

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

WEDNESDAY, July 29, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Andrew Gonzales, Rami Talleh, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-009 (VERIZON WIRELESS COMMUNICATION FACILITY)

APPLICANT: Michelle Felten, Core Communications Group
PROPERTY OWNER: John C. Vaughan Trust, 16731 Carousel Lane, Huntington Beach, CA 92649
REQUEST: To permit the construction of a 58 ft. high wireless communications facility disguised as a palm tree "monopalm" with nine (9) panel antennas and one (1) microwave dish, including associated equipment, two GPS antennas, and emergency generator within a 6 ft. high blockwall enclosure at an existing tow yard.
LOCATION: 7472 Warner Avenue, 92647 (south side of Warner Avenue, east of Gothard Street)
PROJECT PLANNER: 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 presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Arabe stated that staff had received no public comments.

Mr. Ramos noted that there was already one monopalm on the site and asked for its location. Ms. Arabe indicated that it was located 80 feet south of the proposed monopalm.

THE PUBLIC HEARING WAS OPENED.

John Vaughan, property owner, stated that he had no comments or concerns with the conditions of approval.

Mr. Ramos asked if collocating on the present monopalm had been considered. Rami Talleh, Senior Planner, indicated that the design of monopalms are not conducive to collocating and that collocation would prevent concealment of the panels.

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

Mr. Ramos stated that he was considering a condition of approval requiring that the equipment enclosure be painted to match the existing building on site.

Michelle Felten, applicant (arriving late to the meeting), stated that she was agreeable to that condition.

Mr. Ramos asked for the reasoning behind the height of the proposed monopalm since the monopalm currently on site is only 50 feet tall. Ms. Felten stated that the proposed monopalm would be placed closer to the surrounding buildings than the current monopalm and would need to clear the height of those buildings.

Mr. Ramos stated that, based on the information provided, he could approve the request as recommended by staff with a modified condition of approval requiring that the equipment enclosure be painted to match the existing buildings.

CONDITIONAL USE PERMIT NO. 2009-009 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 consists of the installation of a minor new structure and associated equipment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-009:

1. Conditional Use Permit No. 2009-009 for the establishment, maintenance and operation of a 58 ft. high wireless communications facility disguised as a palm tree "monopalm" with nine (9) panel antennas and one (1) microwave dish, including associated equipment, two GPS antennas, and emergency generator within a 6 ft. high block wall enclosure at an existing tow yard 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 be located within an existing tow yard and will not generate noise, traffic, or demand for additional parking above that which already exists on the subject site. The structure at the proposed height does not create a visual distraction for vehicular traffic because of its distance from primary streets and its limited visibility among industrial buildings.
2. The conditional use permit will be compatible with surrounding uses because the wireless communication facility is surrounded by industrial uses and buildings. The facility also

utilizes stealth techniques by incorporating a "palm tree" design similar to the existing 50 ft. high monopalm on-site approximately 80 feet away, and the two facilities together will appear like a grove of trees. The project will be located approximately 922 feet from Warner Avenue, which is a primary scenic corridor. The ground mounted associated equipment will be screened from public view by industrial buildings and a six foot high block wall enclosing the lease area.

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. Wireless communication facilities are allowed to exceed the maximum height of the base 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 Industrial on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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

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

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. The proposed location is within the rear 350 feet of the property that is 1,200 feet in depth. In addition, the proposed structure incorporates stealth techniques by simulating the appearance of a palm tree.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-009:

1. The site plans and elevations received and dated June 4, 2009, shall be the conceptually approved design with the modification that the equipment enclosure shall be painted to match the existing buildings.
2. 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.

ITEM 2: CONDITIONAL USE PERMIT NO. 2009-006 (TRAUTH ADDITION)

APPLICANT: Jeff Salisbury, Blue Ribbon Design-Build
PROPERTY OWNER: Diane Trauth, 3719 Via Dolce, Marina Del Rey, CA 90292
REQUEST: To permit an overall building height of 31 ft. 11 in. for the construction of a 2,020 sq. ft. addition to an existing single-story detached residential duplex unit. The project will consist of new 1st and 2nd floor habitable area including access to a 673 sq. ft. 3rd floor deck with a total living area of 2,956 sq. ft.
LOCATION: 506 13th Street, 92648 (south of 13th street, between Pecan and Acacia Avenues)
PROJECT PLANNER: Andrew Gonzales

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

Mr. Gonzales stated that staff had received no public comments.

