

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

**WEDNESDAY, APRIL 17, 2013 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Kristi Rojas, Ethan Edwards, Judy Demers (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 13-001 (WOOD RESIDENCE-  
CONTINUED FROM THE APRIL 3, 2013 MEETING)**

**APPLICANT:** Trifon Metodiev, Kolin Atomare Architects, 1350 Coronado Avenue, Long Beach, CA 90804

**PROPERTY OWNER:** Kurt and Diane Wood, 4031 Morning Star Drive, Huntington Beach, CA 926490

**REQUEST:** To permit the demolition of an existing approximately 3,675 sq. ft. single-story residence and to construct a new approximately 4,482 sq. ft. two-story residence at a maximum height of 27 feet. This request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.

**LOCATION:** 4031 Morning Star Drive, 92649 (north side of Morning Star Drive, west of Saybrook Lane – Huntington Harbour)

**PROJECT PLANNER:** Kristi Rojas

Kristi Rojas, Project 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.

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

**THE PUBLIC HEARING WAS OPENED.**

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

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 13-001 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 15303 of the CEQA Guidelines, because the project consists of the construction of one single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-001:**

1. Coastal Development Permit No. 13-001 for the demolition of an existing approximately 3,675 sq. ft. single-story residence and to construct a new approximately 4,482 sq. ft. two-story residence at a maximum height of 27 feet, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low Density. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing single-family residential developments.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed single-family residence will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed residence will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-001:**

1. The site plan, floor plans, and elevations received and dated March 4, 2013 shall be the conceptually approved design.
2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to 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 Planning and Building Department.
3. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted

memorandum from the Departments of Building & Planning, 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.

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 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.
5. The final building permit cannot be approved until the following has been completed:
  - a. All improvements must be completed in accordance with approved plans, except as provided for 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. CDP No. 13-001 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 Division a minimum 30 days prior to the expiration date.
7. 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.
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>).
9. The attic space shall not be converted into habitable area unless a Conditional Use Permit is approved for a third floor habitable area. (HBZSO Section 210.06.M)

**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. 13-002 (VERIZON WIRELESS FACILITY-CONTINUED FROM THE APRIL 3, 2013 MEETING))**

APPLICANT: Yumi Kim, Core Development Services, 2749 Saturn Street, Brea, CA 92821

PROPERTY OWNER: Bryan Ryan, Edison Carrier Solutions, 4900 Rivergrade Road, Bldg. 2-B, 1<sup>st</sup> Floor, Irwindale, CA 91706

REQUEST: To permit the installation of wireless communication antennas mounted onto an existing 138 foot tall Southern California Edison (SCE) transmission tower at an overall height of 65 ft. in lieu of the maximum height of 45 feet permitted. The facility consists of the installation of twelve (12) panel antennas, and associated support equipment within a 244 sq. ft. 12-foot high enclosure constructed at grade directly beneath the transmission tower.

LOCATION: 21261 Brookhurst Street, 92646 (east side of Brookhurst Street, between Effingham Drive and Hamilton Avenue)

PROJECT PLANNER: Ethan Edwards

Ethan Edwards, 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.

Ricky Ramos verified with staff the dimensions of the antenna panels.

**THE PUBLIC HEARING WAS OPENED.**

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

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 13-002 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 – New construction or Conversion of Small Structures of the CEQA Guidelines, because the project consists of the installation of a small new equipment.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-002:**

1. Conditional Use Permit No. 13-002 is to permit the installation of wireless communication antennas mounted onto an existing 138 foot tall Southern California Edison (SCE) transmission tower at an overall height of 65 ft. in lieu of the maximum height of 45 feet permitted. The facility consists of the installation of twelve (12) panel antennas, and associated support equipment within a 244 sq. ft. 12-foot high enclosure constructed at grade directly beneath the transmission tower, and 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 proposed facility will not generate noise, traffic, and demand for any additional parking or other impacts detrimental to surrounding property.
2. The conditional use permit will be compatible with surrounding uses because the proposed facility will be located on and adjacent to existing Southern California Edison transmission towers and an existing wireless facility is located approximately 30 feet from the proposed facility on another Southern California Edison tower within the existing Southern California Edison right-of-way. The design of the facility will have the antennas painted to match the color of the tower and the equipment shelter will be constructed in masonry with a tiled roof painted to match the adjacent equipment enclosure, which ensures compatibility of the proposed facility with surrounding uses. Because the facility is located within 300 feet of a residential district or zone the Design Review Board was required to review the design, and recommended approval of the facility design as proposed.
3. The proposed conditional use permit 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. The proposed height of 65 feet in lieu of 45 feet, which is the same height as the adjacent wireless facility antennas, is permitted by 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 the P (Public) 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 2:** Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

### **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 proposed project is consistent with the General Plan because the proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. The proposed location is approximately 80 ft. from the nearest sensitive land use. In addition, the proposed structure incorporates stealth techniques by painting the antenna the same as the tower.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-002:**

1. The site plan, floor plans, and elevations received and dated February 4, 2013 shall be the conceptually approved design.
2. Prior to submittal for building permits, the Zoning entitlement conditions of approval and code requirements identified in a separately transmitted memorandum from the Departments of Planning and Building, 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, and mechanical) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. Final building permit(s) cannot be approved until the following have been completed.
  - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
4. Any graffiti on the proposed wireless communication equipment enclosure shall be removed by the applicant within 72 hours of being notified. **(DRB)**
5. The Development Services Departments (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. Conditional Use Permit No. 13-002 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
7. 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/index.cfm?fuseaction=guidelines>).

**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 1:45 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 1, 2013, AT 1:30 P. M.**



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Ricky Ramos  
Zoning Administrator

RR:jd