

P.C. RESOLUTION NO. 02-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE LOCATION OF WIRELESS COMMUNICATION ANTENNAS ON AN EXISTING OFFICE BUILDING AT 200 PIER AVENUE LEGALLY DESCRIBED AS THE NORTHERLY 10 FEET OF LOT 14, AND ALL OF LOTS 15 THROUGH 18 INCLUSIVE, BLOCK 48, FIRST ADDITION TO HERMOSA BEACH TRACT.

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Nextel Communications seeking approval of a Conditional Use Permit for installation of wireless communication antenna equipment pursuant to the requirements of Section 17.46.240 of Zoning Ordinance;

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit Amendment on May 21, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission;

Section 3. Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The applicant is proposing to install four (4) antennas (48 inches tall by 8.5 inches wide on the widest side) on the north and south facades of an existing commercial office building. The applicant indicates that the antennas are required to service the western portion of the city.
2. The subject lot is zoned C-2, Restricted Commercial.

Section 4. Based on the foregoing the Planning Commission finds:

1. The proposed antennas will be co-located with other similar facilities at the property at 200 Pier Avenue.
2. Any antenna or such device shall be allowed to exceed the height limit only to the extent that the surface area of the device on its widest side shall not exceed 12 square feet of surface area over the height limit pursuant to Section 17.46.240.

- 1 3. The proposed location of the facilities will not be materially detrimental to property
2 or improvements in the vicinity and zone.
- 3 4. Section 17.46.240 requires that the City consider the extent to which the proposed
4 facility is screened or camouflaged by existing or proposed new topography,
5 vegetation, buildings, or other structures. The applicant indicates that the antennas
6 cannot be installed below the building's parapet without reducing the service area.
7 Staff recommends that the antennas be painted to match the building exterior rather
8 than increasing the height of the parapet for screening purposes for that reason and
9 because the building is already at the height limit.

10 Section 5. Based on the foregoing, the Planning Commission hereby approves the
11 subject Conditional Use Permit subject to the following **Conditions of Approval:**

- 12 **1. An RF Environmental Evaluation Report shall be prepared by the applicant**
13 **indicating that the proposed wireless communications facility meets FCC**
14 **regulations and standards for construction, maintenance and operations ten**
15 **days after installation of the facility and every two years thereafter the**
16 **telecommunications service provider must submit a certification report**
17 **attested to by licensed RF engineer that the facility is compliant with applicable**
18 **FCC regulations for RF emissions.**
- 19 **2. The antennas shall be painted and maintained to match the existing color of the**
20 **building and finished in a non-reflective material to blend with surrounding**
21 **materials and colors. No logos or other commercially identifying graphics shall**
22 **be installed on the wireless communication facility.**
- 23 **3. The antennas shall be located so that the combined total surface area of all**
24 **devices above the height limit on the subject building shall not exceed twelve**
25 **(12) square feet of surface area over the height limit.**

26 Section 6. This grant shall not be effective for any purposes until the permittee and
27 the owners of the property involved have filed a the office of the Planning Division of the
28 Community Development Department their affidavits stating that they are aware of, and
29 agree to accept, all of the conditions of this grant.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to
the Community Development Department.

Each of the above conditions is separately enforced, and if one of the conditions of approval
is found to be invalid by a court of law, all the other conditions shall remain valid and
enforceable.

Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and
employees from any claim, action, or proceeding against the City or its agents, officers, or
employee to attack, set aside, void or annul this permit approval, which action is brought

1 within the applicable time period of the State Government Code. The City shall promptly
2 notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in
3 the defense. If the City fails to promptly notify the permittee of any claim, action or
proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
thereafter be responsible to defend, indemnify, or hold harmless the City.

4 The permittee shall reimburse the City for any court and attorney's fees which the City may
5 be required to pay as a result of any claim or action brought against the City because of this
6 grant. Although the permittee is the real party in interest in an action, the City may, at its
7 sole discretion, participate at its own expense in the defense of the action, but such
participation shall not relieve the permittee of any obligation under this condition.

8 The subject property shall be developed, maintained and operated in full compliance with the
9 conditions of this grant and any law, statute, ordinance or other regulation applicable to any
10 development or activity on the subject property. Failure of the permittee to cease any
development or activity not in full compliance shall be a violation of these conditions.

11 The Planning Commission may review this Conditional Use Permit and may amend the
12 subject conditions or impose any new conditions if deemed necessary to mitigate detrimental
effects on the neighborhood resulting from the subject use.

13 Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision
14 of the Planning Commission, after a formal appeal to the City Council, must be made within
90 days after the final decision by the City Council.

15 VOTE: AYES: Kersenboom, Perrotti, Pizer
16 NOES: Tucker
17 ABSTAIN: None
ABSENT: Hoffman

18 CERTIFICATION

19 I hereby certify the foregoing Resolution P.C. No. 02-23 is a true and complete record of
20 the action taken by the Planning Commission of the City of Hermosa Beach, California at
21 their regular meeting of May 21, 2002.

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23 _____
Sam Perrotti, Chairman

Sol Blumenfeld, Secretary

24 _____
25 Date

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