



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 W. Ocean Boulevard Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

December 17, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a request for a modification to an approved permit to upgrade an unmanned telecommunication facility at the Gaytonia Apartment Building, a designated historic landmark located at 212 Quincy Avenue in the R-1-N zone. (District 3)

APPLICANT: Robert Thomas
c/o Lynn Van Aken for Sprint
Blackdot Wireless
27271 Las Ramblas, 2nd floor
Mission Viejo, CA 92691
(Application No. 0906-17)

DISCUSSION

The subject site is located in Belmont Heights at the northeast corner of Quincy Avenue and Shaw Street (Exhibit A - Location Map), and has a zoning designation of R-1-N (Single-Family Residential District). The parcel is approximately 12,700 square feet (100 by 127 feet) in area and is developed with the Gaytonia Apartments, a three-story 27-unit residential building with semi-subterranean parking. This request is to modify an existing telecommunications facility approved by the Planning Commission on February 5, 2004 (Conditional Use Permit and Local Coastal Development Permit No. 0311-06).

Sprint Nextel is proposing to modify the facility by replacing three existing panel antennas with new antennas within the tower element of the building and adding one exterior GPS antenna on the south elevation. There are currently three sets of panel antennas that face the north, south and west elevations located within the tower. The applicant is proposing to remove the middle antenna on each elevation and replace this antenna with a new antenna. All work will take place behind the walls and no exterior changes are proposed other than the GPS antenna. There are currently two GPS antennas on the south building elevation. The new GPS antenna will be the same size as the existing antennas, which are approximately one foot high and two to three inches in diameter. The new equipment rack will be located inside the existing equipment room on the first floor of the building, which is out of public view (Exhibit B - Plans & Photographs).

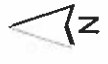
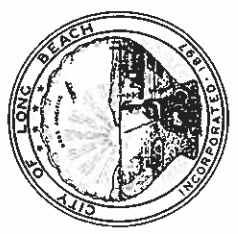


Exhibit A

Subject Property:
212 Quincy Ave
Application No. 0906-17
Council District 3
Zoning Code : R-1-N





Eyal Shlomot
<eshlomot@gmail.com>

11/03/2009 02:06 PM

To lynette.ferenczy@longbeach.gov
cc carolynfaber@earthlink.net, Ray Sumner
<rsumner@lbcc.edu>
bcc

Subject Re: Certificate of appropriateness - Gaytonia - hearing
regarding Application HP09-0177

Dear Ms. Frenczy,

I would like to join Ray Sumner in providing a written submission on the issue regarding
Gaytonia:
hearing regarding Application HP09-0177.

It is critical that the full disclosure will be provided for everyone who is a resident near the
Gaytonia
about the current radiation level, the method used for monitor the radiation levels, the expected
radiation levels
and the current and expected radiation standards.

Since I am now on a business travel outside of the USA, I expect this email to be considered as a
written submission
for the hearing meeting. I also want to protest that the note on the meeting arrive within about 3
weeks before the meeting,
while there is no doubt that the plans were in place quite some time ago.

Best Regards,
Eyal Shlomot
216 Quincy Ave, #1,
Long Beach, CA, 90803
Cell: 562-338-5497

11-9-09

Re:Application No. HP09-0177

Hearing date November 9, 2009 5:30 p.m

Cultural Heritage Commission

Chamber Council

Dear Commission Members:

I received notice of your hearing on 10/23/09 because I live within the required notification zone. I understand your main purpose is to review architectural features so they remain consistent with current cultural heritage regulations.

However, living within the required notification zone means I live within the zone that emits frequencies of unknown danger to me 24/7. I understand these frequencies of unknown danger have been emitting since 2004. Nobody seemed concern at that time to notify me I would start receiving these waves into my environment. Now, I am notified that the applicant intends to increase the intensity or type of waves I will be receiving. I am more than a little concerned. I did not know this tower existed.

Simultaneously, I am receiving waves of unknown frequency and unknown danger 24/7 from about 200 -300 feet away in another emitting tower that I learned about within the last 2 years. I discovered this information by accident when yet a third tower was being debated to instal at the church only 3 blocks away.

I do not know how many more towers emitting frequency waves of unknown danger are currently intruding into the sanctity of my home environment. Whatever the case, it is time to take action. I submit this concern to your commission as you are certainly part of the process that allows these installations to go forward. I ask that you make a recommendation that the health aspects of these installations become part of the approval process.

Meanwhile, I hope to bring up this issue to City Council. If it is possible for you to add a sentence of concern to your approval or disapproval of this project, I respectfully request that you do this on behalf of those who are receiving these waves. I believe we are as important as the building architecture.

Thank you in advance for any help you can give.

Sincerely,

Vicki Pell

208 Park Avenue

Long Beach, CA 90803

December 06, 2009

Regarding: Application No. 0906-17A
212 Quincy Avenue (Gaytonia)

To: Long Beach Development Services, Planning Bureau

Dear Planning Bureau,

I would like to express my concern regarding the request to modify a Conditional Use Permit and Local Coastal Development Permit for the Gaytonia Building. If the proposed alteration would result in the addition of any externally visible antennas or equipment, then I would respectfully but emphatically request that you deny the permit.

The building will not appear "historical," nor aesthetic, if such equipment is visible from the surrounding neighborhood. At my residence, I have a full view of the Gaytonia, from just one block away, and I would not appreciate any change in its appearance.

Thank you for considering my opinion on this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark Clayton". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Mark Clayton
214 Roycroft Avenue

**Modification to an Approved Permit Findings
(CUP Case No. 0311-06)
Application No. 0906-17**

Pursuant to Section 21.21.405 of the Long Beach Municipal Code, a request for Modification of Permits can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

An approved permit, variance or other entitlement may be modified as long as the modification is found to further the purposes of the Zoning Regulations. The hearing body, which granted the original approval, must consider and act on the modification within sixty (60) days of receiving the modification request. If the Zoning Administrator finds that the modification will not significantly alter the original approved action, notice of hearing on the requested modification shall be given to any person or entity whom the Zoning Administrator determines was aggrieved at the original hearing. If the Zoning Administrator finds that the modification may significantly alter the original approved action, notice of hearing on the requested modification shall be given as required for an initial hearing as shown on Table 21-1. For the purposes of this Section, a significant alteration shall include but is not limited to a request to relocate the project to a new location other than that approved by the permit, or a request to change the size of the project as approved by the permit by more than ten percent (10%).

The City Planning Commission approved a request for a Conditional Use Permit and Local Coastal Development Permit to operate an unmanned telecommunications facility in a R-1-N zone on February 5, 2004. The site has been in operation since July 2004 when the building permit was finalized. When the antennas were originally installed they were located within the existing tower element screened from public view. The equipment is located within an equipment room on the first floor of the building, which is also screened from public view. The current request is to modify three of the existing antennas, add one exterior GPS antenna, and add one equipment rack to provide wireless high-speed Internet service in conjunction with the continued operation of the telecommunications facility. The request is found to be consistent with the purpose of the Zoning Regulations in providing a service to the community, which is allowed with the approval of a Conditional Use Permit. The proposed changes will not alter the original approval for operation of a telecommunication facility with minimal exterior alterations.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

A positive finding can be made for this item.

The site is located in Belmont Heights/Belmont Park (Area C) of the Coastal Plan. This area of the plan calls for single and duplex residential densities. The project involves a modification to an existing unmanned telecommunication facility by upgrading the existing equipment to provide wireless high-speed internet service. The project will result in minimal exterior changes to the building, which is a designated historic landmark building. The antennas were installed under a Conditional Use Permit and Local Coastal Development Permit approved by the Planning Commission on February 5, 2004. The proposed modification is consistent with the original approval and conforms to the Local Coastal Plan.

2. THE PROPOSED CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THE SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

A positive finding can be made for this item.

Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development, which restricts public access to the beach and/or water resources

The site is located north of the nearest public highway, Ocean Boulevard.

CONDITIONS OF APPROVAL
Modification to an Approved Permit (0311-06)
212 Quincy Avenue
Application No. 0906-17
December 17, 2009

1. This request is to modify three panel antennas by replacing existing antennas with new antennas that include an attached microwave dish and DAP unit, add one exterior GPS antenna, and add one equipment rack within the existing equipment room on the first floor of a multifamily residential building in the R-1-N zone.
2. 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.
3. All previously approved conditions granted to this site must remain in effect (Conditional Use Permit and Local Coastal Development Permit No. 0311-06 and Certificate of Appropriateness HP09-0177).
4. The antennas shall be located behind the wall of the tower with no exterior alterations as shown on the plans for this project dated June 12, 2009 to the satisfaction of the Director of Development Services.
5. 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).
6. Placement of any temporary wireless transmitting/receiving facility on this site shall be prohibited.
7. No 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.
8. 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.

9. The site shall 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).
10. Prior to the issuance of a building permit the operator shall obtain a City of Long Beach business license for the telecommunications site.
11. 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.
12. The use shall not adversely affect the health, peace, or safety of persons residing or working on the premises or in the surrounding area.
13. Prior to issuance of a building permit, the applicant shall provide to the Planning Bureau a list of addresses and locations of all wireless telecommunications facilities within Long Beach owned or operated by the company that will utilize the facility that is the subject of this approval. The applicant shall also provide a map, showing each of the subject company's facilities in Long Beach, and the wireless coverage provided by each facility. The intent of this requirement is to facilitate Planning Bureau analysis of co-location opportunities between wireless carriers.
14. 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.
15. If any wireless operator seeks a modification or new approval of any wireless site on this property, all wireless equipment on this property, for both roof/building-mounted sites and pole-mounted sites, shall be evaluated for co-location and visual improvement opportunities, to the satisfaction of the Director of Development Services.
16. 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.
17. 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.

18. This wireless facility shall not be operational ("on air") until issuance of a Certificate of Occupancy by the Department of Development Services. Approval of an Electrical Permit or a final inspection on an Electrical Permit shall not constitute authorization to make the facility operational. If the site is found to be operational, or suspected to be operational, before issuance of a Certificate of Occupancy, the Department of Development Services shall be authorized to require disconnection of electrical power to the radio transmitting/receiving equipment until a Certificate of Occupancy is issued. Failure to comply with an order to disconnect electrical power shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
19. 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.
20. 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.
21. 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.
22. 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).
23. 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.
24. The Director of Development Services is authorized to make 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.
25. 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.
26. 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.

27. 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.
28. 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. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
29. Any graffiti found on site must be removed within 24 hours of its appearance.
30. 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.
31. 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
32. 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.