

November 8, 2005

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

**Regular Meeting of
November 15, 2005**

SUBJECT: CONDITIONAL USE PERMIT 05-11

APPLICANT: CINGULAR WIRELESS
12900 PARK PLAZA DRIVE, 3RD FLOOR
CERRITOS, CA 90703

REQUESTS: TO ALLOW A WIRELESS TELECOMMUNICATIONS FACILITY TO
COLOCATE WITH EXISTING BUSINESSES AT 1102 AVIATION
BOULEVARD

Recommendation

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

Background

ZONING: C-3

GENERAL PLAN: General Commercial

The subject property is located on the southeast corner of the intersection of Aviation Boulevard and Prospect Avenue. The property is currently developed with small one-story multi-tenant commercial building.

Section 17.46.240 of the Zone Code provides that wireless telecommunications facilities are subject to approval of a Conditional Use Permit. Section 17.40.170 of the Zone Code sets forth the guidelines for Commission review.

Analysis

The applicant is requesting a Conditional Use Permit in order to allow the installation of telecommunications equipment collocated with existing businesses. The applicant proposes to install 3 panel antennas within a modified light pole to be placed in an existing landscape area near the northwest property corner (nearest to the intersection of Aviation Boulevard and Prospect Avenue), and install 6 equipment cabinets and 2 GPS antennas surrounded by a screen wall on top of the existing one-story commercial building as part of a new wireless telecommunications facility. The proposed modified light post will have a 22-inch diameter in order to conceal the proposed antennas inside, but will also function as a working illumination device for the parking below. The applicant indicates that the antennas are required to service the eastern portion of the city and to provide coverage along Aviation Boulevard (please see attached applicant correspondence). The proposed use is consistent with the permitted uses allowed in the C-3 zone and the General Plan.

Pursuant to Section 17.26.050 E, the height limit in the C-3 zone is 35 feet. The antennas are proposed to comply with the 35-foot height limit but, as the drawings show, the light standard fixture on top of the modified light pole will exceed the height limit by approximately 11 inches. Also, the applicant has not submitted a topographical lot survey prepared by a state licensed land surveyor or civil engineer for height verification. Staff believes that both of these issues can be resolved as Conditions of Approval.

The proposed wireless telecommunications facility also complies with all setback requirements for the C-3 zone. Pursuant to Section 17.40.170 B, if the facility is located within 200 feet of a residential use, then the facility shall comply with the setback requirements for such zone. Section 17.40.170 C(2) requires that a minimum rear and/or side yard setback of eight feet be provided, and an additional two feet of setback be provided for each story over the first story for structures that abut residential zones, except where public rights-of-way 20 feet or greater in width separate the commercial zone from the residential zone. Because 11th Place, which is over 20 feet in width, separates the subject property from the nearest residential properties to the south, no setbacks are required for the proposed wireless telecommunications facility. However, as shown on the submitted site plan, the location of the modified light pole is approximately 118 feet from the nearest residential property to the south, and the equipment cabinets are approximately 88 feet from the nearest residential property. Thus, the proposed setbacks for the wireless telecommunications facility far exceed the minimum setback requirements for the C-3 zone.

Section 17.40.170 C(2) 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 proposed panel antennas will be completely screened within the modified light pole. The applicant will place the proposed equipment cabinets on the rooftop of the existing building behind a screen wall that will not exceed 18.5 feet in height. The applicant proposes to paint the screen wall and equipment cabinets to match the existing building color scheme. Given that the rooftop of the existing building is visible from the residential properties to the southeast (see attached staff photo) due to the residential properties having a higher base elevation, the screen wall is required to camouflage the equipment cabinets. Staff has no other screening recommendations other than those proposed.

Therefore, because the proposed wireless telecommunications facility is co-located with existing commercial uses, conforms to the Screening and Site Selection Guidelines of Section 17.40.170 and exceeds the setback requirements for the zone, staff believes the proposed use is consistent with the zone and planned use of the property.

CONCUR:

Scott Lunceford
Associate Planner

Sol Blumenfeld, Director,
Community Development Department

Attachments

1. Resolution
2. Location Map
3. Applicant Correspondence
4. Photos

P.C. RESOLUTION NO. 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A WIRELESS COMMUNICATION FACILITY TO COLOCATE WITH EXISTING

BUSINESSES AT 1102 AVIATION BOULEVARD, LEGALLY DESCRIBED AS LOTS 8 THROUGH 13, BLOCK 149, REDONDO VILLA 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 wireless communication antennas and 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 on November 15, 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 to install 3 antennas within a modified light pole to be placed in an existing landscape area near the northwest property corner, and install 6 equipment cabinets and 2 GPS antennas surrounded by a screen wall on top of the existing one-story commercial building as part of a new wireless telecommunications facility.
2. The proposed modified light post will have a 22-inch diameter in order to conceal the proposed antennas inside.
3. The applicant indicates that the antennas are required to service the eastern portion of the city and to provide coverage along Aviation Boulevard.
4. The subject lot is zoned C-3, General Commercial.

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

1. The proposed antennas will be co-located with the existing businesses at 1102 Aviation Boulevard, consistent with Section 17.40.170 C(7) that states whenever possible wireless communication facilities should be located on existing buildings, existing poles, or other existing support structures.
2. All antennas shall be installed below the 35-foot height limit in the C-3 zone, therefore the proposed antennas will comply with height requirements pursuant to Section 17.46.240 C(1).
3. The proposed wireless telecommunications facility has a proposed setback of 88 feet from the nearest residential use, and thereby complies with all setback requirements for the C-3 zone.
4. The proposed antennas will be completely screened by the modified light pole, and the proposed equipment cabinets will be camouflaged by a screen wall. The modified light pole, equipment cabinets, and screen wall shall also be painted to match existing structures. Thus, the proposed facility complies with Section 17.40.170 C(2), which 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 proposed location of the facilities will not be materially detrimental to property or improvements in the vicinity and zone.
6. 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).
7. The proposed use is consistent with the permitted uses allowed in the C-3 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. **A topographical lot survey, certified and stamped by a licensed land surveyor or civil engineer, shall be provided verifying the dimensions of the property and showing the grade elevations at the property corner points.**
3. **The modified light pole shall comply with the maximum height limit of 35 feet allowable in the C-3 zone.**
4. **The modified light pole shall conceal the proposed antennas and shall be painted and maintained to match the color of the similar existing light poles in the area. The equipment cabinets and screen wall shall be painted and maintained to match the color of the existing building materials and colors. No logos or other commercially identifying graphics shall be installed on the wireless communication facility.**
5. **Any change to or relocation of antennas or other equipment associated with the wireless telecommunications facility shall be reviewed and approved by the Planning Commission.**

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, it 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 November 15, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

November 15, 2005
Date



1102 Aviation Blvd. – view of Aviation Blvd. frontage from southeast (rear) property corner

1102 Aviation Blvd. – view



Close-up view of building roof from rear property corner
Note equipment will be visible to adjacent residents without screening wall