

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

WEDNESDAY, JULY 20, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Ron Santos, Robin Lugar (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-12 (WYNN MOTORSPORTS)

APPLICANT: Phil Phong, 21190 Beach Boulevard, Huntington Beach, CA 92648

PROPERTY OWNER: Bijan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648

REQUEST: To permit the establishment and operation of a motorcycle dealership within an existing commercial shopping center and an outdoor dining area in conjunction with an ancillary coffee house.

LOCATION: 21022 Beach Boulevard (southeast corner of Beach Boulevard and Atlanta Avenue)

PROJECT PLANNER: Rami Talleh

Rami Talleh, 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.

Mary Beth Broeren, Zoning Administrator, asked staff if the hours of operation for the coffee house were 5:30 a.m. to 12:00 a.m. Mr. Talleh confirmed and provided hours of operation for retail sales as 8:00 a.m. to 9:30 p.m.

Staff stated that due to an error on the public notices, a second notice was sent. Staff stated that five telephone calls and two letters were received in opposition to the proposed project based upon concerns related to noise, traffic, pollution, and congregation. Staff stated that the aforementioned concerns are addressed in suggested conditions of approval nos. 2.a through 2.e.

Staff stated that the applicant is agreeable to the suggested conditions of approval with the exception of the revised hours of operation as set forth in Suggested Condition of Approval No. 2.c.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary.

Mary Beth Broeren, Zoning Administrator, addressed a comment made by a member of the public audience concerning the daytime hours of the Zoning Administrator (ZA) meeting. Ms. Broeren explained that the City understands that the scheduled 1:30 p.m. meeting may be conflicting for people employed during the daytime hours. She stated that in the past the ZA meetings were offered during the evening hours and more complaints were received about the evening meetings because most of the projects were homeowners or small businesses who were having to pay their consultants extra money to attend a nighttime meeting as opposed to a daytime meeting. Ms. Broeren stated that the evening attendance was no greater than that of the daytime meetings yet more complaints concerning the time were received.

THE PUBLIC HEARING WAS OPENED:

Donna Anderson, 7975 Waterfall Circle, neighboring property owner at Seaside Village, voiced major concerns related to noise impacts and test-driving on the frontage road of the proposed location. She suggested that the applicant consider a location further north on Beach Boulevard.

Robert Jason, 7956 Waterfall Circle, neighboring property owner at Seaside Village, voiced concerns about noise and test-driving on the frontage road. Mr. Jason asked what recourse residents have when decibel levels exceed what is allowed within the City's noise ordinance.

Scott Williams, 7971 Seawall Boulevard, neighboring property owner at Seaside Village, voiced concerns about additional noise and speeding on Beach Boulevard. Mr. Williams discussed the presence of children in the area and the number of residents who oppose the request but were unable to attend today's meeting. He suggested that the applicant consider property further north for the proposed business.

Sylvia Calhoun, 7965 Seawall Circle, owner of two units in Seaside Village, voiced concerns about noise.

George Mezei, 7946 Waterfall Circle, neighboring property owner at Seaside Village, voiced concerns about noise and discussed the presence of an existing Yamaha dealer at Beach Boulevard and Yorktown Avenue.

Steven Calhoun, 7965 Seawall Circle, neighboring property owner at Seaside Village, voiced concerns about the frontage road being used as a drag strip and existing problems with motorcycles within the area. Mr. Calhoun also discussed how the lake within Seaside Village carries noise to its residents.

Phi Phong, 21011 Beach Boulevard, applicant, stated acceptance of staff's proposal.

Mike Strange, 21190 Beach Boulevard, spoke on behalf of Bijan Sassonian, property owner, who opposes modifying the hours of operation as recommended by staff, suggested that noise levels are enforceable as they are identified in the code, and feels that other area coffee houses operate without restricted hours.

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

Ms. Broeren informed the public that she received correspondence identified by staff and visited the subject site.

Ms. Broeren questioned why they were storing motorcycles in the building when they had yet to obtain a certificate of occupancy. Discussions ensued and Ms. Broeren stated that storing the motorcycles prior to approval of the conditional use permit was not allowed.

Ms. Broeren asked staff to explain ownership relating to the frontage road and the applicant's proposed test-drive course.

John Nguyen, speaking for the applicant, stated that a customer cannot drive a motorcycle until they purchase it, and that vehicles are test-driven by employees on Atlanta Avenue to Newland Street to Pacific Coast Highway to Beach Boulevard.

Ms. Broeren referenced the City's noise ordinance and Mr. Talleh explained the decibel levels as allowed at certain times of the day.

Ms. Broeren voiced concerns about the use's incompatibility with surrounding residential uses, the potential for noise related problems, and the hours of operation between the two (retail sales and coffee house) being different.

Mr. Strange responded that the hours differ because it is presumed that someone else may purchase the coffee house in the future, therefore two separate businesses would exist. He also stated that the applicant would not be opposed to a six-month review.

Mr. Nguyen suggested revised hours, discussion ensued. Ms. Broeren confirmed with the applicant the following revised hours:

For the motorcycle dealership:

9 a.m. to 6 p.m. Tuesday through Saturday (closed on Sunday and Monday)

For the coffee shop:

5:00 a.m. to 10:00 p.m.

8:00 a.m. to 10:00 p.m. for the outdoor dining area

Open seven days per week

Discussion ensued on what was originally proposed, and what the applicant was currently presenting. The applicant stated that the coffee shop would be a franchise by The Grind.

Staff stated that the new hours proposed change the project description. Staff further stated that a separate use for the coffee shop, creates a separate business, therefore, public notification would not be correct since the coffee shop was advertised as an ancillary use and would be conditioned as such.

Discussion ensued among staff concerning signage, fencing, outdoor seating design, and the project's distance from Beach Boulevard.

Ms. Broeren stated she has concerns with the project location and stated that she was going to deny the request based upon Findings for Denial. She asked the applicant to remove the stored vehicles by Friday, July 22, 2005.

CONDITIONAL USE PERMIT NO. 05-12 WAS DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS FOR DENIAL. 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 DENIAL - CONDITIONAL USE PERMIT NO. 05-12:

1. Conditional Use Permit No. 05-12 to permit the establishment and operation of a motorcycle dealership within an existing commercial shopping center and an outdoor dining area in conjunction with an ancillary coffee house will 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. With the exception of the community shopping center in which the proposed use would be located, the surrounding area is residential. The proposed use would result in a significant change in character for the area with the establishment of the first vehicle sales business in the area. Resulting noise impacts would have a negative impact on the surrounding area.
2. The conditional use permit will not be compatible with surrounding uses because the majority of the surrounding uses are residential.

ITEM 2: CONDITIONAL USE PERMIT NO. 04-52 (ST. PETER'S BY THE SEA)

APPLICANT: Philip F. Swanson, 17381 Avalon Lane, Huntington Beach, CA 92647
PROPERTY OWNER: St. Peter's by the Sea Presbyterian, 16911 Bolsa Chica Street, Huntington Beach, CA 92649-3570
REQUEST: To permit construction of church structures including a sanctuary, offices, and meeting rooms totaling 37,410 square feet. The request includes phased construction and demolition of existing structures over a 5 to 7 year period.
LOCATION: 16911 Bolsa Chica Street (west side of Bolsa Chica Street, north of Warner Avenue)
PROJECT PLANNER: Rami Talleh

Rami Talleh, 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 suggested modifying Suggested Condition of Approval No. 4 as follows:

4. The phasing schedule shall comply with the phasing plan as outlined in the narrative dated and received on June 30, 2005. Any proposed changes shall be subject to review and approval by the Planning Department.

THE PUBLIC HEARING WAS OPENED:

Alexandra Dortch, 4932 Charlene Circle, #4, voiced concerns about privacy. Ms. Dortch stated that mature trees, which were previously removed, acted as a screen between the two properties and asked that they be replaced.

Mike Strange, 21190 Beach Boulevard, read a letter from Mike Adams that provided support for the applicant's construction schedule in return for the applicant's support of proposed construction by Mr. Adams' client on the north side of Warner Avenue, east of Bolsa Chica.

Lew Dominy, 2150 W. Washington, #303, San Diego, addressed the proposed Elm trees that will grow to be 35' in height.

Phil Swanson, 17381 Avalon Lane, stated that the Eucalyptus trees were removed because the limbs were breaking and posed a dangerous situation to people and personal property.

Mary Beth Broeren, Zoning Administrator, stated that 11 Chinese Elms are proposed to provide long term buffering.

Ms. Broeren and the applicant discussed the phasing aspects of the construction process, as funding is made available. Ms. Broeren stated that if construction hours occur outside of what is allowed by the code, residents should contact City Hall. Mr. Swanson stated that the contractor guarantees compliance with code.

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

Ms. Broeren stated that she was going to approve the request with the modification to the suggested conditions of approval as recommended by staff above. She also asked staff to modify Suggested Finding for Approval No. 1 as follows:

Conditional Use Permit No. 04-52 for the construction of church structures including a sanctuary, offices, and meeting rooms totaling 37,410 square feet over a 5-to-7-year multi-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 church construction is located on a site previously developed with a church along Bolsa Chica Street, a commercial corridor. The project is scaled and designed to compliment the existing surrounding development. The site provides two additional parking spaces above the minimum required amount of parking in order to provide an ample supply of parking spaces and not impact adjacent parking areas. The church structures are setback approximately 80 ft. from the adjacent residential uses to the west. The residences are adequately buffered by a five foot wide landscaped planter and six foot tall existing block wall. The proposed church will not result in an increase of noise or produce any

objectionable odors. Bolsa Chica Street is capable of accommodating the additional vehicle trips generated by the assembly area.

CONDITIONAL USE PERMIT NO. 04-52 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS. 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 15332 of the CEQA Guidelines, because the project consist of development of an infill lot less than five (5) acres in size and is consistent with the General Plan and zoning ordinance. The site can be adequately served by all required utilities and public services and will not have significant effects to traffic, noise, air quality or water quality. In addition the site does not have value as habitat for endangered or threatened species.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-52:

1. Conditional Use Permit No. 04-52 for the construction of church structures including a sanctuary, offices, and meeting rooms totaling 37,410 square feet over a multi-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 church construction is located on a site previously developed with a church along Bolsa Chica Street, a commercial corridor. The project is scaled and designed to compliment the existing surrounding development. The site provides two additional parking spaces above the minimum required amount of parking in order to provide an ample supply of parking spaces and not impact adjacent parking areas. The church structures are setback approximately 80 ft. from the adjacent residential uses to the west. The residences are adequately buffered by a five foot wide landscaped planter and six foot tall existing block wall. The proposed church will not result in an increase of noise or produce any objectionable odors. Bolsa Chica Street is capable of accommodating the additional vehicle trips generated by the assembly area.
2. The conditional use permit will be compatible with surrounding uses. The subject land use is appropriate at the proposed location because the site is easily accessible by major roadways and anticipated traffic will not impact local residential streets. The proposed assembly use will be compatible with the adjacent commercial uses based on the limited number of services proposed by the church, and adequate separation from adjacent residential properties. The existing perimeter block walls provide adequate sound attenuation from the adjacent multi family units. Furthermore, the proposed church will improve the appearance of the subject property. The proposed buildings consist of a similar mass and scale to that of the surrounding developments. The structures consist of a quality design that includes offset rooflines, high quality materials, and architectural treatments. The site is designed with a safe and efficient circulation pattern, accessible parking layout, and quality landscape design.
3. The proposed religious assembly facility 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 any specific condition required for the proposed use in the CG zoning district. The proposed development plan provides setbacks, parking and landscaping in compliance with the CG (General Commercial) zoning district.

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 – 0.35 Maximum Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 4.2 Ensure that structures and sites are designed and constructed to maintain their long-term quality.

LU 13 Achieve the development of a mix of governmental service, institutional, educational, and religious uses that support the needs of Huntington Beach residents.

LU 13.1 Provide for the continuation of existing and development of new uses, such as governmental, administrative, public safety, human service, cultural, educational, religious, and other uses that support the needs of existing and future residents and businesses.

LU 13.1.2 Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

The proposed development plan for the reconstruction of St. Peter's By the Sea church facility will be consistent with the aforementioned goals and objectives of the City's General Plan. The project will be developed with quality materials such as copper metal cladding, stained exterior shiplap siding, and wood and steel construction which will maintain the structures' long term quality. The site will feature courtyards and landscaping in a manner that conveys quality site planning and landscape design. The development provides cultural, educational and religious uses that support the needs of Huntington Beach residents and businesses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-52:

1. The site plan, floor plans, and elevations received and dated December 29, 2004, shall be the conceptually approved design with the following modifications:
 - a. The sunken court between the proposed fellowship hall and sanctuary building and the Bolsa Chic Street frontage shall be removed and a minimum ten-foot wide landscaped planter shall be provided along the Bolsa Chica Street frontage.
 - b. The fellowship hall and sanctuary basements may be removed at the discretion of the applicant.
2. Prior to submittal for building permits, an application for a Lot Line Adjustment shall be submitted to the Planning Department.
3. Prior to issuance of building permits, the Lot Line Adjustment shall be reviewed and approved by the Planning and Public Works Departments and the lot line adjustment form shall be recorded.

4. The phasing schedule shall comply with the phasing plan as outlined in the narrative dated and received on June 30, 2005. Any proposed changes shall be subject to review and approval by the Planning Department.

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 2:25 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JULY 27, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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