

July 9, 2007

Honorable Chairman and Members of the
Hermosa Beach Planning Commission

Regular Meeting of
July 17, 2007

CONTINUED FROM THE MEETING OF JUNE 19, 2007

SUBJECT: CONDITIONAL USE PERMIT 07-2

LOCATION: 901 AVIATION BOULEVARD

APPLICANT: T-MOBILE USA
 3 IMPERIAL PROMENADE, SUITE 1100
 SANTA ANA, CA 92707

REQUEST: TO ALLOW THE LOCATION OF WIRELESS TELECOMMUNICATIONS
 ANTENNAS ON AN EXISTING COMMERCIAL BUILDING

Recommendation:

To approve the project, as revised with three individual rooftop antennas facing east and painted blue to minimize visual impact, by adopting the attached resolution.

Background / Project Information:

On June 19, 2007, the Planning Commission considered a proposed wireless telecommunication facility located on an existing hotel. The Commission continued the hearing and requested the applicant work with residents to address their concerns of visibility for the roof top antennas panel.

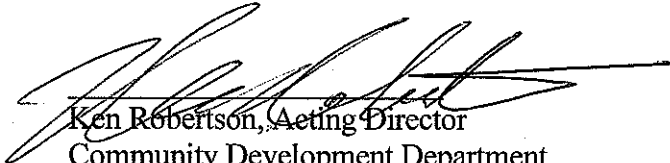
Analysis

On June 28, 2007, the applicant held a community meeting with residents and presented the proposed revise plan to the residents. The revised design provides more visibility through the rooftop antennas as the screening walls will be eliminated. The antennas will be free-standing, held by non-penetrating rooftop ballast frame and painted blue to match the horizon. Furthermore, the separation between each antenna has been increased from 2 feet 6 inches to 4 feet maximizing the visibility between the antennas. The height and depth of the rooftop antennas will remain the same as the original design at 7-foot high and 2-foot deep (total maximum height of 34-feet from the natural grade). The revised design includes cable tray that sits on the roof to the west of the antennas, measuring merely 1-foot in width and 2-inches high (off the finish floor of the roof) that protects the cable from weather. It was the consensus of the residents at the community meeting to paint the proposed three antennas blue as it will best intersperse with the sky and the ocean.

The original project included two additional panels mounted on the exterior walls of the building facing Aviation Boulevard and Aubrey Court, the design and location of these two panels will remain unchanged.


Eva Choi, Planning Assistant

CONCUR:


Ken Robertson, Acting Director
Community Development Department

Attachments

1. Resolution
2. Applicant correspondence
3. Community meeting sign-in sheet
4. Photo simulation of revised design
5. P.C. staff report/attachment 6/19/07
6. P.C. draft minutes 6/19/07

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P.C. RESOLUTION NO. 07-

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 HOTEL BUILDING AT 901 AVIATION BOULEVARD LEGALLY DESCRIBED AS LOT 3 AND ALL OF LOT 4 THROUGH 8 INCLUSIVE, TRACT NO. 6917.

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

Section 1. An application was filed by T-Mobile USA 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 on June 19, 2007 and again on July 17, 2007, 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 ten (10) antennas projected on five (5) separate panels. The mounted antennas panel on the southeast corner of the building faces Aviation Boulevard measure 96 inches wide by 12 inches deep; the mounted second antenna panel on the west building façade facing Pacific Coast Highway measure 180 inches wide by 24 inches deep on the widest side. The remaining three antennas stand upright on the existing building roof along the easterly property line, each antenna measures 7-foot tall and 2-foot deep with 4-foot of separation between the antennas. The three rooftop antennas will be supported by a ballast frame attached to the roof finished floor and a cable tray consisted of 1-foot wide and 2-inched high to protects the cable from damage of natural elements in order to carry signals between the cable and antennas. Most of the other equipment for the wireless facility will be placed within a storage room on the first floor of the hotel building. The mounted antennas panels will not exceed the height of the existing parapet wall. The applicant indicates that the antennas are required to service the northeast and southwest portions of the city.
2. The subject lot is zoned C-3, General Commercial.

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

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1. The proposed wireless telecommunications facility will be co-located with an existing hotel building.
2. The proposed antennas panels mounted on the exterior wall will not exceed the height of the existing parapet wall. The antenna panels located on the roof will not exceed the height limit.
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, and the applicant has demonstrated that these facilities will be adequately screened.

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 roof plan shall be revised to show the maximum height on the roof panel. Precise building height shall be reviewed at the time of plan check, to the satisfaction of the Community Development Director.**
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. **All antennas panels shall be screened by transparent stealth boxes and 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.**

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.

1 Permitee shall defend, indemnify and hold harmless the City, its agents, officers, and
2 employees from any claim, action, or proceeding against the City or its agents, officers, or
3 employee to attack, set aside, void or annul this permit approval, which action is brought
4 within the applicable time period of the State Government Code. The City shall promptly
5 notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in
6 the defense. If the City fails to promptly notify the permittee of any claim, action or
7 proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no
8 thereafter be responsible to defend, indemnify, or hold harmless the City.

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

14 The subject property shall be developed, maintained and operated in full compliance with the
15 conditions of this grant and any law, statute, ordinance or other regulation applicable to any
16 development or activity on the subject property. Failure of the permittee to cease any
17 development or activity not in full compliance shall be a violation of these conditions.

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

21 Pursuant to the Code of Civil Procedure Section 1094.6, any legal challenge to the decision
22 of the Planning Commission, after a formal appeal to the City Council, must be made within
23 90 days after the final decision by the City Council.

24 VOTE: AYES:
25 NOES:
26 ABSTAIN:
27 ABSENT:

28 **CERTIFICATION**

29 I hereby certify the foregoing Resolution P.C. No. 07- 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 July 17, 2007.

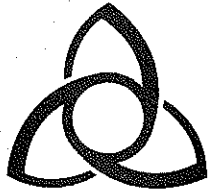
Kent Allen, Chairman

Ken Robertson, Secretary

July 17, 2007

Date

CUPR901Aviation



Trillium

RECEIVED

JUL 02 2007

COMMUNITY DEV. DEPT.

NOTICE OF TRANSMITTAL

DATE: June 29, 2007

TO: Eva Choi
Hermosa Beach Planning Department
1315 Valley Drive
Hermosa Beach, CA 90254-3884

FROM: Jason Kozora, Applicant's Representative

RE: T-Mobile Project located at 901 Aviation Blvd.
T-Mobile Site ID: LA03366

DOCUMENTS TRANSMITTED:

- (1) 24x36 Site Plan & Elevations
- (1) Copy of Community Meeting Sign-in Sheet
- (18) 11x17 Site Plan & Elevations
- (18) Photo Simulations

PURPOSE:

As you were aware the Planning Commission continued the above referenced item at their June 19, 2007 meeting so we could work with the surrounding property owners in choosing a design better suited to their requests and concerns.

The design has been changed with the screening removed and the antennas painted blue to match the horizon at the request of the surrounding residents. Enclosed are revised plans and photo simulations which have this incorporated. If you should need anything else or have any questions please don't hesitate to call me at the numbers below or you can reach me by e-mail at jkozora@trilliumcos.com.

Sincerely,

Jason Kozora
Trillium Consulting for T-Mobile USA, Inc.

COMMUNITY MEETING SIGN IN SHEET

T-MOBILE PROJECT

901 AVIATION BLVD.

6/28/2007

Synopsis- T-Mobile project with the included revisions as presented during the community meeting held 6/28/07. The revised design will include "pipe" mounted antennas with the screen wall removed and a 4' separation between the three roof-mounted antennas.

NAME	ADDRESS	PHONE NUMBER
<i>Claude Brandeau</i>		<i>H.B.</i>
<i>Berry Mackee</i>		
<i>Mike Cobill</i>		

9. CUP 07-2 -- Conditional Use Permit to allow a wireless telecommunications facility on the roof of an existing hotel building, Quality Inn, at 901 Aviation Boulevard.

Staff Recommended Action: To approve said request.

Associate Planner Richard Denniston noted that the subject lot is located on the northwest corner of Aviation Boulevard and Aubrey Court; that it is currently developed with a 3-story hotel; stated that the applicant is requesting to install 10 antennas projected on 3 separate panels; that the panels will be mounted in 3 locations – one on the exterior wall of the southeast side of the building facing Aviation Boulevard, one on the northwest building facing Aubrey Court, and one on the building roof. He noted the roof top panel is 7 feet tall by 8 feet wide and 2 feet in depth, with an antenna access door of 2 feet wide; advised that the wall-mounted panels will not exceed the height of the existing parapet wall; and that the antenna panels are required to service the northeast and southwest portions of the City. He added that the existing height of the building varies in height and grade and that the portion of the building along the easterly property line facing Ocean Drive is well below the 35-foot height limitation; and that the proposed roof panels will be mounted upright, 7 feet above the existing roof line on the easterly portion of the roof and within the allowable height limit for the property. He stated that the two panels mounted on the sides of the building will be completely screened by transparent stealth boxes that are painted, textured, and designed to be architecturally compatible with the existing building facades; that the third panel housing 3 antennas inside screened walls will stand upright on the existing roof and will also be painted, textured, and designed to be architecturally compatible with the existing building facades; that the remaining equipment needed for the operation of the wireless facility will be placed within a leased storage area on the lower level; and noted the applicant is proposing to place new wrought iron gates with removable rails around the equipment cabinets. Because the proposed wireless telecommunications facility is co-located with existing commercial uses and the antennas adequately screened, consistent with the Municipal Code, he noted that staff is recommending approval. He noted that staff also worked with the applicant to minimize visual impacts and at the same time maximize coverage for T-Mobile.

Chairman Allen opened the public hearing.

Jason Kozora, representing the applicant, stated the project will consist of 10 antennas and 4 equipment cabinets; advised that Sector A will be mounted on the northwest corner of the building and flush-mounted with the boxed screen wall and painted to match the existing building color; stated that all the antennas will be completely concealed; that Sector B will be roof-mounted and located approximately 7 feet above the roof line, 6 feet above the existing parapet; that the screened wall will measure 8 feet wide, 2 feet in depth, and is within the allowable 15 feet by code and under the 35-foot height limit; and that Sector C will be flush-mounted on the southwest corner of the building and will consist of 3 antennas and a boxed screen wall similar to Sector A and completely concealed. He advised that 4 equipment cabinets are needed to service these antennas, which will be located on the lower patio deck of the hotel and will not be visible to anyone. He stated the coverage area is all angles north and south along Aviation Boulevard and a portion of PCH to the south and a residential hillside area north of the subject property. He stated this site was their last option before having to obtain a right-of-way antenna/covenant at another location, highlighting other areas they had considered, all lacking adequate space for this project. He noted that the project has certain limitations because of the nearby hillside. He added this site will enhance the E-911 coverage.

Addressing Commissioner Hoffman's inquiry regarding the size of the antennas in Sector B, Mr. Kozora noted the antennas measure approximately 1-foot wide by 5-foot high; that the amount of

the antennas is determined by the needed capacity to service the network; and he commented on the required minimum separation of the antennas.

Claude Brando, Aubrey Court resident, noted his concern with the numerous equipment items on this building, addressing his concern with the negative visual impacts; and questioned if the 3 satellites on top of the roof are operable.

Acting Community Development Director Robertson stated the satellite antennas have been on this building for a long time and that staff will check whether those antennas are permitted.

Mr. Brando asked if those 3 satellites are not functional, that they be removed from the building. He reiterated his concern with the view of this hotel and its satellites and antennas.

Vice-Chairman Kersenboom suggested Mr. Brando contact the hotel to determine whether the satellites are operable and whether or not they can be removed.

Denise McCray, Ocean Drive resident, noted her concern with the health risks of this facility to the nearby residents, addressing literature which indicates these type facilities may present hazardous radiation exposure. She asked for input on how far these facilities can be safely placed from human beings and its effects on the environment. She added that these facilities have a negative impact on nearby property values; and she urged denial of this proposal.

Lance Harris, 10th Street resident, noted his concern with the poor aesthetics of the roof-mounted equipment on this building, noting all he will see is a large box on top of this building.

Matt Ostrom, Bonniebrae Street, noted his concern with his view of this facility and with his property value, noting it will obstruct his limited ocean view.

Mario Alvarez, Ocean Drive resident, addressed his concern with the visual impacts of this building from his property.

Mr. Kozora stated that this project will be in full compliance with FCC requirements and will be well below the allowable threshold adopted by the FCC; stated they will be amenable to inquiring if the existing satellite dishes are still operable and whether they can be removed; that as part of their project, he noted the existing and dilapidated handrails will be removed; and highlighted the need for this facility because of the large number of customer complaints in the area experiencing dropped calls and non-service. He stated if the City is agreeable, they can remove the screening from the roof-mounted antennas to allow people to see around the antennas; and noted they can increase the separation between the antennas to allow the residents a better viewing area. He noted they have proposed the screening only because of a requirement by the City.

Chairman Allen closed the public hearing.

Chairman Allen pointed out there is no view ordinance in Hermosa Beach; expressed his belief there is too much equipment on the roof of this building; and suggested this matter be continued to allow the applicant to work with staff and the neighbors on improving the aesthetics, yet satisfy T-Mobile's needs for adequate coverage.

Commissioner Pizer stated he would not be opposed to continuing this matter if more work can be done to satisfy the residents.

Commissioner Perrotti stated there are a lot of dropped calls in this proposed area; noted he would prefer something on the roof rather than a similar pole as is located on Aviation and Prospect; and noted he would support a continuance.

MOTION by Chairman Allen, seconded by Vice-Chairman Kersenboom, to **CONTINUE** to July 17, 2007, CUP 07-2 to allow the applicant to work with staff and the residents to make this a more aesthetically pleasing proposal. The motion carried as follows:

AYES: Allen, Hoffman, Kersenboom, Perrotti, Pizer
NOES: None
ABSTAIN: None
ABSENT: None