

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

**WEDNESDAY, MARCH 7, 2018 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Jessica Bui, Christopher Wong, Nicolle Bourgeois, Joanna Cortez, Katie James, Tania Moore

**MINUTES:** **NONE**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 17-022 (HELGESON RESIDENCE):**

APPLICANT: Jay Earl, 16541 Mariana Circle, Huntington Beach, CA 92649  
PROPERTY OWNER: Tim & Rachel Helgeson, 16871 Coral Cay Lane, Huntington Beach, CA 92649  
REQUEST: To permit an addition of approximately 745 sq. ft. of living area and 92 sq. ft. of garage area to an existing 3,309 sq. ft. two-story, single family residence.  
LOCATION: 16871 Coral Cay Lane, 92649 (west side of Coral Cay Lane and south of Courtside Cir.)  
CITY CONTACT: Jessica Bui

Jessica Bui, 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.

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

**THE PUBLIC HEARING WAS OPENED.**

Jay Earl, applicant, stated that he 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. 17-022 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 15301 of the CEQA Guidelines because the project consists of an addition to an existing single-family residence within a residential zone.

### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-022:**

1. Coastal Development Permit No. 17-022 to permit an addition of approximately 745 sq. ft. of living area and 92 sq. ft. of garage area to an existing 3,309 sq. ft. two-story, single family residence conforms with the General Plan, including the Local Coastal Program. The project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed addition will occur entirely on a developed site, contiguous to existing single family residential development.
2. Coastal Development Permit No. 17-022 to permit an addition of approximately 745 sq. ft. of living area and 92 sq. ft. of garage area to an existing 3,309 sq. ft. two-story, single family residence 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, as conditioned, will comply with all applicable development regulations, including maximum building height, lot coverage, and minimum yard setbacks.
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. Coastal Development Permit No. 17-022 to permit an addition of approximately 745 sq. ft. of living area and 92 sq. ft. of garage area to an existing 3,309 sq. ft. two-story, single family residence is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 17-022 to permit an addition of approximately 745 sq. ft. of living area and 92 sq. ft. of garage area to an existing 3,309 sq. ft. two-story, single family residence conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

### **CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-022:**

1. The site plan, floor plans, and elevations, received and dated December 20, 2017 shall be the conceptually approved layout with the following modifications:
  - a. Include lot coverage information on the title sheet which shall include updated calculations of the new second floor balcony. **(HBZSO Section 210.06)**
  - b. Include a note on the second story floor plan that the new bonus room wet bar shall not have kitchen appliances with the exception of a miniature refrigerator, and the sink shall not have a garbage disposal. **(HBZSO Section 203.06)**
2. Prior to submittal of 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 and code requirements 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. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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.
4. CDP No. 17-022 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.
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 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.
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. 17-039 / COASTAL DEVELOPMENT PERMIT NO. 17-017 (VERIZON WIRELESS FACILITY)**

APPLICANT: Lisa Desmond, Delta Groups Engineering, Inc., 2362 McGraw Avenue, Irvine, CA 92614  
PROPERTY OWNER: John Villa, Executive Director, Huntington Beach Wetlands Conservancy, 21900 Pacific Coast Highway, Huntington Beach, CA 92649  
REQUEST: To construct a new 49 ft. high wireless telecommunications monopine with ten panel antennas. Associated equipment will be mounted on the ground adjacent to the monopine  
LOCATION: 21900 Pacific Coast Highway, Huntington Beach, CA 91646 (southeast corner of Newland Street and Pacific Coast Highway)  
CITY CONTACT: Christopher Wong

Christopher Wong, 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.

**THE PUBLIC HEARING WAS OPENED.**

Lisa Desmond, applicant, stated that she had no comment 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. 17-017 AND CONDITIONAL USE PERMIT NO. 17-039 WERE 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 involves the construction and location of one new wireless communication facility.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-017:**

1. Coastal Development Permit No. 17-017 to permit the construction of a new 49 ft. high wireless telecommunications monopine with ten panel antennas and associated equipment mounted on the ground adjacent to the monopine conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Visual Resources Policy C 4.2.4 because the proposed wireless communication facility will be sited to minimize visual resource impacts. This will be achieved by designing the facility to resemble a pine tree. The incorporation of such stealth design techniques will help the

facility blend into the surrounding environment, including the existing Norfolk pine trees directly abutting the project site on an adjacent lot. The design also reduces visual prominence through colorization and screens accessory equipment on the ground behind existing structures and block walls.

2. Coastal Development Permit No. 17-017 to permit the construction of a new 49 ft. high wireless telecommunications monopine with ten panel antennas and associated equipment mounted on the ground adjacent to the monopine is consistent with the requirements of the Coastal Zone (CZ) Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The wireless communication facility is designed to comply with all applicable development regulations.
3. At the time of occupancy, the proposed 49-foot-high wireless communication monopine can be provided with infrastructure in a manner consistent with the Local Coastal Program. The wireless communication facility will be on private property in an urbanized area with all necessary services and infrastructure available, including electricity and roadways.
4. The wireless communication monopine consisting of ten panel antennas and associated equipment cabinets mounted on the ground adjacent to the monopine conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-039:**

1. Conditional Use Permit No. 17-039 to permit the construction of a new 49 ft. high wireless telecommunications monopine with ten panel antennas and associated equipment mounted on the ground adjacent to the monopine 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. No significant impacts related to traffic or safety will be generated by the wireless communication facility because the facility is unmanned and will be constructed in accordance with the California Building Code.
2. Conditional Use Permit No. 17-039 to permit the construction of a new 49 ft. high wireless telecommunications monopine with ten panel antennas and associated equipment mounted on the ground adjacent to the monopine will be compatible with surrounding uses because the wireless facility is designed as a artificial pine tree, which will blend into the surrounding environment. Additionally, the facility will not interfere with other communication, radio or television transmission/reception in and around the subject site.
3. Conditional Use Permit No. 17-039 to permit the construction of a new 49 ft. high wireless telecommunications monopine with ten panel antennas and associated equipment mounted on the ground adjacent to the monopine will comply with the provisions of the base district and other applicable provisions in Titles 20 to 25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Ground-mounted wireless communication facilities are subject to approval of a conditional use permit. Furthermore, the proposed facility will comply with all applicable Building Codes, current federal and state laws, as well as standards and regulations of the Federal Communications Commission (FCC).
4. The granting of Conditional Use Permit No. 17-039 to permit the construction of a new 49 ft. high wireless telecommunications monopine with ten panel antennas and associated equipment mounted on the ground adjacent to the monopine will not adversely affect the General Plan. It is consistent with the following goals and policy of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

B. Public Services and Infrastructure Element

Goal PSI-10: Superior electricity, natural gas, telephone, and data services improve quality of life and support economic development.

Policy PSI-10 C.: Support the use of new and emerging communication technologies.

The conditional use permit will permit the installation of a wireless communication facility in the southeast region of the City in an area where there is minimal cellular service. Therefore, the proposed facility will provide improved wireless communication services to surrounding residences and businesses consistent with goals and policies of the City's General Plan Land Use Element and Public Services and Infrastructure Element.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-017 /  
CONDITIONAL USE PERMIT NO. 17-039:**

1. The site plan, floor plans, and elevations received and dated October 23, 2017 shall be the conceptually approved design.
2. 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 Building Division and Fire Department 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. Coastal Development Permit No. 17-017 and Conditional Use Permit No. 17-039 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, 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.
4. The Development Services Departments and divisions (Building, 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.
5. Incorporation of 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 (<https://www.builditgreen.org/greenpoint-rated>).

**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 3: TENTATIVE PARCEL MAP NO. 18042 / CONDITIONAL USE PERMIT NO. 15-038 (SUNSET BEACH HOTEL):**

APPLICANT: Cliff Neiman, 2930 Westwood Boulevard, Suite 200, Los Angeles, CA 90064

PROPERTY OWNER: Leonard Julian Sunset Beach, LLC, c/o Lawrence Lazar, 9021 Melrose Avenue, Suite 301, West Hollywood, CA 90069

REQUEST: **TPM:** To consolidate seven parcels into one parcel. **CUP:** To develop a three-story, 12-unit hotel with a 1,800 sq. ft. commercial tenant space on the ground floor. The project is located in the non-certified Sunset Beach Specific Plan area and the demolition of an existing car wash, development of a hotel/commercial building with 12 compact parking spaces (minimum dimensions of 8 ft. 6 in. by 15 ft. 6 in.), and consolidation of seven parcels will require coastal development review by the California Coastal Commission.

LOCATION: 17145 Pacific Coast Highway, Huntington Beach, CA 90742 (on the south side of Pacific Coast Highway, approximately 195 feet southeast from the intersection of Pacific Coast Highway and 4<sup>th</sup> Street)

CITY CONTACT: Christopher Wong

Christopher Wong, 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. Mr. Wong noted that staff has received several comments regarding the proposed project. The comments cite concerns with setbacks, negative impacts to traffic, parking concerns, increase in noise, short term rental issues, and concerns with the proposed parking structure.

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

**THE PUBLIC HEARING WAS OPENED.**

Cliff Neiman, applicant, gave a presentation which included the scope of work, design overview, and brief history of the proposed project. Lawrence LaBar, applicant, added to the presentation, speaking about the soils report and the design of the proposed project.

Maria Weber, resident, spoke regarding the proposed project. She cited concerns with pool noise after hours. Mr. Wong explained that a condition was placed on the proposed project to mitigate noise impacts. A brief discussion took place regarding noise.

Tony Sellas, resident, spoke regarding the proposed project. He cited concerns with the zoning of the project, setbacks, cut off corners, and definition of hotels.

