

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

**WEDNESDAY, OCTOBER 2, 2024 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Jason Kelley

**STAFF MEMBER:** Hayden Beckman, Marco Cuevas Jr., Wayne Carvalho, Joanna Cortez, Michelle Romero

**PUBLIC COMMENTS:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 24-015 (HEARTS AND HALOS VETERINARY END OF LIFE FACILITY, CONTINUED FROM THE SEPTEMBER 18, 2024, ZONING ADMINISTRATOR MEETING):**

APPLICANT: Lauren D'Agostini, Agostine Design Group, 2272 First Avenue, San Diego, CA 92101

PROPERTY OWNER: Michael Donahue, 18636 Park Glen Lane, Huntington Beach CA 92648

REQUEST: To operate a veterinary hospital/end of life and aftercare facility within an existing 10,080 sq. ft. industrial building and to allow for a reduced parking based on the results of a parking demand analysis.

ENVIRONMENTAL STATUS: This request is covered by California Environmental Quality Act Class 1, Section 15301.

LOCATION: 15531 Container Lane, Huntington Beach, CA 92649. (near the southwest corner of McFadden Avenue and Container Lane)

CITY CONTACT: Marco Cuevas Jr.

Marco Cuevas Jr., 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 the proposed project.

Jason Kelley, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Jillon Augustine, on behalf of the 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. Kelley stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 24-015 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the operation and minor alteration of an existing industrial structure involving negligible or no expansion of use beyond that previously existing.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 24-015:**

1. Conditional Use Permit No. 24-015 for the establishment, maintenance and operation of a veterinary hospital/end of life and aftercare facility within an existing 10,080 sq. ft. single tenant industrial building and to allow for reduced parking, 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 project involves the establishment of a nontraditional animal hospital use and the proposed use will not generate traffic, demand for parking, or other impacts detrimental to surrounding properties and inconsistent with the subject property's industrial zoning. Industrial uses are located a minimum of 300 ft. to the north, east and south of the subject site with a public-semipublic use (Robinwood Park) located to the west. The proposed veterinary hospital/end of life and aftercare facility will be conducted entirely indoors within an enclosed building and will not have impacts pertaining to noise and/or odors to further reduce potential impacts to surrounding properties. Conditions to prohibit outdoor animal activities on the site have been added to ensure there will be no detrimental impacts to the adjacent properties.

The request for reduced parking is a result of the unique operations of the proposed business which differs from a typical animal hospital, in that it specializes in animal end of life care and dedicates the majority of floor space towards laboratory uses rather than examination rooms. Thus, a parking analysis was conducted to ensure the adequacy of on-site parking. A parking analysis of a separate site located outside of the City with the same use/services was conducted, resulting in peak projected parking ratio of 2.67 parking spaces per 1,000 sq. ft of building area. Applying the peak parking ratio of 2.67 parking spaces to the proposed animal hospital use, which consists of 10,080 sq. ft. of building area requires a total of 27 parking spaces. Since the proposed project has 28 parking spaces on-site, there is one surplus parking space during peak demand times. As a result, the parking demand analysis supports the proposed reduction in required parking and concludes that adequate on-site parking will be available to accommodate medical and laboratory use as conditioned with 28 spaces. It should be noted that the parking study identifies the maximum number of occupants and cargo vans on-site at any given time is 15 (12 staff and 3 clients) plus 3. As a result, factoring that all staff and clients drive a single occupancy vehicle to the site, 18 parking spaces are needed. Since the proposed project provides 28 parking spaces, there are 10 parking spaces available during peak occupancy times. Based on this calculation, there will be sufficient parking spaces to accommodate the project.

2. The granting of the Conditional Use Permit 24-015 for the establishment, maintenance and operation of a veterinary hospital/end of life and aftercare facility and to allow for reduced

parking to include medical and related services (euthanasia, aquamation, etc.), within an existing 10,080 sq. ft. industrial building will not adversely affect the General Plan, as it is consistent with the Land Use Element designation of 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

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 (A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1 (C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-13 (A): Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Policy LU-13 (B): Capture emerging industries such as, but not limited to, "knowledge" based industries and research and development firms.

The proposed project consists of the establishment of an animal hospital use that specializes in end-of-life aftercare and related services within an existing 10,080 sq. ft industrial building. The project site will continue to serve adjacent nearby residential development and future development within the city as a whole. The proposed project is located upon an established industrial property surrounded by similar industrial uses. The parking analysis prepared by RK Engineering Group, Inc. prepared June 3, 2024, has determined that that the proposed 28 onsite parking spaces are more than sufficient to provide parking during the expected peak parking demand. The request will serve the needs of local residents by expanding the range of goods and services provided in the area by providing additional medical services opportunities. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize an existing industrial corridor by ensuring the continued occupancy of an industrial building.

3. The proposed conditional use permit for the establishment, maintenance and operation of a veterinary hospital/end of life and aftercare facility within an existing 10,080 sq. ft. single tenant industrial building and to allow for reduced parking, 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 any specific condition required for the proposed use in the district in which it would be located because the proposed use is permitted in the RT (Research and Technology) zone, subject to zoning administrator approval, pursuant to Section 212.04 of the HBZSO – IG, IL, and RT Districts: Land Use Controls. The proposed animal hospital will be located within an existing industrial building, which conforms to applicable site development standards in terms of minimum yard setbacks, minimum landscaping, and maximum floor area ratio, with exception of the request for reduced parking. Although the parking demand analysis determined that the onsite parking requirement for the proposed animal hospital is 27 spaces, a total of 28 parking spaces will be provided.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 24-015:**

1. The site plan and floor plans received and dated July 16, 2024, and parking demand analysis received and dated June 3, 2024, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation of the veterinary hospital/end of life facility shall be 10:00 AM – 4:00 PM, Monday through Friday, and 10:00 AM to 2:00 PM on Saturday and Sunday.
3. The proposed animal hospital facility shall maintain a minimum of 28 parking spaces available. Future changes to are subject to prior review and approval by the Community Development Department.
4. 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.
5. The structure shall not be occupied, and the final building permit(s) shall not be approved until the following have been 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.
6. 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.
7. CUP No. 24-015 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.
8. 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 approval 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: CONDITIONAL USE PERMIT NO. 24-013 (AT&T WIRELESS COMMUNICATIONS FACILITY):**

APPLICANT: Jermaine Taylor, TCOM Solutions, 101 W. Mission Blvd. Suite 100-324, Pomona, CA 91766

PROPERTY OWNER: Southern California Edison, 2 Innovation Way, 1st Floor, Pomona, CA 91768

REQUEST: To permit the installation and co-location of an un-manned wireless communications facility on an existing Southern California Edison utility tower. The project includes installing (9) Panel antennas, (9) RRU's, (3) DC9 Surge Suppressors and (1) 2' Microwave on the existing SCE Tower, and a 325 sq. ft., 8'-high split-face block equipment enclosure under the tower to secure equipment.

ENVIRONMENTAL STATUS: Categorically Exempt pursuant to Section 15303, Class 3, new construction or conversion of small structures of the California Environmental Quality Act.

LOCATION: 19202 Bushard Street (East side, approx. 200 feet north of Flounder Dr.)

CITY CONTACT: Wayne Carvalho

Wayne Carvalho, Contract Principal 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 the proposed project.

Jason Kelley, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Jermaine Taylor, 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. Kelley stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 24-013 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 15303 of the CEQA Guidelines, because the project involves the installation of small new equipment for a wireless communication facility.

### **FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 24-013:**

1. Conditional Use Permit No. 24-013 to construct a new un-manned wireless communications facility on an existing Southern California Edison (SCE) utility tower at an overall maximum height of 65 ft. 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 facility is located approximately 120 feet from the nearest residential uses (to the south) and is located within an existing Southern California Edison easement. Additionally, the new antennas and equipment will be painted to match the existing transmission tower to help mitigate any visual impacts, and will not interfere with other communication, radio, or television transmission/reception in and around the subject site. All associated ground mounted equipment will be placed behind an eight-foot high split faced block wall which will minimize visual and noise impacts. No significant impacts related to traffic, safety, or noise will be generated by the wireless communication facility.
2. The granting of Conditional Use Permit No. 24-013 to construct a new un-manned wireless communications facility on an existing Southern California Edison (SCE) utility tower at an overall maximum height of 65 ft. will not adversely affect the General Plan in that 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

Goal PSI-10: Superior electricity, natural gas, telephone, and data services improve quality of life and support economic development.

Policy PSI-10-C: Support the use of new and emerging communication technologies.

Conditional Use Permit No. 24-013 will permit the construction of a new un-manned wireless communications facility on an existing Southern California Edison (SCE) utility tower at an overall maximum height of 65 ft. The antennas and associated equipment will be designed to blend in by incorporating stealth design techniques by co-locating on an existing transmission tower.

3. Conditional Use Permit No. 24-013 to construct a new un-manned wireless communications facility on an existing Southern California Edison (SCE) utility tower at an overall maximum

height of 65 ft. on an existing So. Cal Edison utility easement 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 in that a conditional use permit is required to install a new ground mounted wireless communication facility that exceeds the maximum height of 45 feet.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 24-013:**

1. The site plan, photo simulations, and elevations received and dated May 15, 2024 shall be the conceptually approved design.
2. Final building permit(s) cannot be approved until the following have been 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.
3. Prior to submittal of building permits, zoning entitlement conditions 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.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - 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 5 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. 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. CUP No. 24-013 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.

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: COASTAL DEVELOPMENT PERMIT NO. 23-015/SPECIAL PERMIT NO. 24-002 (PHO RESIDENCE):**

APPLICANT:	Alberto Lopez, 4315 Lowell Street, La Mesa, CA 91941
PROPERTY OWNER:	Andy Pho, P.O. Box 669, Huntington Beach, CA 92648
REQUEST:	To permit the construction of a new 3,043 sq. ft., 3-story single family residence at an overall height of 35 ft. consisting of 3-bedrooms, 2-1/2 bathrooms, and a 2-car garage. The request includes a Special Permit for a reduced upper-story setback on the front elevation.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 3 of the California Environmental Quality Act.
LOCATION:	2208 Pacific Coast Highway (Inland side of PCH, west of 22nd St.)
CITY CONTACT:	Wayne Carvalho

Wayne Carvalho, Contract Principal 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. A new set of drawings was submitted, to replace original plans. Additional language was added to conditions 1a -1d on the staff report to reflect some compliance items dated September 26, 2024. Staff received no public comments on the proposed project.

Jason Kelley, Zoning Administrator, asked staff to confirm if the additional square footage complied with overall FAR.

Mr. Carvalho, confirmed that the additional square footage complied with FAR.

**THE PUBLIC HEARING WAS OPENED.**

Alberto Lopez, applicant, had no comments or concerns with staff's recommendations.

Robert Corona, adjacent resident, stated that he had help build the current homes in the proposed project area and was available for any questions.

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

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

**COASTAL DEVELOPMENT PERMIT NO. 23-015 AND SPECIAL PERMIT NO. 24-002 WERE 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 15303 of the CEQA Guidelines because the project consists of the construction of one single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-015:**

1. Coastal Development Permit No. 23-015 to permit the construction of a new 3,043 sq. ft., 3-story single family residence consisting of 3-bedrooms, 2-1/2 bathrooms, and a 2-car garage with a Special Permit for a reduced upper-story setback on the front elevation 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 project will occur entirely on a developed site, contiguous to existing single-family residential development.
2. The request to permit the construction of a new 3,043 sq. ft., 3-story single family residence consisting of 3-bedrooms, 2-1/2 bathrooms, and a 2-car garage with a Special Permit for a reduced upper-story setback on the front elevation 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, as conditioned and approved with a Special Permit, will comply with applicable development regulations, including setbacks, lot coverage, and residential privacy 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. 23-015, for the construction of a new 3,043 sq. ft., 3-story single family residence consisting of 3-bedrooms, 2-1/2 bathrooms, and a 2-car garage with a Special Permit for a

reduced upper-story setback on the front elevation is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 23-015 to permit the construction of a new 3,043 sq. ft., 3-story single family residence consisting of 3-bedrooms, 2-1/2 bathrooms, and a 2-car garage with a Special Permit for a reduced upper-story setback on the front elevation 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.

**FINDINGS FOR APPROVAL - SPECIAL PERMIT NO. 24-002:**

1. The granting of a Special Permit pursuant to Section 2.5.6 of the Downtown Specific Plan in conjunction with Coastal Development Permit No. 23-015 for a reduced upper-story setback on the front elevation in lieu of providing a 10-foot upper story setback results in maintaining existing open space amenities including private yard area and a pool while designing a 3-story single family residence that is comparable in floor area as those in the surrounding area. Furthermore, the proposed residence will be setback from the front property line twice as far as abutting residences minimizing visual impacts from the front.
2. The granting of a Special Permit will provide for the use of an existing yard and pool area at the front of the property by constructing a home on the rear half of the lot. The front elevation is designed with architectural features, including a covered patio and Juliet balconies. The Special Permit allows for a 3-story residence with comparable floor areas while maintaining existing open space amenities.
3. The granting of a Special Permit will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or City in general. The project has been evaluated for compatibility with the surrounding neighborhood and incorporates a design that minimizes impacts to adjacent homeowners. The proposed residence is setback over 50 feet from the front property line, and will be located between two existing homes providing a 25' front setback. No visual impacts from the front is anticipated.
4. The granting of a Special Permit will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The Special Permit benefits the overall design of the project by maintaining existing yard and pool areas at the front of the lot without adversely impacting abutting residences.
5. The granting of a Special Permit is consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with applicable Coastal Element goals, objectives, and policies as noted under the Coastal Development Permit findings. Public services are currently available to the project site, as well as surrounding parcels. The proposed Special Permit in conjunction with Coastal Development Permit No. 23-015 will comply with State and Federal Law.

**CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 23-015/SPECIAL PERMIT NO. 24-002:**

1. The site plan, floor plans, and elevations received and dated September 26, 2024 shall be the conceptually approved layout with the requirement that bedroom and bathroom windows above the first floor shall be off-set from existing bedroom and bathroom windows on adjacent residences.
2. 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 final building permit(s) cannot be approved until the following have been 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.
4. 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.
5. Coastal Development Permit No. 23-015 shall become null and void unless exercised within one year 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 as modified by condition of approval. An 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.

**ITEM 4: CONDITIONAL USE PERMIT NO. 21-017 AND COASTAL DEVELOPMENT PERMIT NO. 21-014 (DOAN RESIDENCE):**

APPLICANT:	Quoc Do, 1218 Camden Place, Santa Ana, CA 92707
PROPERTY OWNER:	Donna Doan, 18962 Crimson Circle, Huntington Beach, CA 92646
REQUEST:	To construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Class 3, Section 15303 of the California Environmental Quality Act.
LOCATION:	4731 Los Patos Avenue (APN 163-302-34), 92649 (northwest corner of Los Patos Ave. and Lynn Ln.)
CITY CONTACT:	Joanna Cortez

Joanna Cortez, Principal 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 two letters from residents opposing the proposed project stating concerns with size and wildlife, letters were forwarded to the zoning administrator, property owner, and applicant.

Jason Kelley, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Jamee Ambariantz, adjacent resident, expressed concern with the size of the proposed property and that all the homes should look congruent.

Francis Ong, on behalf of the applicant, cited that he acknowledges the neighbors' comments and 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. Kelley stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 21-017 AND COASTAL DEVELOPMENT PERMIT NO. 21-014 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 consists of the construction of one single-family residence and accessory dwelling unit within a residential zone.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-017:**

1. Conditional Use Permit No. 21-017 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot 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 third floor space is designed to be confined within the second floor volume, which facilitates the structure's resemblance to a two-story home with a mass and scale that is similar to the proportion and scale of homes in the surrounding neighborhood. In addition, the third-floor decks are setback five ft. from the building exterior and is oriented towards the public right-of-way, which will minimize the visual mass and bulk of the structure and maintain privacy for abutting residences. Furthermore, the decks do not exceed the height limit and will only be accessible via the interior of the residence.
2. The granting of the Conditional Use Permit No. 21-017 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property and with the following goals and policies of the General Plan:

### **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(A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

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

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

The proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. As conditioned, the proposed third-

floor space will be integrated within the confines of the second-story roof volume to ensure that the proposed residence will be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the proposed third-floor decks will be oriented toward both streets and will be setback five ft. from the building exterior, ensuring privacy is maintained for abutting residences.

3. The proposed Conditional Use Permit No. 21-017 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot 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 as conditioned, the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. In addition, the third-floor area is designed to be within the confines of the second story roof volume and the new third floor decks will be set back five ft. from the building façade, as required by the HBZSO. Third floor habitable area is allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 21-014:**

1. Coastal Development Permit No. 21-014 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program because the request to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot 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 vacant site, contiguous to properties developed with existing single-family residential uses.
2. Coastal Development Permit No. 21-014 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot 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 as conditioned, the project will comply with all applicable development regulations, including maximum building height, minimum yard setbacks, lot coverage, 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. 21-014 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 21-014 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft.

attached accessory dwelling unit on a vacant lot 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 – CONDITIONAL USE PERMIT NO. 21-017/COASTAL DEVELOPMENT PERMIT NO. 21-014:**

1. The site plan, floor plans, and elevations received September 5, 2024, shall be the conceptually approved layout with the following modifications:
  - a. The width of the second-floor balcony projection along the south elevation shall be reduced to not exceed 1/3 of the building length. **(HBZSO 230.68)**
  - b. All portions of the third floor on the east elevation shall be integrated within the confines of the second-story roof volume with exception of the deck. Vertical projections, such as stairwells or elevators, shall be designed to complement the design of the residence. **(HBZSO 210.06.M)**
  - c. Remove the trellis on Deck 1 of the third floor.
  - d. On Page A-103, label or clearly delineate the guardrail/parapet of each deck area to ensure that a five-foot setback is maintained.
2. The differential between top of subfloor (finished floor) and datum (highest adjacent curb) shall be a maximum of two feet as determined by Public Works. If any subfloor, stem wall or footing is proposed greater than two feet above datum, the height in excess shall be deducted from the proposed 30-foot maximum allowable ridgeline height. **(HBZSO 230.70 (B))**
3. 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.
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. 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.
6. 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.
7. Conditional Use Permit No. 21-017 in conjunction with Coastal Development Permit No. 21-014 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.
8. 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.

  
Jason Kelley  
Zoning Administrator

JK:mr