

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, APRIL 17, 2019 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Hayden Beckman, Nicolle Aube, Joanna Cortez, Judy Graham

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 19-004 (WINDWARD ARCHAEOLOGICAL GRADING AND MONITORING – CONTINUED FROM THE APRIL 3, 2019 MEETING) :**

APPLICANT: Ed Mountford, Cornerstone Consulting, 6232 Dolphinwood Drive, Huntington Beach CA 92648

PROPERTY OWNER: Signal Landmark, 27271 Las Ramblas, Suite 100, Mission Viejo, CA 92691

REQUEST: To permit archaeological grading and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

LOCATION: APN 163-361-10 (Vacant Property – Southeast of Bolsa Chica Street at Los Patos Avenue; South of City landscape lot)

CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior Planner, stated that due to additional information requested by the California Coastal Commission, staff has requested a continuance to the May 1, 2019, meeting.

**THE PUBLIC HEARING WAS OPENED.**

**THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that he would approve the continuation at staff's request.

**COASTAL DEVELOPMENT PERMIT NO. 19-004 WAS CONTINUED TO THE MAY 1, 2019 MEETING BY THE ZONING ADMINISTRATOR.**

**ITEM 2: CONDITONAL USE PERMIT NO. 19-011 (FLASHPOINT BREWERY):**

APPLICANT: Patrick Anderson, 19071 Carp Circle, Huntington Beach, CA 92648  
PROPERTY OWNER: Muhamet Cifligu, 14120 Avion Drive, La Mirada, CA 90638  
REQUEST: To permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use.  
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act. Appealable  
LOCATION: 7302 Autopark Drive, 92648 (north of Ellis Ave. and west of Gothard St.)  
CITY CONTACT: Jessica Bui

Jessica Bui, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Bui noted that staff had received one comment opposing the proposed project citing concerns with increased noise.

**THE PUBLIC HEARING WAS OPENED.**

Patrick Anderson, applicant, stated that he had no comments or concerns with staff's recommendations.

Monica Broussard, Dr. J's automotive, spoke in opposition to the proposed project citing concerns with an increase of drunk drivers, noise, negative impacts to parking, and adding another brewery establishment so close to an existing one.

Kecia Vanmechelen, resident, spoke in opposition to the proposed project citing concerns with increased noise and negative impacts to parking.

Jerry Horn, resident, spoke in opposition to the proposed project citing concerns with increased noise and negative impacts to parking.

Steve Shepperd, the project's architect, spoke regarding the proposed project. He noted that there are several conditions in place regarding the consumption and sale of alcohol. He also noted that the proposed project is not a bar.

Patrick Anderson, applicant, gave a brief overview of the proposed project. He stated that he plans to be a good neighbor.

**THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that he would approve the request as recommended by staff.

**CONDITONAL USE PERMIT NO. 19-011 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**



## **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 15301 of the CEQA Guidelines, because the project consists of no physical expansion of an existing industrial suite.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-011:**

1. Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use 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 proposed use, as conditioned, will not generate noise, traffic, demand for parking, or other impacts to surrounding properties and is consistent with the subject property's industrial zone. The proposed use will have sufficient parking to accommodate the alcohol tasting room and manufacturing use. Moreover, the site is surrounded by other industrial uses and the nearest residential use is approximately 150 ft. to the south, across Ellis Avenue. The residential uses are buffered by the building, a six-foot high masonry wall, and Ellis Avenue.
2. The granting of Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Research and Technology (RT) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

### **A. Land Use Element**

Goal LU-5: Industrial businesses provide employment opportunities for residents, supporting the local economy.

Policy LU-5 A: Support and attract new businesses in the City's industrial areas.

Policy LU-5 D: Explore opportunities to optimize use of underutilized or underperforming industrial land that is sensitive to surrounding uses, and to introduce new industrial uses that create jobs.

Goal LU-13: The City provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-5 A: Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use will provide the City with a new business within an industrial area as well as additional employment opportunities. The proposed use will expand on the range of goods and services for the community and surrounding area. Furthermore, the use is compatible with the surrounding industrial uses as the primary use is the manufacturing of beer within the

industrial complex. As conditioned, all operations will occur indoors unless otherwise approved by the Community Development Department. The nearest residential uses are approximately 150 ft. to the south and the use will be buffered by buildings, a six-foot high masonry wall, and Ellis Avenue; therefore, no impacts to the residences are anticipated.

3. Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use 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 (HBZSO) because the proposed use conforms to applicable site development standards including minimum setbacks, minimum landscaping, and minimum parking. The proposed approximately 563 sq. ft. tasting area is permitted within the IG (Industrial General) zoning district with the approval of a conditional use permit in accordance with Section 212.04 of the Huntington Beach Zoning and Subdivision Ordinance.

#### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-011:**

1. The site plan, floor plans, and elevations received and dated March 25, 2019 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The hours of operation shall be limited to the following:
    - i. Monday – Thursday: 12:00 PM – 9:00 PM
    - ii. Friday: 12:00 PM – 10:00 PM
    - iii. Saturday: 11:00 AM – 10:00 PM
    - iv. Sunday: 11:00 AM – 8:00 PM
  - b. The tasting room, manufacturing operations, and all activities shall occur entirely indoors unless approval is obtained from the Community Development Department.
  - c. The onsite service and consumption of beer shall be limited to the designated tasting area indicated on the submitted floor plan received and dated March 25, 2019
  - d. Prior to manufacturing, sales, service, or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the business. The business shall be limited to a Type 23 Small Beer Manufacturer (Brew Pub or Microbrewery) ABC License. **(PD)**
  - e. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
  - f. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
  - g. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees



every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**

- h. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of brewed beverages and food pairing. The beer brewer(s) is exempt from this rule due to quality control. **(PD)**
  - i. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
  - j. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Live amplified entertainment, dancing, or modification of plans dated March 25, 2019 would need approval by the Community Development Department and may require a Conditional Use Permit (CUP) for this specific use. **(PD)**
  - k. A sign shall be posted in a conspicuous space at the exit point which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
  - l. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - m. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. **(PD)**
  - n. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - o. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
  - p. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
  - q. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
3. CUP No. 19-011 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.

#### **ITEM 3: CONDITIONAL USE PERMIT NO. 19-008 (AT&T WIRELESS INSTALLATION):**

APPLICANT:	Sonal Thakur, Eukon Group, 65 Post, Suite 100, Irvine, CA 92618
PROPERTY OWNER:	Frontier Communications, 1800 41 <sup>st</sup> Street, STE-N100, Everett, WA 98203
REQUEST:	Install a new small cell wireless communication facility located on an existing 26 ft. 3in. tall wood utility pole in the public right of way at an overall height of 32 ft. The wireless facility installation includes one new antenna and four new remote radio units placed in a commscope pole topper.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 03, California Environmental Quality Act. Appealable
LOCATION:	South side of Heil Avenue, approximately 265 linear feet west of the centerline of Goldenwest Street (Public Right-of-Way), 92647
CITY CONTACT:	Courtney Badger

Courtney Badger, Assistant Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**



Sonal Thakur, applicant, stated that she had no comments or concerns with staff's recommendations.

Marsha Hoist, resident, inquired about the amount of radiation emitted from the small cell wireless communication and who monitors the sites once they are installed. Ms. Thakur stated that there is maintenance on the site to ensure radiation amounts comply with FCC regulations

Dr. Lindsay Lopata, resident, spoke in opposition of the proposed project, citing concerns with the amount of radio frequencies being emitted. She also noted that she has concerns with potential negative impacts to health.

**THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos explained that Federal Law prohibits local jurisdictions from taking health concerns into consideration and may only base decisions on land use impacts. Mr. Ramos stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 19-008 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**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. 19-008:**

1. Conditional Use Permit No. 19-009 to install a new wireless communication facility located on an existing 26 ft. 3in. tall wood utility pole in the public right of way at an overall height of 32 ft. The wireless facility installation includes one new antenna and four new remote radio units placed in a commscope pole topper, 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 pole topper will act as a shroud to conceal all antennas and radio equipment in one unit that will be affixed to the top of the existing utility pole and painted to match the existing color. 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 in an enclosed shroud and placed atop an existing wood utility pole at an overall height of 32 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 atop 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 atop an existing wood utility pole at an overall height of 32 ft., including one new antenna and four new remote radio units placed in a commscope pole topper, with 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 because 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. 19-008:**

1. The revised site plan, floor plans, and elevations received and dated March 11, 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. Existing fire protection systems on the site shall be maintained operational.
  - 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)**
  - j. The electrical service to the site shall be installed underground (MC 17.64.050). **(PW)**
4. CUP No. 19-008 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.

## **ITEM 4: CONDITIONAL USE PERMIT NO. 19-009 (AT&T WIRELESS INSTALLATION):**

APPLICANT:	Sonal Thakur, Eukon Group, 65 Post, Suite 100, Irvine, CA 92618
PROPERTY OWNER:	Frontier Communications, 1800 41 <sup>st</sup> Street, STE-N100, Everett, WA 98203
REQUEST:	To install a small cell wireless communication facility at an overall height of 27 ft. upon an existing wood utility pole located within the public right-of-way. The installation includes one new antenna and four new remote radio units placed on a 7 ft. long double extension arm mount.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 3, California Environmental Quality Act. Appealable
LOCATION:	West side of Alabama Street, 73 linear feet North of Baltimore Avenue (Public Right-of-Way), 92648
CITY CONTACT:	Courtney Badger

Courtney Badger, Assistant Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

## **THE PUBLIC HEARING WAS OPENED.**

Sonal Thakur, applicant, stated that she had no comments or concerns with staff's recommendations.

## **THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that he would approve the continuation at staff's request.

**CONDITIONAL USE PERMIT NO. 19-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**



## **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:

c. 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.

d. 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 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)**
  - h. 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.

**ITEM 5: CONDITIONAL USE PERMIT NO. 19-010 (AT&T WIRELESS INSTALLATION):**

APPLICANT:	Sonal Thakur, Eukon Group, 65 Post, Suite 100, Irvine, CA 92618
PROPERTY OWNER:	Frontier Communications, 1800 41 <sup>st</sup> Street, STE-N100, Everett, WA 98203
REQUEST:	To install a small cell wireless communication facility at an overall height of 26 ft. upon an existing wood utility pole located within the public right-of-way. The installation includes one new antenna and four new remote radio units placed on a 7 ft. long double extension arm mount.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 3, California Environmental Quality Act. Appealable
LOCATION:	West side of Alabama Street, 73 linear feet North of Baltimore Avenue (Public Right-of-Way), 92648
CITY CONTACT:	Courtney Badger

Courtney Badger, Assistant Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

## **THE PUBLIC HEARING WAS OPENED.**

Sonal Thakur, applicant, stated that she had no comments or concerns with staff's recommendations.

Marsha Hoist, resident, spoke in opposition of the proposed project. She cited her concerns with the radio frequencies exceeding safe amounts. She also noted her concerns with potential health risks.

David Rodecker, resident, spoke in opposition of the proposed project. He cited concerns with the number of small cell facilities being installed throughout the City. He noted his concerns with potential health risks.

## **THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos explained that Federal Law prohibits local jurisdictions from taking health concerns into consideration and may only base decisions on land use impacts. Mr. Ramos stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 19-010 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

### **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. 19-010:**

1. Conditional Use Permit No. 19-010 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 26 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 double-arm mount on an existing wood utility pole at an overall height of 26 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. 19-010 install a new small cell wireless communication facility located on an existing wood utility pole at an overall height of 26 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. 19-010:**

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 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)**
  - h. All pole mounted equipment/antenna(s) and brackets shall be painted to match the pole. **(PW)**
4. CUP 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.
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.



**ITEM 6: CONDITIONAL USE PERMIT NO. 18-045 (RAISING CANE'S RESTAURANT):**

APPLICANT: Ruben Gonzalez, PM Design, 38 Executive Park, Suite 310, Irvine, CA 92614

PROPERTY OWNER: Business Properties Partnership, No.15, 425 California St., 10<sup>th</sup> Floor, San Francisco, CA 94104

REQUEST: To permit the construction of a 3,232 sq. ft. eating and drinking establishment with drive-thru, 251 sq. ft. of outdoor dining, and a 16 space parking reduction associated with the proposed use within an existing multi-tenant commercial center.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15303, Class 03, California Environmental Quality Act. Appealable

LOCATION: 10142 Adams Ave., 92646 (near the southeast corner of Adams Ave. and Brookhurst St.)

CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

John Pollack, applicant, stated that he had no comments or concerns with staff's recommendations.

Jean McMurray, resident spoke in opposition of the proposed project. She inquired if a traffic impact study was completed. Ms. Cortez stated that while a traffic study was not required a queueing study was completed.

A lengthy discussion took place regarding traffic impacts to area residents.

**THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 18-045 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**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 construction of a new commercial building not exceeding 10,000 sq. ft. in floor area in an urbanized area with all necessary public services and facilities.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-045:**

1. Conditional Use Permit No. 18-045 to permit the construction of a 3,232 sq. ft. eating and drinking establishment with drive-thru, 251 sq. ft. of outdoor dining, and a 16 space parking reduction associated with the proposed use within an existing multi-tenant commercial center 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 proposed project will not significantly impact nearby sensitive land uses as the project fronts Adams Ave. and a parking lot to the east. Additionally, the site is surrounded by similar commercial uses to the north, south, east, and west. The nearest residential use is located approximately 250 ft. to the east and is buffered by a parking lot, and other buildings within the commercial center. The outdoor dining area will be enclosed by a 3 ft. wrought iron rail. Adequate automobile drive-through queuing will be provided and potential impacts to on-site and off-site circulation are not anticipated. A pedestrian pathway will be added along Adams Ave. to provide additional pedestrian friendly connectivity and increased landscaping will be added to entrances and parkway along Adams Ave. As such, impacts to the residential use are not anticipated.

The request for reduced parking is based on a shared parking analysis and a transportation demand management plan, prepared by Kimley-Horn and Trevor Briggs, P.E., a state-registered traffic engineer (received March 19, 2019 and March 6, 2019, respectively). An analysis was provided between the City's off-street parking requirements for the project, the existing conditions of the subject site, and ULI shared parking methodology. The study concludes that at least 264 parking spaces would still be available during the peak parking period. As a result, the parking demand study supports a 16-space reduction and demonstrates adequate on-site parking can be accommodated within the existing 685 parking spaces.

2. The granting of Conditional Use Permit No. 18-045 to permit the construction of a 3,232 sq. ft. eating and drinking establishment with drive-thru, 251 sq. ft. of outdoor dining, and a 16 space parking reduction associated with the proposed use within an existing multi-tenant commercial center will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

### **A. Land Use Element**

- a. 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. Policy LU-1 (A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.
- c. Policy LU-1 (D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.
- d. Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.



- e. Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.
- f. Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
- g. Policy LU-11 (C): Maximize the economic development services provided by the City to existing and prospective businesses and industries.

Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

The proposed project consists of the development of a 3,232 sq. ft. drive-through restaurant building with a 251 sq. ft. outdoor patio within an existing shopping center. The project site will continue to serve adjacent residential development and future development within the City as a whole. The project is located within an established area containing similar commercial uses. The building complies with the City's Urban Design Guidelines for commercial buildings, featuring quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The proposed building will include enhanced pedestrian areas, and is conditioned to include landscape berming along the drive-through areas to create improved visual relief. The shared parking analysis prepared by Kimley-Horn has determined that the onsite requirement for the eating and drinking establishment is in excess of 264 parking spaces than the expected peak parking demand. The proposed project will further accommodate the redevelopment of an existing commercial site with uses that will serve the needs of local residents and visitors to the City by providing additional commercial serving opportunities. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize an existing retail shopping center.

3. The proposed conditional use permit to permit the construction of a 3,232 sq. ft. eating and drinking establishment with drive-thru, 251 sq. ft. of outdoor dining, and a 16 space parking reduction associated with the proposed use within an existing multi-tenant commercial center 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 (HBZSO) in that the proposed eating and drinking establishment use is permitted within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO—CO, CG, and CV Districts: Land Use Controls. The restaurant and outdoor dining area will be located within an existing shopping center, which conforms to applicable site development standards in terms of minimum yard setbacks, minimum landscaping, and maximum floor area ratio with exception of the request for reduced parking. The shared parking analysis determined that the onsite parking requirement for the eating and drinking facility is in excess of 264 spaces than the expected peak parking demand. Additionally, a Transportation Demand Management (TDM) plan was prepared by the applicant for the commercial building. The plan incorporates TDM measures such as bicycle racks, transit information, and other strategies as required by HBZSO Section 230.36.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-045:**

1. The site plan, floor plans, elevations, and Transportation Demand Management Plan received and dated March 6, 2019 and the shared parking analysis received and dated March 19, 2019 shall be the conceptually approved design.
2. The hours of operation shall be limited to the following:
  - i. Drive-thru: 7:00 AM – 2:00 AM (Daily)
  - ii. Dining Room: 7:00 AM – 12:00 AM (Sunday – Thursday)
  - iii. Dining Room: 7:00 AM – 2:00 AM (Friday – Saturday)
  - iv. Outdoor Patio: 7:00 AM – 11:00 PM (Daily)
3. Both drive-thru lanes shall be utilized during peak restaurant hours.
4. The applicant shall conduct ongoing monitoring of the drive-thru service to establish that the vehicle queuing occurs within the drive-thru lanes and shopping center drive aisles. Any vehicular queuing related to the project's operation affecting the public right-of-way shall be addressed by the applicant to the satisfaction of Community Development and Public Works.
5. Non-commercial wall mural/graphics shall not portray any commercial business, product, or food related images. Prior to the installation of any non-commercial wall mural/graphics, the final concept and design shall be reviewed and approved by the Planning Division of the Community Development Department.
6. Signage shall be reviewed under separate permits and processing.
7. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
8. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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.
  - b. A detailed landscaping plan, including details of the berming along the drive-through, shall be submitted to the Planning Division for review and approval.
9. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements shall be completed in accordance with approved plans.



- b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
  - c. The applicant shall provide signage directing customers to enter from the shopping center main driveway located immediately west of the project site to the satisfaction of Community Development and Public Works.
10. The development services departments and divisions (Planning, Building and Safety, Fire, 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 Community Development Director's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Director of Community Development may be required pursuant to the provisions of HBZSO Section 241.18.
11. Conditional Use Permit No. 18-045 shall become null and void unless exercised within two (2) years of the date of final approval or such extension of time as may be granted by the Director of Community Development pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

#### **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.

#### **ITEM 7: CONDITIONAL USE PERMIT NO. 18-037 (SPRINT MONOPALM):**

APPLICANT:	Alexander Lew, Sprint PCS, 3350 E. Birch St. #250, Brea, CA 92821
PROPERTY OWNER:	Matthews Marlene B Trust, 326 21 <sup>st</sup> St. #2, Huntington Beach, CA 92648
REQUEST:	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.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 03, California Environmental Quality Act. Appealable
LOCATION:	111-130-26, 92648 (south side of Garfield Ave., west of Stewart Ln.)
CITY CONTACT:	Joanna Cortez

Joanna Cortez, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

**THE PUBLIC HEARING WAS OPENED.**

John Dietrich, representing the applicant, stated that he had no comments or concerns with staff's recommendations.

**THERE WAS NO ONE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 18-037 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**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.

**THE MEETING WAS ADJOURNED AT 2:46 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 1, 2019, AT 1:30 P. M.**



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Ricky Ramos  
Zoning Administrator

RR:jg