# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 12, 2013
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

| | P | P | P | P | P | P | P |
|---|---|---|---|---|---|---|---|
| ROLL CALL: | *Dingwall,* | *Mandic,* | *Peterson,* | *Bixby,* | *Kalmick,* | *Franklin,* | *Pinchiff* |

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY FRANKLIN, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 12, 2013, BY THE FOLLOWING VOTE:

AYES: Dingwall, Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) – NONE

B. STUDY SESSION ITEMS

B-1. BEACH AND EDINGER CORRIDORS SPECIFIC PLAN INTENT AND MAJOR PROJECTS – Mary Beth Broeren, Planning Manager

Mary Beth Broeren, Planning Manager, gave a brief overview of the specific plan.

There was a brief discussion regarding neighborhood notification for director approved projects.

There was a brief discussion regarding CalTrans requirements for landscaping on Beach Boulevard.

B-2. PLANNING COMMISSION WORKSHOP AGENDA ITEMS – Chair Bixby

Chair Bixby reviewed previous workshop topics. There was a brief discussion regarding items that the Planning Commissioners would like to have staff review at the upcoming workshop.

C. PUBLIC COMMENTS – NONE

**D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Jane James**

Jane James, Acting Planning Manager, reported that there was one Late Communication item for Public Hearing Item No. B-1. She noted that the analysis for Item No. B-1 was for land use issues only and lack of wireless coverage was not addressed in the staff report.

**E. PLANNING COMMISSION COMMITTEE REPORTS - NONE**

**F. PLANNING COMMISSION COMMENTS - NONE**

**6:10 P.M. – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE– Led by Commissioner Franklin**

**ROLL CALL:** *P Dingwall, A Mandic, P Peterson, P Bixby, P Kalmick, P Franklin, P Pinchiff*

Commissioner Mandicleft after the study session and was absent for the public hearing portion of the meeting.

**AGENDA APPROVAL**

**A MOTION WAS MADE BY BIXBY, SECONDED BY FRANKLIN, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 12, 2013, BY THE FOLLOWING VOTE:**

**AYES:** Dingwall, Peterson, Bixby, Kalmick, Franklin, Pinchiff
**NOES:** None
**ABSENT:** Mandic
**ABSTAIN:** None

**MOTION APPROVED**

**A. PUBLIC COMMENTS – NONE**

**B. PUBLIC HEARING ITEMS**

**B-1. CONDITIONAL USE PERMIT NO. 12-028 – APPEAL (AT&T MONOPALM)** **Applicant/Appellant:** Tim Miller **Property Owner:** Lester Smull **Request:** To permit the installation, maintenance and operation of a new 50 ft. high wireless communications facility designed as a palm tree (monopalm) with (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. **Location:** 9074 Adams Avenue, 92646 (southeast corner of Adams Avenue and Magnolia Street) **Project Planner:** Jill Arabe

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 12-028 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall has visited the site area.
- Vice-Chair Peterson has visited the site and attended the Design Review Board meeting on this item.
- Chair Bixby has visited the site, spoken to staff, driven by the Garfield site, and has Verizon cell phone service.
- Commissioner Kalmick has visited the site and does not have AT&T cell phone service.
- Commissioner Franklin has visited the site.
- Commissioner Pinchiff had no disclosures.

Jill Arabe, Associate Planner, gave the staff presentation and an overview of the project.

Commissioner Dingwall asked staff to discuss any analysis the applicant provided to prove the gaps in wireless coverage. Ms. Arabe indicated that staff did not analyze wireless coverage as part of the Conditional Use Permit.

**THE PUBLIC HEARING WAS OPENED.**

Tim Miller, applicant, spoke in support of the project. He noted that the length of the antennas effects the coverage area and that the current technology uses eight foot long antennas. Mr. Miller asked the Commission to consider approving eight foot long antennas, instead of the staff recommended six foot long antennas.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

There was a lengthy discussion regarding the coverage area requirements and the bandwidth demands for current technologies.

There was a brief discussion regarding the potential visual impacts of the requested eight foot long antennas.

Commissioner Kalmick indicated that he supported the applicant's request for the eight foot long antennas, in lieu of the staff recommended six foot long antennas.

**A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE CONDITIONAL USE PERMIT NO. 12-028 WITH AMENDED FINDINGS AND AMENDED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

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|---|---|
| **AYES:** | **Peterson, Kalmick, Franklin, Pinchiff** |
| **NOES:** | **Dingwall, Bixby** |
| **ABSTAIN:** | **None** |
| **ABSENT:** | **Mandic** |

**MOTION APPROVED**

## 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.

## 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 eight (8) 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)**

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.

## C. CONSENT CALENDAR

### C-1. PLANNING COMMISSION MINUTES DATED JANUARY 23, 2013

**RECOMMENDED ACTION:** Motion to: "Approve the January 23, 2013, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE THE JANUARY 23, 2013 PLANNING COMMISSION MINUTES AS AMENDED, BY THE FOLLOWING VOTE:**

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|---|---|
| **AYES:** | **Bixby, Kalmick, Franklin, Pinchiff** |
| **NOES:** | **None** |
| **ABSENT:** | **Mandic** |
| **ABSTAIN:** | **Dingwall, Peterson** |

**MOTION APPROVED**

## D. NON-PUBLIC HEARING ITEMS – NONE

## E. PLANNING ITEMS

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
Scott Hess, Director of Planning and Building - reported on the items from the previous City Council Meeting.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Scott Hess, Director of Planning and Building – reported on the items for the next City Council Meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Jane James, Acting Planning Manager– reported on the items for the next Planning Commission Meeting.

## F. PLANNING COMMISSION ITEMS

### F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

### F-2. PLANNING COMMISSION COMMENTS

Commissioner Kalmick noted that he had attended the League of California Cities Planning Commissioners Academy and found it very informative.

Commissioner Pinchiff echoed Commissioner Kalmick's comments and noted that the handouts from the academy are available online.

**ADJOURNMENT: Adjourned at 7:48 PM to the next regularly scheduled meeting of Tuesday, March 26, 2013.**

APPROVED BY:

Scott Hess, Secretary

Mark Bixby, Chairperson