



Planning Commission
Meeting
08-16-21

**Item
5.C.**

Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Tyler Eaton, Assistant Planner

Approved by: Richard Mollica, Planning Director

Date prepared: August 5, 2021 Meeting date: August 16, 2021

Subject: Wireless Permit No. 21-002, Coastal Development Permit No. 20-035, Waiver No. 21-001, Variance No. 20-023, and Site Plan Review No. 20-045 – An application for a new wireless communications facility on the rooftop of an office building, including a ground-mounted backup generator on a commercially zoned parcel

Location: 28990.5 Pacific Coast Highway, not within the appealable coastal zone

APN: 4466-019-004

Applicant: Spectrum Services for Verizon Wireless

Owner: 28990 W. Pacific Coast Hwy, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 21-63 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Wireless Permit (WP) No. 21-002 and Coastal Development Permit (CDP) No. 20-035 for Verizon Wireless to install a macro wireless communications facility located on the rooftop of Building B and a ground-mounted backup generator, including Waiver (WVR) No. 21-001 and Variance (VAR) No. 20-023 to permit a rooftop wireless communications facility more than three feet above the roof parapet and Site Plan Review (SPR) No. 20-045 to install and operate a wireless communications facility in the Commercial Neighborhood (CN) zoning district located at 28990.5 Pacific Coast Highway (PCH) (Verizon Wireless).

DISCUSSION: This application was reviewed by City staff and the City's wireless communications facility consultant for compliance with all applicable codes and regulations in effect at the time the application was deemed complete. This agenda report provides site and project analyses of the proposed wireless communications facility project, including attached project plans, visual demonstration exhibits, signal coverage maps, alternative site analysis, Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report, and a Federal Communications Commission (FCC) compliance statement.

This agenda report contains a summary of surrounding land uses and project setting, the project's proposed scope of work, regulatory setting for subject project, consistency analysis with applicable Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analyses and findings contained herein demonstrate that the application is consistent with the LCP and MMC.¹

Project Overview

The applicant proposes to install and operate a new wireless communications facility located on the rooftop of an existing building on a commercially zoned parcel. This project was submitted on behalf of Verizon Wireless for placement of a macro facility in the northern Point Dume area in order to address signal coverage and capacity service to existing customers within the general area. There is currently an existing wireless communications facility located on the rooftop of Building C for T-Mobile. The proposed Verizon Wireless site is a separate wireless communications facility on a separate building, Building B.

In April of 2021, the City of Malibu adopted Ordinance 484 and Resolution No. 21-17 amending the LCP and MMC in order to address wireless communications facilities on private properties. The amendments to the LCP Local Implementation Plan (LIP) have not been certified by the California Coastal Commission and thus the changes are not yet in effect. However, the amendments to the MMC went into effect on May 26, 2021. Because the LIP amendments have yet to be certified, the proposed project is subject to two different design standards. The first being the recently adopted amendments to the MMC and secondly to the current standards of the LIP, before the adoption of Ordinance 484. Specifically, the MMC requires that the project obtain a Wireless Permit and a Waiver for the proposed facility. The LIP requires the project obtain a CDP, Variance, and SPR for the proposed facility. As such, findings for a Wireless Permit, CDP, Variance, and SPR are made below.

Resolution No. 21-17 describes in detail the design requirements, location preferences, application requirements, federal and State regulations, etc., whereas Ordinance 484 is more of an overview of the application process and describes general policies in which wireless facilities must adhere to. Because the specific standards tend to be in Resolution No. 21-17, references to the resolution will replace the usual reference to the MMC. As mentioned above, the LIP changes have not been certified by the California Coastal Commission and will therefore be referenced as they usually are, by their LIP section.

Waiver No. 21-001 and Variance No. 20-023 are requested for the placement of a rooftop wireless communications facility over three feet above the roof parapet. The additional height is necessary to collocate on an existing rooftop, which is a preferred mounting technique pursuant to LIP Sections 3.16.7(F) and 3.16.10(B).

¹ LCP Local Implementation Plan (LIP) Section 3.16 and MMC Chapter 17.46 contain different standards for wireless communications facilities.

Previous Approvals on the site

- Conditional Use Permit No. 90-166 was approved in December of 1990 for the installation of a new roof-mounted wireless communications facility located on Building C for T-Mobile.
- Wireless Communications Facility (WCF) No. 12-026 was approved on May 25, 2012, for the installation of new equipment inside Building C to support the T-Mobile site.
- On January 9, 2013, WCF No. 12-031 was approved for a modification to the existing T-Mobile rooftop equipment.

CDP Requirement

A wireless communications facility is typically exempt from the requirement to obtain a CDP. However, in this case, the proposed antennas require the installation of a new wireless communications facility visible from a scenic road and does not qualify for the CDP exemption pursuant to LIP Section 13.4.3(B)(4). The siting of the new facility is requested in order to meet the objectives of Verizon Wireless to provide a capacity solution and to increase antenna signal coverage in the general area as discussed in the *Significant Gap in Signal Coverage* and the *Site Alternative Analysis* sections below.

Surrounding Land Uses and Project Setting

The project site is located on the rooftop of a commercially zoned parcel, on the oceanside of PCH in the northern Point Dume area. As outlined in Table 1, the project site is surrounded by existing commercial development to the north and west and residential development to the north, south and east. As shown on the LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map, the project site is not located on or adjacent to ESHA and the project site is not located within the Appeal Jurisdiction of the California Coastal Commission as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map.

Table 1 – Surround Zoning and Land Uses		
Surrounding Properties	Zoning	Adjacent Land Uses
28830 Hampton Place (East)	RR-1	Single-Family Home
6551 Portsheed Road (West)	CN	Vacant Parcel
28930 and 28910 Hampton Place (South)	RR-1	Single-Family Homes
6442 Cavalleri Road (North)	MF	Apartment Complex
28955 PCH (North)	CN	Commercial Businesses

RR-1 = Rural Residential – One Acre

MF = Multi-Family

Figure 1 – 28990.5 Pacific Coast Highway



Source: Malibu City GIS, 2021

The wireless communications facility is proposed to be placed on the rooftop of Building B of the three building, two-story commercial complex. Existing uses on the lot consist of professional office spaces. The facility will be visible from PCH, an LCP-designated scenic highway as well as surrounding properties. However, there will be less than significant impact to scenic resources from PCH and there are no anticipated impacts to public or private views of the Pacific Ocean or Santa Monica Mountains.

Project's Scope of Work Description

The proposed improvements as shown on the project plans consist of the installation of a new 1,249 square foot wireless communications facility consisting of the following (Attachment 2):

Roof-Mounted Equipment

- 13 New Antennas:
 - 9 panel antennas mounted onto the parapet wall,
 - 1, two-foot parabolic antenna,
 - 1, three-foot parabolic antenna,
 - 1, four-foot parabolic antenna,
 - 1 Global Position System (GPS) antenna;
- 12 remote radio units;
- 3 junction boxes;
- Additional associated electrical support equipment;

Ground-Mounted Equipment

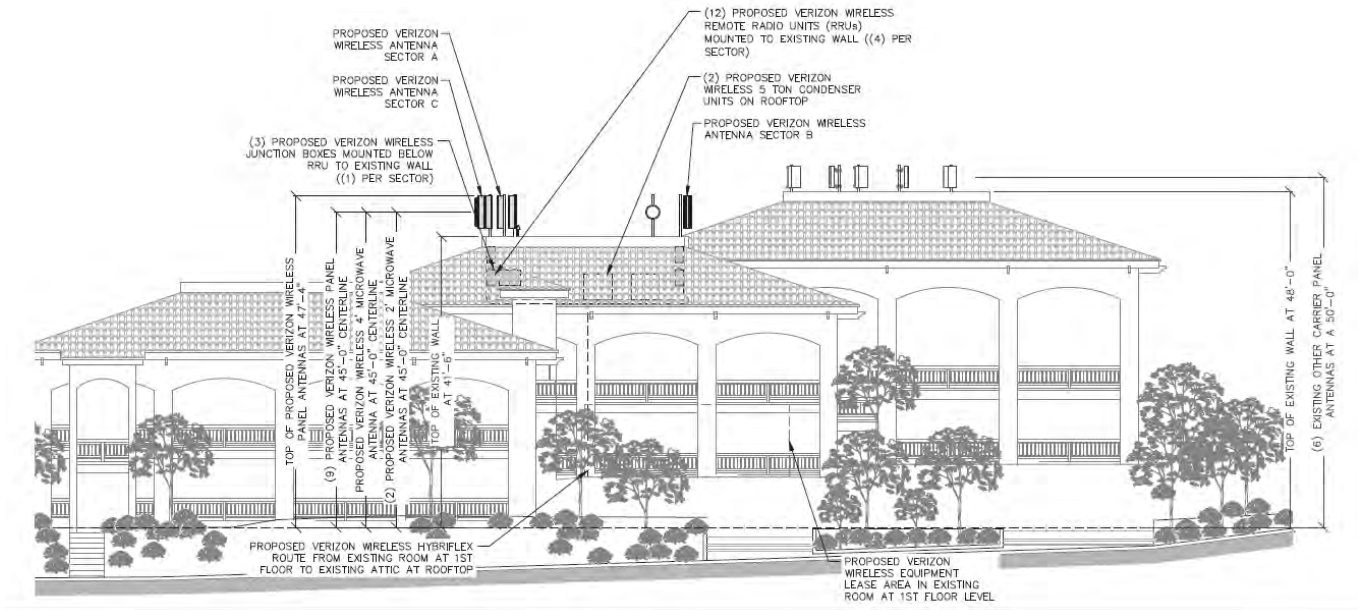
- A 40 kilowatts (kw) backup generator;
- 211-gallon fuel tank;
- Associated electrical support equipment; and
- Concrete block screen wall.

Associated with the proposed project is the discretionary requests for:

- WVR No. 21-001 for roof-mounted wireless communications antennas taller than three feet above the parapet;
- VAR No. 20-023 for roof-mounted wireless communications antennas taller than three feet above the parapet; and
- SPR No. 20-045 for the installation and operation of a wireless communications facility on a commercially zoned parcel.

Figure 2 on the following page depicts the proposed roof-mounted facility. The proposed roof-mounted design is also depicted in the applicant's provided visual demonstration exhibits (Attachment 3). The antennas are conditioned to be painted to match the roof parapet and the ground-mounted equipment is conditioned to be visually screened on all sides.

Figure 2 – Project Plan Elevation (looking north)



REGULATORY SETTING FOR PROPOSED WIRELESS COMMUNICATIONS FACILITY PROJECT: The following provides analyses of pertinent federal and local governmental regulations that apply to wireless communications facilities located within the City, including the proposed wireless communications facility.

The Spectrum Act

The “Middle Class Tax Relief and Job Creation Act of 2012” also known as the “Spectrum Act” preempted State and local governments from denying any “eligible facility request” for a modification of an existing wireless tower or base station pursuant to Section 6409. The subject wireless communications facility project involves the installation of new antennas on a separate building. It does not qualify as an eligible facility request because it does not include collocation with an existing facility or modification to an existing wireless communications facility.

Small Cell Order 18-133

Recent changes in federal law placed shortened timeframes (or “shot clocks”) and other requirements on the local government review of wireless communications facility installations. Under a Federal Communications Commission (FCC) Small Cell Order and regulations that went into effect on January 14, 2019, if a city does not render a decision on a small cell wireless facility application within a specified times period (60 days for installations on existing structures and 90 days on new structures), the failure to meet the deadline for actions will be presumed to not follow federal law and the application would be “deemed approved”. The proposed project was deemed by City staff and City wireless consultants as not a small cell project.

Significant Gap in Signal Coverage

The applicant submitted propagation coverage maps showing Verizon Wireless's existing and proposed wireless coverage within the project site's general area (Attachment 4). The existing coverage map shows that the general area has "Good" coverage already, but the proposed site will increase coverage to the north, west and east from "Poor" and "Fair" to "Good" according to Verizon Wireless's coverage interpretation. Besides providing additional coverage to the area, the proposed site will be used to connect Malibu to other Verizon Wireless macro sites across the region.

Site Alternative Analysis

Pursuant to LIP Section 3.16.9(B)(9), an alternative site analysis is required to explain the site selection process for the proposed wireless communications facility, including information about other sites considered and reason for each site's rejection. The applicant did not provide an alternative site analysis because the proposed location met Verizon Wireless's coverage objectives and it met a preferred location pursuant to LIP Section 3.16.11. However, pursuant to LIP Section 3.16.10(B), the preferred mounting technique for rooftop wireless facilities is to not be visible to the public. The proposed site will be visible to members of the public traveling on PCH and Portshead Road. In addition, Verizon Wireless is requesting a Waiver and a Variance to allow the antennas to protrude higher than three feet above the parapet to a height of five feet, ten inches above the parapet. Staff requested that the applicant evaluate other design alternatives to minimize visual impacts, including reducing the height of the antennas to be in compliance with the LIP and MMC. Below are a couple of the alternatives staff had Verizon Wireless explore and the reasons they were rejected.

- Alternate 1 was to reduce the height of the antennas to three feet maximum above the parapet in accordance with Resolution No. 21-17 Section 6(J) and LIP Section 3.16.5(F). Verizon Wireless had sited that they needed the requested height to meet their coverage objectives. They also sited interference challenges that would occur if their antennas did not reach a certain clearance over the parapet. Staff had requested that Verizon explore looking into reducing the height to meet the three-foot requirement by replacing the roof parapet with a Radio Frequency (RF) friendly material to solve the interference issue and still maintain the Resolution No. 21-17 and LIP height requirements. Verizon Wireless was open to this option but were denied by owner to reconstruct the roof parapet as it would be cause of significant structural alteration to the roof (Attachment 5) and would disrupt existing tenants.
- Alternate 2 was to collocate on the same roof as the T-Mobile wireless facility, Building C. Verizon Wireless sited that they did not have the required space to install their desired facility. Additionally, they stated that an additional site on the rooftop of Building C could cause interference problems with the two different carrier's antennas so close together. The proposed location would have the same visual impact as installing another facility on Building C, so staff was willing to allow the proposed location, on the rooftop of Building B, to move forward.

- Alternate 3 was requested by staff to explore a building façade-mount design. This would resolve the issue with the height and would still be a preferred design option pursuant to the LIP and Resolution 21-17. Verizon Wireless sited technical challenges with making the façade mount structurally feasible and also stated that the owner would not accept that design.

The proposed facility will be in a preferred location pursuant to the LIP and MMC. It is on a commercial property and attached to an existing structure. The rooftop design will be visible to the public but there were no feasible alternatives that would eliminate the visual impacts. However, there are no anticipated public or private view obstructions to any LCP indicated scenic resources like the Santa Monica Mountains or the Pacific Ocean.

Health Effects of Radio Frequency Emissions and Radio Frequency Report

Resolution No. 21-17 Section 4(E) and LIP Section 3.16.4 require that wireless communications facilities be limited to power densities in any inhabited area that does not exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters. Additionally, pursuant to Resolution No. 21-17 Section 4(F) and LIP Section 3.16.5(K), all antennas must meet the minimum siting distances to habitable structures required for compliance with the FCC regulations and standards governing the environmental effects of RF emissions.

Verizon Wireless is regulated by the FCC and is required to operate its facilities in compliance with the FCC regulations and standards. The proposed wireless communications facility would operate at power levels below the established standards used by the FCC for safe human exposure to RF electromagnetic fields, which have been tested and proven safe by the American National Standards Institute (ANSI) and the Institute of Electrical Electronic Engineers (IEEE).

The applicant has provided an RF-EME Jurisdictional Report prepared by Hammet & Edison, Inc. submitted on June 22, 2020, which outlines compliance of the facility with FCC thresholds for RF emissions (Attachment 6). The applicant has also provided correspondence that the proposed wireless communications facility will operate in compliance with the FCC regulations (Attachment 7). The report concluded that the maximum power density generated by the Verizon Wireless antennas at its nearest walking surfaces at the ground level is approximately 5.8 percent of the FCC's limit for maximum permissible exposure for the general public. Additionally, the cumulative total when accounting for RF emissions produced by both the proposed Verizon site and the existing T-Mobile site will be 7.1 percent the FCC limit at the nearest walking/working surface at the ground level. The maximum cumulative total at the top floor of any nearby building is 9.7 percent the FCC limit for the general public. These results were based on the "worst-case" assumptions of the sites involved. The proposed site, including the additional impacts when accounting for the existing T-Mobile site will be in accordance with Title 47 Code of Federal Regulations (C.F.R.) Section 1.1310. The FCC requirements are detailed in Parts 1 and 2 of the FCC's Rules and Regulations (47 C.F.R. Sections 1.1307(b), 1.1310, 2.1091 and 2.1093).

Pursuant to Title 47 of U.S.C. Section 332(c)(7)(B)(iv), “[n]o 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 RF emissions to the extent that such facilities comply with the FCC’s regulations concerning such emissions. Even though the City is unable to impose more restrictive MPE limits, the City may still require information to verify compliance with FCC requirements as it was done for this project. The proposed site has been demonstrated to meet FCC requirements.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a coastal development permit must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality and 5) Onsite Wastewater Treatment System. These chapters are discussed in the *MMC (Resolution No. 21-17/LIP Conformance Analysis* section below.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described later in this report, only the findings in the following chapters are applicable to the proposed project: Coastal Development Permit (including the requested variance and site plan review), Scenic, Visual and Hillside Resource Protection and Hazards. Consistency review with these sections is discussed in the *LIP/MMC (Resolution No. 21-17) Findings* section below.

Based on the project site and scope of work described for the proposed wireless project above, the ESHA, Native Tree Protection, Transfer of Development Credits, Shoreline and Bluff Development, Public Access and Land Division findings are not applicable to the project.

MMC (Resolution No. 21-17)/LIP Conformance Analysis

The proposed project has been reviewed for conformance with the MMC, Resolution No. 21-17, and the LIP by Planning Department. Staff has determined that the project, as proposed and conditioned, is consistent with all applicable MMC/LIP goals, policies, codes, and standards.

Zoning (Section LIP Section 3.16)

LIP Section 3.16.2 permits wireless communications facilities on private property with a site plan review, provided such facilities comply with the general requirements set forth in LIP Section 3.16.4 and the most restrictive design criteria set forth in LIP Section 3.16.6. The project proposes antennas that will be taller than three feet above the parapet, a height that is inconsistent with LIP Section 3.16.5. Therefore, the applicant is applying for a variance request to allow the antennas to protrude 5 feet, 11 inches above the parapet.

General Requirements (Resolution No. 21-17 Section 4 and LIP Section 3.16.5)

Consistent with Resolution No. 21-17 Sections 4(B), (C), (D), (E), and (F) the proposed wireless facility was designed and reviewed for compliance with all applicable law including federal, State and local authority. The site was designed and will be conditioned to meet all requirements related to FCC compliance, fire safety, and the Los Angeles County Building Code as adopted by the City of Malibu.

Pursuant to Resolution 21-17 Section 4(A), the site should be designed in a manner to minimize visual impact as much as possible to accomplish the carrier's objectives. As mentioned in the *Site Alternative Analysis* section above, alternatives were explored but none were feasible to reduce the height. As stated previously, the site requires a Waiver and Variance to allow additional height. Verizon Wireless requires the proposed height to meet their coverage objectives. Additionally, the site will either comply with or be conditioned to comply with all other applicable requirements of Resolution No. 21-17 Section (4) as well as the MMC.

Consistent with LIP Sections 3.16.4(B), (C) and (K), the proposed wireless communications facility complies with the maximum permitted exposure limits promulgated by the FCC as previously stated in the *Health Effects from Radio Frequency Emissions* section.

The rooftop wireless communications facility will have to comply with all State and federal regulations pursuant to LIP Section 3.16.5(B). The project has been conditioned so that it must be in compliance with State and federal law at all times, including but not limited to, accessibility requirements along the sidewalk pursuant to the Americans with Disabilities Act (ADA) and all requirements regulated by the FCC.

Pursuant to LIP Section 3.16.5(I), all electrical support equipment located within cabinets, shelters, or similar structures shall be screened from public view and encouraged to be ground-mounted, or undergrounding is required, when feasible. The proposed support will be concealed behind the roof parapet. The backup generator will be conditioned to be visually screened with a screen wall. The proposed antennas and the backup generator's required screening will be painted to match the existing buildings.

The project site is located within 600 feet of another wireless facility, the adjacent T-Mobile rooftop site. Pursuant to LIP Section 3.16.5(O), wireless facilities should be placed at least 600 feet from another facility unless clear need is demonstrated. Verizon Wireless provided evidence that the site will upgrade coverage in the general area through coverage maps. Additionally, this site will be used as a necessary macro site connecting Malibu with other Verizon Wireless macro sites in the surrounding jurisdictions.

Most Restrictive Design Criteria (LIP Section 3.16.6)

Pursuant to LIP Sections 3.16.6(C), (D), and (J), wireless communication facilities are required to be placed, screened, camouflaged, painted and textured, to the greatest extent feasible, for compatibility with existing site characteristics. The proposed rooftop site is proposing antennas at a height inconsistent with the design standards of the LIP and Resolution No. 21-17 but the electrical support equipment and ground-mounted backup generator will be screened from view. However, consistent with this section, all visible antennas and screening will be painted to match the buildings onsite.

Location (Resolution No. 21-17 Section 5 and LIP Section 3.16.11)

Pursuant to Resolution No. 21-17 Sections 5(C)(1) and (2), the proposed site will meet a preferred location by being on a non-residentially zoned parcel and being attached to an existing building. However, contrary to Section 5(C)(4) the site will be visible from adjacent roadways.

Pursuant to LIP Chapter 3.16.11(B), the preferred location for wireless facilities is in non-residential zones excluding public open space and recreational vehicle park zoning districts. The proposed site is located on a commercially zoned property.

Engineering and Design (Resolution No. 21-17 Section 6)

Pursuant to Resolution No. 21-17 Section 6(J), roof-mounted wireless communications facilities shall have antennas that extend no taller than three feet above the parapet of the roof in which they are attached. All other equipment should be screened from view which is proposed for this site. As mentioned previously, the height proposed is necessary for Verizon Wireless to meet their coverage objectives. Verizon is requesting a Waiver and Variance to go over the allowed height.

Grading (LIP Chapter 8)

Minor soil/concrete excavation is proposed for the installation of the backup generator. The proposed excavation is inconsequential and fall under exempt, understructure grading consistent with LIP Chapter 8.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The proposed work for the project is completely within a developed parcel. The project site has been evaluated by Planning Department for potential impacts to archaeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined that, due to the limited landform alteration within the completely disturbed parcel, the project has very low probability of any adverse effects on archaeological/cultural resources. Nevertheless, the project is conditioned to require that in the event potentially important cultural resources are found during geologic testing or construction, the work shall immediately cease until a qualified archaeologist can submit an evaluation of the nature and significance of the resources to the City, and until the Planning Director can review this information.

Water Quality (LIP Chapter 17)

The proposed project includes the installation of a rooftop wireless communications facility on an existing building and a ground-mounted backup generator. Due to the limited amount of impermeable coverage, the project complies with LIP Chapter 17 requirements for water quality protection.

Wastewater Treatment System Standards (LIP Chapter 18)

The proposed project does not include any plumbing fixtures and will not conflict with any existing wastewater facilities. Therefore, the project complies with LIP Chapter 18.

LIP and MMC Findings

A. Findings for a Wireless Permit (MMC Chapter 17.46)

MMC Section 17.46.110 requires that three findings be made for all new wireless communications facility applications. The following three findings are made below.

Finding 1. The facility is not detrimental to the public health, safety, and welfare and will not pose an undue fire risk.

As stated previously, the site has been reviewed for compliance with all applicable regulations including federal, State and local authority. The site will be in compliance with all FCC requirements. Additionally, the project is conditioned to be submitted for a building plan check with City Building Safety Division in which the project will be verified that it meets the Los Angeles County Building Code as adopted by the City of Malibu. The project will undergo thorough safety review with the Building Safety Division and, at the time of installation, the project will be inspected by both Building and Planning staff for compliance with all safety requirements. As proposed and conditioned the site will not be detrimental to public health and not pose an undue fire risk.

Finding 2. The facility complies with Chapter 17.46 and all applicable design and development standards.

The proposed wireless communications facility will comply with all requirements of MMC Chapter 17.46 and Resolution No. 21-17 inclusive of the proposed Waiver for additional height allowance. The proposed site meets or is conditioned to meet all required safety elements and the design and location are consistent with MMC Chapter 17.46 as well as Resolution No. 21-17, which describes the detailed standards in which a wireless facility shall comply. A Waiver is being proposed for an additional height allowance but as mentioned previously, the design is the only feasible alternative for Verizon Wireless to meet their coverage objectives. Besides the height of the antennas, the proposed facility will comply with or is conditioned to comply with all required design standards of the MMC and Resolution No. 21-17.

Finding 3. The facility complies with state and federal law.

As mentioned in Finding 1 and in the “MMC (Resolution No. 21-17)/LIP Conformance Analysis” section, the site will meet all requirements of the FCC. Additionally, the project will undergo a thorough review from the Building Safety Division for compliance with the adopted LA County Building Code. As proposed and conditioned the facility will comply with State and federal law.

B. General Coastal Development Permit Findings (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program.

The project has been reviewed by the Planning Department for conformance with the LCP. As discussed herein, based on the submitted project plans, visual demonstration exhibits, alternative site analysis, coverage maps, RF-EME Jurisdictional Report, site inspection, and recommended conditions, the proposed wireless communications project conforms to the LCP and MMC in that it meets all applicable wireless communications facility code and other standards.

Finding 2. If the project is located between the first public road and the sea. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is not located between the first public road and the sea; therefore, this finding does not apply.

Finding 3. The project is the least environmentally damaging alternative.

As mentioned above in the *Site Alternative Analysis* section, the project is the least environmentally damaging alternative. The proposed facility is on a commercially zoned parcel, or non-residential, which is a preferred location according to LIP Chapter 3.16.11(B). Additionally, the project proposes to utilize existing infrastructure and is designed and conditioned to be camouflaged to the maximum extent feasible. There were other alternatives that were researched in order to minimize visual impacts, but none were feasible as mentioned previously.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

The project site is not located on or adjacent to ESHA. Therefore, the findings in LIP Chapter 4 are not applicable.

C. Variance to permit rooftop antennas more than three feet above the roof parapet (LIP Section 13.26.5)

VAR No. 20-023 is requested for height of the proposed rooftop wireless facility to be taller than three feet above the roof parapet from which it is attached. The Planning Commission may approve, deny and/or modify a variance application in whole or in part, with or without conditions, provided that it makes all of the following ten findings pursuant to LIP Section 13.26.5. The evidence in the record supports approval of VAR No. 20-023 and all of the required findings of fact can be made as follows:

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

There are special characteristics for the proposed wireless communications facility that makes it subject to a variance. In order to meet Verizon Wireless' coverage objectives, the antennas must be at height protruding 5 feet, 10 inches above the roof parapet. As mentioned previously, there were alternatives explored to try and lower the proposed height, but all were deemed infeasible due to various reasons including not receiving approval from the property owner, spacing and interference issues. Verizon Wireless could have proposed an independent site, not utilizing existing buildings and it would have had greater environmental impact. Being on the rooftop of a two-story structure, the proposed antennas will be far away from members of the public. Although visible from a scenic road, there are no anticipated view impacts to the Pacific Ocean or Santa Monica Mountains. Additionally, there is already a wireless facility on the adjacent building so not allowing Verizon Wireless to collocate here would deny them a right granted to another wireless carrier.

Finding 2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

The proposed wireless communications facility meets all FCC required MPE limits for the general public. Additionally, the site will conform to the LA County Building Code as adopted by the City of Malibu. The rooftop design was accepted by the property owner and suggested alternatives would have been more harmful to the existing structure in which this proposed facility will be attached. Lastly, there are no anticipated visual impacts to scenic views. The proposed facility will not be detrimental to the public interest, safety, welfare, or property.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

As previously mentioned in Finding 1, there is already a wireless facility on the adjacent building. If the carrier of that facility came in with a proposal to increase the height of their antennas to taller than three feet above the parapet, staff would also consider the project under the same circumstances as this proposal. Thus, granting the variance will not constitute a special privilege to the applicant or owner.

Finding 4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The granting of the variance will not be in conflict with the policies of the LCP. The proposed height is not expected to impact any scenic views. The antennas and associated equipment will be painted to blend in with the surrounding environment.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in LIP Section 4.7.

The project site is not in or adjacent to an ESHA, ESHA buffer or stream; therefore, this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 12.

The proposed project does not involve a stringline modification as it is not located on a beach; therefore, this finding does not apply.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The proposed facility is the rooftop of a commercial building in the Commercial Neighborhood zoning district. The proposed project is consistent with the purpose and intent for the CN zone. As mentioned previously, the LIP's preferred location is on non-residentially zoned parcels and on existing infrastructures which this site will follow. The applicant is also applying for a site plan review for a new wireless communications facility in a commercial zoning district and the proposed collocation of the facility meets the recommended design criteria in the LIP and MMC.

Finding 8. The subject site is physically suitable for the proposed variance.

The subject site is physically suitable for the proposed variance. The proposed location keeps it away from potential impacts to scenic views and residential homes. There are no impacts to visually impressive views of the Pacific Ocean or any other scenic resources identified in the LIP.

Finding 9. The variance complies with all requirements of State and local law.

The variance complies with State and local law in that it meets the requirements of the FCC and is collocated on an existing building, a location preferred in the Malibu LIP and MMC. There are no visual impacts to scenic resources.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands. (Ord. 303 § 3, 2007)

The variance proposal does not reduce or eliminate parking for access to the beach, public trails or parklands.

D. Site Plan Review to install and operate a wireless communications facility located within a commercial zoning district (LIP Section 13.27)

LIP Section 13.27.5(A) requires that the City make four findings in consideration and approval of a site plan review. Two additional findings are required pursuant to MMC Section 17.62.060 when a project exceeds 18 feet. Based on the foregoing evidence contained in the record, the required findings for SPR No. 20-045 are made as follows:

Finding 1. That the project is consistent with policies and provisions of the Malibu LCP.

Wireless communications facilities are permitted in commercial zoning districts with a site plan review provided such facilities comply with the general requirements set forth in LIP Section 3.16.5 and the most restrictive design standards set forth in LIP Section 3.16.6. As discussed in the *MMC/LIP Conformance Analysis* section above, the proposed wireless communications facility is consistent with LIP standards, which implements the policies and provisions of the City's LCP.

Finding 2. The project does not adversely affect neighborhood character.

As conditioned, the roof-mounted antennas and associated equipment will be screened or painted a to match existing infrastructure. The proposed ground-mounted backup generator will be screened. The backup generator's screening is conditioned to be painted to match the surrounding environment. The proposed project is generally compatible in size, bulk, and height to roof-mounted wireless facilities in commercial zoning districts. The facility's maximum height is also the least intrusive design compared to constructing a new site. Further, the project is conditioned so that it must, at all times, be in compliance with federal and State regulations including, but not limited to, ADA accessibility and any requirements related to wireless communications utilities in regulated by the FCC.

Finding 3. The project provides maximum feasible protection to significant public views as required by LIP Chapter 6.

The proposed wireless communications facility is not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines. The proposed rooftop wireless facility does exceed a maximum three feet above the roof parapet, as required by the LIP and Resolution No. 21-17, but does not diminish any significant public views of the beach or the Santa Monica Mountains.

Finding 4. The proposed project complies with all applicable requirements of State and local laws.

The proposed project will comply with all applicable requirements of State and local laws as required under LIP Section 3.16.5 and MCC Section 17.46.060, including but not limited to the Uniform Building Code, National Electrical Code, and Uniform Fire Code to ensure compliance with the above finding. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC.

Finding 5. The project is consistent with the City's General Plan and Local Coastal Program.

Wireless communications facilities are permitted in commercial zoning districts with a site plan review, provided such facilities comply with the general requirements set forth in LIP Section 3.16.5 and design criteria set forth in LIP Section 3.16.6. The proposed project complies with these standards, subject to conditions of approval.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

Based on staff's site inspection, the provided visual simulations, and review of the project plans, it was determined that the rooftop wireless facility and associated equipment is not expected to obstruct protected private views of impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines.

E. Environmentally Sensitive Habitat Area (LIP Chapter 4)

As discussed in Section A, Finding 4, the project site is not located in or adjacent to ESHA, ESHA buffer or stream as shown in the LCP ESHA and Marine Resources Map. Therefore, the supplemental ESHA findings in LIP Section 4.7.6 do not apply.

F. Native Tree Protection (LIP Chapter 5)

The proposed project does not involve removal of or encroachment into the protected zone of any protected native trees. Therefore, LIP Chapter 5 does not apply.

G. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The proposed wireless communications facility is visible from PCH, an LCP-designated scenic highway. Therefore, findings in LIP Section 6.4 apply to the proposed project and are made as follows:

Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

The proposed wireless communications facility will not affect any scenic views of the Pacific Ocean and Santa Monica Mountains as it is located in a developed commercial area in the northern part of Point Dume which is centrally located within the City and far from the aforementioned scenic areas. Furthermore, the project is the least visually intrusive alternative that still meets Verizon Wireless's goals and objectives.

Finding 2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

The subject parcel is located on the ocean side of PCH but will not affect scenic views of motorists traveling on the highway. Based on the scope of the project and associated conditions of approval, no adverse scenic or visual impacts are expected.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously mentioned in Finding 1, the proposed location is the least environmentally damaging alternative.

Finding 4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As mentioned previously, all project alternatives that would meet Verizon Wireless's goals and objectives were not feasible or they would be more environmentally impactful than the current proposal; therefore, this is the least impactful alternative that is still feasible to meet Verizon's objectives.

Finding 5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

As previously stated, the proposed design will include antennas and equipment that will be screened or painted a color that will best help them blend them with their surroundings. As conditioned and designed, the proposed project will have a less than significant impact on scenic views.

H. Transfer of Development Credits (LIP Chapter 7)

Pursuant to LIP Section 7.2, transfer of development credits only applies to land divisions and/or new multi-family residential development in specified zoning districts. The proposed project does not involve any land division or residential development. Therefore, LIP Chapter 7 does not apply.

I. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project has the potential to adversely impact site stability or structural integrity. The proposed wireless communications project has been reviewed for the hazards listed in LIP Section 9.2(A)(1-7). The evidence in the record supports the required five findings in LIP Chapter 9 as follows.

Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

The proposed project is required to comply with all applicable requirements of State and local laws as required under LIP Section 3.16.5, including but not limited to the Uniform Building Code, National Electrical Code, and Uniform Fire Code to ensure compliance with the above finding. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC.

The entire city limits of Malibu are located within a high fire hazard area. As conditioned, the facility's owner is required to indemnify and hold harmless the City from all impacts related to wildfire hazards. Further, as designed and conditioned, the proposed project will not increase stability of the site or structure integrity from geologic hazards.

Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As discussed in Finding 1, the proposed project, as designed and conditioned, will not have a significant effect on the site's stability or structural integrity. Conditions have been added to the project to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Section A, Finding 3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As discussed in Finding 1, the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

Finding 5: Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As previously stated in Finding 1 and Section A, Findings 3, the proposed project, as designed and conditioned, will not have significant adverse impacts on sensitive resources, including but not limited to hazards; therefore, this finding does not apply.

J. Shoreline and Bluff Development (LIP Chapter 10)

The proposed project is not located on or along a shoreline, coastal bluff or bluff-top fronting the shoreline. Therefore, LIP Chapter 10 does not apply.

K. Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

- A. New development on any parcel or location specifically identified in the LUP or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
- B. New development between the nearest public roadway and the sea.
- C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a bluff-top trail or an inland trail acquired through use or a public right of access through legislative authorization.
- D. New development on any site where a trail, bluff-top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the project site and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff or near a recreational area. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

L. Land Division (LIP Chapter 15)

The proposed project does not involve a land division as defined in LIP Section 15.1. Therefore, LIP Chapter 15 does not apply.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in the CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections 15303(e) – New construction or Conversion of Small Structures, including accessory structures and 15301(e) - Improvements to existing facilities. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: Staff has not received any public correspondence on the subject application.

PUBLIC NOTICE: On August 5, 2021, staff published a Notice of Public Hearing for the project in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 1,000-foot radius of the project site (Attachments 8 and 9).

SUMMARY: The required findings can be made that the proposed wireless communications facility project is consistent with the LCP and MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this agenda report and the accompanying resolution, staff recommends approval of the project, subject to the conditions of approval contained in

Section 5 (Conditions of Approval) of Planning Commission Resolution No. 21-63. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff.

ATTACHMENTS:

1. Planning Commission Resolution No. 21-63
2. Project Plans
3. Visual Demonstration Exhibits
4. Signal Coverage Maps
5. Letter from Owner Denying Alternative 1
6. RF-EME Jurisdictional Report
7. FCC Compliance
8. Radius Map
9. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-63

A RESOLUTION OF THE CITY OF MALIBU PLANNING COMMISSION DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENT QUALITY ACT AND APPROVING WIRELESS PERMIT NO. 21-002 AND COASTAL DEVELOPMENT PERMIT NO. 20-035 FOR VERIZON WIRELESS TO INSTALL A ROOF MOUNTED WIRELESS COMMUNICATIONS FACILITY ON BUILDING B REACHING A MAXIMUM HEIGHT OF 47 FEET, 4 INCHES, ELECTRICAL SUPPORT EQUIPMENT ATTACHED TO THE ROOFTOP AND A GROUND MOUNTED BACKUP GENERATOR, INCLUDING WAIVER NO. 21-001 AND VARIANCE NO. 20-023 TO PERMIT ROOF MOUNTED WIRELESS FACILITY ANTENNAS TO EXTEND OVER 3 FEET ABOVE THE ROOF PARAPET AND SITE PLAN REVIEW NO. 20-045 TO INSTALL AND OPERATE A WIRELESS COMMUNICATIONS FACILITY IN THE COMMERCIAL NEIGHBORHOOD ZONING DISTRICT LOCATED AT 28990.5 PACIFIC COAST HIGHWAY (VERIZON WIRELESS)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On June 22, 2020, a new application for Wireless Communications Facility (WCF) No. 20-013 and Site Plan Review (SPR) No. 20-045 was submitted by the applicant, Spectrum Services, on behalf of Verizon Wireless for the installation of a roof mounted wireless communications facility and a ground mounted backup generator. Coastal Development Permit (CDP) No. 20-035 and Variance (VAR) No. 20-023 were later assigned to the project.

B. On April 26, 2021, the Malibu City Council adopted Ordinance 484 and Resolution 21-17 amending the City's wireless communications facility application and design standards.

C. On July 21, 2021, Planning staff assigned Wireless Permit (WP) No. 21-002 and Waiver (WVR) No. 21-001 to the subject application.

D. On July 22, 2021, Planning staff deemed the project complete.

E. On August 5, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the project site and to all interested parties.

F. On August 16, 2021, the Planning Commission held a duly noticed public hearing on the subject application for the modified wireless communications facility project, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections 15301(e) – additions to existing structures and 15303(e) – new construction of accessory structures. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, WP No. 21-002 and CDP No. 20-035 for Verizon Wireless to install a roof mounted wireless communications facility reaching a maximum height of 47 feet, 4 inches, electrical support equipment attached to the roof and a backup generator, including WVR no. 21-001 and VAR No. 20-023 to permit wireless antennas over three feet in height and SPR No. 20-045 to install and operate a wireless communications facility in the Commercial Neighborhood (CN) zoning district located at 28990.5 Pacific Coast Highway (PCH).

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and onsite wastewater treatment requirements. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. Wireless Permit Findings (MMC Chapter 17.46)

1. The site has been reviewed for compliance with all applicable regulations including federal, State and local authority. The site will be in compliance with all Federal Communications Commission (FCC) requirements. Additionally, the project is conditioned to be submitted for a building plan check with City Building Safety Division in which the project will be verified that it meets the Los Angeles County Building Code as adopted by the City of Malibu. The project will undergo thorough safety review with the Building Safety Division and at the time of installation the project will be inspected by both Building and Planning staff for compliance with all safety requirements. As proposed and conditioned the site will not be detrimental to public health and not pose an undue fire risk.

2. The proposed wireless communications facility will comply with all requirements of Malibu Municipal Code (MMC) Chapter 17.46 and Resolution No. 21-17 inclusive of the proposed Waiver for additional height allowance. The proposed site meets or is conditioned to meet all required safety elements and the design and location are consistent with MMC Chapter 17.46 as well as Resolution No. 21-17, which describes the detailed standards in which a wireless facility shall comply. A Waiver is being proposed for an additional height allowance but as mentioned previously, the design is the only feasible alternative for Verizon Wireless to meet their coverage objectives. Besides the height of the antennas, the proposed facility will comply with or is conditioned to comply with all required design standards of the MMC and Resolution No. 21-17.

3. The site will meet all requirements of the FCC. Additionally, the project will undergo a thorough review from the Building Safety Division for compliance with the adopted Los Angeles County Building Code. As proposed and conditioned the facility will comply with State and federal law.

B. General Coastal Development Permit (LIP Chapter 13)

1. The project has been reviewed by the Planning Department for conformance with the LCP. As discussed herein, based on the submitted project plans, visual demonstration exhibits, alternative site analysis, coverage maps, Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report, site inspection, and recommended conditions, the proposed wireless communications project conforms to the LCP and MMC in that it meets all applicable wireless communications facility code and other standards.

2. Evidence in the record demonstrated that the project is the least environmentally damaging alternative. The proposed facility is on a commercially zoned parcel, or non-residential, which is a preferred location according to LIP Chapter 3.16.11(B). Additionally, the project proposes to utilize existing infrastructure and is designed and conditioned to be camouflaged to the maximum extent feasible. There were other alternatives that were researched in order to minimize visual impacts, but none were feasible.

C. Variance for the development of roof mounted wireless facility antennas to extend three feet above the roof parapet (LIP 13.26.5)

VAR No. 20-023 will allow the installation of roof mounted wireless facility antennas to extend three feet above the roof parapet.

1. Evidence in the record demonstrates there are special characteristics for the proposed wireless communications facility that makes it subject to a variance. In order to meet Verizon Wireless's coverage objectives, the antennas must be at height protruding 5 feet, 10 inches above the roof parapet. There were alternatives explored to try and lower the proposed height, but all were deemed infeasible due to various reasons including not receiving approval from the property owner, spacing and interference issues. Verizon Wireless could have proposed an independent site, not utilizing existing buildings and it would have had greater environmental impact. Being on the rooftop of a two-story structure, the proposed antennas will be far away from members of the public. And although visible from a scenic road, there are no anticipated view impacts to the Pacific Ocean or Santa Monica Mountains. Additionally, there is already a wireless facility on the adjacent building so not allowing Verizon Wireless to collocate here would deny them a right granted to another wireless carrier.

2. The proposed wireless communications facility meets all FCC required FCC's Maximum Permissible Exposure (MPE) limits for the general public. Additionally, the site will conform to the Los Angeles County Building Code as adopted by the City of Malibu. The rooftop design was accepted by the property owner and suggested alternatives would have been more harmful to the existing structure in which this proposed facility will be attached. Lastly, there are no anticipated visual impacts to scenic views. The proposed facility will not be detrimental to the public interest, safety, welfare, or property.

3. There is already a wireless facility on the adjacent building. If the carrier of that facility came in with a proposal to increase the height of their antennas to taller than three feet above the parapet, staff would also consider the project under the same circumstances as this proposal. Thus, granting the variance will not constitute a special privilege to the applicant or owner.

4. The granting of the variance will not be in conflict with the policies of the LCP. The proposed height is not expected to impact any scenic views. The antennas and associated equipment will be painted to blend in with the surrounding environment.

5. The proposed facility is the rooftop of a commercial building in the Commercial Neighborhood zoning district. The proposed project is consistent with the purpose and intent for the CN zone. As mentioned previously, the LIP's preferred location is on non-residentially zoned parcels and on existing infrastructures which this site will follow. The applicant is also applying for a site plan review for a new wireless communications facility in a commercial zoning district and the proposed collocation of the facility meets the recommended design criteria in the LIP and MMC.

6. The subject site is physically suitable for the proposed variance. The proposed location keeps it away from potential impacts to scenic views and residential homes. There are no impacts to visually impressive views of the Pacific Ocean or any other scenic resources identified in the LIP.

7. The variance complies with State and local law in that it meets the requirements of the FCC and is collocated on an existing building, a location preferred in the Malibu LIP and MMC. There are no visual impacts to scenic resources.

8. The variance proposal does not reduce or eliminate parking for access to the beach, public trails or parklands.

D. Site Plan Review for erecting a wireless communications facility in the CN zoning district (LIP Section 13.27.5)

SPR No. 20-045 will allow the installation of a wireless communications facility in the public in the CN zoning district.

1. Wireless communications facilities are permitted in commercial zoning districts with a site plan review provided such facilities comply with the general requirements set forth in LIP Section 3.16.5 and the most restrictive design standards set forth in LIP Section 3.16.6. As discussed in the *MMC/LIP Conformance Analysis* section above, the proposed wireless communications facility is consistent with LIP standards, which implements the policies and provisions of the City's LCP.

2. As conditioned, the roof mounted antennas and associated equipment will be screened or painted to match existing infrastructure. The proposed ground-mounted backup generator will be screened. The backup generator's screening is conditioned to be painted to match the surrounding environment. The proposed project is generally compatible in size, bulk, and height to roof mounted wireless facilities in commercial zoning districts. The facility's maximum height is also the least intrusive design compared to constructing a new site. Further, the project is conditioned so that it must, at all times, be in compliance with federal and State regulations

including, but not limited to, American with Disabilities Act (ADA) accessibility and any requirements related to wireless communications utilities regulated by the FCC.

3. The proposed wireless communications facility is not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines. The proposed rooftop wireless facility does exceed a maximum three feet above the roof parapet, as required by the LIP and Resolution No. 21-17, but does not diminish any significant public views of the beach or the Santa Monica Mountains.

4. The proposed project will comply with all applicable requirements of State and local laws as required under LIP Section 3.16.5 and MCC Section 17.46.060, including but not limited to the Uniform Building Code, National Electrical Code, and Uniform Fire Code to ensure compliance with the above finding. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC.

5. Wireless communications facilities are permitted in commercial zoning districts with a site plan review, provided such facilities comply with the general requirements set forth in LIP Section 3.16.5 and design criteria set forth in LIP Section 3.16.6. The proposed project complies with these standards, subject to conditions of approval.

6. Based on staff's site inspections, the provided visual simulations, and review of the plans, it was determined that the new pole and mechanical equipment is not expected to obstruct any private protected views of impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines.

E. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

1. The proposed wireless communications facility will not affect any scenic views of the Pacific Ocean and Santa Monica Mountains as it is located in a developed commercial area in the northern part of Point Dume which is centrally located within the City and far from the aforementioned scenic areas. Furthermore, the project is the least visually intrusive alternative that still meets Verizon Wireless's goals and objectives.

2. The subject parcel is located on the ocean side of PCH but will not affect scenic views of motorists traveling on the highway. Based on the scope of the project and associated conditions of approval, no adverse scenic or visual impacts are expected.

3. Evidence in the record demonstrates that the proposed location is the least environmentally damaging alternative.

4. Evidence in the record demonstrates that all project alternatives that would meet Verizon Wireless's goals and objectives were not feasible or they would be more environmentally impactful than the current proposal; therefore, this is the least impactful alternative that is still feasible to meet Verizon's objectives.

5. Evidence in the record demonstrates the proposed design will include antennas and equipment that will be screened or painted a color that will best help them blend them with their surroundings. As conditioned and designed, the proposed project will have a less than significant impact on scenic views.

F. Hazards (LIP Chapter 9)

1. The proposed project is required to comply with all applicable requirements of State and local laws as required under LIP Section 3.16.5/MCC Section 17.46.060, including but not limited to the Uniform Building Code, National Electrical Code, and Uniform Fire Code to ensure compliance with the above finding. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC. Based on the project plans and provided reports, staff determined that the project is located on PCH's public ROW where it will not adversely impact site stability or structural integrity if the project is constructed to adhere to all applicable safety requirements provided by the FCC, SCE, and the City Public Works Department.

2. Evidence in the record demonstrates that the proposed project, as designed and conditioned, will not have a significant effect on the site's stability or structural integrity.

3. Evidence in the record demonstrates that the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. Evidence in the record demonstrates that the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 18-032, WCF No. 18-008, VAR 18-039 and SPR No. 18-034, subject to the conditions set forth herein.

SECTION 5. Conditions of Approval.

1. The applicant, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. The permittee shall be strictly liable for interference caused by its facilities with city communications systems. The permittee shall be responsible for costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.

3. Approval of this application is to allow the installation of the following:

Roof mounted Equipment

- a. 13 New Antennas:
 - i. 9 panel antennas mounted onto the parapet wall,
 - ii. 1 two-foot parabolic antenna,
 - iii. 1 three-foot parabolic antenna,
 - iv. 1 four-foot parabolic antenna
 - v. 1 GPS antenna;
- b. 12 remote radio units;
- c. 3 junction boxes;
- d. Additional associated electrical support equipment;

Ground mounted equipment

- e. A 40kw backup generator;
- f. 211-gallon fuel tank;
- g. Associated electrical support equipment; and
- h. Concrete block screen wall.

- 4. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **December 11, 2020**. The project shall comply with all conditions of approval stipulated in the department referral sheets. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
- 5. The permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision or prior to issuance of building permits.
- 6. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals including those to the California Coastal Commission (CCC) if applicable, have been exhausted.
- 7. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 7 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
- 8. This resolution (including the signed and notarized Acceptance of Conditions Affidavit) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department and the California Department of Transportation for an encroachment permit.
- 9. This WP shall be valid for a period of ten (10) years from issuance, unless pursuant to another provision of the Code or these conditions, it expires sooner or is terminated. At the end of ten (10) years from the date of issuance, such wireless permit shall automatically expire, unless an extension or renewal has been granted. A person holding a wireless communications facility permit must either (1) remove the facility within thirty (30) days following the permit's expiration (provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right of

way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or (2) prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility must remain in place until it is acted upon by the City and all appeals from the City's decision exhausted.

10. The installation and construction authorized by this WP shall be completed within three (3) years after its approval, or it will expire without further action by the City unless prior to the three (3) years the applicant submit an extension request and the City, in its sole discretion, grants a time extension for due cause. The installation and construction authorized by a wireless ROW permit shall conclude, including any necessary post-installation repairs and/or restoration to the ROW, within thirty (30) days following the day construction commenced. This 30-day period may be extended by the Planning Director if the applicant can demonstrate that construction has been diligently pursued but due to circumstances beyond the applicant's control, construction cannot be completed within 30 days of when it is commenced. The permittee must provide written notice to City within ten (10) days after completing construction. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.
11. The Planning Director may grant up to four one-year extensions of the timeline, in Condition 9 above, for completing the installation and construction authorized by a development or condition use permit, if the Planning Director finds that the conditions, including but not limited to changes in the wireless ordinance under which the permit approval was issued, have not significantly changed.
12. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC. An application with all required materials and fees shall be required.
13. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
14. All structures shall conform to the requirements of the Environmental Sustainability Department, Public Works Department, Federal Communications Commission (FCC), and LACFD requirements, as applicable. Notwithstanding this review, all required permits, including but not limited to an encroachment permit from the California Department of Transportation, shall be secured.

Cultural Resources

15. In the event that potentially important cultural resources are found in the course of geologic testing, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).

16. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Wireless Communications Antennas and Facilities Conditions

17. All antennas shall meet the minimum siting distances to habitable structures required for compliance with the FCC regulations and standards governing the environmental effects of radio frequency emissions. Permittee shall keep up-to-date on current information from the FCC in regards to maximum permissible radio frequency exposure levels. In the event that the FCC changes its guidelines for human exposure to radio frequency, permittee shall, within 30 days after any such change, submit to the Planning Director a report prepared by a qualified engineer that demonstrates actual compliance with such changed guidelines. The Director may, at permittee's sole cost, retain an independent consultant to evaluate the compliance report and any potential modifications to the permit necessary to conform to the FCC's guidelines. Failure to submit the compliance report required under this condition, or failure to maintain compliance with the FCC's guidelines for human exposure to radio frequency at all times shall constitute grounds for permit revocation.
18. All antennas shall be located so that any person walking adjacent to the transmitting surface of the antennas will be walking on a grade, which is a minimum of eight and one-half feet below the transmitting surface.
19. All antennas, equipment, and support structures shall be designed to prevent unauthorized climbing.
20. The wireless communications facility shall be erected, operated, and maintained in compliance with the general requirements set forth in LIP Section 3.16.5 and most restrictive design criteria set forth in LIP Section 3.16.6.
21. The antenna and electrical support equipment shall, at all times, be operated in a manner that conforms to the applicable federal health and safety standards, including those imposed by MMC Chapter 17.46 and Resolution No. 21-17.
22. The proposed wireless communications facility shall not emit a noise greater than fifty (50) decibels (dB) as measured from the base of the facility.
23. Wireless facilities and equipment must comply with the City's noise ordinance in MMC 8.24, or any successor provisions, and prevent noise and sound from being plainly audible at a distance of fifty (50) feet from the facility or within ten (10) feet of any residence.
24. The Planning Director's approval is required if a generator is to be placed onsite for temporary or permanent use.
25. All non-ground-mounted equipment associated with the application shall be located no lower than eight feet above grade or ground level on the monopole or support structure.

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26. The collocation of wireless communications facilities, pursuant to LIP Section 3.16.5, shall be required whenever feasible.
 27. An operation technician is required to conduct regular semi-annual maintenance visits to verify that the wireless communications facility remains in compliance with the conditions of approval and safety requirements.
 28. The City or its designee may enter onto the facility area to inspect the facility upon 48 hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the City. The City reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The City shall make an effort to contact the permittee prior to disabling or removing any facility elements, but in any case, shall notify permittee within 24 hours of doing so.
 29. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
 30. Permittee shall obtain and maintain throughout the term of the permit commercial general liability insurance with a limit of five million dollars (\$5,000,000) per occurrence for bodily injury and property damage and six million dollars (\$6,000,000) general aggregate including premises operations, contractual liability, personal injury, and products completed operations. The relevant policy(ies) shall name the City, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. Permittee shall use its best efforts to provide thirty (30) days' prior notice to the City of the cancellation or material modification of any applicable insurance policy.
 31. Prior to issuance of a City permit or encroachment permit, the permittee shall file with the City, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to the cost of physically removing the facility and all related facilities and equipment on the site, based on the higher of two contractor's quotes for removal that are provided by the permittee. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the City Council. Reimbursement shall be paid when the security is posted and during each administrative review.
 32. Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the City shall be moved to accommodate a permitted activity or encroachment, unless the City determines that such movement will not adversely affect the City or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of the City's structure, improvement, or property. Prior to commencement of any work pursuant to a WP, the permittee shall provide the City with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the public right-of-way or City utility easement to be affected by permittee's facilities.

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33. No possessory interest is created by a Wireless Permit. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, permittee acknowledges that City has given to permittee notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a development or conditional use permit may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Permittee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interact taxes or other taxes, fees, and assessments levied against permittee's right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by this development or conditional use permit.
34. The permission granted by this CDP shall not in any event constitute an easement on or an encumbrance against the ROW. No right, title, or interest (including franchise interest) in the ROW, or any part thereof, shall vest or accrue in permittee by reason of a CDP or the issuance of any other permit or exercise of any privilege given thereby.
35. If not already completed, permittee shall enter into the appropriate agreement with the City, as determined by the City, prior to constructing, attaching, or operating a facility on municipal infrastructure. This permit is not a substitute for such agreement.
36. If a facility is not operated for a continuous period of three (3) months, the CDP and any other permit or approval therefore shall be deemed abandoned and terminated automatically, unless before the end of the three (3) month period (i) the Director has determined that the facility has resumed operations, or (ii) the City has received an application to transfer the permit to another service provider. No later than ninety (90) days from the date the facility is determined to have ceased operation or the permittee has notified the Director of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the Director. The permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the City may cause the facility to be removed at permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned but will not be effective for the entirety thereof until all users cease use thereof.
37. In the event the City determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
38. Interference with city communications systems and other governmental emergency systems is prohibited. Further, no permits issued pursuant to this chapter of the City Code establish any guarantee or warranty that Licensee's facility will be free from interference from city or third-party communication systems.

Construction

39. Installation hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No installation activities shall be permitted on Sundays and City-designated holidays; provided. The restricted work hours described in this condition do not apply to emergency maintenance necessary to protect health or property. The City of Malibu may issue a Stop Work Order if permittee violates this condition.
40. All sites must be designed and build to the standards of ANSI/APCO Public Safety Grade Site Hardening Requirements, also referred to as “APCO ANSI 2.106.1-2019”.

Site Specific Conditions

41. In the event that the electric service provider does not currently offer an alternative metering option, the permittee shall remove the above-grade electric meter when such option becomes available. Prior to removing the above-grade electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
42. The permittee acknowledges that the City specifically includes conditions of approval related to (a) painting, coloring or finishing the equipment to match the monopole or support structure; (b) undergrounding all equipment to the extent possible; (c) installing equipment within shrouds, conduits and risers as concealment elements engineered and designed to integrate the wireless facility with the surrounding built and natural environment; and (d) specific structural, seismic, electrical, fire and operating/maintenance requirements. Any future modifications to the permittee’s wireless facility must maintain or improve all concealment elements and safety precautions.
43. Before the permittee submits any applications for construction, encroachment, excavation or other required permits in connection with this permit, the permittee must incorporate a true and correct copy of this permit, all conditions associated with this permit and any approved photo simulations into the project plans (collectively, the “Approved Plans”). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans as determined by the Director or the Director’s designee. Any substantial or material alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director’s prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
44. The permittee shall install and at all times maintain in good condition a “Network Operations Center Information” and “RF Caution” sign on the utility pole no less than three (3) feet below the antenna (measured from the top of the sign) and no less than nine (9) feet above the ground line (measured from the bottom of the sign). Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches within three (3) feet of the antenna structure. If any person on or within the

public ROW is or may be exposed to emissions that exceed applicable FCC uncontrolled/general population limits at any time the sign shall expressly so state and provide instructions on how persons can avoid any such exposure. The sign shall also include the name(s) of the facility owner(s), equipment owner(s) and operator(s)/carrier(s) of the antenna(s), property owner name, as well as emergency phone number(s) for all such parties. The sign shall not be lighted, unless applicable law, rule or regulation requires lighting. No signs or advertising devices other than required certification, warning, required seals or signage, other signage required by law, this Chapter, any City or applicable state code or the Los Angeles County Fire Department Chief or his or her designee shall be permitted. The sign shall be no larger than two (2) square feet. If such signs are prohibited by federal law, they shall not be required.

45. The permittee shall ensure that all signage complies with FCC Office of Engineering and Technology Bulletin 65, CPUC General Order 95 or American National Standards Institute C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.
46. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards that are applicable to the project site approved herein are changed, the permittee, within 30 days of each such change, at its own cost and expense, shall replace the signage at the project site to comply with the current standards.
47. The permittee shall maintain the paint, color and finish of the facility in good condition at all times.
48. All improvements, including foundations, and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation conditions within 90 days of cessation of operation or abandonment of the facility.
49. Build-Out Conditions.
 - a. Permittee shall not commence any excavation, construction, installation or other work on the project site until and unless it demonstrates to the City Public Works Department that the project complies with all generally applicable laws, regulations, codes and other rules related to public health and safety, including without limitation all applicable provisions in California Public Utilities Commission General Order 95 and MMC Chapters 8.12, 8.24 and 15.08.
 - b. To the extent that the pole owner requires greater or more restrictive standards than contained in California Public Utilities Commission General Order 95, those standards shall control.
50. Permittee shall at all times maintain compliance with all applicable federal, State and local laws, regulations, ordinances and other rules, including Americans with Disabilities Act (ADA) requirements.
51. The permittee shall cooperate with all inspections. The City and its designees reserves the right to support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

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52. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Department at the time of permit issuance and within one business day of permittee's receipt of City staff's written request.
 53. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.
 54. The site and the facility must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
 55. Permittee shall promptly remove any graffiti on the wireless facility at permittee's sole expense within 48 hours after notice.
 56. The antenna and associated equipment attached to the rooftop of building B must be painted a grey color to match the roof parapet. The ground mounted backup generator unit must be visually screened and painted to blend in with the surrounding buildings.
 57. The ground mounted backup generator must meet all applicable setbacks indicated in LIP Chapter 3.8 if taller than six feet.
 58. The applicant or property owner must submit project plans (including structural and electrical plans) to the City of Malibu Building Safety Division for building plan check and permit issuance. The project plans must meet all requirements of the California Building Code as adopted by the City of Malibu. The applicant or property owner must obtain permits from Building Safety Division and a final inspection. Failure to obtain a permit from the Building Safety Division will result in the voidance of this wireless communications facility permit.
 59. The following engineering documents prepared under the responsible charge of and sealed by a California licensed Professional Engineer must be included in the application for building permits from the Building Safety Division:
 - a. A short circuit and coordination study ("SCCS") calculated pursuant to the IEEE 551-2006: Recommended Practice for Calculating AC Short-Circuit Currents in Industrial and Commercial Power Systems or the latest version of that standard. The study must demonstrate the protection devices will ensure the equipment enclosure will not be breached. The SCCS must include analysis of Voltage Transient Surges due to contact of conductors of different voltages;
 - b. A one-line diagram of the electrical system;
 - c. Voltage Drop & Load Flow Study;
 - d. Load Calculation;
 - e. Panel Directories;
 - f. A plot plan showing the location of the mounting structure including address, or structure designation, or GPS location on the front sheet;
 - g. A plot plan showing the location of the service disconnecting means; and
 - h. An elevation drawing of the equipment and the service disconnecting means.

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60. The following structural/civil engineering documents prepared under the responsible charge of and sealed by a California licensed professional civil engineer must be included in the application for building permits from the Building Safety Division:
- a. The azimuth, size and center-line height location of all proposed and existing antenna(s) on the supporting structure;
 - b. The number, type and model of the antenna(s) that will be used with a copy of the specification sheet;
 - c. The make, model, type and manufacturer of any tower involved and a design plan stating the tower's capacity to accommodate multiple users;
 - d. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - i. A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
 - ii. A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - iii. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - iv. A depiction of all existing and proposed utility runs and points of contact.
 - v. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.

Prior to Operation

61. The applicant shall request a final Planning Department inspection immediately after the wireless communications facility has been installed and prior to the commencement of services and final electrical inspection by the City of Malibu Environmental Sustainability Department.
62. Within thirty (30) calendar days following the installation of any wireless facilities, the applicant shall provide to the Planning Department with a field report prepared by a qualified engineer verifying that the unit has been inspected, tested, and is operating in compliance with FCC standards. Specifically, the on-site post-installation radiofrequency (RF) emissions testing must demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety guidelines for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit. Such report and documentation shall include the make and model (or other identifying information) of the unit tested, the date and time of the inspection, a certification that the unit is properly installed and working within applicable FCC limits, and a specific notation of the distance from the transmitter at which the emissions are equal to or less than the uncontrolled/general population limit.
63. The operation of the approved facility shall commence no later than one (1) month after the City completes its post-installation inspection of the facility, any issues with the facility are resolved, and the City receives the RF testing report required in the condition of approval above, or the wireless ROW permit will expire without further action by the City. If the carrier needs more than one month to fix any required changes, there should be notice given to the City by the applicant before the end of said month and staff will decide if the time requested by the carrier to fix the issue is valid.

64. The applicant and/or wireless carrier must pay all outstanding fees due to the City of Malibu for review of the application. Fee amount must be based on the effective fee schedule at the time of payment.

Fixed Conditions

65. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 16th day of August 2021.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL – Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-63 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of August 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHLEEN STECKO, Recording Secretary

NOTES & TITLE REPORT EXCEPTIONS

EXCEPTIONS & EXCLUSIONS PER TICOR TITLE ORDER NO. 00661713--993--IET--CAB
DATED AS OF JANUARY 10, 2020 AT 7:30 AM.

- 1

1. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS.
(AFFECTS PARCEL -- BLANKET IN NATURE -- NOT PLOTTED)
- 2

2. THE PRIVILEGE AND RIGHT TO MAINTAIN BRIDGES, CULVERTS, DRAINAGE STRUCTURES, EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS OF THE STATE HIGHWAY; WHEN REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF SAID HIGHWAY, AS GRANTED AND PROVIDED FOR IN THE DEED FROM T. R. CADWALADER, AS TRUSTEE, ET AL., TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228, PAGE 342 OF OFFICIAL RECORDS.
(AFFECTS PARCEL ALONG PACIFIC COAST HIGHWAY)
- 3

3. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: ASSOCIATED TELEPHONE COMPANY, LTD.
PURPOSE: TELEPHONE LINES
RECORDING DATE: MARCH 12, 1940
RECORDING NO: BOOK 17146, PAGE 339 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT
(INSUFFICIENT DATA TO LOCATE -- UNKNOWN AFFECT)
- 4

4. AN EASEMENT AFFECTING A PORTION OF SAID LAND, FOR ROAD PURPOSES AND THOSE OTHER PURPOSES, ALL AS PROVIDED FOR IN A DECLARATION OF EASEMENTS EXECUTED BY MARBLEHEAD LAND COMPANY, RECORDED DECEMBER 11, 1945 IN BOOK 22185, PAGE 400 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND AS SHOWN UPON A LICENSED SURVEYOR'S MAP FILED IN BOOK 56, PAGES 29 THROUGH 32 INCLUSIVE OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AS RESERVED BY MARBLEHEAD LAND COMPANY, RECORDED APRIL 16, 1946 IN BOOK 23076, PAGE 149 OF OFFICIAL RECORDS, AND AS GRANTED TO THE COUNTY OF LOS ANGELES BY DEED RECORDED JANUARY 17, 1947 IN BOOK 24169, PAGE 65 OF OFFICIAL RECORDS.
(AFFECTS PARCEL -- BLANKET IN NATURE -- NOT PLOTTED)
- 5

5. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT:
RESERVED BY: MARBLEHEAD LAND COMPANY
PURPOSE: POLE LINES, POWER LINES, CABLES, CONDUITS, SEWERS, AND PIPES
RECORDING DATE: APRIL 16, 1946
RECORDING NO: 1550, IN BOOK 23042, PAGE 227 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT
(AFFECTS PARCEL -- PLOTTED)
- 6

6. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: ASSOCIATED TELEPHONE COMPANY, LTD.
PURPOSE: PUBLIC UTILITIES
RECORDING DATE: MAY 31, 1951
RECORDING NO: 2335, IN BOOK 36422, PAGE 295 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT
(AFFECTS PARCEL -- PLOTTED)
- 7

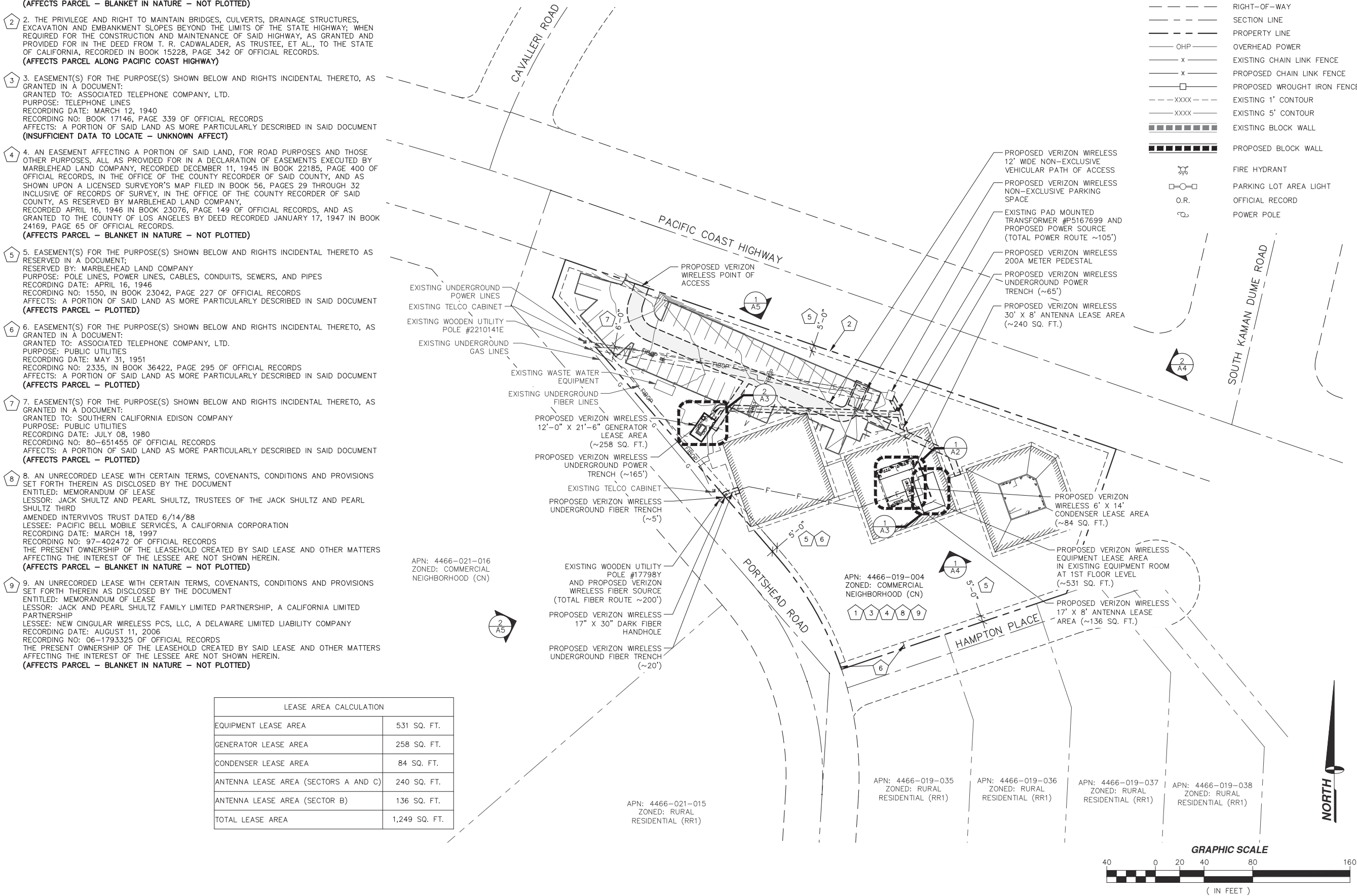
7. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: PUBLIC UTILITIES
RECORDING DATE: JULY 08, 1980
RECORDING NO: 80--651455 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT
(AFFECTS PARCEL -- PLOTTED)
- 8

8. AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT
ENTITLED: MEMORANDUM OF LEASE
LESSOR: JACK SHULTZ AND PEARL SHULTZ, TRUSTEES OF THE JACK SHULTZ AND PEARL SHULTZ THIRD AMENDED INTERVIVOS TRUST DATED 6/14/88
LESSEE: PACIFIC BELL MOBILE SERVICES, A CALIFORNIA CORPORATION
RECORDING DATE: MARCH 18, 1997
RECORDING NO: 97--402472 OF OFFICIAL RECORDS
THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.
(AFFECTS PARCEL -- BLANKET IN NATURE -- NOT PLOTTED)
- 9

9. AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT
ENTITLED: MEMORANDUM OF LEASE
LESSOR: JACK AND PEARL SHULTZ FAMILY LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP
LESSEE: NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
RECORDING DATE: AUGUST 11, 2006
RECORDING NO: 06--1793325 OF OFFICIAL RECORDS
THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.
(AFFECTS PARCEL -- BLANKET IN NATURE -- NOT PLOTTED)

LEASE AREA CALCULATION	
EQUIPMENT LEASE AREA	531 SQ. FT.
GENERATOR LEASE AREA	258 SQ. FT.
CONDENSER LEASE AREA	84 SQ. FT.
ANTENNA LEASE AREA (SECTORS A AND C)	240 SQ. FT.
ANTENNA LEASE AREA (SECTOR B)	136 SQ. FT.
TOTAL LEASE AREA	1,249 SQ. FT.

SITE PLAN



ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	05/06/20	90% ZONING	R.G.
1	06/05/20	100% ZONING	R.G.
2	07/15/20	PLANNING REVISION	R.G.
3	07/29/20	PLANNING REVISION	R.G.
4	08/05/20	CLIENT REVISION	R.G.
5	12/09/20	CLIENT REVISION	R.G.



SPECTRUM SERVICES, INC.
4405 E. AIRPORT DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91761
PHONE: (909) 456-8401
FAX: (909) 456-8408

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED.

verizon
15505 SAND CANYON AVENUE, D1
IRVINE, CALIFORNIA 92618

ZUMA BEACH 2

28990 1/2 PACIFIC COAST
HIGHWAY
MALIBU, CALIFORNIA 90265

SHEET TITLE:

SITE PLAN

A1

REVISION:

5

11" X 17" SCALE 1" = 80'	24" X 36" SCALE 1" = 40'
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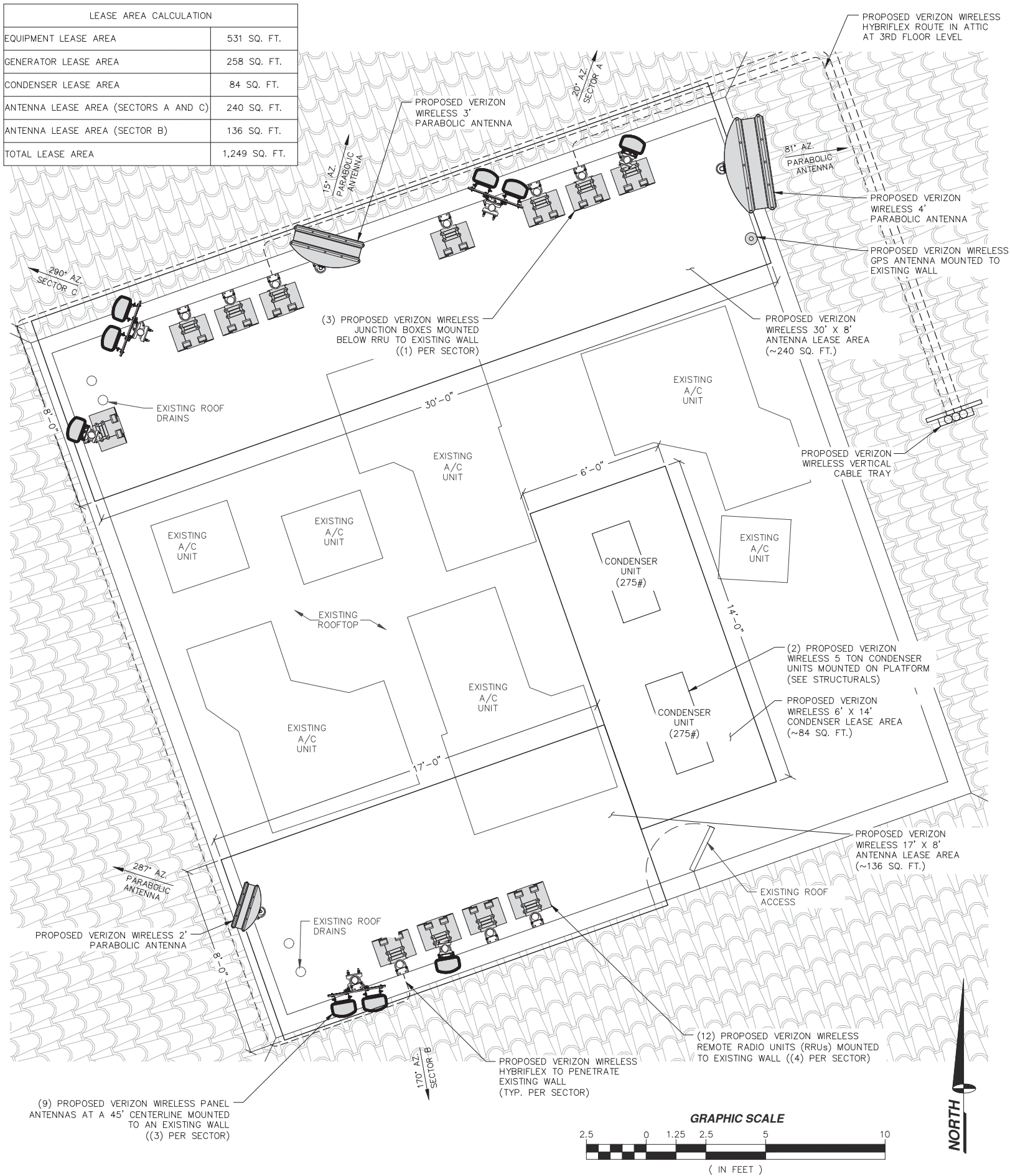
1

NOTE:
ALL PROPOSED PARABOLIC
ANTENNA AZIMUTHS ARE SUBJECT
TO CHANGE

ANTENNA SECTOR	AZIMUTH	# OF ANTENNAS	# OF RRUS	CENTERLINE	CABLE LENGTH	CABLE TYPE	COLOR CODE	HYBRID JUMPER	JUMPER	COMMENTS
SECTOR A	20°	3	4	45'	85'	(3) 1.7" HYBRIFLEX	.	5'	15'	..
SECTOR B	170°	3	4		150'		.	5'	15'	..
SECTOR C	290°	3	4		90'		.	5'	15'	..
PARABOLIC ANTENNA	15°	1	.		.	.	.	.	..
PARABOLIC ANTENNA	81°	1	.		.	.	.	.	..
PARABOLIC ANTENNA	287°	1	.		.	.	.	.	..
GPS	N/A	1	.		.	.	1/2" COAX	GRAY	.	.

NOTE: CONTRACTOR TO FIELD VERIFY CABLE LENGTHS PRIOR TO ORDERING, FABRICATION, OR INSTALLATION OF CABLES.

LEASE AREA CALCULATION	
EQUIPMENT LEASE AREA	531 SQ. FT.
GENERATOR LEASE AREA	258 SQ. FT.
CONDENSER LEASE AREA	84 SQ. FT.
ANTENNA LEASE AREA (SECTORS A AND C)	240 SQ. FT.
ANTENNA LEASE AREA (SECTOR B)	136 SQ. FT.
TOTAL LEASE AREA	1,249 SQ. FT.



ANTENNA AND CABLE SCHEDULE

SCALE:	2
NONE	

2 ANTENNA LAYOUT

11" X 17" SCALE	24" X 36" SCALE
1" = 5'	1" = 2'-6"

1

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	05/06/20	90% ZONING	R.G.
1	06/05/20	100% ZONING	R.G.
2	07/15/20	PLANNING REVISION	R.G.
3	07/29/20	PLANNING REVISION	R.G.
4	08/05/20	CLIENT REVISION	R.G.
5	12/09/20	CLIENT REVISION	R.G.



SPECTRUM SERVICES, INC.
4405 E. AIRPORT DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91761
PHONE: (909) 456-8401
FAX: (909) 456-8408

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF
DRAWINGS IS PROPRIETARY & CONFIDENTIAL
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VERIZON WIRELESS IS STRICTLY PROHIBITED.

verizon
15505 SAND CANYON AVENUE, D1
IRVINE, CALIFORNIA 92618

ZUMA BEACH 2

28990 1/2 PACIFIC COAST
HIGHWAY
MALIBU, CALIFORNIA 90265

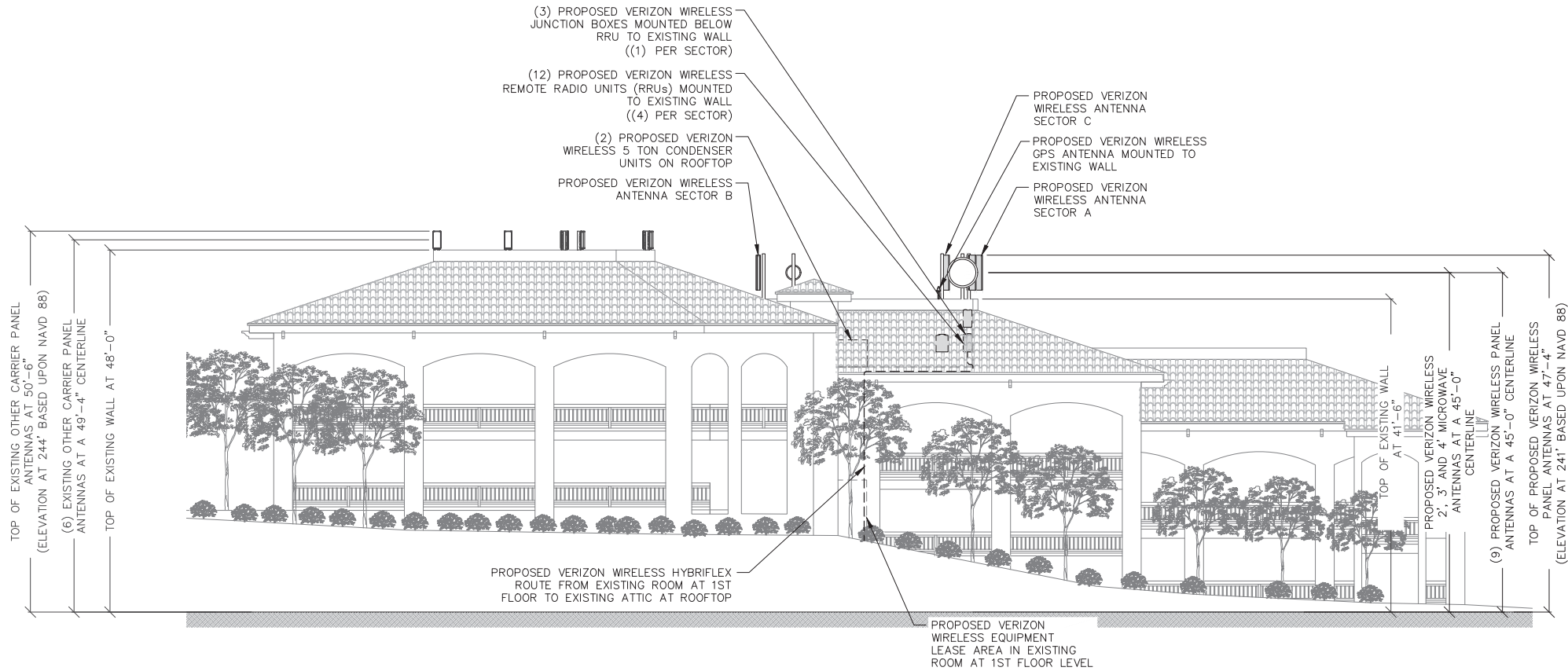
SHEET TITLE:
**ANTENNA LAYOUT AND
ANTENNA & CABLE
SCHEDULE**

A2

REVISION:

5

NOTE:
ALL PROPOSED ANTENNAS AND
MOUNTING EQUIPMENT TO BE
PAINTED OR WRAPPED TO MATCH
EXISTING BUILDING

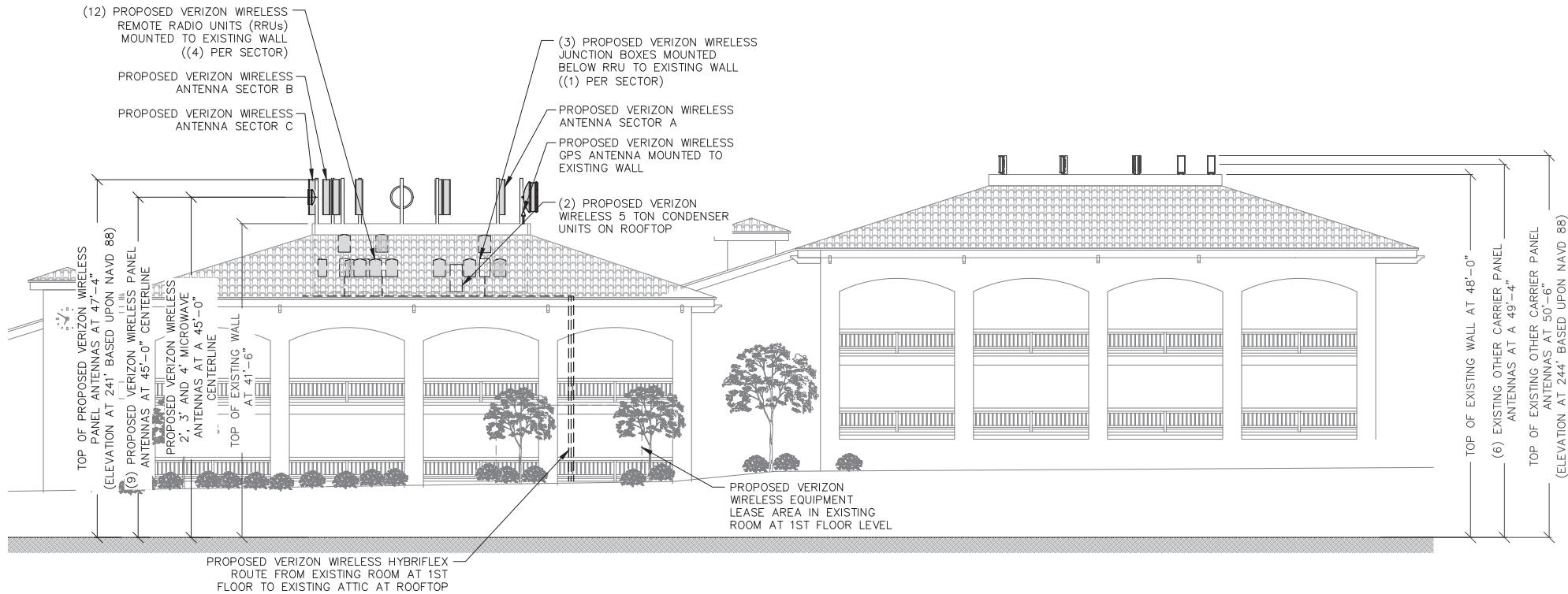


NORTHEAST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 20' 1" = 10'

2

NOTE:
ALL PROPOSED ANTENNAS AND
MOUNTING EQUIPMENT TO BE
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EXISTING BUILDING



SOUTHEAST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 20' 1" = 10'

1

ISSUE STATUS

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0	05/06/20	90% ZONING	R.G.
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ZUMA BEACH 2

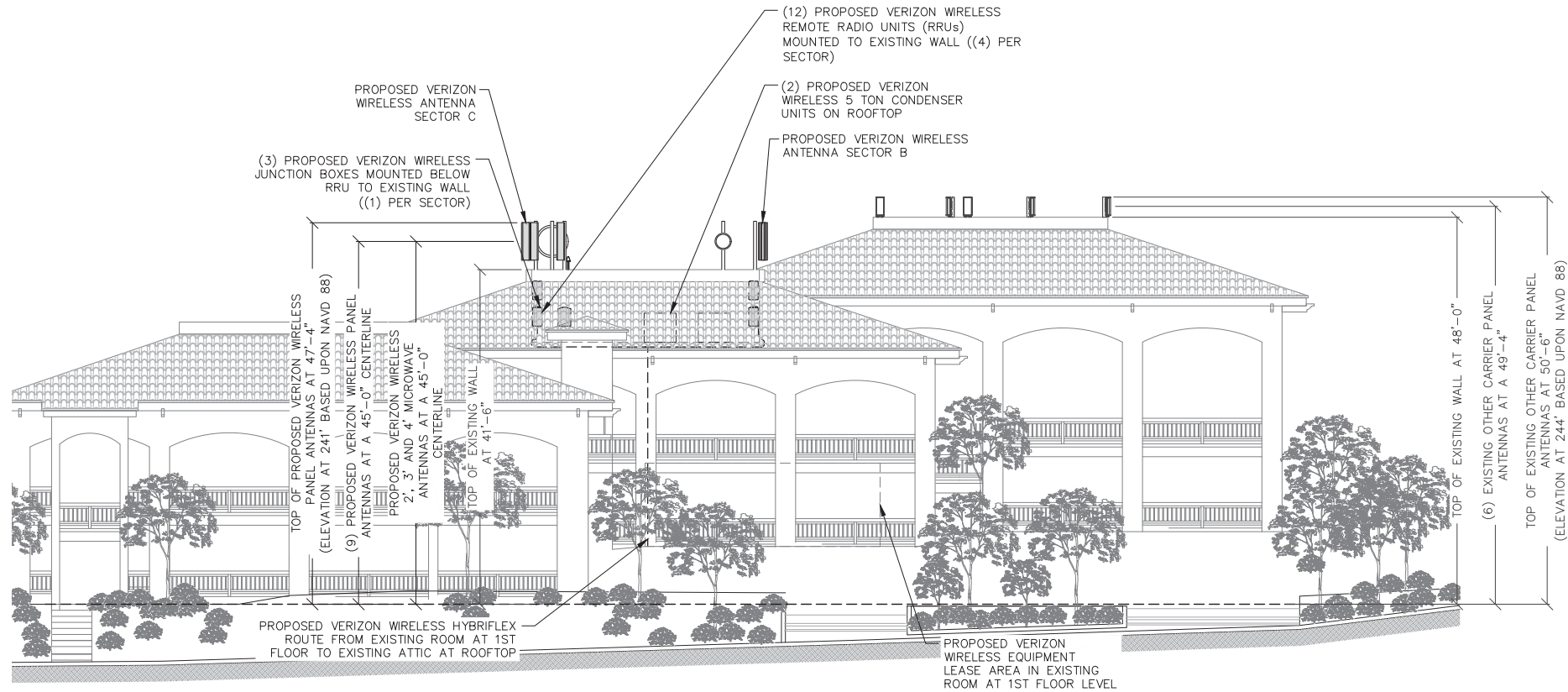
28990 1/2 PACIFIC COAST
HIGHWAY
MALIBU, CALIFORNIA 90265

SHEET TITLE:
SOUTHEAST & NORTHEAST
ELEVATIONS

A4

REVISION:
5

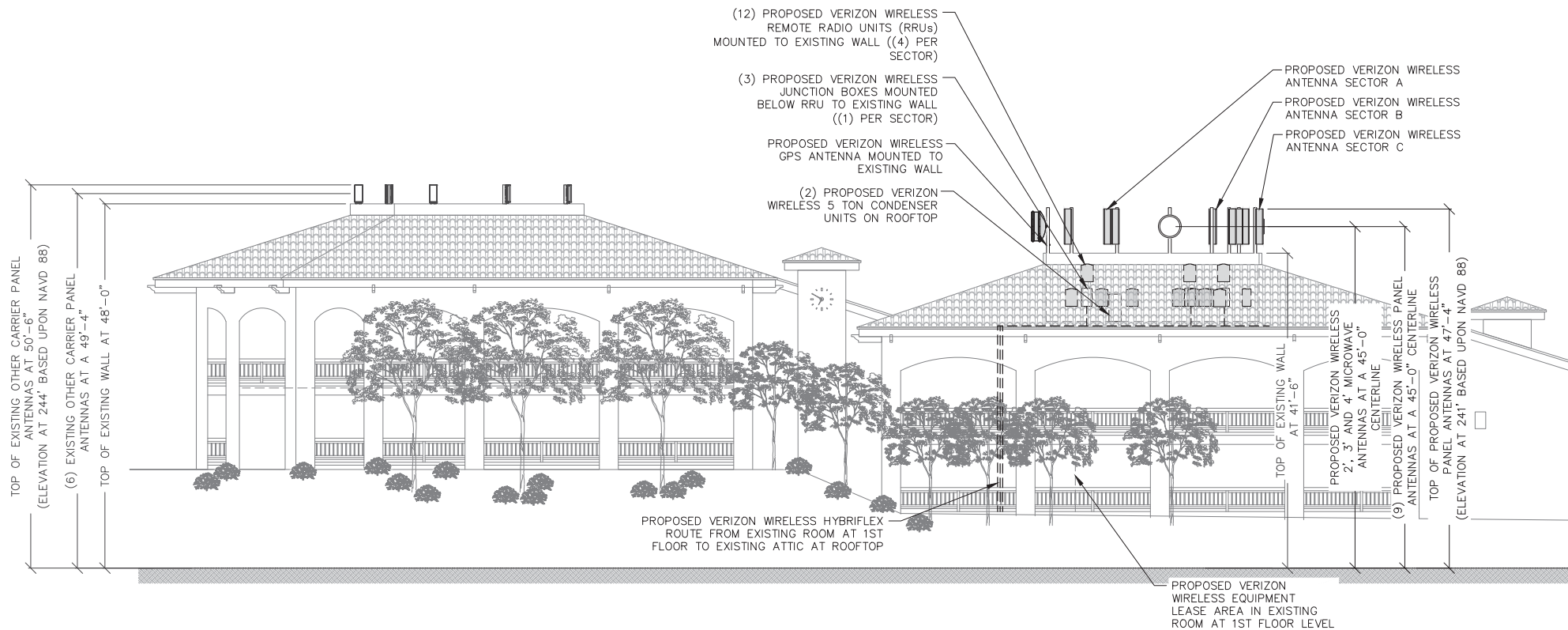
NOTE:
ALL PROPOSED ANTENNAS AND
MOUNTING EQUIPMENT TO BE
PAINTED OR WRAPPED TO MATCH
EXISTING BUILDING



SOUTHWEST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 20' 1" = 10' 2

NOTE:
ALL PROPOSED ANTENNAS AND
MOUNTING EQUIPMENT TO BE
PAINTED OR WRAPPED TO MATCH
EXISTING BUILDING



NORTHWEST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 20' 1" = 10' 1

ISSUE STATUS

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ZUMA BEACH 2

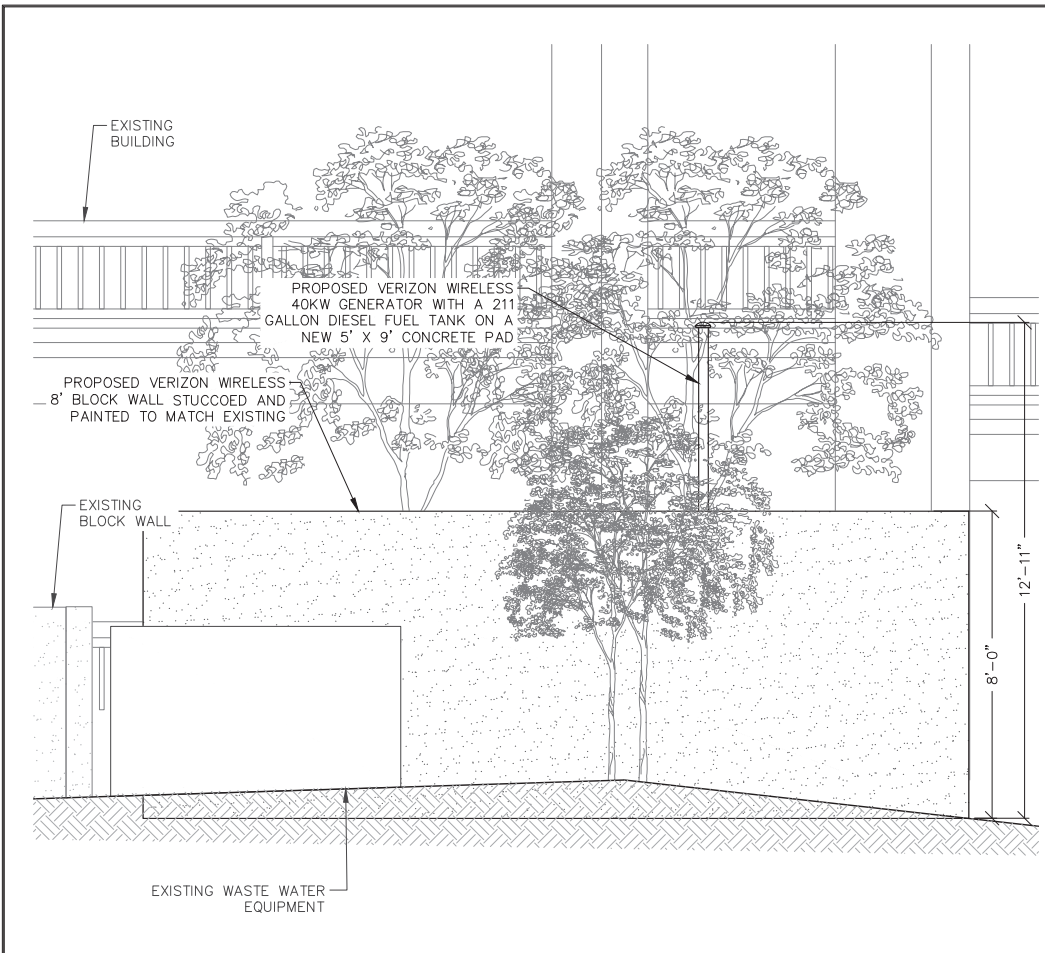
28990 1/2 PACIFIC COAST
HIGHWAY
MALIBU, CALIFORNIA 90265

SHEET TITLE:
**NORTHWEST & SOUTHWEST
ELEVATIONS**

A5

REVISION:

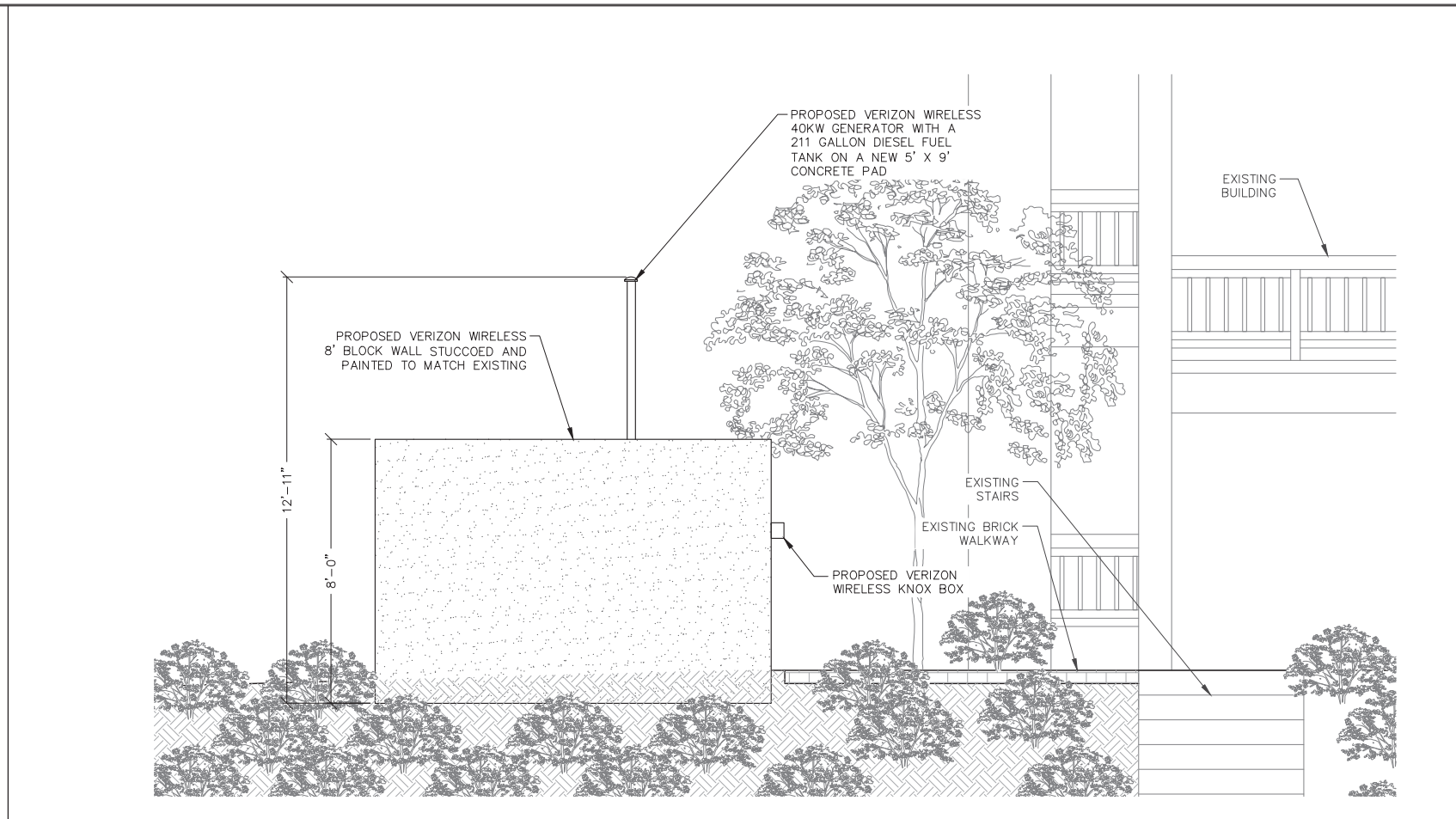
5



GENERATOR AREA NORTHWEST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 5' 1" = 2'-6"

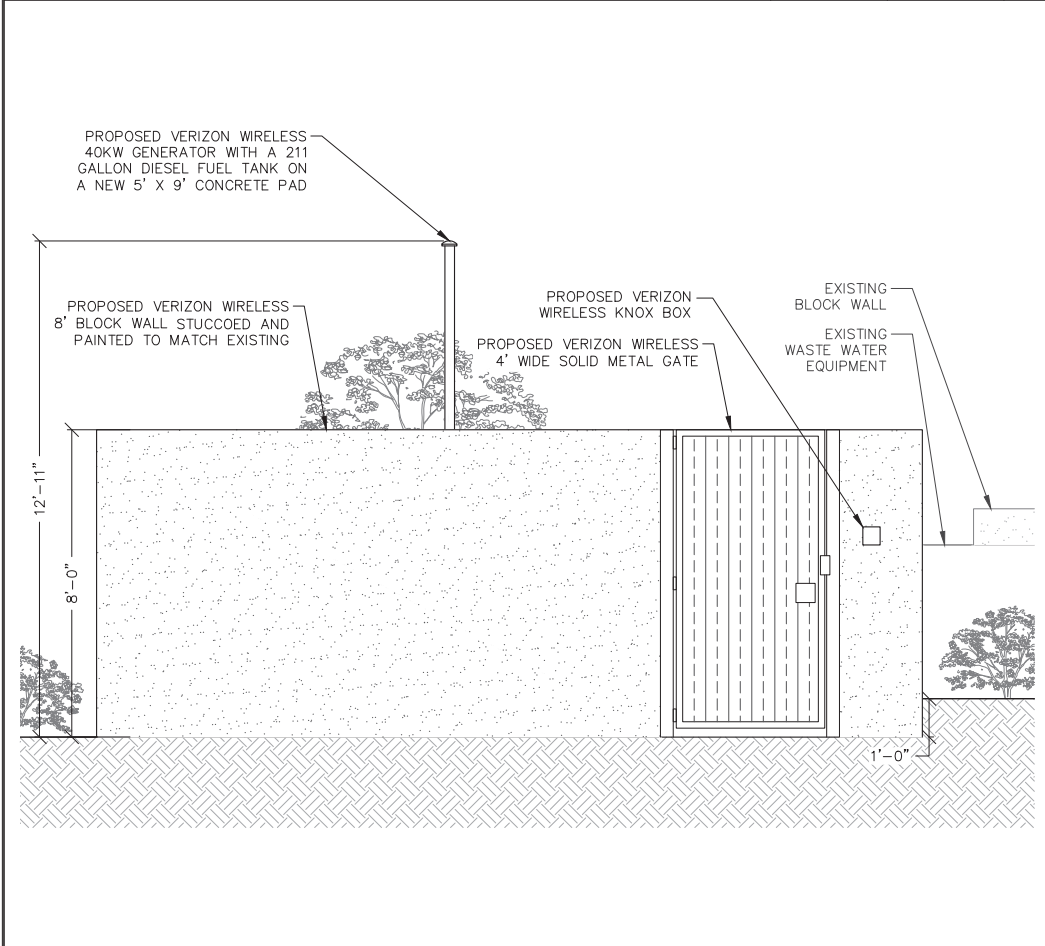
4



GENERATOR AREA SOUTHWEST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 5' 1" = 2'-6"

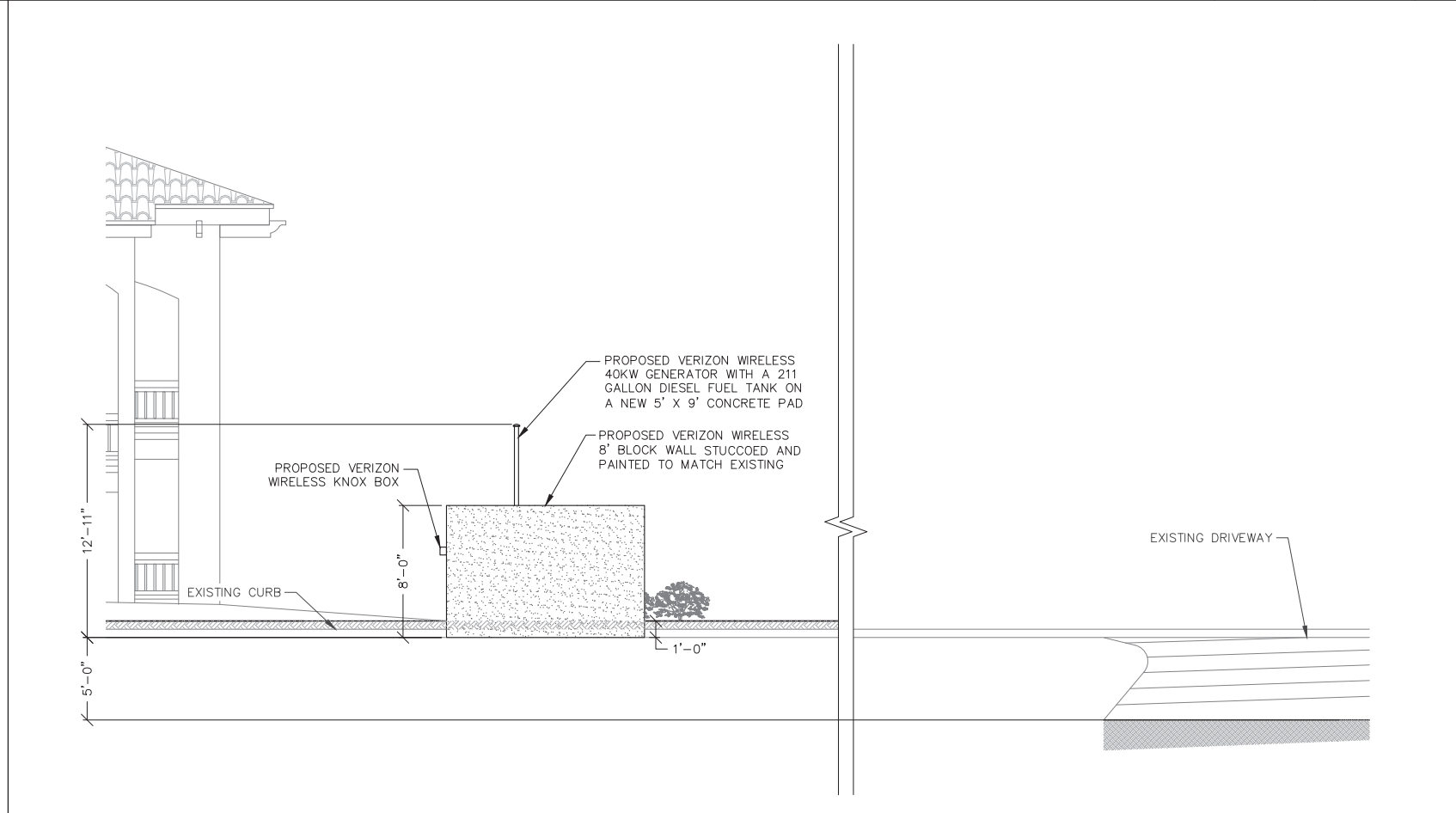
2



GENERATOR AREA SOUTHEAST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 5' 1" = 2'-6"

3



GENERATOR AREA NORTHEAST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 10' 1" = 5'

1

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	05/06/20	90% ZONING	R.G.
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verizon
15505 SAND CANYON AVENUE, D1
IRVINE, CALIFORNIA 92618

ZUMA BEACH 2

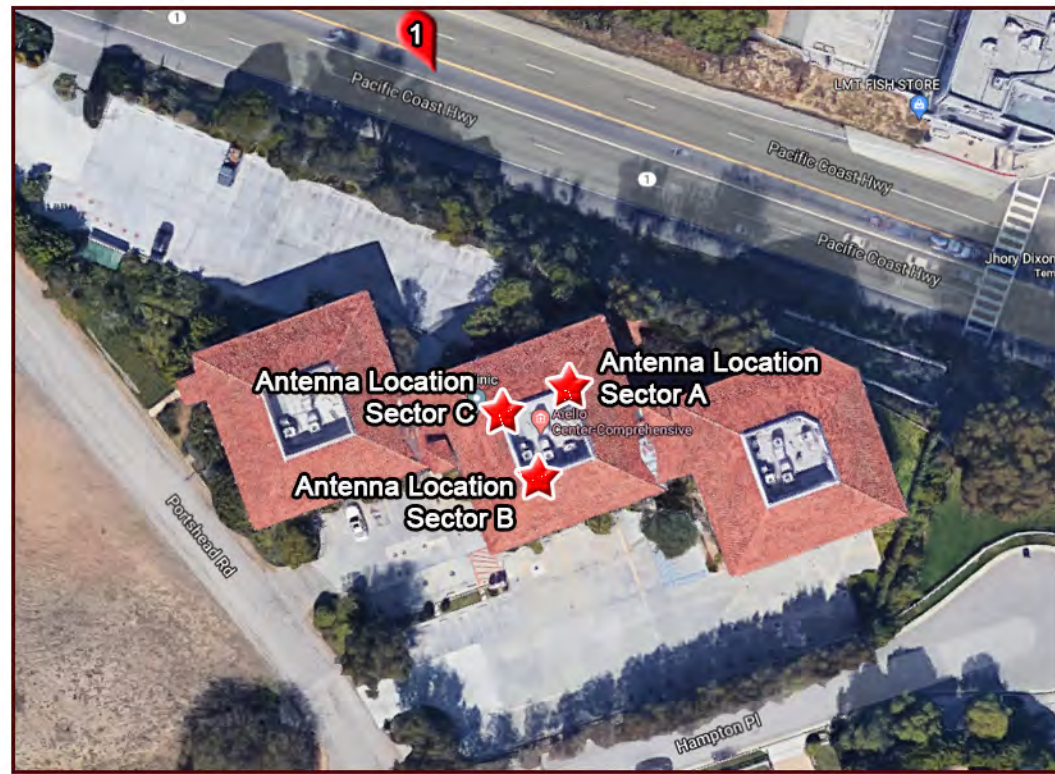
28990 1/2 PACIFIC COAST
HIGHWAY
MALIBU, CALIFORNIA 90265

SHEET TITLE:
GENERATOR AREA
ELEVATIONS

A6

REVISION:
5

ZUMA BEACH 2 28990 1/2 PACIFIC COAST HIGHWAY, MALIBU, CALIFORNIA 90265



LOCATION



EXISTING



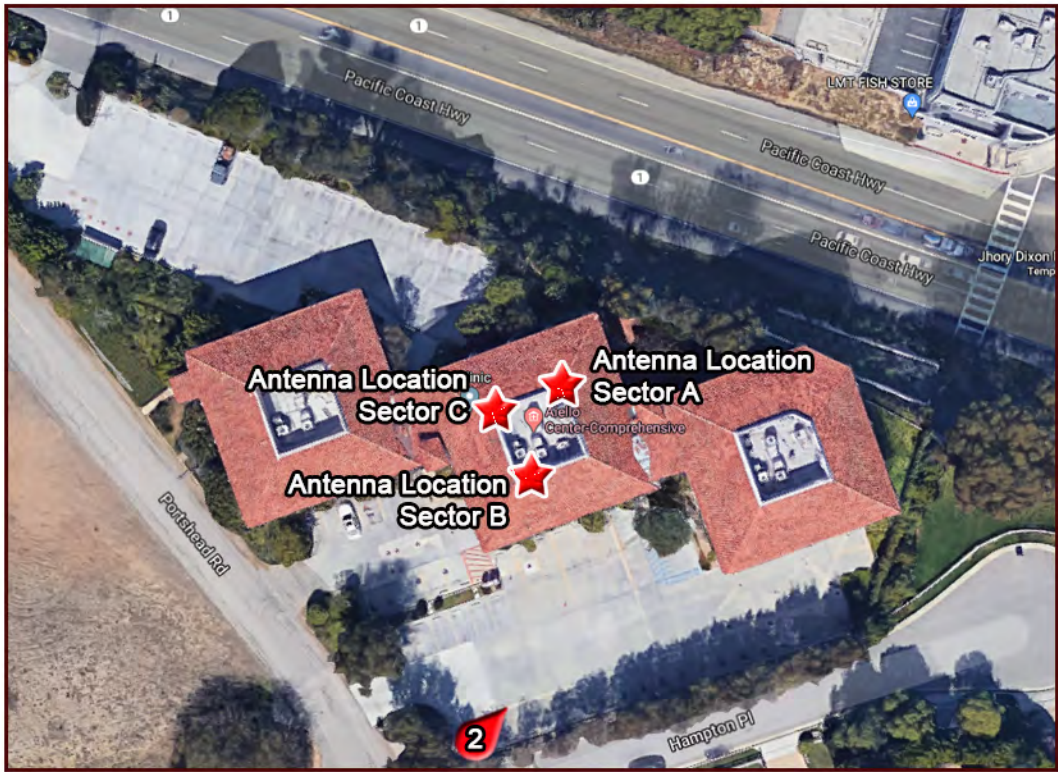
PROPOSED



4405 E. AIRPORT DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91761
OFFICE: (909) 456-8401
FAX: (909) 456-8408



15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR IRVINE,
CALIFORNIA 92618



LOCATION



EXISTING



PROPOSED



4405 E. AIRPORT DRIVE, SUITE 100
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15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR IRVINE,
CALIFORNIA 92618

Received
6/22/2020
Planning Dept.

ATTACHMENT 4

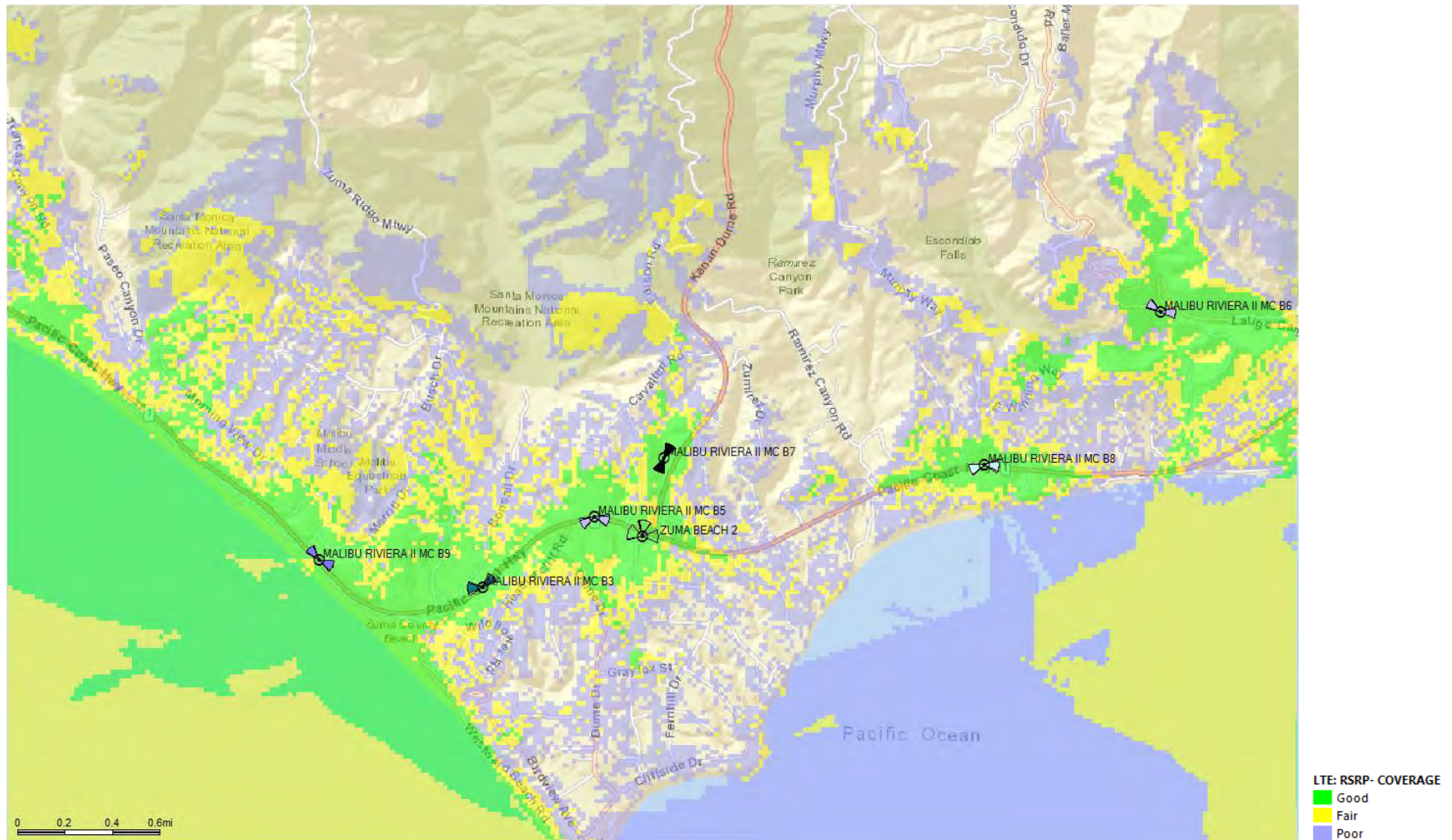
Zuma Beach 2 Propagation Maps

March 9, 2020

Zuma Beach 2 – General Map



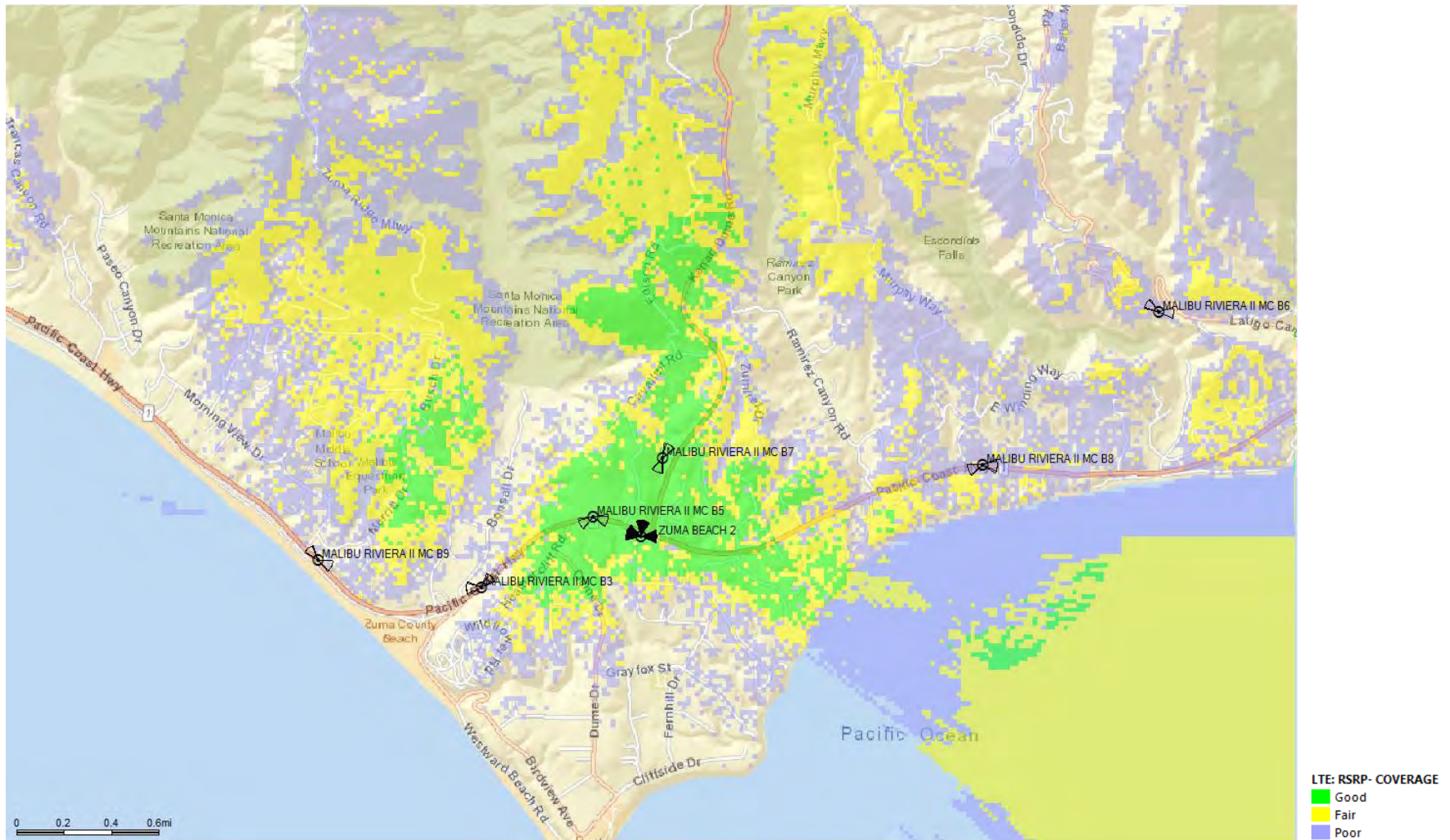
Verizon Coverage without Zuma Beach 2



Verizon Coverage with Zuma Beach 2



Verizon Coverage with Zuma Beach 2 Only



From: [J&P Ltd.](#)
To: [Chris Colten](#)
Subject: Re: Zuma Beach 2 recent plans
Date: Tuesday, December 1, 2020 12:24:35 PM

Hi Chris,

Thank you for the updated plans for our records.

We understand that you guys had a meeting with the city regarding (2) alternate design options they have requested. However we the Landlord after reviewing both of these options we understand that this would involve invasive exploration to the roof and the building structure in order to analyze wind load impact as well as structural impact. We also understand that this would require significant amount of structural work that would severely impact existing tenants in the complex.

As per the above stated reasons at this time we are denying Verizon's request to explore these alternative design options. However we look forward to proceeding with Verizon a lease based on the original design/drawings dated 11-17-2020.

Regards,
Jennifer Goldwasser

On Wednesday, November 18, 2020, 03:03:24 PM PST, Chris Colten <ccolten@spectrumse.com> wrote:

Recent plans.

Thanks,

Chris



Chris Colten
PROJECT MANAGER
4405 E. AIRPORT DRIVE, SUITE 100 | ONTARIO, CA 91761
PHONE 909.831.5990
CCOLTEN@SPECTRUMSE.COM
CONTRACTOR FOR SPECTRUM SERVICES
DRE LICENSE #01414093
www.spectrumse.com

*** Spectrum Services Notification: Email sent from an External Sender. ***

**Verizon Wireless • Proposed Base Station (Site No. 548474 “Zuma Beach 2”)
28990½ Pacific Coast Highway • Malibu, California**

Received

6/22/2020

Planning Dept.

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 548474 “Zuma Beach 2”) proposed to be located at 28990½ Pacific Coast Highway in Malibu, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

Verizon proposes to install directional panel antennas on short poles above the roof of the office building complex located at 28990 Pacific Coast Highway in Malibu. The proposed operation will, together with the existing base station at the site, comply with the FCC guidelines limiting public exposure to RF energy; certain mitigation measures are recommended to comply with FCC occupational guidelines.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive limit for exposures of unlimited duration at several wireless service bands are as follows:

Wireless Service Band	Transmit Frequency	“Uncontrolled” Public Limit	Occupational Limit (5 times Public)
Microwave (point-to-point)	1–80 GHz	1.0 mW/cm ²	5.0 mW/cm ²
Millimeter-wave	24–47	1.0	5.0
Part 15 (WiFi & other unlicensed)	2–6	1.0	5.0
CBRS (Citizens Broadband Radio)	3,550 MHz	1.0	5.0
BRS (Broadband Radio)	2,490	1.0	5.0
WCS (Wireless Communication)	2,305	1.0	5.0
AWS (Advanced Wireless)	2,110	1.0	5.0
PCS (Personal Communication)	1,930	1.0	5.0
Cellular	869	0.58	2.9
SMR (Specialized Mobile Radio)	854	0.57	2.85
700 MHz	716	0.48	2.4
600 MHz	617	0.41	2.05
[most restrictive frequency range]	30–300	0.20	1.0



**Verizon Wireless • Proposed Base Station (Site No. 548474 “Zuma Beach 2”)
28990½ Pacific Coast Highway • Malibu, California**

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,” dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). This methodology is an industry standard for evaluating RF exposure conditions and has been demonstrated through numerous field tests to be a conservative prediction of exposure levels.

Site and Facility Description

Based upon information provided by Verizon, including zoning drawings by Spectrum Services, Inc., dated May 6, 2020, it is proposed to install nine CommScope Model NHH-65A-R2B directional panel antennas on short poles above the roof of the center Building B at the two-story professional office center located at 28990 Pacific Coast Highway in Malibu. The antennas would employ 2° downtilt, would be mounted at an effective height of about 45 feet above ground, 13 feet above the roof well, and would be oriented in groups of three toward 20°T, 170°T, and 290°T. The maximum effective radiated power in any direction would be 12,150 watts, representing simultaneous operation at 4,390 watts for AWS, 3,840 watts for PCS, 1,980 watts for cellular, and 1,940 watts for 700 MHz service. Also proposed to be located above the roof of the building are three microwave “dish” antennas, for interconnection of this site with others in the Verizon network.



**Verizon Wireless • Proposed Base Station (Site No. 548474 “Zuma Beach 2”)
28990½ Pacific Coast Highway • Malibu, California**

Located above the roof of the companion Building C to the east are similar antennas for use by T-Mobile. For the limited purpose of this study, it is assumed that T-Mobile has installed JMA Wireless Model X7CQAP-FRO-260 antennas at an effective height of about 50 feet above ground, employing 2° downtilt, and that the maximum effective radiated power in any direction is 3,140 watts, representing simultaneous operation at 1,350 watts for AWS, 1,240 watts for PCS, 550 watts for 700 MHz service.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation by itself, including the contribution of the microwave antennas, is calculated to be 0.038 mW/cm², which is 5.8% of the applicable public exposure limit. The maximum calculated cumulative level at ground, for the simultaneous operation of both carriers, is 7.1% of the public exposure limit. The maximum calculated cumulative level at the top-floor elevation of any nearby building* is 9.7% of the public limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels.

Recommended Compliance Measures

It is recommended that the roof access door be kept locked, so that the Verizon antennas are not accessible to unauthorized persons. To prevent occupational exposures in excess of the FCC guidelines, it is recommended that appropriate RF safety training, to include review of personal monitor use and lockout/tagout procedures, be provided to all authorized personnel who have access to the roof, including employees and contractors of Verizon and of the property owner. No access within 30 feet directly in front of the antennas themselves, such as might occur during certain maintenance activities above the roof, should be allowed while the pertinent antennas are in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. As shown in Figure 3, it is recommended that boundary lines be marked on the roof with blue paint, to identify areas within which exposure levels are calculated to exceed the FCC public limits, and that yellow lines be painted at the top of the roof parapet, to indicate that exposure levels are calculated to exceed the FCC occupational guidelines on the sloped roof beyond the lines. It is recommended that explanatory signs† be posted at the roof access door, at the boundary lines, and on the face of the antennas, readily visible from any angle of approach to persons who might need to work within that

* Including the three-story commercial building to the northeast and two-story residential buildings to the north and south, based on photographs from Google Maps.

† Signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.

**Verizon Wireless • Proposed Base Station (Site No. 548474 “Zuma Beach 2”)
28990½ Pacific Coast Highway • Malibu, California**

distance. Similar measures should already be in place for T-Mobile; applicable mitigations for that carrier have not been determined as part of this study.

Conclusion

Based on the information and analysis above, it is the undersigned’s professional opinion that operation of the base station proposed by Verizon Wireless at 28990½ Pacific Coast Highway in Malibu, California, can comply with the prevailing standards for limiting human exposure to radio frequency energy and, therefore, need not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Locking the roof access door is recommended to establish compliance with public exposure limits; training authorized personnel, marking roof areas, and posting explanatory signs are recommended to establish compliance with occupational exposure limits.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2021. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



William F. Hammett
William F. Hammett, P.E.
707/996-5200

June 11, 2020

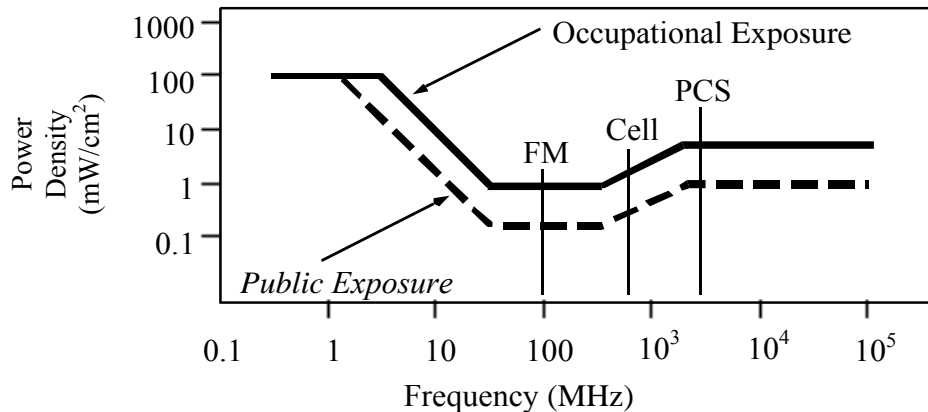


FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	$3.54\sqrt{f}$	<i>$1.59\sqrt{f}$</i>	$\sqrt{f}/106$	<i>$\sqrt{f}/238$</i>	$f/300$	<i>$f/1500$</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has incorporated those formulas in a computer program capable of calculating, at thousands of locations on an arbitrary grid, the total expected power density from any number of individual radio frequency sources. The program allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings of varying heights, to obtain more accurate projections.

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

where θ_{BW} = half-power beamwidth of antenna, in degrees,

P_{net} = net power input to antenna, in watts,

D = distance from antenna, in meters,

h = aperture height of antenna, in meters, and

η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

where ERP = total ERP (all polarizations), in kilowatts,

RFF = three-dimensional relative field factor toward point of calculation, and

D = distance from antenna effective height to point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula is used in a computer program capable of calculating, at thousands of locations on an arbitrary grid, the total expected power density from any number of individual radio frequency sources. The program also allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings of varying heights, to obtain more accurate projections.

**Verizon Wireless • Base Station (Site No. 548474 "Zuma Beach 2")
28990½ Pacific Coast Highway • Malibu, California**

Calculated Cumulative RF Exposure Levels on Roofs

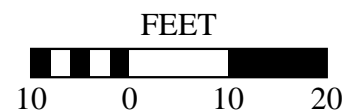
Recommended Compliance Measures

- Mark blue boundaries as shown (roof access locked)
- Post explanatory signs
- Provide training



Notes: See text.
Aerial photograph from Google Maps.
Calculations performed according to OET Bulletin 65, August 1997.

Legend:	Less Than Public	Exceeds Public	Exceeds Occupational	Exceeds 10x Occupational
Shaded color	blank			
Boundary marking	N/A			
Sign type	- Green INFORMATION	- Blue NOTICE	- Yellow CAUTION	- Orange WARNING





HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
BROADCAST & WIRELESS

Received
6/22/2020
Planning Dept.

WILLIAM F. HAMMETT, P.E.
RAJAT MATHUR, P.E.
ROBERT P. SMITH, JR.
ANDREA L. BRIGHT, P.E.
NEIL J. OLIJ, P.E.
MANAS REDDY, P.E.
BRIAN F. PALMER
M. DANIEL RO

BY E-MAIL CCOLTEN@SPECTRUMSE.COM

June 1, 2020

Mr. Chris Colten
Spectrum Services, Inc.
4850 West Oquendo Road
Las Vegas, NV 89118

ROBERT L. HAMMETT, P.E.
1920-2002
EDWARD EDISON, P.E.
1920-2009
DANE E. ERICKSEN, P.E.
CONSULTANT

Re: Verizon Wireless Proposed Base Station No. 548474 "Zuma Beach 2"

Dear Chris:

As you requested, this letter serves to certify that Verizon Wireless is duly licensed to operate the above base station, to be located at 28990½ Pacific Coast Highway in Malibu, California. The table below lists the wireless services that Verizon proposes to provide from this facility, as well as the associated licenses it possesses that permit it to do so within Los Angeles County.

Service Band	Licensed Callsign	Channel Block	Frequency Range		License Expiration
			Receive	Transmit	
AWS	WQSH611	A	1710-1720 MHz	2110-2120 MHz	29-Nov-2021
	WQGB222	B	1720-1730	2120-2130	29-Nov-2021
	WQTX808	C	1730-1735	2130-2135	29-Nov-2021
	WQVP229	J	1770-1780	2170-2180	8-Apr-2027
PCS	WPWH653	E	1885-1890	1965-1970	28-Apr-2027
	KNLF889	F	1890-1895	1970-1975	28-Apr-2027
Cellular	KNKA209	B	835-845	880-890	1-Oct-2024
			846.5-849	891.5-894	
700 MHz	WQJQ694	Upper Band C	746-757	776-787	13-Jun-2029

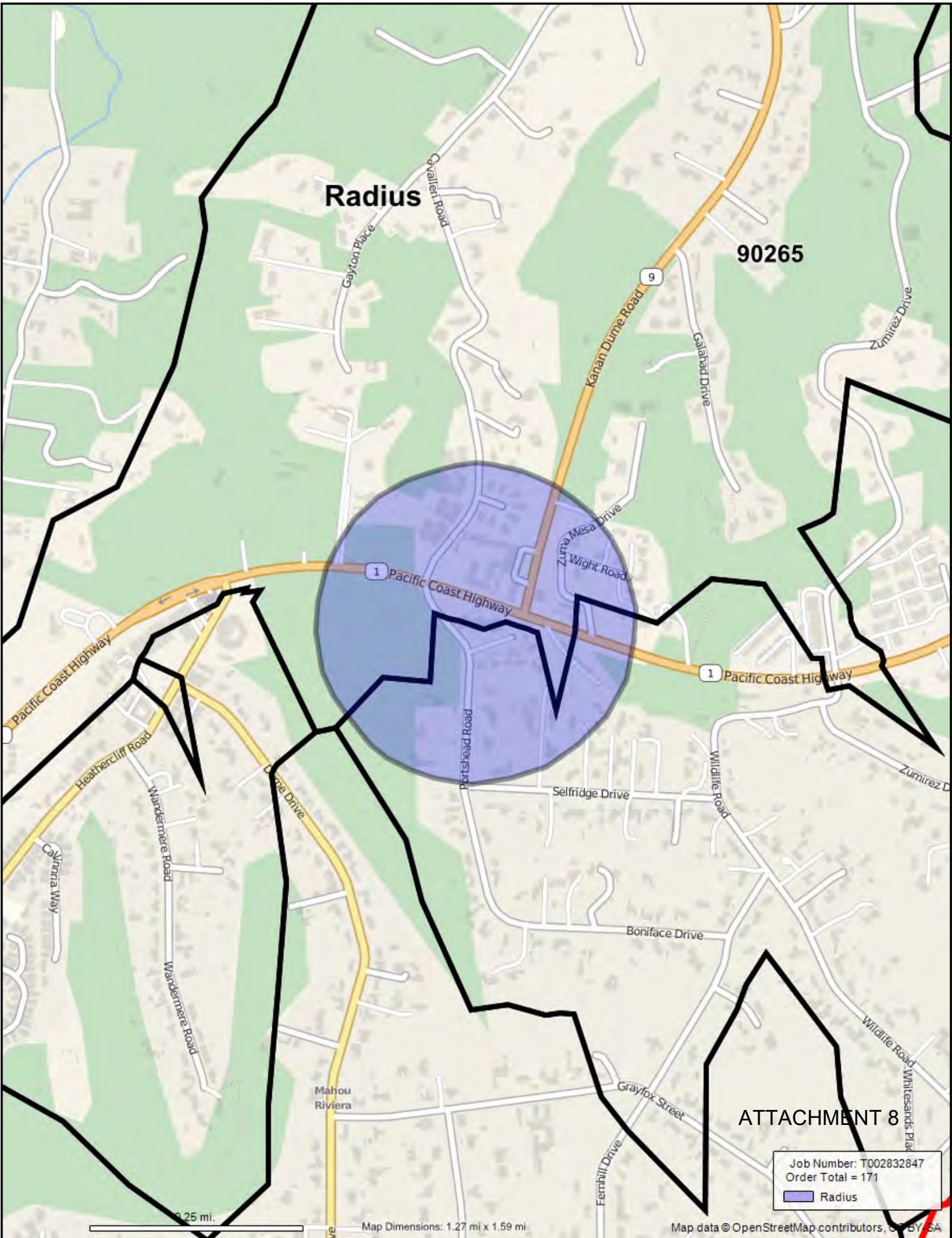
We note that in addition to those listed in the table above, Verizon has obtained licenses for millimeter-wave frequencies in the 28 GHz band, though no operation in the 28 GHz band is currently proposed from this specific site.

Should further questions arise on this matter, please do not hesitate to pass them along.

Sincerely yours,


Neil Olij, P.E.
lw

cc: Mr. Ryan Grobmeier – BY EMAIL RGROBMEIER@SPECTRUMSE.COM



Radius

90265

ATTACHMENT 8

Job Number: T002832847
Order Total = 171
Radius

0.25 mi.

Map Dimensions: 1.27 mi x 1.59 mi

Map data © OpenStreetMap contributors, CC-BY-SA



City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489 ext. 273
www.malibucity.org

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING
WIRELESS PERMIT APPLICATION



NOTICE OF PUBLIC HEARING
WIRELESS PERMIT APPLICATION

You have received this notice because you are within 1,000-feet of a wireless permit application pending a Planning Commission public hearing on **MONDAY AUGUST 16, 2021, at 6:30 p.m.** which will be held via teleconference only in order to reduce the risk of spreading COVID-19 pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order. Before the Planning Commission issues a decision on the application, the City of Malibu is providing an opportunity for members of the public to provide comments on the application. Interested parties are invited to submit written comments, concerns, or questions at any time prior to the beginning of the public hearing.

WIRELESS PERMIT NO. 21-002, WAIVER NO. 21-001, COASTAL DEVELOPMENT PERMIT NO. 20-035, VARIANCE NO. 20-023, AND SITE PLAN REVIEW NO. 20-045 - An application for a Type 2 Wireless Permit, filed on June 22, 2020, for the installation of a new wireless communications facility on the rooftop of Building B and a ground mounted backup battery unit, including a waiver and a variance of the wireless design standards to allow the antennas to be taller than three feet above the top of the roof parapet and a site plan review to place a wireless communications facility on a commercial property. All required building permits from the City Building Safety Division.

Nearest Location / Nearest APN: **28990.5 Pacific Coast Highway, Building B / 4466-019-004**
Nearest Zoning: Commercial Neighborhood (CN)
Property Owner: 28990 W. Pacific Coast Highway, LLC
Appealable to: City Council
Environmental Review: Categorical Exemption CEQA Guidelines Sections 15303(e) and 15301(e)

CONTACTS:

City Case Planner: Tyler Eaton, Assistant Planner, teaton@malibucity.org (310) 456-2489, ext. 273
Applicant: Chris Colten, Spectrum Services, on behalf of Verizon Wireless
ccolten@spectrumse.com
(909) 831-5990

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: <http://www.malibucity.org/agendacenter>. You will have an opportunity to testify at the public hearing. If the City's action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit www.malibucity.org/virtualmeeting.

REQUEST TO VIEW RECORDS: To review materials, please contact the Case Planner as indicated above.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms, or in person, or by calling (310) 456-2489, extension 245.

RICHARD MOLLICA, Planning Director

Date: August 5, 2021