

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

**WEDNESDAY, MAY 31, 2017 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Kimo Burden, Jessica Bui, Christopher Wong, Nicolle Bourgeois, Joanna Cortez, Kimberly De Coite (recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** Richard Smith, resident, spoke regarding motorcycle noise and the impacts to residents.

A resident asked staff if there would be a public hearing for an AES parking lot. Mr. Ramos indicated that the AES project is under the jurisdiction of the California Energy Commission.

**ITEM NO. 1 MOVED AFTER ITEM NO. 4. MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.**

**ITEM 1: CONDITIONAL USE PERMIT NO. 16-033 / COASTAL DEVELOPMENT PERMIT NO. 16-017 (TEMPORARY PARKING LOT)-CONTINUED FROM MAY 17, 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 1<sup>st</sup> 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 noted that staff received three comments opposing the project and that staff is recommending a minor modification to Condition No. 1, changing the listed date to May 17, 2017.

**THE PUBLIC HEARING WAS OPENED.**

Max Daffron, applicant from the City of Huntington Beach Office of Business Development, spoke in support of CDP, citing the need for parking down town. He addressed the potential mitigation for any environmental and safety concerns of the proposed project.

Ten residents spoke in opposition to the proposed project, citing the following concerns: potential noise, safety, air quality, traffic, light pollution, loss of open space, pedestrian, and health impacts, and other potential negative impacts to the community. Residents also requested additional information regarding the funding for the proposed project, and questioned the necessity of additional parking in the downtown area.

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

Mr. Ramos spoke regarding the concerns of the residents. Mr. Ramos stated that he would approve the request as recommended by staff with modified conditions as proposed by staff, and change the order of the conditions.

**CONDITIONAL USE PERMIT NO. 16-033 / COASTAL DEVELOPMENT PERMIT NO. 16-017 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) BUSINESS DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the CEQA Guidelines, because the project involves a minor temporary use of land having negligible effects on the environment.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-033:**

1. Conditional Use Permit No. 16-033 to permit the temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot for a period of five years, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The site is located in District One of the Downtown Specific Plan which promotes visitor-serving mixed use commercial and residential development such as the installation of the temporary parking lot. The new temporary parking lot will assist in activating the area since the site is currently a vacant lot. Additionally, the proposed temporary parking lot will provide additional parking opportunities in downtown and will help alleviate peak parking conditions that currently exist near the downtown area. Furthermore, the temporary parking lot will provide additional landscaping around the perimeter of the site and an eight ft. high block wall will be installed along the west property line providing a buffer area between the adjacent residential properties to the west.
2. Conditional Use Permit No. 16-033 to permit the temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot for a period of five years will be compatible with surrounding uses because the site will be aesthetically improved with a landscaped

buffer around the perimeter of the site and an eight ft. high block wall will be installed near the adjacent residential properties to the west. Adequate vehicular and pedestrian access will be provided to and from the site. Additionally, the proposed temporary public parking spaces will alleviate peak parking conditions near the downtown area by providing additional parking opportunities.

3. The proposed temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot, for a period of five years 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 and District One of the Downtown Specific Plan. The Downtown Specific Plan Guidelines and Strategies calls for vacant lots within the downtown area to be utilized as parking lots for an interim use until the property is developed. The construction of a temporary parking lot at the project location would assist in achieving this goal and strategy of the Downtown Specific Plan. Temporary parking lots are permitted in the Downtown Specific Plan zoning district subject to approval of a Conditional Use Permit and Coastal Development Permit.
4. The granting of Conditional Use Permit No. 16-033 for the temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot for a period of five years will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-sp-pd (Mixed Use - >30 du/ac – Specific Plan Overlay – Pedestrian Overlay). In addition, it is consistent with the following goals and policies of the General Plan:

Objective ED 3.3: Upgrade and modernize high-activity nodes and districts.

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Goal C 2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Objective C 2.4: Balance the supply of parking with the demand for parking.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

The proposed temporary installment of 44 vehicle stalls with pay stations will alleviate peak parking conditions within the downtown area by providing additional parking opportunities. Additionally, upgraded landscaping and an eight ft. high block wall near the residential uses to the west will visually enhance the streetscape and neighborhood.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-017:**

1. Coastal Development Permit No. 16-017 to permit the temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot for a period of five years conforms with the General Plan, including the Local Coastal Program. Completion of the project will implement the Coastal Element goal of providing coastal resource access opportunities for the public and balance the supply of parking with the demand for parking on a temporary basis.

2. The temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot for a period of five years is consistent with the requirements of the CZ Overlay District, as well as other applicable provisions of the Zoning and Subdivision Ordinance and Municipal Code. The project will not result in major physical changes to the site and complies with applicable development standards including minimum parking space dimensions and minimum backup clearance.
3. At the time of occupancy, the temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot for a period of five years can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. All necessary infrastructure, such as roadways and utilities currently exist to serve the site. The proposed request will alleviate peak parking conditions by providing additional temporary parking opportunities in the downtown area.
4. The temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot for a period of five years 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. 16-033/ COASTAL DEVELOPMENT PERMIT NO. 16-017:**

1. The site plan received and dated May 17, 2017 shall be the conceptually approved design with the following modifications:
  - a. All dead end parking stalls shall comply with Section 231.18 (Diagram C) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), which requires an additional 3 ft. maneuvering area adjacent to dead end parking stalls.
  - b. All parking stalls shall conform to Section 231.14 (Diagram A) of the HBZSO, which requires parking stalls to have a hairpin design and have a minimum width of 9 ft.
2. The hours of operation shall be limited to Monday through Sunday: 8:00 AM – 10:00 PM.
3. Prior to submittal for building permits, the following shall be completed:
  - a. 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.
  - b. A revised site plan in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
4. The following condition shall be completed prior to issuance of a grading permit: 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 and across the street from within a 500-foot radius of the project site as noticed for the public hearing. The

notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Division.

5. Conditional Use Permit No. 16-033 and Coastal Development Permit No. 16-017 shall be permitted for a maximum of five years (2017-2021).
6. Upon the closure of the subject parking lot, the four on-street parking stalls lost as a result of this new parking lot (due to new curb cuts) shall be replaced at a one to one ratio in an area that would not result in the loss of any sandy beach area and within walking distance of the existing site.
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. During demolition, grading, site development, and/or construction, the following shall be completed:
  - 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.
9. Conditional Use Permit No. 16-033 / Coastal Development Permit No. 16-017 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.
10. 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.

11. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

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

**ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 17-005 (LINDBORG RESIDENCE)**

APPLICANT: Louie Hernandez, 19092 Callaway Circle, Huntington Beach, CA 92648  
PROPERTY OWNER: Zachary Lindborg, 18051 Upperlake Circle, Huntington Beach, CA 92648  
REQUEST: To permit a new two-story, approximately 3,699 sq. ft. single family dwelling on a vacant lot. 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: 16971 Edgewater Lane, 92649 (south of Davenport Dr. and west of Edgewater Ln.)  
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 public comment concerning window alignment.

**THE PUBLIC HEARING WAS OPENED.**

Louis Hernandez, applicant, inquired about raising the proposed height by one additional foot. Mr. Ramos and staff confirmed that it would be acceptable as long as the height of the structure did not exceed code requirements.

Ronald Morelander, resident, expressed concern regarding the window alignment with the adjacent residences.

**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 modified conditionS including switching the order of condition nos. 2 and 3, delete the erroneous mention of a shared parking analysis, and adding a condition to address concerns of window alignment with adjacent residences.

**CONDITIONAL USE PERMIT NO. 17-005 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 involves the construction of one single-family residence in a residential zone.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-005:**

1. Coastal Development Permit No. 17-005 to permit a new two-story, approximately 3,699 sq. ft. single family dwelling on a vacant lot 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 new two-story, approximately 3,699 sq. ft. single family dwelling will occur on a vacant lot, contiguous to existing residential development.
2. Coastal Development Permit No. 17-005 to permit a new two-story, approximately 3,699 sq. ft. single family dwelling on a vacant lot 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 new single family dwelling, as conditioned, will comply with all applicable development regulations, including maximum building height, lot coverage, and minimum yard setbacks.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. Coastal Development Permit No. 17-005 to permit a new two-story, approximately 3,699 sq. ft. single family dwelling on a vacant lot is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 17-005 to permit a new two-story, approximately 3,699 sq. ft. single family dwelling on a vacant lot conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-005:**

1. The site plan, floor plans, and elevations, received and dated April 28, 2017 shall be the conceptually approved layout with the following modifications:
  - a. Lot coverage shall be revised on sheet T-1 to include updated calculations of the two (2) balconies located on the rear of the dwelling.
  - b. Plans shall note NAVD 88 as the datum for compliance with flood zone AE and show compliance with elevation requirements per Chapter 222 of the Huntington Beach Zoning and Subdivision Ordinance.
  - c. All existing windows on adjacent properties on the first and second floors shall be shown on the elevation plans and shall not be aligned with the proposed windows in compliance with the Infill Lot Ordinance.
2. Prior to submittal of building permits, the following shall be completed:
  - a. One set of revised site 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. Prior to the issuance of a building permit, the elevation of the lowest floor shall be certified by a California registered engineer or surveyor. The completed FEMA elevation certificate shall be submitted to the Community Development Department.
4. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. CDP No. 17-005 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.
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 3: CONDITIONAL USE PERMIT NO. 17-017 (TOM VO'S TAEKWONDO)**

APPLICANT: Stephanie Ellingwood, 17071 Magnolia Avenue, Fountain Valley, CA 92708

PROPERTY OWNER: Karen Gaertner, PK II Marina Village, LP, 2429 Park Avenue, Tustin, CA 92782

REQUEST: To permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space.

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

LOCATION: 5872 Edinger Avenue, 92649 (southwest corner of Springdale St. and Edinger 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.

### **THE PUBLIC HEARING WAS OPENED.**

Stephanie Ellingwood, applicant, stated that she had no concerns with the proposed conditions of approval.

**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.

**CONDITONAL USE PERMIT NO. 17-017 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. 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 negligible or no expansion of an existing structure.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-017:**

1. Conditional Use Permit No. 17-017 to permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space 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 nearest residential use is approximately 120 feet to the west of the subject site and is buffered by a parking lot and a masonry wall. As conditioned, the proposed use will be required to conduct instruction and activities entirely within the interior of the building and outdoor activities are prohibited unless otherwise approved by the Community Development Department to ensure the proposed use will not be detrimental to the surrounding uses or the value of the property and improvements in the area.
2. Conditional Use Permit No. 17-017 to permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space will be compatible with surrounding uses as the proposed use is conditioned to limit operations to Monday through Saturday from 8:00 AM to 8:00 PM which is characteristic of the surrounding uses on-site. Furthermore, as conditioned, the use will be conducted entirely within the interior of the building to ensure the use will be compatible with the uses on-site.
3. Conditional Use Permit No. 17-017 to permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space will comply with the provisions of the base district, 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 personal enrichment uses over 5,000 sq. ft. in the Commercial General zoning designation with the approval of a conditional use permit. The use will comply with the applicable development standards such as parking.
4. Conditional Use Permit No. 17-017 to permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space 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.

Goal LU 10: Achieve the development of a range of commercial uses.

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 personal enrichment facility will promote the diversity of land uses by providing for a range of services to accommodate the needs of local residents and serve visitors from the surrounding region. The proposed use, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-017:**

1. The site plan, floor plans, elevations received and dated April 19, 2017 shall be the conceptually approved layout.
2. The use shall comply with the following:
  - a. The hours of operation shall be limited to Monday through Saturday: 8:00 AM to 8:00 PM.
  - b. The number of students shall not exceed twenty-six (26) at any given time.
  - c. The instruction area shall be limited to a maximum of 75% of the gross floor area or approximately 3,317 sq. ft.
  - d. Rear doors shall remain closed during business hours.
  - e. All instruction and activities shall be conducted entirely within the interior of the building. Outdoor activities shall be prohibited unless otherwise permitted by the Community Development Department.
3. CUP No. 17-017 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>).

#### **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 NO. 16-043 (COHEN AND SCHWAB RESIDENCE)**

APPLICANT: Eric Trabert, 9521 Irvine Center Drive, Irvine, CA 92618  
PROPERTY OWNER: Anh Cohen and David Schwab, 228 Hamilton Avenue, 3<sup>rd</sup> Floor, Palo Alto, CA 94301  
REQUEST: To permit the demolition of an existing single-family residence and detached garage, and the construction of a new 5,443 sq. ft. single family dwelling with habitable area above the second story. This 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: 1217 Acacia Avenue, Huntington Beach, CA 92648 (on the southeast corner of Acacia Avenue and 13<sup>th</sup> Street)  
CITY CONTACT: Christopher Wong

Chris Wong, 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.

Ricky Ramos, Zoning Administrator, confirmed with staff that the third floor is designed to be contained in the roof volume and that the proposed deck setback would meet the code requirements.

#### **THE PUBLIC HEARING WAS OPENED.**

Eric Trabert, applicant, stated that he had no questions or comments.

**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.

**CONDITONAL USE PERMIT NO. 16-043 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 single-family residence within a residential zone.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 16-043:**

1. Conditional Use Permit No. 16-043 to permit the demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, 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 rooftop deck will be accessible only from the interior of the building and will face Acacia Avenue, thereby protecting the privacy of adjacent residences. In accordance with the Huntington Beach Zoning and Subdivision Ordinance, the habitable area above the second story plate line is designed to be within the confines of the roof volume which will minimize the visual mass and bulk of the residence. In turn, the design will be consistent with the surrounding properties.
2. The proposed demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, will be compatible with surrounding land uses. This habitable area above the second story plate line is designed to be a part of the roof volume, which facilitates the structures resemblance as a two-story home with mass and scale that is similar to homes in the neighborhood. In addition, the overall building height will be consistent with the height of existing two-story homes in the neighborhood. The rooftop deck will also be oriented towards Acacia Avenue, which will protect direct views onto adjacent residences. Lastly, the proposed deck will be setback five feet from the building exterior, as conditioned, further preserving views onto adjacent residences.
3. The proposed demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, will comply with the provisions of the base district and other applicable provisions in Titles 20 thorough 25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The project complies with minimum onsite parking and building setbacks, as well as maximum lot coverage and building height. The habitable area above the second story plate line is

allowed for all single-family dwellings in the RMH-A subdistrict with more than 50 feet of frontage, with approval of a Conditional Use Permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High – Maximum of 25.0 dwelling units per net acre – Special Design Standards) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Policy LU 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.

The proposed demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, is consistent with the requirements of the base zoning district, as well as other provisions of the Municipal Code including setbacks, maximum building height, and minimum on-site parking. The overall building height will match the surrounding properties because the neighborhood is developed with two-story, single-family residences with similar building heights. The proposed third floor habitable area will be integrated within the confines of the second story roof volume. Also, the rooftop deck will be oriented towards Acacia Avenue, minimizing impact to privacy on adjoining properties.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 16-043:**

1. The site plan, floor plans, and elevations received and dated March 24, 2017 shall be the conceptually approved design with the following modification: the deck above the second floor shall be setback a minimum of five feet from the building exterior. **(HBZSO Section 210.06(M)(1)(d)(1))**
2. Prior to submittal of building permits, the following shall be completed:
  - a. One set of revised site 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 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. Conditional Use Permit No. 16-043 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by

- the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
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 <https://www.builditgreen.org/greenpoint-rated>.

**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 5: COASTAL DEVELOPMENT PERMIT NO. 17-006 (ASCON LAGOON 5 SOLIDIFICATION AND OIL WELL ABANDONMENT)**

APPLICANT: Tamara Zeier, Project Navigator, One Pointe Drive, Suite 320, Brea, CA 92821

PROPERTY OWNER: Cannery Hamilton Properties LLC, 6001 Bollinger Canyon Road, Room C2136, San Ramon, CA 94583

REQUEST: To permit the abandonment of two oil wells located beneath Lagoon 5 of the ASCON site. The request includes grading activities, solidification of Lagoon 5 utilizing both on-site and imported materials, and construction of an access ramp to facilitate the oil well abandonment activities.

ENVIRONMENTAL STATUS: Covered under EIR for the Remedial Action Plan for the ASCON Landfill Site (State Clearinghouse No. 2013041010)

LOCATION: 21641 Magnolia Street, 92646 (southwest corner of Magnolia Street and Hamilton Avenue)

CITY CONTACT: Nicolle Bourgeois

Nicolle Bourgeois, 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.

#### **THE PUBLIC HEARING WAS OPENED.**

Tamara Zeier, applicant, spoke in support of the proposed project. She stated that they are proposing a 24 hour hotline in lieu of a contact person. Public Works staff had no objection to this proposal.

Richard Smith, resident, asked for more information on the goal of the proposed project. Ms. Zeier and Mary Urashima reviewed the history of the site and detailed the current phase of the remediation process.

Jean Beres, resident, stated that she was opposed to any future development on the site.

Mark Sheldon, resident and member of Huntington Beach Environmental Board, asked for a project timeframe and asked the applicants and staff to keep in mind that this project is not occurring in a vacuum. Ms. Zeier gave an overview of the project timeline.

#### **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 coastal development permit request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 17-006 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 CEQA:**

The Zoning Administrator finds that the project is covered under the Environmental Impact Report (EIR) for the Remedial Action Plan for ASCON Landfill Site (State Clearinghouse No. 2013041010) certified by the Department of Toxic Substances Control on June 18, 2015. Implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the certified EIR. Furthermore, none of the circumstances described under Section 15162 and 15163 of the CEQA Guidelines are present and, therefore, no subsequent or supplement to the EIR need be prepared and no further environmental review or documentation is required.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-006:**

1. Coastal Development Permit No. 17-006 to permit the abandonment of two oil wells located beneath Lagoon 5 of the ASCON site and site improvements to support necessary equipment conforms to the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 4.7.10, which encourages the remediation and clean up of the ASCON site.



2. Coastal Development Permit No. 17-006 to permit the abandonment of two oil wells located beneath Lagoon 5 of the ASCON site and site improvements to support necessary equipment is consistent with the requirements of the Coastal Zone (CZ) Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. No permanent development is proposed as part of the project. The proposed project consists of grading activities, solidification of Lagoon 5 utilizing both on-site and imported materials, and construction of an access ramp to facilitate the oil well abandonment activities.
3. Coastal Development Permit No. 17-006 to permit the abandonment of two oil wells located beneath Lagoon 5 of the ASCON site and site improvements to support necessary equipment does not include development. Development will not occur until the site is remediated and released for construction by the Department of Toxic Substances Control. No infrastructure is required to serve the project at this time.
4. Coastal Development Permit No. 17-006 to permit the abandonment of two oil wells located beneath Lagoon 5 of the ASCON site and site improvements to support necessary equipment conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. No public access to the site is required or desirable, no public recreation facilities exist at the site and no opportunities for providing public recreation facilities at this site are present. The project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-006:**


1. The site plan and narrative received and dated April 24, 2017, shall be the conceptually approved project.
2. The project shall comply with all applicable Mitigation Measures and Project Design Features of the Environmental Impact Report certified by the Department of Toxic Substances Control on June 18, 2015.
3. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this project and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
4. All construction and grading activities shall occur between the hours of 7:00 AM and 8:00 PM, Monday – Saturday with no activity permitted on Sunday or federal holidays in compliance with HBMC 8.40.090 unless otherwise specified by the Mitigation Measures and Project Design Features of the Environmental Impact Report certified by the Department of Toxic Substances Control on June 18, 2015.
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. Coastal Development Permit No. 17-006 shall become null and void unless exercised within two years of the date of final approval by the Zoning Administrator, or within one year of the date of final Coastal Development Permit approval 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.
7. 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 Department 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 3:12 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 7, 2017, AT 1:30 P. M.**

  
\_\_\_\_\_  
Ricky Ramos  
Zoning Administrator

RR:JC:kdc