

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

WEDNESDAY, AUGUST 1, 2012 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen. Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: SITE PLAN REVIEW NO. 12-05 (COASTAL FARMS PRODUCE STAND)

APPLICANT: Frank Patti, Coastal Farms
PROPERTY OWNER: Victoria Lane, 637 Frankfort Avenue, Huntington Beach, CA 92648
REQUEST: To permit the establishment and operation of a temporary seasonal goods and foods use on a vacant site. The proposed use will consist of the sale of fruits and vegetables on a yearly basis for a period of two years (2012-2014) between January 1st and September 30th.
LOCATION: 19401 Beach Boulevard, 92648 (west side of Beach Boulevard, north of Yorktown 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 provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ms. Nguyen noted that staff received one inquiry citing concerns with the appropriateness of the land use.

Ricky Ramos, Zoning Administrator, verified with staff the location of the existing block wall. He also verified the proposed hours of operation.

THE PUBLIC HEARING WAS OPENED.

Frank Patti, applicant, stated that he had received two documents from the City and needed clarification regarding the differences in the documents that he received.

Mr. Ramos explained that one of the documents is the list of the code requirements and second document is the conditions of approval which he has the authority to act on.

Mr. Patti stated that he had no comments or concerns with the conditions recommended by staff. He noted that the fruit stand has been at the same location for eight years. He inquired if he would need to apply for a temporary use permit every two years.

Mr. Ramos explained that if the permit is approved, the applicant would need to reapply after two years. A brief discussion took place regarding the differences between a temporary use and a permanent use.

Jim Lane, property owner, spoke in support of the proposed project. He stated that the fruit stand provided a good service for the neighboring community.

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.

SITE PLAN REVIEW NO. 12-05 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 15304 of the CEQA Guidelines, because the project involves the minor temporary use of land having negligible or no permanent impacts on the environment.

FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 12-05:

1. The Project is consistent with the City's General Plan and all applicable requirements of the Municipal Code. The granting of the site plan review will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay) on the subject property. In addition, it is consistent with the following goal, objective, and policy of the General Plan:

A. 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.

Objective LU 7.1: Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, and entertainment, and recreation needs of existing and future residents.

B. Economic Development Element

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 temporary seasonal goods and foods sales will provide a balance of land uses by establishing a commercial use on a temporary basis adjacent to nearby residential areas. The produce stand will provide an option for the purchase of fruits and vegetables within close proximity to the residents intended to be served by the project. Additionally, the produce stand intends to provide the community with nutritious and healthy eating options.

2. Site Plan Review No. 12-05 to permit the establishment of a temporary seasonal goods and foods sales from January to September on a vacant site for a period of two years 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 temporary use will occur on a vacant site, surrounded by commercial uses to the north, south, and east. The seasonal goods and foods sales use will be located more than 215 feet from the nearest sensitive land uses (i.e. residential) to the west. The temporary use will not involve the construction of permanent structures. Parking for the use will be provided onsite, north of the produce stand. The project will not generate significant noise, odors, or other detrimental impacts to the surrounding area.
3. The project will not adversely affect the Circulation Plan of the Beach and Edinger Corridors Specific Plan (SP14). Since the proposed use is temporary in nature, frontage improvements are not required. Vehicular access to the site is provided by a driveway located to the north of the site. Pedestrian access is provided by a paved walkway located to the south of the site.
4. The proposed temporary seasonal goods and foods sales will comply with the provisions of the SP14 development code as specified in the Neighborhood Parkway Segment. The proposed produce stand meets code requirements in terms of building height and setbacks. The proposed use is permitted within the Neighborhood Parkway Segment of the SP14 zoning district.

CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 12-05:

1. The site plan received and dated June 11, 2012, and elevations received and dated May 30, 2012, shall be the conceptually approved design.
2. Site Plan Review No. 12-05 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.
3. Site Plan Review No. 12-05 shall be valid for a period of two years (2012-2014). The applicant may apply for a two-year extension of the application after Site Plan Review No. 12-05 expires on September 30, 2014. The two-year extension shall be reviewed and approved by the Director of Planning and Building for compliance with the conditions of approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project property owner/developer 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 property owner/developer of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: CONDITIONAL USE PERMIT NO. 11-27/ VARIANCE NO. 12-02 (OCTA SURFACE PARKING LOT):

APPLICANT: Jim Kramer, OCTA
PROPERTY OWNER: Richard Fujikawa, Southern California Edison,
REQUEST: **CUP:** To permit the construction of a 208-space exposed surface parking lot on an approximately 1.83-acre vacant parcel owned by Southern California Edison (SCE) for the purpose of providing additional parking for carpool and vanpool users of the Orange County Transportation Authority (OCTA) Transportation Center.
VAR: To permit the following deviations from the landscaping, driveway, and street design requirements of the Beach and Edinger Corridors Specific Plan (SP14), which includes the following: (a) a total of 20 onsite trees in lieu of a minimum 81 required; (b) no trees within the sidewalk in lieu of a minimum total of 5 required; (c) a 26 ft. wide driveway in lieu of 24 ft. required; (d) an 8 ft. wide sidewalk in lieu of 12 ft required; and (e) pedestrian-scale street lights located at a distance of 110 ft. on center in lieu of 90 ft. required.
LOCATION: 7401 Center Avenue, 92647 (north side of Center Avenue, east of Gothard Street)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff 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, verified with staff the location and number of trees proposed for the project in lieu of the required number of trees.

THE PUBLIC HEARING WAS OPENED.

Jim Kramer, applicant, gave a brief overview of the proposed project. He gave a brief explanation for the need for a variance. He noted that Southern California Edison has regulations and conditions which impact the location and number of trees required by the City. He also noted that SCE's regulations impact OCTA's ability to comply with the City's condition to provide a 12' sidewalk as well as the height and spacing of the required street lights.

Janelle Godges, Southern California Edison, spoke in support of the project. She verified that OCTA was correct in stating that SCE has policies regarding low growth trees for safety issues. She also confirmed that SCE is not willing to dedicate land to the City as it could impact future projects. She also inquired if SCE could be involved in the process to determine landscaping choices. Mr. Ramos explained that as the property owner SCE could talk to the leasee and reach an agreement about landscaping decisions.

A lengthy discussion took place regarding the visibility requirement outlined in the City's Zoning Code as well as the sidewalk requirements.

Mr. Ramos, inquired if the applicant could further explain the request to reduce the spacing between required street lights. Mr. Kramer gave a brief overview of the spacing issue OCTA has with the placement of the required street lights.

Ms. Godges explained that SCE has a policy to keep the immediate area next to power lines clear of all debris. The policy is in place for public safety reasons.

Mr. Ramos inquired if there would be a negative impact if he were to agree to approve the variance to allow an 8 ft. sidewalk. Steve Bogart, Public Works, commented that allowing the variance does not create a negative impact, it is required for aesthetics. A lengthy discussion took place regarding the proposed sidewalk and the need for SCE to dedicate 4ft. for the OCTA project.

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

CONDITIONAL USE PERMIT NO. 11-27/ VARIANCE NO. 12-02 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 proposed project is covered by Final Environmental Impact Report No. 08-08, which was certified by the City of Huntington Beach on December 9, 2009. The proposed parking lot project is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-08. Staff has reviewed the proposed project and environmental assessment for compliance and has determined the project is consistent with the adopted mitigation measures contained in the Final EIR.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-27:

1. Conditional Use Permit No. 11-27 to permit the construction of a 208-space exposed surface parking lot on an approximately 1.83-acre vacant parcel owned by SCE for the purpose of providing additional parking for carpool and vanpool users of the OCTA Transportation Center 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 parking lot will be located on an undeveloped site. The parking lot will be accessible from two driveways, each off of Center Avenue and Gothard Street. The subject lot will provide adequate onsite vehicular and pedestrian circulation between the proposed parking lot and the Transportation Center. Nearby residential properties to the northwest of the site will be adequately buffered from the parking lot by a distance of approximately 600 ft. and McFadden Avenue. Ingress and egress to the site will not impact traffic flow on McFadden Avenue and nearby residential properties to the north of the site because primary access will be from Center Avenue and Gothard Street. Furthermore, the project will not generate any significant noise, odors, lighting, or other impacts detrimental to the surrounding area.

2. The conditional use permit will be compatible with surrounding uses because the proposed parking lot will provide additional parking opportunities for carpool and vanpool users of the OCTA Transportation Center. The proposed parking lot will serve to continue and supplement an existing parking lot use at the existing Transportation Center. The subject lot is not anticipated to impact surrounding uses because the lot will lessen existing demand for parking within commercial and institutional areas in the vicinity of the project site. The proposed parking lot will provide a complement to the diverse uses in the area which include retail, residential, and institutional uses. Furthermore, the proposed parking lot will be designed with appropriate setbacks and landscaping improvements to fit in the context of the 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 and the Town Center Neighborhood Segment of the Beach and Edinger Corridors Specific Plan (BECSP) except for any variances approved concurrently. The exposed surface parking lot is permitted subject to the approval of a Conditional Use Permit. The proposed parking lot complies with the applicable development standards such as setbacks, parking stall dimensions, and aisle widths. In addition, the project is conditioned to provide the parking lot with moderate landscape screening from adjacent developments.
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 M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay) on the subject property. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

Circulation Element

Goal – CE 5: Provide sufficient, well designed and convenient on and off street parking facilities throughout the City.

Objective – CE 5.1: Balance the supply of parking with the demand of 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.

Policy – CE 5.1.2: Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The proposed parking lot is intended to meet the parking demand for the carpool and vanpool users of the OCTA Transportation Center. Because the parking lot will be adjacent to the existing Transportation Center, it would provide convenient parking for the users of the Center.

FINDINGS FOR APPROVAL - VARIANCE NO. 12-02:

(a) A total of 5 onsite trees in lieu of a minimum 42 required within the interior of the parking lot (one tree every five parking spaces for continuous rows of parking), (b) a 26 ft wide driveway in lieu of 24 ft. required, (c) no trees within the sidewalk in lieu of a minimum total of 5 required, (d) an 8-ft. wide sidewalk in lieu of 12-ft. required, and (e) pedestrian-scale street lights at a distance of 110 ft. on center in lieu of 90 ft. required.

1. The granting of Variance No. 12-02 for (a) a total of 5 onsite trees in lieu of a minimum 42 required within the interior of the parking lot (one tree every five parking spaces for continuous rows of parking), (b) a 26 ft. wide driveway in lieu of 24 ft. required, (c) no trees within the sidewalk in lieu of a minimum total of 5 required, (d) an 8-ft. wide sidewalk in lieu of 12-ft. required, and (e) pedestrian-scale street lights at a distance of 110 ft. on center in lieu of 90 ft. required will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification since the variances address unique development constraints related to the subject property including the width of the site, presence of four SCE overhead high voltage power lines, and restrictions on the installation of trees underneath the high voltage power lines. The variances will not constitute a grant of special privilege because the property's existing physical conditions limit the location of trees and light standards underneath the power lines. To facilitate the pedestrian oriented urban environment, the BECSP requires a maximum of 24 ft. wide two-way driveway and a 12 ft. wide sidewalk. However, the Transportation Division of the Public Works Department is requiring a 26 ft. wide driveway to facilitate the overall safety and efficiency of vehicular movements in and out of the 208-space parking lot. In addition, Southern California Edison, the property owner, will not allow a 4 ft. dedication of the property to provide a 12 ft. wide sidewalk.
2. Because of special circumstances applicable to the subject property, including the width of the site, presence of four SCE overhead high voltage power lines, and limitations related to the types of improvements underneath high voltage power lines, 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. The project site is owned by the SCE and has four overhead high voltage power lines. To ensure safe operation and proper function of the power lines, there are limitations on development underneath the power lines. SCE prohibits any installation of trees and light standards within 10 ft. of the outer limits of the overhead power lines. Additionally, SCE will not allow the dedication of land to widen the sidewalk from 8 ft. to 12 ft. The Public Works Department also determined that a 26 ft. wide driveway is needed due to the use of the 208-space parking lot. Because of these constraints, granting the requested variance would allow the subject property to enjoy the privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variances are necessary to offset a unique constraint to development represented by the overhead high voltage power lines. Without the overhead power lines, the property could accommodate the additional trees and

placement of light standards needed for code compliance. In addition, the variances are needed to enjoy the substantial property right of developing a use (parking lot) that can accommodate SCE development restrictions. The requested variances also will promote safer and more efficient vehicular circulation in and out of the site.

4. The granting of the variances will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed parking lot will provide parking for the carpool and vanpool users of the OCTA Transportation Center. The lot is not anticipated to impact surrounding uses because the lot will lessen the demand for parking in commercial and institutional uses in the vicinity of the project site. In addition, the project is conditioned to provide moderate landscape screening of the parking lot from adjacent developments.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay) on the subject property. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

Circulation Element

Goal – CE 5: Provide sufficient, well designed and convenient on and off street parking facilities throughout the City.

Objective – CE 5.1: Balance the supply of parking with the demand of 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.

Policy – CE 5.1.2: Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The proposed parking lot is intended to meet the parking demand for the carpool and vanpool users of the OCTA Transportation Center. Because the parking lot will be adjacent to the existing Transportation Center, it would provide convenient parking for the users of the Center. In addition, the proposed parking lot will meet the general objectives of the Beach and Edinger Corridors Specific Plan by contributing toward long-term regional mobility and enhancing regional air quality.

FINDINGS FOR DENIAL – VARIANCE NO. 12-02:

A total of 15 onsite trees in lieu of a minimum 39 required along the perimeter.

1. There is no special circumstance defined by the applicant and applicable to the property that supports allowing a total of 15 onsite trees in lieu of a minimum 39 required along the perimeter of the site. There is adequate space along the westerly property line to accommodate the planting of trees to comply with the moderate landscaping screening requirement.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-27/VARIANCE NO. 12-02:

1. The site plan received and dated May 23, 2012 shall be the conceptually approved design with the modification that one tree per 30 linear feet (spaced regularly) along the westerly property line be depicted on the site plan (BECSP Section 2.6.9(2)(b)).
2. Comply with all applicable mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.
3. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to and across the street from the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Division.
4. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans and one 8 ½ inch by 11 inch set, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, and approval and inclusion in the entitlement file, to the Planning Division.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (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.
 - c. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
5. 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 5 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.
6. The final building permit(s) cannot be approved and commencement of use cannot be started until the following have 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 Division.
7. Conditional Use Permit No. 11-27 and/or Variance No. 12-02 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.
8. The Development Services Departments (Planning & Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning & 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.
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/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 2:29 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 15, 2012, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd