

P.C. RESOLUTION NO. 05-71

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 1102 AVIATION BOULEVARD, LEGALLY DESCRIBED AS LOTS 8 THROUGH 13, BLOCK 149, REDONDO VILLA TRACT.

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

Section 1. An application was filed by Cingular 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 November 15, 2005, 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 3 antennas within a modified light pole to be placed in an existing landscape area near the northwest property corner, and install 6 equipment cabinets and 2 GPS antennas surrounded by a screen wall on top of the existing one-story commercial building as part of a new wireless telecommunications facility.
2. The proposed modified light post will have a 22-inch diameter in order to conceal the proposed antennas inside.
3. The applicant indicates that the antennas are required to service the eastern portion of the city and to provide coverage along Aviation Boulevard.
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 1102 Aviation Boulevard, 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 will be setback significantly from the nearest residential use, and 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 will be camouflaged by a screen wall. The modified light pole, equipment cabinets, and screen wall 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. A topographical lot survey, certified and stamped by a licensed land surveyor or civil engineer, shall be provided verifying the dimensions of the property and showing the grade elevations at the property corner points.**

- 1 **3. The modified light pole shall comply with the maximum height limit of 35 feet**
2 **allowable in the C-3 zone.**
- 3 **4. The modified light pole shall conceal the proposed antennas and shall be**
4 **painted and maintained to match the color of the similar existing light poles in**
5 **the area. The equipment cabinets and screen wall shall be painted and**
6 **maintained to match the color of the existing building materials and colors. No**
7 **logos or other commercially identifying graphics shall be installed on the**
8 **wireless communication facility.**
- 9 **5. Any change to or relocation of antennas or other equipment associated with the**
10 **wireless telecommunications facility shall be reviewed and approved by the**
11 **Planning Commission.**
- 12 **6. The project shall be located to the south of the current location, subject to the**
13 **approval of the Community Development Director, and must conform to any**
14 **Specific Plan adopted by the City Council that includes the area in which the**
15 **antenna is to be located . In the event the location conflicts with the Specific**
16 **Plan, the Conditional Use Permit shall be referred to the Planning Commission**
17 **for modification.**

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

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

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

27 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and
28 employees from any claim, action, or proceeding against the City or its agents, officers, or
29 employee to attack, set aside, void or annul this permit approval, which action is brought
30 within the applicable time period of the State Government Code. The City shall promptly
31 notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in
32 the defense. If the City fails to promptly notify the permittee of any claim, action or
33 proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
34 thereafter be responsible to defend, indemnify, or hold harmless the City.

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

1 sole discretion, participate at its own expense in the defense of the action, but such
2 participation shall not relieve the permittee of any obligation under this condition.

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

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

10 Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision
11 of the Planning Commission, after a formal appeal to the City Council, must be made within
12 90 days after the final decision by the City Council.

13
14 VOTE: AYES: Allen, Hoffman, Kersenboom, Perrotti, Pizer
15 NOES: None
16 ABSTAIN: None
17 ABSENT: None

18 CERTIFICATION

19 I hereby certify the foregoing Resolution P.C. No. 05-71 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 November 15, 2005.

22
23 _____
24 Ron Pizer, Chairman

25 _____
26 Sol Blumenfeld, Secretary

27
28 November 15, 2005
29 Date

30 CUPR 1102