

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

WEDNESDAY, JUNE 16, 2010 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Hayden Beckman, Ethan Edwards, Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2010-014 (COLETTE'S CHILDREN'S HOME)

APPLICANT: William O'Connell, Colette's Children's Home
PROPERTY OWNER: Kiet Truong, 5633 Florida Avenue, Arcadia, CA 91006
REQUEST: To permit the construction of a multi-family development consisting of six dwelling units comprised of three, two-story structures.
LOCATION: 7911 Slater Avenue, 92647 (northeast corner of Slater Avenue and Keelson Lane)
PROJECT PLANNER: 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 presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ms. Nguyen stated that staff had received one letter stating concerns with the potential quantity of people occupying the proposed units.

THE PUBLIC HEARING WAS OPENED.

Ricky Ramos, Zoning Administrator, asked the applicant if there were any comments or concerns with staff's recommended findings and conditions.

Pat Whitaker, a representative for the applicant, stated she had no comments or concerns with staff's recommendations.

John Golwacz, 7762 Cypress Street, #4, stated he is opposed to the project. He expressed his concern for safety of the future tenants as the proposed location is in a high crime area.

Catherine Johannsen, spoke in opposition of the project. She expressed concern for public safety, density, and increased use of the City's infrastructure.

Mr. Ramos asked staff if the Police Department reviewed the proposed project.

Ms. Nguyen verified that the Police Department reviewed the project and had no comments or concerns.

Mr. Ramos, explained, that the site has a density potential of a maximum 8 units but the project is proposing 6 which does not raise concerns with density. He further explained that Public Works has added conditions to the project which address the increase usage of the City's infrastructure.

Pat Whitaker, representative of the applicant, commented that they believe this project will be a positive addition to the area.

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.

CONDITIONAL USE PERMIT NO. 2010-014 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, which exempts multi-family residential structures consisting of six or fewer units in urbanized areas.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-014:

1. Conditional Use Permit No. 2010-014 to construct a multi-family development consisting of six dwelling units comprised of three, two-story structures 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 project will not generate noise, traffic, odors or other impacts at levels inconsistent with the residential character of the existing neighborhood. Adequate parking to serve the proposed project will be provided onsite in conformance with the requirements of the HBZSO. The project will provide new housing anticipated to have a positive impact on the value of property in the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because the project consists of construction of multi-family residential dwellings in a neighborhood predominantly developed with multi-family housing of comparable design and density. The proposed dwellings are designed to convey a high level of quality and a character consistent with the City's Urban Design Guidelines, including massing, building colors, materials, and scale.

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, including maximum density, building height, lot coverage, minimum lot size, lot width, building setbacks, off-street parking, and open space requirements. In addition, the project is conditioned to comply with the landscaping requirements.
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 RMH-25 (Residential Medium High Density - 25 dwelling units/acre) on the subject property. In addition, it is consistent with the following policies of the General Plan:

L.U. Policy 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.

The proposed conditional use permit provides for the construction of six dwelling units at a density of 18 units per acre. The General Plan Land Use and Density Schedule allows for residential development on the subject property at a maximum density of 25 units per acre.

L.U. Policy 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character, including the following guidelines:

- a. Site and design parking areas and facilities that are integrated with but do not dominate the architectural character of the structure.
- b. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed building design features articulation of the exterior elevations which minimize overall building mass through roof line variations, variable wall planes, and window and door arrangements. All dwellings include attached integrated garages. Open parking spaces are located so as to minimize large expanses of paving. Garages are oriented toward the interior of the lot so as not to dominate the architectural character of the project as viewed from the street.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-014:

1. The site plan, floor plans, and elevations received and dated April 19, 2010 shall be the conceptually approved design with the following modifications:
 - a. On the site plan, depict a minimum of 8 percent of the total net site area in landscaping. **(HBZSO 232.08-A-1)**
 - b. On the site plan, depict two 36-inch box trees planted within the setback areas adjacent to a street. In addition, provide one 36-inch box tree planted within the common open space area for each first level unit. Specimen palms may be substituted at a ratio of ½ foot brown trunk height for one inch of box tree inch required. **(HBZSO 232.08-B-3 & 232.08-B-5)**
2. Prior to issuance of grading permits, the following shall be completed:

