

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

WEDNESDAY, NOVEMBER 18, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ethan Edwards, Jill Arabe, Andrew Gonzales, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-012 (NEWLAND CARWASH- CONTINUED FROM THE OCTOBER 14, 2009, MEETING)

APPLICANT: Thomas Hwang, 616 Imperial, LLC
PROPERTY OWNER: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA 90813
REQUEST: To permit the construction of an approximately 2,200 sq. ft. express service carwash building and associated site improvements, on a 22,363 sq. ft. vacant lot.
LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner Avenue and Newland Street)
PROJECT PLANNER: Ethan Edwards

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

Mr. Edwards stated that staff had received public comments in opposition to the project, citing concerns related to the design, circulation, and potential noise impacts. Mr. Edwards noted that staff had revised the suggested conditions of approval which require revised site plans and the undergrounding of utilities prior to issuance of a building permit.

Mr. Ramos asked if the carwash would have attendants. Mr. Edwards stated that there would be attendants on-site during hours of operation. Mr. Ramos asked if Public Works staff had reviewed the project. Mr. Edwards stated that traffic division staff had reviewed the site plan and determined that the internal circulation was adequate and that there would be no significant impacts to the circulation on Warner Avenue and Newland Street.

THE PUBLIC HEARING WAS OPENED.

Thomas Hwang, applicant, stated that he had reviewed the suggested conditions of approval and had no concerns.

Mary Martin, 17201 Hague Lane, spoke in opposition to the project, citing concerns with potential noise impacts. She stated that she felt that any noise impacts would be detrimental to the quality of life for the neighboring residents and noted that there are at least two carwashes in operation within one mile of the site. She expressed concern with the hours of operation. She stated that she felt the intersection of Warner Avenue and Newland Street is already heavily travelled and was concerned with the additional traffic this project would generate. She asked for clarification with the project's onsite circulation. Mr. Ramos reviewed the onsite circulation and noted that the driveway on Newland Street would be for exiting traffic only. Ms. Martin asked if there would be attendants onsite and Mr. Hwang stated that there would be at least two attendants on the premises at all times, including one to operate the cash register. Ms. Martin expressed concern about additional pollution caused by the project and Mr. Ramos stated that the project is exempt under the California Environmental Quality Act, as noted in the Executive Summary for the request.

Larry Kennepohl, local business owner, gave a brief presentation in opposition to the project. He stated that the site was too small to accommodate the anticipated volume of cars. He stated that the onsite circulation plan would not work and expressed concern about potential traffic accidents. Mr. Kennepohl submitted pictures of Mr. Hwang's carwash operation in the City of Long Beach and stated that the site was poorly maintained.

James Aspaas, 17201 Hague Lane, spoke in opposition to the project, citing concerns over potential noise impacts. He stated that the site was too small to accommodate the project and that he felt there was potential for traffic impacts.

Michelle Nguyen, neighboring property owner, spoke in opposition to the request, citing the project's potential for traffic and noise impacts. She stated that she was concerned that potential pollution from the dust of the vacuum stations will have a negative effect on the health of her tenants.

Troy Grover, 8421 Amsterdam Drive, spoke in opposition to the project, citing noise and traffic impacts. He noted that the noise from Warner Avenue was already excessive and that it would cumulatively increase with the addition of this project

Michael Depin, 8411 Amsterdam Drive, spoke in opposition to the project, citing the potential noise impact. He noted that there are four carwashes near the site and he does not feel there is a need for another. Mr. Ramos stated that his decision must be based on land use issues and that he could not address competition and the concentration of carwashes in the area.

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

Mr. Ramos asked Mr. Hwang to address Ms. Nguyen's concerns about the vacuums. Mr. Hwang stated that the refuse from the vacuums will be collected inside the building and noted that the use of the vacuums was optional.

Mr. Ramos asked if there would be attendants drying the cars. Mr. Hwang indicated that he was unsure. Mr. Ramos asked staff if the narrative clarified whether there would be manual

drying and stated his concern with the potential of vehicular stacking. Mr. Hwang stated that stacking potential was caused by staff cleaning the inside of the cars and that this option would not be offered.

Mr. Ramos asked staff if the parking spaces would also function as the vacuuming sites and Mr. Edwards confirmed this.

Mr. Ramos stated that the request included a noise study that stated that the project will not exceed the noise threshold as established by the municipal noise ordinance. He noted that should the study be inaccurate the project will still be required to comply with established thresholds and that any further issues/complaints can be filed with Code Enforcement staff. Mr. Ramos noted that traffic engineering staff had reviewed the request and stated that the project will not have significant traffic impacts. He stated that he believed the site to have adequate area for stacking and that any maintenance issues can be addressed with Code Enforcement.

Mr. Grover asked how potential noise from customers would be handled. Mr. Ramos noted that suggested Condition No. 4d indicated that carwash employees would be responsible for policing customer noise.

Mr. Ramos asked if the mitigation measures noted in the noise study were included in the suggested conditions of approval and Mr. Edwards confirmed this.

Ms. Nguyen asked if the adjoining wall between the site and her property could be extended to help attenuate noise. Mr. Edwards stated that the 12 ft. canopy included in the site plan would mitigate the noise impacts.

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with minor modifications to the findings and conditions of approval.

CONDITIONAL USE PERMIT NO. 2009-012 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 proposed project consists of the construction of a new commercial building with less than 10,000 square feet of floor area not involving significant amounts of hazardous substances on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

1. Conditional Use Permit No. 2009-012 to permit the redevelopment of a former gas station site with the construction of an approximately 2,336 sq. ft. express carwash building and associated site improvements 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 project will not significantly impact adjoining residential properties located to the north and west of the site. The carwash building will be sited furthest away from residential uses at the southeast corner of the property. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. A noise study was submitted indicating compliance with established noise level thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limited operating hours, a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties. Furthermore, the use will be subject to compliance with the City of Huntington Beach Noise Ordinance (Chapter 8.40 Noise Control) and based upon the conditions imposed, potential noise impacts will be mitigated. Lighting will be designed to be directed onto the project site without any spillage onto adjacent properties. The project is on a site of a former auto-related use; consequently no significant traffic impacts are anticipated. The project will provide adequate on-site parking and will not present unsafe conditions for pedestrians or vehicular circulation.

2. The conditional use permit will be compatible with surrounding developments because the carwash building will be located on commercially zoned property, formerly occupied by a gas station, in an area containing similar auto-related land uses. The building's architecture is consistent with the surrounding neighborhood by providing appropriate scale through a single story design and appropriate proportion and character through variable façade offsets and harmonious colors and materials. The proposed development, as conditioned, conforms to the design criteria as stipulated within the City's Urban Design Guidelines by siting the building at the street corner, accommodating anticipated circulation patterns between vehicles and pedestrians, improving the driveways to current standards, and minimizing the visibility of mechanical equipment within the carwash tunnel openings.
3. The development 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, including minimum building setbacks, minimum on-site parking and minimum onsite landscaping, maximum building height and maximum floor area ratio. The proposed car wash use is permitted within the CG (General Commercial) zoning district 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 CG-F1 (General Commercial – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals, objectives and policies of the General Plan:

Land Use Element

Objective - LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Policy - LU 10.1.12: Require that commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Incorporation of site landscape, particularly along street frontages and in parking lots;
- d. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- e. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The project is a redevelopment of a former gas station site with a new express carwash facility. The proposed use will redevelop a currently vacant site with a facility that caters to the needs of local residents. The project will not significantly impact the adjoining residential property to the north and west of the site. The carwash building will be sited furthest away from residential uses. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. The mechanical equipment associated with the carwash will be located inside the building; in addition, the building is oriented so that the carwash tunnel openings do not directly face adjacent residential uses. Lighting will be designed to be directed onto the project site without any spillage on to adjacent properties.

Urban Design Element

Objective - UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy - UD 1.2.1.E: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces as described by the Land Use Element by using decorative paving materials.

The proposed design of the carwash building will incorporate distinctive architecture which includes variations to the roof height and form, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, and variations in exterior building treatments. The project will incorporate a connection from the public sidewalk on Warner Avenue and Newland Street by providing clear and identifiable access to the carwash building.

Noise Element

Objective - N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

Objective - N 1.4.3: Require that the parking areas of all commercial and industrial land uses, which abut residential areas, to be buffered and shielded by walls, fences, or adequate landscaping.

A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to an increase in levels above established thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limiting the hours of operation, and providing for a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

1. The site plan, floor plans, and elevations received and dated September 9, 2009 shall be the conceptually approved design with the following modifications:
 - a. Landscaped setbacks along both street frontages shall incorporate mounding, shrubbery and vertical elements to enhance the aesthetics of the site and provide for additional screening at the openings to the carwash tunnel and interior mechanical equipment. Provide a revised site plan that depicts the proposed landscaping and screening elements to be reviewed and approved by the City's Landscape Architect and Planning Department.
 - b. The Recovery and Collection Hydro-Carbons area located at the northwest corner of the site shall provide screening to match the adjacent trash enclosure. All screening enclosures shall be compatible and provide materials found in the carwash building. Provide a revised site plan that depicts the screening detail to be reviewed and approved by the Planning Department.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
3. Prior to final building permit, all existing overhead utilities located along the Newland Street and Warner Avenue frontage shall be undergrounded. This shall include all utilities, including but not limited to telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or granted to the corresponding utility companies. **(PW)**
4. The use shall comply with the following:
 - a. The car wash facility shall not be operational from 8 p.m. to 7 a.m.

- b. The car wash dryer units shall be equipped with a silencer.
 - c. Paging and music system speakers located or being activated outside of the building shall be prohibited.
 - d. Customers shall be cautioned against the creation of unacceptably loud noise during waiting and within the vacuum/wipe off areas by signage posted near this area. Customer noise clearly audible beyond the property line (5 dB or more above ambient) shall be eliminated immediately by staff intervention.
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/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 2009-008 (SCHULTZ RESIDENCE)

APPLICANT/
 PROPERTY OWNER: Dan Schultz, 16419 Wimbeldon Lane, Huntington Beach, CA 92649
 REQUEST: To permit the construction of a 368 sq. ft., two-story addition to an existing 1,984 sq. ft., two-story attached residential unit.
 LOCATION: 16419 Wimbeldon Lane, 92649 (west of Saybrook Lane, south of Humboldt Drive)
 PROJECT PLANNER: Jill Arabe

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

Mr. Ramos asked for clarification on a small part of the site plan. Ms. Arabe indicated that this was an open patio. Mr. Ramos asked if staff had any doubts that the request could meet the open space requirements. Ms. Arabe stated that staff believed that, based on the square

footage of the lot and the square footage of the first floor, the project would meet the minimum 400 sq. ft. open space requirement.

THE PUBLIC HEARING WAS OPENED.

Dan Schultz, applicant, stated that the footprint of the building will not change due to an already existing overhanging master suite. He noted that a neighboring resident had completed a similar project.

Mr. Schultz asked for clarification on suggested Condition No. 2 and Ms. Arabe stated that it was a standard condition encouraging, but not requiring, the applicant to incorporate green building practices into the project.

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

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with modifications to the findings and conditions of approval.

COASTAL DEVELOPMENT PERMIT NO. 2009-008 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves an addition constituting less than a 50% expansion of the existing floor area of an attached residential unit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-008:

1. Coastal Development Permit No. 2009-008 to permit the construction of a 368 sq. ft. two-story addition to an existing 1,984 two-story attached residential unit conforms with the General Plan, including the Local Coastal Program. The proposed project is consistent with Coastal Element 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 construction will occur on a previously developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code including maximum lot coverage, maximum building height, minimum setbacks, and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will be

constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.

4. The development 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.

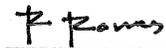
CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-008:

1. The site plan, floor plans, and elevations received and dated September 30, 2009, shall be the conceptually approved design with the following modifications:
 - a. Depict all property lines around subject unit on the site plan and floor plans.
 - b. Depict the minimum 400 sq. ft. of private open space required for units consisting of 4 or more bedrooms on the site plan and floor plans. (HBZSO Section 210.06.O.2b)
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

THE MEETING WAS ADJOURNED AT 2:15 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 2, 2009, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc