

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

WEDNESDAY, December 6, 2023 - 1:30 P.M.

ZONING ADMINISTRATOR: Wayne Carvalho

STAFF MEMBER: Hayden Beckman, Joanna Cortez, Michelle Romero

PUBLIC COMMENTS: **NONE**

ITEM 1: ADMINISTRATIVE PERMIT NO. 22-007/COASTAL DEVELOPMENT PERMIT NO. 22-013 (618 PCH LIVE/WORK UNIT) CONTINUED FROM THE NOVEMBER 15, 2023 ZONING ADMINISTRATOR MEETING:

APPLICANT: Louie Hernandez, The Louie Group, 19092 Callaway Circle, Huntington Beach CA 92648

PROPERTY OWNER: 10622 Court Avenue LLC, 5050 W. Mission Boulevard, Ontario CA 91762

REQUEST: To construct a new three-story 2,303 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 360 sq. ft. two-car garage and carport, 299 sq. ft. of ground floor visitor-serving commercial, and a 398 sq. ft. accessory dwelling unit at an overall height of 40 feet.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15303, California Environmental Quality Act.

LOCATION: 618 Pacific Coast Highway, 92648 (north side of Pacific Coast Highway, between 6th and 7th Street)

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 this item. Staff added an additional suggested condition that the site plan shall accommodate an ADA compliant design for the open commercial parking space.

Staff received no public comments on the proposed project.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Louie Hernandez, applicant, had no comments or concerns with the staff's recommendations.

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

Mr. Carvalho stated that he would approve the project as recommended by staff with the additional condition that the site plan shall accommodate an ADA compliant design for the open commercial parking space.

ADMINISTRATIVE PERMIT NO. 22-007 AND COASTAL DEVELOPMENT PERMIT NO. 22-013 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 live/work unit including an accessory dwelling unit within a mixed-use zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-013:

1. Coastal Development Permit No. 22-013 to construct a new three-story 2,303 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 360 sq. ft. two-car garage and carport, 299 sq. ft. of ground floor visitor-serving commercial, and a 398 sq. ft. accessory dwelling unit at an overall height of 40 feet conforms with the General Plan, including the Local Coastal Program land use designation of the Downtown Specific Plan because the project is consistent with Coastal Element Policy C.1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction of a new live/work units will occur on a previously developed site, contiguous to existing residential and commercial developments that are compatible with live/work and mixed uses.
2. Coastal Development Permit No. 22-013 construct a new three-story 2,303 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 360 sq. ft. two-car garage and carport, 299 sq. ft. of ground floor visitor-serving commercial, and a 398 sq. ft. accessory dwelling unit at an overall height of 40 feet 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 complies with minimum onsite parking, minimum building setbacks, maximum square footages of the live/work units, including the non-residential area, and building height requirements. The Downtown Specific Plan permits the development of a live/work unit with approval of an administrative permit. As such, the applicant is seeking approval of an administrative permit in conjunction with a coastal development permit.
3. At the time of occupancy, Coastal Development Permit No. 22-013 to construct a new three-story 2,303 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 360 sq. ft. two-car garage and carport, 299 sq. ft. of ground floor visitor-serving commercial, and a 398 sq. ft. accessory dwelling unit at an overall height of 40 feet can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that the proposed live/work units will be constructed on a previously developed site located within an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 22-013 to construct a new three-story 2,303 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 360 sq. ft. two-car garage and carport, 299 sq. ft. of ground floor visitor-serving commercial, and a 398 sq. ft. accessory dwelling unit at an overall height of 40 feet conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the proposed live/work units are designed to be compatible in design, massing, and scale of the surrounding neighborhood and will not impede public access, recreation, or public views to coastal resources.

FINDINGS FOR APPROVAL - ADMINISTRATIVE PERMIT NO. 22-007:

1. Administrative Permit No. 20-007 to construct a new three-story 2,303 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 360 sq. ft. two-car garage and carport, 299 sq. ft. of ground floor visitor-serving commercial, and a 398 sq. ft. accessory dwelling unit at an overall height of 40 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 project is designed to be compatible with the surrounding mix of commercial and residential uses. In addition, there are necessary services and infrastructure in place to accommodate the live/work uses, and the project will not impede public access, recreation, or views to coastal resources. Lastly, the project complies with the minimum onsite parking, minimum building setbacks, maximum square footage of the live/work unit, maximum square footage of non-residential area, and the building height requirements.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-013 /ADMINISTRATIVE PERMIT NO. 22-007:

1. The site plan, floor plans, and elevations received and dated October 25, 2023, shall be the conceptually approved design with the following modification:
 - a. The cladding for the posts on the front façade corners of all three levels shall match the proposed window material **(DRB)**
 - b. The subject building and the proposed neighboring building at 620 Pacific Coast Highway shall be treated with consistent colors and materials. **(DRB)**
 - c. The site plan shall accommodate an ADA compliant design for the open commercial parking space. **(Code Requirement)**
2. Prior to submittal of building permits, zoning entitlement conditions of approval from the Departments of Fire, Community Development, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be completed:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.

- b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. 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.
 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. Coastal Development Permit No. 22-013 and Administrative Permit No. 22-007 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.
 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 2: ADMINISTRATIVE PERMIT NO. 22-008/COASTAL DEVELOPMENT PERMIT NO. 22-014 (620 PCH LIVE/WORK UNIT) CONTINUED FROM THE NOVEMBER 15, 2023 ZONING ADMINISTRATOR MEETING:

APPLICANT: Louie Hernandez, The Louie Group, 19092 Callaway Circle, Huntington Beach CA 92648
PROPERTY OWNER: 10622 Court Avenue LLC, 5050 W. Mission Boulevard, Ontario CA 91762
REQUEST: To construct a new three-story 2,282 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 358 sq. ft. two-car garage and carport, 352 sq. ft. of visitor-serving commercial, and a 352 sq. ft. accessory dwelling unit at an overall height of 40 feet.
ENVIRONMENTAL STATUS: The request is covered by Categorical Exemption Section 15303, California Environmental Quality Act.
LOCATION: 620 Pacific Coast Highway, 92648 (north side of Pacific Coast Highway, between 6th and 7th Street)
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 this item. Staff added an additional suggested condition that the site plan shall accommodate an ADA compliant design for the open commercial parking space.

Staff received no public comments on the proposed project.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Louie Hernandez, applicant, had no comments or concerns with the staff's recommendations.

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

Mr. Carvalho stated that he would approve the project as recommended by staff with the additional condition that the site plan shall accommodate an ADA compliant design for the open commercial parking space.

ADMINISTRATIVE PERMIT NO. 22-008 AND COASTAL DEVELOPMENT PERMIT NO. 22-014 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 live/work unit including an accessory dwelling unit within a mixed-use zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-014:

1. Coastal Development Permit No. 22-014 to construct a new three-story 2,282 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 358 sq. ft. two-car garage and carport, 352 sq. ft. of visitor-serving commercial, and a 352 sq. ft. accessory dwelling unit at an overall height of 40 feet conforms with the General Plan, including the Local Coastal Program land use designation of the Downtown Specific Plan because the project is consistent with Coastal Element Policy C.1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction of a new live/work units will occur on a previously developed site, contiguous to existing residential and commercial developments that are compatible with live/work and mixed uses.
2. Coastal Development Permit No. 22-014 to construct a new three-story 2,282 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 358 sq. ft. two-car garage and carport, 352 sq. ft. of visitor-serving commercial, and a 352 sq. ft. accessory dwelling unit at an overall height of 40 feet 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 complies with the minimum onsite parking, minimum building setbacks, maximum square footages of the live/work units, including the non-residential area, and building height requirements. The Downtown Specific Plan permits the development of a live/work unit with approval of an administrative permit. As such, the applicant is seeking approval of an administrative permit in conjunction with a coastal development permit.
3. At the time of occupancy, Coastal Development Permit No. 22-014 to construct a new three-story 2,282 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 358 sq. ft. two-car garage and carport, 352 sq. ft. of visitor-serving commercial, and a 352 sq. ft. accessory dwelling unit at an overall height of 40 feet can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that the proposed live/work units will be constructed on a previously developed site located within an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 22-014 to construct a new three-story 2,282 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 358 sq. ft. two-car garage and carport, 352 sq. ft. of visitor-serving commercial, and a 352 sq. ft. accessory dwelling unit at an overall height of 40 feet conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the proposed live/work units are designed to be compatible in design, massing, and scale of the surrounding neighborhood and will not impede public access, recreation, or public views to coastal resources.

FINDINGS FOR APPROVAL - ADMINISTRATIVE PERMIT NO. 22-008:

1. Administrative Permit No. 20-008 to construct a new three-story 2,282 sq. ft. live/work unit with third-floor decks, a rooftop deck, an attached 358 sq. ft. two-car garage and carport, 352 sq. ft. of visitor-serving commercial, and a 352 sq. ft. accessory dwelling unit at an overall height of 40 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 project is designed to be compatible with the surrounding mix of commercial and residential uses. In addition, there are necessary services and infrastructure in place to accommodate the live/work uses, and the project will not impede public access, recreation, or views to coastal resources. Lastly, the project complies with the minimum onsite parking, minimum building setbacks, maximum square footage of the live/work unit, maximum square footage of non-residential area, and the building height requirements.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-014 /ADMINISTRATIVE PERMIT NO. 22-008:

1. The site plan, floor plans, and elevations received and dated October 25, 2023, shall be the conceptually approved design with the following modification:
 - a. The cladding for the posts on the front façade corners of all three levels shall match the proposed window material **(DRB)**
 - b. The subject building and the proposed neighboring building at 618 Pacific Coast Highway shall be treated with consistent colors and materials. **(DRB)**
 - c. The site plan shall accommodate an ADA compliant design for the open commercial parking space. **(Code Requirement)**
2. Prior to submittal of building permits, zoning entitlement conditions of approval from the Departments of Fire, Community Development, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be completed:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.

- f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. 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.
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. Coastal Development Permit No. 22-014 and Administrative Permit No. 22-008 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.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: CONDITIONAL USE PERMIT NO. 23-047 (SAVERS TRASH COMPACTOR):

APPLICANT: Dustin Fehlman, Savers, 11400 SE 6th Street, Suite 125, Bellevue WA 98004
PROPERTY OWNER: W. Renard, Prologis, 17777 Center Court Drive North, Suite N, Cerritos CA 90703
REQUEST: To permit a 230 sq. ft. outdoor trash compactor to serve an approximately 49,000 sq. ft. industrial distribution use (Savers).
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15303 of the California Environmental Quality Act.
LOCATION: 16350 Gothard Street, Unit 102, 92647 (East side of Gothard Street, South of Murdy Circle)
CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior Planner, reported that the applicant is requesting a continuance to the December 20, 2023 meeting.

Staff received no public comments on the proposed project.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

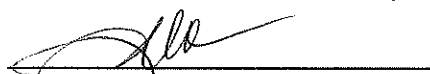
THE PUBLIC HEARING WAS OPENED.

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

Wayne Carvalho stated that he would continue the project at the applicant's request.

CONDITIONAL USE PERMIT NO. 23-047 WAS CONTINUED TO THE DECEMBER 20, 2023, ZONING ADMINISTRATOR MEETING.

THE MEETING WAS ADJOURNED AT 1:48 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, December 20, 2023, AT 1:30 P. M.



Wayne Carvalho
Zoning Administrator

WC:mr