Allen Parch, resident, spoke regarding the proposed project. He stated that the proposed project is better than the current business at the location. His concern is with the setback.

A brief discussion took place regarding setbacks.

Rob Driscoll, resident, noted that the surrounding beaches close at 10:00 p.m. He suggested that the proposed pool close at 10:00 p.m. as well.

Sue Porter, resident, stated her concerns with the parking being up to code and year round residents. Mr. Ramos stated that the parking does meet the code requirements. He also noted that there are conditions in place to prevent permanent residency. A discussion took place regarding the code enforcement procedure if a violation were to occur.

Jose Alvarez, resident, stated that he had concerns with the potential negative impact to parking in the area.

Bryson Berryman, resident, stated that his concern regarding negative impacts to parking.

Kelly Sellas, resident, inquired if there was plans to have on site management. The applicant answered that there would be on site management between Memorial Day and Labor Day, local maintenance and 24 hour security through ADT.

Robert Driscoll, resident inquired about length of time for the project to be completed. The applicant noted that it would be approximately 18 months.

Sue Porter, resident, inquired about parking requirements for employees. Mr. Ramos explained that the parking standard does not include employee parking requirements.

Marcia Weber, resident, inquired about traffic on PCH and North Pacific. Mr. Ramos stated that there were driveways planned on PCH and North Pacific.

Tony Sellas, resident commented that Sunset Beach Specific Plan does not cover the need for a manager facility.

**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.



**TENTATIVE PARCEL MAP NO. 18042 / CONDITIONAL USE PERMIT NO. 15-038 WERE 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 CEQA Section 15332 because the project is characterized as in-fill development that meets the following criteria:

- a. The project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

**FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 18042:**

1. Tentative Parcel Map No. 18042 for the consolidation of seven parcels into one parcel is consistent with the General Plan, and all applicable code provisions of the Subdivision Map Act and City Council adopted Sunset Beach Specific Plan (not certified by the Coastal Commission). General Plan Land Use Element Goal LU-1, Policy C encourages support of infill development and consolidation of parcels. Therefore, granting approval of the proposed Tentative Map is consistent with this General Plan goal and policy. In addition, the proposed map and development are consistent with applicable standards in the adopted Sunset Beach Specific Plan and the Coastal Zone (CZ) Overlay District. The proposed map also conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act because the resulting lot will not impede public access, recreation, or views to coastal resources.
2. The site is physically suitable for the type and density of development. The site topography is flat and unvaried. The site is also located in an urbanized area, with public services and utilities readily available to service the existing and new hotel/commercial building. Furthermore, the size and dimensions of the proposed parcel is large enough to accommodate the development of a new hotel/commercial building in compliance with the adopted Sunset Beach Specific Plan standards.
3. The design of the proposed lot consolidation and the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site is located in an urban setting that is currently developed with commercial buildings and, therefore, does not contain fish or wildlife or their habitat.
4. The design of the proposed lot consolidation or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. Easements for building maintenance along the side lot

lines will be provided as a condition of the project approval. Therefore, the design of the subdivision and the proposed improvements will not conflict with easements of record.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-038:**

1. Conditional Use Permit No. 15-038 for the development of a three-story, 12-unit hotel with a 1,800 sq. ft. commercial tenant space on the ground floor 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 hotel will be monitored and patrolled by security services. Security services will regularly visit the premises day and night, and will be available 24-hours per day to address any nuisances or disturbances on the premises. Conditions, such as requirements to inform police about disturbances at the site and meet with City staff regarding any verified noise or nuisance complaints, are included to further ensure the proposed use is not a nuisance to the surrounding community. Furthermore, the building will be designed to maintain privacy on adjoining parcels, as conditioned. Landscape planters along the boundaries of exterior corridors will provide a visual buffer between these corridors and adjacent properties. To further maintain privacy, the second floor balcony along the north building elevation is conditioned to be removed. In addition, the layout of the site will also provide safe conditions for pedestrian and vehicular circulation. Vehicular ingress and egress will have unobstructed views for safe maneuvering. A parking demand analysis prepared by KOA Corporation, dated June 29, 2016, demonstrates that off-street parking will be sufficient based upon the proposed mix of land uses, which have divergent parking needs on different days and at different times of the day. Finally, a traffic impact study also prepared by KOA Corporation, dated January 4, 2018, demonstrates there will not be any significant traffic impacts. Therefore, granting a conditional use permit will not be detrimental to persons or property as conditioned.
2. Conditional Use Permit No. 15-038 for the development of a three-story, 12-unit hotel with a 1,800 sq. ft. commercial tenant space on the ground floor will be compatible with surrounding uses. The proposed hotel and commercial uses will be compatible with the existing residential and commercial land uses in the vicinity, including another hotel use approximately 200 feet from the project site as well as other visitor-serving commercial uses along Pacific Coast Highway. In addition, the site layout and building scale are designed in a manner that is compatible with this nearby hotel building while remaining consistent with adopted Sunset Beach Specific Plan standards. The project, as proposed, also conforms to City of Huntington Beach Urban Design Guidelines for hotels and motels because the building establishes the image and character for development along the street frontage while minimizing the visibility of parked vehicles through sufficient screening. Therefore, granting a conditional use permit will be compatible with surrounding land uses.
3. The proposed conditional use permit will comply with the development standards and land use provisions in the Sunset Beach Specific Plan, and requirements of the Coastal Zone (CZ) Overlay District. The project is located within the Sunset Beach Tourist (SBT) District of Sunset Beach, which requires approval of a conditional use permit from the Zoning Administrator for hotels and commercial land uses. To ensure the proposed use remains in conformance with the Sunset Beach Specific Plan, the proposed hotel will be precluded from converting into a multiple-family residential development where occupants reside on the premises for longer than 30 consecutive days as a condition of the project's approval. The proposed development also complies with minimum building setbacks, maximum building height, and mechanical equipment screening. Further, the proposed development complies with requirements for off-street parking. A total of 32 parking spaces are

