



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

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 Conditional Use Permit to allow the installation of a roof-mounted telecommunications site consisting of six panel antennas, three microwave dishes and an equipment cabinet located at 4540 Orange Avenue within the R-4-N zone. (District 7)

APPLICANT: Lynn Van Aken for Sprint
27271 Las Ramblas, Suite 200
Mission Viejo, CA 92691
(Application No. 0907-08A)

DISCUSSION

The subject site is located at 4540 Orange Avenue (Exhibit A – Location Map) within the R-4-N multifamily residential zone and is developed with a 72-unit apartment building.

The applicant is proposing to install a roof-mounted telecommunications site consisting of six panel antennas, three microwave dishes and a ground-mounted equipment cabinet to be screened behind enclosures that match the color, texture and architectural elements of the existing building (Exhibit B – Plans & Photos). The special standards for roof-mounted cell sites require that antennas be located as far away from the edge of the building as feasible and shall not exceed a height of 10 feet above the roofline. While the location of the proposed antennas are close to the building's edge, the applicants have provided a design that will screen them from public view. Although the height of the proposed antennas does not exceed the maximum standard, staff encourages the minimum height possible. In order to provide a clear signal path over the rooftop and get the desired coverage to the target area, the antennas will extend eight feet above the roofline.

Staff feels that the design of the project sufficiently matches the existing building features and is well hidden from public view with minimum visual impacts on the surrounding area. Staff recommends that the request be approved. In order for the Planning Commission to approve this request, positive findings must be made as indicated in the attached documents (Exhibit C – Findings & Conditions).

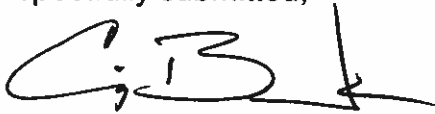
PUBLIC HEARING NOTICE

Public Hearing notices were distributed on November 16, 2009. As of the date of preparation of this report, no responses were received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-052) was issued for the proposed project (Exhibit D).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Beck', with a vertical line extending downwards from the end of the signature.

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:cj

P:\Planning\PC Staff Reports (Pending)\2009-12-17\4540 Orange Ave. - Case 0907-08A

Attachments	Exhibit A – Location Map
	Exhibit B – Plans & Photos
	Exhibit C – Findings & Conditions
	Exhibit D – Categorical Exemption 09-052



Exhibit A



Subject Property:
 4540 Orange Ave
 Application No. 0907-08A
 Council District 7
 Zoning Code : R-4-N



CONDITIONS OF APPROVAL

**4540 Orange Avenue
Application No. 0907-08A
December 17, 2009**

1. This Site Plan Review approval is for the installation of a roof-mounted wireless telecommunications facility consisting of six panel antennas and three microwave dishes and a ground-mounted equipment cabinet at an existing apartment complex located at 4540 Orange Avenue, in the R-4-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. 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).
4. All screening shall be architecturally compatible and match the existing building to the satisfaction of the Director of Development Services.
5. Placement of any temporary wireless transmitting/receiving facility on this site shall be prohibited.
6. 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.
7. 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.
8. 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).

9. Prior to the issuance of a Certificate of Occupancy the operator shall obtain a City of Long Beach Business License for the telecommunications site.
10. 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.
11. The use shall not adversely affect the health, peace, or safety of persons residing or working on the premises or in the surrounding area.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. This wireless facility shall not be operational ("on air") until issuance 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 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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).
30. Any graffiti found on site must be removed within 24 hours of its appearance.
31. 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, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
32. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
33. 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.

34. 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.
35. 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.
36. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
37. 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.
38. 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
39. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
40. 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.

CONDITIONAL USE PERMIT FINDINGS

**4540 Orange Avenue
Application No. 0907-08A
December 17, 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 Ordinance. 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 #4—Urban High Density Residential, which is intended to encourage an intensification or recycling of dwelling units in limited areas of the City where apartment and condominium lifestyles are logically related to transportation and services. Although LUD#4 does not address the need for wireless telecommunications facilities, it does allow for a correlation between residential and neighborhood-serving uses. The proposed project is consistent with this LUD, and will allow interaction among both residential and commercial areas. The project site is located in the R-4-N zoning district. Roof/building-mounted wireless installations are allowed in this zone through the Conditional Use Permit process, subject to the special conditions enumerated in Sections 21.52.210 or 21.45.115 of the Municipal Code, as applicable. 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). The roof-mounted antennas will not have an adverse visual impact upon the surrounding area, as they will be well camouflaged to match the existing architectural features of the building. Ground-mounted equipment cabinets will be completely screened from public view. No public health, safety, general welfare, environmental quality, or quality of life impacts are expected to result from the project.

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

Because the project consists of a roof/building-mounted wireless site, and because Section 21.52.210 refers specifically to cellular sites with monopoles, staff has determined that the Special Development Standards of Section 21.45.115 (Attached/roof-mounted cellular and personal communication services) applies to this project instead.

Section 21.45.115 sets forth the following special development standards for attached/roof-mounted cellular and personal communication services:

A. Antenna Array Location. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the Zoning Administrator.

Although the location of the proposed antennas are fairly close to the buildings edge, the applicants have submitted a design that mimics the existing features of the apartment complex and has minimal visual impacts and scale of screening elements. The project matches the color, texture and roof style of the building.

B. Height. Equipment shelters and antennas shall not extend more than ten feet (10') from the rooftop of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the Zoning Administrator.

The proposed penthouse enclosures will not exceed a height of 8'-0" beyond the roof.

C. Staff Site Plan Review. In accordance with Chapter 21.25, Division V, all new attached/roof mounted cellular and personal communication stations shall require staff site plan review.

This project was subjected to the Site Plan Review process prior to the Planning Commission hearing.

- D. Telecommunications Bureau Review.** 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 #7 will require clearance from the Department of Technology Services prior to issuance of a building permit.

- E. Ten-Year Review Period.** Each new cellular or personal communication services 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 the antennas and design are still appropriate and necessary to provide adequate communication service.

Condition of Approval #10 will require the project to be subject to this review.

- F. Operation Standard.** 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 #8 also addresses this.