

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

WEDNESDAY, NOVEMBER 14, 2018 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Hayden Beckman, Joanna Cortez, Judy Graham

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 18-030 (AT&T SMALL CELL WIRELESS INSTALLATION):

APPLICANT: Franklin Orozco, MSquare Wireless, 1378 Calle Avanzado, San Clemente, CA 92673

PROPERTY OWNER: Southern California Edison, 2131 Walnut Grove Avenue, Rosemead, CA 91770

REQUEST: To install a small cell wireless communication facility at an overall height of 25 ft. upon an existing wood utility pole located within the public right-of-way. The installation includes one new antenna and four new remote radio units placed on a 6 ft. long double extension arm mount, and below-grade electrical infrastructure located adjacent to the subject utility pole..

LOCATION: 1220 Acacia Avenue (Public Right-of-Way), 92648 (northeast corner of Acacia Avenue at 13th Street)

CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior 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.

Franklin Orozco, applicant, stated that he no comments or concerns with staff's recommendations.

Amy Elseworth, resident, spoke in opposition of the proposed project, citing her concerns with potential health risks.

Marcia Hoist, resident, spoke in opposition of the proposed project, citing her concerns with potential health risks.

Eugenia Nevins, resident, spoke in opposition of the proposed project, citing her concerns with potential health risks.

Lisa Daniels, resident, spoke in opposition of the proposed project, citing her concerns with potential health risks.

PamelaHarvey, resident, spoke in opposition of the proposed project, citing her concerns with potential health risks, negative impacts to quality of life, and negative impacts to property values.

Tara Mond, spoke in opposition of the proposed project, citing her concerns with potential health risks and noting that there is a large tree that may negatively impact the signals being emitted.

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

Mr. Ramos explained that Federal Law prohibits local jurisdictions from taking health concerns into consideration and may only base decisions on land use impacts. Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 18-030 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 involves the installation of wireless communication equipment upon an existing utility pole within the public right-of-way.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-030:

1. Conditional Use Permit No. 18-030 to permit the installation of a wireless communication facility consisting of one new antenna, four new remote radio units placed on a six ft. long double extension arm mount, and below-grade electrical infrastructure at an overall height of 25 ft. upon an existing wood utility pole located within the public right-of-way, 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 because the compact size of the antenna and ancillary equipment is compatible with the existing visual character of the utility infrastructure. Furthermore, the proposed wireless facility and associated equipment will not obstruct the public right-of-way, and the facility is located at heights above average vehicular and pedestrian lines of sight. The project incorporates pole-mounted and underground utility connections to minimize visual impacts of the installation. Additionally, the unmanned facilities will not interfere with other communication, radio, or television transmission/reception in and around the subject site. Electrical equipment will be enclosed and mounted underground to minimize the visual impact of the facility. No significant impacts related to traffic, safety, or noise will be generated by the wireless communication facility.

2. The granting of the conditional use permit to permit the installation of a wireless communication facility consisting of one new antenna, four new remote radio units placed on a six ft. long double extension arm mount, and below-grade electrical infrastructure at an overall height of 25 ft. upon an existing wood utility pole located within the public right-of-way will not adversely affect the General Plan in that it is consistent with the following General Plan goals and policies:

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.

Policy LU-1-D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

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 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 antenna and associated equipment blend in with the existing utility infrastructure of the streetscape. The conditional use permit will provide improved wireless communication services to surrounding residences and businesses.

3. The proposed Conditional Use Permit No. 18-030 to permit the installation of a wireless communication facility consisting of one new antenna and four new remote radio units placed on a six ft. long double extension arm mount, and below-grade electrical infrastructure at an overall height of 25 ft. upon an existing wood utility pole located within the public right-of-way 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 antenna 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.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-030:

1. The site plan, floor plans, and elevations received and dated November 14, 2018 shall be the conceptually approved design with the following modifications:
 - a. The electric disconnect and fuse panel shall be located in a grade level handhold.
 - b. All associated pole-mounted equipment shall be painted to match the color of the existing wood utility pole.
 - c. All conduits shall have a maximum offset distance of 3.25 inches from the wood utility pole. **(PW)**

2. 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.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
3. CUP No. 18-030 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 & 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.

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. 18-031 (AT&T SMALL CELL WIRELESS INSTALLATION):

APPLICANT: Franklin Orozco, MSquare Wireless, 1378 Calle Avanzado, San Clemente, CA 92673
PROPERTY OWNER: Southern California Edison, 2131 Walnut Grove Avenue, Rosemead, CA 91770
REQUEST: To install a small cell wireless communication facility at an overall height of 34 ft. upon an existing wood utility pole located within the public right-of-way. The installation includes one new antenna and four new remote radio units placed on a 6 ft. long double extension arm mount, and below-grade electrical infrastructure located adjacent to the subject utility pole.
LOCATION: 311 Nashville Avenue (Public Right-of-Way), 92648 (south side of Nashville Avenue, 150 feet east of Huntington Street)
CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior 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.

Franklin Orozco, applicant, stated that he had no comment or concerns with staff's recommendations.

Marsha Hoist, resident, spoke in opposition of the proposed project, citing her concerns with potential health risks.

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

Mr. Ramos again explained that Federal Law prohibits local jurisdictions from taking health concerns into consideration and staff may only base decisions on land use impacts. Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 18-031 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 15303 of the CEQA Guidelines, because the project involves the installation of wireless communication equipment upon an existing utility pole within the public right-of-way.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-031:

1. Conditional Use Permit No. 18-031 to permit the installation of a wireless communication facility consisting of one new antenna and four new remote radio units placed on a 6 ft. long double extension arm mount, and below-grade electrical infrastructure at an overall height of 34 ft. upon an existing wood utility pole located within the public right-of-way, 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 antenna and ancillary equipment is compatible with the existing visual character of the utility infrastructure. Furthermore, the proposed wireless facility and associated equipment will not obstruct the public right-of-way, and the facility is located at heights above average vehicular and pedestrian lines of sight. The project incorporates pole-mounted and underground utility connections to minimize visual impacts of the installation. Additionally, the unmanned facilities will not interfere with other communication, radio, or television transmission/reception in and around the subject site. Electrical equipment will be enclosed and mounted underground to minimize the visual impact of the facility. No significant impacts related to traffic, safety, or noise will be generated by the wireless communication facility.
2. The granting of the conditional use permit to permit the installation of a wireless communication facility consisting of one new antenna, four new remote radio units placed on a six ft. long double extension arm mount, and below-grade electrical infrastructure at an overall height of 34 ft. upon an existing wood utility pole located within the public right-of-way will not adversely affect the General Plan in that it is consistent with the following General Plan goals and policies:

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.

Policy LU-1-D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

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 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 antenna and associated equipment blend in with the existing utility infrastructure of the streetscape. The conditional use permit will provide improved wireless communication services to surrounding residences and businesses.

3. Conditional Use Permit No. 18-031 to permit the installation of a wireless communication facility consisting of one new antenna and four new remote radio units placed on a 6 ft. long double extension arm mount, and below-grade electrical infrastructure at an overall height of 34 ft. upon an existing wood utility pole located within the public right-of-way 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 antenna 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.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-031:

1. The site plan, floor plans, and elevations received and dated November 13, 2018 shall be the conceptually approved design with the following modifications:
 - a. The electric disconnect and fuse panel shall be located in a grade level handhold.
 - b. All associated pole-mounted equipment shall be painted to match the color of the existing wood utility pole.
 - c. All conduits shall have a maximum offset distance of 3.25 inches from the wood utility pole. **(PW)**
2. 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.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
3. CUP No. 18-031 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 & 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.

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 2:07 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 5, 2018, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg