

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

**WEDNESDAY, August 1, 2007 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Jill Arabe, Tess Nguyen, Jennifer Villasenor, Ron Santos,  
Jeanie Cutler (recording secretary)

**MINUTES:** May 16, 2007  
June 27, 2007  
**APPROVED AS SUBMITTED**

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

**ITEM 1: TEMPORARY USE PERMIT NO. 2007-003 (ST. BONAVENTURE CHURCH FESTIVAL)**

**APPLICANT:** Linda Garofalo, 16410 Springdale Street, Huntington Beach, CA 92649

**PROPERTY OWNER:** Roman Catholic Bishop of Orange, 2811 E. Villa Real St., Orange, CA 92863

**REQUEST:** To permit an annual church festival for three days during the month of October for a five year period (2007-2011). The event includes live entertainment, food and alcohol sales, crafts, games and carnival rides.

**LOCATION:** 16400 Springdale Street, 92649 (northeast corner of Springdale Street and Heil Avenue – St. Bonaventure Church)

**PROJECT PLANNER:** Jill Arabe

Jill Arabe, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary. Staff indicated one change to the prior temporary use permit: that security will no longer be provided by the Police Department. Staff suggested a revision to the conditions which would require a security plan be submitted a minimum of 10 days prior to the festival for the Planning and Police Department's review.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that two letters were received in response to the public notification; one in support of the festival and one in opposition with concerns regarding alcohol and noise.

Mary Beth Broeren, Zoning Administrator, confirmed she had reviewed the correspondence received.

**THE PUBLIC HEARING WAS OPENED.**

Linda Garafolo, applicant, spoke in support of the festival and indicated the festival has been operating for over 40 years.

Anne Spiegel, 16442 Duchess Lane, neighboring property owner, spoke in opposition to the festival, voicing concerns with regard to the sale and consumption of alcohol on church grounds, parking on neighborhood streets and trash issues in the surrounding neighborhood. She suggested the church find an alternative method for raising funds.

Rev. Father Bruce Patterson, Pastor of St. Bonaventure Church, spoke in support of the festival and stated his desire to be a good neighbor and respond to any concerns. He stated that alcohol is only sold in limited quantities to those legally allowed to purchase it. He acknowledged the difficulty in monitoring alcohol brought onto the site but noted that if observed, the alcohol is immediately confiscated. He stated that anyone acting inappropriately or appearing inebriated is prevented from purchasing alcohol. Father Patterson indicated his willingness to bring Ms. Spiegel's concerns to the Parish Council for consideration.

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

In response to a question from the Zoning Administrator, Ms. Garafolo confirmed the hours for alcohol sales are from opening time to 9:00 pm. She stated that sales are monitored by sellers who have completed the mandated training from the Alcohol and Beverage Control Board.

Staff confirmed that there is no record of Code Enforcement violations or Police Department complaints from neighbors regarding festival events in prior years.

Ms. Broeren suggested the church reconsider the hours for alcohol sales to possibly start later and finish earlier. She stated that she would not make it a requirement considering there is no history of recorded complaints.

Ms. Broeren encouraged Ms. Spiegel and her neighbors to contact the Police Department or the Code Enforcement Division if there is any violation to the conditions of approval.

Ms. Broeren stated that she was going to approve the request with the findings and conditions as recommended by staff.

**TEMPORARY USE PERMIT NO. 2007-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 15304 of the CEQA Guidelines, because the minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. is exempt from further environmental review.

**FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2007-003 :**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The event is temporary in nature, compatible with surrounding uses, and consistent with the following Land Use Policies:

LU 7.1 Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, and entertainment, and recreation needs of existing and future residents.

LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

The event has been held for several years as a fundraiser to support the parish youth. The festival provides a variety of recreational opportunities entirely on St. Bonaventure Church property for three days per year with limited hours of operation. Residents and visitors are encouraged to attend the festivities.

2. Approval of the application for an annual church festival for three days during the month of October for a five year period (2007-2011) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Temporary structures such as booths and rides will be removed upon completion of the event. The temporary festival will not alter any existing property in the area. The Police Department and Code Enforcement have no recorded complaints from neighbors.

**CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2007-003:**

1. The site plan received and dated June 11, 2007 shall be the conceptually approved design.
2. Prior to the commencement of the festival, the following shall be completed:
  - a. A revised narrative shall be submitted that indicates Fire Code requirements. (FD)
  - b. The applicant shall obtain clearance from the Liability Coordinator, Risk Management, and/or shall provide a Certificate of Insurance and Hold Harmless Agreement to be executed at least five (5) days prior to the event.
  - c. The applicant shall request a Code Enforcement Section inspection of the site for compliance with conditions of approval prior to 10:00 a.m. on opening day.
  - d. During all church services and events, an announcement shall be made to parishioners requesting that they refrain from parking on neighborhood streets.
3. The use shall comply with the following:
  - a. Hours of operation shall be limited to:

	<u>OPEN</u>	<u>RIDES CLOSE</u>	<u>CLOSE</u>
Friday	Noon	9:30 PM	10:00 PM
Saturday	10:00 AM	9:30 PM	10:00 PM
Sunday	1:00 PM	9:30 PM	10:00 PM

- b. A minimum of 10 days prior to the commencement of the festival, the applicant shall submit to the Planning Department an outline describing a security plan and implementation procedure during the event including the number of security staff, shift hours and staff responsibilities for review and approval by the Planning Department and Police Department.
  - c. Beer and wine consumption shall be limited to an area for adults which shall be roped off and controlled by Church personnel.
  - d. All machinery, except the refrigeration truck, shall be turned off between the hours of 10:00 p.m. and 8:00 a.m.
  - e. If a refrigeration truck is provided, it shall be placed as far away from the residential properties as possible to minimize noise.
  - f. Use of amplifiers, speakers, musical instruments and playing of recorded music shall be discontinued as of 9:30 p.m. each evening. Speakers shall not be directed towards any housing area.
  - g. Breakdown of stands, equipment, apparatus and rides shall be prohibited after 10:00 p.m. and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
  - h. The applicant shall provide for clean-up of areas after the closing of the event. Clean-up of the site between 10:00 p.m. and 11:00 p.m. shall not include the use of machinery or equipment that may disturb the residents in the area. All trash, debris, and garbage, as well as special dumpsters, shall be removed from the site within two (2) days of closing of the event.
  - i. The applicant shall provide professional clean-up crews to clear the adjacent streets of trash and debris each evening after the festival closes.
4. All Alcoholic Beverage Control requirements shall be met.
  5. St. Bonaventure Church personnel shall provide direction of traffic and on-site parking.
  6. Vehicular access off of Orlando Dr. and Bradbury Lane shall be secured and not used for access or egress to the site except for emergency purposes.
  7. All vehicular access and egress to the church will be via the driveway on the north side of the church off Springdale Street.
  8. Church personnel shall monitor parking lots. When parking lots become full, a "lot full" sign shall be placed at the entrance to the parking lots.
  9. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the festival activity may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning.
  10. Requests for subsequent festival shall be made no later than sixty (60) days prior to the event, with review and public hearing by the Zoning Administrator. The Zoning Administrator shall review and evaluate past events for compliance with all conditions of approval and determine the need for new or modification of conditions of approval. The Zoning Administrator may approve, conditionally approve or deny such requests.

11. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing of any changes to the event. 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 Huntington Beach Zoning and Subdivision Ordinance.
12. 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.

**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: VARIANCE NO. 2007-006 (HANSON RESIDENCE)**

**APPLICANT/**

**PROPERTY OWNER:** Jody Hanson, 1209 Pine Street, Huntington Beach, CA 92648

**REQUEST:** To permit the construction of a fireplace at a 6-inch side yard setback in lieu of the minimum required 2 ft.-6 in. side yard setback from the ultimate right-of-way line.

