

February 13, 2006

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

**Regular Meeting of
February 21, 2006**

SUBJECT: CONDITIONAL USE PERMIT 06-1

LOCATION: 1311 HERMOSA AVENUE

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

REQUESTS: TO ALLOW THE LOCATION OF WIRELESS TELECOMMUNICATIONS
 ANTENNAS ON AN EXISTING OFFICE BUILDING

Recommendation

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

Background

ZONING: C-2, Restricted Commercial

GENERAL PLAN: General Commercial

The subject lot is located on the northwest corner at the intersection of 13th Street and Hermosa Avenue. The lot is currently developed with a three-story commercial office building.

Analysis

The applicant is requesting a Conditional Use Permit in order to allow the construction of a new wireless telecommunications facility on an existing office building that is constructed on City owned property under a long-term ground lease. The City Council will need to review and approve a lease for installing the proposed wireless telecommunications facility. The applicant proposes to install 4 antennas on the existing building as part of the new facility. The antennas will be mounted on the northeast and southeast corners of the building, and on the west building façade facing the City parking structure. The antennas will not exceed the height of the building. The applicant indicates that the antennas are required to service the western portion of the city.

Section 17.40.170 C(2) 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 by screen walls that will be painted, textured and designed to be architecturally compatible with the existing building facades. Most of the other equipment for the wireless facility will be placed within a room on the third floor, except for two roof mounted condensing units. These roof mounted condensing units will cool the equipment in the equipment room below, and are 50 inches wide by 15 inches deep by 32 inches high. Given that the existing parapet wall is approximately 6 inches tall, these condensing units will exceed the height of the building by 26 inches. Section 17.46.010 of the Zoning Ordinance pertaining to the height of roof structures allows certain roof elements, such as the proposed and existing HVAC units, to be constructed above the height limit provided they cover no more than five percent of the roof area. In 2001, the Planning Commission approved a Variance from Section 17.46.010 for the subject commercial building because the existing roof elements covered approximately 10% of the roof area. Pursuant to the Conditions of Approval of P.C. Resolution 01-4, the Planning Commission can review and approve any minor modifications to the plans for the

rooftop equipment on the building. Given that the addition of the condensing units will only increase the roof coverage of the existing building from 10% to 10.4%, staff believes that the addition of the condensing units on the roof is a minor modification to the roof coverage plans submitted in 2001, and as such can be reviewed and approved by the Planning Commission under the conditions of P.C. Resolution 01-4. Staff recommends that the condensing units be screened in a similar fashion as the existing HVAC units, and believes this issue can be resolved as a Condition of Approval.

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, 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. 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE LOCATION OF WIRELESS TELECOMMUNICATIONS FACILITY ON AN EXISTING OFFICE BUILDING AT 1311 HERMOSA AVENUE LEGALLY DESCRIBED AS LOT 29, BLOCK 14, 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 Cingular Wireless seeking approval of a Conditional Use Permit for installation of wireless telecommunications facility 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 February 21, 2006, 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 four (4) antennas (48 inches tall by 8.5 inches wide on the widest side) on the northeast and southeast corners of the building, and on the west building façade facing the City parking structure. Most of the other equipment for the wireless facility will be placed within a room on the third floor of the office building, except for two roof-mounted condensing (HVAC) units. The antennas will not exceed the height of the building. The applicant indicates that the antennas are required to service the western portion of the city.
2. The subject lot is zoned C-2, Restricted Commercial.

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

1. The proposed wireless telecommunications facility will be co-located with an existing commercial office building that is constructed on City owned property under a long-term ground lease.
2. The proposed antennas shall not exceed the height of the existing commercial building.
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.

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

1. **The installation of the wireless telecommunications facility located on City owned property shall be subject to lease approval by the City Council.**
2. **An RF Environmental Evaluation Report shall be prepared by the applicant indicating that the proposed wireless telecommunications 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.**
3. **The antennas shall be screened by screen walls that will be painted, textured and designed to be architecturally compatible with the existing building facades, and to blend with surrounding materials and colors. No logos or other commercially identifying graphics shall be installed on the wireless communication facility.**
4. **The proposed roof-mounted condensing (HVAC) units shall be screened in a similar fashion as the existing roof-mounted HVAC units.**

Section 6. This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at 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. 06- 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 February 21, 2006.

Peter Hoffman, Chairman

Sol Blumenfeld, Secretary

February 21, 2006

Date

CUPRI311



1311 Hermosa Avenue

