


## REPORT TO CITY COUNCIL

**DATE:** OCTOBER 28, 2009

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER 

**BY:** MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT *MK*

**SUBJECT:** CONTINUED OPEN PUBLIC HEARING REGARDING AN 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 EQUIPMENT ENCLOSURE (OMNIPOINT COMMUNICATIONS, INC., FOR T-MOBILE, APPLICANT) - CONTINUED FROM SEPTEMBER 23, 2009

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This is a continued public hearing, from June 10, 2009 and September 23, 2009, to consider an appeal of the Planning Commission's approval of Conditional Use Permit Case No. 07-CUP-007, which allowed 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 8-foot high masonry equipment enclosure, at the Lindero Canyon Middle School (LCMS) property, located at 5844 Larboard Lane.

As background, the Planning Commission approved T-Mobile's request for the Conditional Use Permit on March 5, 2009. The City Council appealed the Planning Commission's action and the public hearing on the appeal was held by the Council on June 10, 2009. Revised plans were considered by the City Council at the public hearing that included reducing the number of flag poles from three flag poles to one flag pole. The proposed location, near the center of the campus, did not change. At the June 10 meeting, the City Council expressed concerns with the proposed cell site, specifically in regard to the health and safety issues of the proposed wireless tower, and the visual impact of the 45-foot high flag pole antenna. After hearing and considering public testimony, the City Council continued the public hearing to September 23, 2009, and requested T-Mobile to erect a story pole to simulate the visual impact of the 45-foot high flag pole antenna and directed staff to prepare and submit a letter to the Las Virgenes Unified School District requesting that the Board of Education conduct a public hearing regarding the environmental health and safety issues of the proposed cell site at LCMS. As requested by the City Council, T-Mobile erected a demonstration cell antenna, as a mock-up of the proposed

45-foot tall cell antenna flag pole, at the LCMS site for a period of two weeks (starting on July 7, 2009) to provide the public with a general visual concept of the location and height of the proposed flag pole antenna. The Las Virgenes Unified School District Board of Education also placed an information item on their August 18, 2009 regular board meeting agenda on cell phone antennas and concerns relative to radio frequency (RF) emissions. The District hired Mr. Jonathan Kramer, an attorney, and Dr. Jerrold Bushberg, an independent consultant, who made a presentation and responded to questions from the Board. The item was placed on the agenda by the School Board for the purpose of gathering information for the Board to make policy decisions on future proposed installation. As this was an information item, the Board did not take any action on this item at the meeting, and no specific direction was given regarding T-Mobile's application at LCMS.

For the September 23, 2009, continued City Council meeting, the applicant provided three updated propagation maps showing the project location, "without site coverage," "with site coverage," and "with only site coverage," to demonstrate that a significant gap in coverage exists. T-Mobile's representative also submitted and presented an "Alternative Site Analysis," which reviewed eight alternate sites for their consistency with the City zoning codes and T-Mobile's coverage needs. After considering the testimony of the applicant, as well as the public in attendance, the City Council, upon deliberation, continued the matter to October 28, 2009, and directed staff to analyze T-Mobile's propagation maps for verification of coverage and to evaluate the alternative sites analysis that was presented by T-Mobile. The Council also authorized the hiring of a consultant for technical review.

Staff has engaged in the services of Mr. Jack Unger, a wireless communications consultant, in conducting the technical analysis of reviewing T-Mobile's updated propagation maps and the 8 alternative sites. Mr. Unger is president of a company that specializes in wireless network and deployment. He has been a consultant to private companies and to cities and special districts for over 17 years, he provides education and training on wireless communication, and has authored publications on wireless telecommunications facilities. Mr. Unger's report is attached. He will be in attendance at the October 28, 2009, City Council meeting to present his findings and to answer questions of the Council.

The consultant's tasks were to conduct a technical verification of T-Mobile propagation (signal coverage) maps. Specifically, the consultant was tasked with verifying T-Mobile's current cell coverage (without the LCMS site), the forecasted coverage attained by a new cell site at the school, and the potential coverage of the alternative sites listed in T-Mobile's "Alternative Sites Analysis."

Regarding current coverage, there are two existing T-Mobile cell sites in the area. One is located west of the LCMS site (near the intersection of Lindero Canyon Road and Thousand Oaks Boulevard in the City of Westlake Village) and the other located southeast of the school (on the Gateway Church site on Agoura Road). To quantify existing coverage, signal measurements were taken at 47 locations. To summarize, under existing conditions, our consultant found that there is generally equal to or slightly less coverage than what was shown on T-Mobile's propagation map of existing conditions. Our consultant also found that T-Mobile's propagation

map with the proposed cell site at the school to be generally accurate.

In conducting analysis of T-Mobile's 8 alternative sites, staff and our consultant determined that some of the sites were either not technically feasible or difficult from a legislative standpoint. For example, the existing topography and obstructions and the proximity to the existing cell sites made the Yerba Buena Elementary School site, the commercial center at Thousand Oaks Boulevard and Lake Lindero Drive, and the Lake Lindero Golf Course site technically unviable as alternative sites. One alternative was to place them on transmission lines which is considered to be difficult from a legislative standpoint because it would require a 2/3 public vote approval to include cell sites as a permitted use in the Open Space zone.

There were two sites on T-Mobile's alternatives analysis that our staff and consultant found possibly feasible from a technical standpoint and was thus studied further using a predictive wireless modeling program. One was the Thousand Oaks Boulevard right-of-way. Staff would note that the Lutheran Church and Recreation Center alternatives were combined with the right-of-way option given their proximity to each other. However, the church and Recreation Center options are less viable than the right-of-way option given that various obstructions are present at these sites, including a hill to the east that would obstruct signals to cover the gap area. Our consultant found that adding a cell site at the right-of-way location on Thousand Oaks Boulevard would improve coverage, but not as well as a site at the middle school. However, our consultant has advised that coverage notwithstanding, typically there are issues associated with placement on any right-of-way as to location of its accessory equipment, the possible trenching for connections, and structural limitations associated with placement on existing light poles which could make this option difficult. Staff would also note that residential development exists adjacent to the Thousand Oaks Boulevard right-of-way option.

The other alternate site that was reviewed was the water tank located north of Ridgebrook Drive. Our consultant's technical analysis found that this alternative provides generally better overall coverage, including addressing T-Mobile's existing gap, than the Middle School or the right-of-way options. This is attributed primarily to the fact that it is located at a higher elevation and thus not obstructed as much by topography, buildings, or trees as the other options, and therefore, is considered to be technically superior to the other two sites. The water tank is on property owned by the Las Virgenes Municipal Water District and their staff has indicated that the water district has entered into agreements in the past with cell providers at other water tanks and properties that they own. They are open to allowing cell antennae, but leave it up to the cities to determine the requisite land use and entitlement procedures at each locale. Staff would also note that residential development exists about 350 feet downhill from the water tank.

On October 14, 2009, the City Council adopted an urgency ordinance instituting a 45-day moratorium on wireless telecommunications facilities. The subject T-Mobile CUP, as well as the four (4) other CUP applications for cell sites already accepted by the City, are exempt from the moratorium. Staff will be requesting an extension on November 10, 2009, of up to one year to complete a study to prepare a comprehensive wireless telecommunications ordinance. As part of the October 14, 2009, Report to Council on the urgency ordinance, staff prepared a memorandum, which is attached hereto, containing general analysis from a permitting standpoint

of T-Mobile's eight (8) alternatives to the LCMS site. As stated earlier, Mr. Unger's report has found that the water tank alternative provides better overall coverage than the LCMS site or the right-of-way option. However, as mentioned in the October 14, 2009, memorandum, there are legislative, permitting, and processing matters that need to be explored and amended with the water tank alternative. The Las Virgenes Municipal Water District (LVMWD) water tank is on land zoned "U" (Utility) and a Zoning Ordinance Amendment (ZOA) would first be necessary to allow a cell site as a conditionally permitted use. Once the ZOA is adopted, a separate CUP application for entitlement request is necessary. Also, while it appears that the water tank site may be a less intrusive option, it would not be possible to fully assess its visual and neighborhood impacts until designs are completed and reviewed as part of the CUP.

## **RECOMMENDATION**

It is recommended the City Council conduct the continued open public hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit Case 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 decision is to deny, the City must identify feasible alternate sites. It appears that the LVMWD water tank site may be a feasible alternative and if the Council wishes to pursue this option, staff respectfully request direction to initiate the necessary legislative steps.

### **Attachments:**

- City Council Resolution No. 09-1532 and Conditions of Approval
- T-Mobile Coverage Report by Jack Unger
- Propagation Maps submitted by T-Mobile
- October 14, 2009 Memorandum
- September 23, 2009 City Council Meeting Minutes
- September 23, 2009 City Council Staff Report
- June 10, 2009 City Council Meeting Minutes
- June 10, 2009 City Council Staff Report



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

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

**CITY COUNCIL RESOLUTION NO. 09-1532  
AND CONDITIONS OF APPROVAL**

**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:

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 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 with respect to the project described in Section 1, hereof. The appellant 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. Public hearings on the appeal were duly held and public testimony was given on June 10, 2009 and September 23, 2009, and October 28, 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.

Section 4. 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.

H. The City engaged in the services of Mr. Jack Unger, a wireless communications consultant, in conducting the technical analysis of reviewing T-Mobile's updated propagation maps and the 8 alternative sites. Mr. Unger is president of a company that specializes in wireless network and deployment. He has been a consultant to private companies and to cities and special districts for over 17 years, he provides education and training on wireless communication, and has authored publications on wireless telecommunications facilities. Mr.

Unger's report found T-Mobile's propagation maps of existing coverage and added coverage with the proposed Lindero Canyon Middle School site to be generally accurate. The City Council considered Mr. Unger's report on October 28, 2009.

Section 5. 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 6. Based on the aforementioned findings, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit Case No. 07-CUP-007 but with the reduction from three to one 45-foot tall flag pole antenna, subject to the attached Conditions, with respect to the property described in Section 1 herein, and denies the appeal.

