

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

WEDNESDAY, MAY 15, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

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

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: TENTATIVE PARCEL MAP NO. 2013-111 (DAVIDE SUBDIVISION)

APPLICANT: Dewey Davide, P.O. Box 911, Huntington Beach, CA 92648
PROPERTY OWNER: Guss Investment Group, LLC, 419 Main Street, Suite 240, Huntington Beach, CA 92648
REQUEST: To permit the subdivision of an existing 50 ft. wide, 5,875 sq. ft. parcel into two 25 ft. wide, approximately 2,937.5 sq. ft. lots for residential purposes.
LOCATION: 520 13th Street, 92648 (east side of 13th Street, south of Acacia Avenue and north of Pecan)
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. She also noted that the Entitlement number was incorrect and provided the new number.

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

THE PUBLIC HEARING WAS OPENED.

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

Robert Nigro, resident, verified with staff that the proposed project, if approved would be required to meet the current setback regulations. Mr. Ramos verified the proposed project would be required to meet the current setback regulations.

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.

TENTATIVE PARCEL MAP NO. 2013-111 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 15315 of the CEQA Guidelines, because the project consists of the creation of less than four (4) parcels in conformance with the General Plan and Zoning requirements.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2013-111:

1. Tentative Parcel Map No. 2013-111 for the subdivision of a 50 ft. wide, 5,875 sq. ft. lot into two 25 ft. wide, 2,937.5 sq. ft. lots is consistent with the General Plan Land Use designation of RMH-25-d (Residential Medium High Density – 25 du/ac max – design overlay) on the subject property. The proposed subdivision complies with all applicable code provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
2. The site is physically suitable for the type and density of development. The proposed two-lot subdivision will comply with all applicable code provisions of the HBZSO including the minimum parcel size of 2,500 sq. ft. as required by RMH-A (Residential Medium High Density – Small Lot Subdistrict) zoning district. The site is located in a residential area, is regular in shape, and has no unique topographical or other constraints for development.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site is currently developed with one residential unit and does not contain wildlife or habitat.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. Vehicular access will be along the rear property line abutting the alley when new residential units are constructed. An easement for alley widening will be dedicated to the City as a part of this proposed tentative parcel map.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2013-111:

1. The Tentative Parcel Map No. 2013-111 for the subdivision of a 50 ft. wide, 5,875 sq. ft. lot into two 25 ft. wide, 2,937.5 sq. ft. lots received and dated March 14, 2013 shall be the approved layout.
2. Prior to recordation of the final map, building permits shall be obtained and finalized for demolition of the existing structures.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: CONDITIONAL USE PERMIT NO. 13-005 (DOGGY DAY FACILITY)

APPLICANT: Jerauld Clarke, 27389 Paseo Placentia, San Juan Capistrano, CA 92660
PROPERTY OWNER: Yvette Solomon, 1712 Highland Drive, Newport Beach, CA 92660
REQUEST: To permit the establishment of a 1,228 sq. ft. dog daycare facility within an existing historic structure and to allow a 6 ft. high wood fence in lieu of a maximum height of 42 in. permitted within the front yard setback area.
LOCATION: 17052 Gothard Street, 92647 (east side of Gothard Street, between Warner Avenue and Cain Drive)
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 verified with staff the location of the proposed fence.

THE PUBLIC HEARING WAS OPENED.

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

Ken Williams, representing the adjacent church, stated that he did not oppose the project; however, he cited concerns with potential increase in noise, odors, and disruption to church services.

Mr. Ramos explained that the property is located in an industrial zone and meets the City's requirements for the proposed project. He noted that there is a City ordinance which addresses noise issues.

