



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: September 15, 2011

SUBJECT: Planning and Zoning Permit No. 11-530-02 (Special Use Permit-Wireless)
Located at 4684 Saviers Road (Eagles Lodge).

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 11-530-02 for a special use permit, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A request to construct a 53-foot high eucalyptus monopole with 12 wireless telecommunications antennas, equipment cabinets within a walled enclosure area, and five 24-inch box eucalyptus trees for screening. Staff’s recommendation for the height of the pole is not to exceed 43’9”, in accordance with City Code sections 16-271 and 16-497. The project site is located at 4684 Saviers Road (Eagles Lodge). Filed by designated agent Ryan Young, Delta Groups Engineering Inc., on behalf of Verizon Wireless, 2362 McGaw Avenue, Irvine CA 92614.

- 3) **Existing & Surrounding Land Uses:** The Fraternal Order of Eagles Lodge No. 232 (“Eagles Lodge”) owns the subject property. A 6,200-sq.ft. building was developed adjacent to the street with a parking lot on the south and east sides. Located within the parking lot are a 1,392-sq.ft. patio cover, barbeque area, and a 430-sq.ft. out-building behind the patio cover.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2PD	RH	Eagles Lodge
North	R-3-PD & C-2-PD	RH	Auto repair business & Apartments
South	C-2-PD & R-1	RH & RL	Equipment rental business & Pleasant Valley Estates neighborhood
East	R-3-PD	RH	Apartments
West	R-1	RL	Saviers Road & Pleasant Valley Village neighborhood

4) Background Information: In 1983, a Planned Development request (PD 406) was submitted for a 3,844 square-foot accessory building and an enclosed patio in the rear parking lot, but was withdrawn on November 29, 1983 due to insufficient on-site parking. A Minor Modification (PZ No. 01-600-81) was approved on January 8, 2002, for the patio cover in the parking lot. In 2005, two applications were submitted for wireless special use permits (PZ Nos. 05-530-02 and 05-530-08) for monopole and lightpole designs, and were later withdrawn.

5) Environmental Determination: In accordance with the California Environmental Quality Act (CEQA) Guidelines §15303, projects involving the new construction of small structures may be found to be exempt from the requirements of CEQA. The project involves a telecommunications monopole and equipment cabinets within an enclosed lease area. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (Attachment C).

6) Analysis:

a) General Discussion: The applicant is requesting an overall pole height of 53 feet, with antenna mounted at 47 feet, to be designed as a eucalyptus tree. Each wireless flat panel antenna is approximately 4 feet high and 1 foot wide, arranged in sets of four antennas per array (three arrays for total of 12 panel antennas). Related equipment and cabinets will be placed adjacent to the base of the pole. Also included is one 4-foot diameter round microwave antenna to be mounted at approximately 40 feet above ground level.

The proposed eucalyptus pole is subject to a special use permit per §16-488(D). City Code §16-488(D) states that a special use permit may be issued for a wireless facility that does not comply with all of the applicable standards of the zone, but that can be conditioned to eliminate potential impacts or reduce potential impacts to an acceptable level. Staff is recommending conditions of approval (see Attachment D) to reduce potential aesthetic and screening impacts to an acceptable level.

b) General Plan Consistency: The subject property is designated Residential High (RH), which applies to developed areas where high-density apartments were permitted. The City of Oxnard's 2020 General Plan designates Saviers Road as a Primary Arterial. Objective 5 in the Community Design Element (*2020 General Plan*, page XII-6) states, "Achieve quality architectural and landscape architectural design that recognizes its surrounding natural environment."

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial (C-2-PD) zone district. In accordance with the City Code, the proposed monopole may be permitted with an approved special use permit. Applicable development standards of the C-2-PD zone have been compared with the proposed project, as follows:

Standard	Requirement	Proposed	Condition of Approval
Max. building height §16-137	2 stories or 35 feet. With a 25% Planned Development modification; up to 43 feet, 9 inches.	53 feet*	No
Front yard setback §16-139	10 feet from property line; 30 feet from designated thoroughfares (per General Plan).	215 feet	Yes
Side yard setback §16-140	5 feet minimum. 0 feet when abuts a C-2 zoned lot.	57 feet	Yes
Rear yard setback §16-141	15 feet if more than 16 feet in height.	60 feet	Yes

* Condition of approval requires reduction of height to no more than 43'9".

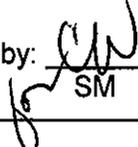
Additional height may be granted for a building or structure pursuant to City Code §16-497 and §16-271(B), which states that the commission may modify numerical standards, such as setbacks, height, and separation distances, by no more than 25% (up to 43'9" in this case). The monopole eucalyptus is proposed at 53 feet maximum, or a 52% increase to the maximum allowable height of 35 feet in the C-2-PD zone. City Code §16-532 authorizes the Commission to impose conditions on a SUP involving the establishment, operation or maintenance of the requested use, including landscaping and height limitations to protect the character and integrity of abutting parcels or the general welfare. Staff advised the applicant that the project was subject to the 25% modification per §16-497 and §16-271(B), and the applicant then requested that staff recommend approval on the condition that the height not exceed 43'9". However, the applicant still intends to request 53 feet maximum height due to Verizon's technology and coverage objectives (see Attachment E). Therefore, staff recommends approval subject to satisfying the findings of fact, and with a condition that the pole height not exceed 43'9".

The general requirement for locating wireless facilities is to site the antennas and equipment to minimize their impact. Whenever possible, ground-mounted non-stealth facilities shall be located next to existing trees, light poles or utility poles of comparable height. The order of preference listed in §16-492(D)(2) identifies antennas on monopoles as one option (after side-mounted antennas on existing structures, antennas atop existing structures, and antennas within existing signs). Therefore, with conditions for adequate tree screening, the proposed use is not expected to have any significant impacts to adjacent residential properties.

- d) **Site Design:** The related equipment and cabinets will be placed within a 30'0" long by 17'4" wide walled enclosure area behind the rear patio cover. The CMU wall is proposed to be 8 feet high, and the wall would not be readily apparent from public rights-of-way. The existing lodge building will also serve as significant visual screening for the equipment and the base of the tower. The resulting site design would not detrimentally affect parking, setbacks, or other aspects of the lot layout as required by the City Code.
- e) **Circulation and Parking:** Approximately 93 parking spaces are present on the site, and none of the existing parking spaces will be removed or relocated with the proposed placement of the monopole and equipment enclosure. The proposed placement would not affect on-site circulation, access, or drive aisles.
- f) **Landscaping and Open Space:** A total of six 15-gallon live eucalyptus trees will be planted on the property in order to screen the monopole. Three trees are proposed around the perimeter of the property, plus another three trees adjacent to the monopole. Eucalyptus trees are fast-growing, averaging approximately 3½ feet of height per year. Ultimately, the eucalyptus trees may grow to approximately 35 to 40 feet at maturity, after ten years or more of growth. The placement of the trees around the property and pole should be sufficient to create a clustering of similar natural objects. Therefore, screening is anticipated to be adequate after the trees reach mature growth.
- 7) **Community Workshop:** A Community Workshop meeting was held on August 15, 2011. On August 4, 2011, the applicant mailed official notices to all property owners within the Pleasant Valley Village and Pleasant Valley Estates neighborhoods. A sign was posted on the project site ten days prior to the meeting. A total of five residents had questions or comments about the proposal, none of whom expressed opposition. The applicant responded to questions and provided information about the design, co-location, pole placement, trees, and equipment enclosure.
- 8) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fee before the end of the appeal period.

Attachments:

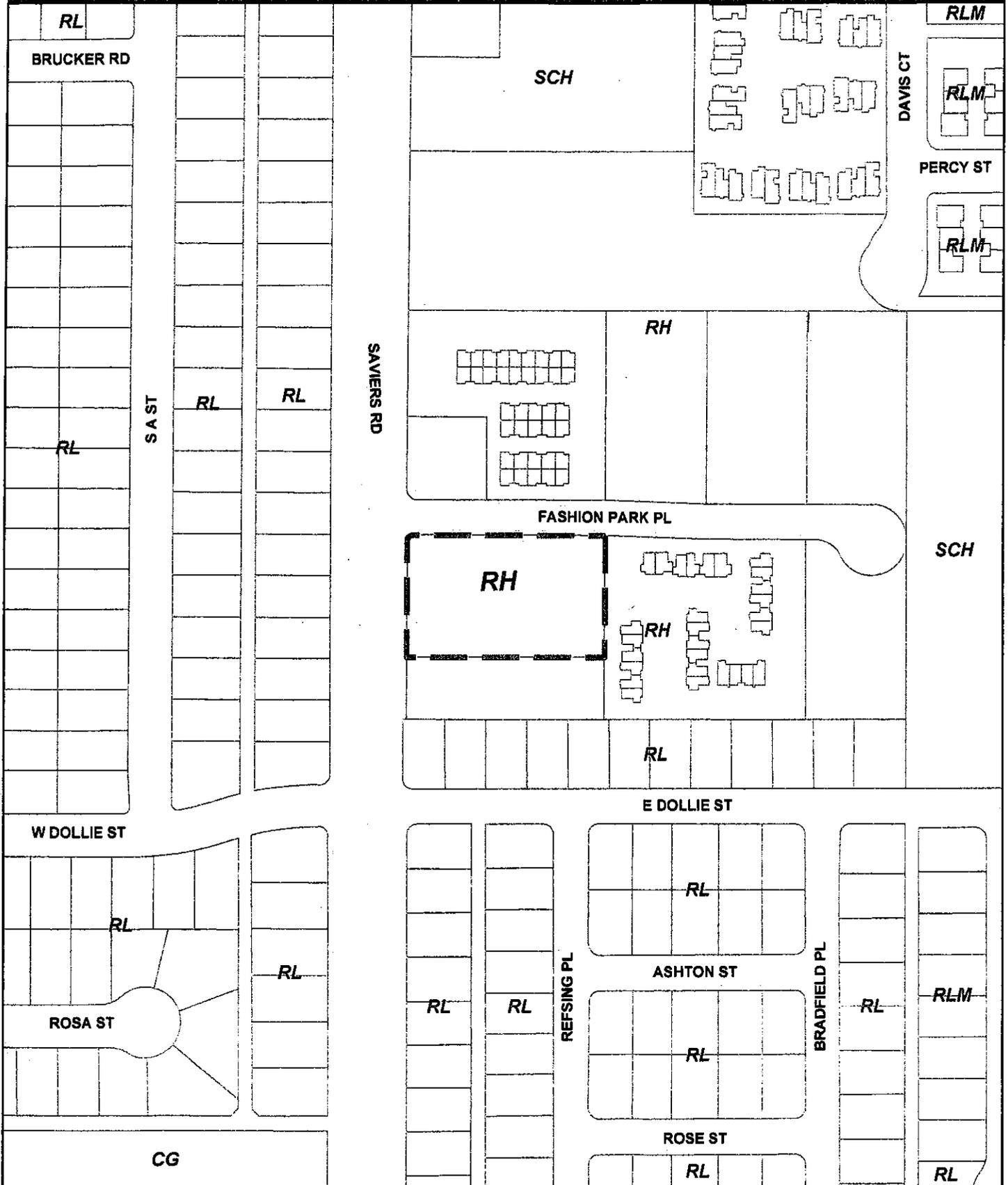
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolution
- E. Applicant's Letter (August 30, 2011)

Prepared by:	 BF
Approved by:	 SM

ATTACHMENT A

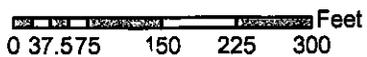
Maps (Vicinity, General Plan Zoning)

General Plan Map



Oxnard Planning
June 3, 2011

PZ 11-530-02
Location: 4684 Saviers Rd
APN: 222015201
Verizon Wireless

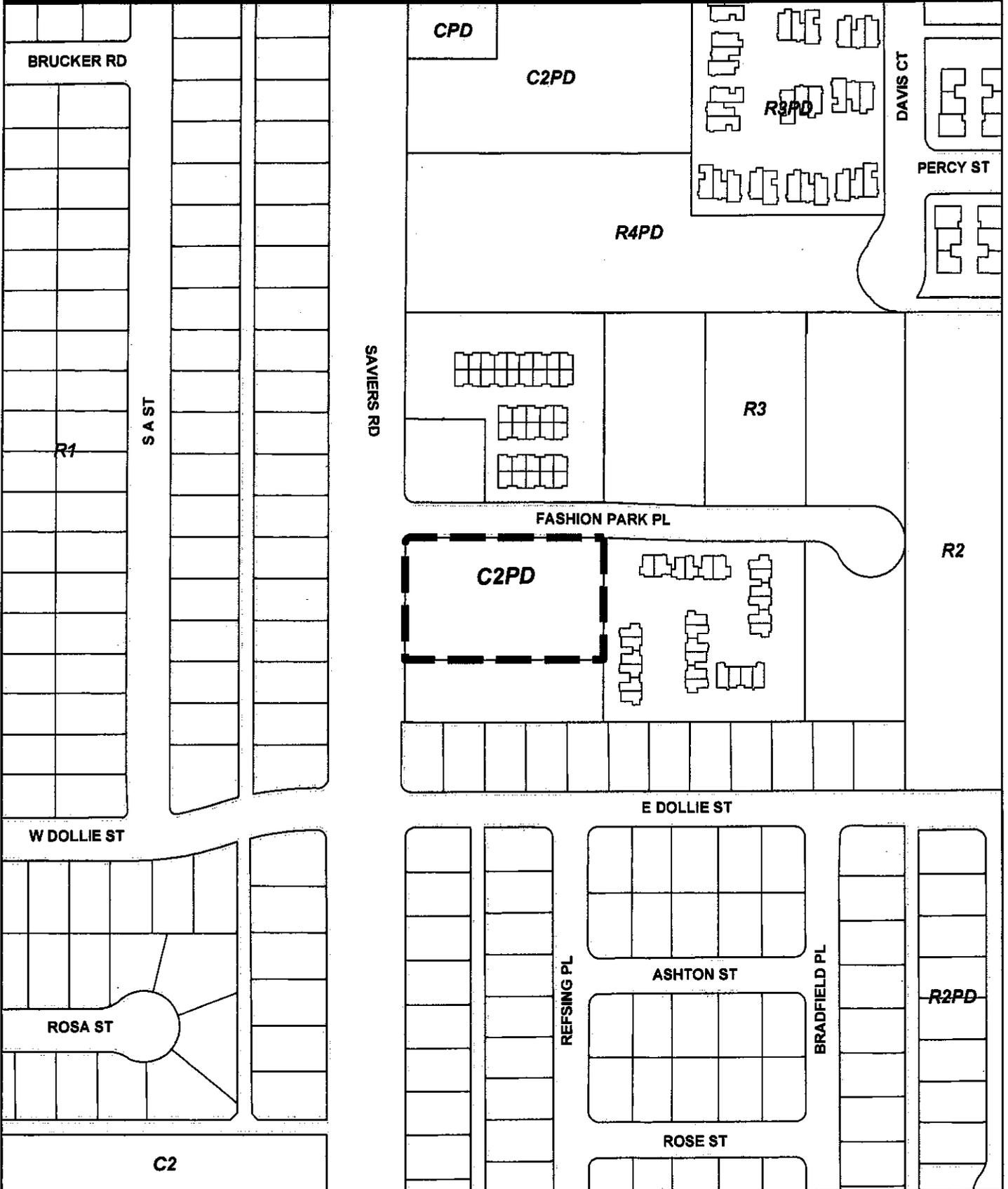


General Plan Map



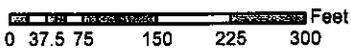
1:2,314

Zone Map



Oxnard Planning
June 3, 2011

PZ 11-530-02
Location: 4684 Saviers Rd
APN:222015201
Verizon Wireless



Zone Map



1:2,328

ATTACHMENT B

Reduced Project Plans

Verizon Wireless
 1550 SAND CANYON AVE
 BUILDING 10 1ST FLOOR
 IRVING, CA 92614
 PHONE (949) 288-7000

**DELTA GROUPS
 ENGINEERING, INC.**
 CONSULTING ENGINEER
 2382 McCRAW AVE.
 IRVING, CA 92614
 PHONE (949) 288-7000
 FAX (949) 417-2663

SCE JOB # 110VW030A
 SITE NAME

OLEANDER

SITE ADDRESS
**4684 SAVIERS ROAD
 OXNARD, CA 93033**

NO.	DATE	DESCRIPTION
1	12/12/10	90% CD
2	01/21/11	100% CD
3	05/02/11	100% CD
4	08/03/11	100% CD
5	09/23/11	100% CD

THIS DRAWING IS CONSIDERED TO BE THE SOLE AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE OWNER AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND/OR THE PERMISSION OF THE OWNER'S INSURANCE.

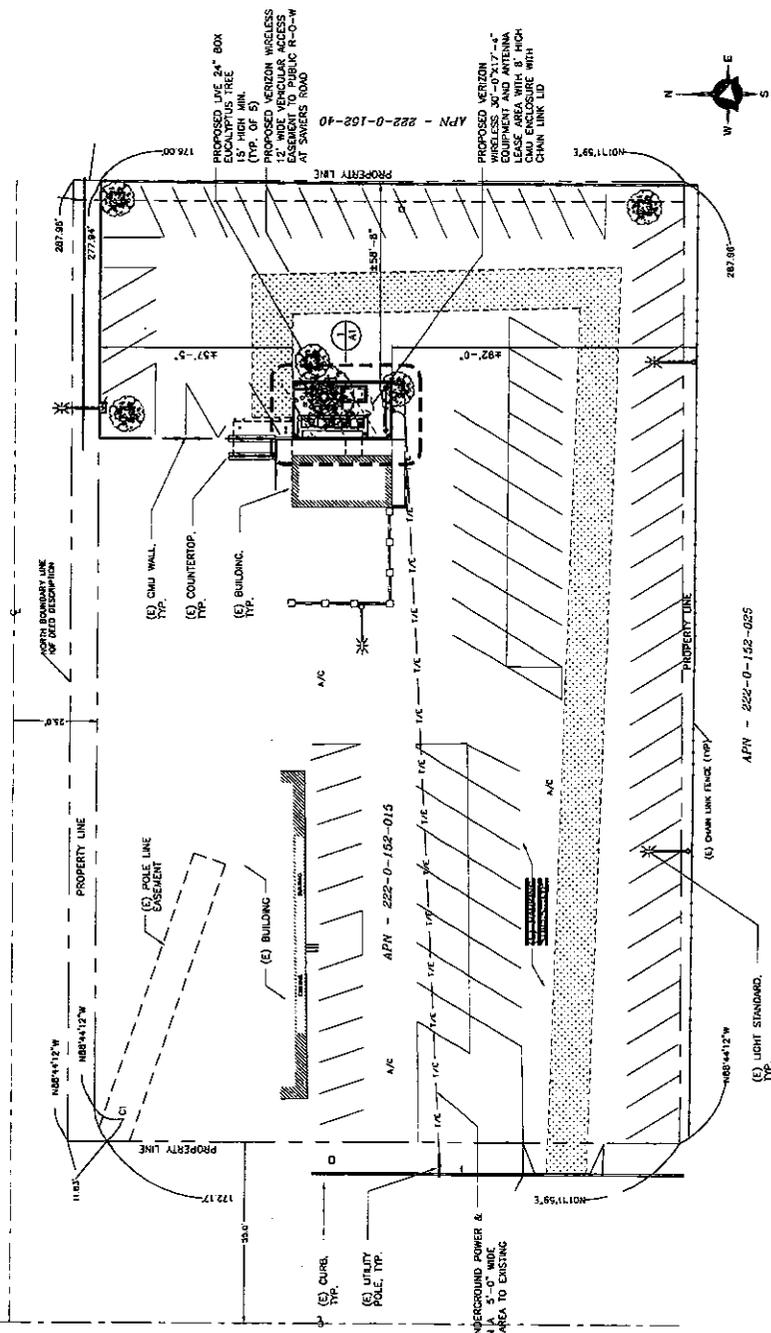
DRAWN BY: JT
 CHECKED BY: -
 SCALE: AS SHOWN FOR FOUNDATIONAL WALL

SHEET TITLE
OVERALL SITE PLAN
 SHEET NUMBER
A1

EXCISE EQUIPMENT LOCATION FOR CO-LOCATED CARRIER TO BE DETERMINED PER CARRIER'S PERMIT

FASHION PARK PLACE

SAVIERS ROAD



SCALE: 1/16" = 1'-0"
 1
 1

OVERALL SITE PLAN

Verizon Wireless
 1500 S. MAIN ST., SUITE 100
 OXNARD, CA 93033
 PHONE (949) 286-7000

**DELTA GROUPS
 ENGINEERING, INC.**
 CONSULTING ENGINEERS
 1335 ROCKY AVE.
 IRVINE, CA 92614
 TEL: 949-522-0333
 FAX: 949-417-2663

DGC JOB # 110VW030A

SITE NAME
OLEANDER

SITE ADDRESS
**4684 SAVIERS ROAD
 OXNARD, CA 93033**

NO.	DATE	DESCRIPTION
1	12/12/10	ISSUE FOR PERMIT
2	07/21/11	100% E.D.
3	08/05/11	100% E.D.
4	08/05/11	100% E.D.
5	08/25/11	100% E.D.

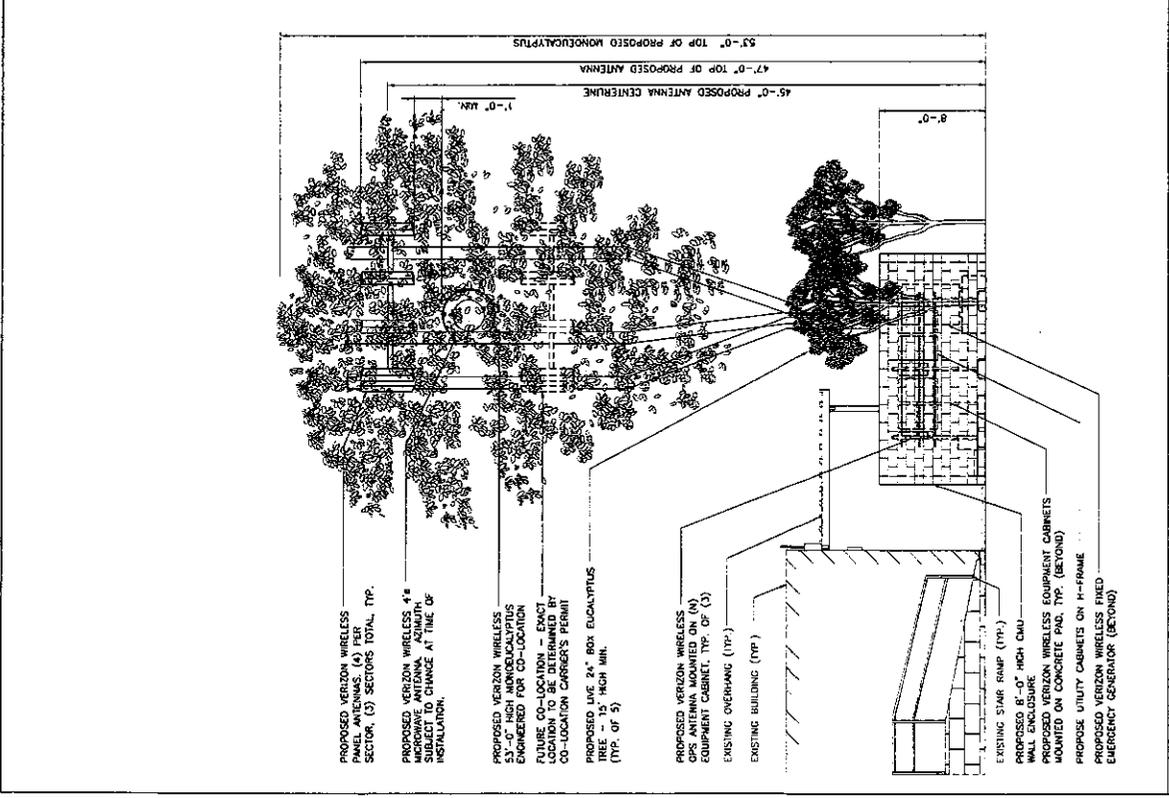
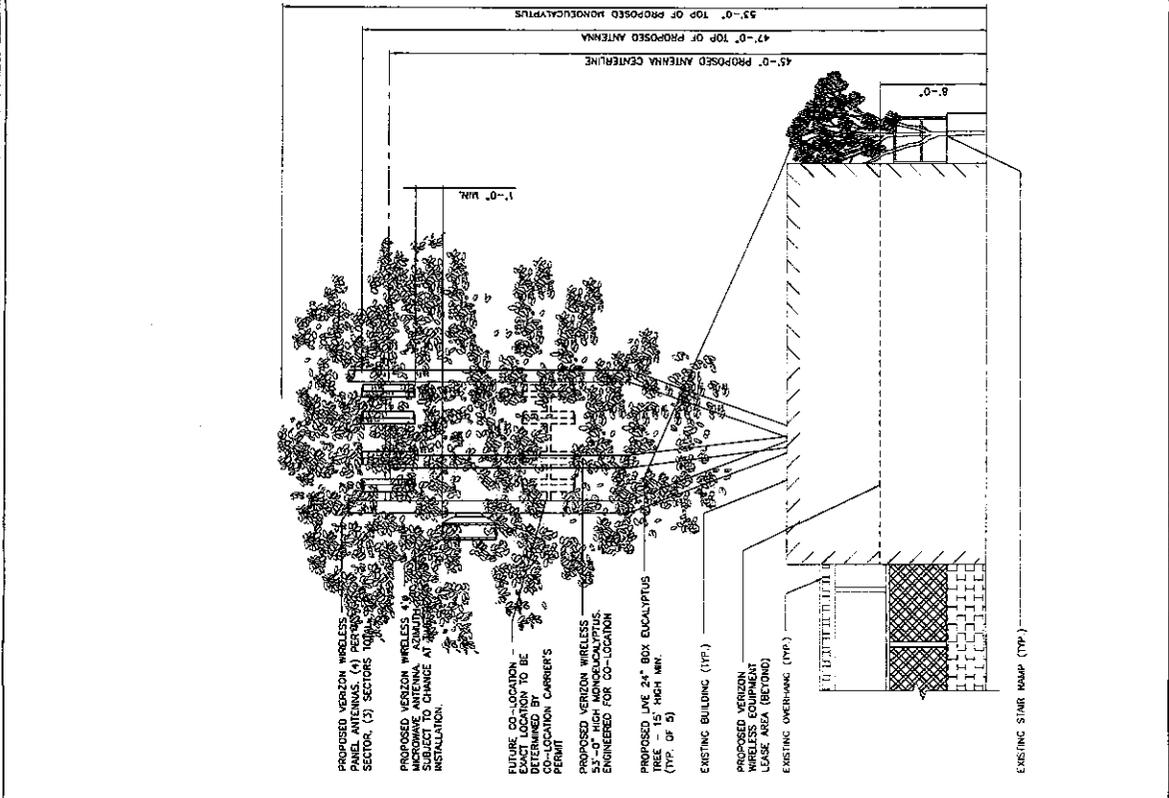
THE DRAWING IS CONTRACTED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS HEREBY APPLICABLE FOR THE USE OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE OWNER IS FORBIDDEN.

DRAWN BY: JI
 CHECKED BY:

SPACE RESERVED FOR PROFESSIONAL SEALS

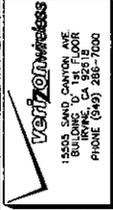
SHEET TITLE
SOUTH & EAST ELEVATIONS

SHEET NUMBER
A3



1 EAST ELEVATION

2 SOUTH ELEVATION



1505 SAND CANYON AVE
 SUITE 200
 IRVINE, CA 92614
 PHONE (949) 286-7000



**DELTA GROUPS
 ENGINEERING, INC.**
 CONSULTING ENGINEERS
 2382 MCGOW AVE
 COSTA MESA, CA 92626
 TEL: 949-422-0333
 FAX: 949-417-2663

DCE JOB # 110VW030A
 SITE NAME

OLEANDER

SITE ADDRESS

**4684 SAVIERS ROAD
 OXNARD, CA 93033**

NO.	DATE	DESCRIPTION
1	12/17/10	POK 2D
2	07/27/11	100% CD
3	08/27/11	100% CD
4	08/27/11	100% CD
5	09/23/11	100% CD

THIS DRAWING IS CONSIDERED VOID IF THE DATE PROPERTY OF THE OWNER IS INDICATED. ANY REVISIONS TO THIS DRAWING SHALL BE INDICATED BY A REVISION TABLE AND/OR NOTATION CONTAINED IN THE DRAWING. THE VERIZON WIRELESS OWNER IS FURNISHING.

DRAWN BY: JT
 CHECKED BY: -

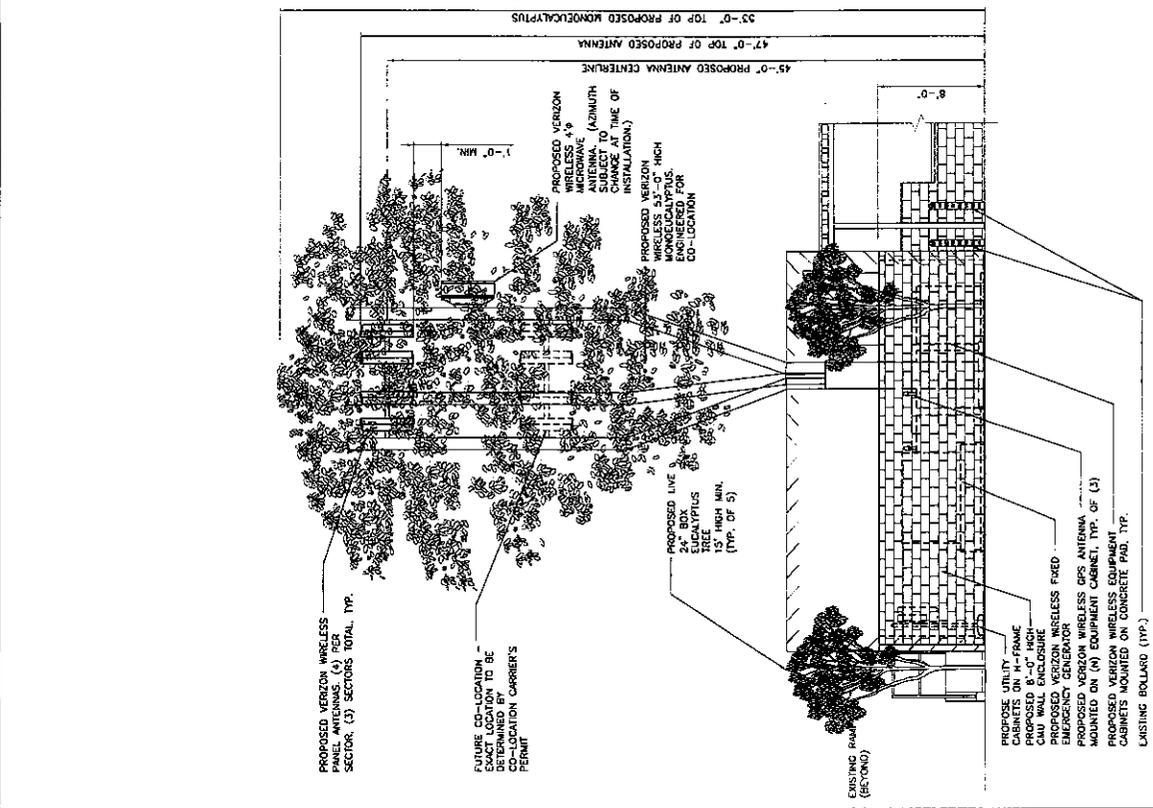
SPACE RESERVED FOR PROFESSIONAL SEAL

SHEET TITLE

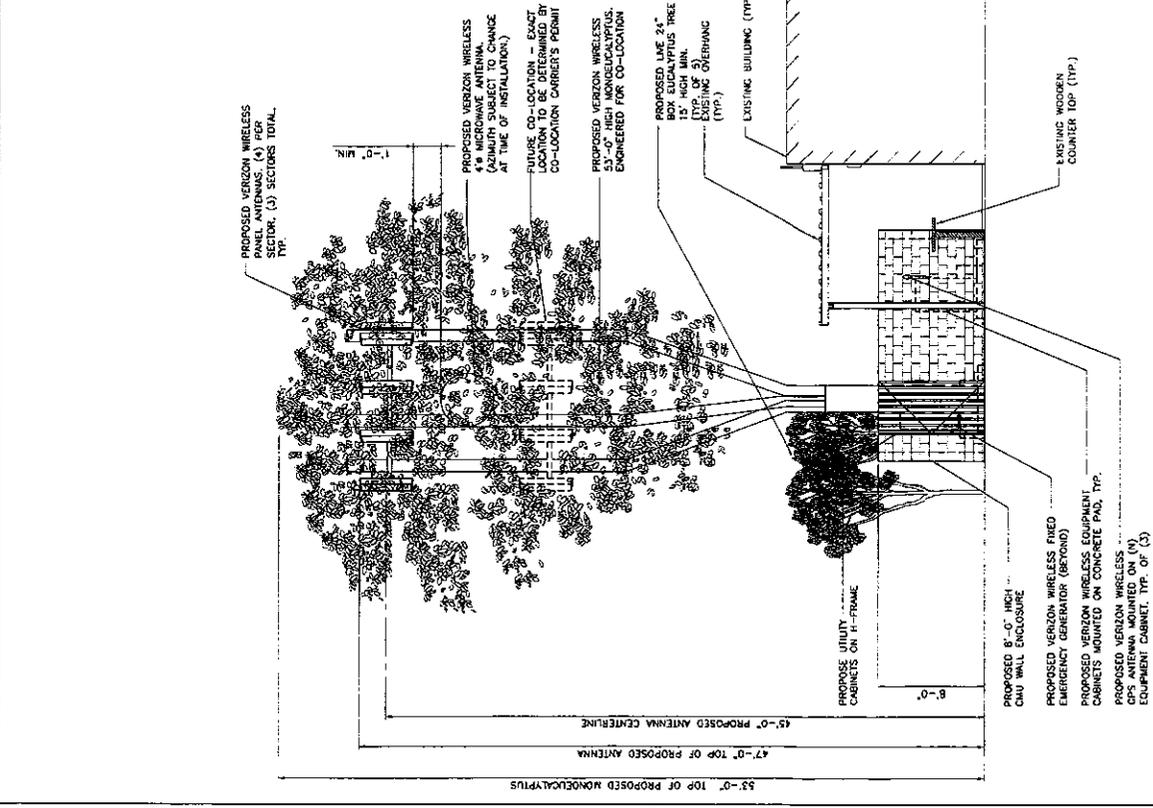
**NORTH & WEST
 ELEVATIONS**

SHEET NUMBER

A4



2 WEST ELEVATION



1 NORTH ELEVATION

ATTACHMENT C

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

Planning & Zoning Permit No. 11-530-02 (Special Use Permit – Wireless) – A request for approval of a special use permit to allow a 53-foot high eucalyptus monopole with 12 wireless telecommunications antennas, equipment cabinets within a walled enclosure area, and five 24-inch box eucalyptus trees for screening. Staff's recommendation is for the maximum pole height not to exceed 43'9" in accordance with Zoning Code Sections 16-271 and 16-497. The project site is located at the Eagles Lodge property at 4684 Saviers Road. Filed by Ryan Young of Delta Groups Engineering, agent for Verizon Wireless, 2362 McGaw Avenue, Irvine CA 92614.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption, §15303 – New Construction of Small Structures
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with Section 15303 of CEQA, projects involving the new construction of small structures may be found to be exempt from environmental review. There is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

Susan L. Martin, AICP
Planning Division Manager

ATTACHMENT D

Resolution

RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-530-2 (SPECIAL USE PERMIT – WIRELESS), A REQUEST TO ALLOW WIRELESS ANTENNAS ON A EUCALYPTUS MONOPOLE WITH A MAXIMUM HEIGHT NOT TO EXCEED 43 FEET 9 INCHES, WITH A REQUEST FOR 25% MODIFICATION TO THE MAXIMUM HEIGHT LIMIT IN THE C-2-PD ZONE, AND A RELATED EQUIPMENT ENCLOSURE AREA. LOCATED AT THE EAGLES LODGE PROPERTY AT 4684 SAVIERS ROAD. FILED BY RYAN YOUNG OF DELTA GROUPS ENGINEERING, AGENT FOR VERIZON WIRELESS, 2362 MCGAW AVENUE, IRVINE CA 92614.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-530-02 filed by Ryan Young of Delta Groups Engineering on behalf of Verizon Wireless in accordance with Section 16-488 of the Oxnard City Code; and

WHEREAS, Section 15303 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, Sections 16-271 and 16-497 of the City Code permit the Planning Commission to modify numerical development standards of the basic zone by up to 25% to enhance the public welfare, and impose conditions on the special use permit modifying the requirements of the basic zone; and

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated August 25, 2011 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
8. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
9. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
10. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
12. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

13. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)
14. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
15. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*)

PLANNING DIVISION SPECIAL CONDITIONS

16. Maximum height approved for the monopole, to top of branches/leaves, is 43 feet and 9 inches (i.e. a 25% increase to the maximum of 35 feet in the C-2-PD zone). (PL)
17. Developer shall cover each panel antenna with a material or paint representing a leaf pattern with a neutral subdued color (e.g. green, eucalyptus leaf pattern) to match the monopole artificial foliage, to the satisfaction of the Director. (PL)

LANDSCAPE STANDARD CONDITIONS

18. Before the City issues building permits or the proposed use is initiated, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, *PK-2*)
19. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, *PK-3*)
20. Developer shall maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK, *PK-4*)
21. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, *PK-5*)
22. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size except as otherwise specified by this permit. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)

23. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

LANDSCAPE SPECIAL CONDITIONS

24. Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK)
25. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PK)
26. *Eucalyptus sideroxylon* are to be planted and shall be 15 gallon size. (PK)
27. The tree planter opening shall be a minimum of 8'x 8' in size and shall be contained by concrete curbing. (PK)
28. Planting inside each of the tree planters shall consist of one 15-gallon tree, colorful 5-gallon shrubs, and ground covers as required to fit the space. (PK)
29. Provide and plant one additional tree planter near the midway point of the easterly property line (total of six Tree Planters required for project). (PK)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of September, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Patrick Mullin, Chair

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT E

**Applicant's Letter
(received August 30, 2011)**



Delta Groups Engineering, Inc.

2362 McGaw Ave., Irvine, CA 92614

Tel.: (949) 622-0333 Fax: (949) 622-0331

August 26, 2011

City of Oxnard
Planning Department
Attn: Brian Foote, Planning Commission
214 South C Street
Oxnard, CA 93030

RECEIVED

AUG 30 2011

PLANNING DIVISION
CITY OF OXNARD

**RE: Justification Letter for Additional Height of Wireless Facility
Planning & Zoning Permit No. 11-530-02 (4684 Saviers Road)**

Dear City of Oxnard Planning Department Staff and Planning Commission,

First and foremost, I would like to thank City Staff for their professionalism and expediency in processing Verizon's application to install a new wireless facility at 4684 Saviers Road. The purpose of this letter is to provide the City justification and the reasoning as to why Verizon is not agreeable to the ultimate height limit of 43'-9" for this proposal.

First, Verizon disagrees that the City can only limit the height to a 25% increase. Section 16-492 (A) states,

"The maximum height of wireless communications facilities shall not exceed the height limitations of the zone in which such facilities are located.... In the C-2,... zones, whether or not such zones are in a planned development zone, the height limitation shall be the basic height limitation for the zone before any adjustment thereof by the commission, as allowed by the portions of the code applicable to such zones, unless the commission grants additional height on the grounds and conditions stated in such portions of the code and in sections 16-530, 16-531, and 16-532."

This section of the Code refers that the height limit of the zone for a non-Special Use Permit wireless facility is the height of the zone *before* any adjustment. Therefore, a SUP would be required for any wireless facility over a height of 35'. Afterwards, the Code states that the Commission may grant additional height subject to a SUP. The Code specifically refers to the "adjustment" when defining the minimum height of the zone; however, it omits the "adjustment" where it states that the Commission may grant additional height. I believe that it was specifically omitted so that the Commission may grant height above the "adjustment" limitation.



Delta Groups Engineering, Inc.

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Finally, restricting the tower's height to 43'-9" would be contradictory to a number of sections in the Wireless Ordinance. Specifically, the "Purpose" of the Ordinance is to,

- "(1) Permit towers to be located only in non-residential areas and minimize the total number of towers throughout the city;*
- "(2) Encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;" (§16-485 (B))*

Also, the Wireless Ordinance also states, "Wireless communications providers are encouraged to construct and site their wireless communications facilities with a view towards sharing such facilities with other providers...and to accommodate the future co-location of other wireless communications facilities" (§16-489 (A)). By limiting Verizon's height to 43'-9", there would be no opportunity to co-locate another carrier. As shown on the enclosed Coverage Maps (31-foot RAD), the coverage for a future co-location would only cover about a half-mile of high-quality in-building coverage (green) from the site, which is not enough to financially justify a co-location. Additionally, a future carrier could have a high elevation on a right-of-way light standard (which is typically 32 feet) than the future co-location height that Verizon's tower would be able to have.

Additionally, as the coverage maps show for the 41-foot RAD (centerline height of antennas) there are many red areas. These red areas indicate where people would experience slow download speeds and they would have difficulty making calls within their car and/or home. It is Verizon's goal to have as much area as possible as "green" to provide excellent coverage and capacity for the residents and businesses of Oxnard. Furthermore, based on current needs, if Verizon were to be required to be reduced their facility to 43'-9", Verizon would likely need another facility located near the intersection of Channel Islands Boulevard and J Street, as indicated in the attached letter from Verizon's engineer (Please note that Verizon's present plans is not to install a facility near this location; however, even if Verizon is granted the 53-foot tall facility, future demand may require an additional site near Channel Islands Boulevard and J Street.) This need for an additional Verizon facility in this area is also contradictory to the Code sections stated above.

In summary, we believe that the Planning Commission does have the authority to grant a wireless facility unlimited height at their discretion, and subject to a Special Use Permit. Typically, most jurisdictions that I have dealt with allow a 60' tall monotree without any type of variance application (Moorpark is an example), subject to Planning Commission approval. Verizon is proposing a 53' tall mono-eucalyptus, which is the minimum height necessary to provide coverage to the area without adding an additional site. At the Community Workshop, there was no one in opposition to Verizon's request to install the 53' tower. Additionally, Verizon's proposal would also accommodate a



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future co-location. If our height is reduced, it would be contradictory to the purpose of the wireless ordinance.

All the best,

John R. Moreland
Zoning Specialist
Delta Groups Engineering for Verizon Wireless
c: 949.246.4286
o: 949.622.0333 x230
jmoreland@deltagroups.com

Enc: Revised RF Maps
RF Letter

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AUG 30 2011

PLANNING DIVISION
CITY OF OXNARD
verizon wireless

Verizon Wireless
15505 Sand Canyon Ave.
Building D-1
Irvine, CA 92618

August 25, 2011

To: City of Oxnard- Planning Commission
214 South C Street
Oxnard, CA 93030

Subject: Verizon Wireless (VzW) Telecommunications Facility,
4684 Saviers Road, Oxnard, CA 93033
(VzW name 'Oleander')

Dear Planning Commissioners,

This letter is in reference to our proposed VZW telecommunications facility named 'Oleander' in the City of Oxnard. Currently we have very poor coverage in this area and have capacity issues between our existing sites Cloyne and Channel Islands. The propose design of Oleander is meant to improve coverage in the area and provide in-building connectivity to our customer between the existing sites. This site will offload the neighboring sites, which are reaching spectrum exhaust. We need to offload the sites mentioned above to provide future EvDo growth.

I have attached the plots at a RAD of 41 and 31 feet respectively. We would need to add an additional site at the intersection of Channel Islands Blvd. and S J St. if we go at these lower RADs.

Please let me know if you have any further concerns regarding this site and I will be happy to help.

Thank You.



M. Wajid Baig
Radio Frequency Engineering
Verizon Wireless

Just Oleander 41 feet RAD

MANISALEAY
DIVISION
CITY OF OXFORD
AUG 30 2011

Session: week_24
User: balgmir
Thu Aug 25 09:58:14 2011
Default Square
Datum: NAD83
Center Lat: 34-09-29.70 N
Center Lon: 119-10-37.54 W



- Sectors
- major_highway
 - secondary_highway
 - collector_road
 - arterial_road

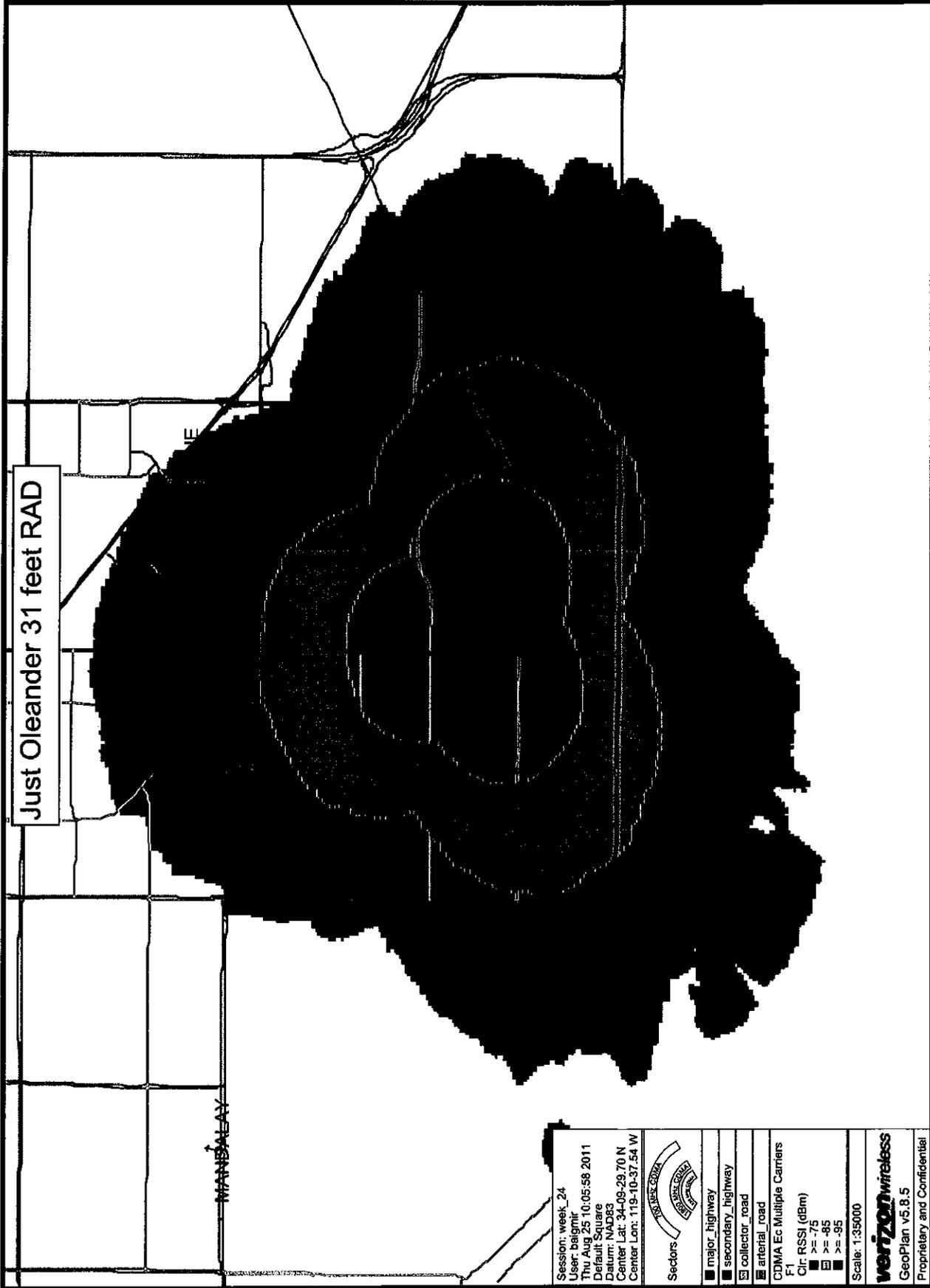
CDMA Ec Multiple Carriers
 C1: RSSI (dBm)
 ■ >= -75
 ■ >= -85
 ■ >= -95

Scale: 1:35000

verizonwireless
 GeoPlan v5.8.5
 Proprietary and Confidential

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Just Oleander 31 feet RAD



Session: week_24
 User: baigrit
 Thu Aug 25 10:05:58 2011
 Default Square
 Datum: NAD83
 Center Lat: 34-09-29.70 N
 Center Lon: 119-10-37.54 W

- Sectors
- major_highway
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- CDMA Ec Multiple Carriers
- F1
- >= -75
 - ▣ >= -85
 - >= -95
- Scale: 1:35000

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With Oleander 41 feet RAD

Session: week_24
User: balgmir
Thu Aug 25 10:01:41 2011
Default Square
Datum: NAD83
Center Lat: 34-08-29.70 N
Center Lon: 119-10-37.54 W



- major_highway
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CDMA Ec Multiple Carriers
F1
Cir: RSSI (dBm)
■ >= -75
■ >= -85
■ >= -95

Scale: 1:35000

verizonwireless
GeoPlan v5.8.5
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With Oleander 31 feet RAD

Session: week_24
User: beagmir
Thu Aug 25 10:05:11 2011
Default Square
Datum: NAD83
Center Lat: 34-09-29.70 N
Center Lon: 119-10-37.54 W



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