proposed for the hotel and general retail land uses, and 32 spaces are required in accordance with Draft Sunset Beach Specific Plan Section 3.3.4. Twelve of these spaces are proposed to compact in size (minimum dimensions of 8 ft. 6 in. by 15 ft. 6 in.). Compact parking spaces are permitted with the approval of a Coastal Development Permit from the California Coastal Commission.

4. The granting of the requested conditional use permit for the development of a three-story, 12-unit hotel with a 1,800 sq. ft. commercial tenant space on the ground floor will not adversely affect the General Plan because it is consistent with the Land Use Element designation CV-mu (Commercial Visitor – Mixed Use Overlay) on the subject property. In addition, it is consistent with the following goals, objective, and policies of the General Plan:
  - A. Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.
  - B. Goal LU-11, Policy B: Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
  - C. Goal LU-14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.
  - D. Goal LU-14, Policy A: Encourage expansion of the range and location of available lodging for both tourist and business visitors.
  - E. Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.
  - F. Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed project consists of the development of a three-story, 12-unit hotel with a 1,800 sq. ft. commercial tenant space on the ground floor. The new hotel/commercial building is located in an area designated for commercial uses that will serve tourists and visitors. The building complies with the City of Huntington Beach Urban Design Guidelines for hotel buildings, featuring quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. As demonstrated through a parking demand analysis, the proposed number of parking spaces for the hotel/commercial building will be adequate to serve the proposed intensity of uses. Therefore, the proposed project will provide a visitor-serving commercial use with an adequate supply of parking that meets regional needs and provides variety in visitor accommodations on an underutilized parcel consistent with the General Plan.

**CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 18042/ CONDITIONAL USE PERMIT NO. 15-038:**

1. The tentative parcel map, site plan, floor plans, and elevations received and dated September 11, 2017, parking demand analysis prepared by KOA Corporation, dated June 29, 2016, and traffic impact study prepared by KOA Corporation, dated January 4, 2018 shall be the conceptually approved design with the following modifications:

- a. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. **(HBZSO Chapter 231)**
  - b. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be not be located in the front yard setback and shall be screened from view. **(HBZSO Section 230.76)**
  - c. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. **(HBZSO Section 230.76)**
  - d. The separation between the building wall and (north/south/east/west) property line shall not exceed two (2) inches. Buildings located adjacent to property line(s) shall be designed for 2 inch maximum out of plane displacement resulting from prescribed lateral forces specified by the California Building Code. (A maintenance easement agreement shall be submitted by the applicant for review and approval by the Community Development Department. The approved agreement shall be recorded with the County Recorder.) **(HBZSO Section 210.06.J)**
  - e. The second floor balcony along the north building elevation shall be removed.
2. The use shall comply with the following:
- a. The operation of the hotel shall remain as described in the project narrative received and dated February 22, 2018.
  - b. Hotel units shall be rented to the general public for transient lodging (less than 30 days only) and shall not be converted into multifamily residential units.
  - c. The business operator shall at all times maintain current, accurate, and readily accessible records which identify all hotel occupants and the duration of stay. Said records shall be kept current on no less than a quarterly basis (every three months) and shall be made available within 24 hours upon demand by the City.
  - d. The owner or manager of the business is responsible for immediately notifying the Police Department of disturbances or crimes occurring at the business. This includes the hotel interior and parking lot areas associated with the hotel.
  - e. Any noise resulting from the operation of the hotel or the conduct of occupants shall be kept at a level so as not to cause any disturbances or nuisances which would be detrimental to other property in the area. In the event that any verified complaints of noise or disturbances at the hotel are made to the Planning Manager, Building Official, Code Enforcement Manager or to any City department, the applicant shall immediately meet with City staff to discuss mitigation measures. Should such measures fail to alleviate the problem, then the matter may be treated as a nuisance warranting the initiation of revocation proceedings.'
  - f. Any business that occupies the ground floor commercial tenant space shall not operate between the hours of 10:00 PM and 6:00 AM.

3. Prior to submittal for building permits, the following shall be completed:
  - a. Evidence of Coastal Development Permit approval by the California Coastal Commission shall be submitted to the Community Development Department.
  - b. Zoning entitlement conditions of approval, California Coastal Commission conditions of approval, and code requirements 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. Prior to issuance of grading permits, the following shall be completed:
  - a. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Community Development Department for review and approval. **(HBZSO Section 232.04)**
  - b. At least 14 days prior to any grading activity, the applicant shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. 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 Community Development Department.
5. 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.
6. Any conditions of approval, imposed by the California Coastal Commission that are more restrictive than those set forth in this approval shall be adhered to.
7. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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.

- d. The property owner shall sign, notarize, and record with the County Recorder a covenant assuring the primary use remain hotel, and shall not be converted to multiple-family residential.
8. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
9. The development/subdivision shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
10. Tentative Parcel Map No. 18042 and Conditional Use Permit No. 15-038 shall become null and void unless exercised within two years of the date of final Coastal Commission 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.
11. The final map for Tentative Parcel Map No. 18042 shall not be approved by the City Engineer until the California Coastal Commission has approved the Coastal Development Permit for the development.
12. 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.
13. Incorporation of 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 (<https://www.builditgreen.org/greenpoint-rated>).

#### **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 4: CONDITIONAL USE PERMIT NO. 17-031 (CROWN CASTLE ROW WIRELESS FACILITY)**

APPLICANT: Michael Cintron, Crown Castle, 200 Spectrum Center Drive #1800, Irvine, CA 92616  
PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648  
REQUEST: To permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 41.5 ft. high utility pole within the public right of way. The facility will include the installation of two RRU antenna kits by adding a new crossarm to the existing utility pole and one down converter on each side of the new crossarm.  
LOCATION: Existing utility pole located within the public right of way near the southeast corner of Heil Avenue and Gothard Street  
CITY CONTACT: Nicolle Bourgeois

**ITEM 5: CONDITIONAL USE PERMIT NO. 17-032 (CROWN CASTLE ROW WIRELESS FACILITY)**

APPLICANT: Michael Cintron, Crown Castle, 200 Spectrum Center Drive #1800, Irvine, CA 92616  
PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648  
REQUEST: To permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 37 ft. high utility pole within the public right of way. The facility will include the installation of two RRU antenna kits by adding a new crossarm to the existing utility pole and one down converter on each side of the new crossarm.  
LOCATION: Existing utility pole located within the public right of way on the south side of Heil Avenue near Rhone Lane.  
CITY CONTACT: Nicolle Bourgeois

**ITEM 6: CONDITIONAL USE PERMIT NO. 17-033 (CROWN CASTLE ROW WIRELESS FACILITY)**

APPLICANT: Michael Cintron, Crown Castle, 200 Spectrum Center Drive #1800, Irvine, CA 92616  
PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648  
REQUEST: To permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 66.5 ft. high utility pole within the public right of way. The facility will include the installation of two RRU antenna kits by adding a new crossarm to the existing utility pole and one down converter on each side of the new crossarm.  
LOCATION: Existing utility pole located within the public right of way on the south side of Edinger Avenue approximately 900 ft. east of Goldenwest Street  
CITY CONTACT: Nicolle Bourgeois

Nicolle Bourgeois, Assistant Planner, inquired if staff could present the three requests concurrently as they were the same request at different locations. Ricky Ramos, Zoning Administrator, stated that the presentation could be done concurrently.

Nicolle Bourgeois, 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. Bourgeois stated that the applicant requested to continue CUP 17-033 to a date uncertain.

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

**THE PUBLIC HEARING WAS OPENED.**

Michael Cintron, applicant, stated that he had no comment 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 requests as recommended by staff, continuing Conditional Use Permit 17-033 to a date uncertain

**CONDITIONAL USE PERMIT NO. 17-031 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, because the project involves the installation of wireless telecommunications equipment to an existing utility pole within the public right of way.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-031:**

1. Conditional Use Permit No. 17-031 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 41.5 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, 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 compact size of the antennas and ancillary equipment are compatible with the existing visual character of the utility infrastructure. The proposed wireless facility and associated equipment will not obstruct the public right-of-way. No significant impacts related to traffic, safety, or noise will be generated by the proposed wireless communication facility.
2. Conditional Use Permit No. 17-031 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 41.5 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, will be compatible



with surrounding uses because the wireless facility is composed of a compact design and is minimally noticeable from different views along the public right-of-way. The facilities are located at heights above average vehicular and pedestrian lines of sight. Additionally, the unmanned facilities will not interfere with other communication, radio or television transmission/reception in and around the subject site.