**LOCATION:** 1209 Pine Street, 92648 (west side of Pine Street, south of Adams Avenue)

**PROJECT PLANNER:** Tess Nguyen,

Tess Nguyen, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the project site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated that the applicant has provided a petition signed by neighboring property owners in support of the project.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that no written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that there is no wall on the side of the house and the required minimum setback is five feet.

**THE PUBLIC HEARING WAS OPENED.**

Jody Hanson, applicant, spoke in support of the project and stated her understanding of the code requirement which is to maintain emergency access to the property. She indicated that the neighbor across the alley has no concerns with the requested variance.

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

Discussion ensued between the Zoning Administrator, staff and the applicant regarding the alley dedication which is not yet reflected on the map.

Ms. Broeren stated that in general variances are not the preferred course of action, however in this case because of the unique position of the home, the site circumstances demonstrate that allowing the fireplace projection for such a short extent would not be detrimental to the surrounding area. Ms. Broeren stated she would approve the variance with the following modification to finding No.1:

1. The granting of Variance No. 2007-006 for the construction of a fireplace at a 6-inch side yard setback in lieu of the minimum required 2 ft. 6 in. side yard setback will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification since the variance addresses unique development constraints related to the subject property's location and narrow lot width. The subject property abuts an alley to the side and rear. The reduction in side yard setback along an alley is requested because the City of Huntington Beach requires a 2'-6" dedication from the subject property in order to widen the adjacent alleys from 15 ft. to the ultimate width of 20 ft. Other properties have been granted similar variances to remedy reduced lot widths as a result of ongoing alley widening. This variance will not result in a grant of special privilege because most other properties in the immediate vicinity are not adjacent to an alley along the side yard and would not be required to dedicate property in the same manner.

**CONDITIONAL USE PERMIT NO. 2007-006 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 15305, Class 5 of the CEQA Guidelines, because the project consists of construction of a fireplace with a minor setback variance.

**FINDINGS FOR APPROVAL - VARIANCE NO. 2007-006:**

1. The granting of Variance No. 2007-006 for the construction of a fireplace at a 6-inch side yard setback in lieu of the minimum required 2 ft. 6 in. side yard setback will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification since the variance addresses unique development constraints related to the subject property's location and narrow lot width. The subject property abuts an alley to the side and rear. The reduction in side yard setback along an alley is requested because the City of Huntington Beach requires a 2'-6" dedication from the subject property in order to widen the adjacent alleys from 15 ft. to the ultimate width of 20 ft. Other properties have been granted similar variances to remedy reduced lot widths as a result of ongoing alley widening. This variance will not result in a

grant of special privilege because most other properties in the immediate vicinity are not adjacent to an alley along the side yard and would not be required to dedicate property in the same manner.

2. Because of special circumstances applicable to the subject property's location and width, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The property is subject to required dedications for alley widening in the rear and along the side of the property. The lot is currently 50 ft. wide and will be reduced to 47.5 ft. wide after the required dedication. The subject property will be 2.5 ft narrower than most of the other lots in the vicinity. Dedication of 2'-6" from the subject property limits the property owner's ability to construct a house of similar size, features, and value as the surrounding development. The reduction in side yard setback and clearance between the fireplace and the northerly side property line allows the property owner to develop the property in accord with other single-family residences in the neighborhood.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, the subject property is afforded the right to construct one single-family dwelling. The exercise of this substantial property right is contingent upon dedication for public alley widening purposes, which in turn renders the lot 2.5 ft. narrower than all the other lots. Consequently, the requested variance to allow construction of a fireplace with less than the required side yard setback on a property with a substandard lot width is necessary to preserve the development rights afforded by the corresponding residential land use designation. The requested variance would allow the subject property to have a fireplace projecting into the side yard setback as other single family dwellings.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The reduction in the side yard setback along an alley will not create a detriment to other properties in the neighborhood because the fireplace encroachment into the setback area is adjacent to a public alley rather than adjacent to another residence. The length of the fireplace encroachment is only 5 feet along the side of the house. The remainder of the north side yard setback area will be landscaped and therefore emergency access is preserved. In addition, the fireplace will not impede the vehicle maneuverability of properties across the alley from the subject property. The subject property will comply with all other applicable development standards.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Low Density on the subject property which permits single-family dwellings on the subject property. The variance for side yard setback along an alley does not conflict with any of General Plan goals and policies that encourage a variety of residential developments and projects of high quality architectural design. In addition, the proposed project is consistent with the following General Plan policy:

LU 9.1.1 Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules in the General Plan Land Use Element.

**CONDITIONS OF APPROVAL VARIANCE NO. 2007-006:**

The site plan, floor plans, and elevations received and dated June 5, 2007 shall be the conceptually approved design except that the trellis screening on the south elevation of the front porch shall be removed.

**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: COASTAL DEVELOPMENT PERMIT NO. 2006-012 / ADMINISTRATIVE PERMIT 2007-013 (CHI RESIDENCE)**

APPLICANT: Brian Scott, 19925 195<sup>th</sup> Street, Cerritos, CA 90703  
PROPERTY OWNER: Dean Chi, 3301 Devon Circle, Huntington Beach, CA 92649  
REQUEST: To permit an approximately 1,400 square foot addition to an existing single-family residence to match an existing non-conforming front yard setback of 6 ft.-11 in. at the nearest point in lieu of the minimum required front yard setback of 15 ft.  
LOCATION: 3301 Devon Circle, 92649 (north side of Devon Circle, east of Channel Lane - Admiralty Island)  
PROJECT PLANNER: Jennifer Villasenor, Associate Planner

Jennifer Villasenor, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the revision to the findings.

Staff stated that the project complies with all code requirements except for the existing front yard setback which is 6 ft.-11 in.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. No written or verbal comments were received in response to the public notification.

**THE PUBLIC HEARING WAS OPENED.**

Michael Huang, 3301 Devon Circle, Acting Project Manager, spoke on behalf of the property owner. Mr. Huang stated that the property owner had no problem complying with the suggested conditions regarding the balcony.

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

Ms. Broeren indicated that due to the existing situation the Administrative Permit findings are warranted and she asked staff to modify the suggested findings as follows:

1. Administrative Permit No. 2007-013 to permit the construction of a 1,400 square foot addition to an existing two-story single-family residence, as modified by the conditions of approval, 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.

Although the proposed addition does not meet the minimum required front yard setback, constructing the addition at the existing nonconforming setback will not adversely impact adjacent properties. The addition is proposed to encroach into the required front yard leaving a 6'-11" setback from the front property line at the nearest point. The subject property is located on a cul-de-sac with a curved front property line which decreases the utility of the lot and creates a design constraint. Also, the length of the addition along the nonconforming setback is 18 feet, which represents approximately 30% of the total width of the dwelling and 25% of the total width of the lot. Additionally, the side yard setback at the nonconforming portion of the project is at least sixteen feet, which is more than three times the required setback and provides a buffer from the neighboring residence to the east. Therefore, impacts from the portion of the addition that encroaches into the required front yard setback are minimal. As conditioned, the proposed addition will not project beyond the existing nonconforming setback

**COASTAL DEVELOPMENT PERMIT NO. 2006-012 / ADMINISTRATIVE PERMIT NO. 2007-013 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 less than 50% of the existing single-family home.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2006-012:**

1. Coastal Development Permit No. 2006-012 for the construction of a 1,400 square foot addition to an existing two-story single-family residence, as modified by the conditions of approval, conforms to the General Plan, including the Local Coastal Program land use designation of Residential - Low Density. 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 proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including maximum site coverage, maximum building height, minimum on-site parking and minimum yard setbacks, with the exception of the front yard setback. The project proposes to construct the addition to match the existing nonconforming front yard setback. The Huntington Beach Zoning and Subdivision Ordinance permits construction of an addition to an existing nonconforming setback with approval of an administrative permit. As such, the applicant is

seeking approval of an administrative permit in conjunction with a coastal development permit.

