

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 18-037

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 consists of the installation of small new equipment and facilities.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-037:

1. Conditional Use Permit No. 18-037 to permit the construction of a 60 ft. high monopalm with six panel antennas (six ft. high), nine RRUs, and associated equipment within an approximately 360 sq. ft. enclosure 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 no significant impacts related to traffic or safety will be generated by the wireless communication facility. The facility is located approximately 550 ft. from the nearest residential uses (west) and the structure is located amongst existing live palm trees to help mitigate any visual impacts. Conditions of approval for additional and longer palm fronds as well as adding socks to the antennas to mimic the color and design of palm branches are designed to blend the panel antennas into the design of the palm tree. The facility will not generate noise, traffic, or demand for additional parking above that which already exists on the subject site. The associated equipment will be located within an approximately 360 sq. ft., 8 ft. high CMU equipment enclosure.
2. The granting of the conditional use permit to permit the construction of a 60 ft. high monopalm with six panel antennas (six ft. high), nine RRUs, and associated equipment within an approximately 360 sq. ft. enclosure will not adversely affect the General Plan because it is consistent with the Land Use Element designation of I-sp (Industrial – Specific Plan Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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.

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 a vacant to handle increased volume of wireless users in a dense area of the City. Therefore, the proposed facility will provide improved wireless data services to surrounding residences and businesses consistent with goals and policies of the City's General Plan Land Use Element and Public Services and Infrastructure Element.

3. Conditional Use Permit No. 18-037 to permit the construction of a 60 ft. high monopalm with six panel antennas (six ft. high), nine RRUs, and associated equipment within an approximately 360 sq. ft. enclosure 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 because utility-mounted wireless communication facilities are subject to approval of a conditional use permit. Furthermore, the proposed facility will comply with all applicable Building Codes, current federal and state laws, as well as standards and regulations of the Federal Communications Commission (FCC).

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-037:

1. The site plan, floor plans, elevations, and photo simulations received and dated March 11, 2019 shall be the conceptually approved design, with the following modifications:
 - a. Additional rows of longer fronds shall be added to substantially screen the proposed antennas **(DRB)**;
 - b. Antenna socks matching the color of the proposed fronds shall be added to further conceal the proposed antennas **(DRB)**; and
 - c. The base (trunk) of the monopalm shall be wrapped to have the appearance of the trunk of a natural/live palm tree **(DRB)**.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of revised site plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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.
3. CUP No. 2018-037 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.

4. 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.