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. 13-005 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) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, because the project consists of the operation and minor alteration of an existing non-conforming structure involving no expansion in the overall floor area of the structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-005:

1. Conditional Use Permit No. 13-005 for the establishment, maintenance and operation of a 1,228 sq. ft. dog daycare facility within an existing non-conforming structure and to allow a 6 ft. high wood fence at a 10 ft. front setback in lieu of a maximum height of 42 in. permitted within the 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. The proposed use will not generate traffic or other impacts detrimental to surrounding properties and inconsistent with the adjacent property's industrial zoning. The project site is approximately 350 ft. southeast from the nearest residential use, which provides an adequate buffer from potential negative impacts associated with the use. A proposed 10 ft. landscape planter along Gothard Street will soften the appearance of the fence.
2. The conditional use permit will be compatible with surrounding uses because the animal boarding facility will be located within a primarily industrial use neighborhood containing manufacturing and contractor storage yards. The majority of the use will be conducted within an enclosed building with occasional outdoor playtime. The use is required to comply with the City's Noise Ordinance (Municipal Code Chapter 8.40). The proposed 6 ft. high fence within the front yard setback area will be compatible with the surrounding uses because it will be screened by a 10 ft. landscape planter and there are other properties in the vicinity that have fences and walls that exceed the maximum height. The proposed use will not detrimentally impact the surrounding uses; and will be consistent and compatible with the nearby neighborhood.
3. The proposed conditional use permit will comply with the provisions of the base district, other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, and any specific condition required for the proposed use in the district in which it would be located. Animal boarding facilities are permitted in the IG (Industrial General) zone, subject to the approval of a conditional use permit. The project is located within an existing non-conforming building and will not alter the existing setbacks or overall height of the structure.

The proposed 6 ft. high fence within the front yard setback complies 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 fences to deviate from the maximum height requirements as prescribed by Section 230.88 subject to approval of a Conditional Use Permit.

4. The granting of the conditional use permit for the proposed use and 6 ft. high fence within the front yard setback 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. Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding sub region, and generate revenues for the City.
 - b. 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 area for manufacturers and photocopy stores), restaurants, financial institutions, and similar uses consistent with the Land Use and Density Schedules in the General Plan.

The conditional use permit will accommodate a new business by allowing the establishment of an animal boarding facility and to allow them to maximize the use of the parcel by permitting the proposed 6 ft. high fence within the front yard at a 10 ft. setback. The proposed use will provide new job opportunities for existing and future residents, including those located within the surrounding region. The proposed use will be located within an existing non-conforming building, which is surrounded by industrial uses that is consistent with the Land Use and Density Schedules in the General Plan.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-005:

1. The site plan, floor plans, and elevations received and dated April 3, 2013 shall be the conceptually approved design.
2. A Certificate of Occupancy shall not be issued until building permits have been obtained for any non-permitted structures on the site.
3. CUP 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 Division a minimum 30 days prior to the expiration date.
4. Prior to issuance of building permits, the Planning Division shall verify compliance of any exterior modifications with the Secretary of Interior Standards such as painting, replacement of windows, and replacement of siding, etc.
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. 12-017/ CONDITIONAL USE PERMIT NO. 12-017 (SEA HARBOUR COMMUNITY GATES)

APPLICANT: Don Maisel, President of Sea Harbour HOA, 17082 Bluewater Lane, Huntington Beach, CA 92867
PROPERTY OWNER: Sea Harbour HOA, c/o Team Property Management, 1588 North Batavia, Suite 2, Orange, CA 92867
REQUEST: To permit the installation and operation of two automatic sliding privacy gates and associated fencing with pilasters at a maximum height of 9 ft. in lieu of maximum height of 42 in. permitted within the front yard setback area for two existing driveways into the Sea Harbour Homeowners Association areas. The request includes accessibility improvements including two gates for pedestrian access.
LOCATION: 16991 Bluewater Lane, 92649 (east and west side of the intersection of Bluewater Lane and Coral Cay Lane)
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate Planner, stated that the applicant had requested a continuance of the item to a date uncertain

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

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

COASTAL DEVELOPMENT PERMIT NO. 12-017/ CONDITIONAL USE PERMIT NO. 12-017 WAS CONTINUED TO A DATE UNCERTAIN.

THE MEETING WAS ADJOURNED AT 1:54 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 5, 2013, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:jd