

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

WEDNESDAY, JUNE 4, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Andrew Gonzales, Rami Talleh, Judy Demers
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

**ITEM NO. 1: CONDITIONAL USE PERMIT NO. 2007-047 (RALPH'S RECYCLING CENTER –
CONTINUED FROM THE MAY 28, 2008 MEETING)**

APPLICANT: Robert Martinez, Sloan Vazquez, LLC
PROPERTY OWNER: Western Realty, 2760 E. Spring Street, Suite #200,
Long Beach, CA 90806
REQUEST: To permit the establishment of a portable recycling center as
an accessory use with an existing commercial shopping
center parking lot.
LOCATION: 10081 Adams Avenue, 92646 (northeast of Brookhurst Street
Adams Avenue- Beachmont Plaza)
PROJECT PLANNER: Jill Arabe

Ricky Ramos, Zoning Administrator, inquired if the information he requested at the May 28, 2008 meeting had been obtained.

Jill Arabe, Planning Aide, commented that she had made contact with the Police Department, as directed by the Zoning Administrator at the May 28, 2008, meeting. Ms. Arabe stated she was advised that the Police Department believed that the approval of the proposed recycling center may result in an increase in scavenging and transient traffic traversing through the residential community. Ms. Arabe also stated she received comments from the Building and Safety Department on the gate which had been discussed and was told that placing a lock on the gate was ADA compliant.

Ms. Arabe stated that she had received three phone calls since the May 28, 2008 meeting. All three calls were in opposition of the project. Two of the calls were from the same individual.

THE PUBLIC HEARING WAS OPENED.

Joe Sloan, the applicant's representative, described his position on the project. He stated that he believes there has been a negative misconception of the typical clientele that uses these types of facilities. He added that this project could be a positive benefit to the community.

Stacey Kraft, a resident of the community, spoke in opposition of the project. Ms. Kraft stated that unfortunately, there is a population of homeless individuals living close to the proposed project site. She remarked that prior to the new development of the location, there had been many problems with transients and expressed her concern that the number of transients living close by would increase with the addition of a recycling center. This would have a negative impact to the community which has many young families. Ms. Kraft also mentioned that the center is not necessary as there is currently a curbside recycling program in place.

John Riasanovsky, 10145 Disney Circle, commented that he is against the location of the proposed recycling center. He recently visited other recycling centers in the City of Huntington Beach. He presented photos of debris in the vicinity of the centers. He believes that the recycling center does not need to be at this location and should be moved.

Paul Haussler, 10178 Holburn Drive, mentioned that he researched AB 2020 governing recycling programs and believes his community is already located in a convenience zone and should be exempt from having a recycling center at the proposed location.

Bonnie Meakin, 10131 Disney Circle, spoke in opposition of the project. Ms. Meakin is concerned with increases to noise, transients, scavenging, and calls to the police.

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

Mr. Ramos stated that he was going to deny the application based on the findings made by staff, as well as the comments made by the Police Department. He believes that the location is not the right one for the recycling center.

CONDITIONAL USE PERMIT NO. 2007-047 WAS DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. STAFF STATED THAT THE ACTION CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 2007-047:

1. Conditional Use Permit No. 2007-047 for the establishment, maintenance and operation of a portable beverage-recycling center as an accessory use within an existing commercial shopping center 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 portable recycling center is proposed to be located at the northeast corner of the subject site behind the existing commercial buildings. The facility will increase operational and traffic-generated noise along the rear of the existing buildings during normal business hours of operation. The location of the proposed facility is approximately 100 feet from the adjacent residential district to the north and east of the subject site. The adjacent residential uses are not sufficiently buffered from potential noise impacts resulting from customer drop-off of recyclable materials and normal operation of

the facility. In addition, the facility also has the potential to create nuisance impacts to the surrounding area.

2. The conditional use permit will not be compatible with surrounding uses because the proposed use is an outdoor commercial facility within close proximity of residential uses. The recycling operations will occur and be oriented away from street frontages, which is inconsistent with the existing uses in the shopping center. In addition, the facility also has the potential to create nuisance impacts to the surrounding area.
3. The granting of the conditional use permit will adversely affect the General Plan. It is not consistent with the following goals and policies of the General Plan:

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.

N 1.3 Minimize the adverse impacts of traffic-generated noise on residential and other "noise sensitive" uses.

N 1.4 Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

The proposed recycling facility will not protect the abutting residential properties from potential noise impacts. The use will generate more vehicular and pedestrian traffic closer to residential properties. The operation of the recycling facility and pickup of storage containers will intensify the noise level. Other properties with similar recycling facilities provide operations in front of the building and away from residential properties.

**ITEM NO. 2: TEMPORARY USE PERMIT NO. 2008-003 (SAINTS SIMON AND JUDE
OUTDOOR CHURCH SERVICES)**

APPLICANT: Gil Michalek, 20444 Magnolia Street, Huntington Beach, CA 92646
REQUEST: To permit outdoor church services within a tent for a period of eight
(8) months from June 15, 2008, through January 31, 2009.
PROPERTY OWNER: Roman Catholic Bishop of Orange, 20444 Magnolia Street,
Huntington Beach, CA 92646
LOCATION: 20444 Magnolia Street, 92646 (northeast corner of Magnolia Street
and Indianapolis Avenue)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Gonzales stated that he received one comment from a resident in the area. The individual expressed concerns regarding an increase in noise.

THE PUBLIC HEARING WAS OPENED.

James Ayres, 20386 Flora, spoke in opposition of the project. He stated that he is concerned that allowing the tent will result in an increase in noise.

Roman Rothman, 9152 Browning Drive, stated that he is opposed to the proposal. He also believes that allowing this proposal will result in an increase in noise. He mentioned that in October of every year, the Church has a fundraiser which results in noise and traffic increases. He also mentioned that he did not receive a notification of the public hearing.

Karen Young, 9162 Browning Drive, mentioned that she is opposing the proposed project as she too, is concerned with an increase in noise. She also stated that the October event is very frustrating due to the increased noise and traffic. She inquired as to whether the church's gymnasium would be a better choice. She also stated that she did not receive notification of the public hearing.

John Blake, 9182 Browning Drive, spoke in opposition of the proposal citing his concerns that the project would result in increased noise. He said that he did not receive notice of the public hearing.

James Parker, applicant's representative, stated that he is aware of the concerns regarding noise. He explained that the October event is different than what is being requested at this time. He explained that there would not be any amplified music and that the Church is willing to take whatever steps necessary to have a sound wall that would keep the noise from traveling.

Ricky Ramos, Zoning Administrator, inquired as to whether the locations of the openings could be moved away from the area facing the residences.

Mr. Parker replied that relocating the openings is possible.

Mrs. Young asked if the gymnasium could be used during the construction.

Mr. Ramos inquired of the applicant if the gymnasium would be an option.

Mr. Parker explained that the gymnasium is not an option as it is used for the students attending school. He also noted that the building is not large enough to accommodate the number of parishioners.

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

Ricky Ramos, Zoning Administrator, indicated that he was going to approve the request with modifications to the conditions recommended by staff.

TEMPORARY USE PERMIT 2008-003 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 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having negligible or no permanent effects on the environment.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2008-003:

1. Temporary Use Permit No. 2008-003 to establish outdoor church services within a tent for a period of eight (8) months from July 13, 2008 through March 13, 2009 will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The use is temporary in nature, compatible with surrounding uses, and consistent with the following Land Use Policies:

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

LU 9.4.1 Accommodate the development of religious facilities and similar community-serving uses in all residential areas, provided that they are compatible with adjacent residential uses and subject to review and approval by the City and other appropriate agencies.

LU 13.1.2 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 the City review and approval.

Saints Simon and Jude Church is in the process of expanding their existing church building. The proposed outdoor church services will allow the church to continue regular worship services until construction activity is completed. The temporary use will not operate concurrently with existing church services or operations. The proposed services will not remove or require additional onsite parking.

2. Approval of the request to establish outdoor church services within a tent for a period of eight (8) months from July 13, 2008 through March 13, 2009 will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Church services will operate in a similar manner prior to the church expansion with exception of mass services provided within the outdoor tent during construction. As conditioned, potential adverse impacts associated with noise will be mitigated through the incorporation of sound walls which will be located adjacent to the tent walls closest to residences. Furthermore, the project will direct entrances/exits and the stage area away from adjoining residences so as not to impact adjacent residential uses.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2008-003:

1. The site and floor plan received and dated April 17, 2008 and Exhibit A received and dated May 22, 2008 shall be the conceptually approved layout with the following modification:
 - a. Revise Exhibit A received and dated May 22, 2008, to include an additional sound barrier along the east and west sides of the tent, as needed, to comply with the City's Noise Ordinance.
2. The use shall comply with the following:
 - a. The north and east openings of the tent shall be closed at all times.
 - b. One electronic piano and cantor shall be allowed. All other amplified or non-amplified music is prohibited. The aforementioned items shall not be directed towards any housing area.
 - c. Portable or theatrical lighting sets shall be positioned and aimed so that they do not shine towards or blind on-coming street traffic or adjoining residences.
 - d. The outdoor church services shall operate for a period of eight months from July 13, 2008, through March 13, 2009.
3. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing of any changes to the operations of the church services. 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 Huntington Beach Zoning and Subdivision Ordinance.
4. Only the uses described in the narrative dated April 17, 2008 shall be permitted.

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 2:17 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 11, 2008 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd