



## Legislation Details (With Text)

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**Title:** RELOCATION OF AT&T WIRELESS FACILITY FROM 29TH COURT TO THE KIWANIS BUILDING AT 2515 VALLEY DRIVE

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Date	Ver.	Action By	Action	Result
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**Honorable Mayor and Members of  
the Hermosa Beach City Council**

**Regular Meeting of  
January 27, 2015**

### **RELOCATION OF AT&T WIRELESS FACILITY FROM 29<sup>TH</sup> COURT TO THE KIWANIS BUILDING AT 2515 VALLEY DRIVE**

#### **Recommended Action:**

Authorize AT&T to apply for a Conditional Use Permit for a wireless facility on City Property at 2515 Valley Drive (Kiwani building at Valley Park) and direct City Attorney to initiate lease negotiations for use of the site.

#### **Background:**

City staff has been working with AT&T since July 2014 to find a site to relocate an AT&T wireless facility that is currently located on a utility pole on 29<sup>th</sup> Court (a narrow residential alley). The issue first came to staff's attention following a series of complaints to the City about a wireless facility located in the alley on a utility pole in close proximity to a bedroom window. Staff investigated the matter including consultation with the City Attorney and learned that the wireless facility has been operating from this location since 2002. However, there are some legal defects with the encroachment permit under which the site was originally installed. The defects cannot be cured at this location by issuing a new encroachment permit because a wireless facility now requires a conditional use permit (CUP) and cannot be located within in a residential zone. Since AT&T had been operating at this location for over 10 years under what it believed to be a valid city permit, staff agreed to work with AT&T to find an appropriate relocation site to resolve the issue. A location on City property where the Kiwanis building is located has been identified as a potential site.

**Analysis:**

Challenges with identifying a relocation site is that per the Zoning Code the site cannot be within a residential zone, but the facility needs to be capable of providing wireless service to the same area that the existing facility serves and topographic considerations pose substantial limitations on siting. Following multiple meetings with staff and AT&T representatives, AT&T believes that the Kiwanis Building would be an appropriate location to relocate the wireless facility. The proposed facility would consist of two flagpoles with the wireless antenna hidden inside the flagpoles. The flag poles would replace the existing flagpole at the site and be located approximately 36" apart. Each pole is proposed to be at least 35' in height, with a 24" diameter. AT&T needs the two-pole design to accommodate the antenna configuration and the pole diameter. If AT&T were asked reduce the proposal to one pole, the diameter would be a minimum of 36". Staff notified Kiwanis in the initial stages of site identification and then more recently and has not received any adverse comments; they will also be notified of the CUP public hearing process. Once the application is received, staff will evaluate potential impacts and ways to reduce any impacts, and the application will be vetted during a fully noticed public hearing process. At the preliminary stage, we do not believe the project will affect use of the building or site other than potentially minor external disturbance during facility installation if the CUP is approved.

The purpose of this agenda item is only to obtain City authorization (as property owner) for AT&T to apply for the CUP and lease to use this site. The details of the proposal will be vetted through a public hearing as part of the CUP application. Lease negotiations for use of the site will be brought back to the City Council at a later date.

Staff supports relocating the facility on 29<sup>th</sup> Court and agrees that the Kiwanis Building is an appropriate relocation site for consideration through the CUP process. Therefore, staff recommends the City Council authorize AT&T to apply for the CUP at 2515 Valley Drive and direct the City Attorney to initiate lease negotiations.

**Fiscal Implications:**

There may be a positive fiscal impact. The recommended action requests direction for the City Attorney to negotiate a lease with AT&T to use city property. AT&T will apply for all required city permits and pay all required fees.

**Attachments:**

None

**Respectfully Submitted by:** Pamela Townsend, Senior Planner

**Concur:** Ken Robertson, Community Development Director

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Approved:** Tom Bakaly, City Manager