

Section 17.40.170 C(2) also requires that the City consider the extent to which the proposed facility is screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures. Because the applicant proposes that the antennas be installed below the building's parapet, staff recommends that the antennas be painted to match the building exterior. Also, the antennas will not cover any of the exterior Art Deco architectural details of the building as recognized in City Council Resolution 02-6216. Conforming to the Site Selection Guidelines, the proposed use is consistent with the zone and planned use of the property and co-located on an existing city government building.

CONCUR:

Scott Lunceford
Planning Assistant

Sol Blumenfeld, Director,
Community Development Department

Attachments

1. Resolution
2. Location Map
3. Applicant Correspondence
4. Photos

CUP02-7

P.C. RESOLUTION NO. 02-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE LOCATION OF A WIRELESS COMMUNICATION FACILITY ON THE COMMUNITY THEATER BUILDING AT 710 PIER AVENUE, LEGALLY DESCRIBED AS LOTS 1 THROUGH 20, BLOCK 79, 2ND ADDITION TO HERMOSA BEACH AND THE VACATED ALLEY BETWEEN LOTS, AND LOT 1, BLOCK 78, 2ND ADDITION TO HERMOSA BEACH AND HALF VACATED STREET ADJACENT NORTHWEST.

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

Section 1. An application was filed by AT&T Wireless seeking approval of a Conditional Use Permit for installation of wireless communication antennas and 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 on October 15, 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 six (6) antennas on the north, south and west facades of the Community Theater building. The applicant indicates that the antennas are required to service the central portion of the city and to provide coverage along Pacific Coast Highway.
2. The subject lot is zoned O-S, Open Space.

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

1. The proposed antennas will be co-located with the existing city government building at 710 Pier Avenue, consistent with Section 17.40.170 C(7).
2. All antennas shall be installed below the building's parapet, therefore the proposed antennas will comply with height requirements pursuant to Section 17.46.240 C(1).

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3. The proposed location of the facilities will not be materially detrimental to property or improvements in the vicinity and zone.
4. The Planning Commission finds that use of the proposed site results in fewer or less severe environmental impacts than any feasible alternative site pursuant to Section 17.40.170 A(8).

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

- 1. An RF Environmental Evaluation Report shall be prepared by the applicant indicating that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations ten days after installation of the facility and every two years thereafter the telecommunications service provider must submit a certification report attested to by a licensed RF engineer that the facility is compliant with applicable FCC regulations for RF emissions.**
- 2. The antennas shall be painted and maintained to match the existing color of the building and finished in a non-reflective material to blend with surrounding materials and colors. No logos or other commercially identifying graphics shall be installed on the wireless communication facility.**
- 3. The Conditional Use Permit shall only be effective upon execution of a City Council approved lease agreement for installation of the wireless telecommunications facility.**
- 4. Any change to or relocation of antennas or other equipment associated with the wireless telecommunications facility shall be reviewed and approved by the Planning Commission.**

Section 6. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed a the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and 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
4 proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
5 thereafter be responsible to defend, indemnify, or hold harmless the City.

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

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

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

18 Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision
19 of the Planning Commission, after a formal appeal to the City Council, must be made within
20 90 days after the final decision by the City Council.

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VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 02- is a true and complete record of the
action taken by the Planning Commission of the City of Hermosa Beach, California at their
regular meeting of October 15, 2002.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date

CUP02-7R