



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jill Arabe, Associate Planner 
DATE: March 12, 2013

SUBJECT: CONDITIONAL USE PERMIT NO. 12-028 - APPEAL (AT&T MONOPALM)

APPLICANT/

APPELLANT: Tim Miller, Trillium, 5912 Bolsa Avenue, Suite 202, Huntington Beach, CA 92649

PROPERTY

OWNER: Lester Smull, 17631 Fitch, Irvine, CA 92614

LOCATION: 9074 Adams Avenue, 92646 (southeast corner of Adams Avenue and Magnolia Street)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 12-028 request:
 - To construct a new 50 ft. high wireless communications facility designed as a palm tree (monopalm).

- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 12-028 with modifications based upon the following:

 - Increased height of wireless communications facility will improve signal transmission and reception in the project vicinity.
 - Incorporates stealth techniques with the faux palm tree design and is compatible with surrounding commercial uses.
 - Consistent with General Plan goals, policies, and objectives to ensure adequate telecommunication systems are provided.
 - Consistent with Huntington Beach Zoning and Subdivision Ordinance development standards with regard to height, location, and design issues, with conditions of approval imposed.

- ◆ Staff's Suggested Modifications:
 - The panel antennas' length shall be reduced from eight feet to six feet.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 12-028 with suggested findings and conditions of approval (Attachment No. 1).”



VICINITY MAP
CONDITIONAL USE PERMIT NO. 12-028
(AT&T MONOPALM – 9074 ADAMS AVENUE)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Approve Conditional Use Permit No. 12-028 with findings and suggested modified conditions of approval.” (**Applicant’s Request**)
- B. “Continue Conditional Use Permit No. 12-028 and direct staff accordingly.”
- C. “Deny Conditional Use Permit No. 12-028 with findings for denial.”

PROJECT PROPOSAL:

Conditional Use Permit No. 12-028 represents a request to construct a new 50 ft. high wireless communications facility designed as a palm tree (monopalm) pursuant to Section 230.96 (E-3) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The project includes (12) new eight (8) ft. high antennas and associated equipment including one GPS antenna on the existing building and cabinets, racks and condensing units within a new ten (10) ft. high equipment room enclosure.

The subject site is an approximately 5.0 acre commercial property. The site is developed with commercial buildings and an existing 38 ft. high wireless communications facility at the rear of the site. The existing facility is designed as a palm tree with 12 four ft. long antennas. The proposed facility will replace the existing facility with an increase of 12 ft. to the overall monopalm height and a four ft. increase to the length of the antennas.

Zoning Administrator Action:

A public hearing before the Zoning Administrator (ZA) was held on January 16, 2013. The applicant was present and opposed staff’s recommendation to reduce the length of the antennas to six feet. The applicant presented information that the proposed eight feet long antennas combined with the increase in height of the facility will provide better wireless coverage for the residential neighborhood. The ZA agreed with staff’s recommendation citing reasons that previous projects have not resulted in antennas greater than six feet and improvements in technology may ultimately reduce the size of antennas in the future.

Appeal:

The Zoning Administrator’s action of Conditional Use Permit No. 12-028 was appealed by the applicant for reasons cited in an appeal letter dated January 25, 2013 (Attachment No. 3). The applicant does not agree with Condition No. 1c for reducing the antenna length. The reasons for appeal are listed below:

1. Written evidence was presented at the hearing to show the need for the additional coverage provided by the proposed eight feet long antennas.
2. The Design Review Board agreed with the applicant’s request for eight feet long antennas.
3. No member of the community has expressed concerns regarding the project.
4. No evidence was submitted that the eight feet long antennas have a negative impact on the community.

ISSUES:

Subject Property and Surrounding Land Use, Zoning and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (Commercial General – 0.35 max. floor area)	CG (Commercial General)	Commercial
South of the Subject Property:	Public (CG-F1)	PS (Public-Semipublic)	Church
West (across Magnolia) and East of the Subject Property:	RL-7 (Residential Low Density – 7 dwelling units/acre)	RL (Residential Low Density)	Residential
North (across Adams) of the Subject Property:	CG-F1	CG	Commercial

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Commercial. The proposed project is consistent with this designation and the goals and policies of the City’s General Plan as follows:

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 monopalm onsite. The location of associated equipment will be within an equipment enclosure behind the existing commercial buildings. The roof mounted GPS antennas will not be visible from the street. As conditioned, the length of proposed antennas will be reduced and additional palm fronds will be required to blend the panel antennas into the tree.

Zoning Compliance:

The project is located in the Commercial General District and complies with all the requirements of that zone, including land use and setbacks. The wireless communications facility at the proposed height of 50 feet is subject to approval of a conditional use permit.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The proposed project is Categorically Exempt pursuant to Section 15302, Class 2, of the California Environmental Quality Act, 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.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board:

On December 13, 2012, the DRB recommended approval of the wireless communications facility designed as a palm tree “monopalm” and associated equipment with modifications to the Zoning Administrator. The DRB recommended the following modifications:

- Additional fronds shall be provided on the palm tree subject to the review and approval of the Planning Division.
- The panel antennas shall be painted green to match the fronds.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements: Not applicable.

Public Notification:

Legal notice was published in the Huntington Beach Independent on February 28, 2013, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department’s Notification Matrix), applicant, and interested parties. As of March 5, 2013, no public comments have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:
November 16, 2012

MANDATORY PROCESSING DATE(S):
January 16, 2012

The ZA approved CUP No. 12-028 on January 16, 2012, which complies with the State of California Planning, Zoning, and Development Laws relative to mandatory processing times.

ANALYSIS:

Land Use Compatibility

The wireless communications facility is compatible with surrounding uses because it is located on a commercially zoned property and incorporates stealth techniques similar to the existing facility onsite. Although the project is more visible from public view due to the 12 ft. increased height of the structure, conditions imposed including additional fronds, colorization, and reduced antenna size will minimize the visual impact of the facility. The project's visibility is also reduced due to its location behind existing commercial buildings, which vary in height from 15 to 21 feet. It is located approximately 240 feet from adjacent residential uses to the east and will not generate impacts related to noise, traffic, or parking demand above existing conditions. The associated equipment will be located within the new 10 ft. high equipment enclosure behind the existing building and will not be visible from the street. The height of the facility and antennas will be taller, but will not exceed the maximum height in the zoning district. Adjacent to the site to the south is another wireless facility designed as a palm tree at a height of 60 ft. Co-location is not appropriate with the adjacent facility because it is closer to residential uses and would involve the replacement of a facility at a greater height.

Staff recommends approval for the proposed wireless communications facility because it is compatible with the surrounding uses and will not create additional impacts above existing conditions.

Appeal

The Zoning Administrator's approval with a reduction of the antenna length from eight feet to six feet minimizes the visibility of the antennas and blends them with the palm fronds for a better stealth design. As demonstrated in the photo simulations (Attachment No. 3), the proposed eight ft. long antennas are more noticeable than the existing four ft. long antennas. When the antennas are proposed to double in size, the stealth techniques (such as the palm fronds) serve less purpose and the antennas become more evident in the foreground. Furthermore, the additional 12 ft. height of the overall facility combined with the additional length of two feet for the antennas will still provide more coverage than the existing conditions. By permitting the overall height of the facility and the antennas to increase in size will still improve coverage for the surrounding neighborhood.

Staff recommends approval of the proposed wireless communications facility because the increase in overall height and modification to antennas size will continue to be stealth and improve coverage for the vicinity.

ATTACHMENTS:

1. ~~Suggested Findings and Conditions of Approval – CUP No. 12-028~~
2. Site Plans and Elevations received and dated October 16, 2012
3. Photo Simulations received and dated October 16, 2012
4. Appeal letter received and dated January 25, 2013
5. Zoning Administrator Notice of Action dated January 17, 2013

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2012-028

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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. 2012-028

1. Conditional Use Permit No. 12-028 for the establishment, maintenance and operation of a new 50 ft. high wireless communications facility designed as a palm tree (monopalm) with twelve (12) new six (6) ft. long antennas and associated equipment including one GPS antenna on the existing building and cabinets, racks and condensing units within a new ten (10) ft. high equipment room 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 project involves the replacement of an existing 38 ft. high wireless communications facility with a new facility in the same leased area at the rear of the commercial property. It is located approximately 240 feet from residential uses to the east. 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 the new 10 ft. high equipment enclosure behind the existing building.
2. The conditional use permit will be compatible with surrounding uses because the wireless communications facility will be designed as a palm tree and located within the same leased area as the existing wireless facility (monopalm) at the rear of the commercial property. The 50 ft. high facility will be located behind the existing commercial buildings which vary in height from 15 to 21 feet. The height of the facility and antennas will be taller, but will not exceed the maximum height in the zoning district. Adjacent to the site to the south is another wireless facility designed as a palm tree at a height of 60 ft. Co-location is not appropriate with the adjacent facility because it is closer to residential uses and would involve the replacement of a facility at a greater height. As a condition, additional palm fronds shall be provided to blend the antennas into the tree. 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. New ground mounted wireless communications 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 goals 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 monopalm onsite. The location of associated equipment will be within an equipment enclosure behind the existing commercial buildings. The roof mounted GPS antenna will not be visible from the street. As conditioned, additional palm fronds will be required to blend the panel antennas into the tree.

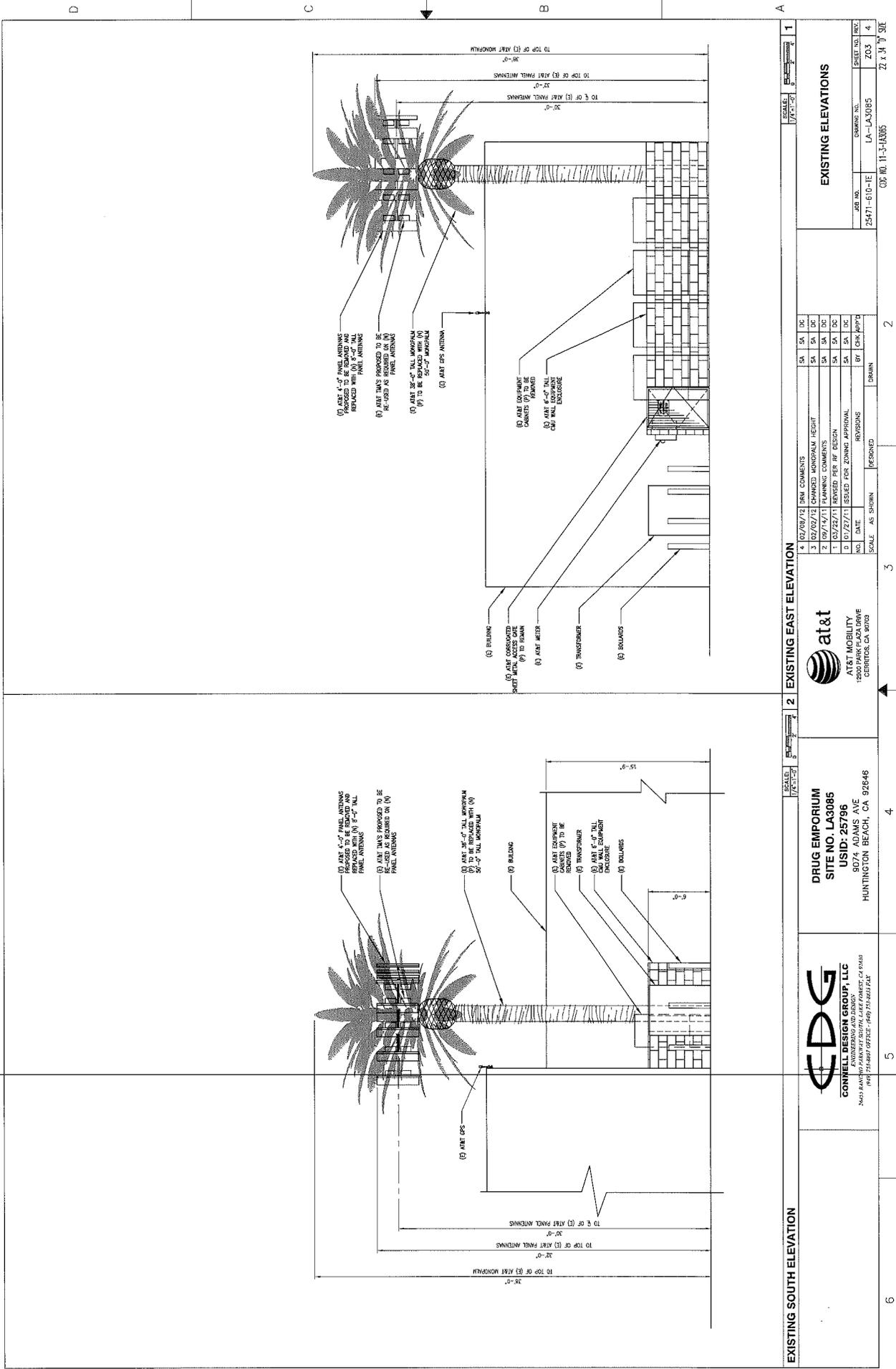
CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-028:

1. The site plans and elevations received and dated October 16, 2012 shall be the conceptually approved design with the following modifications:
 - a. Additional fronds shall be provided on the palm tree to provide screening of the antennas subject to the review and approval of the Planning Division. **(DRB)**
 - b. The panel antennas shall be painted green to match the fronds. **(DRB)**
 - c. The panel antennas length shall be reduced from eight feet to six feet.
2. CUP No. 12-028 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 Division a minimum 30 days prior to the expiration date.
3. 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.



EXISTING SOUTH ELEVATION **EXISTING EAST ELEVATION**

NO.	DATE	REVISIONS	BY	CHK	APP
4	03/28/13	DATE COMMENTS	SA	SA	DC
3	03/29/13	CONTRACTOR'S PROPOSED HEIGHT	SA	SA	DC
2	03/27/13	PLANNING COMMENTS	SA	SA	DC
1	03/22/13	DESIGNED PER PER DESIGN	SA	SA	DC
0	03/22/13	DESIGNED FOR ZONING APPROVAL	SA	SA	DC

SCALE: AS SHOWN DESIGNED DRAWN

at&t
AT&T MOBILITY
 9074 ADAMS AVE
 SCERRITOS, CA 90703

DRUG EMPORIUM
SITE NO. LA3085
USID: 25796
 9074 ADAMS AVE
 HUNTINGTON BEACH, CA 92646

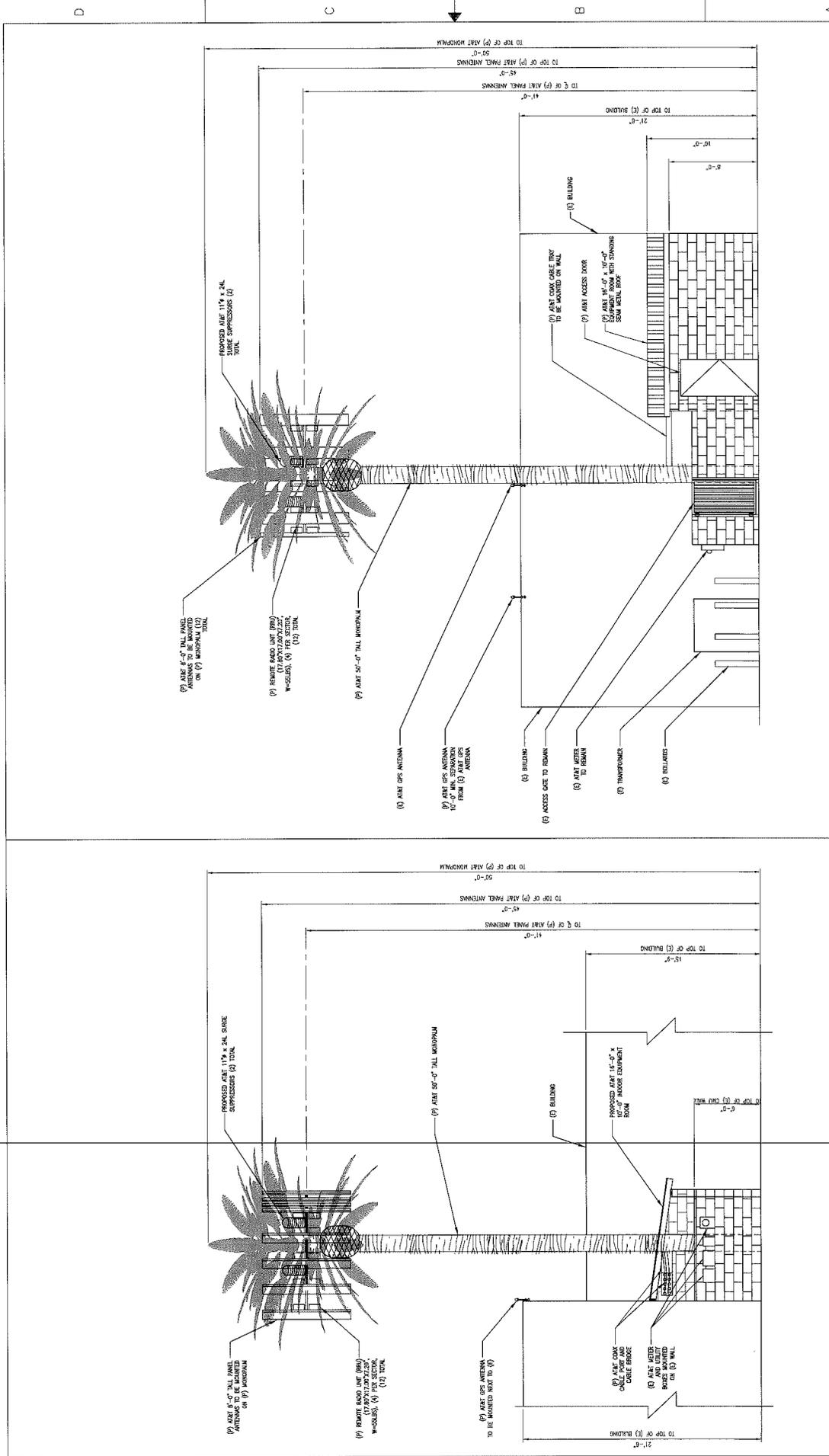
EDG
CONNELL DESIGN GROUP, LLC
 ENGINEERING AND DESIGN
 3403 PINE AVE, SUITE 100, OAKLAND, CA 94612

SCALE	DATE	REVISIONS	BY	CHK	APP
1/4"=1'-0"	03/28/13	DATE COMMENTS	SA	SA	DC
1/4"=1'-0"	03/29/13	CONTRACTOR'S PROPOSED HEIGHT	SA	SA	DC
1/4"=1'-0"	03/27/13	PLANNING COMMENTS	SA	SA	DC
1/4"=1'-0"	03/22/13	DESIGNED PER PER DESIGN	SA	SA	DC
1/4"=1'-0"	03/22/13	DESIGNED FOR ZONING APPROVAL	SA	SA	DC

SCALE: AS SHOWN DESIGNED DRAWN

JOB NO. 25471-610-E DRAWING NO. LA-1-A3085 SHEET NO. 023 4

DATE: 03/28/13 22 x 34" SEE



PROPOSED SOUTH ELEVATION | 2 | PROPOSED EAST ELEVATION

<p>CDG CONNELL DESIGN GROUP, LLC ENTREPRENEURS AND DESIGNERS 3845 SANDHAY PARKWAY, SUITE 100, LAKE FOREST, CA 92546 (949) 233-8822 FAX</p>	<p>at&t AT&T MOBILITY 12000 WILSON AVENUE BERKELEY, CA 94706</p>	<p>DRUG EMPORIUM SITE NO. LA3085 USID: 25796 9074 ADAMS AVE HUNTINGTON BEACH, CA 92646</p>	<p>PROPOSED ELEVATIONS</p> <table border="1"> <tr> <th>REV.</th> <th>DATE</th> <th>ISSUED FOR</th> <th>REVISION</th> <th>BY</th> <th>CHKD BY</th> </tr> <tr> <td>1</td> <td>07/27/11</td> <td>ISSUED FOR ZONING APPROVAL</td> <td></td> <td>SA</td> <td>SA</td> </tr> <tr> <td>2</td> <td>07/19/11</td> <td>REVISED FOR PERMITS</td> <td></td> <td>SA</td> <td>SA</td> </tr> <tr> <td>3</td> <td>02/02/12</td> <td>CHANGED MONOPOLM HEIGHT</td> <td></td> <td>SA</td> <td>SA</td> </tr> <tr> <td>4</td> <td>02/09/12</td> <td>DATE COMMENTS</td> <td></td> <td>SA</td> <td>SA</td> </tr> </table>	REV.	DATE	ISSUED FOR	REVISION	BY	CHKD BY	1	07/27/11	ISSUED FOR ZONING APPROVAL		SA	SA	2	07/19/11	REVISED FOR PERMITS		SA	SA	3	02/02/12	CHANGED MONOPOLM HEIGHT		SA	SA	4	02/09/12	DATE COMMENTS		SA	SA
REV.	DATE	ISSUED FOR	REVISION	BY	CHKD BY																												
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2	07/19/11	REVISED FOR PERMITS		SA	SA																												
3	02/02/12	CHANGED MONOPOLM HEIGHT		SA	SA																												
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SCALE: 1/4"=1'-0" | 1/8"=1'-0" | 1/16"=1'-0"

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4 3 2 1

6 5 4 3 2 1

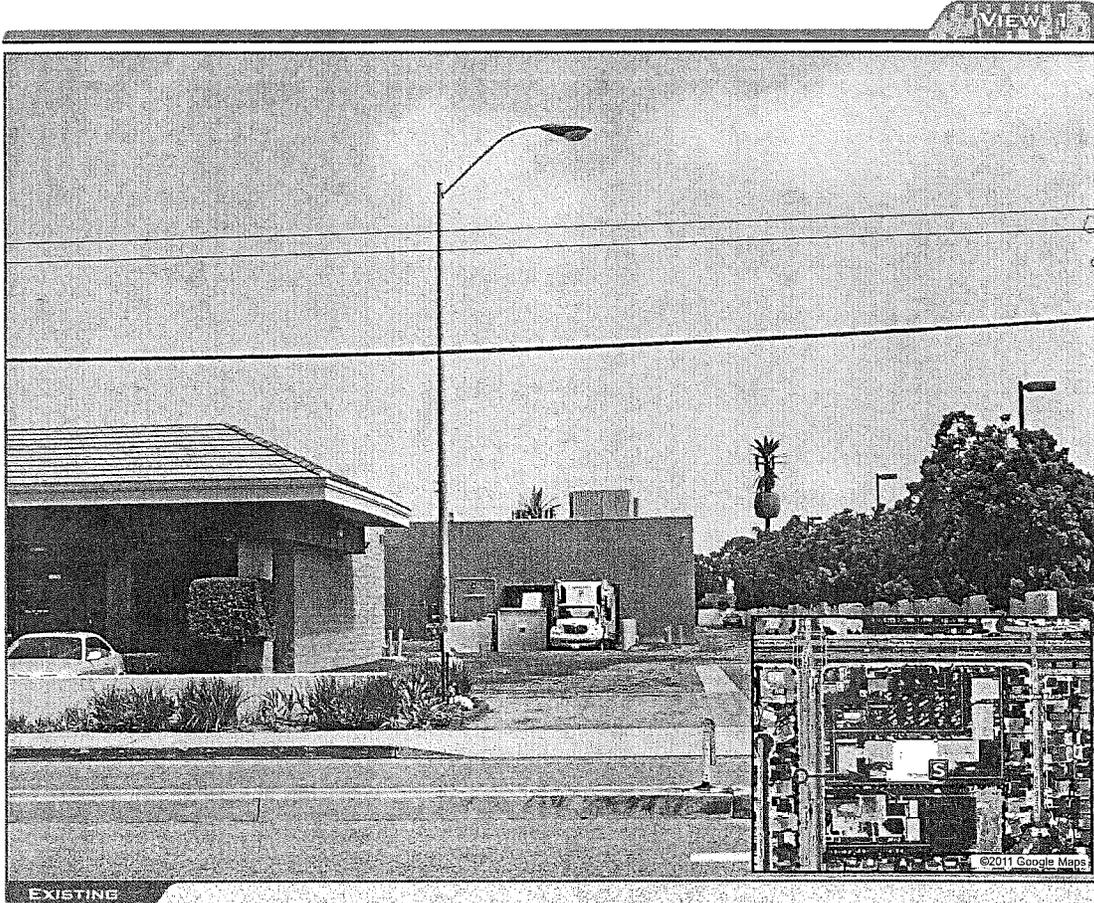
22.4' X 0' SEE

CGE NO. 11-1-14336



LA3085
DRUG EMPORIUM

9074 ADAMS AVENUE HUNTINGTON BEACH CA 92646



RECEIVED
OCT 16 2012
Dept. of Planning
& Building

EXISTING



PROPOSED LOOKING EAST FROM MAGNOLIA STREET

ATTACHMENT NO. 3.1

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

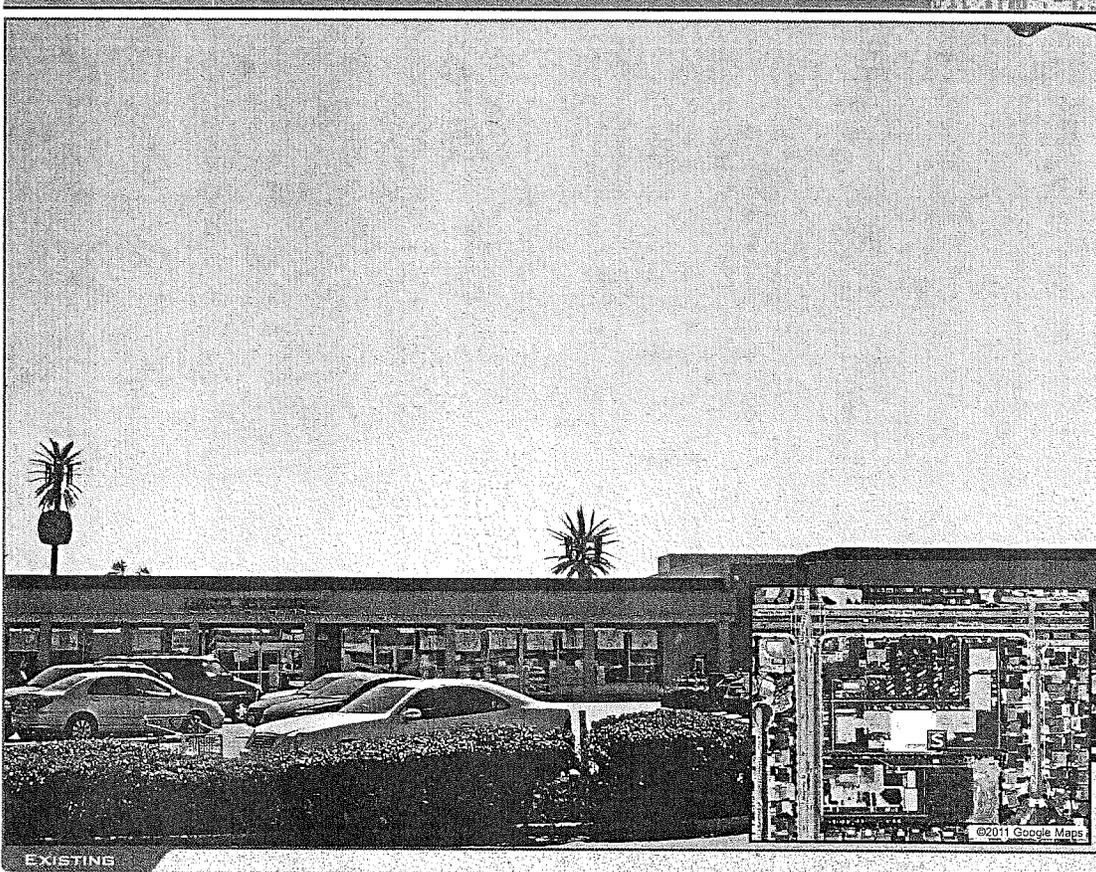


LA3085
DRUG EMPORIUM

9074 ADAMS AVENUE HUNTINGTON BEACH CA 92646



VIEW 3



EXISTING



PROPOSED LOOKING SOUTH FROM ADAMS AVENUE

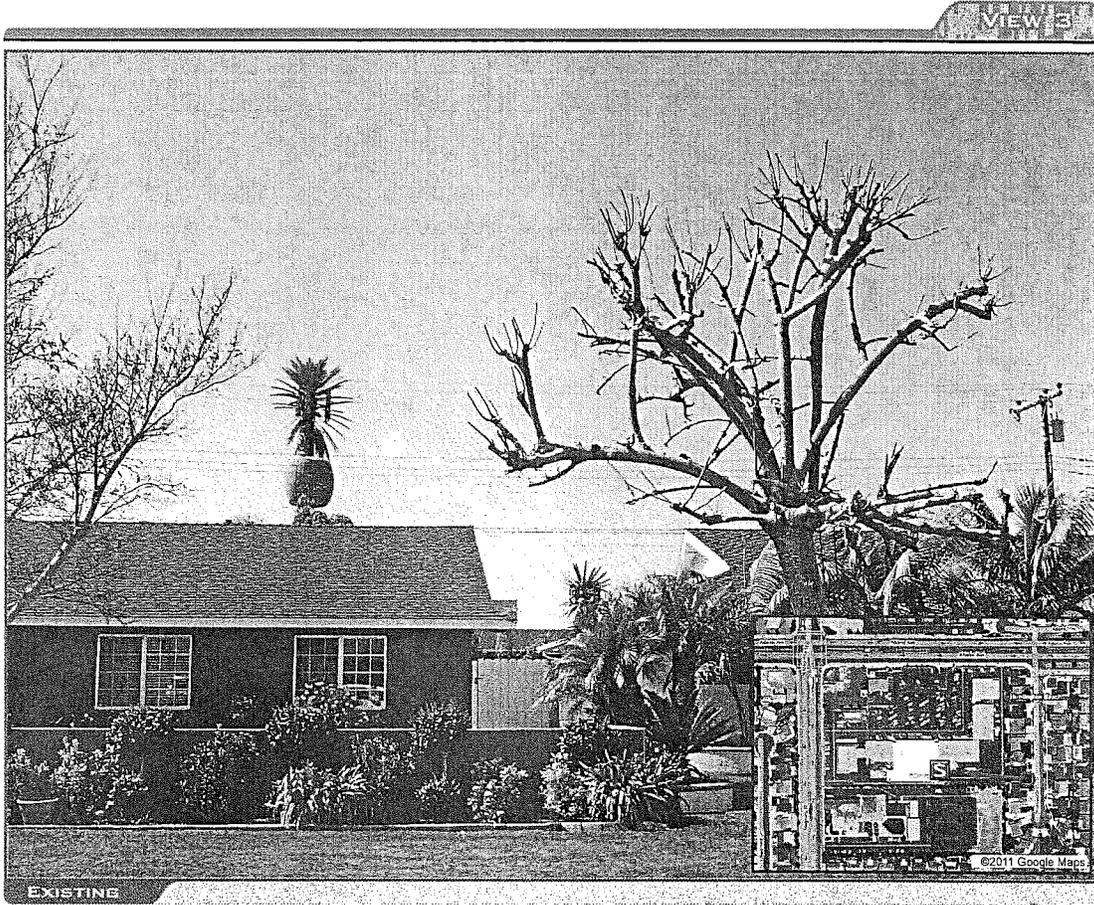
ATTACHMENT NO. 3.2

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



LA3085
DRUG EMPORIUM

9074 ADAMS AVENUE HUNTINGTON BEACH CA 92646



EXISTING



PROPOSED LOOKING WEST FROM SHOREWOOD CIRCLE

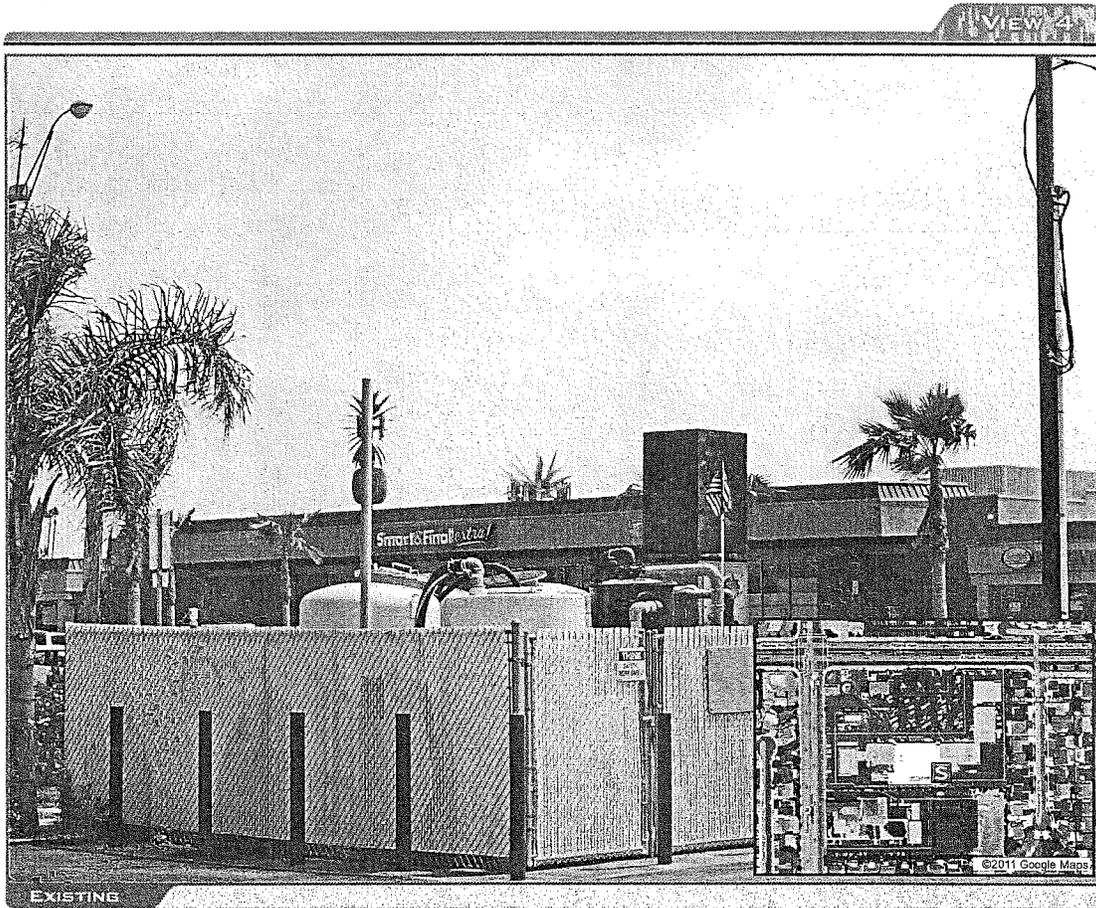


LA3085
DRUG EMPORIUM

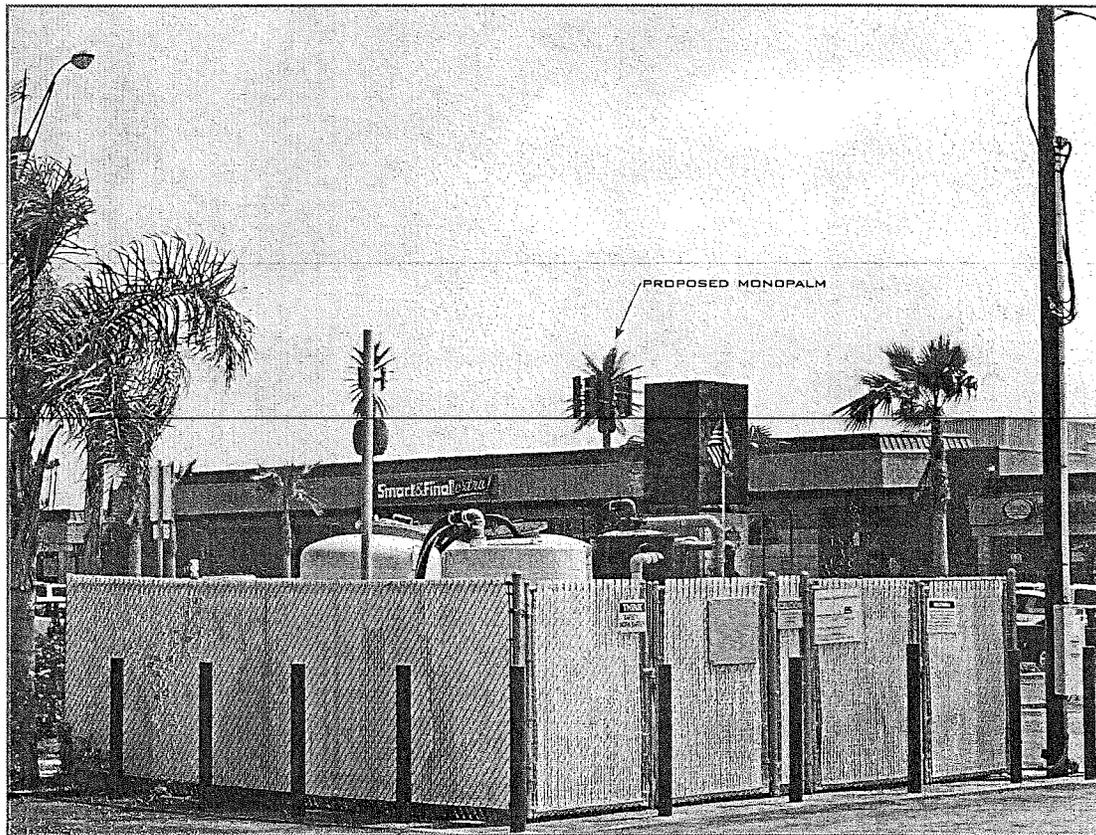
9074 ADAMS AVENUE HUNTINGTON BEACH CA 92646



AEsims.com
877.9AE.sims



EXISTING



PROPOSED

LOOKING SOUTHEAST FROM PARKING LOT

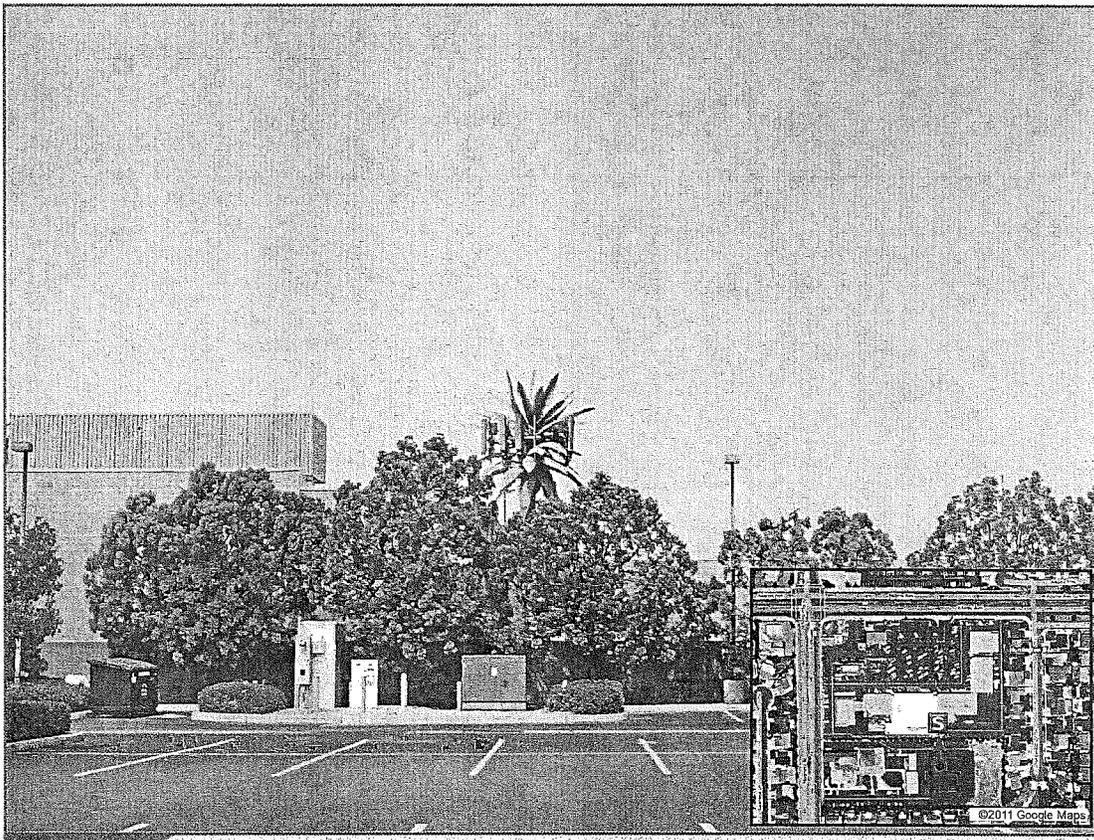


LA3085
DRUG EMPORIUM

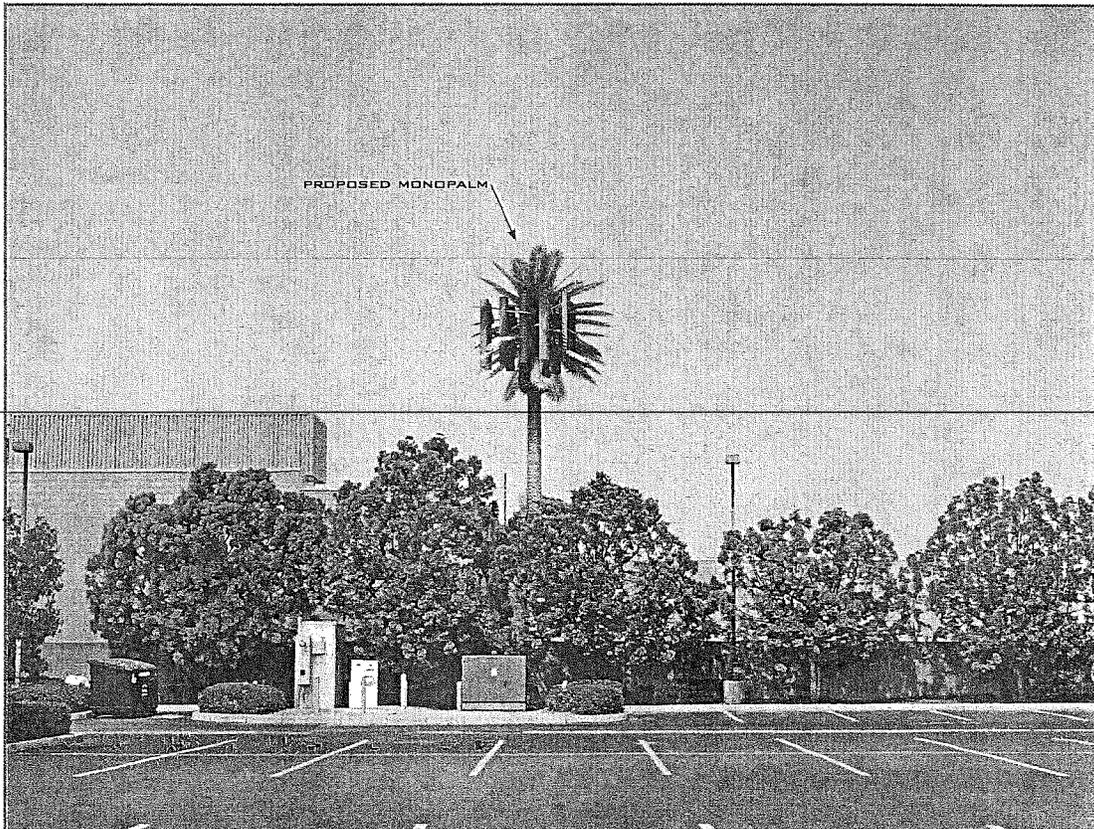
9074 ADAMS AVENUE HUNTINGTON BEACH CA 92646



VIEW 5



EXISTING



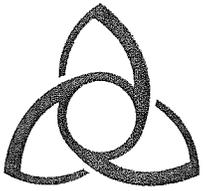
PROPOSED MONOPALM

PROPOSED

LOOKING NORTH FROM ADJACENT CHURCH PARKING LOT

ATTACHMENT NO. 3.5

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



Trillium

January 25, 2013

Jill Arabe, Associate Planner
City of Huntington Beach, Planning Department
2000 Main Street
Huntington Beach, CA92648

RECEIVED

JAN 25 2013

City of Huntington
& Building

RE: AT&T Mobility's Appeal of Conditional Use Permit No. 12-028
Facility Modification at 9074 Adams Avenue

Dear Ms. Arabe,

Please accept this letter as AT&T's formal appeal of condition 1c of the Zoning Administrator's decision to approve 6-foot panel antennas over the requested 8-foot panel antennas. It is AT&T's contention that the Zoning Administrator erred in his decision and did not make the necessary written findings to support his action. Written evidence was presented at the hearing to show the need for the additional coverage that the proposed 8 foot antennas would provide to the surrounding dense residential community (Exhibit A). The same documentation was provided to staff as well as to the Design Review Board, which agreed with the applicant's position and approved the 8 foot panel antennas (3-0 vote) with additional fronds to extend down and further conceal the antennas. Additionally, no member of the community has expressed any interest or concern regarding the proposed design to staff, at the Design Review Board hearing, or at the Zoning Administrator hearing. Furthermore, there are no code restrictions on the size of wireless antennas and there was no evidence submitted to the public file or at the hearing that would show that the 8 foot antennas have a negative impact on the surrounding community. The proposed design of the facility (faux palm tree) mitigates potential aesthetic impacts of the facility and has been used repeatedly by the City of Huntington Beach as an accepted mitigation measure on other previously approved wireless facilities.

Therefore, given that no substantial evidence, either in written form or as oral testimony, was ever provided by, or to, the Zoning Administrator which would support his requirement to utilize 6 foot antennas over the proposed 8 foot antennas, condition 1c should be removed.

Please schedule this appeal for the next available Planning Commission meeting. Thank you.

Sincerely,

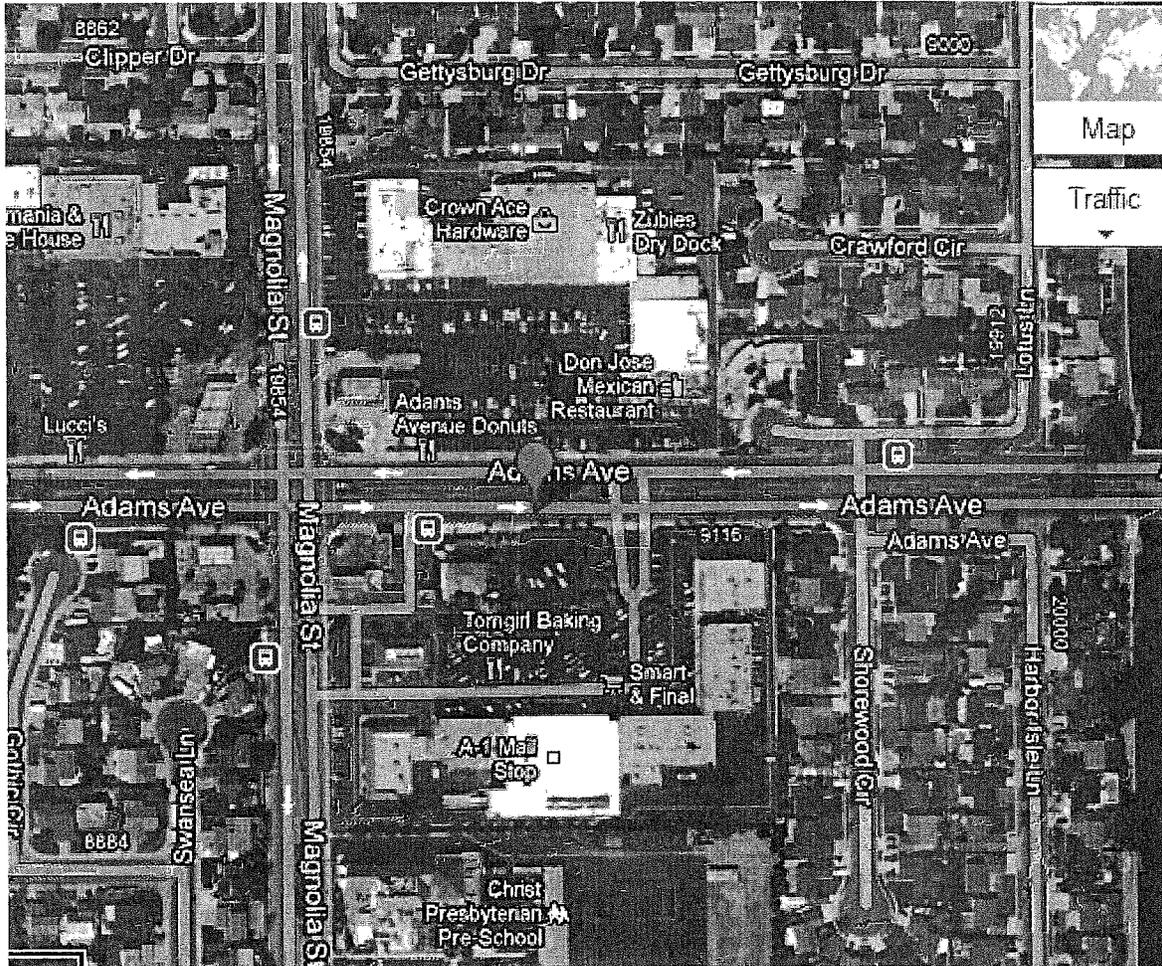
Tim Miller
Zoning Manager

RECEIVED

JAN 25 2013

City of Lowell
Planning

LA3085
Google Map





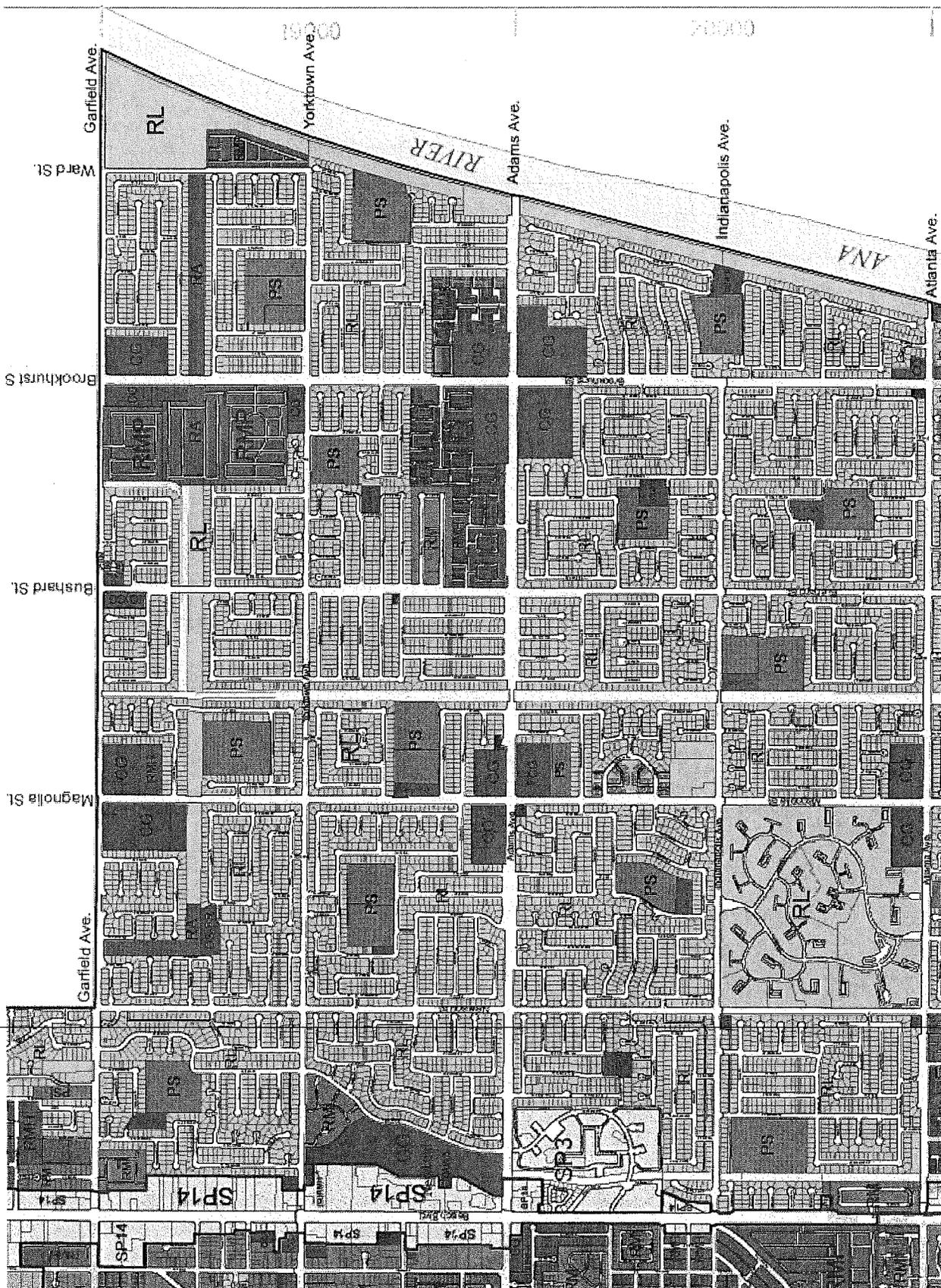
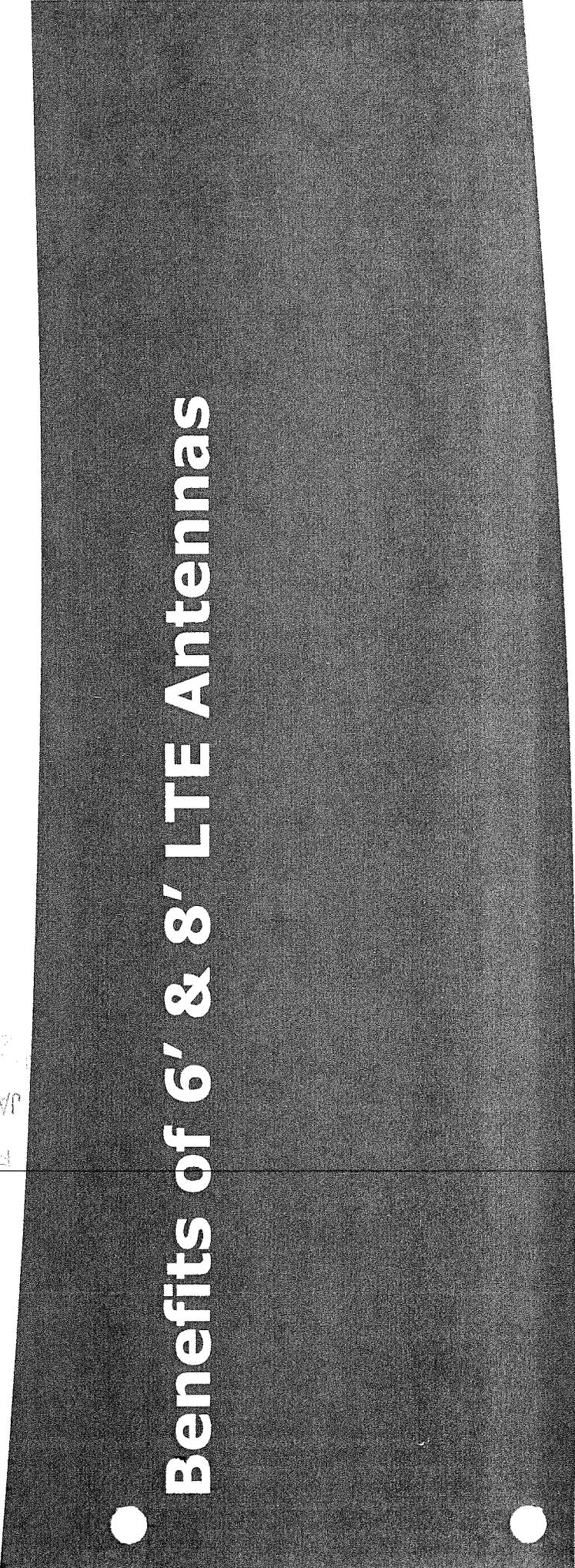


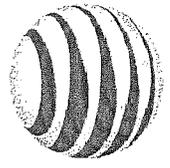
EXHIBIT A

RECEIVED
JAN 25 2013
6:45 PM '13



Benefits of 6' & 8' LTE Antennas

ATTACHMENT NO.



at&t

Benefits of 6' and 8' LTE Antennas

- More Coverage due to high gain antennas
- Better In-building penetration. This is important as data users are typically indoors
- Interference control due to narrower vertical beam-width
- More capacity due to less interference (use less RF power)
- Improved service experience due to better Accessibility & Retain-ability
- Eliminates the need to deploy LTE on some existing sites

Downside of staying with 2' and 4' antennas

- Challenged in-building coverage
- Need to deploy LTE on every on air sites, plus building a lot more new sites in order to match that service experience
- Difficult to control interference. Thus, using more power, and decreases capacity. Results in building more capacity sites



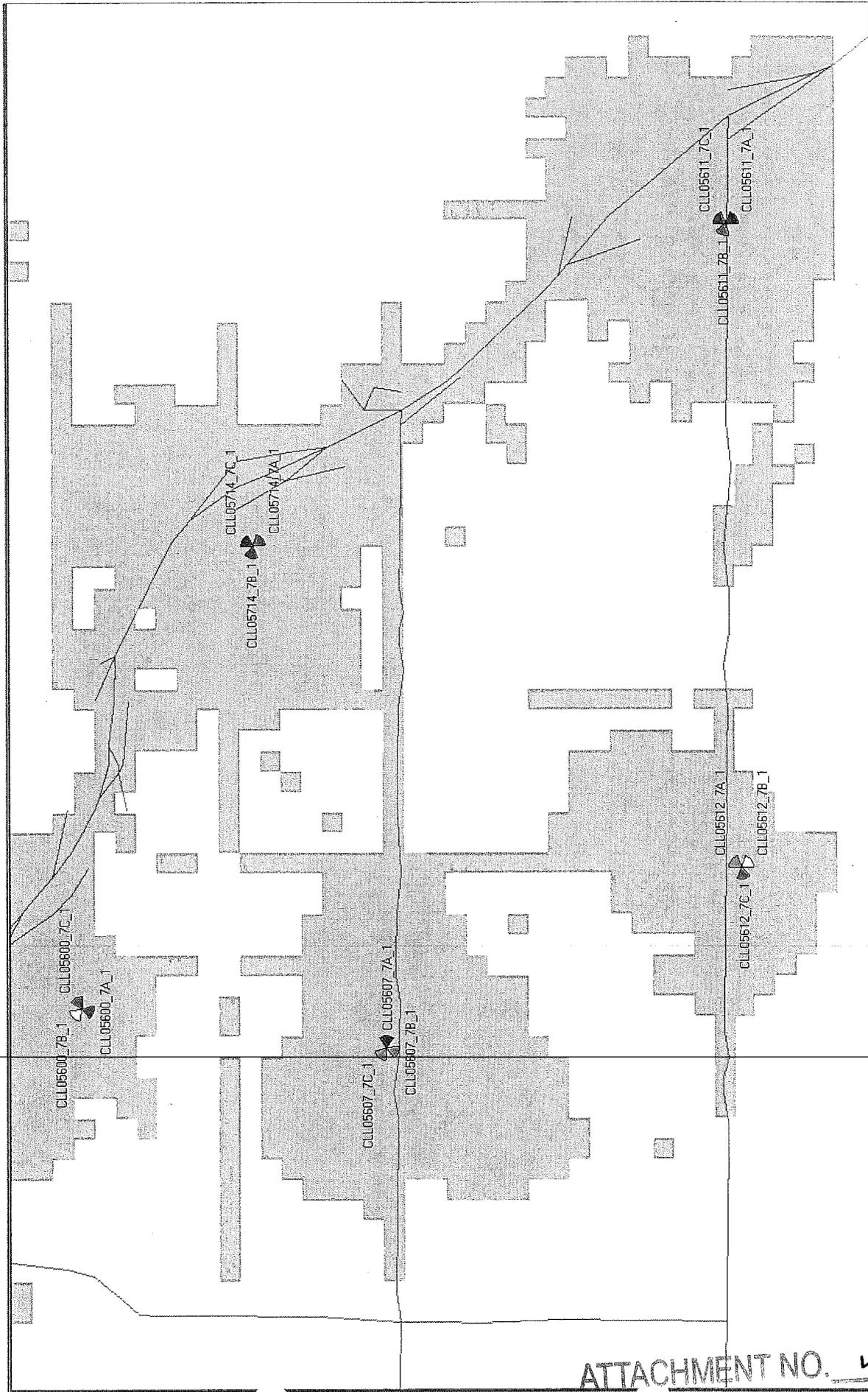
4 Ft LTE Antenna Signal Level Coverage (In-Vehicle)



ATTACHMENT NO. 4.8



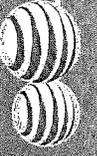
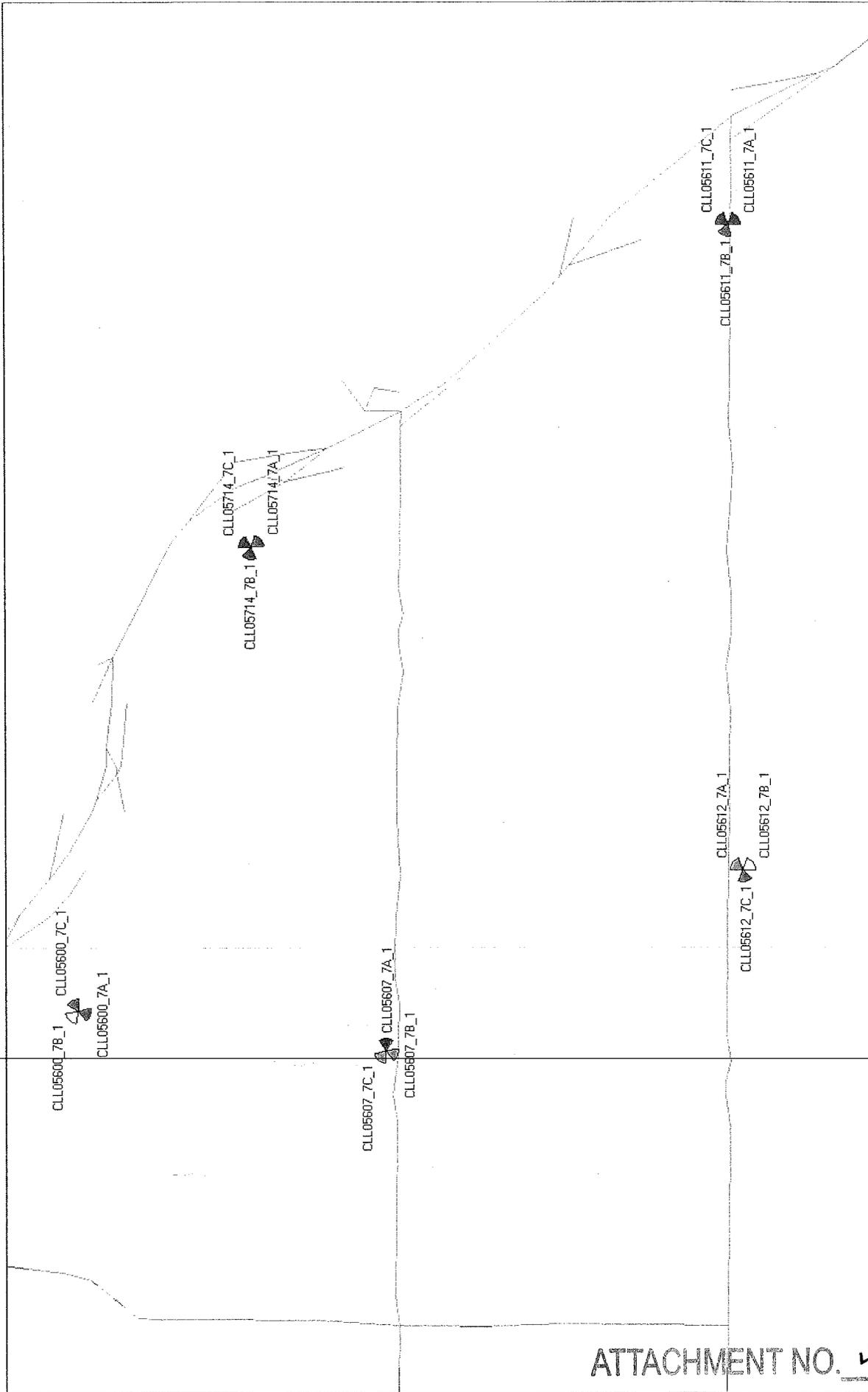
6 Ft LTE Antenna Signal Level Coverage (In-Vehicle)



