



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: November 5, 2009

TO: Planning Commission

APPLICANT: Core Communications for Verizon
2903-H Saturn Street
Brea, CA 92821

CASE NO.: 09-CUP-007

LOCATION: 30100 Agoura Road (A.P.N. 2061-005-048)

REQUEST: Request for approval of a Conditional Use Permit to install, operate, and maintain a wireless telecommunication facility consisting of twelve (12) panel antennas mounted to exterior walls of an existing hotel building, three (3) GPS antennas and four (4) equipment cabinets with roof-mounted cabling installations.

ENVIRONMENTAL ANALYSIS: Categorically Exempt under CEQA per Section 15301

RECOMMENDATION: Staff recommends the Planning Commission approve Conditional Use Permit No. 09-CUP-007, subject to conditions, based on findings in the Draft Resolution.

ZONING DESIGNATION: SP (Ladyface Mountain Specific Plan)

GENERAL PLAN DESIGNATION: Ladyface Mountain Specific Plan

I. PROJECT BACKGROUND AND DESCRIPTION

The applicant is proposing a wireless telecommunication facility consisting of the installation, operation and maintenance of twelve (12) wall-mounted panel antennas and three (3) GPS antennas to be mounted to an existing multi-story hotel located at 30100 Agoura Road, east of Reyes Adobe Road. The Renaissance Hotel does not have any other wireless telecommunication facility providers on-site at this time. The service provider, Verizon, is seeking to extend the

coverage to residential neighborhoods located north of the freeway and fill gaps north and south of the freeway within the City boundaries.

The applicant proposes to install four (4) antennas that would be mounted to an east exterior building elevation. The antennas would be screened by an emission transparent material, painted and textured to match the existing building facades. These panel antennas are used to transmit and receive the actual data to and from the handheld phones and other wireless devices. In addition, the applicant also proposes eight (8) similar panel antennas that would be installed inside an attic space on the west building elevation near the center of the building. Two sides of the tower's exterior walls would be replaced with an RF transparent material finished to resemble the existing stucco of the wall. Three GPS antennas are also proposed to be mounted on the top of the roof in an equipment enclosure.

In addition, the wireless telecommunication facility requires the installation of mechanical equipment, which consists of three (3) CMO-E equipment cabinets and one (1) SBE cabinet mounted on a raised steel platform on the roof with a guard-rail on three sides. In this instance, the apparatus would be mounted in the southeast corner of the roof closest to the rear of the building behind the roof parapet.

Verizon is considered a public utility company 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. 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's regulations concerning such emission." As certified by the radio frequency engineers, all facilities operate below the maximum allowable exposure limits.

The applicant has provided staff with specification 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 newly reached finding and modified when appropriate. In addition, the State Public Utilities Commission (PUC) requires quarterly updates of new cellular sites approved by local governmental agencies and built as a result of the approval.

Staff would note that on October 14, 2009, the City Council adopted a moratorium on wireless telecommunication facilities. However, the moratorium included a provision that all applications currently in process, such as the subject request, is exempt from the moratorium.

II. STAFF ANALYSIS

The visual impact of eight antennas is eliminated since the antennas will be completely enclosed in the roof structure. Two sections of the exterior walls are proposed to be replaced by an emissions-transparent material. The applicant will design it such that the new tower wall would match the rest of the facades, including the front elevation which is highly visible from the right-

of-way. With respect to the cluster of 4 antennas on the east elevation, the applicant is proposing a new furred-out wall painted and textured to match the surrounding facades. As such, the potential visual impacts of the antennas are also eliminated.

A parking lot separates the hotel from the adjacent property where two office buildings are currently located at approximately the same elevation and 240 feet from the structure. Two other office buildings are currently under construction to the west of the project which will be located at a higher elevation approximately 600 feet away from the hotel but will have limited visibility of the roof given the distance between the structures and the existing mature landscaping. No improvement to the site will be done other than the antennas to the walls of the building.

In order for a Conditional Use Permit to be approved, the applicant must demonstrate compliance with five required findings specified in the Zoning Ordinance. The Planning Commission must find the proposed use is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. Wireless telecommunication facilities are allowed in the Business Park-Office/Retail zone, which is the underlying zone of the Ladyface Mountain Specific Plan, subject to the issuance of a Conditional Use Permit. Applicants are encouraged to camouflage telecommunication antennas by incorporating the apparatus in an architectural feature of an existing building or structure. In this case the proposed antennas are to be screened by a wall of an existing building which will be painted and textured to match the building in effect camouflaging them from view. The equipment will be roof-mounted and will not impact the existing site amenities.

