

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

WEDNESDAY, JUNE 21, 2017 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Kimo Burden, Joanna Cortez, Judy Graham

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 16-008 (TWO-STORY OFFICE BUILDING):

APPLICANT: Rupert Mok, Rupert Mok & Architects, 2209 Otterbein Avenue, Rowland Heights CA 91748
PROPERTY OWNER: TP & JR Family Limited Partnership, 18822 Beach Boulevard #207, Huntington Beach CA 92648
REQUEST: To amend Conditional Use Permit No. 15-002 to permit the construction of a new 5,000 sq. ft. two-story office building on a vacant lot.
LOCATION: 8081 Yorktown Avenue, 92646 (north side of Yorktown Ave. east of Beach Blvd.)
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. Ms. Nguyen noted that she received one call regarding the project. The caller cited their concern for potential traffic hazards with left turn entrance.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Rupert Mok, applicant, stated that he no comments or concerns with staff's recommendations.

Craig Anderson, resident, noted that he has concerns with the proposed second story building. He noted potential problems with parking, traffic, and noise.

Terry Trebon, resident, cited his concerns with the number of parking spaces required for the proposed project. He also stated his concern with the potential for homeless individuals to stay at the property in the evenings and on weekends. He inquired if there would be a block wall and if the block wall would be constructed in the beginning of the project or after the proposed building is complete. He also inquired about the location of the gas and water lines and the location of the trash enclosure. He also noted his concerns during the construction and the need for temporary fencing prior to the block wall being constructed.

Mr. Ramos explained that the proposed project meets the City's code for the required number of parking spaces. He also explained that the proposed project does include a request for a 6' block wall. Mr. Ramos verified with the applicant that the block wall would be constructed prior to the building, the location of the gas and water lines and the location of the trash enclosure.

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.

ENTITLEMENT PLAN AMENDMENT NO. 16-008 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, because the proposed development consists of the construction of a new commercial building with 5,000 sq. ft. of floor area not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 16-008:

1. Entitlement Plan Amendment No. 16-008 for the construction of a two-story 5,000 sq. ft. commercial building on a 19,000 sq. ft. commercial site 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 new building is not anticipated to generate any significant noise, traffic, parking or other impacts detrimental to surrounding properties and is consistent with the commercial zoning of the subject property. The layout of the site will provide safe conditions for pedestrian and vehicular circulation. The proposed use will be adequately parked for proposed commercial office only and will have minimal impacts to the adjacent residential properties with a 10-foot wide landscape planter along the east property line. Additionally, the structure will be setback at least 61 ft. away from the adjacent residential properties to the east.
2. The proposed construction of a two-story 5,000 sq. ft. commercial building will be compatible with surrounding uses because the building is designed to be consistent with the surrounding neighborhood by providing appropriate scale and character through building siting and proportion. The two-story building conforms to City of Huntington Beach Urban Design Guidelines for general commercial buildings with a functional site layout, a building orientation towards the street, rear parking lot, and perimeter and parking lot landscaping.
3. Entitlement Plan Amendment No. 16-008 to construct a two-story 5,000 sq. ft. commercial building 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 proposed development complies with the development standards and land use provisions in the Commercial General (CG) zoning district including minimum building setbacks, minimum

onsite landscaping, minimum off-street parking, maximum building height, and maximum floor area ratio.

4. The granting of the entitlement plan amendment to permit the construction of a two-story 5,000 sq. ft. building will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, objective, and policies of the General Plan:

A. Land Use Element

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.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (a) incorporation of site landscaping, particularly along street frontages and in parking lots; (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

B. Economic Development Element

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

The proposed project consists of a neighborhood serving commercial use in an area designated for commercial uses. 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. The proposed building complies with the City of Huntington Beach Urban Design Guidelines for general commercial buildings, featuring quality architecture and exterior finish materials, a variety of façade treatments, and a functional site layout.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 16-008:

1. The site plan and floor plans, received and dated April 7, 2017 and elevations received and dated May 23, 2017 shall be the conceptually approved design.
2. Prior to issuance of grading permits, at least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners and tenants on record of properties immediately adjacent to and across the street from the project site. 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 Community Development Department.

3. Prior to submittal for building permits, 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.
4. Prior to issuance of building permits, the property owner shall sign, notarize, and record with the County Recorder a covenant assuring that the commercial building shall be limited to professional office use unless parking is provided for any other permitted uses. **(PL)**
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 5 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 cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - 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 and issued by the Community Development Department.
7. The use of the commercial building shall be limited to professional office use unless parking is provided for any other permitted uses. **(HBZSO Chapter 231)**
8. Entitlement Plan Amendment No. 16-008 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 Division a minimum 30 days prior to the expiration date.

9. The Development Services Departments and divisions (Community Development, Fire, 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.
10. 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: CONDITIONAL USE PERMIT NO. 17-009 (MOBIL GAS STATION REMODEL)

APPLICANT: Ben Steckler, 299 North Euclid Avenue, Suite 550, Pasadena, CA 91101
PROPERTY OWNER: Sun Rise Property LLC, 9001 Adams Avenue, Huntington Beach, CA 92646
REQUEST: To permit the remodel of an existing service station that will include the conversion of three repair bays to a 2,019 sq. ft. convenience store with alcohol beverage sales and construct an 824 sq. ft. automated carwash with a 341 sq. ft. storage room.
LOCATION: 9001 Adams Avenue, 92646 (located at the northeast corner of Magnolia St. and Adams Ave.)
CITY CONTACT: Kimo Burden

Kimo Burden, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the

proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, verified the location of the car wash and entrance into the site.

THE PUBLIC HEARING WAS OPENED.

Ben Steckler, applicant, stated that he had no comment 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; modifying the hours of operation.

CONDITIONAL USE PERMIT NO. 17-009 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, because the project consists of the construction of a commercial building that does not exceed 10,000 sq. ft. in floor area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-009:

1. Conditional Use Permit No. 17-009 to permit the remodel of an existing service station that will include the conversion of three repair bays to a 2,019 sq. ft. convenience store with beer and wine sales and construct an 824 sq. ft. automated carwash with an approximately 205 sq. ft. storage room will not be detrimental to the general welfare or persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed alcohol sales, 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 sale of beer and wine is for off-site consumption only and the service station will continue to provide fuel and convenience goods. The convenience store and carwash facility will meet required setbacks and will not encroach into required pedestrian access areas or vehicular drive aisles. The nearest residential use is located approximately 275 ft. to the north of the subject site and is buffered by a parking lot, a commercial center, and a block wall. As such, the proposed use will not be detrimental to the nearby residential use or the surrounding commercial or to the value of the property and neighborhood as the building design will be compatible with the existing property and will provide an additional service to the surrounding community.
2. Conditional Use Permit No. 17-009 to permit the remodel of an existing service station that will include the conversion of three repair bays to a 2,019 sq. ft. convenience store with beer and wine sales and construct an 824 sq. ft. automated carwash with an approximately 205

sq. ft. storage room will be compatible with surrounding uses because the sale of beer and wine and the addition of the carwash will be ancillary to the existing service station. The carwash will be an additional service and will operate entirely within a building with the proposed vacuum stalls located adjacent to Adams Avenue in front of the service station. The nearest residential use is located approximately 370 ft. to the south of the site.

3. Conditional Use Permit No. 17-009 to permit the remodel of an existing service station that will include the conversion of three repair bays to a 2,019 sq. ft. convenience store with beer and wine sales and construct an 824 sq. ft. automated carwash with an approximately 205 sq. ft. storage room will comply with the provisions of the base district and other applicable provisions in Titles 21-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific conditions required for the use in the district in which it is located. The existing service station with the addition of the carwash facility and storage room conforms to applicable site development requirements such as setbacks, building height, minimum drive aisle widths, on-site parking and landscaping. Carwash facilities with beer and wine sales is permitted in the CG (Commercial General) zoning district with the approval of a conditional use permit.
4. The granting of Conditional Use Permit No. 17-009 to permit the remodel of an existing service station that will include the conversion of three repair bays to a 2,019 sq. ft. convenience store with beer and wine sales and construct an 824 sq. ft. automated carwash with an approximately 205 sq. ft. storage room will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (General Commercial – 0.35 Floor Area Ratio) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

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, 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 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.

B. Economic Development Element

Policy ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

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

The proposed convenience store with beer and wine sales and carwash facility will increase the economic viability of the service station and retail center by offering alcoholic beverages and carwashes in addition to other convenience goods. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-009:

1. The site plan, floor plans and elevations received and dated May 1, 2017 shall be the conceptually approved layout with the following modifications:
 - a. Indicate on the plans that the parallel parking stalls located on the southwest portion of the site have the required 8 ft. maneuvering area. **(HBZSO 231.14)**
 - b. Revise the elevation to incorporate the addition of a cornice to the storage room to enhance the design.
 - c. All proposed signage shall be removed from the plans. Signs are reviewed under a separate permit and applicable processing.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of revised site plan, floor plan and elevations in accordance with Condition No. 1 shall be submitted to the Community Development Department for review and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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.
3. The use shall comply with the following:
 - a. Prior to the sales of alcoholic beverages, the business shall obtain a California Department of Alcoholic Beverage Control (ABC) license authorizing off sale alcohol sales. The ABC license shall be limited to "Off-sale" Type 20 – Beer and Wine Off-sale. All conditions contained in the ABC license shall be adhered to. **(PD)**
 - b. Hours of alcohol sales shall be limited to between 6:00 AM and 2:00 AM. **(PD)**
 - c. Refrigerators and cabinets where alcohol is located must be locked to customers between 2:00 AM to 6:00 AM. **(PD)**
 - d. All persons engaged in the sale of alcohol shall complete a mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
 - e. The facility shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. 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. **(PD)**

- f. Live entertainment is prohibited. **(PD)**
- g. In an effort to reduce the likelihood of alcohol related crimes, the display or sale of the following items shall be prohibited:
 - i. Wine containers of less than 750 milliliters.
 - ii. Wine with alcoholic content greater than 14 percent by volume unless corked bottles and aged at least two years.
 - iii. Beer or malt liquor sold individually in containers of 40 ounces or less, except for small production craft-type beer only available in 40 ounce or less containers.
 - iv. Containers of beer or malt liquor not in their original factory packages of six-packs or greater.
 - v. Cooler products, either wine or malt beverage based, in less than four-pack quantities. **(PD)**
- 4. CUP No. 17-009 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
- 5. 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.
- 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 3: CONDITIONAL USE PERMIT NO. 17-013 / COASTAL DEVELOPMENT PERMIT NO. 17-004 (HENDERSON RESIDENCE)

APPLICANT: Jeffery Dahl, 1102 Main Street, Huntington Beach, CA 92648
PROPERTY OWNER: Don and Rosie Henderson, 122 9th Street, Huntington Beach, CA 92648
REQUEST: **CUP:** To permit a 40 sq. ft. third floor addition and a 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. **CDP:** To permit a 275 sq. ft. first floor addition; a 41 sq. ft. covered porch; and demolish the existing second floor to construct a 1,772 sq. ft. second and third floor addition to an existing single family residence.
LOCATION: 4021 Ondine Circle, 92649 (located west of Edgewater Ln. and north of Ondine Cir.)
CITY CONTACT: Kimo Burden

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

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Jeffery Dahl, 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.

CONDITIONAL USE PERMIT NO. 17-013 / COASTAL DEVELOPMENT PERMIT NO. 17-004 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 15303 of the CEQA Guidelines, because the project consists of the construction of a single family residence within a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-013:

1. Conditional Use Permit No. 17-013 to permit a 40 sq. ft. third floor addition and 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. 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 rooftop deck is set back five feet from the building exterior, and is oriented toward the channel. Moreover, the deck does not exceed the height limit of 35 ft. and will be accessible only from the interior of the building. The overall building height is proposed at 33 ft. 9 in.; however, the majority of the residence is only 27 ft. 6 in. in height, with only an enclosed stairway extending to 33 ft. 9 in. height. The 40 sq. ft. enclosed stairway is an architectural projection extending above the roof volume and is only utilized as an access point to the third floor deck. The 40 sq. ft. enclosed stairway is set back approximately 24 ft. from the building walls on the east and west elevation and 27 ft. 4 in. on the south elevation thus minimizing the perceived height and impact to adjacent and surrounding properties.

2. The proposed 40 sq. ft. third floor addition and 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. will be compatible with surrounding uses. The majority of the proposed structure will only be 27 ft. 6 in. in height, thereby maintaining the design and character of homes in the neighborhood. The 40 sq. ft. enclosed stairway does extend above the roof volume, however, this architectural feature is only utilized as an access point to the third floor deck and is set back from the building exterior, minimizing the perceived height and impact to adjacent and surrounding properties. The third story deck will be oriented towards the harbor, which will protect direct views onto adjacent residences. Furthermore, the proposed deck will be setback five feet from the rear building exterior and 19 ft. from the side building walls, which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.
3. The proposed 40 sq. ft. third floor habitable area addition and 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), as well as any specific condition required for the proposed use in the district in which it would be located. The project complies with minimum onsite parking, building setbacks, maximum lot coverage, and building height. The third floor addition with an approximate overall building height of 33 ft. 9 in. and the third floor deck are allowed within the Residential Low Density Zoning District with approval of a conditional use permit. The proposed third story will be setback a minimum of five feet from the second-story façade as required by the HBZSO.
4. The granting of the Conditional Use Permit to construct a 40 sq. ft. third floor addition and a 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low Density - 7 units per acre) on the subject property. In addition, it is consistent with the following policy and objective 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 (b) use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development; and (d) maintenance of privacy on abutting residences.

B. Coastal Element

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

The proposed 40 sq. ft. third floor addition and 104 sq. ft. third floor deck at an overall building height of 33 ft. 9 in., is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other provisions of the Municipal Code including maximum site coverage, maximum building height, and minimum on-site parking. The majority of the proposed residence is 27 ft. 6 in. in height, with only the enclosed stairway extending to 33 ft. 9 in. The enclosed stairway does extend above the roof volume, however, this architectural feature is only utilized as an access point to the third floor deck and is set back 14 ft. 6 in. from the building wall on the north elevation, 24 ft. on the west and east elevations and 27 ft. 4 in. on the south elevation, thus minimizing the perceived height and impact to adjacent and surrounding properties. Furthermore, the proposed deck will be setback five feet from the rear building wall and 19 ft. from the east and west building walls, which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-004:

1. Coastal Development Permit No. 17-004 to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed addition will occur on a developed site, contiguous to existing residential development.
2. The request to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence 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 addition will comply with all applicable development regulations, including maximum building height and minimum yard setbacks.
3. At the time of occupancy the proposed development to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The request to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence 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 - CONDITIONAL USE PERMIT NO. 17-013/ COASTAL DEVELOPMENT PERMIT NO. 17-004 :

1. The site plan, floor plans, and elevations received and dated May 8, 2017, shall be the conceptually approved design.
2. Prior to submittal of building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted

memorandum from the Departments of Fire, Community Development, 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.

3. The structure cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements shall 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. 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.
5. Conditional Use Permit No. 17-013 and Coastal Development Permit No. 17-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development 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.

ITEM 4: CONDITIONAL USE PERMIT 17-018 (HOAG MEDICAL OFFICE)

APPLICANT: Kevin Leonard, HOAG Memorial Hospital Presbyterian, 510 Superior Ave., Suite 290, Newport Beach, CA 92663
PROPERTY OWNER: Meadowlark Plaza Trust, c/o August Vogel and Associates, PO BOX 1804, Carlsbad, CA 92018
REQUEST: To allow a 6,875 sq. ft. primary care facility (HOAG) to operate within two existing commercial suites.
LOCATION: 5341 and 5353 Warner Avenue, 92649 (north side of Warner Ave., between Airport Cir. and Plaza Ln.)
CITY CONTACT: Joanna Cortez

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

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Sanford Smith, representing the applicant, stated that he had no comment or concerns with staff's recommendations.

A female resident spoke regarding the proposed project. She stated that she has concerns with a facility that allows patients to stay overnight. Mr. Smith explained that the facility would be out-patient only.

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. 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) 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. 17-018:

1. Conditional Use Permit No. 17-018 to allow a 6,875 sq. ft. primary care facility (HOAG) to operate within two existing commercial suites 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 use will not generate traffic or other impacts detrimental to surrounding properties or inconsistent with the adjacent property's zoning. The use is within two existing tenant spaces, approximately 200 ft. north from the nearest residential use, which provides an adequate buffer from any potential negative impacts associated with the use. Additionally, the primary care facility is proposed to occur within the interior of the tenant space and during typical commercial business hours.
2. The conditional use permit to allow a 6,875 sq. ft. primary care facility (HOAG) to operate within two existing commercial suites will be compatible with surrounding uses because the subject business is located on a property designated for commercial use. The proposed use is consistent with the existing land use pattern and compatible with adjacent uses.
3. The proposed conditional use permit to allow a 6,875 sq. ft. primary care facility (HOAG) to operate within two existing commercial suites will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO allows for primary care facilities greater than 5,000 sq. ft. subject to approval of a conditional use permit. There is no physical expansion that includes additional floor area to the building as a part of this request and the use will comply with all building occupancy and exiting requirements, as well as on-site 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 M-sp (Mixed Use – Specific Plan) 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 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.

B. Economic Development Element

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

The 6,875 sq. ft. primary care facility will provide an additional service within an existing commercial shopping center that enhances the surrounding neighborhood. The project will provide new job opportunities for existing and future residents and promote economic viability of the shopping center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-018:

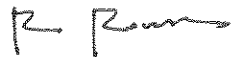
1. The site plan and floor plans received and dated May 2, 2017 shall be the conceptually approved design.
2. The hours of operation shall be limited to Monday – Sunday from 8:00 AM – 8:00 PM.

3. CUP 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 Community Development Department a minimum 30 days prior to the expiration date.
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 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.
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/green-building-guidelines-rating>).

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THE MEETING WAS ADJOURNED AT 2:01 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JULY 5, 2017, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg