



## Legislation Details (With Text)

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**File created:** 1/7/2020 **In control:** City Council  
**On agenda:** 1/28/2020 **Final action:**  
**Title:** AMENDMENT TO WIRELESS COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN SPRINT AND THE CITY OF HERMOSA BEACH TO EXPAND AN EXISTING WIRELESS COMMUNICATIONS SITE WITHIN THE CITY'S MUNICIPAL PARKING STRUCTURE (LOT C-1301 HERMOSA AVENUE) BY APPROXIMATELY 25 SQUARE FEET FOR ADDITIONAL FACILITIES, WHILE INCREASING MONTHLY RENT BY \$250.00  
(Community Development Director Ken Robertson)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. Amendment to Wireless Site License and Proposed Plans, 2. 2. Original License Agreement, 3. 3. PC Resolution 13-5, 4. 4. Site Photos

Date	Ver.	Action By	Action	Result
1/28/2020	1	City Council		

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of January 28, 2020**

**AMENDMENT TO WIRELESS COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN SPRINT AND THE CITY OF HERMOSA BEACH TO EXPAND AN EXISTING WIRELESS COMMUNICATIONS SITE WITHIN THE CITY'S MUNICIPAL PARKING STRUCTURE (LOT C-1301 HERMOSA AVENUE) BY APPROXIMATELY 25 SQUARE FEET FOR ADDITIONAL FACILITIES, WHILE INCREASING MONTHLY RENT BY \$250.00**  
(Community Development Director Ken Robertson)

**Recommended Action:**

Staff recommends that the City Council:

1. Consent to amend the Wireless Communications Site License Agreement between Sprint and the City of Hermosa Beach to expand the lease area by 25 square feet and increase monthly rent by \$250.00; and
2. Authorize the City Manager to execute the agreement.

**Executive Summary:**

The City of Hermosa Beach and Sprint entered into a Communications Site License Agreement on November 12, 2003 allowing Sprint to provide mobile/wireless communications services at 1301

Hermosa Avenue, within the City's municipal parking structure. The City received an application from Sprint on October 24, 2019 for modifications to the existing facilities. The License Agreement must be modified to accommodate the modifications, which would result in increased monthly rent.

### **Background:**

The subject municipal parking structure (Lot C) is located at the northeast corner of 13th Street and Beach Drive. The parking structure measures three stories in height (approximately 27 feet from grade). The west side of the structure provides 261 parking spaces for residents, nearby businesses, employees and visitors of Hermosa Beach, and to the immediate east is a multi-tenant commercial site with financial services and a Starbucks coffeehouse facing Hermosa Avenue. It is surrounded by commercial uses along Hermosa Avenue and residential uses to the northeast.

In May 2001, the City adopted a wireless ordinance (Ord. 01-1214) requiring wireless facilities to obtain approval of a Conditional Use Permit (CUP). The existing wireless facility was approved by Planning Commission on July 15, 2003 and is governed by a license agreement entered into between the City of Hermosa Beach and Sprint on November 12, 2003. The Planning Commission later approved PC Resolution 13-5 (**Attachment 3**), which is currently in effect, approving a CUP amendment to modify an existing rooftop wireless telecommunications facility (Sprint), adding support equipment to the second level ceiling, and upgrading equipment within an existing leased area on the second level in the northwest corner of the municipal parking structure.

### **Past Council Actions**

Meeting Date	Description
November 12, 2003	Wireless communications site license agreement entered into between the City of Hermosa Beach and Sprint PCS

### **Analysis:**

The Community Development Department received an application and plans on October 24, 2019 to modify and expand the existing facility. The plans have been evaluated for code compliance, including compliance with the Federal Communications Commission's (FCC) regulations (Section 6409(a)). Under Section 6409(a) of the Spectrum Act, "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station". The FCC defines "substantial changes to the physical dimensions" of a tower or base station through establishing objective standards. If proposed changes do not constitute a substantial change, then the project is subject to a more expedited plan check review by the City as opposed to a public hearing for a CUP amendment and must be approved.

The proposed scope of work is not considered a substantial change in that all equipment would be fully screened from view within the (1) light pole antenna canister (located on the third floor of the

structure) above the existing light pole and lights which would remain, (2) a new 25 square foot screening box, painted to match the existing parking structure and mounted on the interior of the second floor wall adjacent to the ceiling, and (3) within the existing 290 square foot second floor equipment area, which would be secured and enclosed with a new eight-foot high chain link security fence extending from floor to ceiling, to address Police Department concerns resulting from the area being accessible to non-authorized personnel resulting in transient activity. Therefore, visual impacts are not increased, as determined by the Community Development Director, and the application is consistent with the CUP in accordance with PC Resolution 13-5. In addition, all parking spaces would be preserved. Planning permits are ready to issue contingent upon approval of the amended license. Accordingly, the Planning Department has approved the expansion in concept.

Since the City own's the parking structure, an amendment to the Wireless Communications Site License Agreement is also required to authorize Sprint to expand the existing wireless communications site by approximately 25 square feet in order to allow additional facilities to be installed at the site before the planning permits can be issued.

The 2013 license agreement references 150 square feet of lease/land area. City staff and the applicant reviewed the 2013 plans against the proposed plans and determined that the original lease area was referenced in error and that the actual lease area occupies 290 square feet. Therefore, the 25 square foot expansion would result in a total lease area of 315 square feet.

The City Attorney has reviewed the terms of the amendment to the agreement and finds them agreeable. If the City Council agrees to the amendments it would, in summary, grant Sprint a non-exclusive right to use approximately 315 square feet of the parking structure, including applicable non-exclusive easements for site access and utilities to erect, maintain and operate mobile/wireless communication facilities. In addition, starting on the date that is 30 days after the start of construction of the modifications to the facilities, the monthly rent would increase by \$250.00 from the current \$3,294.13 rent amount.

Further, to address Police Department concerns about lack of security and unauthorized access to the equipment area, the plans linked to the lease agreement include a perimeter barrier and locked gate to secure the site and limit access to authorized personnel.

### **General Plan Consistency:**

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Chapter 7 of the City's General Plan Infrastructure element states that telecommunication systems support advanced and innovative communication methods between residents, businesses, visitors, and the City. Telecommunications infrastructure and services are critical to businesses for economic growth and job creation. Residents rely on telecommunications for quality of life, education, research, and access to health care and government services. Telecommunications services in Hermosa

Beach include cable television, high speed internet, and wireless and groundline telephone services. A variety of private companies provide these services and have infrastructure located throughout the City to provide consistent and reliable telecommunication services to the community. In August 2015, Hermosa Beach had a total of five mobile providers.

The license amendment would authorize Sprint to modify its wireless infrastructure, consistent with General Plan Infrastructure Goal 1, which aims to ensure infrastructure systems are functional, safe, and well maintained through implementing the following policies:

***Infrastructure, Goal 1 Policies:***

- **1.4 Fair share assessments.** Require new development and redevelopment projects to pay their fair share of the cost of infrastructure improvements needed to serve the project, and ensure that needed infrastructure is available prior to or at the time of project completion.
- **1.5 New technologies.** When feasible, utilize emerging technologies and funding strategies that improve infrastructure efficiency, sustainability, and resiliency.
- **1.6 Utility Infrastructure Siting.** Ensure new infrastructure is sited in a manner to minimize negative impacts to the community and prioritize projects to address the greatest deficiencies.
- **1.7 Aesthetic and urban form.** Require infrastructure and infrastructure improvements that are aesthetically pleasing and consistent with the scenic character of the surrounding area.

The project is also consistent with General Plan Infrastructure Goal 7, which aims to ensure a reliable and efficient telecommunications network is available to every resident, business, and institution through implementing the following policies:

***Infrastructure, Goal 7 Policies:***

- **7.1 Accommodate future technologies.** Encourage telecommunications providers and building developments to size infrastructure and facilities to accommodate future expansion and changes in the need for technology.
- **7.2 Appropriate siting of telecommunications infrastructure.** Design and site all facilities to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses while recognizing that the entire community can have access to communication infrastructure.
- **7.3 Co-location of facilities.** Encourage telecommunications facilities located adjacent to, on, or incorporated into existing or proposed buildings, towers, or other structures.
- **7.4 Emergency services technology.** Prioritize telecommunications services used for the safety and well-being of the community.
- **7.5 Access for all.** Encourage the installation and availability of facilities that provide free telecommunication access at key activity and business centers throughout the community.

**Fiscal Impact:**

The monthly rent would increase by \$250.00 from the current \$3,294.13 rent amount as a result of the 25 square foot facility expansion, resulting in increased lease revenue of \$3,000 annually for the

City.

**Attachments:**

1. Amendment to Wireless Site License and Proposed Plans
2. Original License Agreement
3. PC Resolution 13-5
4. Site Photos

**Respectfully Submitted by:** Nicole Ellis, Associate Planner

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

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

**Legal Review:** Lauren Langer, Assistant City Attorney

**Approved:** Suja Lowenthal, City Manager