

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

WEDNESDAY, FEBRUARY 23, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Jason Kelley, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 04-51 (CENTRAL PARK TEMPORARY PARKING LOT – CONTINUED FROM THE FEBRUARY 2, 2005 MEETING WITH THE PUBLIC HEARING OPEN)

APPLICANT: City of Huntington Beach, Community Services Department, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

REQUEST: To permit the construction of a temporary parking lot consisting of 50 parking stalls to serve the Shipley Nature Center and other Central Park uses. The parking lot is proposed for up to a five-year period.

LOCATION: 17901 Goldenwest Street (west side of Goldenwest Street, south of Talbert Avenue)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, stated that the item was continued from the February 2, 2005, meeting, in order to re-notice the request. Staff stated that the request was modified to state that the use would serve other Central Park uses. Staff stated that the Fire Department has suggested that a recommendation be added requiring two three-foot wide openings into the temporary parking lot. Staff stated that no written or verbal comments were received in response to the public re-notification.

Staff presented a review of the issues raised by the applicant at the previous hearing concerning wood posts connected with chain and thirty-six inch box trees as set forth in suggested Conditions of Approval nos. 1.a and b.

Staff presented the applicant's sample of recycled compressed plastic for the posts in lieu of wood. Staff stated that because the proposed material has the appearance and durability of wood, the intent of the code is met, as well as having a longer life span and being a cost benefit.

THE PUBLIC HEARING WAS CONTINUED OPEN.

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

Mary Beth Broeren, Zoning Administrator, and Dave Dominguez, Community Services Department, engaged in discussions concerning the potential for a grant if recycled compressed plastic were used. Ms. Broeren confirmed the color with the applicant and confirmed that the aforementioned was discussed with the Design Review Board.

Discussion ensued concerning the applicant's opposition to the thirty-six inch box trees or palms as set forth in suggested Condition of Approval no 1.b. Ms. Broeren confirmed with staff that this suggested condition is not a code requirement. Mr. Dominguez agreed to 15-gallon box trees.

Ms. Broeren stated that she was going to approve the request with modifications to the suggested findings and conditions of approval as follows:

1. The site plan received and dated January 12, 2005 shall be the conceptually approved design with the following modifications:
 - a. ~~The boundary of the temporary parking lot shall be marked off and secured with 4"x4" wood posts. In lieu of cable, the posts shall be connected with chain.~~
 - a. ~~Thirty-six inch box trees or palm equivalent~~Fifteen-gallon trees shall be planted 45 feet on center along the Goldenwest Street frontage. The trees shall be relocated and used in the design of the future permanent parking lot.
 - b. A total of two 3 ft. wide openings shall be provided for pedestrian access on the easterly side of the temporary parking lot. The location of the opening shall be determined by the Fire Department.

CONDITIONAL USE PERMIT NO. 04-51 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 15304 of the CEQA Guidelines, the temporary parking lot is proposed for a period of up to 5 years and consists of minor public alterations in the condition of land and does not involve the removal of healthy, mature scenic trees. Limited grading is proposed and there will be no soil excavation. Furthermore, there are no sensitive resources that will be removed or impacted.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-51:

1. Conditional Use Permit No. 04-51 to permit the construction of a temporary parking lot consisting of 50 parking spaces for up to a five-year period 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 temporary parking lot will be located in an undeveloped area of the Huntington Central Park to meet the parking demands of the Shipley Nature Center and other Central Park uses. The parking lot will take access from Goldenwest Street via an existing drive approach. Ingress and egress to the site will be limited to right turn in and right turn out only in order to minimize impacts to traffic flow on Goldenwest Street. The parking lot is adequately buffered from the nearest residential properties by approximately 2000 feet of parkland.
2. The conditional use permit will be compatible with surrounding uses. The temporary parking lot is located in an area currently designated for a permanent parking lot in the Huntington Central Park Master Plan. The lot will serve the surrounding parkland and will not in anyway interfere with the use and enjoyment of the park or displace existing park amenities. Furthermore, the size and shape of the lot is consistent other parking lots within the park.
3. The proposed Conditional Use Permit No. 04-51 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 proposed temporary parking lot complies with the applicable development standards such as paving surface and boundary fencing, stall dimensions and aisle widths. The HBZSO authorizes the establishment of temporary parking lots 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 OS-P (Open Space – Park) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. RCS 3.1.7 Develop and/or retrofit park and recreation sites in ways, which maximizes efficiency and minimizes maintenance cost.
 - b. RCS 4.1 Improve and modernize existing park facilities to overcome existing design deficiencies and deteriorated conditions.

The temporary parking lot is intended to meet the parking demand for the Shipley Nature Center and other Central Park uses for a period of up to five years in order to allow for funding to be obtained for a permanent parking facility as identified in the Huntington Central Park Master Plan.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-51:

1. The site plan received and dated January 12, 2005 shall be the conceptually approved design with the following modifications:
 - a. Fifteen-gallon trees shall be planted 45 feet on center along the Goldenwest Street frontage. The trees shall be relocated and used in the design of the future permanent parking lot.
 - b. A total of two 3 ft. wide openings shall be provided for pedestrian access on the easterly side of the temporary parking lot. The location of the opening shall be determined by the Fire Department.
2. Prior to commencement of use, the following shall be completed:
 - a. The eucalyptus trees to the north of the driveway access at Goldenwest Street shall be trimmed to provide for appropriate line of sight.
 - b. A parking analysis identifying the total required number of handicapped accessible parking spaces as a result of the additional parking lot and the location of such spaces shall be prepared and submitted to the Planning Department and Building and Safety Department for review and approval. Additional required handicapped accessible parking spaces may be located elsewhere on the site in the existing permanent parking lots.
 - c. Signs shall be posted at the entrance of the lot with directions to the nearest parking facility with handicapped accessible parking spaces. The signs shall be reviewed and approved by the Planning Department, prior to installation.
3. The use shall be allowed for a maximum five-year period commencing at the time the temporary parking lot is operational.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: CONDITIONAL USE PERMIT NO. 05-01 (POLLY'S PIES RESTAURANT – ALCOHOL SALES)

APPLICANT: Polly's Pies Inc, c/o Allen Gray, 14325 Iseli Road, Santa Fe Springs, CA 90670
PROPERTY OWNER: Towne House Plaza, 140 Newport Center Drive, Suite 260, Newport Beach, CA 92660
REQUEST: To permit the establishment of alcohol sales for on-site consumption within an existing restaurant.
LOCATION: 9791 Adams Avenue (northwest corner of Adams Avenue and Brookhurst Street)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary. Staff stated that no written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the request will be governed by the Alcoholic Beverage Control Board (ABC) and that the alcohol sales will be for beer and wine only.

THE PUBLIC HEARING WAS OPENED.

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

Ms. Broeren stated that she is familiar with the subject site. She asked staff if comments were received from the Police Department (PD). Staff responded that the PD reviewed the project and had no comments or recommendations.

CONDITIONAL USE PERMIT NO. 05-01 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 the operation of an existing commercial business involving negligible or no expansion of use beyond that previously approved.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-01:

1. Conditional Use Permit No. 05-01 to permit the sale of alcohol for onsite consumption at an existing 4,000 sq. ft. bona fide 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 proposed use will not generate noise, traffic, demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the subject property.
2. The conditional use permit will be compatible with surrounding uses because the request represents only a negligible expansion of an existing bona fide restaurant use, on a commercially zoned property intended to serve the surrounding residential population.
3. The proposed Conditional Use Permit No. 05-01 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. Alcohol sales is permitted in the CG (Commercial General) zone, subject to conditional use permit approval. No new construction is proposed.
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 CG-F1 (Commercial General - .35 max FAR) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate an existing development by allowing the addition of alcohol sales to a permitted land use (restaurant). The proposed use will serve the needs of local residents and visitors to the City by providing for additional dining service and menu options.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-01:

1. The site plan and floor plans received and dated January 4, 2005 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 Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations or floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for

conformance with the intent of the Zoning Administrator's action and the conditions herein. 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.

4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

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. 04-48 (HABITAT FOR HUMANITY)

APPLICANT:	Habitat for Humanity of Orange County, c/o Mark Korando, 2165 S. Grand Avenue, Santa Ana, CA 92705
PROPERTY OWNER:	City of Huntington Beach Redevelopment Agency, 2000 Main Street, Huntington Beach, CA 92648
REQUEST:	To permit the construction of a single-family residence on a lot substandard in width and area.
LOCATION:	2502 Delaware Street (northeast corner of Delaware Street and Yorktown Avenue)
PROJECT PLANNER:	Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary. Staff stated that the Habitat for Humanity of Orange County has a development agreement with the City and that all development requirements for the proposed project are met.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, asked what the income level restriction is for the proposed project. The applicant advised that the restriction was less than 50% of the MI.

THE PUBLIC HEARING WAS OPENED.

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

Ms. Broeren confirmed with the applicant that the wood fence is proposed for cost effective reasons and affordability as opposed to a block wall.

Ms. Broeren inquired into the height of the proposed single-family residence. The applicant stated that the height is approximately 15-½ feet. Ms. Broeren stated that the height should be reflected on the plans.

CONDITIONAL USE PERMIT NO. 04-48 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 a single-family residence in an urbanized area. The home will not have any adverse individual or cumulative impacts on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-48:

1. Conditional Use Permit No. 04-48 to permit the construction of a single-family residence on a lot substandard in width and 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 lot became substandard as a result of street widening on Yorktown Avenue. The widening of Yorktown Avenue reduced the lot width by 20-feet, resulting in a 30-foot wide parcel. Approval of the conditional use permit will allow development of the substandard lot, will improve the aesthetics of the vacant parcel, and will potentially add value to the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because the Residential Medium density zoned neighborhood is primarily developed with single-family and multi-family residential units. The proposed one-story residence will be harmonious with other one, two, and three story residential structures in the area. In addition, the proposed structures are scaled proportionally to the size of the substandard lot.
3. The proposed Conditional Use Permit No. 04-48 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project meets the code requirements except the lot size and width, and the applicable development standards such as, setbacks, building height, site coverage, etc.
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 Residential Medium Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

- a. L.U. 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.
- b. L.U. 9.1.2: Require that single-family residential units be designed to convey a high level of quality and character.
- c. L.U. 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e. infill) be compatible with existing structures.

The single-family residence is proposed by Habitat for Humanity, a non-profit organization, which constructs affordable housing projects. The proposed single-family residence is desirable because it will help meet the diverse needs of Huntington Beach residents. The proposed residence is well designed, contains a private garage accessed from the alley, wood fencing and a front porch, which are elements of urban design trends. The new residence will be compatible with existing structures because it is an unobtrusive single-story, meets all the required setbacks, does not exceed site coverage, and provides sufficient parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-48:

The site plan, floor plans, and elevations received and dated January 31, 2005 shall be the conceptually approved design.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

THE MEETING WAS ADJOURNED AT 1:50 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MARCH 2, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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