THE PUBLIC HEARING WAS OPENED.

Jeff Salisbury, applicant, stated that he would like clarification on the Public Works Department code requirements. Mr. Ramos recommended that Mr. Salisbury contact Public Works staff since the Zoning Administrator does not have the authority to amend code requirements.

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

Mr. Ramos asked staff if the new garden wall was compliant with code. Mr. Gonzales stated that the wall is 42 inches tall and complies with code.

Mr. Ramos stated that the area has a variety of structures, including ones with three stories, and, based on the information provided, he could approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 2009-006 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, which exempts additions of not more than 10,000 sq. ft. in areas where all public services and facilities are available to allow for maximum development permissible by the General Plan and located in an area not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-006:

1. Conditional Use Permit No. 2009-006 to permit an overall building height of 31 ft. 11 in. for the construction of a 2,020 sq. ft. addition to an existing single-story detached residential duplex unit 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 project will consist of a 1st and 2nd floor addition which will include a 3rd floor stairway area that provides access to a 673 sq. ft. rooftop deck. The portions of the building that project above 25 ft. are designed to either be setback from the building exterior or utilize contrasting wall treatments, architectural projections, and wall breaks to preserve views and privacy of adjoining residences and assist in the break up of any monolithic walls. The 3rd floor stairway area and vaulted ceilings will not impact privacy because direct views to adjacent residences will be obscured. The addition will not generate additional traffic or parking as the use, number of units, and bedroom count will remain the same.
2. The conditional use permit to allow portions of an addition to project above 25 ft. in height will be compatible in size and scale to surrounding homes. The adjacent buildings surrounding the subject property consist of two- and three-story dwellings. The portions of the building which exceed 25 ft. are a stairway area which allows for access to a rooftop deck, and vaulted ceiling serving the 2nd floor. The structure is compatible to surrounding homes because the building conveys the appearance of a single-family residence with a design that includes similar offsets and third-story setbacks. The visual scale is compatible because the building's design employs architectural enhancements that break up the mass of the building by incorporating transitions in wall materials between translucent and solid materials, and façade offsets and projections.
3. The construction of a 2,020 sq. ft. addition to an existing detached duplex unit with an overall building height of 31 ft. 11 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 minimum yard setbacks, minimum onsite parking, minimum open space, minimum floor area, and any specific condition required for the project in the district for which it will be located. Building heights exceeding 25 ft. in height for multiple family residential developments are allowed within the base zoning district up to a maximum height of 35 ft. with the 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 RMH-25-d (Residential Medium High

Density – Maximum 25 dwelling units per acre – Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Policy – LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

- a.) Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development.
- b.) Maintenance of privacy on abutting residence.

The addition will be constructed to be compatible with the height of abutting homes. A majority of the building will be constructed below 25 ft. in height with exception of the portions of the structure that enclose the 3rd floor stairway area, and 2nd floor vaulted ceiling. Contrasting wall treatments, architectural projections, and elevation breaks assist in reducing the building's visual size and scale which in turn make the home more compatible with abutting residences. The privacy of adjacent residences will be maintained by orientating the building's balconies, rooftop deck, and any window located above the 2nd floor top plate away from direct view of adjoining residences.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-006:

1. The site plan, floor plans, and elevations received and dated July 7, 2009, shall be the conceptually approved design with the following modifications:
 - a. The lot coverage identified in the development matrix for Unit A shall be revised to be consistent with the area depicted in the submitted floor plans.
 - b. The computation of total living area identified in the development matrix for Unit A shall be revised to incorporate the 3rd floor living area.
 - c. A 42" high rail barrier shall be provided along the northerly portion of the 3rd floor deck between the deck and the roof.
2. 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 1:50 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 5, 2009 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc