

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

WEDNESDAY, DECEMBER 2, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Jill Arabe, Andrew Gonzales, Kimberly De Coite
(recording secretary)

MINUTES: September 30, 2009
October 14, 2009
October 21, 2009
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-007 (WOODY'S DINER)

APPLICANT: Charles Ramm, Charles Ramm Associates, Inc.
PROPERTY OWNER: L.C. Smull Business Properties, 17631 Fitch, Irvine, CA 92614
REQUEST: To permit the establishment of onsite alcohol sales within a restaurant and outdoor dining area. The request also includes the establishment of 5,500 sq. ft. restaurant and an approximately 600 sq. ft. outdoor dining area.
LOCATION: 10136 Adams Avenue, 92646 (south of Adams Avenue, east of Brookhurst Street)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, 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.

Ms. Nguyen stated that the applicant was requesting a continuance to a date uncertain in order to resolve parking issues relating to the establishment of an outdoor dining area. She noted that the applicant is also granting a 90 day extension to allow staff to review the submitted parking demand study.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED.

Mr. Ramos stated that he would continue the item at the applicant's request.

CONDITIONAL USE PERMIT NO. 2009-007 WAS CONTINUED TO A DATE UNCERTAIN.

ITEM 2: CONDITIONAL USE PERMIT NO. 2009-028 (OCRC RACEWAY)

APPLICANT: Michael C. Adams, Adams & Associates
PROPERTY OWNER: Jack Chalabian, 1522 W. 134th Street, Gardena, CA 90249
BUSINESS OWNER: Robert Black, 15282 Jason Circle, Huntington Beach, CA 92649
REQUEST: To establish an 18,180 sq. ft. commercial recreation and entertainment use consisting of an indoor raceway for small scale remote control vehicles. The project will contain two (2) race tracks, parts assembly, office, and retail sales areas.
LOCATION: 15282 Jason Circle, 92649 (south of Argosy Avenue, east of Bolsa Chica Street – terminus of Jason Circle)
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.

Ms. Arabe stated that staff had received one public comment from a neighboring resident in opposition to the project, citing concerns with the operation and potential noise impacts.

Mr. Ramos confirmed with staff that parking is determined at a ratio of 1 space per 200 sq. ft. of gross floor area. Mr. Ramos asked if the site has adequate parking to meet the minimum onsite parking requirement and if Sunday is the only day where joint parking between an adjacent church and the project site is an issue. Ms. Arabe confirmed this. Mr. Ramos asked if there are prior Code Enforcement issues. Ms. Arabe stated that there are no Code Enforcement issues related to the use.

THE PUBLIC HEARING WAS OPENED.

Mike Strange, Adams & Associates, stated that he is in agreement with the conditions of approval. He noted that the OCRC Raceway has been in operation for a year but had not obtained proper city authorization due to confusion with the classified use of the business. He stated that there had been no Code Enforcement complaints related to the raceway. He noted that Mr. Robert Black had given his contact information to neighboring residents and had received no calls or complaints.

Mr. Strange asked for clarification on Condition No. 2. Mr. Ramos clarified that construction plans would only be required if the acoustical analysis indicates that additional mitigation is necessary.

Anthony Hamilton, 5111 Tasman Drive, submitted a letter from the neighboring residents in opposition to any potential expansion and expressed concern with potential noise impacts. He stated that he is in opposition to any expansion of the business and stated that he and other neighboring residents had experienced noise impacts and encountered issues with business patrons. He stated that he was not in opposition to the OCRC Raceway but requested that limitations be imposed on patron parking within the rear parking lot. He indicated that patrons loiter in the rear lot and create noise in close proximity to adjoining residences. He stated that there are gates on each side of the rear lot and requested that those be closed at night to prevent parking. He asked that the rear door of the facility remain closed to mitigate noise.

Mr. Ramos stated that staff is recommending a condition to have the rear doors closed at all times and noted that the applicant is required to submit a noise study. He noted that the project will be required to comply with any necessary mitigation measures deemed appropriate by the study.

Robert Black, business owner, stated that he has spoken with the residents regarding the parking situation and stated that the problems occur primarily after hours and not in connection with the business. He stated that his patrons do park in the rear parking lot but he has employees monitor the area while the business is in operation.

Mr. Hamilton reiterated that he would like the rear parking lot restricted at night. Mr. Ramos asked staff what the minimum number of spaces are required for the business and Ms. Arabe stated that a minimum 45 parking spaces are required. Mr. Ramos asked Mr. Black if he would agree to a parking restriction for the rear parking lot. Mr. Black requested clarification that the condition would only apply to the evening hours. Mr. Ramos suggested that the restriction would apply to after 8 pm. Mr. Black stated that the condition may be difficult to enforce but understands staff's concerns with trying to protect neighboring residences from any associated project impacts. Mr. Strange suggested that signs be posted noting the onsite parking restrictions. Mr. Gonzales noted that there may be some difficulty in distinguishing OCRC customers from customers of the adjacent businesses.

Mr. Black stated that he would be willing to lock the gate to the rear lot in the evenings. Mr. Ramos asked staff if the gates were legal. Ms. Arabe indicated that staff could not confirm that. Mr. Ramos stated that if the gates are legally permitted then they can be locked. He stated that if it is not permitted then Mr. Black would be required to notify patrons, via signage or traffic cones, that parking is prohibited after 8 pm.

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.

CONDITIONAL USE PERMIT NO. 2009-028 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 15301 of the CEQA Guidelines, because the project consists of a minor alteration of an existing industrial building involving no expansion in the overall floor area of the structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-028:

1. Conditional Use Permit No. 2009-028 for the establishment of an 18,180 sq. ft. commercial recreation and entertainment use consisting of an indoor raceway for small scale remote

control vehicles 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 raceway is not anticipated to generate any significant noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's industrial zoning. The main entrance of the use will face Jason Circle, away from adjacent residential uses. As conditioned, the use will be conducted within the interior of the building with a limitation on both the hours of operation and business activities to prevent the use from exceeding established noise thresholds as defined by the City noise ordinance (Chapter 8.40 Noise Control). Potential noise generated by the use will be mitigated through the construction of a sound attenuating wall or other sound dampening method to protect adjacent noise sensitive land uses (e.g., residential). A previously approved joint use parking agreement on an adjacent site containing a church use shall be amended, pursuant to Condition No. 4a, in order to provide the necessary parking to adequately accommodate the use.

2. The conditional use permit will be compatible with surrounding uses because the commercial recreation and entertainment use will be conducted wholly within the interior of an existing unit. The facility operates daily with the highest demand for parking occurring at times when most surrounding businesses are closed. Potential noise impacts on residential uses to the south will be mitigated with the construction of a sound attenuating wall along the building's interior walls or other similar method as deemed appropriate by an acoustical engineer. Other existing indoor recreational uses have been primarily established within industrial areas and maintain similar characteristics to permitted industrial uses.
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 (HBZSO). The HBZSO authorizes commercial recreation and entertainment uses including indoor raceways in the IL (Industrial Limited) zone, subject to approval of a conditional use permit. In addition, the conditional use permit will comply with the applicable development standards in the district in which it will be located, including minimum onsite parking, minimum setbacks, and maximum floor area ratio.
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 Industrial on the subject property. In addition, it is consistent with the following goals and objective of the General Plan:

A. Land Use Element

Goal – LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

B. Recreation and Community Services Element

Goal – RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective – RCS 1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

The proposed use provides creative recreational activities for children and families. The indoor recreational use will add to the diversity of entertainment uses offered in the City. The industrial building provides sufficient space to be occupied by the proposed commercial recreation use. Other existing indoor recreational uses are primarily located in industrial areas and maintain similar characteristics of permitted industrial uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-028:

1. The site plan and floor plan received and dated September 18, 2009, shall be the conceptually approved design with the modification that the unit's building walls shall be depicted on the floor plan with sound attenuating materials or other method as deemed appropriate by an acoustical analysis report such that noise emanating from the interior of the unit does not exceed established thresholds in the noise ordinance. (HBMC 8.40)
2. Within 30 days from approval, the following shall be completed and approved in compliance with the modification listed under Condition No. 1:
 - a. An acoustical analysis report prepared by a state licensed engineer shall be completed and submitted in conjunction with the construction drawings demonstrating that the improvements will effectively mitigate noise emanating from the unit.
 - b. Construction plans for sound attenuation on the unit's building walls or other method as deemed appropriate by the acoustical analysis report shall be submitted to the Building and Safety Department.
3. The applicant shall install required sound attenuation within 30 days of construction plan approval.
4. Prior to issuance of Certificate of Occupancy, the following shall be completed:
 - a. The existing joint use parking agreement (for the church use) shall be amended to allow adequate parking for the proposed use. The agreement shall be approved by the Planning Department and City Attorney as to form and content, and recorded with the Office of the County Recorder. A copy of the recorded agreement shall be submitted and filed with the Planning Department.
 - b. Construction plans for sound attenuation of the unit's building walls or other similar method shall be completed and finalized by the Building and Safety Department.
 - c. Surveillance cameras shall be installed throughout the interior and exterior of the building (PD).
 - d. A covenant restricting the mix of uses (manufacturing, warehouse, and commercial recreation) to comply with the parking requirement shall be approved by the Planning Department as to form and content, and recorded with the Office of the County Recorder. A copy of the recorded covenant shall be submitted and filed with the Planning Department.

5. The use shall comply with the following:
 - a. No outdoor activities, including the outdoor racing of vehicles, shall be permitted.
 - b. The unit's rear doors shall be closed at all times and used for emergency purposes only.
 - c. Speakers or PA systems shall be located indoors and not be directed toward adjacent residences.
 - d. The hours of operation shall be limited to between noon to 9:00 P.M. daily and noon to 11:00 P.M. Wednesdays and Fridays. Racing competitions shall be limited to 7:00 P.M. to 11:00 P.M. Wednesdays and Fridays, and 3:00 P.M. to 7:00 P.M. Sundays.
 - e. Parking related to the use shall be prohibited at the rear of the building daily after 8:00 P.M. The applicant shall be responsible for policing the parking lot and shall implement methods to the approval of the Planning Department (e.g. signs, traffic cones, etc.) to ensure compliance and that quiet is maintained.
6. 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 2:05 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 9, 2009, AT 1:30 PM.



Ricky Ramos
Zoning Administrator
RR:kdc