

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-7 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, FEBRUARY 15, 2012 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

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

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 11-016 (PARKSIDE SETTLEMENT MONUMENTS):

APPLICANT: John Vander Velde, Shea Homes
PROPERTY OWNER: Shea Homes, 1250 Corona Pointe Court, Suite No. 600, Corona, CA 92879
REQUEST: To permit the installation of 10 settlement monumentation markers along the northerly and southerly boundaries of the subject site in order to gather baseline data of onsite soil settlement.
LOCATION: West side of Graham Street, south of Warner Avenue, 92649 (Parkside Estates)
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 stated that staff received three phone calls inquiring about the scope of the proposed project.

Ricky Ramos, Zoning Administrator, confirmed with staff the proposed locations of the monuments.

THE PUBLIC HEARING WAS OPENED.

John Vander Velde, 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.

COASTAL DEVELOPMENT PERMIT NO. 11-016 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 15306 of the CEQA Guidelines, because the project consists of basic data collection and research activities which do not result in a major disturbance to an environmental resource.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-016:

1. Coastal Development Permit No. 11-016 to permit the installation of 10 settlement monument markers along the northerly and southerly boundaries of the subject site in order to gather baseline data of onsite soil settlement conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 10.1.1 encouraging the maintenance of a complete database of locations and distribution of seismic and geologic hazards related to ground shaking, liquefaction, subsidence, soil stability, slope stability, and water table levels. The purpose for the installation of these settlement monuments is to collect data and monitor ground settlement for the site along the property lines before site development occurs. Concerns were raised by adjacent neighbors at a California Coastal Commission hearing that the development of the property may cause undue settlement onto surrounding properties. The proposed project will allow for the installation of settlement monitoring equipment to provide baseline information prior to the commencement of any development. The settlement monuments would stay in place through site grading and utility installation.
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 proposed is intended to collect data regarding on-site soil settlement to provide baseline data for the subject property. Since there is no development is proposed at the present time, the requirements of the CZ Overlay District would not be applicable.
3. The project does not include development. No infrastructure is required to serve the project site at the present time.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site is vacant. No public access to the site is required as part of this request and no public recreation facilities exist at the site. The project will not alter public views to coastal resources since the monuments would be placed between 3 ft. and 4 ft. deep within the ground.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-016:

1. The site plan and elevations received and dated December 9, 2011 shall be the conceptually approved design.
2. Coastal Development Permit No. 11-016 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.

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: TENTATIVE PARCEL MAP NO. 11-142 (ODDO SUBDIVISION):

APPLICANT/

PROPERTY OWNER: David P. Oddo, 815 Main Street, Huntington Beach, CA 92648

REQUEST: To permit the subdivision of a 50 ft. wide, 5,750 sq. ft. parcel into two 25 ft. wide, 2,875 sq. ft. residential lots.

LOCATION: 412 12th Street, 92648 (east side of 12th Street, between Orange Avenue and Pecan Avenue)

PROJECT PLANNER: Jill Arabe

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

Ms. Arabe stated that staff received one phone call citing concerns with the demolition of the existing single family residence.

Ricky Ramos, Zoning Administrator, confirmed with staff that there were no historical issues with the proposed demolition of the existing structure.

THE PUBLIC HEARING WAS OPENED.

David Oddo, applicant, stated that he had no comments or concerns with staff's recommended conditions.

Marc Hascheff, 414 12th Street, inquired if this type of proposed project was common in Huntington Beach. Mr. Ramos confirmed that applications for this type of permit are very common.

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.

TENTATIVE PARCEL MAP NO. 11-142 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 15315 of the CEQA Guidelines, because the project consists of the creation of less than four (4) parcels in conformance with the General Plan and Zoning requirements.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 11-142:

1. Tentative Tract Map No. 11-142 for the subdivision of a 50 ft. wide, 5,750 sq. ft. lot into two 25 ft. wide, 2,875 sq. ft. lots is consistent with the General Plan Land Use Element designation of RMH (Residential Medium High Density) on the subject. The proposed subdivision complies with all applicable code provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The project will result in the demolition of the existing single-family residence and facilitate the development of two units, the maximum allowed by code.
2. The site is physically suitable for the type and density of development. The proposed two-lot subdivision will comply with all applicable code provisions of the HBZSO including the minimum parcel size of 2,500 sq. ft. as required by the RMH-A (Residential Medium High Density – Subdistrict A) zoning district. The site is located in a residential area, is regular in shape, and has no unique topographical or other constraints to development.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site is currently developed with one residential unit and does not serve as habitat for either fish or wildlife.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. Vehicular access is along the rear property line abutting the alley. An easement for alley widening was previously dedicated to the City.

CONDITIONS OF APPROVAL - TENTATIVE PARCEL MAP NO. 11-142:

1. The Tentative Parcel Map No. 11-142 for the subdivision of one 50 ft. wide, 5,750 sq. ft. lot into two 25 ft. wide, 2,875 sq. ft. lots received and dated December 23, 2011 shall be the approved layout.
2. Prior to recordation of the final map, building permits shall be obtained and finalized for demolition of the existing structures.
3. Prior to issuance of building permits, the final parcel map shall be recorded with the County of Orange.
4. 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 3: CONDITIONAL USE PERMIT NO. 11-026 (MCDONALD'S ADDITION):

APPLICANT: Tom Le, Underwood & Associates
PROPERTY OWNER: Randy Kimoto, McDonald's, USA, LLC, 3800 Kilroy Airport Way, Suite 200, Long Beach, CA 90806
REQUEST: To permit the partial demolition and expansion of an existing 4,100 sq. ft. drive-thru restaurant building and various onsite improvements. The project will remove 1,824 sq. ft. of restaurant area and 500 sq. ft. of combined outdoor dining and playground space. The addition will result in approximately 1,565 sq. ft. of new restaurant area for a total net building size of 3,895 sq. ft.
LOCATION: 6561 Edinger Avenue, 92647 (north side of Edinger Avenue, east of Edwards Street)
PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed

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

Ms. Arabe stated that staff had received one public comment regarding the potential for increased overflow parking onto adjacent properties.

Ricky Ramos, Zoning Administrator, confirmed with staff that the applicant could comply with the recommended conditions without a variance application.

THE PUBLIC HEARING WAS OPENED.

Tom Le, the applicant, stated he had no comments or concerns with staff's recommended conditions.

Ivan Ulloa, 6581 Edinger, stated concerns with potential increased parking overflow issues.

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

Mr. Ramos stated that, based on the information provided, he would approve the request with the addition of a condition requiring parking signage to be installed and maintained by applicant to try and address possible overflow issues.

CONDITIONAL USE PERMIT NO. 11-026 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves a partial demolition and addition to an existing structure, with no net expansion of the restaurant use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-026:

1. Conditional Use Permit No. 11-026 for the partial demolition and expansion of an existing 4,100 sq. ft. drive-thru restaurant building and various onsite improvements 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 project will result in a reduced net building area of approximately 3,900 sq. ft. and incorporate a two-way design for the drive-thru lane at the rear of the building. Residential uses will be continually protected because the new improvements will not be located closer than existing improvements. Additional landscaping throughout the site and architectural building enhancements promote a higher design quality to the vicinity. Based upon conditions imposed, the project is consistent with the development standards within the commercial designation. Residential uses are buffered from the restaurant by the existing parking lot and landscaping. The structure is setback more than 100 ft. from the nearest residential

use to the north with the addition occurring closer to the street. Improved onsite vehicular circulation and adequate parking by code will be provided on the site. The improvements and existing use are not anticipated to generate additional noise and traffic beyond which already exists in the surrounding area.

2. The conditional use permit will be compatible with surrounding uses because the building will be enhanced with contemporary architecture and site improvements to improve vehicular circulation. The project will incorporate a new base treatment along the building facades, articulation to break up the building massing, and new materials and colors. The proposed improvements comply with the Urban Design Guidelines by upgrading the streetscape with a modern style building and landscaping, continuing the existing restaurant use, and providing a new drive aisle for continuous circulation onsite and to surrounding properties. The orientation of the building coupled with the location of the drive-thru lanes provides an adequate buffer to the nearest adjacent residential use. In addition, vehicle queuing in the drive-thru lane exceeds the minimum code requirements. The commercial use is consistent with surrounding uses.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The addition within 300 ft. of residential uses requires a conditional use permit, which is subject to review and approval by the Zoning Administrator. The development complies with the minimum required setbacks and on-site parking and complies with the maximum allowed floor area ratio and building height.
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 CN (Commercial Neighborhood) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

B. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy (i.e., major, primary, etc.) in order to clarify the City's structure and to improve Citywide identity.

The proposed development is in substantial compliance with the Urban Design Guidelines. The design of the proposed structure incorporates quality materials and façade articulation. The building exterior is enhanced with a stone veneer base, canopies, building articulation, and score lines. The siting of the structure considers noise sensitive uses with its configuration closer to the street, away from residential

uses and maintaining the existing location within the center of the site. The building is more than 100 ft. from residential uses to the north. Onsite landscaping will be improved along the street and perimeter of the site.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-026:

1. The site plan, floor plans, and elevations received and dated January 18, 2012 and the floor plan (Sheet A 1.0) received and dated January 3, 2012 shall be the conceptually approved design with the following modifications:
 - a. The site plan shall depict a minimum of 3 ft. wide perimeter landscaping planters abutting the heads of parking stalls or modified planter widths subject to review and approval by the Planning Division. **(HBZSO Section 232.08.C2)**
 - b. The site plan shall depict minimum interior dimensions for landscape planters.
 - c. The site plan shall depict the street-side planters with a minimum of 10 ft. interior dimension and 25 ft. minimum interior dimension in front of the building. **(HBZSO Section 232.12)**
 - d. The site plan shall depict extended planters adjacent to end aisle parking stalls to provide vehicle protection.
 - e. The site plan shall include the square footage of the building addition.
 - f. A minimum 12 ft. width shall be provided on the curves of the drive-thru lane.
 - g. All referenced property line dimensions and bearings, as stated in the "Legal Description" on the site plan, shall be legibly shown. **(PW)**
 - h. All Accessor's Parcel Numbers for both the subject parcel and the adjacent westerly parcel shall be shown. **(PW)**
 - i. The boundary lines of "Parcel C" (also as defined in the Legal Description on said plan) shall be bolded with a heavier linetype to allow clear definition of this parcel. **(PW)**
 - j. All floor plans shall depict accurate dimensions.
 - k. The elevations shall be revised to identify and depict the materials and colors on the building.
 - l. A roof element to match the building exterior shall be provided above the trash enclosure.
2. Prior to issuance of demolition permits, the following shall be completed:
 - 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. One set of colored rendering/elevations shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.

3. Prior to submittal for building permits, the following shall be completed:
 - a. A copy of the recorded covenant for reciprocal access and parking between the subject site and adjacent westerly commercial property shall be submitted to the Planning Division. Any necessary revisions to the covenant for reciprocal access and parking shall be reviewed and approved by the City.
 - b. A landscaping plan shall be submitted to the Planning Division for review and approval.
4. Prior to issuance of building permits, the following shall be completed:
 - a. The landscaping plan shall be approved by the Planning Division.
 - b. Any necessary revisions to the covenant for reciprocal access and parking shall be approved by the City and shall be recorded with the County of Orange.
5. Prior to the issuance of a Certificate of Occupancy for the restaurant, the applicant shall install and maintain signage on the site instructing McDonald's patrons to park onsite and not on adjacent easterly parcel.
6. During demolition, grading, site development, and/or construction, reciprocal access between the adjacent commercial properties shall be maintained within the rear two-way drive aisle.
7. All rear exterior doors shall remain closed during business hours.
8. CUP No. 11-026 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.
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:

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THE MEETING WAS ADJOURNED AT 1:57 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MARCH 7, 2011, AT 1:30 PM.

R Ramos

Ricky Ramos
Zoning Administrator

RR:jd