

## **ATTACHMENT NO. 1**

### **FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 19-009**

#### **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 wireless communication equipment upon an existing utility pole within the public right-of-way.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-009:**

1. Conditional Use Permit No. 19-009 to install a new wireless communication facility located on a 7 ft. long double arm mount on an existing wood utility pole at an overall height of 27 ft. and below grade electrical infrastructure located within the public right-of-way, as conditioned, 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 compact size of the antenna 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 heights above average vehicular and pedestrian lines of sight. The project incorporates pole-mounted and underground utility connections that minimize visual impacts of the installation, and will not interfere with other communication, radio, or television transmission/reception in and around the subject site. Electrical equipment will be enclosed underground to further minimize the visual impact of the facility. No significant impacts related to traffic, safety, or noise will be generated by the wireless communication facility.
2. The granting of the conditional use permit to permit the installation of a wireless communication facility consisting of one new antenna, four new remote radio units on a 7 ft. double-arm mount on an existing wood utility pole at an overall height of 27 ft., and below-grade electrical infrastructure located within the public right-of-way, 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.

The conditional use permit will permit the installation of a wireless communication facility on an existing utility pole. 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 antenna and associated equipment blend in with the existing utility infrastructure of the streetscape. The conditional use permit will provide improved wireless communication services to surrounding residences and businesses.

3. Conditional Use Permit No. 19-009 install a new small cell wireless communication facility located on an existing wood utility pole at an overall height of 27 ft. and below grade electrical infrastructure located within the public right-of-way 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. A conditional use permit is required because the wireless communication facility does not incorporate completely stealth techniques, as the antenna and ancillary equipment are visible from the public right-of-way. The facilities are compatible with utility infrastructure in the surrounding area because the small scale of the equipment blends with the existing streetscape.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-009:**

1. The revised site plan, floor plans, and elevations received and dated February 28, 2019 shall be the conceptually approved design with the following modification: The power cut-off switch shall be re-located to a ground mounted pull-box no more than 20 ft. from the base of the utility pole. Pull-box cover shall be permanently engraved with emergency contact phone number and address of site served by cut-off switch. **(PW)**
2. Prior to the issuance of a building permit, site specific traffic control plans shall be prepared and submitted for review and approved by Public Works prior to obtaining an encroachment permit. **(PW)**
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 5 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.

- g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
  - h. All conduits to have a maximum offset distance of 3.25 in. from the wood utility pole and shall be painted to match the pole. **(PW)**
  - i. All pole mounted equipment/antenna(s) and brackets shall be painted to match the pole. **(PW)**
- 4. CUP No. 19-009 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.
  - 5. 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.