

H. B. INDEPENDENT
PUBLISH DATE: 03/15/2012

**CITY OF HUNTINGTON BEACH
LEGAL NOTICE**

**ORDINANCE NO. 3934
Adopted by the City Council on MARCH 5, 2012**

“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING SECTION 230.96 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE RELATING TO WIRELESS COMMUNICATION FACILITIES.”

SYNOPSIS:

STAFF RECOMMENDED CITY COUNCIL APPROVE ZONING TEXT AMENDMENT NO. 09-002 BY ADOPTING ORDINANCE NO. 3934 BASED UPON THE FOLLOWING:

1. IT WILL ESTABLISH THE CITY'S DESIRED APPROVAL PROCESS AND REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES (WCF)s ALLOWING FOR INCREASED PUBLIC PARTICIPATION AND NOTIFICATION.
2. IT WILL CONTINUE TO ALLOW WCFs THROUOUT MOST OF THE CITY WHILE PROTECTING THE COMMUNITY'S GENERAL WELFARE AND QUALITY OF LIFE THROUGH THE NEW PERMITTING AND ENTITLEMENT PROCESS WHICH NOW REQUIRES A CUP FOR ALL GROUND AND UTILITY MOUNTED WCFs REGARDLESS OF LOCATION AND DESIGN.
3. IT WILL MAKE THE REVIEW OF WCFs CONSISTENT WITH THAT OF OTHER PROJECTS BY FOCUSING ON TRADITIONAL CITY PLANNING CONCERNS SUCH AS AESTHETICS, LAND USE COMPATIBILITY, AND CODE COMPLIANCE AND NOT ON NEED BASED ON A GAP IN SERVICE.
4. IT WILL PROPERTY REQUIRE THE GAP IN SERVICE AND LEAST OBTRUSIVE LOCATION REVIEW BY AN EXPERT CONSULTANT ONLY IN CASES WHEN THE APPLICANT ASSERTS FEDERAL LAW PREEMPTION OF THE CITY'S DENIAL OF A WCF.
5. THE DESIGN REVIEW REQUIREMENTS WILL BE CONSISTENT WITH EXIWTING PROVISIONS ON THE HBZSO AND PROVIDE THE CITY GREATER AESTHETIC CONTROL.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held March 5, 2012 by the following roll call vote:

AYES: Dwyer, Hansen, Carchio, Bohr

NOES: Shaw, Harper, Boardman

ABSTAIN: None

ABSENT: None

THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK'S OFFICE.

This ordinance is effective 30 days after adoption.

**CITY OF HUNTINGTON BEACH
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648
714-536-5227
JOAN L. FLYNN, CITY CLERK**