

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

WEDNESDAY, OCTOBER 16, 2019 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Joanna Cortez, Isela Siordia

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 19-010 (AT&T GOLDENWEST SMALL CELL CONTINUED FROM THE OCTOBER 2, 2019, ZONING ADMINISTRATOR MEETING):

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

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

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.

ENVIRONMENTAL STATUS: The request is covered by Categorical Exemption, Section 15302 and 15303, Class 2 and 3, California Environmental Quality Act

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

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. Staff noted this item was a continuance from the October 2, 2019 meeting to allow the applicant to explore alternative sites. Staff noted that after further review there were no other poles available to serve this specific area. Staff indicated that they had received many concerns from the nearby residents including the adjacent property owner citing health concerns and property value concerns.

THE PUBLIC HEARING WAS OPENED.

Franklin Orozco, applicant, confirmed that a request was made of city real estate staff to locate alternative sites and stated there were no other locations available in that area.

Mr. Ramos asked if applicant reviewed the staff suggested findings and conditions, and if applicant had other poles outside of the coastal zone that are similar to this project.

Mr. Orozco, applicant, confirmed review of findings and conditions. He stated no concerns with staff's recommendations. Applicant confirmed he is working on other poles with similar designs, outside of the coastal zone which require no public hearing.

Jessica Robinson, resident, spoke against the proposed project. She noted concerns with property values being affected. A brief discussion took place regarding wireless facility land uses.

Denise Allen, resident, spoke against the proposed project. She noted concerns with safety, health, and home values. She requested the pole not be moved but stay in its original location if it was to be approved.

Judith Handler, resident, requested clarification regarding pole uses by cell phone providers. A brief discussion took place regarding combining cell tower networks.

Lee Pickett, stated he was against the proposed project.

Alexis Reeves, resident, spoke against the proposed project. She requested a review be made of the policy regarding co-locating cell towers. A brief discussion took place regarding consideration to deny request if residents within the 700 ft – 1500 ft radius were opposed to the project.

Mr. Ramos stated he cannot factor wireless capacity when making a decision.

Jeff McKee, resident, requested to have the project moved across the street. He requested a caution sign be placed on poles.

Mr. Orozco, applicant, confirmed caution signs are placed on poles as a standard practice but are meant for employees working on poles.

Susan Worthy, resident, spoke against the proposed project. She noted concerns with health. She presented an EMF report that indicated extreme levels of emissions near her home on 6th Street and Walnut. She stated she has reported her finding to various departments in the City and to the mayor.

Marcia Hoyt, resident, spoke against the proposed project. She noted concerns with health and the number of cell sites in the neighborhood.

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

COASTAL DEVELOPMENT 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) WORKING 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 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 and October 10, 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.

THE MEETING WAS ADJOURNED AT 2:39 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 6, 2019, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

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