

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

WEDNESDAY, APRIL 20, 2016 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBER: John Ramirez, Ethan Edwards, Judy Graham
MINUTES: August 19, 2015
March 2, 2016
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

**ITEM 1: TENTATIVE PARCEL MAP NO. 15-163/ CONDITIONAL USE PERMIT NO. 15-058/
COASTAL DEVELOPMENT PERMIT NO. 15-030 (DAVENPORT MARINA RESIDENTIAL –
CONTINUED FROM THE MARCH 16, 2016 MEETING)**

APPLICANT: Otis Architecture, Karen Otis, 909 Electric Avenue, Suite 207, Seal Beach CA 90740
PROPERTY OWNER: Stanko Family Trust, John Stanko, 7 Hitching Post Drive, Rolling Hills Estates, CA 90274
REQUEST: **TPM:** To subdivide one existing parcel into three parcels to establish two residential lots and reconfigure an existing marina parking lot. **CUP:** To permit a reduction in the number of required marina parking spaces based on a parking survey. **CDP:** To subdivide one existing parcel into three parcels..
LOCATION: 4052 Davenport Drive, 92649 (south side of Davenport Dr. between Edgewater Ln. and the Channel - Huntington Harbour)
CITY CONTACT: John Ramirez

John Ramirez, Project Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings for denial as presented in the executive summary. Mr. Ramirez noted that staff received one letter from the California Coastal Commission, five communications from area residents both by telephone and email regarding the proposed project., and a petition signed by 45 residents, in opposition of the proposed project.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Karen Otis, applicant, spoke in support of the proposed project. She noted that this is the seventh version of the proposed project. Ms. Otis gave overview of the revised proposed project.

Robert Banzett, resident, spoke regarding the proposed project. He cited concerns with potential negative parking impacts. He added that the revised plans are an improvement to what was previously submitted.

John Stanko, property owner, stated that there are enough parking spaces to accommodate the marina. There is a re-occurring issue that beach-goers will park in the lot without permission.

Jeff, resident, spoke regarding the proposed project. He cited concerns with impacts to the area the potential for the Coastal Commission to require public access to the coast including ADA requirements upgrades, shower requirements, and restroom facilities.

Nancy Curtis, resident, inquired if the proposed plan included a 10 ft. walkway. Ms. Otis gave an overview of the public access area.

Julie Ford, resident, provided a petition against the proposed project. Ms. Ford stated that the proposed project would negatively impact access to Davenport Park.

Craig Ferguson, resident, spoke in opposition of the proposed project, citing his concerns with the potential impacts to views, and impacts to area traffic.

Joe Stanko, property owner, spoke regarding the proposed project. He noted that as the property owners they are flexible to find a resolution with staff to get the proposed project approved. He noted that staff has shown a lack of transparency which has made the process difficult.

John Stanko commented that there have been past issues of criminal activity at the location.

Mark Prause, resident, spoke in opposition of the proposed project. He cited his concern with the loss of views and potential negative impacts to property values.

Mark Thomas, spoke regarding the proposed project noted that kids are constantly jumping off the bridge and has almost hit a kid crossing the street.

Karen Otis, applicant, stated that she would like to note that the lots are not sub-standard. She also noted that the issue is not whether or not the property owner has the right to build two homes; the issue is simply the location of the homes.

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

Ricky Ramos, Zoning Administrator, noted that the California Coastal Commission has several concerns with the proposed project, he also noted that staff has a long list of reasons for denying the project. Mr. Ramos stated that although he understands the situation the Stanko family is in, he is unable to make the findings to approve the request.

TENTATIVE PARCEL MAP NO. 15-163/ CONDITIONAL USE PERMIT NO. 15-058/ COASTAL DEVELOPMENT PERMIT NO. 15-030 WERE DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 15-030:

1. Coastal Development Permit No. 15-030, to subdivide one existing parcel into three parcels, does not conform with the General Plan, including the Local Coastal Program. Although the site plan includes the required public access, the entirety of the project does not conform with the General Plan and Local Coastal Program. The General Plan and Local Coastal Program contain policies intended to preserve and enhance local coastal resources. The subdivision is not consistent with the following objectives and policies of the General Plan and Local Coastal Program:

A. Coastal Element

Policy C 1.1.2 - Coastal dependent developments shall have priority over other developments on or near the shoreline. Coastal-related developments should be accommodated within reasonable proximity of the coastal-dependent use they support.

Policy C 1.1.3 - The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal –dependent industry.

Policy C 2.4.1 - Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 - Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.
- b. – f. . . .

Objective C 3.1 - Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3 - Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C4.1.1 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

Objective C 4.2 - Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policy C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
- b) . . .
- c) Evaluation of project design regarding visual impact and compatibility.
- d) . . .

Policy C 4.2.2 -Require that the massing, height, and orientation of new development be designed to protect public coastal views.

B. Urban Design Element

Objective UD2.1 - Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1 - Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The proposed location of the two residential lots is currently a parking lot with a small single story structure that does not impede views of the coastline, waterway or boating activity from the public streets or beach. This parking lot is utilized by the public during the annual boat parade (both for parking and watching the parade) and provides direct view and access to the shoreline. Although the project as redesigned, provides the required vertical and lateral access, the proposed location of the two residential lots will impact public views of the coast and channel from Davenport Drive, Edgewater Lane and Davenport Beach. The development of the project at the west end of the site will preclude the potential for future coastal-related developments or visitor-serving commercial recreation facilities designed to enhance public opportunities for coastal recreation. Furthermore, locating the proposed two-story homes along the water's edge will effectively block the view of these amenities and impact the visual resources and public view to the shoreline and other coastal amenities.

2. The subdivision is not consistent with the base zoning district. The site landscaping proposed for the reconfigured parking lot does not meet the minimum requirements of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) for off street parking facilities. The HBZSO requires a minimum perimeter planting area of five feet for the parking lot and no landscaping is proposed along the south boundary of the parking lot. The HBZSO requires a minimum planting area of six feet along the both street frontages. The planting area along Edgewater Lane is less than six feet at the southern area of the street frontage. The HBZSO also requires that interior landscaping be distributed throughout the parking area and equal five percent of the perimeter landscaping area. These areas need to include a minimum of one minimum 24-inch box tree for every 10 parking spaces and be located throughout the parking area. A two-foot wide planter is also required at the end of each row of parking spaces. No interior landscaping is proposed within the reconfigured parking lot. The request also includes a reduction in the number of required marina parking spaces. The Community Development Department has determined that a minimum ratio of 0.75 spaces be provided for marinas. The revised parking layout reflects 50 proposed parking spaces, 12 of which are in tandem in order to provide trailer parking for the marina customers and/or the public. Since the HBZSO does not allow tandem parking spaces, a total of 38 spaces would be proposed on site for the 66 slip marina in lieu of the minimum required 50 spaces. As described above, the project does not meet all the requirements of applicable provisions of the municipal code.
3. The development does not conform with the public recreation policies of Chapter 3 of the California Coastal Act (CCA) and the goals and policies of the City's Local Coastal Program. The CCA indicates that development shall not interfere with the public's right of access to the sea where acquired through historic use. The proposed location of the two residential lots is currently a parking lot with a small single story structure that does not impede views of the coastline, waterway or boating activity from the public streets or beach. This parking lot is utilized by the public during the annual boat parade (both for parking and watching the parade) and provides direct view and access to the shoreline. The development of this subdivision will reduce the access acquired through use of the site for coastal-related activities. As such, staff recommends denial of the requested coastal development permit based on the findings contained herein and the specific public access findings below:

- a. Project Effects on Demand for Access and Recreation. The project site is located within Huntington Harbour along one of the inland channels. There are several private docks and the site serves as parking for a private commercial marina. Directly north across Davenport Drive is a small public beach owned and maintained by the City. In the vicinity there are a handful of opportunities for public coastal views along the Harbour bridges and small public beach, however much of the coastline view is obscured by private residential development. The proposed location of the new residential lots will impact 240 feet of the 320 feet of coastline visible from Davenport Drive. Additionally, the placement of the lots along this area will impact future opportunity for this oceanfront land to be developed for visitor serving or local recreational use. As identified in the Coastal Act, oceanfront land suitable for recreational use and development should be protected and the use of private lands suitable for visitor-serving commercial recreational facilities should have priority over private residential development (CCA Sections 30221 & 30222). This location is unique in that it is the only one of two locations in the Harbour where the coastline is visible from a public road for an extended length (the other location is located at the terminus of Countess Drive at the northwest border of the Harbour). This unique coastal view opportunity is important in preserving the character of this portion of the Harbour and the existing already-limited coastal view opportunities and future potential public access to the coastline.
- b. Shoreline Processes. The existing 320 feet of shoreline on the project site is improved with asphalt concrete for an existing parking lot and there is a six foot high chain link fence along the perimeter of the site adjacent to the water, precluding direct access from the site to the water. At the east edge of the shoreline, there is an access gate and ramp to the boat docks for lessees of boat slips at the marina. The gate is typically locked and lessees have a key for individual access. The very edge of the shoreline along the perimeter of the parking lot contains an unimproved landscape area that is a mixture of dirt and shrubs that lead to an approximate 12-foot drop to the water. There is no beach or direct entry into the water at the site. The shoreline and associated marina are visible from Davenport Drive. The proposed location of the new residential lots will impact approximately 240 feet of the 320 feet of coastline. Minor grading is proposed that will raise the elevation of the shoreline edge varying from four to 15 inches. The subdivision incorporates a ten-foot wide public access way along the shoreline between the channel and the two proposed lots. Additionally, a small grass and seating area is proposed adjacent to the access for use by the public. Although the project as redesigned, provides the required vertical and lateral access, the proposed location of the two residential lots along the westerly portion of the property will impact public views of the coast and channel from Davenport Drive, Edgewater Lane and Davenport Beach.
- c. Historic Public Use. Since the Harbour was developed in the 1960's, this property was set aside to serve the marina as an amenity and coastal resource for residents in the area. The subdivision incorporates a ten-foot wide public access way along the shoreline between the channel and the two proposed lots, as well as a small grass and seating area adjacent to the access for use by the public. However, the placement of two residential lots and construction of two single family homes will have an adverse

impact on both the public view of the shoreline from the public streets and from the bridge on Davenport Drive. The proposed development of two single family homes adjacent to the shoreline would create both a physical and psychological barrier/impediment to public views of the shoreline and water and would directly affect the character of the neighborhood and public beach along Davenport Drive.

- d. Physical Obstructions. The proposed location of the new residential lots will impact 240 feet of the 320 feet of coastline visible from Davenport Drive. Since the shoreline is visible by the public from Davenport Drive, the placement of two residential lots and construction of two single family homes on the westerly end of the property will have an adverse impact on the public view of the shoreline from the public street and from the bridge. The two homes and associated accessory structures (perimeter fencing) will block the public view of the shoreline and marina from Davenport Drive and the bridge. This location is unique in that it is the only one of two locations in the Harbour where the coastline is visible from a public road for an extended length (the other location is at the terminus of Countess Drive at the northwest border of the Harbour). This unique coastal view opportunity is important in preserving the existing and already limited coastal view opportunities in the area.
- e. Other Adverse Impacts on Access and Recreation. The two new residential lots will be located within ten feet of the shoreline with single family structures as close as fifteen feet from the shoreline. The location of the two new lots and homes along the shoreline will significantly alter the aesthetic and visual character of this portion of Davenport Drive and the small public beach on the north side of the street. These two homes will impact the view of the shoreline from the street and beach by impacting 240 feet of the 320 linear feet of coastline visible from Davenport Drive and the beach.

FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 15-058:

1. Conditional Use Permit No. 15-058 to permit a reduction in the number of required marina parking spaces based on a parking survey will not be compatible with surrounding uses in the vicinity. Although the parking survey data indicates the number of spaces will be adequate for the marina use, the proposed location of the parking lot on the easterly portion of the property is not consistent or compatible with the existing development pattern in the area. The parking lot effectively separates the proposed residential lots from the developed residential neighborhood and the placement of the residential lots along the shoreline does not take into consideration coastal views as part of the proposed development's massing, height, and site orientation. One of the objectives of the General Plan is to minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands. Additionally, the General Plan requires that development be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character. The proposed location and site design of the parking lot and the two residential lots do not take into consideration the unique characteristics of the site adjacent to the shoreline or seek to minimize the visual impacts to the sea since two single family homes and accessory structures, when constructed will block the view to the shoreline.
2. Conditional Use Permit No. 15-058 to permit a reduction in the number of required marina parking spaces based on a parking survey does not comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and

Subdivision Ordinance. The site landscaping proposed for the reconfigured parking lot does not meet the minimum requirements of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) for off street parking facilities. The HBZSO requires a minimum perimeter planting area of five feet for the parking lot and no landscaping is proposed along the south boundary of the parking lot. The HBZSO requires a minimum planting area of six feet along the both street frontages. The planting area along Edgewater Lane is less than six feet at the southern area of the street frontage. The HBZSO also requires that interior landscaping be distributed throughout the parking area and equal five percent of the perimeter landscaping area. These areas need to include a minimum of one minimum 24-inch box tree for every 10 parking spaces and be located throughout the parking area. A two-foot wide planter is also required at the end of each row of parking spaces. No interior landscaping is proposed within the reconfigured parking lot. The request also includes a reduction in the number of required marina parking spaces. The Community Development Department has determined that a minimum ratio of 0.75 spaces be provided for marinas. The parking layout reflects 50 proposed parking spaces, 12 of which are in tandem in order to provide trailer parking for the marina customers and/or the public. Since the HBZSO does not allow tandem parking spaces, a total of 38 spaces would be proposed on site for the 66 slip marina in lieu of the minimum required 50 spaces. As described above, the project does not meet all the requirements of applicable provisions of the municipal code.

3. The granting of Conditional Use Permit No. 15-058 to permit a reduction in the number of required marina parking spaces based on a parking survey will adversely affect the General Plan. The project is not consistent with the following objectives and policies of the General Plan:

A. Coastal Element

Policy C 1.1.2 - Coastal dependent developments shall have priority over other developments on or near the shoreline. Coastal-related developments should be accommodated within reasonable proximity of the coastal-dependent use they support.

Policy C 1.1.3 - The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal –dependent industry.

Policy C 2.4.1 - Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 - Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.
- b. – f. . . .

Objective C 3.1 - Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3 - Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C4.1.1 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

Objective C 4.2 - Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policy C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
- b) . . .
- c) Evaluation of project design regarding visual impact and compatibility.
- d) . . .

Policy C 4.2.2 - Require that the massing, height, and orientation of new development be designed to protect public coastal views.

B. Urban Design Element

Objective UD2.1 - Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1 - Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The intent of the General Plan is to minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands. Moreover, new development needs to be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character. The proposed location and site design of the parking lot and the two residential lots do not take into consideration the unique characteristics of the site adjacent to the shoreline or seeks to minimize the visual impacts to the sea since two single family homes and accessory structures when constructed will block the view to the shoreline. Additionally, the General Plan intends to ensure that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance, requiring that permitted development be sited and designed to protect public views to and along the ocean and scenic coastal areas. As proposed, the design and location of the development of two single family homes will impact public views of the coast and harbor from Davenport Drive, Edgewater Lane and Davenport Beach.

FINDINGS FOR DENIAL - TENTATIVE PARCEL MAP NO. 15-163:

1. Tentative Tract Map No. 15-163 to subdivide one existing parcel into three parcels to establish two residential lots and reconfigure an existing marina parking lot is not consistent with the goals, policies and objectives of the General Plan. The General Plan contains policies intended to preserve and enhance local environmental and coastal resources. The subdivision is not consistent with the following objectives and policies of the General Plan:

A. Coastal Element

Policy C 1.1.2 - Coastal dependent developments shall have priority over other developments on or near the shoreline. Coastal-related developments should be accommodated within reasonable proximity of the coastal-dependent use they support.

Policy C 1.1.3 - The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal –dependent industry.

Policy C 2.4.1 - Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 - Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.
- b. - f. . . .

Objective C 3.1 - Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3 - Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C4.1.1 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

Objective C 4.2 - Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policy C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
- b) . . .
- c) Evaluation of project design regarding visual impact and compatibility.
- d) . . .

Policy C 4.2.2 -Require that the massing, height, and orientation of new development be designed to protect public coastal views.

B. Urban Design Element

Objective UD2.1 - Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1 - Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The General Plan and Local Coastal Program contain policies intended to preserve and enhance local coastal resources such that new residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast. The project precludes the potential for future coastal-related developments or visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation. Additionally, the design and location of the single family homes will impact public views of the coast and channel from Davenport Drive, Edgewater Lane and Davenport Beach. The proposed location of the two residential lots is currently a parking lot with a small single story structure that does not impede views of the coastline, waterway or boating activity from the public streets or beach. One of the objectives of the General Plan is to minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands. Moreover, the General Plan requires that development be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character.

Locating the proposed two-story homes along the water's edge will effectively block the view from the public streets and impact the visual resources and public view to the shoreline and other coastal amenities. The proposed location and site design of the parking lot and the two residential lots do not take into consideration the unique characteristics of the site adjacent to the shoreline or minimize the visual impacts to the sea since two single family homes and accessory structures will be constructed along, and block the view to, the shoreline. Since the project does not consider coastal views in its massing, height, and site orientation, or seeks to minimize the visual impacts to the sea, the project is not consistent with the General Plan.

ITEM 2: ENTITLEMENT PLAN AMENDMENT NO. 16-003 (BARBATA RESIDENCE WINDOW-CONTINUED FROM THE APRIL 6, 2016, MEETING)

APPLICANT: Karen Otis, Otis Architecture, 909 Electric Avenue, Seal Beach CA 90740
PROPERTY OWNER: Mike & Gail Barbata, 16581 Peale Lane, Huntington Beach CA 92649
REQUEST: To amend Condition of Approval No. 1 of Coastal Development Permit No. 04-05 to allow transparent glass in the two most southerly windows of the second floor master bedroom within an existing single family home.
LOCATION: 16581 Peale Lane, 92649 (west side of Peale Ln., between Malden Cir. and Gilbert Dr.)
CITY CONTACT: John Ramirez

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

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Karen Otis, applicant, gave a brief history of the proposed project. She noted that the issue is a Condition that was added to the original application. The proposed proposal meets all Code Requirements.

Pamela Bailey, resident, spoke in opposition of the proposed project. She cited her concern with the potential to intrude on their privacy.

Robert Bailey, resident, spoke in opposition of the proposed project citing concern for lack of privacy. He also noted that when the project was brought before the Zoning Administrator in 2002 and the Condition was added and agreed on.

Mr. Ramirez, project planner, noted that the proposal is to allow transparent windows. The request does not address the size or location of the windows. A brief discussion took place regarding the permitting process.

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

Mr. Ramos stated that although the proposed project meets the Code and Infill Ordinance, a condition was placed on the project and should be followed. He stated that he would deny the request.

ENTITLEMENT PLAN AMENDMENT NO. 16-003 WAS DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. 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 involves the replacement and expansion of two windows within an existing single family home.

FINDING FOR DENIAL – ENTITLEMENT PLAN AMENDMENT NO. 16-003:

1. Entitlement Plan Amendment No. 16-003 to amend Condition of Approval No. 1 of Coastal Development Permit No. 04-05 to allow transparent glass in the two most southerly windows of the second floor master bedroom within an existing single family home does not conform with the General Plan. The project is inconsistent with Land Use Policy LU 9.2.1, which requires that all new residential development within existing neighborhoods (i.e. infill) be compatible with existing structures, including the maintenance of privacy on abutting properties. The removal of the opaque glass and replacement with transparent glass in the two most southerly windows of the second floor master bedroom will not maintain the privacy between the living areas of the two single family homes as originally approved. The condition requiring the opaque glass within these windows was intended to preserve the privacy between the residences and removal of such will enable a direct view from the respective homes into the adjacent bedroom areas.

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: CONDITIONAL USE PERMIT NO. 16-011/ TEMPORARY USE PERMIT NO. 16-001 (FOUR SONS BREWERY EATING & DRINKING ESTABLISHMENT)

APPLICANT/

PROPERTY OWNER: Gerard Dufresne, 1506 Pacific Coast Highway, Huntington Beach CA 92648

REQUEST: **CUP:** To permit a 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex.
TUP: To allow limited outdoor food service for a period of five (5) years in conjunction with an existing brewery.

LOCATION: 18421 Gothard Street, Suites 100 & 100B, 92647 (west side of Gothard St. approximately 300 feet north of Ellis Ave.)
CITY CONTACT: John Ramirez

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

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Gerard Dufresne, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 16-011/ TEMPORARY USE PERMIT NO. 16-001 WERE 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 project involves a conversion of a portion of an existing industrial building into an eating and drinking establishment with minor interior modifications proposed.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-011:

1. Conditional Use Permit No. 16-011 to permit a 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex 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 eating and drinking establishment operating in conjunction with the existing brewery is not anticipated to generate noise, traffic, parking or other impacts detrimental to surrounding properties nor inconsistent with the subject property's industrial zoning. The proposed use, as conditioned to obtain a joint use parking arrangement, will have sufficient parking to accommodate the eating and drinking establishment. Moreover, the site is entirely surrounded by industrial uses and the nearest residential use is approximately 450 ft. to the south, across Ellis Avenue. The use of the brewery for a tasting area was established approximately two years ago. This request would expand the tasting area into the adjacent tenant space. The consumption of alcoholic beverages will continue to be contained within the delineated tasting area inside the microbrewery/manufacturing business.

2. The 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex will be compatible with adjacent and surrounding land uses since the onsite consumption of alcoholic beverages will continue to occur entirely within the interior of the industrial building. The existing tasting area and microbrewery has been in operation for almost two years and no complaints or requests for service to Code Enforcement have been received related to the existing operation. The proposed use, with a joint use parking arrangement, will have sufficient parking because two other units within the industrial complex will be closed when the brewery tasting area and limited outdoor food service are operational, therefore ensuring adequate parking will be provided on site. Moreover, the site is entirely surrounded by industrial uses and the nearest residential use is approximately 450 ft. to the south, across Ellis Avenue. Therefore, potential impacts to residential uses within the vicinity are not anticipated.
3. The 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex 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. The proposed eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement conforms to applicable site development requirements including minimum setbacks, minimum landscaping, and minimum onsite parking (with the condition requiring the joint use parking arrangement). The eating and drinking establishment with onsite consumption of alcoholic beverages is permitted within the IG (Industrial General) zoning district with the approval of a conditional use permit.
4. The granting of this 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 objectives and policy of the General Plan:

A. Land Use Element

Objective LU 12.1: Provide for the continuation of existing and the development of additional industrial uses that capitalize upon the existing and emerging types of industries, offer opportunities for the clustering of key economic sectors, and maintain the character and quality of the City.

Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales areas for manufactures and photocopy stores), restaurants, financial institutions, and similar uses in areas designated on the Land Use Plan Map in accordance with Polity LU 7.1.1.

B. Economic Development Element

Objective ED 2.2.3: Promote Huntington Beach businesses to increase visibility and local patronage.

The 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex will contribute to enhanced marketing of this specialty product to local residents and nearby businesses, thereby expanding business visibility and patronage both within the city and in the region. Based upon the operational conditions imposed, the eating and drinking

establishment with a joint use parking arrangement is not anticipated to result in negative impacts on adjacent uses or properties.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 16-001:

1. The proposed temporary use of limited outdoor food service for a period of five (5) years in conjunction with an existing brewery will be located, operated and maintained in a manner consistent with the provisions of the Huntington Beach Zoning and Subdivision Ordinance Chapter 241 and the following goal, objective, and policy of the General Plan and:

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 10: 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, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 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 proposed temporary use will increase the diversity of land uses on the site by providing food service in conjunction with an existing brewery. The proposed limited outdoor food service will expand the range of retail services provided in a primarily industrial area, which would serve the needs of both local residents and regional visitors. The proposed limited outdoor food service is located at the end of a row of existing parking spaces and directly across a secondary drive aisle from the existing brewery. This location would maintain adequate clearance for pedestrian circulation and visibility while minimizing potential conflicts with on-site vehicular circulation. The proposed temporary use would operate during afternoon and evening hours and primarily on weekends to further reduce any potential conflicts with existing on site uses.

2. Approval of the application for the proposed temporary use, as conditioned, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed limited outdoor food service will occur on private property within the existing parking lot located at the end of a row of existing parking spaces in order to prevent any vehicular/pedestrian conflicts. The temporary displacement of approximately three (3) parking stalls within the industrial complex does not impact overall parking needs because the brewery owner will enter into a joint use parking arrangement with other uses in the complex to accommodate the use of the three parking stalls by the limited outdoor food service. Moreover, the proposed temporary use would operate only during afternoon and evening hours and primarily on weekends when other industrial businesses are closed. In addition, the temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-011/ TEMPORARY USE PERMIT NO. 16-001 :

1. The site plan, floor plans, and elevations received and dated February 24, 2016, shall be the conceptually approved design.

2. The indoor use shall comply with the following:
 - a. The onsite service and consumption of alcoholic beverages shall be permitted between the following hours: Monday through Thursday from 4:00 PM – 9:00 PM; Friday through Sunday from 12:00 PM (noon) – 9:00 PM.
 - b. Prior to sales, service or consumption of alcoholic beverages within Suite 100b, the business shall obtain an ABC license authorizing alcohol use in this portion of the brewery. The business shall be limited to a Type 23 (Small Beer Manufacturer for a Brew Pub or Micro-brewery) ABC License.
 - c. There shall be no dancing or live entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - d. The onsite service and consumption of alcoholic beverages shall be limited to the designated tasting areas indicated on the submitted plans received and dated February 24, 2016. **(PD)**
 - e. All persons engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**
 - f. A clearly legible sign shall be affixed inside the tasting area entrance stating “No open alcoholic beverages will be permitted outside the tasting area”. **(PD)**
 - g. There shall be no pitcher service of beer. Serving sizes shall be limited to a maximum size of 16-ounce pints of beer (as defined by §23006 of the California Business and Professions Code). **(PD)**
 - h. Only samples provided by the business shall be allowed. **(PD)**
 - i. Tasting room in Suite 100b may only be open for customers while an employee is designated to work and monitor this suite. **(PD)**
 - j. There shall be no outdoor games or other activities allowed on site at any time.
3. The TUP for limited outdoor food service shall comply with the following:
 - a. Food service shall only be permitted between the following hours: Monday through Thursday from 4:00 PM – 9:00 PM; Friday through Sunday from 12:00 PM (noon) – 9:00 PM.
 - b. Only one food service vehicle shall be allowed at any one time and any such vehicle shall be oriented toward the building or interior of the lot and not toward the public street.
 - c. There shall be no advertising for the outdoor food service allowed on the property at any time.
 - d. Overnight parking or storage of any food service vehicles is strictly prohibited.
 - e. The TUP for limited outdoor food service shall expire five (5) years from the date of approval. Limited outdoor food service shall cease at that time.

- f. Unless otherwise provided herein, the limited outdoor food service shall comply with the all the provisions of Chapter 5.50 (Mobile Vending) of the Huntington Beach Municipal Code, including obtaining all appropriate licenses, permits and proper business registration for the food service operation.
4. Prior to use of the expanded tasting area, a covenant shall be recorded on the property limiting the uses on site. The legal instrument shall be submitted to the Community Development Department a minimum of 30 days prior to use of the expanded tasting area. A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded agreement shall be filed with the Community Development Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach and reflect the following:
 - a. As requested by the applicant and indicated on plans received and dated February 24, 2016, the following suites shall be restricted from operating during the following hours: Monday through Thursday from 4:00 PM – 9:00 PM; Friday through Sunday from 12:00 PM (noon) – 9:00 PM.
 - i. 18411 Gothard Street, Suite E
 - ii. 18411 Gothard Street, Suite F
5. CUP No. 16-011 and TUP No. 16-001 shall become null and void unless exercised within two 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 Community Development Department a minimum 30 days prior to the expiration date.
6. The Development Services Departments and Divisions (Community Development, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes 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 pursuant to the provisions of HBZSO Section 241.18.
7. 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.

ITEM 4: CONDITIONAL USE PERMIT NO. 16-006/ COASTAL DEVELOPMENT PERMIT NO. 16-003 (PHAN RESIDENCE)

APPLICANT: Joseph Phan, 15182 Summerwood Street, Westminster CA 92683
PROPERTY OWNER: Quy Phan, 1934 West Red Fox Road, Santa Ana CA 92704
REQUEST: To demolish an existing two story 3,341 sq. ft. single family home and permit the construction of an approximately 4,826 sq. ft., three-story single family home, a 400 sq. ft. garage, and 144 sq. ft. of balconies on the second floor. The entitlement 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: 16711 Carousel Lane, Huntington Beach (on west side of Carousel Lane between the north and south ends of Wanderer Lane – Humboldt Island)
CITY CONTACT: John Ramirez

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

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Joseph Phan, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 16-006/ COASTAL DEVELOPMENT PERMIT NO. 16-003 WERE 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 15303 of the CEQA Guidelines, because the project consists of the construction of a single family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-003:

1. Coastal Development Permit No. 16-003 to permit the demolition of an existing two story 3,341 sq. ft. single family home and permit the construction of an approximately 4,826 sq. ft. three-story single family home, a 400 sq. ft. garage, and 144 sq.ft. of balconies on the second floor, conforms to the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing single-family residential developments.
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. The project, as conditioned, complies with all applicable development regulations, including minimum setbacks and on-site parking, the Infill Lot Ordinance, and maximum building height and site coverage.
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.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-006:

1. Conditional Use Permit No. 16-006 to permit the demolition of an existing two story 3,341 sq. ft. single family home and permit the construction of an approximately 4,826 sq. ft. three-story single family home, a 400 sq. ft. garage, and 144 sq.ft. of balconies on the second floor, 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 overall building height for the single family residence is 29 feet, 6 inches, however, the house is designed with three stories with varied roof lines along the street elevation with portions of the main structure at less than 25 feet in height. With the incorporation of a variety of roof lines, the proposed building height will not be detrimental to surrounding properties.

2. The proposed single-family residence will be compatible with surrounding uses because the proposed residence is 29 feet, 6 inches in height, with portions of the residence at less than 25 feet in height. The overall mass and height of the structure is consistent with, and will match adjacent and nearby existing two-story, single-family residences in the area that have similar building heights.
3. The proposed single-family residence 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. The project, as conditioned, complies with minimum onsite parking and building setbacks, maximum lot coverage, and building height. An overall height of 29 feet, 6 inches is permitted within the Residential Low Density zoning district and a third story is allowed within the Residential Low Density zoning district with approval of a conditional use permit. The proposed third floor is wholly within the second floor roof volume with the exception of a dormer window along the rear of the property. This dormer window is oriented toward the right of way and setback five feet from the second story façade as required by the HBZSO.
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 RL-7 (Residential Low Density – 7 units per acre) on the subject property. In addition, it is consistent with the following policy and objective of the General Plan:

A. Land Use Element

Policy – LU 9.2.1.: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development; and (d) maintenance of privacy on abutting residences.

B. Coastal Element

Objective – C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

The construction of a an approximately 4,826 sq. ft., three-story single family home is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other provisions of the Municipal Code including maximum site coverage, maximum building height, Infill Lot Ordinance, and minimum on-site parking. The proposed third floor is wholly within the second floor roof volume with the exception of a dormer window along the rear of the property. This dormer window is oriented toward the right of way and setback five feet from the second story façade as required by the HBZSO.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-003 /CONDITIONAL USE PERMIT NO. 16-005:

1. The site plan, floor plans, and elevations received and dated March 21, 2016, shall be the conceptually approved design with the following modifications:
 - a. Provide one 36-inch box tree within the front setback area. **(HBZSO Section 232.08)**
2. Prior to submittal of building permits, the following shall be completed:

- a. One set of project plans (full size) and one 8 ½ inch by 11 inch set of plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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 (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 have been completed:
 - a. All improvements shall be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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. 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.
6. Coastal Development Permit No. 16-003 and Conditional Use Permit No. 16-006 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes 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 pursuant to the provisions of HBZSO Section 241.18.

8. 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 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 2:52 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 4, 2016, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:jg