



# City of Camarillo

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## Planning Commission AGENDA REPORT

**DATE:** June 6, 2023

**TO:** Planning Commission

**FROM:** Joseph R. Vacca, AICP, Director of Community Development

**SUBMITTED BY:** Melissa Beebe, Planning Technician

**SUBJECT:** CUP-421, Dish Wireless

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### PROJECT INFORMATION SUMMARY

**Request:** The applicant requests approval of a Conditional Use Permit (CUP) for the installation of a new stealth wireless communications facility in a new 14-foot-2-inch-tall cupola on an existing building in the Commercial Planned Development (CPD) Zone for a total height of 53 feet and two inches, and approval of a height greater than the 35-foot limit for the zone. The proposal includes an equipment area within the existing building.

**Applicant:** Jerry Ambrose, Eukon Group representing Dish Wireless, 3905 State Street, Suite 7-188, Santa Barbara, CA 93105

**Property Owner:** Premium Outlets Partners LP, 740 E Ventura Boulevard, Ste 504, Camarillo, CA 93010

**Project Site Size, Location, and Parcel Number:** The 24.6-acre project site is located at 740 Ventura Boulevard in the City of Camarillo. The Tax Assessor's Parcel Number for the parcel that constitutes the project site is 229-0-010-505.

**Decision-Making Authority:** Pursuant to Camarillo Municipal Code (CMC) Sections 19.62.020 and 19.76.040, the Planning Commission is the decision-maker for the requested CUP, subject to an appeal being filed to the City Council within 10 days of the Planning Commission decision.

**General Plan Land Use Designation:** Commercial

**Zoning Designation:** Commercial Planned Development (CPD)

### PUBLIC NOTICE

A Notice of Public Hearing has been advertised for the Planning Commission meeting of June 6, 2023, with notices mailed to all property owners and homeowner's associations within a 600-foot radius. Additionally, the subject site has been posted with a sign and the notice has

been posted at Camarillo City Hall and on the City's website ([www.cityofcamarillo.org](http://www.cityofcamarillo.org)). Finally, the notice was published in a newspaper of general circulation within the area (Camarillo Acorn).

## DISCUSSION

### Environmental Review

The project was reviewed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA guidelines, as well as the City's environmental guidelines, and was determined to be categorically exempt from the provisions of CEQA under Class 3 - New Construction or Conversion of Small Structures (CEQA Guidelines Section 15303). This exemption consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. The project proposes the installation of new equipment and the construction of a new small equipment area within the existing building. Therefore, no additional review is necessary.

### Parcel and Area Characteristics

The subject property contains an outlet shopping center. The project site is surrounded by the following land uses:

	GENERAL PLAN LAND USE DESIGNATION	ZONING DESIGNATION	CURRENT LAND USE
PROJECT SITE	Commercial	Commercial Planned Development (CPD)	Outlets
NORTH	Linkage	N/A	U.S. 101/Ventura Freeway
SOUTH	Research and Development	Limited Manufacturing (L-M) and Light Manufacturing (M-1)	Outlets and Industrial Buildings
WEST	Commercial	Commercial Planned Development (CPD)	Movie Theater
EAST	Commercial and Research and Development	Commercial Planned Development (CPD) and Limited Manufacturing (L-M)	Vacant Land and Outlets



View of the project site from the Outlets parking lot looking southeast.

### Project Site History

The Camarillo Outlets main shopping center was approved in 1994, with additional sections approved in 1995 and 1998.

On June 14, 2022, the Planning Commission approved an unmanned telecommunication wireless facility (CUP-413) for AT&T Mobility, located on a new cupola at 690 Ventura Boulevard, an existing building on the same parcel. The cupola is above Banana Republic. Construction has not begun on this facility. The approved AT&T wireless facility consists of a 10-foot-tall cupola on a 43-foot-tall building, with a total height of 53 feet and two inches, located about 560 feet northeast of the proposed facility.

### General Plan

The Camarillo General Plan Land Use Element designates the property for Commercial use. The proposed stealth wireless facility is a use consistent with the General Plan Land Use designation and will be subject to conditions of approval and compliance with Federal Communications Commission (FCC) requirements to ensure the use is compatible with the surrounding uses and will not constitute a nuisance. The General Plan Circulation Element identifies the adjacent portion of Ventura Boulevard as a secondary arterial street.

### Zoning

The proposed stealth wireless communications facility use is permitted in the CPD Zone, subject to the approval of a CUP (CMC Section 19.76.040(A)(1)).

### Project Description

The request is for the construction of a new stealth wireless communications facility and was reviewed for consistency with CMC, including Chapter 19.76 – Wireless Communication Facilities. CMC Section 19.76.020 defines a "stealth wireless communication facility" as a wireless communication facility that is architecturally integrated into a building or other concealing structure and located such that no portion of any transmission equipment, base station, or any other apparatus associated with the function of the facility is visible from publicly accessible spaces.

The proposed wireless communications facility is considered a stealth facility, as the equipment would be concealed within a new cupola architecturally integrated with the existing building. It would contain three six-foot panel antennas and six remote radio units, as well as an equipment area within the existing building.

### Building Height and Architecture

The maximum allowable building height in the CPD Zone is 35 feet, except where permitted by a CUP. The highest point of the proposed cupola would be 53 feet and two inches.

The proposed wireless communications facility would be concealed within a new 14-foot-2-inch-tall cupola on an existing 46-foot-9-inch-tall building. A tiered cupola would be created, by removing the top portion of an existing tile roof cupola, extending the height with a smaller cupola centered on the existing cupola, and finished with a tile roof to match. The window details on the new, raised portion will match the existing window details on the building. The proposal includes two new condensing units on the existing flat roof, which do not extend above the existing parapet wall. The cupola would be architecturally integrated into the building and include colors, materials, and textures to match the existing building, thereby

incorporating a design consistent with the design guidelines in the Community Design Element.

### Compliance Summary

Although emissions are regulated strictly by the Federal Communications Commission (FCC), the City may verify compliance with FCC standards.

Based on the attached Radio Frequency-Electromagnetic Energy (EME) report, the site complies with applicable FCC regulations. The FCC regulates permissible levels of radio frequency exposure to protect public health and safety. Applicable FCC regulations consist of Maximum Permissible Exposure (MPE) limits. Two MPE limits apply, an MPE limit for the general public and an MPE limit for occupational activities, such as maintenance of the antennas and equipment.

A site would be out of compliance with FCC regulations if, 1) there are areas that exceed FCC exposure limits and 2), there are no control measures to limit human exposure to the power density in the EME field. The EME report presented results of predictive modeling in relation to these applicable FCC regulations. With respect to the MPE limit for the general public, based on “worst-case” predictive modeling, the EME report concluded that, at the nearest walking/working surfaces at the sloped roof level of the existing cupola, the maximum power density generated by the antennas is approximately 2,327 percent of the FCC’s general public limit and 465 percent of the FCC’s occupational limit. At the ground level and flat main roof level, the maximum power density generated by the antennas does not exceed 100 percent of the MPE limit.

The EME report modeled the emitted power density from all carriers transmitting at the proposed wireless facility location, referred to as the composite exposure level. Any carrier with a new installation that contributes more than 5% of the applicable MPE must implement control measures. The composite exposure level from all carriers on site is approximately 2,332% of the general public limit and 466% of the occupational limit at the nearest walking/working surfaces. At the ground level and flat main roof level, the composite maximum power density generated by the antennas does not exceed 100 percent of the MPE limit. Based on the EME report the new installation would contribute more than 5% of the applicable MPE to the composite exposure. The project would provide control measures to protect human exposure for occupational activities.

### Control Measures

Control measures include procedures to shut down, lockout, and tagout the new wireless equipment in accordance with standard operating protocol. Condition of Approval 13 requires that the site maintain compliance with the FCC regulations and Condition 14 requires installation of the notification markings recommended in the EME report. Additionally, Condition 12 requires the applicant to submit a field verification report within 60 days of installation confirming the project complies with FCC Regulations.

Per CMC Section 19.76.110, recommended special conditions of approval have been included in the attached resolution regarding maintenance and operation of the site, compliance with FCC regulations, graffiti removal, removal of the facility for non-operation, and continued compliance with the City’s Noise Ordinance. Additionally, per CMC 19.76.120, Condition 11 requires notification to the City if there is an ownership transfer of the wireless communication facility.

## STAFF REVIEW AND RECOMMENDATION

Evaluated below is the consistency of the proposed project with the applicable policies of the City of Camarillo's General Plan.

**Community Design Element Objective IA-1.7:** *Work to minimize, and mitigate where necessary, a development's negative impacts on adjoining areas.*

- The proposed stealth wireless communication facility will be located 1,180 feet west of the nearest residential properties and will be concealed within a new cupola architecturally integrated into the existing building to minimize the visual impact on adjoining areas. Additionally, the project plans require that the design of the cupola matches the colors, textures, and materials of the existing building and is consistent with the Community Design Element.

**Community Design Element Industrial Design Guidelines 10.5.3 Mechanical Equipment:** *Stealth-mounted applications for wireless communication facilities should be used whenever possible, whereby the facility is aesthetically integrated into the surrounding environment so as not be readily seen or recognized as a communication facility.*

- The proposed wireless communication facility will be a stealth facility designed with architectural details such as faux windows, with colors and materials to match the existing building. No equipment or antennas will be visible.

Staff has reviewed the proposed project for consistency with the applicable goals and policies of the City's General Plan, and the development standards set forth in the Zoning Ordinance. The project has been reviewed and found to be in accordance with the design and development standards for wireless communications facilities as outlined in CMC Section 19.76.060. Additionally, the proposed facility has been reviewed and found to be in compliance with CMC Chapters 19.76 and 19.62. Staff, therefore, recommends approval of CUP-421 subject to the recommended conditions of approval attached to the resolution. At the conclusion of the public hearing, should the Planning Commission concur with the staff's recommendation, a resolution containing findings for approval of the request is attached to this report.

## SUGGESTED ACTION

1. Find that the project is categorically exempt from the provisions of CEQA under Class 3 New Construction or Conversion of Small Structures (CEQA Guidelines Section 15303).
2. Adopt a resolution approving CUP-421 subject to the recommended conditions of approval. The action of the Planning Commission is final unless an appeal is filed within ten (10) days of the date of their action.

## ATTACHMENTS

1. Resolution
2. EME Report
3. Photosimulations
4. Location Map
5. Public Hearing Notice