



# City of Port Hueneme

## Development Review Committee Regular Meeting Agenda

**June 22, 2022**

**Port Hueneme City Hall: 250 North Ventura Road  
Port Hueneme, CA 93041**

**10:00 a.m. Regular Meeting (Virtual/Remote Meeting)**

**THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54953, SUBDIVISION (e) AND THE RECOMMENDATION OF THE VENTURA COUNTY PUBLIC HEALTH OFFICER ISSUED SEPTEMBER 21, 2021 (SOCIAL DISTANCING RECOMMENDATION)**

*In order to minimize the spread of the COVID-19 virus, the City Hall Council Chamber will be closed to the public until further notice. The following provides information to the public on how to observe and/or participate in City meetings remotely:*

- **Meeting Zoom Link for Live Public Participation and Real Time Public Comments:**
- <https://us06web.zoom.us/j/87077346637?pwd=dytQQWx1QXBdVWkNWpXSG5WUVJyQT09>
- **Dial by your location: Meeting ID:** 870 7734 6637/ **Passcode:** 426801
- **In-person (virtual) public comments pertaining to specific agenda items may be accomplished through the raised hand function or identification to the Recording Secretary if made by telephone after the agenda item is announced and Staff has presented on the item. A reasonable amount of time will be allocated for said comments pursuant to Government Code section 54953, subdivision (e)(2)(G)(ii).**
- **Written comments are requested to be received by 9:00 a.m. and can be submitted to the Community Development Director at:** [tstewart@cityofporthueneme.org](mailto:tstewart@cityofporthueneme.org)
- **All public comments will be part of the official record and minutes will notate all submissions.**
- **Detailed information and updates about COVID-19, can be found on the City of Port Hueneme's Emergency Website at:** [www.PortHuenemeEmergency.org](http://www.PortHuenemeEmergency.org)

### 10:00 A.M. DEVELOPMENT REVIEW COMMITTEE REGULAR MEETING AGENDA

**CALL TO ORDER** Community Development Director, T. Stewart

### PUBLIC HEARING

1. Administrative Permit No. PHAP-060: A request by Mr. Jerry Ambrose, representing Dish Wireless, requesting approval to install new wireless telecommunications antennas and related equipment on the rooftop of the existing commercial building located at 350 E. Port Hueneme Rd

*Recommendation:* Adopt the attached Resolution conditionally approving Administrative Permit Application No. PHAP-60

### ROLL CALL VOTE

### ADJOURNMENT

Copies of staff reports or other written documentation relating to each item of business referred to in this Agenda are available for public inspection in the Community Development Department and on the City's website at [www.cityofporthueneme.org](http://www.cityofporthueneme.org). IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, CONTACT THE OFFICE OF THE CITY CLERK AT (805) 986-6503 OR THE CALIFORNIA RELAY SERVICE. NOTICE 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ALLOW PARTICIPATION IN THIS MEETING



# City of Port Hueneme

## DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

**TO:** Development Review Committee

**FROM:** Tony Stewart, AICP, Community Development Director

**SUBJECT:** ADMINISTRATIVE PERMIT APPLICATION NO. PHAP-60  
DISH WIRELESS, 350 E. PORT HUENEME RD.

**DATE:** June 22, 2022

### **RECOMMENDATION:**

It is recommended the Development Review Committee receive the staff report, open public hearing, solicit public testimony, close public hearing and adopt the attached Resolution conditionally approving Administrative Permit Application No. PHAP-60, approving the design of a proposed wireless telecommunications installation.

### **BACKGROUND/ ANALYSIS:**

Mr. Jerry Ambrose, representing Dish Wireless (“Applicant”), is requesting approval of a design for a proposed wireless telecommunications facility, consisting of antennas and ancillary equipment on the roof of the three-story Holiday Inn Express building, located at 350 E. Port Hueneme Road.

Pursuant to Municipal Code Section 10353(A)(1), an Administrative Permit may be approved by the DRC (vs. a Planned Development Permit requiring City Council approval) for Planned Development projects proposed on lots with a Planned Development (PD) Overlay in excess of 20,000 square feet with an underlying zoning classification of C-1. The subject site is zoned C-1 (General Commercial) and is located in a PD Overlay.

The site is surrounded to the north by E. Port Hueneme Road with a commercial shopping center beyond, to the east by N. Ventura Road with the Surfside Village community beyond, to the south by Seaside Drive, with the Anacapa View condominium development beyond, and to the west by the Ocean Walk residential community.

To deploy its new 5G broadband network, the applicant is proposing to install new wireless telecommunications antennas on top of the roof of the subject building at the northernmost end and at the easternmost end of the. A new equipment cabinet will also be installed on the rooftop. The applicant will be required to comply with all FCC regulations regarding such antenna installations, including emissions.

Since the height of the existing parapet is not tall enough to achieve the coverage desired by the applicant, the applicant is proposing to locate the antennas behind new towers at the subject ends of the roof. The towers will be ten feet in overall height. However, since the existing roof parapet height currently varies from 33 feet, six inches to 37 feet, two inches, and since the new towers are proposed to be located near the lower portions of the existing parapet, the overall building height will only increase to 43 feet, six inches. Each tower will be covered with stucco to match the existing hotel walls on all four sides and covered with a hipped roof, treated to match the existing gray roofing. Each tower will be 13 feet by 21 feet in floor area and both will be blocked from most views by the existing trees on the hotel property and adjacent street parkway.

Relative to process, action of the Development Review Committee is final unless the Applicant or other aggrieved party submits a timely written appeal and associated fee. Receipt of a written appeal will be scheduled for a subsequent City Council hearing.

**FISCAL IMPACT:**

There will be no fiscal impact associated with this application.

**Alternatives:**

The following alternatives are presented for the Committee's consideration:

- Approve the recommendation,
- Modify the recommendation and approve,
- Reject the recommendation and/or provide direction to staff.

## RESOLUTION NO. AP 02-22

### A RESOLUTION OF THE DEVELOPMENT REVIEW COMMITTEE OF THE CITY OF PORT HUENEME GRANTING CONDITIONAL APPROVAL OF ADMINISTRATIVE PERMIT APPLICATION NO. PHAP-60 (Dish Wireless @ 350 E. Port Hueneme Rd.)

#### ARTICLE I -- RECITALS

##### Recitals

**A. WHEREAS**, a public hearing was held as required by law to consider an application filed by Jerry Ambrose representing Dish Wireless ("Applicant"), for an Administrative Permit to approve the installation of a new wireless telecommunications facility and ancillary equipment on the roof of the building located at 350 E. Port Hueneme Road, Port Hueneme, California, Ventura County Assessor's Parcel No. 206-0-098-220 ("Project"); and

**B. WHEREAS**, pursuant to Municipal Code Section 10353(A), an Administrative Permit shall be approved to allow the construction of a new wireless telecommunications facility in the Planned Development (PD) Overlay zone with an underlying zoning district of C-1 (General Commercial); and

**C. WHEREAS**, the subject site zoned C-1 (PD); and

**D. WHEREAS**, public testimony was solicited and considered by the Development Review Committee prior to their action on this matter; and

**E. WHEREAS**, the Development Review Committee considered the effects of this Project on the public safety, health, sanitation, and welfare before rendering a decision; and

**F. WHEREAS**, the proposed Project represents a discretionary action subject to the environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code Section 21000 et. seq.), and by operation of Section 15381 of the California Administrative Code, the Development Review Committee of the City is deemed "Lead Agency" for the purposes of CEQA; and

**G. WHEREAS**, City staff recommended conditional approval of said Administrative Permit.

#### ARTICLE II -- DECLARATIONS

##### Record

**A. NOW, THEREFORE, BE IT RESOLVED** that the Development Review Committee of the City of Port Hueneme hereby declares and adopts the following findings of fact:

1. That the conditions of approval specified below are reasonably related to the use of the property for which this Administrative Development Permit is to be issued.

2. That the proposed Project, with the conditions of approval specified below, is consistent with and furthers the objectives and policies of the Port Hueneme General Plan and Zoning Ordinance; specifically, General Plan Public Safety & Facilities Element Policy 9-2, which calls for ensuring wireless telecommunications service for all residents in Port Hueneme. The project will enable the applicant to increase their 5G broadband wireless service in the City of Port Hueneme.

3. That prior to rendering a decision on any aspect of this Administrative Development Permit Application, the Development Review Committee reviewed and duly considered the following:

a. All testimony, both written and oral, received in conjunction with that certain public hearing conducted on June 22, 2022, which testimony, by this reference, is incorporated herein.

b. That certain written staff report submitted by the Community Development Director dated June 22, 2022, which report, by this reference is incorporated herein (“Staff Report”).

c. The Project application and project exhibits accompanying the staff report, which plans, by this reference, are incorporated herein.

4. That on the basis of the evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in Title 7, Divisions 1 and 2, of the Government Code of the State of California, and Article X of the Municipal Code of the City of Port Hueneme, as such procedures and requirements pertain to processing applications for the proposed Project, have been lawfully satisfied:

a. Written notice of public hearing before the Development Review Committee conducted on June 22, 2022, was mailed to all persons owning property within 300 feet of the perimeter boundary of the Project site, which notice was mailed not later than ten (10) calendar days prior to the date of said hearing.

b. Written notice of public hearing before the Development Review Committee conducted on June 22, 2022, was published in a legal section of a newspaper of general circulation not less than ten (10) days prior to said hearing date.

## **Environmental Findings**

**B. BE IT FURTHER RESOLVED** that the proposed Project is hereby deemed Categorically Exempt from the California Environmental Quality Act (CEQA), by operation of Sections 15301 and 15323 of the State CEQA Guidelines (normal operations and maintenance of minor alteration of a private facility involving negligible or no expansion of use beyond that previously existing where there is a past history of the same or similar use being made at the premises).

## Approval

**C. BE IT FURTHER RESOLVED** that the Development Review Committee of the City of Port Hueneme hereby grants Administrative Permit Application No. PHAP-60 subject to the following conditions:

1. That this Permit is granted to the Applicant for the location and use as described in the Staff Report and Applicant's written application and as depicted in the exhibits labeled Sheets: "T-1" (Title Sheet), dated January 17, 2022, "LS-1" (Topographic Survey), "LS-2" (Topographic Survey), both dated November 16, 2021, "A-1" (Site Plan), "A-2" (Roof Plan), "A-3" (Antenna Plan and Schedule), "A-4" (Elevations), "A-5" (Elevations) and "A-6" (Equipment Plan and Details), all dated January 17, 2022 and incorporated, by reference, herein.
2. The terms and conditions of this Permit shall be perpetual and all future successors and assigns in interest to the Premises shall be bound hereunder.
3. Permittee agrees to indemnify and hold the City harmless from and against any claims, actions, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of this Resolution. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City's approval of this Resolution, the Permittee agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of the section "the City" includes the City of Port Hueneme's elected officials, appointed officials, officers, and employees.
4. Permittee agrees that if any of the conditions or limitations of this Permit are held to be invalid by a court of competent jurisdiction, that holding will render this Permit to be null and void.
5. Violation of any of the conditions of this Permit will be considered a violation of the Port Hueneme Municipal Code and will constitute grounds for revocation of said Permit.
6. Prior to final inspection, Permittee must ensure overall height of the antennas and equipment are not visible above the top of the parapet wall from views from surrounding streets or properties. If the antennas and/or equipment is visible above the top of the existing parapet, Permittee must raise the height of the entire parapet to be at least as tall as the antennas and/or equipment, prior to a final inspection.
7. Prior to final inspection, Permittee must ensure the antenna screening towers architecturally match the remainder of the existing building with regard to materials, color and texture.

8. Permittee must obtain all applicable International Fire Code (IFC) permits prior to final inspection or use of any system or item requiring an IFC permit (for example, flammable/combustible liquids for emergency generators).

**D. BE IT FURTHER RESOLVED** that the Development Review Committee's conditional approval of this Administrative Development Permit No. PHAP-60 shall be deemed final unless an appeal together with \$1,236.90 appeal fee is filed with the City Clerk within ten (10) calendar days of the date of adoption of this Resolution.

**E. BE IT FINALLY RESOLVED** that the approval granted in this Resolution shall not become effective until and unless all of the following has transpired:

1. That the appeal period prescribed in Paragraph D above has either expired or, in the event that an appeal is filed within the prescribed time frame, the City Council has rendered a final decision as provided in Section 10353(E) of the Port Hueneme Municipal Code upholding the approval.

2. That the Applicant has acknowledged and accepted the terms and conditions of this Permit by signing in this space provided below.

**PASSED and ADOPTED** this 22nd day of June 2022.

**APPLICANT:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**DEVELOPMENT REVIEW COMMITTEE:**

**ATTEST:**

\_\_\_\_\_  
Community Development Director

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Director of Public Works