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**DEPARTMENT MEMO**

**DEPARTMENT:** Legal

**FROM:** Matt Ribitzki, Deputy City Attorney/Compliance Manager

**MEETING:** April 18, 2022

**SUBJECT:**

Consider approval of a resolution authorizing the City Manager to execute a memorandum of understanding with Hemphill, LLC, concerning the height of a telecommunications tower facility generally located at 620 SW Wilshire Blvd. (Staff Presenter: Matt Ribitzki, Deputy City Attorney/Compliance Manager)

**SUMMARY:**

On December 13, 2021, the City Council approved a specific use permit application from Hemphill, LLC, for a telecommunications tower facility at 620 SW Wilshire Blvd at a height of 100 feet in Case 19-082. As was discussed during Council's consideration of the item, federal law allows a twenty-foot extension above the permitted height. As was stated in the department memo for the item:

Moreover, staff notes that a different provision in federal law, 47 U.S. Code § 1455 ("Wireless facilities deployment") provides that even if the City grants the proposed project wireless tower at a height of 100 foot, the City would be bound to allow a height increase of 20' above the permitted height upon a subsequent application by the Applicant.

On March 24, 2022, Hemphill, LLC, filed a building permit application for the telecommunications tower facility at a height of 117 feet.

The City and Hemphill have negotiated a memorandum of understanding in the matter. The MOU states that an allowed tower height of 120 feet is the combination of the 100 feet allowed in the specific use permit application approved by Council and the one-time allowance of a 20-foot extension under federal law. The MOU also sets forth that no future request for height extensions to the telecommunications tower beyond 120 feet will be made except through application for amendment of the specific use permit.

**OPTIONS:**

- 1) Approve the resolution; or
- 2) Deny the resolution.

**RECOMMENDATION:**

Approve the resolution.

**PRIOR ACTION/INPUT (Council, Boards, Citizens):**

On December 13, 2021, the City Council approved a specific use permit application for a telecommunications tower facility at 620 SW Wilshire Blvd at a height of 100 feet.

**FISCAL IMPACT:**

No Fiscal Impact

**STAFF CONTACT:**

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