

ATTACHMENT NO. 1

SUGGESTED FINDINGS FOR DENIAL

CONDITIONAL USE PERMIT NO. 26-003

SUGGESTED FINDINGS FOR DENIAL – CONDITIONAL USE PERMIT NO. 26-003:

1. The granting of Conditional Use Permit No. 26-003 to permit the modification of an existing “flagpole” wireless communication facility at an overall height of 56 feet that includes widening the canister to 50 inches to install six antennas and six RRHs will not comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the increase of the diameter of the canister to 50 inches no longer constitutes as stealth design. Pursuant to Section 1.6100(b)(7)(v) of the telecommunications law, a change is considered substantial if it would defeat the concealment elements of the eligible support structure. The intended stealth design of a flagpole is no longer effective by enlarging the canister from the approved 18 inches to 50 inches. The wireless facility was originally approved in 2007 and was subject to the development standards outlined in Ordinance No. 3568. A conditional use permit was not required for a new wireless facility provided it met the following criteria,
 - a. Screened from view and not visible from beyond the boundaries of the site at eye level (six feet); or
 - b. Substantially integrated with the architecture of the existing building or structure to which it is to be mounted; or
 - c. Designed to be architecturally compatible with surrounding buildings and land uses by incorporating stealth techniques.

Furthermore, stealth techniques were defined as, “Any wireless communication facility, which is designed to blend into the surrounding environment, typically, one that is architecturally integrated into a building or other concealing structure”. The original flagpole design with a canister at 18 inches met the requirement for stealth techniques. The proposal of a 50-inch canister no longer constitutes stealth design.