

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-004 **COASTAL DEVELOPMENT PERMIT NO. 19-002**

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 15302 of the CEQA Guidelines, because the project involves the removal of an existing utility pole and the replacement of a new utility pole on the same site, and includes the installation of small new equipment for a wireless communication facility.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 19-004:

1. Conditional Use Permit No. 19-004 to remove an existing 24 ft. 10 in. high wooden utility pole and replace with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure in 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 because 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 Conditional Use Permit No. 19-004 to remove an existing 24 ft. 10 in. high wooden utility pole and replace with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure in 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.

Conditional Use Permit No. 19-004 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. 19-004 to remove an existing 24 ft. 10 in. high wooden utility pole and replace with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure in 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 in that 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.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-002:

1. Coastal Development Permit No. 19-002 to remove an existing 24 ft. 10 in. high wooden utility pole and replace with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure in the public right-of-way located in the Coastal Zone conforms with the General Plan, including the Local Coastal Program in that it is consistent with Coastal Element Land Use Policy C 4.2.4, that wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. The proposed wireless communication facility's stealth design will minimize any visual impacts by co-locating on an existing street light pole, painting the facility to match existing pole, and locate accessory equipment below ground. 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.
2. The granting of Coastal Development Permit No. 19-002 to remove an existing 24 ft. 10 in. high wooden utility pole and replace with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure in the public right-of-way within Coastal Zone is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the proposed light pole replacement, including small cell wireless communications facility equipment, will comply with all applicable stealth design regulations to minimize visual impacts of the equipment.
3. Coastal Development Permit No. 19-002 to remove an existing 24 ft. 10 in. high wooden utility pole and replace with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure in the public right-of-way and Coastal Zone can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because the wireless telecommunication facility

will be within the public right-of-way in an urbanized area with all necessary services and infrastructure available, including electricity and roadways.

4. The proposed removal of an existing 24 ft. 10 in. high wooden utility pole and replacement with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure in the public right-of-way and Coastal Zone conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO.19-004/COASTAL DEVELOPMENT PERMIT NO. 19-002:

1. The site plan, photo simulations, and elevations received and dated March 28, 2019 shall be the conceptually approved design with the following modification: All equipment and antennas shall be painted to match the pole.
2. An Encroachment Permit from Caltrans is required for work on Pacific Coast Highway. **(PW)**
3. Construction plans shall be prepared for review and approval by Caltrans. The plan shall comply with Caltrans codes, standards and specifications. **(PW)**
4. All pole mounted equipment/antenna(s) and brackets shall be painted to match pole. **(PW)**
5. CUP No. 19-004/CDP No. 19-002 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.
6. 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.

