



Legislation Text

File #: 17-0334, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Anne McIntosh, Community Development Director

Laurie B. Jester, Planning Manager

Jason Masters, Assistant Planner

SUBJECT:

Telecommunications and Coastal Permits for Four AT&T Telecom Sites in the Public Right of Way on Light Poles in the Appealable Area of the Coastal Zone Located at Manhattan Avenue and 5th Place, Manhattan Avenue and 29th and 36th Streets and Ocean Drive and 18th Street (Community Development Director McIntosh).

CONDUCT PUBLIC HEARING, CONTINUE MANHATTAN AVENUE AND 36th STREET APPLICATION, AND APPROVE OTHERS WITH CONDITIONS

RECOMMENDATION:

Staff recommends that (1) the Mayor open the public hearing; (2) immediately continue application CA16-41 (Manhattan Avenue and 36th Street) to September 19 or to another date certain; (3) close the public hearing; (4) approve the three other subject Telecommunications and Coastal Development Permits with conditions and (5) authorize Staff to negotiate the proposed Master Lease Agreement with AT&T Wireless. The agreement will be brought before City Council for consideration after the City completes the purchase of the Southern California Edison light poles, anticipated in early 2018. The telecommunication facilities will not be installed until after approval of the agreement.

EXECUTIVE SUMMARY:

AT&T is proposing a 16-Node oDAS system to enhance cellular telephone coverage particularly in the Coastal Zone and adjacent areas where coverage is currently marginal or non-existent. The subject application involves four of the 16 Nodes and are within the Coastal Zone Appealable area (decisions appealable to the California Coastal Commission), and is therefore subject to a public hearing. The Nodes would be located at Manhattan Avenue and 5th Place, Manhattan Avenue and 29th and 36th Streets, and Ocean Drive and 18th Street. The four subject Nodes are proposed to be attached to street lights which the City is in the process of acquiring from Southern California Edison. All of the street lights will be removed and replaced by AT&T in the same location, at the same height, and with same design, but with an approximately 2 to 3' tall antenna on top of each pole. Each site will also have an underground equipment vault and an above-ground equipment cabinet varying from 5'-6" to 6'-3" in height in the public right of way installed by AT&T. Should the City Council approve any or all of the proposed locations, AT&T must later come back before the Council for approval of a Master Lease Agreement that would apply to all approved Nodes, which will first be negotiated by

City staff. None of these four Nodes will be installed until the Master Lease Agreement is approved by the City Council.

A multi-departmental staff team has been working with the applicant over the past two years to identify locations that avoid interference with underground utilities, result in no impacts on existing street parking, minimize view and other aesthetic impacts to residents, and do not decrease existing sidewalk accessibility, while providing adequate cellular telephone coverage to underserved areas as desired the applicant.

Local discretion to deny wireless telecom facilities is limited by the federal Telecommunications Act. This law prohibits cities from denying a wireless facility based on potential health or environmental impacts of radio frequency emissions. Additionally, cities cannot unreasonably discriminate among similar carriers or impose regulations and deny a facility if the denial precludes a carrier from addressing a significant gap in its wireless coverage. Limitations on the City's authority to deny a telecom facility are discussed further under "Telecommunications Regulations," below.

FISCAL IMPLICATIONS:

Costs will be incurred as the Master Lease Agreement is negotiated. If approved, the City will receive revenue through the Master Lease Agreement.

BACKGROUND:

The City has worked with AT&T Wireless and other service providers over the previous decades to provide wireless communications services to the residents, visitors and businesses of Manhattan Beach. AT&T currently has several wireless communications facilities (WCFs) throughout the City, but in part due to the topography of the City, has been unable to provide adequate signal to all areas of the City, particularly in the Coastal Area.

Historically, most telecommunications facilities required a significant portion of an existing building's rooftop, or a dedicated cellular tower on which to mount the antennas and related equipment. New technology is now available which allows service providers to mount smaller antennas on existing utility and light poles along with ground-mounted equipment cabinets. This has enabled providers a greater level of coverage in areas with topographical challenges. The City currently has several such sites, but this proposed project represents the first dedicated effort of a widespread small-scale integrated network known as oDAS in Manhattan Beach.

While the proposed AT&T oDAS network includes 16 locations on utility and lights poles, and one on a City-owned banner pole, only four of those Nodes are the subject of tonight's public hearing. All non-standard telecommunication facilities (MBMC Section 13.02.030 D) located in the Coastal Zone Appealable Area (decisions appealable to the California Coastal Commission), such as the proposed project, require a public hearing and City Council review and action (LCP Section A.96.090 A.2.). The Federal Communications Commission (FCC) regulates WCF, but preserves local authority over individual zoning decisions regarding the placement, construction and modification of WCF, with the focus primarily on aesthetics.

DISCUSSION:

Project Description

The AT&T Wireless network is fairly well established throughout the City, particularly along Sepulveda Boulevard, but is weak in the beach area and adjacent areas (see Attachments 1 and 2 for maps of city-wide cell sites and AT&T existing coverage). The purpose of the proposed oDAS system is to enhance cellular telephone coverage within the areas that are weak. As indicated on the attached color diagrams (Attachment 3), the proposed facilities significantly enhance coverage from the beach to throughout the coastal area and particularly in the area immediately adjacent to Manhattan and Highland Avenues. In these particular areas, without the proposed oDAS system, AT&T coverage is either non-existent or marginal.

Staff from Public Works, Information Technology, and Community Development have worked with the project applicants over the past two years to identify potential locations that minimize impacts on residents, sidewalk and ADA access, and interference with undergrounded utilities, while still meeting AT&T's efforts to provide increased service capacity to currently underserved areas. Note that all of the proposed facilities are proposed on existing Edison street lights that the City is in the process of acquiring. Edison has indicated that they will not approve the installation of any telecommunication facilities during the acquisition process. Should the City Council approve any or all of the proposed Nodes, the applicant will need to enter into a Master Lease Agreement with the City, which will need to be considered by the City Council after the street light acquisition.

Each of the proposed facilities consist of one (1) outdoor equipment cabinet and one (1) below grade cabinet, each located in the public right of way, and two (2) panel antennas mounted on streetlights to be replaced in existing locations. The street light poles vary in height from 23' 9" to 24' 4" with the antennas on top at a height of about 2 to 3 feet projecting above the poles. This is a maximum of about 1 to 2 feet above the top of the light which is higher than the pole, with the tallest antenna being at a height of 27' 5". This is below the 30' maximum building height in the RM and RH zoning districts where these Nodes are proposed. The proposed equipment cabinets are 5' 3" in height and are 2' 3" by 1' 1" in width. The cabinets will be mounted on a concrete pad which varies in height depending on the local topography to provide a level surface. None of the cabinets will exceed a total height of 6'-3". Attachments 4 through 7 provide photo simulations and proposed plans for each of the four sites.

The proposed Node at Manhattan Avenue and 36th Street (CA16-41) does not meet Mandatory Condition 13.02.030 G.3.(f.) of the Code, which requires that all antennas or telecom equipment have a minimum separation of ten feet (10') from a residential building. The equipment cabinet does not comply with this dimension, and the antenna does not appear to comply, but Staff is working with the applicant to confirm the proposed separation. Staff has also been working with the applicant to identify alternative equipment locations to comply with this required separation. Staff recommends that this Node be continued to the September 19, 2017 City Council meeting, which the applicant has requested.

The facility at Ocean Drive and 18th Street (CA16-42) requires relocating the existing street sign pylon to provide room for the proposed cabinet. This pylon is barely visible in its current location, and staff is in support of relocating and upgrading this street pylon closer to the 18th Street walk street as proposed because it will be more visible to pedestrians on both Ocean Drive and 18th Street.

Staff has worked with the applicant over the past two years to ensure that the cabinet locations result in no impacts to existing on street parking, and do not decrease existing sidewalk accessibility. Staff recommends that the City Council require, as a condition of approval, that the applicant place

decorative screening around or paint the proposed cabinets to the Community Development Director's satisfaction, to improve the aesthetics. The proposed below grade vault locations have been identified to avoid interference with existing underground utilities. Finally, the proposed antenna locations were identified to minimize potential view obstruction and other aesthetic impacts.

General Plan

The General Plan of the City of Manhattan Beach poses certain goals and policies which reflect the expectations and wishes of the City with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Land Use Element

Goal LU-3: Achieve a strong, positive community aesthetic.

Infrastructure Element

Accommodating pedestrians and Bicyclists

Policy I-6.2: Protect the walkstreets as important pedestrian access to the beach.

Energy and Communications

Goal I-1: Establish a reliable communications system

Policy I-11.1: Accommodate the expansion of communications networks to address the needs of City residents, businesses and other operations.

Policy I-11.3: Support regulations that minimize the visual impacts of communication systems

Local Coastal Program (LCP)

Staff also finds that the project will comply with applicable coastal program regulations. The project is consistent with Policies I.A.1 and II.B 3 of the City's LCP which seeks to maintain access to the coast, as the project maintains and enhances sidewalk, walkstreet and vehicular access and parking. Additionally, the project maintains building height limits as all of the facilities are below the 30-foot maximum height limit.

I. COASTAL ACCESS POLICIES

A. Access Policies

Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone

II. COASTAL LOCATING AND PLANNING NEW DEVELOPMENT POLICIES

B. Residential Development

Policy II.B 3: maintain Coastal Zone residential height limit not to exceed 30 feet as

required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.

All decisions on Coastal Development Permits must be accompanied by written findings, consistent with the City's LCP Section A.96.150 (A). The project is consistent with the following findings:

- A. *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*

The project conforms to the certified LCP, as the antennas and equipment are less than the maximum allowed height, are located and conditioned to minimize visual impacts and enhance aesthetics and as conditioned will maintain and improve public access to the coast.

- B. *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 (Commencing with Section 30200 of the Public Resources Code).*

Staff finds that the project is located between the first public road and the sea and all of the facilities are positioned to maintain or improve existing parking availability and access, as well as sidewalk and walkstreet access, visibility and dimensions, and will not impede public access or restrict recreation opportunities.

Telecommunications Regulations

MBMC Section 13.02.100, of the Telecommunications standards, states that the City Council, shall grant a telecom permit for which a complete application has been submitted pursuant to this Chapter unless the decision maker can make the following findings. Staff believes that the findings are not met and therefore the project should be granted approval as indicated below:

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

The proposed project will not substantially interfere with the use of other properties, as the replacement light poles will not be relocated, they will be the same height with the exception of the antenna on top which is 1' 2" above the top of the light fixture for all Nodes, except for Manhattan Avenue and 5th Place which is 2' above the existing light fixture. The proposed cabinets are located in the public right of way to ensure access to residents' driveways, front doors and public and private parking areas without impacting required public pedestrian sidewalk access.

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

The proposed facilities are located in residential zones, where no feasible non-residential alternatives exist to provide an adequate level of coverage.

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

Denial of the proposed facilities would result in a lack of adequate coverage in the subject areas resulting in a competitive disadvantage to the applicant.

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

Currently there are no similarly situated competitors, however denial of the proposed facilities would result in a lack of adequate coverage in the subject areas which would favor similarly situated competitors.

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

The applicant has evaluated alternate locations for each of the proposed facilities, and they would not provide for an adequate level of coverage.

MBMC Section 13.02.030D provides for discretionary and mandatory conditions for telecommunication permits. Proposed conditions are included as Attachment 8.

POLICY ALTERNATIVES:

While Staff recommends approval of all locations (and continuance CA16-41) as presented, there are three possible alternatives as follows:

ALTERNATIVE #1:

Approve all locations (and continue CA16-41) as presented with additional conditions

ALTERNATIVE #2:

Approve some locations (and continue CA16-41) as presented with conditions, and deny some locations

ALTERNATIVE #3:

Continue all locations to a date certain

ALTERNATIVE #4:

Deny all locations as presented

PUBLIC OUTREACH/INTEREST:

A public notice for the project was mailed to property owners within 500 feet and residents within 100 feet of the site, interested parties, and the California Coastal Commission and published in the Beach Reporter newspaper, as required by Coastal and Telecommunication regulations. Written comments are included as Attachment 9. Other City Departments have been involved over the past two years, but did not have further comments on the project as proposed.

ENVIRONMENTAL REVIEW

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 3 categorical exemption pursuant to Section 15303(d) of the State CEQA Guidelines since the proposed project requires installation of small new equipment and facilities and the conversion of existing light poles where only

minor modifications are made in the exterior of the structure. Thus, no further environmental review is necessary.

LEGAL REVIEW

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

Attachments:

1. Citywide Cell Sites Map
2. Existing Coverage Map
3. Proposed Coverage Map
4. CA16-39 Application Materials - Manhattan Avenue and 5th Place
5. CA16-40 Application Materials - Manhattan Avenue and 29th Street
6. CA16-41 Application Materials - Manhattan Avenue and 36th Street
7. CA16-42 Application Materials - Ocean Drive and 18th Street
8. Draft Conditions of Approval
9. Public Comments