

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

WEDNESDAY, MAY 20, 2020 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Nicolle Aube, Joanna Cortez, Jane James, Isela Siordia,
Jennifer Villaseñor

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 20-004 AND COASTAL DEVELOPMENT PERMIT NO. 20-004 (ASDOURIAN RESIDENCE REMODEL AND ADDITION):

APPLICANT: Cheryl Demarco, 9121 Atlanta Ave. #826, Huntington Beach, CA 92646

PROPERTY OWNER: Avo and Marlene Asdourian, 1443 E. Washington #664, Pasadena, CA 91104

REQUEST: To remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 ft.sq. ft.

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

LOCATION: 3817 Mistral Drive, 92649 (west side of Mistral Drive, between Ladona Cir. And Wanderer Ln.)

CITY CONTACT: Nicolle Aube

Nicolle Aube, 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. Ms. Aube noted that staff received one email inquiry regarding view preservation.

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

THE PUBLIC HEARING WAS OPENED.

Cheryl Demarco, applicant, and Avo Adsourian, owner, both stated that they 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. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 20-004 AND COASTAL DEVELOPMENT PERMIT NO. 20-004 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that 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. 20-004:

1. Conditional Use Permit No. 20-004 to remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 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 proposed rooftop deck is designed be compatible in proportion and scale with the surrounding neighborhood. The proposed roof top deck is under 30 ft. in height and is designed to be integrated with the roof. In addition, the proposed third floor deck is set back five feet from the building exterior and is oriented toward the public channel to ensure privacy for adjacent neighbors is maintained.
2. The granting of the Conditional Use Permit No. 20-004 to remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 ft. 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

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.

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

The proposed request is consistent with the requirements of the base zoning district such as on-site parking, building setbacks, height, landscaping, and lot coverage. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed rooftop deck is designed be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the third floor deck will be oriented toward the public channel to ensure

privacy is maintained for abutting residences and is set back five feet from the building exterior, further ensuring privacy is maintained onto adjacent residences.

3. Conditional Use Permit No. 20-004 to remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 ft. 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 minimum on-site parking, building setbacks, height, landscaping, and lot coverage. Furthermore, the rooftop deck will be set back a minimum of five feet from the second floor façade and is oriented toward the public channel, as required by the HBZSO. Third floor habitable space, including 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. 20-004:

1. Coastal Development Permit No. 20-004 to remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 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. The request to permit to remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 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 conditioned, will comply with all applicable development regulations, including setbacks, parking, and lot coverage.
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. 20-004 to remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 ft. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 20-004 to remodel an existing 2,708 sq. ft. single family dwelling and construct a 2,059 sq. ft. first and second floor addition along with a 789 sq. ft. rooftop deck at an overall height of 32 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. 20-004/COASTAL DEVELOPMENT PERMIT NO. 20-004:

1. The site plan, floor plans, and elevations received and dated April 30, 2020 shall be the conceptually approved layout with the following modification: All portions of the rooftop

deck shall be setback a minimum of five feet from the building exterior. **(HBZSO 210.06(M)(d)(2))**

2. 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.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
3. Prior to submittal for building permits, the following shall be completed: One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
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.
5. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

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. 20-004 and Coastal Development Permit No. 20-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
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.

ITEM 2: CONDITIONAL USE PERMIT NO. 20-009 (JAYBIRDS CHICKEN BEER AND WINE):

APPLICANT:	Kevin Hufford, 3989 Mistral Dr., Huntington Beach, CA 92649
PROPERTY OWNER:	303 Partners LLC, c/o Jane Flinn, 2439 W. Coast Hwy., Ste. 200, Newport Beach, CA 92663
REQUEST:	To permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within a 1,676 sq. ft. eating and drinking establishment.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act.
LOCATION:	303 3rd St. #100, 92648 (west side of 3rd St., between Olive Ave. and Orange Ave.)
CITY CONTACT:	Nicolle Aube

Nicolle Aube, 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. Ms. Aube noted that staff did not receive any inquiries regarding the proposed permit.

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

THE PUBLIC HEARING WAS OPENED.

Kevin Hufford, applicant, and Heinrich Stasiuk, owner both stated that they 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. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 20-009 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 negligible or no expansion of an existing structure.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 20-009:

1. Conditional Use Permit No. 20-009 to permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within a 1,676 sq. ft. eating and drinking establishment will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the use is located within an existing mixed use building with other similar uses surrounding the site. The use is primarily a restaurant and the sale and service of beer and wine (ABC Type 41 License) is ancillary to the restaurant use. The restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions because the restaurant is not adding new square footage. The sale, service and consumption of beer and wine will be contained within the interior of the building; no outdoor dining is proposed. The storefront of the restaurant is oriented toward Olive Avenue, which includes commercial uses and a parking structure. The nearest residence is located in an adjacent mixed-use building north of the subject site and is buffered from noise by the building itself, as well as its third floor location. The residential uses to the southeast of the subject site are buffered from noise by an approximately 86 ft. wide intersection (3rd St. and Olive Ave.). The Huntington Beach Police Department has reviewed the request for beer and wine service and has provided conditions of approval from Resolution No. 2017-42, which regulate the use and manner in which alcohol may be sold and consumed on-site. Therefore, no impacts will be generated with this request.
2. The granting of Conditional Use Permit No. 20-009 to permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within a 1,676 sq. ft. eating and drinking establishment will not adversely affect the General Plan because it is consistent

with the Land Use Element designation of M - sp on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

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

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

The request will expand the range of goods and services provided in the area by allowing the ancillary sale of beer and wine in conjunction with an eating and drinking establishment in a safe manner for residents and customers in the surrounding area. The proposed operation hours of 10:00 AM to 10:00 PM, Monday – Thursday and 10:00 AM – 12:00 AM, Friday – Sunday for the restaurant are not anticipated to generate additional noise, traffic, or impacts above existing conditions. The nearest residence is located in an adjacent mixed-use building north of the subject site and is buffered from noise by the building itself, as well as its third floor location. Additionally, the residential uses to the southeast of the subject site are buffered from noise by an approximately 86 ft. wide intersection (3rd St. and Olive Ave.). The entrance of the restaurant is oriented toward Olive Ave, which includes commercial uses and a parking structure. Conditions from Resolution No. 2017-42 have been added to the request which limit the use and manner in which beer and wine may be sold and consumed on-site to ensure the proposed use will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and increase sale tax revenue.

3. The proposed Conditional Use Permit No. 20-009 to permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within a 1,676 sq. ft. eating and drinking establishment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance because the General Plan land use designation and SP 5 (Downtown Specific Plan) zoning designation anticipated eating and drinking facilities with alcohol service, sale and consumption in this area. The sale and service of alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. The proposed use will comply with all building occupancy/exiting requirements.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 20-009:

1. The site plan, floor plans, and elevations received and dated March 13, 2020 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to the following:
 - i. Monday – Thursday: 10:00 AM – 10:00 PM
 - ii. Friday – Sunday: 10:00 AM to 12:00 AM

- b. Prior to sales, service, or consumption of alcoholic beverages the business shall obtain an ABC license type 41 (On Sale Beer/Wine eating place). **(PD)**
- c. No carryout alcohol sales shall be permitted. **(PD)**
- d. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
- e. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
- f. No new customers shall be permitted to enter the alcohol business 30 minutes before closing. **(Resolution No. 2017-042, Exhibit B)**
- g. A minimum of 70 percent of the net floor area of the alcohol business shall be designated as dining area excluding back of the house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas. **(Resolution No. 2017-042, Exhibit B)**
- h. All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business. **(Resolution No. 2017-042, Exhibit B)**
- i. Alcohol businesses must provide food service until one (1) hour before closing including a cook and food servers shall be on duty. **(Resolution No. 2017-042, Exhibit B)**
- j. The CUP shall not be effective until an ABC license has been issued and provided to the City. **(Resolution No. 2017-042, Exhibit B)**
- k. The CUP shall be for the type of issued ABC License; any change to the type of liquor license shall require an amendment to the CUP. **(Resolution No. 2017-042, Exhibit B)**
- l. In addition to any ABC requirements, the following alcohol related conditions shall be required:
 - i. An employee of the alcohol business must monitor areas where alcohol is served. **(Resolution No. 2017-042, Exhibit B)**

- ii. Alcoholic drinks shall not be included in the price of admission to any alcohol business. **(Resolution No. 2017-042, Exhibit B)**
- iii. All alcohol shall remain within alcohol business premises, including outdoor dining areas. **(Resolution No. 2017-042, Exhibit B)**
- iv. Service of alcoholic beverages for consumption off-site shall not be permitted. **(Resolution No. 2017-042, Exhibit B)**
- v. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2017-042, Exhibit B)**
- vi. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2017-042, Exhibit B)**
- vii. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00p.m. **(Resolution No. 2017-042, Exhibit B)**
- viii. Final announcements that inform patrons the kitchen and/or bar will stop accepting orders of alcoholic beverage (i.e., last call for alcohol) shall be at least 15 minutes prior to closing. **(Resolution No. 2017-042, Exhibit B)**
- ix. Each individual patron shall only be served one standard single-sized alcoholic beverage at a time after midnight. **(Resolution No. 2017-042, Exhibit B)**
- x. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted. **(Resolution No. 2017-042, Exhibit B)**
- xi. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(Resolution No. 2017-042, Exhibit B)**
- m. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed. **(Resolution No. 2017-042, Exhibit B)**
- n. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time. **(Resolution No. 2017-042, Exhibit B)**
- o. Alcohol businesses shall install and maintain a video surveillance system to monitor all doors, eating areas, parking areas, and public area of premises and shall make the video available to the Police Department. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by a Police Officer. The business shall retain video

surveillance for one-month. All video surveillance cameras must record in color, with digital recording to DVR and able to record in low light. **(Resolution No. 2017-042, Exhibit B)**

- p. In addition to the Downtown Specific Plan and Huntington Beach Zoning and Subdivision ordinance, all signs shall comply with the following:
 - i. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. No interior displays of alcoholic beverages or signs which are clearly visible to the exterior. **(Resolution No. 2017-042, Exhibit B)**
 - ii. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(Resolution No. 2017-042, Exhibit B)**
 - iii. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(Resolution No. 2017-042, Exhibit B)**
 - iv. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(Resolution No. 2017-042, Exhibit B)**
 - q. Dancing and/or dance floor and/or live entertainment shall be prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities). **(Resolution No. 2017-042, Exhibit B)**
3. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 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. CUP No. 20-009 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.
 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 3: CONDITIONAL USE PERMIT NO. 20-007/COASTAL DEVELOPMENT PERMIT NO. 20-007 (NGUYEN REMODEL AND DECK):

APPLICANT: An Ha, 12862 Joy Street, Suite A, Garden Grove, CA 92840
PROPERTY OWNER: Darren Nguyen, 14615 Magnolia Street, Westminster, CA 92683
REQUEST: To construct a 1,336 sq. ft. addition to an existing 3,816 sq. ft. two-story, single family dwelling and construct a 1,214 sq. ft. roof top deck at an overall height of 29 ft.-4 in.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301, Class 01, California Environmental Quality Act. Appealable
LOCATION: 16205 Wayfarer Lane, 92649 (located near the terminus of Wayfarer Ln.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Ms. Cortez noted that staff received three inquiries regarding the proposed permits. One of the inquires requested a shadow study for view protection. Ms. Cortez mentioned that there were no city ordinances that address view protections. The other two inquiries were letters citing privacy concerns. The two letters were read aloud.

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

THE PUBLIC HEARING WAS OPENED.

An Ha, applicant, and Darren Nguyen, owner stated that they had no comments or concerns with the staff's recommendations. Mr. Ha stated that he spoke with the neighbor regarding privacy concerns and will comply with city recommendations and build a balcony screen wall.

Martin Vogel, resident, spoke citing concerns with privacy.

Ms. Cortez addressed the resident's concerns through code requirements and adding conditions to the proposed project.

Mr. Vogel's concerns were addressed with the added conditions and is willing to work with the applicant.

Gary Whitner, resident, spoke citing privacy concerns.

Mr. Ramos confirmed that the applicant will look at the design to address the privacy issue.

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 with modified conditions.

CONDITIONAL USE PERMIT NO. 20-007/COASTAL DEVELOPMENT PERMIT NO. 20-007 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 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. 20-007:

1. Conditional Use Permit No. 20-007 to construct a 1,336 sq. ft. addition to an existing two-story, 3,816 sq. ft. single family dwelling and construct a 1,214 sq. ft. rooftop deck at an overall height of 29 ft.-4 in. 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 be compatible in proportion and scale with the surrounding neighborhood. The proposed roof top deck is under 30 ft. in height and is designed to be integrated with the roof. In addition, the proposed third floor deck is set back five feet from the building exterior and is oriented toward the public channel to ensure privacy for adjacent neighbors is maintained.
2. The granting of the Conditional Use Permit No. 20-007 to construct a 1,336 sq. ft. addition to an existing two-story, 3,816 sq. ft. single family dwelling and construct a 1,214 sq. ft. rooftop deck at an overall height of 29 ft.-4 in. 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

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.

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

The proposed request is consistent with the requirements of the base zoning district such as on-site parking, building setbacks, height, landscaping, and lot coverage. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed rooftop deck is designed be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the deck will be oriented toward the public channel to ensure privacy is maintained for abutting residences and is set back five feet from the building exterior, further ensuring privacy is maintained onto adjacent residences.

3. Conditional Use Permit No. 20-007 to construct a 1,336 sq. ft. addition to an existing two-story, 3,816 sq. ft. single family dwelling and construct a 1,214 sq. ft. rooftop deck at an overall height of 29 ft.-4 in. 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 minimum on-site parking, building setbacks, height, landscaping, and lot coverage. Furthermore, the rooftop deck will be set back a minimum of five feet from the second floor façade and is oriented toward the public channel, as required by the HBZSO. Third floor habitable space, including 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. 20-007:

1. Coastal Development Permit No. 20-007 to construct a 1,336 sq. ft. addition to an existing two-story, 3,816 sq. ft. single family dwelling and construct a 1,214 sq. ft. rooftop deck at an overall height of 29 ft.-4 in. 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. The request to permit to construct a 1,336 sq. ft. addition to an existing two-story, 3,816 sq. ft. single family dwelling and construct a 1,214 sq. ft. rooftop deck at an overall height of 29 ft.-4 in. 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, will comply with all applicable development regulations, including setbacks, parking, and lot coverage.
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. 20-007 to construct a 1,336 sq. ft. addition to an existing two-story, 3,816 sq. ft. single family dwelling and construct a 1,214 sq. ft. rooftop deck at an overall height of 29 ft.-4 in. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 20-007 to construct a 1,336 sq. ft. addition to an existing two-story, 3,816 sq. ft. single family dwelling and construct a 1,214 sq. ft. rooftop deck at an overall height of 29 ft.-4 in. 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. 20-007/COASTAL DEVELOPMENT PERMIT NO. 20-007:

1. The site plan, floor plans, and elevations received and dated February 27, 2020 shall be the conceptually approved layout with the following modifications:
 - a. The southern portion of the rooftop deck shall be setback a minimum of five feet from the building exterior. **(HBZSO 210.06(M)(d)(2))**
 - b. The project shall depict all bathroom and bedroom windows of the adjacent residences and off-set bedroom and bathroom windows above the first floor from bedroom and bathroom windows above the first floor of the existing adjacent single-family residences. **(HBZSO Section 210.06(W)(1))**
 - c. Individual projections into required yards shall not exceed 1/3 of the building length, and the total of all projections, such as the second floor rear balconies, shall not exceed 2/3 of the building length on which they are located. **(HBZSO 230.68)**
 - d. All portions of the proposed second floor balconies shall be depicted on each floor plan.
2. 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.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.

3. Prior to submittal for building permits, the following shall be completed: One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
4. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
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. Conditional Use Permit No. 20-007 and Coastal Development Permit No. 20-007 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
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.

THE MEETING WAS ADJOURNED AT 2:02 P.M. TO THE NEXT TENTATIVELY SCHEDULED MEETING ON WEDNESDAY, JUNE 3, 2020, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:is