

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

WEDNESDAY, FEBRUARY 15, 2017 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Kimo Burden, Joanna Cortez, Judy Graham

MINUTES: July 20, 2016
August 3, 2016
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 16-009 (HERO'S PUB)

APPLICANT: Regis A. Guerin, 20431 Kenworth Circle, Huntington Beach, CA 92646

PROPERTY OWNER: Manizheh Yomtoubian, Trustee, P.O. Box 3595, Newport Beach, CA 92660

REQUEST: To amend Conditional Use Permit No. 03-024 to modify Condition 2.e to permit the sale, service and consumption of beer and wine (ABC Type 41 License) within an outdoor patio area and to relocate the existing outdoor patio area to the north side of the building.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

LOCATION: 714 Adams Avenue Suite 101, 92648 (south of Adams Ave., west of Beach Blvd.)

CITY CONTACT: Kimo Burden

Kimo Burden, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Mr. Burden stated that the applicant has requested a continuance to the March 15, 2017 meeting.

Ricky Ramos, Zoning Administrator, stated that the applicant requested a continuance. However, if anyone would like to make comments he would open the public hearing.

THE PUBLIC HEARING WAS OPENED.

Mark Dickey, resident, stated that he is opposed to the proposed project citing his concern for increased noise.

Leonard Guillen, resident, commented on the proposed project. He stated that he had concerns with the increase in noise and issues with intoxicated individuals.

Dean Downing, resident spoke in opposition of the proposed project, citing his concern with an increase in individuals driving while under the influence.

Len Guillen, Sr., spoke in opposition of the proposed project citing concerns with noise, intoxicated individuals, and the number of establishments serving alcohol within the City.

Brandon Bione, local business owner, spoke in opposition of the proposed project. He cited his concern with increase in noise and negative impacts to property values.

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

Mr. Ramos stated that he would continue the item as requested by the applicant.

ENTITLEMENT PLAN AMENDMENT NO. 16-009 WAS CONTINUED TO THE MARCH 15, 2017, MEETING AT THE APPLICANT'S REQUEST.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 16-020 (MCKAY GARAGE)

APPLICANT: Jeffery Dahl, 1102 Main St., Huntington Beach, CA 92648
PROPERTY OWNER: Alex and Elaine McKay, 4002 Diablo Cir., Huntington Beach, CA 92648
REQUEST: To permit an approximately 252 sq. ft. detached single car garage.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 16772 Coral Cay Lane, 92649 (eastside of Coral Cay Ln., between Courtside Cir. and Marinabay Dr.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Cortez noted that staff received an inquiry regarding the location of the proposed garage. Staff explained that the proposed project complied with City Code and the resident was satisfied.

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

THE PUBLIC HEARING WAS OPENED.

Jeffery Dahl, applicant, stated that he had no comments or concerns with the staff's recommendations.

THERE WAS NO ONE ELSE 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.

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 it includes an addition to an existing single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-020:

1. Coastal Development Permit No. 16-020 to permit an approximately 252 sq. ft. detached single car garage conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project to construct an approximately 252 sq. ft. detached single car garage 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 will comply with all applicable development regulations, including maximum building height, lot coverage, and minimum yard setbacks.
3. At the time of occupancy the proposed 252 sq. ft. detached single car garage can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development of an approximately 252 sq. ft. detached single car garage conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-020:

1. The site plan, floor plans, and elevations received and dated December 30, 2016 shall be the conceptually approved design.
2. Prior to submittal for plan check, 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. 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. 16-020 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.

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: COASTAL DEVELOPMENT PERMIT NO. 17-001/ TEMPORARY USE PERMIT NO. 16-004 (METERED PARKING SPACES)

APPLICANT: Max Daffron, 2000 Main St., Huntington Beach, CA 92648
 PROPERTY OWNER: City of Huntington Beach, 2000 Main St., Huntington Beach, CA 92648

REQUEST: To permit the installment of 64 metered parking stalls along the City Right-of-Way for a period of five years.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 21079 Delaware Street, 92648 (at the terminus of Delaware St., south of Atlanta Ave.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Cortez noted that staff received five comments opposing the project, citing the potential for overnight RV parking, and limited accessibility,

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

THE PUBLIC HEARING WAS OPENED.

Kellee Fritzal, applicant, noted that signs would be posted banning overnight RV parking. She gave an overview of the proposed project.

A discussion took place regarding the location of the meters and various locations along Beach Boulevard which may be ideal for meter placement.

Robin Moore, resident, stated that he supports the proposed project and noted he would like a street light at the entrance of Seaside Village.

Jim Mosely, resident, spoke regarding the proposed project. He stated he has no issue with adding additional parking but would like to see more parking along Beach Boulevard and he inquired as to why the proposed project is scheduled to end after five years. Staff explained that the use is temporary to monitor whether it will be successful.

A discussion took place regarding the need for additional parking and the increasing homeless population in the area.

Denis Brandt, resident, stated his concern for the possible increase in traffic and the potential hazard that would create.

Marty Wexler, resident, spoke regarding the proposed project. He stated that he was not sure Delaware was the right location to add the meters.

A discussion took place regarding the existing meters along Beach Boulevard and the need for a traffic signal in the area. Staff explained that the State has mandates regarding the installation of traffic signals and traffic signs.

Jim Wallach, resident, stated the meters should extend more north to help curb the excessive RV parking.

Ms. Fritzal noted that she works closely with the homeless liaison for the Huntington Beach Police Department and she has added Banning Park on their list of areas to patrol.

Lisa Cohen, resident, stated she supports the earlier comments regarding the need for a traffic signal.

Don Charent, resident, spoke regarding the proposed project. He stated that there is a need for a traffic signal at the Delaware and Atlanta intersection. He is concerned with the potential for an increase in traffic incidents.

Chuck Stoner, resident, stated he agrees with all of the earlier statements. He also suggested limiting parking hours from sunrise to sunset. He also noted a concern for future grading in the area.

Paul Defreitas, resident, spoke regarding the large RVs parking in the area. He stated they are unsightly and some of the occupants leave trash in the area. He suggested a ban on overnight parking.

Debra Defreitas, resident, suggested a ban on RV parking on residential streets or limiting times parking is allowed.

THERE WAS NO ONE ELSE 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.

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 a minor temporary use of land having negligible effects on the environment.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-001:

1. Coastal Development Permit No. 17-001 for the installment of 64 temporary metered parking stalls along the City Right-of-Way (ROW) for a period of five years conforms with the General Plan, including the local Coastal Program. Completion of the project will implement the Coastal Element goal of providing coastal resource access opportunities for the public and balance the supply of parking with the demand for parking on a temporary basis.
2. The installment of 64 temporary metered parking stalls along the City Right-of-Way for a period of five years is consistent with the requirements of the CZ Overlay District, City ROW, as well as other applicable provisions of the Zoning and Subdivision Ordinance and Municipal Code. The project will not result in major physical changes to the site and complies with applicable development standards including minimum parking space dimensions and minimum backup clearance.
3. At the time of occupancy, installment of 64 temporary metered parking stalls along the City Right-of-Way for a period of five years can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. All necessary infrastructure, such as roadways and utilities currently exist to serve the site. The proposed request will alleviate peak parking conditions by providing additional temporary parking opportunities.

4. The installment of 64 temporary metered parking stalls along the City Right-of-Way for a period of five years 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 – TEMPORARY USE PERMIT NO. 16-004:

1. The granting of temporary use permit will not adversely affect the general Plan. It is consistent with the Land Use Element designation of ROW (City Right-of-Way). In addition it is consistent with the following goals and policies of the General Plan:

Objective ED 3.3: Upgrade and modernize high-activity nodes and districts.

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

Goal C 2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Objective C 2.4: Balance the supply of parking with the demand for parking.

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

The proposed request to add 64 temporary public parking meters will alleviate peak parking conditions near the downtown area by providing additional parking opportunities. Additionally, upgraded landscaping will visually enhance the streetscape and neighborhood.

2. Approval of the application for the proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The right of way will be aesthetically improved with permanent perimeter landscaping and a parking lot. Adequate vehicular and pedestrian public access will be provided to and from the site. The proposed temporary public parking spaces will alleviate peak parking conditions near the downtown area by providing additional parking opportunities..

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-001/ TEMPORARY USE PERMIT NO. 16-004:

1. The site plan received and dated January 12, 2017 shall be the conceptually approved design.
2. The Temporary Use Permit shall be permitted for a maximum of five years (2017-2021).
3. 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.

4. During demolition, grading, site development, and/or construction, the following shall be completed:
 - 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.
5. The following condition shall be completed prior to issuance of a grading permit: 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 within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for the 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.
6. 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.
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 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 2:21 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MARCH 1, 2017, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg