

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

WEDNESDAY, JANUARY 15, 2014 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Jennifer Villasenor, Hayden Beckman, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: SITE PLAN REVIEW NO. 13-002/ VARIANCE NO. 13-006/ TENTATIVE PARCEL MAP NO. 13-112 (MARRIOTT SPRINGHILL SUITES HOTEL – CONTINUED FROM THE DECEMBER 18, 2013 MEETING)

APPLICANT: Martin Campbell
PROPERTY OWNER: KPHL, LLC, 2050 Santa Cruz Street, Suite #2000, Anaheim, CA 92805
REQUEST: **SPR:** To permit the development of a four-story 126-room hotel on a 1.89-acre site within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan. **TPM:** To consolidate 10 lots into one lot. **VAR:** To allow (a) 5% frontage coverage in lieu of the required 50% for Parkside Lane and 0% frontage coverage in lieu of the required 50% for Aldrich Drive; (b) building not within the build-to-corner zone in lieu of the required build-to-corner for the intersection of Parkside Lane and Aldrich Drive; (c) exposed surface parking lot type in lieu of the other permitted parking lot types; (d) 26 ft. wide driveways in lieu of the maximum 24 ft. wide driveways; (e) one tree per 10 parking spaces in continuous parking rows in lieu of one tree per 5 parking spaces; (f) 12 ft. long, 18 in. step-off area adjacent to landscape planter in lieu of 17 ft. long; and (g) 8% glazing on the Aldrich Drive facade in lieu of the required minimum 20% glazing.
LOCATION: 7872 Edinger Avenue, 92647 (southeast corner of Edinger Avenue and Parkside Lane)
CITY CONTACT: Tess Nguyen

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

THE PUBLIC HEARING WAS OPENED.

Mike Adams, applicant, discussed the land hardships and design compatibility issues at the site and the associated variance requests.

Luis Gomez, Real Property Agent, spoke in support of the variance requests and discussed the restrictions placed on the design by the site.

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

There was a lengthy discussion regarding the variance requests for Parkside Lane. Mr. Ramos indicated that by granting the variance requests for Aldrich Drive the unique circumstance of having three street frontages would be removed and therefore he could not support granting those variances along Parkside Lane.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff with the exceptions of Variance No. 13-006 (a) and (c) which he stated that he would deny. Mr. Ramos stated that he would not act on SPR No. 13-002.

VARIANCE NO. 13-006 AND TENTATIVE PARCEL MAP NO. 13-112 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. VARIANCE NO. 13-006 (a) AND (c) FOR PARKSIDE LANE WERE DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. SITE PLAN REVIEW NO. 13-002 WAS NOT ACTED ON DUE TO THE DENIAL OF SOME OF THE VARIANCES. 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 Project, located at 7872 Edinger Avenue, consists of a four-story 126-room hotel on a 1.89-acre site within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan (BECSP) area. The City certified Program EIR No. 08-008 on December 8, 2009 and adopted the BECSP on March 1, 2010. The BECSP anticipates development of 150 hotel rooms on Edinger Avenue. The 126 rooms contemplated by the project are within the total new hotel rooms permitted on Edinger Avenue under the approved BECSP. Compliance with all applicable mitigation measures adopted with the Specific Plan will be required as a condition of approval of the project. Accordingly, no changes requiring revision of the previously certified Program EIR are proposed as part of the project, nor have any circumstances changed requiring revision of the previously certified Program EIR. In addition, no new information identifies that implementation of the BECSP, including the project, will have significant effects that were not discussed in the previously certified Program EIR or that the significant effects identified in the certified BECSP Program EIR will be substantially more severe than determined in the Program EIR.

FINDINGS FOR APPROVAL – TENTATIVE PARCEL MAP NO. 13-112:

1. Tentative Parcel Map No. 13-112 for the consolidation of 10 lots into one lot is consistent with the General Plan Land Use Element designation of Mixed Use on the subject property. The proposed consolidation complies with other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed consolidation will facilitate the construction of a four-story 126-room hotel on a

1.89-acre site within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan.

2. The site is physically suitable for the type and density of development. The 10-lot consolidation will provide the necessary area for the hotel development consistent with the intensity and density of the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The lot consolidation is proposed on a property previously developed with commercial buildings and located in an urbanized area. The site does not serve as habitat for fish or wildlife.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. Easements for sidewalk purposes on Parkside Lane and Aldrich Drive will be dedicated to the City as a part of this proposed tentative parcel map. To accommodate the extension of the eastbound right turn lane on Edinger Avenue at Beach Boulevard, the site has been designed to include a 7-foot future dedication along Edinger Avenue.

FINDINGS FOR APPROVAL – VARIANCE NO. 13-006 (FOR ALL VARIANCES EXCEPT FOR PARKSIDE LANE FRONTAGE COVERAGE AND FRONT SURFACE PARKING LOT):

1. The granting of Variance No. 13-006 to allow a 0% frontage coverage for Aldrich Drive, a building not within the build-to-corner zone for the intersection of Parkside Lane and Aldrich Drive, an exposed surface parking lot on Aldrich Drive, 26 ft. wide driveways, one tree per 10 parking spaces, an 18-in. step-off area adjacent to landscape planters for 12 ft. long, and 8% glazing on the Aldrich Drive façade will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to the location of the site being surrounded by streets on three sides and by setting aside property on the Edinger frontage for future street improvements, the project would not be able to comply with the required development standards. Having frontages on three streets restricts the efficient design of a hotel circulation pattern, particularly with the drop-off and pick-up traffic flow. As a result, the site layout and building placement do not conform to the various required development standards. In addition, life and safety requirements from the Fire Department necessitate deviations in development standards. By setting aside property along Edinger Avenue for future dedication and improvements of a right turn lane, the developable areas of the property are reduced. Therefore, the property yields less land area for landscaping, trees, and complete step-off area. Several property improvements are proposed to off-set the impact of the variances. For example, a gazebo with wing walls is proposed at the corner of Parkside Lane and Aldrich Drive to meet the intent of the build-to-corner requirement. Approval of the requested deviations will not constitute a grant of special privilege as the variance will allow the development of a hotel to provide a functional use of the property and offer additional overnight accommodations opportunities to complement other uses in the vicinity.
2. Because of special circumstances applicable to the subject property, including location and surroundings, 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 site is surrounded by streets on three sides and has set aside the entire 225 ft. width of the property along Edinger Avenue for anticipated street widening improvements that are not currently a requirement of the project. This set-aside area further limits the developable area of the site. Because of its location, the property would not be able to comply with development standards as compared to other sites with fewer street frontages, and full development potential. Granting the deviations to frontage coverage, landscaping, and other standards allows the subject property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested Variance is necessary to allow the proposed project to be developed with a hotel, a tourist serving use to support the mix of uses surrounding the project site. Granting the requested Variance will not affect the overall visual character and scale of the proposed development onsite in the context of the surrounding area. Although the site does not provide the minimum number of trees within the parking lot, the trees that would otherwise be required will be provided in the landscape planters along the perimeter of the project site. In an effort to improve the frontage coverage requirements, wing walls, landscaping, and a gazebo have been incorporated into the site design. These additional visual improvements connect to the street edge and serve to activate the adjacent sidewalk in accordance with the intent of the BECSP. With approval of the variance, the subject site is able to enjoy the right to develop the site in accordance with the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan.
4. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a hotel will not be materially detrimental to the public welfare because the proposed buildings are designed to be consistent with the scale and character of the surrounding area. The proposed hotel provides the minimum number of parking stalls, appropriate ingress and egress to public street system, adequate emergency access, proper landscape screening, adequate separation from the residential uses to the south, and enhanced architectural design on all four building sides. The proposed four-story structure would be consistent with the established development pattern in the vicinity. The granting of the Variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay) on the subject property.

FINDINGS FOR DENIAL – VARIANCE NO. 13-006 (FOR PARKSIDE LANE FRONTAGE COVERAGE AND FRONT SURFACE PARKING LOT):

1. The granting of Variance No. 13-006 to allow a 5% frontage coverage in lieu of the required 50% for Parkside Lane and a front surface parking lot on Parkside Lane will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because there are no special circumstances applicable to the subject property relative to the requested variances.
2. There are no special circumstances applicable to the subject property relative to the requested variances along Parkside Lane. Therefore, the strict application of the Beach and Edinger Corridors Specific Plan requirements along Parkside Lane is not found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

3. The granting of the variances is not necessary to preserve the enjoyment of one or more substantial property rights.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 13-112/ VARIANCE NO. 13-006:

1. The site plan, floor plans, elevations, and colored renderings received and dated November 1, 2013 shall be the conceptually approved design with a modification to reflect only the approved variances.
2. The Tentative Parcel Map received and dated March 29, 2013 shall be the approved layout.
3. Per BECSP Section 2.7.3, one tree is required for every five parking spaces. The proposed design is for one tree for every ten parking spaces. The trees that would otherwise be required in the parking lot shall be provided in the landscaping planters along the perimeter of the project site.
4. The project shall comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.
5. The Development Services Departments (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 Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
6. 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.
7. Variance No. 13-006 and Tentative Parcel Map No. 13-112 shall become null and void unless exercised within two years of the date of final approval by the Zoning Administrator, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
8. Incorporation of sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating/>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: SITE PLAN REVIEW NO. 13-004/ VARIANCE NO. 13-011 (CHASE BANK):

APPLICANT:	Dawn Dimond, Nadel Studio One, Inc.
PROPERTY OWNER:	Chris Cole, 10500 NE 8 th Street, Suite 850, Bellevue, WA 98004
REQUEST:	<u>SPR:</u> To demolish an existing 8,284 sq. ft. retail building (Pier One Imports) and construct a new 4,460 sq. ft. bank (Chase). <u>VAR:</u> To allow additional parking along Ellis Avenue in lieu of no side surface parking lots allowed.
LOCATION:	18501 Main Street, 92648 (southwest corner of Main Street and Ellis Avenue)
CITY CONTACT:	Tess Nguyen

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

THE PUBLIC HEARING WAS OPENED.

Greg James, applicant, stated that he had no comments or concerns with staff's recommendations.

Mike Adams, applicant, noted that the project is only five percent of the center and the impacts would be minimal.

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 with minor changes to the findings for approval.

SITE PLAN REVIEW NO. 13-004/ VARIANCE NO. 13-011 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 proposed project consists of demolition of an existing 8,284 sq. ft. retail building and construction of a 4,460 sq. ft. bank within the Town Center Core Segment of the Beach and Edinger Corridors Specific Plan (BECSP) area. The proposed project is covered by Final Environmental Impact Report (EIR No. 08-008), which was certified by the City of Huntington Beach on December 8, 2009. The proposed project is subject to compliance with the adopted mitigation measures contained in Final EIR No. 08-008. Staff has reviewed the proposed project and environmental assessment for compliance and has determined the project is consistent with the adopted mitigation measures contained in the Final EIR. Compliance with all applicable mitigation measures adopted with the Specific Plan will be required as a condition of approval of the project.

FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 13-004:

1. Site Plan Review No. 13-004 for the demolition of an existing 8,284 sq. ft. retail building and construction of a new 4,460 sq. ft. bank and associated improvements 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 bank development, with the recommended conditions of approval, incorporates architectural and design elements that provide maximum compatibility of design with the existing and anticipated development in the vicinity of the project site, supports the existing commercial development surrounding the site, and promotes the image of the Huntington Beach envisioned within the Beach and Edinger Corridors Specific Plan (BECSP). The proposed structure features enhanced building materials and colors, building recesses and façade offsets, and variation in massing composition. The project's conformance to the Beach and Edinger Corridors Specific Plan further ensures that the form, height, and architectural design convey an overall high level of quality.
2. The proposed project will not adversely affect the Circulation Plan of the BECSP. The project will maintain vehicular access to the site along Ellis Avenue. To improve pedestrian access and create an entry statement to the shopping center, new landscaping and pedestrian amenities (bench, trash can, enhanced landscaping, map and directory) will be provided at the corner of Main Street and Ellis Avenue. No additional street improvements are required to improve capacity/efficiency on intersection operations; however, the project will pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.
3. The proposed bank development will comply with the applicable provisions of the Beach and Edinger Corridors Specific Plan development code as specified in the Town Center Core segment. In addition, the project meets all applicable provisions of Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project complies with the development standards in terms of building length and orientation, minimum onsite parking, street façade height articulation and façade composition. The project also ensures that the form and architectural design convey an overall high level of quality materials consistent with the vision of the Specific Plan. A Variance is being processed concurrently to allow deviations in parking type.
4. The granting of the site plan review will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use–Specific Plan Overlay–

Design Overlay on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Air Quality Element

Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

B. Circulation Element

Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

Goal CE 2.3.4: Require new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

C. Economic Development Element

Goal ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

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.

D. Land Use Element

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

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy 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.

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor

and tourist activity, and (d) provides open space and aesthetic “relief” from urban development.

Goal LU 10: Achieve the development of a range of commercial uses.

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, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

E. Urban Design Element

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

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

F. Utilities Element

Objective U 1.2: Ensure that existing development, redevelopment, and new development does not degrade the City's surface waters and groundwater basins.

Objective U 1.3: Minimize water consumption rates through site design, use of efficient systems, proper maintenance, and other techniques.

Policy U. 1.3.2: Continue to require the incorporation of water conservation features in the design of all new and existing uses, such as use of native plants, low flow toilets, and water efficient appliances.

The project would provide an urban infill bank development that enhances economic development and allows for more efficient use of land resources. The area has a variety of complementary uses that are critical to any vibrant community such as regional commercial uses, employment centers, and senior housing projects. Because of its location, the site would be appropriate in accommodating an infill development that supports the mix of uses surrounding the project site. The project would provide additional opportunities for residents seeking to be within walking distance of banking services, thus reducing dependency on their automobiles. The proposed project would serve the needs of local residents, surrounding region, and visitors to the City.

The proposed project incorporates architectural and design principles to provide a pedestrian-oriented scale and ensure maximum design compatibility with existing and proposed developments within the surrounding area. The structure on the project site utilizes high quality exterior materials, articulated building volumes, and a variety of building composition through the use of enhanced building colors and materials, building recesses and projections. The project complies with the development standards and design guidelines of the BECSP, which ensure that form, height, and treatment convey an overall high level of quality.

The project is designed to minimize consumption of natural resources through implementation of sustainability features such as “green” building methods and materials available for construction, windows, light fixtures, HVAC systems, and water efficient

irrigation system. The project would comply with the BECSP and other City codes to reduce water consumption and stormwater runoff. A preliminary Water Quality Management Plan (WQMP) has been reviewed by Public Works staff. A final WQMP is required to be submitted for review and approval prior to grading permit issuance. Finally, the project will incorporate sustainable site development strategies, utilize water savings features, and emphasize recycling of resources and materials through design features and community policies.

FINDINGS FOR APPROVAL – VARIANCE NO. 13-011:

1. The granting of Variance No. 13-011 to allow additional parking along Ellis Avenue will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification due to the special circumstances identified. The project involves the demolition of an existing 8,284 sq. ft. retail building and construction of a new 4,460 sq. ft. bank at an existing approximately 161,000 sq. ft. shopping center. The proposed construction of the bank represents a minor size reduction to the existing shopping center. As a result, the proposed construction does not have to conform to the various development standards of the BECSP as long as nonconformities are not increased. There are currently three parking spaces at the corner of Main Street and Ellis Avenue serving the previous retail use. The proposed bank use is proposing eight additional parking spaces along Ellis Avenue. The smaller building footprint of the bank allows additional parking to be provided and the existing parking to be reconfigured along Ellis Avenue. The new parking layout facilitates the design of the enhanced corner entry to the shopping center. Approval of the requested deviation will not constitute a grant of special privilege as the variance will allow the development of a bank to provide a functional use of the property that complements other uses in the vicinity.
2. Because of special circumstances applicable to the subject property, including shape, and surroundings, 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. It is not possible to provide required parking behind the building due to existing improvements. The proposed construction represents a minor reduction in the size of the existing shopping center. Therefore, it does not have to conform to the various development standards of the BECSP as long as nonconformities are not increased. There are currently parking spaces along Ellis Avenue and the reconfiguration of existing parking and provision of additional parking in this area will not have any visual impacts to the shopping center. The new parking layout allows for the enhanced corner entry design to the shopping center, achieving the goal of encouraging pedestrian activities and connections between different uses in the surrounding area. Granting the deviation in parking lot type allows the subject property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to allow the proposed project to be developed with a bank, a service use to support the mix of uses surrounding the project site. Granting the requested variance will not affect the overall visual character and scale of the proposed development onsite in the context of the surrounding area. The subject site is able to enjoy the right to develop the site in accordance with the Town Center Core Segment of the Beach and Edinger Corridors Specific Plan.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a bank will not be materially detrimental to the public welfare because the proposed buildings are designed to be consistent with the scale and character of the surrounding area. The proposed one-story structure would be consistent with the established development pattern in the vicinity. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay) on the subject property.

CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 13-004/ VARIANCE NO. 13-011:

1. The site plan, floor plans and elevations received and dated October 30, 2013 shall be the conceptually approved design with the following modifications:
 - a. Parking lot design (parking space dimensions, parking lot striping, etc.) shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. **(HBZSO Chapter 231)**
 - b. Two potted plants (one adjacent to the conference room and one adjacent to room PB3) shall be provided along the building facing Main Street.
2. The project shall comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.
3. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
4. Prior to issuance of a precise grading permit, an interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The property owner/developer shall obtain any necessary encroachment permits from the Department of Public Works.
5. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, approval, and inclusion in the entitlement file, to the Planning Division.
 - b. 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.

6. Prior to issuance of building permits, an "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and issuance of a Certificate of Occupancy until the following has been completed:
 - a. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning and Building Department.
 - b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.
8. Signage shall be reviewed under separate permits and applicable processing.
9. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
10. The developer or developer's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
11. Site Plan Review No. 13-004 and Variance No. 13-011 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 Department a minimum 30 days prior to the expiration date.
12. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's

Green Building Guidelines and Rating Systems <http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project property owner/developer 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 property owner/developer of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: CONDITIONAL USE PERMIT NO. 13-032 (EL PORTON RESTAURANT ON-SITE ALCOHOL SALES):

APPLICANT: Henry Ataei
PROPERTY OWNER: Jodyne Roseman, Pacific Plaza Shopping Center, LP, 1741 Grand Avenue, Del Mar, CA 92014
REQUEST: To permit the on-site sale, service, and consumption of alcoholic beverages within an existing, vacant, approximately 1,620 sq. ft. eating and drinking establishment.
LOCATION: 8863 Adams Avenue, 92646 (northwest corner of Adams Avenue and Magnolia Street)
CITY CONTACT: Tess Nguyen

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

THE PUBLIC HEARING WAS OPENED.

Henry Ataei, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff with minor modifications with Condition Nos. 3(a) and 3(i).

CONDITIONAL USE PERMIT NO. 13-032 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves no expansion in the overall floor area of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 13-032:

1. Conditional Use Permit No. 13-032 to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within an approximately 1,620 sq. ft. eating and drinking establishment at an existing shopping center 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 alcohol sales and service, as conditioned, will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and inconsistent with the subject property's commercial zoning. The main entrance of the restaurant is oriented towards Adams Avenue, away from residential properties. Residential uses to the north, south, east and west of the subject property are adequately buffered from potential negative noise impacts by the building, landscaping, parking lot and existing streets. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and will not generate detrimental impacts onto surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the project is located within an existing commercial development containing similar and complementary uses. The sales, service, and consumption of alcohol within the restaurant will be ancillary to the restaurant use. The proposed business hours are similar to other commercial uses within the vicinity. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.
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 and any specific condition required for the proposed use in the district in which it would be located. The restaurant with alcohol sales will be located within an existing commercial center, which conforms to land use and on-site parking requirements applicable to the Commercial General (CG) zoning designation.
4. The granting of the conditional use permit to allow the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within an existing eating and drinking establishment is consistent with the General Plan. The proposed project is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following policies and objective of the City's General Plan:
 - A. Land Use Element
 - Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy 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.

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 place.

The requested conditional use permit will accommodate existing development by allowing the establishment of a restaurant with alcohol sales. 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 in an existing shopping center, which includes service related uses.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 13-032:

1. The site plan and floor plan received and dated November 14, 2013, shall be the conceptually approved design.
2. 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 and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 9:00 AM and 10:00 PM daily.
 - b. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public until at least one hour prior to the scheduled closing time. **(PD)**
 - c. All alcoholic beverages shall remain within the interior of the restaurant per Section 9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcohol beverages are not allowed outside of the restaurant. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - d. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - e. No Happy Hour alcoholic beverage specials shall be offered after 7:00 PM. **(PD)**
 - f. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired. Training shall be provided by and ABC approved RBS trainer and records of the training shall be maintained on-site for review. **(PD)**

- g. All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
 - h. Entertainment shall not be permitted without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - i. No dancing shall be permitted without the required City approval. **(PD)**
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 Planning and Building 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
5. Conditional Use Permit No. 13-032 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and 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/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 4: COASTAL DEVELOPMENT PERMIT NO. 13-021 (BRIGHTWATER CONSTRUCTION TRAILERS):

APPLICANT: Ed Mountford
PROPERTY OWNER: Signal Landmark, 27285 Las Ramblas, Suite 210, Mission Viejo, CA 92691
REQUEST: To permit three construction office trailers and several storage bins on the subject property during build-out of the adjacent Brightwater Residential Project. The trailers and storage bins would be relocated from the Brightwater Project site and are anticipated to be placed on the subject property until July, 2016.
LOCATION: 17202 Bolsa Chica, 92649 (southeast corner of Bolsa Chica Street and Los Patos Avenue)
CITY CONTACT: Jennifer Villasenor

Mr. Ramos stated that the applicant had requested a continuance of the item to the February 5, 2014 meeting.

AS THERE WAS A REQUEST FOR CONTINUANCE, THE PUBLIC HEARING WAS NOT OPENED

Mr. Ramos stated that he would continue the item as requested by the applicant.

COASTAL DEVELOPMENT PERMIT NO. 13-021 WAS CONTINUED TO THE FEBRUARY 5, 2014 MEETING AT THE APPLICANT'S REQUEST.

ITEM 5: TENTATIVE PARCEL MAP NO. 08-118/ CONDITIONAL USE PERMIT NO. 13-019/ VARIANCE NO. 13-016 (YORK HB ASSOCIATES SUBDIVISION):

APPLICANT: Ray Dorame
PROPERTY OWNER: York HB Associates, 20201 SW Birch Street, Suite 100, Newport Beach, CA 92660
REQUEST: **TPM:** To subdivide a previously subdivided 1.25 acre parcel into three parcels for residential development including an easement for right-of-way access. **CUP:** To permit development on a vacant site with a grade differential greater than three (3) feet between the high point and the low point of the site; and to permit the construction of retaining walls greater than two feet high. **VAR:** To permit accessory structures to project beyond the front building line of the principal structures of each parcel.
LOCATION: 7501 Yorktown Avenue, 92648 (north side of Yorktown Avenue, east of Lake Street)
CITY CONTACT: Hayden Beckman

Hayden Beckman, 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.

THE PUBLIC HEARING WAS OPENED.

Ray Dorame, applicant, stated that he had no comments or concerns with staff's recommendations.

James Baker, resident, asked for clarification regarding the height of the project. Mr. Dorame indicated that structures will be between 25 and 27 feet in height.

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 with minor corrections to the findings and conditions of approval.

TENTATIVE PARCEL MAP NO. 08-118/ CONDITIONAL USE PERMIT NO. 13-019/ VARIANCE NO. 13-016 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 15315 of the CEQA Guidelines, because the project consists of the division of property in an urbanized area zoned for residential use into three parcels.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 08-118:

1. Tentative Tract Map No. 08-118 for the subdivision of a previously subdivided 1.25 acre parcel into three parcels for residential development including an easement for right-of-way access is consistent with the General Plan Land Use Element designation of RM-O (Residential Medium High Density – Oil Overlay) on the subject property. The proposed subdivision complies with all applicable code provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with the exception of one variance request to a design standard regarding placement of accessory structures. The project will result in the development of three new single family residences which is under the maximum allowed by code.
2. The site is physically suitable for the type and density of development. The site is located in a residential area within the Alquist Priolo Fault Zone. The applicant has designed the project to be consistent with a site specific geologic soils engineering report, in a manner that provides two buildable areas within acceptable setback distances from existing surface faulting and is amenable to residential development. With the suggested conditions of approval, the size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the HBZSO, except for a single design standard variance request processed concurrently.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site has been previously graded and does not serve as habitat for either fish or wildlife.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easement acquired by the public at large for access through or use of the property exists within the proposed subdivision. Vehicular access to the parcels will be provided by a private street accessed from Yorktown Avenue. The subdivision will provide all necessary easements and will not affect any existing easements.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 08-118:

1. The Tentative Parcel Map No. 08-118 for the subdivision of a previously subdivided 1.25 acre parcel into three parcels for residential development received and dated September 25, 2013, shall be the approved layout.
2. 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 Planning and Building 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.
3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems <http://www.builditgreen.org/green-building-guidelines-rating>).

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-019:

1. Conditional Use Permit No. 13-019 to permit development on a vacant site with a grade differential greater than three (3) feet between the high point and the low point of the site and to permit the construction of retaining walls greater than two feet high 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 design of the proposed subdivision and the construction of decorative retaining walls properly adapt proposed residential project to streets, driveways, and surrounding structures and uses in a harmonious manner. The proposed project will allow for the development and maintenance of a three unit single family residential project located on an existing vacant property located within a residential area.
2. The conditional use permit will be compatible with surrounding uses because the subject site is surrounded to the north, east, and west by the Pacific Ranch residential complex and single and multi-family residences across Yorktown Avenue to the south. In conjunction with grading activities, the proposed construction of retaining walls greater than two feet high will

allow for the development of three single family residences on a property with an existing grade differential greater than three (3) feet between the high point and the low point of the site. The subject site is currently zoned for and adjacent to residential uses, and compliance with applicable code requirements will ensure that the project will be compatible with surrounding 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, except for one variance request to a design standard regarding placement of accessory structures, processed concurrently. Excepting the variance request, the proposed project will comply with all code provisions, including setbacks, density, open space, and parking.
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 Residential Medium Density on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Land Use Element

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character considering the following guidelines:

- a. Modulate and articulate building elevation, facades and masses (avoiding undifferentiated "box-like" structures).
- d. Encourage innovative and creative design concepts.

B. Urban Design Element

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

C. Environmental Hazards Element

Objective EH 1.1: Ensure that land use planning in the City accounts for seismic and geologic risk, including ground shaking, liquefaction, subsidence, soil and slope stability, and water table levels.

The layout and design of the proposed project will complement the subdivision without creating impacts to surrounding properties. Based on existing topography and seismic conditions, the proposed system of retaining walls will provide varied elevations of the buildable areas of the site in a creative design on an irregularly shaped property. The subject request will support the development and maintenance of three single family properties on a vacant site surrounded by residential uses. The design of the project takes into account the technical challenge of development on a site with an existing fault line and ensuring the safety of the future residential property owners. A ten foot easement area running the length of the site's Yorktown Avenue frontage will be permanently maintained as

landscaping which will serve to soften the appearance of proposed retaining walls and enhance the residential neighborhood.

5. 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 construction of three single-family residences in an urbanized area, including accessory structures and fences.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-019:

1. The site plans and elevations received and dated September 25, 2013 shall be the conceptually approved design with the modification that the retaining and above ground walls shall be constructed using split face block or similar decorative material to the approval of Planning staff.
2. Development Impact Fees will be required for new construction. **(Building Division)**
3. Prior to the issuance of grading or building permits, all soils at the site shall conform to City Specification #431-92 Soil Clean-Up Standards prior to the issuance of a grading or building permit. Grading and building plans shall reference that "All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards" in the plan notes. **(FD)**
4. Prior to the issuance of grading or building permits, the following is required to demonstrate compliance with City Specifications 429 and 431-92:

- a. Soil Sampling Work Plan: Render the services of a qualified environmental consultant to prepare and submit a soil sampling work plan to the HBFD for review and approval. Once the HBFD reviews and approves the submitted work plan, the sampling may commence.

Note: Soil shall not be exported to other City of Huntington Beach locations without first being demonstrated to comply with City Specification 431-92 Soil Clean Up Standards. Also, any soil proposed for import to the site shall first be demonstrated to comply with City Specification 431-92.

- b. Soil Sampling Lab Results: Conduct the soil sampling in accordance with the HBFD approved work plan. After the sampling is conducted, the lab results (along with the Environmental Consultants summary report / tabulations / conclusions) for methane and 431-92 testing shall be submitted to the H.B.F.D. for review.
- c. Remediation Action Plan: If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard*. All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards prior to the issuance of a grading or building permit.
- d. Methane Mitigation System: A Methane Barrier complying with City Specification 429 is required under the proposed structure(s). For structures with existing sub-slab methane barriers, the Methane Barrier shall be extended / modified under new or modified areas of the structure. A plan (two copies), showing compliance with City

Specification 429, shall be submitted to the HBFD for review and approval prior to the installation or modification of a methane barrier. Depending upon the methane testing results, and other site data, measures in addition to the installation of a methane barrier may be required.

- e. Oil Wells shall be abandoned to the satisfaction of the California Division of Oil, Gas & Geothermal Resources and the Huntington Beach Fire Department. **(FD)**
5. Prior to the issuance of grading or building permits. A California Division of Oil, Gas & Geothermal Resources (DOGGR – 714-816-6847), *Site Plan Review* is required for this project.
- a. Identify the well name and well API number. Show the location of the abandoned oil well in question. Accurately locate with “x” and “y” parameters delineated. A completed DOGGR *Site Plan Review* must be on-file with the Fire Department prior to plan approval. Wells identified in the Site Review not meeting current DOGGR requirements may require re-abandonment. If required, the following permits shall be obtained and submitted:
 - i. From the Division of Oil, Gas & Geothermal Resources (DOGGR – (714) 816-6847), provide a *Permit to Conduct Well Operations* for all on-site active/abandoned oil wells.
 - ii. Obtain a Huntington Beach Fire Department *Permit to Abandon Oil Well* and follow the requirements of *City Specification #422, Oil Well Abandonment Permit Process*. Reference compliance with *City Specification #422, Oil Well Abandonment Permit Process* in the plan notes.
 - b. “OIL WELL HISTORY DISPOSITION REPORT” is required. A California licensed third-party petroleum engineer or geologist compiles a disposition report for submittal to the Fire Department – Development Section. (see *City Specification # 429, section 3.2*)
 - c. “CITY CONSULTANT - OIL WELL HISTORY REVIEW” is required. The city consultant reviews the submitted OIL WELL HISTORY DISPOSITION REPORT for completeness, well integrity, and recommended safety measures. (see *City Spec. # 429, section 3.3*)
 - d. Discovery of soil contamination/pipelines, etc., must be reported to the Fire Department immediately and an approved remedial work plan submitted. **(FD)**
6. Fire Access Roads shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24”) wide, with thirteen feet six inches (13” 6”) vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26”) wide, with thirteen feet six inches (13” 6”) vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**

7. Fire Lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**
8. Fire Apparatus Access Roads – The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Show compliance with this requirement (Huntington Beach Municipal Code Section 17.56.130, Amendment to CFC 503.1.1) on the Fire Master Plan. **(FD)**
9. Prior to submittal of building permits, the Planning Division shall review and make address assignments. The individual dwelling units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. For Fire Department approval, reference compliance with City Specification #409 Street Naming and Address Assignment Process in the plan notes. **(FD)**
10. Fire Hydrants are required and the proposed locations shall be shown, and accepted by the HBFD, on a Fire Master Plan prior to grading or building plan approval. Hydrants must be portrayed on the site plan. Hydrants shall be installed and in service before combustible construction begins. The location and installation of hydrants shall meet the requirements of the 2011 Huntington Beach Fire Code Section 507.5, Appendix B and C, City Specification # 407 Fire Hydrant Installation, and Public Works Standard requirements. Hydrants shall be placed in locations acceptable to the Huntington Beach Fire and Public Works Departments. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments. **(FD)**
11. Automatic Fire Sprinklers are required for each single family dwelling and shall comply with NFPA 13D. Separate plans (two sets) shall be submitted to the Fire Department for permits and approval as a deferred submittal. For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with NFPA 13D and the California Fire Code in the plan notes. **(FD)**
12. A Fire Master Plan showing the location of the following is required:
 - a. Buildings
 - b. Hydrants (public and private) and FDC"s (and actual travel distance for a person between)
 - c. Gate locations
 - d. Fire lane dimensions, lengths, signage and striping, turning radii at corners and turn-arounds.
 - e. Fire Department Access paths (for hose pulls and access in and around building) called out.

