

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

WEDNESDAY, SEPTEMBER 16, 2015 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Jill Arabe, Ethan Edwards, Judy Demers

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 15-004 (VERIZON MONOPALM – CONTINUED FROM THE SEPTEMBER 2, 2015 MEETING)

APPLICANT: Gary Ferrara, 2081 Business Center Drive, Suite 219, Irvine CA 92612

PROPERTY OWNER: Lester C. and Jimmy L. Smull Family Trust, 17631 Fitch, Irvine CA 92614

REQUEST: To permit the installation, maintenance, and operation of a 56 ft. high wireless communication facility designed as a palm tree (monopalm) with twelve (12) 8 foot long panel antennas, one (1) GPS antenna, twelve (12) remote radio units, two (2) raycaps, and associated support equipment (2 equipment cabinets, 1 standby generator with a 55 gallon fuel tank) within a 238 sq. ft., 6 foot high equipment enclosure.

LOCATION: 9062 Adams Avenue, 92646 (southeast corner of Magnolia St. and Adams Ave.)

CITY CONTACT: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs 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. Nguyen noted that staff received two calls regarding the project. One call was in support of the project and one call was opposed to the proposed project citing concerns with potential negative impacts to property values, noise increases, and negative impacts to the way of life in the area.

Ricky Ramos, Zoning Administrator, verified the location of the proposed project. Mr. Ramos stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Ryan Birdsey, representing the applicant, stated that he is opposed to Condition No. 1 d., requiring the planting of two live palm trees. He stated that Design Review Board member, Michael Spaulding agreed that the trees would not improve the aesthetics of the proposed site and the trees were unnecessary. A brief discussion regarding Condition 1 d. took place.

Mr. Ramos asked staff for a brief overview of the recommended condition. Ms. Nguyen explained that the trees would be visually compatible with the location and the height of the proposed monopalm.

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

Mr. Ramos stated that he understood the applicant's concern; however, he was unable to omit the condition. Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 15-004 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. 15-004:

1. Conditional Use Permit No. 15-004 for the establishment, maintenance and operation of a 56 foot high wireless communication facility designed as a palm tree (monopalm) with twelve (12) eight-foot long panel antennas, one (1) GPS antenna, twelve (12) remote radio units, two (2) raycaps, and associated support equipment (2 equipment cabinets, 1 standby generator with a 55 gallon fuel tank) located within an existing commercial shopping 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. The facility is located approximately 280 feet from the nearest residential uses (west) and the structure is located near the rear (southwest corner) of the parcel to help mitigate any visual impacts. Conditions of approval for additional and longer palm fronds as well as painting the antennas green to match the palm fronds color are designed to blend the panel antennas into the design of the palm tree. To make the facility more visually compatible with surrounding area, two additional palm trees will be planted adjacent to the proposed facility. 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 238 sq. ft., 6 foot high block wall equipment enclosure.
2. The proposed 56 foot high wireless communication facility will be compatible with surrounding uses because the facility incorporates stealth design technique, designing the facility as a palm tree (monopalm). The facility will be located towards the rear of the existing parcel and behind one-story commercial buildings. The maximum height in the Commercial General zoning designation is 50 feet; however pursuant to Section 230.72 of the Huntington Beach Zoning and Subdivision Ordinance, a wireless communication facility may exceed the maximum height by up to 10 feet. Associated equipment will not be visible from the street.
3. The proposed 56 foot high wireless communication facility designed as a palm tree (monopalm) 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 project is a new ground mounted wireless communication facility. The facility complies with the maximum height in the district and is compatible with the surrounding uses due to its stealth design.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goal and policies of the General Plan:

A. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

B. Utility Element

Policy U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The wireless facility will provide greater levels of service to the surrounding areas while incorporating design, colors and materials compatible with existing onsite trees. The facility incorporates stealth design techniques and is proposed in the most minimally impactful location feasible.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-004:

1. The site plan, floor plans, elevations, received and dated March 27, 15 and photo simulations and the sample material board of the palm frond and trunk received and dated June 2, 2015 shall be the conceptually approved design with the following modifications:
 - a. Additional fronds and longer fronds shall be provided on the palm tree subject to the review and approval of the Planning Division. (DRB)
 - b. The panel antennas shall be painted green to match the palm fronds. (DRB)
 - c. The proposed monopalm shall match the quality and fullness of the monopalm depicted in the elevations dated March 27, 2015. (DRB)
 - d. Two additional palm trees (25 ft. high brown trunk height) shall be planted adjacent to the proposed wireless facility.
 - e. Provide a new trash enclosure to replace the existing trash enclosure or provide a letter from Rainbow Environmental Services to verify there is adequate refuse service based on the number of trash enclosures and pick up schedule.
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. Prior to issuance of building permits, a landscape plan shall be reviewed and approved by the Planning Division. The landscape plan shall incorporate two additional palm trees adjacent to the proposed wireless facility as described in Condition of Approval No. 1.c.
 4. CUP No. 15-004 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 Planning and Building 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 Planning and Building 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.
 6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

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 2: CONDITIONAL USE PERMIT NO. 15-029 (ROTH RESIDENCE)

APPLICANT

PROPERTY OWNER: Jasmine Roth, Roth 13th Street LLC, 310 11th Street, Huntington Beach, CA 92648

REQUEST: To permit the construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 in. This request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 1206 Pine Street, 92648 (east side of Pine St., south of Adams Ave.)

CITY CONTACT: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs 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. Arabe noted that staff received two emails regarding the project. The residents reviewed the plans and had no issues or concerns with the project. She also noted that staff received one letter prior to the meeting opposing the proposed project.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Renato Haug, representing the applicant, gave a brief overview of the proposed project. Mr. Haug inquired if an obscure window could be placed within the proposed stairwell area. Staff explained that a window at the location is prohibited by code.

Bruce Hanson, resident, spoke in support of the proposed project, noting that he liked the design.

Resident stated they submitted a letter opposing the project, citing concerns with the size of the residence. Mr. Ramos gave a brief overview of the proposed project noting that the design of the project meets code and the third story is small and well designed.

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

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

CONDITIONAL USE PERMIT NO. 15-029 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 15302 of the CEQA Guidelines, because the project consists of the

construction of a single family residence on the same site as the structure replaced with substantially the same purpose and capacity.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-029:

1. Conditional Use Permit No. 15-029 for the construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 in. 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 design of the new building incorporates wall offsets, roof articulation, and material changes which help minimize the overall building mass and scale of the new structure. The third floor habitable area is confined within the second story roof volume and is not visible from the street. The third floor is only accessible from the interior of the building and is sufficiently setback to buffer adjacent residences. The deck above the second story top plate is inset within the second story roof volume and oriented towards the interior courtyard and the alley at the rear of the property. The project will not generate additional noise, traffic, odors or other impacts at levels inconsistent with the residential character of the existing neighborhood.
2. The construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 in. will be compatible with surrounding uses because the new residence will be designed to appear like a two-story house from the front (street) and side yards. Other homes in the neighborhood range from single-story to three-stories in height. The third floor habitable area and deck are integrated into the second story roof volume, thus reducing the overall bulk and mass of the residence. The building is proposed with a variety of materials including hardieboard lap siding, stone veneer, hardie trim batten boards, vinyl windows, and standing seam metal roofing. The new residence will improve the visual character of the neighborhood.
3. The proposed construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 in. 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, including maximum density, height, lot coverage, building setbacks, landscaping, and offstreet parking. The third floor habitable area and deck are allowed within the RL (Residential Low Density) zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low Density – 7 units per acre) on the subject property. In addition, it is consistent with the following objective, goal, and policies of the General Plan:

A. Land Use Element

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.2: Require that single-family residential units be designed to convey a high level of quality and character considering the following guidelines: (a) modulate and articulate building elevation, facades, and masses; and (d) encourage innovative and creative design concepts.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of building heights, grade elevations, orientation, and bulk that are compatible with the

surrounding development; and (c) use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions.

B. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

The conditional use permit allows for the construction of a new three-story residence with an overall height of 33 ft., 10 in., and approximately 269 sq. ft. third floor retreat area and 133 sq. ft. deck. From the street, the residence will look like a two-story house because the third floor is confined with the second story roof volume. Additionally, the design of the house is proposed with enhanced materials and building offsets consistent with the aesthetic character of the neighborhood.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-029:


1. The site plan, floor plans, and elevations received and dated July 20, 2015, shall be the conceptually approved design with the following modifications:
 - a. The maximum height of the pilasters and/or fencing within the front yard shall not exceed 42 inches. **(HBZSO Section 230.88-A1)**
 - b. A new fence or wall exceeding 42 inches in height shall not encroach within the 10 ft. visibility triangle at the intersection of the driveway and alley. **(HBZSO Section 230.88-C3)**
 - c. On Sheet A-2.2, the exercise room shall be revised with a minimum of 50% of the wall open to the family room. **(HBZSO Section 203.06)**
 - d. On Sheet A-2.3 and Sheet A-3.1, the third floor window on the north side of the building near the stairway shall be removed. **(HBZSO Section 210.06-M1d2)**
2. Prior to submittal for building permits, the following shall be completed:
 - a. On set of revised site plan, floor plans, 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 and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, 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. 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 10 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.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. The final building permit cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them
6. CUP No. 15-029 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 Planning and Building Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Planning & Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building 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.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems <http://www.builditgreen.org/green-building-guidelines-rating>).

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 2:03 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 7, 2015, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:jd