

P.C. RESOLUTION NO. 13-5

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO MODIFY AN EXISTING ROOFTOP WIRELESS TELECOMMUNICATIONS FACILITY (SPRINT PCS), BY REPLACING PANEL ANTENNAS WITHIN A FUNCTIONING LIGHT POLE, INCREASING THE DIAMETER OF THE LIGHT POLE AND RADOME (ANTENNAE ENCLOSURE) ON THE ROOF, ADDING SUPPORT EQUIPMENT TO THE SECOND LEVEL CEILING, AND UPGRADING EQUIPMENT WITHIN AN EXISTING LEASED AREA ON THE SECOND LEVEL IN THE NORTHWEST CORNER OF THE CITY PARKING STRUCTURE AT 1301 HERMOSA AVENUE, LEGALLY DESCRIBED AS A PORTION OF LOTS 9 THRU 28, 32 AND 33, BLOCK 14, HERMOSA BACH TRACT, CITY OF HERMOSA BEACH.

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

Section 1. An application was filed by Suresite Consulting Group, on behalf of Sprint/Nextel, seeking approval of a Conditional Use Permit Amendment for modification of an existing wireless telecommunications facility (Sprint PCS) pursuant to the requirements of Sections 17.40.020, 17.40.170 and 17.46.210 of Zoning Ordinance.

Section 2. The Planning Commission conducted a duly noticed public hearing on March 19, 2013, 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 existing wireless facility was approved by Planning Commission on July 15, 2003 and is governed by a wireless communication site license agreement entered into between the City of Hermosa Beach and Sprint PCS on November 12, 2003.
2. Subsections 6(b) and 6(c) of the site license agreement permits Sprint PCS to do all work necessary to prepare, maintain and alter the premises for the communications operations. As such, the applicant requests to modify the existing wireless facility in order to improve service.
3. The applicant proposes to remove three (3) panel antennas on three (3) separate sectors, facing north, southeast and southwest of the subject parking structure. All three panel antennas are screened inside a radome and attached to a functioning light pole on the roof level of the city parking structure. The applicant is proposing to install three (3) new panel antennas within a new radome attach to a new light pole, six (6) remote radio units attach to the second level ceiling and upgrade support equipment in the leased area at the northwest corner on the second level of the parking structure. The dimensions of the radome and light pole will increase to accommodate new panel antennas. Support equipment for the wireless facility remains within the 150 square feet leased area at the northwest corner of the second level.
4. The subject parking structure is located at the northeast corner of 13th Street and Beach Drive, to the immediate west of a multi-tenant C-2 commercial site with financial services and a snack

shop (Starbucks) facing Hermosa Avenue. It is surrounded by restricted commercial uses along Hermosa Avenue and residential uses to the northeast (R-3).

5. The existing parking structure is 27 feet high as measured from the natural grade. The existing lighting fixture with radome stands 20 feet above the roof surface and exceeds the 30-foot height limit in the C-2 zone.
6. The existing wireless facility approved and installed in July 2003; having demonstrated compliance with applicable zoning requirements. This is the first of two approved wireless telecommunication facilities at the subject site.
7. The applicant has furnished required materials per Section 17.40.140(A), explained site selection, service area, nature of existing facilities, provided letter for willingness to allow for future co-location, and Radio Frequency Radiation evaluation report dated December 20, 2012 demonstrating the facility meets FCC regulations and standards for construction.

Section 4. Based on the foregoing findings, the Planning Commission makes the following findings pursuant to Sections 17.40.020, 17.40.170 and 17.46.210 of the Municipal Code substantiating that the proposed modification to the facility will be compatible with existing and future uses in the vicinity and not be materially detrimental to property or improvements in the vicinity and zone:

1. The wireless facility consists of three panel antennas screened within a radome, attached to the top of a functioning lighting fixture and a 150 square feet equipment area on the second level northwest corner. The existing lighting fixture with the radome measures 20 feet above the parking roof surface with the widest surface area of the radome being 8.5 square feet over the height limit allowed in the C-2 zone. The applicant proposes to install three new panel antennas, a new radome with a new light pole with the combine height of 20 feet above parking roof surface. The new radome measures 32 inches in diameter at its widest side and 4.5 feet in length. Additionally, six (6) remote radio units will be attached to the second level ceiling. Each remote radio unit measures approximately 25 inches long, 11 inches wide and 12 inches in depth, to be painted to blend in with the ceiling color. Since the remote radio units will be architecturally compatible with the ceiling and thereby will not result in any new negative visual impacts;
2. The wireless facility is not located within 200 feet of a residential use. The nearest residential zoning district is R-3 at 209 feet to the north. The functioning light fixture, leased equipment area and the remote radio units on the second level are painted to be compatible with the parking structure and screened from nearby residential properties;
3. The unmanned wireless facility is not located on a residentially zoned property and will not increase off-street parking, noise, traffic, utility use, air or water quality or result in other demands or impacts. Construction impacts and noise are controlled by Municipal Code Section 8.24.080 (construction noise) and Chapter 15 (Building and Construction);
4. The facility is the first of two wireless operators at the subject site. The Planning Commission approved a co-location facility (Cingular Wireless) in 2006, this facility involves four panel antennas mounted on the building façade and an equipment room on the third level of the parking structure;
5. The facility will not bear signs or private advertising devices other than for public safety purposes;

6. The three panel antennas will be screened in the same manner as the existing panel antennas. The new light pole and radome will be textured and painted to be architecturally compatible with the existing building. The remote radio units will be painted to match the existing ceiling color to minimize visual appearance from the street and adjacent properties. Support equipment leased area on the second level will continue to have 4-foot bollards around the perimeter separating the equipment and adjacent public parking spaces;
7. The facility will not generate noise, odor, dust, vibration or impact to the city's infrastructure from the proposed upgrade, as already demonstrated because this is an existing facility;
8. The facility does not involve the installation of a monopole; new panel antennas will be fully screened inside the radome, any supporting equipment will be painted to blend-in with the surrounding materials and colors;
9. The site provides wireless coverage as desired by the applicant and has not been identified to exhibit any environmental impacts that would be reduced by location at any other site; and
10. The proposed radome structure has a surface area of 12 square feet as measures at its widest side with 5 feet above the highest point on the roof complies with requirements for surface area measurement of a rooftop facility exceeding height limit.

Section 5. The project is Categorically Exempt from the California Environmental Quality Act per CEQA Guidelines, Sections 15301 and 15311, Accessory Structures, as the project is a utility provided on a commercially zoned site within an urbanized area, will not exceed the height of the existing device or C-2 zone, and has no effects relating to aesthetics, traffic, noise, air or water quality, or to wildlife.

Section 6. Based on the foregoing, the Planning Commission **hereby approves** the request for Conditional Use Permit Amendment (CUP 13-3), supersedes the conditions contain in P.C. Resolution 03-37, subject to the following **Conditions of Approval**:

1. **The details of the project application and supplemental materials are incorporated as Conditions of Approval unless modified herein. Any changes to, or relocation of, antennas or other equipment associated with the wireless telecommunications facility shall be reviewed and approved by the Planning Commission. Antenna upgrade, repair and replacement with devices of equivalent or lesser number, dimensions, height in the same locations, may be considered to be routine maintenance or minor, provided visual impacts are not increased, and may be reviewed and approved by the Community Development Director.**
2. **Three sectors, each containing a panel antenna are fully screened within a radome attached to the top of a functioning lighting fixture, measure at approximately 20 feet above the roof surface shall be textured and painted to be architecturally compatible with the existing building facades. The exterior of all facilities shall be comprised of non-reflective material(s).**
3. **Existing 4-foot high bollards separating the equipment leased area and adjacent public parking spaces shall remain in place and any new equipment shall be painted to match existing building.**
4. **The applicant shall inspect the rooftop facility and second level leased area on a monthly basis and shall maintain the site in a clean manner and free of graffiti at all time.**

5. This approval applies to the proposed wireless telecommunications facility modification only. Any other wireless telecommunications facilities companies or affiliates must obtain separate Conditional Use Permit approval for co-location of additional wireless telecommunications facilities.
6. A Radio Frequency (RF) Environmental Evaluation Report shall be prepared by the applicant and submitted to the Community Development Director substantiating that the proposed wireless telecommunications facility meets FCC regulations and standards for construction, maintenance and operations within ten (10) days after installation of the facility. Every two (2) years thereafter, the telecommunications service provider shall submit a certification report attested to by a licensed RF engineer that the facility is compliant with applicable FCC regulations for RF emissions.
7. No exterior lighting, signs, logos or other commercially identifying graphics shall be installed on the wireless communication facility (excluding those required by law) or rooftop of the commercial building in connection with the equipment enclosure use.
8. The installation and operation of the facility shall comply with all applicable requirements of the Building and Fire Department requirements, and applicable building, zoning, and electrical code regulations and requirements of the Municipal Code, and all State and Federal requirements. To the extent applicable, every such device shall be adequately grounded for protection against a direct strike of lightning.
9. Future removal of the wireless communication facilities shall comply with the following:
 - a. The applicant shall provide notification to the Community Development Director upon cessation of operations on the site. The applicant shall remove all obsolete or unused facilities from the site within six (6) months of termination of its lease, cessation of operations, or expiration of its permit, subject to the determination of the director of community development. Should the owner fail to effect such removal, the property owner shall be responsible for the removal of the equipment.
 - b. A new permit shall be required if the site is to be used again for the same purpose as permitted under the original permit, if a consecutive period of six (6) months has lapsed since cessation of operations.
 - c. Any FCC licensed wireless communications carrier that is buying, leasing, or considering a transfer of ownership of an already approved facility shall submit a letter of notification of intent to the community development director.
10. If a review of this Conditional Use Permit occurs, the Planning Commission may amend the above conditions and/or impose any new conditions deemed necessary to mitigate detrimental impacts on the environment or neighborhood arising from use of the premise.
11. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration will be provided.

Section 7. 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.

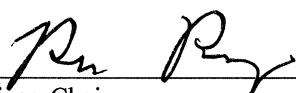
The Planning Commission may review this Conditional Use Permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

Section 8. 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.

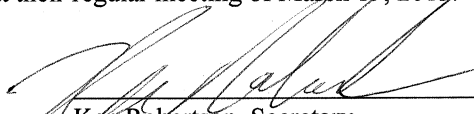
VOTE:	AYES:	Comms. Flaherty, Hoffman, Perrotti, Allen, Chmn. Pizer
	NOES:	None
	ABSTAIN:	None
	ABSENT:	None

CERTIFICATION

I hereby certify the foregoing Resolution P.C. No. 13-5 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 March 19, 2013.



Ron Pizer, Chairman



Ken Robertson, Secretary

March 19, 2013

Date

CUPR1301 Hermosa Av