

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

WEDNESDAY, APRIL 26, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Paul Da Veiga, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-11 (TOMRA PACIFIC RECYCLING CENTER)

APPLICANT: Bruce Welch, Tomra Pacific, Inc., 150 Klug Circle,
Corona, CA 92880

PROPERTY OWNER: Barros Peninsula Marketplace, LLC, 1545 N Verdugo Rd,
Suite 115, Glendale, CA 91208

REQUEST: To permit the establishment of a portable beverage-recycling
center as an accessory use within an existing commercial
shopping center parking lot.

LOCATION: 19081 Goldenwest Street (southwest corner of Goldenwest Street
and Garfield Avenue – Peninsula Market Place Shopping Center)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans received and dated March 30, 2006.

Staff stated that the Design Review Board (DRB) recommended approval of the design to the Zoning Administrator.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. Three letters were received from neighboring property owners concerning noise related issues and opposition to the proposed facility. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans. Discussion ensued with staff concerning configuration, location of containers, parking, notification to tenants, elevations, and other similar facilities.

THE PUBLIC HEARING WAS OPENED.

Paul Cummins, 19194 Chandon Lane, neighboring property owner, spoke in opposition to the proposed project. Mr. Cummins' major concerns were related to employees urinating on the containers and visibility of the unsightly containers.

Don Chiapparine, 19182 Chandon Lane, neighboring property owner, voiced concerns related to loitering and location of the container.

Herman Karakesisoglo, 19204 Chandon Lane, neighboring property owner, voiced major concerns related to noise and location of the designated parking.

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

Ms. Broeren engaged in discussions with the facility's operator and she was advised that they are currently engaged in discussions with the neighboring Ralph's store for use of their restroom facilities.

Discussion ensued. Ms. Broeren addressed the concerns voiced above. She stated that she visited the subject site and agreed with staff that the proposed location is too close to adjacent neighboring properties. The use of cordons and alternative container locations was discussed.

Ms. Broeren stated that she was going to approve the request. She asked staff to modify the suggested conditions of approval as follows:

Modify Condition No. 1.a:

- a. The recycling facility shall be located ~~in the main parking lot along Garfield Ave. within the center parking section along the Garfield Avenue street frontage as depicted as Location C in Exhibit 1 dated April 24, 2006.~~ Final location of the facility shall be reviewed and approved by the Planning Department.

Add New Condition of Approval 2:

- b. The containers shall be maintained in a clean manner.
- c. Temporary cordons shall be placed to delineate the customer loading and unloading area. Final design of the cordon placement shall be reviewed and approved by the Planning Department.

Add New Condition No. 3:

3. A review of the use shall be conducted by the Staff without public hearing within six (6) months of the issuance of Certificate of Occupancy or final building permit approval to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance.

CONDITIONAL USE PERMIT NO. 05-11 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 15303 of the CEQA Guidelines, because the project consists of the installation of a portable accessory structure not exceeding 500 square feet.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-11:

1. Conditional Use Permit No. 05-11 for the establishment, maintenance and operation of a portable beverage-recycling center as an accessory use within an existing commercial shopping center parking lot 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. There are no residences located within the immediate vicinity of the recycling facility. The proposed facility will be located to the northeast of the Ralph's building to decrease potential impacts to the residences south of the shopping center. The facility will be located within the existing parking lot along Garfield Ave., will not occupy any required parking as there is currently a 22 space surplus, and will not alter existing improvements in the area. Furthermore, based on the conditions imposed, the facility will not generate traffic, odor 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 project is proposed on a commercially zoned property within a commercial shopping center. The facility will have consistent hours of operation as other business in the shopping center and similar setbacks, color, and design as other buildings in the shopping center. Furthermore, the existing buildings on the site will adequately separate and buffer the abutting residential uses south of the site from the proposed facility.
3. The proposed conditional use permit 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 SP7 (Holly Seacliff Specific Plan) including setbacks, maximum floor area ratio, building height, and parking.

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 CN-F1-sp (Neighborhood Commercial – 0.35 FAR – Specific Plan). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

LU 10.1 Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residences, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

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 application allows for the Ralph's Supermarket to comply with the California Beverage Container and Litter Act of 1986 (AB 2020) and meet its recycling obligations. In addition the facility provides recycling services to accommodate the needs of Huntington Beach residents.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-11:

1. The site plan, floor plans, and elevations received and dated March 30, 2006, shall be the conceptually approved design with the following modifications:
 - a. The recycling facility shall be located within the center parking section along the Garfield Avenue street frontage as depicted as Location C in Exhibit 1 dated April 24, 2006. Final location of the facility shall be reviewed and approved by the Planning Department.
 - b. The facility shall be located so that it does not project into the required 26-foot wide drive aisle.
 - c. A decorative trash container matching other containers within the shopping center shall be placed in front of the recycling facility.
2. The use shall comply with the following:
 - a. The operator shall be responsible for maintaining the area around the containers in a clean manner free of trash, debris, and recyclables at all times.
 - b. The facility shall be posted with a clearly visible sign that dumping of trash, debris, or recyclables is prohibited after operating hours.
 - c. The containers shall be maintained in a clean manner.
 - d. Temporary cordons shall be placed to delineate the customer loading and unloading area. Final design of the cordon placement shall be reviewed and approved by the Planning Department.

3. A review of the use shall be conducted by the Staff without public hearing within six (6) months of the issuance of Certificate of Occupancy or final building permit approval to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: TENTATIVE PARCEL MAP NO. 2004-105 (DUBAR LOT CONSOLIDATION)

APPLICANT: Patrick Dubar, PO Box 1267, Sunset Beach, CA 90742
PROPERTY OWNER: Courtney Dubar, PO Box 1267, Sunset Beach, CA 90742
REQUEST: To permit the consolidation of eight residential lots into one parcel totaling 68,643 square feet.
LOCATION: 6741 Shire Circle (terminus of Shire Circle, east of Quarterhorse Lane)
PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff stated that a late communication was received from the Huntington Beach Estates Homeowner's Association (HOA) requesting a continuance to allow them time to better understand the applicant's future plans concerning the property. Staff stated that the request is a required condition of approval for Variance No. 04-08 acted upon and approved by the Planning Commission on May 24, 2005.

Staff presented an historical background on the evolution of the subject property and prior variance approval.

Staff recommended approval of the request, as it is consistent with the approval of the prior variance/entitlement.

Mary Beth Broeren, Zoning Administrator, stated that she received correspondence via email from the HOA that included electrical power concerns. Discussion ensued concluding that the electrical power is beyond the scope of the parcel map request. Ms. Broeren confirmed with staff that a condition for public improvement does not apply.

THE PUBLIC HEARING WAS OPENED.

Joan Venditozzi, 18622 Quarterhorse Lane, neighboring property owner, questioned the magnitude of the request and requested clarification on the details of the project.

Gerald Chapman, 6742 Shire Circle, neighboring property owner, stated that the notice was misleading, questioned the zoning, conditions of the prior approved variance and the permit process. He voiced concerns related to equestrian activity, stated that they want to know when the project would end and stated that there is no end in sight to the lengthy on-going construction at the subject site.

Carrie Thomas, 6642 Trotter Drive, neighboring property owner, voiced concerns related to equestrian activity, public improvements and compliance with design guidelines. Ms. Thomas asked if staff had visited the site.

Robin Hamers, project civil engineer, presented explanations for the length of time that has been involved and events leading to delays. Mr. Hamers presented a synopsis of the project's history.

Mike McCall, 6672 Carriage Circle, neighboring property owner, stated concurrence with the above-mentioned concerns. Mr. McCall stated that the subject property attracts nuisances and is an eye sore. He voiced concern that they don't know what is happening at the subject site and questioned what will occur in the future.

Decatur Dilday, 18612 Quarterhorse Lane, neighboring property owner, voiced concerns over the lack of dust control during construction and stated they need more information on the proposed project.

Maria Kutas, 6761 Corral Circle, neighboring property owner, voiced concerns related to dust and noise. Ms. Kutas stated that they want more information and want to conserve the quietness of the area.

Patrick Dubar, PO Box 1267, Sunset Beach, applicant, responded to some of the concerns voiced by the public. Mr. Dubar spoke on the constraints in getting through the permit process, obstacles and cost of electrical power, liability issues, retaining an open corridor, and ownership/easement issues with the Public Works Department.

Tony Valentine, project builder, addressed the problems in obtaining additional electrical power. Mr. Valentine voiced a strong desire to finalize the project stating that obtaining approvals is a lengthy process. He stated that three-phase power was chosen for efficiency reasons.

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

Ms. Broeren engaged in discussions concerning the prior variance requirements as approved by the Planning Commission and restrictions by the Public Works Department. She reviewed the project plans and stated that the equestrian trails do not touch the encyclopedia lots.

Ms. Broeren confirmed with staff that Tract 11473 conditions are subject to the Ellis Goldenwest Specific Plan. Further discussion ensued concerning title to the subject property, easement rights and approval authority.

Ms. Broeren confirmed with staff that standard code requirements dictate dust control and use of water and gravel.

TENTATIVE PARCEL MAP NO. 2004-105 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 consists of the consolidation of eight lots into one in an urbanized area zoned for residential use.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2004-105:

1. Tentative Parcel Map No. 2004-105 for the consolidation of eight residential lots into one parcel totaling 68,643 square feet is consistent with the General Plan Land Use Element designation of Residential Low Density on the subject property. The proposed lot consolidation complies with all applicable provisions of the Subdivision Map Act and the HBZSO and is consistent with previous subdivisions in the surrounding neighborhood.
2. The site is physically suitable for the type and density of development allowed by the corresponding zoning designation. The site is currently developed with a single-family dwelling. Construction of an accessory structure and swimming pool are proposed on the site. The lot consolidation will comply with all applicable code provision of the Ellis-Goldenwest Specific Plan and HBZSO including minimum parcel size of and lot width. The site is accessible from an existing private street and all necessary public utilities and services are available.
3. The consolidation of eight lots to one or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The lot consolidation is proposed for eight lots designated for residential use. The site does not serve as habitat for fish or wildlife.
4. The consolidation of eight lots to one or the proposed improvements, will not conflict with easements, acquired by the public at large for access through or use of property within the subdivision unless alternative easements, for access or for use, will be provided. No easements acquired by the public at large for access through or use of the property exist within the subject site.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2005-105:

Tentative Parcel Map No. 2005-105 for the for the consolidation of eight residential lots into one parcel totaling 68,643 square feet, shall be the approved layout.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 06-04 / CONDITIONAL USE PERMIT NO. 06-06 / VARIANCE NO. 06-01 (TEAZIS RESIDENCE)

APPLICANT: Jon Christner, 34071 La Plaza, Suite 240, Huntington Beach, CA 92629
PROPERTY OWNER: Theo Teazis, 5801 Grimsby Drive, Huntington Beach, CA 92649
REQUEST: **CDP/CUP:** To permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches. **VAR:** To permit the construction of a 498 sq. ft. third floor outside the confines of the second story roof volume. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION: 4021 Diablo Circle (terminus of Diablo Circle, west of Edgewater Lane)
PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings for denial as presented in the executive summary.

Staff recommended denial of the request based upon the suggested findings for denial and because the proposed project does not comply with code. One member of the public reviewed the project plans at the zoning counter. No other written or verbal comments were received in response to the public notification.

THE PUBLIC HEARING WAS OPENED.

Tracy Remedios, 4001 Diablo Circle, neighboring property owner, voiced concerns related to the window alignment.

Mike Adams, P.O. Box 382, Huntington Beach, representing the applicant, spoke on behalf of the proposed project emphasizing the odd configuration of the subject lot and the vertical elements of the proposed third story. Mr. Adams urged the Zoning Administrator's approval. He stated that options could bring the proposed project into compliance with code but would result in lesser architectural aesthetics.

Jon Christner, 34071 La Plaza, Suite 240, applicant, presented photographs as examples of similar homes, urged the Zoning Administrator's approval emphasizing the odd shape of the lot and constraints of the roofline.

Roger Hodges, 16682 Edgewater Lane, neighboring property owner, voiced support of the proposed project stating that the proposed project is superior to what is currently existing.

Roxanne Talley, 4012 Figaro Circle, neighboring property owner, stated that the proposed project is highly upgraded.

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

Mary Beth Broeren, Zoning Administrator, reviewed the project plans. Discussions ensued with staff concerning the size of the lot, window alignment, compliance with the Infill Lot Ordinance and alternatives to bring the proposed project into compliance with code.

Ms. Broeren acknowledged the attractiveness of the proposed addition and the architectural integrity and challenges.

Discussions ensued with the applicant concerning alternatives that would allow the third-story addition to blend with the second story.

Ms. Broeren stated that because the proposed project is not in compliance with code, she could either deny or continue the request. The applicant agreed to a one-week continuance. Ms. Broeren stated that the applicant would have to bring the proposed project into further compliance with code in order to grant an approval.

COASTAL DEVELOPMENT PERMIT NO. 06-04 / CONDITIONAL USE PERMIT NO. 06-06 / VARIANCE NO. 06-01 WERE CONTINUED TO THE MAY 3, 2006, MEETING WITH THE PUBLIC HEARING CLOSED.

THE MEETING WAS ADJOURNED AT 3:00 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MAY 3, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

:rmk