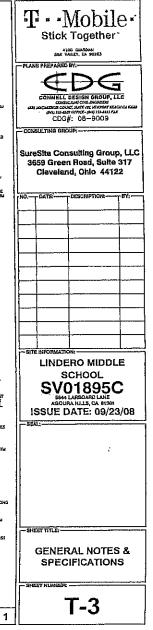
5. WELDING: BARS SHALL NOT BE WELDED UNLESS AUTHORIZED, WHEN Authorized, Compone to act 301, SEC 1.2, 2.3, "Wilding" and promoe astuator, Grade for Reproductively.

5. THE BENERY CONTORN TO ACT SO SEE 3.3.2.6 THES BENERG OR STRUCTURENT' BUR SIZES (A THROUGH (A MAY BE REAL BOAT CAL) THE PARSE THE OTHER BAS REQUIRE PREVENTION ON NOT THRUST BURST

SCALE:

NLT

 All Reinforche Larked Companions (Corr.) on the planes and details sull be larged being dualeties at splices unless otherwise noted.
Splice all bars of mascret retria a normal of 48 bar dualeter lars (2-0" anomaly).



**GENERAL NOTES & SPECIFICATIONS** 

SHEET NUMBER

() KEY NOTE REFERENCE

DOOR NUMBER

X MECHANICAL LINET

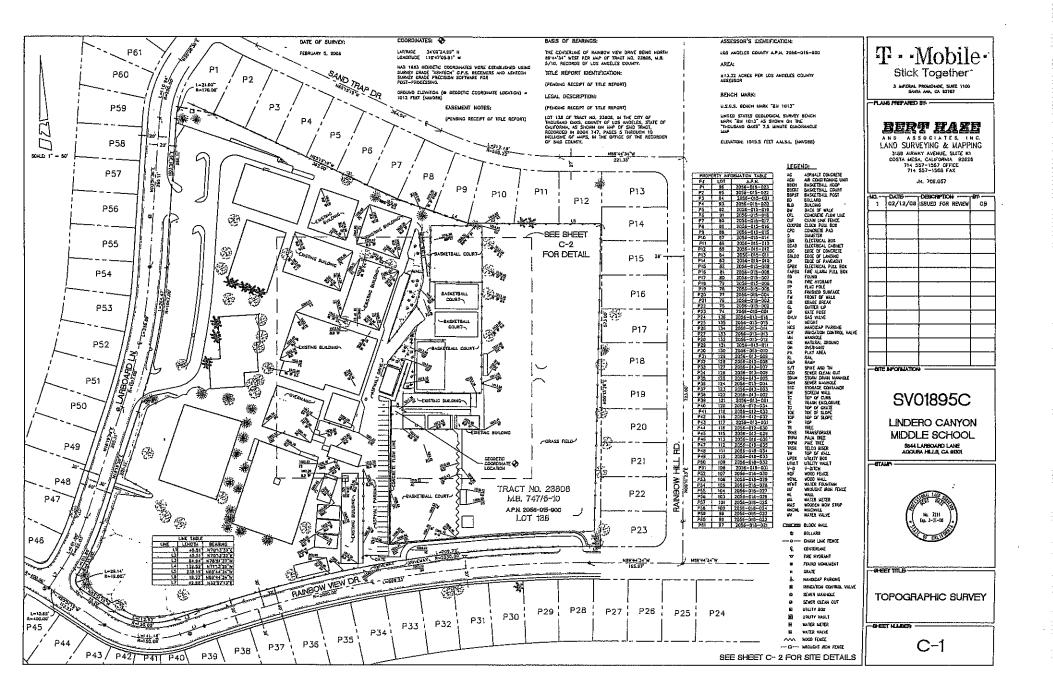
EXTERIOR ELEVATION REFERENCE

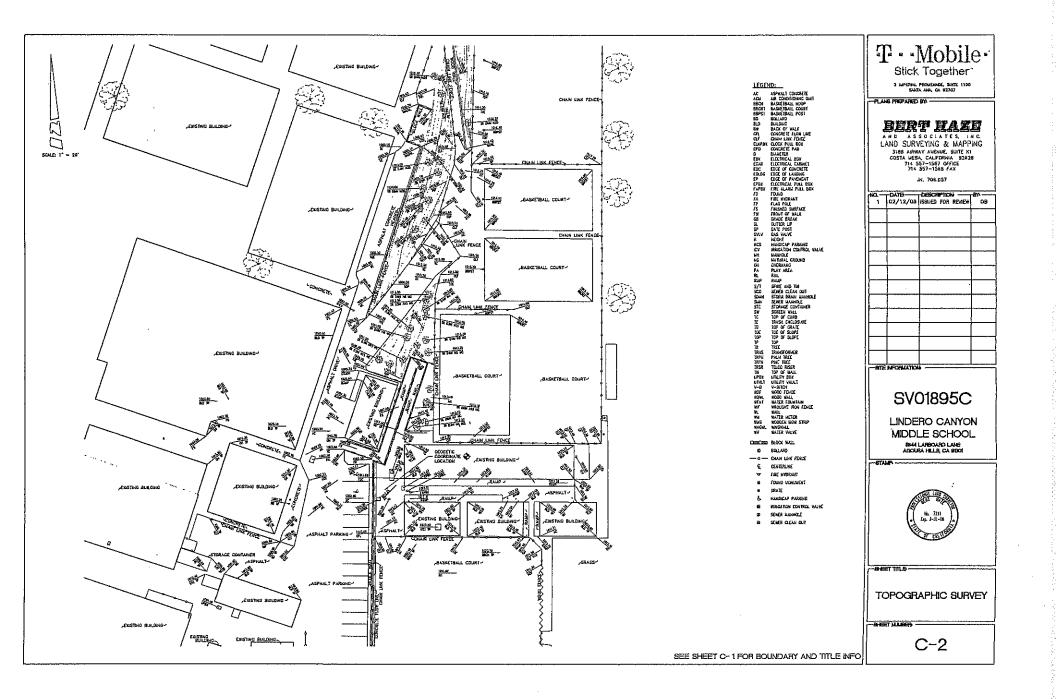
----- PROPERTY LINE

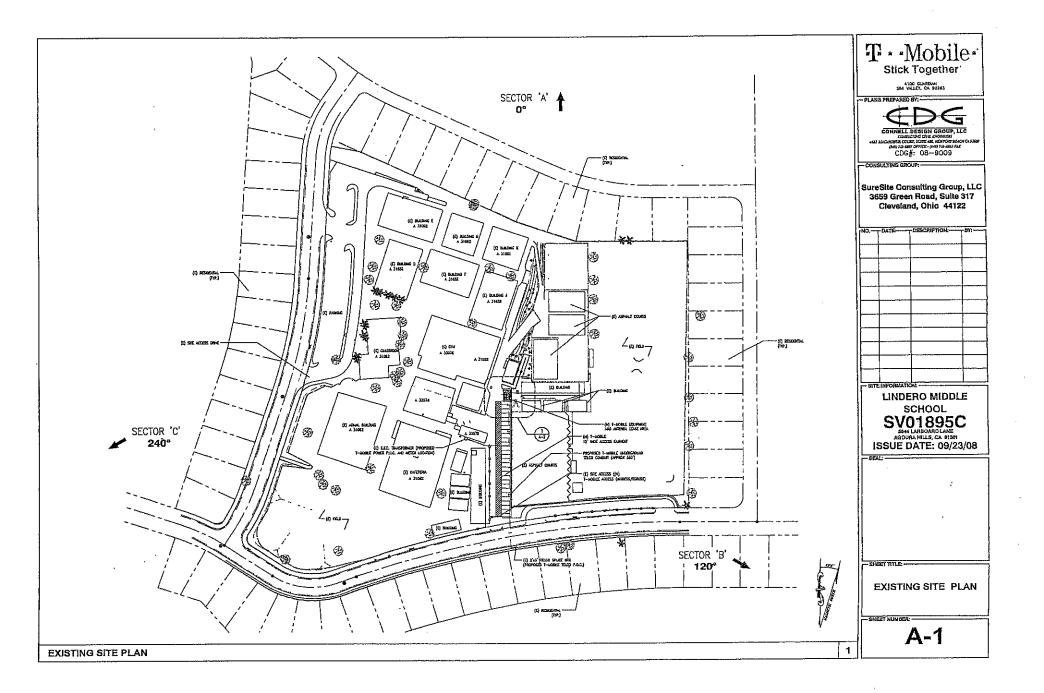
-T-T-T-T-T-TELCO SERVICE

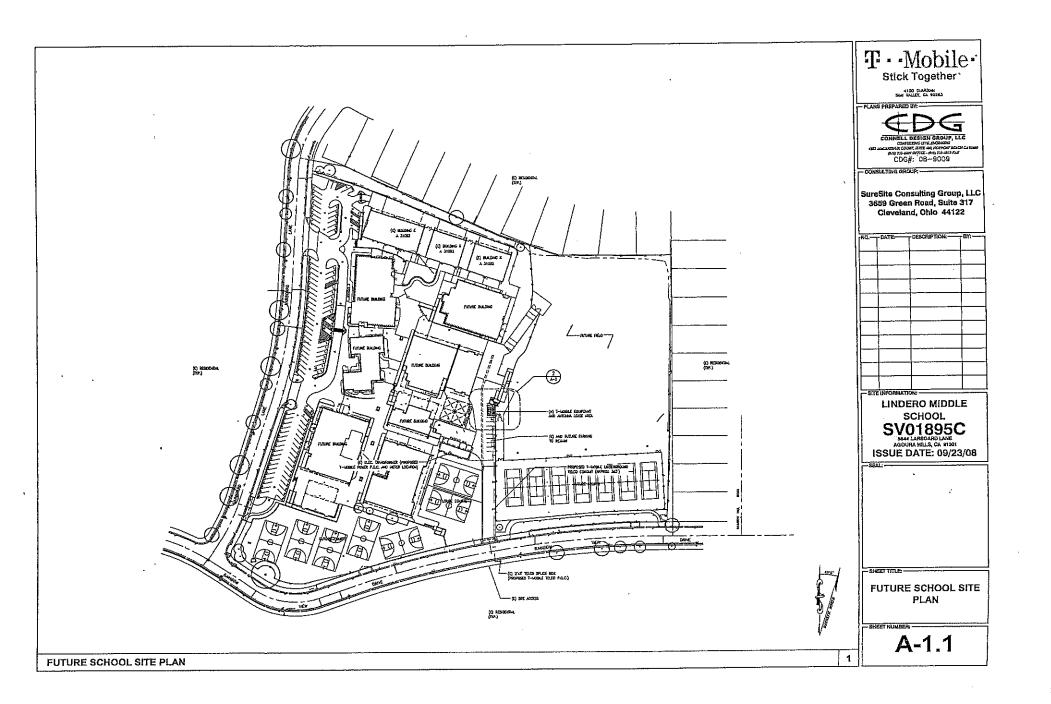
- FENCING

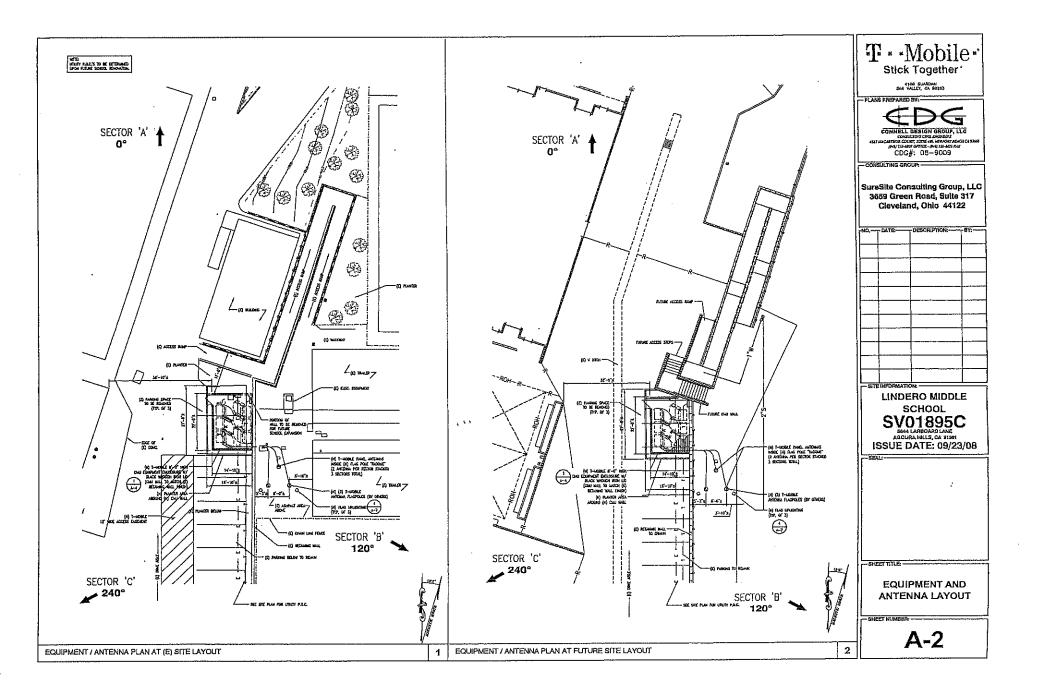
X AREA AND/OR ROOM NUMBER -E-E-E-E-E-ELECTRICAL SERVICE

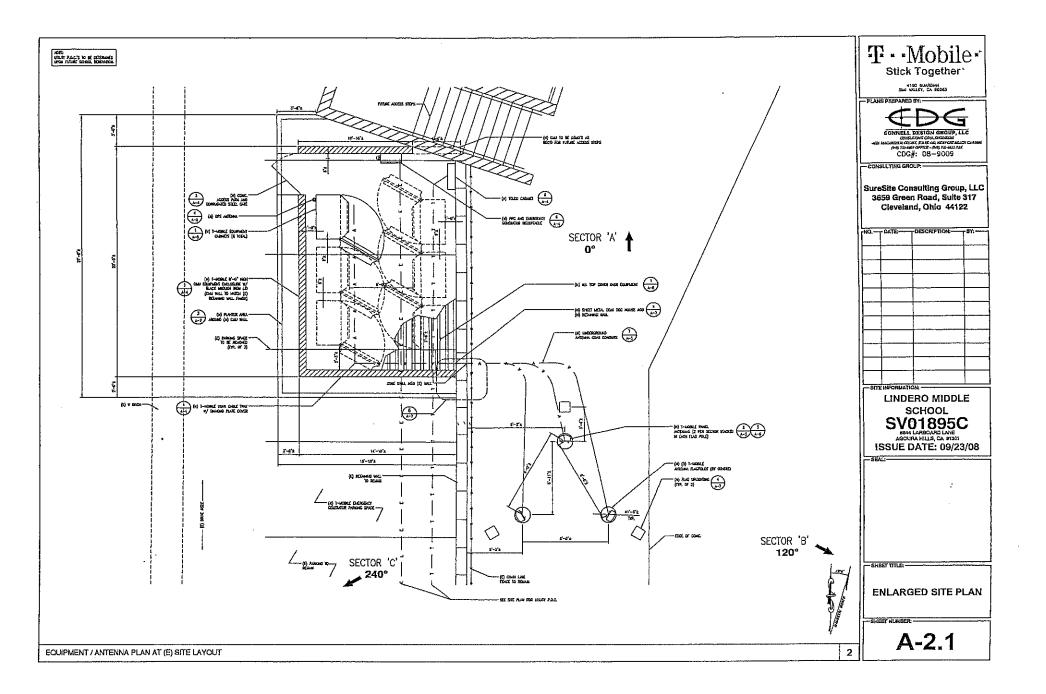


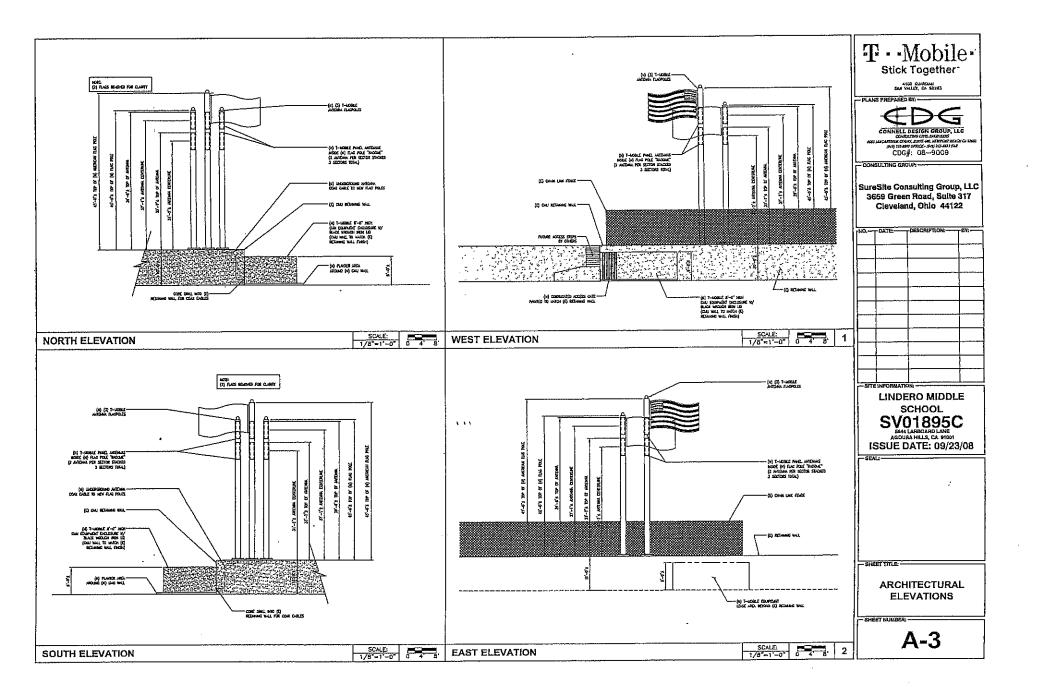


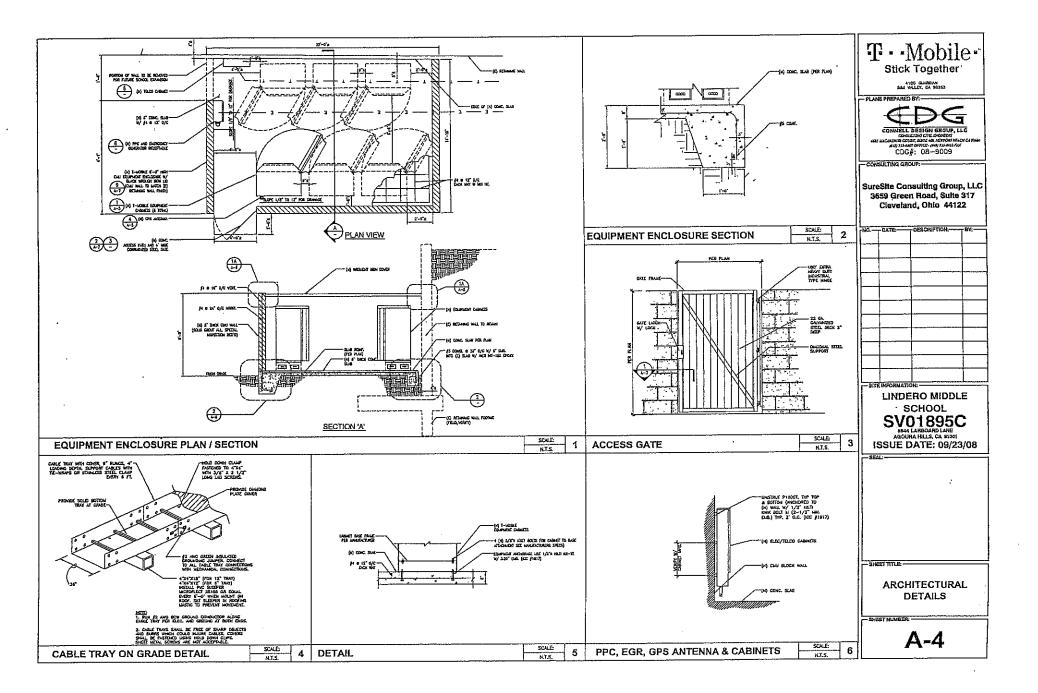


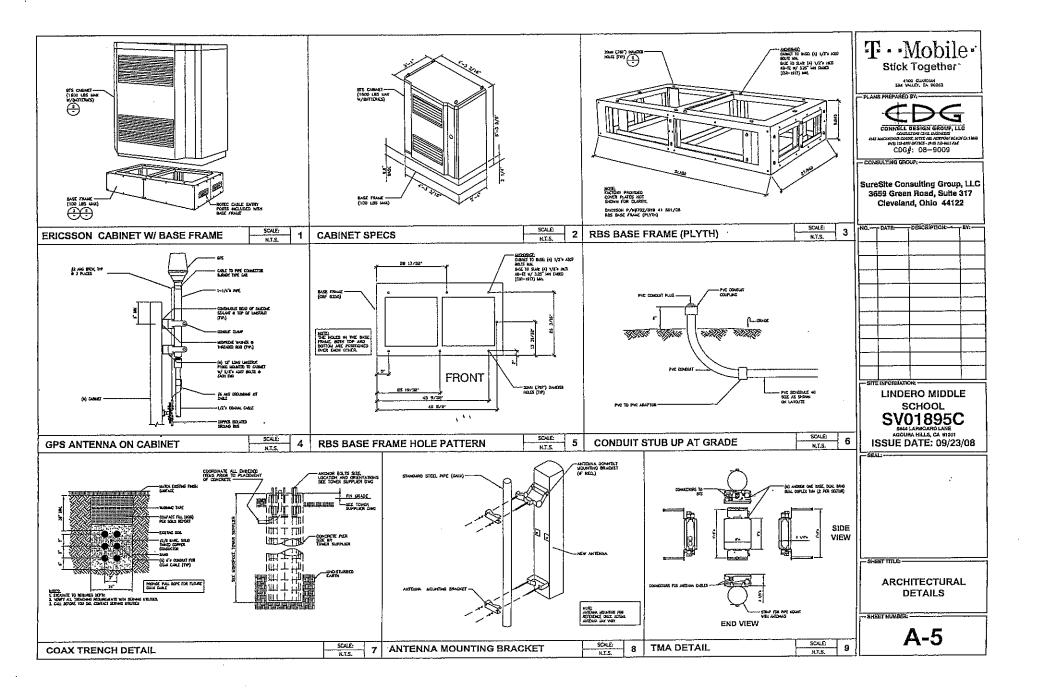


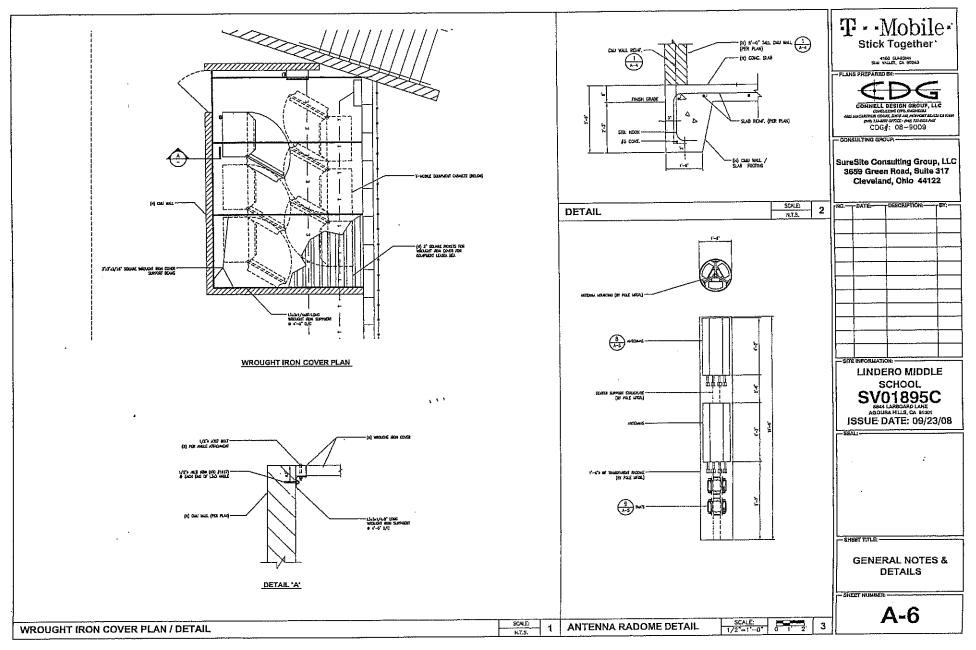






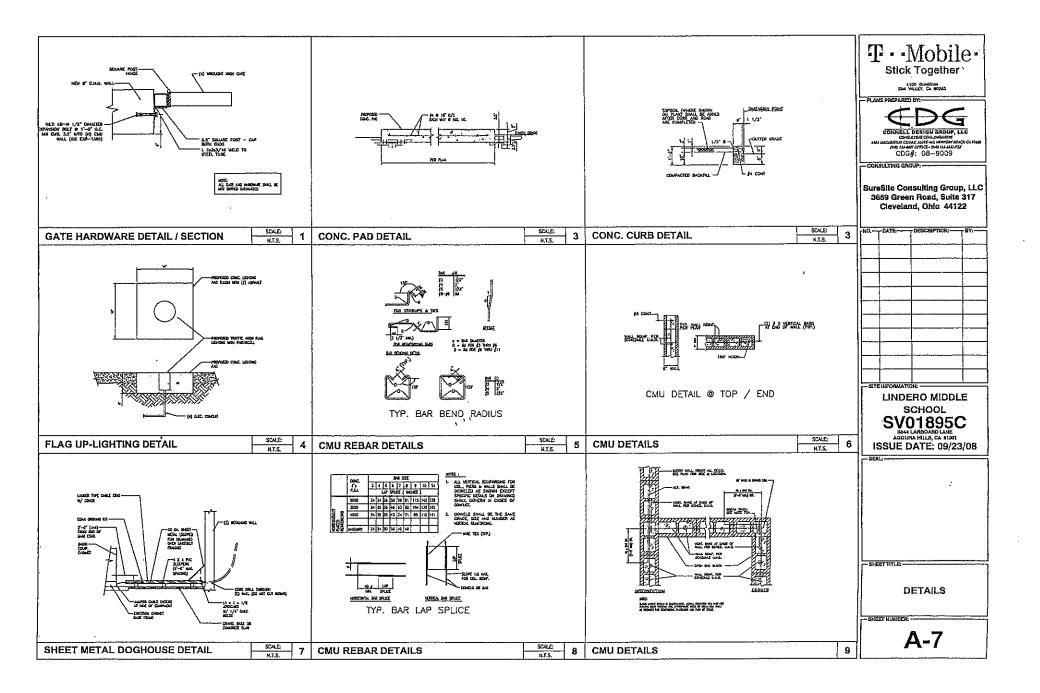






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### CONTINUE STRUCTURAL MOTION:

- 1. WHERE A CONSTRUCTION DETAIL IS NOT SHOWN OF MOTIO, THE DEDUL SHALL BE THE SAME AS FOR OTHER SAMLAR WORK.
- MORES AND DETAILS DAY DRIVINGS SHALL THAT PRECEDENCE OVER DEMONIA, MORES.
- HO PPCS, DUCTS REPUS, CHUSS, CTL, SHUL BC PLUED HI SLABS, BULLS, UN WULS UNLESS SPECIALLY SHOWN ON HOLD, NOR SHULL AND STRUCTURE, UDDERIN BC UT FOR PPCS UNCC. EC., LUISS ONDERSES HOLD. COMPLICITE SHULL OFFICE PROGRAMMING AND AND ANY MODIFIEL PPCS, DUCTS, DC.
- 4. constraint editation of shall, adout Sof Lie Council any Revenuent red add the Councies Lives in Council of Councillar of the Protecting editions Stratt and Lipscher and Protections and the Revenuent for the Council South Lipscher and Protections and Lipscher South into Councillar South Lipscher Tradition and Lipscher Auflicht Revenuent South and Auflichten Revenuent for Council with interaction and Auflichten Revenuent for Council with Revenuent South and Auflichten Revenuent for Council with Revenuent South and Auflichten Revenuent South and Revenuent Revenuent South and Auflichten Revenuent South Auflichten Revenuent Southanden Revenuent Southanden Revenuent South Auflichten Revenuent
- The control parameters of provide and the mathematical and the second second and the second s
- 6. ASM SPECIFICATIONS WORLD ON THE DRAWNES SHALL BE OF THE LARSE REMISION. 7. EXECTED INTERLES SHILL BE SPELD OUT & PLOED ON FRANCE ROOK OR ROOP. LONG SHILL NOT EXCELS THE DESCH LATE LONG FILL SAME FOOD. HOMBE ADDIDNET SAME APPENDE HERE STRATEME HAS NOT ATANDAS RESAL STRUMET.
- 4. If shall, be the responsibility of the continents to locate all entropy untimes where a show works of not not prefect their trade dualey. The contractor shall be all doors of repair of replacedoir bi contraction with the preseduates of the bolds.
- 4. DUENSONS SHUL THE PRECEDENCE OVER SOLES SHOW ON DRAWINGS. 10. THESE HOTEL SHELL BE CONSIDERED & MUSIC OF THE WATTER SPECIFICATIONS.
- 11. HL IDLE RUCHED DURKE CONSTRUCTION WORK (U., DRIVAL, PENNOOD, CZURG PANELS, EFC.) SAVEL BE REPLACED TO MATCH DESTING.
- 12. THE FOLLOWIG RECORDINGS SHALL BE NET FOR SPECIAL INSPECTION. A THE SPECIAL DEPECTOR SHALL BE UNDER THE SUPERVISION OF A DESCRIPTION MOTISSIONAL EXCHANCE.
- A. The second associated induction approximate to the test and the second approximate the second approximate the second approximate the second approximate and approximate the second approximate and approximate the second appr
- C. THE SPECIAL REPORTED SHILL SUBJECT A FAMIL REPORT SOMED BY BOTH ME AND HAS SEPTOMORE SUBJECT WEIGHT DOC YOUR RESIDENC SPECIAL SECTION HIS IN CONSERVING WITH THE APPROVED PLANS AND SPECIFICIDIES AND THE APPLICATE INCOMPARENT PROVIDED OF THE UPPERE BUESING CONC. D. COMPLY WITH ALL DEA SPECIAL INSPECTION INCOMPLIANCES
- CONTRACTOR TO FILLS WORT ALL DAMONIUS PROR TO CONTRACTOR OR INTERNA FARMENTON ANY DECREMANCES SHALL BE ANOLOGY TO THE DAMAGES ATTORNOM ANOLOGIES.
- CONTRACTOR TO YEARY ALL DADADADAS, MADANIS LTC. WOR ARCHITECTURA BETTRE DONTRACTOR/ARREADON 14

#### NEW ORCHA STELL

- Distance, classifier and creation of reprovement and (unless charmers roted) roted for the actional, of standard proc-mer (or decade reprovements structures an 315, roted Ŀ
- шлон DEMONSTRATE THE SHULL COMPOSE TO THE RECORDERATES OF ASTA ABIS DE ATOS (DOTDENCO BARS). HO. 3 BARS - CANDE 40, ALL OTHERS - CHUCK BD, REMARKING TO BE WELDER SHULL CONFERD JU ADAS. - SHULL BD, REMARKING TO BE WELDER SHULL CONFERD
- ALL RENETRICHO BAR BENES SHALL BE MAKE COLD. L

NOTE: CONTRACTOR TO FIELD VERIFY ALL (E) CONTRUCTION CONDITIONS BEFORE SUBMITTAL OF FINAL BIDS, START OF CONTRUCTION AND OR FABRICATION

- CONCRETE WARS SHILL BE DESCRED BY A DURUFED TESTING LADOR-ATOMY AND REVENUE BY THE EXCENDER, MANAGINE CONSEL ADDREDU L SEC 4 1/3 MON. FINIT SHILL FORFIDE TO ASTA CLSC. 2
- ADVANTMENT HAT BE LEED WITH FROM APPROVE OF THE DISANTER, ADVANTMENT HAT THE INTERNAL APPROVE OF THE DISANTER SHULL HAT BE CHROROUND TO ADDUCT THE SPECIFIC LAR, ELMANT CONTRAT, (CHLORA CHROROUND THAT HE USED) r

CONCRETE NOTES

- All concrete to be normalized with the following 28 bit latence compressive structure (i.e.)  $\epsilon$
- COMPRESS FEATHES 2500 PSI. Internet Longrette Shall, Comporte to Astro-Com 5 ٤
- PLACENERT OF CONCRETE SHALL CONTORN TO ACT STANDARD SAN AND PROJECT SPECIFICATIONS. ALL CONCRETE SUBJECTS ACANOT INFLOX CONCRETE IS TO BE PLACED SHALL BE TRADELISARE DETAILD. LADARDE AND STANDING WATER SHALL BE RELADED. 2
- " CLIMM AND MALL CONCRETE & PLACE NON RADE, THE HOURS SALT BLACK REMOTE DIE OF COLUMN OR SHILL PLACEMENT AND MICHANNE OF RADE PLACEMENT.
- ALL REMOVEDING SAMS, ANCHON BOLLY AND OTHER CONCRETE MELTING STALL BE WELL SECURED IN POSITION PROF TO PLACES CONCRETE. . RONFORCING STEEL SHALL HAVE A MANAGEM CONCRETE CONTR AS FOLLOWS (MARKES DIMONSTE MOTOR); .
- A- CONCRETE AGAINST EARTH (UNFORMED) CONCRETE AGAINST EARTH (FORMED OR 3 N ELPOSED TO WARHER):

BARS JS & LAGOR BARS JS & SARLER 3 M. 1-1/2 M. - CONCRETE NOT EXPOSED TO WEATHER OF A CONCACT WITH EVERY

- sladi e dalli (fit davi e savlici) Bladi, culturi (del stradis, stanis) Unadilicito culturi 3/4 sL 1-1/2 N. 3-1/2 N. иниетита осника 3-17 м. Синост ор ирс 225 (од) бини нат буста за илосан ог али такжа, инаст учиств булата булата или-гакжа, инаст учиств булата булата или-гакжа, инаст учиств булата булата са состатился ог сонала ор иниетор учиств булата учиств с такжата.
- PROJECTING COMMENT OF BEAMS, WALLS, COLUMNS, ETC., SWILL BE FORMED WITH A 3/4 MK CHAMPER, INLESS STREEMED ON в. ARCHITECTURAL DRAWNESS 12
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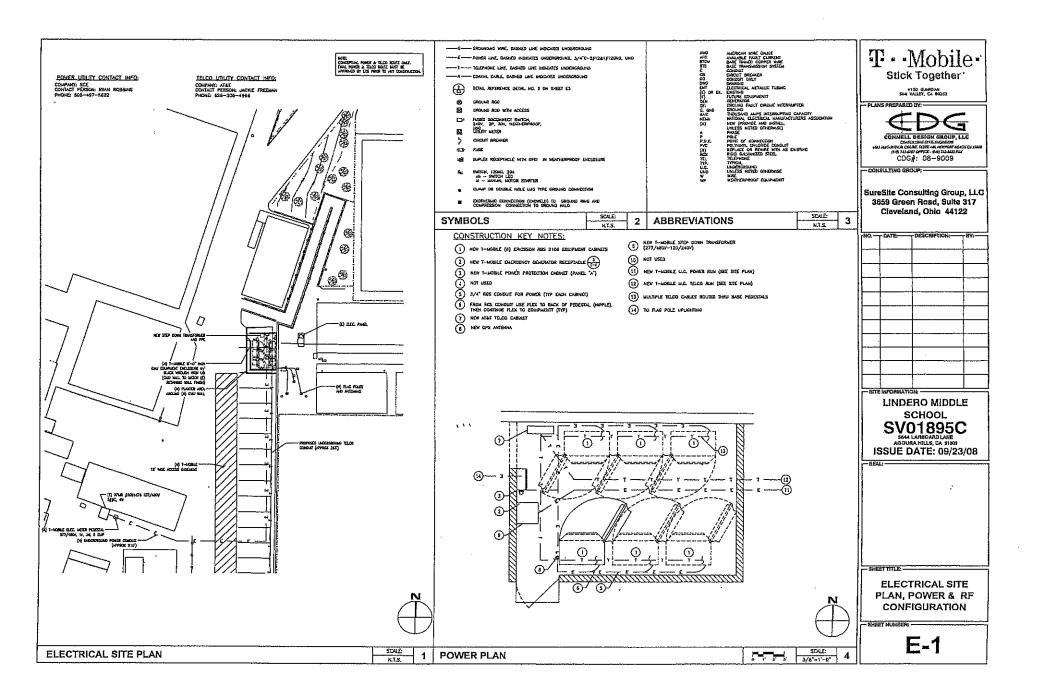
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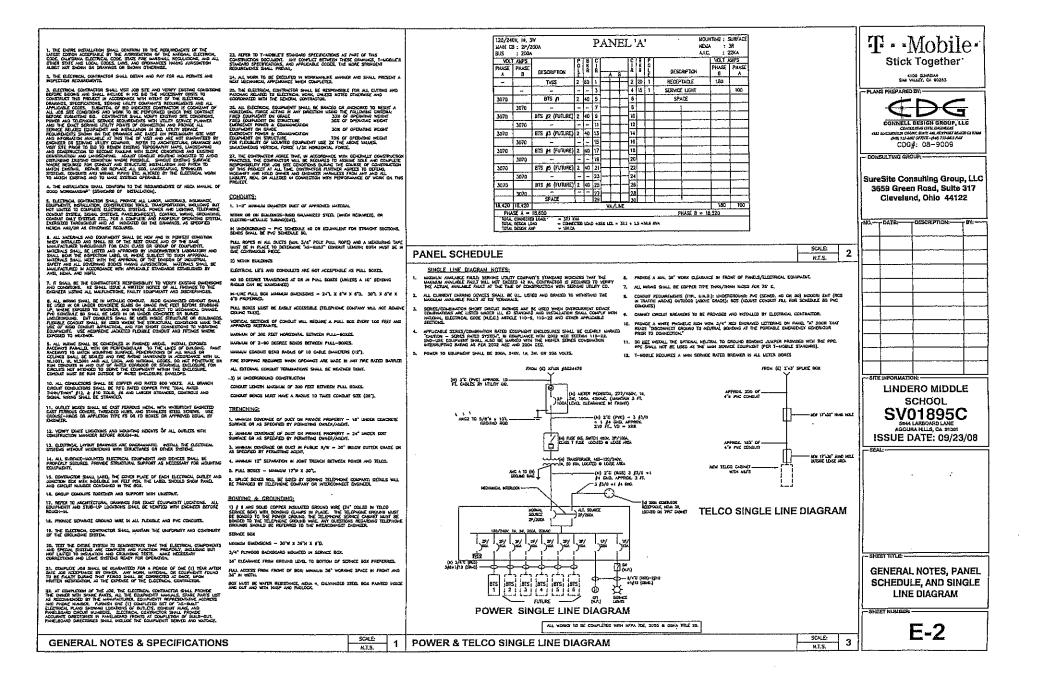
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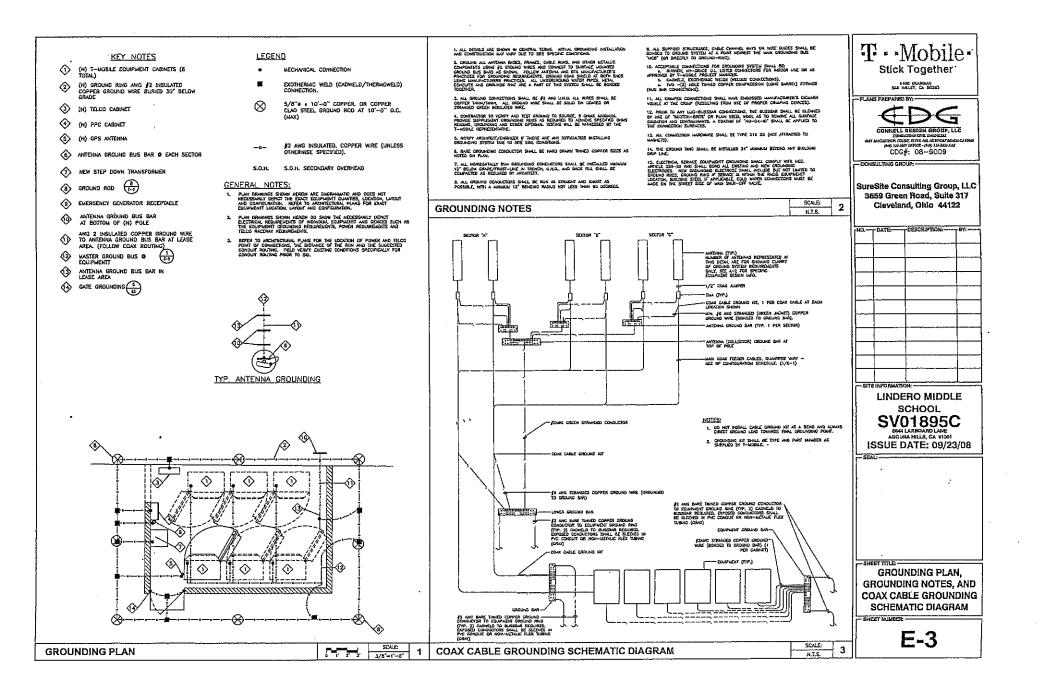
T · Mobile Stick Together\* 4100 CLURDOW SHA VALUET, CA 90263 PLANS PREPARED BY:-CONNELL DESIGN GROUP, LLC CDG#: 08-9009 - CONSULTING GROUP: SureSite Consulting Group, LLC 3659 Green Road, Suite 317 Cleveland, Ohio 44122 - DESCRIPTION:-DATE - EY: -NO. - STIE INFORMATION LINDERO MIDDLE SCHOOL SV01895C 6644 LARBOARD LANE AGOURA HILLS, CA 91001 **ISSUE DATE: 09/23/08** SFAL-- SHEET TITLE: -GENERAL NOTES **GN-1** 

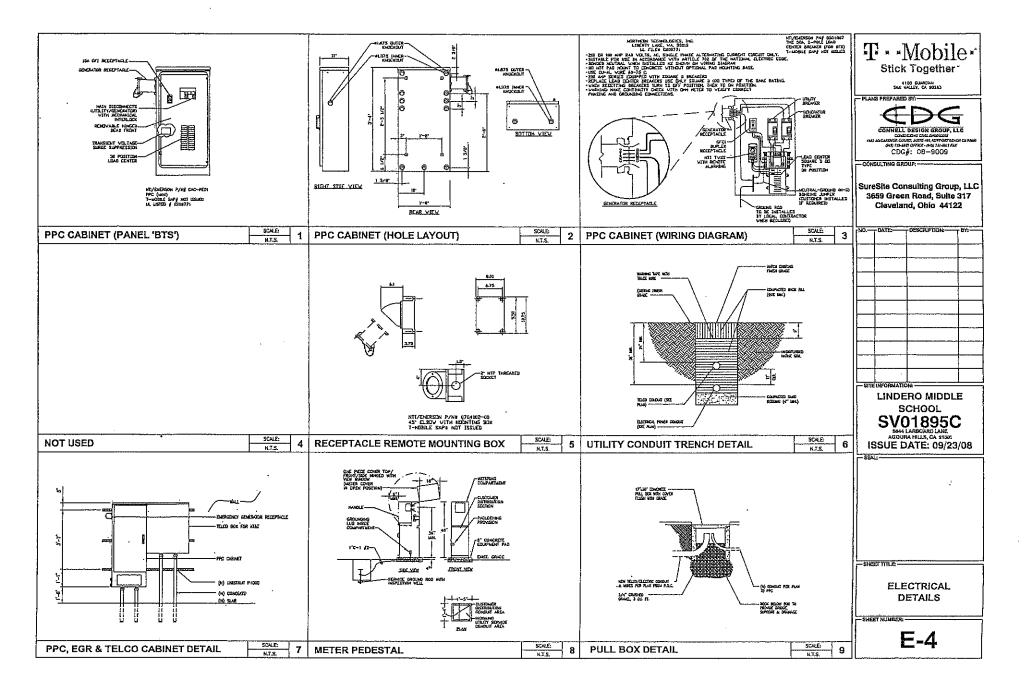
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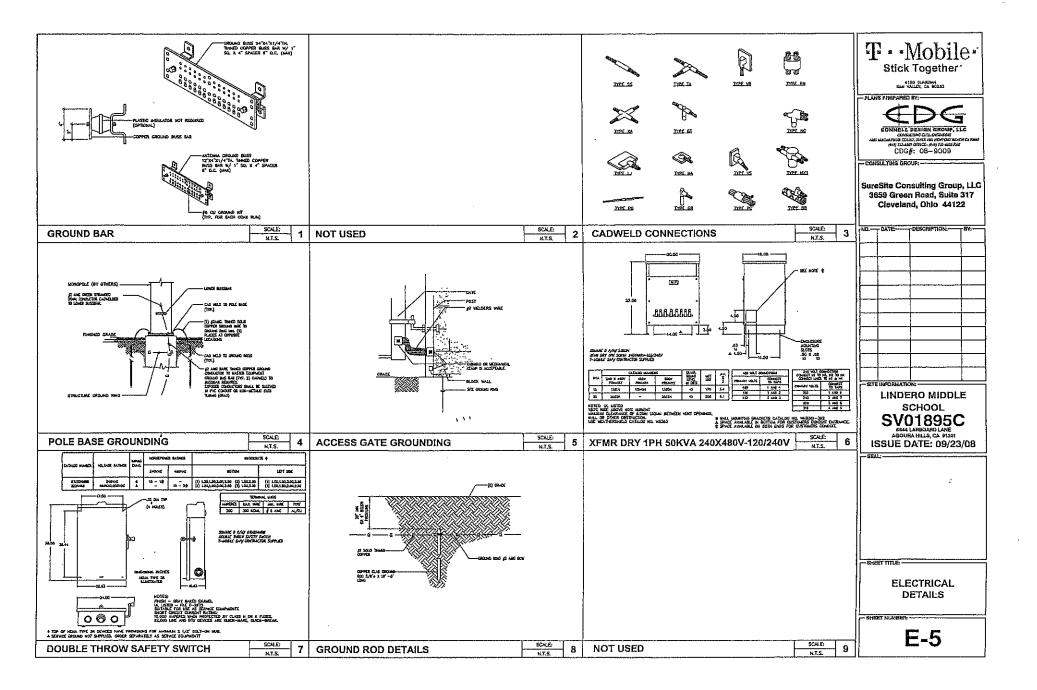
### **GENERAL NOTES**

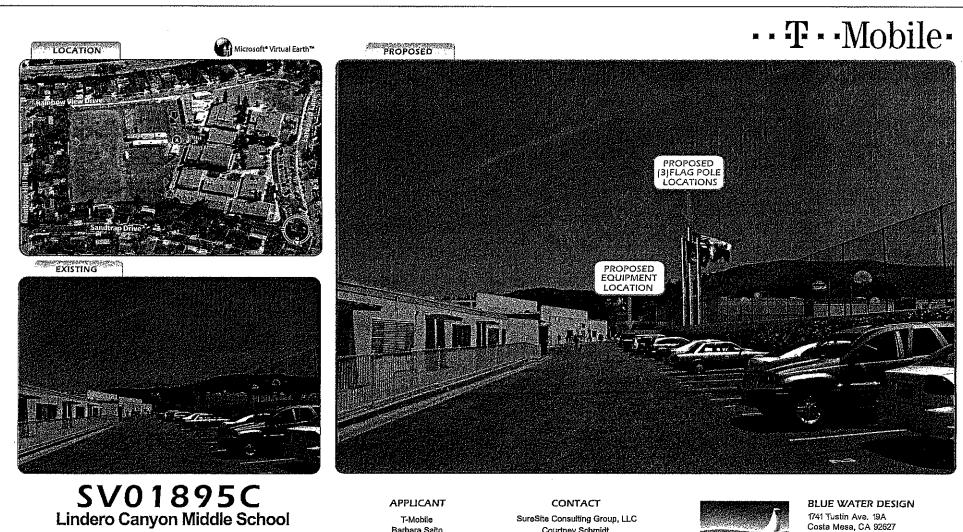












5844 Larboard Lane Agoura Hills, CA 91301

VIEW 1

T-Mobile Barbara Saito 4100 Guardian Street Suite 101 Simi Valley, CA 93063

SureSite Consulting Group, LLC Courtney Schmidt 3659 Green Road, Suite 317 Cleveland, OH 44122 p 310.645.5687

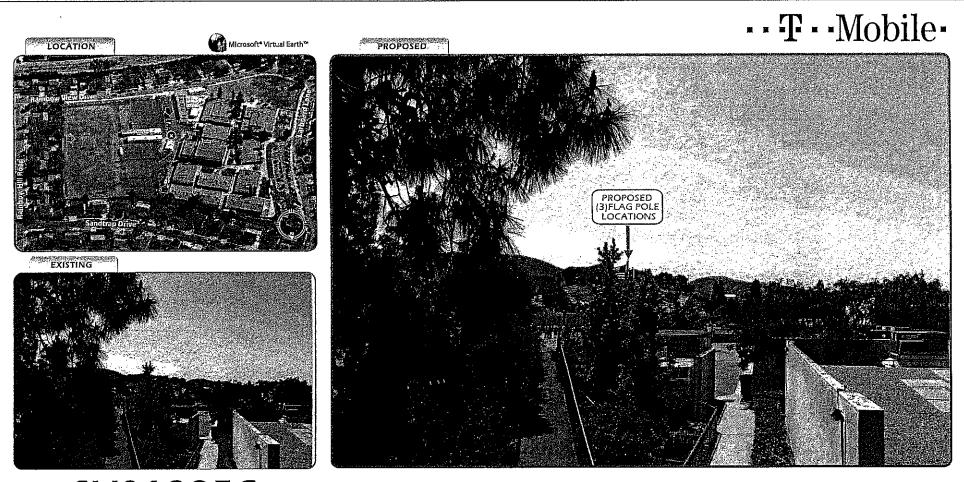


1741 Tustin Ave. 19A Costa Mesa, CA 92627

bluewater-design.net michelle@bluewater-design.net

p 714.473.2942 f 949.631.2316

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



SV01895C Lindero Canyon Middle School

5844 Larboard Lane Agoura Hills, CA 91301

VIEW 2

#### APPLICANT

T-Mobile Barbara Saito 4100 Guardian Street Suite 101 Simi Valley, CA 93063

#### CONTACT

SureSite Consulting Group, LLC Courtney Schmidt 3659 Green Road, Sulte 317 Cleveland, OH 44122 p 310.645.5687

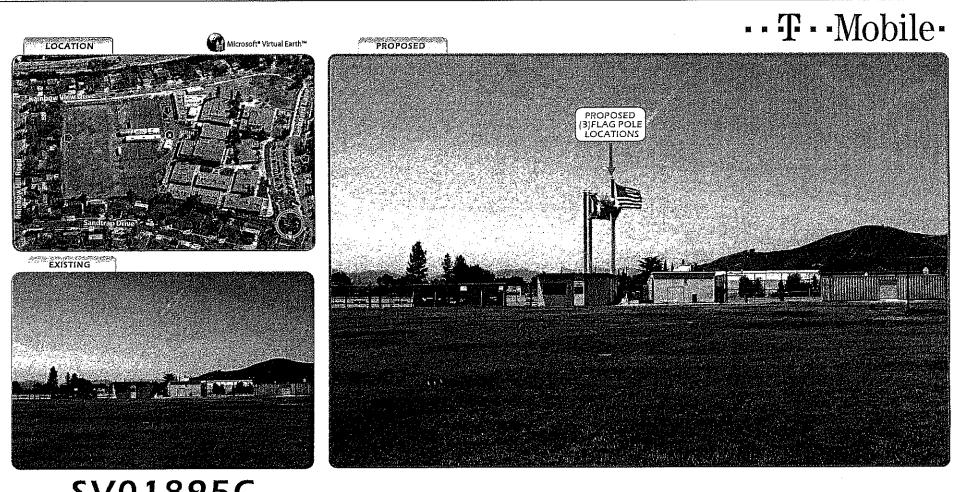


BLUE WATER DESIGN 1741 Tustin Ave. 19A Costa Mesa, CA 92627

bluewater-design.net michelle@bluewater-design.net

p 714.473.2942 f 949.631.2316

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SV01895C Lindero Canyon Middle School

5844 Larboard Lane Agoura Hills, CA 91301

VIEW 3

APPLICANT

T-Mobile Barbara Saito 4100 Guardian Street Suite 101 Simi Valley, CA 93063

#### CONTACT

SureSite Consulting Group, LLC Courtney Schmidt 3659 Green Road, Suite 317 Cleveland, OH 44122 p 310.645.5687

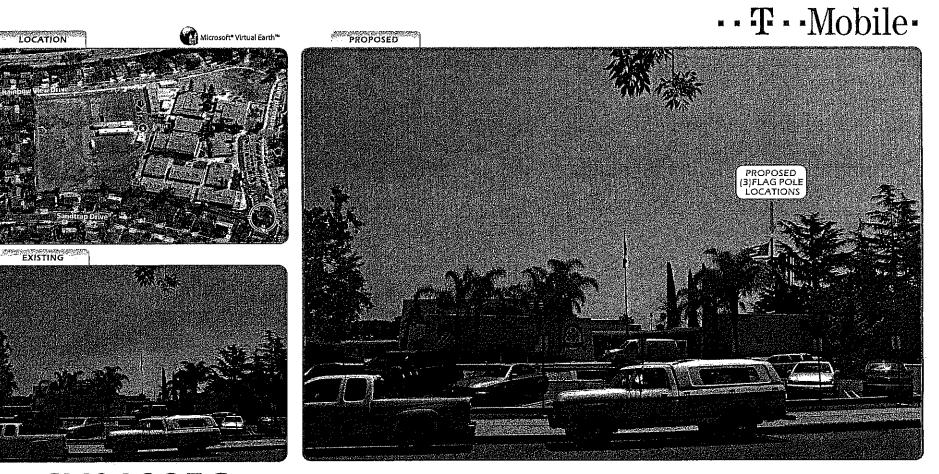


BLUE WATER DESIGN 1741 Tustin Ave. 19A Costa Mesa, CA 92627

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SV01895C Lindero Canyon Middle School

5844 Larboard Lane Agoura Hills, CA 91301

VIEW 4

#### APPLICANT

T-Mobile Barbara Salto 4100 Guardían Street Suite 101 Simi Valley, CA 93063

#### CONTACT

SureSite Consulting Group, LLC Courtney Schmidt 3659 Green Road, Suite 317 Cleveland, OH 44122 p 310.645.5687

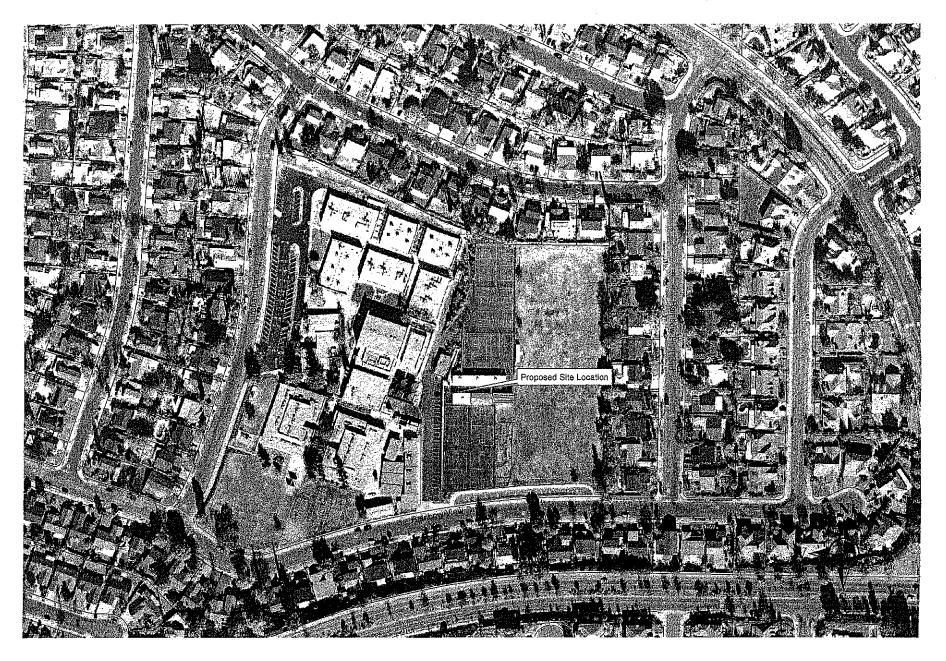


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bluewater-design.net michelle@bluewater-design.net p 714.473.2942 f 949.631.2316

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

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



#### 02/04/2009 12:20 8188785257

February 3, 2009

LAS VIRGENES UNIFIED SCHOOL DISTRICT

4111 N. LAS VIRGENES ROAD DALABASAS, CALIFORNIA 91302

> Telaphone; (818) 880-4000 Fax: (818) 880-4200 www.lyusd.org

LASVIRGENES

PAGE 02/02

#### EGARD OF EDUCATION

TERILYN FINDERS

JILL GAINES

CINDY ISER

DAVE MOORMAN

GORDON WHITEHEAD

DONALD M. ZIMRING, Ph.D. SUPERINTENDENT

Chair Member John O'Meara Planning Commission City of Agoura Hills 30001 Ladyface Court Agoura Hills, CA 91301

Subj: Request to construct an unmanned wireless telecommunication facility at Lindero Canyon Middle School

Dear Chair Member O'Meara:

By this letter, please be advised that the Las Virgenes Unified School District supports the applicant (Omnipoint Communication, Inc. for T-Mobile) in their installation of an unmanned wireless telecommunication facility at Lindero Canyon Middle School. Our support of this project is predicated on the following:

- 1. The project is in compliance with city and state codes.
- 2. The City of Agoura Hills has supported prior approved installations at other school sites within their city boundaries.
- 3. We currently have multiple installations within the Cities of Agoura Hills and Calabasas with no problems to date.
- 4. It would provide greater service to our community, offering increased safety and communication.
- 5. Installations such as these assist the District with increased, ongoing revenue in a time of declining resources.
- 6. None of our cell sites are installed on or near any classroom buildings. This proposed installation will be placed on the athletic field.

If we can provide further assistance, please do not hesitate to contact my office.

Sincerely,

Karen Kimmel, CPA Chief Business Official

KK:kp

February 3, 2009

CITY OF AGOURA HILLS 2009 FEB -4 PM 2: 28

Subject: Wireless Telecommunications antennas and equipment to be located at Lindero Canyon Middle School in Agoura Hills.

There are many studies that have been done regarding the health effects of wireless antennas, cell sites and cell phones and their affect on human health. There has been no firm data as to whether they are safe or whether they can be linked to increased cancer concerns. Studies in Europe seem to be more slanted toward increased cancer link.

Many cities in California have concerns about health and safety regarding wireless equipment and they have implemented restrictions that do not allow wireless communication equipment closer than 500 feet from any school, park or residential zone.

Based on these issues I do not feel that it is in the best interest of the students and local residents to have the antennas and equipment installed at Lindero Canyon Middle School.

Sincerely,

Joseph Dulansky () Sand Trap Drive, Agoura Hills

CITY OF AGOURA HILLS 2009 FEB - 2 PM 4:58 CITY CLERK

January 29. 2009

City of Agoura Hills 30001 Ladyface Court Agoura Hills, Ca. 91301

Dear Planning Commissioners,

RE: Case No. 07-CUP-007 Location: 5844 Larboard Lane

I have concerns regarding the landscape and tower maintenance on this site. Please ask the applicant to guarantee the landscaping will be watered and maintained. And please ask the applicant to perform regular measurements of the RF to assure exposure doesn't exceed the recommended limits and to provide copies of the RF report to the Agoura Hills City staff.

:

Thank you.

Sincerely,

Dailine mibane

Darlene McBane 30552 Mainmast Drive Agoura Hills, Ca. 9130 (818) 991-7324



# DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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)
DETERMINATION.	Categoricany Exempt nom 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

Case No. 07-CUP-007 (T-Mobile)

Planning Commission Page 4

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 overconcentration 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.

Case No. 07-CUP-007 (T-Mobile)

# V. ATTACHMENTS

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

CASE PLANNER: Renee Madrigal, Assistant Planner



# **CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

# FOR THE PROPERTY LOCATED AT 5844 LARBOARD LANE, AGOURA HILLS

# WRITTEN CORRESPONDENCE RECEIVED BY THE PUBLIC

Cinda M. Perret 5827 Carboard Cane Agoura Hills, CA 91301 (818) 865-2084

CITY OF AGOURA HILLS 2009 JUN - 2 PM 2: 22 City Clerk

i vo diga

Department of Planning and Community Development 30001 Ladyface Court Agoura Hills, CA 91301

**RE: Cell Tower at Lindero Middle School** 

Dear City of Agoura Hills:

I would like to express my opposition to the proposed installation of a wireless telecommunication facility at Lindero Middle School. I am opposed to this project for a number of reasons:

- I understand that the School District is looking for opportunities to generate revenue, but they have to understand that the Lindero Middle School is in a unique position of being completely surrounded by residential properties. I feel it is unfair to the homeowners on my street and the other surrounding streets to have to look at this facility 24/7. We, the homeowners, will be incurring the burden without any gain.
- I'm concerned of what will happen to the upkeep of the facility should this wireless provider go out of business. With the economic instability I'm worried about the school district entering into a long-term contract and what affects this will have if the facility is allowed to deteriorate.
- As a resident of Larboard for 15 years, I have never had a problem with cell phone reception and therefore believe this facility is not warranted.

I wanted to make you aware of my opinions regarding this project as I feel the benefits to the school district don't justify the long-term burdens this places on me and the other residents in the area.

Thank you, Leveid

Linda Perret

CC: City Council Members via email