

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

**WEDNESDAY, JULY 20, 2016- 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Nicolle Bourgeois, Jessica Bui, Joanna Cortez, Judy Graham

**MINUTES:** **NONE**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 15-065 (AJ1 DEVELOPMENT GRADE DIFFERENTIAL)**

**APPLICANT:** Louie Hernandez, The Louie Group, 19092 Callaway Circle, Huntington Beach, CA 92648

**PROPERTY OWNER:** Ayad Jaber and Chi Vu, 9402 Shannon Avenue, Garden Grove, CA 92841

**REQUEST:** To construct one three-story single-family dwelling on each of two contiguous lots with a grade differential greater than three feet between the high and low points. The proposed dwellings are approximately 2,875 sq. ft. with an overall maximum height of 35 ft. and include third floor decks oriented toward 17<sup>th</sup> Street and the alley.

**LOCATION:** 609 and 611 17<sup>th</sup> Street, 92648 (west side of 17<sup>th</sup> Street, between Acacia Ave. and Palm Ave.)

**CITY CONTACT:** Nicolle Bourgeois

Nicolle Bourgeois, 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.

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

**THE PUBLIC HEARING WAS OPENED.**

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

Jerry McFarland, resident, stated that he had concerns with the proposed height of the porch, fence, and potential run-off. He noted that the line of sight could be an issue when he would be backing up his vehicle.

Mr. Ramos explained that the Code requires a Conditional Use Permit and public hearing when developing a property that has a three ft. differential between the high and low points of the property.

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

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

**CONDITIONAL USE PERMIT NO. 15-065 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 15303 of the CEQA Guidelines, because the project consists of the construction of two single-family residences on each of two adjacent lots in a residential zone, in an urbanized area.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-065:**

1. Conditional Use Permit No. 15-065 to permit the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points 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 be developed without significantly altering the existing grade of the subject property. The finished surface is within one foot of the existing grade and the finished floor is within two feet of the finished surface. From the top of the curb, the maximum height of the building is 34.55 feet.
2. Conditional Use Permit No. 15-065 to permit the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points will be compatible with surrounding uses because the neighborhood is developed with single family and multi-family residential units developed at comparable grades. The proposed development will be compatible with other residential structures in the area taking into account the proposed building massing, height, and grade of existing properties in the immediate vicinity.
3. Conditional Use Permit No. 15-065 to permit the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project, as proposed, complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage and minimum onsite parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot with approval of a conditional use permit and terracing the development consistent with the natural grade.
4. The granting of Conditional Use Permit No. 15-065 for the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High Density –

25 units/acre maximum – Design Overlay) 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 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.

Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures including the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

The conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The proposed project incorporates quality materials and design that demonstrate compatibility with the surrounding properties and residential neighborhood. The grade elevations, building orientation, and massing will be compatible with other residential properties existing in the neighborhood.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-065:**

1. The site plan, floor plans, grading plan, and elevations received and dated May 18, 2016, shall be the conceptually approved design with the following modification: a revised plan demonstrating compliance with Residential Infill shall be submitted to the Department of Community Development. The public notification process for Residential Infill shall be completed prior to plan check approval (**HBZSO 230.22**).
2. Prior to submittal for plan check, the following shall be completed:
  - a. One set of revised site plan, floor plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
  - b. Zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.

- f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The final building permit cannot be approved until the following has been completed: 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. CUP No. 15-065 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Community Development, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but 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. 16-010 (MARINERS CHURCH)**

APPLICANT: Rosemary Medel, 241 S. Figueroa Street Suite 370, Los Angeles, CA 90012  
PROPERTY OWNER: David J. Nagel, Decron Properties Corporation, 6222 Wilshire Boulevard Suite 400, Los Angeles, CA 90048  
REQUEST: To establish a religious assembly use within a former movie theater along with an updated shared parking analysis. The proposed use includes an approximately 7,620 sq. ft. worship center, youth areas and classrooms, offices, and meeting areas.  
LOCATION: 7822 Warner Avenue, 92647 (southwest corner of Beach Blvd. and Warner Ave.)  
CITY CONTACT: Jessica Bui

Jessica Bui, 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. Bui noted that staff received several comments from various business owners and the Chief of Police supporting the proposed project.

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

**THE PUBLIC HEARING WAS OPENED.**

Rosemary Medel, applicant, thanked staff for the work on the proposed project. She noted that the parking study demonstrated that the parking exceeds the recommended total of spaces. She also stated that the proposed project would be beneficial to adjacent residences.

Bill Laser, resident, spoke in support of the proposed project. He stated that he believed the proposed project would have a positive impact on the community.

Mark Voyer, resident, spoke in support of the proposed project. He noted that the church has been a positive addition to the Oak View Community.

Rosemary Medel presented letters of support to the Zoning Administrator.

Julie Williams, Facility Director for Oak View School District, spoke in support of the proposed project. She stated that the Church has been a positive resource for the Oak View School District.

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

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

**CONDITIONAL USE PERMIT NO. 16-010 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 15301 of the CEQA Guidelines, because the project consists of a

minor alteration of an existing commercial building involving no expansion in the overall floor area of the structure.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-010:**

1. Conditional Use Permit No. 16-010 for the establishment of a religious assembly use within a former movie theater which includes a 7,620 sq. ft. worship center, youth areas and classrooms, offices, and meeting areas 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 assembly use is not anticipated to generate any significant noise, traffic, parking or other impacts detrimental to surrounding properties and is consistent with the subject property's zoning. The main entrance of the use will face Warner Avenue and the nearest residential structure is located to the rear of the building, approximately 140 ft. southwest of the subject building. As conditioned, the use will be conducted within the interior of the building with a limitation on both the hours of operation and business activities to prevent the use from exceeding established noise thresholds as defined by the City Noise Ordinance (Chapter 8.40 Noise Control). Based on an updated shared parking analysis, the proposed use will provide adequate parking as the proposed use will operate with divergent hours of operation with the existing office building.
2. The conditional use permit for the establishment of a religious assembly use within a former movie theater which includes a 7,620 sq. ft. worship center, youth areas and classrooms, offices, and meeting areas will be compatible with surrounding uses because the religious assembly use will be conducted entirely within the interior of the building. The facility will operate daily with the highest demand for parking occurring on the weekends and at times when the adjacent professional office business is closed.
3. The conditional use permit for the establishment of a religious assembly use within a former movie theater which includes a 7,620 sq. ft. worship center, youth areas and classrooms, offices, and meeting areas will comply with the provisions of the Neighborhood Center segment and other applicable provisions of SP 14, Beach and Edinger Corridors Specific Plan (BECSP). The BECSP allows for religious assembly uses in the Neighborhood Center segment, subject to approval of a conditional use permit. In addition, the conditional use permit will comply with the applicable development standards in the district in which it will be located, including minimum onsite parking based on the updated shared parking analysis.
4. The granting of Conditional Use Permit No. 16-010 for the establishment of a religious assembly use within a former movie theater which includes a 7,620 sq. ft. worship center, youth areas and classrooms, offices, and meeting areas will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use – Specific Plan Overlay – Design Overlay on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

Land Use Element

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

Policy LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

Policy LU13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

The proposed use provides for the establishment of a religious assembly use which supports the needs of the surrounding community. The divergent hours from the professional office onsite will ensure that adequate parking is provided to serve the proposed use within the existing commercial center, and requiring all activities to remain indoors will ensure that the use is compatible with adjacent uses.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-010:**

1. The site plan, floor plans, elevations, and the shared parking analysis received and dated February 24, 2016 shall be the approved parking required onsite and the conceptually approved design with the following modifications on the floor plan: accurately depict the total number of fixed seats of 750 in the worship center.
2. All activities shall be conducted entirely within the interior of the building. Outdoor activities shall be prohibited unless otherwise permitted by the City.
3. Hours of operation for assembly and group activities shall be consistent with the project narrative and shared parking analysis received and dated February 24, 2016.
4. Additional services that are not regularly scheduled, such as memorial services and weddings occurring during the weekdays, must be held after 3:00 PM and the church administration shall coordinate with the property owner prior to each additional service to ensure adequate parking spaces are available to accommodate the additional service.
5. CUP No. 16-010 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
6. Schedule 1 and Schedule II controlled substances as listed under US Drug Enforcement Administration shall not be kept, consumed, distributed, sold or otherwise used at this site or at this location, unless the site/location is a State Certified and State Regulated hospital with no fewer than 100 beds for patient care.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building

practices may include (but 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 16-023 (BANFIELD VETERINARY CLINIC)**

APPLICANT: Jeff Hammond, 2525 E. Burnside St., Portland, OR, 97214.  
PROPERTY OWNER: PK II Marina Village, LP, c/o Kimco Realty Corp., 1621-B S Melrose Dr., Vista, CA 92081  
REQUEST: To permit a 2,500 sq. ft. veterinary clinic with no outdoor facilities, boarding, or overnight care within an existing commercial shopping center.  
LOCATION: 5840 Edinger Avenue, Unit A, 92649 (near the southwest corner of Edinger Ave. and Springdale St.)  
CITY CONTACT: Joanna Cortez

Joanna Cortez, Assistant Planner, stated that the applicant had requested a continuance of the item to the August 3, 2016 meeting.

Ricky Ramos, Zoning Administrator, stated he would continue the item at the applicant's request.

**AS THERE WAS A REQUEST FOR CONTINUANCE, THE PUBLIC HEARING WAS NOT OPENED.**

**CONDITIONAL USE PERMIT 16-023 WAS CONTINUED TO THE AUGUST 3, 2016, MEETING.**

**THE MEETING WAS ADJOURNED AT 1:48 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 3, 2016, AT 1:30 P. M.**



Ricky Ramos  
Zoning Administrator

RR:EE:jd