PASSED, APPROVED AND ADOPTED this 28th day of October, 2009, by the following vote to wit:

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

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Denis Weber, Mayor

ATTEST:

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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 the applicant has been given written notice to cease such violation and has failed to do so within thirty (30) days.
6. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
7. For construction within public right-of-way, an encroachment permit is required in accordance with Agoura Hills Municipal Code. All required applicable fees, securities, and insurance must be posted prior to issuance of the encroachment permit.
8. The SWPPP shall be prepared in compliance with the Development Construction Model Program for Stormwater Management within the County of Los Angeles, and shall be subject to approval by the City Engineer. The SWPP shall identify pollutant sources, and shall include design and recommend construction and implementation of stormwater pollution prevention measures in order to reduce pollutants in stormwater discharges from the construction site during the construction period, and after construction as required.
9. Operation of the use shall not be granted until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.

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

#### SPECIAL CONDITIONS

12. Prior to the issuance of building permits, all requirements of the Los Angeles County Fire Department shall be satisfied.
13. Only one 45-foot tall antenna flag pole is approved and 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.

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. The applicant shall plant screening shrubs as directed by and to the satisfaction of the City Landscape Consultant. Final landscape plans shall be subject to review and approval by the Director of Planning and Community Development.

END



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

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

**T-MOBILE COVERAGE REPORT  
BY JACK UNGER**

## **T-Mobile Coverage Report**

### ***Executive Summary***

In this study, we measured the actual cellular coverage from two existing T-Mobile cell sites in the Agoura Hills area. We then calculated the theoretical coverage from three potential future sites. We individually combined the projected coverage from each of the three potential future site locations with the existing coverage from the two existing cell sites locations. Finally, we discuss the findings and make recommendations regarding the coverage effectiveness of each of the three potential future site locations.

### ***Existing T-Mobile Cell Sites***

The first of the two existing sites is located close to and southeast of City Hall. This was dubbed the "Southeast" site. The other existing site is located northwest of City Hall near the intersection of Thousand Oaks Boulevard and Lindero Canyon Road in Westlake Village. This site is labeled on an existing City map as "SV00338A".

### ***Potential Future Cell Site Locations***

The following three locations were considered as possible future sites.

1. Lindero Canyon Middle School.
2. The right-of-way in the 30006 block of Thousand Oaks Boulevard near (and across the street from) St. Paul Lutheran Church and the Agoura Hills Recreation Center.
3. The water tank located on the northern edge of Agoura Hills near the intersection of Ridgebrook Drive and Woodglen Drive.

The other alternative sites presented by T-Mobile in their August 10, 2009 "Alternative Site Analysis" were determined by T-Mobile to be too far from their coverage gap area or too close to their existing facilities, therefore those sites are not included in this report.

### ***Methodology***

To prepare the following coverage maps, drive testing was first performed to measure the signal strengths from the two existing T-Mobile sites. Next, wireless mapping software was used to map the drive test coverage results. Finally, wireless coverage prediction software was used to map the potential coverage from the three potential future cell site locations. Finally, the actual coverage from the two existing sites was combined with the coverage from each of the potential future sites. The result is a series of three coverage maps showing how each potential future site will combine with, extend and improve the coverage of the two existing cell sites.

### Drive Testing Locations

Signal strengths from the two existing sites were measured at 47 locations around the western half of the City. Those locations are shown in Figure 1 within the blue area on the following map.

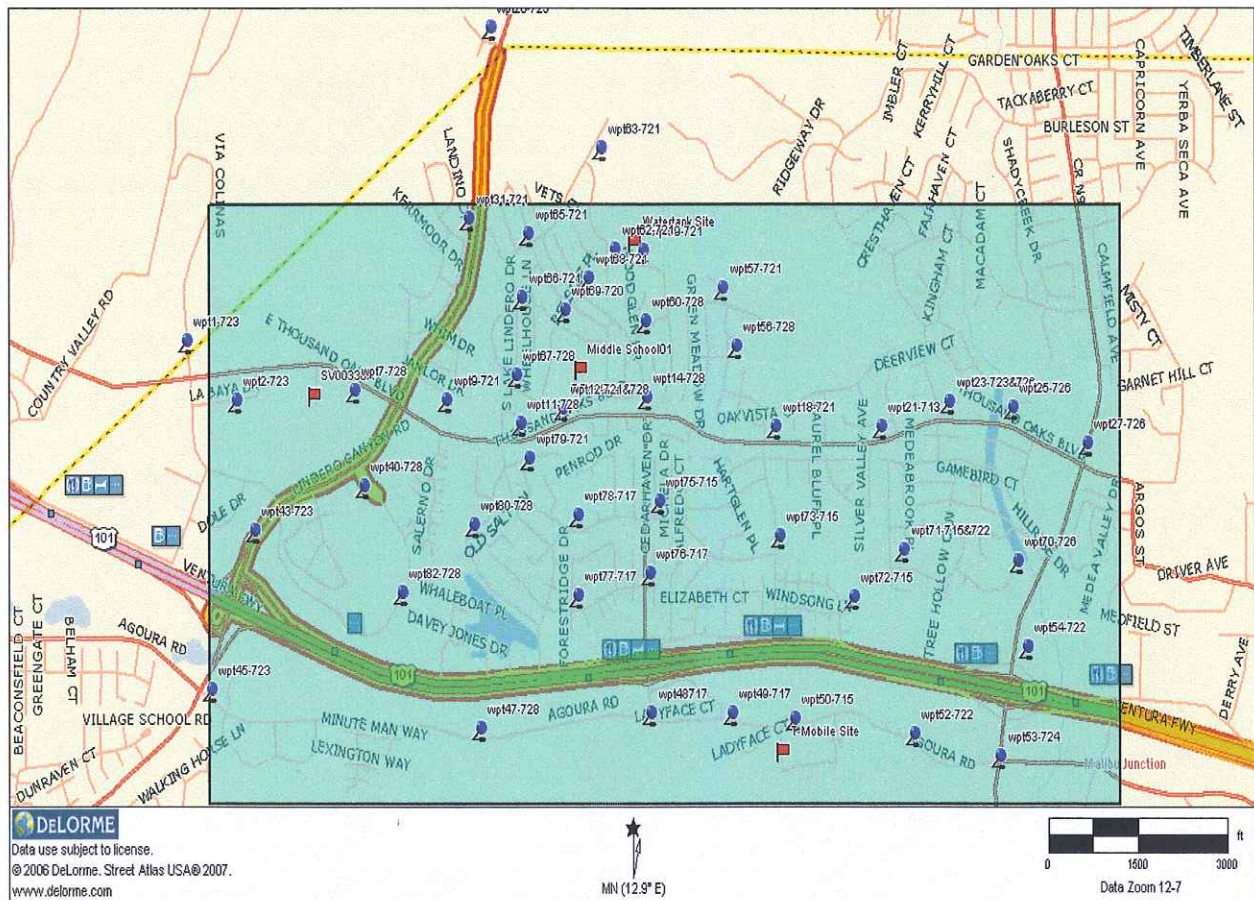


Figure 1 - Signal Strength Sampling Locations

At each blue “pushpin” location, the signal strength of the strongest seven cell site sectors was measured and recorded.

NOTE: Typically, each cell site location has three “sectors” (base stations) each with its own antenna array. Each sector is on a different frequency and is typically aimed in a different direction. Wireless engineers determine the exact coverage direction and coverage pattern of the sector antennas when each site is initially designed.

### Coverage from the Two Existing Sites

The data recorded at each pushpin location was used to map the coverage of each sector and the coverage data from all sectors at each physical location was then combined to provide the coverage pattern from each location. The coverage patterns from the two existing T-Mobile cell site locations were then combined to create a map of the two-location combined coverage. The combined coverage is shown in Figure 2. Green indicates areas of “good” coverage. Yellow indicates areas of “fair” (but useable) coverage. Gray indicates areas of “poor” or no coverage.

NOTE: All signal strength readings were taken outdoors therefore indoor coverage will be somewhat less than shown. In other words, indoor coverage in some of the existing yellow areas could be “poor” rather than “fair”.

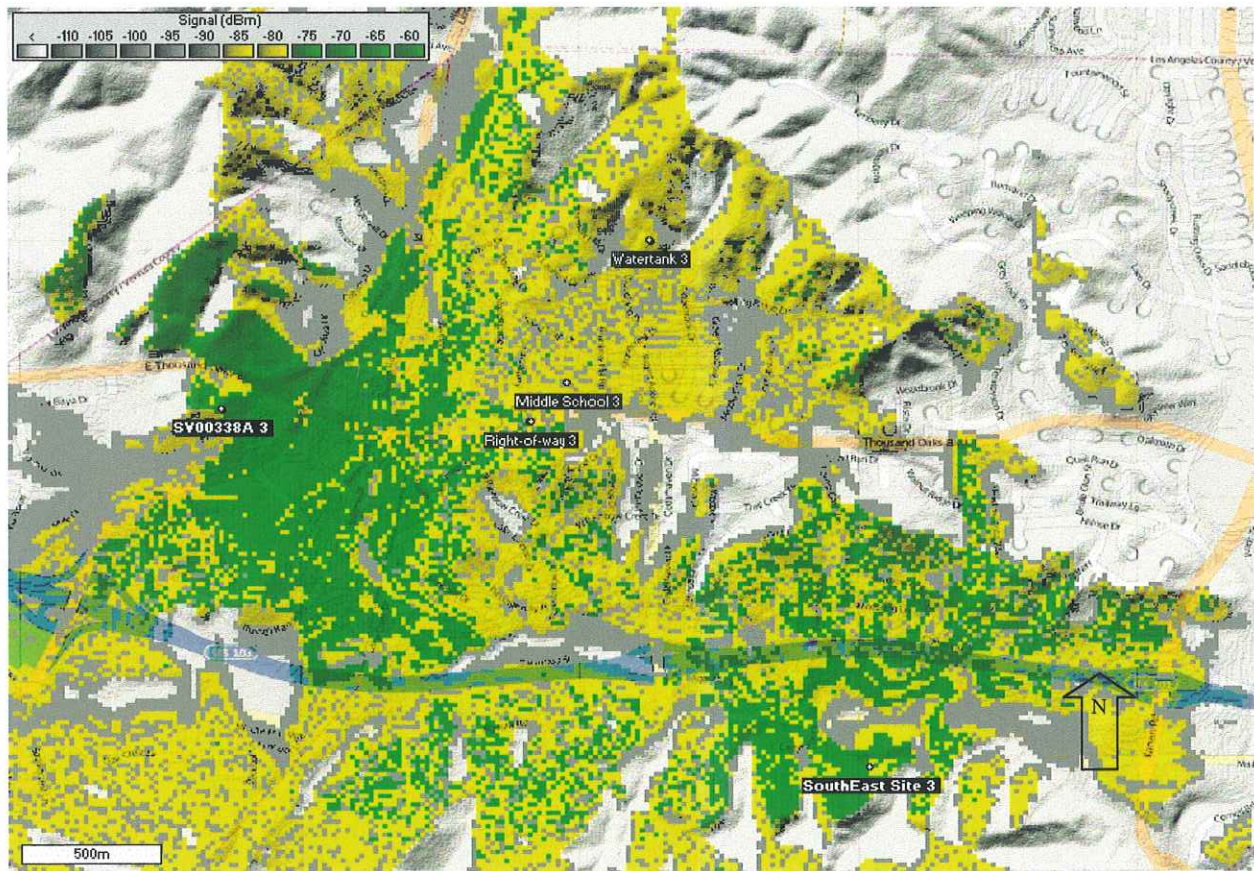


Figure 2 - Combined Coverage Measured from the Two Existing Cell Sites

This coverage map can be compared with the coverage map originally supplied to the City to compare the coverage that we measured compared to the T-Mobile-supplied coverage data. Our drive-test data shows that there is currently fair to poor coverage along Reyes Adobe Road south of Thousand Oaks Boulevard.

### Existing Coverage Combined with Middle School Coverage

Coverage from the two existing sites was then combined with predicted coverage from a possible future site at the Lindero Canyon Middle School. The resulting coverage map is shown in Figure 3.

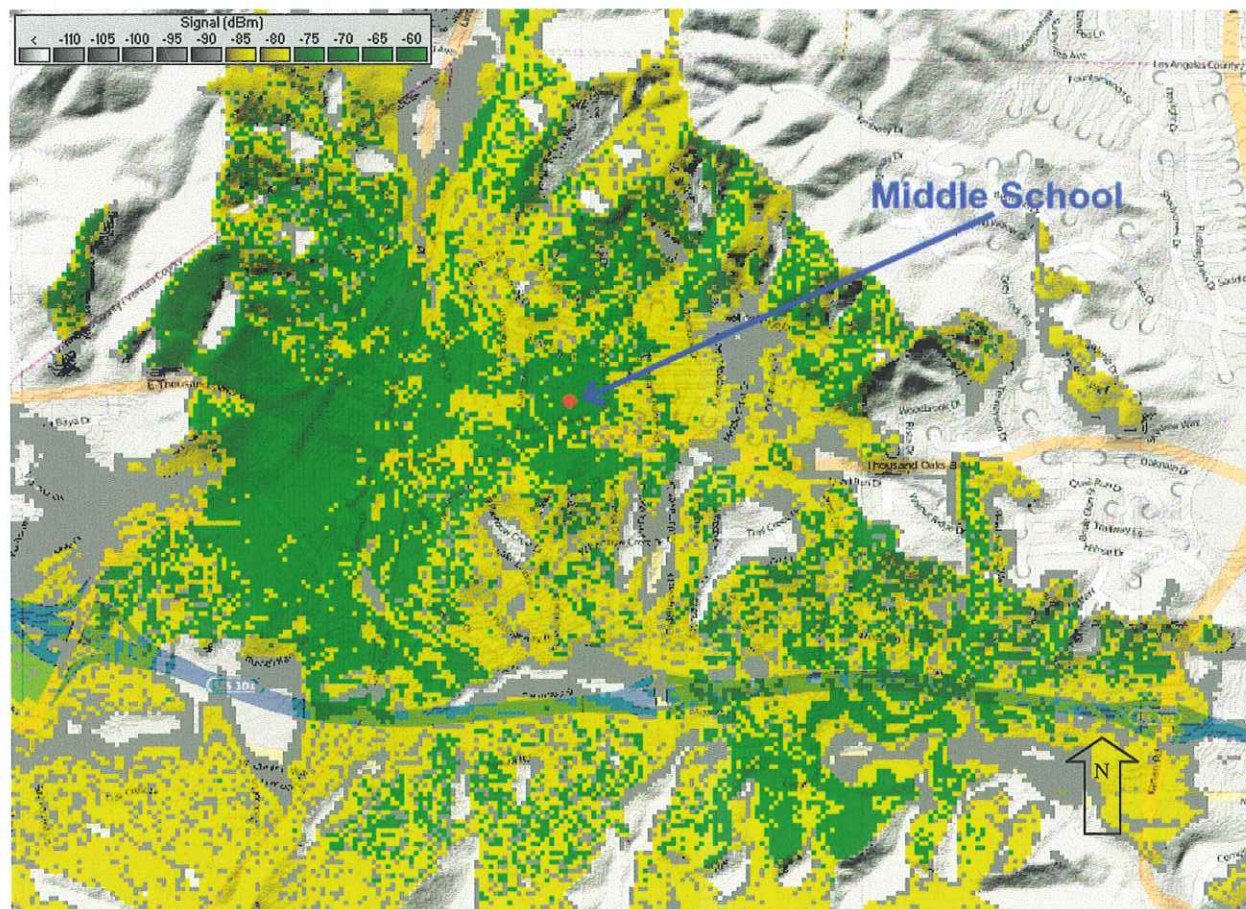


Figure 3 - Existing Sites Combined with Lindero Canyon Middle School Coverage

Some of the areas that were yellow in Figure 2 are now green in Figure 3. Also, some of the areas that were gray in Figure 2 are now yellow in Figure 3, especially in the areas north of Thousand Oaks Boulevard and west of Lindero Canyon Road.



### Existing Coverage Combined with Right-of-Way Coverage

Coverage from the two existing sites was then combined with predicted coverage from the Thousand Oaks Boulevard right-of-way potential site. The resulting coverage map is shown in Figure 4.

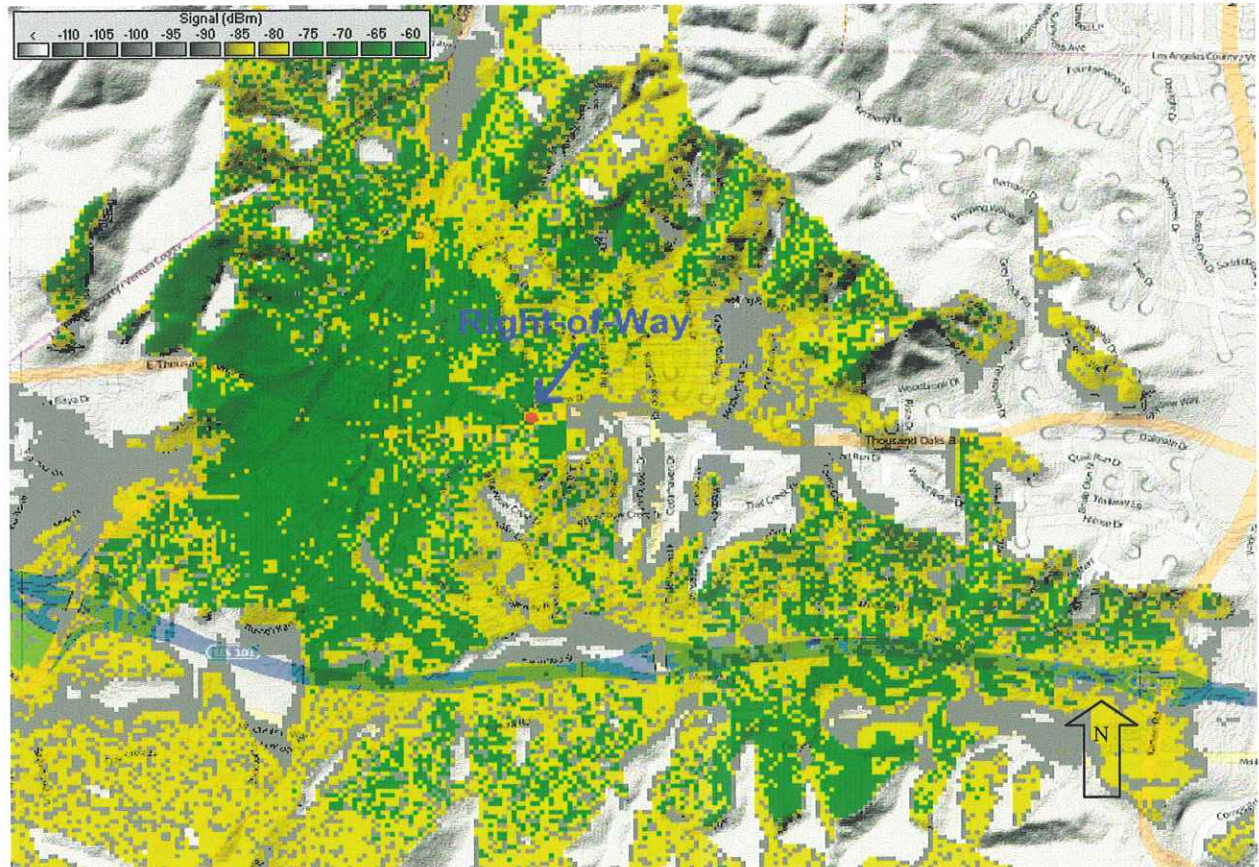


Figure 4 - Existing Coverage Combined with Right-of-Way Coverage

The right-of-way coverage combined with the existing cell sites results in improved coverage north of Thousand Oaks Boulevard although the coverage improvement is not quite as good as the improvement provided by a site at the Middle School.

### Existing Coverage Combined with Water Tank Site

Coverage from the two existing sites was then combined with predicted coverage from the water tank future site. The resulting coverage map is shown in Figure 5.

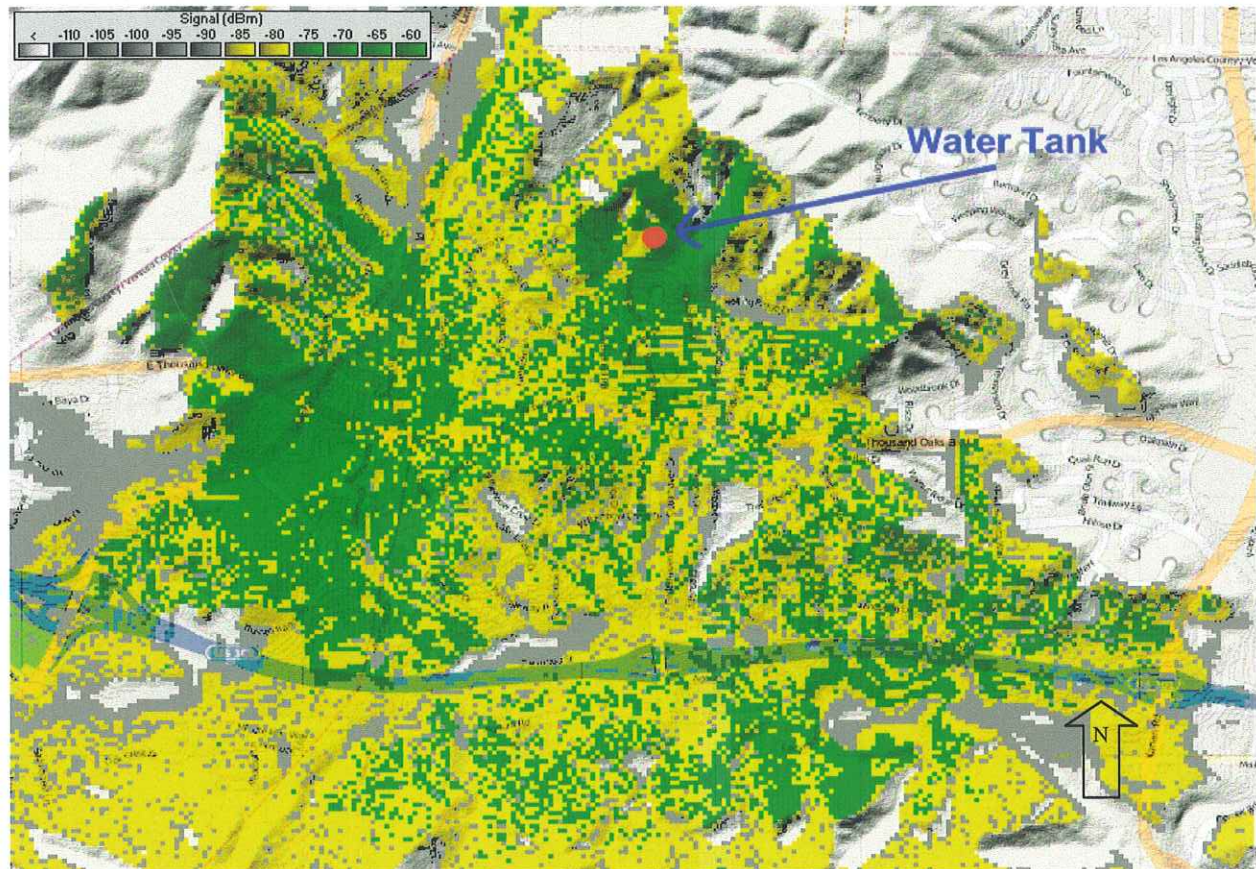


Figure 5 - Existing Coverage Combined with Water Tank Coverage

The water tank coverage combined with the existing cell sites results in improved coverage north of Thousand Oaks Boulevard as well as further to the east. The coverage improvement is somewhat better than a potential site at the Middle School.

### ***Google Earth Side-by-Side Comparison of Alternate Sites***

Making side-by-side comparisons of the coverage of the alternate sites shown in Figures 3, 4, and 5 is not always easy therefore the following page contains a side-by-side comparison of the coverages of each alternate site when combined the coverage of the two existing T-Mobile sites.

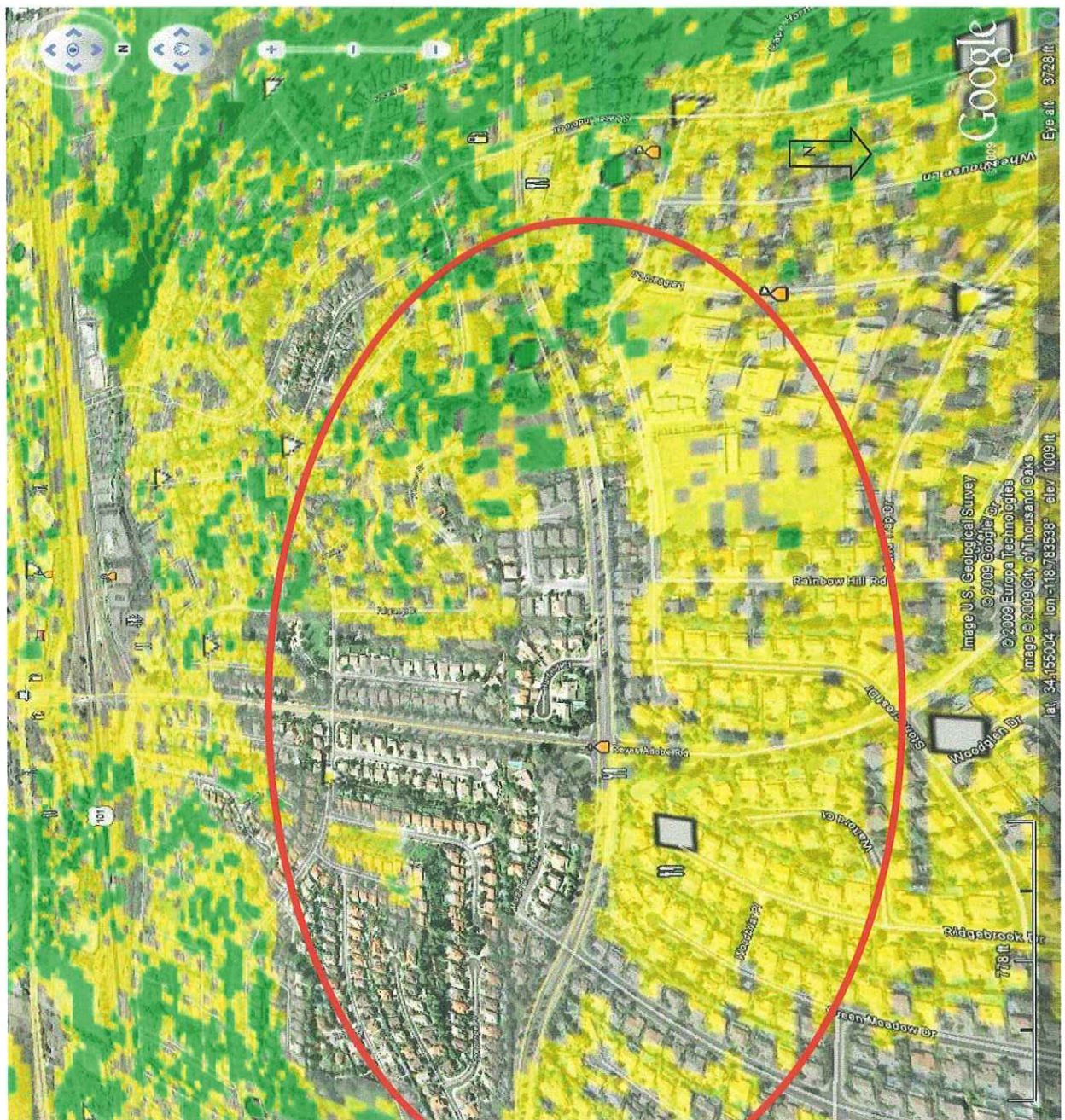


Figure 6 – Existing T-Mobile Coverage

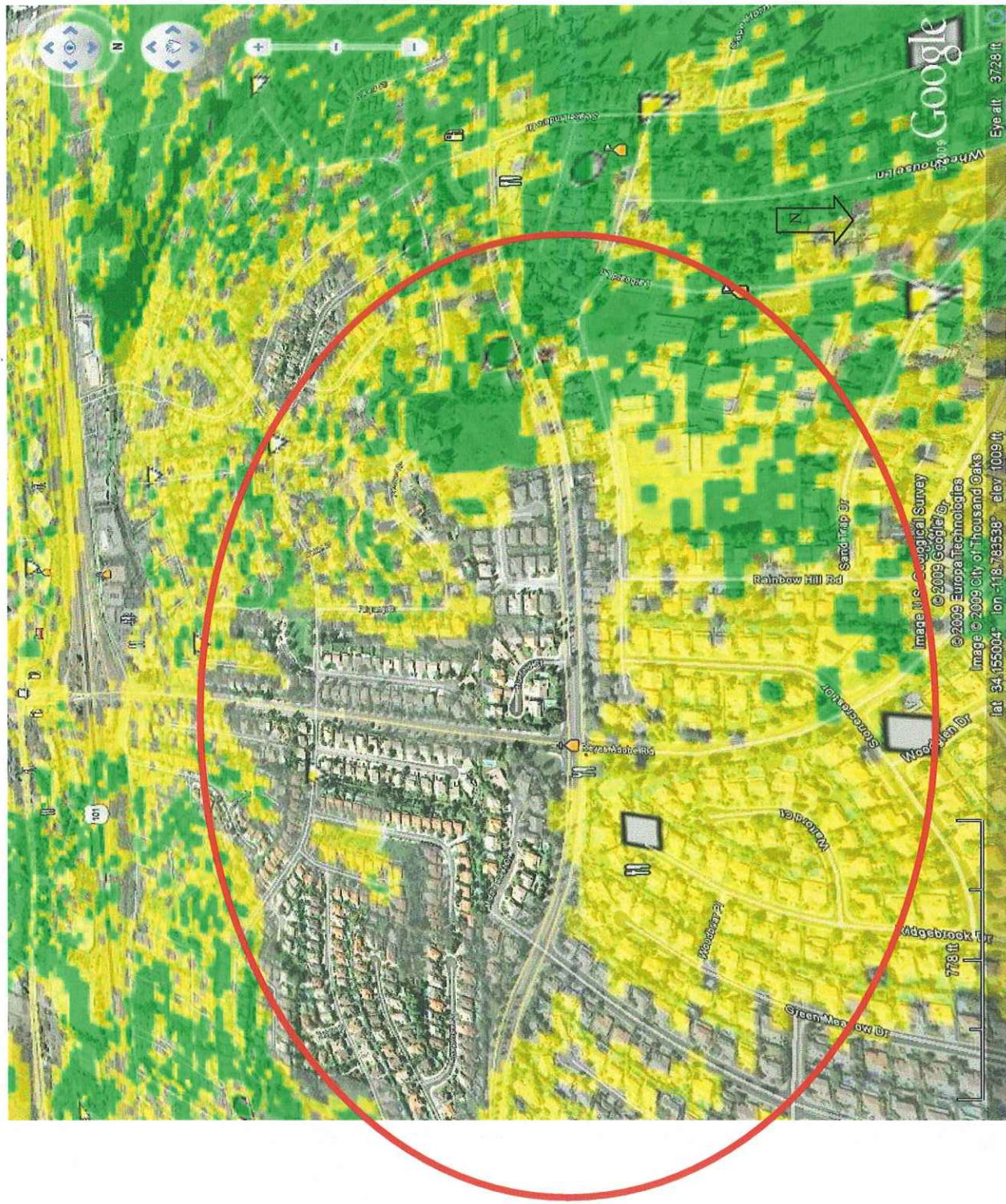


Figure 6 - Existing Plus Right-of-Way Site Coverage

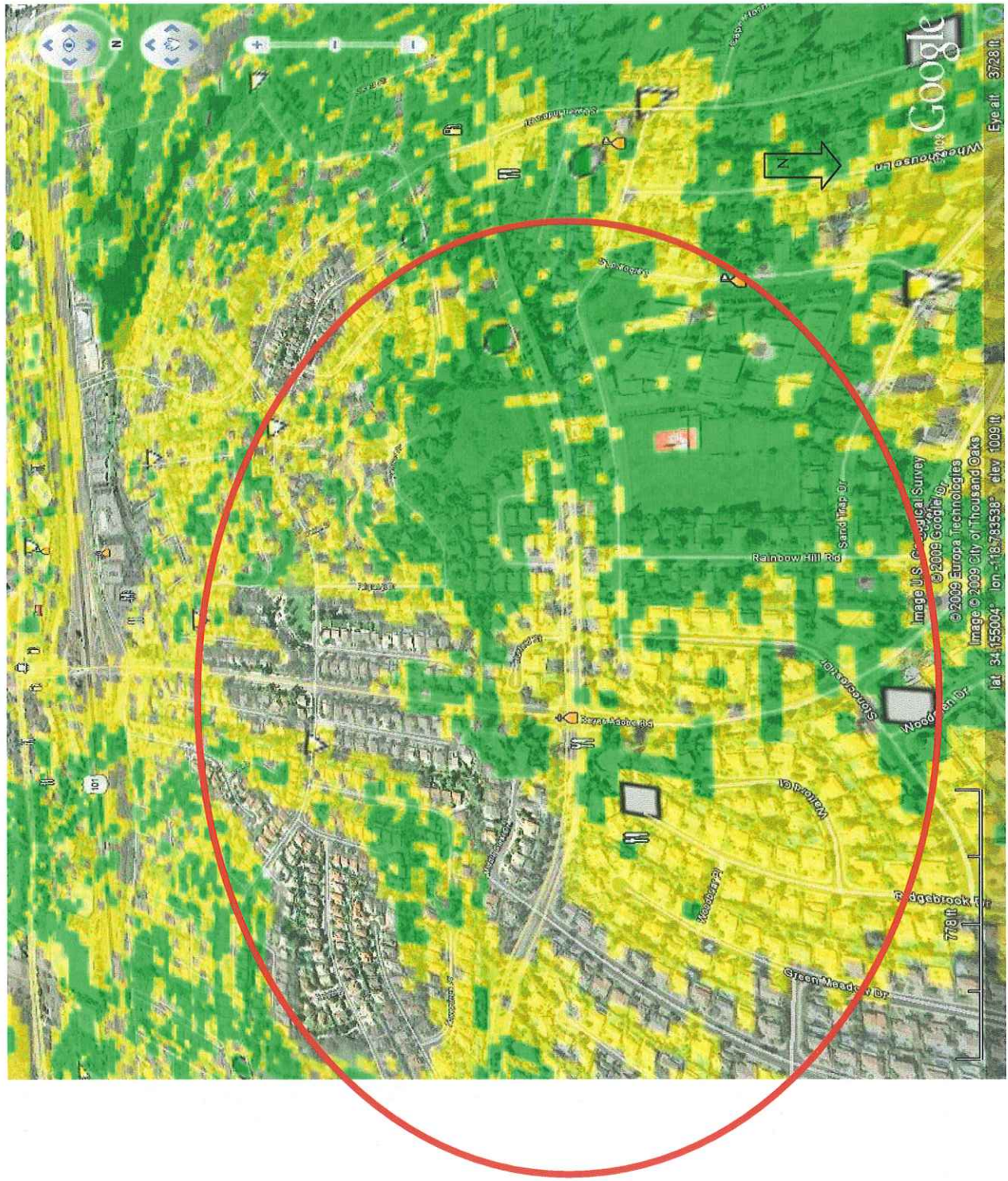


Figure 7 - Existing Plus Middle School Site Coverage

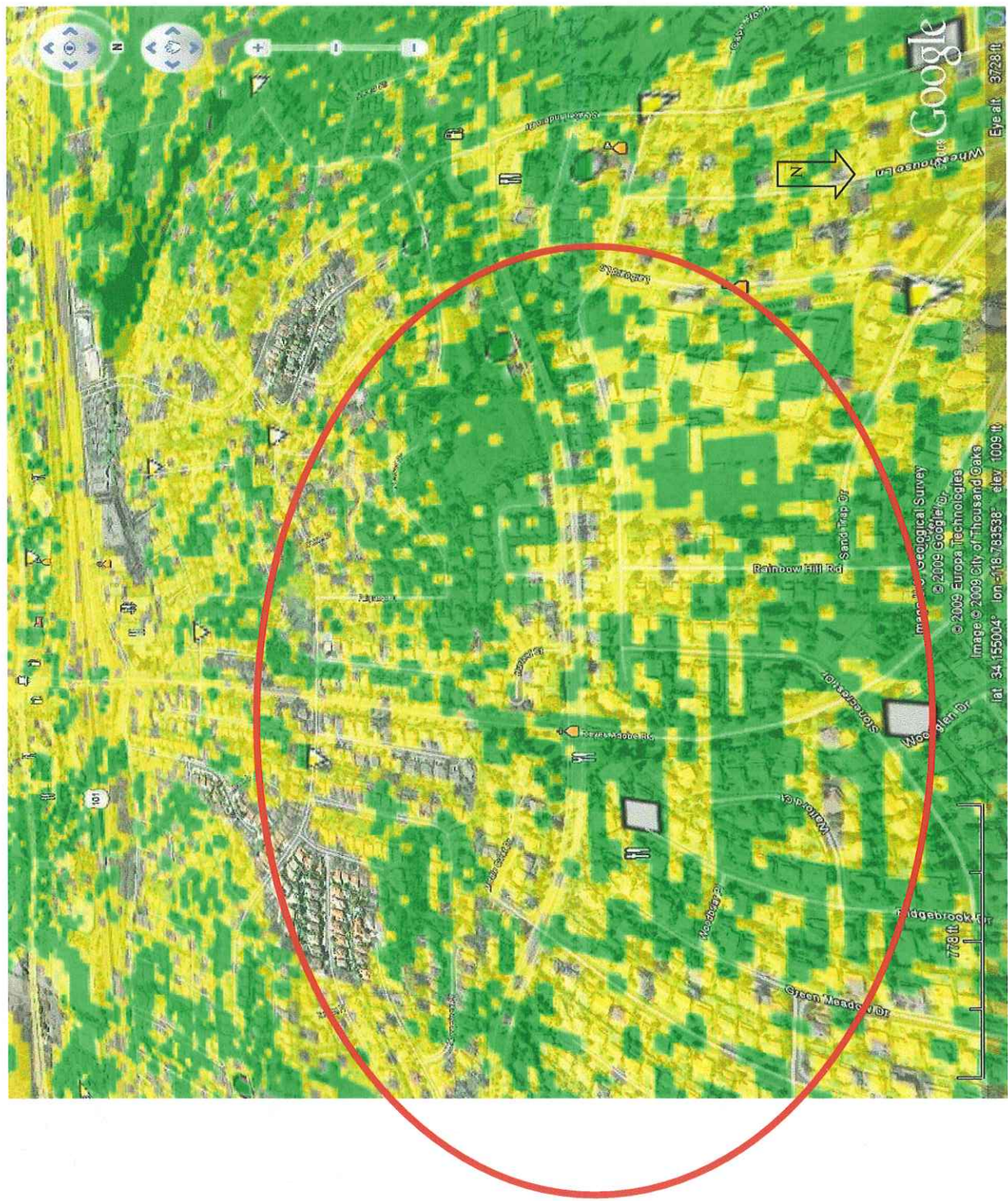


Figure 8 - Existing Plus Water Tank Site Coverage

## **Summary**

### **Existing T-Mobile Coverage**

Our drive test data showed that coverage from the two existing T-Mobile sites is equal to or slightly less (coverage in some areas is “fair” instead of “good”) than the coverage shown on the maps presented by T-Mobile to the City. Further, our drive test data also confirms that there are areas (primarily along Reyes Adobe Road south of Thousand Oaks Boulevard) that clearly DO need additional coverage. Service in these areas would benefit from the addition of a new cell site.

### **Alternate Cell Site Coverage Ranking**

Coverage areas from each of the three potential additional cell-site locations was individually combined with the coverage areas of the two existing T-Mobile cell sites. In all three cases, three (two existing plus one future) cell sites provided better coverage than only the two existing sites.

In order of total combined coverage (going from the best coverage-improvement site to the least coverage-improvement site), the three potential sites rank as follows.

1. Water Tank Site
2. Middle School Site
3. Right-of-Way Site

The water tank site provides the best overall coverage improvement because it fills in more of the gaps in existing T-Mobile coverage.

## **Attachments**

In addition to the maps shown in this report, the following additional maps are included.

- Agoura Hills Terrain Map
- Middle School Coverage Map
- Right-of-Way Coverage Map
- Water Tank Coverage Map
- Google Earth .kmz File.

These attached maps can be used to visualize the coverage provided individually by each of the three alternative site locations.

The Google Earth coverage map can be used to turn any or all of the site coverage’s ON or OFF individually or in combination to view the coverage of any combination of future sites with the existing sites.



EXISTING





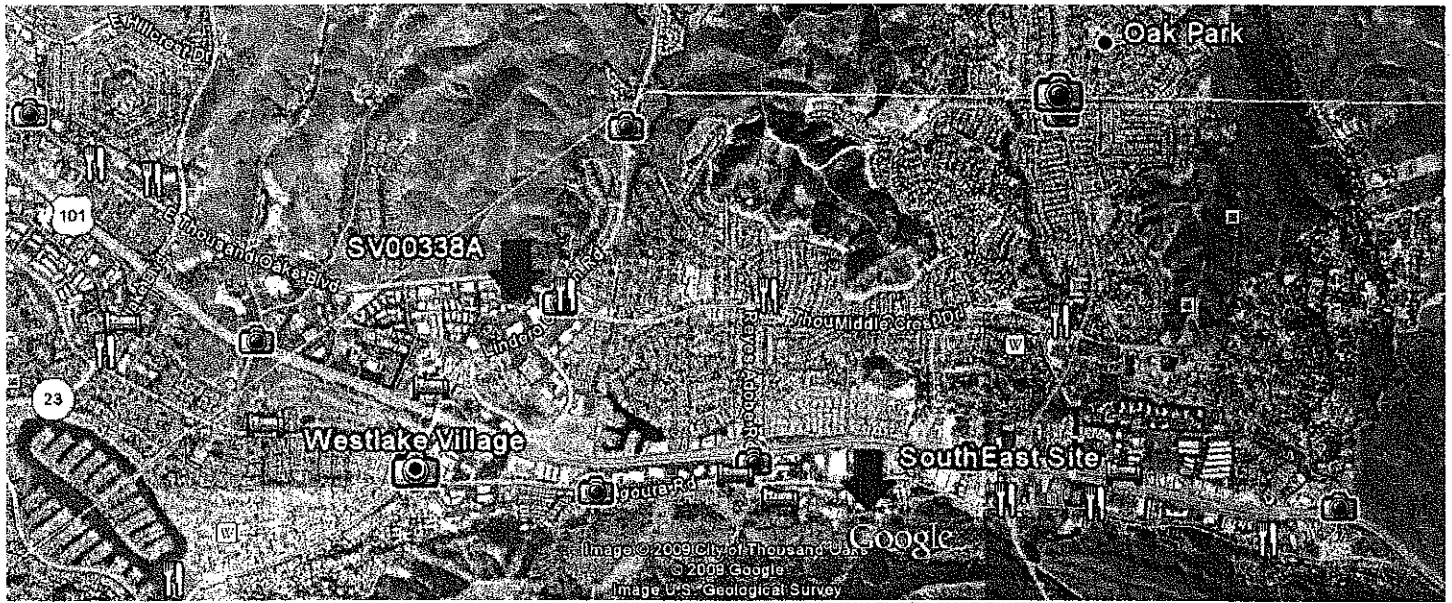
EXISTING PLUS SCHOOL



EXISTING PLUS RIGHT-OF WAY



EXISTING PLUS WATER TANK



Agoura Hills.kmz

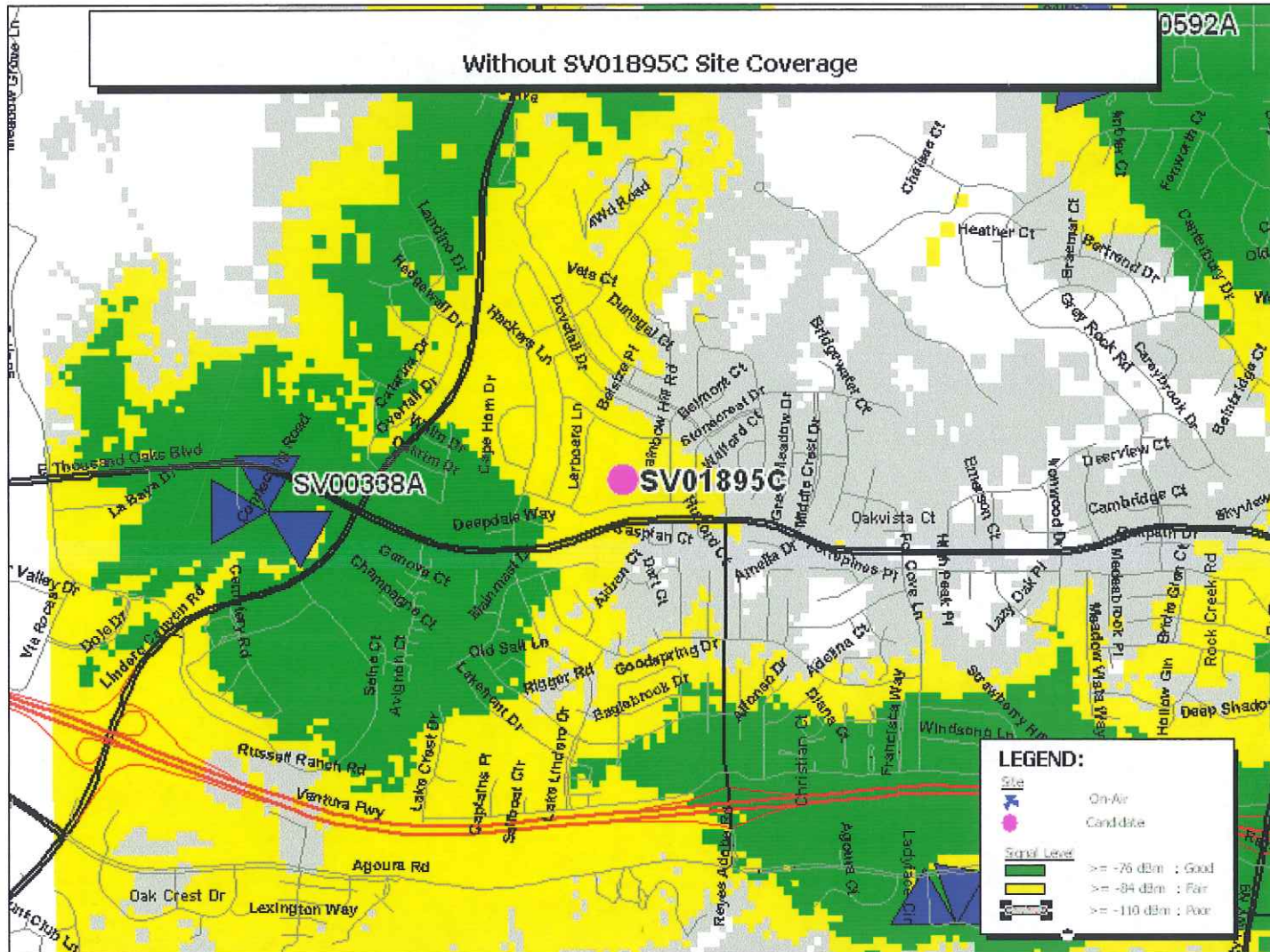


**CONDITIONAL USE PERMIT CASE NO. 07-CUP-007**

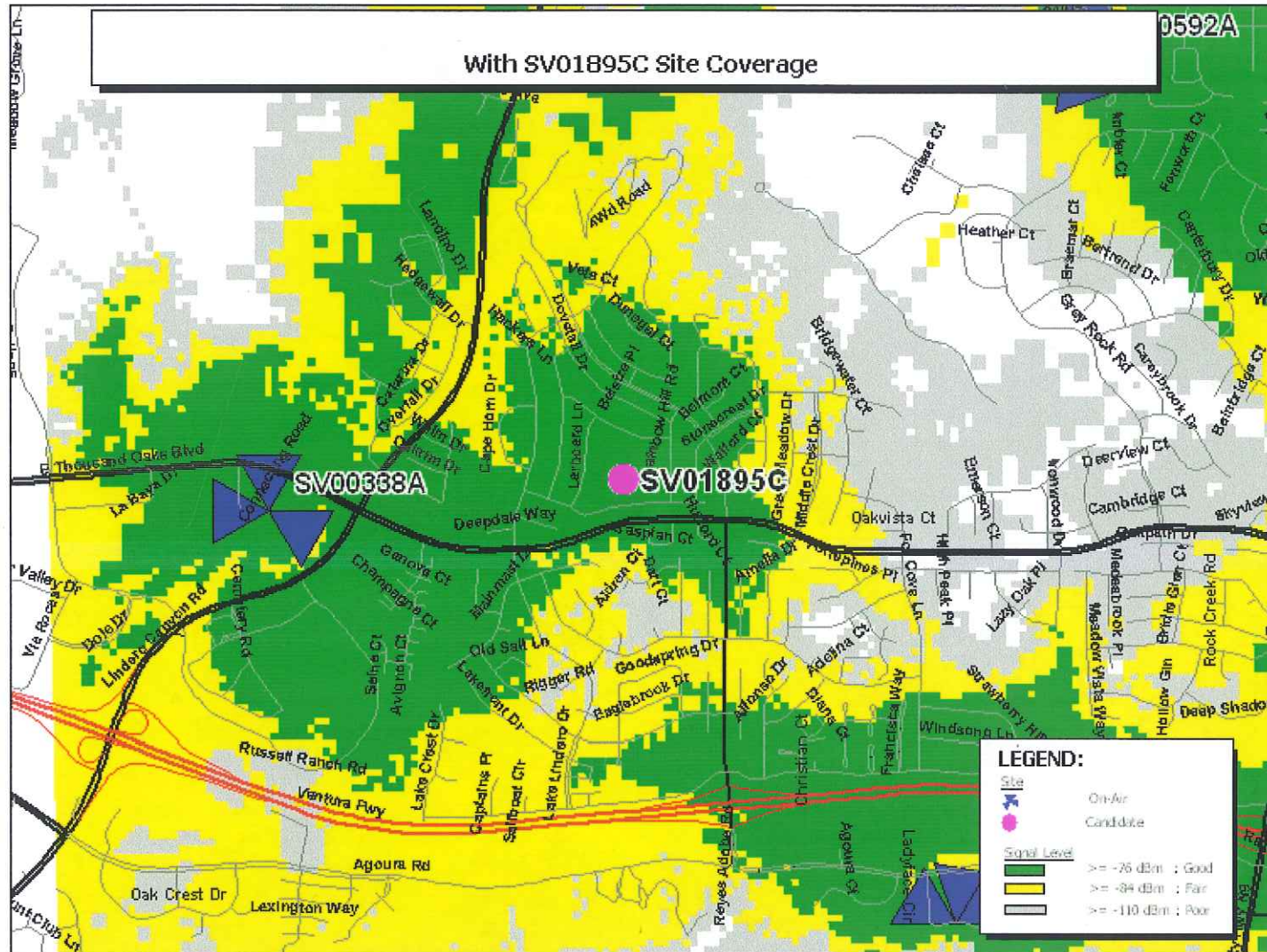
**FOR THE PROPERTY LOCATED AT  
5844 LARBOARD LANE, AGOURA HILLS**

**PROPAGATION MAPS  
SUBMITTED BY T-MOBILE**

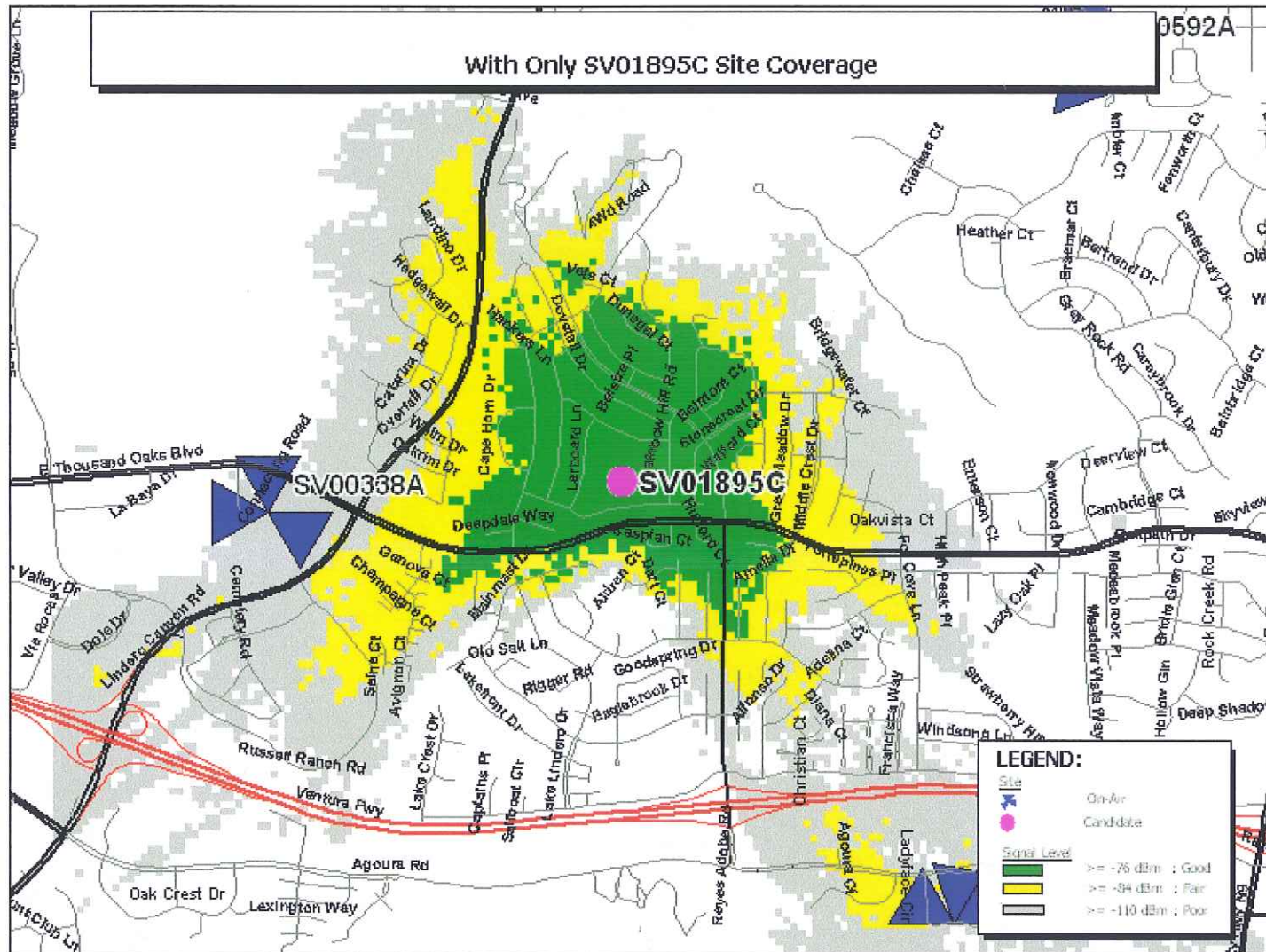
T-Mobile Proposed Installation  
 Lindero Canyon Middle School  
 Propagation Map - Existing Coverage



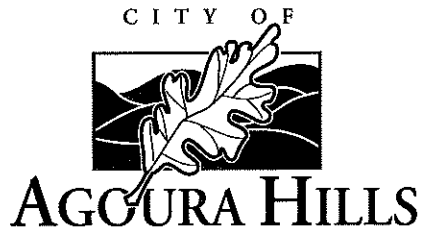
T-Mobile Proposed Installation  
 Lindero Canyon Middle School  
 Propagation Map - Coverage with Installation & Other Sites



T-Mobile Proposed Installation  
 Lindero Canyon Middle School  
 Propagation Map - Coverage with Installation Alone







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

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

**OCTOBER 14, 2009 MEMORANDUM**

## MEMORANDUM

**DATE:** OCTOBER 14, 2009

**TO:** GREG RAMIREZ, CITY MANAGER

**FROM:** MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

**SUBJECT:** WIRELESS TELECOMMUNICATION ORDINANCE

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On October 14, 2009, the City Council will be considering an urgency measure regarding a moratorium on wireless telecommunications facilities in the City of Agoura Hills. The moratorium would allow time for staff to conduct a comprehensive analysis of the issues surrounding wireless telecommunications facilities. The City's current ordinance provisions addressing wireless telecommunications facilities was adopted in 1995 and allows such facilities basically in the City's Business Park zoned area subject to the issuance of a Conditional Use Permit. The proliferation of such facilities, the advancements in wireless technology and services, the increasing demand for wireless telecommunication services and devices, changes to state and federal laws, and the need for staff to make interpretations in the past, has led to a situation where it is timely and appropriate to conduct a comprehensive re-evaluation of the City's current regulations at this time. The goal is to have an ordinance in place that establishes comprehensive and objective criteria for placement, permitting process, design, and maintenance of wireless telecommunications facilities in the City of Agoura Hills.

On September 23, 2009, the City Council conducted a continued public hearing on T-Mobile's CUP application for a wireless telecommunication facility at Lindero Canyon Middle School. The proposed moratorium will apply to any new applications that are submitted during the moratorium period, but will not apply to T-Mobile's application or to currently pending applications that are not yet complete for review by the Planning Commission. At the September 23 meeting, the Council continued the T-Mobile item to October 28 in order for staff to conduct a technical analysis of the propagation maps and to provide a planning analysis of the alternative sites presented by T-Mobile. Staff is working towards having the requested information for the October 28 City Council meeting.

T-Mobile's alternative site analysis consisted of eight locations. These options can be categorized into three basic groups for potential entitlement purposes as listed below. At this time, staff would like to provide the Council with the following information limited solely to possible legislative and administrative changes that would be necessary regarding these alternative sites. As stated earlier, the technical analysis associated with

the feasibility of T-Mobile's alternative sites will be brought back at the October 28 meeting.

Open Space Areas – Properties currently zoned open space would require a 2/3 majority of the public vote in order to add wireless telecommunications facility as an allowed or conditionally permitted use in those areas. The same public vote process would hold true for a General Plan Amendment and Zone Change to Business Park where wireless telecommunications facilities are currently allowed through a CUP. The City Council would call for such ballot measure to be placed either as a special election or as part of a regularly scheduled election. If such a measure is approved, it is likely that a CUP could be required for the review and entitlement of each wireless telecommunications facility.

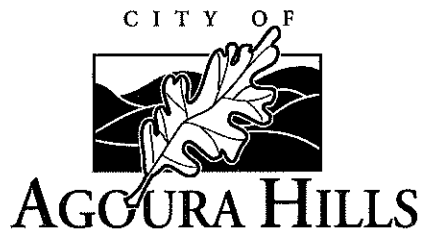
Areas Not Allowed – T-Mobile's alternatives analysis listed a number of locations in areas currently not zoned for wireless telecommunications facilities. In order to allow wireless telecommunications facilities in these areas, the approval of a Zoning Ordinance Amendment to expand the list of conditionally permitted uses to include wireless telecommunications facilities in the respective underlying zones would be necessary. The process would entail a public hearing by the Planning Commission for recommendation to the City Council. The Council will hold another public hearing for adoption. CEQA analysis would be part of this legislative action. The process for the legislative changes alone could take three to six months. Upon adoption of the legislative change, separate entitlement permits would be reviewed through the CUP process. Visual impacts could be considered as part of the CUP process. Any increases in request for height beyond what is allowed by the ordinance would require a variance, unless the underlying legislative changes include an amendment to the current height limitation.

Rights-of-Way – Wireless providers, as a public utility, have the right to attach antennas to existing poles in the public right-of-way without a CUP. They would need to obtain permission of the owner of the poles, such as Edison or the phone company. T-Mobile's representative indicated at the last Council meeting that antennas are typically attached to the top of such poles which would add to the visual mass and height to the pole. Typically more poles are needed to achieve similar coverage as a stand alone facility. It is not known where the accessory mechanical equipment on existing poles will be placed. NextG Networks of California, Inc. (NextG) is a wireless communication infrastructure company which provides communications infrastructure for wireless service providers. The City entered into an agreement with NextG in 2005 for use of the City's public rights-of-way. A CUP is not necessary for a wireless provider to use NextG's infrastructure. It is not known at this time whether T-Mobile has explored NextG as a viable option from a coverage standpoint or if NextG's infrastructure is compatible with T-Mobile's technical requirements.

The questions that were brought forth by Council as part of T-Mobile's alternatives analysis are examples of the issues that will be addressed as part of the new wireless telecommunication ordinance. During the moratorium period, staff will be conducting a more comprehensive, City-wide analysis of the wireless telecommunications ordinance. Development of the new ordinance would involve input from various city departments,

the City Attorney, and outside technical consultants. While there will be various components of the ordinance addressing such criteria as type, location, process, height, design, and maintenance, the new ordinance will be prepared and adopted in a comprehensive fashion.

The initial urgency measure for consideration by the City Council on October 14 is for 45 days. If approved, the moratorium would begin on October 14, 2009. Pursuant to the provisions of the Government Code, staff will be returning to the Council on November 10, 2009, at a noticed public hearing, to request an additional extension of up to one year in order to provide the time necessary to complete the new wireless telecommunications ordinance. Staff anticipates the new ordinance to be completed in less than one year.



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

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

**SEPTEMBER 23, 2009 CITY COUNCIL  
MEETING MINUTES**

**MINUTES**  
**REGULAR MEETING OF THE**  
**AGOURA HILLS CITY COUNCIL, AND THE**  
**AGOURA HILLS REDEVELOPMENT AGENCY**  
**Civic Center – Council Chambers**  
**30001 Ladyface Court, Agoura Hills, California 91301**  
**September 23, 2009 at 7:00 p.m.**

The meeting was called to order at 7:05 p.m. by Mayor Weber.

The flag salute was led by Josh Toone, Oak Park, representing Boy Scout Troop No. 756.

Present were: Mayor Denis Weber, Mayor Pro Tem William Koehler, Councilmember John Edelston, Councilmember Dan Kuperberg, and Councilmember Schwarz.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, Director of Finance Christy Pinuelas, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Associate Planner Renee Madrigal, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Community Services Amy Brink, Recreation Manager Donna Conlin, Recreation Supervisor Meredith Petit, Recreation Supervisor Nick Newkirk, Community Services Coordinator Xochitl Castillo, Community Services Coordinator Julianne Cox, and City Clerk Kimberly Rodrigues.

**REPORT OF CLOSED SESSION**

No Closed Session was held.

**APPROVAL OF AGENDA**

On a motion by Councilmember Schwarz, second by Mayor Pro Tem Koehler, the Agenda was approved without objection.

**PUBLIC COMMENTS**

There were no public comments.

**PRESENTATIONS**

Mayor Weber spoke about *Family Day, A Day to Eat Dinner with Your Children* and encouraged families to share dinner together on September 28, 2009.

**INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS**

Director of Community Services Amy Brink introduced the Agoura Hills/Las Virgenes/Westlake Village Community Band and provided a Reyes Adobe Days Briefing and invited everyone to attend the event scheduled for October 2, 3, and 4, 2009.

**CITY COUNCIL CONSENT CALENDAR**

There were no public speakers.

On a motion by Councilmember Edelston, second by Mayor Pro Tem Koehler, the Consent Calendar was unanimously approved 5-0.

1. Approve Minutes of the Regular City Council Meeting of September 9, 2009

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 614

ACTION: Approved 5-0

3. Approve Treasurer's Investment Report for July 2009

ACTION: Approved 5-0

4. Adopt **Resolution No. 09-1551**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REPEALING RESOLUTION NO. 88-459 AND APPROVING THE REMOVAL AND RELOCATION OF "NO PARKING SIGNS" ON RAINBOW VIEW DRIVE AND INSTALLATION OF RED CURB TO RESTRICT PARKING ON PORTIONS OF THE NORTH SIDE OF RAINBOW VIEW DRIVE

ACTION: Approved 5-0

**Convene the Agoura Hills Redevelopment Agency (RDA) Meeting  
Without Adjourning the Agoura Hills City Council Meeting**

The meeting was called to order at 7:20 p.m. by Agency Chair Koehler.

Present were: Agency Chair William Koehler, Agency Vice Chair Harry Schwarz, Agency Member John Edelston, Agency Member Dan Kuperberg, and Agency Member Denis Weber.

Also Present were: Executive Director Greg Ramirez, Assistant Executive Director Nathan Hamburger, Agency Attorney Craig Steele, Assistant to the City Manager Louis Celaya, Director of Community Services Amy Brink, City Engineer Ramiro Adeva, Building Official Amir Hamidzadeh, Director of Finance Christy Pinuelas, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Associate Planner Valerie Darbouze, Oak Tree/Landscape Consultant Ann Burroughs, and Agency Secretary Kimberly Rodrigues.

### **RDA APPROVAL OF AGENDA**

On a motion by Vice Chair Schwarz, second by Agency Member Weber, the Agenda was approved without objection.

### **RDA PUBLIC COMMENTS**

There were no public comments.

### **RDA CONSENT CALENDAR**

There were no public speakers.

On a motion by Agency Member Edelston, second by Agency Member Weber, the Consent Calendar was approved 5-0.

RDA1. Approve Minutes of the Regular City Council, Financing Authority, and Redevelopment Agency Meeting of June 24, 2009

ACTION: Approved 5-0

**Convene Joint Meeting of the Agoura Hills City Council and the  
Agoura Hills Redevelopment Agency (RDA)**

### **JOINT CITY COUNCIL AND RDA CONSENT CALENDAR**

5./RDA2. Approve Amendments to Fiscal Year 2008-09 City of Agoura Hills and Agoura Hills Redevelopment Agency Budgets

ACTION: Approved 5-0

At 7:22 p.m., on a motion by Chair Koehler, second by Vice Chair Schwarz, the Redevelopment Agency unanimously consented to adjourn the meeting.



**Adjourn the Agoura Hills Redevelopment Agency (RDA) Meeting  
Without Adjourning the Agoura Hills City Council Meeting**

**CONTINUED CITY COUNCIL PUBLIC HEARING/ACTION**

6. Conduct a Continued Public Hearing to Consider an 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 Equipment Enclosure and Consider the Adoption of **Resolution No. 09-1532** (Omnipoint Communications, Inc., for T-Mobile, Applicant) – *Continued from June 10, 2009*

The open Public Hearing was continued from June 10, 2009.

Following presentation of the staff report, Mayor Weber opened the floor for public comment.

*Following distribution of the Agenda Packet, and prior to the City Council Meeting, written correspondence was received from the following person, distributed to the City Council, and made available at the public counter:*

*Rina Baraz Nehdar, Agoura Hills*

The following person(s) spoke on behalf of the applicant, T-Mobile:

Robert W. Wheaton, AICP, Site Development Specialist  
Scott Dunaway, Project Manager

The following person(s) spoke in opposition of the item:

Rina Baraz Nehdar, Agoura Hills (PowerPoint and documents submitted)  
Howard Nehdar, Agoura Hills (documents submitted)  
Deborah Lopez, Agoura Hills  
Graciela Padilla, Agoura Hills

The following person(s) spoke in favor of the item:

MaryAnn Rush, Agoura Hills

Mayor Weber noted a letter had been received by the Las Virgenes Unified School District.

There being no further speakers, Mayor Weber closed the Public Hearing.

The City Council recessed at 8:52 p.m. and reconvened at 9:06 p.m.

As part of the deliberation, it was determined the item would be continued, and Mayor Weber re-opened the Public Hearing.

**ACTION:** Following a question and answer period, the motion by Councilmember Schwarz , to continue the open public hearing to October 28, 2009, authorize the City Manager to hire a consultant for technical review of T-Mobile's propagation maps, and direct staff to bring back analysis of the alternatives to T-Mobile's proposed cell site, was seconded by Councilmember Kuperberg, and unanimously approved, 5-0.

### **CITY COUNCIL DISCUSSION/ACTION**

#### 7. Discussion of Temporary Enhancement Measures for Local Businesses

Following presentation of the staff report, Mayor Weber opened the floor for public comment. There were no public speakers.

**ACTION:** Following discussion and a question and answer period, the motion by Councilmember Schwarz, to extend the temporary enhancement measures for another three months and bring back an update to the City Council at the last meeting in January, 2010, was seconded by Councilmember Kuperberg, and approved 5-0.

### **CITY COUNCIL, STAFF COMMENTS**

Councilmember Kuperberg reported that he would be out of town and unable to attend Reyes Adobe Days.

Mayor Weber reported his attendance at the first Agoura High School Associated Student Body (ASB) meeting, commenting on how engaging and energetic the students were, and noted that he would miss seeing Library Services Manager Raya Sagi at the City Council meetings, as she would be retiring at the end of the month, and spoke about her service to the community.

Councilmember Kuperberg noted that is was nice to have a librarian that lived in the City, spoke about how responsive she was to the people in the community, and wished her a happy retirement.

Mayor Weber invited everyone to attend Reyes Adobe Days.

**ADJOURNMENT**

At 10:07 p.m., on a motion by Councilmember Schwarz, second by Councilmember Kuperberg, the City Council unanimously consented to adjourn the meeting to 7:00 p.m., Wednesday, October 14, 2009, for a Regular Meeting of the City Council in the Council Chambers of the Civic Center with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Kimberly M. Rodrigues, MMC  
City Clerk



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

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

**SEPTEMBER 23, 2009 CITY COUNCIL  
STAFF REPORT**