

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

WEDNESDAY, SEPTEMBER 23, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ethan Edwards, Jill Arabe, Rami Talleh, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-012 (NEWLAND CARWASH)

APPLICANT: Thomas Hwang, 616 Imperial, LLC
PROPERTY OWNER: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA 90813
REQUEST: To permit the construction of an approximately 2,200 sq. ft. express service carwash building and associated site improvements, on a vacant 22,363 sq. ft. vacant lot.
LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner Avenue and Newland Street)
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 presented an overview of the proposed project.

Mr. Edwards stated that staff had received no formal public comments.

Mr. Edwards recommended that the project be continued to the October 14, 2009, Zoning Administrator Meeting in order for the project to be reviewed by the Design Review Board prior to Zoning Administrator action.

THE PUBLIC HEARING WAS OPENED.

Thomas Hwang, applicant, indicated that he was in agreement with the recommendation for continuance.

Paul Gray, resident, stated that he was concerned with traffic impacts. He indicated that the intersection of Warner Avenue and Newland Street currently has a high level of traffic and expressed concern that the addition of the proposed carwash would increase the risk of traffic incidents. He indicated that he did not see the need for another carwash in that area.

Steve Park, resident, stated that he disagreed with the noise analysis and felt the data was misleading. He submitted a letter regarding the noise analysis to Mr. Ramos. He stated that he felt there was an adequate number of carwashes in the surrounding area.

Mr. Ramos stated that the number of carwashes in the area was not under his purview.

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 continue the item as recommended by staff.

CONDITIONAL USE PERMIT NO. 2009-012 WAS CONTINUED TO THE OCTOBER 14, 2009 MEETING.

ITEM 2: ENTITLEMENT PLAN AMENDMENT NO. 2009-008 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 96-50 – SAKURA SIGN & TRELLIS)

APPLICANT: Andy Dang, Dang & Associates Inc.
PROPERTY OWNER: Dang & Associates Inc., 18582 Derby Circle, Huntington Beach, CA 92648
REQUEST: To amend a previously approved plan to allow for a two-foot trellis extension to the existing six-foot high plexiglass wall surrounding the outdoor dining area and 10'-6" entry monumentation within the front yard setback in lieu of the maximum allowed height of 42 inches.
LOCATION: 16871 Beach Boulevard, 92647 (west side of Beach Boulevard, north of Warner Avenue)
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 presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ms. Arabe stated that staff had received no public comments.

Mr. Ramos asked staff if all the extensions were being viewed as fence extensions. Ms. Arabe confirmed that they were.

Mr. Ramos asked if Building Department staff had any concerns with the project. Ms. Arabe stated that Building Department staff had no concerns as long as a structural engineer could provide plans for the project.

THE PUBLIC HEARING WAS OPENED.

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

Mr. Ramos stated that he felt the request would enhance the aesthetics of the restaurant; however, he was not comfortable considering the eight foot wide trellis at the entrance to the restaurant a fence extension. He stated that a variance would need to be obtained in order for the entrance to be approved.

Mr. Dang asked if a six foot trellis would be acceptable. Mr. Ramos stated that he did not feel anything greater than four feet could be considered a fence extension. He stated that he could approve a four foot wide trellis and the applicant could then apply for a variance to the setback for anything greater.

Mr. Talleh recommended that when crafting the modified condition of approval requirement for a trellis cover within the front yard setback, allowance should be made for a variance without having to amend the existing entitlement. Mr. Ramos agreed with that recommendation.

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 request with the modification that the main cover be reduced to four feet and to modify Condition No. 2 to reflect the standard code requirement template language since a code requirement letter had not been sent to the applicant.

ENTITLEMENT PLAN AMENDMENT NO. 2009-008 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 minor alterations to an existing commercial building, involving no expansion of use.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-008:

1. Entitlement Plan Amendment No. 2009-008 for the amendment of a previously approved plan to allow for a two-foot trellis extension to the existing six-foot high plexiglass wall surrounding the outdoor dining area and 10'-6" entry monumentation within the front yard setback in lieu of the maximum allowed height of 42 inches 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 enhancement of the outdoor dining area will draw activity along the street frontage consistent with commercial uses. The proposed structures at increased heights within the front yard setback are entirely within the site and aesthetically improve the visual quality of the site along the commercial corridor.
2. The entitlement plan amendment will be compatible with surrounding uses because the architectural enhancements to the existing restaurant aesthetically improve the site and commercial vicinity. The site is within a primary scenic corridor and the project provides

minor alterations to the exterior façade by adding trellis features to the outdoor dining walls and entrance. The improvements offer a subtle attention to the entrance and building.

3. The proposed Entitlement Plan Amendment No. 2009-008 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 granting of the entitlement plan amendment will provide a greater overall height of the proposed structures by allowing the architectural extensions above the existing outdoor dining walls and new entry monumentation at the reduced front yard setback.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of commercial general on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

CE 7 Maintain and enhance the visual quality and scenic views along designated scenic corridors.

CE 7.3 Protect scenic corridors and open space/landscape areas by blending man-made features with the natural environment.

The project is primarily an architectural enhancement to the site, emphasizing visual quality and aesthetic improvements along a scenic corridor. Although the area is mainly auto-oriented, the site offers pedestrian friendly qualities by providing an improvement to the exterior façade of the outdoor dining area and main entrance. The proposed structures at increased heights within the front yard setback do not dominate the façade because the landscaping helps to soften the visual appearance.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2009-008:

1. The site plan and elevations received and dated July 17, 2009 shall be the conceptually approved design with the modification that the trellis over the entry monumentation shall be reduced to a four ft. width in lieu of the proposed eight ft. width.
2. The Director of Planning 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.
3. Within 30 days of final approval (by October 23, 2009), the applicant shall obtain any necessary Building and Electrical permits.
4. Within 60 days of final approval (by November 23, 2009), any necessary Building and Electrical permits shall be finalized.
5. All previous conditions of approval per Conditional Use Permit No. 96-50 shall apply.

6. 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/index.cfm?fuseaction=guidelines>).

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 1:50 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 30, 2009 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc