

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

**WEDNESDAY, MAY 19, 2021 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Joanna Cortez, Tess Nguyen, Isela Siordia

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 21-002 (CHEVRON CONVENIENCE MARKET - CONTINUED FROM THE APRIL 21, 2021, ZONING ADMINISTRATOR MEETING):**

APPLICANT/  
PROPERTY OWNER: Chase Russell, 16061 Beach Boulevard, Huntington Beach CA 92647

REQUEST: To amend Conditional Use Permit No. 15-055 to: 1) allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type 21) in conjunction with a 1,631 sq. ft. convenience market; and 2) amend the hours of operation of the gas station and convenience market to 24-hours a day, daily, with alcohol sales proposed from 6:00 am to 2:00 am.

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

LOCATION: 16921 Algonquin Street (northwest corner of Algonquin St. and Davenport Dr.)

CITY CONTACT: Tess Nguyen

Prior to the staff presentation, Tess Nguyen, Associate Planner, announced that the applicant had withdrawn request to have a 24 hour operation of the gas station and the convenience market, and to have alcohol sales between from 6:00 a.m. to 2:00 a.m. Ms. Nguyen clarified that the applicant will continue with the request to sell beer, wine and distilled spirits from 6:00 a.m. to 11:00 p.m. Ms. Nguyen 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. Nguyen stated she received 95 written comments in opposition to the project, and 107 signatures in support of the project. Ms. Nguyen read 40 letters in opposition of the project aloud during the meeting. The letters stated concerns with potential safety issues, noise, and increased crime and traffic.

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

**THE PUBLIC HEARING WAS OPENED.**

Chase Russell, applicant, stated that he had no comments or concerns with the staff's recommendations.

Ms. Sherrie Olsen, consultant to the applicant, spoke about the precautions that will take place with the sales of distilled spirits and what they have done to be a good neighbor in the community.

Jay Palikan, a resident, spoke in opposition of the project citing potential safety and traffic concerns.

Larry Weisenthal, a resident, spoke in opposition of the project citing concerns with revisions to application, potential traffic safety issues, and requested a one month continuance.

Mr. Ramos acknowledged the speaker's concern and stated that although there was a revision to reduce what is being requested by the applicant, the city has met the notification requirements since there was nothing being added to the current request.

Susan Tamaru, a resident, spoke in opposition of the project citing potential safety and noise concerns, and requested a continuance.

Mr. Ramos clarified that the need or demand for a business is not a factor to approve or deny a request.

Tarrik Shawa, a resident, spoke in opposition of the project citing potential noise concerns.

Sal Manzo, a resident, spoke in opposition of the project citing concerns with the sale of liquor.

Ms. Olsen reiterated their intent to be a good neighbor and work with the community.

Mr. Ramos asked Ms. Olsen about the possibility of continuing the item to a later date. Ms. Olsen was not in favor of continuing the item and mentioned that she had addressed ways in the hearing to mitigate the community's concerns.

Mr. Ramos asked Ms. Olsen if the decision to keep the distilled spirits behind the counter was directed by the Alcohol Beverage Control (ABC) department. Ms. Olsen stated it was not ABC's decision but a decision the applicant put in place as a way to mitigate concerns.

Mr. Russell commented that he was not in favor of continuing the project any further.

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

Mr. Ramos stated that he does not see the addition of liquor to existing beer and wine sales with no change to the hours of operations to be a significant change and would approve the modified request as recommended by staff.

**ENTITLEMENT PLAN AMENDMENT NO. 21-002 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 this 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 – ENTITLEMENT PLAN AMENDMENT NO. 21-002:**

