

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

WEDNESDAY, MAY 5, 2010 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

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

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2010-009 (DOWNTOWN SHUTTLE SERVICE & REMOTE PARKING LOT- CONTINUED FROM THE APRIL 28, 2010 MEETING)

APPLICANT: City of Huntington Beach, Economic Development Department, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

REQUEST: To permit the establishment of a remote parking lot with shuttle service to the downtown area during summer weekends, beginning the weekend prior to Memorial Day through the weekend after Labor Day, and 10 additional days for special events and holidays on a yearly basis. Remote parking will be located at an existing parking lot located at City Hall. The shuttle route will operate along a 3.5 mile continuous loop, circulating from City Hall to the Strand via Lake and Main Streets. The request is intended to increase parking capacity within the downtown area during peak parking conditions.

LOCATION: 2000 Main Street, 92648 (Southeast corner of Main Street and Yorktown Avenue – City Hall Parking Lot)

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 modified suggested findings and conditions for approval as presented in the executive summary.

Ms. Arabe stated that staff had received one public comment from a resident opposing the project.

Mr. Ramos asked for clarification on the duration of the pilot program. Simone Slifman, Economic Development Project Manager, stated that the pilot program would occur between May 22, 2010, and September 13, 2010. Mr. Ramos instructed staff to include those dates in the conditions of approval.

THE PUBLIC HEARING WAS OPENED.

Luis Gomez, Economic Development Project Manager, stated that he had reviewed the modified suggested conditions of approval and is in agreement with them. He noted that he met with David Colton, of the Colton Company, and David Bertka to address the concerns raised at the April 28, 2010 meeting.

Bill Cuppy, member of the Business Improvement District, spoke in support of the project. He stated that he believed the project would help alleviate the parking demand in the downtown area.

John Satchel, resident, stated that there are currently two bus lines serving Main Street and questioned the need for this project. Mr. Gomez stated that the goal of the project is intended to use underutilized parking facilities for purposes of accommodating downtown parking during high demand periods. Mr. Satchel expressed concern about the cost of the project and Mr. Gomez noted that the project is being funded through Air Quality Management District (AQMD) grants.

Mr. Satchel expressed concern about the potential traffic impacts on Lake Street. Kellee Fritzel, Deputy Director of Economic Development, stated that the project is a trial program intended to alleviate the downtown parking and the traffic along Main and Lake Streets. Mr. Satchel asked if the Police Department would be patrolling the site and stated that he was concerned about potential loitering at the site and the adjacent neighborhood. Mr. Gomez stated that the Police Department regularly patrols the site and noted that the project is of a limited duration.

Emily Ojed, Colton Company, stated that there are still concerns with the security of their site and stated that they would like the site patrolled. Mr. Gomez stated that security could not provide for the neighboring lots but noted that the conditions of approval have been modified to include demand control measures to minimize any spillage into adjacent lots. Ms. Ojed asked if security would be provided for the adjacent lots if the parking at the project site met capacity. Mr. Gomez stated that it would not and reiterated that demand control measures would be implemented if capacity is met. Mr. Gomez noted that signage will be provided on site to direct all shuttle service parking to remain on site. Mr. Ramos stated that he was comfortable that the current suggested conditions to address the overflow parking concerns.

David Bertka, resident, stated that he still had concerns with the project but is comfortable with the review process.

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 with the modified conditions as recommended by staff with additional minor modifications to Condition No. 3(f), Condition No. 7, and Finding No. 2.

CONDITIONAL USE PERMIT NO. 2010-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED 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 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land with negligible effects on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-009:

1. Conditional Use Permit No. 2010-009 for the establishment of a remote parking lot with shuttle service to the downtown area during summer weekends, beginning the weekend before Memorial Day through the weekend after Labor Day, and 10 additional days for special events and holidays on a yearly basis, as conditioned, 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. Remote parking will be located at an existing parking lot at City Hall, approximately 1.5 miles from the downtown area. The use of the parking lot during summer weekends and special events will assist in increasing the parking inventory within the downtown and alleviate peak parking conditions by providing approximately 350 additional parking spaces. A shuttle service will operate in conjunction with the parking lot which will transport beachgoers and downtown visitors between City Hall and the Strand Development via Lake and Main Streets. The use, as modified by conditions of approval, will not adversely impact the neighborhood because the use utilizes an existing parking lot that is sufficiently buffered from residential uses by both Lake and Park Streets. It will not generate noise or traffic impacts significantly above which already exists. No conflicts with the proposed use and the existing public facility are anticipated due to divergent hours of operation. The use of the parking lot is suitable on the weekends and holidays because City Hall employees and patrons are not typically occupying the parking lot. Public parking within the City Hall parking lot is currently available on the weekends and not prohibited.
2. The conditional use permit as conditioned will be compatible with surrounding uses because the use will utilize an existing parking lot in substantially the same manner which currently exists. The use is conditioned with certain operating parameters including limiting the hours of operation and providing ongoing monitoring. The use of the parking lot on weekends and special events will help alleviate peak parking conditions within the downtown area by providing additional parking opportunities and shuttle service to the downtown area. The lot is intended to lessen the demand for parking on local streets and provide additional parking opportunities for the surrounding 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. A commercial parking facility on City-owned land within the PS (Public-Semipublic) zoning district is permitted with the approval of a conditional use permit. The parking lot exists on the subject site.
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 Public on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

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

B. Circulation Element

Policy CE 4.1.3 Encourage the use of multiple-occupancy vehicle programs for shopping and other uses to reduce midday traffic.

Objective CE 5.1 Balance the supply of parking with the demand for parking.

Policy CE 5.1.1 Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

The proposed use is intended to alleviate the downtown parking demand by providing available parking approximately 1.5 miles from the downtown area. In conjunction with the parking lot, the proposed shuttle operation provides a form of public transportation specifically for beachgoers and downtown visitors. Due to the increased parking demand during summer months, the conditional use permit will increase the downtown parking supply. The use of the parking lot is suitable on the weekends and holidays because City employees are not typically occupying the parking lot.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-009:

1. The site plans received and dated March 9, 2010, and the exhibits received and dated March 29, 2010, shall be the conceptually approved design.
2. The use shall comply with the following operating parameters:
 - a. The dates of operation shall not exceed weekends beginning the weekend prior to Memorial Day and continuing through the weekend after Labor Day, until the six month review of the use, after which 10 special events/holidays may be added.
 - b. The shuttle service shall commence no earlier than 9 A.M. and shall terminate by 9 P.M.
 - c. The shuttle route shall enter the City Hall parking lot via the western Main Street driveway and exit via the eastern Yorktown Avenue driveway.
 - d. The applicant shall maintain the City Hall parking lot clear of trash and debris.
 - e. The applicant shall monitor the shuttle program which may include tracking of ridership, parking capacity and public complaints.
 - f. For the first four consecutive weeks of the pilot program (summer weekends beginning the weekend prior to Memorial Day through the weekend after Labor Day 2010), the applicant shall schedule a standing weekly review meeting, which local residents or other concerned parties may attend, to discuss and address any

concerns or comments. From that point forth, meetings shall be held every 30 days thereafter as long as the Pilot Phase remains in operation.

- g. During the Operational Phase, the applicant shall agree to meet with local residents or other concerned parties upon written request.
3. Signage for the shuttle service within the City Hall parking lot shall identify designated patron parking areas, hours of operation, and emergency and program contact information.
4. A review of the use shall be conducted by the Zoning Administrator with a public hearing within six (6) months to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Zoning Administrator may consider modifications to the conditions of approval.
5. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the parking lot and shuttle service may be terminated by any Police Officer, Fire Inspector, or authorized personnel of the Departments of Economic Development and Planning and Building.
6. The applicant shall assess peak shuttle parking demand following each weekend/holiday period. When parking demand reaches full capacity of 350 occupied parking stalls for two consecutive weekends, the applicant shall begin implementing service/parking demand management strategies to contain activities within the approved site. Strategies may include among others establishing additional satellite parking areas (subject to permitting and agreements), implementing shuttle use fees, and modifying service hours.
7. 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 if any changes to the site plan and shuttle route are proposed as a result of the ongoing operation and oversight of the event.
8. Minor modifications to the plans shall be reviewed and approved by the Departments of Planning and Building and Public Works for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.
9. 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. 2010-006 (SMITH RESIDENCE)

APPLICANT: Tee Neighbors, 14282 Hoover Street, Unit A-19, Westminster, CA 92683
PROPERTY OWNER: James Smith, 17442 N 60th Place, Scottsdale, AZ 85254
REQUEST: To permit the conversion of approximately 495 sq. ft. of attic space into habitable area (loft, bathroom, closet) for an existing attached third floor condominium unit.
LOCATION: 16291 Countess Drive, Unit No. 308, 92649 (west side of Countess Drive, south of Edinger Avenue)
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 staff had received three public comments including one telephone call citing concerns that the condominiums are not intended to be expanded, and two letters citing concerns the structural integrity of the proposed addition and that the building cannot accommodate the additional plumbing and the potential effect on property values. Ms. Nguyen stated that the code requirements ensure that project does not compromise the structural integrity and plumbing of the building. She noted that the effect on property values was not within staff's control.

THE PUBLIC HEARING WAS OPENED.

Tee Neighbors, applicant, stated that he had reviewed the suggested conditions and had no comments or concerns. He stated that he does not believe the project would be a detriment to the overall building.

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.

COASTAL DEVELOPMENT PERMIT NO. 2010-006 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 additions to existing structures are exempt provided that they are less than 50% of the floor area of the existing structure.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2010-006:

1. Coastal Development Permit No. 2010-006 to permit the conversion of approximately 495 sq. ft. of attic space into habitable area (loft, bathroom, closet) for an existing attached third floor condominium unit conforms with the General Plan, including the Local Coastal Program Land Use Designation of Residential Medium Density. The proposed project is consistent with Coastal Element Land Use 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 proposal includes a minor addition to an existing condominium unit on a site developed with other residential condominiums.
2. The project is consistent with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The addition will be within the building envelope with no increase in overall building height or total number of bedrooms. The project complies with all applicable development regulations, including maximum building height and site coverage, minimum yard setbacks and 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 proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
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. 2010-006:

1. The site plan, floor plans, and elevations received and dated March 3, 2010 shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, and Public Works dated April 12, 2010, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) 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. 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/green-building-guidelines-rating/>).

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, MAY 19, 2010, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc