

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

WEDNESDAY, JANUARY 31, 2018 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jessica Bui, Joanna Cortez, Tania Moore

MINUTES: December 6, 2017
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

CONDITIONAL USE PERMIT NO. 17-040/VARIANCE NO. 17-006 (ROD & GUN CLUB - CONTINUED FROM THE JANUARY 17, 2018 MEETING)

APPLICANT: Julio Gener, Studio Architects, PO Box 3793, Costa Mesa, CA 92628

PROPERTY OWNER: Tim Miller, 5872 Engineer Drive, Huntington Beach, CA 92649

REQUEST: **CUP:** To permit: 1) an approximately 5,084 sq. ft. addition to an existing 26,124 sq. ft. industrial building; 2) a commercial recreation use consisting of a private shooting range, car collection showroom, and members lounge with the onsite sales and consumption of alcohol (Type 57 ABC License); and 3) a request for reduced parking with a parking study. **VAR:** To permit: 1) a 6 ft. 5 in. wide landscape planter in lieu of the required minimum of 10 ft. along Engineer Drive; 2) a 17 ft. 1 in. wide drive aisle width in lieu of the required minimum of 20 ft. on the north parking lot fronting Engineer Drive; 3) a 19 ft. 5 in. wide drive aisle in lieu of the required minimum of 20 ft. in the parking lot fronting Transistor Lane; and 4) a 19 ft. 3 in. drive aisle width in lieu of the required minimum 26 ft. in the parking lot fronting Transistor Lane.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

LOCATION: 5872 Engineer Drive, 92649 (northwest corner of Engineer Dr. and Transistor Ln.)

CITY CONTACT: Jessica Bui

Jessica Bui, Assistant Planner, displayed project plans 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 and denial as presented in the executive summary.

Ricky Ramos, Zoning Administrator, clarified the parking requirement.

Ms. Bui advised the required parking spaces is 62.

THE PUBLIC HEARING WAS OPENED.

Julio Gener, applicant, advised that he would work with City staff regarding denial of the variance.

Tim Miller, property owner, had concerns with the condition that all activity shall take place indoors as he has hosted many large gatherings in the outside space for the last 22 years. He wanted to confirm that he would be able to continue to do so.

Mr. Ramos, stated that as per approval condition number 2c all activities shall occur indoors. He advised Mr. Miller to verify that the property was previously approved for such activity and obtain the appropriate TAP/TUP permits as required under condition number 4 and inquired as to how the property owner planned to control possible parking issues.

Mr. Miller advised that their membership selection process is very extensive and did not foresee any potential parking issues, if they arise in the future he will open another location.

Mr. Robert Jewell, business owner at 5957 Engineer Dr. spoke as to how quiet Mr. Miller's business currently is.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the CUP request and deny the Variance as recommended by staff.

CONDITONAL USE PERMIT NO. 17-040 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. VARIANCE NO. 17-006 WAS DENIED BASED UPON FINDINGS FOR DENIAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-040:

1. Conditional Use Permit No. 17-040 for an approximately 5,084 sq. ft. addition to an existing 26,124 sq. ft. industrial building to establish a commercial recreation use consisting of a private shooting range, car collection showroom, and members lounge with the onsite sales and consumption of alcohol (Type 57 ABC License); and a request for reduced parking with a parking study 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 site is entirely surrounded by industrial uses and there are no anticipated impacts to the adjacent properties. As conditioned, all doors shall remain closed at all times and all activity shall occur indoors. Additionally, a range master will be present at all times the firing range is in use to ensure safe operation and enforcement of conditions of approval. The nearest residential use is approximately 520 ft. to the east across

Springdale Street and is buffered by buildings, parking lots, and arterial streets and there are no anticipated impacts to the residential use.

2. Conditional Use Permit No. 17-040 for an approximately 5,084 sq. ft. addition to an existing 26,124 sq. ft. industrial building to establish a commercial recreation use consisting of a private shooting range, car collection showroom, and members lounge with the onsite sales and consumption of alcohol (Type 57 ABC License), and a request for reduced parking with a parking study will be compatible with surrounding uses as the project site is entirely surrounded by industrial uses. The proposed use is conditioned to have all activities indoors to minimize any potential noise impacts. Furthermore, the use is subject to comply with the Noise Ordinance of the Huntington Beach Municipal Code which will ensure the use is compatible with the 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 with the exception for reduced parking, as approved by a parking study prepared by a licensed engineer. Based on the parking study by Kunzman Associates, Inc., dated January 16, 2018, the use will require 40 parking spaces, and as conditioned, a minimum of 40 parking spaces will be required to be striped onsite. The project is located in the IL zone (Limited Industrial District) and as conditioned, will comply with minimum landscaping requirements, drive aisle widths, setbacks, building height, floor area ratio, and lot coverage.
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 I (Industrial) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-5: Industrial businesses provide employment opportunities for residents, supporting the local economy.

Policy LU-5 A: Support and attract new businesses in the city's industrial areas.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-5 A: Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Conditional Use Permit No. 17-040 for an approximately 5,084 sq. ft. addition to an existing 26,124 sq. ft. industrial building to establish a commercial recreation use consisting of a private shooting range, car collection showroom, and members lounge with the onsite sales and consumption of alcohol (Type 57 ABC License) will support a new business and provide employment opportunities within the community. In addition, the use will diversify the range of services to accommodate the needs of residents and visitors from the surrounding region.

FINDINGS FOR DENIAL - VARIANCE NO. 17-006:

1. The granting of Variance No. 17-006 for: 1) a 6 ft. 5 in. wide landscape planter in lieu of the required minimum of 10 ft. along Engineer Drive; 2) a 17 ft. 1 in. wide drive aisle width in

lieu of the required minimum of 20 ft. on the north parking lot fronting Engineer Drive; 3) a 19 ft. 5 in. wide drive aisle in lieu of the required minimum of 20 ft. in the parking lot fronting Transistor Lane; and 4) a 19 ft. 3 in. drive aisle width in lieu of the required minimum 26 ft. in the parking lot fronting Transistor Lane will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The existing site, based on the last approved building plans, show that the property is conforming to the minimum 10 ft. wide landscape planter and the minimum drive aisle widths. As such, there are no physical constraints that limit the applicant from meeting the minimum landscape planter widths and drive aisle widths while providing the minimum 40 parking stalls identified by the traffic engineers parking study. The requests for the variances are to accommodate higher parking demands for the addition of approximately 5,084 sq. ft. and the proposed commercial recreation use. Based on the approved parking study by Kunzman Associates, Inc., dated January 16, 2018, 40 parking spaces are required to support the proposed use and can be accommodated without variances.

2. Because there are no special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is not found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The existing site based on the last approved building plans show that the property is conforming to the minimum 10 ft. wide landscape planter and the minimum drive aisle widths. As such, there are no physical constraints that limit the applicant from meeting the minimum landscape planter widths and drive aisle widths. The requests for the variances are to accommodate higher parking demands for the addition of approximately 5,084 sq. ft. and the proposed commercial recreation use. Furthermore, properties in the vicinity have been developed with the minimum 10 ft. wide landscape planter width and minimum drive aisle widths. Therefore, no other variances have been requested or approved for other properties in the immediate vicinity.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-040:

1. The site plan, floor plans, and elevations received and dated December 20, 2017 shall be the conceptually approved design with the following modifications:
 - a. Revise the site plan demonstrate a minimum of 40 parking stalls per the approved parking study received and dated January 16, 2018 that are striped with the 'hair pin' design in accordance with the design standards of the HBZSO (**HBZSO Section 231.14 Diagram A**) and comply with all other minimum parking design standards.
 - b. The landscape planters along the parking lot on Engineer Drive and Transistor Lane shall be a minimum of 10 ft. in width.
 - c. The drive aisle in the parking lot fronting Engineer Drive shall be a minimum of 20 ft. in width.
 - d. The drive aisle within the parking lot fronting Transistor Lane shall be a minimum of 20 ft. in width for the 60 degree parking stalls on the north side.
 - e. The drive aisle within the parking lot fronting Transistor Lane shall be a minimum of 26 ft. in width for the 90 degree parking stalls on the west side.
2. The use shall comply with the following:

- a. The hours of operation shall be limited to Monday – Sunday from 8:00AM to 10:00PM
 - b. All doors must remain closed at all times.
 - c. All activities and operations shall occur indoors unless otherwise permitted by the Community Development Department.
 - d. The establishment shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, gun range, gun shop; all display areas, kitchen, and exterior are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - e. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use. **(PD)**
 - f. No alcoholic beverages shall be allowed in areas where guns are sold, used, or stored. **(PD)**
 - g. No person that has consumed alcoholic beverages, of any amount, shall have access to firearms and firing range. **(PD)**
 - h. If alcoholic beverages are provided, sold, or consumed on the premise the business shall have a safety procedure in place to ensure firearms are not handled or used after drinking alcoholic beverages. **(PD)**
 - i. All owners, employees, representatives, and agents shall obey all federal, state, local, and municipal laws, conditions of the Conditional Use Permit, and any other regulations, provision, or restrictions prescribed at all times. **(PD)**
 - j. A range master shall be present to monitor activity at all times when the firing range is in use.
 - k. A copy of the safety procedure required in Condition of Approval No. 2.h shall be submitted to the Police Department and Community Development Department prior to commencement of use.
3. Prior to submittal of building permits, the following shall be completed: Zoning entitlement conditions of approval and code requirements 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. An application for a Temporary Activity Permit (TAP) to permit a maximum of four outdoor car events per calendar year shall be submitted for review and approval by the Community Development Department prior to the commencement of any outdoor car events. To exceed four outdoor car events per calendar year for up to five years, a Temporary Use Permit (TUP) application shall be submitted for review and approval.
 5. Prior to issuance of building permits, the following shall be completed: a Transportation Demand Management Plan which exceeds the minimum required by Section 230.36 of the HBZSO shall be submitted to the Community Development Department for review and approval by the Director of Community Development.

6. A review of the use shall be conducted by the Staff (Zoning Administrator with report with public hearing) within six (6) months of the issuance of Certificate of Occupancy or final building permit approval to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Zoning Administrator may consider modifications to the conditions of approval.
7. CUP No. 17-040 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.
8. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
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: COASTAL DEVELOPMENT PERMIT NO. 17-018 (OWENS NEW SFR):

APPLICANT:	Jeffrey Dahl, 1102 Main Street, Huntington Beach, CA 92648
PROPERTY OWNER:	Chris Owens, 501 N. Sarah Deel Drive, Webster, Texas 77598
REQUEST:	To demolish an existing single family residence and construct an approximately 4,997.2 sq. ft., 2-story, single family residence with an attached 958.6 sq. ft. 3-car garage and a 130 sq. ft. balcony. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for

compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15303, Class 3, California Environmental Quality Act. Appealable

LOCATION: 3565 Courtside Circle, 92649 (north of Coral Cay Ln. and west side of Courtside Cir.)

CITY CONTACT: Jessica Bui

Jessica Bui, Assistant Planner, displayed project plans 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.

Jeffrey Dahl, applicant, stated that he had no comments or concerns with the staff's recommendations.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 17-018 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) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

1. 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 one new single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-018:

1. Coastal Development Permit No. 17-018 to demolish an existing single family residence and construct an approximately 4,997.2 sq. ft., 2-story, single family residence with an attached 958.6 sq. ft. 3-car garage and a 130 sq. ft. balcony conforms with the General Plan, including the Local Coastal Program. The project is consistent with the Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas to accommodate it. The proposed construction will occur on a developed lot, contiguous to existing single family residential development.
2. Coastal Development Permit No. 17-018 to demolish an existing single family residence and construct an approximately 4,997.2 sq. ft., 2-story, single family residence with an attached 958.6 sq. ft. 3-car garage and a 130 sq. ft. balcony is consistent with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project, as conditioned, will comply with all applicable development regulations, including the residential infill ordinance, lot coverage, minimum yard setbacks, landscaping requirements, parking, and building height.

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. Coastal Development Permit No. 17-018 to demolish an existing single family residence and construct an approximately 4,997.2 sq. ft., 2-story, single family residence with an attached 958.6 sq. ft. 3-car garage and a 130 sq. ft. balcony is located on a developed lot in an urbanized area with all necessary services and infrastructure available including water, sewer, and roadways.
4. Coastal Development Permit No. 17-018 to demolish an existing single family residence and construct an approximately 4,997.2 sq. ft., 2-story, single family residence with an attached 958.6 sq. ft. 3-car garage and a 130 sq. ft. balcony 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.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-018:

1. The site plan, floor plans, and elevations received and dated December 29, 2017 shall be the conceptually approved design with the following modification: provide the minimum of 40 percent landscaping (live plants) within the front yard setback. **(HBZSO Section 210.06)**
2. Prior to submittal of building permits, the following shall be completed: zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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.
4. 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.
5. Coastal Development Permit No. 17-018 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.

6. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
7. 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.

THE MEETING WAS ADJOURNED AT 1:59 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 7, 2018, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:tm