



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

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June 18, 2009

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit for the construction of a new 40-foot high wireless telecommunications monopole disguised as a clock tower and four ground-mounted equipment cabinets located at 4100 Orange Avenue. (District 7)

APPLICANT: Trillium Consulting for T-Mobile
5912 Bolsa Avenue, Suite 202
Huntington Beach, CA 92649
(Application No. 0812-06)

DISCUSSION

The subject site is located at 4100 Orange Avenue (Exhibit A – Location Map) within the Community Commercial Automobile Oriented (CCA) zone. The site is currently developed with a 37,009-square-foot commercial center.

The applicant proposes to construct a 40-foot high monopole disguised as a clock tower on the north side of the site, accessible from an alley (Exhibit B – Plans & Photos). The proposed clock tower is proportionally scaled to the existing building and will match it in color, and texture. Staff feels that the proposed design successfully integrates with the existing architectural style of the commercial center; furthermore, it will provide actual time to the patrons of the center. Landscape upgrades, graffiti removal, building repairs, and tenant notifications to comply with sign standards have been completed at the site through collaborate efforts from the commercial center's management and staff.

The project is consistent with the requirements of the Zoning Regulations, and will result in the installation of a new well-camouflaged clock tower. Therefore staff recommends approval of this Conditional Use Permit. 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).

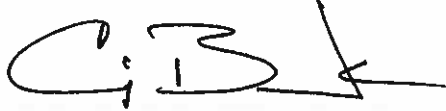
PUBLIC HEARING NOTICE

Public Hearing notices were distributed on June 4, 2009 and no responses were received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 08-077) 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:mm

P:\Planning\PC Staff Reports (Pending)\2009-6-18\Staff Report-4100 Orange Avenue- Case 0812-06

Attachments

- Exhibit A – Location Map
- Exhibit B – Plans & Photos
- Exhibit C – Findings & Conditions
- Exhibit D – Categorical Exemption 08-077

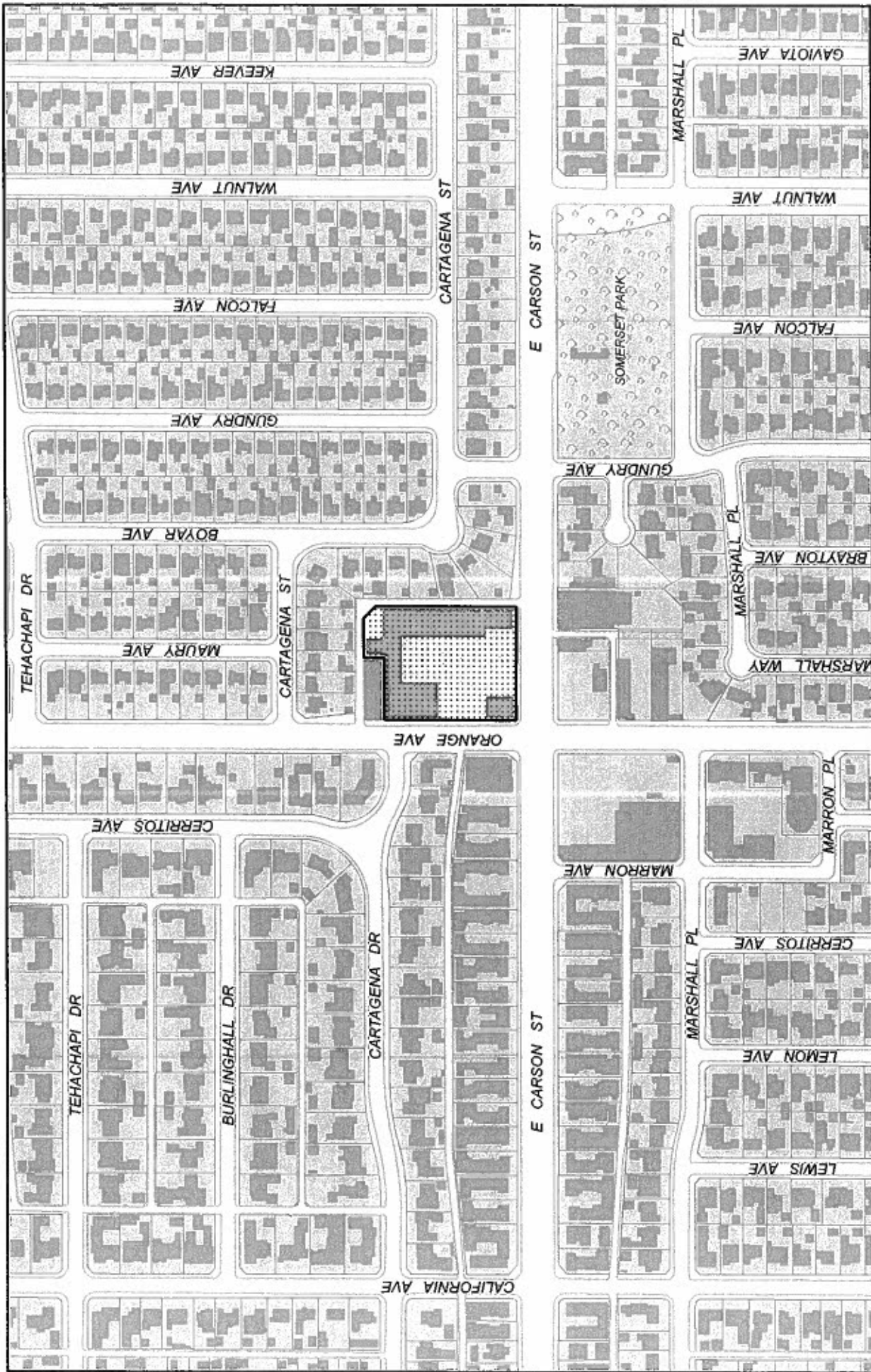


Exhibit A



Subject Property:

4100 Orange Ave
 Application No. 0812-06
 Council District 7
 Zoning Code : CCA



CONDITIONAL USE PERMIT FINDINGS

4100 Orange Avenue

No. 0812-06

June 18, 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 #8N—Shopping Nodes. LUD #8 does not address the need for wireless telecommunications facilities. However, LUD #8 is characterized to accommodate retail and services uses exclusively, primarily in small clusters. The proposed project is consistent with these requirements, as it will provide public service of wireless telecommunications coverage and will accommodate the co-location of future carriers to increase coverage. The project will not generate any noise, emissions, or traffic. 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 40' foot tall clock tower. 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 40'-foot high, which is proposed in order to receive the desired coverage in the area. The antennas on the clock tower will be placed within the clock tower and will also be 40'-foot above ground level. The proposed clock tower is located to be unobtrusive to residential districts, as approximately 59' from the nearest residential district. The clock tower design will integrate with the existing architectural style of the commercial center and will provide adequate stealth from the proposed antennas.

- 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 #11 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.**

Condition of Approval #14 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 #12 also addresses this. Additionally, staff believes that the project will not have any 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 #15 will require the applicant to provide structural footings capable of supporting monopoles 15' higher than the currently proposed 40' foot high clock tower, to accommodate any unforeseen technologic developments in the future.

- 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**4100 Orange Avenue****Application No. 0812-06****June 18, 2009**

1. This Site Plan Review approval is for the installation of a 40 feet high wireless telecommunications monopole disguised as a clock tower and 4 ground –mounted equipment cabinets located at an existing commercial center.
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. The clock tower must be maintained in good operating conditions at all times.
4. A trash enclosure must be located at the northeast corner of the property in compliance with the Long Beach Municipal Code Section 21.45.167.
5. All previously approved conditions granted to this site must remain in effect (Special Use Permit & Site Plan Review #132-62, S-30-56 and 163-86).
6. The clock tower shall be architecturally compatible to match the existing building color and texture to the satisfaction of the Director of Development Services and as specified in the approved plan for this project dated May 3, 2009.
7. Prior to issuing a final building permit all corrections indicated on the Notice of Violation letter dated March 23, 2009 must be completed to the satisfaction of the Director of Development Services.
8. 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).
9. Placement of any temporary wireless transmitting/receiving facility on this site shall be prohibited.
10. 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.

11. 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.
12. 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).
13. Prior to the issuance of a building permit the operator shall obtain a City of Long Beach Business License for the telecommunications site.
14. 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.
15. The applicant shall be required to structurally design the footing of the monopole to support a monopole that 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 Development Services 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.
16. The use shall not adversely affect the health, peace, or safety of persons residing or working on the premises or in the surrounding area.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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).
28. 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.
29. 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.
30. 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.
31. 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.
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. 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.
34. 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).
35. Any graffiti found on site must be removed within 24 hours of its appearance.
36. 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.
37. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
38. 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.
39. 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.
40. 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.
41. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
42. 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.

43. 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
44. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
45. Prior to the start of any on-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
46. The Developer shall be responsible for the protection of public property during the construction on private property. All public property during the construction on private property. All public property found damaged as a result of the construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
47. 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.



CITY OF LONG BEACH NOTICE OF EXEMPTION

Long Beach Development Services
333 W. Ocean Blvd., 5th Floor, Long Beach, CA 90802
Information: (562) 570-6194 Fax: (562) 570-6068
www.longbeach.gov/plan

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Long Beach Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

 L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Project Location/Address: 4100 Orange Avenue

Project/Activity Description: Installation, operation, and maintenance of an unmanned wireless telecommunications facility disguised as a 40-foot tall clock tower.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Omnipoint Communications dba T-Mobile USA Represented by Tim Miller with Trillium Consulting

Mailing Address: 5912 Bolsa Avenue, Suite 202, Huntington Beach, CA 92649

Phone Number: 714-364-7233

Applicant Signature: [Signature]

(TO BE COMPLETED BY CITY STAFF ONLY)

Case Number: 0812-06

Planner's Initials: MM

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAD BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15303, Class 3, Construction of Small Structures

Statement of support for this finding: Construction of small facilities

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 6/8/09