



Community Development Department
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CITY OF MANHATTAN BEACH
NOTICE OF DECISIONS FOR TELECOMMUNICATIONS FACILITIES
AND NON-APPEALABLE COASTAL DEVELOPMENT PERMITS
WITHIN THE PUBLIC RIGHT OF WAY
NOTICE OF CITY COUNCIL PUBLIC HEARING

In accordance with Chapter 13.02 of the Manhattan Beach Municipal Code, and the City's Local Coastal Program Chapter A.96, the Department of Community Development, has **approved** the following eleven (11) Telecom Permits, submitted by AT&T Mobility, subject to conditions, and **denied** the one (1) Telecom Permit. Notices of the proposals were sent on August 29, 2017, with a response period ending on September 8, 2017.

The City Council has called all twelve (12) of these applications up for review and will hold a public hearing on **Thursday, November 16, 2017, 6:00 PM**, City Council Chambers, City Hall, 1400 Highland Avenue, Manhattan Beach, CA, to discuss the applications and provide an opportunity for public comments. Oral and written testimony will be received prior to and during the public hearing. Anyone may provide written comments that will be forwarded to the City Council. An agenda and staff report will be posted on the City website prior to the City Council meeting, and be available at the City Clerk's office at City Hall and at the Civic Center Library.

The facilities consist of: 1) utility poles, light poles and a city-owned banner pole mounted antennas; 2) below ground vaults; and 3) ground and pole mounted equipment cabinets, located generally at the intersections specified below. These eleven (11) facilities were approved subject to the findings and mandatory conditions under Chapter 13.02 of the Manhattan Beach Municipal Code, the findings required in the Local Coastal Program and additional conditions, all of which can be found on the City's website at:

<http://www.citymb.info/Home/Components/News/News/3315/43>. The findings for denial of the one facility is also posted on the City's website.

ELEVEN (11) APPROVALS	
<i>Telecom and Coastal Development Permits- (Non-Appealable area of Coastal Zone)</i>	
#CA 16-43 Highland Avenue / 19 th Street & 19 th Place (MBCH06)	Light Pole
#CA 16-44 Alma Avenue / 28 th Street & 28 th Place (MBCH14)	Light Pole
#CA 16-45 Marine Avenue / Bayview Drive (MBCH05)	Light Pole
#CA 16-46 Bayview Drive / 26 th Street (MBCH04)	Light Pole
#CA 16-47 Morningside Drive / 2 nd Street (MBCH13)	Utility Pole
#CA 16-48 Manhattan Avenue / 11 th Street (MBCH07)	Utility Pole
#CA 16-49 Highland Avenue / 32 nd Place (MBCH02)	City-Owned Banner Pole
<i>Telecom Permits only</i>	
2 nd Street / N. Ardmore Avenue (MBCH17)	Light Pole
Ingleside Drive / 5 th Place (MBCH09)	Light Pole
Church Street / 13 th Street & 14 th Street (MBCH18)	Utility Pole
N. Valley Drive / Pacific Avenue (MBCH20)	Amendment to Utility Pole
<i>ONE (1) DENIAL- Telecom Permit only</i>	
N. Valley Drive / 9 th Place (MBCH16)	Utility Pole

Additional details and information on the facilities, including plans and updated photo simulations, are available for review at the Community Development Department at City Hall, 1400 Highland Avenue. Further information or comments may be directed to Jason Masters, Assistant Planner at (310) 802-5515 or telecom-att@citymb.info

Any person wishing to appeal any of these decisions of the Community Development Director to the City Council must do so by filing an appeal of the Director's decision by November 2, 2017. The required appeal forms and procedures will be provided upon request. A fee of \$500 must accompany each site appeal request. The facilities that require a Coastal Development Permit are not located in the appealable area of the Coastal Zone and therefore the decisions are not appealable to the California Coastal Commission.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in correspondence delivered to the City Council at or prior to, the public hearing.

ANNE MCINTOSH
Director of Community Development

Dated: 10/19/2017

CC: California Coastal Commission
Owners within 500 feet
Residents within 100 feet
Interested Parties

Attachments:

Findings and conditions can be found at: <http://www.citymb.info/Home/Components/News/News/3315/43>.

**AT&T twelve (12) Telecommunication Facilities Findings
October 17, 2017**

Pursuant to Manhattan Beach Municipal Code Section 13.02.100, eleven (11) of the proposed facilities are approved by the Community Development Director as the following findings can be made:

- A. That installation of the facilities will not have significant negative impacts to the extent that they substantially interfere with the use of other properties, because the proposed antennas will be mounted on existing utility, light and city-owned banner poles;
- B. That feasible alternative non-residential sites are not available for the proposed facilities, because in order for the applicant to provide the desired level of coverage, the proposed locations are generally located in residential districts, where the nearest non-residential site would not provide an adequate level of coverage;
- C. That denial of the proposed facilities will result in a competitive disadvantage to the applicant, as it will not enable them to meet their level of coverage;
- D. That the denial does discriminate against the applicant in favor of similarly situated competitors;
- E. That the denial would preclude the applicant from proposing an alternate location for the facility, as such locations do not exist.

The facility proposed at Valley Drive and 9th Place is denied as the facility satisfies the following denial findings under Municipal Code Section 13.02.100:

- A. That installation of the facility will have significant negative impacts to the extent that it substantially interferes with the use of other properties, in that there is inadequate space on the utility pole to accommodate the facility;
- B. That a feasible alternative non-residential or other site may be available for the proposed facility, as the applicant needs to further explore these potential alternative locations;
- C. That denial of the proposed facility will not result in a competitive disadvantage to the applicant, since alternative locations have not been fully explored;
- D. That the denial does not discriminate against the applicant in favor of similarly situated competitors, since alternative locations have not been fully explored;
- E. That the denial shall not preclude the applicant from proposing an alternate location for the facility.

Local Coastal Program Findings

Pursuant to Local Coastal Program Section A.96.150. Findings. The seven (7) proposed Telecom facilities located within the Coastal Zone, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program; and each of these seven (7) proposed Coastal Telecom projects are in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976, as public access and recreation are maintained or enhanced and not negatively impacted by the facilities.

AT&T twelve (12) Telecommunication Facilities Conditions
October 17, 2017

Site specific Conditions:

1. CA16-43- MBCH06- Highland Avenue and 19th Street and 19th Place- Light Pole

The applicant shall prepare a survey to show the location of the property lines/right of way line on 19th Place and Highland Avenue. If there is adequate right of way, the equipment cabinet shall be located adjacent to or on the power pole on 19th Place. If this location is determined to be infeasible, the equipment cabinet shall be located on Highland Avenue near the corner of 19th Place. In either instance, the sidewalk shall be widened near the corner of Highland Avenue and 19th Place to provide adequate ADA access. All determinations and improvements shall be subject to review and approval of the Directors of Public Works and Community Development.

2. CA16-49- MBCH02- Highland Avenue and 32nd Place-Banner Pole

The existing news racks on the right-of-way shall be removed by the applicant, the antenna cabinet placed in the general area of the news racks and the surrounding sidewalk shall be repaired by the applicant. Both of the existing banner poles shall be removed and replaced by the applicant. The banner pole that does not accommodate the ATT antenna shall be designed as a smart pole with fiber or other infrastructure for future City telecommunications or similar needs. The exact location, material, colors, infrastructure and details of the facility shall be subject to the review and approval of the Directors of Information Technology, Public Works and Community Development.

3. CA 16-44- MBCH14- Alma Avenue and 28th Street and 28th Place- Light Pole
CA 16-45 MBCH05- Marine Avenue and Bayview Drive- Light Pole
CA 16-47 MBCH13- Morningside Drive and 2nd Street- Utility Pole
CA 16-48 MBCH07-Manhattan Avenue and 11th Street- Utility Pole

The proposed cabinets shall be relocated generally as shown in the updated photo simulations dated October 17, 2017. The exact location of the cabinet and any related improvements shall be subject to review and approval of the Directors of Public Works and Community Development. . For the MBCH13 and 07 facilities the applicant also shall submit verification from Southern California Edison that the arm mounted antenna is a required design instead of a flush mounted antenna

4. MBCH09- Ingleside Drive and 5th Place – Light Pole

All existing above ground wires and cables to the pole shall be undergrounded. The new pole shall be concrete or other material, and the design, color, materials and finishes shall be subject to review and approval by the Director of Public Works.

Standard Conditions- all sites

1. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the Applicant, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the APPLICANT shall record a covenant indicating its consent to the conditions of approval of these conditions with the Office of the County Clerk/Recorder of Los Angeles. The covenant is subject to review and approval by the City Attorney. APPLICANT shall deliver the executed covenant, and all required recording fees, to the Department of Community Development within 30 days of this approval. If APPLICANT fails to deliver the executed covenant

within 30 days, this approval shall be null and void and of no further effect. Notwithstanding the foregoing, the Director may, upon a request by APPLICANT, grant an extension to the 30-day time limit.

2. Should public necessity require, the permitted facility shall be removed or relocated by the permittee at no cost to the City upon thirty (30) days' written notice to the permittee from the City, and should any cost be incurred by the City in the removal of such facility the permittee shall reimburse it for said expense.
3. A certificate of insurance in amounts and form satisfactory to the City Risk Manager shall be filed with the City upon the granting of the telecom permit and shall be maintained in good standing at all times so long as the facility exists, releasing the City from any and all liability whatsoever in the granting of such permit.
4. To the extent possible, as determined by the Director, any facility to be located on the public right of way shall be co-located with similar facilities and all work done coordinated to coincide to the maximum extent possible with other work being done in the right of way to minimize disruption to the public.
5. The applicant shall be required to camouflage and make inconspicuous any facility permitted hereunder by having the size, location of facilities and selection of colors and finishes specified to match and blend the facility with its surroundings in accordance with plans to be reviewed and approved by the Director of Community Development.
6. The applicant shall install additional conduit(s) or fiber in all trenches for future City fiber or other use, subject to review and approval of the Directors of Community Development, Public Works and Information Technology.
7. All antennas or telecom equipment shall be located a minimum of ten feet (10') from a residential building.
8. Provide verification that the proposed facilities complies with all applicable rules, regulations and licensing requirements of the FCC including a report prepared by an engineer, prepared at the applicant's expense, which quantifies the facilities radio frequency (RF) exposures and compares them to FCC adopted standards. Following installation of the proposed facilities, a subsequent field report shall be submitted detailing the facilities cumulative field measurements of RF power densities and RF exposures, confirming that the facilities complies with accepted FCC standards, if applicable.
9. A Construction Management and Parking Plan (CMPP) including but not limited to a construction schedule showing start and end dates, project milestones, and emergency contact information shall be submitted by the applicant and reviewed and approved to the satisfaction of the Director of Community Development, prior to issuance of a permit.
10. The Director reserves the right to require phasing of construction projects or limit the hours of construction to reduce the adverse impacts on the public health, safety and welfare. The City Traffic Engineer and City Engineer has the authority to approve or reject a method of excavation or other construction methodology.
11. The applicant shall obtain all necessary construction permits and shall comply with all applicable building and safety code requirements.
12. The applicant shall enter into a Master License Agreement prior to the issuance of permits. All terms of the Agreement, including payments, shall be complied with in accordance with the Agreement.

13. All electrical and phone service to the proposed facility shall be placed in underground conduits.
14. The applicant agrees to maintain and improve all portions of said facility, including but not limited to antennas, pole, and equipment cabinets with new updated technology as it becomes available and used by the applicant for other distributed antenna system or small cell facilities in the City, and that upon cessation of use or abandonment of the facility it shall be promptly removed at the expense of the applicant.
15. The facilities shall be in substantial conformance with the plans received on December 21, 2016, as amended, and as modified by the photo simulations received on October 16th and 17th, 2017 and Project descriptions submitted to, and approved by, the Director of Community Development on October 17, 2017. Applicant shall submit a final plan incorporating all of the refinements, modifications, and conditions approved within 90 days of the date of approval. Final plans, including but not limited the precise location of all facilities, will be reviewed during the plan check process and will be subject to field inspection prior to permit issuance. The Director of Community Development (“Director” hereinafter) shall determine whether any deviation from the approved facilities is substantial which requires an amendment to the approval. Any substantial deviation from the approved plans or facilities descriptions shall require approval from the City Council.
16. The facilities, pursuant to MBMC Section 13.02.030, shall be developed and utilized within a period not to exceed twelve (12) months from and after the date of the granting of such permit, and, if not so developed and utilized, such permit automatically shall become null and void at the expiration of such twelve (12) month period. The permittee may apply in writing for one extension of time, not to exceed six (6) months, within which to develop and use such permit. The Director, in his or her sole discretion after due consideration, shall either grant or deny the extension of time for such development and use.
17. Pursuant to MBMC Section 13.02.080 - Underground utility districts, any telecommunications facility located in the public right of way may be required to locate new facilities underground or relocate if formation of an underground utility district for the location is pending. A district will be considered pending if a petition signed by the required majority of property owners had been filed with the City to initiate engineering studies for formation of a district. The Director of Public Works or his or her designee may require existing telecommunications facilities to be relocated, placed underground, or removed at the owner's expense upon formation of an underground utility district.

Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys’ Fees, Incurred by the City. APPLICANT shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively “Indemnitees”) from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys’ fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City’s environmental review thereof. APPLICANT shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify APPLICANT of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify APPLICANT of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, APPLICANT shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. APPLICANT shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require APPLICANT to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the

City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. APPLICANT shall deposit that amount with the City or enter into an agreement with the City to pay such expenses as they become due.

AT&T twelve (12) Telecommunication Facilities Conditions
Proposed Revisions to Conditions
November 16, 2017

City staff and AT&T have revised three conditions of approval. If approved by the City Council, the following conditions will be revised and imposed on each site.

Site specific Conditions:

4. MBCH09- Ingleside Drive and 5th Place – Light Pole

All existing above ground wires and cables to the pole shall be undergrounded. The new pole shall be concrete or other material, and the design, color, materials and finishes shall be subject to review and approval by **Southern California Edison** and the Director of Public Works.

Standard Conditions- all sites

6. **The applicant shall provide information and an evaluation on the feasibility of installing additional conduit(s) or fiber in all trenches. If the City determines, in its sole discretion, that it is reasonably feasible or appropriate,** the applicant shall install additional conduit(s) or fiber in all trenches for future City fiber or other use, subject to review and approval of the Directors of Community Development, Public Works and Information Technology.
14. The applicant agrees to maintain and improve all portions of said facility, including but not limited to antennas, pole, and equipment cabinets with new updated technology as it becomes available and used by the applicant for other distributed antenna system ~~or small cell facilities~~ in the City, and that upon cessation of use or abandonment of the facility it shall be promptly removed at the expense of the applicant.