

**P.C. RESOLUTION NO. 21-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT REQUEST TO CONSTRUCT AND OPERATE AN UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY (VERIZON WIRELESS) AT 2629 MANHATTAN AVENUE, AND DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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

**SECTION 1.** An application was filed by Delta Groups Engineering, on behalf of Verizon Wireless, seeking approval of a Conditional Use Permit for a wireless telecommunications facility (Verizon Wireless) pursuant to the requirements of Sections 17.40.020 and 17.40.170 of Zoning Ordinance on February 25, 2020.

**SECTION 2.** Pursuant to Government Code § 65943, the City of Hermosa Beach and Staff completed deemed the application of CUP 20-2 on May 18, 2021.

**SECTION 3.** The Planning Commission conducted a duly noticed public hearing on June 15, 2021, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

**SECTION 4.** The California Environmental Quality Act (CEQA) requires the City to analyze projects for potential environmental impacts before an action to approve or deny is taken. While this may include a variety of potential impacts, it is noted that Federal regulations preempt the City from considering impacts from radio frequency. The proposed project is Categorically Exempt from the California Environmental Quality Act as defined in Section 15303, (Class 3, New Construction or Conversion of Small Structures). Class 3 exemptions include the installation of small new equipment and facilities, such as the proposed wireless antennas. While this may include a variety of potential impacts, it is noted that Federal regulations preempt the City from considering impacts from radio frequency.

**SECTION 5.** Based on the foregoing findings, the Planning Commission makes the following findings pursuant to Sections 17.40.020 and 17.40.170 of the Municipal Code substantiating that the proposed the facility will be compatible with existing and future uses in the vicinity and not be materially detrimental to property or improvements in the vicinity and zone:

- 1. The extent to which the proposed facility blends into the surrounding environment or is architecturally integrated into a concealing structure, taking into consideration alternate sites that are available.*

The applicant proposes to screen the facility to match the existing architectural features of the building. Thus the proposed facility would be architecturally integrated into a concealed structure. The proposed screening structure is further detailed below.

2. *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 would be screened by a non-reflective structure on the top off the roof. The proposed screening enclosure would match the existing building materials of the existing building. All existing and proposed support equipment would be located below the existing building parapet wall. Additional equipment would be located within the existing 152 square foot equipment room located on the garage level.

3. *The total size of the proposed facility, particularly in relation to surrounding and supporting structures.*

The overall footprint on the building of the antennas and associated equipment encompass approximately 197 square feet on a 1,693 square foot rooftop and on a 16 foot high building in the North End character area. The height of the structure would sit under the 30 foot height requirement of the C-1 Zone. Based on these factors, the facility is not out of scale for the surrounding areas.

4. *The availability of suitable alternative locations for the facility.*

As part of the application, the applicant submitted an alternative design analysis, in which they reviewed other potential sites in the area to reduce the gap in services. The project site was the most feasible site that can meet RF requirements, comply with zoning, and has a willing property owner.

5. *Preference shall be given to facilities located on publicly owned structures, co-location and shared sites.*

The building is privately owned. The applicant is not proposing to co-locate or share the site.

6. *Preference shall be given to sites which are not located along primary street frontage, front yard areas or adjacent to residential uses.*

The site is located adjacent to both arterial and residential streets, as are many sites in the city.

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

The facility would be located on an existing building, thereby avoiding the need to install a new support structure.

**SECTION 6.** Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The applicant proposes to install nine (9) Panel Antennas and related equipment concealed in a screened structure located in a 197 square foot lease area on the roof of the existing building and two (2) new equipment cabinets located in a 152 square foot lease area at the garage level of the existing building.
2. The facility is located at the southwest corner of Manhattan Avenue and the Greenwich Village on an existing multi-tenant personal service building at 2629 Manhattan Avenue. The closest residential uses are located immediately to the south, west and east of the multi-tenant office building. General commercial uses are located to the north and southwest of the subject site.

3. The applicant has furnished required materials per Section 17.40.140(A), explained site selection, service area, nature of proposed facilities, provided letter for willingness to allow for future co-location, and Radio Frequency Radiation evaluation report dated March 18, 2021 demonstrating the facility meets FCC regulations and standards for construction.

**SECTION 7.** Based on the foregoing, the Planning Commission **hereby approves** the request for Conditional Use Permit (CUP 20-2), subject to the following **Conditions of Approval**:

1. The details of the project application and supplemental materials are incorporated as **Conditions of Approval unless modified herein. Any changes to, or relocation of, antennas or other equipment associated with the wireless telecommunications facility shall be reviewed and approved by the Planning Commission. Antenna upgrade, repair and replacement with devices of equivalent or lesser number, dimensions, height in the same locations, may be considered to be routine maintenance or minor, provided visual impacts are not increased, and may be reviewed and approved by the Community Development Director.**
2. The 197 square foot roof top screening structure contains three (3) sectors, each containing three (3) panel antennas and three (3) remote radio units shall be fully concealed within the screened structure on the roof of the existing building. The exterior of all screening walls shall be comprised of non-reflective material(s) and painted to match the existing building.
3. The 152 square foot equipment leased area on the garage level northeast corner shall be screened from public view. Bollards shall be installed to prevent penetration of or damage to this area. The area shall be maintained in a clean manner and free of graffiti at all time.
4. The cable tray attached to the garage level ceiling shall be painted the same color as the ceiling to minimize visibility.
5. Undergrounding conduits for the length of the parking structure on Greenwich Village shall be coordinated and entered into an agreement with the Public Works Department.
6. This approval applies to the proposed wireless telecommunications facility only. Any other wireless telecommunications facility companies or affiliates must obtain separate Conditional Use Permit approval for co-location of additional wireless telecommunications facilities.
7. A Radio Frequency (RF) Environmental Evaluation Report shall be prepared by the applicant and submitted to the Community Development Director substantiating that the proposed wireless telecommunications facility meets FCC regulations and standards for construction, maintenance and operations within ten (10) days after installation of the facility. Every two (2) years thereafter, the telecommunications service provider shall submit a certification report attested to by a licensed RF engineer that the facility is compliant with applicable FCC regulations for RF emissions.
8. No exterior lighting, signs, logos or other commercially identifying graphics shall be installed on the wireless communication facility (excluding those required by law) in connection with the equipment enclosure use.
9. The installation and operation of the facility shall comply with all applicable requirements of the Building and Fire Department requirements, and applicable building, zoning, and electrical code regulations and requirements of the Municipal Code, and all State and Federal requirements. To the extent applicable, every such device shall be adequately grounded for protection against a direct strike of lightning.

10. The existing building shall be power-washed and repainted the same color as the wireless facility structure to be compatible with the surrounding neighborhood prior to final inspection.
11. The existing multi-tenant commercial building shall comply with the Hermosa Beach Municipal Code Chapter 17.50 (Signs). Any unpermitted signage shall be removed, or a sign permit application shall be submitted for review prior to the issuance of a building permit.
12. Future removal of the wireless communication facilities shall comply with the following:
  - a. The applicant shall provide notification to the Community Development Director upon cessation of operations on the site. The applicant shall remove all obsolete or unused facilities from the site within six (6) months of termination of its lease, cessation of operations, or expiration of its permit, subject to the determination of the director of community development. Should the owner fail to effect such removal, the property owner shall be responsible for the removal of the equipment.
  - b. A new permit shall be required if the site is to be used again for the same purpose as permitted under the original permit, if a consecutive period of six (6) months has lapsed since cessation of operations.
  - c. Any FCC licensed wireless communications carrier that is buying, leasing, or considering a transfer of ownership of an already approved facility shall submit a letter of notification of intent to the community development director.
13. If a review of this Conditional Use Permit occurs, the Planning Commission may amend the above conditions and/or impose any new conditions deemed necessary to mitigate detrimental impacts on the environment or neighborhood arising from use of the premise.
14. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.

**SECTION 8.** This permit shall not be effective for any purposes until the permittee and the owners of the property involved have filed at 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 permit.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department prior to the issuance of a building permit.

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.

To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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 permit. 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 permit and any law, statute, ordinance or other regulation applicable to any 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.

**SECTION 9.** 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:  
                  ABSENT:  
                  ABSTAIN:

#### CERTIFICATION

I hereby certify the foregoing Resolution P.C. 21-XX is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their adjourned regular meeting of June 15, 2021.

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David Pederson, Vice Chair

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Ken Robertson, Secretary

June 15, 2021

Date