

P.C. RESOLUTION NO. 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A WIRELESS COMMUNICATION FACILITY TO COLOCATE WITH EXISTING BUSINESSES AT 1100 PACIFIC COAST HIGHWAY, LEGALLY DESCRIBED AS SET FORTH IN THE ATTACHMENT.

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 April 15, 2003, 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 three (3) antennas within a modified light pole adjacent to the north parking lot and install equipment cabinets at the base of the landscaped embankment between the Ralphs supermarket and the shopping center's north parking lot. 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 existing light pole has a 9-inch diameter and is approximately 35 in height. The proposed modified light post will have a 22-inch diameter in order to conceal the proposed antennas inside, but will maintain the same light fixture and height.
3. The applicant indicates that the antennas are required to service the central portion of the city and to provide coverage along Pacific Coast Highway.
4. The subject lot is zoned C-3, General Commercial.

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

1. The proposed antennas will be co-located with the existing businesses at 1100 Pacific Coast Highway, consistent with Section 17.40.170 C(7) that states whenever

possible wireless communication facilities should be located on existing buildings, existing poles, or other existing support structures.

2. All antennas shall be installed below the 35-foot height limit in the C-3 zone, therefore the proposed antennas will comply with height requirements pursuant to Section 17.46.240 C(1).
3. The proposed wireless telecommunications facility has a proposed setback of 32 feet from the nearest residential use, and thereby complies with all setback requirements for the C-3 zone.
4. The proposed antennas will be completely screened by the modified light pole and the proposed equipment cabinets are placed at the bottom of a landscaped embankment screened by adjacent topography, buildings and structures. The modified light pole and the equipment cabinets shall also be painted to match existing structures. Thus, the proposed facility complies with Section 17.40.170 C(2), which 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.
5. The proposed location of the facilities will not be materially detrimental to property or improvements in the vicinity and zone.
6. 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).
7. The proposed use is consistent with the permitted uses allowed in the C-3 zone and the General Plan.

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 modified light pole shall conceal the proposed antennas and shall be painted and maintained to match the color of the existing light poles. The equipment cabinets shall be painted and maintained to match the color of the existing transformer and finished in a non-reflective material to blend with**

1 **surrounding materials and colors. No logos or other commercially identifying**
2 **graphics shall be installed on the wireless communication facility.**

3 **3. Any change to or relocation of antennas or other equipment associated with the**
4 **wireless telecommunications facility shall be reviewed and approved by the**
5 **Planning Commission.**

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

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

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

15 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and
16 employees from any claim, action, or proceeding against the City or its agents, officers, or
17 employee to attack, set aside, void or annul this permit approval, which action is brought
18 within the applicable time period of the State Government Code. The City shall promptly
19 notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in
20 the defense. If the City fails to promptly notify the permittee of any claim, action or
21 proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not
22 thereafter be responsible to defend, indemnify, or hold harmless the City.

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

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

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

1 Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision
2 of the Planning Commission, after a formal appeal to the City Council, must be made within
3 90 days after the final decision by the City Council.

3 VOTE: AYES:
4 NOES:
5 ABSTAIN:
6 ABSENT:

6 CERTIFICATION

7 I hereby certify the foregoing Resolution P.C. No. 03- is a true and complete record of the
8 action taken by the Planning Commission of the City of Hermosa Beach, California at their
9 regular meeting of April 15, 2003.

10 _____
Peter Hoffman, Chairman

10 _____
Sol Blumenfeld, Secretary

11 _____
12 Date

13 CUPR 1100 (03-3)