

September 13, 2005

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
September 20, 2005**

SUBJECT:            CONDITIONAL USE PERMIT AMENDMENT 05-7

LOCATION:            200 PIER AVENUE

APPLICANT:        NICK SHAAR  
                        800 MANHATTAN BEACH BLVD  
                        MANHATTAN BEACH, CA 902664

REQUESTS:         TO ALLOW THE USE OF A TEMPORARY MOBILE ANTENNA TOWER FOR  
                        A WIRELESS COMMUNICATIONS FACILITY DURING CONSTRUCTION  
                        AND THE REINSTALLATION AND RELOCATION OF PERMANENT  
                        WIRELESS COMMUNICATION ANTENNAS AFTER CONSTRUCTION ON A  
                        COMMERCIAL BUILDING

**Recommendation**

Approve the request subject to the conditions as contained in the attached resolution.

**Background**

ZONING:    C-2

GENERAL PLAN:                                    Restricted Commercial

The subject lot is located on the southeast corner at the intersection of Pier Avenue and Manhattan Avenue. At the May 21, 2002 meeting, the Planning Commission approved a Conditional Use Permit to allow Nextel Communications to install 4 antennas as part of a proposed wireless telecommunications facility. The lot is currently developed with a three-story commercial office building with two separate wireless telecommunications facilities collocated on site. The applicant is in the process of constructing an 18,648 Square foot commercial building complex with 54 commercial condominium units and a parking structure on the subject property as approved by the Planning Commission on September 21, 2004, and by the City Council on appeal on October 26, 2004.

**Analysis**

The applicant is requesting a Conditional Use Permit amendment in order to allow both the temporary use of a mobile antenna tower (“cell on wheels”) during construction of the new commercial condominium complex (Phase 1) and the reinstallation of 4 antennas and an equipment vault as part of a new Nextel Communications wireless telecommunications facility after construction is completed (Phase 2). The applicant proposes to locate the mobile antenna tower near the northeast corner of the property. The permanent antennas will be mounted on the north and south facades of “Unit B” building of the new commercial condominium complex and will not exceed the height of the building. These new antennas will replace the antennas that are on the existing building slated for demolition. The applicant indicates that the mobile antenna tower is required to provide service to the western portion of the city while the commercial condominium complex is under construction and will be removed once the permanent antennas are reinstalled on the new building.

Pursuant to Section 17.46.240, any antenna or such device shall be allowed to exceed the height limit only to the extent that the surface area of the device on its widest side shall not exceed 12 square feet of surface area over the height limit. The proposed temporary antenna mast is 40.5 feet tall with 8.7 square feet of surface area above the 30-foot height limit of the C-2 zone. Once the construction for the

commercial condominium complex is complete the new permanent antennas will be attached below the roofline on the north and south facades of the new building.

Section 17.46.240 also requires that the City consider the extent to which the proposed facility is screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures. The applicant indicates that the permanent antennas are to be installed below the building's parapet and will be painted to match the building exterior for screening purposes. However, City Council Resolution No. 04-6364, Condition No. 9(a) states that the location of future wireless communication facilities shall be shown on project plans and integrated into the design of building. Given this City Council Condition of Approval, The Planning Commission may want to pursue other screening or camouflaging options for the proposed antennas other than painting that are more design oriented. Otherwise, the use is conforming to Site Selection Guidelines, and is consistent with the zone and planned use of the property, as it is co-located on a site with a commercial use.

Also, the submitted plans show no proposed screening for the mobile antenna tower. Given the size and configuration of the mobile antenna tower, and that the mobile antenna tower will only be used during the construction of the commercial condominium project, staff believes fully screening the mobile antenna tower may be infeasible. Instead of completely screening the mobile antenna tower, staff believes that the lower trailer portion of the mobile antenna tower needs to be screened with some type of temporary structure or landscaping, and that a public notification letter be sent to all businesses and residences within a 300-foot radius stating the temporary nature of the mobile antenna tower to alleviate concerns regarding the placement and height of the temporary structure. Staff believes this issue can be resolved as a Condition of Approval.

Please note that the "Phase 2" plans show the co-location of Cingular Wireless equipment along with Nextel Communications equipment on the subject property. The existing Cingular Wireless antennas and other equipment on the property were permitted without a Conditional Use Permit prior to the City's adoption of the Wireless Communications Facilities Ordinance. The reinstallation of any new Cingular Wireless antennas and equipment requires a new Conditional Use Permit approval separate from the Conditional Use Permit approval, as amended, for the proposed Nextel Communications antennas and equipment. Staff has included a Condition of Approval regarding this issue in the attached Resolution.

CONCUR:

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Scott Lunceford  
Associate Planner

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Sol Blumenfeld, Director,  
Community Development Department

Attachments

1. Resolution
2. Location Map
3. Photos



200 Pier Avenue – View of northwest corner of existing commercial building



Close-up view of existing antennas mounted on the building's north façade

## **P.C. RESOLUTION NO. 05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW THE USE OF A TEMPORARY MOBILE TOWER FOR A WIRELESS COMMUNICATIONS FACILITY DURING CONSTRUCTION AND THE REINSTALLATION AND RELOCATION OF PERMANENT WIRELESS COMMUNICATION ANTENNAS AFTER CONSTRUCTION ON A COMMERCIAL BUILDING CONTAINING 54 COMMERCIAL CONDOMINIUM UNITS AT 200 PIER AVENUE LEGALLY DESCRIBED AS THE NORTHERLY 10 FEET OF LOT 14, AND ALL OF LOTS 15 THROUGH 18 INCLUSIVE, BLOCK 48, FIRST ADDITION TO HERMOSA BEACH TRACT.**

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

Section 1. An application was filed by Nick Schaar for Nextel Communications seeking approval of a Conditional Use Permit for the temporary use of a mobile antenna tower (“cell on wheels”) during construction of the new commercial condominium complex, and the reinstallation of 4 antennas and an equipment vault as part of a new Nextel Communications wireless telecommunications facility after construction is completed, 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 September 20, 2005, 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 the temporary use of a mobile antenna tower (“cell on wheels”) during construction of the new commercial condominium complex on the subject property.
2. The applicant is proposing to install four (4) antennas on the north and south facades of the “Unit B” building of the new commercial condominium complex. These new antennas will replace the antennas that are on the existing building slated for demolition.
3. The applicant indicates that the antennas are required to service the downtown area due to the current weak signal strength caused by local topography.
4. The subject lot is zoned C-2, Restricted Commercial.

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

1. The proposed antennas will be co-located with other similar facilities at the property at 200 Pier Avenue.
2. Any antenna or such device shall be allowed to exceed the height limit only to the extent that the surface area of the device on its widest side shall not exceed 12 square feet of surface area over the height limit 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.
4. Section 17.46.240 requires that the City consider the extent to which the proposed facility is screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures.
5. The Planning Commission finds that use of the proposed site results in fewer or less severe environmental impacts than any feasible alternative site pursuant to Section 17.40.170 A(8).

6. The proposed use is consistent with the permitted uses allowed in the C-2 zone and the General Plan.

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

1. **An RF Environmental Evaluation Report shall be prepared by the applicant indicating that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations ten days after installation of the facility and every two years thereafter the telecommunications service provider must submit a certification report attested to by a licensed RF engineer that the facility is compliant with applicable FCC regulations for RF emissions.**
2. **The wall-mounted antennas shall be integrated into the building design, and any screening used in connection with the facility shall be compatible with the architecture, color, texture and materials of the building or other structure to which it is mounted. The facility exterior shall be comprised of non-reflective material(s) and painted or camouflaged to blend with surrounding materials and colors. No logos or other commercially identifying graphics shall be installed on the wireless communication facility.**
3. **The mobile antenna tower shall be removed from use once the permanent antennas are installed and in use. Temporary screening or landscaping shall be used to camouflage the trailer portion of the mobile antenna tower while it is in use. The applicant shall send a public notification letter to all businesses and residences within a 300-foot radius stating the temporary nature of the mobile antenna tower.**
4. **This approval applies to the proposed Nextel wireless telecommunications facility only. Any other wireless telecommunications companies need to get separate Conditional Use Permit approval for co-location of additional wireless telecommunication facilities.**

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

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

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

Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of the State Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or 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.

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

The subject property shall be developed, maintained and operated in full compliance with the 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. 05- 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 September 20, 2005.

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Ron Pizer, Chairman

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Sol Blumenfeld, Secretary

*September 20, 2005*  
Date

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