1. Entitlement Plan Amendment No. 21-002 to amend Conditional Use Permit No. 15-055 to allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type 21) in conjunction with a 1,631 sq. ft. convenience market 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 site is located within an existing commercial area with other similar uses surrounding the site. The expanded alcoholic beverage offerings provide an additional service to the community and surrounding regional area. The request will serve to augment the overall customer experience by providing an additional convenience for patrons. Furthermore, the sale of alcoholic beverages is for off-site consumption only and will not generate detrimental impacts to surrounding properties.
2. The granting of Entitlement Plan Amendment No. 21-002 to amend Conditional Use Permit No. 15-055 to allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type 21) in conjunction with a 1,631 sq. ft. convenience market will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial General (CG) 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 continuance of ancillary sale of alcohol in conjunction with an existing convenience market in a safe manner for residents and customers from the surrounding area. In addition, the sale of alcoholic beverages will continue to be for off-site consumption only. Conditions have been added to the request which limit the use and manner in which alcohol may be sold 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. Entitlement Plan Amendment No. 21-002 to amend Conditional Use Permit No. 15-055 to allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type

21) in conjunction with a 1,631 sq. ft. convenience market 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 Commercial General zoning designation anticipated the sale of alcohol in conjunction with a gas station and convenience market in this area. The sale of alcohol is ancillary to the primary gas station and convenience market use and will serve to augment the overall customer experience by providing an additional convenience for patrons.

**CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 21-002:**

1. The site plan, floor plan, and elevations received and dated February 3, 2021 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of alcohol sales shall be limited to between 6:00 AM and 11:00 PM. **(PD)**
  - b. Prior to the sales of alcoholic beverages, the business shall obtain a California Department of Alcoholic Beverage Control (ABC) license authorizing off sale alcohol sales. The ABC license shall be limited to ABC License Type 21 – Off-Sale General. All conditions contained in the ABC license shall be adhered to. **(PD)**
  - c. The sales of distilled spirits in containers of less than 2 oz. shall be prohibited. **(PD)**
  - d. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. **(PD)**
  - e. There shall be signs stating “NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES” in a place that is clearly visible to patrons of the licensed premises. **(PD)**
3. All other conditions of approval required under Conditional Use Permit No. 15-055 shall remain valid except as modified herein.
4. The Development Services Departments (Fire, Community Development, 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.
5. Entitlement Plan Amendment No. 21-002 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.

## **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: SITE PLAN REVIEW NO. 20-004/VARIANCE NO. 20-002 (PACIFICA PARKING STRUCTURE - CONTINUED FROM THE MAY 5, 2021, ZONING ADMINISTRATOR MEETING):**

APPLICANT:	Michael C. Adams, P.O. Box 382, Huntington Beach, CA 92648
PROPERTY OWNER:	Dr. Paul Wakim, 18800 Delaware Street, Suite 1100, Huntington Beach, CA 92648
REQUEST:	<b>SPR:</b> To permit the construction of a four-level, approximately 304-space parking structure along with associated site improvements including additional interior landscaping and the reconfiguration of the surface parking lot. <b>VAR:</b> To permit an exposed parking structure in lieu of a parking structure wrapped on the ground floor.
ENVIRONMENTAL STATUS:	The proposed project is covered by Final Environmental Impact Report No. 08-008, which was certified by the City of Huntington Beach on December 9, 2009. The project is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-008.
LOCATION:	18800 Delaware Street, 92648 (east side of Delaware St., south of Main St.)
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 a combination of three emails or phone calls against the project and two phone inquiries.

## **THE PUBLIC HEARING WAS OPENED.**

Mike Adams, applicant, stated that he had no comments or concerns with the staff's recommendations. Mr. Adams discussed the scope of the project and reflected on the environmental assessment mitigation efforts of this project.

Dr. Paul Wakim, property owner, spoke about the purpose of the proposed project and potential value to the senior community.

Barbara Gray, a resident, spoke in opposition of the project citing potential noise and chemical pollution.

Janet Ellison, a resident, spoke in opposition of the project citing potential health and safety concerns, noise concerns and appealed for strict operating hours during construction.

An unidentified resident inquired about the parking hours. Dr. Wakim responded stating the parking structure will have operating hours from 6:30 p.m. to 8:00 p.m.

Larry Dane, a resident, inquired about the setbacks. Ms. Cortez stated there would be a 15 foot setback. A back and forth discussion took place regarding the environmental impact report for the specific plan.

Mr. Ramos asked Mr. Adams about the creating a construction management plan that would address the job site hours of operation. Mr. Adams was in agreement.

Mr. Ramos questioned whether there was a need for 24 hour parking. Dr. Wakim was not sure of lessee needs at the moment.

Ryan Gray, contractor, spoke about potential start times for construction and how he will work to ensure his employees will follow all conditions in the proposed project.

**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 modifications to condition number 5.

**SITE PLAN REVIEW NO. 20-004/VARIANCE NO. 20-002 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR CEQA:**

The proposed project is covered by Final Environmental Impact Report No. 08-008, which was certified by the City of Huntington Beach on December 9, 2009. The project is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-008. Staff has reviewed the proposed project and environmental assessment for compliance and has determined the project is consistent with the adopted mitigation measures contained in the Final EIR.

**FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 20-004:**

1. The granting of the site plan review to permit the construction of a four-level, approximately 304-space parking structure along with associated site improvements including additional interior landscaping and the reconfiguration of the surface parking lot will not adversely affect the General Plan because it is consistent with the Land Use Element designation of

M-sp (Mixed Use – Specific Plan Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

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

Policy LU-1(A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

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

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

A reciprocal parking agreement was placed during the original development of the subject site and the commercial uses to the north and east (Pacifica Community Plan). With the parking agreements set to expire at the end of 2021, the proposed project will provide ample parking opportunities to meet the needs of the area. The new parking structure will redistribute the parking spaces that are currently off-site and provide convenient on-site parking for employees and visitors of the subject site (Pacifica Medical Tower) and the commercial uses to the east (Sea Cliff Healthcare and Assisted Living Facility).

The project complies with the development standards and design guidelines of the Beach and Edinger Corridors Specific Plan (BECSP), with the exception of the proposed variance. The project, as conditioned, incorporates architectural and design principles that ensures maximum design compatibility with surrounding uses. The new structure will consist of building articulation, contemporary colors and design. The colors and design of the structure help create a cohesive design with the existing medical tower. The existing parking lot will be reconfigured to accommodate more onsite parking within the new structure and have less visible parking spaces, making it more consistent with the BECSP. New landscaping is proposed throughout the site. The residential use to the south and assisted living facility to the east have larger than required setbacks and are conditioned to have substantial landscaping and upper story setbacks. No additions are proposed with this request; the reconfiguration of the parking lot and new parking structure is intended to replace future parking loss.

2. Site Plan Review No. 20-004 to permit the construction of a four-level, approximately 304-space parking structure along with associated site improvements including additional interior landscaping and the reconfiguration of the surface parking lot will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the commercial development, with the recommended conditions of approval, incorporates elements that provide compatibility of use and design with existing and potential development in the vicinity of the project site. The architecture of the building is contemporary, incorporating a notch and façade composition change to break up the massing of the building at the street frontage. A combination of concrete panels with form liner reveals, cornices, and a grey and white

color treatment is applied along the front and base of the building as well as cornice elements along the top. The elevator shaft serves as a façade break and tower element with a brick material and articulating roofline. Vertical landscaping is also proposed along the east and west building facades to help soften the appearance of the structure. This development is located within close proximity of compatible existing commercial uses in the vicinity. The nearest residential use is a three-story multi-family building located to the south, with the closest point approximately 15 ft. from the proposed parking structure. The residents to the south will be buffered by larger setbacks and as conditioned, with additional landscaping and upper story building setbacks. The Seacliff facility to the east will also be buffered by larger setbacks and additional landscaping. The expanded lot will provide adequate onsite vehicular and pedestrian circulation between the parking lot/structure and the existing commercial uses. Although landscaped areas will be removed to accommodate the new parking structure, new landscaping will be placed fronting Delaware Street and additional trees will be placed throughout the site.

A reciprocal parking agreement was put in place to allow the commercial uses to be entitled within the Community Plan. The remaining commercial uses (Pacifica Medical Tower and the Sea Cliff Healthcare and Assisted Living Facility) currently share 509 parking spaces; 93 of those parking spaces are located on the subject site. The remaining spaces are located offsite; the reciprocal parking agreements for those spaces is due to expire in 2021. According to shared parking analysis prepared by Kimley Horn, prepared December 14, 2020, the majority of the parking demand for both uses (376 parking spaces) can be met with the proposed parking structure and open parking spaces, with a minor deficit of 30 spaces during peak parking demand. No commercial additions are proposed with this request; the reconfiguration of the parking lot and new parking structure is intended to replace future parking loss due to the expiration of an existing reciprocal parking agreement. As conditioned, the project will not generate any significant noise, odors, lighting, or other impacts detrimental to the surrounding area.

3. The project to construct a four-level, approximately 304-space parking structure along with associated site improvements including additional interior landscaping and the reconfiguration of the surface parking lot will not adversely affect the Circulation Plan of the BECSP because the site is currently accessible by two driveways which is sufficient for open parking spaces and the parking structure. While the project does not meet the threshold for required street and frontage improvements, the project will provide improved vehicular and pedestrian circulation on the subject site as there will be less drive aisles and larger crosswalks connecting pedestrians to the public right-of-way and the on-site uses.
4. The proposed development to permit the construction of a four-level, approximately 304-space parking structure along with associated site improvements including additional interior landscaping and the reconfiguration of the surface parking lot will comply with the provisions of the BECSP development code, except for the requested variances, as specified in the Town Center - Neighborhood Segment because the proposed project meets code requirements in terms of building height, massing, setbacks, landscaping. In addition, the project meets all applicable provisions of Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The variances for the visual exposure of the parking structure will not impact surrounding uses. As conditioned, pedestrians will be buffered by heavy landscaping and window/glazing treatment along the ground floor of the west facade, to emulate the appearance of commercial building.



## **FINDINGS FOR APPROVAL - VARIANCE NO. 20-002:**

1. The granting of Variance No. 20-002 to allow a parking structure to be visually exposed to the street on the ground floor in lieu of the facade being wrapped along the entire street frontage will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification since the variance addresses unique development constraints related to the subject property including its surroundings, existing improvements, and reciprocal parking agreements. Due to an expiring reciprocal parking agreement approved prior to the Beach and Edinger Corridors Specific Plan (BECSP), the existing medical office tower and assisted living facility, east of the site, will lose the majority of their on-site parking. The proposed parking structure will relocate parking to the subject site to provide as much on-site parking allowed by the BECSP. Placing a building in front of the ground floor of the parking structure would create a greater demand for parking on very limited space. The variances will not constitute a grant of special privilege because the property's existing physical conditions limit the location of new structures with the balance of existing structures. Additionally, similar requests within the same zone classification have been approved.
2. Because of special circumstances applicable to the subject property, including location and existing improvements the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because the purpose of adding the parking structure is not due to an increase in parking demand or an addition but it is to take over the responsibility of a reciprocal parking agreement that was approved prior to the BECSP. The medical tower and existing surface parking lot were developed as part of the Pacifica Community Plan, along with developments to the north, south and east of the subject site. A reciprocal parking agreement was put in place to allow the commercial uses to be entitled within the Community Plan. The remaining commercial uses (Pacifica Medical Tower and the Sea Cliff Healthcare and Assisted Living Facility) currently share 509 parking spaces; 93 of those parking spaces are located on the subject site. The remaining spaces are located offsite; the reciprocal parking agreements for those spaces is due to expire in 2021. The proposed parking structure will help retain on-site parking; however, due to the existing structures and the property's physical constraints, it cannot be designed as required by the specific plan, enclosed on the ground floor. Complying with the specific plan would require placing a new building in front of the parking structure which would increase the parking demand for an already constrained site. The setbacks would potentially need to be reduced, affecting the sensitive surround the site.
3. The granting of the variance to allow a parking structure to be visually exposed to the street on the ground floor in lieu of the facade being wrapped along the entire street frontage is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance will allow the property owner to provide adequate on-site parking for employees and visitors without the need of enduring costly construction costs to demolish and construct an unnecessary building to comply with strict application of the specific plan. Shared entry and reciprocal access and parking will be provided for the medical office tower and the assisted living facility, with the proposed location and design of the parking structure. If approved, the parking structure and open parking spaces will recover the majority of the parking spaces from the previous parking agreement for a total of 346 on-site parking spaces. Consequently, strict application of the specific plan would create a hardship by requiring a new building in front of the parking structure which would increase the overall parking demand. With greater parking demand, less opportunities are given for

larger setbacks which would ultimately affect surrounding sensitive uses. As an alternative, pedestrians will be buffered by heavy landscaping and window/glazing treatment along the ground floor of the west facade, to emulate the appearance of commercial building

4. The granting of the variance to allow a parking structure to be visually exposed to the street on the ground floor in lieu of the facade being wrapped along the entire street frontage will not be materially detrimental to the public welfare or injurious to property in the same zone classification because the parking structure will replace on-site parking from a previously approved reciprocal parking agreement. It will be located adjacent between the medical office tower and assisted living facility and incorporate heavy landscape screening. As conditioned, the parking structure will incorporate a façade similar to an office building to enhance its appearance along the street frontage. No significant impacts related to traffic, noise, or safety, are anticipated as a result of the proposed location and aesthetics of the parking structure.

The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp (Mixed Use – Specific Plan Overlay) on the subject property, including the following objectives and policies:

A. Land Use Element

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

Policy LU-2(D): Maintain and protect residential neighborhoods by avoiding encroachment of incompatible land uses.

The variance will allow the parking structure to be designed without adding a new building in front of the parking structure, thus eliminating an increase in massing and additional parking demand. No office additions are proposed with this request; the reconfiguration of the parking lot and new parking structure is intended to replace future parking loss due to the expiration of an existing reciprocal parking agreement approved prior to the BECSP. If approved, the parking structure and open parking spaces will recover the majority of the parking spaces from the previous parking agreement for a total of 346 on-site parking spaces. It will help eliminate an intensification of nearby residential neighborhoods by providing on-site parking. As conditioned, the parking structure incorporates a façade similar to the office building to enhance its appearance along the street frontage. No impacts are anticipated to the adjacent residential use. The residents to the south will be buffered by larger setbacks and as conditioned, with additional landscaping and additional building setbacks. The assisted living facility to east will also be buffered by larger setbacks and additional landscaping.

**CONDITIONS OF APPROVAL SITE PLAN REVIEW 20-004- /VARIANCE NO. 20-002:**

1. The site plan, floor plans and elevations received and dated February 25, 2021 and the shared parking analysis prepared on December 14, 2020, shall be the conceptually approved design with the following modifications:
  - a. The south elevation of the parking structure shall have double screens on the openings with heavy landscaping on the structure and shall also include heavy landscaping (hedges, bushes, and/or trees) within the side yard setback.
  - b. The structure shall be setback along the southeast elevation of the second, third, and fourth parking level for a dimension of 50 ft. long and nine ft. deep.
  - c. The structure shall be notched along the southeast elevation of the second, third, and fourth level for a dimension of 50 ft. long and nine ft. deep. This will help reduce the massing and impacts to residents with windows and balconies to the south, even if it means losing some parking spaces. Openings above the parking garage entrance shall have unique decorative screens to distinguish it from the rest of the building.
  - d. The screens on the ground floor openings along the west elevation shall be replaced with glazing (or similar) to emulate a commercial building facade.
  - e. The exposed staircases at the north of the structure shall have decorative railing that complements the design the structure.
  - f. The base color of the elevator shaft shall be painted a lighter shade (Orco Natural Grey or similar).
  - g. The vertical screen on the west and east elevation shall have heavy landscaping at all times.
  - h. Hedges along the front property line shall be a minimum of four ft. high to properly screen vehicles.
  - i. The pavers shall be made of concrete and laid out in a "stretcher bond inlay" design (or similar) with border and colors that complement the existing medical office and parking structure.
  - j. The landscape planter along the west elevation of the parking structure shall be made wider to accommodate a palm tree or similar tree.
  - k. The solid areas below the openings along the ground floor of the south, west, and east elevation shall be well screened with landscaping wherever possible.
  - l. A rolled curb (compliant with Fire Department standards) shall be placed at the entrance of the rear fire turnaround lane to discourage vehicles from entering that area.
  - m. All proposed crosswalks shall be comprised of pavers and shall be a minimum of 10 ft. wide.

2. The use shall comply with the following:
  - a. A phone number for the property's security personnel/service shall be clearly posted in the parking structure at all times. **(PD)**
  - b. Surveillance cameras should be placed throughout the parking structure and access points. Cameras should be 24-hour recorded and maintained for at least 30 days. **(PD)**
  - c. An antenna or system conducive to public safety radio transmission, approved the Huntington Beach Police Department, shall be installed to ensure emergency personnel can receive/transmit in the parking structure. **(PD)**
  - d. Lighting for the solar panels and light standards shall be dimmed by 9 PM, daily.
3. Comply with all applicable mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.
4. Prior to submittal for building permits, the following shall be completed:
  - a. One set of project plans and a set of all colored renderings, elevations, and materials sample and color palette, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, and approval and inclusion in the entitlement file, to the Planning Division.
  - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire 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.
5. Prior to issuance of a grading permit, the following shall be completed:
  - a. Landscape and irrigation plans shall be submitted to the Community Development Department for review and approval and shall include site improvements such as lighting, pavers, site furnishings, and moderate to heavy landscaping.
  - b. A detailed construction management plan that identifies the steps that the applicant and contractor will take to minimize disturbance to the area during the entire construction process shall be submitted to the Planning Division. The plan shall also include the anticipated construction schedule, point of contact during construction which shall be posted onsite, the process for addressing complaints, publicly accessible areas, areas under construction, etc. Construction activity, including arrival and departure of construction workers, shall only occur between 7:30 a.m. and 7 p.m. Monday through Saturday. Municipal Code (MC) Chapter 8.40 (Noise Control) further prohibits construction activity at any time on a federal holiday. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only (MC 17.05). The plan shall be reviewed and approved by the Departments of Fire, Community Development, and Public Works.

- c. An interim parking and building materials storage plan shall be submitted to the Planning Division 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, Public Works Department, and Planning and Building Department.
  - d. A lighting and security plan for the parking structure shall be submitted to the Community Development Department for review and approval by the Planning Division.
- 6. 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 immediately adjacent to and across the street from the project site. 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 Planning Division.
- 7. The final building permit(s) cannot be approved until the following has been completed:
  - a. All improvements are completed in accordance with approved plans, except as provided for by conditions of approval.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
  - c. Based upon the construction of a new building, a Beach and Edinger Corridor Specific Plan (SP14) maintenance fee shall be paid. **(Resolution No. 2010-80)**
  - 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. Evidence of a parking agreement between the property owner of the subject site and the property owner to the east (18811 Florida Street) for joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City.
- 8. If any signage is proposed on the parking structure, a Planned Sign Program shall be submitted under separate application.
- 9. The property owner or property owner's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
- 10. The Development Services Departments (Planning & Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor

amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

11. SPR No. 20-004 and VAR No. 20-002 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 Planning & Building Department a minimum 30 days prior to the expiration date.

#### **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. 20-025/COASTAL DEVELOPMENT PERMIT NO. 20-028 (OCSD DIGESTER GAS FACILITY REPLACEMENT):**

APPLICANT/:	Adam Nazaroff, Orange County Sanitation District, 10844 Ellis
PROPERTY OWNER:	Ave. Fountain Valley, Ca 92708
REQUEST:	To upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. within the Orange County Sanitation District (OCSD).
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15302, Class 02, California Environmental Quality Act. Appealable
LOCATION:	22212 Brookhurst Street, 92646 (northeast corner of Brookhurst St. and PCH)
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 did not receive any comments regarding the proposed permits.

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

**THE PUBLIC HEARING WAS OPENED.**

Adam Nazaroff, applicant, stated that he 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. 20-025/COASTAL DEVELOPMENT PERMIT NO. 20-028 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 15302 of the CEQA Guidelines because the project involves the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 20-025:**

1. Conditional Use Permit No. 20-025 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. within the Orange County Sanitation District (OCS D) 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 located within an existing 110-acre wastewater facility. The proposed improvements to replace an existing gas digester and associated equipment will benefit the residential uses in the vicinity by upgrading necessary infrastructure. With exception of a proposed skylight, the proposed improvements will be similar in height with existing structures and will comply with minimum development standards including setbacks and height. The overall height of the building is approximately 38 ft. and in order to properly maintain the housed equipment, the building cannot be reduced in height. The proposed building includes a 312 sq. ft. stairwell area with a skylight feature above that will be approximately 4 ft.-6 in. higher than the allowable height of the base district. The skylight is necessary for natural light for equipment maintenance in this area of the building. This portion of the skylight will be primarily translucent and will not visually affect the area. Additionally, the proposed building and associated equipment will be setback more than 600 ft. from the nearest residential use and is buffered by substantial landscaping along Brookhurst St. Therefore, no significant impacts will be generated by the proposed improvements.
2. The granting of Conditional Use Permit No. 20-025 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. will not adversely affect the General Plan as it is consistent with the Land Use Element designation

of P (Public) on the subject property as it is consistent with the following General Plan goals and policies:

a. Land Use Element

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

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

b. Public Services and Infrastructure Element

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

The proposed upgrades are designed in a manner that is compatible with the existing facility and the skylight above the stairwell will be minimally noticeable from the public right-of-way as it is primarily translucent. The nearest residential use is more than 600 ft. away and will not be visually impacted by the skylight. To properly maintain the housed equipment, the proposed building cannot be reduced in height. In addition, the skylight at the requested height will allow for necessary lighting for this portion of the building. The conditional use permit to allow the skylight to exceed height will allow facility upgrades that will provide improved services to surrounding residences and businesses.

3. Conditional Use Permit No. 20-025 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 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 in that a conditional use permit is required for a stairwell with skylight exceeding the allowable exception to height limits of the base district. With exception of the skylight, the project complies with all other development standards including setback and building height.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 20-028:**

1. Coastal Development Permit No. 20-014 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. within the Orange County Sanitation District (OCSA) conforms with the General Plan, including the Local Coastal Program because the completion of the project will implement the Coastal Element goal of providing water, sewer, and drainage systems that are able to support the permitted land uses and upgrading existing systems.
2. The construction to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in



lieu of the maximum permitted height of 50 ft. is consistent with the requirements of the CZ Overlay District, the IL (Industrial Limited) base zoning district, as well as other applicable provisions of the Zoning and Subdivision Ordinance and Municipal Code because the project, as proposed, complies with applicable development standards. Other than the skylight, which requires a conditional use permit, the project complies with building height and minimum building setbacks. The request for exception to height limits will not visually impact public visual resources as the building will be located in the middle of the sanitation facility, surrounded by buildings of similar height, approximately 500 ft. from the nearest public right of way. Additionally, the portion of the skylight exceeding height is designed to be primarily translucent.

3. At the time of occupancy, the proposed construction to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that all necessary infrastructures, such as roadways and utilities currently exist to serve the site. The replacement of aging buildings and facilities will improve the infrastructure to serve the needs of the community.
4. The proposed construction to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the entire project is proposed within the confines of the existing Orange County Sanitation Facility. No public access or recreational opportunities will be affected by the new construction, including the proposed skylight.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 20-025/COASTAL DEVELOPMENT PERMIT NO. 20-028:**

1. The site plan, floor plans, and elevations received and dated March 31, 2021 shall be the conceptually approved design.
2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
4. During demolition, grading, site development, and/or construction, the following shall be completed:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.

- c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
5. Conditional Use Permit No. 20-025 and Coastal Development Permit No. 20-028 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
6. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

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**THE MEETING WAS ADJOURNED AT 4:38 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 2, 2021, AT 1:30 P. M.**



Ricky Ramos  
Zoning Administrator

RR:is