

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

WEDNESDAY, NOVEMBER 5, 2014 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Hayden Beckman, Jill Arabe, Ethan Edwards, Judy Demers

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 14-024 (ST. PETER'S BY THE SEA WIRELESS COMMUNICATION FACILITY):

APPLICANT: Ross Miletich, Core Development Services, 2749 Saturn Street, Brea, CA 92821

PROPERTY OWNER: Kathy Anderson, c/o St. Peter's by the Sea, 16911 Bolsa Chica Street, Huntington Beach, CA 92649

REQUEST: To permit the construction of a proposed 60 ft. high freestanding tower located on the east frontage of an existing church building designed to house a new wireless communication facility utilizing completely stealth techniques. The proposed wireless communication facility includes twelve (12) panel antennas, twelve (12) remote radio units (RRUs), one (1) microwave dish, and three (3) GPS antennas. The facility includes an on-site ancillary equipment enclosure.

LOCATION: 16911 Bolsa Chica Street, 92649 (west side of Bolsa Chica Street, north of Warner Avenue)

CITY CONTACT: Hayden Beckman

Hayden Beckman, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Beckman stated that staff had received two letters from adjacent property owners opposing the proposed project.

Ricky Ramos, Zoning Administrator, verified that the proposed project met the minimum setback requirements.

THE PUBLIC HEARING WAS OPENED.

Ross Miletich, applicant, gave a brief overview of the proposed project and has no comments or concerns with staff's recommendations.

Marguerite Gely, resident, spoke in opposition of the project citing concerns with potential negative impacts to property values. Ms. Gely also stated that there are several towers in the area and it does not seem necessary to add another one.

Yvette Gely, resident, spoke in opposition of the proposed project, citing concerns with negative impacts to the health of the church patrons. Mr. Ramos stated that he is prohibited by federal law to factor in health concerns.

Ross Miletich gave a brief overview for the placement of the tower and the increasing need to have a tower at that location.

Margerita Gely asked if the Zoning Administrator would be willing to continue the hearing. Mr. Ramos asked the applicant if he would like to continue the hearing. Mr. Miertich stated that as the meeting was legally noticed and the proposed project complies with the all requirements he would like Mr. Ramos to make a decision.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 14-024 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY 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 15301 of the CEQA Guidelines, because the project involves the construction of a wireless communication facility with no expansion of the existing church use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-024:

1. Conditional Use Permit No. 14-024 for the construction of a proposed 60 ft. high freestanding tower located on the east frontage of an existing church building designed to house a new wireless communication facility utilizing completely stealth techniques 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 wireless communication facility will be composed of twelve (12) panel antennas, twelve (12) remote radio units (RRUs), one (1) microwave dish, and three (3) GPS antennas. The proposed 60 ft. freestanding tower containing the wireless facility is placed at the easternmost frontage of the site, located at the farthest point from adjacent residential uses, minimizing visual impacts to the surrounding neighborhoods. The facility incorporates completely stealth design techniques resulting in absolute enclosure of the wireless equipment and the architecture and materials of the freestanding tower matches the existing church buildings. No significant impacts related to traffic, safety, or noise will be generated by the wireless facility. As conditioned, the proposed tower, wireless facility and associated equipment will comply with minimum development standards including height and setbacks and will not result in an intensification of the existing church use.

2. The construction of a proposed 60 ft. high freestanding tower located on the east frontage of an existing church building designed to house a new wireless communication facility will be compatible with surrounding uses because the wireless facility incorporates completely stealth design techniques and will not be visible to surrounding land uses. The maximum height in the Commercial General zoning designation is 50 ft.; however pursuant to Section 230.72 of the Huntington Beach Zoning and Subdivision Ordinance, a wireless communication facility may exceed the maximum height by up to 10 ft. The freestanding tower will use the same colors and materials as the existing church building and is located at the easternmost frontage along Bolsa Chica Street, at the farthest point from the surrounding residential uses. Further, the design of the tower creates a visually and architecturally unified whole that reduces the visual impact of the height of tower.
3. The proposed construction of a proposed 60 ft. high freestanding tower to house a new wireless communication facility utilizing completely stealth techniques 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. A conditional use permit is required because the project is a new ground mounted wireless communication facility. The facility complies with the maximum height in the district and is compatible with the surrounding uses due to its completely stealth design and architectural compatibility with the other buildings on site.
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. Utilities Element

Goal U 5: Maintain and expand service provision to City of Huntington Beach residences and businesses.

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

The conditional use permit will permit the installation of a new ground mounted wireless communication facility adjacent to an existing church building on a site in the Commercial General zone. The wireless facility will provide greater levels of service to the surrounding areas while incorporating design, colors and materials compatible with existing onsite structures. The facility incorporates completely stealth design techniques and is proposed in the most minimally impactful location feasible.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-024:

1. The site plan, floor plans, and elevations received and dated August 27, 2014 shall be the conceptually approved design with the following modifications:
 - a. The ancillary equipment enclosure shall be placed outside of the minimum 10 ft. rear yard setback along the western property line adjacent to the single family residences and outside the minimum 5 ft. side yard perimeter landscape planter along the northern property line.
 - b. Screen walls for the equipment enclosure shall not exceed 6 ft. high.
 - c. Depict a minimum of 136 parking spaces on site in conjunction with the project.
 - d. Revise the elevations to show that the proposed 71 ft. high cross is incorporated into the proposed tower element without projecting above 60 feet. **(DRB)**
 - e. Incorporate the cross symbol element into the architecture of the tower with appropriate lighting. **(DRB)**
 - f. Revise the elevations to indicate maximum overall height of the proposed tower taken from highest adjacent top of curb (T.O.C.).
2. Prior to submittal for building permits, plans revised pursuant to Condition No. 1 shall be submitted for review and approval by Planning staff and inclusion in the file.
3. Zoning entitlement conditions of approval and code requirements, identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, and Public Works, shall be printed verbatim on one of the first three pages of the working architectural drawing sets used for issuance of building permits and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. CUP No. 14-024 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 and Building Department a minimum 30 days prior to the expiration date.
5. The Development Services Departments and divisions (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.
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.

ITEM 2: CONDITIONAL USE PERMIT NO. 14-026 (CENTURY THEATERS ALCOHOL SALES):

APPLICANT: Steve Rawlings, Century Theatres, Inc., 26023 Jefferson Ave., Suite D, Murrieta, CA 92562
PROPERTY OWNER: Bella Terra Associates, LLC, 1332 Anacapa St., Suite 200, Santa Barbara, CA 93101
REQUEST: To permit the sales, service, and consumption of beer and wine within an existing movie theater.
LOCATION: 7777 Edinger Ave., Suite 170, 92647 (Bella Terra – north side of Edinger Ave. and west of Beach Blvd.)
CITY CONTACT: Jill Arabe

Jill Arabe, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Arabe noted that staff received one inquiry to get information regarding the proposal.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Steve Rawlings, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 14-026 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY 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 15301 of the CEQA Guidelines, because the project involves permitting of alcohol sales and consumption ancillary to the existing movie theater with no expansion of the existing use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-026:

1. Conditional Use Permit No. 14-026 for the establishment of beer and wine sales, service and onsite consumption within an existing movie theater complex 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. Based upon conditions imposed, the proposed use will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the property's zoning. The proposed use is ancillary to the existing movie theater, which is centrally located within a large shopping center.
2. The establishment of beer and wine sales, service and onsite consumption will be compatible with surrounding uses because the proposed use will be limited to within the interior of the building and the existing movie theater is centrally located within a commercial shopping center. Other commercial uses in the vicinity also serve alcoholic beverages ancillary to their businesses. Hours of operation for the existing use will not be altered as a result of the proposed use.
3. The proposed establishment of beer and wine sales, service and onsite consumption 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 and any specific condition required for the proposed use in the district in which it would be located. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/exiting requirements. The proposed use is subject to the review and approval of a conditional use permit.
4. The granting of the establishment of beer and wine sales, service and onsite consumption will not adversely affect the General Plan. It is consistent with the Land Use Element designation CR (Commercial Regional) on the subject property. In addition, it is consistent with the following goal, objective, and policies of the General Plan:

A. Land Use Element

Goal LU 10: Achieve the development of a range of commercial uses.

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of

local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The existing business is offering the proposed use as an additional service to their patrons. It will not adversely affect the operations of the existing use and surrounding uses based upon conditions imposed on the conditional use permit. The existing business is also within a shopping center that consists of numerous commercial establishments with similar ancillary services.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-026:

1. The site plan, floor plan, and narrative received and dated September 10, 2014 shall be the conceptually approved plan.
2. Prior to sales, service, or consumption of alcoholic beverages (beer and wine) in the theater, the business shall obtain an ABC license authorizing alcohol use inside the theater. The business shall be limited to a Type 41 (On Sale Beer and Wine, Eating Place) ABC License in conjunction with the movie theater as the principal use of the facility. A copy of the ABC License shall be submitted to the Planning and Building Department.
3. Approval does not permit Century Theatres to operate as a bar, tavern, cocktail lounge or nightclub. **(PD)**
4. The use shall comply with the following:
 - a. The hours of operation for sales, service, and consumption of alcohol at the movie theater shall be allowed only between the hours of 11:00 a.m. and 1:00 a.m., daily. Any increase in the hours of operation shall be subject to the approval of an amendment to this operator license. **(PD)**
 - b. Food service from the snack bar must be available to patrons up to thirty (30) minutes before the scheduled closing time. **(PD)**
 - c. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promotion or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition. **(PD)**
 - d. All alcoholic beverages shall remain within the interior of the theater. Signs shall be posted in conspicuous spaces at the entrance/exit points of the theater, which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**

- e. No “happy hour” type of reduced price alcoholic beverage promotion shall be allowed. There shall be no reduced price alcoholic beverage promotions. **(PD)**
 - f. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks. **(PD)**
 - g. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Huntington Beach. **(PD)**
 - h. Dancing and entertainment shall be prohibited. **(PD)**
 - i. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
 - j. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling beer and wine. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. Records of each owner’s, manager’s, and employee’s successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Huntington Beach. **(PD)**
 - k. Patrons shall be required to show valid identification to verify age at the point of sale for alcohol. **(PD)**
 - l. Alcoholic beverages shall be dispensed, sold, and served in containers that are easily distinguishable from non-alcoholic beverage containers. Glass containers are prohibited. **(PD)**
 - m. The sale of alcoholic beverages for consumption off the premises shall be prohibited. **(PD)**
 - n. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during a single transaction. **(PD)**
 - o. Consumption of alcoholic beverages by on-duty employees including all theater staff, management and supervisory personnel is forbidden. **(PD)**
5. CUP No. 14-026 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 and Building Department a minimum 30 days prior to the expiration date.

6. The Development Services Departments and divisions (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.

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.

THE MEETING WAS ADJOURNED AT 1:343 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 19, 2014, AT 1:30 P. M.

Ricky Ramos
Zoning Administrator

RR:EE:jd