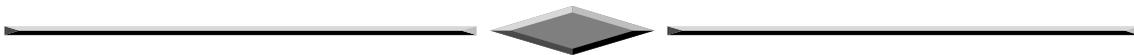


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Andrew Gonzales, Associate Planner
DATE: November 3, 2010

SUBJECT: CONDITIONAL USE PERMIT NO. 10-026 (MURDY PARK SOLAR PV SYSTEM)

LOCATION: 7000 Norma Drive, 92647 (south of Norma Drive, east of Goldenwest Street)



Applicant: Jairam Agaram, Digital Energy, 128 Auburn Court, Suite No. 106, Westlake Village, CA 91362

Property Owner: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

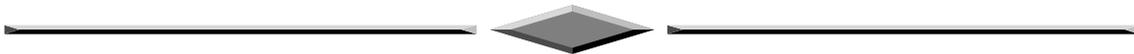
Request: To permit the construction and operation of a proposed photovoltaic energy generation system consisting of solar panel array installations on top of five (5) new freestanding carport structures and installation of electrical support equipment within an existing equipment enclosure..

Environmental Status: This project is covered by Mitigated Negative Declaration No. 10-006 which was approved by the Zoning Administrator on September 15, 2010.

Zone: OS-PR (Open Space – Parks and Recreation Subdistrict)

General Plan: OS-P (Open Space – Park)

Existing Use: Murdy Park and Community Center



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

ENVIRONMENTAL STATUS:

This project is covered by Mitigated Negative Declaration No. 10-006 which was approved by the Zoning Administrator on September 15, 2010.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 10-026:

1. Conditional Use Permit No. 10-026 for the construction and operation of a proposed photovoltaic energy generation system consisting of solar panel array installations on top of five (5) new freestanding carport structures and installation of electrical support equipment within an existing equipment enclosure 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 is located within Murdy Park, adjacent to the Murdy Park Community Center to the north and surrounded by playing fields and park areas to the south, east, and west. The carport structures will be located over existing parking areas and will not result in the removal of any existing parking stalls and/or trees. All electrical support equipment will be located within an existing equipment enclosure adjacent to the Community Center building. The carport structures will not impact onsite circulation or existing onsite recreational activities. Furthermore, the proposed project site is not anticipated to generate additional noise, traffic, parking, or other impacts detrimental to surrounding properties and inconsistent with the subject property's Open Space-Parks and Recreation zoning.
2. The conditional use permit will be compatible with surrounding uses because elements of the carport structures' design are consistent with the colors and materials utilized at the existing park. The electrical inverter will be located within an existing equipment enclosure. The carports will be located within an existing parking lot and will not alter the primary use of this area.
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, including building height and setbacks. In addition, the project is conditioned to comply with all applicable landscaping requirements. Minor utilities are permitted in the OS-PR (Open Space – Parks and Recreation Subdistrict) zoning district subject to 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 policies of the General Plan:
 - A. Land Use Element

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).
 - B. Environmental Resources/Conservation Element

Policy ERC 5.2.3: Require that the use of energy saving designs and materials be incorporated into the construction of all public buildings, while encouraging their use City-wide.

The project will be consistent with the following policies because it includes the installation of photovoltaic panels, which intends to save energy at Murdy Park and support the energy needs of the City. The project has been designed to avoid removal of existing parking spaces and existing mature trees, including impacting existing onsite park activities. As

conditioned, additional protection measures are incorporated to ensure existing trees are not negatively impacted and replaced in the event that they are affected by the onsite improvements. In addition, all proposed carport structures comply with the development standards of the OS-PR zoning district.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 10-026:

1. The site plan and elevations received and dated August 24, 2010, shall be the conceptually approved layout and design with the following modifications:
 - a. On Sheet G2, specify the dimensions (i.e., width, depth, and height) of all the proposed panels depicted within and adjacent to the existing mechanical equipment enclosure. **(DRB)**
 - b. On Sheet G3, remove all references and details related to “metered parking” signs. **(DRB)**
 - c. On Sheet PV3, depict that a minimum 4 ft. width clearance will be maintained between the outermost extents of “Bay G” (i.e., columns) and the outer edge of the existing sidewalk. **(DRB)**
 - d. On Sheet “PV3-S.20”, “PV3-S2.1”, and “PV3-S2.3”, provide the overall height of each carport structure. **(DRB)**
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 and Building Department.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Department of Fire 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 and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - 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.

4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved, until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building 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. Trimming, removing, or replacing on-site trees is subject to the review and approval of the Director of Public Works. **(DRB)**
6. All tree trimming shall be subject to the Tree Care Industry of America's ANSI-A 300 Tree Pruning Standards. **(DRB)**
7. Trees determined to exceed ANSI-A 300 standards shall be removed from their location and replaced with a 36" box tree at the required 2:1 ratio. **(DRB)**
8. Adherence to the tree trimming requirements shall be followed by an ISA Certified Arborist or a Certified Tree worker under the direct supervision of an ISA Certified Arborist. **(DRB)**
9. Any new plantings in the island areas that are nearest to the carport structures shall be shrub forms. Selection of shrub forms shall be based upon the shrub's tolerance to full sun, partial shade, or full shade. **(DRB)**
10. The revised irrigation system shall meet the requirements of the Water Efficient Landscape Requirements, HBMC 14.52 and modified to work with the revised hydrozones created to accommodate the new shade patterns of the solar panels and carports. **(DRB)**
11. The project shall comply will all mitigation measures adopted in conjunction with Mitigated Negative Declaration No. 10-006.
12. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing of any changes to the conceptually approved plans. 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.
13. 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.
14. Conditional Use Permit No. 10-026 shall become null and void unless exercised within two (2) 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 & Building Department a minimum 30 days prior to the expiration date.
15. 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.