

RESOLUTION NO. 17-0155

RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A TELECOM PERMIT AND COASTAL DEVELOPMENT PERMIT CA-16-49 FOR THE CONSTRUCTION AND OPERATION OF WIRELESS FACILITY PROPOSED TO BE LOCATED AT HIGHLAND AVENUE AND 32ND PLACE

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to Manhattan Beach Municipal Code (Municipal Code) Section 13.02.030, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (Applicant) submitted an application for the subject telecommunications facility at Highland Avenue and 32nd Place (32nd Place Facility). Concurrently, the Applicant submitted 15 other applications for wireless telecommunications facilities at other locations in the City of Manhattan Beach.

SECTION 2. Pursuant to Municipal Code Chapter 13.02, the Pacific Avenue Facility, as a “non-standard facility,” is reviewed by the Director of Community Development and is subject to final review by the City Council. The Director conditionally approved the application. On October 17, 2017, two members of the City Council requested review of the Director’s decision.

SECTION 3. On November 16, 2017, the City Council conducted a public hearing to consider the application. The Council considered all evidence, both written and oral, presented during the public hearing. The Applicant’s representatives spoke in favor of the application. After providing an opportunity to all interested parties to speak, the Mayor provided an opportunity for rebuttal to the Applicant. The Applicant’s representatives responded to questions posed by the public and by Councilmembers.

SECTION 4. The record of the public hearing indicates the following:

A. The 32nd Place Facility is proposed on a banner pole adjacent to commercial properties. The Applicant will replace the existing banner pole with a new, banner pole. The antenna will be flush-mounted on the banner pole and the cabinet equipment will be installed on the replacement banner pole. As originally proposed, the cabinet was ground mounted on the sidewalk near 33rd Street. At the public hearing, the City Council requested, and the Applicant agreed, to install the cabinet equipment on the replacement banner pole. Accordingly, a condition of approval requires the Applicant to replace the existing banner pole and install the cabinet equipment on the new pole, with the final design being subject to Public Works approval.

B. Municipal Code Chapter 13.02.030 regulates the issuance of telecommunications permits in the public right-of-way. Pursuant to Municipal Code Section 13.02.100, the City must approve a telecommunications permit unless it makes the following findings:

1. That installation of the facility will have significant negative impacts to the extent that it substantially interferes with the use of other properties;

2. That a feasible alternative non-residential site is available for the proposed facility;

3. That denial of the proposed facility will not result in a competitive disadvantage to the applicant;

4. That the denial does not discriminate against the applicant in favor of similarly situated competitors; and

5. That the denial shall not preclude the applicant from proposing an alternate location for the facility.

C. The 32nd Place Facility is proposed in the Coastal Zone. Accordingly, a Coastal Development Permit (CDP) is required. Pursuant to LCP Section A.96.150(A), the following findings are required to approve a CDP:

1. That the project, 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

2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976.

D. Pursuant to Municipal Code Section 13.02.030.G, the City must impose specified mandatory conditions when approving a telecom permit and may impose additional conditions as appropriate.

E. Pursuant to Section 332(c)(7) of the federal Telecommunications Act, local governments retain their authority over decisions regarding the placement, construction, and modification of personal wireless service facilities.

SECTION 5. Based upon substantial evidence in the record, including the evidence presented at the public hearing, the staff report and presentation, the attachments to the staff report, and all testimony at the public hearing, the City Council hereby finds:

A. The 32nd Place Facility does not satisfy the five conditions for denial under Municipal Code Section 3.02.100. The facility is located in the right-of-way adjacent to a commercial property in a commercial zone. This commercial location will minimize aesthetic impacts to residential uses. Further, the proposed design, as modified to install the cabinet equipment on the replacement banner pole, will avoid sidewalk obstructions, minimize impacts to the neighborhood streetscape, and not cause significant aesthetic impacts.

B. The project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program. Pursuant to Chapter A.01, the purposes of the LCP include ensuring that service demands of new development will not exceed the capacities of existing streets, utilities, or public services, and to conserve and enhance Manhattan Beach's coastal setting, including its low-profile character. The 32nd Place Facility would improve wireless service coverage and capacity in the western, coastal section of the City by installing a low-profile antenna and cabinet to a replacement banner pole. The proposed design is relatively inconspicuous, retains the neighborhood's low-profile character, and improves wireless service for residents and beach visitors. Consistent with the purposes of the Commercial District under Chapter A.16, the design will minimize impacts on nearby residential districts that could result from ground-mounted cabinets, congested pole installations, or large macro cell sites. Further, by improving wireless capacity, the facility will complement commercial development, and the design avoids the increased visual bulk that could result from ground-mounted cabinets, congested pole installations, or large macro cell sites.

C. The project is not located between the first public road and the sea and, therefore, the finding regarding conformity with the public access and recreation policies are not applicable.

SECTION 6. The 32nd Place Facility is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15303 (Class 3, New Construction of Small Structures). The 32nd Place Facility presents no unusual circumstances and there are no environmental resources of hazardous or critical concern.

SECTION 7. The City Council's decision is based upon each independent and separate grounds stated herein.

SECTION 8. The City Council hereby approves the telecom permit and Coastal Development Permit CA-16-49 for the 32nd Place Facility, subject to the conditions set forth in Exhibit A.

SECTION 9. The City Clerk shall mail by first class mail, postage prepaid, a certified copy of this Resolution and a copy of the affidavit or certificate of mailing to the Applicant and any other persons or entities requesting notice of the decision.

SECTION 10. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED December 5, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

AMY HOWORTH
Mayor

ATTEST:

LIZA TAMURA
City Clerk