



applicant's correspondence is misleading in that it seems to show the new light pole as being higher than the existing light poles (please see "Looking southwest from 14<sup>th</sup> Court" photo in the attached applicant correspondence).

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. The proposed antennas will be completely screened by the radome structure atop the new light pole, although the look of the new light pole differs from the existing light pole because the light fixtures are mounted near the center of the new pole as opposed to being on top of the existing pole. The applicant will place the proposed equipment cabinets near the northwest corner of the second floor of the parking structure so that it is screened from view by the exterior walls of the structure. Thus, the existing building effectively screens the proposed equipment cabinets from public view. The applicant also proposes to paint the new light pole and radome structure to match the existing light poles. Staff has no other screening recommendations other than those proposed.

Therefore, because the proposed wireless telecommunications facility is co-located with the existing City commercial parking lot and conforms to the Screening and Site Selection Guidelines of Section 17.40.170, staff believes the proposed use is consistent with the zone and planned use of the property.

CONCUR:

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Scott Lunceford  
Planning Assistant

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Sol Blumenfeld, Director,  
Community Development Department

Attachments

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

CUP1301 (03-7)

**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 1301 HERMOSA AVENUE, LEGALLY DESCRIBED AS LOTS 19 THROUGH 28, 32 & 33, BLOCK 14, 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 Sprint PCS 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 July 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 to install three (3) antennas within a radome structure atop new light pole to replace an existing light pole on the upper parking level and install equipment cabinets on the second parking level of the parking structure in an area not used for parking as part of a new wireless telecommunications facility.
2. The new light pole will replace an existing light pole with no increase in existing height, but will exceed the 30-foot height limit of the C-2 zone. The existing light pole is 20 feet tall, and when combined with the existing building is approximately 47 feet in height.
3. The proposed new light post will have a 14.5-inch diameter by 7 feet tall radome structure atop it in order to conceal the proposed antennas inside and the light fixtures will be lower than existing, but the new light fixtures will be angled to maintain the same light coverage as the existing.
4. The applicant indicates that the antennas are required to service the downtown area due to the current weak signal strength caused by local topography.

1 5. The subject lot is zoned C-2, Restricted Commercial.

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

- 3 1. The proposed antennas will be co-located on the existing City parking structure at  
4 1301 Hermosa Avenue, consistent with Section 17.40.170 C(7) that states whenever  
5 possible wireless communication facilities should be located on existing  
6 buildings, existing poles, or other existing support structures.
- 7 2. The proposed project complies with the height limit requirement because the  
8 surface area over the height limit of the proposed radome structure on the widest  
9 side is 8.45 square feet and the height of the structure will not exceed 15 feet  
10 above the highest point of the building, which is the elevator tower, pursuant to  
11 Section 17.46.240 C(2), which states a proposed antenna or similar device shall be  
12 allowed to exceed the height limit only to the extent that the surface area of the  
13 device on its widest side shall not exceed 12 square feet of surface area over the  
14 height limit, but in no event to exceed 15 feet above the highest point of the  
15 building.
- 16 3. The proposed antennas will be completely screened by the proposed radome  
17 structure on the new light pole and the proposed equipment cabinets are placed  
18 within the parking structure screened by the parking structure walls. The new light  
19 pole and the equipment cabinets shall also be painted to match existing structures.  
20 Thus, the proposed facility complies with Section 17.40.170 C(2), which requires  
21 that the City consider the extent to which the proposed facility is screened or  
22 camouflaged by existing or proposed new topography, vegetation, buildings, or  
23 other structures.
- 24 4. The proposed location of the facilities will not be materially detrimental to property  
25 or improvements in the vicinity and zone.
- 26 5. The Planning Commission finds that use of the proposed site results in fewer or less  
27 severe environmental impacts than any feasible alternative site pursuant to Section  
28 17.40.170 A(8).
- 29 6. The proposed use is consistent with the permitted uses allowed in the C-2 zone and  
the General Plan.

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

- 26 1. **An RF Environmental Evaluation Report shall be prepared by the applicant**  
27 **indicating that the proposed wireless communications facility meets FCC**  
28 **regulations and standards for construction, maintenance and operations ten**

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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 surrounding materials and colors. No logos or other commercially identifying graphics shall be installed on the wireless communication facility.
- 3. 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 within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in 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.

The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its 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.

The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any

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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.

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

Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision 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.

VOTE:           AYES:  
                      NOES:  
                      ABSTAIN:  
                      ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 03- 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 July 15, 2003.

\_\_\_\_\_  
Peter Hoffman, Chairman

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Sol Blumenfeld, Secretary

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Date

CUPR 1301 (03-7)