

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Council Chambers - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, September 20, 2023 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Joanna Cortez, Michelle Romero

PUBLIC COMMENTS: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 23-020 (BOLLINI'S IL FORNO BEER AND WINE):

APPLICANT: Christiano Bollini, 7391 Warner Avenue # H, Huntington Beach CA 92647
PROPERTY OWNER: Ess Prisa II LLC, P.O. Box 320099, Alexandria VA 22320
REQUEST: To permit the onsite sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,200 sq. ft. eating and drinking establishment.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Class 1, Section 15301 of the California Environmental Quality Act.
LOCATION: 7391 Warner Avenue # H, 92647 (northeast corner of Warner Avenue and Gothard Street)
CITY CONTACT: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans 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. Staff received no public comments on this item.

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

THE PUBLIC HEARING WAS OPENED.

Christiano Bollini, applicant, had no comments or concerns with staff's recommendations.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 23-020 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, Class 1 – Existing Facilities of the CEQA Guidelines, because the project involves adding the service of beer and wine within an existing eating and drinking establishment and does not involve an expansion to an existing structure or an expansion in use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 23-020:

1. Conditional Use Permit No. 23-020 to permit the onsite sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,200 sq. ft. eating and drinking establishment 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 because the use is located within an existing commercial center with other similar uses. The use is primarily an eating and drinking establishment and the request for alcohol service is ancillary to the primary use. The additional service of beer and wine sales will benefit and serve the other commercial uses in this area. The sale, service, and consumption of beer and wine within the restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. Furthermore, the restaurant is oriented south, facing the existing surface parking lot, with the closest residence located over 270 feet to the northwest.
2. The granting of the Conditional Use Permit No. 23-020 to permit the onsite sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,200 sq. ft. eating and drinking establishment will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RT (Research and Technology) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Policy LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11(A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The request will expand the range of goods and services provided in the area by permitting the ancillary sale of beer and wine in conjunction with an eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The proposed use provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue. The proposed use is located within an existing commercial center that is situated adjacent to the corner of two primary streets with adequate accessibility.

3. The granting of Conditional Use Permit No. 23-020 to permit the onsite sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately

1,200 sq. ft. eating and drinking establishment 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) because beer and wine sales within eating and drinking establishments are permitted subject to a Conditional Use Permit within the Research and Technology (RT) zoning district.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 23-020:

1. The site and floor plan received and dated July 18, 2023 shall be the conceptually approved design.
2. The use shall comply with the following conditions:
 - a. The daily hours of operation shall be limited to 7:00 AM – 12:00 AM.
 - b. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant. **(PD)**
 - d. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - e. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
 - f. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 60 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**
 - g. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
 - h. Dancing, dance floor, and live entertainment are prohibited. (A new or amended Conditional Use Permit and an Entertainment Permit issued by the City are required for these additional services.) **(PD)**
 - i. Clearly legible signage shall be affixed inside the restaurant entrances/exits points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - j. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - k. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. **(PD)**

- l. All areas where the sales, service, and consumption of alcoholic beverages will be permitted, shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - m. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(PD)**
 - n. The establishment shall employ a video surveillance security system with a minimum of one- month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - o. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
3. 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.
 4. Conditional Use Permit No. 23-020 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 Community Development Department a minimum 30 days prior to the expiration date.
 5. The Development Services Departments (Community Development, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development 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.

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: VARIANCE NO. 23-001/COASTAL DEVELOPMENT PERMIT NO. 23-002 (9TH STREET RESIDENCE):

APPLICANT: Timothy Nguyen, 29201 W. MacArthur Blvd. Suite 207, Santa Ana, CA 92704
PROPERTY OWNER: 111 9th HB Group LLC, 29201 W. MacArthur Blvd. Suite 207, Santa Ana, CA 92704
REQUEST: To demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage with a side yard setback varying between 0 ft. and 2.5 ft. in lieu of the minimum of five ft. along the southerly property line and a 52.6% lot coverage in lieu of the maximum lot coverage of 50%.
ENVIRONMENTAL STATUS: The request is covered by Categorical Exemption, Class 03, Section 15303 of the California Environmental Quality Act.
LOCATION: 109 9TH Street, 92648 (near the northwest corner of 9th ST. and PCH)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Senior Planner, displayed project plans 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. Staff received no public comments on this item.

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

THE PUBLIC HEARING WAS OPENED.

Christopher McCarthy, applicant's representative, had no comments or concerns with staff's recommendations.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

VARIANCE NO. 23-001/COASTAL DEVELOPMENT PERMIT NO. 23-002 WERE 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 would develop a single-family residence within an existing urbanized residential zone.

FINDINGS FOR APPROVAL – VARIANCE NO. 23-001:

1. The granting of Variance No. 23-001 to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. and with a side yard setback varying between 0 ft. and 2.5 ft. in lieu of three ft. along the southerly property line and 52.6% lot coverage in lieu of the maximum 50% 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 a previously required dedication for alley widening along the rear and side property lines, the site is reduced in area by approximately 350 sq. ft. and in width by 2.5 ft. in comparison to other properties in the vicinity. The proposed development is consistent with the development density standard applicable to the subject property (one dwelling unit per 2,500 sq. ft. of lot area). The requested variance will provide for construction of one single-family dwelling on a 2,530 sq. ft. lot after required dedications. Other variances have been previously approved for similar requests.
2. Because of special circumstances applicable to the subject property including size, 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 subject property is required to provide alley dedications on two sides. The effect of the required dedications is a reduction in the lot area and width, thus limiting the amount of buildable area and rendering the site substandard. Strict application of the zoning ordinance would deprive the subject property of development rights enjoyed by identically zoned properties in the vicinity.
3. The granting of a variance to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. and with a side yard setback varying between 0 ft. and 2.5 ft. in lieu of three ft. along the southerly property line and 52.6% lot coverage in lieu of the maximum 50% is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, and the existing lot size and dimensions, the subject property is afforded the right to construct one single-family dwelling. The exercise of this substantial property right is contingent upon dedication for public alley purposes, which renders the lot width substandard. Consequently, the requested variance to allow construction of a single-family dwelling with less than the required side yard setbacks and increased lot coverage on a property with a substandard lot width and reduced lot area is necessary to preserve the development rights afforded by the property's residential land use designation.
4. The granting of the variance to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. and with a side yard setback varying between 0 ft. and 2.5 ft. in lieu of three ft. along the southerly property line and 52.6% lot coverage in lieu of the maximum 50% will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the existing (pre-dedication) lot size and width.

5. The granting of the variance to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. and with a side yard setback varying between 0 ft. and 2.5 ft. in lieu of three ft. along the southerly property line and 52.6% lot coverage in lieu of the maximum 50% will not adversely affect the General Plan. The proposed development of a one dwelling unit on a 2,530 sq. ft. lot (after required dedications) is consistent with the Land Use Element designation of RH-sp (Residential High Density - Specific Plan Overlay) on the subject property. In addition, the proposed project is consistent with the following General Plan policy and objective:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-4(D): Ensure that single-family residences are of compatible proportion scale and character to surrounding neighborhoods.

The three-story residence is similar in size and scale to other residences in the vicinity. The requested variance allows for the construction of the single-family dwelling at reduced setbacks and increased lot coverage on a property made substandard in width due to required dedications for alley widening. Prior to side yard dedication, the dwelling would comply with setbacks and lot coverage on a standard 25 ft. wide and 115 ft. deep site.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-002:

1. Coastal Development Permit No. 23-002 to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. conforms with the General Plan, including the Local Coastal Program because the project is consistent with the 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 proposed development will occur entirely on a developed site, contiguous to properties developed with existing single-family residential uses.
2. Coastal Development Permit No. 23-002 to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable development regulations, with exception of the variance request, including maximum building height, parking, and privacy design standards.
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 because Coastal Development Permit No. 23-002 to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 23-002 to demolish an existing 1,500 sq. ft. single family dwelling and garage and construct a 3,003 sq. ft. single family dwelling and garage at an overall height of 35 ft. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – VARIANCE NO. 23-001/COASTAL DEVELOPMENT PERMIT NO. 23-002:

1. The site plan, floor plans, and elevations received July 24, 2023 shall be the conceptually approved layout.
2. Prior to submittal of building permits, the following shall be completed: 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. During demolition, grading, site development, and/or construction, the following shall be completed:
 - 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.
4. Prior to issuance of final building permits, the following shall be completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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.

5. 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.
6. Variance No. 23-001 in conjunction with Coastal Development Permit No. 23-002 shall become null and void unless exercised within two years of the date of final approval or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. 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 Community Development 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.

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: CONDITIONAL USE PERMIT NO. 23-008/COASTAL DEVELOPMENT PERMIT NO. 23-004 (OCSD DIGESTER FACILITY AND PERIMETER WALL):

APPLICANT/

PROPERTY OWNER: Andrew Brown, Orange County Sanitation District, 10844 Ellis Ave., Fountain Valley, CA 92708

REQUEST: To construct a new digester facility within the southern portion of an existing industrial facility consisting of: 1) six digester tanks up to 50 ft. in height; 2) 11,438 sq. ft. of batch tanks up to 48 ft. in height; 3) a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; 4) a 1,500 sq. ft. cooling tower facility up to 32 ft. height; 5) a 4,500 sq. ft. boiler facility up to 32 ft. in height; 6) two covered tanks up to 38 ft. in height; and 7) an 8,500 sq. ft. warehouse at 29 ft. in height, with a reduced front setback of 19 ft. in lieu of 20 feet. A new block wall (1,070 linear ft.), varying between 8ft. and 11 ft. in height, in lieu of the maximum height of 6 ft., is proposed

ENVIRONMENTAL STATUS: along the southerly property line of the facility, along with landscape, bike path, and sign improvements. Covered by the Orange County Sanitation District Facilities Master Plan, certified by the OCSD on December 2020. In accordance with CEQA Guidelines Sections 15162 and 15163, no subsequent or supplement to the EIR need to be prepared for this project, and no further environmental review or documentation is required.

LOCATION: 22212 Brookhurst St., 92646 (east side of Brookhurst St., north of PCH)

CITY CONTACT: Joanna Cortez

Joanna Cortez, Senior Planner, displayed project plans 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. Staff received no public comments on this item.

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

THE PUBLIC HEARING WAS OPENED.

Andrew Brown, applicant, had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 23-008/ COASTAL DEVELOPMENT PERMIT NO. 23-004 WERE 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 this project will not have any significant effect on the environment and is covered under the Facilities Master Plan Program Environmental Impact Report (SCH 2019070998) prepared by the Orange County Sanitation District in accordance with the California Environmental Quality Act.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 23-008:

1. Conditional Use Permit No. 23-008 to permit a new block wall (1,070 linear ft.), varying between 8 ft. and 11 ft. in height, along the southerly property line of the Orange County Sanitation District (OCSD) 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 because the proposed height provides an improved fence that is comprised of block wall which will enhance the aesthetics of the facility. Although the wall exceeds the maximum allowed height along the side yard setback, the proposed height will not create a safety or traffic hazard and will not impact visibility. The location of the wall is adjacent to

the Talbert Marsh and bike path. The visual character of the neighborhood will not be negatively impacted because the proposed wall provides for greater security and adequate screening of the existing structures. The wall will vary in height in order to create a unique wavelike design and will include nature-themed artwork to soften the wall for pedestrians. Upgraded landscaping will be provided along the front of the wall to enhance the appearance of the wall along the existing bike path. The landscaping includes trees and shrubs that will add visual interest along the path. The proposed wall does not face any residences and at its nearest point will be more than 130 ft. from the nearest residential use across Brookhurst Street.

2. The granting of Conditional Use Permit No. 23-008 to permit a new block wall (1,070 linear ft.), varying between 8 ft. and 11 ft. in height, along the southerly property line of the OCSD will not adversely affect the General Plan as it is consistent with the Land Use Element designation of P (Public) on the subject property as it is consistent with the following General Plan goals and policies:

- a. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1-D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

- b. Public Services and Infrastructure Element

Policy PSI-6-A: Provide and maintain wastewater collection facilities which adequately convey wastewater generated by existing land uses and future projects while maximizing cost efficiency.

The upgraded wall will replace an existing eight ft. high chain link fence. The location of the wall is adjacent to the Talbert Marsh and bike path and more than 130 ft. from residential uses. The new block wall will screen the facility's structures while providing additional security along the southerly property line. The wall will vary in height in order to create a unique wavelike design and will include nature-themed artwork to soften the height of the wall. Upgraded landscaping will be provided to enhance the appearance of the wall along the existing bike path. The conditional use permit to allow the wall to exceed height will allow facility upgrades that will provide improved services to surrounding residences and businesses.

3. Conditional Use Permit No. 23-008 to permit a new block wall (1,070 linear ft.), varying between 8 ft. and 11 ft. in height, along the southerly property line of the OCSD 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) because it allows walls to deviate from the maximum height along the side yard setback upon approval of a Conditional Use Permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-004:

1. Coastal Development Permit No. 23-004 to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall (1,070 linear ft.), varying between 8ft. and 11 ft. in height in lieu of the maximum height of 6 ft. within the southern portion of the Orange County Sanitation District (OCSD) along with landscape, bike path, and sign improvements conforms with the General Plan, including the Local Coastal Program because the completion of the project will implement the Coastal Element goal of providing water, sewer, and drainage systems that are able to support the permitted land uses and upgrading existing systems.
2. The request to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall, varying between 8ft. and 11 ft. in height is consistent with the requirements of the CZ Overlay District, the IL (Industrial Limited) base zoning district, as well as other applicable provisions of the Zoning and Subdivision Ordinance and Municipal Code because the project, as proposed, complies with applicable development standards. Other than the height of the wall, which requires a conditional use permit, the project complies with applicable development standards. The proposed structures and block wall will not visually impact public visual resources as the structures will be primarily located within the southern portion of the facility, surrounded by buildings of similar height, approximately 150 ft. from the nearest residential use.
3. At the time of occupancy, the proposed request to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall, varying between 8 ft. and 11 ft. in height in lieu of six ft., can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that all necessary infrastructures, such as roadways and utilities currently exist to serve the site. The replacement of aging buildings and facilities will improve the infrastructure to serve the needs of the community.
4. The proposed request to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall, varying between 8 ft. and 11 ft. in lieu of six ft. in height conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the entire project is proposed within the confines of the existing Orange County Sanitation Facility. No public access or recreational opportunities will be affected by the new construction.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 23-008/COASTAL DEVELOPMENT PERMIT NO. 23-004:

1. The site plan, floor plans, and elevations received and dated July 10, 2023 shall be the conceptually approved design.

2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements 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. 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.
4. During demolition, grading, site development, and/or construction, the following shall be completed:
 - 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.
5. Conditional Use Permit No. 23-008 and Coastal Development Permit No. 23-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
6. 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 Community Development 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.

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 1:48 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 4, 2023, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:mr