

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

**WEDNESDAY, March 1, 2023 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Hayden Beckman, Joanna Cortez, Tess Nguyen, Madalyn Welch, Kim De Coite, Michelle Romero

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 21-011 (PHAM MIXED USE BUILDING)-**  
**CONTINUED FROM THE FEBRUARY 1, 2023 ZONING ADMINISTRATOR MEETING:**

APPLICANT: Mark Tran, 8142 Sterling Drive, Huntington Beach CA 92646  
PROPERTY OWNER: Giang Pham & Nguet Thi Phan, 11631 Court Lane, Anaheim CA 92804  
REQUEST: To permit the construction of an approximately 4,630 sq. ft. three-story mixed use building at an overall height of 33 ft., including 936 sq. ft. of second and third floor balconies, and a 2,028 sq. ft. rooftop deck. An approximately 2,359 sq. ft. commercial hotel will be operated on the first and second floors, and the owner/operator will occupy a 1,560 sq. ft. two bedroom residential unit on the third floor. This request includes an approval in concept for a Coastal Development Permit by the Coastal Commission.  
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.  
LOCATION: 16746 Pacific Coast Highway, 90742 (North side of Pacific Coast Highway, east of 16th Street, Sunset Beach)  
CITY CONTACT: Hayden Beckman

Hayden Beckman, 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 the proposed project.

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

**THE PUBLIC HEARING WAS OPENED.**

Mark Tran, applicant, stated he was a designer, not a licensed architect and that a licensed engineer will be contracted for prior to building plan submittal.

James De Marco, resident, stated that a 3 story structure has to be designed by an architect. He expressed concerns about the project being against code.

Cheryl DeMarco, resident and a licensed architect, stated that this wasn't being designed by an architect and reviewed issues with plans, including ADA compliance.

**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. 21-011 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the construction of a mixed-use building in an urbanized area not exceeding 10,000 square feet in floor area on a size zoned for such use.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-011:**

1. Conditional Use Permit No. 21-011 to permit the construction of an approximately 4,630 sq. ft. three-story mixed use building at an overall height of 33 ft., including 936 sq. ft. of second and third floor balconies, and a 2,028 sq. ft. rooftop deck wherein an approximately 2,359 sq. ft. commercial hotel will be operated on the first and second floors, and the owner/operator will occupy a 1,560 sq. ft. two bedroom residential unit on the third floor 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 project is proposed to meet all required development standards, including code required parking on-site. The project's commercial use is a split-level owner operated hotel that, as conditioned, will provide visitor accommodations on a site with waterfront access and within walking distance of the beach. The mixed-use building will be compatible with surrounding uses because the proposed building scale is compatible with the adjacent buildings, and the project is adjacent to other visitor-serving commercial uses along Pacific Coast Highway. As such, the project is not anticipated to generate additional traffic, noise, or other impacts to surrounding properties. Parking and circulation will occur onsite and function similarly to similar commercial uses. Further, sufficient parking is provided to accommodate both uses on site, and does not impact coastal access in the vicinity. Therefore, impacts are not anticipated to the surrounding uses.
2. The granting of Conditional Use Permit No. 21-011 will not adversely affect the General Plan because the project furthers the goals and policies by providing new uses on an underutilized property in the Coastal Zone. The General Plan Land Use Map designation on the subject property is currently CV-mu (Commercial Visitor – Mixed Use Overlay). Mixed

use projects are allowed within the property zoning and land use designation; the project, as designed, is consistent the General Plan goals and policies identified below:

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.

Goal LU 4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU 4 (C): Encourage a mix of residential types to accommodate people with diverse housing needs.

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

Goal LU 1 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Goal LU 14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU 14 (B): Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed project consists of the an approximately 4,630 sq. ft. three-story mixed use building at an overall height of 33 ft., including 936 sq. ft. of second and third floor balconies, and a 2,028 sq. ft. rooftop deck wherein approximately 2,359 sq. ft. commercial hotel will be operated on the first and second floors, and the owner/operator will occupy a 1,560 sq. ft. two bedroom residential unit on the third floor. The new mixed-use building is located in an area designated for commercial uses that will serve tourists and visitors. The proposed project will provide a visitor-serving commercial owner operated hotel that meets the regional needs. Additionally, the project provides both a visitor serving commercial use and residential use that will meet the need of future and existing residents on an underutilized parcel consistent with the General Plan.

3. The proposed conditional use permit for the construction of an approximately 4,630 sq. ft. three-story mixed use building at an overall height of 33 ft., including 936 sq. ft. of second and third floor balconies, and a 2,028 sq. ft. rooftop deck wherein an approximately 2,359 sq. ft. commercial hotel will be operated on the first and second floors, and the owner/operator will occupy a 1,560 sq. ft. two bedroom residential unit on the third floor will comply with the development standards and land use provisions in the Sunset Beach Specific Plan, including maximum height, setback requirements and parking. The project is located within the Sunset Beach Tourist (SBT) District of Sunset Beach, which requires approval of a conditional use permit from the Zoning Administrator for commercial land uses. Adequate vehicular circulation and access is provided for the project. Because this location has reverted to the original permit jurisdiction, the City has also reviewed it for compliance with the California Coastal Act and has determined that this project request meets the standards for an "approval in concept."

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-011:**

1. The site plan, floor plans, and elevations received and dated March 30, 2022 shall be the conceptually approved design with the following modifications:
  - a. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. **(HBZSO Chapter 231)**
  - b. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be not be located in the front yard setback and shall be screened from view. **(HBZSO Section 230.76)**
  - c. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. **(HBZSO Section 230.76)**
  - d. The hotel guest parking spaces shall be clearly signed and identified as parking available for the commercial use on-site and shall be also be depicted on the plans.
2. The use shall comply with the following:
  - a. The operation of the hotel shall remain as described in the project narrative received and dated March 30, 2022.
  - b. The hotel unit shall be rented to the general public for transient lodging (less than 30 days only) and shall not be converted into multifamily residential units.
  - c. The business operator shall at all times maintain current, accurate, and readily accessible records which identify all hotel occupants and the duration of stay. Said records shall be kept current on no less than a quarterly basis (every three months) and shall be made available within 24 hours upon demand by the City.

- d. The owner or manager of the business is responsible for immediately notifying the Police Department of disturbances or crimes occurring at the business. This includes the hotel interior and parking lot area associated with the hotel.
  - e. Any noise resulting from the operation of the hotel or the conduct of occupants shall be kept at a level so as not to cause any disturbances or nuisances which would be detrimental to other property in the area. In the event that any verified complaints of noise or disturbances at the hotel are made to the Planning Manager, Building Official, Code Enforcement Manager or to any City department, the applicant shall immediately meet with City staff to discuss mitigation measures. Should such measures fail to alleviate the problem, then the matter may be treated as a nuisance warranting the initiation of revocation proceedings.
3. Prior to submittal for building permits, the following shall be completed:
- a. A Lot Line Adjustment shall be processed and approved to remove the underlying lot line on the subject parcel.
  - b. Evidence of Coastal Development Permit approval by the California Coastal Commission shall be submitted to the Community Development Department.
  - c. Zoning entitlement conditions of approval and California Coastal Commission conditions of approval shall be printed verbatim on one of the first three pages of all 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. 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.
  - d. The property owner shall sign, notarize, and record with the County Recorder a covenant assuring the commercial use remain hotel, and shall not be converted to multifamily residential.
5. 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.
6. At least 14 days prior to any grading activity, the applicant shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
  7. Any conditions of approval, imposed by the California Coastal Commission that are more restrictive than those set forth in this approval shall be adhered to.
  8. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
  9. The (development/subdivision) shall comply with all applicable requirements of the Municipal Code, Planning and Building Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
  10. Conditional Use Permit No. 21-011 shall become null and void unless exercised within two years of the date of final Coastal Commission 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.
  11. 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 2:TENTATIVE TRACT MAP NO. 19166/CONDITIONAL USE PERMIT NO. 21-014/COASTAL DEVELOPMENT PERMIT NO. 21-012 (THIRD STREET MIXED USE DEVELOPMENT) - CONTINUED FROM THE FEBRUARY 15, 2023, ZONING ADMINISTRATOR MEETING:**

APPLICANT: Jeff Bergsma, 221 Main Street, Suite S, Huntington Beach CA 92648

PROPERTY OWNER: 3rd Street Partners, LLC, 1112 Park Street, Huntington Beach CA 92648

REQUEST: TTM: To permit a one-lot subdivision of an approximately net 0.195 acre lot for condominium purposes. CUP/CDP: To permit the development of a four-story mixed-use project consisting of nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces at an overall height of 45 ft.

ENVIRONMENTAL STATUS: The proposed project is covered by Downtown Specific Plan Environmental Impact Report No. 08-01, which was adopted by the City of Huntington Beach on January 19, 2010.

LOCATION: 321 3rd Street, 92648 (west side of 3rd Street, south of Orange Avenue)

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 two public comment on the proposed project.

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

**THE PUBLIC HEARING WAS OPENED.**

Robert Bolen, adjacent property owner, spoke in opposition of the project, citing concerns with potential alley, traffic, parking, and safety impacts. He also expressed concerns with homelessness.

Don Galitzen, adjacent property owner, spoke in opposition of the project, citing concerns with the number of proposed units and the potential parking, traffic, safety, noise, and construction impacts.

Ricky Ramos, Zoning Administrator, stated that the applicant is providing the number of parking spaces required by code.

Jeff Bergsma, applicant, had no comments or concerns with the staff's recommendations. He noted that this project provides an increase in alley width, an underground parking gate, and meets parking requirements.

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

Mr. Ramos addressed the speakers' concerns, noting that the item meets all code requirements and that the alley concerns can only be addressed through alley widening including property dedication from all owners.

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

**TENTATIVE TRACT MAP NO. 19166/CONDITIONAL USE PERMIT NO. 21-014/COASTAL DEVELOPMENT PERMIT NO. 21-012 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 proposed project is covered by Downtown Specific Plan Final Environmental Impact Report No. 08-01, which was adopted by the City of Huntington Beach on January 19, 2010. The request to construct a four-story mixed use development consisting of nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces on a vacant 8,475 sq. ft. lot is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-01. The project is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15182 of the CEQA Guidelines, which states that when an Environmental Impact Report (EIR) has been prepared for a specific plan, there is no need to prepare an EIR or Mitigated Negative Declaration (MND) for projects in conformity with that specific plan. The project is consistent with the Downtown Specific Plan. Furthermore, implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the previously certified Program EIR for the Downtown Specific Plan project (EIR No. 08-01) and the project is conditioned to comply with all applicable EIR No. 08-01 mitigation measures. In light of the whole record, none of the circumstances described under Section 15162 of CEQA Guidelines are present; and therefore, no EIR or MND is required.

**FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 19166:**

1. Tentative Tract Map No. 19166 for a one lot condominium subdivision on an approximately net 0.195 acre lot for development of a four-story mixed use building with nine residential condominium units is consistent with the requirements of the Downtown Specific Plan in that the proposed subdivision is also consistent with the General Plan Land Use Element designation of Mixed-Use – Specific Plan Overlay - 30-50 dwelling units per acre, as proposed on the subject property, or other applicable provisions of this code.



2. The site is physically suitable for the type and density of development because the size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the code. The project site is able to accommodate the type of development proposed. The proposed subdivision will result in a density of 46 units per acre, which is below the allowable density of 50 units per acre of the Mixed-Use – Specific Plan Overlay - 30-50 dwelling units per acre land use designation. The proposed density would be compatible with surrounding mixed-use developments.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project site is surrounded by residential and commercial development as well as paved roads. It is geographically isolated from any natural open space in the vicinity and the site does not contain significant biological resources.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements. Access to the site will be taken from the existing alley.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-014:**

1. Conditional Use Permit No. 21-014 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces 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 project will improve the existing vacant and underutilized parcel of land with a development consistent with the General Plan land use and zoning designations. The project is located in the downtown core area (District 1), which promotes visitor-serving commercial developments. The project has been evaluated for compatibility with the surrounding neighborhood, will be designed on a pedestrian scale and character, and will meet the goals and policies of the General Plan. Additionally, the proposed mixed-use is similar to those existing uses in the vicinity. The project will not result in any adverse or significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project will be consistent in massing and scale to adjacent commercial and residential uses, many of which are up to three stories tall. Proposed improvements include enhanced landscaping, decorative paving, and quality architectural design throughout the site. Furthermore, the layout of the site improves the visual surroundings by taking vehicular access from the rear public alley, hence minimizing the visibility of subterranean parking garage entrance and ground level parking spaces from the street. The project complies with residential and commercial parking requirements.
2. The granting of Conditional Use Permit No. 21-014 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces will not adversely affect the General Plan because it is consistent with the General Plan Land Use Map designation on the subject property is M-sp (30-50 du/ac) (Mixed-Use - Specific Plan Overlay – 30-50 dwelling units/acre) and the zoning designation is SP5–CZ–District 1 (Downtown Specific Plan – Coastal Zone Overlay – Downtown Core). The proposed project will implement both the General Plan and specific plan designations of the site. The

proposed project is consistent with the intent of these designations, and the goals and policies of the City's General Plan as follows:

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.

Policies LU-1A: 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.

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

Goal LU-7: Neighborhoods, corridors, and community subareas are well designed, and buildings, enhanced streets, and public spaces contribute to a strong sense of place.

Policies LU-7A Preserve unique neighborhoods, corridors, and subareas, and continue to use specific plans to distinguish districts and neighborhoods by character and appearance.

Policies LU-7B Use street trees, signage, landscaping, street furniture, public art, and other aesthetic elements to enhance the appearance and identity of subareas, neighborhoods, corridors, nodes, and public spaces.

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

Policies LU-11A: 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 proposed project is consistent with the land use designation which allows for mixed-use at the subject site. The proposed architectural style and site layout of the mixed-use project is consistent with the proportion, scale, and character of the existing development in the area, which also includes similar mixed-use projects. The development will improve an underutilized site and the condominium units will provide an opportunity for ownership.

The proposed project will provide a wide range and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide additional commercial uses that will encourage tourism to the site and the surrounding area. The project will facilitate employment opportunities and will not impact the subject site and surrounding area. The design of the project, as reviewed by the Design Review Board, promotes the development of a commercial building that conveys a high-quality visual image and character that is intended to expand the existing development pattern of Downtown Huntington Beach. The project's open space incorporates enhanced hardscape and landscape materials consistent with the DTSP Design Guidelines.

B. Housing Element

Policy 3.1: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

Policy 6.1: Implement the City's Green Building Program to ensure new development is energy and water efficient.

The project consists of nine condominium units, which adds to the City's housing stock. The development request as proposed is consistent with the intent of the policies within the Housing Element because it will add to the City's housing stock and create new opportunities for purchase in the Downtown area. The project is required to pay affordable housing in-lieu fees which will go towards the provision of housing for lower to moderate income households. As such, the project will contribute to the City's overall housing goals. Furthermore, green building practices for the construction are proposed such as "green roof" and solar panels.

C. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed project would incorporate visitor-serving commercial uses on the ground floor and residential uses on the upper floor. The mix of uses complements the urban downtown environment by integrating commercial services for the subject and nearby residential uses. The project site is located near established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

3. Conditional Use Permit No. 21-014 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces complies with all provisions of the Downtown Specific Plan and applicable provisions in Titles 20 through 25 of the Huntington Beach Zoning and Subdivision Ordinance in that the project complies with the development standards in terms of building setbacks, private and public open space, building height, parking, and landscaping. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 21-012:**

1. Coastal Development Permit No. 21-012 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces conforms with the General Plan, including the

Local Coastal Program because the proposed project would continue to provide commercial and residential uses in an established, urban, downtown core area and will serve surrounding uses in the vicinity. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The proposed project would develop visitor-serving commercial uses in the City's downtown core area near other established points of attraction, including the Huntington Beach Municipal Pier; and is intended to reinforce the vicinity as a major visitor-serving district.

2. Coastal Development Permit No. 21-012 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces 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 proposed project, as conditioned, complies with applicable development regulations, including building setbacks, building height, upper story setbacks, public open space, private and common open space, parking, and landscaping. It is also consistent with the design guidelines, and is compatible with the scale and transition of surrounding development.
3. At the time of occupancy, the proposed development of a four-story mixed-use project consisting of nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces can be provided with infrastructure in a manner that is consistent with the Local Coastal Program as the proposed project will be constructed on a vacant site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, and sidewalks.
4. Coastal Development Permit No. 21-012 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the proposed project will not impede public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

#### **CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19166:**

1. The Tentative Tract Map No. 19166 received and dated November 2, 2022, shall be the approved layout except as amended per the conditions stated herein.
2. Prior to submittal of the final tract and at least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Community Development Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls, and common landscape and parking areas by the Homeowners' Association, as well as a parking management plan to ensure the ongoing control of availability of on-site residential guest parking and commercial parking including but not limited to: restricting subterranean garage and tandem spaces to not be converted to living quarters, workshops, or storage that will preclude the parking of two vehicles, all open parking spaces within the project shall be unassigned and available for visitors and guests; no boat, trailer, camper, off-road vehicle, golf cart, commercial vehicle, mobile home, motor home, bus, or other recreational vehicle or any non-operating vehicle shall be

parked or stored in any parking spaces; and towing of any vehicles violating the restrictions within the CC&Rs. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**

3. Prior to issuance of a grading permit and at least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
4. Prior to issuance of Building Permits, the applicant shall satisfy the minimum ten percent Inclusionary Affordable Housing requirement by either providing the units on site via an approved Affordable Housing Agreement or paying the applicable in-lieu fee.
5. Comply with all applicable Conditional Use Permit No. 21-014 and Coastal Development Permit No. 21-012 conditions of approval.
6. Comply with all mitigation measures adopted for the project in conjunction with EIR No. 08-01.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-014/ COASTAL DEVELOPMENT PERMIT NO. 21-012:**

1. The site plan, floor plan, elevations, and colors/materials board received and dated December 24, 2022 and January 4, 2023 shall be the conceptually approved design with the following modifications:
  - a. For the south elevation – provide the staff-recommended brick design at the bottom of the building and staircase element and provide wood siding on the elevator shaft.
  - b. For the north elevation – provide wood siding for the entire projecting wall in the middle of the building and remove the wood siding underneath the windows on the projecting wall and replace with plaster.
  - c. For the east elevation – provide wood siding underneath each horizontal window (located towards the front of the building).
  - d. For the west elevation – provide wood siding underneath each horizontal window (located towards the front of the building).
  - e. Prior to the issuance of a building permit, the applicant shall provide the Community Development Department with an updated colors and materials board for the brick design. Revised materials and colors shall be reflected on plans.
2. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval and EIR No. 08-01 mitigation measures 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.

- b. Submit three (3) copies of the approved site plan and the processing fee to the Community Development Department for addressing of the new units.
3. Prior to issuance of building permits, the following shall be completed:
  - a. Provide the United States Postal Service approval of mailbox location(s).
  - b. An interim parking and building materials storage plan shall be submitted to the Community Development 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 by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
  - a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.
  - b. All improvements shall be completed in accordance with approved plans.
  - c. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
  - d. 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.
  - e. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.
5. The use shall comply with the following:
  - a. The den on the fourth floor for units #401 and #402 shall be open to the dining/living/kitchen area and shall not be enclosed with walls to create a separate room.
  - b. Service or loading areas shall not impede vehicular flow in alleys, and truck deliveries shall not interfere with parking or vehicular travel through alleys.
  - c. The awnings shall be maintained at all times and shall be replaced immediately when in a worn or torn condition.
  - d. At least one bicycle parking space shall be provided in a public area for the use of non-residential patrons.

6. Comply with all applicable mitigation measure contained in Environmental Impact Report No. 08-01 for the Downtown Specific Plan.
7. Signage shall be reviewed under separate permits and applicable processing.
8. 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.
9. Conditional Use Permit No. 22-014 and Coastal Development Permit No. 21-012 shall become null and void unless exercised within two years of the date of final by the City Council, or such extension of time, as granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
10. 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission 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. 22-037 AND COASTAL DEVELOPMENT PERMIT NO. 22-026 (HOPKINS AND MORCOS RESIDENCE):**

APPLICANT:	Michael Hopkins, 9552 Castine Drive, Huntington Beach CA 92646
PROPERTY OWNER:	Irene Morcos and Michael Hopkins, 9552 Castine Drive, Huntington Beach CA 92646
REQUEST:	To permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck, to an existing 2,839 sq. ft. single-family residence at an overall height of 26 feet.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION:	9032 Christine Drive, 92646 (west side of Christine Drive, north of Susan Lane)

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 one public comment on the proposed project.

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

**THE PUBLIC HEARING WAS OPENED.**

Michael Hopkins, applicant, spoke in support of the project, citing neighborhood compatibility and did not anticipate negative impacts.

**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. 22-037 AND COASTAL DEVELOPMENT PERMIT NO. 22-026 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) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines because the project consists of a remodel and addition to an existing single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-037:**

1. Conditional Use Permit No. 22-037 to permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck to an existing 2,839 sq. ft. single family residence at an overall height of 26 feet 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 rooftop deck is designed to be compatible in proportion and scale with the surrounding neighborhood. The rooftop deck is setback a minimum of five feet from the building exterior to minimize the visual mass and bulk of the structure. The rooftop deck is oriented toward the flood channel and thereby ensuring privacy of adjacent properties. The third floor deck does not exceed the height limit of the base zoning district.
2. The granting of the Conditional Use Permit No. 22-037 to permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck to an existing 2,839 sq. ft. single family residence at an overall height of 26 feet will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:



A. Land Use Element

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. The rooftop deck will be oriented toward the flood channel, minimizing impact to privacy on adjoining properties. The deck will also be setback a minimum of five feet from the building exterior to reduce the mass and bulk of the structure.

3. Conditional Use Permit No. 22-037 to permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck to an existing 2,839 sq. ft. single family residence at an overall height of 26 feet 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 the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. Furthermore, the rooftop deck will be set back a minimum of five feet from the second floor façade and is oriented toward the flood channel, as required by the HBZSO. Third floor decks are 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. 22-026:**

1. Coastal Development Permit No. 22-026 to permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck to an existing 2,839 sq. ft. single family residence at an overall height of 26 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 addition will occur entirely on a developed site, contiguous to existing single-family residential development.
2. Coastal Development Permit No. 22-026 to permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck to an existing 2,839 sq. ft. single family residence at an overall height of 26 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, as proposed, will comply with all applicable development regulations, including building height, building setbacks, parking, 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. 22-026 to permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck to an existing 2,839 sq. ft. single family residence at an overall height of

26 ft. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 22-026 to permit a 1,350 sq. ft. addition and interior remodel, including a 346 sq. ft. third story deck to an existing 2,839 sq. ft. single family residence at an overall height of 26 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 – CONDITIONAL USE PERMIT NO. 22-037 AND COASTAL DEVELOPMENT PERMIT NO. 22-026:**

1. The site plan, floor plans, and elevations received and dated January 9, 2023 shall be the conceptually approved design with the following modification that one 36-in. box tree or palm equivalent shall be planted within the front setback area (HBZSO Section 232.08.B.2).
2. Prior to submittal of building permits, zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The structure cannot be occupied and 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. Conditional Use Permit No. 22-037 and Coastal Development Permit No. 22-026 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval 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.
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. 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. 22-040 (LOVE ANIMAL HOSPITAL):**

APPLICANT:	Gary Kerr, Architect, 1315 Nixon Avenue, Eau Claire, WI 54701
PROPERTY OWNER:	DL Venture HB, LLC, 6 Royal Saint George Road, Newport Beach, CA 92660
REQUEST:	To establish an animal hospital within an existing 8,795 sq. ft. commercial building.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION:	16161 Springdale Street, Huntington Beach, CA 92649 (south of Edinger Avenue, west of Springdale)
CITY CONTACT:	Madalyn Welch

Madalyn Welch, 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.

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

**THE PUBLIC HEARING WAS OPENED.**

Nissan Mosapor, business owner, spoke in support of the animal hospital, and stated that he had no comments or concerns.

**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. 22-040 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 commercial structure involving negligible or no expansion of use beyond that previously existing.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-040:**

1. Conditional Use Permit No. 22-040 for the establishment, maintenance and operation of a full service veterinary hospital including medical services, vaccinations, and surgery within an existing 8,795 sq. ft. multi-tenant commercial building that will be combined into one tenant space, 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 use will not generate traffic, demand for parking, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. Residential uses are located approximately 20 ft. to the south and 30 ft. to the west of the subject site and is separated by landscaping buffer and a 6 ft. tall block wall. In addition, the building entrance is oriented east towards Springdale Street, away from the nearest residential properties. The use will occur within an enclosed, soundproofed, and air-conditioned building to further reduce potential noise impacts to surrounding properties. Conditions to prohibit outdoor animal activities along the westerly and southerly areas of the site have been added to ensure there will be no detrimental impact to the adjacent properties.
2. The granting of the conditional use permit for the establishment, maintenance and operation of a full service veterinary hospital including medical services, vaccinations, and surgery within an existing 8,795 sq. ft. multi-tenant commercial building that will be combined into one tenant space will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial General on the subject property because 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-2 (D): Maintain and protect residential neighborhoods by avoiding encroachment of incompatible land uses.

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.

The operation of an approximately 8,795 sq. ft. animal hospital within an existing commercial building will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. With the conditions of approval, sound attenuation measures are incorporated into the project to ensure the protection of residential properties from potential noise impacts.

3. The proposed conditional use permit for the establishment, maintenance and operation of a full service veterinary hospital including medical services, vaccinations, and surgery within an existing 8,795 sq. ft. multi-tenant commercial building that will be combined into one tenant space 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 CG (Commercial General) zone, subject to conditional use permit approval, pursuant to Section 211.04 of the HBZSO – CO, CG, and CV Districts: *Land Use Controls*. The project is located within an existing commercial building and will include on-site improvements that will not affect previously approved parking, setbacks or building height.

#### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 22-040:**

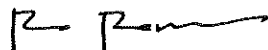
1. The site plan and floor plan received and dated January 4, 2023, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation of the veterinary hospital shall be limited to 7:00 AM - 11:00 PM, daily.
  - b. All exterior rear doors along the western and southern building walls to the veterinary hospital shall remain closed at all times.
  - c. No animal activities shall be permitted on the western or southern areas of the site, adjacent to residential uses.
  - d. The staff of the veterinary hospital shall clean up after the animals that are taken outside and all landscaping and hospital grounds shall be permanently maintained in a neat and clean manner.
  - e. Temporary boarding of animals (maximum 30 days) is allowed only if in conjunction with medical care and incidental to the hospital use. **(HBZSO 204.10(B)(2))**
3. Prior to submittal of 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.
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. The structure cannot be occupied and 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.
6. CUP No. 22-040 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 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.

**THE MEETING WAS ADJOURNED AT 2:20 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MARCH 15, 2023, AT 1:30 P. M.**



Ricky Ramos  
Zoning Administrator

RR:mr