

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

WEDNESDAY, FEBRUARY 6, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Ethan Edwards, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 12-032 (VERIZON COMMUNICATION FACILITY)

APPLICANT: Yumi Kim, Verizon Wireless, 2749 Saturn Street, Brea, CA 92663
PROPERTY OWNER: LMC, LP, c/o Mark Sork, 140 Newport Center Drive, Suite 260, Newport Beach, CA 92660

REQUEST: To permit the removal of an existing 50 ft. high monopole and installation, maintenance, and operation of a new 51 ft. high wireless communication facility designed as a palm tree (monopalm) with twelve (12) existing four (4) ft. high panel antennas and a new eight (8) ft. six (6) in. high screen wall for an existing equipment shelter.

LOCATION: 9901 Adams Avenue, 92646 (northwest corner of Adams Avenue and Brookhurst Street)

PROJECT PLANNER: 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.

Ricky Ramos, Zoning Administrator, verified with staff the maximum height allowed by code.

THE PUBLIC HEARING WAS OPENED.

Michelle Nguyen, representing the applicant, stated that she had no comments or concerns with staff's recommendations.

Carol Forney, resident, inquired of staff the location of the proposed project and the company who is requesting the application. Ms. Nguyen stated that Verizon Wireless is the applicant and verified the location of the proposed project.

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. 12-032 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 involves the replacement of an existing wireless facility with a new facility located on the same site and will have substantially the same purpose and capacity.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-032:

1. Conditional Use Permit No. 12-032 for the establishment, maintenance and operation of a new 51 ft. high wireless communication facility designed as a palm tree (monopalm) with twelve (12) existing four (4) ft. high panel antennas and a new eight (8) ft. six (6) in. high screen wall for an existing equipment shelter 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 project involves the replacement of an existing 50 ft. high wireless communication facility with a new facility in the same leased area at the rear of the commercial property. It is located approximately 75 feet and 660 feet from residential uses to the north and west, respectively. 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 existing equipment enclosure behind the existing building.
2. The conditional use permit will be compatible with surrounding uses because the wireless communication facility will be designed as a palm tree and located within the same leased area as the existing wireless facility at the rear of the commercial property. The 51 ft. high facility will be located behind the existing commercial buildings which vary in height from 23 to 29 feet. The height of the facility and antennas will be taller than the existing height, but will not exceed the maximum height allowed in the zoning district. Associated equipment will not be visible from the street.
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 (HBZSO) including the provisions of HBZSO Section 230.96. New ground mounted wireless communication facilities are subject to 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 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 proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the proposed stealth facility is designed as a palm tree and will replace the existing monopole onsite. The location of associated equipment will be within an equipment enclosure behind the existing commercial buildings. As designed, the antennas will be painted green to match the color of the palm fronds, blending the panel antennas into the tree.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-032:

1. The site plan, floor plans, and elevations received and dated December 17, 2012 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. 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.

5. CUP No. 12-032 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 Department a minimum 30 days prior to the expiration date.
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: COASTAL DEVELOPMENT PERMIT NO. 12-016 (PEDERSON SINGLE FAMILY RESIDENCE)

APPLICANT: John Hamilton, Hamilton Architects, 12240 Venice Boulevard Suite 25, Los Angeles, CA 90066

PROPERTY OWNER: Alan Pederson, 16532 Cotuit Circle, Huntington Beach, CA 92649

REQUEST: To permit the demolition of the existing single-family residence and construction of a new approximately 5,154 sf. ft., two-story single-family residence. The 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: 16532 Cotuit Circle, 92649 (south of Humboldt Drive at the terminus of Cotuit Circle)

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 that there were no issues with the window placements Mr. Edwards confirmed there were no issues.

THE PUBLIC HEARING WAS OPENED.

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

Pradeep Gunaratne, resident, stated that he is not opposed to the project, however, was concerned that his property's private view may be impacted. Mr. Ramos explained that the City does not protect the right to a private view.

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. 12-016 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 is located within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-016:

1. Coastal Development Permit No. 12-016 for the demolition of an existing single-family residence and construction of an approximately 5,154 sq. ft., two-story single family residence conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density (RL). 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 residential development.
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 residence will be constructed on a previously developed site in an urbanized area with all the 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. 12-016:

1. The site plan, conceptual landscaping plan, floor plans, roof plan, exterior elevation plans received and dated November 6, 2012, 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. 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. 12-016 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 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>)

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, FEBRUARY 20, 2013, AT 1:30 P. M.

Ricky Ramos
Zoning Administrator

RR:jd