NOTE: A separate submittal is required for the Fire Master Plan. A master plan will need to be submitted to the HBFD for review and approval. No approvals will be granted for

building permits or site grading until it has been approved. It will need to be a component of the submittal for the building plan review as well as all fire department plans. (FD)

13. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. (FD)
14. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. (FD)
15. The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)
16. CUP No. 13-019 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 Department a minimum 30 days prior to the expiration date.
17. 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 Planning and Building 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.
18. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems <http://www.builditgreen.org/green-building-guidelines-rating>).

FINDINGS FOR APPROVAL – VARIANCE NO. 13-016:

1. The granting of Variance No. 13-016 to permit accessory structures to project beyond the front building line of the principal structures of each parcel will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification due to the special circumstances identified. The project site contains a slope differential and seismic fault that prevent the placement of accessory structures behind the front building line of or attached to the principal structure. The proposed variance allows for a more flexible and harmonious site design consistent with other single family residential projects and subdivisions previously approved and developed.

2. Because of special circumstances applicable to the subject property, including an existing fault line restriction, 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 subject site is impacted by a unique geologic feature impacting the development potential. An existing fault line currently traverses the southwestern portion of the property, restricting the developable areas. A site specific geologic soils engineering report identifies two buildable areas that are within acceptable setback distances from existing surface faulting and which are amenable to residential development. Based on engineering design specific to the subject property's existing conditions, habitable residential structures must be contained within the recommended buildable areas. Due to these fault line restrictions, garages cannot be attached to the residential structures, as no portion of a habitable structure may encroach outside the identified buildable areas. The requested variance will allow the placement of required enclosed parking garages and other accessory structures in a practical manner harmonious with the location of the habitable structures. The variance will allow the garages to be located in front of the front building line of the principal structure, thereby reducing driveway lengths, reducing impervious surface areas, and in locations that will comply with setbacks and will be consistent with emergency service vehicle access to each parcel.
3. The granting of a Variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the layout of the parcels of the proposed subdivision and location of the two residential buildable areas, accessory structures cannot be feasibly placed behind the front building line of or attached to the principle structures and comply with minimum setbacks or be consistent with the recommended seismic design and improvements to permit the proposed project.
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 proposed project will allow for the development of three single family structures on three separate parcels on an existing vacant parcel currently zoned for residential uses. With the exception of the subject variance request, the project will comply with all applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
5. The granting of the Variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Medium Density on the subject property. In addition, the proposed project is consistent with the following General Plan policy and objective:

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.

LU 15.5 Ensure that development achieves the visual and physical character intended for the district in which it is located.

The proposed variance to permit accessory structures to project beyond the front building line of the principal structures of each parcel will allow for adequate space necessary for the safe and efficient development of three single-family homes. The construction of the proposed project will be based on the existing size, shape and topography of the subject site. The proposed development will be consistent with other existing single family residential neighborhoods with accessory structures projecting beyond the front building line

of the principal structure. The subject property is surrounded to the north, east and west by the Pacific Ranch residential development and residential uses to the south across Yorktown Avenue.

CONDITIONS OF APPROVAL VARIANCE NO. 13-016:

1. The site plan and elevations received and dated September 25, 2013 shall be the conceptually approved site layout.
2. VAR No. 13-016 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 Department a minimum 30 days prior to the expiration date.
3. 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 Planning and Building 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.
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/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 6: CONDITIONAL USE PERMIT NO. 13-031/ COASTAL DEVELOPMENT PERMIT NO. 13-020/ VARIANCE NO. 13-014/ DESIGN REVIEW NO. 13-021 (MAKAR RESIDENTIAL ADDITION):

APPLICANT: George Bostros,
PROPERTY OWNER: George Makar, 920 N. State Street, Hemet, CA 92543
REQUEST: **CUP:** To permit an approximately 1,758 sq. ft. three story expansion of floor area to an existing, tow-story legal nonconforming structure greater than 10%. **CDP:** To permit an increase of square footage greater than 10% and an addition of height greater than 10% of an existing two story legal nonconforming structure. **VAR:** To permit 55% lot coverage in lieu of maximum 50% lot coverage
LOCATION: 123 8th Street, 92648, (north side of 8th Street, east of Pacific Coast Highway)
CITY CONTACT: Hayden Beckman


Hayden Beckman, Assistant Planner, stated that the applicant had requested a continuance of the item to the February 5, 2014 meeting.

AS THERE WAS A REQUEST FOR CONTINUANCE, THE PUBLIC HEARING WAS NOT OPENED

Mr. Ramos stated that he would continue the item as requested by the applicant.

CONDITIONAL USE PERMIT NO. 13-031/ COASTAL DEVELOPMENT PERMIT NO. 13-020/ VARIANCE NO. 13-014/ DESIGN REVIEW NO. 13-021 WERE CONTINUED TO THE FEBRUARY 5, 2014 MEETING AT THE APPLICANT'S REQUEST.

THE MEETING WAS ADJOURNED AT 2:40 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 5, 2014, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:kdc