



Legislation Details (With Text)

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On agenda: 1/28/2020 **Final action:**
Title: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 19-010 (AT&T GOLDENWEST SMALL CELL)

REQUEST:

To remove an existing 30 ft.-6 in. high light pole and replace it with a new 29 ft.-3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft.-9 in. and new underground infrastructure in the public right-of-way within the Coastal Zone.

LOCATION:

East side of Goldenwest Street, approximately 110 linear feet to the north of Pacific Coast Highway

Attachments: 1. ATT#1 - FINDINGS AND CONDS. (CDP 19-010 (AT&T GOLDENWEST)), 2. ATT#2 - PLANS 7.31.19, 3. ATT#3 - NARRATIVE 7.31.19, 4. ATT#4 - ZA NOTICE OF ACTION 10.16.19, 5. ATT#5 - APPEAL LETTER 10.28.19, 6. ATT#6 - OPPOSITION LETTERS, 7. ATT#7 - AT&T RESPONSE LETTER 12.16.19, 8. ATT#8 - VICINITY MAP, 9. ATT#9 - CODE REQS.

Date	Ver.	Action By	Action	Result
1/28/2020	1	Planning Commission		

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Community Development Director
BY: Joanna Cortez, Associate Planner

SUBJECT:
APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 19-010 (AT&T GOLDENWEST SMALL CELL)

REQUEST:

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LOCATION:

East side of Goldenwest Street, approximately 110 linear feet to the north of Pacific Coast Highway

APPLICANT:

Franklin Orozco, MSquared Wireless, 1387 Calle Avanzado, San Clemente, CA 92673

PROPERTY

OWNER:

City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92649

STATEMENT OF ISSUE:

1. Is the project proposal consistent with the City of Huntington Beach's adopted land use regulations (i.e. General Plan, Zoning Map and Zoning Code including any specific plans and overlay districts where applicable)?
2. Does the project proposal satisfy all the findings required for approving a Coastal Development Permit?
3. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302, Class 2 and Section 15303, Class 3.
- B) Approve Coastal Development Permit No. 19-010 with findings and conditions of approval (Attachment No. 1)

ALTERNATIVE ACTION(S):

- A) Continue Coastal Development Permit No. 19-010 and direct staff to return with findings for denial.
- B) Continue Coastal Development Permit No. 19-010 and direct staff accordingly.

PROJECT PROPOSAL:

Proposed Project:

The subject site (light pole) is located in the public right-of-way (ROW), on the east side of Goldenwest St., north of Pacific Coast Highway. The site is adjacent to single-family residences to the east and Goldenwest St. to the west. The proposed facility will remove an existing 30 ft.-6 in. high light pole and replace it with a new 29 ft.-3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft.-9 in. and will also install new underground infrastructure.

Zoning Administrator Action:

A public hearing before the Zoning Administrator (ZA) was held on October 2, 2019. The applicant, Franklin Orozco, was present and answered the resident's questions, as well as staff's questions. Many nearby residents, including an adjacent residential property owner, spoke out against the project citing health concerns and property value concerns. The ZA explained that staff's review was limited to aesthetics only and could not comment on property value impacts. Additionally, Federal Law preempts local jurisdictions from making decisions based on health impacts. In an effort to address concerns, the ZA continued the item to allow the applicant to explore alternative sites/poles. Based on communication with the Real Estate Division of the City, no other poles were available to serve this specific area. The applicant also proposed relocating the streetlight further north, towards the alley and further away from the nearest home (2218 PCH). This effort, however, was also met with strong opposition from the resident across the alley (112 Goldenwest). Because the visual

appearance before and after the small cell wireless facility installation was not substantially different (see photo simulations in Attachment No. 2) and complied with City requirements for small cell facilities along the right-of-way, the ZA approved the project on October 16, 2019, with staff's recommended findings and conditions of approval (Attachment No. 4).

Appeal:

The Zoning Administrator's action of Coastal Development Permit No. 19-010 was appealed by a nearby property owner, Alexis Reeves, for reasons cited in an appeal letter dated October 28, 2019 (Attachment No. 5). The reasons for appeal are listed below:

1. The proposed project does not adhere to Section 230.96(G)(5) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), which requires co-location of wireless facilities where feasible within 1,000 ft. of another wireless facility.
2. The applicant does not provide sufficient evidence to support the claim that there are no negative impacts (decreased property values) associated with the proposed facility nor provides evidence that there is a significant gap in coverage for AT&T.

ISSUES AND ANALYSIS:

Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	ROW (Right-of-Way)	ROW (Right-of-Way)	Street Light Pole
North, South, and East of Subject Property:	RH-sp (Residential High Density-Specific Plan Overlay)	SP 5-CZ (Downtown Specific Plan-Coastal Zone Overlay)	Single Family Residential
West of Subject Property:	ROW (Right-of-Way)	ROW (Right-of-Way)	Goldenwest St.

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is currently ROW (Right-of-Way). The proposed project is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Public Services and Infrastructure Element

Goal PSI 10: Superior electricity, natural gas, telephone, and data services improve quality of life and support economic development.

Policy PSI 10 (B): Continue to require utilities to be placed underground as part of new development projects.

Coastal Element

Policy 4.2.4: Wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts.

The proposed facility will enhance wireless communications in the community by improving transmission and reception in the project vicinity. The facility's stealth design will minimize any visual impacts by co-locating on a new street light pole, painting the facility to match the pole, and locate accessory equipment below ground. All pole equipment will be enclosed within the pole and will not exceed the maximum height in the zoning designation nor the adjacent residential properties. The proposed wireless telecommunication facility will occur within the public right of way contiguous to existing residential development and will enhance the provision of personal communication capacity within the Coastal Zone while minimizing visual resource impacts.

Zoning Compliance:

Pursuant to Section 230.96 of the HBZSO, Small Cell Sites pre-requisites are defined as, *"Equipment at a node/location that transmits and/or provides connection to a mobile communication system. Visible equipment at a small cell site shall be no larger than four cubic feet per location/site (excluding antennae) with a maximum of two antennas per location/site and may be affixed to an existing pole including a light standard."* In addition, to qualify as a Small Cell Site, it must comply with Public Works pre-approved small cell design standards. If all pre-requisites are met, the facility may be approved without any discretionary review. Due to the subject site's location in the City's Coastal Zone Overlay, a Coastal Development Permit is required for any development, pursuant to Chapter 245 of the HBZSO. The proposed project complies with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code and is designed to be compatible in proportion, scale, and character of the adjoining residential uses. The compact size of the antennas and screening of ancillary equipment is compatible with the existing visual character of the utility infrastructure. Furthermore, the proposed wireless facility and associated equipment will not obstruct the public right-of-way, as the facility is located at height above average vehicular and pedestrian's line of sight. Additionally, the project incorporates stealth techniques such as enclosing the antennas within the new street light and underground utility connections to minimize visual impacts of the installation. The applicant prepared photo simulations to illustrate a street view of the existing streetlight and the proposed streetlight with the small cell wireless facility concealed within a pole-top shroud above it (Attachment No. 2).

Appeal:

The ZA's approval of the proposed small cell site is consistent with similarly approved wireless facilities City-wide. As proposed, the cell site complies with the minimum requirements defined in the HBSZO as well the City's General Plan, including the Local Coastal Program, and federal law (Telecommunications Act of 1996). Other streetlight locations were pursued prior to the ZA's action, however, the City's Real Estate office determined that no street light poles were available in the surrounding area. Additionally, co-locating with the nearest existing wireless facility does not support the wireless needs of the subject area and is not feasible as described by the applicant's response letter (Attachment No. 7). Per the applicant, this small cell facility is proposed in this location specifically because it is a high network traffic area that experiences inadequate signal quality and this small cell wireless facility will alleviate capacity problems relating to wireless service. Due to the residential location, AT&T proposed a stealth design. Visually, negative impacts are not anticipated as the project incorporates stealth techniques such enclosing the antennas within the new streetlight

with a pole-top shroud and undergrounding accessory equipment. The new facility would not substantially alter the street appearance as depicted in the photo simulations.

Environmental Status:

The proposed 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 and 15303 of the CEQA Guidelines, because the project involves the removal of an existing street light pole and the replacement of a new street light pole on the same site, and includes the installation of small new equipment for a wireless communication facility.

Coastal Status:

The project involves the removal and replacement of a public utility (streetlight) that is located within the appealable area of the Coastal Zone. The proposed replacement of the streetlight and new wireless facility is subject to the requirements of HBZSO Chapter 245, and a Coastal Development Permit is required.

Other Departments Concerns and Requirements:

The Department of Public Works reviewed the project and identified a list of code requirements (Attachment No. 9) applicable to the project. The other development services departments had no comment.

Public Notification:

Legal notice was published in the Huntington Beach Wave on January 16, 2020, 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 Division's Notification Matrix), applicant, and interested parties. As of January 21, 2020, staff has received one inquiry about the project, three phone calls against the project, and four statements against the project, including information about property values impacts related to wireless facilities (Attachment No. 6).

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
August 6, 2019	October 6, 2019

The ZA held the first public hearing meeting on October 2, 2019 and October 16, 2019.

SUMMARY:

Staff recommends that the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302, Class 02 and Section 15303, Class 03.
- B) Approve Coastal Development Permit No. 19-010 with suggested findings and conditions of approval (Attachment No. 1).

This recommendation is based on the following:

- Consistent with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code;
- Complies with the General Plan, including the Local Coastal Program;

- Compatible with the existing surrounding uses in proportion, scale, and character and includes stealth design that encloses all antennas within a new street light; and
- Undergrounds all accessory equipment.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval
2. Plans received and dated July 31, 2019
3. Narrative received and dated July 31, 2019
4. Zoning Administrator Notice of Action October 16, 2019
5. Appeal Letter received and dated October 28, 2019
6. Opposition Letters received and dated October 2, 2019 and October 10, 2019
7. AT&T Response Letter received and dated December 16, 2019
8. Vicinity Map
9. Code Requirements