

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

**WEDNESDAY, AUGUST 17, 2011 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Jill Arabe, Andrew Gonzales, Judy Demers (recording secretary)

**MINUTES:** July 21, 2010  
October 6, 2010  
December 15, 2010  
**APPROVED AS SUBMITTED**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 11-016/SIGN CODE EXCEPTION NO. 11-001**  
**(AUTO DEALERS' ASSOCIATION READERBOARD SIGN)**

**APPLICANT:** Tony Shreve, Yesco; City of Huntington Beach, Economic Development Department

**PROPERTY OWNER:** City of Huntington Beach, 2000 Main Street, Huntington Beach, CA, 92648

**REQUEST:** **CUP:** To permit a multiple-user electronic readerboard sign measuring 85 ft. high and 2,740 sq. ft. of total sign face area. The proposed sign is designed in a wedge based shape and will contain approximately 1,370 sq. ft. of sign area on each sign face. The sign will reconstruct an existing 85 ft. high, 1,200 sq. ft., two-sided multiple-user electronic readerboard sign. **SCE:** To permit a wedge-shaped, freestanding sign with a total sign area of 2,740 sq. ft. in lieu of the maximum allowed 1,200 sq. ft.

**LOCATION:** 7991 Center Avenue, 92647 (north side of Center Avenue, approximately 650 feet west of Beach Boulevard)

**PROJECT PLANNER:** Jill Arabe

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

Ricky Ramos, Zoning Administrator, verified with staff the Design Review Board's recommendations.

## **THE PUBLIC HEARING WAS OPENED.**

Bob Miller, representing the applicant, spoke in favor of the proposed project. He gave a brief history of the current readerboard. He explained that the value of advertising with an enhanced readerboard is a necessary resource for the auto dealers operating within Huntington Beach.

Ron Wilson, EMI Signs, gave a brief presentation of the proposed project. He explained that when the current readerboard was installed, the Huntington Beach Public Works Department needed to take an additional four feet of the site for the widening of Center Avenue which impacts the design of the proposed readerboard.

Dave Young, EMI Signs, explained that the wedge design is necessary due to the narrowness of the property.

Ricky Ramos asked for the size difference between the new and current readerboard. Kellee Fritzel, Deputy Director of Economic Development, stated that the proposed readerboard is 800 sq. ft larger than the current sign.

Dave Garafolo, resident, explained that the current sign is not able to be viewed from all lanes of the freeway.

Mr. Wilson stated that the current sign is partially blocked by nearby trees creating an obstructed view for freeway traffic. The proposed sign would not have the same obstructions.

Ms. Fritzel explained that the current sign does not allow for optimum viewing from the freeway. She also explained that the sign meets all Cal Trans sign requirements.

Mr. Ramos explained that a variance can be a very difficult request to substantiate. He explained that there must be a unique situation that could only apply to the proposed project. He briefly reviewed the suggested findings.

Ms. Fritzel explained that the subject property is owned by Cal Trans.

Mr. Garafolo explained that the location is unique because the orientation of the sign does not allow for full visibility for a typical two-sided sign.

Mr. Ramos explained that he could make the necessary findings to allow the wedge design, however, the issue of the increase in sign area is more challenging. He asked the applicant if there are restrictions for the sign overhanging onto any area of the driving surface of the road.

Mr. Wilson stated that there are restrictions which would not allow the sign to overhang onto any driving surfaces.

Mr. Ramos also inquired about the graphic on the site plan noting that it shows there is more room on one portion versus the other. Mr. Ramos inquired if the site was City owned or not.

Ms. Fritzel gave a brief history of the proposed sign application that was submitted by the Bella Terra property.

Luis Gomez, Economic Development Project Manager, stated that the proposed sign is in a redevelopment area which would prohibit others from being able to apply for a permit in the same area.

Mr. Ramos explained that the location issue may create the need for the wedge design; however, it does not create a need for the sign to be larger than what is currently allowed by code.

Ms. Fritzel explained that the sign permit is unique in that Cal Trans would not allow another sign within 1,000 feet of the proposed sign.

David Pacheco, 19608 Cloverwood, inquired if the third side of the sign would have a design and if there were images of the proposed design available to view.

Ms. Arabe explained that currently there is not a proposed design for the third side of the sign. She noted that there is a condition requiring the City to approve the final design. She verified that it would not be used for advertising.

John Moreland, 1501 E. 37<sup>th</sup> Street, Long Beach, commented that perhaps in the future, the city should consider integrating wireless facilities within tall structures such as with the proposed sign.

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

Mr. Ramos explained that he could not make the necessary findings to approve the sign code exception for the increased sign area. He stated that he would approve the conditional use permit use as recommended by staff but deny the sign code exception for the increased sign area.

**CONDITIONAL USE PERMIT NO. 11-016 AND SIGN CODE EXCEPTION NO. 11-001 (WEDGE SHAPED SIGN) WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. SIGN CODE EXCEPTION NO. 11-001 (SIGN AREA) WAS DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDING FOR DENIAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15302 of the CEQA Guidelines, because the project involves the replacement of an existing sign where the new sign will be located on the same site and have substantially the same purpose and capacity as the sign replaced.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-016:**

1. Conditional Use Permit No. 11-016 to permit a multiple-user electronic readerboard sign measuring 85 ft. high and 2,400 sq. ft. of total sign area, 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 proposed sign is designed in a wedge shape in order to provide greater visibility along the I-405 (San Diego) Freeway and maintain the visibility of other adjacent signage or structures within the area. The wedge shape allows for each sign face to be oriented at a 140 degree viewing angle toward the freeway as opposed to the existing sign. No impacts related to traffic safety or traffic circulation are anticipated with the new sign in the same location as the existing sign. As conditioned, the new sign will retain the same sign area of 1,200 sq. ft. per side, similar to the sign area of the existing sign. The proposed sign will not adversely impact vehicular visibility as it will comply with all standard design, location, and operating requirements set forth by the City and other agencies. The sign will operate within 200 ft. of the freeway, advertise for public service announcements, and demonstrate compliance with illuminance measurements.

2. The conditional use permit will be compatible with surrounding uses because the new sign will be updated with similar building materials and design elements utilized on the adjacent Bella Terra and Bella Terra Towers properties. The design will incorporate neutral colors and a stone veneer base. The new sign will have substantially the same purpose and height as the existing sign. It will advertise for automobile sales businesses and regional commercial uses along the freeway and it is proposed at the maximum permitted height of 85 ft. The proposed sign will be architecturally compatible with the surrounding area and similar to other freeway adjacent electronic readerboard signs. The LED technology on the electronic displays has dimming capabilities that are energy efficient and compliant with maximum illuminance requirements. The sign is surrounded by commercial uses and located more than 600 ft. from residential uses.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The conditional use permit will comply with all applicable specific sign requirements, except for the sign code exception. The sign code exception is required because opposite sides of the wedge shaped sign are separated by more than 12 inches at any point. The total sign area is therefore calculated on two sides in lieu of one side, which exceeds 1,200 sq. ft. as allowed by code. The wedge design is necessary because each sign face will be oriented at a 140 degree viewing angle toward the freeway and provide greater visibility to north and south bound traffic. Multiple-user electronic readerboard signs are permitted on parcels abutting a freeway subject to approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. The sign is located within the Center Avenue and Caltrans right-of-way. It is consistent with the adjacent Land Use element designation of CR-F2-sp-mu (Regional Commercial – 0.5 FAR-specific plan overlay-mixed use overlay) on the neighboring Bella Terra property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Economic Development Element

Policy ED 1.1.1: Maintain and expand economic and business development programs that encourage and stimulate business opportunities within the City.

Policy ED 2.2.3: Promote Huntington Beach businesses to increase their visibility and local patronage.

B. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

The new sign will improve the architectural quality of the current auto dealer electronic readerboard sign by incorporating building materials, colors, and design consistent with the Bella Terra development. The wedge shape design will provide improved advertising visibility for automobile sales businesses and regional commercial uses along the freeway. The viewing angle of each side face is 140 degrees and oriented toward the freeway and provides greater visibility for both north and south bound traffic as opposed to the existing viewing angle of 120 degrees. The LED display is larger in size and sharper in technology than the existing sign.

**FINDINGS FOR APPROVAL – SIGN CODE EXCEPTION NO. 11-001 (WEDGE-SHAPED SIGN):**

1. The wedge-shaped sign is compatible with the character of the area and is needed due to special circumstances defined by the applicant and applicable to the property. The new sign will improve the architectural quality of the current sign by integrating colors and building materials utilized in the nearby Bella Terra development. The site is an irregularly shaped narrow strip of land. The new wedge design keeps the necessary width needed for each face of the LED displays to be effective. Furthermore, the angle of the existing sign facing northbound traffic is 105 degrees as opposed to a standard sign's perpendicular facing orientation. The overall visibility of the existing sign is limited for southbound traffic; therefore, the new sign is designed as a wedge shape to improve vehicular visibility for both directions of traffic. The sign code exception will permit a total sign area of 2,400 sq. ft. in lieu of the maximum 1,200 sq. ft. The sign area calculation includes two sides of the sign in lieu of one side for a double-sided sign because the proposed sign is wedge shaped. As conditioned, each side face will have 1,200 sq. ft. of sign area, which consists of an LED panel and the wall signs (channel letters).
2. The sign will not adversely affect other signs in the area. It will be at the same location and height as the existing sign which has no other signs located on the subject site. The new sign will be compatible in design, colors, and materials of Bella Terra and Bella Terra Towers' overall design theme. It will incorporate neutral colors on the base of the sign and the channel letters. The new sign is not anticipated to block visibility of neighboring signs or structures in the area because it is located more than 100 ft. from other signs or buildings. Wall signs on Bella Terra are also limited along the rear of the property.
3. The sign will not be detrimental to properties located in the vicinity. It will incorporate building materials and design elements to improve compatibility with adjacent signs and buildings. The existing multiple-user readerboard sign does not currently impact traffic safety or impede traffic circulation along Center Avenue and the 405 Freeway off-ramp; therefore no associated impacts are anticipated with the installation of the new sign at the same location and height. The north and south elevations of the wedge design sign, which contain the LED displays and channel letters, will be oriented toward the freeway. The sign will comply with the City and Caltrans requirements related to illumination, message timing, location, and size.
4. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction. As conditioned, the new sign will be modified to reduce the sign area per side to 1,200 sq. ft., which is consistent with the maximum sign area permitted and the existing sign. The existing sign does not currently impact traffic safety or impede traffic circulation because it is situated away from pedestrian walkways and intersections. It is also the only structure on the site and is built at a height that is primarily visible from the freeway. The

sign code exception will permit an overall sign area of 2,400 sq. ft. in lieu of the maximum allowed of 1,200 sq. ft. due to the wedge shape design and angle of the sign to the freeway. The wedge shape design will alleviate the current disadvantage of having an irregularly shaped narrow strip of land where the sign is proposed. The new sign will improve visibility along the freeway for automobile sales businesses and surrounding commercial uses as a result of the redesign.

