

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

WEDNESDAY, MAY 17, 2017 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Kimo Burden, Jessica Bui, Joanna Cortez, Judy Graham

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 16-033 / COASTAL DEVELOPMENT PERMIT NO. 16-017 (TEMPORARY PARKING LOT)-CONTINUED FROM APRIL 19, 2017

APPLICANT/

PROPERTY OWNER: Max Daffron, Office Business Development, City of Huntington Beach, 2000 Main St., Huntington Beach, CA 92648

REQUEST: To permit the temporary installment of 44 vehicle stalls with pay stations on a vacant 0.645 acre lot for a period of five years.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

LOCATION: 131 Orange Avenue, 92648 (southwest of the intersection of 1st Street and Orange Avenue)

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. Mr. Burden stated that due to public notification issues, staff has requested a continuance to the May 31, 2017 special meeting.

Ricky Ramos, Zoning Administrator, stated that staff requested a continuance. However, if anyone would like to make comments he would open the public hearing.

THE PUBLIC HEARING WAS OPENED.

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 continue the item as requested by staff.

CONDITIONAL USE PERMIT NO. 16-033 / COASTAL DEVELOPMENT PERMIT NO. 16-017 WERE CONTINUED TO THE MAY 31, 2017, SPECIAL MEETING AT THE STAFF'S REQUEST.

ITEM 2: CONDITONAL USE PERMIT NO. 17-007 (PENSKE TRUCK RENTAL)

APPLICANT: Scott Mommer, 4694 W. Jacquelyn Avenue, Fresno, CA 93722
PROPERTY OWNER: Jeff Hardman, Home Depot USA, Inc., 3800 W. Chapman Avenue, Orange, CA 92868
REQUEST: To permit an ancillary truck rental service located in the parking lot of a commercial retail business (Home Depot).
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 19101 Magnolia Street, 92646 (Southwest Corner of Magnolia St. and Garfield Ave.)
CITY CONTACT: Jessica Bui

Jessica Bui, 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. Ms. Bui noted that staff received one inquiry regarding the location of the proposed parking area. .

Ricky Ramos, Zoning Administrator, verified modifications to the conditions that were made by staff. Ms Bui noted that the modifications were made to correct typographical errors..

THE PUBLIC HEARING WAS OPENED.

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

Kathleen Klingberg, resident, inquired about contact information if issues arise at the site.

A discussion took place regarding noise issues and contact information for resolving issues that may arise.

Maureen Nagle, resident, inquired about the location of the proposed parking spaces that will be used for the proposed application. Staff verified the location with Ms. Nagle. Ms. Nagle also inquired about the need for the proposed project in the area. Mr. Ramos explained that staff looks at land use only, not whether or not there is a need for a service.

Dennis Nagle, resident, stated that he has concerns with the potential increase in noise. He is strongly opposed to semi-trucks and tractor trailers being allowed to be part of the service. Mr. Ramos noted that semi-trucks and tractor trailers will not be allowed.

A lengthy discussion took place regarding the driveways that customers would use and the hours of operation. Mr. Ramos noted that he would limit the hours for service.

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 with the modified hours of operation.

CONDITONAL USE PERMIT NO. 17-007 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 a minor alteration of an existing commercial parking lot involving no expansion in the overall floor area of the structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-007:

1. Conditional Use Permit No. 17-007 to permit an ancillary truck rental service located in the parking lot of an existing commercial retail business (Home Depot) 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 truck rental service will be conducted entirely within the existing building and the trucks are parked in six stalls located within the existing parking lot and will not impact the subject property or improvements in the neighborhood. Additionally, the parking area will be setback approximately 300 feet along Magnolia Street and will not be visible from the public right-of-way. The truck rental service area will not encroach into the required pedestrian access areas or vehicular drive aisles, and fire access lanes will not be diminished as a result of the proposed use. As conditioned, the truck parking area adjacent to the entrance of the retail business shall be delineated with adequate signage to ensure the area is easily identifiable to ensure pedestrian and vehicular safety is maintained at all times.
2. Conditional Use Permit No. 17-007 to permit an ancillary truck rental service located in the parking lot of an existing commercial retail business (Home Depot) will be compatible with surrounding uses because the truck rental service will occur entirely indoors of the existing retail building and the six parking stalls where the trucks will be temporarily stored for pick up and drop off will not obstruct pedestrian or vehicular access. The trucks are stored at an off-site location and will be dropped off and picked up as requested. Additionally, the proposed truck rental service is an ancillary component to the existing commercial retail business and the site is adjacent to other commercial uses. The proposed parking area for the trucks will be located approximately 240 feet from the nearest residential use and is buffered by the parking lot and a masonry block wall. Furthermore, as conditioned, fueling and truck maintenance on-site will be prohibited to ensure the use will be compatible with the surrounding uses.
3. Conditional Use Permit No. 17-007 to permit an ancillary truck rental service located in the parking lot of an existing commercial retail business (Home Depot) 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 (HBZSO), and any specific condition required for the proposed use in the district in which it would be located. The HBZSO allows for the rental of vehicles, subject to approval of a conditional use permit. The use will comply with the applicable development standards such as parking. There are adequate parking stalls available as the use complies with the required parking ratio for hardware stores at 1 per 200 square feet, excluding areas used for storage or loading. Furthermore,

the proposed parking area is conditioned to be striped in accordance with the striping requirements of the HBZSO.

4. Conditional Use Permit No. 17-007 to permit an ancillary truck rental service located in the parking lot of an existing commercial retail business (Home Depot) 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:

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.

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 ancillary truck rental service in conjunction with the retail sales at the Home Depot store will promote the economic success of the business by allowing for the expansion of services which will provide greater retail options to residents and visitors.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-007:

1. The site plan, floor plans, elevations, and the shared parking analysis received and dated March 22, 2017 shall be the conceptually approved layout with the following modifications:
 - a. The site plan shall identify the location of signage for the truck parking area.
 - b. Parking stalls shall be striped in accordance with Diagram A of Section 231.14 of the Huntington Beach Zoning and Subdivision Ordinance.
2. The use shall comply with the following:
 - a. The truck rental service shall be limited to operate from Monday through Saturday from 8:00 AM to 10:00 PM and Sunday from 8:00 AM to 8:00 PM.
 - b. Rental trucks shall not be stored on-site for a period of more than 24-hours.
 - c. Customer's utilizing the truck rental service shall not store personal vehicles on-site.
 - d. Truck maintenance and fueling shall not occur on-site.
 - e. Semi-trucks or tractor trailer type vehicles shall not be rented on-site.
3. Prior to submitting for Building permits, the applicant shall submit a revised set of plans pursuant to Condition No. 1 in order to update and include the approved plans for the entitlement records for CUP No. 17-007 to the Planning Division.
4. CUP No. 17-007 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. 17-003/ VARIANCE NO. 17-001 (WILFERT RESIDENCE)

APPLICANT: Harry Monck, 303 Cleveland Dr., Huntington Beach, CA 92648
PROPERTY OWNER: David and Rachell Wilfert, P.O. Box 698, Huntington Beach, CA 92648
REQUEST: **CUP:** To construct one two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points. **VAR:** To permit a reduced front yard setback of 12 ft. in lieu of the required minimum 15 ft.; and permit a reduced side yard setback of four feet in lieu of the required minimum five feet. The proposed dwellings total approximately 3,439 sq. ft. with an overall height of 24 ft. 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.
LOCATION: 840 14th Street, 92648 (near the southwest corner of 14th St. and Main St.)
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. Ms. Cortez noted that staff received five comments opposing the project, citing the potential for overnight RV parking, coast accessibility, and

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

THE PUBLIC HEARING WAS OPENED.

Harry Monck, applicant, stated he has concerns with the recommendation for denial of the requested variance. He noted that the odd shape of the lot impacts the proposed project by limiting its maximum use.

Paul, resident, spoke in support of the proposed project. He stated he would like to have a nice residence in the area.

Joe Monck,, applicant, stated that the irregular shape creates a loss of square footage to the lot which should be considered when making the determination to approve or deny the variance..

Dave Wilfert, property owner, stated that he did not submit everything as he should have when he turned in the application.

A discussion took place regarding the shape of the lot and the large size of the lot.

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 conditional use permit request as recommended by staff. He stated that he was unable to make the findings and was going to deny the request for the variance.

CONDITONAL USE PERMIT NO. 17-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. VARIANCE 17-001 WAS DENIED WITH TH FOLLOWING FINDINGS. 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 single-family residence in a residential zone, in an urbanized area.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-003:

1. Conditional Use Permit No. 17-003 to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points 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 finished surface is within two feet of the existing grade and the finished floor of the proposed building is within less than a foot of the finished surface. From the top of the curb, the maximum height of the dwelling is 24 feet. Therefore, the proposed structure is consistent with the natural grade and the height does not result in impacts to the neighborhood.
2. The conditional use permit to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points will be compatible with other residential structures in the area. The proposed structures are compatible because the proposed building massing, height, and grade of existing properties in the immediate vicinity are consistent.
3. The proposed conditional use permit to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points 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 project, as conditioned, complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage and minimum onsite parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot with approval of a conditional use permit and the accessory dwelling unit is a permitted use.
4. The granting of the conditional use permit to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low Density – 7 units/acre maximum) on the subject property. In addition, it is consistent with the following policies of the General Plan:
 - A. Land Use Element
Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.

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

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures including the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

The conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The proposed project incorporates quality

materials and design. The grade elevations, building orientation, and massing will be compatible with other residential properties existing in the neighborhood.

FINDINGS FOR DENIAL - VARIANCE NO. 17-001:

1. The granting of Variance No. 17-001 to permit a reduced front yard setback of 12 ft. in lieu of the required minimum 15 ft. and permit a reduced side yard setback of four feet in lieu of the required minimum five feet will constitute a grant of special privilege inconsistent with limitations upon other vacant lots under an identical zone classification. No special circumstance applicable to the subject property that does not exist in other vacant lots/properties in an identical zone classification has been identified to support the variance. Approval of a variance without a special circumstance constitutes a grant of special privilege.
2. The granting of a variance to permit a reduced front yard setback of 12 ft. in lieu of the required minimum 15 ft. and permit a reduced side yard setback of four feet in lieu of the required minimum five feet is not necessary to preserve the enjoyment of one or more substantial property rights. Although the shape of the lot is not a traditional rectangular shaped lot, the size of the lot (7,210 sq. ft.) is larger than the surrounding properties and greater than the minimum lot size (6,000 sq. ft.) required for properties located in an identical zone classification. Due to the fact that the lot is currently vacant, a single family dwelling with an accessory dwelling unit can be adequately designed to conform to the minimum development standards for this zone classification.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-003:


1. The site plan, floor plans, elevations, and grading plan received and dated April 4, 2017 shall be the conceptually approved design with the following modifications:
 - a. The open parking space along the east (rear) property line shall have a minimum back-up distance of 25 ft. to the property line on the opposite side (north) of the alley. **(HBZSO 210.06(K))**
 - b. The site plan shall be revised to provide a 15 ft. setback for the proposed front porch and a five ft. building setback along the north (side) property line. **(HBZSO 210.06)**
 - c. The six-foot high fence along property lines shall not encroach into the minimum front yard setback of 15 ft. and the 10 ft. visibility triangle along the driveways intersecting with the alley. **(HBZSO Section 230.88)**
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of revised site plan, grading plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. 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. 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 final building permit cannot be approved 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 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
5. 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.
6. CUP No. 17-003 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.
7. 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.
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/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 2:18 PM TO A SPECIAL MEETING ON WEDNESDAY, MAY 31, 2017, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg