



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: April 19, 2012

SUBJECT: Planning and Zoning Permit No. 11-400-02 (Coastal Development Permit)
Located at 2101 Mandalay Beach Road.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 11-400-02 for a coastal development permit for a wireless telecommunications facility, subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A request for approval of a coastal development permit to allow co-location of three flat-panel wireless telecommunications antennas mounted on the existing cupola tower, and related equipment within the building, at the Embassy Suites hotel and resort. The project site is located at 2101 Mandalay Beach Road. Filed by Jerry Ambrose, Wireless 1 Consulting, designated agent for Metro PCS California L.L.C., 3905 State Street, Suite 7-188, Santa Barbara CA 93105.

- 3) **Existing & Surrounding Land Uses:** The existing land use is the Embassy Suites hotel and resort located adjacent to the Pacific Ocean and public beach area.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Coastal Visitor-Serving Commercial (CVC)	Visitor Serving Commercial (VSC)	Embassy Suites hotel & resort
North	Coastal Recreation (RC)	Recreation Area (REC)	Public beach; Oxnard Beach Park
South	Coastal Recreation (RC)	Recreation Area (REC)	Public beach; public parking lot; Hollywood by the Sea neighborhood (Ventura County)
East	Coastal Medium Density Multiple-	Planned Unit Development (PUD)	The Colony at Mandalay Bay (multi-family condominiums)

	Family (R-3-C)		
West	Coastal Recreation (RC)	Recreation Area (REC)	Public beach & ocean

- 4) Background Information:** Several permits have been previously approved to install and co-locate wireless antennas on the existing cupola tower, including Planning & Zoning Permit No. 04-230-06. The existing wireless service provider on the site is AT&T with six antennas mounted on the cupola tower.
- 5) Environmental Determination:** According to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving additions to existing structures that involve no expansion of an existing use may be found to be exempt from the requirements of CEQA. There is no evidence of any potentially significant effects on the environment, and staff recommends adoption of the Notice of Exemption (Attachment C).
- 6) Analysis:**
- a) General Discussion:** The project site is located within the Coastal Visitor-Serving Commercial (CVC) zone district, where wireless communication facilities are permitted. The applicant requests approval to allow installation of three flat-panel antennas on the exterior of the cupola tower. The antennas will be completely concealed by RF-transparent screen wall sections that will be architecturally treated to match the existing cupola. The antennas will not be visible from any public rights-of-way, but the screen walls will appear to be an integral component of the cupola tower. The related equipment will be completely enclosed within an existing equipment room located in the adjacent building. Wiring between the equipment and antennas will be completely enclosed within conduits placed within interior rooms and hallways, and will not be visible from the exterior of the structure.
- b) General Plan Consistency:** The General Plan designation is Visitor Serving Commercial (VSC), and the existing land use is consistent. The proposed wireless telecommunications facility is consistent with Policy ICS-18.3, which encourages wireless providers to meet the following conditions to the maximum extent feasible: locate away from residential and open space areas; not be visible from public rights-of-way and local and State scenic highways; when possible, locate on existing buildings, existing poles, or other existing support structures; and incorporate well-designed stealth techniques that disguise the facility from the point of view of nearby residents.
- c) Conformance with Zoning Development Standards:** A stealth wireless communication facility is allowed within the Coastal Visitor-Serving Commercial (CVC) zone district, subject to approval of a coastal development permit. The co-

location policy in City Code §17-52(E) encourages site sharing and the use of existing buildings and utilities. The proposal does not affect the existing use on the project site, nor does the request require any additional parking or other site improvements.

d) Building Design: The existing cupola tower will not need to be modified to accommodate the proposed three flat-panel antennas, except for four RF-transparent faux screen wall sections to be placed on each corner of the tower (total of four). Each architectural popout will have a finish to match the color and texture of the adjacent wall surface. The existing height and design of the tower will remain consistent with design theme of the surrounding hotel development.

7) Development Advisory Committee (DAC): The DAC did not review the proposal. However, the member representing the Fire Department reviewed the project, and the attached resolution includes the conditions of approval.

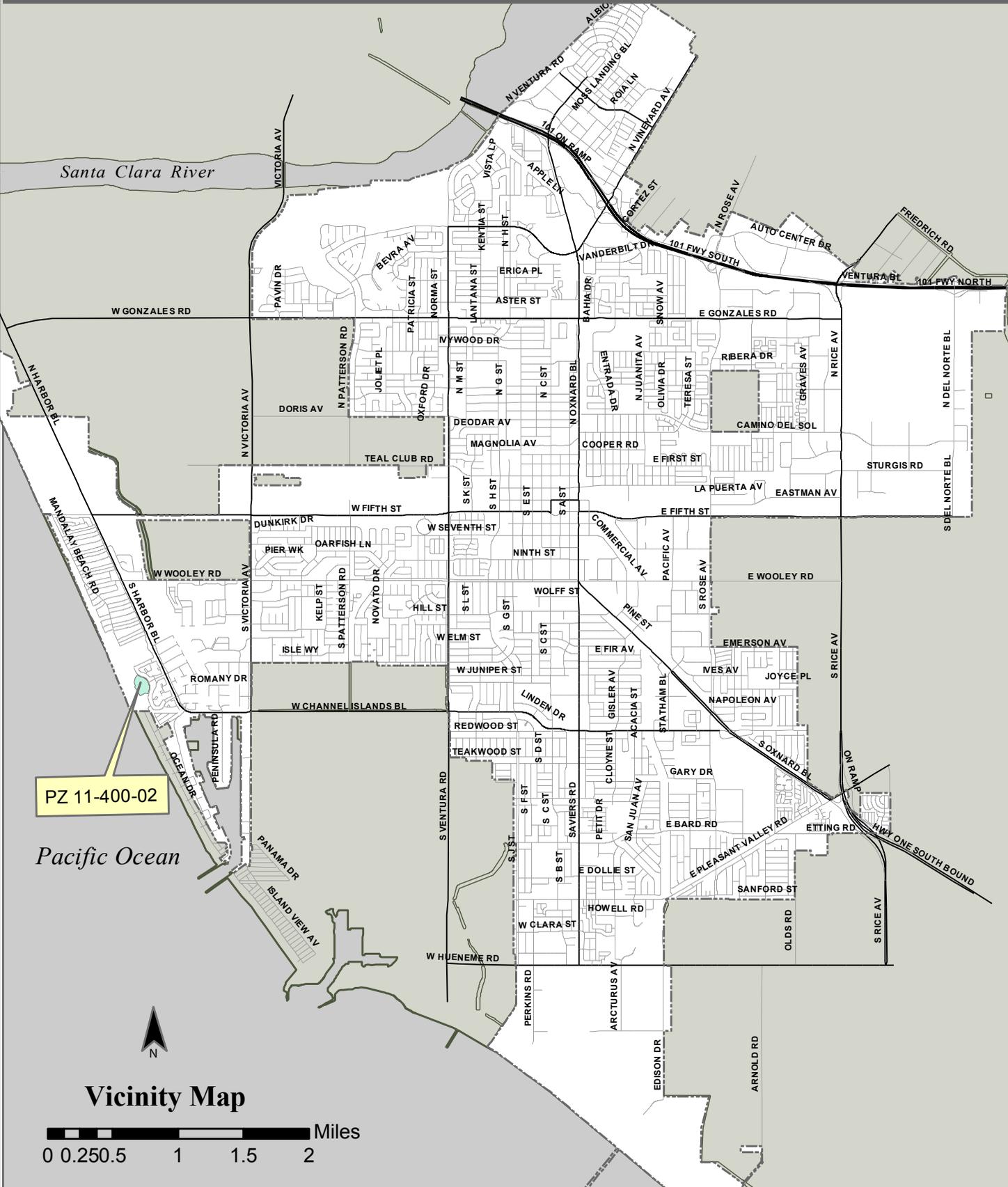
8) Appeal Procedure: In accordance with Section 17-58(J) of the City Code, the Planning Commission's action may be appealed to the City Council within 10 working days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolution

Prepared by: _____
BF

Approved by: _____
SM



PZ 11-400-02

Pacific Ocean

Vicinity Map

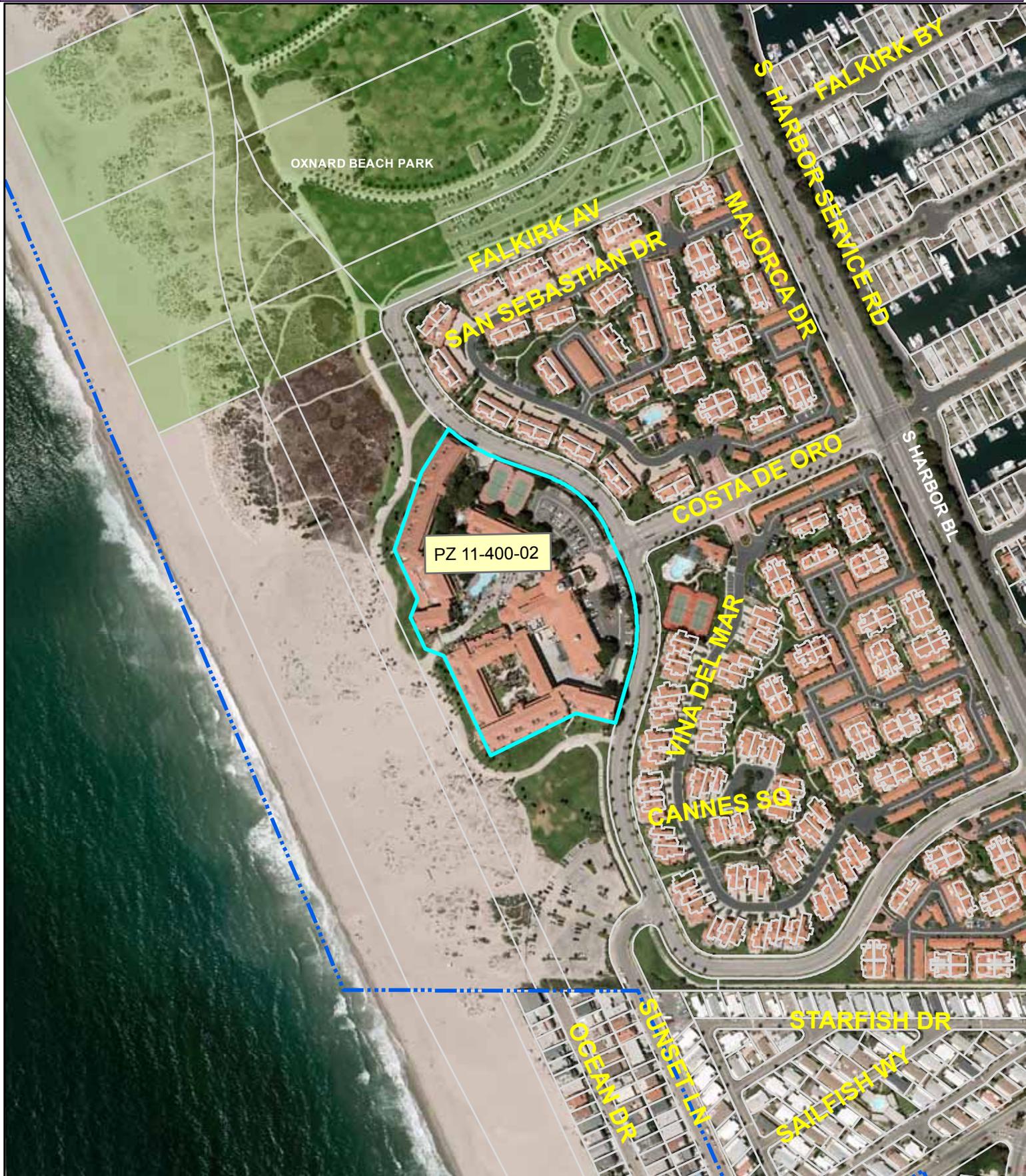
0 0.250.5 1 1.5 2 Miles



Oxnard Planning

March 28, 2012

PZ 11-400-02
Location: 2101 Mandalay Beach Rd
APN: 191038010
Metro PCS



PZ 11-400-02



Oxnard Planning
 March 28, 2012

PZ 11-400-02
 Location: 2101 Mandalay Beach Rd
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Aerial Map

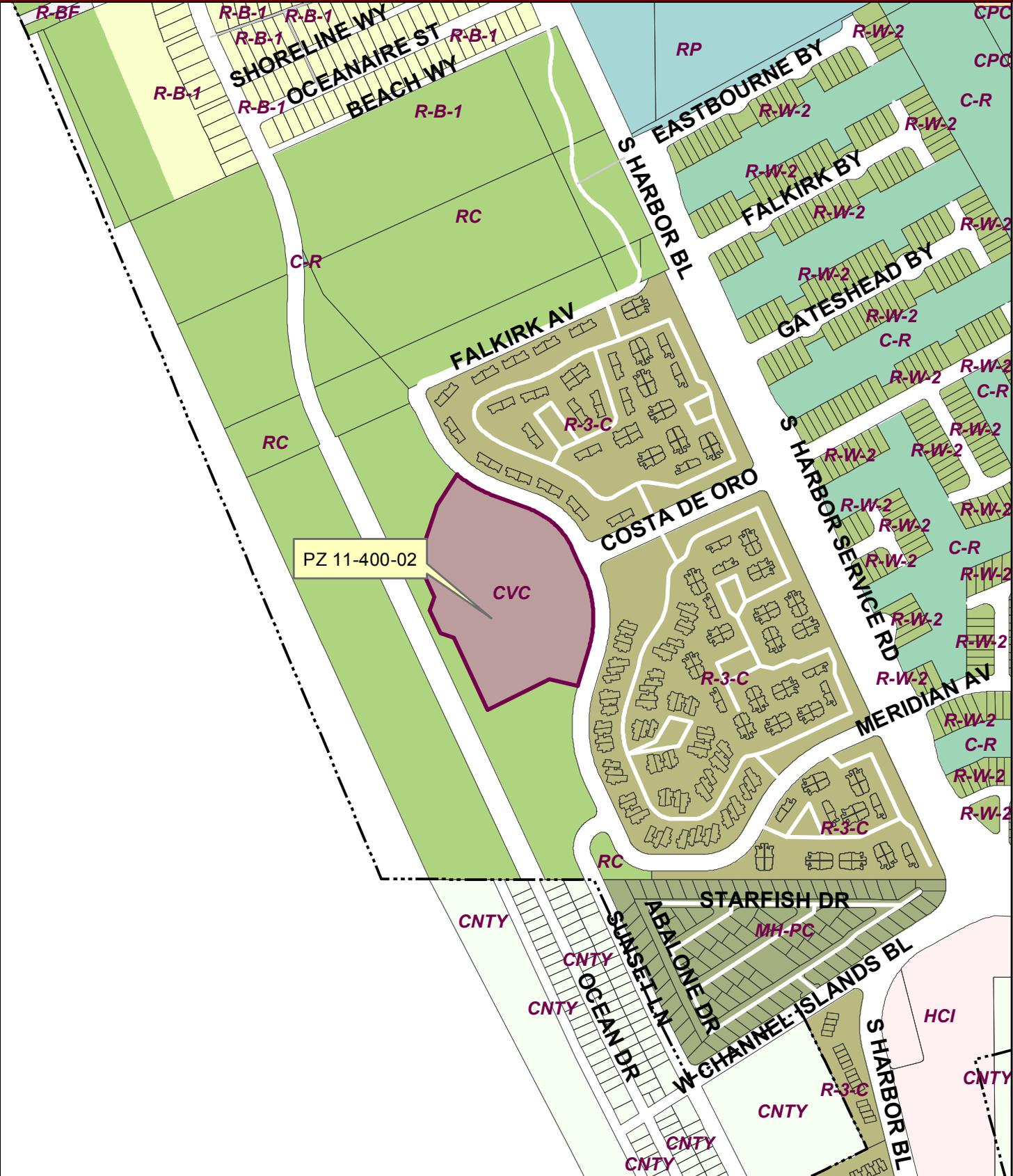
2007 Aerial





PZ 11-400-02

VSC



PZ 11-400-02

CVC



NOTICE OF EXEMPTION

Project Description:

Planning & Zoning Permit No. 11-400-02 (Coastal Development Permit) – A request for approval of coastal development permit to install wireless antennas within an existing cupola tower, and equipment within an existing building. Located at the Embassy Suites hotel and resort, 2101 Mandalay Beach Road. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Jerry Ambrose, Wireless 1 Consulting, designated agent for MetroPCS California LLC, 3905 State Street, Suite #7-188, Santa Barbara, CA 93105.

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, §15301 – Existing Facilities
- 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 15301 of CEQA, projects involving existing facilities 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)

Signed original on file with Planning Division

Susan L. Martin, AICP
Planning Division Manager

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-400-02 (COASTAL DEVELOPMENT PERMIT), TO ALLOW WIRELESS ANTENNAS ON AN EXISTING CUPOLA TOWER AND RELATED EQUIPMENT AT MANDALAY BAY RESORT, LOCATED AT 2101 MANDALAY BAY ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY WIRELESS 1 CONSULTING SERVICES, AGENT FOR METRO PCS CALIFORNIA L.L.C., 3905 STATE STREET, SUITE 7-188, SANTA BARBARA, CA 93105.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning & Zoning Permit No. 11-400-02 filed by Jerry Ambrose of Wireless 1 Consulting Services Inc., on behalf of Metro PCS California L.L.C., in accordance with Section 17-52 of the Oxnard City Code; and

WHEREAS, Section 15301 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 conditionally permitted within the subject sub-zone and complies with all of the applicable provisions of Chapter 17 of the Oxnard City Code.
2. The proposed use would not impair the integrity and character of the sub-zone in which would be located.
3. The subject site in terms of location and intensity of use would be physically suitable and would protect and maintain adjacent coastal resources for the land use being proposed.
4. The proposed use would be compatible with the land uses presently on the subject property.
5. The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.
6. There are adequate public services for the proposed use, including, but not limited to, fire and police protection, water, sanitation and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

7. The proposed use will provide a type and level of public access consistent with the access policies and standards of the Oxnard Coastal Land Use Plan.
8. The proposed use would be appropriate in light of an established need, based upon the underlying goals and objectives of specific Oxnard Coastal Land Use Plan policies, applicable to the proposed location.
9. The proposed use would be consistent with all of the applicable policies of the certified Oxnard Coastal Land Use Plan.
10. The original and primary purpose of the cupola, which houses the wireless communications facility antennas, is an architectural feature that serves as a signature aesthetic focal point for the Embassy Suites hotel and resort.

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 17-58 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 November 28, 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 and Environmental Services Manager (“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. 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. Developer shall obtain a building and/or engineering permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)
7. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
8. 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*)

9. 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*)
10. The subject Coastal Development Permit shall not become effective until 20 working days have elapsed without appeal to the Coastal Commission following the proper receipt by the Coastal Commission's Executive Director of the notice of permit issuance pursuant to Section 13316 of the Coastal Commission Code of Regulations. Such notice to the Coastal Commission shall be given by Planning Division staff as described by Section 17-58(E) of the Oxnard City Code. (PL, *G-17*)

PLANNING DIVISION STANDARD CONDITIONS

11. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)
12. 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*)
13. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other color exhibit approved by the Planning Commission. Developer may retain the full-size color elevations after the reductions are so provided. (PL, *PL-4*)
14. 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

15. Developer shall paint the new faux FRP screen sections around the proposed antennas a color to match the adjacent walls of the cupola tower. (PL)

FIRE DEPARTMENT SPECIAL CONDITIONS

16. Developer shall install a sign on the exterior of the new equipment cabinets on equipment platform. Sign shall be red color with one (1) inch high white letters, and shall read, "Metro PCS Wireless Electrical Equipment". This condition shall be included on the plan check notes detailing the Fire Department's requirements, and the sign(s) shall be installed prior to final sign-off of the building permit.

ENVIRONMENTAL RESOURCES DIVISION

17. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling to an authorized facility.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of April, 2012, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Anthony R. Murguia, Chair

ATTEST: _____
Susan L. Martin, Secretary