



City of Culver City

Staff Report

File #: 24-794, Version: 1

Item #: PH-1.

CC - PUBLIC HEARING: Continuation of Public Hearing from February 26, 2024 Regarding Appeal of Administrative Approval of Wireless Telecommunications Facilities Encroachment Permit to Crown Castle for 6292 Buckingham Parkway, Culver City Permit Number U23-0278.

Meeting Date: March 11, 2024

Contact Person/Dept: Sammy Romo / Public Works - Engineering Division

Phone Number: (310) 253-5619

Fiscal Impact: Yes [] No [X] **General Fund:** Yes [] No [X]

Attachments: Yes [X] No []

Public Notification: E-Mail: Meetings and Agendas - City Council (03/05/2024); E-mail: E. Scott, Appellant (03/06/2024); E-mail: Brad Ladua, Crown Castle, Applicant (03/06/2024); Mail: All residents within 500 feet of the subject Wireless Telecommunications Facility (03/01/2024)

Department Approval: Yanni Demitri, Public Works Director/City Engineer (02/29/2024)

RECOMMENDATION

Staff recommends the City Council continue with the February 26, 2024 public hearing and consider the appeal by E. Scott (the "Appellant") of staff's approval of Crown Castle's wireless encroachment permit application for a small wireless facility to be located within the public right-of-way in proximity to 6292 Buckingham Parkway, permit number U23-0278, and render a decision by either:

1. **(Staff Recommendation)** Denying the appeal and approving the wireless encroachment permit application with the same conditions and/or findings as the staff approval or with modified conditions and/or findings, and adopting a finding that the approval is categorically exempt from CEQA pursuant to CEQA Guidelines §15303(e); **OR**
2. Granting the appeal and denying the wireless encroachment permit application based on the findings specified by the City Council.

PROCEDURES

1. Mayor calls for a staff report, and the City Council Members may pose questions to staff as desired.
2. Mayor announces the public hearing was opened and closed on February 26th and continued to March 11, 2024.
3. If there are public comments and the City Council wishes to allow for additional public comment, the Mayor reopens the public hearing to receive the public comment.
4. The City Council receives public comment.
5. Mayor seeks a motion to close the public hearing after all public testimony has been presented; and,
6. The City Council discusses the item and arrives at its decision.

BACKGROUND/DISCUSSION

At the City Council meeting on February 26, 2024, a Public Hearing was held to consider the appeal of E. Scott (the “Appellant”) for the approval of the application for installation of a small cell wireless facility to be located within the public right-of-way near 6292 Buckingham Parkway.

The City Council directed staff and Crown Castle (“Applicant”) to further consider the options to install the proposed small cell wireless facility. In order to allow for a continuance of the public hearing and comply with the shot clock requirements under the FCC regulations, Applicant agreed to toll the shot clock to March 13, 2024.

The four initial options were considered as well as other options on that block and nearby areas. Following the field meeting between the Applicant and staff, it was confirmed that the location of the small cell facility identified as the primary candidate by the Applicant and approved by staff is the best location considering the applicable Design and Development Standards (“Standards”) and the material provided by the Applicant to justify placement in the chosen zone, roadway and locations.

Section 2.C of the Standards lists, in order of preference, the zones (2.C.1), roadways (2.C.2) and locations in roadways (2.C.3) for placement of small cells, and states that an applicant may use a less-preferred option if no preferred option is available and technically feasible. Though residential areas are the least preferred zone option for small cell facilities, the proposed location is at the corner of two secondary arterial streets (second-most preferred roadway option after primary arterials) and within an intersection (most preferred roadway location).

The Applicant provided maps and other information in its Site Justification report which indicated that there was a large demand for service in the specific residential area and that the small cell facility would improve coverage and data speeds for Verizon customers within a small radius (500-1000 ft) of the primary candidate site. Therefore, nonresidential zones and primary arterial roadway options were not available and technically feasible to meet the coverage objectives.

The Applicant included three available and potentially technically feasible pole options at the intersection, which is the most preferred roadway location. The 2 options across the street from the apartment building were both traffic signal poles, and they both had other issues which made using them technically infeasible. One is in close proximity to a sewage runoff and has Police Department

infrastructure at the top of the traffic signal pole and the other is next to a power box and Southern California Edison infrastructure. That left the primary candidate on a light pole as the only viable option.

Finally, all of the options were within 600 feet of the Fox Hills Park; therefore, they all would require an exemption from the requirement in Section 2.C.5 of the Standards. Section 3 of the Standards allows an exemption if the applicant can demonstrate that adherence to the Standards is technically infeasible, or for other reasons mentioned in Section 3. Here, the Applicant's Site Justification report information discussed above also showed why the Applicant's adherence to the 600 feet separation from the park was technically infeasible. Additionally, nearby locations are too close to trees, which block cell reception, or are too far from the desired coverage area.

FISCAL ANALYSIS

There is no fiscal impact associated with denying or granting the Appeal.

ATTACHMENTS

1. 2024-03-11_ATT_February 26, 2024 Staff Report, including all attachments.

MOTION

That the City Council:

- 1.A. ***(Staff Recommendation)*** Deny the appeal and approve Crown Castle's wireless encroachment permit application for 6292 Buckingham Parkway, Culver City Permit Number U23-0278, based on the findings set forth in the September 28, 2023, Notice of Application Approval (Attachment 1) and subject to the conditions of approval set forth in Attachments 5 and 6 of the report; and adopt a finding that the approval is categorically exempt from CEQA pursuant to CEQA Guidelines §15303(e). (Note: If the City Council determines to modify or supplement the conditions of approval, those should be articulated in the record.)

OR

If the Council intends to deny any application:

(Note: If the City Council decides to deny the application, the motion for denial should specifically indicate which finding(s) for approval cannot be made and the reasons such finding(s) cannot be made, based on substantial evidence in the record.)

- 1.B. Grant the appeal and deny Crown Castle's wireless encroachment permit application for 6292 Buckingham Parkway, Culver City Permit Number U23-0278, because of the following findings for approval cannot be made for the following reasons: [insert as applicable]

AND

2. Direct Public Works staff to prepare and issue, pursuant to CCMC Section 11.20.065.G.2, a written Notice of Decision, signed by the Mayor, consistent with the City Council's findings and decision set forth in the March 11, 2024 record. The Notice shall be issued no later than March 13, 2024.