

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 22-019

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 15303 of the CEQA Guidelines, because the project involves the installation of small new equipment for a wireless communication facility.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 22-019:

1. Conditional Use Permit No. 22-019 to construct a new freestanding 'monopine' wireless communication facility at an overall maximum height of 65 ft. with a three sector array of four panel antennas each that utilizes stealth design by concealing the new wireless facility within the branches of a faux pine tree 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 because the facility is located approximately 140 feet from the nearest residential uses (to the south). Additionally, the structure is setback approximately 75 feet from Overlook Drive to the south and approximately 190 feet from the Edwards Street frontage to help mitigate any visual impacts. The project includes pole-mounted equipment at an overall height of 55 feet that, although in excess of the maximum 35 feet zoning height requirement, will minimize visual impacts of the installation through the incorporation of stealth design techniques, and will not interfere with other communication, radio, or television transmission/reception in and around the subject site. All associated ground mounted equipment will be placed behind an 8 foot high split faced block wall that matches the existing perimeter block wall of the Edwards Fire Station which will further reduce the likelihood of visual and noise impacts. No significant impacts related to traffic, safety, or noise will be generated by the wireless communication facility.
2. The granting of Conditional Use Permit No. 22-019 to construct a new freestanding 'monopine' wireless communication facility at an overall maximum height of 65 ft. with a three sector array of four panel antennas each that utilizes stealth design by concealing the new wireless facility within the branches of a faux pine tree will not adversely affect the General Plan in that it is consistent with the following General Plan goals and policies:

a. 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.

b. 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-C: Support the use of new and emerging communication technologies.

Conditional Use Permit No. 22-019 will permit the installation of a new wireless communication facility on a pole designed to appear as a mature pine tree. The facility is designed, and conditioned, in a manner that will be minimally noticeable from the public right-of-way and is located outside of typical vehicular and pedestrian lines of sight. The structural pole, antennas, and associated equipment blend in with the existing trees and landscaping of the surrounding area. The facility incorporates stealth design techniques and is proposed in a minimally impactful location.

3. Conditional Use Permit No. 22-019 to construct a new freestanding 'monopine' wireless communication facility at an overall maximum height of 65 ft. with a three sector array of four panel antennas each that utilizes stealth design by concealing the new wireless facility within the branches of a faux pine tree 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 in that a conditional use permit is required to install a new ground mounted wireless communication facility that exceeds the maximum height of 35 feet.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-019

1. The site plan, photo simulations, and elevations received and dated May 24, 2022 shall be the conceptually approved design with the following modifications:
 - a. All equipment and antennas mounted on the pole shall be painted to match the needles. **(DRB)**
 - b. The plans shall be revised to provide an angled flare (wider bottom and narrower top) of the exterior faux branches and needles. **(DRB)**
2. A copy of the revised plans modified in accordance with Condition of Approval No. 1 shall be submitted to the Community Development Department for review and inclusion in the entitlement file.
3. Final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
4. Prior to submittal of building permits, zoning entitlement conditions shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be

referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. CUP No. 22-019 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 Community Development Department a minimum 30 days prior to the expiration date.
7. 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 Community Development 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.