

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

WEDNESDAY, MAY 18, 2011 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Ethan Edwards, Andrew Gonzales, Judy Demers
(recording secretary)

MINUTES: June 16, 2010
January 19, 2011
March 23, 2011
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 11-009 (BONA VIDA RESTAURANT)

APPLICANT: Marouan Nabo
PROPERTY OWNER: Paul Huynh, 411 Delaware Street, Huntington Beach, CA 92648
REQUEST: To permit the on-site sales and consumption of alcohol within an existing 850 sq. ft. restaurant and 400 sq. ft. outdoor dining area.
LOCATION: 7561 Center Avenue, #53, 92647 (northwest corner of Center Avenue and Huntington Village Lane – Old World)
PROJECT PLANNER: Jill Arabe

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

Ricky Ramos, Zoning Administrator, verified with staff the location of the entrance and the width of the pedestrian walkway.

THE PUBLIC HEARING WAS OPENED.

Mr. Ramos asked the applicant for any comments or concerns with staff's recommended findings and conditions.

Marouan Nabo, applicant, stated he had no comments or concerns with staff's recommendations.

Sevei Smith, business owner, spoke in opposition to the proposed permit. She expressed concern regarding the number of businesses currently allowed to serve alcohol in Old World Village.

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. 11-009 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 15301 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing mixed-use development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-009:

1. Conditional Use Permit No. 11-009 to permit the establishment of on-site sales and consumption of alcohol within an existing 850 sq. ft. restaurant and proposed 400 sq. ft. outdoor dining area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed alcohol sales and service and outdoor dining area will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed service of alcohol. Based on the proposed hours of operation, the project will operate as a bona fide restaurant, rather than a bar or nightclub, which reduces any potentially significant impacts onto adjacent residential uses within the mixed-use development. The building is freestanding and adequately buffered from residential units to the north by a setback of approximately 15 ft. The site provides the necessary code required parking to accommodate the proposed use. The 8 ft. width of the walkway adjacent to the outdoor dining area will be maintained for pedestrian access. The railing surrounding the outdoor dining area is architecturally compatible with the surrounding buildings and improvements. The outdoor dining area will not block entrances to adjacent businesses.
2. The conditional use permit will be compatible with surrounding uses because the proposed use is located within an established mixed-use (residential/commercial) development containing similar and complimentary uses. The sales and service of alcohol will be ancillary to an existing restaurant use and occur during business hours similar to other commercial uses within the vicinity. The restaurant is consistent with adjacent uses, which serve nearby residents and visitors. No residential uses are located above the restaurant.
3. The proposed conditional use permit will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed outdoor dining does not require additional parking beyond which already exists onsite. Alcohol sales are permitted within the SP1 (North Huntington Center Specific Plan) zone, subject to conditional use permit approval.

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

A. Land Use Element

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, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

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 use will market its services to local residents and visitors in the surrounding region. It will be located within an existing mixed-use development, which includes restaurant and retail uses. The restaurant with alcohol sales and service is not anticipated to result in negative impacts on adjacent uses. The proposed use will be limited to between the hours of 8 AM and 9 PM. The building is freestanding and sufficiently buffered from adjacent residences by a minimum 15 ft. wide walkway. With the limited hours and building setback, the ancillary use is not anticipated to impact surrounding noise-sensitive land uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-009:

1. The site plan and floor plan dated March 16, 2011, shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning & Building Department for the entitlement file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The use shall comply with the following:
 - a. Alcohol sales and service shall be limited to between the hours of 8:00 AM and 9:00 PM.
 - b. A maximum of 5 tables and 20 seats shall be permitted and maintained within the outdoor dining area. **(Policy PP-61(R2))**
 - c. All alcoholic beverages shall be limited to within interior of the restaurant and the fenced outdoor dining area. **(PD)**
 - d. Service of alcoholic beverages for off-site consumption shall be prohibited. **(PD)**

- e. A sign shall be clearly posted prohibiting alcoholic beverages outside of the outdoor dining area including the outdoor dining area hours of operation. **(PD)**
 - f. All employees shall complete an ABC approved training class within 30 days of being hired and they shall complete the program ever 12 months thereafter. **(PD)**
 - g. All exterior doors shall remain closed during business hours. **(PD)**
 - h. Dancing and entertainment shall be prohibited unless approved by a Conditional Use Permit.
 - i. The use conditions listed herein shall be clearly posted on the premises at all times.
4. CUP No. 11-009 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 Planning & Building Department a minimum 30 days prior to the expiration date.
5. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing of any changes to the conceptually approved plans. 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 Huntington Beach Zoning and Subdivision Ordinance.
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/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: TENTATIVE PARCEL MAP NO. 11-1104 (HABITAT FOR HUMANITY)

APPLICANT: Mark Korando
PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648
REQUEST: To permit the subdivision of a 7,770 sq. ft. parcel proposed for the development of a multi-family residential building totaling approximately 2,407 sq. ft. for condominium purposes.
LOCATION: 18451 Patterson Lane, 92646 (north of Ellis Avenue, west side of Patterson Lane)
PROJECT PLANNER: Jill Arabe

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

Ricky Ramos, Zoning Administrator, verified the width of the lot with staff.

THE PUBLIC HEARING WAS OPENED.

Mark Korando, applicant, stated he has no comments or concerns with staff's proposed recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff with a minor addition to Finding No. 2 specifying that the proposed condominium map complies with the minimum lot area, minimum width and the maximum density requirements.

TENTATIVE PARCEL MAP NO. 11-1104 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15315 of the CEQA Guidelines, because the project consists of the division of property in an urbanized area zoned for residential into four or fewer parcels, in conformance with the General Plan and zoning, with no variances or exceptions required, and all services and access to the proposed parcels to local standards are available.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 11-1104:

1. Tentative Parcel Map No. 11-1104 for the subdivision of a 7,770 sq. ft. parcel proposed for the development of a two unit multi-family residential building totaling approximately 2,407

sq. ft. for condominium purposes is consistent with the General Plan Land Use Element designation of RM-15 (Residential Medium Density – 15 dwelling units/acre) on the subject property and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed subdivision will create a total of two residential condominium units.

2. The site is physically suitable for the type and density of development. The site consists of one parcel of land of approximately 7,770 sq. ft, which is currently vacant and proposed for the development of two attached residential units. The project involves the subdivision of these units for condominium purposes. The total building area will be approximately 2,407 sq. ft. The site will comply with minimum lot area, width, and maximum density requirements of the HBZSO.
3. The design of the subdivision will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subdivision is proposed on a property currently zoned for residential development and located in an urbanized area. The site does not serve as habitat for fish or wildlife. The proposed condominium map will comply with the HBZSO.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easements acquired by the public at large for access through or use of the property exist within the proposed subdivision.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 11-1104:

1. The Tentative Parcel Map No. 11-1104 for condominium purposes received and dated April 28, 2011, shall be the approved layout.

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: ENTITLEMENT PLAN AMENDMENT NO. 10-006 (SUDS LIVE ENTERTAINMENT):

APPLICANT: Bill Cheves
PROPERTY OWNER: Warner Springdale, LLC, c/o Dave Peckenpaugh, 16101 Goldenwest Street, Huntington Beach, CA 92647,
REQUEST: To amend Condition of Approval No. 2 of Conditional Use Permit No. 06-011 to permit live entertainment within an existing restaurant. The live entertainment request will include amplified and non amplified music, disc jockey and recorded music, karaoke, comedy shows, and live bands.
LOCATION: 5932 Warner Avenue, 92649 (southwest corner of Warner Avenue and Springdale Street)
PROJECT PLANNER: Ethan Edwards

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

Mr. Ramos verified the hours of operation.

THE PUBLIC HEARING WAS OPENED.

Bill Cheves, applicant, stated he has no comments or concerns with staff's proposed recommendations.

Sam Campolito, 5842 Brannen Drive, spoke in opposition to the proposed permit, citing concerns with the potential noise and parking impacts.

Mr. Ramos explained that there are conditions in place with this proposed permit addressing potential noise impacts.

Jim Andersen, 5822 Brannen Drive, spoke in opposition to the proposed permit. He cited concerns with the potential noise and parking impacts, as well as the potential increase in police calls due to intoxicated individuals.

Dick Peckenbaugh, property owner, explained that part of the lease agreement requires all employees of the businesses within this property to park behind their establishments to assist with any parking concerns.

Mr. Cheves noted that the live entertainment will take place once a month.

Gil Albert, 5921 Brannen Drive, spoke in opposition to the project, citing potential noise impacts.

Mr. Ramos explained that the recommended conditions for the proposed project address the noise levels permitted.

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. 10-006 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, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 10-006:

1. Entitlement Plan Amendment No. 10-006 for the establishment, maintenance and operation of live entertainment within an existing approximately 3,600 sq. ft. restaurant 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 subject tenant space is located approximately 50 ft. from the nearest residential property to the south. Residential uses are buffered from the restaurant by a minimum 6 ft. high perimeter block wall and landscaping. The restaurant's entrance doors are located along the north side of the building facing the parking lot and Warner Avenue, which are oriented away from nearby residences. Live entertainment will be limited to the interior of the business, and based upon the conditions imposed, is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exists in the surrounding area. The proposed use will operate in conjunction with an eating and drinking establishment. The request amends Condition of Approval No. 2 of Conditional Use Permit No. 06-011 to permit live entertainment within an existing restaurant. Furthermore, no additional parking is required for the establishment of live entertainment.
2. The Entitlement Plan Amendment will be compatible with surrounding uses because live entertainment will be ancillary to an existing restaurant use and occur within the interior of the restaurant during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and consistent with adjacent uses, which serve nearby residents and visitors.
3. The Entitlement Plan Amendment will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with live entertainment is located within an existing commercial center and complies with minimum on-site parking requirements. Live entertainment is permitted within the CG (Commercial General) zoning district subject to approval of a Conditional Use Permit. Entitlement Plan Amendment No. 10-006 represents an amendment to a previously approved Conditional Use Permit.
4. The granting of the Entitlement Plan Amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

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, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

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 use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses. The use will be conditioned to implement noise attenuation measures to help prevent potential noise impacts. Additionally, the live entertainment use will be conditioned to obtain approval of an Entertainment Permit issued by the Police Department pursuant to Huntington Beach Municipal Code Chapter 5.44, in part, to ensure the use provides adequate safety measures to help prevent negative impacts to the surrounding neighborhood. Based upon the operational conditions imposed, the restaurant with live entertainment is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 10-006:

1. The site plan received and dated December 6, 2010 and floor plan received and dated January 10, 2011, shall be the conceptually approved design with the modification that the floor plan be revised to exclude the depicted 14 ft. by 14 ft. dance floor.
2. Prior to commencement of the use, a copy of the revised floor plan modified in accordance with Condition of Approval No. 1, shall be submitted to the Planning and Building Department for review and inclusion in the entitlement file.
3. The live entertainment use shall not commence until an Entertainment Permit has been approved by the Police Department pursuant to Huntington Beach Municipal Code Chapter 5.44 (Restaurants – Amusement and Entertainment Permits).
4. The live entertainment use shall comply with the following:
 - a. All conditions of the Entertainment Permit issued by the Police Department shall be observed.
 - b. Dancing shall not be permitted unless a conditional use permit for this use approved.
 - c. The rear (southern) doors shall have weather-sealing strips installed and maintained per manufacturer specifications to prevent acoustical leakage.
 - d. The rear (southern) doors shall remain closed at all times during periods of live entertainment.

- e. Excessive low-frequency (bass) sounds shall be avoided.
 - f. The permit holder shall monitor live entertainment sound levels using a Type 2 sound level meter set to A-weighting and Slow Response. The measured interior level shall not instantaneously exceed 90 dBA within six feet of the rear (southern) interior wall of the building.
 - g. The use conditions listed herein and the Entertainment Permit conditions shall be clearly posted on the premises at all times.
5. All conditions of Conditional Use Permit No. 06-011 shall remain valid with the exception of Condition of Approval No. 2 (prohibiting live entertainment).
6. EPA No. 10-006 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 4: COASTAL DEVELOPMENT PERMIT NO. 11-002 (ELIAS RESIDENCE):

APPLICANT: Rod A. Jeheber, Residential Design, Inc.
 PROPERTY OWNER: Dr. Ramy Elias, M.D., 5750 Downey Avenue, Unit 308, Lakewood, CA 90712
 REQUEST: To permit the demolition of an existing single-family residence and the construction of an approximately 5,854 sq. ft., two-story single family residence with an attached 621 sq. ft. garage. 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.
 LOCATION: 3581 Courtside Circle, 92649 (west of Coral Cay Lane, north of Courtside Circle- Huntignton Harbor).
 PROJECT PLANNER: Andrew Gonzales

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

THE PUBLIC HEARING WAS OPENED.

Jim Caldwell, designer, inquired of staff whether the suggested condition regarding the window placement in the living room area could be modified. Mr. Ramos explained that this window placement is a code requirement and he does not have the authority to modify a code requirement.

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.

COASTAL DEVELOPMENT PERMIT NO. 11-002 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) 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 is located within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-002:

1. Coastal Development Permit No. 11-002 for the demolition of an existing single-family residence and construction of an approximately 5,854 sq. ft., two-story single family residence with an attached 621 sq. ft. garage conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density (RL). The project is consistent with Coastal Element Policy C 1.1.1 which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed residence will be constructed on a previously developed site in an urbanized area with all the necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed residence will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-002:

1. The site plan, conceptual landscaping plan, floor plans, roof plan, elevations and section elevations plans received and dated February 9, 2011, and March 29, 2011, shall be the conceptually approved design with the following modifications:
 - a. On Sheet T-1, the "scope of work" section shall eliminate the statement referencing that the project will involve the construction of a 3rd floor deck.
 - b. All plans depicting the cantilevered deck shall note that it shall be subject to the approval of a separate permit.
 - c. On sheet A-1.1 and A-2.1, depict the windows in the great room, living room, powder room, and bathroom #2 so that they do not align with windows on the adjacent residence to the south of the subject property.
 - d. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to 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 Planning and Building Department.
3. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning and Building Department.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point
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. The structure cannot be occupied, the final building permit cannot be approved, and utilities cannot be released until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 6. CDP No. 11-002 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
 7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
 8. Any proposed cantilevered deck, dock, and/or ramp improvements located in the public waterway shall require separate permits.
 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/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

THE MEETING WAS ADJOURNED AT 2:10 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 1, 2011, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd