

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

WEDNESDAY, JUNE 19, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jennifer Villasenor, Kristi Rojas, Ethan Edwards, Judy Demers
(recording secretary)

MINUTES: October 3, 2012
October 17, 2012
May 15, 2013
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: MITIGATED NEGATIVE DECLARATION NO. 11-012 (BEACH BOULEVARD AND WARNER AVENUE INTERSECTION IMPROVEMENTS):

APPLICANT: William Janusz, Principal Civil Engineer, Public Works Department, City of Huntington Be

PROPERTY OWNER: 92647;16990 & 8021 Warner Avenue: George Pearson, 16868 A Lane, Huntington Beach, CA 92647; 8071 Warner Avenue: Guillermo Galvez, 8071 Warner Avenue, Huntington Beach, CA 92647

BUSINESS OWNER: 16990 Beach Boulevard: George Pearson, 16868 A Lane, Huntington Beach, CA 92647; 8021 Warner Avenue: SNEH Corporation, 8031 Warner Avenue, Huntington Beach, CA 92647; 8071 Warner Avenue: Guillermo Galvez, 8071 Warner Avenue, Huntington Beach, CA 92647

REQUEST: Draft Mitigated Negative Declaration No. 11-012 analyzes the potential environmental impacts associated with the construction of a westbound right turn lane on Warner Avenue at the intersection of Beach Boulevard and associated improvements including a new five-foot wide sidewalk along the west side of A Lane for a length of approximately 150 feet. In addition, the project's scope of work includes clearing and grubbing, the construction of asphalt concrete roadway, striping, curb, gutter, sidewalk, landscaping and relocation of existing signage on the adjacent gas station parcel, reconstruction of driveways on the adjacent gas station and liquor store properties, removal of a defunct drainage inlet, relocation of irrigation lines on the auto repair property, and utility and traffic signal adjustment and relocation, including a fire hydrant and one utility pole. Above- and below-ground utilities within the right-of-way and on private property will be protected in-place or relocated during project construction. The proposed project would require right-of-way acquisition from adjacent privately owned commercial properties

to the north (16990 Beach Boulevard/APN:107-011-067; 8021 Warner Avenue/APN:107-100-068; 8071 Warner Avenue/APN:107-100-078). The acquisition of right-of-way along Warner Avenue varies in width from nine to 14 feet. Acquisition on the west side of A Lane would be three feet. Variances will be required to deviate from resulting development standards on the adjacent commercial properties that would be non-compliant as a result of the project's right-of-way acquisition. In addition, with Beach Boulevard being a state highway, the project will require review and approval by Caltrans

LOCATION:

Intersection of Beach Boulevard and Warner Avenue (north side of Warner Avenue from Beach Boulevard to 65 feet east of A Lane) including portions of the adjacent commercial properties to the north: 16990 Beach Boulevard, 8021 Warner Avenue, 8071 Warner Avenue, Huntington Beach, CA 92647; A Lane from Warner Avenue to approximately 150 feet north of Warner Avenue

PROJECT PLANNER:

Jennifer Villasenor

Jennifer Villasenor, Senior 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. Villasenor noted that staff had received two letters regarding the project. One letter was from CalTrans explaining their submittal requirements for encroachment permits and the letter also noted that the "Highway Capacity Manual" is the preferred methodology when evaluating a CalTrans intersection. The second letter received was from OCWD identifying an abandoned water well located at the site. She noted that the property owners of the gas station and liquor store inquiring of the time frame of the project as well as the types of improvements being proposed.

Ricky Ramos, Zoning Administrator, inquired with staff whether the hold harmless statement should be deleted, as it is not applicable since the City is the applicant. Ms. Villasenor stated that the statement would be deleted.

THE PUBLIC HEARING WAS OPENED.

William Janusz, applicant noted that he had no comments or concerns with staff recommendations.

Gary Meier, resident, questioned the decision to improve the sidewalk as the alley between A and B streets were in need of attention noting they are unpaved. Mr. Janusz explained that the project is a capacity issue and that it is being funded by the OCTA. A brief discussion took place the replacement of the sidewalk.

George Pearson, property owner, stated he is not opposed to the project. He is planning to make improvements to his properties located at the project site during the same time. He also noted that he would like to see improvements made to the unpaved alley as well.

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.

MITIGATED NEGATIVE DECLARATION NO. 11-012 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MITIGATION MEASURES. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION 11-012:

1. Mitigated Negative Declaration No. 11-012 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Mitigated Negative Declaration.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address potential construction impacts related to hazardous soils and cultural resources. Since the proposed project was included as part of the Circulation Element update for which Program EIR No. 09-001 was prepared and certified, the environmental analysis is tiered from Program EIR No. 09-001 and implementation of adopted mitigation measures related to cultural resources is incorporated. In addition, the majority of the project site is located within the Beach and Edinger Corridors Specific Plan (BECSP). The project is included in the traffic analysis of the BECSP Program EIR (EIR No. 08-008) and payment toward the project improvements is identified as a mitigation measure for development within the BECSP area. As such, applicable BECSP Program EIR mitigation measures addressing potential hazardous materials are incorporated into the project. Mitigation measures were generally designed to ensure that any unanticipated soil contamination, accidental release of hazardous materials and/or discovery of cultural resources prior to and during construction would be minimized through compliance with applicable laws and regulations.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment. The proposed project involves the construction of a westbound right turn lane on Warner Avenue at the intersection of Beach Boulevard and associated improvements including a new five-foot wide sidewalk along the west side of A Lane. The recently updated General Plan Circulation Element identifies intersection improvements that will be necessary to implement the City's Arterial Highway Plan, which is designed to accommodate anticipated long-term (Year 2030) growth in the City. The updated Circulation Element also revised acceptable Level of Service (LOS) standards for key intersections within the City. The intersection of Beach Boulevard and Warner Avenue is designated as a Principal Intersection with an acceptable LOS standard of "D" in the updated Circulation Element. The proposed project is identified as one of the intersection improvements necessary to ensure that recently revised Circulation Element policies establishing minimum LOS standards for the City's updated Arterial Highways Plan are met. Therefore, the project would improve the long-term performance of a Principal Intersection within the City. Although the project would require acquisition of right-of-way from three adjacent privately owned commercial properties, all potential adverse environmental impacts as a result of the

acquisition would be less than significant. Finally, all potential impacts resulting from construction of the project can be adequately mitigated.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the construction contract award, the City shall:
 - Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA). If contamination is found the report shall characterize the site according to the nature and extent of contamination that is present before development activities precede at that site.
 - If contamination is determined to be on site, the City, in accordance with appropriate regulatory agencies, shall determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or remediation is required, it shall be the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project.
 - If remediation is required as identified by the local oversight agency, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to final Public Works inspection.
 - Closure reports or other reports acceptable to the Huntington Beach Fire Department that document the successful completion of required remediation activities, if any, for contaminated soils, in accordance with City Specification 431-92, shall be submitted and approved by the Huntington Beach Fire Department prior to the issuance of grading permits for site development. No construction shall occur in the affected area until reports have been accepted by the City. **(BECSP Program EIR MM 4.6-1)**
2. In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area. **(BECSP Program EIR MM 4.6-2)**
3. Contractor specifications for street improvement projects involving excavation into native soils materials shall include a provision to retain a professional archaeologist to monitor that period of excavation, so that archaeological resources exposed during grading, if any, can be identified, evaluated and scientifically important information preserved. Archaeological monitors shall be equipped to recover resources as they are unearthed and to avoid construction delays. Monitors shall be empowered to temporarily halt or divert equipment to

allow removal of abundant or large specimens. Qualified archaeological personnel shall prepare recovered specimens to a point of identification and permanent preservation. Qualified archaeological personnel shall identify the nature and importance of the resource, and curate significant specimens into the collections of an appropriate, established, and accredited museum repository with permanent retrievable archaeological storage. The monitoring archaeologist shall submit a report to the Department of Planning and Building that documents findings and the disposition of any important archaeological materials that were recovered, prior to completion of the project. **(Program EIR No. 09-001 MM 4.3.A-1)**

4. Contractor specifications for street improvement projects involving excavation into native soils materials shall include a provision to retain a qualified paleontologist if resources are uncovered to monitor that period of excavation, so that resources exposed during grading can be identified, evaluated and scientifically important information preserved. Monitors shall be equipped to recover resources as they are unearthed and to avoid construction delays. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Qualified paleontological personnel shall prepare recovered specimens to a point of identification and permanent preservation. Qualified personnel shall identify the nature and importance of the resource, and curate significant specimens into the collections of an appropriate, established, and accredited museum repository with permanent retrievable paleontological storage. The paleontological monitor shall submit a report to the Department of Planning and Building that documents findings and the disposition of any important paleontological materials that were recovered, prior to completion of the project. **(Program EIR No. 09-001 MM 4.3.B-1)**

ITEM 2: CONDITIONAL USE PERMIT NO. 13-015 (RAMIREZ BLOCK WALL):

APPLICANT: Karen Kelley, P.O. Box 551, Fullerton, CA 92836
PROPERTY OWNER: Roman Ramirez, 214 Venice, Avenue, Huntington Beach, CA 92648
REQUEST: To permit the construction of a 6 ft. - 11in. front yard in lieu of the maximum height of 42 in. and a 1 ft. - 6 in. setback in lieu of 12 ft. within the front yard setback area.
LOCATION: 214 Venice Avenue, 92648 (north side of Venice Avenue, between Alabama Street and Huntington Street)
PROJECT PLANNER: Kristi Rojas

Kristi Rojas, Project 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, stated that he has no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Roman Ramirez, property owner spoke in support of the project. He stated that he is in a popular band and the wall helps to provide additional security.

Karen Kelley, applicant spoke in support of the proposed project. She noted that the wall establishes security which allows the property owner to enjoy the front area of his property and have security.

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. 13-015 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) 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 15303 of the CEQA Guidelines, because the project consists of construction of a small accessory structure (new wall/fence) on property developed with a single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-015:

1. Conditional Use Permit No. 13-015 for the construction of a 6'-11" high wall in lieu of the maximum allowed height of 42 in. and a 1'-6" ft. setback in lieu of 12 ft. within the front yard setback area, as modified by condition to reduce the height to 44 in. within the 12 ft. front yard setback area, 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. Reducing the height of the wall to 44 in. by removing the existing horizontally placed redwood board upper portion of the wall will bring the overall fence height closer to compliance with the code requirement of a maximum of 42 in., and allow for the existing solid stucco-finished lower portion of the wall to remain. The proposed wall is located on an interior lot and constructed at a height that will not pose any significant traffic, visibility, or other safety concerns. The proposed wall will not negatively impact the visual character of the neighborhood because of the overall design of materials and incorporation of a landscape planter in front of the wall to soften the appearance.
2. The conditional use permit as modified by condition to reduce the height to 44 inches within the 12-foot front yard setback will be compatible with other residential properties containing similar walls in the surrounding area in terms of setback and height. The design will be improved with a landscaped planter in front the wall that will visually soften its overall appearance and provide compatibility with the surrounding environment.
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 which allows walls to exceed the 42 in. maximum height within 3 ft. of the front property line in the RMH-A zone subject to approval of a Conditional Use Permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation RM-25-d (Residential Medium High Density – 25 du/ac—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

Objective LU 9.2: Provide for the preservation of existing residential neighborhoods.

Policy LU 16.1.1: Accommodate development of the City's neighborhoods, boulevards, and districts according to the Community Districts and Subarea Schedules, which requires (Subarea 3b) front yard setbacks to maintain the existing residential neighborhood character.

B. Urban Design Element

Policy UD 1.1.1: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The proposed wall as conditioned, will not change the residential character of the neighborhood, as there are other properties in the vicinity that have similar setbacks for similar permitted walls. The materials and design used to construct the proposed wall is attractive and will not negatively impact the neighborhood. Landscaping will be planted in front of the decorative wall within a 1 ft. - 6 in. deep planter which will help soften its overall appearance.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-015:

1. The site plan, floor plans, and elevations received and dated April 24, 2013 shall be the conceptually approved design with the following modification: The proposed wall and gate shall be reduced to 44 inches high within the 12 foot front setback.
2. Prior to issuance of a building permit for the remainder of the unpermitted wall at 44 inches high, the applicant shall submit revised plans pursuant to Condition No. 1 to the Planning Division for review, approval and inclusion in the file.
3. All landscaping within the front yard setback area shall be maintained in a neat and clean manner.
4. CUP No. 13-015 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 Division a minimum 30 days prior to the expiration date.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 13-005 (SAN CLEMENTE SINGLE FAMILY RESIDENCE)

APPLICANT: John Hamilton, Hamilton Architects, 12240 Venice Boulevard, Suite 25, Los Angeles, CA

PROPERTY OWNER: John & Patty Reilly, 16262 San Clemente Circle, Huntington Beach, CA 92649

REQUEST: To permit the demolition of an existing single-family residence and construct a new approximately 5,197 sq. ft. 2-story, single family residence within the appealable area of the Coastal Zone. The request includes a review and analysis for compliance with the Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 16262 San Clemente Circle, 92649 (southeast side of San Clemente Circle, Huntington Harbour)

PROJECT PLANNER: Ethan Edwards

Ethan Edwards, 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 that there is a non-conforming driveway. Mr. Edwards verified that there is an existing non-conforming driveway.

THE PUBLIC HEARING WAS OPENED.

John Hamilton, applicant, stated that she had no comments or concerns with staff's recommendations.

Dan Chueh, 16261 San Clemente Circle, stated that he opposed the proposed project citing his concern for the size of the proposed structure, potential property line disputes, and the loss of view.

Ruben Prestiado, 16252 San Clemente Circle, spoke in opposition to the proposed project citing concerns with the setbacks violations and potential encroachment onto his property.

A discussion took place regarding zero lot line requirements, setbacks, and the current property line locations.

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

Mr. Ramos stated that he understood the concerns of the adjacent property owners, however, the proposed project meets all of the necessary requirements, therefore based on the information provided, he would approve the request as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 13-005 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) 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 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-005:

1. Coastal Development Permit No. 13-005 for the demolition of an existing single-family residence and construction of an approximately 5,197 sq. ft. 2-story, single family residence conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density (RL). The project is consistent with Coastal Element Policy C 1.1.1 which encourages development within, or 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 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 complies with the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed residence will be constructed on a previously developed site in an urbanized area with all the necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed residence will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-005:

1. The site plan, floor plan, roof plan, and exterior elevation plans received and dated May 20, 2013, shall be the conceptually approved design.

2. 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 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 and Building Department.
3. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Planning, 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.
4. 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.
5. The final building permit cannot be approved 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 and Building 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.
6. CDP No. 13-005 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.
7. 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.
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 4: CONDITIONAL USE PERMIT NO. 12-091/ COASTAL DEVELOPMENT PERMIT NO. 13-007 (BARK CITY DOG DAYCARE FACILITY)

APPLICANT:	Bryson Berryman, 2120 Pacific Coast highway, Huntington beach, CA 92648
PROPERTY OWNER:	Daniel Brimlow, 1820 NW Carty Road, Ridgefield, WA 98642
REQUEST:	To permit the establishment of a dog daycare facility, including the placement and operation of two, 1-story modular structures totaling approximately 2,160 sq. ft. within the appealable area of the Coastal Zone.
LOCATION:	8451 Edison, 92646 (north side of Edison Drive, between Newland Street and Beach Maintenance Yard)
PROJECT PLANNER:	Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Edwards noted that staff had received nine letters supporting the proposed project.

Ricky Ramos stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Bryson Berryman, applicant, stated that he had no comments or concerns with the staff recommendations.

David Moss, representing the property owner gave a detailed overview of the proposed project.

Bob Corona, resident, spoke in support of the project. He noted the applicant is the perfect match for the project.

Mrs. Berryman, resident, spoke in support of the project noting it would be a great addition to the City,

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

Mr. Ramos stated that he did not have concerns with the land use aspect of the project; however, he noted he had concerns with the elevations of the proposed project. He stated that the proposed design did not meet the design guidelines which would prohibit him from making the findings to approve the project. He explained that the applicant could choose to proceed with the hearing and appeal to the Planning Commission or ask for a continuance and return with a modified design that would meet the design guidelines.

A lengthy discussion took place regarding the design guidelines, appeal process, and any potential issues that may further delay the process.

CONDITIONAL USE PERMIT NO. 12-091/ COASTAL DEVELOPMENT PERMIT NO. 13-007 WERE DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 13-007

1. Coastal Development Permit No. 13-007 for the establishment of a dog daycare facility, including the placement and operation of two, 1-story modular structures totaling approximately 2,160 sq. ft. does not conform with the General Plan. The proposed modular structures are inconsistent with the following General Plan policies:
 - a. Policy LU 12.1.4: Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and be compatible with existing uses.
 - b. Policy LU 12.1.5: Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses, considering the: a.) use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass and b.) architectural design treatment of all building elevations.

The proposed modular structures do not provide a high level of quality and visual interest in architectural design to complement the adjacent animal hospital and contribute to the improving neighborhood aesthetics.

2. The project is inconsistent with the Urban Design Guidelines that promote high quality and imaginative architecture. The proposed modular structures do not incorporate variations in form and roofline to create visual interest. They lack architectural elements and attractive colors and materials. They do not meet or exceed the standard of quality which has been set by new development in the area.

FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 12-091:

1. Conditional Use Permit No. 12-091 for the establishment of a dog daycare facility, including the placement and operation of two, 1-story modular structures totaling approximately 2,160 sq. ft. will be detrimental to the general welfare of persons working or residing in the vicinity

or detrimental to the value of the property and improvements in the neighborhood. The proposed modular structures do not conform to General Plan policies and Urban Design Guidelines that call for a high level of quality and distinctive character in architectural design to complement the adjacent animal hospital and contribute to the improving neighborhood aesthetics.

2. The proposed conditional use permit is inconsistent with the Urban Design Guidelines that promote high quality and imaginative architecture. The proposed modular structures do not incorporate variations in form and roofline to create visual interest. They lack architectural elements and attractive colors and materials. They do not meet or exceed the standard of quality which has been set by new development in the area.
3. The granting of the conditional use permit for the proposed animal boarding facility will adversely affect the General Plan. The proposed modular structures are inconsistent with the following policies of the General Plan:
 - a. Policy LU 12.1.4: Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and be compatible with existing uses.
 - b. Policy LU 12.1.5: Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses, considering the: a.) use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass and b.) architectural design treatment of all building elevations.

The proposed modular structures do not provide a high level of quality and visual interest in architectural design to complement the adjacent animal hospital and contribute to the improving neighborhood aesthetics.

THE MEETING WAS ADJOURNED AT 3:06 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JULY 3, 2013, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:jd