

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

WEDNESDAY, MARCH 5, 2014 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Kristi Rojas, Tess Nguyen, Hayden Beckman, Ethan Edwards,
Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 13-035 (FOUR SONS BREWING COMPANY)

APPLICANT: Gerard Duresne, 1506 Pacific Coast Highway, Huntington Beach,
CA 92648
PROPERTY OWNER: Chris Bates, 3501 Jamboree Road, Suite 100, Newport Beach,
CA 92660
REQUEST: To permit an approximately 415 sq. ft. beer tasting area (Type 23
ABC License) within a proposed micro-brewery/manufacturing
use.
LOCATION: 18421 Gothard Street, Suite 100 (west of Gothard Street,
between Ellis Avenue and Talbert Avenue)
CITY CONTACT: 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.

THE PUBLIC HEARING WAS OPENED.

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

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

Ms. Rojas inquired if the applicant could adjust the hours of operation in the future. Mr. Ramos inquired if the applicant knew the hours they may like to see changed in the future. Mr. Duresne commented that the hours would stay the same; however, they may want to open on Mondays, Tuesdays, and Wednesdays. Mr. Ramos stated that he would allow the additional days.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 13-035 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 involves no expansion in the overall floor area of an existing industrial building.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-035:

1. Conditional Use Permit No. 13-035 for the establishment, maintenance and operation of an approximately 415 sq. ft. beer tasting area (Type 23 ABC License) within a proposed micro-brewery/ manufacturing use 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 proposed use is not anticipated to generate noise, traffic, parking or other impacts detrimental to surrounding properties and inconsistent with the subject property's industrial zoning. The site is entirely surrounded by industrial uses and the nearest residential use is approximately 450 ft. to the south. The consumption of alcoholic beverages will be for sampling purposes only and be contained within a delineated tasting area inside the micro-brewery.
2. The conditional use permit will be compatible with surrounding uses because the onsite consumption of alcoholic beverages will be ancillary to a proposed micro-brewery/ manufacturing use and will occur entirely within the interior of an industrial building.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed micro-brewery/manufacturing use with beer tasting area conforms to applicable site development requirements including minimum setbacks, minimum landscaping, and minimum onsite parking. The onsite consumption of alcoholic beverages is permitted within the IG (Industrial General) zoning district with the 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 of Industrial 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 12.1: Provide for the continuation of existing and the development of additional industrial uses that capitalize upon the existing and emerging types of industries, offer opportunities for the clustering of key economic sectors, and maintain the character and quality of the City.

Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales areas for manufactures and photocopy stores), restaurants, financial institutions, and similar uses in areas designated on the Land Use Plan Map in accordance with Polity LU 7.1.1.

B. Economic Development Element

Objective ED 2.2.3: Promote Huntington Beach businesses to increase visibility and local patronage.

The proposed beer tasting will be ancillary and incidental to a proposed micro-brewery/manufacturing use. The proposed use will market its product to local residents and nearby businesses, thereby expanding business visibility and patronage. Based upon the operational conditions imposed, the beer tasting is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-035:

1. The site plan, floor plans, and elevations received and dated December 16, 2013 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a) The onsite service and consumption of alcoholic beverages shall be permitted between the following hours: Monday through Sunday 12:00 PM (noon) – 9:00 PM.
 - b) Dancing and live entertainment shall be prohibited without the approval of a Conditional Use Permit and Entertainment Permit. **(PD)**
 - c) All persons serving alcohol shall have previously attended LEADS alcohol safety training through the Alcohol Beverage Control (ABC). **(PD)**
 - d) The onsite service and consumption of alcoholic beverages shall be limited to the designated tasting area. All persons under 21 years of age are prohibited in the tasting area during tasting events. **(PD)**
 - e) A clearly legible sign shall be affixed inside the tasting area entrance stating "No open alcoholic beverages will be permitted outside the tasting area". **(PD)**
 - f) Serving sizes shall be limited to a maximum size of 16-ounce pints of beer (as defined by §23006 of the California Business and Professions Code). **(PD)**
 - g) There shall be no pitcher service of beer. **(PD)**
 - h) Only samples provided by the business shall be allowed. **(PD)**
 - i) The onsite service and consumption of alcoholic beverages shall be limited to the conditions contained in the Alcoholic Beverage Control Board (ABC) Type 23 License (Small Beer Manufacturer).
 - j) Prior to the service of alcoholic beverages, a copy of the ABC license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to
3. CUP No. 13-035 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 Department a minimum 30 days prior to the expiration date.

4. 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 Planning and Building 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.
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 2: SITE PLAN REVIEW NO. 13-005/ VARIANCE NO. 14-002 (BEACH PROMENADE BUILDINGS I AND F):

APPLICANT:	Bijan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648
PROPERTY OWNER:	Beach Promenade, 21190 Beach Boulevard, Huntington Beach, CA 92648
REQUEST:	SPR: To modify Building I by adding 9,870 sq. ft., adding a second story, and changing the uses; to modify Building F uses by changing 2,600 sq. ft. of the existing 5,260 sq. ft. of office use into medical office use; to permit three retail kiosks in plaza areas; and to permit the shifting of handicapped parking location in front of Building F VAR: To allow Building I to be setback 12 ft. in lieu of the maximum of 0 ft. to 5 ft. required.
LOCATION:	21000-21198 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue)
CITY CONTACT:	Tess Nguyen

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

THE PUBLIC HEARING WAS OPENED.

Bijan Sassounian, applicant, stated that he believes the parking requirements are too stringent. He noted that limiting the parking space will result in vacancies at the proposed project site.

Mr. Ramos verified that the applicant has no other comments or concerns with staff's recommendations. Mr. Ramos noted that the parking restrictions only apply if the building entrances are faced towards the residential areas.

Mike Adams, representing the applicant, noted that additional conditions appear to be code enforcement issues and should be addressed by enforcing the existing codes.

Jerry Muszynski, resident, cited concerns with traffic control and the potential for an accident.

Tim Shnook, resident stated that his main concern is the noise created from the center. He is not opposed to the project but would like a 10:00pm closing time.

Karl Zees, stated he is opposed to the project citing potential increases to traffic, noise, and potential negative impact to air quality. He noted that constructing a sound wall may help.

Jeannie Reed, resident, noted that she is opposed to allowing any of the tenants use the space for medical offices. She cited she was concerned with the potential number of patients throughout the day, lack of parking spaces, and a potential for fire hazards. Mr. Ramos explained that the medical offices are allowed and that the Fire Department reviewed the plans and did not have any concerns. He also noted that the number of parking spaces do meet the code requirements.

Resident, name not given, cited that she had concerns with the lack of parking spaces. She noted that the parking overflow is leading to a negative impact to the nearby residents.

A lengthy discussion took place regarding the amount of parking spaces and noise created within the center.

Mr. Ramos stated that he was comfortable with the conditions addressing the locations of the business entrances and limiting of delivery hours. A discussion took place regarding the entrance locations and delivery hours.

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 with minor changes to the findings for approval.

SITE PLAN REVIEW NO. 13-005/ VARIANCE NO. 14-002 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR CEQA:

The proposed project consists of the addition of 9,870 sq. ft., a second story, and changing the uses to Building I, changing 2,600 sq. ft. of the existing 5,260 sq. ft. allocated for office use into medical office use for Building F, permitting three retail kiosks in plaza areas, and shifting of the disabled parking area in front of Building F within the Neighborhood Center Segment of the Beach and Edinger Corridors Specific Plan (BECSP) area. The proposed project is covered by Final Environmental Impact Report (EIR No. 08-008), which was certified by the City of Huntington Beach on December 8, 2009. The proposed project is subject to compliance with the adopted mitigation measures contained in Final EIR No. 08-008. Staff has reviewed the proposed project and environmental assessment for compliance and has determined the project is consistent with the adopted mitigation measures contained in the Final EIR. Compliance with all applicable mitigation measures adopted with the Specific Plan will be required as a condition of approval of the project.

FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 13-005:

1. Site Plan Review No. 13-005 for the addition of 9,870 sq. ft., a second story, and changing the uses to Building I, changing 2,600 sq. ft. of the existing 5,260 sq. ft. allocated for office use into medical office use for Building F, permitting three retail kiosks in plaza areas, and shifting of the disabled parking area in front of Building F 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 development, with the recommended conditions of approval, incorporates architectural and design elements that provide maximum compatibility of design with the existing and anticipated development in the vicinity of the project site, supports the existing residential development surrounding the site, and promotes the image of the Huntington Beach envisioned within the Beach and Edinger Corridors Specific Plan (BECSP). The proposed structure features enhanced building materials and colors, building recesses, and variation in massing composition. The project's conformance to the Beach and Edinger Corridors Specific Plan further ensures that the form, height, and architectural design convey an overall high level of quality.
2. The proposed project will not adversely affect the Circulation Plan of the BECSP. The project will maintain vehicular access to the site along Beach Boulevard. To improve pedestrian access to the shopping center, new landscaping and pedestrian amenities (tables, chairs, umbrellas, enhanced landscaping) will be provided next to Building I along Beach Boulevard. No additional street improvements are required to improve capacity/efficiency of intersection operations; however, the project will pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.
3. The proposed development will comply with the applicable provisions of the Beach and Edinger Corridors Specific Plan development code as specified in the Neighborhood Center segment with the exception of a Variance being processed concurrently to increase the front setback. In addition, the project meets all applicable provisions of Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project complies with the development standards in terms of building height, building length and orientation, minimum onsite parking, landscaping, and public open space. The project also ensures that the form and architectural design convey an overall high level of quality materials consistent with the vision of the Specific Plan.
4. The granting of the site plan review 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 goals, policies, and objectives of the General Plan:

A. Air Quality Element

Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

B. Circulation Element

Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

Goal CE 2.3.4: Require new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

C. Economic Development Element

Goal ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

D. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

Goal LU 10: Achieve the development of a range of commercial uses.

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local

residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

E. Urban Design Element

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

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

F. Utilities Element

Objective U 1.2: Ensure that existing development, redevelopment, and new development does not degrade the City's surface waters and groundwater basins.

Objective U 1.3: Minimize water consumption rates through site design, use of efficient systems, proper maintenance, and other techniques.

Policy U. 1.3.2: Continue to require the incorporation of water conservation features in the design of all new and existing uses, such as use of native plants, low flow toilets, and water efficient appliances.

The project would provide an urban infill commercial development that enhances economic development and allows for more efficient use of land resources. The area has a variety of complementary uses that are critical to any vibrant community such as regional commercial uses, employment centers, and residential projects. Because of its location, the site would be appropriate in accommodating an infill development that supports the mix of uses surrounding the project site. The project would provide additional opportunities for residents seeking to be within walking distance of commercial services, thus reducing dependency on their automobiles. The proposed project would serve the needs of local residents, surrounding region, and visitors to the City.

The proposed project incorporates architectural and design principles to provide a pedestrian-oriented scale and ensure maximum design compatibility with existing and proposed developments within the surrounding area. The structure on the project site utilizes high quality exterior materials and a variety of building composition through the use of enhanced colors, materials, recesses and projections. The project complies with the development standards and design guidelines of the BECSP, which ensure that form, height, and treatment convey an overall high level of quality.

The project is designed to minimize consumption of natural resources through implementation of sustainability features such as "green" building methods and materials available for construction, windows, paint, light fixtures, HVAC systems, and water efficient irrigation system. The project would comply with the BECSP and other City codes to reduce water consumption and stormwater runoff. A preliminary Water Quality Management Plan (WQMP) has been reviewed by Public Works staff. A final WQMP is required to be submitted for review and approval prior to grading permit issuance. Finally, the project will incorporate sustainable site development strategies, utilize water savings features, and emphasize recycling of resources and materials through design features and community policies.

FINDINGS FOR APPROVAL - VARIANCE NO. 14-002:

1. The granting of Variance No. 14-002 to allow Building I to be setback 12 ft. in lieu of the maximum of 0 ft. to 5 ft. required to accommodate an existing storm drain will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification due to the special circumstances identified. The project involves the addition of 9,870 sq. ft., addition of a second story, and changing the uses of Building I at an existing shopping center. The majority of the shopping center was developed under the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) prior to the implementation of the Beach and Edinger Corridors Specific Plan (BECSP). The buildings fronting Beach Boulevard within the shopping center, including Building I, were approved to have front setbacks more than 5 ft. from the front property line. In addition, some of the existing utilities, including the storm drains, are located between the buildings and the streets. The requested additional setback for the proposed building is necessary to provide project-required infrastructure improvements. Approval of the requested deviation will not constitute a grant of special privilege as the variance will allow the development of a commercial building that complements other buildings in the shopping center.
2. Because of special circumstances applicable to the subject property, including location and surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The project frontage was part of the former Caltrans right-of-way which included storm drain improvements and other utilities. With the majority of the shopping center developed under the HBZSO prior to the implementation of the BECSP, buildings fronting Beach Boulevard within the shopping center were approved to have front setbacks more than 5 ft. from the front property line. The proposed building is requesting to be setback 12 ft. from the front property line in order to accommodate the existing storm drain. Because of the location of the existing storm drain, the building would not be able to comply with the front setback. Granting the deviation in front yard setback allows the subject property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to allow the proposed project to be developed with a commercial building, a service use to support the mix of uses surrounding the project site. The expanded setback area will be designed with enhanced paving and landscaping materials to connect the building to the street edge in accordance to the BECSP. Granting the requested variance will not affect the overall visual character and scale of the proposed development onsite in the context of the surrounding area. The subject site is able to enjoy the right to develop the site in accordance with the Neighborhood Center Segment of the Beach and Edinger Corridors Specific Plan.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a commercial building will not be materially detrimental to the public welfare because the proposed buildings are designed to be consistent with the scale and character of the surrounding area. The proposed two-story structure would be consistent with the established development pattern in the vicinity. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay) on the subject property.

CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 13-005/ VARIANCE 14-002:

1. The site plan, floor plans and elevations received and dated December 18, 2013 shall be the conceptually approved design with the following modifications:
 - a. A planter area shall be installed for the parking area east of Building I, adjacent to the accessible path of travel from Building F to Building I and mirror the planter area on the other side of the path of travel. **(BECSP Section 2.7.3)**
 - b. Driveways shall be setback a minimum of five feet from adjoining properties. **(BECSP Section 2.7.3)**
 - c. Parking lots shall be buffered from adjacent development with moderate screening (see Section 2.6.9). One (1) tree per thirty (30) linear feet of property line shall be spaced regularly along the applicable property line. One (1) shrub per five (5) linear feet of frontage shall be spaced regularly. **(BECSP Section 2.7.3)**
 - d. Parking lots shall be designed with convenient, safe, and efficient pedestrian circulation routes to buildings, main building entrances and sidewalks. These routes shall be designed to include sidewalks and walkways with a minimum five foot width. **(BECSP Section 2.7.3)**
2. The project shall comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.
3. The Design Review Board shall review and approve the design of the retail carts for architectural compatibility with existing structures.
4. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties 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 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.
5. Prior to issuance of a precise grading permit, an interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The property owner/developer shall obtain any necessary encroachment permits from the Department of Public Works.
6. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, approval, and inclusion in the entitlement file, to the Planning Division.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of 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.

- c. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Division for addressing purposes after street name approval by the Fire Department.
7. Prior to issuance of building permits, an "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
8. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following have been completed:
 - a. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning and Building Department.
 - b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - 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.
 - d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.
9. The use shall comply with the following:
 - a. Truck deliveries to all businesses for Buildings F and I shall be limited to between the hours of 7:00 am to 10:00 pm, Monday through Friday, and 9:00 am to 10:00 pm, Saturday and Sunday.
 - b. Businesses that have main entrances facing the south side of Building I (adjacent to residential uses) shall close by 10:00 pm unless amended by a Site Plan Review with a public hearing.
 - c. The existing signs, "Quiet Zone Residential Area", along the easterly property line shall be maintained.
 - d. All delivery trucks to the rear of the buildings along the eastern property line shall turn off engines while parked and unloading.
 - e. The project shall comply with the City of Huntington Beach Noise Ordinance HBMC 8.40.060 at all times.
 - f. Areas behind businesses shall be kept free of storage items/debris. Recycled materials shall be stored in designated areas and shall be removed on a weekly or less than weekly basis.
 - g. RV parking on-site shall be limited to a maximum of four hours. All parking lot entrances shall be posted with signage regarding RV parking. Check with Parking Control for posting and sign dimensions. Suggested wording could be:

RV 4 hour parking only
Violators will be towed
At vehicle owner's expense
Authority Section 22658(A) CVC
HBPD 714-960-8811

10. Signage shall be reviewed under separate permits and applicable processing.
11. 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 Planning and Building 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.
12. The developer or developer's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
13. Site Plan Review No. 13-005 and Variance No. 14-002 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 Department a minimum 30 days prior to the expiration date.
14. 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 property owner/developer 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 property owner/developer of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: TEMPORARY USE PERMIT NO. 13-007 (HOME DEPOT OUTDOOR SPRING SALES EVENT):

APPLICANT: Alan Losee, Home Depot, 19101 Magnolia Street, Huntington Beach, CA 92647
PROPERTY OWNER: Anthony Ka Wah Chin, Fong Seng Trust, 17421 E. Gale Avenue, Unit B, City of Industry, CA 91748
REQUEST: Request to allow a maximum 50-day temporary outdoor retail sales event located within an existing parking lot adjacent to the Home Depot retail center for a five year period (2014-2018).
LOCATION: 19101 Magnolia Street (southwest corner at Garfield Avenue)
CITY CONTACT: Hayden Beckman

Hayden Beckman, 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. Mr. Beckman noted that he received three phone calls and one email regarding the proposed project. The comments varied. Two of the phone calls were to clarify the location of the event. The last phone call and email were regarding concern for potential negative noise impacts.

Ricky Ramos, Zoning Administrator, verified the proposed times with staff and inquired if the hours would be included in the Conditions. Mr. Beckman stated that he would include the permitted hours with the suggested Conditions.

THE PUBLIC HEARING WAS OPENED.

Alan Losee, applicant, clarified the details of the proposed event. He stated that he had no comments or concerns with staff's recommendations.

Kathy Klingenberg spoke in opposition of the proposed event citing concerns with the potential increase in traffic, noise impacts, delivery times, and delivery locations. Mr. Ramos noted the hours of the event are limited. A lengthy discussion took place regarding the details of the proposed event, clarifying the tools that will be used and the types of products sold.

Glen Yueng inquired if the same event was permitted last year. Mr. Beckman explained that this is the first year that the permit is being requested. Mr. Yueng, stated that he is opposed to the event due to potential negative impacts to noise, traffic, and parking. A discussion took place regarding the parking areas within the Home Depot center.

Gil Hernandez stated that he is opposed to the project citing concerns with the potential for increase in traffic, noise, and lighting. Mr. Ramos noted that the applicant is not requesting additional lighting as the event will be permitted during daylight hours.

A brief discussion took place regarding the delivery locations.

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 with the additional conditions reinforcing the Conditional Use Permit granted in 2004, the recommended hours, no additional lighting, and prohibiting the use of chain saws.

TEMPORARY USE PERMIT NO. 13-007 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 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. 13-007:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the following goals, policies and objectives of the General Plan and the provisions of the Huntington Beach Zoning and Subdivision Ordinance Chapter 241:

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 10: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed temporary use will increase the diversity of land uses on the site by providing expanded retail sales on the site of an existing building material and home goods retail store. The proposed outdoor retail area is sited to maintain adequate clearance for pedestrian circulation and visibility while minimizing potential conflicts with on-site vehicular circulation. The proposed temporary use allows Home Depot to promote seasonal retail items on a temporary basis, which in turn helps to sustain the economic vitality and promote pedestrian activity within the Commercial General district.

2. Approval of the application for the proposed temporary use, as conditioned, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed outdoor retail sales event will occur within the existing parking lot adjacent to the existing storefront and will be sited to prevent interference with the on-site pedestrian and vehicular circulation. In addition, the temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 13-007:

1. The site plan received and dated November 11, 2013 shall be the conceptually approved design with the following modifications:
 - a. Note on the plans the linear dimension between both the loading zone area and the fenced product display area and the westerly property line.
 - b. Remove the words "Christmas Tree Lot" from the site plan.
2. Within 30 days of the Zoning Administrator's approval, three copies of a site plan, revised in accordance with Condition of Approval No. 1 shall be submitted to the Planning Division for approval and inclusion in the project file.
3. A minimum of 10 days prior to commencement of the temporary use each year, a schedule (dates) for temporary sales events scheduled to occur in that year shall be submitted to the Planning and Building Department for review and approval. The schedule shall include the anticipated hours of operation and staffing levels.
4. The Temporary Use Permit shall permit outdoor sales/display events subject to the following:
 - a. 5 years maximum per permit (2014-2018);
 - b. 50 days maximum per calendar year.
5. The use shall comply with the following:
 - a. Fire Department Permits may be required for the use of tents, canopies or membrane structures. For Fire Department approval, reference and demonstrate compliance with City Specification #432 – *Standards for Tents, Canopies, and Membrane Structures* on the plans. **(FD)**
 - b. Provide and maintain Fire Department access in accordance with City Specification #401. **(FD)**
 - c. A 4 ft. wide clearance shall be maintained around all merchandise displays.
 - d. All required exists and access points shall be maintained clear and free of obstructions. The minimum required access width shall be 48 inches. **(BS)**
 - e. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - f. All displays associated with outdoor sales events shall be maintained in an orderly uncluttered and aesthetically pleasing condition.
 - g. No sign(s) shall be posted outside of the designated display area.
 - h. The temporary outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way shall be prohibited.
 - i. All conditions of Conditional Use Permit No. 2004-056 shall remain in effect.
 - j. Hours of operation for the outdoor retail sales event shall be 7AM to 7PM Monday through Friday and 8AM to 7PM Saturday and Sunday.
 - k. No additional exterior lights shall be installed for any event permitted herein.
 - l. The use of chainsaws or other mechanized machinery creating noise with the potential to impact adjacent residences shall be prohibited.

6. The Director of Planning & Building ensures that all conditions of approval herein are complied with. The Director of Planning & Building shall be notified in writing of any changes to the event. 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.
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. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the outdoor retail sales activity may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning & Building.
9. 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 Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. 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 4: COASTAL DEVELOPMENT PERMIT NO. 14-001/ ADMINISTRATIVE PERMIT NO. 14-001 (HANNA LIVE/WORK):

APPLICANT:	Michael Adams, PO Box 382, Huntington Beach, CA 92648
PROPERTY OWNER:	Isam and Inas Hanna, PO Box 17304, Anaheim Hills, CA 92817
REQUEST:	To permit an approximately 3,000 sq. ft. 1-unit live/work building consisting of 300 sq. ft. office/commercial and 2,700 sq. ft. residential within the appealable area of the coastal zone.
LOCATION:	716 Pacific Coast Highway, 92648 (north side of PCH, east of 8 th Street)
CITY CONTACT:	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 the parking requirements for each proposed use had been met. Staff verified that the required parking spaces can be met. Mr. Ramos also verified that the setbacks for the upper stories comply with the code requirements. Staff verified that the setbacks on the upper stories would be in compliance.

THE PUBLIC HEARING WAS OPENED.

Michael Adams, applicant, stated that he had no comments or concerns with staff recommendations. He gave a brief overview of the upper stories setback requirements.

Sam Hanna verified that the building permit needed to be finalized prior to occupancy.

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

Mr. Ramos stated that he would approve the item and will add a condition that staff will review the plans for compliance with the upper story setback requirements.

COASTAL DEVELOPMENT PERMIT NO. 14-001/ ADMINISTRATIVE PERMIT NO. 14-001 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 the construction of one live/work unit within a mixed-use zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-001:

1. Coastal Development Permit No. 14-001 to permit an approximately 3,000 sq. ft. 1-unit live/work building consisting of 300 sq. ft. office/commercial area and 2,700 sq. ft. residential area conforms to the General Plan, including the Local Coastal Program land use designation of Downtown Specific Plan. 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 previously developed site, contiguous to existing residential and commercial developments.
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, maximum unit size, minimum and maximum non-residential area, and maximum building height requirements. The Downtown Specific Plan permits the development of a live/work unit with approval of an administrative permit. As such, the applicant is seeking approval of an administrative permit in conjunction with a coastal development permit.
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 live/work unit 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 conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed live/work unit will not impede public access, recreation, or views to coastal resources.

FINDING FOR APPROVAL – ADMINISTRATIVE PERMIT NO. 14-001:

1. Administrative Permit No. 14-001 to permit an approximately 3,000 sq. ft. 1-unit live/work building consisting of 300 sq. ft. office/commercial area and 2,700 sq. ft. residential 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. The project complies with the minimum onsite parking, minimum building setbacks, maximum lot coverage, maximum unit size, minimum and maximum non-residential area, and maximum building height requirements. The proposed live/work unit is designed similarly to existing single-family residences in the neighborhood and is compatible with the district's mix of commercial and residential uses.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-001 /ADMINISTRATIVE PERMIT NO. 14-001:

1. The site plan, floor plans, and elevations received and dated February 25, 2014 shall be the conceptually approved design with the following modifications:
 - a. The darker toned stucco (base treatment) shall be incorporated onto the rear elevation. **(DRB)**
 - b. The rooftop mechanical room shall be offset to the extent possible to provide a break in the vertical plane of the south and north elevations. **(DRB)**
 - c. Staff shall review the upper story setback requirement for compliance with Downtown Specific Plan Section 3.3.1.9.
2. The non-residential area shall remain exclusive to the first floor only.
3. Signage shall be reviewed under separate permits and applicable processing.
4. 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.
5. Prior to submittal for building permits, 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.
6. 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.
7. The final building permit cannot be approved until the following has 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.
8. The developer or developer's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
9. CDP No. 14-001 and AP No. 14-001 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.
10. 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 Planning and Building 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.
11. 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.

THE MEETING WAS ADJOURNED AT 3:10 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MARCH 19, 2014, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:jd