3. Conditional Use Permit No. 17-031 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 41.5 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, 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 wireless communication facility does not incorporate completely stealth techniques as the antennas and ancillary equipment are visible from the public right-of-way. The facilities are compatible with utility infrastructure in the surrounding area because the small scale of the equipment blends with the existing streetscape.
4. The granting of Conditional Use Permit No. 17-031 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 41.5 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, will not adversely affect the General Plan. It is consistent with the following goals and policy of the General Plan:

A. Land Use Element

Goal LU-9: Industrial uses provide job opportunities for existing and future residents, as well as the surrounding region, while generating revenue for the city.

Policy LU-9(B): Support the provision of technology infrastructure and services to supply necessary technological and communication tools for existing and new industry and business.

B. Public Services and Infrastructure Element

Goal PSI-10: Superior electricity, natural gas, telephone, and data services improve quality of life and support economic development.

Policy PSI-10(C): Support the use of new and emerging communication technologies.

Policy PSI-10(D): Promote provision of high-capacity data systems to support new development and reuse projects, particularly within the Research and Technology land use designation.

The conditional use permit will permit the installation of a small cell Wireless Communication Facility upon an existing utility pole. The facility is designed, and conditioned, in a manner that will be minimally noticeable from the public right-of-way and is located outside of typical vehicular and pedestrian lines of sight. The antennas and associated equipment blend in with the existing utility infrastructure of the streetscape. The Wireless Communication Facility will provide improved wireless communication services to surrounding residences and businesses.

### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-031:**

1. The site plan, elevations, equipment details, and photo simulations received and dated January 5, 2018 shall be the conceptually approved design.
2. 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 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. Conditional Use Permit No. 17-031 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.
4. The Development Services Departments and divisions (Building, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Department 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.
5. 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>).

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### **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.

**CONDITIONAL USE PERMIT NO. 17-032 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 15301 of the CEQA Guidelines, because the project involves the installation of wireless telecommunications equipment to an existing utility pole within the public right of way.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-032:**

1. Conditional Use Permit No. 17-032 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 37 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, 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 compact size of the antennas and ancillary equipment are compatible with the existing visual character of the utility infrastructure. The proposed wireless facility and associated equipment will not obstruct the public right-of-way. No significant impacts related to traffic, safety, or noise will be generated by the proposed wireless communication facility.
2. Conditional Use Permit No. 17-032 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 37 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, will be compatible with surrounding uses because the wireless facility is composed of a compact design and is minimally noticeable from different views along the public right-of-way. The facilities are located at heights above average vehicular and pedestrian lines of sight. Additionally, the unmanned facilities will not interfere with other communication, radio or television transmission/reception in and around the subject site.
3. Conditional Use Permit No. 17-032 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 37 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, 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 wireless communication facility does not incorporate completely stealth techniques as the antennas and ancillary equipment are visible from the public right-of-way. The facilities are compatible with utility infrastructure in the surrounding area because the small scale of the equipment blends with the existing streetscape.
4. The granting of Conditional Use Permit No. 17-032 to permit the installation of a 2.5 cubic ft. small cell wireless communication facility on an existing 37 ft. high utility pole within the public right of way consisting of two RRU antenna kits on a new crossarm to the existing utility pole and one down converter on each side of the new crossarm, as conditioned, will not adversely affect the General Plan. It is consistent with the following goals and policy of the General Plan:

A. Land Use Element

Goal LU-9: Industrial uses provide job opportunities for existing and future residents, as well as the surrounding region, while generating revenue for the city.

Policy LU-9(B): Support the provision of technology infrastructure and services to supply necessary technological and communication tools for existing and new industry and business.

B. Public Services and Infrastructure Element

Goal PSI-10: Superior electricity, natural gas, telephone, and data services improve quality of life and support economic development.

Policy PSI-10(C): Support the use of new and emerging communication technologies.

Policy PSI-10(D): Promote provision of high-capacity data systems to support new development and reuse projects, particularly within the Research and Technology land use designation.

The conditional use permit will permit the installation of a small cell Wireless Communication Facility upon an existing utility pole. The facility is designed, and conditioned, in a manner that will be minimally noticeable from the public right-of-way and is located outside of typical vehicular and pedestrian lines of sight. The antennas and associated equipment blend in with the existing utility infrastructure of the streetscape. The Wireless Communication Facility will provide improved wireless communication services to surrounding residences and businesses.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-032:**

1. The site plan, elevations, equipment details, and photo simulations received and dated January 5, 2018 shall be the conceptually approved design.
2. 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 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. Conditional Use Permit No. 17-032 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 Community Development Department a minimum 30 days prior to the expiration date.
4. The Development Services Departments and divisions (Building, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Department 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.

5. 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.

**CONDITIONAL USE PERMIT NO. 17-033 WAS CONTINUED TO A DATE UNCERTAIN AT THE APPLICANT'S REQUEST.**

#### **ITEM 7: CONDITIONAL USE PERMIT NO. 17-029/ COASTAL DEVELOPMENT PERMIT NO. 17-014 (PCH TEMPORARY PARKING LOT)**

APPLICANT:

PROPERTY OWNER: Paul G. Julian, The Shore, a CA LP, 15320 Barrance Pkwy., Suite 100, Irvine, CA 92618

REQUEST: To permit the establishment of a temporary parking lot with 108 parking spaces on a vacant 1.27 acre site for a period of five years.

LOCATION: 21622 Pacific Coast Highway, 92646 (northeast corner of Pacific Coast Highway and Beach Blvd.)

CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Ms. Cortez noted that staff received one inquiry regarding the proposed project verifying that the exact location and size of the project. Ms. Cortez also noted an additional condition requiring that the parking fees do not exceed nearby parking lots. 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 that he had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Ted Frattone, engineer, stated he had a concern with the condition limiting the parking fees. Ms. Cortez stated that the condition is one that has been placed on similar applications.

A discussion took place regarding the parking fees and Coastal Commission requirements.

**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 requests as recommended by staff.

**CONDITIONAL USE PERMIT NO. 17-029/ COASTAL DEVELOPMENT PERMIT NO. 17-014 WERE 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 15304 of the CEQA Guidelines, because the project involves a minor temporary use of land having negligible effects on the environment. The proposed project involves use of an existing developed site as a temporary commercial public beach parking lot. Historically, the site has been utilized as a boat and recreational vehicle storage lot, and is currently used as a construction staging and parking area for a nearby development. The site is almost entirely paved with existing unpaved areas supporting no or limited vegetation. No permanent physical improvements are proposed, although two directional entry signs are proposed at the project entrance and would be removed when the temporary parking lot use expires.

The project site is adjacent to the Newland Marsh, a designated ESHA in the Coastal Element of the General Plan. According to a biological study prepared for the project by Glenn Lukos Associates, dated February 27, 2018, the Newland Marsh area provides habitat for the Belding's savannah sparrow, a State-listed special status species. The project site does not support any special status habitat or species and is separated from the Newland Marsh by an upland area previously dominated by giant reed, which has been removed and replaced with Menzie's goldenbush scrub. The area of Menzie's goldenbush immediately adjacent to the project site is not suitable habitat for the Belding savannah sparrow, with the exception of providing perches for singing during the nesting season. The use proposes a variable width buffer of 36 to 80 feet between the parking area and the adjacent marsh and the site is surrounded by an existing chain link fence. The restriction of parking to daylight hours during the breeding season for the Belding's savannah sparrow would eliminate potential impacts from vehicle lights to breeding individuals, including those perched in the Menzie's goldenbush area. Similarly, the use would not generate increased noise levels beyond existing noise levels generated by Pacific Coast Highway, and as such, there would be no increase in existing noise impacts to breeding Belding's savannah sparrows. Additionally, there are no proposed changes to the existing grading and drainage patterns, including existing impervious surface areas, and thus impacts from runoff and/or erosion would not occur. The use of the project site for a temporary commercial parking lot has been designed to ensure the protection of the functional relationship between the wetland and the adjacent upland; ensure that the most sensitive species will not be significantly disturbed based on habitat requirements and the short- and long-term adaptability of various species to the presence of human beings; and allow for the

species will not be significantly disturbed based on habitat requirements and the short- and long-term adaptability of various species to the presence of human beings; and allow for the interception of any additional material eroded as a result of the proposed development, based on soil, vegetation, slope and runoff characteristics, and impervious surface coverage. Therefore, although the project site is adjacent to sensitive habitat, no impacts to the existing biological resources within the sensitive habitat areas are anticipated as a result of the proposed project.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-014:**

1. Coastal Development Permit No. 17-014 to permit the establishment of a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years conforms to the General Plan, including the Local Coastal Program. Completion of the project will implement the Coastal Element goal of providing coastal resource access opportunities for the public and balance the supply of parking with the demand for parking on a temporary basis.
2. The project to permit the establishment of a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years 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 will not result in permanent physical changes to the site and complies with applicable development standards including minimum parking space dimensions and minimum backup clearance. Chapter 221 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requires a 100-foot buffer between development and adjacent Environmentally Sensitive Habitat Areas (ESHA). The project site is adjacent to the Newland Marsh, a designated ESHA in the Coastal Element of the General Plan. However, per Chapter 221, if the development or site cannot accommodate a 100-foot buffer, then the buffer must be designed to ensure the protection of the functional relationship between the wetland and the adjacent upland; ensure that the most sensitive species will not be significantly disturbed based on habitat requirements and the short- and long-term adaptability of various species to the presence of human beings; and allow for the interception of any additional material eroded as a result of the proposed development, based on soil, vegetation, slope and runoff characteristics, and impervious surface coverage. The existing site was developed without a 100-foot buffer between the adjacent ESHA and the previous development. The proposed project involves use of the site for a public parking lot and proposes a variable width buffer of 36 to 80 feet between the parking stalls and drive aisles and the adjacent marsh. Nevertheless, the proposed use will meet the requirements of the HBZSO with the proposed variable width buffer (36 ft. – 80 ft.) based on the design and operation of the proposed use as well as existing site conditions. The restriction of parking to daylight hours during the breeding season for the Belding's savannah sparrow would eliminate potential impacts from vehicle lights to breeding individuals. Similarly, noise impacts would not be increased over the existing noise levels generated by Pacific Coast Highway, and as such, there would be no increase in noise impacts to breeding Belding's savannah sparrows. Finally, there are no proposed changes to the existing site grading and drainage patterns, including existing impervious surface areas, and thus impacts from runoff and/or erosion would not occur.
3. At the time of occupancy the request to establish a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. All necessary infrastructure, such as roadways and utilities currently exist to serve the site. The proposed request will

alleviate peak parking conditions by providing additional temporary parking opportunities near the beach.

4. The request to establish a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-029:**

1. Conditional Use Permit No. 17-029 to permit the establishment of a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years 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 site is located in the Commercial Visitor zone which allows uses that benefit coastal visitors such as the installation of the temporary commercial parking lot for use by the general public. Additionally, the proposed temporary parking lot will provide additional parking opportunities near the beach and will provide additional parking, which would help to alleviate parking supply issues during peak beach parking demand conditions during the summer months. Furthermore, the temporary parking lot will have an attendant on-site to maintain the temporary parking lot.
2. The conditional use permit to permit the establishment of a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years will be compatible with surrounding uses because adequate vehicular and pedestrian access will be provided to and from the site. Additionally, the proposed temporary public parking spaces will activate a vacant site and will alleviate peak parking conditions near the beach by providing additional parking opportunities.
3. The proposed request to permit the establishment of a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years 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. Chapter 221 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requires a 100-foot buffer between development and adjacent Environmentally Sensitive Habitat Areas (ESHA). The project site is adjacent to the Newland Marsh, a designated ESHA in the Coastal Element of the General Plan. However, per Chapter 221, if the development or site cannot accommodate a 100-foot buffer, then the buffer must be designed to ensure the protection of the functional relationship between the wetland and the adjacent upland; ensure that the most sensitive species will not be significantly disturbed based on habitat requirements and the short- and long-term adaptability of various species to the presence of human beings; and allow for the interception of any additional material eroded as a result of the proposed development, based on soil, vegetation, slope and runoff characteristics, and impervious surface coverage. Despite the proposed parking lot providing a buffer that varies from 36 ft. – 80 ft. in lieu of the required 100 ft., no significant direct or indirect impacts to the ESHA areas are anticipated, per the biological study provided by Glenn Lukos Associates, dated February 27, 2018. In addition, the use of the existing developed site for a public coastal parking lot has been designed to meet the provisions of Chapter 221, as described above. Temporary parking lots are permitted in the Commercial Visitor zoning district subject to approval of a Conditional Use Permit and Coastal Development Permit.



4. The granting of the conditional use permit to permit the establishment of a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years will not adversely affect the General Plan. It is consistent with the Land Use Element designation on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Goal LU-14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU-14 (B): Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors.

Goal C 2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Objective C 2.4: Balance the supply of parking with the demand for parking.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

The establishment of a temporary parking lot with 108 parking spaces on a 1.27 acre site for a period of five years will alleviate peak parking conditions within the beach area by providing additional parking opportunities with a parking attendant on-site.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-014**  
**/CONDITIONAL USE PERMIT NO. 17-029:**

1. The site plan received and dated August 29, 2018 and the biological study received and dated February 27, 2018 shall be the conceptually approved design with the modification that parking space number 80 be removed from the site plan on page C-1.
2. Prior to submittal for building permits, the following shall be completed: A revised site plan in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
3. The hours of operation shall be limited to Monday through Sunday: 6:00 AM – 8:00 PM.
4. The parking fee at the temporary parking lot shall not exceed the parking fee of the adjacent public beach parking lot.
5. Coastal Development Permit No. 17-014 and Conditional Use Permit 17-029 shall be permitted for a maximum of five years (2018-2022).
6. Temporary entry signage may be permitted subject to review and approval by the Community Development Department for the duration that the temporary use is located onsite. It shall be maintained in a good appearance at all times and removed upon vacation of the site.

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. Coastal Development Permit No. 17-014 and Conditional Use Permit No. 17-029 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 Community Development Department a minimum 30 days prior to the expiration date.
9. 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.
10. 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 2:01 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MARCH 21, 2018, AT 1:30 P. M.**



Ricky Ramos  
Zoning Administrator

RR:JC:jg