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 roads.
4. The development conforms to 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.

**FINDING FOR APPROVAL - ADMINISTRATIVE PERMIT NO. 2007-013:**

1. Administrative Permit No. 2007-013 to permit the construction of a 1,400 square foot addition to an existing two-story single-family residence, as modified by the conditions of approval, 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.

Although the proposed addition does not meet the minimum required front yard setback, constructing the addition at the existing nonconforming setback will not adversely impact adjacent properties. The addition is proposed to encroach into the required front yard leaving a 6'-11" setback from the front property line at the nearest point. The subject property is located on a cul-de-sac with a curved front property line which decreases the utility of the lot and creates a design constraint. Also, the length of the addition along the nonconforming setback is 18 feet, which represents approximately 30% of the total width of the dwelling and 25% of the total width of the lot. Additionally, the side yard setback at the nonconforming portion of the project is at least sixteen feet, which is more than three times the required setback and provides a buffer from the neighboring residence to the east. Therefore, impacts from the portion of the addition that encroaches into the required front yard setback are minimal. As conditioned, the proposed addition will not project beyond the existing nonconforming setback.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2006-012/  
ADMINISTRATIVE PERMIT NO. 2007-013:**

The site plan, floor plans, and elevations received and dated June 20, 2007 (floor plans and elevations) and July 5, 2007 (site plan) shall be the conceptually approved design with the following modification: the addition of the second floor shall not project beyond the existing nonconforming first floor front yard setback. Elevations and floor plans dated June 20, 2007, shall be revised to illustrate that the proposed second floor balcony will not project beyond the existing first floor or the balcony shall be removed and a non-projecting architectural feature shall be provided to minimize massing.

Prior to submittal for building permits, the following shall be completed: 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.

**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: ENTITLEMENT PLAN AMENDMENT NO. 2007-003 (ARDEN REALTY BUILDINGS/ AMENDMENT TO ADMINISTRATIVE REVIEW NOS. 86-10, 86-11, 86-12)**

APPLICANT: Vicky Goodchild, Schlemmer Algaze & Associates  
PROPERTY OWNER: Arden Realty, Inc.,  
REQUEST: To amend conditions of approval and delete a requirement for reciprocal parking between three contiguous industrial properties.  
LOCATION: 5632, 5672, 5702 Bolsa Avenue, 92649 (south side of Bolsa Avenue, east of Graham Street)  
PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff stated that it is the applicant's intent to sell the properties separately and eliminating the reciprocal parking condition of approval would facilitate the sales.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the conversion of office space from warehouse space is to reduce the overall parking requirements and to bring the parking up to current code for the entire site.

Staff clarified that the request is for unrestricted reciprocal access as well as restricted reciprocal parking and confirmed that the parking spaces will be designated to correspond with their respective buildings.

The Zoning Administrator asked if the existing reciprocal easement agreements are to be unrecorded. Staff responded that the new agreement would supersede or be an amendment to the existing reciprocal easement agreements.

**THE PUBLIC HEARING WAS OPENED.**

Tony Bonza, counsel for the property owner and applicant, explained the purpose of the request and confirmed that the intent is to sell the buildings separately.

In response to a question from Mr. Bonza the Zoning Administrator explained that the approval of the draft amendment to the existing easement agreement is done by staff.

Discussion ensued concerning the means to designate parking spaces.

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

Ms. Broeren asked staff to modify the suggested conditions as follows:

1. The site plan and floor plans received and dated June 29, 2007 shall be the conceptually approved design.
2. Prior to approval and recordation of the amended easement agreement(s), the following shall be completed:
  - a. Building permits to convert office space to warehouse space at 5632 Bolsa Avenue and 5702 Bolsa Avenue, consistent with the floor plans and floor area/parking tabulations received and dated June 29, 2007, shall be obtained and finalized.
  - b. Parking spaces designated to serve the adjacent parcel, as identified on the site plan received and dated June 29, 2007, shall be so designated with pavement markings and/or signage, as approved by the Planning Department. The proposed means of designating said parking spaces shall be indicated on the site plan submitted in conjunction with the application for building permits required to convert office space to warehouse space.
3. Existing reciprocal parking easement(s) shall remain in effect until amended as necessary to implement the parking arrangement depicted on plans received and dated June 29, 2007, and recorded with the County of Orange. The amended agreement(s) shall be generally consistent with the draft First Amendment to Non-Exclusive Easement received and dated June 7, 2007. The amended parking easement(s) shall be reviewed and approved by the Planning Department and City Attorney prior to recordation and shall remain in effect in perpetuity unless rescinded or amended with the prior expressed written authorization of the Planning Department and in conformance with all applicable Huntington Beach Zoning and Subdivision Ordinance parking requirements.

**ENTITLEMENT PLAN AMENDMENT NO. 2007-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 consists of the minor alteration of existing facilities involving no expansion of use beyond that existing at the time of the lead agency's determination.

## **FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2007-003:**

1. Entitlement Plan Amendment No. 2007-003 to amend conditions of approval and delete a requirement for unrestricted reciprocal parking between three contiguous industrial properties 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 request provides for all three subject properties to meet current off-street parking requirements via amended parking easements and conversion of office space to warehouse space.
2. The entitlement plan amendment will be compatible with surrounding uses because the project site consists of industrial land uses on property zoned for and surrounded by industrial uses.
3. The proposed Entitlement Plan Amendment No. 2007-003 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 request provides for all three subject properties to meet current off-street parking requirements via amended parking easements and conversion of office space to warehouse space. No other site improvements or modifications are proposed.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of IL (Industrial Limited) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space and other pertinent elements.

Entitlement Plan Amendment No. 2007-003 provides an alternate means of achieving compliance with current applicable parking requirements.

## **CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2007-003:**

1. The site plan and floor plans received and dated June 29, 2007 shall be the conceptually approved design.
2. Prior to approval and recordation of the amended easement agreement(s), the following shall be completed:
  - a. Building permits to convert office space to warehouse space at 5632 Bolsa Avenue and 5702 Bolsa Avenue, consistent with the floor plans and floor area/parking tabulations received and dated June 29, 2007, shall be obtained and finalized.
  - b. Parking spaces designated to serve the adjacent parcel, as identified on the site plan received and dated June 29, 2007, shall be so designated with pavement markings and/or signage, as approved by the Planning Department. The proposed means of designating said parking spaces shall be indicated on the site plan submitted in conjunction with the application for building permits required to convert office space to warehouse space.
3. Existing reciprocal parking easement(s) shall remain in effect until amended as necessary to implement the parking arrangement depicted on plans received and dated June 29,

2007, and recorded with the County of Orange. The amended agreement(s) shall be generally consistent with the draft First Amendment to Non-Exclusive Easement received and dated June 7, 2007. The amended parking easement(s) shall be reviewed and approved by the Planning Department and City Attorney prior to recordation and shall remain in effect in perpetuity unless rescinded or amended with the prior expressed written authorization of the Planning Department and in conformance with all applicable Huntington Beach Zoning and Subdivision Ordinance parking requirements.

**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 2:20 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, AUGUST 15, 2007 AT 1:30 PM.**

  
\_\_\_\_\_  
Mary Beth Broeren  
Zoning Administrator:

jc