



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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October 15, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION: Approve a Conditional Use Permit for the construction of a new 65-foot-tall co-locatable wireless telecommunications monopole disguised as a pine tree (mono-pine), to replace an existing 45-foot-tall mono-palm, located at 5290 Long Beach Blvd. (District 9)

APPLICANT: AT&T Mobility
c/o Tim Miller for Trillium Consulting, Inc.
5912 Bolsa Ave., Suite 202
Huntington Beach, CA 92649

Application No. 0807-05

DISCUSSION

The proposed project is located on the east side of Long Beach Boulevard between Mountain View Street and 53rd Street (Exhibit A – Location Map). The site is in the CCA (Community Commercial Automobile-Oriented) zoning district an 11,972-square-foot project site composed of two lots, improved with an approximately 4,900-square-foot single-story commercial building built out to the sidewalk, with parking behind. An existing 45-foot-tall Sprint mono-palm is on the site, behind the building.

The applicant, AT&T Mobility, proposes to construct a 65-foot-tall monopole disguised as a pine tree (mono-pine) directly to the south of the existing Sprint mono-palm, inside the Sprint equipment area behind the building (Exhibit B – Plans). The existing 45-foot-tall Sprint mono-palm will be removed, and Sprint's antennas will be relocated onto the new mono-pine. Staff recommends approval of this Conditional Use Permit (Exhibit C - Findings and Conditions of Approval), as the project is consistent with the requirements of the Zoning Regulations. The project will result in the installation of a new well-camouflaged mono-pine and will eliminate an aesthetically-outdated and unsightly mono-palm.

The Special Conditions for monopoles contained in Section 21.52.210 of the Zoning Regulations specify that monopoles should not exceed 45 feet in height unless they are so located as to be unobtrusive to residential districts. The proposed 65-foot-tall monopole is located in such a way as to cause the least amount of impact to nearby residents, as it is approximately 75 feet from the nearest residential zone, and will be built between two existing 35-foot-tall live palm trees.

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PUBLIC HEARING NOTICE

Public hearing notices were distributed on September 28, 2009, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. To date, no responses have been received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 08-040) was issued for the proposed project (Exhibit D).

Respectfully submitted,

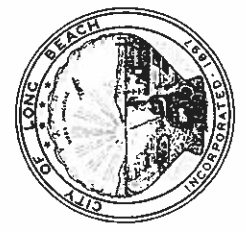
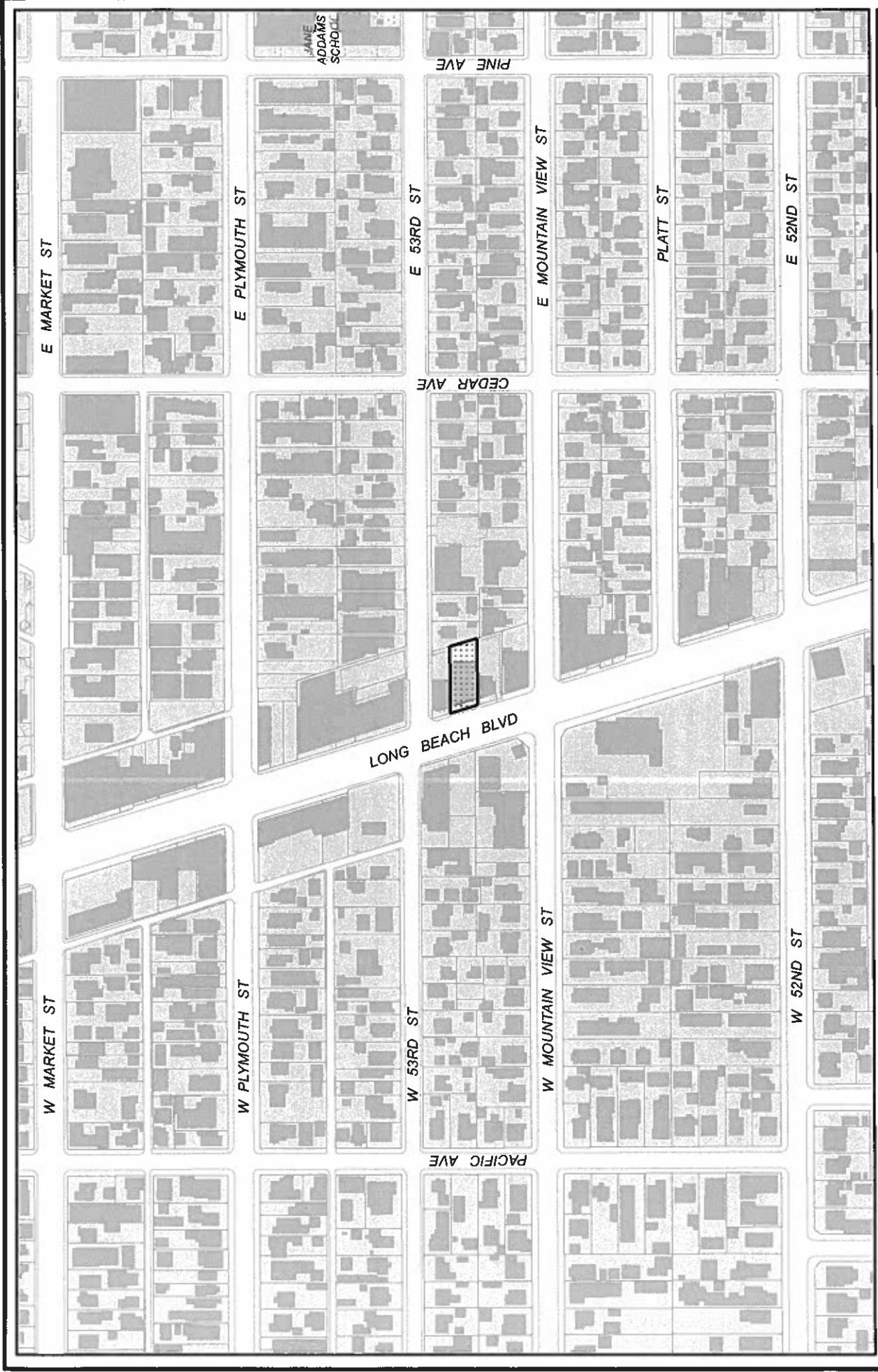
A handwritten signature in black ink, appearing to read 'C. Beck', with a horizontal line extending to the right.

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:SK

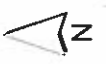
Exhibits

- A. Location Map
- B. Plans and Photos
- C. Conditional Use Permit Findings and Conditions of Approval
- D. Categorical Exemption CE 08-040



Subject Property:
 5290 Long Beach Blvd
 Application No. 0807-05
 Council District 8
 Zoning Code : CCA

Exhibit A



CONDITIONAL USE PERMIT FINDINGS

**5290 Long Beach Blvd.
Application No. 0807-05
October 15, 2009**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Regulations. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The project site is located in Land Use District #8A—Traditional Retail Strip Commercial. LUD #8A does not address the need for wireless telecommunications facilities; however, LUD #8A specifies the Conditional Use Permit process for commercial uses needing an additional level of review to ensure they do not cause adverse impacts to nearby residential uses. The proposed project is consistent with the intent of this LUD, as it has been designed to lessen the negative visual impacts created by the existing wireless facility. The project is not located in the Coastal Zone and no specific plans apply to this location. The project site is located in the Community Commercial Automobile-Oriented (CCA) zoning district. Freestanding/monopole wireless installations are allowed in this zone through the Conditional Use Permit process, subject to the Special Conditions enumerated in Section 21.52.210 of the Municipal Code. Approval of this project would be consistent with the General Plan and the Zoning Regulations.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The proposed use will not be detrimental to the surrounding community. The site will be required to comply with the regulations and development standards of the Federal Communications Commission (FCC), and the United States standards for radio emissions set by the American National Standards Institute (ANSI). Furthermore, this project will not have a negative visual impact upon the surrounding area. The proposed monopole will be disguised as a 65-foot-tall pine tree, and will be located approximately 75 feet from the nearest residential district. The pole will be constructed in between two existing 35-foot-tall live palm trees as well. No public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

Section 21.52.210 states that the following conditions shall apply to cellular and personal communications services with monopoles:

- A. The proposed cellular or personal communication services receiving and transmitting station shall be designed at the minimum functional height. Such height should not exceed the height of the applicable district and should never exceed forty five feet (45') unless so located as to be unintrusive to residential districts.**

The proposed facility is designed to be 65 feet tall. This additional height is necessary in order to make the co-location position on the pole functional for the Sprint antennas, which will be relocated from the existing 45-foot-tall mono-palm. As previously discussed, the project has been designed to be unobtrusive to residential districts.

- B. Prior to the issuance of a building permit, the city telecommunications bureau shall determine that the new cellular or personal communication services will not interfere with any city communication system.**

Condition of Approval #15 will require the applicant to provide review by the City Telecommunications Bureau prior to the issuance of a building permit.

- C. Each new cellular or personal communication station will be subject to a ten (10) year review by the planning commission. The review will determine whether or not the originally approved monopole height and accessory equipment are still necessary to provide adequate communication service.**

Conditions #8 and #17 will require the project to be subject to this review.

- D. The use shall not adversely affect the health, peace or safety of persons residing or working on the premises or in the surrounding area.**

As discussed in Finding #2, the project will be required to comply with the regulations and standards of all governmental agencies and standards bodies controlling radio frequency emissions and wireless telecommunications services. Condition of Approval #18 also addresses this. Additionally, staff believes that the project will have no negative visual impacts upon the surrounding neighborhood for the reasons discussed in Findings #2 and #3A.

- E. The applicant shall be required to structurally design the footing of the antenna to support a monopole which is at least fifteen feet (15') higher than the monopole approved by the planning commission. The intent of this requirement is to allow a future wireless network to replace an existing monopole with a new monopole capable of supporting co-location. Should it be determined that additional height is necessary to support co-location, the director of planning and building shall be authorized to approve reasonable modifications to the pole height, and the co-location of additional equipment within the fifteen foot (15') extension limit.**

Condition of Approval #10 will require the applicant to provide structural footings capable of supporting a monopole 15 feet taller than the currently proposed 65-foot-tall monopole (for a total height of 80 feet) to accommodate the future possibility of a third carrier co-locating on the pole.

- F. Applications for the construction of new monopoles must include proof that notice of an intent to file the application has been provided to all other wireless and personal communications systems operators authorized to operate in the Long Beach area. The notice shall include the address of the property as well as the anticipated application date to the city. Such notice must be provided at least ten (10) days prior to the filing of the conditional use permit. Proof of notice shall be provided in the form of copies of returned certified mail receipts. Applications submitted without proof of notification shall be deemed "incomplete" until adequate proof of noticing has been provided.**

The applicant has provided the required notice of intent.

CONDITIONS OF APPROVAL

5290 Long Beach Blvd.

Application No. 0807-05

October 15, 2009

Special Conditions:

1. The use permitted on the subject site, in addition to the other uses permitted in the CCA zoning district, shall be a 65-foot-tall wireless telecommunications monopole disguised as a pine tree with appurtenant ground-mounted equipment.
2. The new mono-pine is to be constructed while the existing mono-palm is in place. The existing mono-palm shall be removed immediately upon activation of the antennas (to "on-air" status) of the new mono-pine. The developer shall complete the removal of the existing mono-palm within 14 days of start of erection of the new mono-pine. Failure to remove the existing mono-palm within 14 days shall cause the City to initiate the administrative citation process against the property.
3. The mono-pine shall have a total height of 65 feet, measured from the top of curb adjacent to the project site to the topmost element of the mono-pine. The Sprint antennas shall be mounted at 58 feet, and the AT&T antennas shall be mounted at 43 feet, measured to radial center, unless otherwise approved on construction plans. A 2-foot-diameter AT&T parabolic microwave dish may be mounted at 38 feet, measured to radial center, unless otherwise approved on construction plans.
4. All parabolic microwave dish(es) shall be concealed within the branches of the tree. All GPS antennas shall not be visible from any public right-of-way or other private property.
5. The installed mono-pine shall be of a style similar to the DeVinci Engineering model approved in CUP No. 0812-05, with a minimum of 3.1 branches per foot and a minimum of 155 total branches, to the satisfaction of the Director of Development Services. The entire pole shall be of a bark-like appearance.
6. All antennas, cable runs, array support structures, parabolic dishes, cables, backs of antennas, and all other equipment affixed to the pole shall be painted dark green to match the artificial pine needles or dark brown to match the artificial bark, as appropriate. Bare metal and exposed, unpainted equipment attached to the pole is prohibited.
7. The applicant shall construct an 8-foot-tall CMU wall surrounding the new 16' x 20' AT&T ground lease area.
8. A 10-year review shall be completed for this subject wireless site not later than April 17, 2016, as the original Conditional Use Permit (No. 0512-01) for the Sprint site at this location was granted April 17, 2006.

9. All necessary repairs or refurbishments shall be made to any deteriorated equipment cabinets, cables, cable trays, and other appurtenant equipment and enclosures that are exposed to public view, including those belonging to Sprint, to the satisfaction of the Director of Development Services.
10. The applicant shall be required to structurally design the footing of the monopole to support a monopole that is at least 15 feet higher than the monopole approved by the planning commission. The intent of this requirement is to allow a future wireless network to replace an existing monopole with a new monopole capable of supporting additional co-location. Should it be determined that additional height is necessary to support this co-location, the Director of Development Services shall be authorized to approve reasonable modifications to the pole height, and the co-location of additional equipment within the 15-foot extension limit.
11. Placement of any temporary wireless transmitting/receiving facility on this site shall be prohibited.
12. AT&T and Sprint shall be responsible for removal of any graffiti from the walls of their respective ground lease areas within 24 hours of its appearance. The ground lease areas shall be secured to prevent any unauthorized access.
13. All Conditions of Approval from CUP No. 0512-01 and any other applicable files shall remain in full force and effect. If individual conditions from said entitlements are superseded by more restrictive conditions from this subject permit, the more restrictive condition(s) shall control.

Standard Wireless Telecommunications Conditions:

14. No new cable trays or utility equipment associated with the proposed installation shall be visible from any public right-of-way. All appurtenant equipment shall be appropriately screened, and the screening shall be subject to the approval of the Director of Development Services prior to the issuance of a building permit.
15. Prior to issuance of a building permit, the City Telecommunications Bureau shall determine that the new cellular or personal communications services will not interfere with any City communication system. Approval by the City Telecommunications Bureau shall be provided to the Planning Bureau prior to the issuance of a building permit.
16. The operator shall obtain a City of Long Beach Business License for the telecommunications site at the conclusion of the Planning Final Inspection.

17. Each new cellular or personal communication station will be subject to a ten (10) year review by the Staff Site Plan Review Committee. The review will determine whether or not the originally approved number of antennas and design are still appropriate and necessary to provide adequate communication service. This review shall also evaluate the visual and aesthetic condition of the site. The site operator shall be required to make visual or aesthetic improvements to the satisfaction of the Director of Development Services.
18. The use shall not adversely affect the health, peace, or safety of persons residing or working on the premises or in the surrounding area.
19. Prior to issuance of a building permit, the applicant shall provide to the Planning Bureau contact information for the party or parties responsible for maintenance of the approved wireless facility in the event that it becomes discolored, deformed, damaged or dilapidated. Upon notification by the Department of Development Services or its designee that said facility has become discolored, deformed, damaged or dilapidated, the responsible party shall commence all necessary repairs and renovations within 72 hours of notification.
20. If any wireless operator seeks a modification or new approval of any wireless facility on this property, all wireless installations on this property, including those owned or operated by other carriers, shall be evaluated for co-location and visual improvement opportunities, to the satisfaction of the Director of Development Services.
21. The addition or replacement of any antennas, equipment cabinets, cable runs, screening, or any other materials not specifically identified on plans approved by the Department of Development Services shall require a new application for a modification of this approved permit.
22. Should use of the wireless facility and appurtenant equipment cease, they shall be removed to the satisfaction of the Director of Development Services within 90 days of discontinuance of use.
23. If antennas are not screened completely by a visually solid wall, the attachment structure to which each panel antenna is affixed (typically, but not limited to, a metal pipe) shall not extend above or below the panel antenna and shall not be outwardly visible. At positions in antenna arrays where no panel antennas are installed, these attachment structures (metal pipes, etc.) shall not be installed onto the larger array support structure. The purpose of this requirement is to prevent the negative visual impact created by unnecessary structures in the antenna arrays.
24. For roof- or building-mounted wireless facilities, all rooftop and penthouse areas shall be secured to prevent access by unauthorized persons.

Standard Conditions – Plans, Permits, and Construction:

25. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
26. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
27. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
28. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
29. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
30. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
31. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
32. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
33. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.

34. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
35. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
36. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
37. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
38. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
39. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed

Standard Conditions – General:

40. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
41. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

42. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
43. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
44. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
45. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
46. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
47. Any graffiti found on site must be removed within 24 hours of its appearance.
48. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
49. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.

50. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.