- a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within 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.
 - b. Blockwall/fencing plans (including a site plan, section drawings and elevations, depicting the height and material of all retaining walls, freestanding walls and fences) consistent with the grading plan, shall be submitted to and approved by the Planning and Building Department. Double walls shall be prohibited. Prior to construction of any new property line walls or fences, a plan, approved by the owners of adjacent properties, and identifying the removal of any existing walls, shall be submitted to the Planning and Building Department for review and approval. The plans shall identify proposed wall and fence materials, seep holes and drainage.
3. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, and Public Works dated May 27, 2010, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. Prior to issuance of building permits, the following shall be completed:
- a. The subject property shall enter into irrevocable access easement between the subject site and adjacent northerly property for a common walkway. The location and width of the accessway shall be reviewed and approved by the Planning and Building Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal access. The legal instrument shall be submitted to the Planning and Building Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning and Building Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning and Building Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - b. The draft Affordable Housing Plan received and dated April 19, 2010, shall be revised to identify six on-site units for-rent as affordable. An Affordable Housing Agreement in accordance with the Affordable Housing Plan shall be submitted to the Planning and Building Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the development. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size, and location of the six affordable housing rental units on-site. There shall be five units with three bedrooms and one unit with two bedrooms.

- ii. There shall be six units affordable to very low-income households (income level less than 50% of Orange County median). The Orange County median income is adjusted for appropriate household size.
 - iii. Continuously affordable provisions for a period of 60 years.
 - c. An interim parking and building materials storage plan shall be submitted to the Planning and Building Department to assure adequate parking and restroom facilities are available for 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 applicant shall obtain any necessary encroachment permits from the Department of Public Works.
 - d. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning and Building Department 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.
- 5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
- 6. The structure(s) cannot be occupied and the final building permit(s) cannot be approved, until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
- 7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State, and Federal Fire Codes, Ordinances, and standards, except as noted herein.
9. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green’s Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating/>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: TEMPORARY USE PERMIT NO. 2010-002 (OAK VIEW CHILI NIGHT)

APPLICANT:	Roy Gerber, His Chaplain For You
PROPERTY OWNER:	City of Huntington Beach, 2000 Main Stree, Huntington Beach, CA 92648
REQUEST:	To permit the establishment of a weekly food service event every Wednesday between 5:00 PM and 7:00 PM in the parking lot of the Oak View Child Development Center for a period of five years (2010-2014).
LOCATION:	17341 Jacquelyn Lane, 92647 (terminus of Jacqueline Lane, north of Slater Avenue, west of Nichols Lane)
PROJECT PLANNER:	Hayden Beckman

Hayden Beckman, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and mitigation measures as presented in the executive summary.

Mr. Beckman stated that staff had not received any comments or public inquiries.

Mr. Ramos verified that no conflicts would occur with the existing operating hours of the Oak View Child Development Center.

THE PUBLIC HEARING WAS OPENED.

Mr. Roy Gerber, the applicant, stated he has no comments or concerns with staff’s proposed recommendations.

Mr. Ramos stated that he would like to add condition 2(f) that would prevent the sidewalks from being impacted by potential long lines.

Mr. Gerber stated he has no concern with the additional condition.

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 the addition of condition 2(f).

TEMPORARY USE PERMIT NO. 2010-002 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent impact on the environment are exempt from further environmental review.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2010-002:

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 temporary use will be compatible with surrounding uses, and consistent with the following General Plan Objective and Policies:

A. Land Use Element

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

Policy – 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.

B. Recreation and Community Services Element

Policy – RCS 7.1.1: Design recreation facilities and programs that are functional, efficient and affordable.

Policy – RCS 8.1.2: Encourage neighborhood groups, organizations, clubs and businesses to take a greater interest and financial responsibility in the improvement and operations of the parks and recreational facilities through the donation of goods, services, and financial support.

The subject event is intended to facilitate a stronger sense of community and assist lower-income residents through the donation of food and non-alcoholic beverages to the local Oak View community. His Chaplain for You, a local non-profit organization partnered with the

Community Services Department, requests to create the Oak View Chili Night on a weekly basis which aims to provide a safe and clean environment for Oak View residents to congregate over meals and beverages.

2. Approval of the application for Oak View Chili Night, a weekly food service event between the hours of 5PM and 7PM each Wednesday night, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Temporary Use Permit No. 2010-002 will not create detrimental impacts to surrounding residential uses by utilizing existing City facilities, limiting the hours of operation, and ensuring the site is cleaned of garbage and other debris after each weekly event. A mobile food service vehicle and two tables for food delivery will be removed from the parking lot of the Oak View Child Development Center at the end of each Wednesday night event. No significant impacts are anticipated, as the event will not generate any additional noise, traffic, or demand on parking above which already exists onsite or within the surrounding area.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2010-002:

1. The site plan dated April 13, 2010 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The event shall operate only between the hours of 5:00 PM and 7:00 PM each Wednesday night of the calendar year for a period of five years (2010-2015)
 - b. The food service vehicle and associated food delivery tables shall be removed from the site each night of a scheduled event.
 - c. The Oak View Child Development Center site and Oak View Park shall be cleared of all trash and debris at the conclusion of each scheduled event.
 - d. The event operators and volunteer crew are responsible for picking up and disposing of all associated garbage and debris at the conclusion of each scheduled event. Clean-up shall not occur before 7:00 AM and after 10:00 PM.
 - e. The applicant shall notify the Department of Planning and Building of any changes to any scheduled event no less than 15 days prior to the commencement of the event.
 - f. The applicant shall ensure that the event activities and participant queuing are confined to the sites of the Oak View Child Development Center and Oak View Center Park only to avoid blocking public streets and sidewalks.
3. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the subject activity may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Department of Planning & Building.
4. The Planning & Building Department may review and evaluate past events and determine the need for new or modified conditions of approval, subject to approval by the Zoning Administrator.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 3: CONDITIONAL USE PERMIT NO. 2010-017 (PIERSIDE PAVILION CARTS & KIOSKS):

APPLICANT:	Michael Adams, Adams & Associates
PROPERTY OWNER:	City of Huntington Beach, 2000 Main Stree, Huntington Beach, CA 92648
REQUEST:	CUP: To permit the establishment and operation of 18 carts & kiosks within the Pierside Pavilion development along Main Street (public property) and Pacific Coast Highway (private property).
LOCATION:	300 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and Main Street)
PROJECT PLANNER:	Ethan Edwards

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

Mr. Edwards stated that staff had received six public comments and several phone calls opposing the request. The majority of opposition is related to concerns with increased pedestrian congestion, negative economic impacts to downtown businesses, and the negative aesthetics the carts may have along Main Street and Pacific Coast Highway.

Mr. Ramos verified the location of carts in a previously approved permit. He also asked staff if there have been any code enforcements complaints regarding the carts.

Mr. Edwards stated that he had verified with Code Enforcement staff that there is no history of complaints.

THE PUBLIC HEARING WAS OPENED.

Mike Adams, representing the applicant, stated that he would like condition 1 (a) to allow flexibility for the layout of the carts within the confined area.

A discussion took place regarding the history of carts along Main Street.

Lee Gaitlin, representing Huntington Surf and Sport, stated that they oppose the project, citing concerns with the change of aesthetics with the Main Street/ PCH area, pedestrian congestion, and the concern of creating a swap meet appearance.

Mike Sheldon, representing Huntington Surf and Sport, stated he is opposed to the request due to concerns with increased pedestrian congestion.

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

Mr. Ramos asked staff if the number of carts located along Pacific Coast Highway were the same number approved in 2000.

Staff verified the previously approved permit was for the same number of carts.

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with modified conditions.

CONDITIONAL USE PERMIT NO. 2010-017 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-017 :

1. Conditional Use Permit No. 2010-017 for the establishment, maintenance and operation of commercial carts and kiosks within the Pierside Pavilion development and on adjacent public right-of-way 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. As conditioned, the parallel orientation of carts and kiosks with Main Street and Pacific Coast Highway will not impede pedestrian access and will maintain public views. The location of the carts and kiosks are designed to compliment existing businesses and activate pedestrian corridors while remaining cognizant of adjacent residences by minimizing placement in close proximity to adjacent residential uses (i.e., Pier Colony). Based upon the conditions imposed, the operation will not impact pedestrian circulation, nor will the operation impact the surrounding businesses and residential uses.
2. The conditional use permit will be compatible with surrounding uses because the ancillary operation of commercial carts and kiosks is consistent with the zoning designation and does not represent a significant change from the existing commercial use. The site currently includes carts and kiosks and the conditional use permit will allow for the modified continuation of this ancillary use.
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. As conditioned, the project complies with all aspects of the SP5 (Downtown Specific Plan) including parking, onsite circulation, and setbacks. Carts and kiosks are permitted within the SP5 (Downtown Specific Plan) with the approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F12-sp-pd (Mixed Use Vertical - 3.0 max. floor area ratio - 30 du/ac max. - Specific Plan Overlay - Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

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

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed carts and kiosks increases the economic viability of the downtown by providing additional shopping opportunities, additional employment opportunities and captures visitor and tourist activity within the downtown. The project site is located in a mixed-use district of the downtown area and within walking distance of several downtown parking facilities as well as residential uses thus reducing the need for automobile use and increasing the need for pedestrian amenities. The carts and kiosks will further stimulate pedestrian activity along Main Street and Pacific Coast Highway. As conditioned, the carts and kiosks will provide a 10 ft. wide sidewalk to ensure that the area is physically accessible to pedestrians which is consistent with other cart and kiosk locations in the downtown.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-017:

1. The site plan received and dated April 28, 2010, shall be the conceptually approved design with the following modifications:
 - a. Depict a minimum 4 ft. customer queuing area around each cart & kiosk. **(DRB)**
 - b. Depict a minimum 10 ft. wide clear passage area for pedestrian access along or within the public sidewalk adjacent to any customer queuing areas around the carts & kiosks. **(PW)**
 - c. Depict no more than 2 carts & kiosks along Main Street, 4 carts & kiosks along Pacific Coast Highway, and 12 carts & kiosks within the plaza area.
2. Prior to operation of the carts & kiosks, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.

3. The use of the carts and kiosks shall comply with the following:
 - a. Hours of operation shall be limited to between 10:00 AM and 10:00 PM.
 - b. The employees of the carts and kiosks shall park on the second (lowest) level of the Pierside Pavilion parking structure.
 - c. The areas around the carts and kiosks shall be kept free of trash.
 - d. Carts and kiosks shall be removed along Main Street during the annual 4th of July Parade and Parade of Lights. **(CS)**
4. Any trenching for proposed or required telephone and electrical conduits shall be replaced with concrete colors, textures, or pavers to match. Trenches shall be cut in a pattern that is complementary to existing concrete expansion patterns. **(PW)**
5. All conditions of approval required under Coastal Development Permit No. 2000-022 /Entitlement Plan Amendment No. 2000-012, with exception of Conditions of Approval Nos. 1(a, e, f, & g) and 4(a), shall remain valid.
6. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing if any changes to cart and kiosk operations are proposed as a result of the ongoing operation and oversight of the use.
7. Minor modifications to the plans shall be reviewed and approved by the Department of Planning and Building 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.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

**COASTAL DEVELOPMENT PERMIT NO. 2009-010; CONDITIONAL USE PERMIT 2009-036
(CHAN ADDITION)**

APPLICANT: Jay Golison, JWG Design Development
PROPERTY OWNER: City of Huntington Beach, 200 Main Street, Huntington Beach, CA 92648; JT 16691 Bolero Lane, Huntington Beach, CA 92649
REQUEST: **CDP:** To permit a 630 sq. ft., third-story residential addition to an existing 3,872 sq. ft. two-story single-family residence with an overall building height of 29 ft. **CUP:** To permit approximately 630 sq. ft. of third floor habitable area.
LOCATION: 16691 Bolero Lane, 92649 (west side of Bolero Lane, between Finistere Drive and Nalu Circle - Davenport Island).
PROJECT PLANNER: Ethan Edwards

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

Mr. Edwards stated that he had received one letter from the Huntington Harbour Home Owners Association, stating that the project is consistent with their CC&R's and was approved by their architectural review committee.

Jay Golison, the applicant asked for a modification to condition no. 1 to allow for flexibility in the height of the 2nd floor plate line.

Mr. Ramos explained that the 2nd floor plate line is a code requirement and he does not have the authority to modify a code requirement. He further explained that the applicant could apply for a variance to deviate from said requirement.

A discussion took place regarding the variance process and the mandatory findings needed for a variance to be approved.

Mr. Golison stated he would not move forward with a variance request and agreed to the approved conditions and findings for this project.

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 the minor modifications.

COASTAL DEVELOPMENT PERMIT NO. 2009-010/ CONDITIONAL USE PERMIT NO. 2009-036 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN

**BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION
WITHIN TEN (10) WORKING DAYS.**

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because additions to existing structures are exempt provided that they are less than 50% of the floor area of the existing structure.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-010:

1. Coastal Development Permit No. 2009-010 to permit a 630 sq. ft., third-story residential addition to an existing 3,872 sq. ft., two-story single-family residence with an overall building height of 29 ft., as conditioned, conforms with the General Plan, including the Local Coastal Program designation of Residential Low-Density. The proposed project is consistent with Coastal Element Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously 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. The project complies with all applicable development regulations, including maximum building height, minimum setbacks, maximum site coverage, minimum landscaping, and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will 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 with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-036:

1. Conditional Use Permit No. 2009-036 to permit approximately 630 sq. ft. of third floor habitable area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The third floor habitable area will be accessible only from the interior of the building. Based upon the conditions imposed, the third floor habitable area will be within the confines of the 2nd story roof volume and set back toward the rear of the property further minimizing the appearance of bulk and mass.
2. The conditional use permit will be compatible with the surrounding neighborhood because the two-story residence with third floor habitable area is designed to resemble the two-story homes in the adjacent neighborhood. As conditioned, the third floor habitable area is integrated within the confines of the 2nd story roof volume which is compatible to the mass and scale of surrounding homes. The overall building height of approximately 29 feet is not

anticipated to impact surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights.

3. The conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height. The third floor habitable area is allowed within the RL (Residential Low Density) zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Low Density Residential—7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy – 9.2.1.: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including the:

- a. Maintenance of the predominant or median existing front yard setbacks;
- b. Use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development.
- c. Use of complimentary building materials, colors and forms, while allowing flexibility for unique design solutions.
- d. Maintenance of privacy on abutting residences.

As conditioned, the project complies with this General Plan policy because the project employs variations in form such as variable rooflines and building pop-outs, contrasting exterior finishes, building details such decorative doors and windows, and building siting in order to create visual interest. The architectural elements of the residence which include windows, dormers, doors, balcony, and roof eaves create a rhythmic composition, taking into consideration scale, style and proportion of architectural elements. Furthermore, the proposed project is designed to minimize privacy impacts by orientating the third floor habitable area dormer and windows toward the adjacent Huntington Harbour. The design of the residence will be compatible with existing developments in the neighborhood which are comprised of two-story residences because the project will convey the appearance of a two-story home.

B. Coastal Element

Objectives – C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Implementation Program – I-C 2: The principal method for implementing the Coastal Element is the HBZSO, and the design and development standards contained therein. Accordingly, projects that comply with HBZSO standards are consistent with the Coastal Element of the General Plan.

The project will comply with the goals and policies of the Coastal Element, the General Plan, and the standards of the HBZSO. No adverse impacts will occur as a result of the proposed development. The project will not impact public access, recreation, or views to coastal resources. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-010/CONDITIONAL USE PERMIT NO. 2009-036 :

1. The site plan, floor plans, and elevations received and dated May 21, 2010 shall be the conceptually approved design with a modification to provide revised plans that depict habitable area above the 2nd story plate line within the confines of the 2nd story roof volume. **(HBZSO Sec. 210.06(M))**
2. Prior to submittal for building permits, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

THE MEETING WAS ADJOURNED AT 2:49 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 23, 2010, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd