

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, APRIL 12, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Jason Kelley, Rami Talleh, Ron Santos,
Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-20 (CINGULAR WIRELESS COMMUNICATION)

APPLICANT: MMI Titan, Inc., Danielle Brandenburg, Cingular Wireless, 12900 Park Plaza Drive, 3rd Floor, Cerritos, CA 90703
PROPERTY OWNER: Southern California Edison, 2244 Walnut Grove Avenue, Rosemead, CA 92647
REQUEST: To permit the installation of 12 panel antennas on an existing Edison tower at a height of 53 ft. and nine mechanical cabinets at the base of the tower within a 20 ft. by 20 ft. roofed enclosure.
LOCATION: 21261 Brookhurst Street (west side of Brookhurst Street, south of Atlanta Avenue)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary. Staff advised that the subject site is located on property leased by the City.

Staff stated that the Design Review Board (DRB) recommended approval to the Zoning Administrator.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that one neighboring resident submitted a letter of opposition and spoke directly with staff. Staff presented the letter for the Zoning Administrator's review. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the City currently leases the land. Ms. Broeren inquired into staff's reasons for Suggested Condition of Approval No. 4. Staff advised that the condition was requested by the Community Services Department.

A general discussion ensued concerning current maintenance of the subject site and how the lease is defined.

THE PUBLIC HEARING WAS OPENED.

Gene Vincent, 21282 Monaco Circle, property owner adjacent to the subject site, spoke in opposition to the proposed project. Mr. Vincent suggested that the proposed project be relocated across the street to the east, questioned the integrity of the request and the final appearance of the project, the length of the construction, and his lack of ability to contact the project planner. He raised potential issues related to security, vandalism to equipment and graffiti.

Barbara Cary, 9686 Bluereef Drive, neighboring property owner, spoke in opposition to the proposed project based upon a negative impact to property values.

Bruce Trimmer, 9931 Barranca Drive, neighboring property owner, spoke in opposition to the proposed project. Mr. Trimmer presented a photograph of the subject site and suggested that it be relocated across the street to the east. He questioned if staff had actually walked the site and complained about the current lack of maintenance of the cement walkway and landscaping.

Bill Dirksen, 9972 Effingham Drive, neighboring property owner, approached and reviewed the project plans. Mr. Dirksen spoke in opposition to the proposed project, complained about the current conditions of the subject property for lack of maintenance, potential for mosquitoes due to standing water, and suggested relocation of the proposed project.

Evelyn Williams, 9931 Barranca Drive, neighboring property owner, stated that the notification process to the public is untimely.

Danielle Brandenburg, applicant, 12900 Park Plaza Drive, 3rd Floor, Cerritos, CA, advised that attempts were made to install the proposed project across the street but were denied by Southern California Edison. Ms. Brandenburg addressed some of the concerns voiced by the public. She stated that the equipment will be located under the tower and that the grounds are inspected on a once-monthly basis.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Discussions ensued. The applicant advised that enhancement to the immediately surrounding landscaping is applicable to lawn only because the landscaping is the property of Southern California Edison.

Ms. Broeren directed the public to copies of staff's executive summary available for this meeting. She read and explained each of the suggested conditions of approval to the public while addressing their concerns. She addressed the fact that the subject site is leased by the City and apologized on behalf of the City for any lack of maintenance. Ms. Broeren advised that budgetary constraints and priority decisions dictate what properties will be maintained.

Ms. Broeren stated that she was going to approve the request and asked staff to modify the suggested conditions of approval as follows:

3. All existing deteriorated turf in the immediate vicinity shall be enhanced and replanted to a condition consistent with the existing surrounding turf.
4. The turf and landscaping shall be restored ~~to its existing condition~~ if damaged or altered during the course of construction.

CONDITIONAL USE PERMIT NO. 05-20 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

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 15303 of the CEQA Guidelines, because the project consists of the installation of a small new facility and structure and associated equipment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-20

1. Conditional Use Permit No. 05-20 to install a wireless communications facility, consisting of 12 panel antennas attached to an existing Edison Tower at a height of 53 ft. and nine mechanical cabinets at the base of the tower located within a 20 ft by 20 ft. roofed enclosure 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 proposed facility will not generate noise, traffic, demand for additional parking or other impacts detrimental to surrounding property.
2. The conditional use permit will be compatible with surrounding uses because the proposed facility will be located on and adjacent to existing Southern California Edison transmission towers, on an existing SCE right-of-way. The design of the facility, which features antennas painted to match the tower to which it is attached, and an equipment shelter constructed of stucco block and a tile roof, will ensure the compatibility of the proposed facility with the surrounding park use.
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 including the provisions of HBZSO Section 230.94 – Wireless Communications Facilities.
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 P (Public) on the subject property, pursuant to the provisions of the Huntington Beach Zoning and Subdivision Ordinance Section 230.96, which serves to implement the General Plan. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. L.U. 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure and public services.

- b. U. 5.1: Ensure that adequate natural gas, telecommunications and electrical systems are provided.
- c. 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 co-location of antennas with an existing transmission tower, and the use of compatible materials to screen the equipment cabinets, will minimize the project's visual impacts.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-20

1. The site plan, floor plans, and elevations received and dated February 2, 2006 shall be the conceptually approved design.
2. Graffiti shall be removed from the equipment enclosure within 24 hours of being reported.
3. All existing deteriorated turf in the immediate vicinity shall be enhanced and replanted to a condition consistent with the existing surrounding turf.
4. The turf and landscaping shall be restored if damaged or altered during the course of construction.
5. The wireless company shall be responsible for any damage to existing conditions caused by maintenance of the site.

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.

ITEM 2: CONDITIONAL USE PERMIT NO. 05-36 (PRIANTOS RETAIL BUILDING)

APPLICANT: Braxton Dennis, 1326 E. 213th Street, Carson, CA 90745
 PROPERTY OWNER: Tony Priantos, 2900 W. Warner Avenue, Santa Ana, CA 92704
 REQUEST: To permit the construction of a 336 sq. ft. addition to an existing 4,032 sq. ft. commercial building and associated site and façade improvements.
 LOCATION: 7351 Warner Avenue (northwest corner of Warner Avenue and Gothard Street)
 PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated that significant improvements are proposed to enhance the appearance. Staff stated that the applicant's concerns are primarily based upon the suggested condition for textured driveway entrances.

Staff stated that the Design Review Board (DRB) recommended approval to the Zoning Administrator.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, inquired into the current tenancy.

THE PUBLIC HEARING WAS OPENED.

Dennis Braxton, 1326 E. 213th Street, Carson, CA, applicant, questioned the standard code requirements and the necessity for a traffic study and stamped concrete. Mr. Braxton was directed to contact the Public Works Department regarding the traffic study.

Tony Priantos, 2900 W. Warner Avenue, Santa Ana, property owner, stated he volunteered to enhance the building for rental desirability. Mr. Priantos stated that in order to comply with the suggested conditions of approval, and remain within his budget, he would have to minimize the façade improvements.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren confirmed with staff that seating limits associated with a restaurant use are dictated by the City's parking requirements.

Discussions ensued concerning tenancy, parking requirements and alternatives, parking for restaurant versus retail uses, reduction of the restaurant's square footage, and application for a variance.

Mr. Priantos stated that the parking requirements for restaurant use render his project economically unfeasible. He stated that if he submits new plans he would not be able to enhance the building. He asked the Zoning Administrator to approve the request today and allow resubmittal of new plans with fewer enhancements.

Ms. Broeren explained that if the plans were revised they would be required to return to the DRB and return to the Zoning Administrator. She stated that because the applicant intends to change the project plans, an approval today would in essence be a false approval. Ms. Broeren stated that decorative paving at the driveway is not critical and that she is willing to remove the suggested condition today.

Discussion ensued concerning continuing the request if the applicant intends to go forward with some type of enhancements otherwise the request will be denied today.

Ms. Broeren advised that if the applicant requests a continuance, a continuation fee would be necessary. She further stated that the request would be continued to a date uncertain and would have to be re-advertised.

Mr. Priantos asked for a continuance.

CONDITIONAL USE PERMIT NO. 05-36 WAS CONTINUED TO A DATE UNCERTAIN WITH RE-NOTIFICATION AND WITH THE PUBLIC HEARING OPEN.

THE MEETING WAS ADJOURNED AT 2:20 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, APRIL 15, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

:rmk