Another finding that the Planning Commission must make is that the proposed use is compatible with the surrounding properties. The proposed antennas would not impact the surrounding community in that they are camouflaged from view and the equipment is not visible from three sides given the building's higher elevation than its surrounding structures. The antennas will not interfere with any of the existing businesses on or around the proposed site.

The Planning Commission must also find 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 addresses related health and safety issues. If approved by the Planning Commission, staff recommends the antenna installation 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 antennas and mechanical equipment will be installed such that they are incorporated into building and with restricted pedestrian access and that the facility will not generate additional traffic or parking. The operation of the facility must not interfere with electronic devices already in place in the vicinity.

Another finding is that the proposed use will comply with each of the applicable provisions of the Zoning Ordinance. Telecommunication facilities are allowed in the BP-OR-FC 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 within the community. Although, one similar facility has been approved at this location, the project was never built. There are other facilities within a 3,000-foot radius of the proposed location but the proposed facility would remain invisible to public view and would not contribute to visual over-concentration of similar uses. Attached is an exhibit showing all wireless telecommunication facilities approved in the City.

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 calls for maintenance of a quality visual experience along the entire length of scenic highways through protection and enhancement of views. The proposed individual panel antennas will be completely enclosed in an existing wall and will be painted to match the building. Moreover, the existing landscaping along the east elevation will be maintained providing additional screening of the building.

Staff reviewed the proposed project and determined it is exempt under Section 15301 (Class 1) of the California Environment Quality Act as minor alteration to an existing private structure.

III. RECOMMENDATION

Based on the above analysis, staff recommends approval of Conditional Use Permit Case No. 09-CUP-007, subject to conditions of the attached Draft Resolution.

IV. ATTACHMENTS

- Draft Resolution of Approval and Conditions of Approval
- Exhibit A: Approved Telecommunications Facilities Map
- Exhibit B: Applicant's Burden of Proof
- Exhibit C: Vicinity/Zoning Map
- Exhibit D: Copy of Reduced Plans
- Exhibit E: Photographs of Project Site

Case Planner: Valerie Darbouze, Associate Planner

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
APPROVING A CONDITIONAL USE PERMIT
(CASE NO. 09-CUP-001)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Core Communications for Verizon with respect to property located at 30100 Agoura Road (Assessor's Parcel No. 2061-005-048), requesting the approval of a Conditional Use Permit (Case No. 09-CUP-007) to allow the installation, operation and maintenance of a wireless telecommunication facility consisting of twelve (12) wall-mounted panel antennas at an existing hotel, three (3) GPS antennas and four (4) equipment cabinets mounted on the building roof. A public hearing was duly held on November 5, 2009, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was presented to and was considered by the Planning Commission at the aforesaid public meeting.

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

1. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located, and will comply with each of the applicable provisions of the Zoning Ordinance. Wireless telecommunication facilities are allowed in the Business Park-Office/Retail zone, which is the underlying zone of the Ladyface Mountain Specific Plan, subject to the issuance of a Conditional Use Permit. Applicants are encouraged to camouflage telecommunication antennas by incorporating the apparatus in an architectural feature of an existing building or structure. In this case the proposed antennas are to be screened by a wall of an existing building which will be painted and textured to match the building in effect camouflaging them from view. The equipment will be roof-mounted and will not impact the existing site amenities
2. The proposed use, as conditioned, is compatible with the surrounding properties. The proposed antennas would not impact the surrounding community in that they are camouflaged from view and the equipment is not visible from three sides given the building's higher elevation than its surrounding structures. The antennas will not interfere with any of the existing businesses on or around the proposed site.

3. 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 addresses related health and safety issues. If approved by the Planning Commission, staff recommends the antenna installation 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 antennas and mechanical equipment will be installed such that they are incorporated into building and with restricted pedestrian access and that the facility will not generate additional traffic or parking. The operation of the facility must not interfere with electronic devices already in place in the vicinity.
4. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. Telecommunication facilities are allowed in the Business Park-Office Retail zone, subject to the issuance of a Conditional Use Permit. The location of the antennas and ancillary equipment will comply with the state federal requirements.
5. The proposed use as conditioned, will maintain the diversity of the community. Although, one similar facility has been approved at this location, the project was never built. There are other facilities within a 3,000-foot radius of the proposed location but the proposed facility would remain invisible to public view and would not contribute to visual clutter.
6. 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 proposed individual panel antennas will be completely enclosed in an existing wall and will be painted to match the building. Moreover, the existing landscaping along the east elevation will be maintained providing additional screening of the building.

Section 4. The project is exempt from the California Environmental Quality Act, as defined in Section 15301 (Class 1) and does not require the adoption of an environmental impact report or negative declaration. The project consists of a minor change to an existing facility involving roof and wall mounted equipment.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Case No. 09-CUP-07, subject to the attached Conditions, with respect to property located described in Section 1 herein.

Draft Resolution No. ____

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PASSED, APPROVED, and ADOPTED this 5th day of November, 2009, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

John O'Meara, Chairperson

ATTEST:

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case No. 09-CUP-007)

STANDARD CONDITIONS

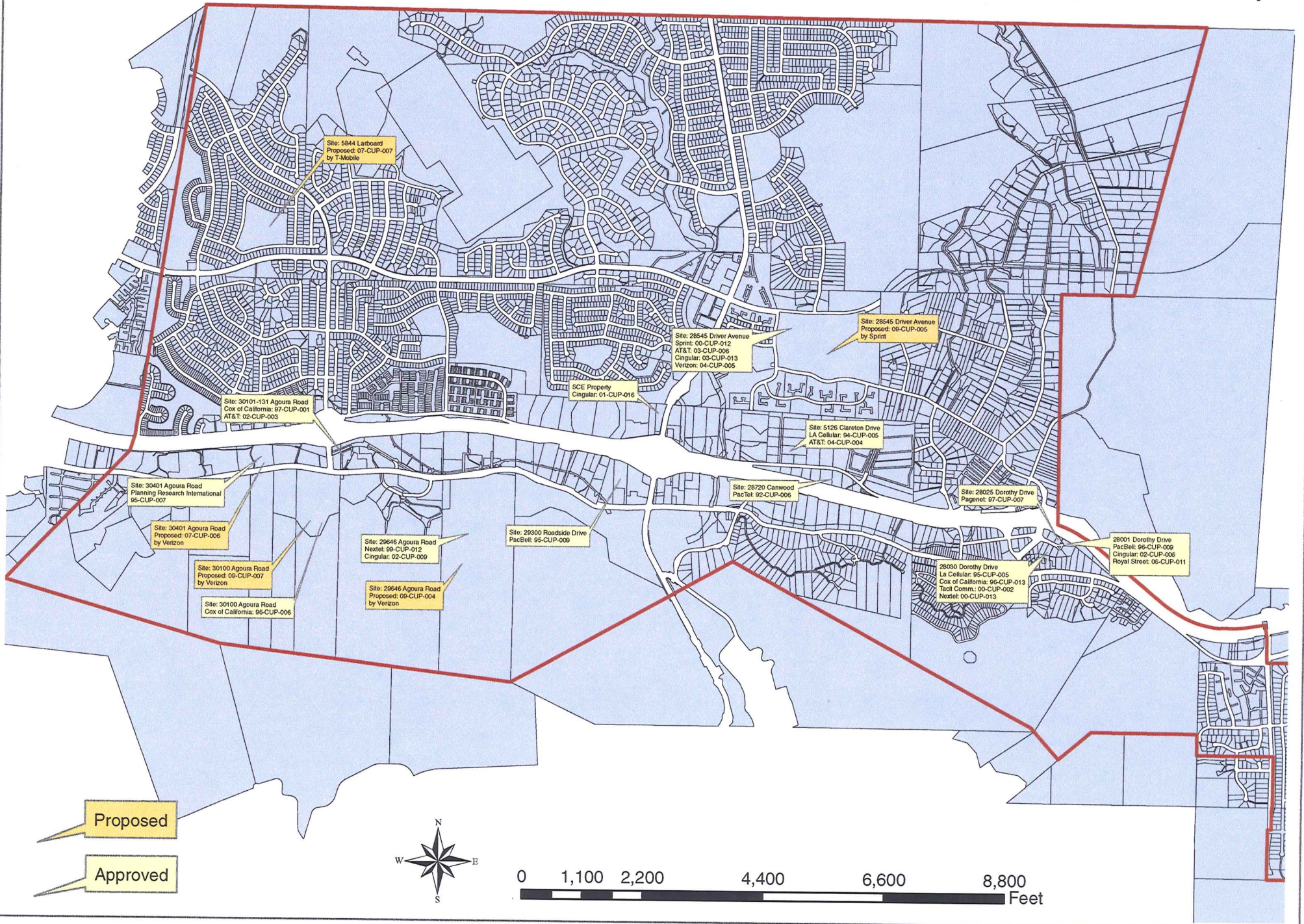
1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of 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 conformation to the approved labeled exhibits: Site Plan; Elevation Plan; and Details Plan, as approved with Case No. 09-CUP-007.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
6. 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 for a period of thirty (30) days.
7. 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 Conditional Use Permit.
8. Unless this permit is used within two (2) years from the date of City approval, Case No. 09-CUP-007 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
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. Prior to the issuance of building permits, all requirements of the Los Angeles County Fire Department shall be satisfied.
11. The facility will require the approval of the Building and Safety Department prior to installation and operation.

SPECIAL CONDITIONS

12. The applicant shall submit specification plans of the new antennas, cabinets and cabling installation to the Planning Department for approval before Building Permit issuance.
13. The panel antennas shall be screened per the approved plans. The screen shall be painted and textured to match the existing building facades, as approved by the Director of Planning and Community Development.
14. The antenna installation shall comply with Federal Communication Commission regulations, the National Electric Code, the American National Standard Institute, and any applicable published federal standards that pertain to electromagnetic field exposure limits and safe installation and maintenance of electric and radio frequency equipment. The power levels of each antenna shall be verified by the applicant approved by the Director of Planning and Community Development.
15. 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.
16. The antennas and appurtenant equipment shall be removed from the property within sixty (60) days in the event the wireless telecommunication facility ceases operation.
17. If any circumstance of 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.
18. As part of the approval, the Planning Department shall receive from the applicant a copy of the notice of completion registered with the State Public Utility Commission.
19. Any landscaping removed and/or damaged as a result of the installation of the wireless communication facility shall be replaced on-site with similar species and volume.
20. Any trenching associated with the project shall be done in a manner as to minimize the disturbance to any existing landscaping and public areas.

END

Approved and Proposed Wireless Telecommunication Facilities (As of September 2009)



Conditional Use Permit Burden of Proof

1. The proposed requested use at the location proposed will not:

- **Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or**
- **Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or**
- **Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare because:**

The facility will not create any hazardous materials, fumes, odors, light, glare, traffic, or significant noise. The roof and building mounted facility will be fully concealed by the existing parapet and radio frequency (RF) transparent screening that will camouflage the antennas from view in a manner that integrates the use with the surrounding commercial community. The proposed facility will provide needed voice, data and E911 services to the surrounding community.

Verizon Wireless is a public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC). Wireless communication is a vital element of the communications network for both emergency services and public convenience. The utilities are mandated to provide adequate coverage in each of the geographic areas they serve. Wireless technology has stringent location and elevation requirements, and this proposed wireless facility is needed in order to provide viable wireless communications services to Verizon Wireless' subscribers in the surrounding community.

2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area because:

The proposed use will in no way alter the existing yards, landscaping, walls, fences, parking, loading facilities and development features. The proposed site is located completely on the roof and integrated into the existing building to fully mimic what already exists. The site will go virtually unchanged by the new proposed use and will have no noticeable effect to the surrounding community. The location of the proposed use is compatible with adjacent uses and the development character of the area. The proposed wireless facility will maintain the consistency with the existing environment.

3. That the proposed site is adequately served:

- **By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and**
- **By other public or private service facilities as are required because:**

The project site is in close proximity to the 101 freeway and is adequately served by Reyes Adobe Road and Agoura Road. The proposed use will have no adverse impact on properties or improvements in the surrounding neighborhood. The proposed wireless telecommunications facility is a passive use. It will be an unmanned facility and require no sewer, or parking infrastructure to support its operation. The

facility will be visited once a month by a technician for routine maintenance and testing. There will be no substantial increase to vehicular or pedestrian traffic in the area by the proposal. The proposed installation causes minimal change to the existing property.

Conditional Use
Permit
Case No. 09-CUP-007



Vicinity/Zoning
Map

