



Community Development Department
City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001

**CITY OF MANHATTAN BEACH
NOTICE OF DECISION FOR A TELECOMMUNICATION FACILITY
AND NON-APPEALABLE COASTAL DEVELOPMENT PERMIT
WITHIN THE PUBLIC RIGHT OF WAY AND
NOTICE OF POTENTIAL 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** a Telecommunication Permit, and Coastal Development Permit submitted by AT&T Mobility, subject to conditions at the **southwest intersection of Highland Avenue and 19th Street**. This project was revised based on the direction previously provided by the City Council. Notice of the proposed Telecommunications Facility was sent on March 7, 2019, with a response period ending on March 18, 2019.

The facility consists of pole-mounted antennas and a pole-mounted equipment cabinet on a replacement City-owned streetlight pole. This facility was approved subject to the findings and mandatory conditions under Chapter 13.02 of the Manhattan Beach Municipal Code, and the City's Local Coastal Program, Chapter A.96. Additional details and information on the facilities, including plans, photo simulations, findings, and conditions 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 jmasters@citymb.info

Any person wishing to appeal this decision of the Community Development Director to the City Council must do so by filing an appeal by April 17, 2019. The required appeal forms and procedures will be provided upon request. A fee of \$500 must accompany the appeal request. If appealed, the application will be presented at a public hearing on **Tuesday, June 18, 2019, 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 proposed facility is located in the Coastal Zone but the final action by the City is 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 in correspondence delivered to the City of Manhattan Beach.

ANNE MCINTOSH
Director of Community Development

Dated: 04/03/19

CC: California Coastal Commission
Owners within 500 feet

Residents within 100 feet
Interested Parties

Findings and conditions are available at City Hall, and can be found on the City's website at:
<https://www.citymb.info/departments/community-development/planning-zoning/current-projects-programs/telecommunication-cell-site-information>

AT&T Telecommunication Facilities Findings
SW Corner of Highland Avenue and 19th Street (MBCH06)
April 3, 2019

Pursuant to Manhattan Beach Municipal Code Section 13.02.100, the proposed facility is 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 an existing wood utility pole with a street light;
- 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.

Local Coastal Program Findings

Pursuant to Local Coastal Program Section A.96.150. Findings. The proposed Telecom facility located within the non-appealable 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 the proposed Coastal Telecom project is 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.

Standard Conditions

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 comply with all terms and conditions of the City Council approved Master License 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 October 8, 2018, and Project descriptions submitted to, and approved by, the Director of Community Development on April 3, 2019. 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 to 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 Director of Community Development.
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.
18. *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.



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**CITY OF MANHATTAN BEACH
NOTICE OF DECISION FOR A TELECOMMUNICATION FACILITY
WITHIN THE PUBLIC RIGHT OF WAY AND
NOTICE OF POTENTIAL CITY COUNCIL PUBLIC HEARING**

In accordance with Chapter 13.02 of the Manhattan Beach Municipal Code, the Department of Community Development, has **approved** a Telecommunication Permit, submitted by AT&T Mobility, subject to conditions, at the **northeast intersection of Ardmore Avenue and 2nd Street**. This project was revised based on the direction previously provided by the City Council. The Notice of the proposed Telecommunications Facility was sent on March 7, 2019, with a response period ending on March 18, 2019.

The facility consists of pole-mounted antennas and a pole-mounted equipment cabinet, located near the northeastern corner of the subject intersection, replacing the existing City-owned light pole. This facility was approved subject to the findings and mandatory conditions under Chapter 13.02 of the Manhattan Beach Municipal Code.

Additional details and information on the facilities, including plans, photo simulations, findings and conditions 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 jmasters@citymb.info

Any person wishing to appeal the decision of the Community Development Director to the City Council must do so by filing an appeal by April 17, 2019. The required appeal forms and procedures will be provided upon request. A fee of \$500 must accompany the appeal request. If appealed, the application will be presented at a City Council public hearing on **Tuesday, June 18, 2019, 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.

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ANNE MCINTOSH
Director of Community Development

Dated: 04/03/19

CC: Owners within 500 feet
Interested Parties

Findings and conditions are available at City Hall, and can be found on the City's website at:
<https://www.citymb.info/departments/community-development/planning-zoning/current-projects-programs/telecommunication-cell-site-information>

AT&T Telecommunication Facilities Findings
NE Corner of Ardmore Drive and 2nd Street (MBCH17)
April 3, 2019

Pursuant to Manhattan Beach Municipal Code Section 13.02.100, the proposed facility is 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 an existing city-owned light pole;
- 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.

Standard Conditions

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 comply with all terms and conditions of the City Council approved Master License 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 dated October 8, 2018, and Project descriptions submitted to, and approved by, the Director of Community Development on April 3, 2019. 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 to 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 Director of Community Development.

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.
18. *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.



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**CITY OF MANHATTAN BEACH
NOTICE OF DECISION FOR A TELECOMMUNICATION FACILITY
WITHIN THE PUBLIC RIGHT OF WAY AND
NOTICE OF POTENTIAL CITY COUNCIL PUBLIC HEARING**

In accordance with Chapter 13.02 of the Manhattan Beach Municipal Code, the Department of Community Development, has **approved** a Telecommunication Permit, submitted by AT&T Mobility, subject to conditions at the **southeast intersection of Ardmore Avenue and 9th Street**. . This project was revised based on the direction previously provided by the City Council. Notice of the proposed Telecommunications Facility was sent on March 7, 2019, with a response period ending on March 18, 2019.

The facility consists of pole-mounted antennas and a pole-mounted equipment cabinet, located near the southeastern corner of the subject intersection, on the existing wood utility pole with a streetlight. This facility was approved subject to the findings and mandatory conditions under Chapter 13.02 of the Manhattan Beach Municipal Code.

Additional details and information on the facilities, including plans, photo simulations, findings, and conditions 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 jmasters@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 by April 17, 2019. The required appeal forms and procedures will be provided upon request. A fee of \$500 must accompany the appeal request. If appealed, the application will be presented at a public hearing on **Tuesday, June 18, 2019, 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.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised in correspondence delivered to the City of Manhattan Beach.

ANNE MCINTOSH
Director of Community Development

Dated: 04/03/19

CC: Owners within 500 feet
Interested Parties

Findings and conditions are available at City Hall, and can be found on the City's website at:
<https://www.citymb.info/departments/community-development/planning-zoning/current-projects-programs/telecommunication-cell-site-information>

AT&T Telecommunication Facilities Findings
SE Corner of Ardmore Drive and 9th Street (MBCH16)
April 3, 2019

Pursuant to Manhattan Beach Municipal Code Section 13.02.100, the proposed facility is 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 an existing wood utility pole with a street light;
- 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.

Standard Conditions

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.
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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 comply with all terms and conditions of the City Council approved Master License 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 October 8, 2018, and Project descriptions submitted to, and approved by, the Director of Community Development on April 3, 2019. 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 to 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 Director of Community Development.

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.
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Community Development Department
City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
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**CITY OF MANHATTAN BEACH
NOTICE OF DECISION FOR A TELECOMMUNICATION FACILITY
WITHIN THE PUBLIC RIGHT OF WAY AND
NOTICE OF POTENTIAL CITY COUNCIL PUBLIC HEARING**

In accordance with Chapter 13.02 of the Manhattan Beach Municipal Code, the Department of Community Development, has **approved** a Telecommunication Permit, submitted by AT&T Mobility, subject to conditions, at the **northeast intersection of Deegan Place and 14th Street**. This project was revised based on the direction previously provided by the City Council. Notice of the proposed Telecommunications Facility was sent on March 7, 2019, with a response period ending on March 18, 2019.

The facility consists of pole-mounted antennas and a pole-mounted equipment cabinet, located near the northeastern corner of the subject intersection, on a new street pole. This facility was approved subject to the findings and mandatory conditions under Chapter 13.02 of the Manhattan Beach Municipal Code.

Additional details and information on the facilities, including plans, photo simulations, findings, and conditions 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 jmasters@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 by April 17, 2019. The required appeal forms and procedures will be provided upon request. A fee of \$500 must accompany the appeal request. If appealed, the application will be presented at a public hearing on **Tuesday, June 18, 2019, 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.

If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised in correspondence delivered to the City of Manhattan Beach.

ANNE MCINTOSH
Director of Community Development

Dated: 04/03/19

CC: Owners within 500 feet
Interested Parties

Findings and conditions are available at City Hall, and can be found on the City's website at:
<https://www.citymb.info/departments/community-development/planning-zoning/current-projects-programs/telecommunication-cell-site-information>

AT&T Telecommunication Facilities Findings
NE Corner of Deegan Place and 14th Street (MBCH18)
April 3, 2019

Pursuant to Manhattan Beach Municipal Code Section 13.02.100, the proposed facility is 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 an existing wood utility pole with a street light;
- 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.

Standard Conditions

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 comply with all terms and conditions of the City Council approved Master License 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 October 8, 2018, and Project descriptions submitted to, and approved by, the Director of Community Development on April 3, 2019. 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 to 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 Director of Community Development.

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.
18. *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.

Site Specific Conditions

19. The applicant shall obtain all necessary right-of-way and related permits and shall comply with all applicable Public Works regulations and standards, including but not limited to repair and replacement of adjacent public improvements, sidewalk, and street trees. If the City determines that a streetlight is desirable in the future, the applicant shall bear all costs for modifications and new installation.