

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: February 6, 2013

**SUBJECT: CONDITIONAL USE PERMIT NO. 12-032/ DESIGN REVIEW 12-021
(VERIZON COMMUNICATION FACILITY)**

LOCATION: 9901 Adams Avenue, 92646 (northwest corner of Adams Avenue and Brookhurst Street)

Applicant: Yumi Kim, Verizon Wireless, 2749 Saturn Street, Brea, CA. Anaheim Street

Property Owner: LMC, LP, c/o Mark Sork, 140 Newport Center Drive, Suite 260, Newport Beach, CA 92663

Request: To permit the removal of an existing 50 ft. high monopole and installation, maintenance, and operation of a new 51 ft. high wireless communication facility designed as a palm tree (monopalm) with twelve (12) existing four (4) ft. high panel antennas and a new eight (8) ft. six (6) in. high screen wall for an existing equipment shelter.

Environmental Status: This request is covered by Categorical Exemption, Section 15302, Class 2, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG – F1 (Commercial General – 0.35 maximum floor area ratio)

Existing Use: Existing wireless communications facility within a multi-tenant commercial center.

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15302 of the CEQA Guidelines, because the project involves the replacement of an existing wireless facility with a new facility located on the same site and will have substantially the same purpose and capacity.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-032:

1. Conditional Use Permit No. 12-032 for the establishment, maintenance and operation of a new 51 ft. high wireless communication facility designed as a palm tree (monopalm) with twelve (12) existing four (4) ft. high panel antennas and a new eight (8) ft. six (6) in. high screen wall for an existing equipment shelter will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project involves the replacement of an existing 50 ft. high wireless communication facility with a new facility in the same leased area at the rear of the commercial property. It is located approximately 75 feet and 660 feet from residential uses to the north and west, respectively. The facility will not generate noise, traffic, or demand for additional parking above that which already exists on the subject site. The associated equipment will be located within an existing equipment enclosure behind the existing building.
2. The conditional use permit will be compatible with surrounding uses because the wireless communication facility will be designed as a palm tree and located within the same leased area as the existing wireless facility at the rear of the commercial property. The 51 ft. high facility will be located behind the existing commercial buildings which vary in height from 23 to 29 feet. The height of the facility and antennas will be taller than the existing height, but will not exceed the maximum height allowed in the zoning district. Associated equipment will not be visible from the street.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) including the provisions of HBZSO Section 230.96. New ground mounted wireless communication facilities are subject to approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goal and policies of the General Plan:

A. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

B. Utility Element

Policy U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the proposed stealth facility is designed as a palm tree and will replace the existing monopole onsite. The location of associated equipment will be within an equipment enclosure behind the existing commercial buildings. As designed, the antennas will be painted green to match the color of the palm fronds, blending the panel antennas into the tree.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-032:

1. The site plan, floor plans, and elevations received and dated December 17, 2012 shall be the conceptually approved design.
2. Prior to submittal for building permits, the Zoning entitlement conditions of approval and code requirements identified in a separately transmitted memorandum from the Departments of Planning and Building, Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, and mechanical) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. Final building permit(s) cannot be approved until the following have been completed.
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
4. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
5. CUP No. 12-032 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof..