

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

WEDNESDAY, August 13, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ron Santos, Andrew Gonzales, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: July 9, 2008
July 16, 2008
August 6, 2008
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2008-028 (SPRINGDALE STREET COMMERCIAL CENTER)

APPLICANT: Bill Makari, 7515 Oaktree Avenue, Westminster, CA 92683
PROPERTY OWNER: BCR Stutsman, LLC, 29859 Harvester Road, Malibu, CA 90265
REQUEST: To permit construction of an approximately 8,795 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements.
LOCATION: 16161 Springdale Street, 92649 (west side of Springdale St., south of Edinger Ave.)
PROJECT PLANNER: Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, and zoning of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Santos reported that the Public Works Department recommended two additional conditions of approval. The first condition requiring that a precise grading plan be submitted showing the replacement of damaged curb, gutter, and sidewalk along Springdale Street. The second condition requiring that all utilities within the project site or within the easements exclusively serving the site be under-grounded.

Mr. Santos noted that no public comments on this item were received. He reported that all applicable departments provided the code requirements for the project and did not raise issues regarding the project.

THE PUBLIC HEARING WAS OPENED.

Bill Makari, applicant, stated he had one question regarding the procedure for reciprocal access with the neighboring property.

Mr. Santos stated that the property owner's sole responsibility would be to offer reciprocal access to the adjacent property owner and record the offer with the office of the Orange County Clerk. He stated that if the adjacent property owner refuses, it would be the city's responsibility to require them to accept the offer when their property is redeveloped. Mr. Santos stated that the city is requiring that the improvements be made to the property listed in the request, regardless of whether the adjacent property owner accepts reciprocal access.

Mr. Ramos stated that eventually, when the adjacent property owner applies to the city for improvements, the city would require them to also make an offer of reciprocal access.

Mr. Ramos asked if the applicant had any further questions. The applicant indicated that he did not have any further questions.

Peter Haddad, project architect, stated that, due to engineering issues, the electrical transformer would be relocated to the landscape area on the south side of the property and that it would be screened by landscaping. He noted that the drainage would go to the rear landscape area.

Mr. Ramos inquired if the molding along the rear and sides would be the same size as the molding along the front. Mr. Haddad confirmed that it would be.

Mr. Santos recommended an additional condition, Condition 1.d, be added, providing for the proposed relocation of the transformer. Mr. Ramos agreed to that addition.

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

Mr. Ramos stated that the request was approved as recommended by staff with the additional condition 1.d and the two additional conditions recommended by the Public Works Department.

CONDITIONAL USE PERMIT NO. 2008-028 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 15303 of the CEQA Guidelines, because the project consists of construction of a commercial structure not exceeding 10,000 sq. ft. in floor area in an

urbanized area on a site zoned for such use where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-028:

1. Conditional Use Permit No. 2008-028 to permit construction of an approximately 8,795 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements 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 site was previously developed for commercial (restaurant) use. The proposed project will re-establish a commercial use on the site and replace an aging building destroyed by fire with a new, code compliant building featuring a contemporary design and added landscaping. Activity areas on the project site will be oriented away from the adjacent residential properties. The project will provide adequate on-site parking in accordance with applicable code requirements, does not present unsafe conditions for pedestrians or vehicular circulation and will improve the appearance and value of the currently vacant site.
2. The conditional use permit will be compatible with surrounding uses because the project consists of a small retail center on property designated for commercial use by the zoning and general plan. Activity areas on the site, including parking areas and building entrances, are oriented away from adjacent residential properties. The proposed building will maintain a maximum height of 18 ft. within 45 ft. of the residential zone boundary, which is compatible with the heights of the existing dwellings in the vicinity.
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 including minimum building setbacks, on-site parking and landscaping requirements, and maximum floor area ratio and building height. The proposed project will accommodate retail uses, which are permitted in the CG (Commercial General) zoning district.
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 CG-F1 (Commercial General – 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:

LU 10.1.10 Require that development be designed to convey a local neighborhood's character considering the limitation of building heights to those compatible with the surrounding neighborhood.

LU10.1.12. Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed project will be limited to single-story construction and will maintain an 18 ft. height limit within 45 ft. of the residential zone boundary. This design ensures building height compatibility with the surrounding neighborhood. In addition, the proposed project features a

variety of roof lines, recesses and projections which minimize the visual bulk and mass of the building and provides a visually appealing design.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-028:

1. The site plan, floor plans, and elevations received and dated July 25, 2008 shall be the conceptually approved design with the following modifications:
 - a. The width of the planting area along the Springdale Street frontage shall be increased from 9'-9" to 12' (including 2' at the head/vehicle overhang of parking spaces # 35-44).
 - b. Plan submitted for building permits shall indicate the height of the perimeter block walls. (A minimum height of 6'-0" is required.) Existing walls to remain shall be painted or plastered to match the proposed building.
 - c. The proposed trash enclosure shall be constructed of split-face block, slump stone or other decorative material, or shall be stucco finished to match the proposed building.
 - d. The proposed transformer may be relocated from the location depicted on the approved site plan to the planter area near the southerly property line, adjacent to the proposed bike racks.
2. Prior to issuance of a grading permit, the Precise Grading Plan shall include the following improvements: Damaged curb, gutter and sidewalk along the Springdale Street frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. **(PW)**
3. Prior to issuance of building permits, an interim parking and building materials storage plan shall be submitted to the Planning Department 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. The plan shall also be reviewed and approved by the Fire Department and Public Works Department.
4. Prior to final inspection or occupancy, all existing utilities that are within the project or within easements exclusively serving the site shall be under-grounded. This includes the Southern California Edison (SCE) aerial lines and poles along the entire length of the northerly property line of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. **(PW)**
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/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.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 2008-012 (HERBOLD RESIDENCE ADDITION)

APPLICANT: Peter Kavonian, P.O. Box 5249, Santa Barbara, CA 93150
PROPERTY OWNER: Leslie Herbold, 16128 Tortola Circle, Huntington Beach, CA 92649
REQUEST: To permit an approximately 682 sq. ft. 2nd and 3rd floor addition to an existing three-story, attached residential unit.
LOCATION: 16128 Tortola Circle, 92649 (south of Edinger Avenue, east of Trinidad Lane – Huntington Harbour)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, 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 of approval as presented in the executive summary.

Mr. Gonzales stated that no public comments regarding this item had been received. He stated that the Home Owner's Association had approved the project.

Mr. Gonzales recommended an additional condition, Condition 1.c, be added to reflect accurate square footages. He noted that those illustrated on the project data section of the cover sheet were in error. Mr. Ramos asked for the accurate square footage of the addition and Mr. Gonzales stated that it was 648 sq. ft.

Mr. Ramos inquired if the request was similar to other houses in the area. Mr. Gonzales confirmed that it was, noting a similar approved project at 16136 Tortola Circle. Mr. Ramos reviewed pictures of the site.

THE PUBLIC HEARING WAS OPENED.

Peter Kavonian, applicant, stated that he was in agreement with staff recommendations. He stated that he would provide Mr. Gonzales with a new cover sheet reflecting accurate square footage.

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

Mr. Ramos stated that the request was approved as recommended by staff with the additional condition 1.c.

COASTAL DEVELOPMENT PERMIT NO. 2008-012 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 additions to existing structures are exempt provided that they are less than 50% of the floor area of the existing structure.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-012:

1. Coastal Development Permit No. 2008-012 to construct an approximately 648 sq. ft. 2nd and 3rd floor addition to an existing townhome, conforms to the General Plan, including the Local Coastal Program Land Use designation of Residential Low-Density. The proposed 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 developed areas able to accommodate it. The proposal is a minor addition to a single family home on a site that is developed with two- and three-story attached residences.
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 all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
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 or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-012:

1. The site plan, floor plans, and elevations received and dated June 13, 2008 shall be the conceptually approved design with the following modifications:
 - a. The elevation and roof plans shall depict all adjoining property lines.

- b. All fencing/walls and outside mechanical equipment illustrated on the site and elevation plans shall be noted to be approved under a separate permit.
 - c. The "project data" section located on the cover sheet shall provide an accurate calculation of the existing, proposed, and new total square footage.
2. 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 1:54 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 27, 2008 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

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