

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

**WEDNESDAY, APRIL 4, 2012 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Hayden Beckman, Andrew Gonzales, Judy Demers (recording secretary)

**MINUTES:** May 18, 2011  
June 1, 2011  
October 5, 2011  
November 16, 2011

**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: VARIANCE NO. 12-001 (ADAMS & MAGNOLIA SHOPPING CENTER FAÇADE REMODEL)**

**APPLICANT:** Randy Jepsen, PJP Architects  
**PROPERTY OWNER:** L.C. Smull, Business Properties Development Company, 17631 Fitch, Irvine, CA 92614  
**REQUEST:** To permit a (a) 3 ft. wide landscape planter in lieu of the minimum 10 ft. required along Adams Avenue; and (b) 3 ft. 4 in. wide landscape planter in lieu of the minimum 6 ft. required along Magnolia Street in association with proposed façade improvements to an existing commercial shopping center.  
**LOCATION:** 9036-9102 Adams Avenue, 92646 (southeast corner of Magnolia Street and Adams Avenue)  
**PROJECT PLANNER:** Hayden Beckman

Hayden Beckman, Planning Aide, 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.

**THE PUBLIC HEARING WAS OPENED.**

Randy Jepsen, applicant, stated that he has no comments or concerns with staff's recommended conditions of approval.

**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.

**VARIANCE NO. 12-001 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 15305 of the CEQA Guidelines, because the project represents a minor alteration in land use limitations which will not result in any changes in land use or density.

**FINDINGS FOR APPROVAL - VARIANCE NO. 12-001:**

1. The granting of Variance No. 12-001 to permit (a) a 3 ft. wide landscape planter in lieu of the minimum 10 ft. required along Adams Avenue and (b) a 3 ft. 4 in. wide landscape planter in lieu of the minimum 6 ft. required along Magnolia Street will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The project site cannot comply with the applicable code requirements and simultaneously maintain compliance with applicable parking requirements without demolishing a portion of the existing shopping center, which would constitute an undue hardship. Consequently, the requested variance provides the allowance for needed upgrades to an aging commercial center, which would not be inconsistent with limitations upon other properties in the vicinity. Similar variances have been granted to other commercial properties within the same zoning district that contain similar development constraints.
2. Because of special circumstances applicable to the subject property, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. While the project site meets the code requirement for on-site landscaping, the site cannot meet current code requirements for the width of the landscape planters along the Adams Avenue and Magnolia Street frontages and maintain conformance with current parking standards, due to the existing location of buildings and other site improvements which cannot be relocated.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary in order to allow for the remodel of the existing commercial center. The City's Zoning Ordinance requires that the property meet certain minimum requirements for landscaping as a prerequisite to allow exterior modifications. In this case, the project cannot meet the applicable landscape requirements due to the existing location of buildings and other site improvements. Consequently, strict application of the Zoning Ordinance would deprive the property owner of the right to remodel and modernize onsite buildings to meet the City's objectives for community character.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will allow the project site to maintain its existing non-conforming street frontage landscape planter width and provide for the desired improvements of the existing commercial center, which would benefit the public welfare and surrounding property owners by improving the appearance

and value of the subject property. In addition, the project site complies with the minimum on-site landscaping requirements.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following policies of the General Plan:

Land Use Element

Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development “Overlay” Schedule as appropriate.

The requested variance accounts for the unique characteristics of the project site by allowing a reduction in the street side landscape width, in order to allow for the façade and site improvements of the commercial center and thereby meet objectives for community character.

Policy LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

Policy LU 10.1.14: Require that commercial buildings and sites be designed and developed to achieve a high level of architectural and site layout quality.

The requested variance will facilitate the exterior renovation of the existing commercial center with a contemporary architectural style and quality materials. The improved buildings will be compatible with nearby commercial development and upgrade the appearance of the property.

**CONDITIONS OF APPROVAL VARIANCE NO. 12-001:**

1. The site plan, floor plans, and elevations received and dated January 10, 2012 shall be the conceptually approved layout.
2. Prior to issuance of building permits, include three full size copies of sheet LS-1 into submitted sets for building permit No. B2011-006395, for the exterior façade of the commercial center.
3. Variance No. 12-001 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 Planning and Building Department a minimum 30 days prior to the expiration date.
4. Variance No. 12-001 shall become null and void when the special hardship identified in the findings ceases to exist.
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.

**ITEM 2: CONDITIONAL USE PERMIT NO. 12-002 (RELIABLE LUMBER RV STORAGE)**

APPLICANT: Wayne Carvalho, Michael C. Adams Associates  
PROPERTY OWNER: Triple Properties, LLC, c/o David Higman  
REQUEST: To permit the establishment and operation of a 207-space recreational vehicle storage facility on a 4.24-acre portion of a total 8.65-acre industrial property utilized by an existing lumber storage yard. The facility will operate on a 24-hour basis with access provided from Redondo Circle through a controlled entry gate.  
LOCATION: 7600 Redondo Circle, 92648 (south of Talbert Avenue, terminus of Redondo Circle and Kovacs Lane)  
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Associate 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.

Mr. Gonzales stated that he had received one phone call from a neighbor on Parkview Lane, citing concerns with the potential noise and lighting impacts as well as potential odors emanating from the vehicles. Mr. Gonzales stated that prior to the meeting a resident cited concerns with potential noise and visual impacts and the misuse of the emergency vehicle entrance. Mr. Gonzales noted that staff received communication from the applicant requesting additional conditions be added allowing temporary storage of vehicles from the local car dealership and to provide a caretakers unit on the premises. Mr. Gonzales stated that staff reviewed the request and believes the item would need to be re-notified as the requests were not identified in the legal or the public notification.

Ricky Ramos, Zoning Administrator, verified with staff that the request to incorporate an on site caretakers unit would require a Conditional Use Permit, which requires public notification. Mr. Gonzales confirmed that a Conditional Use Permit and public notification are required.

Mr. Ramos inquired of the intent to have the minimum required parking spaces depicted for the lumber storage yard. Mr. Gonzales explained that staff wanted to clearly identify the spaces as previous records identified parking spaces scattered throughout the site. Mr. Ramos, asked if the parking spaces were being double counted. Mr. Gonzales state the spaces were not being double counted and that both sites meet code required parking spaces.

Mr. Ramos inquired if a there would be an onsite rental office. Mr. Gonzales verified that the rental office would be in an existing onsite building.

Mr. Ramos confirmed with staff that the privacy gate did not require a Conditional Use Permit.. Mr. Gonzales verified that a Conditional Use Permit was not required.

#### **THE PUBLIC HEARING WAS OPENED.**

Wayne Carvalho, applicant, inquired if there was a way to include a condition requiring the Planning Director to review and approve the proposed caretaker unit. He also inquired if staff could specify the reason not to allow the temporary vehicle storage request.

Mr. Ramos explained that the Code requires the temporary vehicle storage and caretakers unit to be part of the public notification process. The applicant could continue the proposed project and incorporate the two requests in a future hearing or continue the hearing and submit an Entitlement Plan Amendment request later.

Mike Adams, applicant, asked staff to clarify Condition No. 4 (a) and Condition No. 4 (e).

Andrew Gonzales, Associate Planner, explained that the Condition No. 4 (a) was to prevent increased traffic entering and exiting the site. Condition No. 4 (e) is to prevent individuals from living in their RVs on the site.

Michael Shreve, 7651 Quebec Drive, spoke in opposition of the proposed project. He cited concerns with noise, increased traffic, and the possibility of individuals living in the RVs.

Mr. Ramos explained that some of the conditions placed on the project address the issues Mr. Shreve has mentioned. He noted that the site is in an industrial zone which is difficult when next to a residential zone.

Robin Shreve, 7561 Quebec Drive, asked if staff could explain the CEQA requirements.

Mr. Gonzales explained the CEQA exemption process. Mr. Ramos explained that state law recognizes that certain projects are small enough that if the project meets the characteristics they define, do not require further environmental review.

Robin Shreve, 7561 Quebec Drive, spoke in opposition of the proposed project. She cited concerns with noise, environmental impacts, traffic, and the many businesses that create parking issues.

Lidia Haught, 18252 Parkview Lane, #207, spoke in opposition of the project citing concerns with noise, increased traffic, and the congestion of businesses in the area.

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

Mr. Ramos asked the applicant if they have decided to continue the item to another date or if they would like the Zoning Administrator to act on the request.

Mr. Carvalho stated that he would like the Zoning Administrator to make his findings. He noted that he has no problem with changing the hours of operation.

A brief discussion took place regarding controlling noise. Mr. Ramos noted that controlling noise issues are addressed in the Conditions. He noted that Condition No. 4 (f) prohibits individuals from revving their engines.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff. He noted that he would add two Conditions addressing the hours of operation as well as the access location.

**CONDITIONAL USE PERMIT NO. 12-002 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 15332 of the CEQA Guidelines, because (a) the project is consistent with the General Plan and Zoning Ordinance and regulations, (b) located within City limits on a portion of a site containing no more than five acres and surrounded by urban uses, (c) the site has no value as habitat for endangered, rare or threatened species as the site is located within an established industrial zoning district, (d) approval of the project will not result in significant effects related to traffic, noise, air quality, or water quality, and (e) the site can be adequately served by all required utilities and public services as presently provided for the existing lumber storage yard facility.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-002:**

1. Conditional Use Permit No. 12-002 for the establishment, maintenance and operation of a 207-space recreational vehicle storage facility on a 4.24-acre portion of a total 8.65-acre industrial property utilized by an existing lumber storage yard 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 proposed project will maintain existing perimeter screen walls and landscaping along the south, east, and west perimeter of the site. The property presently operates as a lumber yard, which the project intends to minimize in size in order to accommodate for RV storage. A proposed 6 ft. high chain link fence will separate the existing lumber yard operations from the RV storage. The facility will be publicly accessible only between 6 AM and 8 PM daily with primary access to the storage area only from Redondo Circle through a controlled entry gate. As conditioned, limitations on heights of vehicles stored along the periphery of the property, minimizing the intensity of lighting between 10:00 PM and 7:00 AM, and compliance with the City's Noise Ordinance (HBMC Chapter 8.40 – *Noise Control*) will provide an appropriate transition between residential and industrial uses. Residential uses to the south and east of the site will be buffered from the project by a private and public street, a 10 ft. to 15 ft. wide landscape

planter with landscape screening, and perimeter fencing. Based upon the conditions imposed, the proposed project will not result in significant impacts onto adjacent residential, industrial, and public uses.

2. The conditional use permit will be compatible with surrounding uses because the massing and scale is designed to be harmonious with adjacent land uses including a reduced height of stored vehicles nearest to adjacent single-family and multi-family homes. The recreational storage use will have minimal impact on City services because the use is self-contained, visually screened from neighboring properties, and operationally less intensive than the existing lumber yard use in terms of traffic, noise, air quality, or water quality.
3. The proposed recreational vehicle storage facility will comply with the provisions of the IL (Industrial Limited) base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including minimum building setbacks, parking and landscape requirements, fence height, and any specific condition required for the proposed use in the district in which it would be located.
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 (I) on the subject property. The project helps to satisfy a growing need for recreational vehicle storage now that oversized vehicles are limited to on-street parking for 72 hours. In addition, it is consistent with the following goals, objective, and policy of the General Plan:

Land Use Element

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.

Goal LU 10: Achieve the development of a range of commercial uses.

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 12.1.8: Require that heavy industrial uses incorporate landscape setbacks, screening walls, berms, and/or other appropriate elements that mitigate visual and operational impacts with adjacent land uses.

The proposed project adds vehicle storage to an existing storage lumber yard business. The new ancillary operations provides needed storage for recreation vehicles within the community given the City's restrictions on parking of oversized vehicles on City streets and on private property. The project will be sited on an aesthetically pleasing site with enhanced perimeter landscaping and screen fencing.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-002:**

1. The site plan received and dated March 2, 2012, shall be the conceptually approved design with the following modifications:
  - a. Depict the width of all parking stalls, drive aisles, and landscaped planters on the subject property.
  - b. Depict the minimum 38 required parking stalls for the existing lumber storage yard facility.
2. Prior to issuance of a building permits:
  - a. One set of plans revised in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file
  - b. The existing public onsite 8-inch fire water system shall be converted to a private system by constructing backflow devices (DCDA's) as close as practical to each point of connection to the City's water mains located along Redondo Circle and Taylor Drive per Water Division Standards. **(PW)**
3. Final building permits cannot be approved until the applicant demonstrates that the electronic remote controlled sliding gate will operate on smooth concrete and shall be the quietest design available.
4. The use shall comply with the following:
  - a. Storage of vehicles shall be limited to recreational vehicles (RV) such as campers, motor homes, boats, 5<sup>th</sup> wheels, trailers, toy haulers, jet skis and wave runners on trailers, and similar type vehicles and towing apparatus. Leasing of storage space to commercial vehicles, delivery trucks, or construction vehicles shall be prohibited.
  - b. There shall be no loudspeaker or amplified announcements.
  - c. Lights shall be shielded on the top and shall be directed to cast light downward and inward toward the property so as to prevent glare and spillage onto adjacent residential properties.
  - d. Lights shall be dimmed to the lowest security level from 10:00 PM to 7:00 AM daily.
  - e. There shall be no on-site repair of vehicles, no on-site living within vehicles, no on-site camping, no storage of tow aways, no vehicle dismantling, and no operation of an impound yard.
  - f. Tenants shall be informed upon leasing of storage space that there shall be no revving or testing of engines or motors on the premises, and no idling of vehicles for more than five minutes is permitted.
  - g. Any storage space immediately adjacent to the southerly and easterly property line shall be limited to vehicles with a maximum height of eight feet. These spaces should leased last by the project operator.
  - h. Within the RV storage area, tenant/public access shall only be permitted between the hours of 6:00 AM and 8:00 PM daily.
  - i. The RV storage facility shall have ingress and egress from Redondo Circle only. The driveway on Taylor Street shall be for emergency access only.
5. CUP No. 12-002 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 Planning & Building Department a minimum 30 days prior to the expiration date.

6. The development services departments (Planning and Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building 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/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 2:29 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 18, 2012, AT 1:30 PM.**

  
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Ricky Ramos  
Zoning Administrator

RR:jd