

P.C. RESOLUTION NO. 02-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW ADDITIONAL ROOFTOP TELECOMMUNICATIONS EQUIPMENT ON AN EXISTING BUILDING NONCONFORMING TO HEIGHT AT 2601 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS PART OF LOT A, TRACT 1594 AND PART OF LOT 6, BLOCK 3, AMENDED MAP OF SEASIDE PARK TRACT.

The Planning Commission of the City of Hermosa Beach does hereby resolve and order as follows:

Section 1. An application was filed by Cingular Wireless seeking approval of a Conditional Use Permit for installation of rooftop telecommunications equipment pursuant to the requirements of Section 17.46.240 of Zoning Ordinance;

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit Amendment on May 21, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission;

Section 3. Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The applicant is proposing to install two (2) BTS cabinets (5 feet tall by 2.5 feet wide and 4.33 feet long) on the roof of an existing commercial office building.
2. The subject lot is zoned C-3, General Commercial.

Section 4. Based on the foregoing the Planning Commission finds:

1. The proposed rooftop location of the BTS cabinets is co-located with other similar facilities at the property at 2601 Pacific Coast Highway.
2. The BTS cabinets shall be located so that they do not exceed the roofline of the parapet wall. All such equipment located below the building parapet is exempt from surface area calculations pursuant to Section 17.46.240.
3. The proposed location of the facilities will not be materially detrimental to property or improvements in the vicinity and zone.

1 Section 5. Based on the foregoing, the Planning Commission hereby approves the
2 subject Conditional Use Permit subject to the following **Conditions of Approval:**

- 3 **1. An RF Environmental Evaluation Report shall be prepared by the applicant**
4 **indicating that the proposed wireless communications facility meets FCC**
5 **regulations and standards for construction, maintenance and operations ten**
6 **days after installation of the facility and every two years thereafter the**
7 **telecommunications service provider must submit a certification report**
8 **attested to by licensed RF engineer that the facility is compliant with applicable**
9 **FCC regulations for RF emissions.**
- 10 **2. The wireless communication facility shall be painted and maintained to match**
11 **the existing color of the building and finished in a non-reflective material to**
12 **blend with surrounding materials and colors. No logos or other commercially**
13 **identifying graphics shall be installed on the wireless communication facility.**

14 Section 6. This grant shall not be effective for any purposes until the permittee and
15 the owners of the property involved have filed a the office of the Planning Division of the
16 Community Development Department their affidavits stating that they are aware of, and
17 agree to accept, all of the conditions of this grant.

18 The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to
19 the Community Development Department.

20 Each of the above conditions is separately enforced, and if one of the conditions of approval
21 is found to be invalid by a court of law, all the other conditions shall remain valid and
22 enforceable.

23 Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and
24 employees from any claim, action, or proceeding against the City or its agents, officers, or
25 employee to attack, set aside, void or annul this permit approval, which action is brought
26 within the applicable time period of the State Government Code. The City shall promptly
27 notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in
28 the defense. If the City fails to promptly notify the permittee of any claim, action or
29 proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
thereafter be responsible to defend, indemnify, or hold harmless the City.

30 The permittee shall reimburse the City for any court and attorney's fees which the City may
31 be required to pay as a result of any claim or action brought against the City because of this
32 grant. Although the permittee is the real party in interest in an action, the City may, at its
33 sole discretion, participate at its own expense in the defense of the action, but such
34 participation shall not relieve the permittee of any obligation under this condition.

35 The subject property shall be developed, maintained and operated in full compliance with the
36 conditions of this grant and any law, statute, ordinance or other regulation applicable to any

development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the Planning Commission, after a formal appeal to the City Council, must be made within 90 days after the final decision by the City Council.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 02- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of May 21, 2002.

Sam Perrotti, Chairman

Sol Blumenfeld, Secretary

Date

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