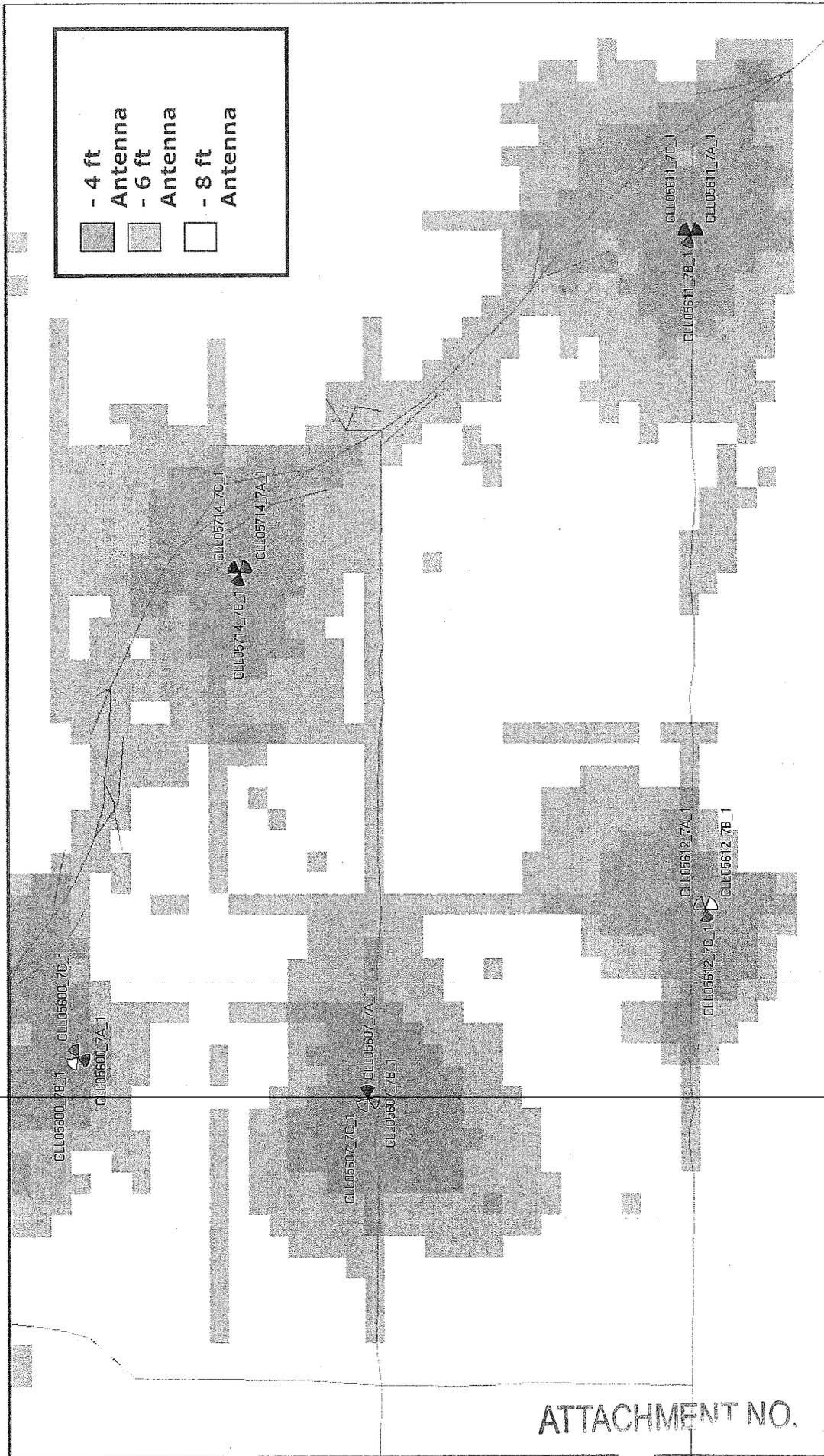
ATTACHMENT NO. 4.9



8 Ft LTE Antenna Signal Level Coverage (In-Vehicle)



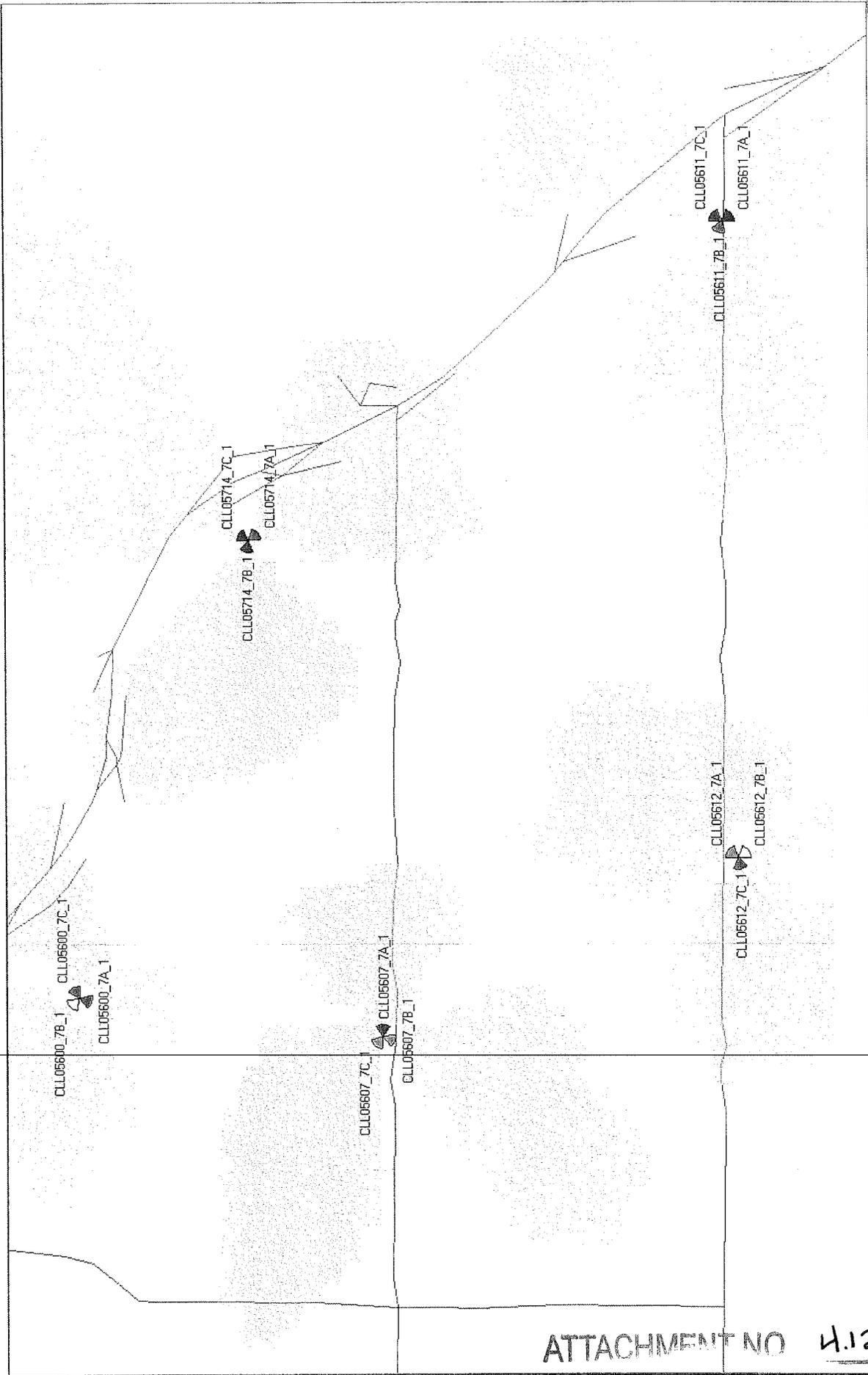
Comparison between 4, 6 and 8 ft LTE Antenna Signal Level Coverage



ATTACHMENT NO. 4.11



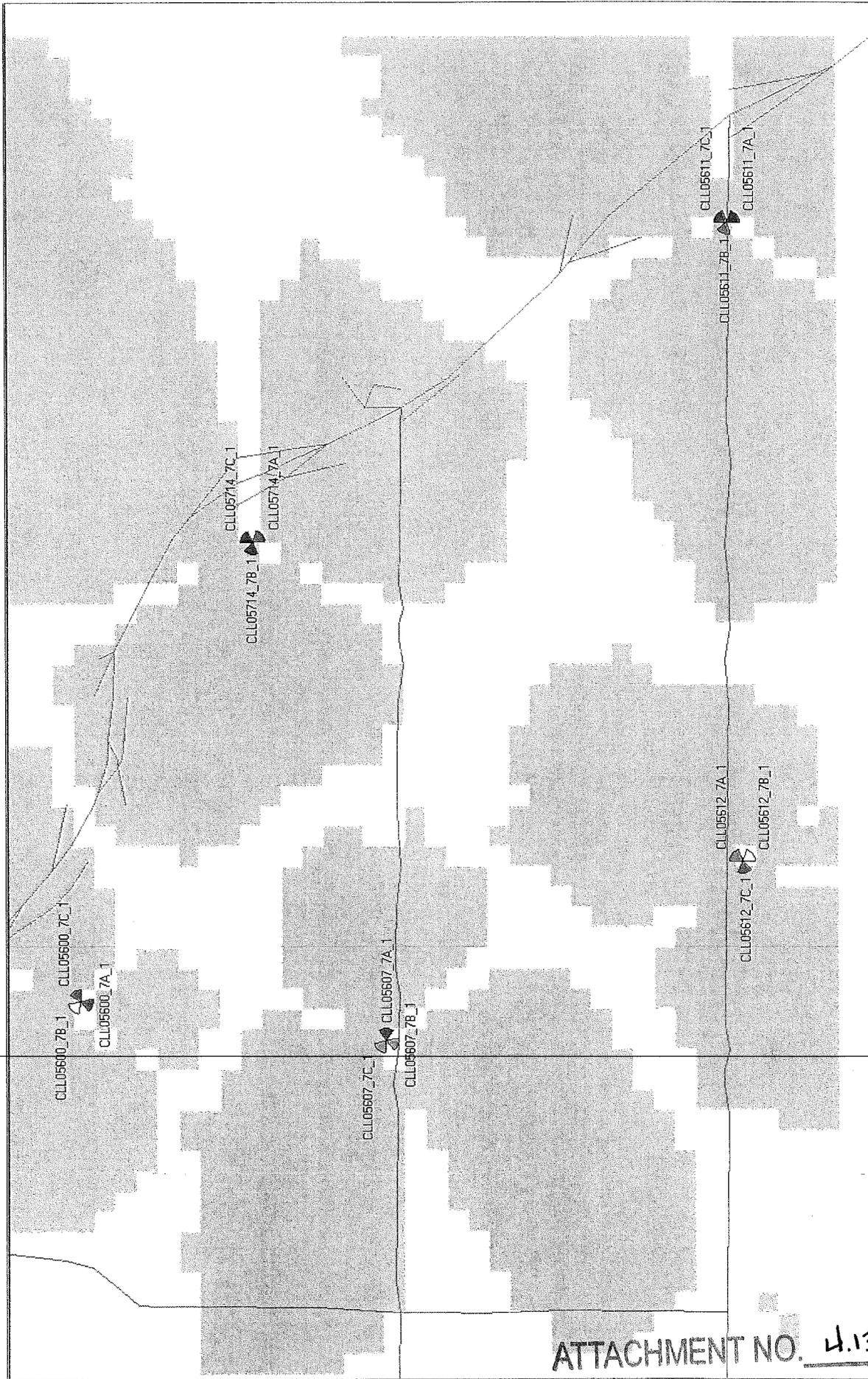
4 Ft LTE Antenna Signal Quality Coverage (In-Vehicle)



ATTACHMENT NO 4.12



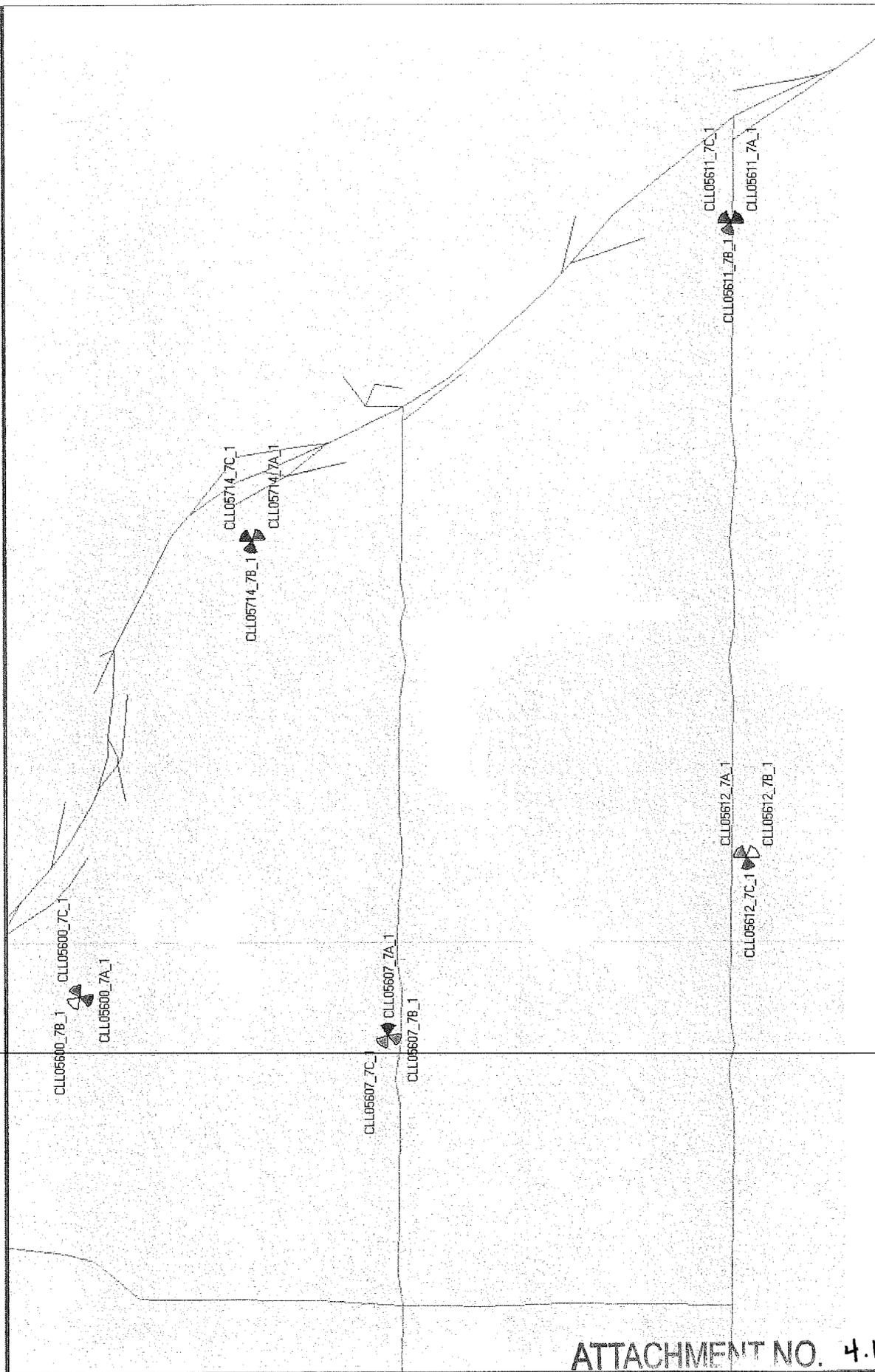
6 Ft LTE Antenna Signal Quality Coverage (In-Vehicle)



ATTACHMENT NO. 4.13



8 Ft LTE Antenna Signal Quality Coverage (In-Vehicle)



ATTACHMENT NO. 4.14

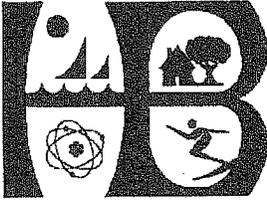


Comparison between 4, 6 and 8 ft LTE Antenna Signal Quality



ATTACHMENT NO. 4.15





**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

January 17, 2013

Tim Miller  
5912 Bolsa Avenue, Suite 202  
Huntington Beach, CA 92649

**SUBJECT:**                   **CONDITIONAL USE PERMIT NO. 12-028/ DESIGN REVIEW  
12-020 (AT&T MONOPALM)**

**APPLICANT:**               Tim Miller, Zoning Manager

**REQUEST:**                To permit the removal of an existing 38 ft. high monopalm and  
installation, maintenance, and operation of a new 50 ft. high  
wireless communications facility designed as a palm tree  
(monopalm) with twelve (12) new eight (8) ft. high antennas  
and associated equipment including one GPS antenna on the  
existing building and cabinets, racks and condensing units  
within a new ten (10) ft. high equipment room enclosure.

**PROPERTY OWNER:**      Lester Smull, 17631 Fitch, Irvine, CA 92614

**LOCATION:**                 9074 Adams Avenue, 92646 (southeast corner of Adams  
Avenue and Magnolia Street)

**PROJECT PLANNER:**     Jill Arabe

**DATE OF ACTION:**       January 16, 2013

On Wednesday, January 16, 2013, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

**ATTACHMENT NO. 5.1**

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Nine Hundred Seventeen Dollars (\$1,917.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Five Hundred One Dollars (\$2,501.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is January 28, 2013, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has begun or as modified by a condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Jill Arabe, the project planner, at (714) 374-5357 or via email at [jarabe@surfcity-hb.org](mailto:jarabe@surfcity-hb.org) or the Department of Planning and Building Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:JA:jd  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Fred A. Wilson, City Manager  
Scott Hess, Director of Planning and Building  
William H. Reardon, Division Chief/Fire Marshal  
Jane James, Senior Planner  
Debbie DeBow, Principal Engineer  
Mark Carnahan, inspection Manager  
Jim Brown, Fire Protection Analyst  
Joe Morelli, Fire Protection Analyst  
Lester Smull  
Project File

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 12-028**

**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.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-028:**

1. Conditional Use Permit No. 12-028 for the establishment, maintenance and operation of a new 50 ft. high wireless communications facility designed as a palm tree (monopalm) with twelve (12) new six (6) ft. high antennas and associated equipment including one GPS antenna on the existing building and cabinets, racks and condensing units within a new ten (10) ft. high equipment room 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 project involves the replacement of an existing 38 ft. high wireless communications facility with a new facility in the same leased area at the rear of the commercial property. It is located approximately 240 feet from residential uses to the east. 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 the new 10 ft. high equipment enclosure behind the existing building.
2. The conditional use permit will be compatible with surrounding uses because the wireless communications facility will be designed as a palm tree and located within the same leased area as the existing wireless facility (monopalm) at the rear of the commercial property. The 50 ft. high facility will be located behind the existing commercial buildings which vary in height from 15 to 21 feet. The height of the facility and antennas will be taller, but will not exceed the maximum height in the zoning district. Adjacent to the site to the south is another wireless facility designed as a palm tree at a height of 60 ft. Co-location is not appropriate with the adjacent facility because it is closer to residential uses and would involve the replacement of a facility at a greater height. As a condition, additional palm fronds shall be provided to blend the antennas into the tree. 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. New ground mounted wireless communications 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 goals 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 monopalm onsite. The location of associated equipment will be within an equipment enclosure behind the existing commercial buildings. The roof mounted GPS antenna will not be visible from the street. As conditioned, additional palm fronds will be required to blend the panel antennas into the tree.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-028:**

1. The site plans and elevations received and dated October 16, 2012 shall be the conceptually approved design with the following modifications:
  - a. Additional fronds shall be provided on the palm tree to provide screening of the antennas subject to the review and approval of the Planning Division.
  - b. The panel antennas shall be painted green to match the fronds. **(DRB)**
  - c. The panel antennas shall be reduced to a height of 6 ft.
2. CUP No. 12-028 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 Division a minimum 30 days prior to the expiration date.

3. 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.