

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

WEDNESDAY, NOVEMBER 7, 2012 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

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

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 12-23 (KIA TEMPORARY VEHICLE STORAGE)

APPLICANT: Bradley Wolf, Car Pros Automotive Group
PROPERTY OWNER: Mountainview Properties, 18851 Stewart Street, Huntington
Beach, CA 92648
REQUEST: To permit a temporary parking lot for the storage of new cars on
an unimproved lot secured with a 6 ft. high chain-link fence along
the perimeter of the site for a period of three years.
LOCATION: 19070 Holly Street, 92648 (bounded by Holly Street, Main Street,
and Garfield Avenue)
PROJECT PLANNER: 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.

Ms. Nguyen noted that staff had received one email in opposition of the project, citing concerns with the potential increase in crime, auto theft, and the negative visual impact. Mr. Ramos inquired if the Police Department had reviewed the email and had comments or concerns. Ms. Nguyen stated that the Police Department did review the email and had no issues with the proposed project.

THE PUBLIC HEARING WAS OPENED.

Shirley Jones, representing the applicant, stated that she 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.

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

CONDITIONAL USE PERMIT NO. 12-23 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. The temporary parking lot is proposed for a period of up to three years and will not alter the condition of land and will not involve the removal of healthy, mature scenic trees. No grading or excavation is proposed. Furthermore, there are no sensitive resources that will be removed or impacted.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-23:

1. Conditional Use Permit No. 12-23 for a temporary parking lot for the storage of new cars on a 1.78-acre unimproved site secured with a 6 ft. high perimeter chain-link fence for a period of three years in association with the remodel of the Kia dealership 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. Main Street, Garfield Avenue, and Holly Lane bound the proposed temporary parking lot and provide an adequate buffer for the adjacent residential uses. The site will be accessed off of Holly Lane, a local street. Thus, vehicular traffic on Garfield Avenue and Main Street will not be obstructed by vehicles entering and exiting the site. The site will only be accessed during the hours of operation of the dealership, which are between 8:00 AM and 9:00 PM seven days a week. The proposed use will not generate noise, traffic, light or other impacts at levels inconsistent with the commercial zoning applicable to the subject property and surrounding residential areas.
2. The conditional use permit will be compatible with surrounding uses because the temporary parking lot is a short-term use on an undeveloped parcel of land where no physical alterations to the existing conditions of the site are proposed. Other similar parking facilities can be found on surrounding properties. The lot will be utilized for parking/storage purposes only. No truck deliveries, customer pick-up, or vehicular repair, sales, washing or other uses incompatible with the surrounding residential neighborhood are proposed.
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 (HBZSO) and the Holly-Seacliff Specific Plan. The proposed temporary parking lot complies with the applicable development standards such as paving surface, boundary fencing, and aisle widths. The HBZSO permits the establishment of temporary parking lots with approval of a conditional use permit for a period of up to five years.
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 CN-F1 (Neighborhood Commercial – 0.35 maximum Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal 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.

B. Economic Development Element

Policy ED 1.1.1: Maintain and expand economic and business development programs that encourage and stimulate business opportunities with the City.

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 interim parking lot will facilitate the remodel of an existing car dealership located on Beach Boulevard by providing for a short-term storage area of vehicle inventory during construction. The proposed use will allow the car dealership to remain open to the public during construction.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-23:

1. The site plan received and dated September 5, 2012 shall be the conceptually approved design.
2. Only the uses described in the narrative received and dated September 5, 2012 shall be permitted, including the following:
 - a. The site shall only be accessed between the hours of 8:00 AM and 9:00 PM, seven days a week.
 - b. Primary access to the site shall be from Holly Lane only.
 - c. The site shall discontinue operation as a temporary parking lot three years from the commencement of this use.
 - d. No truck deliveries, customer pick-up, or vehicular repair, sales, washing or other uses shall be allowed.
3. The existing boundary fence shall be properly maintained and repaired when necessary.
4. A fabric barrier shall be installed on the existing chain-link fence along the perimeter of the site to screen the automobiles from view.
5. The Director of Planning & Building may approve minor amendments or modifications 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.

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: COASTAL DEVELOPMENT PERMIT NO. 12-11 (BURROWS RESIDENCE):

APPLICANT:	John Stone, Architect
PROPERTY OWNER:	Scott Burrows, 16761 Bolero Lane, Huntington Beach, CA 92649
REQUEST:	To permit the an approximately 469 sq. ft. demolition including an unpermitted solarium and construct an approximately 389 sq. ft. addition and remodel to an existing 4,600 sq. ft. single-family residence for a new overall building height of 25 ft. 3 in.
LOCATION:	16761 Bolero Lane, 92649 (northwest side of Bolero Lane – Davenport Island, Huntington Harbour)
PROJECT PLANNER:	Jill Arabe

Jill Arabe, 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. She noted that staff one condition had been added specifying that the attic space cannot be habitable.

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

THE PUBLIC HEARING WAS OPENED.

Tammy Young, representing the applicant, stated she 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.

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

COASTAL DEVELOPMENT PERMIT NO. 12-11 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 15301 of the CEQA Guidelines, because the project consists of an

addition to an existing structure that will not result in an increase of more than 50 percent of the floor area.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-11:

1. Coastal Development Permit No. 12-11 to permit an approximately 469 sq. ft. demolition including an unpermitted solarium and construct an approximately 389 sq. ft. addition and remodel to an existing 4,600 sq. ft. single-family residence for a new overall building height of 25 ft. 3 in. conforms with the General Plan, including the Local Coastal Program Land Use Designation of Residential Low Density. The addition will involve an expansion of the entry, second floor bathroom, bonus room and attic. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing development 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 addition will comply with all applicable development regulations, including minimum setbacks, maximum lot coverage, and maximum building height.
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 addition 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 project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-11:

1. The site plan, floor plans, and elevations received and dated September 19, 2012 shall be the conceptually approved design with the following modifications:
 - a. On Sheet TS, the proposed lot coverage shall reflect a maximum of 55%.
 - b. On Sheet A-1, a minimum of 40% landscaping shall be identified on the site plan.
 - c. On Sheet A-4, the solarium walls, lattice roof, and bbq improvements within the rear yard and on the cantilever deck shall be removed. Any improvements over the bulkhead shall be subject to review and approval by the California Coastal Commission.
 - d. On Sheet A-4, the new man doors shall not swing into or encroach within the minimum parking space dimensions of 18 ft. width and 19 ft. depth.
2. Prior to submittal for building permits, zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. Prior to issuance of building permits, staff shall stamp the demo/infill requirements on the plans.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. No more than 50 percent of the existing walls shall be demolished per demolition sheets A-13 and A-14 dated September 19, 2012.
 - b. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - c. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - d. Truck idling shall be prohibited for periods longer than 10 minutes.
 - e. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - f. Discontinue operation during second stage smog alerts.
 - g. 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 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 & 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. The attic space shall not be converted into habitable area unless a Conditional Use Permit is approved for a third floor habitable area.
7. Coastal Development Permit No. 12-11 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.

8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems <http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 3: DRAFT MITIGATED NEGATIVE DECLARATION NO. 12-06 (WARNER AVENUE BRIDGE PREVENTATIVE MAINTENANCE PROJECT):

APPLICANT:	Jonathan Claudio, City of Huntington Beach
PROPERTY OWNER:	City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648
REQUEST:	To analyze potential environmental impacts associated with proposed maintenance activities on the existing Warner Avenue Bridge that are intended to restore the integrity of its original design. The proposed project will remove and replace the following: existing concrete barrier and chain link railing along both sides of the bridge, existing asphalt concrete overlay providing a durable driving surface, all unsound concrete at existing bridge bents and columns, and missing rockslope protection along the channel embankment area below the bridge.
LOCATION:	Warner Avenue Bridge, spanning approximately 110 linear feet over the Bolsa Chica Channel, connecting Huntington Harbour with Upper Bolsa Bay.
PROJECT PLANNER:	Hayden Beckman

Hayden Beckman, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and mitigation measures for approval as presented in the executive summary.

Mr. Beckman stated that staff received four comment letters from agencies involved in the project. He noted that modifications to address the items noted in the comment letters have been addressed.

Ricky Ramos, Zoning Administrator, verified mitigation measures BR 2 and BR 3.

THE PUBLIC HEARING WAS OPENED.

Richard Sanguinetti, consultant for the project, stated he no comments or concerns with staff's recommendations.

Angelo Nicotera, DCOR,, stated that his company has 2 eight inch pipelines the middle of the bridge. He wanted to verify that there would be no impact to the pipelines. Mr. Sanguinetti gave a brief overview of the project. He noted the pipelines should not be impacted,

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. 12-06 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) CALENDAR DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 12-06:

1. The Mitigated Negative Declaration No. 12-06 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 thirty (30) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the 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 impacts to nesting habitat for bird species protected by the Migratory Bird Treaty Act, removal and/or relocation of special-status plants, and the potential discovery of human remains, and archaeological or paleontological resources during ground-disturbing activities.
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 for Mitigated Negative Declaration No. 12-06, will have a significant effect on the environment.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the construction activities, a qualified biological monitor will present a Worker's Environmental Awareness Program (WEAP) to all construction personnel. The presentation of a Workers' Environmental Awareness Program (WEAP) will decrease the likelihood of incidental impacts to special-status species on the project site. The WEAP will also be given to any new personnel who work onsite during the duration of the project. The purpose of the WEAP is to inform the construction personnel of the special-status species that will likely occur in the project area, species identification, and the conservation measures implemented to protect the biological resources onsite. The WEAP will incorporate any special-status species that are discovered during project activities. **(Mitigation Measure)**

2. Since this project is occurring adjacent to and within the Reserve, it is necessary for the biological resources of this project to be monitored during construction for the duration of project. A qualified and/or permitted biologist will be essential for conducting this monitoring.

A qualified biological monitor (qualified biologist) will be present during all vegetation clearing activities to monitor habitat conditions and construction impacts at the project site in order to ensure that impacts remain less than significant.

Following the initial vegetation clearing and grading activities, the biological monitor will be present *every two weeks, outside of nesting season*, to ensure that project-related activities do not incur impacts greater than anticipated. *During nesting season*, the biological monitor should be present *weekly* to survey for nesting birds, with focus on special-status and MBTA-protected species.

The monitor will establish a buffer area around any occupied special-status and MBTA-protected species nests that are discovered, as described in **PDF-4**. A permitted biologist will be used if required by the resource agencies; otherwise an experienced, qualified biologist will conduct the surveys.

A qualified biological monitor is an individual who has professional experience working with the dominant flora and fauna of southern California present in the project area. He or she is knowledgeable of the life history and survey techniques/protocols of salt marsh and coastal sage scrub species, specifically California least tern, western snowy plover, light-footed clapper rail, and coastal California gnatcatcher. He or she has professional experience in construction monitoring, finding and monitoring bird nests and is familiar with biological regulations, particularly those pertaining to migratory birds and their nests. In addition, a qualified biologist may have the added benefit of observing ESA-protected species with a permitted biologist.

A permitted biologist is an individual who can serve as a qualified biologist and also holds a scientific permit, issued by the United States Fish and Wildlife Service under Section 10(a)(1)(A) of the federal Endangered Species Act. He or she has professional knowledge and experience with special-status species, specifically California least tern, western snowy plover, light-footed clapper rail, and coastal California gnatcatcher. Such a biologist has several years of experience in field surveys and species monitoring. A permitted biologist also possesses all of the qualifications of a qualified biologist described above.

For the purposes of this project, a qualified biologist would have the qualifications, prerequisites, experience, and knowledge to conduct biological monitoring at the project site. While there is potential for special-status species to forage in and temporarily occupy the project site, it is unlikely that any listed species would nest within the project buffer. *Breeding* of avian or mammalian species has not been documented within the project footprint area. This area has high disturbance generated by pedestrian and vehicular traffic on the roadway proximate to the project site. Furthermore, the project site is relatively limited in geographic extent, thus special-status species have a lower likelihood of occurring within the project footprint, despite its location at the border of the Reserve. For these reasons, a qualified biologist would satisfy the requirements for biological monitor for this project. If listed species are observed breeding within the project footprint or nesting bird buffer (300 feet for passerine species, 500 feet for raptors), a permitted biologist will be used to fulfill the *weekly* monitoring requirement *during nesting season*. **(Mitigation Measure)**

3. The City will return the temporary construction impact areas to pre-project contours and will revegetate in accordance with a Habitat Mitigation and Monitoring Plan (HMMP), which is being prepared concurrently with this document, under separate cover. The HMMP will be finalized through agency approvals (USACE, CDFG, RWQCB, and CCC) prior to project commencement. Revegetation efforts will focus on creating, enhancing or maintaining areas of pickleweed, CSS with southern tarplant located immediately south of Warner Avenue. The city will also mitigate for the permanent loss of tidal mudflat in the areas where new rock slope protection must be installed.

The HMMP will discuss planting designs and descriptions of the plant species that will be used to revegetate the site. In addition, the HMMP will contain an appropriate seed mix and native plant list, methodology for planting plan, watering schedule, quarterly qualitative and annual quantitative monitoring, photo documentation locations, success criteria, contingency measures and invasive species control. Plant species will be taken from locally grown stock or from other sources per the direction of the Bolsa Chica Conservancy or CDFG. Onsite restoration will occur during the typical planting/seeding times, generally the fall-winter months. Monitoring for at least *three years* following planting will occur. If special-status species other than those presently known at the site are found during construction activities, then these species will be included in the restoration plan.

The HMMP will recommend that temporary and permanent impacts to the pickleweed and CSS (with southern tarplant stand) habitat to be restored at an agreed upon ratio between the City and the resource agencies. Suggested Mitigation Ratios are provided in **Table VII-2** (Habitat Impacts and Mitigation Ratios).

Areas at the project site currently classified as non-native grassland have been proposed to be revegetated with the CSS vegetation, which provides an overall *net gain* of approximately 0.02 acre of native communities. Therefore that restoration would be considered an *enhancement*. A 1:1 ratio is typically suggested for enhancement restoration of non-sensitive communities; however, the resource agencies will have final comment on this approach.

The HMMP will also compensate for the impacts incurred upon the Waters of the United States (WOUS) and jurisdictional wetlands as described in section **VII (c)**. Mitigation for permanent impacts to WOUS and jurisdictional wetlands will be determined by the resource agencies, with a standard mitigation of 3:1 to 10:1 restoration to impacts ratio. The mitigation ratio will be determined based on factors of the mitigation site such as proximity to the disturbance/project impact area and other factors.

The HMMP may be implemented by the Bolsa Chica Conservancy or another organization contracted by the City that is qualified to implement restoration projects for coastal sage scrub and salt marsh habitats. If an in-lieu fee program can be established, this may be an alternative way to satisfactorily meet this mitigation measure. Payment into an in-lieu fee program would provide funds for a non-profit or other professional organization to fulfill the obligations of the HMMP.

Other measures will be contained within the anticipated USACE 404 permit, RWQCB Section 401 Water Quality Certification and California Coastal Commission Coastal Development Permit. **(Mitigation Measure)**

4. If unexpected archaeological features are discovered during ground-disturbing construction work, a qualified archaeologist will be retained to investigate and report such findings to the City if deemed necessary. If the archaeological resources are found to be significant, the

archaeological observer will determine appropriate actions, in cooperation with the City, for exploration and/or salvage. These actions, as well as final disposition of the resources, will be subject to the approval of the City. **(Mitigation Measure)**

5. In accordance with the Public Resources Code §5097.94, if human remains are found, the Orange County Coroner must be notified within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner will notify the Native American Heritage Commission in Sacramento to determine the most likely descendent for the area. The designated Native American representative then determines in consultation with the City of Huntington Beach the disposition of the human remains. **(Mitigation Measure)**
6. The construction contractor shall ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and that mufflers are working adequately. **(Mitigation Measure)**
7. The construction contractor shall ensure that all construction equipment is located so that emitted noise is directed away from sensitive noise receivers. **(Mitigation Measure)**
8. The construction contractor shall ensure that stockpiling and vehicle-staging areas are located as far as practical from noise-sensitive receivers during construction activities. **(Mitigation Measure)**
9. Two weeks prior to the construction, the construction contractor shall provide notification in writing to adjacent residences if they would be located within 150 feet of the active construction activity. **(Mitigation Measure)**
10. The construction contractor shall, as necessary, provide temporary noise barriers, including sound blankets, between the areas of active construction and sensitive receivers. **(Mitigation Measure)**

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. 12-22 (GET AIR SPORTS):

APPLICANT:	Peter Bradshaw
PROPERTY OWNER:	Jack Chalabian, 1522 W. 134 th , Gardena, CA 90249
REQUEST:	To permit a commercial recreation and entertainment use (trampoline jumping) for general public use within an existing industrial building.
LOCATION:	5142 Argosy Avenue, 92649 (south side of Argosy Avenue at the terminus of Triton Lane)
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. Ramos asked staff to give a brief summary on the parking study. Mr. Edwards explained the study analyzed the various uses at the site.

THE PUBLIC HEARING WAS OPENED.

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

Alicia Ludolph, resident, stated that she is not opposed to the project however, she has concerns with the potential for increases in noise.

Anthony Hamilton, resident, stated that he was not opposed to the project but has concerns with the potential for the increase in noise. He noted that currently the parking lot is blocked off in the rear of the building. Mr. Edwards verified that the proposed project would not negate the existing conditions that are in place.

Mr. Hamilton inquired if the building was equipped with air conditioning. A brief discussion took place regarding the cooling system and the applicant's plan to address the cooling of the building.

A discussion took place regarding the issue of parking in the rear of the property. Mr. Ramos stated that he would like to condition that parking along the southern property line adjacent to residential would be prohibited after 8:00 P.M.

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. 12-22 WAS 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 PROJECTS EXEMPT FROM CEQA:

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

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-22:

1. Conditional Use Permit No. 12-22 for the establishment of an 22,708 sq. ft. commercial recreation and entertainment use consisting of large trampolines for dodge ball games and general bouncing/jumping exercises, children's play court areas, and birthday party rooms 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 recreation use is not anticipated to generate any significant noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's industrial zoning. The main entrance of the use will face Argosy Avenue, away from adjacent residential uses. The site provides adequate parking based on a parking study prepared by RK Engineering received August 10, 2012.
2. The conditional use permit will be compatible with surrounding uses because the commercial recreation and entertainment use will be conducted wholly within the interior of an existing unit. The facility operates daily with the highest demand for parking occurring at times when most surrounding businesses are closed. Other existing indoor recreational uses have been primarily established within industrial areas and maintain similar characteristics to permitted industrial uses.
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 (HBZSO). The HBZSO authorizes commercial recreation and entertainment uses including trampolines for recreation in the IL (Industrial Limited) zone, subject to approval of a conditional use permit. In addition, the conditional use permit will comply with the applicable development standards in the district in which it will be located, including minimum onsite parking, minimum setbacks, and maximum floor area ratio.
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 objective of the General Plan:

A. Land Use Element

Goal – LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

B. Recreation and Community Services Element

Goal – RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective – RCS 1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

The proposed use provides creative recreational activities for children and families. The indoor recreational use will add to the diversity of entertainment uses offered in the City. The industrial building provides sufficient space to be occupied by the proposed commercial recreation use. Other existing indoor recreational uses are primarily located in industrial areas and maintain similar characteristics of permitted industrial uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-22:

1. The site plan, floor plans, and elevations received and dated August 10, 2012 shall be the conceptually approved design.
2. Prior to issuance of a Certificate of Occupancy, the following shall be completed:
 - a. Surveillance cameras shall be installed throughout the interior (including restroom entrances) and exterior of the building (PD).
 - b. A revised covenant restricting the mix of uses (manufacturing, warehouse, and commercial recreation) based on the parking rate calculation and hours of operation for each use to comply with the parking requirement shall be approved by the Planning Division as to form and content, and recorded with the Office of the County Recorder. A copy of the recorded covenant shall be submitted and filed with the Planning Division.
3. The use shall comply with the following:
 - a. No outdoor activities shall be permitted.
 - b. The unit's rear doors shall be closed at all times and used for emergency purposes only.
 - c. The weekly hours of operation shall be limited to between 2:00 P.M. and 11:00 P.M. Monday through Thursday; 2:00 P.M. and 12:00 A.M. Friday through Saturday and closed on Sunday.
 - d. Parking related to the use shall be prohibited along the southern property line of the industrial complex adjacent to residential use daily after 8:00 P.M. The applicant shall be responsible for policing the parking lot and shall implement methods to the approval of the Planning and Building Department (e.g. signs, traffic cones, etc.) to ensure compliance and that quiet is maintained.
4. Conditional Use Permit No. 12-22 shall become null and void unless exercised within two (2) 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.

THE MEETING WAS ADJOURNED AT 2:09 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 21, 2012, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd