

**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

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**P.O. BOX 190**

**CALIFORNIA 92648**

(714) 536-5271

**NOTICE OF ACTION**

October 17, 2019

Franklin Orozco  
MSquared Wireless  
1387 Calle Avanzado  
San Clemente, CA 92673

**SUBJECT:** COASTAL DEVELOPMENT PERMIT NO. 19-010 (AT&T  
GOLDENWEST SMALL CELL)

**APPLICANT:** Franklin Orozco

**REQUEST:** To remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9 in. and new underground infrastructure in the public right-of-way within the Coastal Zone.

**PROPERTY OWNER:** City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92649

**LOCATION:** East side of Goldenwest Street, approximately 110 linear feet to the north of Pacific Coast Highway

**CITY CONTACT:** Joanna Cortez

**DATE OF ACTION:** October 16, 2019

On Wednesday, **October 16, 2019**, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by the applicant or an aggrieved party. Said appeal must be in writing and must set forth in detail the actions and grounds by and upon which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of Three Thousand One

Hundred Two Dollars (\$3,102.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Four Thousand Two Hundred Eighty- One Dollars (\$4,281.00) if the appeal is filed by any other party. The appeal shall be submitted to the Department of Community Development within ten (10) working days of the date of the Zoning Administrator's action. There is no fee for the appeal of a Coastal Development Permit to the California Coastal Commission.

In your case, the last day for filing an appeal is **October 30, 2019, at 5:00 PM.**

This project is in the Appealable portion of the coastal zone. Only projects in accordance with Section 30603 of the California Coastal Act may be appealed to the Coastal Commission. Action taken by the Zoning Administrator may be appealed directly to the Coastal Commission pursuant to Title 14, Section 13573 of the California Code of Regulations and Section 245.24D of the Huntington Beach Zoning and Subdivision Ordinance. If the above condition exists, an aggrieved person may file an appeal within ten (10) working days, pursuant to Section 30603 of the Public Resources Code, in writing to:

South Coast Area Office  
California Coastal Commission  
301 E. Ocean Blvd, Suite 300  
Long Beach, CA 90802  
Attn: Amber Dobson  
(562) 590-5071

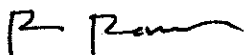
The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to that date.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started, or as modified by condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Joanna Cortez, the city contact, at (714) 374-1547 or via email at [Joanna.Cortez@surfcity-hb.org](mailto:Joanna.Cortez@surfcity-hb.org) or the Department of Community Development Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:JC:is

Attachment

c:     Honorable Mayor and City Council  
        Chair and Planning Commission  
        Oliver Chi, City Manager  
        Travis Hopkins, Acting Assistant City Manager  
        Ursula Luna-Reynosa, Director of Community Development  
        Jane James, Planning Manager  
        Tim Andre, Fire Division Chief  
        Debbie DeBow, Principal Civil Engineer  
        Eric Haghani, Building Manager  
        Steve Eros, Fire Protection Analyst  
        Jacob Worthy, Fire Protection Analyst  
        Property Owner  
        Project File

## **ATTACHMENT NO. 1**

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

#### **COASTAL DEVELOPMENT PERMIT NO. 19-010**

##### **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 and 15303 of the CEQA Guidelines, because the project involves the removal of an existing street light pole and the replacement of a new street light pole on the same site, and includes the installation of small new equipment for a wireless communication facility.

##### **FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-010:**

1. Coastal Development Permit No. 19-010 to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within 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 a new street light pole, painting the facility to match the 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. 19-010 to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within the 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. 19-010 to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within the 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 permit to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within the 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 - COASTAL DEVELOPMENT PERMIT NO. 19-010:**

1. The site plan, photo simulations, and elevations received and dated July 31, 2019 shall be the conceptually approved design.
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. Construction plans shall be prepared for review and approval by Public Works. The plan shall comply with Huntington Beach codes, standards and specifications. Plan shall include, but is not limited to:
  - a. The WTR/FSB (cut-off switch) shall be located no more than 20-feet 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)**
  - b. Fiber optic conduit plans and SCE power plans shall be prepared and approved prior to issuance of an Encroachment Permit. **(PW)**
  - c. New street light poles shall be coated with Amershield anti-graffiti coating. **(PW)**
4. 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. Existing fire protection systems on the site shall be maintained operational.
  - h. The electrical service to the site shall be installed underground (MC 17.64.050).
5. CDP No. 19-010 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.