**FINDING FOR DENIAL – SIGN CODE EXCEPTION NO. 11-001 (SIGN AREA):**

1. There is no special circumstance defined by the applicant and applicable to the property that supports allowing an additional 170 sq. ft. of sign area on each sign face.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-016/ SIGN CODE EXCEPTION NO. 11-001:**

1. The site plans and elevations received and dated August 3, 2011, shall be the conceptually approved design with the following modifications:
  - a. The sign area of the north and south elevations shall be reduced to 1,200 sq. ft. per side. **(Staff's Recommendation)**
  - b. The graphic/image shall be revised on the west elevation (facing Center Avenue) over the perforated aluminum to be decorative and incorporate elements consistent with Bella Terra or the Surf City lifestyle.
  - c. The site plan (aerial) on Sheet 4 shall be modified to depict the proposed sign at the same location as the existing sign.
2. Within 30 days of the Zoning Administrator's action, the City and the applicant shall agree to a graphic/image on the west elevation (facing Center Avenue) over the perforated aluminum. **(DRB's Recommendation)**
3. Prior to issuance of building permits, the following shall be completed:
  - a. The applicant shall demonstrate sign approval from Caltrans.
  - b. One set of project plans, revised pursuant to Condition of Approval No. 1 shall be submitted for review, approval and inclusion in the entitlement file, to the Planning & Building Department.
  - c. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. CUP No. 11-016 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building Department a minimum 30 days prior to the expiration date.
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/index.cfm?fuseaction=guidelines>).

#### **INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

#### **ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 11-009/CONDITIONAL USE PERMIT NO. 11-015 (SLICE OF NEW YORK PIZZA RESTAURANT)**

APPLICANT: Behrooz Sami  
PROPERTY OWNER: D.D. Dunlap Companies, 16897 Algonquin Street, Huntington Beach, CA 92649  
REQUEST: **CDP:** To permit the conversion of an existing retail space into a new 2,080 sq. ft. restaurant with an approximately 380 sq. ft. outdoor dining area. **CUP:** To permit the onsite sales, service, and consumption of alcoholic beverages within a proposed restaurant and outdoor dining area.  
LOCATION: 16821 Algonquin Street, Suite #101, 92649 (northwest corner of Davenport Drive and Algonquin Street – Huntington Harbour Mall)  
PROJECT PLANNER: Jill Arabe

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

Ricky Ramos, Zoning Administrator, verified with staff the location of the pedestrian walkway, the style of railing, and permitted smoking hours.

#### **THE PUBLIC HEARING WAS OPENED.**

Behrooz Sami, applicant, asked if the hours of the outdoor dining could be extended to 11:00PM. Mr. Ramos explained that the hours are consistent with other restaurants in the area.

Ms. Arabe mentioned that staff received one letter in support of the proposed project.

A brief discussion took place regarding the permitted smoking hours.

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

Mr. Ramos stated that he would approve the request with minor modifications to the Condition No. 2(f).

**COASTAL DEVELOPMENT PERMIT NO. 11-009/CONDITIONAL USE PERMIT NO. 11-015 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS, AND MODIFIED 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 minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-009:**

1. Coastal Development Permit No. 11-009 to permit the conversion of existing retail space into a new 2,080 sq. ft. restaurant with 380 sq. ft. outdoor dining area conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following policies:

*Policy – C 1.1.4:* Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

*Policy – C 1.2.1:* Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

The proposed use is similar to and compatible with existing uses in the Huntington Harbour Mall. It will be located within the interior of the existing commercial center to serve the residents in the community and visitors to the area.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable land use controls and development standards, including on-site parking requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will involve tenant improvements on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development 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.



## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-015:**

1. Conditional Use Permit No. 11-015 to permit the onsite sales, service, and consumption of alcoholic beverages within a proposed restaurant and outdoor dining area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed restaurant is located within the interior of the commercial center and more than 200 feet from the nearest residential uses. Nearby residences will be buffered from the restaurant by parking lots, streets, and buildings. The proposed use is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exist in the surrounding area.
2. The conditional use permit will be compatible with surrounding uses because the onsite sales, service, and consumption of alcohol will be ancillary to the restaurant use. The proposed use will occur entirely within the restaurant and outdoor dining area and operate during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and will be compatible with adjacent uses which provide service to nearby residents and visitors.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with alcohol sales is located within an existing commercial center, which conforms to applicable site development standards in terms of minimum on-site parking requirements. Restaurants with alcohol sales are permitted in the CG (Commercial General) zoning district subject to approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

### **A. Land Use Element**

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

### **B. Economic Development Element**

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses. Based upon the operational conditions imposed, the restaurant is not anticipated to result in negative impacts on adjacent properties.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-009/CONDITIONAL USE PERMIT NO. 11-015:**

1. The site plan, floor plans, and elevations received and dated June 2, 2011, and July 26, 2011, shall be the conceptually approved design with the following modifications:
  - a. The floor plan shall depict no more than four coin operated game machines within the proposed game area. **(HBZSO Section 204.10.H)**
  - b. The outdoor dining area shall depict tables and seats.
2. The use shall comply with the following:
  - a. The fenced patio area may be permitted as a patron smoking area in conjunction with the outdoor seating/dining.
  - b. Tables and seats shall be made available within the fenced patio area during hours of operation.
  - c. Food from the regular menu shall be made available during regular business hours up until at least one hour prior to the scheduled closing time. **(PD)**
  - d. A protective barrier along the perimeter of the outdoor dining area shall be maintained at all times. **(PD)**
  - e. Alcohol service and consumption shall be limited to the interior of the restaurant and within the confines of the fenced outdoor dining area. **(PD)**
  - f. No dining, consumption of alcoholic beverages, or smoking shall be permitted in the outdoor dining area between the hours of 10:00 PM and 7:00 AM. **(PD)**
  - g. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the restaurant and outdoor dining area. **(PD)**
  - h. All exterior doors will remain closed during business hours. **(PD)**
  - i. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**
  - j. Dancing and entertainment without the approval of a conditional use permit shall be prohibited. **(PD)**
  - k. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning & Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

- I. The use conditions listed herein shall be clearly posted on the premises at all times.
3. CUP No. 11-015/ CDP No. 11-009 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building Department a minimum 30 days prior to the expiration date.
4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**ITEM 3: CONDITIONAL USE PERMIT NO. 11-012/COASTAL DEVELOPMENT PERMIT NO. 11-006 (SEA CLIFF VERIZON WIRELESS FACILITY)**

APPLICANT:	John Moreland, Delta Group
PROPERTY OWNER:	Sea Cliff Country Club, 6501 Palm Avenue, Huntington Beach, CA 92648
REQUEST:	To permit the conversion of an existing retail space into a To permit the installation of a wireless communication facility consisting of a 55 ft. high monopole disguised as a pine tree with 12 panel antennas on three arrays, three GPS antennas, and one microwave antenna located within an existing golf course maintenance yard. The associated support equipment will be located adjacent to the base of the tower within an approximately 860 sq. ft., 7 ft. 6 in. high block wall enclosure.
LOCATION:	6541 Palm Avenue, 92648 (north of Palm Avenue, west of Goldenwest Street – Sea Cliff Country Club)
PROJECT PLANNER:	Andrew Gonzales

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

Mr. Gonzales stated that staff had received four public comments. The first was from resident Dave Pacheco who cited concerns with the visual appearance of the monopole and requested additional screening. A comment was received from a resident on Cloverwood citing concerns with potential health risks and negative impacts to property values. One letter was received in support of the proposed project. The fourth comment was neither in support nor opposition to the project citing that they would like to see the monopole look like a real tree.

Ricky Ramos, Zoning Administrator, verified with staff the recommendations made by the Design Review Board.

#### **THE PUBLIC HEARING WAS OPENED.**

John Moreland, applicant, stated that he had no comments or concerns with staff's recommended conditions and findings. He gave a brief overview of Verizon's decision to utilize the site in the proposed application.

Dave Pacheco, 19608 Cloverwood, asked for clarification of the project. A discussion took place regarding other towers located in Huntington Beach. He cited concerns with screening noting that the trees that are currently at the location appear to be dead. He stated that screening behind those trees would not be effective and requested that the existing trees be replaced.

Paul Sung, 19612 Cloverwood, spoke in opposition to the proposed project. He cited his concerns with potential health risks that may be associated with cell towers. He also stated that he is concerned with the potential negative impacts to property values in the area. Mr. Ramos explained that Federal law prohibits local jurisdictions from factoring health issues into the decision process. The City is limited to rendering a decision based upon land use impacts.

#### **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. He stated that he is incorporating the recommendations made by the Design Review Board as well as adding a condition requiring the planting of two new trees.

**COASTAL DEVELOPMENT PERMIT NO. 11-006/CONDITIONAL USE PERMIT NO. 11-012 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS, AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

#### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the installation of a new minor structure and associated support equipment.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-006:**

1. Coastal Development Permit No. 11-006 for the development of a wireless communication facility consisting of a 55 ft. high monopole with 12 panel antennas on three arrays, three GPS antennas, and one microwave antenna conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The project will be located within a maintenance yard of the Sea Cliff Country Club golf course and, as conditioned, designed to resemble a eucalyptus tree to visually blend within the surrounding natural environment. The proposed construction will occur on a developed site, contiguous to existing development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. Although the project will deviate from the maximum height limit of the base zoning district, the project will comply with minimum setbacks and maximum site coverage.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-012:**

1. Conditional Use Permit No. 11-012 for the construction and operation of a 55 ft. high monopole containing 12 panel antennas on three arrays, three GPS antennas, and one microwave antenna located within an existing golf course maintenance yard will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed facility will be located within an existing golf course and will not generate noise, traffic, or demand for additional parking above that which already exists on the subject site. The structure at the proposed height of 55 ft. in lieu of the maximum 35 ft. allowable by code will not create a visual distraction as it will be located more than 350 ft. from the nearest residential property and designed to be integrated within the existing foliage of the adjoining trees. The requested height assists in enhancing wireless communications in the community by improving signal transmission and reception in the project vicinity.
2. The conditional use permit will be compatible with surrounding uses because the wireless communication facility is surrounded by a grove of various mature trees. As conditioned, the facility utilizes stealth techniques by incorporating a eucalyptus tree design similar to the existing eucalyptus trees and other adjacent trees within the adjacent area. The project will be located approximately 350 ft. from the nearest residential property. The ground mounted associated equipment will be located within the maintenance yard of the golf course and will be screened by an equipment enclosure and a 7 ft. 6 in. high perimeter block wall.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision

Ordinance (HBZSO) including the provisions of HBZSO Section 230.96. Wireless communication facilities are allowed to exceed the maximum height of the base zoning district with approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS-PR (Open Space – Parks and Recreation Subdistrict) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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

B. Utility Element

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

Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. The proposed location is 350 ft. from the nearest sensitive land use. In addition, the proposed structure incorporates stealth techniques by simulating the appearance of a eucalyptus tree.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-006/CONDITIONAL USE PERMIT NO. 11-012:**

1. The site plans, elevations, and colors and materials board received and dated June 8, 2011, shall be the conceptually approved design with the following modifications:
  - a. The tree species type (i.e., pine tree) utilized to disguise the monopole within the surrounding environment shall be revised with a new tree design that resembles a eucalyptus tree. (DRB)
  - b. The corrugated metal gate shall be painted to match the block wall enclosure. (DRB)
  - c. All monopole antennas shall be painted to match the colors and materials utilized for either the tree foliage or branches/trunk. (DRB)
  - d. Depict a minimum of two 24-inch box eucalyptus trees adjacent to the monopole in a location approved by the Planning and Building Department.
  - e. Depict 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 on the site plan and elevations. 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.
2. Prior to submittal for building permits, the following shall be completed:
  - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning and Building Department.

- b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Planning and Building 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. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following has been completed:
  - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. CUP No. 11-006/CDP No. 11-012 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building Department a minimum 30 days prior to the expiration date.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**THE MEETING WAS ADJOURNED AT 1:50 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 7, 2011, AT 1:30 PM.**

R. Ramos

Ricky Ramos  
Zoning Administrator

RR:jd